



## Planning & Strategic Initiatives Committee Agenda

Monday, April 8, 2024, 4:00 p.m. - 5:00 p.m.

Council Chambers - Hybrid

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

People interested in participating in this meeting can register online using the delegation registration form at [www.kitchener.ca/delegation](http://www.kitchener.ca/delegation) or via email at [delegation@kitchener.ca](mailto:delegation@kitchener.ca). Please refer to the delegation section on the agenda below for in-person registration and electronic participation deadlines. Written comments received will be circulated prior to the meeting and will form part of the public record.

The meeting live-stream and archived videos are available at [www.kitchener.ca/watchnow](http://www.kitchener.ca/watchnow).

\*Accessible formats and communication supports are available upon request. If you require assistance to take part in a city meeting or event, please call 519-741-2345 or TTY 1-866-969-9994.\*

Chair: Councillor P. Singh

Vice-Chair: Councillor D. Chapman

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Pages

1. Commencement

2. Disclosure of Pecuniary Interest and the General Nature Thereof

*Members of Council and members of the City's local boards/committees are required to file a written statement when they have a conflict of interest. If a conflict is declared, please visit [www.kitchener.ca/conflict](http://www.kitchener.ca/conflict) to submit your written form.*

3. Consent Items

*The following matters are considered not to require debate and should be approved by one motion in accordance with the recommendation contained in each staff report. A majority vote is required to discuss any report listed as under this section.*

3.1 None.

**4. Delegations**

*Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. All Delegations where possible are encouraged to register prior to the start of the meeting. For Delegates who are attending in-person, registration is permitted up to the start of the meeting. Delegates who are interested in attending virtually must register by 2:00 p.m. on April 8, 2024, in order to participate electronically.*

**4.1 Item 6.1 - Jason Smith & Mike Cieplak, Grand River Rocks**

**5. Discussion Items**

**5.1 None.**

**6. Public Hearing Matters under the Planning Act (advertised)**

*This is a formal public meeting to consider applications under the Planning Act. If a person or public body does not make oral or written submissions to the City of Kitchener before the proposed applications are considered, the person or public body may not be entitled to appeal the decision to the Ontario Land Tribunal and may not be added as a party to a hearing of an appeal before the Ontario Land Tribunal.*

**6.1 Official Plan Amendment Application OPA24/001/V/CD and Zoning By-law Amendment Application ZBA24/001/V/CD, 236-264 Victoria Street North, DSD-2024-132**

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*(Staff will provide a 5-minute presentation on this matter.)*

*Note: Any recommendation arising from this matter will be considered at a Council meeting later this date for final ratification.*

**7. Information Items**

**7.1 None.**

**8. Adjournment**

**Marilyn Mills  
Committee Coordinator**

**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** April 8, 2024

**SUBMITTED BY:** Garrett Stevenson, Director and Development and Housing Approvals, 519-741-2200 ext. 7070

**PREPARED BY:** Craig Dumart, Senior Planner, 519-741-2200 ext. 7073

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** March 11, 2024

**REPORT NO.:** DSD-2024-132

**SUBJECT:** Official Plan Amendment Application OPA24/001/V/CD  
Zoning By-law Amendment Application ZBA24/001/V/CD  
Address: 236-264 Victoria Street North  
Owner: Vicner Inc.

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## RECOMMENDATION:

That Official Plan Amendment Application OPA/24/001/V/CD for Vicner Inc. be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-132 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA24/001/V/CD for Vicner Inc. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2024-132 as Attachment 'B'; and

That the Urban Design Report, dated December 2023, and attached to Report DSD-2024-132 as Attachment 'F', be adopted, and that staff be directed to apply the Urban Design Report through the Site Plan Approval process.

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment Applications for the property located at 236-264 Victoria Street North. It is Planning staff's recommendation that the Official Plan and Zoning By-law Amendment Applications be approved.
- Community engagement included:
  - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;

- installation of two large billboards notice sign on the property (one facing each street);
- follow up one-on-one correspondence with members of the public;
- Neighbourhood Meeting held on February 13, 2024;
- postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site and those who responded to the preliminary circulation;
- notice of the public meeting was published in The Record on March 15, 2024.
- This report supports the delivery of core services.
- These applications were deemed complete on December 21, 2023. The Applicant can appeal these applications for non-decision after April 19, 2024.

### **EXECUTIVE SUMMARY:**

Planning staff is recommending approval of the requested Official Plan Amendment Application to add Specific Policy Area 72 to Map 5 and Policy 15.D.12.72 to the text in the Official Plan to allow a maximum building height of 40 Storeys or 160.2 metres in height with a maximum floor space ratio of 10.5. Planning Staff is recommending approval of the requested Zoning By-law Amendment Application to change the zoning from 'MIX-2 with Site Specific Provisions (49) (126) (138)' to 'MIX-2 with Site Specific Provision (392)' to allow for an increased maximum building height of 40 storeys and 160.2 metres; to regulate the required number of parking spaces; and to allow for a reduced rear yard and front yard setback; and to apply a Holding Provision (83H) to require an updated Noise Study and remediation of site contamination prior to final site plan approval. Staff recommends that the applications be approved.

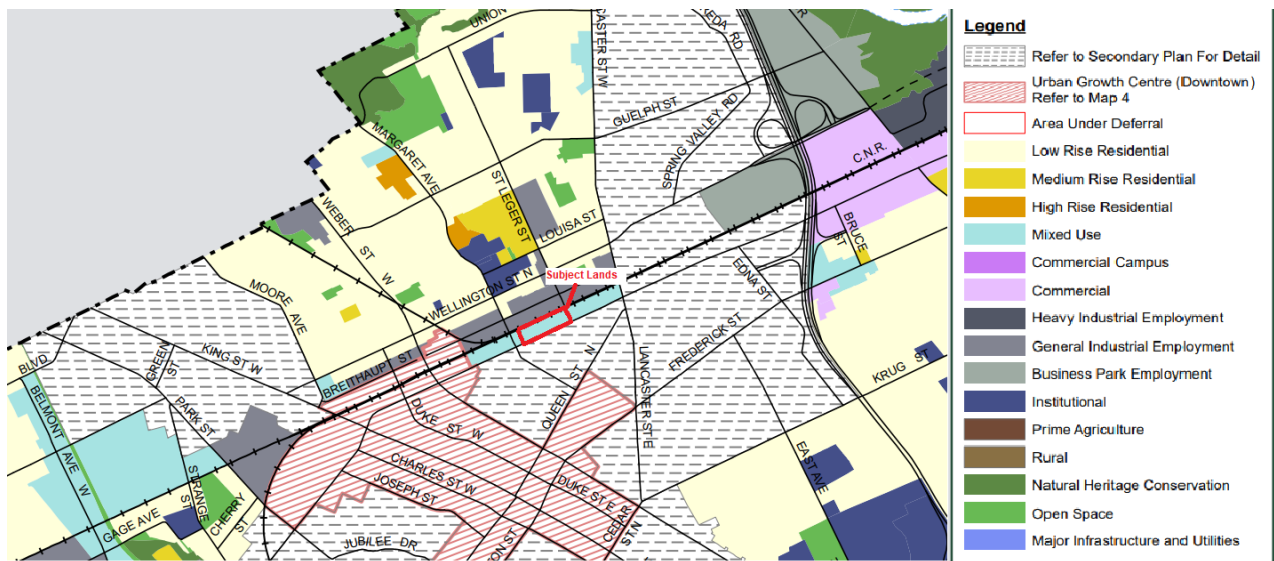
### **BACKGROUND:**

The Owner, Vicner Inc., has made applications to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to change the land use designation and zoning of the lands at 236-264 Victoria Street North to permit the lands to be developed with two towers, 35 and 40 storeys in height with 1,076 residential units and commercial uses located along Victoria Street. The proposed development includes parking located underground, and internal to the building in the podium above the ground floor.

The subject lands are located within the City's delineated built up area, within an Urban Corridor, and are designated 'Mixed Use' in the City of Kitchener Official Plan and are zoned as 'MIX-2 zone with Site Specific Provisions (49) (126) 138)' in Zoning By-law 2019-051

Existing zoning permissions include:

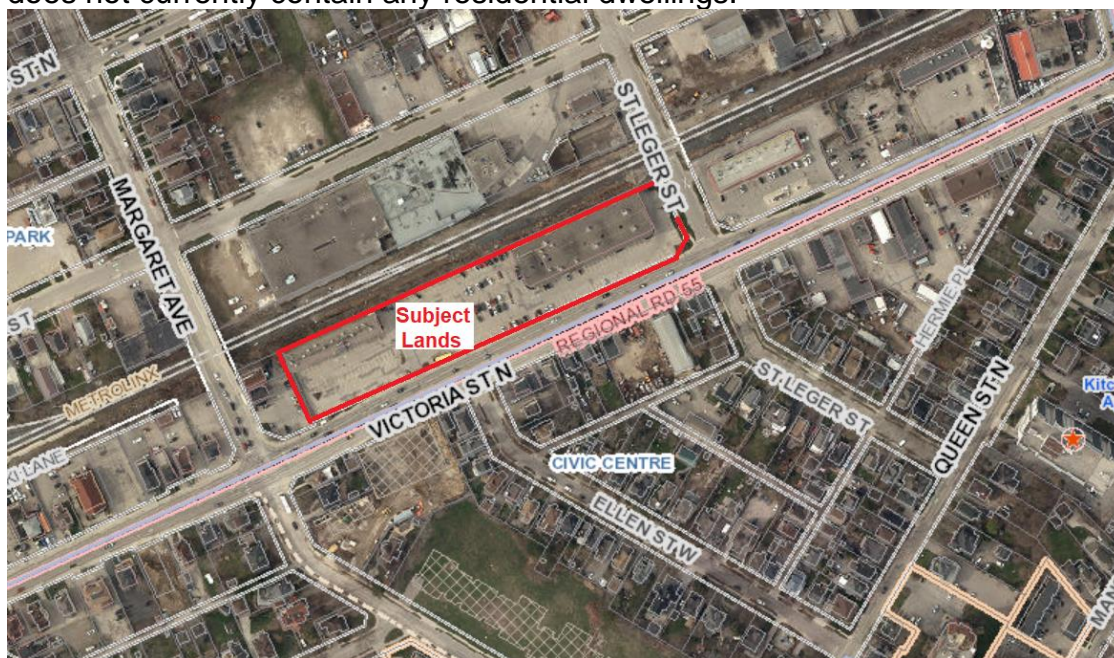
- Commercial uses;
- Maximum building height of 8 storeys or 25 metres;
- Site Specific Provision (49) allows for a maximum Floor Space Ratio of 4.0;
- Site Specific Provision (126) restricts certain sensitive uses due to the proximity of the rail corridor; and
- Site Specific provision (138) allows for reduced building setbacks for existing buildings.



**Figure 1: Existing Planning Landuse**

### Site Context

The subject lands are addressed as 236-264 Victoria Street North Road and are situated within an 'Urban Corridor' as identified on the City's Urban Structure map in the Official Plan. The subject lands are comprised of two parcels of lands municipally known as 236 and 264 Victoria Street North. The consolidated parcels form large rectangular parcel of land 1.18 hectares (2.92 acres) that have frontage both on Victoria Street North and St. Leger Street and directly abuts the Metrolinx rail line to the north of the subject lands. The subject lands are currently developed with a commercial office building at 236 Victoria Street and a fitness centre (formally LA Fitness and now Grand River Rocks climbing gym) at 264 Victoria Street North with large surface parking lots in front on the existing buildings. The surrounding neighbourhood is developed with a range of commercial, industrial and institutional uses along with a mix of high, medium and low density residential dwellings. The site is well buffered from existing low rise residential uses and does not currently contain any residential dwellings.



**Figure 2 – Location Map: 236-264 Victoria Street North**

**REPORT:**

The applicant is proposing to develop the subject lands with a mixed-use development consisting of two towers, 35 and 40 storeys in height with 1,076 residential units and commercial uses located along Victoria Street North. The proposed development includes parking located underground, and internal to the building in the podium above the ground floor.

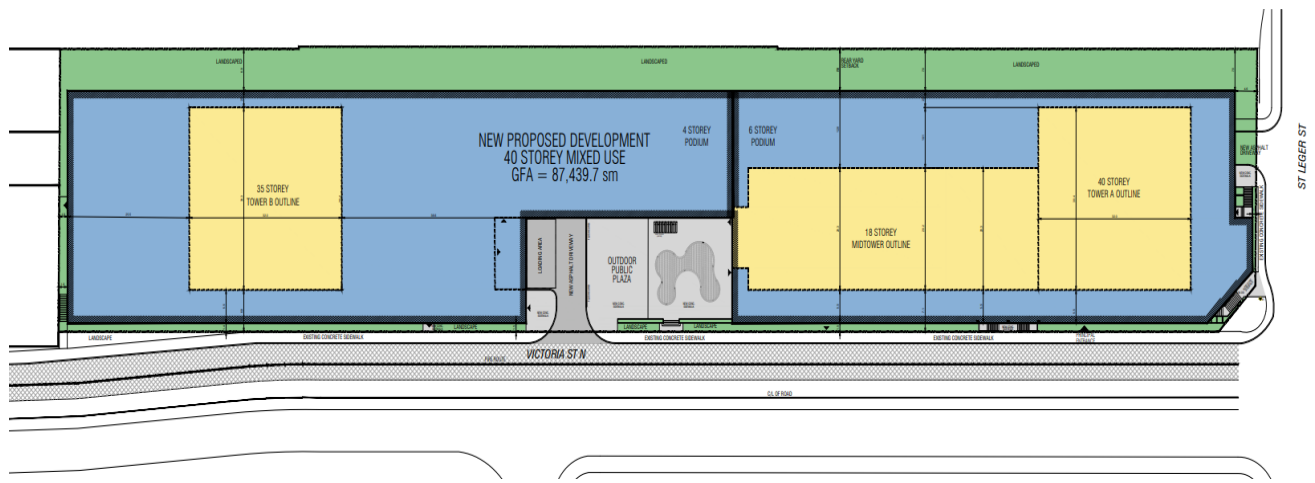
The proposed mixed use development includes one building with two towers of 35 and 40 storeys, separated by an adjoining middle tower that is 18 storeys. The proposed development includes a 4 to 6 storey podium built with minimal setbacks along Victoria Street North to create an urban, street-oriented form. Tower A (shown in Figure 3) is 40 storeys in height and is located along the eastern portion of the site (closest to intersection of St. Leger Street and Victoria Street North) while Tower B is situated on the western portion of the site. All Parking is located internal to the building with two vehicular connections proposed; one off of Victoria Street North and one off St. Leger Street.

The proposed mixed use development will include 1,114 sq. metres of commercial floor area, a range of residential unit types including 1 and 2 bedroom units with substantial on-site amenity spaces (14,182 sq. metres or 152,654. sq feet), both internal and external to the buildings.

Table 1 below highlights the development concept statistics while Figures 3 and 4 show the proposed site plan and building elevations of the development proposal.

**Table 1. Proposed Development Concept Statistics**

	<b>Development Concept</b>
<b>Number of Units</b>	1,076 residential dwelling units. 573 1-bedroom dwelling units (53%) 503 2-bedroom dwelling units (47%)
<b>Parking Spaces</b>	916 vehicle parking spaces
<b>Building Heights</b>	18, 35 and 40 storeys
<b>Class A (indoor secured) Bicycle Parking</b>	1,574
<b>Amenity Area</b>	14,182 sq. metres
<b>Commercial Area</b>	1,114 sq. metres
<b>Class B (outdoor visitor) Bicycle Parking</b>	6
<b>Electric Vehicle Ready Parking Stalls</b>	183
<b>Floor Space Ratio</b>	10.5



**Figure 3 – Development Concept Site Plan**

To facilitate the development of the subject lands with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are required to amend the land use policies and zoning regulations of the subject lands as the existing Official Plan policies permit a maximum building height of 15 storeys and the zoning permits a maximum building height of 10 storeys or 32 metres with a maximum floor space ratio of 4.0.

The lands are located within an 'Urban Corridor' (Map 2 – City of Kitchener Official Plan) and designated 'Mixed Use' in the City of Kitchener Official Plan and are zoned as 'MIX-2 zone with Site Specific Provisions (49) (126) 138)' in Zoning By-law 2019-051.

The owner is proposing to add Specific Policy Area 72 to Map 5 and Policy 15.D.12.72 to the text in the Official Plan to allow a maximum building height of 40 Storeys or 160.2 metres in height with a maximum Floor Space Ratio (FSR) of 10.5 and proposing to change the zoning from 'MIX-2 with Site Specific Provisions (49) (126) 138)' to 'MIX-2 with Site Specific Provision (392)' to allow for an increased maximum building height of 40 storeys and 160.2 metres; to regulate the required number of parking spaces; and to allow for a reduced rear yard and front yard setback.

Holding Provision (83H) is also proposed to be added to the property to prevent the development of the site with sensitive uses, including residential uses, until the Region is in receipt of a Record of Site Condition and a revised Noise Study, completed to the satisfaction of the Region of Waterloo.



**Figures 4 and 5 – Proposed Building Renderings**

## **Planning Analysis:**

### **Planning Act, R.S.O. 1990, c. P.13 25.**

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
  - (i) Is well-designed,
  - (ii) Encourages a sense of place, and
  - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed-use development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a mixed-use multiple dwelling development that is compatible with the planned function of the area and the surrounding community, helps manage growth, is transit supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):**

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. The subject lands are in close proximity to transit, trails, and parks.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities; and

- iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

The subject lands are located within the City's delineated built up area, and within an Urban Corridor in the 2014 Kitchener Official Plan. Urban Corridors are identified as a Primary Intensification Area in the City of Kitchener's Official Plan on Map 2. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. The proposed development is also proposing to include several unit types, increasing the variety of housing options for future residents. Planning staff is of the opinion that the applications conform to the Growth Plan.

#### **Regional Official Plan (ROP):**

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. This neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

Planning staff are of the opinion that the applications conform to the Regional Official Plan.

#### **Airport Zoning Regulations**

The subject lands are located outside of the federally regulated Airport Zoning Regulations (AZR). NAV Canada has reviewed the proposed development and has no objections to the proposed development and will require, prior to construction of any buildings and installation of the stationary crane for construction, that the owner submit and updated Land Use Proposal Submission Forms for Land Use and Cranes to NAV CANADA and an Aeronautical Assessment Form to Transport Canada for review of the proposed tower and temporary cranes and to evaluate the impacts to flight paths.

## **City of Kitchener Official Plan (OP)**

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

### **Complete Community**

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute to a complete community with 1,076 residential units and future commercial uses on the subject lands. Considerable thought for the orientation and placement of the buildings, podium height, building step backs, and vehicular and pedestrian connections to Victoria Street and St. Leger Street have been incorporated into the design for this high intensity mixed use development.

### **Urban Structure**

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area in key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within an 'Urban Corridor' in the 2014 Kitchener Official Plan. Urban Corridors are identified as a Primary Intensification Area in the City of Kitchener's Official Plan on Map-2.

Urban Corridors are generally linear in form and are located along existing or planned transit corridors. They are intended to have strong pedestrian linkages and be integrated with neighbouring residential and employment uses. The subject lands have direct access to two regional transit corridors which have multiple bus routes, access to Highway 8 and Highway 7.

According policy 3.C.2.38 of the Official Plan, the planned function of Urban Corridors is to provide for a range of retail and commercial uses and intensification opportunities that should be transit-supportive. Urban Corridors function as the spine of a community as well as a destination for surrounding neighbourhoods. Strengthening linkages and establishing compatible interfaces between the Urban Corridors and surrounding Community Areas

and Industrial Employment areas are priorities for development in these areas. The proposed development is planned for a multiple dwelling with at grade units and active frontages along all street frontages and provides for 503 purpose-built rental units.

Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for an Urban Corridor but also contributes to the vision for a sustainable and more environmentally-friendly city.

### Land Use

The subject lands are designated 'Mixed Use' on Map 3 – Land Use in the City of Kitchener's Official Plan.

The Mixed Use land use designation is intended to be flexible and responsive to land use pattern changes and demands and permit a broad range of uses at different scales and intensities depending on the lands' geographic location and identification at the urban structure level. As such, an appropriate and compatible mix and range of commercial, retail, institutional and residential uses, at different scales and intensities will be encouraged and supported within lands designated Mixed Use depending on their location within the City's Urban Structure. The implementing zoning will be applied to allow for and promote a compatible mix of uses within the same building or on the same site. A mix of uses within the same building is preferred. The implementing zoning will also recognize and facilitate those lands which are intended and expected to evolve over time to achieve an optimum built form and mix of uses.

A minimum Floor Space Ratio of 1.0 and a maximum Floor Space Ratio of up to 4.0 will apply to individual properties where higher density development or redevelopment is desirable and appropriate. The following criteria will be considered as the basis for the implementing zoning:

- a) the property abuts or has direct access to an arterial or collector road;
- b) the property is adequately buffered from lands designated Low Rise Residential; and,
- c) there is adequate existing or planned infrastructure. (15.D.4.19.)

The City may consider increases to the permitted building height of up to 50 per cent of the permitted building height where a development or redevelopment provides a mixed use building containing residential units. It must be demonstrated that a pedestrian scale base, appropriate massing along the streetscape and compatibility with adjacent lands is achieved and that all the applicable policies within this Plan are satisfied. (15.D.4.23)

The City may impose minimum façade and building height regulations in the Zoning By-law. (15.D.4.23)

Policy 17.E.13.1. of the City of Kitchener Official Plan requires that holding provisions will be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to implement this Plan to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met. A Holding Provision shall be applied to residential uses, day care uses and other sensitive uses and will not be removed through a by-law amendment until such time as a Noise Study has been reviewed and approved by the Region of Waterloo.

### Urban Design

The City's urban design policies are outlined in Section 11 of the City's Official Plan. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Report was submitted and has been reviewed by City staff. The Urban Design Report outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations. Detailed design will be reviewed through the site plan design and approvals process.

**Streetscape** – Landscaping and amenity spaces are proposed along the Victoria Street North frontage. The buildings' podium is oriented along Victoria Street North and includes a 4.5 metre tall ground floor for commercial units, building amenity areas, and a lobby area which will enhance the streetscape. Through the Site Plan approval process staff will work with the applicant to further enhance the podium design and further activate the streetscapes where possible with landscaping and commercial uses.

**Safety** – As part of the site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are achieved and that the site meets the Ontario Building Code and the City's Emergency Services Policy.

**Universal Design** – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

**Skyline** – The proposed buildings will provide a new feature on the City's skyline. The proposed buildings will create visual interest from several different vantage points.

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The towers have well defined podiums and building step backs along the public right of way which helps enhance the public realm.

### Tower Design

The proposed development includes two large point towers and a slab-form middle tower. Both towers, 35 and 40 storeys in height along with the 18 storey middle tower connected tower 'A' have massing that is broken up vertically by variation and the articulation of building materials. Both towers include step backs on top of 4 and 6 storey podiums.

Furthermore, balconies for the residential units are included and 4.5 metre tall ground commercial units, building amenity areas, and lobby are proposed which will enhance the streetscape and pedestrian realm.

### Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.

### Wind Study

A wind study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development are generally suitable. A full Wind Assessment be required and reviewed at the site plan application stage and wind control features will be required through the site plan application is necessary to mitigate wind.

### Tall Building Guidelines

The proposed development has also been reviewed for compliance with the City's Design for Tall Buildings Guidelines. The objective of this document is to:

- achieve a positive relationship between high-rise buildings and their existing and planned context;
- create a built environment that respects and enhances the city's open space system, pedestrian and cyclist amenities and streetscapes;
- create human-scaled pedestrian-friendly streets, and attractive public spaces that contribute to livable, safe and healthy communities;
- promote tall buildings that contribute to the view of the skyline and enhance orientation, wayfinding and the image of the city;
- promote development that responds to the physical environment, microclimate and the natural environment including four season design and sustainability; and,
- promote tall building design excellence to help create visually and functionally pleasing buildings of architectural significance.

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed towers are consistent with and fully meet the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development fully meets the onsite and offsite separation distance requirements of the Design for Tall Building Guidelines and will be further reviewed through the site plan approval process.

### Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located along Victoria

Street North which has multiple bus routes (GRT Routes 34 and 204 iXpress) and stops located within walking distance. The subject lands are in close proximity to existing (400 metres away) and planned (800 metres away) transit hubs and LRT station stops. The building has excellent access to trails, and cycling networks, including existing on and off-street cycling facilities. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

The proposed Official Plan Amendment and Zoning By-law Amendment Applications support a more compact mixed-use development in an Urban Corridor. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

#### Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the amount of multiple dwelling units available in the city. The development is contemplated to include a range of unit types including, one, and two-bedroom units. These new units will meet and appeal to a variety of household needs.

#### Sustainable Development

Section 7.C.4.1 of the City's Official Plan ensures developments will increasingly be sustainable by encouraging, supporting and, where appropriate, requiring:

- a) compact development and efficient built form;
- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,
- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

Development applications are required to demonstrate that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.

Sustainable development initiatives will be further implemented at the site planning approval process through the detailed design review of the building.

## **Proposed Official Plan Amendment Conclusions**

The Official Plan Amendment application requests that Map 5 of the 2014 Official Plan is amended by adding Specific Policy Area 72 to the lands municipally known as 236-264 Victoria Street North. Policy 15.D.12.72 is proposed to be added to Section 15.D.12. Based on the above-noted policies and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved in the form shown in Attachment "A".

## **Proposed Zoning By-law Amendment (Zoning By-law 2019-051)**

The property addressed as 236-264 Victoria Street North is currently zoned as 'MIX-2 zone with Site Specific Provisions (49) (126) 138)' in Zoning By-law 2019-051. The existing zoning permits a high intensity mixed use development with a maximum permitted Floor Space Ratio (FSR) of 4.0 and maximum building height of 8 storeys and 25 metres. The applicant has requested an amendment to Zoning By-law 2019-051 to add Site Specific Provision (392) and Holding Provision (83H) in Zoning By-law 2019-051.

Official Plan policies indicate that where site-specific zoning regulations are requested for residential intensification or a redevelopment of lands, the overall impact of the site-specific zoning regulations will consider compatibility with existing built form; appropriate massing and setbacks that support and maintain streetscape and community character; appropriate buffering to mitigate adverse impacts, particularly with respect to privacy; avoidance of unacceptable adverse impacts by providing appropriate number of parking spaces and an appropriate landscaped/amenity area.

The applicant is seeking to amend Zoning By-law 2019-051 to add Site Specific Provision (392). The proposed new regulations are to permit an increased maximum building height and Floor Space Ratio (FSR), regulate the location of parking spaces, reduce yard setbacks and further regulate residential use setbacks to railways.

Staff offer the following comments with respect to add Site Specific Provision (392):

- a) The minimum rear yard setback shall be 0 metres.

The purpose of this regulation is to allow the building's podium to be located right up to the rear line which functions as an interior side yard (an interior side yard setback of 0 metre is permitted). The request to reduce the rear yard setback allows the podium to be built to the property line which allows for efficient and effective use of the lands.

- b) The minimum front yard setback shall be 0.7 metres.

The purpose of this regulation is to allow a portion of the building's podium to be located 0.7 metres to the front lot. The request to reduce the front yard setback along St. Leger Street (the front yard) will accommodate the unique design at the corner of Victoria Street North and St. Leger Street which addresses a significant grade change.

- c) That parking be provided at a rate of 0.75 spaces per dwelling unit plus 0.1 spaces per dwelling unit which shall be shared for visitor parking and non-residential uses.

The purpose of this regulation is to permit a parking rate which is appropriate for the proposed development. The proposed on-site parking ratio is 0.85 parking spaces per dwelling unit (inclusive of visitor spaces and non residential uses). The subject lands will have adequate access to public transit and pedestrian/cycling networks and adequate bike storage will be provided within the development for residents. Visitor spaces are shareable with non-residential uses and staff is of the opinion that the parking rate is appropriate for the subject lands.

- d) The maximum building height shall be 40 storeys and 160.2 metres (including mechanical penthouses and architectural features) and the maximum Floor Space Ratio shall be 10.5.

The purpose of this new regulation is to cap the building height and FSR and ensure development does not generally exceed the density presented in the concept plans or the approved NAV Canada height of 160.2 metres. The existing planning framework allows for the subject lands to be developed with 15 storey buildings with a Floor Space Ratio (FSR) of 4.0. Increasing the building height to a maximum of 40 storeys with a Floor Space (FSR) of 10.5 will allow for a range of tower heights, 18-40 storeys in height that meet the tall building guidelines.

- e) i. The setback from the railway to any building or part thereof used for residential dwellings shall be a minimum of 30 metres. The setback may be measured as the sum total of the following two measurements provided that a crash wall, or combination berm and fence are provided within the horizontal setback between the residential use and the lot line abutting the Rail right-of-way;
- ii. The horizontal setback to the residential use from the lot line abutting the Rail right of-way; and
- iii. The vertical distance from the finished elevation of the railway line at the centerline of the tracks to the finished elevation of the residential use.

The purpose of this regulation is to allow for the residential portion of the building to be safely located within the 30 metre setback to a railway line.

- f) Geothermal Energy Systems shall be prohibited.

The Region of Waterloo has indicated Geothermal Energy Systems shall be prohibited to mitigate the risks associated with contaminants that will remain beneath the site when the property is redeveloped. This is a new regulation.

#### Holding Provision (83H)

Official Plan policies require that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision

may be used in order to facilitate the implementation of the MIX-2 zone and site specific provisions. The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

Planning staff are recommending the following holding provision as part of the Zoning By-law Amendment:

- i. No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks (MOECP). This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks (MOECP) advising that a Record of Site Condition has been completed to their satisfaction.
- ii. Development and redevelopment shall not be permitted until such time as a detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the Region and any necessary agreement has been entered into, between the City of Kitchener and the owner of the property, providing for the implementation of any recommended noise mitigation measures and the holding symbol affecting these lands has been removed by by-law.

A noise study was prepared in support of the proposed Zoning By-law amendment application and reviewed by the Region of Waterloo. At this time, the Region of Waterloo is not satisfied with the final report and provided peer review comments, as such staff are comfortable with recommending a holding provision where additional building noise mitigation measures will be reviewed through the site plan design and approvals process. Prior to removing the Holding Provision an addendum to the Noise Study will be required to satisfaction of the Region of Waterloo.

### **Proposed Zoning By-law Amendment Conclusions**

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning from 'MIX-2 with Site Specific Provisions (49) (126) 138' to 'MIX-2 with Site Specific Provision (392) and add Holding Provision (81H)' represents good planning as it will facilitate the redevelopment of the lands with a mixed use development that is compatible with the existing neighbourhood, which will add visual interest at the street level and skyline and will appropriately accommodate on-site parking needs. The proposed amendment will allow for residential uses, an increase in height and FSR and will allow for with a more modern planning framework. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law Amendment Application be approved as shown in Attachment 'B'.

### **Department and Agency Comments:**

Circulation of the Official Plan Amendment and Zoning By-law Amendment Applications was undertaken in December 2023 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or

agency and any necessary revisions and updates were made. Copies of the comments are found in Attachment 'D' of this report.

The following Reports and Studies were considered as part of this proposed Official Plan Amendment and Zoning By-law Amendment:

- Planning Justification Report  
Prepared by: MHBC Planning, December 2023
- Wind Study  
Prepared by: RWDI, November 2023
- Urban Design Report  
Prepared by: MHBC Planning December 2023
- Shadow Study  
Prepared by: Reinders and Law Architecture and Engineering, December 2023
- Transportation Impact Study  
Prepared by: Paradigm Transportation Solutions, December 2023
- Functional Servicing and Stormwater Management Report  
Prepared by: Reinders and Law Architecture and Engineering, December 2023
- Sustainability Statement  
Prepared by: MHBC Planning, December 2023
- Heritage Impact Assessment  
Prepared by: MHBC Planning, December 2023
- Noise Vibration Feasibility Study  
Prepared by: HGC Engineering, December 2023
- Rail Study – Development Viability Report  
Prepared by: Dillon Consulting, December 2023,

### **Community Input & Staff Responses**

## WHAT WE HEARD



**797 addresses (occupants and property owners) were circulated and notified**



**30 people/households/businesses provided comment**



## A City-led Neighbourhood Meeting was held on February 13, 2024, and 79 users logged on

Staff received written responses from 30 residents with respect to the proposed development. The comments received are included in Attachment 'E'. A Neighbourhood Meeting was held on February 13, 2024. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Residents support the development and feel it's the appropriate location for residential and future commercial uses.	Staff received emails and phone calls in support of the proposed development. As noted in the staff report the location is appropriate as the subject lands are located in an Urban Corridor which provide for commercial uses with a mix of residential and institutional uses necessary to support and complete surrounding residential communities.
Concerns that the fitness centre will lose their new place of business.	The existing land use designation and zoning permits a fitness centre and the proposed land use designation and zoning will continue to permit a fitness centre. Staff understand that Grand River Rocks has recently relocated from 50 Borden Avenue South (which is also subject to a development application) and understand the concern of the business operator and members. The owner of the subject lands has not disclosed a timeline for reconstruction and staff understand that they have communicated to the current tenants that they do not plan on ending the current 5 year lease early, regardless of the outcome of any decision on these applications. Staff understand that Grand River Rocks has a five year lease for the former LA Fitness building. No new commercial tenants or leases have been identified at this time for the mixed used development. The Official Plan Amendment and Zoning By-law Amendment applications propose new residential permissions. All matters regarding the current commercial lease are between the Owner and Grand River Rocks. Lease arrangements are outside of the jurisdiction of the City of Kitchener. The proposed land use designation and zoning would continue to permit a fitness centre as a permitted use and would not impact current operations or lease arrangements.
Concerns the proposed development will create traffic	A Traffic Impact Study was submitted and reviewed by City and Regional Transportation staff who did

that existing roads can not handle.	not identify any major traffic concerns as a result of the proposed development nor were any new traffic signals warranted as a result of the proposed development.
Affordable Units should be provided and the development should be subject to Inclusionary Zoning	This development is not receiving affordable housing sponsorship. A mix of dwelling unit types and unit sizes are proposed. The two (2) bedroom dwelling units could offer a more affordable option for future owners/tenants who could share some living costs. The subjects are located just outside an PMTSA (Protected Major Transit Station Areas) and the City's Inclusionary Zoning cannot be applied to these lands under the current Planning Act requirements.
The buildings are too tall for Kitchener	<p>The City of Kitchener's Urban Growth Centre and PMTSA's consists of numerous high-rises that are built or approved to be built ranging from 10 storeys to 50 storeys. Comparable high-rise buildings in height that are built, under construction or proposed include the following developments:</p> <p>DTK (60 Frederick St) - <u>39 Storeys</u> (built)</p> <p>Charlie West (60 Charles St W) - <u>31 Storeys</u> (built)</p> <p>20 Queen Street - <u>34 Storeys</u> (planned)</p> <p>Station Park (607 King St W), 18 (built), 28 (built), 36 (under construction), 40 and 50 storeys (planned)</p> <p>417 King Street West – 55 Storeys (planned, construction starting in 2024)</p> <p>10 Duke Street – <u>45 Storeys</u> (final site plan approval issued, construction starting in 2024)</p> <p>30 Francis Street – <u>45 Storeys</u> (under construction)</p> <p>88 Queen Street – <u>45 Storeys</u> (planned)</p> <p>50 Borden – <u>51 and 57 Storeys</u> (under review)</p>
Loss of day light for residents. Concerns Tall buildings will block the sun on their back yards.	A Shadow Study has been submitted. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, as related to shadow impacts and will have minimal to no impacts on residential properties. The majority of shadows created from the proposed development cast on the

	<p>railway and nearby industrial and commercial properties and meet the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.</p>
<p>Three bedroom units should be included in the proposed development.</p>	<p>The City of Kitchener does not regulate number of bedrooms. While the City does not regulate the number of bedrooms, a mix of unit types is strongly encouraged.</p> <p>In September 2022, we received new housing census data – we know;</p> <ul style="list-style-type: none"> <li>▪ We have 99,805 dwelling units in Kitchener 61% are 3+ bedrooms.</li> </ul> <p>We also know household data now as well:</p> <ul style="list-style-type: none"> <li>▪ 58% of households have 1-2 people (26% 1 person, 32% 2 people).</li> <li>▪ 15% of all dwellings are in buildings greater than 5 storeys.</li> </ul> <p>When a comparison is made between the household and housing data, we have 27,000 3+ bedroom homes which are occupied by one or two people. This means that 44% of all large units in Kitchener have more bedrooms than people living in the dwelling.</p> <p>The City is currently implementing a Missing Middle study as part of the Growing Together project which is reviewing how the City can continue to achieve a balance of all housing types of all sizes across the City.</p>

## Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment Applications to permit the development of a mixed used development at 236-264 Victoria Street North. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Planning staff are recommending that the applications be approved.

## ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

The recommendation of this report supports the achievement of the City's strategic vision through the delivery of core service.

## **FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget - *Bill 109, More Homes for Everyone Act, 2022* introduced a requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe. Decisions on Zoning By-law Amendments, when combined with an Official Plan Amendment, are required within 120 days to retain planning application fees, for applications received after July 1, 2023. A decision must be made by Council prior to April 19, 2024 or the Planning Division must issue an application fee refund of \$12,800.00, being 50% of the \$25,600.00 Major Zoning By-law Amendment Application fee. The Development and Housing Approvals Division does not have a funding source or budget for refunding planning application fees.

## **COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting. Two large notice signs were posted on the property and information regarding the application was posted to the City's website in December of 2023. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, and those responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on March 15, 2024 (a copy of the Notice may be found in Attachment 'C').

CONSULT – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 240 metres of the subject lands on December 30, 2023. In response to this circulation, staff received written responses from 20 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

## **PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051

**REVIEWED BY:** Tina Malone-Wright, Manager, Development Approvals

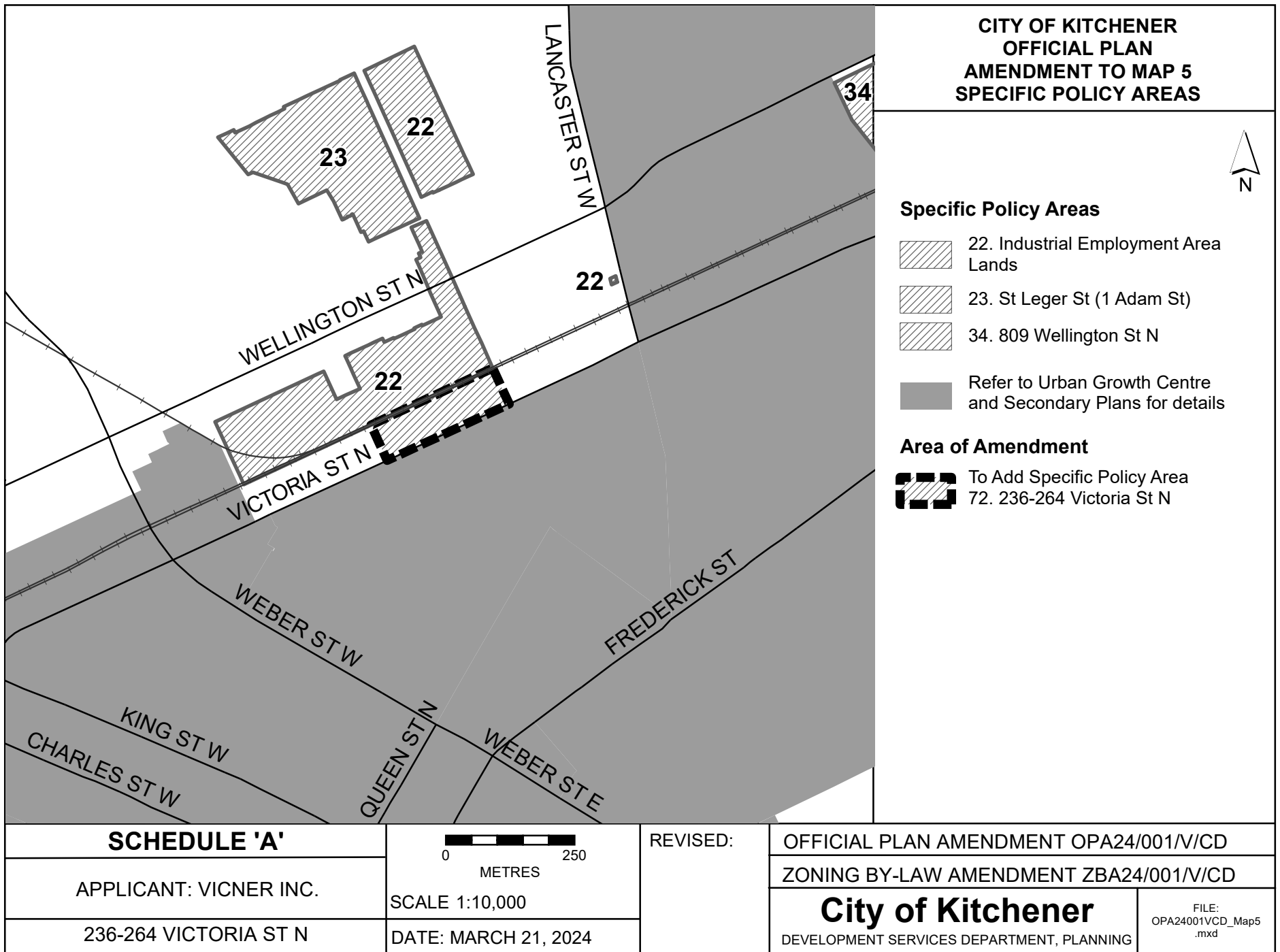
**APPROVED BY:** Justin Readman - General Manager, Development Services

## **ATTACHMENTS:**

Attachment A – Proposed Official Plan Amendment and Map. No 5

Attachment B – Proposed By-law and Map. No 1

Attachment C – Newspaper Notice  
Attachment D – Department and Agency Comments  
Attachment E – Public Comments  
Attachment F – Urban Design Report



AMENDMENT NO. 51 TO THE OFFICIAL PLAN  
OF THE CITY OF KITCHENER

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CITY OF KITCHENER  
236-264 Victoria Street North

AMENDMENT NO.51 TO THE OFFICIAL PLAN  
OF THE CITY OF KITCHENER

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CITY OF KITCHENER  
236-264 Victoria Street North

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APPENDICES

APPENDIX 1	Notice of the Meeting of Planning & Strategic Initiatives Committee of April 8, 2024
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### **SECTION 1 – TITLE AND COMPONENTS**

This amendment shall be referred to as Amendment No. 51 to the Official Plan of the City of Kitchener (2014). This amendment is comprised of Sections 1 to 4 inclusive.

### **SECTION 2 – PURPOSE OF THE AMENDMENT**

The purpose of the Official Plan Amendment is to amend the Official Plan by adding Site Specific Policy Area No. 72 to Map 5 - and by adding associated Site Specific Policy Area 15.D.2.72 to the text of the Official Plan.

### **SECTION 3 – BASIS OF THE AMENDMENT**

#### **Planning Analysis:**

#### **Planning Act, R.S.O. 1990, c. P.13 25.**

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
  - (i) Is well-designed,
  - (ii) Encourages a sense of place, and
  - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular

Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

### **Provincial Policy Statement, 2020:**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed-use development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a mixed-use multiple dwelling development that is compatible with the planned function of the area and the surrounding community, helps manage growth, is transit supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):**

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. The subject lands are in close proximity to transit, trails, and parks.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying

a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities; and
  - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

The subject lands are located within the City's delineated built up area, and within an Urban Corridor in the 2014 Kitchener Official Plan. Urban Corridors are identified as a Primary Intensification Area in the City of Kitchener's Official Plan on Map 2. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. The proposed development is also proposing to include several unit types, increasing the variety of housing options for future residents. Planning staff is of the opinion that the applications conform to the Growth Plan.

### **Regional Official Plan (ROP):**

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. This neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan

for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

Planning staff are of the opinion that the applications conform to the Regional Official Plan.

### Airport Zoning Regulations

The subject lands are located outside of the federally regulated Airport Zoning Regulations (AZR). NAV Canada has reviewed the proposed development and has no objections to the proposed development and will require, prior to construction of any buildings and installation of the stationary crane for construction, that the owner submit and updated Land Use Proposal Submission Forms for Land Use and Cranes to NAV CANADA and an Aeronautical Assessment Form to Transport Canada for review of the proposed tower and temporary cranes and to evaluate the impacts to flight paths.

### **City of Kitchener Official Plan (OP)**

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

### Complete Community

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute to a complete community with 1,076 residential units and future commercial uses on the subject lands. Considerable thought for the orientation and placement of the buildings, podium height, building step backs, and vehicular and pedestrian connections to Victoria Street and St. Leger Street have been incorporated into the design for this high intensity mixed use development.

### Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas

are targeted throughout the Built-up Area in key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within an 'Urban Corridor' in the 2014 Kitchener Official Plan. Urban Corridors are identified as a Primary Intensification Area in the City of Kitchener's Official Plan on Map-2.

Urban Corridors are generally linear in form and are located along existing or planned transit corridors. They are intended to have strong pedestrian linkages and be integrated with neighbouring residential and employment uses. The subject lands have direct access to two regional transit corridors which have multiple bus routes, access to Highway 8 and Highway 7.

According policy 3.C.2.38 of the Official Plan, the planned function of Urban Corridors is to provide for a range of retail and commercial uses and intensification opportunities that should be transit-supportive. Urban Corridors function as the spine of a community as well as a destination for surrounding neighbourhoods. Strengthening linkages and establishing compatible interfaces between the Urban Corridors and surrounding Community Areas and Industrial Employment areas are priorities for development in these areas. The proposed development is planned for a multiple dwelling with at grade units and active frontages along all street frontages and provides for 503 purpose-built rental units.

Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for an Urban Corridor but also contributes to the vision for a sustainable and more environmentally-friendly city.

### Land Use

The subject lands are designated 'Mixed Use' on Map 3 – Land Use in the City of Kitchener's Official Plan.

The Mixed Use land use designation is intended to be flexible and responsive to land use pattern changes and demands and permit a broad range of uses at different scales and intensities depending on the lands' geographic location and identification at the urban structure level. As such, an appropriate and compatible mix and range of commercial, retail, institutional and residential uses, at different scales and intensities will be encouraged and supported within lands designated Mixed Use depending on their location within the City's Urban Structure. The implementing zoning will be applied to allow for and promote a compatible mix of uses within the same building or on the same site. A mix of uses within the same building is preferred. The implementing zoning will also recognize and facilitate those lands which are intended and expected to evolve over time to achieve an optimum built form and mix of uses.

A minimum Floor Space Ratio of 1.0 and a maximum Floor Space Ratio of up to 4.0 will apply to individual properties where higher density development or redevelopment is desirable and appropriate. The following criteria will be considered as the basis for the implementing zoning:

- a) the property abuts or has direct access to an arterial or collector road;
- b) the property is adequately buffered from lands designated Low Rise Residential; and,
- c) there is adequate existing or planned infrastructure. (15.D.4.19.)

The City may consider increases to the permitted building height of up to 50 per cent of the permitted building height where a development or redevelopment provides a mixed use building containing residential units. It must be demonstrated that a pedestrian scale base, appropriate massing along the streetscape and compatibility with adjacent lands is achieved and that all the applicable policies within this Plan are satisfied. (15.D.4.23)

The City may impose minimum façade and building height regulations in the Zoning By-law. (15.D.4.23)

Policy 17.E.13.1. of the City of Kitchener Official Plan requires that holding provisions will be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to implement this Plan to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met. A Holding Provision shall be applied to residential uses, day care uses and other sensitive uses and will not be removed through a by-law amendment until such time as a Noise Study has been reviewed and approved by the Region of Waterloo.

### Urban Design

The City's urban design policies are outlined in Section 11 of the City's Official Plan. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Report was submitted and has been reviewed by City staff. The Urban Design Report outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations. Detailed design will be reviewed through the site plan design and approvals process.

Streetscape – Landscaping and amenity spaces are proposed along the Victoria Street North frontage. The buildings' podium is oriented along Victoria Street North and includes a 4.5 metre tall ground floor for commercial units, building amenity areas, and a lobby area which will enhance the streetscape. Through the Site Plan approval process staff will work with the applicant to further enhance the podium design and further activate the streetscapes where possible with landscaping and commercial uses.

Safety – As part of the site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are achieved and that the site meets the Ontario Building Code and the City's Emergency Services Policy.

Universal Design – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

Skyline – The proposed buildings will provide a new feature on the City's skyline. The proposed buildings will create visual interest from several different vantage points.

Site Design, Building Design, Massing and Scale – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The towers have well defined podiums and building step backs along the public right of way which helps enhance the public realm.

### Tower Design

The proposed development includes two large point towers and a slab-form middle tower. Both towers, 35 and 40 storeys in height along with the 18 storey middle tower connected tower 'A' have massing that is broken up vertically by variation and the articulation of building materials. Both towers include step backs on top of 4 and 6 storey podiums. Furthermore, balconies for the residential units are included and 4.5 metre tall ground commercial units, building amenity areas, and lobby are proposed which will enhance the streetscape and pedestrian realm.

### Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.

### Wind Study

A wind study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development are generally suitable. A full Wind Assessment be required and reviewed at the site plan application stage and wind control features will be required through the site plan application is necessary to mitigate wind.

### Tall Building Guidelines

The proposed development has also been reviewed for compliance with the City's Design for Tall Buildings Guidelines. The objective of this document is to:

- achieve a positive relationship between high-rise buildings and their existing and planned context;

- create a built environment that respects and enhances the city's open space system, pedestrian and cyclist amenities and streetscapes;
- create human-scaled pedestrian-friendly streets, and attractive public spaces that contribute to livable, safe and healthy communities;
- promote tall buildings that contribute to the view of the skyline and enhance orientation, wayfinding and the image of the city;
- promote development that responds to the physical environment, microclimate and the natural environment including four season design and sustainability; and,
- promote tall building design excellence to help create visually and functionally pleasing buildings of architectural significance.

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed towers are consistent with and fully meet the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development fully meets the onsite and offsite separation distance requirements of the Design for Tall Building Guidelines and will be further reviewed through the site plan approval process.

#### Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located along Victoria Street North which has multiple bus routes (GRT Routes 34 and 204 iXpress) and stops located within walking distance. The subject lands are in close proximity to existing (400 metres away) and planned (800 metres away) transit hubs and LRT station stops. The building has excellent access to trails, and cycling networks, including existing on and off-street cycling facilities. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

The proposed Official Plan Amendment and Zoning By-law Amendment Applications support a more compact mixed-use development in an Urban Corridor. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

### Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the amount of multiple dwelling units available in the city. The development is contemplated to include a range of unit types including, one, and two-bedroom units. These new units will meet and appeal to a variety of household needs.

### Sustainable Development

Section 7.C.4.1 of the City's Official Plan ensures developments will increasingly be sustainable by encouraging, supporting and, where appropriate, requiring:

- a) compact development and efficient built form;
- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,
- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

Development applications are required to demonstrate that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.

Sustainable development initiatives will be further implemented at the site planning approval process through the detailed design review of the building.

### **Proposed Official Plan Amendment Conclusions**

The Official Plan Amendment application requests that Map 5 of the 2014 Official Plan is amended by adding Specific Policy Area 72 to the lands municipally known as 236-264 Victoria Street North. Policy 15.D.12.72 is proposed to be added to Section 15.D.12. Based on the above-noted policies and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved.

### **SECTION 4 – THE AMENDMENT**

The City of Kitchener Official Plan is hereby amended as follows:

- a) Part D, Section 15.D.2. is amended by adding Site Specific Policy 15.D.2.72 as follows:

**“15.D.12.72. 236-264 Victoria Street North**

Notwithstanding the Mixed Use land use designation and policies on lands municipally known as 236-264 Victoria Street North, a maximum building height of 40 Storeys or 160.2 metres in height with a maximum Floor Space Ratio (FSR) of 10.5 will be permitted.

- b) Amend Map No. 5 – by adding Specific Policy Area “72. 236-264 Victoria Street North (Policy 15.D.2.72)” to the ‘Area of Amendment’, as shown on the attached Schedule ‘A’.

# NOTICE OF PUBLIC MEETING

## for a development in your neighbourhood

### 236-264 Victoria Street North



Concept Drawing



Mixed Use  
Development



Floor Space  
Ratio of 10.5



18-40  
Storeys

### Have Your Voice Heard!

#### Planning & Strategic Initiatives Committee

Date: **April 8, 2024**

Location: **Council Chambers,  
Kitchener City Hall  
200 King Street West  
or Virtual Zoom Meeting**

Go to **[kitchener.ca/meetings](https://www.kitchener.ca/meetings)**  
and select:

- Current agendas and reports  
(posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including  
information on your appeal rights, visit:

**[www.kitchener.ca/  
PlanningApplications](https://www.kitchener.ca/PlanningApplications)**

or contact:

**Craig Dumart, Senior Planner**  
[craig.dumart@kitchener.ca](mailto:craig.dumart@kitchener.ca)  
519.741.2200 x7073

The City of Kitchener will consider applications to amend the Official Plan and Zoning By-law for the subject lands located at 234-264 Victoria Street North to allow a mixed use development with 3 Towers 18 to 40 storeys in height. The mixed use development proposes a total of 1076 residential units and with ground floor commercial units located along Victoria Street North.

## APPENDIX 2

### Minutes of the Meeting of Planning and Strategic Initiatives Committee – April 8, 2024





PROPOSED BY – LAW  
\_\_\_\_\_ 2024  
BY-LAW NUMBER \_\_\_\_  
OF THE  
CORPORATION OF THE CITY OF KITCHENER  
(Being a by-law to amend By-law 2019-051, as amended  
known as the Zoning By-law for the City of Kitchener  
– Vicner Inc. – 236-264 Victoria Street)

WHEREAS it is deemed expedient to amend By-law 2019-051 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Zoning Grid Schedule Number 122 of Appendix “A” to By-law 2019-051 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, from Mixed Use Two Zone (MIX-2) with Site Specific Provisions (49) (126) (138) to Mixed Use Two Zone (MIX-2) with Site Specific Provision (392) and Holding Provision (83H).
2. Zoning Grid Schedule Number 122 of Appendix “A” to By-law Number 2019-051 is hereby further amended by incorporating additional zone boundaries as shown on Map No.1 attached hereto.
3. Section 19 of By-law 2019-051 is hereby amended by adding Site Specific Provision (392) thereto as follows:  
  
“(392). Notwithstanding Section 4.16, Section 5.6, Table 5-5, and Section 8.3 Table 8-2 of this By-law, within the lands zoned MIX-3 and shown as being affected by this Subsection on Zoning Grid Schedule Number 122 of Appendix “A”, the following special regulations shall apply.
  - a) The minimum *rear yard setback* shall be 0 metres.
  - b) The minimum *front yard setback* shall be 0.7 metres.
  - c) That parking be provided at a rate of 0.75 spaces per *dwelling unit* plus 0.1 spaces per unit which shall be shared for visitor parking and non residential

uses.

- d) The maximum *building height* shall be 40 storeys and 160.2 metres (including mechanical penthouses and architectural features) and the maximum *Floor Space Ratio* shall be 10.5.
- e) i. The *setback* from the railway to any *building* or part thereof used for residential *dwelling*s shall be a minimum of 30 metres. The *setback* may be measured as the sum total of the following two measurements provided that a crash wall, or combination berm and fence are provided within the horizontal setback between the *residential use* and the *lot line* abutting the railway corridor;
  - ii. The horizontal *setback* to the *residential use* from the *lot line* abutting the Rail right of-way; and
  - iii. The vertical distance from the finished elevation of the railway corridor at the centerline of the tracks to the finished elevation of the *residential use*.
- f) Geothermal Energy Systems shall be prohibited.”

- 4. Section 20 of By-law 2019-51 is hereby amended by adding Holding Provision (83) thereto as follows:

“(83H). Notwithstanding Section 8 of this Bylaw, within the lands zoned MIX-2 and shown as being affected by this Subsection on Zoning Grid Schedule 122 of Appendix “A”:

- i) No *residential use* shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP). This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks (MECP) advising that a Record of Site Condition has been completed to their satisfaction.
- ii) Development and redevelopment shall not be permitted until such time as a detailed Noise and Vibration Assessment, to assess both potential

off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the Region and any necessary agreement has been entered into, between the City of Kitchener and the owner of the property, providing for the implementation of any recommended noise mitigation measures and the holding symbol affecting these lands has been removed by by-law.”

5. This By-law shall become effective only if Official Plan Amendment No. 51 (236-264 Victoria Street North) comes into effect, pursuant to Section 24(2) of the Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this       day of  
, 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

# NOTICE OF PUBLIC MEETING

for a development in your neighbourhood  
236-264 Victoria Street North



Concept Drawing



Mixed Use  
Development



Floor Space  
Ratio of 10.5



18-40  
Storeys

## Have Your Voice Heard!

### Planning & Strategic Initiatives Committee

Date: **April 8, 2024**

Location: **Council Chambers,  
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**Craig Dumart, Senior Planner**  
[craig.dumart@kitchener.ca](mailto:craig.dumart@kitchener.ca)  
519.741.2200 x7073

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## Craig Dumart

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**From:** Dave Seller  
**Sent:** Friday, February 2, 2024 8:52 AM  
**To:** Craig Dumart  
**Subject:** OPA/ZBA comments: 236-264 Victoria Street North

### City of Kitchener

**Application Type:** Official Plan Amendment Application OPA24/001/V/CD  
Zoning By-law Amendment Application ZBA24/001/V/CD

**Project Address:** 236-264 Victoria Street North

**Amanda:** 24-100177

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Comments of: Transportation Services

Commenter's name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of comments: February 2, 2024

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As part of a complete Zoning By-law and Official Plan amendment applications, a Transportation Impact Study (TIS) and was submitted (December 2023) by Paradigm Transportation Solutions Limited. Transportation Services review focused on roadways that are under the jurisdiction of the City of Kitchener and site access points.

### Development proposal

The applicant is proposing a 40-storey mixed-use development with 1076 residential units and 1,113 m<sup>2</sup> (11,986 ft<sup>2</sup>) of ground floor commercial space. The development is estimated to generate 259 AM and 229 PM peak hour vehicle trips. The vehicle trips included the mixed-uses, as well as trip reductions for mode split and internal capture trips. The site will be serviced by two full move accesses, one along Victoria Street North (Regional Road 55) and the other along St. Leger Street. A total of 916 parking spaces are being proposed to accommodate all uses.

### Intersection analysis

The intersection noted below was reviewed under existing 2023 traffic conditions. The operational parameters are expressed as level of service (LOS), v/c ratios and 95<sup>th</sup> percentile queuing.

- Victoria Street South (Regional Road 55) at St. Leger Street - unsignalized

The St. Leger Street approaches are operating with a LOS F (eastbound) and LOS E (westbound), the approach v/c ratios are 0.72 (eastbound) and 0.10 (westbound) and 95<sup>th</sup> percentile queuing of 33 m (eastbound) and 2 m (westbound) in the PM peak hour.

The three intersections noted below were reviewed under future 2030 total traffic operations, which includes site generated traffic. The operational parameters are expressed as the existing conditions above.

- Victoria Street South (Regional Road 55) at St. Leger Street - unsignalized
- St. Leger Street at **NEW site access** - unsignalized
- Victoria Street South (Regional Road 55) at **NEW site access** - unsignalized

The St. Leger Street approaches are operating with a LOS F (eastbound) and LOS E (westbound), the approach v/c ratios are 1.24 (eastbound) and 0.26 (westbound) and 95<sup>th</sup> percentile queuing of 72 m (eastbound) and 7 m (westbound) in the PM peak hour.

The new site access points are forecasted to operate at LOS C or better, v/c ratio of 0.31 or lower and 95<sup>th</sup> percentile queuing of 10 m or lower in PM peak hours.

#### **Traffic signal analysis**

Traffic signals were assessed for the intersection of Victoria Street South (Regional Road 55) at St. Leger Street using the Ontario Traffic Manual signal warrant guidelines and it was determined that traffic signals are not warranted under the 2030 total traffic operations.

#### **Left turn lane analysis**

A left turn lane analysis was completed along St. Leger Street at proposed site access and it was determined that a westbound left turn lane is not warranted along St. Leger Street. The left turn lane analysis utilized the Ministry of Transportation Design Supplement for the Transportation Association of Canada Geometric Design Guide of Canadian Roads.

#### **Parking supply analysis**

The analysis included a review of other municipalities and downtown Kitchener, proxy site locations within Kitchener, ITE Parking Generation Manual 6th edition, Transportation Tomorrow Survey 2016 (TTS) - Area Specific Auto Ownership and proxy site data (Kitchener). The results of the parking demand analysis indicated a residential parking ratio of 0 to 0.87 spaces per unit (0 to 936 spaces) and a commercial parking demand of 0 to 2.79 spaces per 1000 sq. ft. (0 to 33 spaces), for a total between 0 and 969 parking spaces. It should be noted that the upper end of the residential range from the TTS is high given that the data was collected prior to the ION opening in 2019. The development is located approximately 700 metres walking distance from the ION Kitchener City Hall Station.

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

This development is well situated to take advantage of the existing alternative modes of transportation available in the area to reduce vehicle dependency. There are several Grand River Transit (GRT) routes and ION light rail that are approximately 700m from this development. They include the following routes: 3, 34, iXpress 204 and 301 ION Kitchener City Hall Station. These routes offer connectivity to a broader transit network throughout the Region of Waterloo and within Kitchener itself.

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

There are existing cycling opportunities in the area, as well as future cycling connections to the downtown cycling grid. To encourage cycling and take advantage of the cycling opportunities in the area, the applicant must provide a minimum of 538 Class A indoor secure bicycle parking spaces for the residential component.

#### **Conclusion**

Based on the analysis and conclusions within the TIS, Transportation Services are of the opinion that St. Leger Street, eastbound approach will continue to operate at a LOS F in the 2030 as it did in 2023 due to the higher traffic volumes along Victoria Street North. Based on the parking supply analysis, Transportation Services are of the opinion that the proposed parking supply of 916 spaces is sufficient for this development.

To assist in reducing vehicle parking demand and support alternative modes of transportation, the following must be provided:

- Residential parking must be unbundled from the cost of a unit.
- Indoor bike fix-it stations be provided for within the secure Class A bike rooms.

Also, consideration be given to providing a portion of the Class A bicycle parking from within the units.

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](mailto:dave.seller@kitchener.ca)

## City of Kitchener - Comment Form

**Project Address:** 236-264 Victoria Street N

**Application Type:** OPA/ZBA

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

**Commenter's name:** Ryan Hammond

**Email:** Ryan.Hammond@kitchener.ca

**Phone:** 519) 741-2200 e 7074

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**Written Comments Due:** February 13

**Date of comments:** February 15

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

- Sustainability Statement: 236-264 Victoria Street North, MHBC, December 13, 2023.

**Comments & Issues:**

I have reviewed the supporting documentation (as listed above) to support a site plan application proposing a multi-tower development with three towers ranging from 18 storeys to 40 storeys and commercial use at the bottom of the podiums. Regarding sustainability and energy conservation, and provide the following comments:

- Although the Ontario Building Code (OBC) is progressive, going forward all developments will need to include energy conservation measures that go beyond the OBC as the City (and Region of Waterloo) strive to achieve our greenhouse gas reduction target.
- 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 as the design evolves.
- **Upon review of the supporting documentation, the Official Plan and Zoning Bylaw Amendments can be supported as several sustainable measures have been proposed or are being considered for the development.**
- The development proposes several sustainable measures including:
  - reduction of resource consumption, building is designed for solar energy gain by facing south, rooftop amenity area.
  - Underground parking is sustainable here
- Potential items for consideration are:
  - Consider the greenspace on the roof as stated, and the rainwater usage for irrigation.

**2. 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.

**3. 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](#)' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>

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

**Address:** 236, 264 Victoria Street

**Owner:** . Vicner Inc.

**Application #:** Official Plan Amendment OPA24/001/V/CD and Zoning By-law Amendment ZBA24/001/V/CD

**Comments Of:** City of Kitchener – Urban Design- Planning

**Commenter's Name:** Pegah Fahimian

**Email:** Pegah.fahimian@kitchener.ca

**Phone:** 519-741-2200 Ext. 7342

**Date of Comments:** Feb 12, 2024

- ☐ I plan to attend the meeting (questions/concerns/comments for discussion)
- ☒ No meeting to be held
- ☐ I do NOT plan to attend the meeting (no concerns)

**1. Documents Reviewed:**

- Planning Justification Report
- Wind Study
- Urban Design Report
- Concept Site Plan and Floor Plans
- Noise Study
- Functional Servicing Report
- Building Elevations and Renderings
- Shadow Study

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

Urban design staff are satisfied with the revised development concept. The shadow study, tall building separation, and urban design brief are acceptable. While the concept of residential intensification on this site is positive, and many previous staff comments have been incorporated into the proposal, some design modifications must be addressed in the Site Plan Application to create a development proposal that is well-designed and appropriate for this site and neighbourhood.

**3. Comments on Submitted Documents**

**Urban Design Brief**

**Tall Building Design Analysis:** The tall building design guidelines are an excellent compatibility test for proposals exceeding their zoning permissions. The proposal meets the overall intent of the City's Design for Tall Buildings Guidelines.

**Building Design:** The proposed 4 and 6-storey pedestrian-scaled podium along Victoria Street is distinguished by tall towers, step-backs and intended architectural treatment. The proposed relative height accommodates human-scaled built form along streetscapes while accommodating compatibility matters. Contemporary architectural style and details are to be refined through the site plan process.

City of Kitchener  
**Zone Change Comment Form**

**On-site Amenity area:**

- Required amenity space calculations are contained in the Urban Design Manual and include two parts – one for a general amenity area and one for children's play facilities in multiple residential developments.  $(2m^2 \times \#units) + (2.5m^2 \times \#bedrooms - \#units) = \text{outdoor amenity space}$ .
- Additional information should be provided at the site plan stage regarding the various on-site amenity spaces in the UDB (common, individual, indoor, and outdoor).

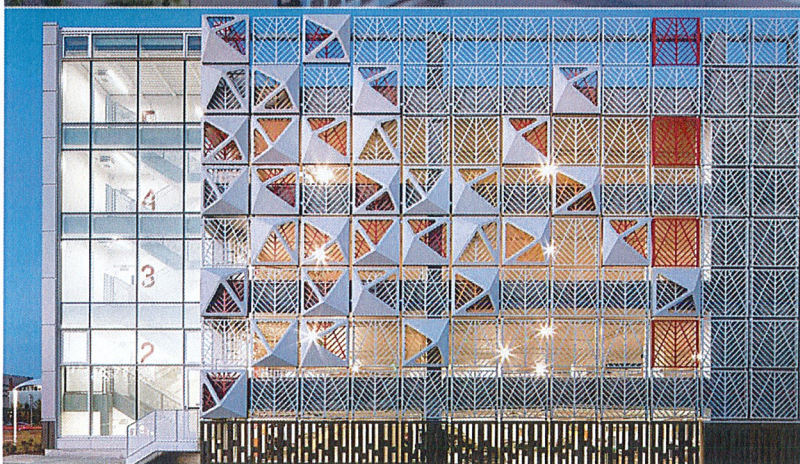
**Architecture Floor Plans and Building Elevations**

- The proposed retaining wall along Victoria Street doesn't contribute positively to the streetscape. To enhance the overall design and create a more appealing pedestrian view, we suggest bringing down the retail floor to level it up with the street. This adjustment not only addresses the streetscape concern but also provides an opportunity to increase the height of the retail space, accommodating a mezzanine level. This will offer a more engaging and visually pleasing interface for pedestrians.

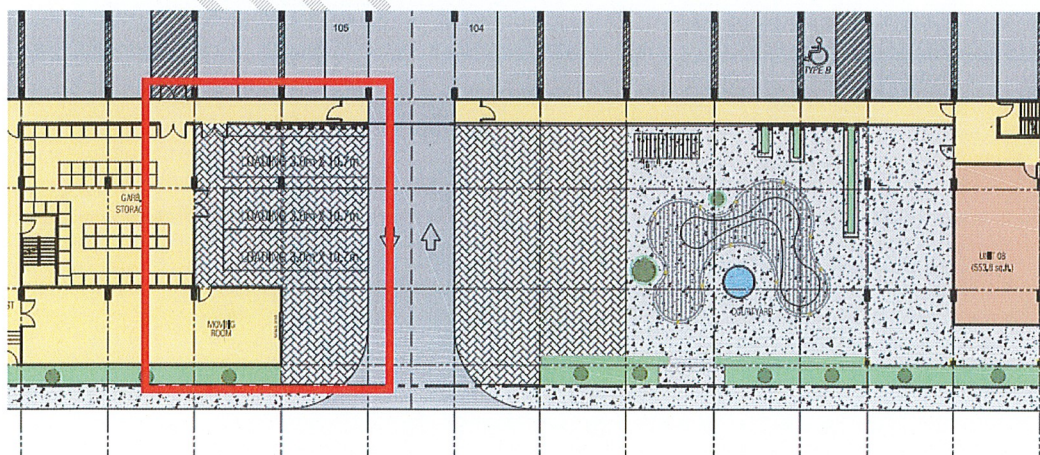


- Additional design modifications for the proposed exposed structure parking should be provided. You may consider incorporating some advanced detailing for the proposed cladding for the structure parking as it is highly exposed from St. Leger Street.

# City of Kitchener Zone Change Comment Form



- Active uses, including retails with outdoor patios or residential amenity areas, should be situated along Victoria Street and the proposed central outdoor public plaza.
- The proposed loading area facing the outdoor amenity space does not contribute positively as it is highly exposed to the public realm. The proposed loading area should be relocated more internally to the site. Please see the attached precedent images

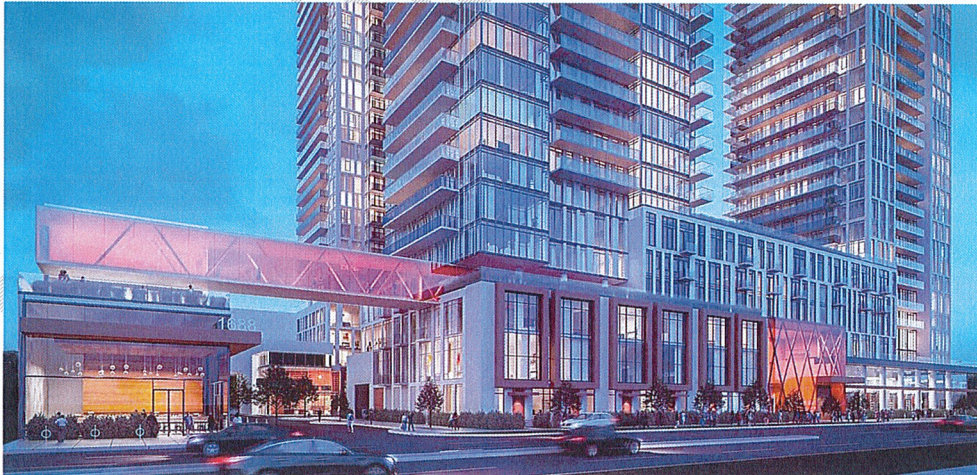


City of Kitchener  
Zone Change Comment Form



Mirvish Village, Toronto

- The proposed long podiums should be broken down using enhanced detailing and articulation. According to Tall Building Design Guidelines, buildings longer than 70m should demonstrate enhanced streetscaping, materials and building articulation. Enlarged elevations are to be provided for the proposed podium with suggested material.



- The proposed corner treatment for podiums is to be further enhanced to create visual interest at Victoria Street. This could be achieved by special massing and architectural treatments on both streets to give prominence along the frontages and visually distinguish these sites.

City of Kitchener  
**Zone Change Comment Form**



- This project should play a significant role in reinforcing the character of Victoria Street. There is a need for public art at the corner, well integrated into the architecture of the building, and suggest the following as options.
  - Public Art (sculpture, mural, digital)
  - Living wall (interior or exterior, but visible/prominent)
  - Enhanced architecture at the corner
  - Community-oriented space
  - Enhanced exterior lighting (coloured, programmable, patterned, etc.)
- Incorporate creative facade ideas on curtain walls with advanced exterior lighting that could help to control public flow and could improve the building design. Digital media facades make buildings tell stories and strike a perfect balance of aesthetic structures and illumination art (for example, sustainable and digital technologies within the curtain wall, colour light-emitting diode or LED Display Video walls, and Photometric system for 'interactive skin' to illuminate the screen after dark, digitally printed fritted glass)
- The building facades fronting Victoria Street should contain the primary residential and commercial entrances and the appropriate amount of glazing and articulation, particularly along the lower 5m where the building addresses the sidewalk.
- All at-grade parking should be wrapped with active uses.
- The area between the building's face and the property line should be well integrated with the street and public realm to deliver high-quality and seamless private, semi-private and public spaces. A preliminary streetscape should be provided.
- The tower should step back from its base a minimum of 3m along any street-facing elevations.
- The underground parking structure should have a sufficient setback from the property lines to accommodate the necessary soil volume to support the required large-statured, high-canopied trees. Perimeter trees should not be located on the garage slab roof. Within the site, required tree plantings can be accommodated on the garage slab but will still require standard minimum soil volumes.
- Provide natural surveillance by employing high percentages of glazing and active uses at ground level and incorporate more units with patios and windows/balconies on the main facade with views onto Victoria Street.

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

- The proposed towers should have unique top features that are architecturally excellent, highly visible and makes a positive contribution to the image of Kitchener developing skyline.



The Well, Toronto

- Provide materiality and texture shifts at the podium and across the towers and incorporate variations in tower setbacks from the base to distinguish the tower form from the podium.
- Wind assessment, noise feasibility, and shadow study are required for outdoor amenities and the pedestrian realm.
- Residential and commercial entrances should be clearly identified and offer access from both the public realm and the private parking side of the building. The proposed main entrance is to be further enhanced to create visual interest at the street edge. (For example, a cantilevered entrance canopy, corrugated metal panels, and fritted glass.
- Balconies may be staggered in a creative pattern to lighten the structure and provide private outdoor space for the units.
- Towers are highly visible elements of the urban environment and must meet Kitchener's highest standards for design excellence.
- All utilities should coordinate with the landscape design and building elevations to provide a high-quality pedestrian experience with the site and from the public realm. Infrastructure should be located within the building in mechanical/electrical rooms, and exterior connections should be located discretely and incorporate physical screens or landscape plating as required. Surface transformers or service connections visible from the public realm are not supported.
- I have enclosed some precedents for the proposed public plaza.

City of Kitchener  
Zone Change Comment Form



City of Kitchener  
**Zone Change Comment Form**

**Wind Study - Pedestrian Level Wind – Preliminary Impact Assessment.**

The submitted preliminary Wind Study indicates that the proposed development is significantly taller than the surrounding buildings, resulting in increased building-wind interactions. As a result, there are areas of increased wind speed predicted where comfort conditions will not be suitable.

A full Wind Assessment should be provided for review at the site plan application stage. A revised design proposal that addresses the wind impacts outlined in the submitted wind study should be developed.

**Summary Comments**

In summary, Urban Design staff are supportive of the zone change/official plan amendment. While the concept of residential intensification on this site is positive and many previous staff comments have been incorporated into the proposal, Urban Design staff recommend that the Urban Design Brief be endorsed and that staff be directed to implement the Urban Design Brief through future Site Plan Approval processes.

City of Kitchener

## Zone Change / Official Plan Amendment Comment Form

pAddress: **236-264 Victoria Street North**  
Owner: **Vicner Inc.**  
Application: **Official Plan Amendment OPA24/001/V/CD and Zoning By-law Amendment ZBA24/001/V/CD**

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Comments Of: **Park Planning**  
Commenter's Name: **Lenore Ross**  
Email: **Lenore.ross@kitchener.ca**  
Phone: **519-741-2200 ext.7472**

Date of Comments: **Feb 09 2024**

- ☐ I plan to attend the meeting (questions/concerns/comments for discussion)  
☒ No meeting to be held  
☐ I do NOT plan to attend the meeting (no concerns)
- 

### 1. **Documents Reviewed:**

I have reviewed the documentation noted below submitted in support of an OPA and ZBA to proposing an Official Plan Amendment to add a Specific Policy Area to the Official Plan to allow for a Floor Space Ratio (FSR) of 10.5 with a maximum building height of 40 Storeys and proposing a Zoning By-law Amendment to Zoning By-law 2019-051 to add a repeal Site Specific Provision 126 and add a new Site Specific Provision to allow for; a maximum floor space ratio of 10.5; a maximum building height of 40 storeys/125 metres; and a reduction in parking to permit a parking ratio of 0.85 spaces per dwelling unit (including visitor parking). The proposed amendments will allow for the development of a mixed use development with 3 towers 18-40 storeys in height with a Floor Space Ratio of 10.5 with a total of 1076 residential units, ground floor commercial units, 916 vehicle parking spaces and 548 bicycle parking spaces.

- Planning Justification Report
- Wind Study
- Urban Design Report
- Concept Site Plan and Floor Plans
- Noise Study
- Functional Servicing Report
- Building Elevations and Renderings
- Shadow Study

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

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

City of Kitchener

## Zone Change / Official Plan Amendment Comment Form

### 3. Comments on Submitted Documents

#### 1) **Parkland Dedication**

- a) Parkland dedication requirements will be **deferred** at the Official Plan Amendment and Zoning By-law Amendment applications and assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class and density approved through the OPA/ZBA and required as a condition of Site Plan Approval. Parkland dedication will be taken as **cash-in-lieu of land** according to the Planning Act, Parkland Dedication Bylaw and Parkland Dedication Policy in effect.
- b) Based on the preliminary site plan information provided and using the approved land valuation of \$43,243,000/ha and a dedication rate of 1ha/1000 units or 5%; a maximum dedication of either land or CIL of 10% and a capped rate of \$11,862/unit. The parkland dedication for the proposed 1.18268 ha site with 1076 proposed units is **\$5,114,263**

#### **Calculation:**

1.18268 ha x 0.05 = \$2,557,132 (5% Bylaw 2022-101)  
1ha /1000 units x 1076 units = \$46,529,468 (alternate rate Bylaw 2022-101)  
1076 units x \$11,862 = \$12,763,512 (City of Kitchener capped rate)  
**1.18268 ha x 0.1 = \$5,114,263 (More Homes Built Faster Act cap)**

The following comments should be addressed at this time.

#### 2) **Urban Design Brief**

- a) pdf page 20 – “The preliminary design for the 5th floor rooftop amenity area, adjacent to Tower B, features out-door kitchen areas, seating, raised planting beds, and shade structures, creating a common gathering space for future residents (see Figure 25).”

There are few active neighbourhood park spaces within the recommended walkshed distances of the site and robust on-site outdoor amenity spaces with good solar access and protection from wind will be required as part of the site plan application. The Urban Design Brief should be revised to include conceptual details for on-site amenity spaces including commentary and precedent images to guide detailed site design through the site plan application including seating **and play equipment** for residents of all ages and abilities.

- b) pdf page 22 - Section 4.1 Streetscape/Universal Design/Streetscape/Building Design and Massing; St - See comment 3a below
- c) A revised Urban Design Brief is required.

#### 3) **Various – Ground Floor Site Plan; Coloured Site Plan; Urban Design Brief; RWDI Wind Comfort Assessment.**

- a) While I appreciate the grade differential across the width of the site, the proposed site design showing a raised pedestrian arcade along the eastern half of the Victoria St N frontage has a number of significant disadvantages: it locates a retaining wall adjacent to the public realm; provides only a single AODA accessible access point; isolates / raises the proposed commercial units at the eastern end of the site from the public realm; these units are not ‘activating the street’. This design should be reconsidered to provide better, more direct and inclusive design and improved interface with the public realm.

## Zone Change / Official Plan Amendment Comment Form

- b) Various plans and documents refer to the level 5 amenity area as a “public” amenity space; these references should be revised to clearly indicate these amenities are intended for use of the residents. These amenity spaces do not meet the required Policy criteria to be considered for partial Parkland Dedication credits.

**4) RWDI Wind Comfort Assessment.**

- a) The CFD analysis indicates that there will be several areas at grade, within the public realm and at the proposed 5<sup>th</sup> floor amenity space that will experience higher than desirable wind conditions. The building and site design should be amended to provide sufficient mitigation to achieve acceptable and safe wind conditions in all areas. This will require confirmation through a full Wind Tunnel model as part of a future site plan application.

**4. Policies, Standards and Resources:**

- Kitchener Official Plan
- 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
- Places & Spaces: An Open Space Strategy for Kitchener
- 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. 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

Parkland dedication is required for the application as cash-in-lieu of land according to the Planning Act, Parkland Dedication Bylaw and Parkland Dedication Policy in effect.

## Craig Dumart

---

**From:** Christine Goulet  
**Sent:** Thursday, February 1, 2024 10:16 AM  
**To:** Craig Dumart  
**Subject:** 236-264 Victoria St N

Hi Craig,

Engineering has reviewed the submitted FSR and the proposed zone change is approved for a sanitary peak flow of **24.89 L/s**. Kitchener Utilities is satisfied with the water distribution report.

Thanks,

**Christine Goulet, C.E.T.**

Project Manager | Development Engineering | City of Kitchener  
519-741-2200 Ext. 7820 | TTY 1-866-969-9994 | [christine.goulet@kitchener.ca](mailto:christine.goulet@kitchener.ca)





PLANNING, DEVELOPMENT  
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Melissa Mohr 1-226-752-8622

File: D17/2/24001

C14/2/24001

February 13, 2024

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

Dear Mr. Dumart,

**Re: Proposed Official Plan Amendment OPA 24/01 and  
Zoning By-law Amendment ZBA 24/01  
236-264 Victoria Street North  
MHBC Planning (C/O Andrea Sinclair on behalf of Falco  
Group (C/O Jaswinder S. Bhatti)  
CITY OF KITCHENER**

MHBC Planning has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 236-264 Victoria Street North (referred to as subject lands) in the City of Kitchener.

The applicant has proposed to demolish the existing buildings on site (office building and fitness centre), amalgamate the properties and construct a mixed-use development comprised of three (3) towers 18-40 storeys in height with a total of 1076 residential units, ground floor commercial units (15 in total), 916 vehicle parking spaces and 548 bicycle parking spaces.

The subject lands are located in the Urban Area and Designated Built Up Area in the Regional Official Plan. The site is designated Mixed Use in the City of Kitchener Official Plan and zoned Mixed Use-2 (MIX-2) Zone with special provisions 49, 126 and 138 in the

Document Number: 4603781

Version: 1

City of Kitchener Zoning By-law. The applicant has requested an **Official Plan Amendment** to add a special policy to permit an FSR of 10.5 (whereas the maximum FSR is 4.0). The applicant has requested a **Zoning By-law Amendment** to repeal the existing site specific provision 126 (which does not permit dwelling units) and to request new site specific provisions to permit an FSR of 10.5; a maximum building height of 40 storeys/125 metres; and a reduction in parking to permit a ratio of 0.85 spaces per dwelling unit (including visitor parking).

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 Map 2 of the Regional Official Plan (ROP) and the site is designated Mixed Use in the City of Kitchener Official Plan.

#### Built Up Area Policies:

Section 1.6 of the Regional Official Plan establishes the overview of the Regional Planning Framework and Section 2.B.1 and 2.C establish policies for the Urban System. Section 2.F of the Regional Official Plan establishes policies for intensification targets within the delineated Built-Up Area, which is set at 60% annually for the City of Kitchener. Furthermore, development in the Built Up Area is intended to provide gentle density and other missing middle housing options that are designed in a manner that supports the achievement of 15-minute neighbourhoods. The proposed density will contribute to the achievement of Kitchener’s intensification target for the delineated Built Up Area.

Regional staff note that the report references Section 2.D and 3.A.2 of the Regional Official Plan. Regional staff wish to advise the applicant that Regional Official Plan Amendment 6 (ROPA 6) was adopted by Regional Council on August 18, 2022 and approved with modification by the Ministry of Municipal Affairs and Housing on April 11, 2023. On October 23, 2023, the Minister reversed the decision including any modification made through its April 2023 decision and ROPA 6, as it was adopted by Regional Council is now in full force and effect. The report provides justification for both the Regional Official Plan and ROPA 6 and Regional staff accept the justification provided based on justification of ROPA 6 policy. Regional staff wish to advise the applicant that Section 2.F of the Regional Official Plan Amendment 6 (ROPA 6) establishes policies for the Built Up Area of the Region.

#### Region of Waterloo International Airport

In accordance with Regional Official Plan Policy 5.A.20, the Region will ensure that proposed developments do not negatively affect the usability, accessibility or safe operations of the airport either on a temporary or permanent basis. Regional staff have concerns with the proposed height of this development as the development will impact Waterloo Region International Airport Runway 08 RNP approach. The Applicant is required obtain a letter of 'no objection' from NAV Canada through NAV Canada's Land Use Application Form to ensure there are no negative impacts the Region of Waterloo International Airport. This letter shall be submitted to the Regional Municipality of Waterloo for further consideration prior to City of Kitchener Council considering the subject application. Please be advised that should NAV Canada object to the application, the applicant will be required to revise the proposed development height to ensure no negative impacts to the airport. Further information can be found immediately below these comments.

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

The subject lands are located within the instrument approach surface of the Region of Waterloo International Airport Runway 08 Approach. Within the instrument approach surface, there is a maximum height limitation of 487m ASL before any buildings or construction cranes would impact airport operations. The concept drawings prepared with the application show a ground floor elevation of 509.4m ASL which exceeds the maximum elevation permitted within the instrument approach area.

The development, as proposed, will impact the Waterloo Region International Airport Runway 08 RNP approach, which has a maximum allowable development elevation of 487m ASL.

In accordance with Regional Official Plan Policy 5.A.20, Regional staff, through the review of development applications, ensure that proposed developments do not negatively affect the usability, accessibility or safe operations of the Region of Waterloo International Airport, either on a temporary or permanent basis.

Furthermore, in accordance with City of Kitchener Official Plan Policy 6.C.3.17, in planning for land uses in the vicinity of the Region of Waterloo International Airport, the City will prohibit any land use or structure which could affect the operation of the Airport or cause a potential aviation safety hazard. Please be advised that the Region will not support any development which will impact airport operations.

A Land Use Application must be submitted to NAV Canada for the buildings and any cranes. The Region shall require a letter of no objection; obtained by NAV Canada in order to issue our comments indicating no objection to this proposal.

Furthermore, your client must submit an Aeronautical Assessment Form to Transport Canada for approval, as the building is more than 90 m tall. Further information can be found here: <https://tc.canada.ca/en/aviation/general-operating-flight-rules/marking-lighting-obstacles-air-navigation>

#### **Record of Site Condition/Environmental Threats**

There are high and known environmental threats on the subject lands and high environmental threats located on properties directly adjacent to the subject lands due to past/historic uses of the subject lands and adjacent sites. As a density increase of a sensitive land use has been proposed on the subject lands, a Record of Site Condition and Ministry Acknowledgement letter shall be required for the entirety of the subject lands in accordance with the Region of Waterloo's *Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites*.

The Record of Site Condition and Ministry Acknowledgement Letter were not received as part of the Complete Application for the Zoning By-law Amendment and as a result, the Region shall require a Holding Provision to be implemented as part of the Zoning By-law Amendment. The Holding Provision shall prohibit the proposed development until the submission of the RSC and the Ministry's Acknowledgement Letter have been received to the satisfaction of the Regional Municipality of Waterloo. The following wording is required for the holding provision:

*That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry's Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo.*

#### **Rail Authorities of Canada Guidelines**

Regional staff understand that the subject lands are directly adjacent to the Canadian National Railway (CNR) and Metrolinx Principal Main Line. The RAC Guidelines recommend a 30 meter setback between the Principal Main Line and sensitive land use (e.g. residential land uses). Regional staff note that the concept plan shows residential uses encroaching into the 30-meter setback. **Regional staff request that a minimum setback of 30 metres be included as a site-specific provision within the Zoning**

**By-law to ensure new buildings shall comply with the RAC Guideline**

**recommended setback.** In addition, a berm of 2.5 metres above grade with side slopes not steeper than 2.5 to 1 shall be required to be implemented through the detailed design of the site. A crash wall may also be required.

Please note that through a future Consent/ Plan of Condominium and/or Site Plan Application, the Regional Municipality of Waterloo shall require an affidavit and report from a qualified Professional Engineer Licensed to practice in the Province of Ontario that demonstrates that the proposed development has been designed in accordance with the Railway Association of Canada's "*Guideline for New Development in Proximity to Railway Operations*." (Dialog & J.E. Coulter Associated Limited, May 2013).

**Environmental Noise (Road and Stationary Noise) Study:**

An Environmental Noise report entitled "Noise Feasibility Study Proposed Residential Development, 417 King Street West, Kitchener, Ontario" prepared by HGC Engineering, dated April 17, 2023 and associated peer review fee of \$4,520.00 have been received and provided to the Region's third party peer reviewer. Detailed peer review comments are attached. In summary, Regional staff have received the following comments from the peer reviewer:

- validation files are required and they shall be correlated to locations on the development based on a worst-case location/scenario.
- Ambient traffic noise levels are required to be revised based on a typical weekday distribution
- Additional information for the assumptions made in the report including validation files and confirmation by the operators of the noise sources are required in order to confirm recommendations. Further information for various noise sources can be found in the attached comments.

Insufficient information was provided for the Stationary Noise Assessment and Vibration mitigation components of the study as indicated in the attached response. Given the presented levels, Regional staff have concerns with feasibility of the development based on the information presented thus far. The applicant shall address the concerns raised above and within the attached letter prior to a recommendation to City of Kitchener Council.

**Corridor Planning:**

**Official Plan Amendment and Zoning By-law Amendment Stage:**  
**TIS/Access Regulation:**

A Transportation Impact Study and Parking Study (TIS) entitled "236-264 Victoria Street North, Kitchener, ON Transportation Impact and Parking Study", prepared by Paradigm Transportation Solutions Limited has been submitted in support of the above noted Official Plan Amendment and Zoning By-law Amendment Applications. The TIS has been received by Regional staff and is under review. Comments regarding the TIS will follow under separate cover.

Please be advised that before Regional Clearance can be provided, any recommended and approved off-site works require an approved functional design, cost estimate, letter of credit and agreement, all to the satisfaction of the Regional Municipality of Waterloo. In addition, the applicant/developer is responsible for all costs associated with the access and there is a review fee of \$500.00 for the review of the Transportation Impact Study that remains outstanding.

Site Plan Application Stage:

*Regional Road Dedication:*

A this location, Victoria Street North has a designated road width of 26.213m in accordance with Schedule 'A' of the Regional Official Plan. The existing right of way along Victoria Street North is approximately 24m and Regional staff anticipate a road dedication of approximately 1.5m across the entire Victoria Street property frontage. In addition, a 7.62m x 7.62m daylight triangle, measured post road widening shall be required at the intersection of Victoria Street North and St. Leger Street. Please ensure these dedications are shown correctly on all plans moving forward.

The Owner/Developer must engage an Ontario Land Surveyor (OLS) to prepare a draft reference plan which illustrates the required road widening and daylight triangle. Prior to depositing the reference plan, the OLS must submit a draft copy of the plan to the Region's Transportation Planner for review. Once reviewed and accepted, the surveyor shall send a copy of the deposited plan to the Region.

The OLS shall contact Regional staff to discuss the road widening prior to preparing the reference plan and the plan shall be dedicated to the Region of Waterloo for road allowance purposes, free of cost and encumbrance.

A Phase I and a Phase II Environmental Site Assessment (ESA) shall be required for the portion of lands to be dedicated to the Regional Municipality of Waterloo. Please ensure the lands to be dedicated to the Region are excluded from the Record of Site Condition as described in the Record of Site Condition/Environmental Threats section above.

*Access Permit:*

The existing property obtains vehicular access to the Municipal Road network via two full movement accesses to Victoria Street North, which is under the jurisdiction of the Regional Municipality of Waterloo and one access to St. Leger Street which is under the jurisdiction of the City of Kitchener. The proposal includes a single full movement access to Victoria Street South and one access to St. Leger Street.

Please be advised that a Regional Access permit shall be required for the closure of the existing access. A Regional Access Permit shall be required for the proposed modification to the access to Victoria Street North. The application for the Regional Road Access Permit can be found on the Region's website here:

<https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Commercial-Access-Permit-Application>. Please be advised that the application fee for the closure of the existing access, but there is a fee for a new/modified access in the amount of \$230.00.

*Stormwater Management and Site Grading:*

Regional Staff have received the report entitled "Victoria St Development 236-264 Victoria Street East Kitchener, Ontario Functional Servicing & Storm Water Management Report", "Site Servicing Plan" and "Site Grading Plan", all prepared by Reinders and Law, dated December 1, 2023 and the report and plans are satisfactory from an Official Plan Amendment and Zoning By-law Amendment perspective. Regional staff have the following technical comments that shall be addressed as part of the future site plan application:

The proposed grades shown on the drawings near the existing sidewalk along Victoria Street North (RR# 55) are 2.0-3.0m higher than existing grades. For example, the existing grade is shown as 339.55m and the proposed grade is 337.00m, which is a difference of 2.55m. Please confirm that these numbers are accurate and clarify how the proposed grades will tie-in to the existing sidewalk. Furthermore, the drawings currently show the existing stormwater lead ending a few meters north of the Maintenance Hole on Victoria Street North. Due to Capital Works proposed for Victoria Street North in 2024, removal of this lead will not be permitted after works are completed. A plug must be installed at the property line to abandon the lead. Regional staff recommend the lead be filled with grout back to the maintenance hole to properly abandon the lead. We ask that this be included in the design on all drawings going forward.

*Transit Planning:*

Grand River Transit (GRT) currently operates iXpress Route 204 on this section of Victoria Street North and Routes 4 and 34 in close proximity to the site along Margaret Avenue. There is an existing transit stop (No. 1914) at the southwest corner of the site with an improved shelter pad, shelter, bench, PID and electrical connection. There are currently no plans to further upgrade or move this stop.

GRT generally supports the provision of an unbundled parking plan and surplus bike parking as impactful transit supportive measures for the subject property as recommended in the document titled: "236-264 Victoria Road North, Transportation Impact and Parking Study" (Paradigm Transportation Solutions, Dec. 2023). The study also discusses Subsidized Transit Passes as an alternative strategy. As Appendix K (TDM Worksheet) was not circulated with the application submission it is unclear if the applicant plans to implement these subsidized transit passes as a TDM measure. If Subsidized Transit Passes are contemplated, please be advised that the Owner/Developer will incur significant financial and administrative costs. This initiative requires a commitment from the owner/developer to manage, administer, and fund the full cost of monthly transit passes for residents. If this is to be considered by the applicant, further consultation and confirmation of expectations between all three parties (Applicant, City, Region/GRT) is required as soon as possible.

Regional staff also respectfully request Appendix K from the TIS (TDM Worksheet) as soon as possible and additional comments regarding the TDM Worksheet may follow.

#### *Road Works:*

This section of Victoria Street North is identified in the Region of Waterloo's 10-Year Transportation Capital Program (TCP) for reconstruction in 2024. The project includes reconstruction of the City of Kitchener gasmain replacement and double-lift resurfacing. Please contact Matthew Ropp at [mropp@regionofwaterloo.ca](mailto:mropp@regionofwaterloo.ca) for additional information relating to this project.

#### *Site Plan Review Fee:*

Please be advised that the Region of Waterloo shall require a pre-submission application fee of \$300.00 for the pre-consultation relating to the site plan and an \$805.00 review fee associated with a formal site plan application.

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

Due to the potential for contamination on site, a prohibition on Geothermal Wells as defined in Chapter 8 of the Region Official Plan shall be implemented within the site specific Zoning By-law amendment, including vertical open and closed loop geothermal energy systems. The required wording for the prohibition is:

*Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.*

The Regional Municipality of Waterloo shall require a salt management plan to be prepared to the satisfaction of the Regional Municipality of Waterloo as part of a future site plan application. Regional staff encourage the Owner/Developer to incorporate the following design considerations with respect to salt management into the design of the site and within the salt management plan:

- Ensuring that cold weather stormwater flows are considered in the site design. Consideration should be given to minimize the transport of meltwater across the parking lots or driveway. This also has the potential to decrease the formation of ice and thereby the need for de-icing.
- Directing downspouts towards pervious (i.e. grassy) surfaces to prevent runoff from freezing on parking lots and walkways.
- Locating snow storage areas on impervious (i.e. paved) surfaces.
- Locating snow storage areas in close proximity to catchbasins.
- Using winter maintenance contractors that are Smart About Salt™ certified.
- Using alternative de-icers (i.e. pickled sand) in favour of road salt.

The proponent is eligible for certification under the Smart About Salt™ program for this property. Completion of the SMP is one part of the program. To learn more about the program and to find accredited contractors please refer to:

<http://www.smartaboutsalt.com/>. Benefits of designation under the program include cost savings through more efficient use of salt, safe winter conditions by preventing the formation of ice, and potential reductions in insurance premiums.

Please be advised that the Region does not support permanent active or passive dewatering controls for below-grade infrastructure (e.g. foundations, slabs, parking garages, footings, piles, elevator shafts, etc.) therefore, Below-grade infrastructure requiring dry conditions shall be waterproofed. Regional staff respectfully request a copy of the final Geotechnical Report and Functional Servicing/Stormwater Management Report as part of the Site Plan Application for our records.

### **Housing Services**

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

- Regional Strategic Plan
- 10-Year Housing and Homelessness Plan
- Building Better Futures Framework
- Region of Waterloo Official Plan

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

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.

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	\$418,100
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	\$679,300

\*Based on the most recent information available from the PPS Housing Tables (2022).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$418,100.

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	\$1,960
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$1,075 1-Bedroom: \$1,245 2-Bedroom: \$1,469 3-Bedroom: \$1,631 4+ Bedroom: n/a

\*Based on the most recent information available from the PPS Housing Tables (2022)

In order for a rental 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 shown above.

#### **Fees:**

Please be advised that the Region is in receipt of the Official Plan Amendment review fee of \$7,000.00 and the Zoning By-law Amendment Review fee of \$3,000.00 (total \$10,000) deposited January 25, 2024. In addition, the noise peer review fee of \$5085.00 was deposited January 11, 2024.

#### **Conclusions:**

At this time, the Region has the following concerns relating to the application:

1. The proposed height of the building exceeds the maximum height limitation of 487m ASL for the Runway 08 RNP approach surface. Regional staff have concerns with the height of the building based on the Runway 08 RNP approach and Runway 26 missed approach as outlined in the comments above.
2. Response to the noise study peer review concerns as described above and attached to these comments.

The above noted concerns must be satisfactorily addressed prior to a recommendation being made to Council for the City of Kitchener.

#### **Follow Up:**

In addition to the concerns identified related to airport operations and the proposed building heights, the following must be implemented within the Zoning By-law:

1. Inclusion of a geothermal prohibition in the zoning by-law amendment. The required wording for the prohibition is:

*Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.*

2. Implementation of a setback between the CN Rail line and sensitive land uses of 30 m.
3. Acceptance of the TIS and Payment of TIS review fee of \$500.00.

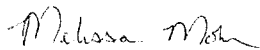
**Next Steps:**

The applicant shall address the Regions concerns as identified above.

Please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

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

Yours truly,



Melissa Mohr, MCIP, RPP  
Senior Planner

C. MHBC Planning Inc. C/O Andrea Sinclair (Applicant), Falco Group C/O Jaswinder S. Bhatti (Owner)

Encl.

## Craig Dumart

---

**From:** Melissa Mohr <MMohr@regionofwaterloo.ca>  
**Sent:** Monday, March 11, 2024 4:22 PM  
**To:** 'Andrea Sinclair'  
**Cc:** Craig Dumart; Luisa Vacondio; Juliane vonWesterholt; Kyle Reinders (kyler@reinders.ca)  
**Subject:** RE: 24-0580: Residential (236 Victoria Street) - Kitchener, ON

Good Afternoon Andrea,

Thank you for the attached documentation which includes NAV Canada's letter of no objection. Regional staff accept the letter and require the maximum height assessed by NAV Canada to be included in the Site-Specific Zoning By-law Amendment.

Furthermore, I understand a meeting has been set up Wednesday to discuss the noise comments.

Kind Regards,

Melissa

**Melissa Mohr, MCIP, RPP**  
Senior Planner

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**From:** Andrea Sinclair <asinclair@mhbcplan.com>  
**Sent:** March 11, 2024 10:56 AM  
**To:** Melissa Mohr <MMohr@regionofwaterloo.ca>  
**Cc:** Craig.Dumart@kitchener.ca; Luisa Vacondio <lvacondio@mhbcplan.com>; Juliane vonWesterholt <jvonwesterholt@mhbcplan.com>; Kyle Reinders (kyler@reinders.ca) <kyler@reinders.ca>  
**Subject:** FW: 24-0580: Residential (236 Victoria Street) - Kitchener, ON

**\*\*EXTERNAL ALERT\*\* This email originated from outside the Region of Waterloo. Verify any links or attachments before clicking/opening.**

Good Morning Melissa,

I believe this addresses the Region's concern regarding Nav Can (see below and attached).

I believe our Noise Consultant reached out to you last week to try to coordinate a meeting with the Peer Review consultant. In our experience it has saved some back and forth when we have been able to talk to the peer review consultant directly.

Thanks,

Andrea

**From:** Land Use <[LandUse@navcanada.ca](mailto:LandUse@navcanada.ca)>  
**Sent:** March 11, 2024 10:47 AM  
**To:** Andrea Sinclair <[asinclair@mhbcplan.com](mailto:asinclair@mhbcplan.com)>  
**Cc:** Andrea Sinclair <[asinclair@mhbcplan.com](mailto:asinclair@mhbcplan.com)>; ', Ontario Region, Transport Canada' <[tc.aviationservicesont-servicesaviationont.tc@tc.gc.ca](mailto:tc.aviationservicesont-servicesaviationont.tc@tc.gc.ca)>; 'Jordan Veen, Region of Waterloo International Airport' <[JVanderVeen@regionofwaterloo.ca](mailto:JVanderVeen@regionofwaterloo.ca)>; Chris Wood <[CWood@regionofwaterloo.ca](mailto:CWood@regionofwaterloo.ca)>; 'Bronwen Ainsworth, Air Navigation Data' <[bronwen.ainsworth@airnavigation.com](mailto:bronwen.ainsworth@airnavigation.com)>; chascorm <[chascorm@rogers.com](mailto:chascorm@rogers.com)>; ', IDS North America Ltd.' <[navcanada@idscorporation.com](mailto:navcanada@idscorporation.com)>; David Scott <[Dave.scott@jetpro.ca](mailto:Dave.scott@jetpro.ca)>; 'kyler@reinders.ca' <[kyler@reinders.ca](mailto:kyler@reinders.ca)>; Luisa Vacondio <[lucacondio@mhbcplan.com](mailto:lucacondio@mhbcplan.com)>; Andrea Sinclair <[asinclair@mhbcplan.com](mailto:asinclair@mhbcplan.com)>  
**Subject:** 24-0580: Residential (236 Victoria Street) - Kitchener, ON

Hello Andrea,

Please find attached a letter from NAV CANADA regarding your residential (236 Victoria Street) submitted on 2024-02-16.

We ask that you notify us at least 10 business days prior to the start of construction. This notification requirement can be satisfactorily met by returning a completed, signed copy of the attached form and an Excel copy of the attached spreadsheet. If you have any questions, please don't hesitate to contact me.

The subject proposal data have been distributed to External Design Organizations (EDOs) for their assessment of possible effects on procedures they maintain.

They will contact you directly if any concerns arise during their evaluation. If you have any questions or concerns pertaining to their assessment, please contact the EDO directly.

NAV CANADA's land use evaluation is based on information known as of the date of this letter and is valid for a period of 18 months, subject to any legislative changes impacting land use submissions. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA Engineering as deemed necessary.

Regards,

**Scott English**

Commercial Relations Coordinator / Coordonnateur des relations commerciales

**Stakeholder & Commercial Relations NAV CANADA**

Personal: [Scott.English@navcanada.ca](mailto:Scott.English@navcanada.ca)

Group: [Commercialrelations@navcanada.ca](mailto:Commercialrelations@navcanada.ca)

1601 avenue Tom Roberts Avenue, Ottawa, ON K1V 1E5

T. (613) 248-4111 / F. (613)248-4094

[www.navcanada.ca](http://www.navcanada.ca)



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March 11, 2024

Your file  
 236 Victoria Street  
 Our file  
 24-0580

Ms. Andrea Sinclair  
 MHBC Planning  
 540 Bingemans Centre Drive, Suite 200  
 Kitchener, ON  
 N2B 3X9

**RE: Building(s): Residential - Kitchener, ON  
 (See attached document(s))**

Ms. Sinclair,

NAV CANADA has evaluated the captioned proposal and has no objection to the project as submitted provided the following conditions are adhered to:

- Our assessment does not constitute an approval and/or permit from other agencies.
- **No obstacle as part of this submission can exceed 1600 feet above sea level prior to July 12, 2024. After this date new procedures will be published and are not affected by the submitted heights and locations.**

The subject proposal data have been distributed to External Design Organizations (EDOs) for their assessment of possible effects on procedures they maintain. They will contact you directly if any concerns arise during their evaluation. If you have any questions or concerns pertaining to their assessment, please contact the EDO directly.

In the interest of aviation safety, it is incumbent on NAV CANADA to maintain up-to-date aeronautical publications and issue NOTAM as required. To assist us in that end, we ask that you notify us at least 10 business days prior to the start of construction. This notification requirement can be satisfactorily met by returning a completed, signed copy of the attached form and an Excel copy of the attached spreadsheet by email at [landuse@navcanada.ca](mailto:landuse@navcanada.ca) or fax at 613-248-4094. In the event that you should decide not to proceed with this project or if the structure is dismantled, please advise us accordingly so that we may formally close the file.

If you have any questions, contact the Land Use Department by email at [landuse@navcanada.ca](mailto:landuse@navcanada.ca).

**NAV CANADA's land use evaluation is based on information known as of the date of this letter and is valid for a period of 18 months, subject to any legislative changes impacting land use submissions. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA engineering as deemed necessary.**

This document contains information proprietary to NAV CANADA. Any disclosure or use of this information or any reproduction of this document for other than the specific purpose for which it is intended is expressly prohibited except as NAV CANADA may otherwise agree in writing.

Regards,

Land Use Office  
 NAV CANADA

cc ONTR - Ontario Region, Transport Canada  
 CYKF - WATERLOO  
 Air Navigation Data  
 C. Cormier  
 IDS NA  
 JetPro  
 kyler@reinders.ca  
 lvacondio@mhbcplan.com  
 asinclair@mhbcplan.com



Region of Waterloo

PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

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[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

February 5, 2024

Erica Bayley, P.Eng.  
Paradigm Transportation Solutions Ltd  
5A-150 Pinebush Road  
N1R 8J8

File No.: D17-40/55  
236-264 Victoria Street North  
Falco Group

Dear Ms. Bayley:

**Re: 236-264 Victoria Street North, Transportation Impact Study, City of  
Kitchener**

Region of Waterloo staff have reviewed the report entitled 236-264 Victoria Street North, Kitchener, ON Transportation Impact and Parking Study, dated December 2023 and concur with the conclusions and recommendations noted therein.

Yours Truly,

A handwritten signature in blue ink, appearing to be 'KF' followed by a stylized flourish.

Katrina Fluit  
Transportation Planner  
(226)-753-4808

**To:** Craig Dumart, Senior Planner, City of Kitchener

**From:** David Tsai, Project Manager  
Adjacent Development – GO (Heavy Rail)  
Third Party Project Review  
Metrolinx

**Date:** February 13, 2024

**Re:** 236-264 Victoria Street North, City of Kitchener – Official Plan and Zoning By-law Amendment Application Comments

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## 1. Overview

Metrolinx is in receipt of the above-noted Official Plan and Zoning By-law Amendment application for 236-264 Victoria Street North. I note that the application proposes a mixed-use development with 3 towers 18 to 40 storeys in height with a total of 1,076 residential units. The subject site is directly adjacent to the Metrolinx Corridor, Guelph Subdivision, to which Metrolinx operates the Kitchener GO Service.

## 2. Metrolinx GO Heavy Rail Comments

Metrolinx has reviewed the circulation documents for **236-264 Victoria Street North, City of Kitchener**. Our comments on the Application are noted below:

- a. Metrolinx is in receipt of a Development Viability Assessment dated December 2023, prepared by Dillon Consulting, and we have the following comments:
  - i. We note that the required 30-meter rail safety setback was considered and a number of residential units appear to be encroaching within the horizontal setback. Vertical setback can be accounted for with the presence of an adequate rail safety barrier, which is not proposed per the report.
  - ii. The Metrolinx Adjacent Development Guideline requires a rail safety barrier in combination with the rail safety setback to absorb the impact in case of derailment, which is absent in the proposed design. A revised study including a crash barrier or a robust assessment demonstrating that RAC/FCM safety standards can be met without a safety barrier will be required.
  - iii. The revised report should incorporate a topographic survey that includes the rail corridor and the top of rail measurement along the length of the corridor

for technical review.

- b. A 3.5 metre vegetation setback, to be measured from the Metrolinx property line, has been established in association with Metrolinx's GO Expansion Program. Limited types of vegetation are allowed within this section such as low-rise shrubs and/or decorative grasses.
- c. A 2.4-metre high-security fence (anti-trespass barrier) shall be provided along the Metrolinx property line where direct access to the rail corridor is afforded (standard form is non-cut-able/non-climbable high-security fencing).
- d. Metrolinx is in receipt of a noise and vibration feasibility study, dated December 12, 2023, prepared by HGC Engineering, and we have the following comments:
  - i. We confirm the most up-to-date rail data is used to prepare the study.
  - ii. We note that noise mitigation measures are recommended and will require that they be adhered to for approval.
  - iii. We note that the study recommendation does not anticipate vibration mitigation measures to be required but suggests further assessments at the detailed design stage.
- e. Metrolinx is in receipt of a stormwater management report, dated December 1, 2023, prepared by Reinders+Law Ltd., and we note that drainage impacts to the adjacent rail corridor were not analyzed in detail. Any drainage/stormwater management outlets shall not be directed toward the Metrolinx rail corridor and should be outlined in the report conclusion.
- f. Please note that depending on the construction method, additional agreements and/or technical reviews will be required (i.e. shoring, tiebacks, and crane swing) and as appropriate, the final development design will need to be reviewed by our Technical Advisor, and to the satisfaction of Metrolinx if:
  - i. The work is within 30 feet (10-metres) of any Metrolinx/GO Rail corridor;
  - ii. The work is adjacent to the 30-foot (10-metre) limit of any Metrolinx/GO rail corridor and involving an elevating device (crane, boom truck, Genie Lift, etc.); and,
  - iii. The work is adjacent to the 30-foot (10-metre) limit of any Metrolinx/GO rail corridor and involves excavation that may impact the railway loading zone (soil disturbance, full locates required including Metrolinx).

Please provide more information on your construction methodology when available.

- g. If any excavation/drilling work impacts MX Track's Zones of Influence (per Appendix W of GO Transit Track Standard), a track monitoring plan must be submitted for Technical Advisor and Metrolinx Stakeholder review.

- h. As appropriate, the final development design will need to be reviewed by our Technical Advisor, and to the satisfaction of Metrolinx.

### 3. Agreements – GO Heavy Rail

Metrolinx notes that the applicant may be required to enter into the below agreements. Templates of these agreements will be sent directly to the applicant. The Proponent may contact [david.tsai@metrolinx.com](mailto:david.tsai@metrolinx.com) to initiate this process at their earliest convenience.

- a. The proponent shall satisfy all Metrolinx rail safety requirements and the Owner shall enter into an “Adjacent Development Agreement” with Metrolinx stipulating how applicable concerns will be addressed. The agreement will include an environmental easement for operational emissions, to be registered on title against all residential dwellings within 300 metres of the rail corridor and in favour of Metrolinx.
- b. As required, the Owner may also enter into additional agreements, including, but not limited to, shoring, crane swing, and tie-back agreements.
- c. The Proponent shall provide confirmation to Metrolinx, that the following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor:
  - o **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.
- d. The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent’s information. The Proponent may contact [David.Tsai@metrolinx.com](mailto:David.Tsai@metrolinx.com) with any questions and to initiate the registration process at their earliest convenience. Wording of the easement is included below and registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).
- e. The Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.

## Craig Dumart

---

**From:** Alexandre Thibault <Alexandre.Thibault@cn.ca> on behalf of Proximity <proximity@cn.ca>  
**Sent:** Tuesday, February 20, 2024 2:16 PM  
**To:** Craig Dumart  
**Subject:** 2024-02-20\_CN comments\_Kitchener\_Circulation for Comment - 236-264 Victoria Street North (OPA/ZBA)  
**Attachments:** Rail Study - Development Viability Report.pdf; department & agency letter-234-264 Victoria Street North.doc

Hello Craig,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is within 1000 meters of CN railway operations including the CN Kitchener-Waterloo Yard's. Also note that the project is abutting a main line which CN has an easement for railway operations. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:

*"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*

- The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a detailed site plan, a noise and vibration study taking into consideration CN development guidelines.

We will review the viability report and the noise report and send further comments on the matter.

Regarding the mainline infrastructure, CN would normally ask for a 30 meters setback with a security berm, or the implementation of a crash wall reviewed by AECOM standards. Since, the right of way abutting the site does not belong to CN, we strongly recommend consulting the appropriate owner for their comments.

Thank you and do not hesitate to contact me with any questions.

Best regards,

**Alexandre Thibault**, B.Sc. Urb

Urbaniste stagiaire / Urban Planner Intern (CN Proximity)  
Planning, Landscape Architecture and Urban Design  
Urbanisme, architecture de paysage et design urbain



E : [proximity@cn.ca](mailto:proximity@cn.ca)  
1600, René-Lévesque Ouest, 11e étage  
Montréal (Québec)  
H3H 1P9 CANADA  
[wsp.com](http://wsp.com)

---

**From:** Craig Dumart <[Craig.Dumart@kitchener.ca](mailto:Craig.Dumart@kitchener.ca)>  
**Sent:** Tuesday, February 13, 2024 9:36 AM  
**To:** Craig Dumart <[Craig.Dumart@kitchener.ca](mailto:Craig.Dumart@kitchener.ca)>  
**Subject:** RE: Circulation for Comment - 236-264 Victoria Street North (OPA/ZBA)

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**AVERTISSEMENT : ce courriel provient d'une source externe au CN : NE CLIQUEZ SUR AUCUN lien ou pièce jointe à moins de reconnaître l'expéditeur**

Good morning,

The commenting due date for comments on this application is today. Will you be providing formal comments? If not we will proceed the rail study is acceptable and that there are no concerns.

Thank you.

**Craig Dumart, BES, MCIP, RPP**  
Senior Planner | Planning Division | City of Kitchener  
(519) 741-2200 ext 7073 | TTY 1-866-969-9994 | [craig.dumart@kitchener.ca](mailto:craig.dumart@kitchener.ca)



## Craig Dumart

---

**From:** Logan Klassen  
**Sent:** Wednesday, March 20, 2024 3:41 PM  
**To:** Craig Dumart  
**Subject:** Support for a Proposed Development!

[You don't often get email from .om. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hi Craig,

I am reaching out because I received some mail today about a proposed development on Victoria Street between St Leger and Margaret.

I just want to let you know that I give my full support to this project. I currently find this area to be a bit of a wasteland. It's a shame that this space is so underused, especially when I think of how close it is to downtown, transit hubs, entertainment, schools etc. To think that it could potentially house 1000+ people while offering mixed use space to the community is fantastic.

The concept drawing looks great and I can't wait to see this come into fruition.

Thanks for sending the public notice.

Logan

Sent from my iPhone

## Craig Dumart

---

**From:** George L  
**Sent:** Tuesday, February 13, 2024 2:04 PM  
**To:** Stacey Lifchits; Scott Davey; Dave Schnider; Jason Deneault; Christine Michaud; Ayo Owodunni; Paul Singh; Bil Ioannidis; Margaret Johnston; Debbie Chapman; Stephanie Stretch; Internet - Council (SM); community@264victoria.com; Craig Dumart  
**Subject:** Community residents in opposition to development at 264 Victoria Street N

It appears similar to someone who previously sent you email, but may not be that person. [Learn why this](#)

[could be a risk](#)

Dear Kitchener City Council,

We implore you to vote against the proposal for 264 Victoria Street N.

As rock climbing enthusiasts and homeowners in the Civic Centre Heritage District, we are strongly displeased with the proposed development.

We believe that our community would be best served first and foremost by guaranteed affordable housing, and secondarily with amenities that encourage community building, leisure, and active living.

Contrary to our top priority, Senior Planner Craig Dumart [informs us](#) that no affordable housing has been offered for this development.

Contrary to our second priority, the proposed development displaces the Grand River Rocks climbing gym, which will be an excellent amenity for our community.

Furthermore, we do not trust the developer to make good use of the land, since the Falco Group's portfolio of projects seems solely to consist of land banking ([projects portfolio](#); [web archive link](#)).

We believe that Victoria Street is an excellent area for amenities such as the climbing gym, and do not believe that it would be well served by the proposed condo, if it will be built at all.

You get to vote for what is best for this community. Please do so by voting against the proposal for 264 Victoria Street N.

Thank you for your time. Please let us know you've received this and how you will vote, and please add my concerns to the official public record.

Sincerely,  
George & Stacey Lifchits

## Craig Dumart

---

**From:** Stephanie Stretch  
**Sent:** Thursday, February 15, 2024 3:31 PM  
**To:**  
**Cc:** Craig Dumart  
**Subject:** FW: Pro 264 Victoria St

Hi Chris,  
Thanks for the email I will pass it on to the planning lead to make sure it is included.

Thank you,

### Stephanie Stretch

Councillor, Ward 10 | Office of the Mayor and Council | City of Kitchener  
519-741-2786 | TTY 1-866-969-9994 | [Stephanie.Stretch@Kitchener.ca](mailto:Stephanie.Stretch@Kitchener.ca)



**Customers can now connect with the City of Kitchener anytime by calling the 24/7 Corporate Contact Centre at 519-741-2345**

---

**From:** Chris Day <  
**Sent:** Monday, February 12, 2024 1:22 PM  
**To:** Stephanie Stretch <Stephanie.Stretch@kitchener.ca>  
**Subject:** Pro 264 Victoria St

You don't often get email from

[arn why this is important](#)

Hi Stephanie,

This website was brought to my attention and I wanted to counter it with a pro development email. I think housing would be a better use of this land. I've seen the proposal and as a resident of the neighbourhood I think it would be a benefit to the area.

<https://www.264victoria.com/>

Cheers,  
Chris

## Craig Dumart

---

**From:** Peter Markin  
**Sent:** Thursday, February 15, 2024 1:19 PM  
**To:** Craig Dumart; asinclair@mhbcplan.com  
**Cc:** Tim Seyler  
**Subject:** 236-264 Victoria

Hi Craig and Andrea,

Hope this email finds you well. I missed the public meeting for 236-264 Victoria. Reaching out to make sure this isn't missed, as I think it's rather important:

Glad to see the redevelopment - it is a great opportunity for much-needed improvements to the Victoria Street "gateway / entrance" into the City from the highway (as in, the public realm is very important here). In this regard, I think it's important to lower the proposed retail storefronts down to grade, flush with the sidewalk. See below sketch. This may cost a bit more (stepped slab / loss of parking below). However, the retail "colonnade" would no longer be required, so the retail storefronts can be pulled a bit closer to the sidewalk, thereby gaining some valuable retail saleable area and making it more valuable per-square-foot - to help offset the cost. The corner would have tall ceilings for a prominent anchor tenant eg. restaurant. Hopefully a win-win compromise.

Thank you,  
Peter Markin

## Craig Dumart

---

**From:** Catherine Owens · :a>  
**Sent:** Tuesday, February 13, 2024 9:21 PM  
**To:** Craig Dumart  
**Cc:** Stephanie Stretch  
**Subject:** development at 236-264 Victoria St N

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o.ca. [Learn why this is important](#)

I attended the online meeting tonight re the project and want to reiterate that this is an ideal spot for intensification – not adjacent to a residential area, on a major arterial road, in an industrial area adjacent to railway tracks. It fulfils the city's needs to meet the Province's building requirements yet diverts another large complex outside the downtown but close enough to be attractive to the new rents/condo owners.

The only additional comment I have is that the developer/the planning firm was evasive about the public amenity space on the site .... there are plans to have amenity space between the two towers ... as a neighbourhood we would like an urban forest/street trees and to ensure that the public amenity space along Victoria is open to the neighbours through a POPS agreement (Privately Owned Public Space) – the developer creates the space and then opens it to the neighbours. The developer hedged on this and indicated it was up to the city/site plan to approve a POPS – this is not true – the developer should offer a POPS and the city then decides how much of a reduction in the development fees is warranted or how the POPS agreement is maintained now or in perpetuity.

There were concerns re the lack of affordable housing and the fact it is outside the Inclusionary Zoning zone determined by the Province (800m of a transit station). The province set the parameters and yes, developers will develop outside the 800 meters and there is nothing we can do about this until the Province changes the rules. Just to reiterate ... I have been a proponent of city wide inclusionary zoning from day one and have repeatedly asked the Region to make IZ city wide.

Residents from the adjacent Olde Berlin Towne neighbourhood wants the build further back from the street ... as this is a "commercial strip" I have no concerns re the setback from the street as long as street trees are included in the front the building.

So in essence, I would rather see intensification on this industrial arterial road than in downtown and think this is a good way to achieve some densification but we must ensure that properties of this size and with this depth of development also adds to the liveability of the neighbourhood through green space and public amenity space.

## Craig Dumart

---

**From:** Stephanie Fritz  
**Sent:** Tuesday, February 6, 2024 2:12 PM  
**To:** Craig Dumart  
**Subject:** 236 Victoria

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Hi Craig,

I'm not able to attend the Feb 13 community meeting about 236 Victoria, so I wanted to pass forward a few thoughts on the project in advance.

I see in the Transportation Impact report that no traffic lights are expected to be needed at Victoria/St Leger. I sincerely hope that this is re-evaluated. Currently, the only nearby pedestrian crossings are at Lancaster and Margaret, which are 550m or an 8-minute walk apart, and there is no buffer between vehicle lane and sidewalk on either side of the road for the length stretch. A lack of safe crossing will cause some people to have to backtrack along Victoria, a notoriously unfriendly place for pedestrians to start, in order to reach the building. This will inevitably lead to people crossing Victoria mid-block across 5 lanes of traffic, in order to save time, get out of the weather, or to reach pedestrian-friendly streets faster (such as St Leger or Ellen). The Transportation Impact report seems to take into account vehicles only, but not the thousands of pedestrians who will inevitably come along with the building. The report also notes that the property has a Walk Score of 83, but makes no mention of the quality of the sidewalks surrounding the building, only that they exist.

In addition, the building has proposed over 1110 square feet of commercial space, which will presumably be appealing to people living in the neighbouring Olde Berlin and Central Frederick areas. Again, these commercial units would benefit from allowing nearby people to cross Victoria safely to reach those stores, restaurants and offices without needing to bring a car and increasing demand for in-podium parking.

236 Victoria proposes a pedestrian court directly across from Ellen Street. This could be a shared community space with existing neighbours, but only if it is safe to reach on foot. I would also ask that the developer consider adding some trees, shrubs or other visual barrier between the pedestrian court and the driveway access, to make that public plaza more appealing to linger in. The noise and fumes from constant vehicle traffic (both from the driveway and the loading docks) will absolutely degrade the quality of that space. They have done this already with the landscaping and trees along the Victoria side of the plaza, and I hope that they wrap that landscaping up along the driveway.

I also have concerns about the retaining wall at the front of the property that will create a very narrow walking space along Victoria Street. From what I can see, the sidewalk will be tightly constrained between vehicle traffic and this wall. This leaves no space for people to pass by one another (for example, trying to get two strollers by one another), and leaves pedestrians vulnerable to being splashed by cars, or being left with little walking space in the event that snow gets pushed off the road and directly onto the sidewalk. I can't imagine people wanting to walk in those conditions, and I would hazard that the developer might see more traffic generated by their building than expected, as people choose to drive instead of walk in such an inhospitable space.

For a building that is declaring itself to be pedestrian- and cyclist-friendly, I truly think they are not doing a great job of considering how this building will directly link with the surrounding area. It is difficult to tell from the floorplans and renders, but I don't see a ramp/accessible link to the St Leger corner to reach the storefronts. It appears as if someone with a stroller, wheelchair or bike would have to continue down Victoria to the central access point and then backtrack to reach a commercial unit they have passed by. I understand that the terrain poses a challenge, but accessible

pedestrian routes really should be revisited. Again, allowing space for the Victoria St sidewalk to be stepped back from the vehicle lanes would be a huge improvement.

I would also like to get some clarification on the commercial units and what types of businesses they intend to have in this space. Looking at the ground floor floorplan, I am very confused at how access will work, particularly to the units on the Margaret Ave side. There is no direct street access pictured in the floorplans or the renders, and the connected hallways only seem to lead to a loading dock or the driveway access point. It just feels like such an odd decision. The units on the St Leger side appear to make more sense; they at least have the option for outdoor access along the covered walkway pictured, although those access points have not actually been rendered out.

I am generally thrilled to see something so sizeable go into this space, which has been wildly under-utilized for decades, and I hope that this is the start of further development all down Victoria towards the highway (I know that the lot at 480 Victoria StN is currently for sale and could see a similar development). But if we're going to allow these residential buildings to go up, then we really need to make a concerted effort to improve walkability and pedestrian connectivity along Victoria Street. I used to walk along Victoria St as a kid, to attend Margaret Ave School, and it was a terrible experience even on the nicest days. As an adult, I avoid walking on Victoria to the point where I drive to places that I absolutely could walk to (Mei King, A Body in Motion, Falls Road Pub, and the former Descendents), as I find the walk along Victoria to be loud, smelly and dangerous.

I know that not everything listed here falls to the developer, but I do hope that the city and region (I know that Victoria is a regional road) reconsider the Victoria streetscape at least between Lancaster and Margaret, if not further along in both directions, to help support this development in our community.

Thanks for your time,  
Stephanie Fritz

## Craig Dumart

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**From:** HenryBaulier  
**Sent:** Sunday, February 4, 2024 9:14 AM  
**To:** Craig Dumart  
**Subject:** Proposed development across from ellen/victoria

[You don't often get email from <https://aka.ms/LearnAboutSenderIdentification> ] m. Learn why this is important at

Hello Craig,

I am contacting you regarding the development proposal across from Ellen st & Victoria.

I am the owner of the property on the corner of [\[redacted\]](#) consisting of a single family home on victoria st & 3 townhomes fronting on Ellen st.

While it is no news to me that development on victoria is in the city's agenda, and it seems logical to me considering the direct access to highway 8, but i have two concerns: the proper management of the increase in the flow of traffic, and managing noise pollution.

1) will there be a light added to Ellen/Victoria crossing , would seem logical to have a single entry/exit aligned with ellen st, considering the added traffic this will bring.

2) with the very large amount of residences that is proposed, it seems imperative to have a large grocery store integrated into the build to limit any unnecessary travel. the proposal call for mixed use, but from my experience in this type of zoning , (64 Margaret across the street, they have made the choice to only have residences despite the intent to have shops in the ground level) can it be a mandatory stipulation?

3) using trees, to dampen sounds echoing from building from the busy road, is there plans to have trees planted on the side of the road?

Regards,

Henry Baulier

## Craig Dumart

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**From:** Hal Jaeger  
**Sent:** Thursday, January 18, 2024 1:45 AM  
**To:** Craig Dumart  
**Subject:** RE: 236-264 Victoria St N

Thank you for the answers, Craig,

Hal

Hal Jaeger

---

**From:** Craig Dumart <Craig.Dumart@kitchener.ca>  
**Sent:** January 17, 2024 12:05 PM  
**To:** 'Hal Jaeger'  
**Subject:** RE: 236-264 Victoria St N

Hi Hal,

I have responded in **Red** below.

Craig

---

**From:** Hal Jaeger  
**Sent:** Tuesday, January 16, 2024 6:17 PM  
**To:** Craig Dumart <[Craig.Dumart@kitchener.ca](mailto:Craig.Dumart@kitchener.ca)>  
**Subject:** RE: 236-264 Victoria St N

Thank you, Craig, for offering to provide more information in advance of the neighbourhood meeting/comment deadline. I have some basic questions.

1. Is the application complete? As of what date?

**December 20, 2023**

2. Does Planning Staff believe that the site's MIX-2 zoning is no longer in compliance with the OP, ROP, PPS, Growth Plan or other legislation? If so, what changes are required to gain compliance?

**Staff will make a planning recommendation to council this spring.**

3. Does Planning Staff believe that the site's MIX-2 zoning no longer constitutes "good planning"? If so, what changes are required to meet "good planning" standards?

Staff will make a planning recommendation to council this spring.

4. Is the proposal for condominiums or rentals?

The tenure of the development has not be decided nor does it have any impacts on a Planning Recommendation.

5. How much affordable housing is being offered? At what pricing? For what time period? Are any offered affordable rental units to be subject to rent control?

At this time , none.

6. Do the setbacks proposed for SGA-3 & SGA-4 zoning seem appropriate for this site? Why or why not?

The subject lands are not within the growing together project and SGA zones will not be considered for this site at this time.

7. Is the application seeking a parkland dedication (POPS) credit for the “plaza”?

At this time , Parkland dedication will be taken in the form of cash in lieu through the site plan process.

8. What is the approximate infrastructure and park space cost (to achieve at least 4 sq m/person of park space) of the additional units/floor space beyond the MIX-2 zoning limits to the City and Region?

At this time , Parkland dedication will be taken in the form of cash in lieu through the Site Plan process.

9. What are the approximate charges collectible by the City and Region on the additional units beyond the limits of the MIX-2 zoning?

Please contact the building division for development charge inquiries @ [building@kitchener.ca](mailto:building@kitchener.ca) .

10. In the event of development charge and parkland dedication losses, is the City proposing a Special Levy on the new units to recuperate the costs over time, without applying additional burden to the developer?

Please contact the building division for development charge inquiries @ [building@kitchener.ca](mailto:building@kitchener.ca) . Parkland dedication will be taken in accordance with the Planning Act through the Site Plan process.

11. Is staff limited to recommending a) acceptance or b) rejection of the proposal? If not, what other options are at staff's disposal?

A Council decision must be made within 120 days of the complete application being submitted (March 25 PSIC, April 8<sup>th</sup> Council).

I would appreciate answers as soon as you are able, even if the answers come back over a few replies.

## Craig Dumart

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**From:** Kait Sullivan  
**Sent:** Wednesday, January 17, 2024 6:19 PM  
**To:** Craig Dumart  
**Subject:** 236-264 Victoria St North

[You don't often get email from kait.sullivan@rothman.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hi Craig!

Just touching base about the proposal for the land on 236-264 Victoria Street North.

I, along with many other climbers, much rather a climbing gym there (as Grand River Rocks was planning to move into the old LA Fitness building).

I think instead of developing all new buildings, we should use the buildings we have in place already. A climbing gym would bring tourism to that area/downtown Kitchener, promoting the services there too.

Thanks for taking my opinion into mind.

Kait Sullivan

**From:** Ellie Ponders · ...  
**Sent:** Tuesday, January 16, 2024 5:28 PM  
**To:** Internet - Council (SM) <[council@kitchener.ca](mailto:council@kitchener.ca)>; Craig Dumart <[Craig.Dumart@kitchener.ca](mailto:Craig.Dumart@kitchener.ca)>  
**Subject:** Concerns about development at 236-264 Victoria St N

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Hi Mr. Dumart and Ms. Stretch,

I received a notice today about potential development at 236-264 Victoria Street North. I live at

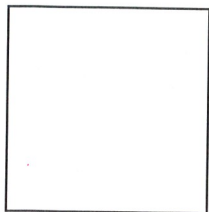
I was surprised and disappointed by this news. In 2023, my climbing gym, Grand River Rocks, announced that it would be relocating to the old LA Fitness building at 264 Victoria St. They're being forced to move because their current building is being replaced by a 57 storey tower.

I'm in favour of adding more housing to KW. In this case, I think that a popular climbing gym provides more value to the community than another tower. And given the building requirements for this sort of gym, it's hard to find a suitable space (perhaps harder than finding another stretch of parking lots and disused buildings that can be developed into a tower).

I hope the Planning Committee and City Council will reject this proposed development or consider it only if it still allows for this recreation facility to exist.

Thank you,

Ellie Ponders



From: Em Ponders •

Sent: Tuesday, January 16, 2024 8:32 PM

To: Internet - Council (SM) <[council@kitchener.ca](mailto:council@kitchener.ca)>; Craig Dumart <[Craig.Dumart@kitchener.ca](mailto:Craig.Dumart@kitchener.ca)>

Subject: re: 236-264 Victoria Street North

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Dear neighbors I have not yet met,

Call me about this at \_\_\_\_\_, please, I'd like to bring  
you a coffee and meet you.

I want to thank you for doing what you do to manage Kitchener.  
The lights are on, plumbing is working, all the new bike  
infrastructure and gathering spaces like the Vogulsang green  
are fantastic.

Regarding 236-264 Victoria Street North

I am writing because I want to help make sure that any  
development that happens is done in a way that leads to higher  
welfare for current and future residents.

Housing is good, but big towers, little meeting space, and lots  
of cars make for a shitty isolating city. You probably hear this

alot. Development is scary because is scary. I am writing because if this change is going to happen, I hope that it can happen in a way that something beautiful springs out of it.

That being said, my strong strong preference is let the climbing gym be there forever and transition all the 99.99% empty parking lots into green space (or tax corporate landlords more appropriately).

This neighbourhood needs green space. Climbing gyms. Community spaces. Space for charities. Space for non-commercial gathering.

Raise our taxes. Do what ever you can to make it a beautiful city we want to live, work, raise a family, and die a happy death in.

I'm assuming there is a really cool city councillor who cares deeply that I can put my support behind. I canvased and campaigned for Mike Morrice. Know that if you are on council pushing for things like greenspace and community space I am eager to support you.

With love (and a wife who is very worried about this new tower, a wife who I am scared of occasionally, but who I love deeply enough to keep showing up to meetings about this tower!)

Em!

PS - My last city councillor didn't respond to my message but I am really hoping to meet the current one and see if I can do anything to help them make the community a better place.

Your friend, Em Ponders

Learn more about me a



Call me without notice

## Craig Dumart

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**From:** Brandon Berchtold  
**Sent:** Wednesday, January 17, 2024 9:46 AM  
**To:** Craig Dumart; Internet - Council (SM)  
**Subject:** Proposed highrise on 236-264 Victoria Street North

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Hi,

Kitchener and Waterloo have a housing supply shortage but the solution is not to block out core community hubs in exchange for more luxury condos.

Grand River Rocks has been a core part of the Kitchener and Waterloo community. Tens of thousands of people go there monthly.

The location at 50 Borde Ave. S. Is being torn down for condos, so since last year they had a lease signed for 236-264 Victoria Street N with the intent to move in this year.

Now 236-264 Victoria St. N is being turned into condos. Kitchener is forcing Grand River Rocks out of existence and making the city objectively a worse place to live by killing one of the largest community hubs. THIS MUST NOT BE ALLOWED TO HAPPEN. Solving to housing crisis is important but not at the cost of making Kitchener an urban hellscape devoid of any community centers.

Please do not let the developers rob Kitchener of one of its greatest creators of community!!

Regards,  
Brandon

## Craig Dumart

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**From:** Mike Cieplak  
**Sent:** Tuesday, January 16, 2024 5:39 PM  
**To:** Stephanie Stretch; Craig Dumart  
**Subject:** 264 Victoria St N (please disregard previous email)

You don't often get email from [mike@grandriverrocks.com](mailto:mike@grandriverrocks.com). [Learn why this is important](#)

Hello Stephanie and Craig

First off congratulations Stephanie on your new position as ward 10 city councilor. We wish you many years of success.

I would like to introduce myself. My name is Mike Cieplak, I am one of the owners of Grand River Rocks. Grand River Rocks is an indoor rock climbing facility that has been a part of the Kitchener community for over 13 years now. We are currently in the process of moving our facility from 50 Broden Ave to 264 Victoria St N, due to condo development at 50 Borden. This was sad news that we had to move, however, we saw it as an opportunity to upgrade our facility and move to a more modern building. So once 264 Victoria came up for lease we jumped on it.

However, we have just learned that the landlords have applied for zoning and development changes. This is very concerning to us. Not only was this information hidden from us during the lease negotiations, but now we are at risk of losing this location to condo development again. Aside from the major financial burden this would cause us, it would also be severely damaging for the community of approx 4000 members, and 70 staff we have built up over the last 13 years. Over the years we believe to have become a pillar in the Kitchener community, through support for community programs such as Ray of Hope, many local elementary and high schools, paralympic athlete training, multiple mom groups, and many others. We are also a great facility for birthday parties, team building, and social engagement for our patrons.

I am writing you because I strongly oppose this proposed development. Yes, I do have a bias, however, I am certain that the community would prefer to have a local business, run and staffed by local Kitchener residents rather than another condo development by a Toronto development firm.

Thank you for your time

Mike Cieplak  
Grand River Rocks/Go Bananas

## Craig Dumart

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**From:** Christoff le Roux  
**Sent:** Tuesday, January 16, 2024 4:06 PM  
**To:** Stephanie Stretch; Craig Dumart  
**Subject:** 264 Victoria Street North Development/Grand River Rocks

Hi Stephanie and Craig,

My name is Christoff le Roux. I am part owner of Kitchener's indoor climbing gym, Grand River Rocks. We are currently located at 50 Borden Ave South. Last year, we got news that our current building is slated to become a high-rise condo building. At first, this was terrible news. We have been in the city since 2011 and have a strong foothold in the community. But then we saw that the old LA Fitness building at 264 Victoria Street North was up for lease. It's the perfect fit for our business, right in the city's heart. We signed the lease and started plans to relocate.

Fast forward to last week, when we discovered that 264 Victoria Street North is being considered for another high-rise condo building. Neither our real estate agent nor the landlord let us know this was the plan before we signed the lease. This news is devastating to this city's climbing community. Our community and the team at GRR would like to let the city know that we feel like this city would benefit more from a world-class indoor climbing facility than another high-rise condo building.

We are a small business and cannot afford to break this lease. There is a good chance that if this development is allowed, Kitchener will no longer have a climbing gym.

Let me know if you want to discuss or check out the climbing community.

Thank you for your time.

--

Regards,  
Christoff le Roux

l c.

## Craig Dumart

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**From:** Christina S  
**Sent:** Tuesday, January 16, 2024 1:50 PM  
**To:** Craig Dumart; Internet - Council (SM)  
**Subject:** 236-264 Victoria St North - Feedback

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Hi Craig,

I received the brochure for the proposed development on Victoria St North. I should start by saying, that any development is welcomed.

But what I've seen as a single mom who wants to offer her kids a nice place to live without breaking the bank (whether to rent or buy), is that a lot of these constructions are not family-oriented and a lot of quality lacks. For several reasons:

1. Why are buildings offering more single-bedroom (or plus den) spaces and not more family options? If we truly want to have more density, then we need to make living area possible for families too. So many people come by our building looking for 3-bedroom apartments with no luck. Facebook is littered with requests of families who can't afford to buy a home yet, but can't find a 3-bedroom apartment either.
2. Small cramped spaces - a bedroom 9X9 for the kids...barely fits a bed and a desk. These kids aren't always going to sleep in a crib. They do eventually grow up and need more space.
3. No storage space - the current rental apartment I live in, has a massive closet in every room. From the floor to the ceiling. That's a space I can work with. I can have their clothes and any season stuff tucked at the top. In addition, there is a large hallway closet that allows me to put things we don't use every day but that we need; Christmas decoration boxes, toolbox, air conditioning unit (when it's winter) or heater (when it's summer). I wish it was more of a room so we could store bigger ticket items like bikes, and sleds, but at least it's something. A lot of the new construction barely has a useful closet for clothing let any consideration given for other things that are needed in a household but not used daily/every season.
4. Paper-thin walls. A friend's newly condo has such paper-thin walls, that there are neighbor disputes regularly. I mean, in 2024, is that something we need to incur? And if construction is not considerate for the quality of life of people, is the construction off quality at all?
5. Parking space...I get that we are trying to encourage people to get public transportation. And I am sure 100% that people who live downtown do that (i see that daily with all the parents at the schools) but even they own at least 1 car for the longer errands or trips that they have to get to. The reality is that the downtown core lacks a lot of services and if they do exist they are so expensive it's not affordable. You can't get it all in a 15-minute walk. So going without a car is not an option when an hour bus ride to the other side of town is the alternative,.
6. Often there is no consideration given for green space nearby. This construction will be on the main road. Is there something behind the building away from the high traffic for them to reach easily and safely? Can the building itself offer some of that green space/community space?

I could go on, but I think those are sufficient examples of what I'm trying to relay. We don't just want to meet "density" without consideration of quality of life. Families (and not just families but even individuals or couples starting off) need a place to go to. But they also need it to meet their needs.

Christina

## Craig Dumart

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**From:** P Labatt  
**Sent:** Monday, February 12, 2024 7:44 PM  
**To:** Craig Dumart  
**Subject:** Proposed development 236-264 Victoria ST. N

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n. [Learn why this is important](#)

As sent to Ward 10 Councillor

"Nothing like building a housing complex metres from an active railway and railyard sandwiched between the 3 Joseph and Son's scrap yards on the fringe of a chemical valley along Lancaster Street. The city has NO control over CN so I wonder if built, how these residents will enjoy the rail engines idling for hours, the train cars being slammed together, the never-ending dust from the sand and gravel of the junkyards and how an overcrowded bus system can accommodate this development let alone the traffic. It is the worst place to build such a complex on the Victoria St N corridor.

I live at \_\_\_\_\_ and know the dangers of living in this area. No air monitoring in the air for escaping gas or chemicals from a leak or disaster in the railyard. The endless trains in the middle of the night. The dirt from Joseph and Sons. I watch the discharge of plumes each morning and evening from the chemical factories on Lancaster St.

How Joseph and Sons managed to proceed with their redevelopment with no public consultation I will never know.

I will miss the sun if this development is built. I will hate the added traffic and ST. Ledger sT is not equipped for this traffic.

As no residential building is built along Victoria ST. N on the NW side, it should tell planners this is not a good idea. Beyond the Margaret St Bridge, ti is different, but where the proposal is, a disaster waiting to happen.

If a development is to be approved, I would not object to a slight increase in density but at a height no higher than 6 floors. This is a safety issue, a quality of life issue for the future residents and not suitable for this parcel of land."

Regards,  
Paul Labatte

**Address and Telephone number NOT for publication**

## Craig Dumart

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**From:** Stephanie Stretch  
**Sent:** Thursday, February 15, 2024 3:29 PM  
**To:** Craig Dumart  
**Subject:** FW: 264 Victoria Street Development

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**From:** Carl Rodrigue  
**Sent:** Monday, February 12, 2024 1:37 PM  
**To:** Scott Davey <Scott.Davey@kitchener.ca>; Dave Schnider <Dave.Schnider@kitchener.ca>; Jason Deneault <Jason.Deneault@kitchener.ca>; Christine Michaud <Christine.Michaud@kitchener.ca>; Ayo Owodunni <Ayo.Owodunni@kitchener.ca>; Paul Singh <Paul.Singh@kitchener.ca>; Bil Ioannidis <Bil.Ioannidis@kitchener.ca>; Margaret Johnston <Margaret.Johnston@kitchener.ca>; Debbie Chapman <Debbie.Chapman@kitchener.ca>; Stephanie Stretch <Stephanie.Stretch@kitchener.ca>; Internet - Council (SM) <council@kitchener.ca>  
**Cc:**  
**Subject:** 264 Victoria Street Development

Certaines personnes qui ont reçu ce courrier ne reçoivent pas souvent du courrier de la part d  
[pourquoi cela est important](#)

[om. Découvrez](#)

Dear Kitchener City Council,

I have learned that you will soon be deciding whether another commuter condo should replace our city's climbing gym.

As a new-ish citizen of Kitchener, I am greatly concerned about this initiative. It would displace a very important establishment that promotes healthy behavior and community-building in the city. I believe there are better options to build more (affordable) housing in other locations. Please don't allow developers to endanger this gym.

Thank you for taking the time to reconsider this proposition. Please add my concerns to the official public record.

Respectfully yours,

Carl Rodrigue

## Craig Dumart

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**From:** Katy Robinson  
**Sent:** Wednesday, February 7, 2024 4:49 PM  
**To:** Craig Dumart  
**Subject:** 236 Victoria Street Development ZBA24/001/V/CD - Fact-check?

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Good afternoon Craig,

I am writing with respect to the following development application:

**Address:** 236 VICTORIA ST N

**Application Number:** ZBA24/001/V/CD (cross-reference: OPA24/001/V/CD)

**Application Type:** Zoning By-Law Amendment

I have a degree in Civil Engineering and I worked for 4 years as a project coordinator for a local residential developer. I have been a member at Grand River Rocks for 10 years and I really and truly love my gym. I also understand the need for higher-density housing as the demand in this community continues to grow.

As far as I've been able to discern, these are the facts:

1. The current location, 50 Borden Avenue South, is being redeveloped (OPA23/004/B/KA, cross-reference ZBA23/008/B/KA), you are listed as the point of contact for this application as well.
2. Grand River Rocks was forced to relocate. In mid-2023 they signed a lease for the former LA Fitness building located at 264 Victoria Street North. The intention was to move to the new location in June 2024, the interior fit-out is in progress.
3. The new location is now being redeveloped. Grand River Rocks is being forced to relocate a second time.

Given my work experience, I want to make sure I understand the facts, as well as the process involved with this proposal. Would you be able to answer the following questions, or point me in the appropriate direction to find the answers?

1. Is the above information correct?
2. Can you explain the process for forcing relocation? My assumption is that a developer approaches the City with a proposal. If the City wants to move forward with the development, you then leverage some policy/procedure to the property owner to enforce eviction of any existing tenants. I'm curious if I could learn more about what this policy/procedure is?
3. What are the damages to the tenant(s)? How would that tenant be compensated, if at all, for said damages?
4. Does the City have any process or plan to support businesses that are being displaced for re-development?

I would really appreciate it if you could help me get the facts straight. I'm very invested in the outcome of this application and I would like to have an informed perspective before jumping to conclusions.

Have a great day,

--

Katy Robinson

## Craig Dumart

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**From:** Monica Weber  
**Sent:** Wednesday, February 14, 2024 11:25 PM  
**To:** Craig Dumart  
**Subject:** 236 Victoria St.

[You don't often get email from <https://aka.ms/LearnAboutSenderIdentification> ]

Hi Craig,  
I'm a home owner and resident at  
I couldn't make the meeting last evening, as I had to work late.

I have some comments I wanted to submit.

Concerns include:  
Lack of parking and green space, and walkable services like: grocery, pharmacy.

My home is in OBT heritage conservation district, and I'm obligated to maintain and conduct any upgrades to our home according to the high specifications of the heritage conservation committee, and at a high cost. In order for this investment to hold value, we need the proposed intensification projects that border our neighbourhood to be attractive, add to our street scape and be complimentary to the existing homes. In a sense, the street scape in our OBT neighbourhood is now parkland that will add to the value of settings of these new buildings. Please insure this relationship is mutual and neighbourly.

Please develop more multi use trails that more quickly access the river trails from this part of town.

If projects this size continue to be added to the community with no more public green spaces, public squares, no more services: it will feel like a ghetto.

how these developers insure these units will hold value, and not become undesirable And these units age?

When will this project be complete?

And how can we be sure that it can be completed in a timely way- how will this build affect traffic along Victoria? How can the is be mitigated?

Street Parking on St.Leger is already limited and overburdened. What's the plan for visitor parking at this building?

This building will create a wind eddy and shadow out the sun.

We will no longer be able to see the sunset from our home. The quality of light in my home and garden will be diminished by this 40 storey complex. This is a very high building for this space.

Traffic and exits and entrances to this narrow complex- Victoria is already busy- and the railway crossing is involved on the other side.

Will there be a traffic light on StLeger + Victoria?

Could we widen the sidewalk/ bike on Victoria for a on that same side as this new complex?

It's quite a walk to a grocery store from this development. There will be many folks moving here reliant on public transport. We need affordable food, pharmacy.

## Craig Dumart

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**From:** Peggy Nickels  
**Sent:** Wednesday, February 14, 2024 7:23 PM  
**To:** Craig Dumart  
**Cc:** Hal Jaeger; leslie.selway leslie.selway; Chanel Cressman; Debbie Chapman; Stephanie Stretch; Tim Donegani  
**Subject:** 236-264 Victoria St N OPA/ZBA application.

Hello Craig,

I'm a resident of Victoria Park, so you may not think that the application for 236-264 Victoria St N OPA/ZBA application would be of interest to me, but it is! I support intensification but it needs to be done in a way that meets the needs of our citizens and our City in the long term.

First, I'm happy with the location of this development. It seems to me that this area and side of Victoria Street is appropriate for the kind of intensification proposed. I have two concerns with the proposed development:

1. First and foremost, I'm extremely disappointed that the developer is not including any affordable units. I understand that the development is outside of the PMTSA area in which inclusionary zoning is proposed for developments over 50 units, which this one certainly is (1076 one and two bedroom units). Given that the City is currently struggling with an inadequate supply of affordable homes, this is a great opportunity to help address that. If the developer is requesting Official Plan and Zoning By-law amendments, I believe the City should call on them to provide some affordable units in exchange. I also ask that you encourage them to provide some larger units to accommodate larger household sizes, such as families and those that want to co-locate in order to afford a decent place to live.
2. Second, this stretch of Victoria Street is currently very pedestrian-unfriendly, with no greenery or trees. This is your chance to change that! If this area is to become more residential, it's essential to require additional setbacks (at least 3 meters), tree canopy, and natural landscaping. Please encourage the developer to work with the urban design guidelines to ensure that this happens. Not only will greenery and trees encourage walkability, but they will also help to offset the heat island effect and rain water runoff of additional pavement and intensive development.

Thank you for your consideration,

Peggy Nickels

## Craig Dumart

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**From:** Donna  
**Sent:** Wednesday, February 14, 2024 12:08 AM  
**To:** Craig Dumart  
**Subject:** 236-264 VICTORIA ST N - Application ZBA24/001/V/CD and OPA24/001/V/CD

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ca. [Learn why this is important](#)

Craig Dumart  
City of Kitchener

February 13, 2024

Hello Craig,

**RE: 236-264 VICTORIA ST N**

Application ZBA24/001/V/CD and OPA24/001/V/CD seeking Official Plan Amendment and Zoning Amendment for a mixed-use development.

Thank you for the opportunity to comment on this proposal.

We need more parks and trees in the central areas of Kitchener.

Given the complex's close proximity of the railway and the traffic Victoria Street, what safety features will be provided for families and children? With the prospect over a thousand new residents along an extremely busy street, where will families go for parks and green space. The limited parks nearby will not be able to accommodate vast number of people who are being encourage to walk or cycle. Does the large proposed amenities space provide any green area or is it concrete?

There appears to be parking on several levels above ground. How high are the parking floors above ground level? Are they visible from both Victoria Street and St. Leger?

The proposed complex is a huge footprint on the site leaving virtually no land for trees and green space. The site is zoned for 8 stories, but the applicant is proposing several 18 storeys to 40 storeys.

If the proposed height is permitted to proceed, the streetscape along Victoria Street will be extremely unbalanced next to the lower rise heritage area located on the opposite side of Victoria. The contrast is excessive with the proposed high-rise building.

In addition, I have questions about possible privacy concerns regarding the overlook from units in the new building onto the much lower properties across the street.

What will be done to mitigate the predicted adverse winds conditions and ensure pedestrian safety?

Icy conditions in winter will be a hazard for pedestrians and vehicle traffic at the extremely busy corner of Victoria and Margaret and along St. Leger.

The Wind Study study identified

- "uncomfortable wind conditions in the pedestrian areas at and above grade."
- The "possible safety exceedance expected near the area on the south side of Tower B during the colder months."

- "Increased wind speeds are anticipated in the winter, especially around Tower B, where the safety criterion may also be exceeded."
- Winds on the "the south side of Tower B" . . . are "expected to occur on the street away from pedestrian area".

Page 41 of the HIA notes "The proposed development will use materials which are found throughout the Civic Centre Neighbourhood to provide for an attuned design." I appreciate the applicant's willingness to use attuned materials and design. When will this be presented and discussed by Heritage Kitchener?

The potential 1076 residential units will place a huge burden on Victoria Street and the surrounding neighbourhoods.

Thank you for considering my submission.

Donna Kuehl

## Craig Dumart

---

**From:** Stephanie Stretch  
**Sent:** Thursday, February 15, 2024 3:17 PM  
**To:** Craig Dumart  
**Subject:** FW: Proposed development 236-264 Victoria St. N

-----Original Message-----

From: noreply@kitchener.ca <noreply@kitchener.ca>  
Sent: Monday, February 12, 2024 7:40 PM  
To: Stephanie Stretch <Stephanie.Stretch@kitchener.ca>  
Subject: Proposed development 236-264 Victoria St. N

Email Sent By m

Nothing like building a housing complex metres from an active railway and railyard sandwiched between the 3 Joseph and Son's scrap yards on the fringe of a chemical valley along Lancaster Street. The city has NO control over CN so I wonder if built, how these residents will enjoy the rail engines idling for hours, the train cars being slammed together, the never-ending dust from the sand and gravel of the junkyards and how an overcrowded bus system can accommodate this development let alone the traffic. It is the worst place to build such a complex on the Victoria St N corridor.

I live at 175 @ueen St. North and know the dangers of living in this area. No air monitoring in the air for escaping gas or chemicals from a leak or disaster in the railyard. The endless trains in the middle of the night. The dirt from Joseph and Sons. I watch the discharge of plumes each morning and evening from the chemical factories on Lancaster St.

How Joseph and Sons managed to proceed with their redevelopment with no public consultation I will never know.

I will miss the sun if this development is built. I will hate the added traffic and ST. Ledger sT is not equipped for this traffic.

As no residential building is built along Victoria ST. N on the NW side, it should tell planners this is not a good idea. Beyond the Margaret St Bridge, ti is different, but where the proposal is, a disaster waiting to happen.

If a development is to be approved, I would not object to a slight increase in density but at a height no higher than 6 floors. This is a safety issue, a quality of life issue for the future residents and not suitable for this parcel of land.

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## Craig Dumart

---

**From:** Stephanie Stretch  
**Sent:** Thursday, February 15, 2024 3:25 PM  
**To:**  
**Cc:** Craig Dumart  
**Subject:** RE: 264 Victoria Street Proposal

Hi Imtiaz,

Thanks for your thoughtful email. One thing is clear the Grand River Rocks community is a strong one. I'm so encouraged to know you found community here.

Thanks for personally expressing how special this place is for you.

### Stephanie Stretch

Councillor, Ward 10 | Office of the Mayor and Council | City of Kitchener  
519-741-2786 | TTY 1-866-969-9994 | [Stephanie.Stretch@Kitchener.ca](mailto:Stephanie.Stretch@Kitchener.ca)



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---

**From:** Imtiaz Hussain  
**Sent:** Monday, February 12, 2024 4:10 PM  
**To:** Scott Davey <Scott.Davey@kitchener.ca>; Dave Schnider <Dave.Schnider@kitchener.ca>; Jason Deneault <Jason.Deneault@kitchener.ca>; Christine Michaud <Christine.Michaud@kitchener.ca>; Ayo Owodunni <Ayo.Owodunni@kitchener.ca>; Paul Singh <Paul.Singh@kitchener.ca>; Bil Ioannidis <Bil.ioannidis@kitchener.ca>; Margaret Johnston <Margaret.Johnston@kitchener.ca>; Debbie Chapman <Debbie.Chapman@kitchener.ca>; Stephanie Stretch <Stephanie.Stretch@kitchener.ca>; Internet - Council (SM) <council@kitchener.ca>;

**Subject:** 264 Victoria Street Proposal

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Dear Kitchener City Council,

Let me begin by acknowledging that you have been receiving the same form email multiple times, and the response to those emails have been of the same form as well. This email contains my personal thoughts, so I hope not to receive the same form email reply.

It is difficult for me to phrase my thoughts concisely, because I do not know to what extent each council member is aware of the ubiquity of rock climbing as a sport, and as a way of life. So I ask that you bear with me, and I apologize in advance for what will likely be a lengthy email.

My name is Imtiaz Hussain. I am 30 years old, I grew up in Toronto, and I have been a resident of KW since I was 18. If I had to pick a single thing that has kept me living in this area for the last 12 years, it would be Grand River Rocks. I discovered climbing in my early 20's, and as a kid who was bullied often and had issues with self-image growing up, rock climbing has had a radically positive impact on my life. I had always struggled with sports, and just remaining physically active in general, my entire life. Rock climbing was the first form of exercise that I found I could excel at, and enjoy as a skinny kid. It gave me more confidence in my physical appearance, and has kept me physically active for most of my adult life.

Growing up, my dream was to become a pilot. First for the RCAF, but as a skinny 17 year old kid with glasses, I was told that would not be possible. I then decided to apply to the Science and Aviation program at UW and focus on becoming a commercial pilot instead. But because of the financial burden that would have placed on my family, I decided not to accept my offer into the program. It had been the most gut-wrenching decision of my life by that point, and I instead went on to study physics at UW. I graduated with a B.Sc in 2016, but I never fully felt like I fit in with my classmates, because I knew deep down that it was not my passion. It was mostly a secondary option that I just happened to be good at. Shortly after graduating, I started rock climbing at GRR, and it would slowly go on to consume most of my free time, and become the thing my life revolved around. When the COVID-19 lockdowns happened, my mental health deteriorated, and it slowly became clear to me that rock climbing had filled a void in my life that I had been carrying (which I hadn't been consciously aware of until then) since high school. Whenever the gym was able to reopen between lockdowns, I spent most of my free time there, since I had been laid off due to the pandemic. I slowly started making more and more close friends, continued to remain active, and my access to rock climbing has helped me slowly put together a life I can feel proud of.

There are few people with whom I have shared what is basically my life's story. But I feel compelled to tell you all of it, because if you approve this project, you are essentially saying to me that all of the hard work and mental anguish I have endured, just to find my place in the world, has been for naught. And not just for me, but for so many other members of this community. Grand River Rocks, the community and the friendships that have been cultivated here, are a safe space for so many people. And not just for adults, but for so many of our youth as well. I have been an employee of GRR as a youth program coach (among other roles) for almost 2 years now. I have coached countless kids who have discovered rock climbing at a young age, have absolutely loved it, and have continued to climb as they grow up. I have been told by so many of my kids that they love being at the climbing gym way more than being at school, where they get bullied. But at the climbing gym, as part of our youth program, they never feel afraid to just be themselves, because they know their coaches are there for them, not just to help them become better climbers, but to help them find confidence in themselves. By approving this project, you are also eliminating an avenue for so many youth to cultivate an identity and a community for themselves.

There is not a lot of money in the climbing industry. It is significantly harder to build a climbing gym from the ground up than to build affordable housing on any nearby vacant lot by a private developer. We were just fortunate enough that the building at 264 Victoria Street was vacant and available to lease, when our current occupancy at 50 Borden St was given an expiry date. If this project is approved, and we are forced to try and relocate again, we risk going out of business if we cannot find a suitable location. Which means those of us who have found a career here will lose their livelihood. It means the KW climbing community loses the space that keeps it together. It means more kids grow up without a safe space to learn how to cope with their anxiety and self-esteem issues. It means that everyone in this community who relies on climbing to help with their mental and physical health, has to essentially start back at square one. Only you have the power to not let that happen.

Thank you for your time, and I look forward to your reply.

Sincerely,  
Imtiaz Hussain

## Craig Dumart

---

**From:** Stephanie Stretch  
**Sent:** Thursday, February 15, 2024 3:34 PM  
**To:** Josué Kurke  
**Cc:** Craig Dumart  
**Subject:** RE: 264 Victoria Street Development

Hi Josue,  
Thanks for the email. My family and I do climb at Grand River Rock. I am away of the strong community that exists there.

Thanks,

### Stephanie Stretch

Councillor, Ward 10 | Office of the Mayor and Council | City of Kitchener  
519-741-2786 | TTY 1-866-969-9994 | [Stephanie.Stretch@Kitchener.ca](mailto:Stephanie.Stretch@Kitchener.ca)



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---

**From:** Josué Kurke  
**Sent:** Monday, February 12, 2024 12:28 PM  
**To:** Scott Davey <Scott.Davey@kitchener.ca>; Dave Schnider <Dave.Schnider@kitchener.ca>; Jason Deneault <Jason.Deneault@kitchener.ca>; Christine Michaud <Christine.Michaud@kitchener.ca>; Ayo Owodunni <Ayo.Owodunni@kitchener.ca>; Paul Singh <Paul.Singh@kitchener.ca>; Bil Ioannidis <Bil.ioannidis@kitchener.ca>; Margaret Johnston <Margaret.Johnston@kitchener.ca>; Debbie Chapman <Debbie.Chapman@kitchener.ca>; Stephanie Stretch <Stephanie.Stretch@kitchener.ca>; Internet - Council (SM) <council@kitchener.ca>; community@264victoria.com  
**Subject:** 264 Victoria Street Development

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Dear Kitchener City Council,

I really struggled to find what I wanted to say about this. I wanted to go on a long tirade about the amazing place that is Grand River Rocks and how much it's changed my life and how important it is to the community. But I'm no poet, and your time is far too valuable for a B minus essay.

However, I am confident that GRR is special, and I know the community it's made is special. I think that it can speak for itself, so instead, all I want to do in this email is give you all a challenge:

Come to the gym, and give rock climbing a try. If you've already been, then come again! And talk to the members and see how important it is to them.

February 23, 2024

Craig Dumart  
Senior Planner

Stephanie Stretch  
City Councillor - Ward 10

**RE: Proposed development of 236-264 Victoria Street North**

We live at [redacted] on the east side of the street just south of the 'hockey stick' bend near the Victoria Street junction. We previously submitted initial feedback on the proposed development 236-264 Victoria Street North on February 12, and attended the neighbourhood meeting on February 13 where some of our earlier requests for clarifications were addressed.

We are in principle extremely supportive of the development of the site for new housing. In particular, we would very much like to see higher density housing units including affordable housing which would benefit the local neighbourhood and wider city, and developments which also include a variety of amenities and commercial spaces for public use.

However, based on the information presented at the neighbourhood meeting and published to accompany the official plan and zoning by-law amendment application, we have a number of outstanding concerns. These unresolved concerns are listed below, and form the basis for our objection to the proposed by-law amendments. We hope that our feedback will be considered as part of the overall planning recommendation, and that revised proposals can move forward in future.

It was mentioned during the February 13 neighbourhood meeting that site development plans would not normally be subject to a public process if the relevant by-law amendments had been passed, but that it is possible for council to request updates on site planning be made public. The proposed by-law amendments are being requested with rationale that is specific to the site plan, particularly with regards to providing a genuinely mixed-use development for enrichment of the wider neighbourhood. It is therefore imperative that the local community be kept informed of site plans if any proposed by-law amendments are passed, to ensure that elements of the site planning proposals which are currently being presented as the basis to justify by-law amendments are indeed maintained through any future development stage.

**1. Lack of provision of affordable housing**

The proposed development site is not within the downtown Urban Growth Centre, although it is reasonably close by the edge of this area. The proposed development site is not within a Major Transit Station Area, although it is adjacent to one. The MTSA has been specifically and carefully zoned to encourage intensification including increased housing density. Major developments within such zones

are therefore also subject to requirements to provide an appropriate level of affordable housing. This is intended to ensure that the city develops towards becoming a more inclusive, equitable, vibrant and liveable place.

The proposed development site is currently zoned Mixed Use (MIX-2), which permits a Floor Space Ratio of 4.0, which would also be expected to be accommodated under the Official Plan. The proposed development site has been identified as a good candidate site for increasing housing density with an increased Floor Space Ratio. A significant increase to 10.5 has been proposed. Proximity to the MTSA has been cited as rationale for increasing housing density. However, if the proposed amendments to the official plan and zoning by-laws were implemented, there would be no requirement for the development to include any affordable housing units. Indeed, the proposed development does not include any affordable housing units.

Intensification without provision of affordable housing undermines the intent of existing good city planning, does not meet the immediate needs of the local community and ultimately does not benefit the wider area. The proposed amendments would therefore be an inappropriate mechanism for allowing increased housing density since they effectively circumvent the fulfilment of affordable housing requirements.

This forms our objection to the proposed by-law amendment: "The maximum floor space ratio shall be 10.5;"

## 2. Excessive building height and number of storeys

The proposed development site is currently zoned as Mixed Use (MIX-2). Developments in this zone are subject to a maximum height of 25 m and maximum number of storeys of 8. The recently proposed Growing Together plans indicate that the block north of Victoria Street between Ahrens Street West and Margaret Street, and the portion of the block to the east of Margaret Street which is included in the MTSA immediately adjacent to the proposed development site, would be zoned as Strategic Growth Area Three (SGA-3). Developments in this zone will be subject to a maximum height of 25 storeys, which would be expected to correspond to less than approximately 80 m. The apartment development currently under construction directly across the street from the proposed development, on the south side of Victoria Street, will have 6 storeys. Other tall buildings exist nearby, such as on Queen Street between Margaret Street and Ahrens Street West, but are typically lower than 20 storeys.

The proposed zoning bylaw amendment would increase the maximum building height to 124.5 m and a maximum number of storeys of 40. This would represent a five-times increase to the current maximum number of storeys, and an approximately five-times increase to the current maximum height. The proposed towers would substantially exceed the height of all other buildings in the vicinity, including those which are currently under construction. Additionally, the proposed development would exceed the maximum number of storeys proposed to be allowed in neighbouring sites within the MTSA (and which are closer to the downtown core) by 60%. The proposed building heights and number of storeys are therefore grossly disproportionate with the local area and are not consistent with future plans for the local area.

Substantially higher buildings with heights similar to the proposed development do exist, others are under construction, and others are planned in other parts of Kitchener. However, these are either are in,

or are much closer to, the downtown core of the city. The only currently completed building with comparable height to the proposed development is the DTK Condo building at the corner of Frederick Street and Duke Street East. This building is approximately 1 km away and located towards the south end of the core of the downtown area, which is within the Urban Growth Centre. The only comparable height buildings currently under construction are the Station Park Towers and the TEK Tower which are both very close to the intersection of Victoria Street and King Street, at the north end of the core of the downtown area, approximately 1 km away from the proposed development site. Both of these building sites are within an MTSA and the TEK Tower is additionally within the Urban Growth Centre. Other approved buildings of similar heights will generally also be clustered in the downtown core, and within the Urban Growth Centre, as is appropriate. To our knowledge, the few existing exceptions to this will be within an MTSA. High rise buildings should be encouraged closer to the downtown core, with a gradual decrease in maximum building heights transitioning into predominantly low-rise residential areas, including the Civic Centre Heritage District which neighbours the proposed development site. The scale of the proposed development is excessive for the site, and the proposed zoning bylaw amendments relating to maximum building height and number of storeys are therefore inappropriate.

This forms our objection to the proposed by-law amendments: "The maximum building height shall be 124.5 metres;" and "The maximum number of storeys shall be 40;"

### 3. Inadequate parking and traffic considerations

The transportation impact and parking study which was submitted in support of the proposed development and zoning by-law amendments does not consider existing or future traffic volumes along Ellen Street West. The junction of Ellen Street West and Victoria Street is directly across from the proposed entrance to the development. The existing central turning lane currently used by traffic heading west and turning left from Victoria Street onto Ellen Street West will be shared by traffic heading east and turning left from Victoria Street into the proposed development. The transportation impact and parking study which was submitted in support of the proposed development and zoning by-law amendments therefore provides inadequate consideration of the impact of the proposed development on the immediate surrounding neighbourhood.

The proposed development includes commercial spaces on the ground floor, but provides no provision for non-residential use parking spaces. While it is possible that there may be an opportunity to allow for shared parking between visitor and commercial uses, this may be limited by the proposed reduced number of residential parking spaces. The currently required minimum number of spaces of 0.9 spaces per dwelling, plus 0.1 spaces per dwelling for visitor use, plus some number of spaces depending on commercial uses, has been proposed to be reduced to 0.85 spaces per dwelling including visitor parking and no additional parking for commercial uses. Therefore, the proposed parking spaces are likely to be in high demand, and there is unlikely to be adequate available parking spaces for short-term non-residential use. This may restrict the practical uses of the proposed commercial units. For example, it is reasonable to expect a coffee shop, restaurant or convenience store may require some provision of short-term parking, even when reliance on cars is substantially reduced from current levels. While we are highly supportive of reducing the reliance on cars in the neighbourhood, we are concerned that the proposed by-law amendment to permit no parking spaces for non-residential uses may limit the benefit of the mixed-use development to the local neighbourhood.

Additionally, when this is combined with the proposed reduction on residential parking spaces, we are concerned that Ellen Street West may see an increase in short-term on-street parking. As discussed above, the transportation and parking study was not complete since it did not provide any consideration of the impact on Ellen Street West. Therefore, until it can be demonstrated that the impact to Ellen Street West is satisfactorily low, we cannot support the proposed by-law amendments relating to reduction in parking spaces.

This forms our objection to the proposed by-law amendments: "The minimum residential parking rate shall be 0.85 spaces per unit including visitor parking;" and "The minimum parking rate for non-residential uses shall be 0 spaces per 100 m<sup>2</sup> of GFA;".

In conclusion, we believe that it would be straightforward for all of these objections to be addressed, by including adequate provision of affordable housing units at an appropriate density, by reducing the proposed height and number of storeys to a level broadly consistent with existing and planned buildings in the immediate neighbourhood, and by including some number of non-residential parking spaces to facilitate genuinely mixed-use of the development. Importantly, addressing these issues need not result in a reduction to the benefits of the proposed development to the local community or wider city. We would welcome a revised proposal, and would be supportive of proposals which took these concerns into account.

Thanks,

T. Gallacher and A. Hoff

## Craig Dumart

---

**From:** George L  
**Sent:** Tuesday, February 13, 2024 2:04 PM  
**To:** Stacey Lifchits; Scott Davey; Dave Schnider; Jason Deneault; Christine Michaud; Ayo Owodunni; Paul Singh; Bil Ioannidis; Margaret Johnston; Debbie Chapman; Stephanie Stretch; Internet - Council (SM)  
**Subject:** Community residents in opposition to development at 264 Victoria Street N

appears similar to someone who previously sent you email, but may not be that person. [Learn why this could be a risk](#)

Dear Kitchener City Council,

We implore you to vote against the proposal for 264 Victoria Street N.

As rock climbing enthusiasts and homeowners in the Civic Centre Heritage District, we are strongly displeased with the proposed development.

We believe that our community would be best served first and foremost by guaranteed affordable housing, and secondarily with amenities that encourage community building, leisure, and active living.

Contrary to our top priority, Senior Planner Craig Dumart [informs us](#) that no affordable housing has been offered for this development.

Contrary to our second priority, the proposed development displaces the Grand River Rocks climbing gym, which will be an excellent amenity for our community.

Furthermore, we do not trust the developer to make good use of the land, since the Falco Group's portfolio of projects seems solely to consist of land banking ([projects portfolio](#); [web archive link](#)).

We believe that Victoria Street is an excellent area for amenities such as the climbing gym, and do not believe that it would be well served by the proposed condo, if it will be built at all.

You get to vote for what is best for this community. Please do so by voting against the proposal for 264 Victoria Street N.

Thank you for your time. Please let us know you've received this and how you will vote, and please add my concerns to the official public record.

Sincerely,  
George & Stacey Lifchits

## Craig Dumart

---

**From:** Mitchell Avis  
**Sent:** Tuesday, January 30, 2024 8:58 AM  
**To:** Josh Graham  
**Cc:** Katrina Fluit; Craig Dumart  
**Subject:** Re: 236 Victoria St N

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Thanks, Josh. I am a neighbourhood resident whose family relies on crossing Victoria Street at St. Leger 2-4x per day. This crossing is incredibly challenging to navigate as a pedestrian based on its width, vehicles turning left from St. Leger Street, and the varying speeds of drivers, often above the speed limit but driving according to what feels "safe" based on the road design. My goal is to have a safe, signalized pedestrian crossing at this intersection. I hope Katrina can consider the following comments in the Region's review:

1. The St. Leger street crossing is already challenging and unsafe for pedestrians. This project provides an opportunity to make a simple improvement that will benefit current and future residents.
2. Human behaviour leads pedestrians to select the shortest route possible. Even if it's well intentioned that pedestrians will cross at Margaret or Lancaster, they inevitably will cross at St. Leger Street with or without a safe crossing. Again, I would implore the Region to be proactive in prioritizing safety and accessibility for pedestrians.
3. A significant portion of the residential and commercial portions of the building are oriented towards the St. Leger Street portion of the site thereby increasing the likely demand for pedestrian access across Victoria Street at St. Leger.
4. Drivers are operating vehicles at high speeds along Victoria Street - often faster than the posted speed limit - because of the road design. This is an opportunity to slow drivers down so pedestrians don't have to play real life human frogger with vehicles travelling 50-80 km/hr at varying speeds while crossing 5 lanes.
5. The applicant's own engineer insinuates a signalized intersection at St. Leger is inevitable and this is a way to make sure the Developer pays for it and installs it up front.
6. The applicant's own engineer seemingly avoided any consideration in their recommendation related to the signalized intersection at St. Leger Street for pedestrian safety and access.

This type of development is welcomed and encouraged AND can be leveraged to improve the neighbourhood for current and future residents, especially those who will rely on foot - as the developer is hoping based on the reduced parking requests.

Mitchell

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Mitchell Avis

## Craig Dumart

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**From:** Victoria Tousaw  
**Sent:** Thursday, February 8, 2024 9:26 AM  
**To:** Craig Dumart  
**Subject:** OPA24/001/V/CD - Proposed Development at 236 and 264 Victoria Street North

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Hi Craig,

I recently learned of the proposed re-zoning of 236 and 264 Victoria Street North in Kitchener for the redevelopment of these lands for high rise residential buildings. I read through the planning documents and what was not noted, as this is a recent change, is that the old LA Fitness building is now occupied by Grand River Rocks Climbing Gym (GRR) [Kitchener - Grand River Rocks Climbing Gym](#), set to open soon. GRR is currently located at 50 Borden Ave, however they were forced to find a new location when redevelopment was approved for that location as well. GRR is not like a normal gym, it serves tens of thousands of people and the kitchener location is the only rock climbing gym with roped climbs in the tri-city area. The next closest gyms with roped climbing are in Guelph or London. If this re-zoning and re-development is approved, this gym may be lost, not to mention the loss of investment that GRR has already put into the LA Fitness Building. I hope that the City will recognize the importance of this location for the community. I do not work for GRR, I am just someone who climbs there, but GRR and the community around it is very important to me and many other climbers and it is extremely upsetting to see that we are currently being overlooked and not considered in this planning process. I hope the City will do more to protect important recreational sites like this that make Kitchener a great place to live.

Victoria Tousaw



# URBAN DESIGN BRIEF

236-264 Victoria Street North, Kitchener

Official Plan Amendment and Zoning By-law Amendment | December 2023



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## Prepared by

MHBC Planning, Urban Design  
& Landscape Architecture  
540 Bingemans Centre Drive, Suite 200  
Kitchener, ON N2B 3X9  
519 576 3650

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# 1.0 INTRODUCTION

MacNaughton Hermesen Britton Clarkson Planning Limited ("MHBC Planning") has been retained by Falco Group (the "Owner") to prepare an Urban Design Brief in support of Official Plan Amendment and Zoning By-law Amendment applications (the "Applications") for the lands municipally known as 236 and 264 Victoria Street North within the City of Kitchener (the "Site"; see Figure 1). The Site is located in central Kitchener, spanning the majority of the block bounded by Victoria Street North, Margaret Avenue, the Metrolinx rail corridor, and St Leger Street. The Site is rectangular, measuring approximately 11,863 square meters, with approximately 245 meters of frontage on Victoria Street North and 40 meters of frontage on St Leger Street. The Site is currently occupied by a 3-storey office building and a vacant large-format commercial building.

The Owners propose the construction of a two-tower mixed-use development with 1,076 residential units and 1,114 square meters of commercial space (the "Proposed Development"; see Figure 2). Building heights range from 18 to 40 storeys with a 4 to 6 storey podium. The Proposed Development includes 916 vehicle parking spaces and 1,574 bicycle parking spaces.

This Urban Design Brief has been prepared as part of a complete application to the City of Kitchener and includes the following topics:

- A description of the existing site conditions and surrounding context, including built form, transportation network, landscape features, and cultural heritage landscapes;

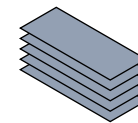
- A detailed review of the Proposed Development, including site design, building design, and landscape design;
- An analysis of the proposed design features as they relate to the applicable urban design policies and guidelines;
- A summary of the conclusions regarding the proposed redevelopment of the Site.

This Urban Design Brief has considered, and must be read in conjunction with, the following plans and studies supporting the Applications:

- Planning Justification Report, prepared by MHBC Planning (dated December 2023)
- Architectural Drawing Package, prepared by Reinders + Law (dated October 2, 2023)
- Sun Study, prepared by Reinders + Law (no date)
- Heritage Impact Assessment, prepared by MHBC Planning (dated December 2023)
- Sustainability Statement, prepared by MHBC Planning (dated December 2023)
- Transportation Impact and Parking Study, prepared by Paradigm (dated December 2023)
- Pedestrian Wind Comfort Assessment, prepared by RWDI (dated November 10, 2023)



**1,076 Residential Units**



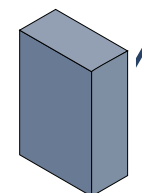
**1,114m<sup>2</sup> Commercial**



**916 Vehicle Parking Spaces**



**1,574 Bicycle Parking Spaces**



**18-40 Storey Towers  
4-6 Storey Podiums**

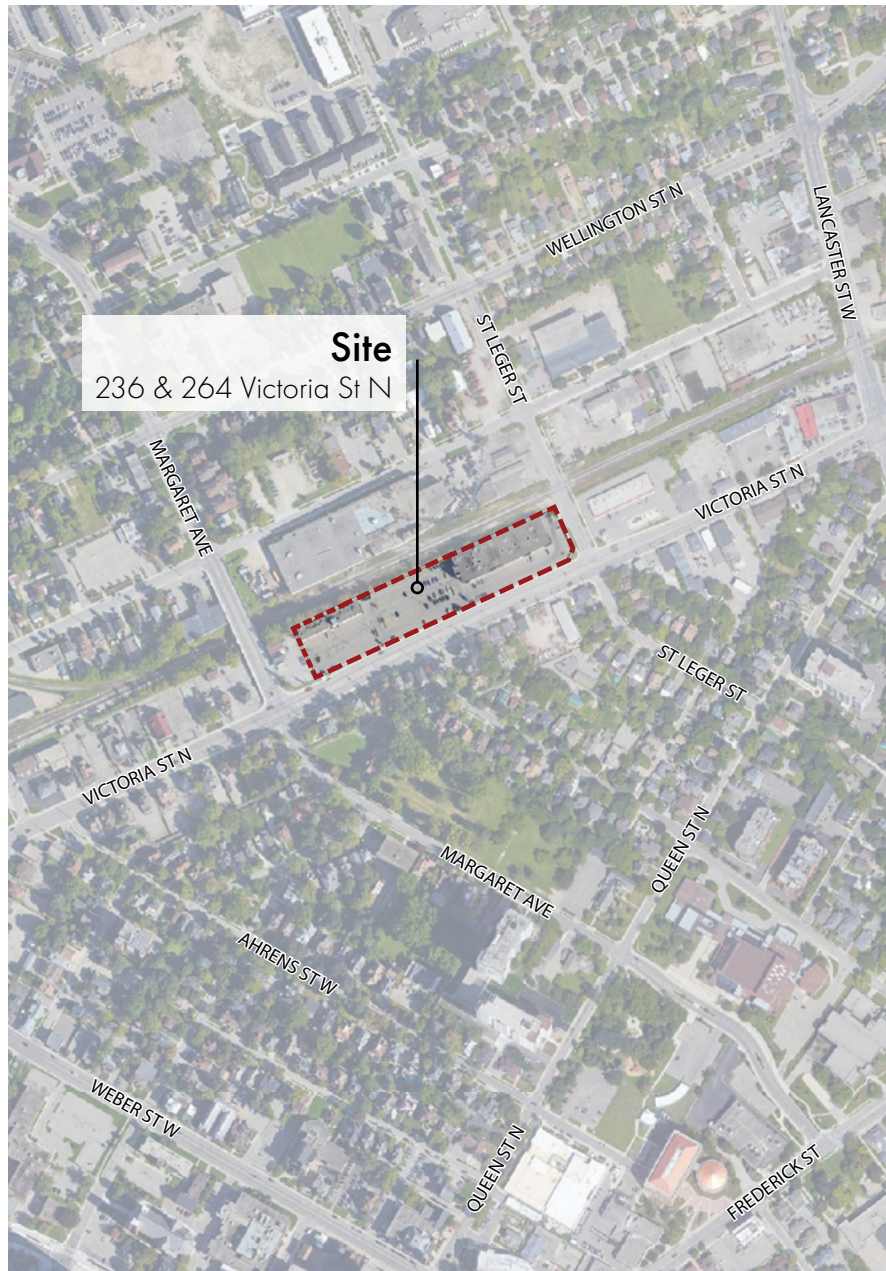


Figure 1 - The Site at 236 & 264 Victoria St N, in Central Kitchener



Figure 2 - The Proposed Development (Reinders + Law, October 2, 2023)



# 2.0 SITE & SURROUNDING CONTEXT

## 2.1 EXISTING SITE CONDITIONS

The Site is located along the north side of Victoria Street North, occupying the eastern portion of the block bounded by Victoria Street North, Margaret Avenue, the Metrolinx rail corridor, and St Leger Street (see Figures 3 to 5). The Site is rectangular, measuring approximately 11,864 square meters, with approximately 245 meters of frontage on Victoria Street North and 40 meters of frontage on St Leger Street. The Site slopes significantly from east to west, falling approximately 6 meters from the western property line to St Leger Street.

Currently, the Site is occupied by a 3-storey office building and a vacant large-format commercial

building, along with associated surface parking areas. The existing buildings are setback from Victoria Street North and St Leger Street, with vehicle parking along both street frontages. Both buildings are built to the rear property line, abutting the rail corridor.

The property at 236 Victoria Street North contains the original Western Shoe Co. Ltd building, which has a historical connection to Greb Industries and Bauer Hockey. The heritage value is vested in this association and is not physically represented by heritage attributes. The Site is also located within the Warehouse District Cultural Heritage Landscape, characterized by original brick, concrete, and steel

warehouse and factory buildings along the rail corridor. No structures or features within the Site have been listed or designated on the heritage register.

The majority of the Site is covered with impervious surfaces, with small planting beds at the ends of the existing parking rows and small landscaped boulevards along Victoria Street North and St Leger Street. The Site is accessed via three driveway entrances (two from Victoria Street North and one from St Leger Street) with no direct pedestrian connections to the sidewalks on either street frontage.



Figure 3 - The existing building at 236 Victoria St N and associated surface parking



Figure 4 - The existing building at 264 Victoria St N with auto-oriented streetscape



Figure 5 - The Site and immediate surroundings

## 2.2 SURROUNDING CONTEXT

### Built Form

The Site is located within central Kitchener, north of the Downtown. Victoria Street North represents a significant mixed use corridor within the City's urban structure and is generally surrounded by residential uses (see Figures 6 to 14).

To the north, the Site abuts the Metrolinx rail corridor, which is lined with mixed commercial and employment uses. Beyond the rail corridor lies a residential area, with a mix of single detached, townhouse, and apartment uses, as well as supporting institutional uses. Heights range from 2 to 12 storeys.

To the east, the Victoria Street corridor continues with commercial and employment uses, with low- and mid-rise residential uses to the north and south. The built form along Victoria Street North is generally auto-oriented, with one to two storey buildings set back from the street and surface parking along the street frontage.

To the south, Victoria Street North is fronted primarily with single-detached dwellings, some of which have been converted to commercial uses. Further south lies the Civic Centre neighbourhood, with a mix of single-detached dwellings, mid-rise apartments, and high-rise apartments. A new 6 storey apartment is being constructed on the block between Ellen Street West and Margaret Avenue. Further south lies the institutional civic district, with the Centre in the Square, Central Library, and Region of Waterloo headquarters.

Immediately west of the Site, occupying the remainder of the block, is a small restaurant in a converted single-detached dwelling. The Metrolinx rail corridor and pattern of commercial and employment uses continues to the west, with the existing Kitchener GO/VIA train station and a number of small scale commercial uses along Victoria Street North. These uses mark the edge of Downtown Kitchener, which is characterized by a full mix of residential, commercial, and employment uses and amenities. Existing height range from 1 to 39 storeys, with mixed-use buildings up to 45 storeys currently under construction.

There are no significant natural heritage features within the surrounding context.

### Cultural Heritage

The Site is adjacent to the Civic Centre neighbourhood, a Part V Heritage District. The Civic Centre neighbourhood is known for its historic residential character and well-maintained homes from the late 1800s to early 1900s. There are a variety of unique buildings, including churches and commercial buildings, which are landmarks within the neighbourhood. The streets are framed by mature trees, grassed boulevards, and consistent building setbacks.

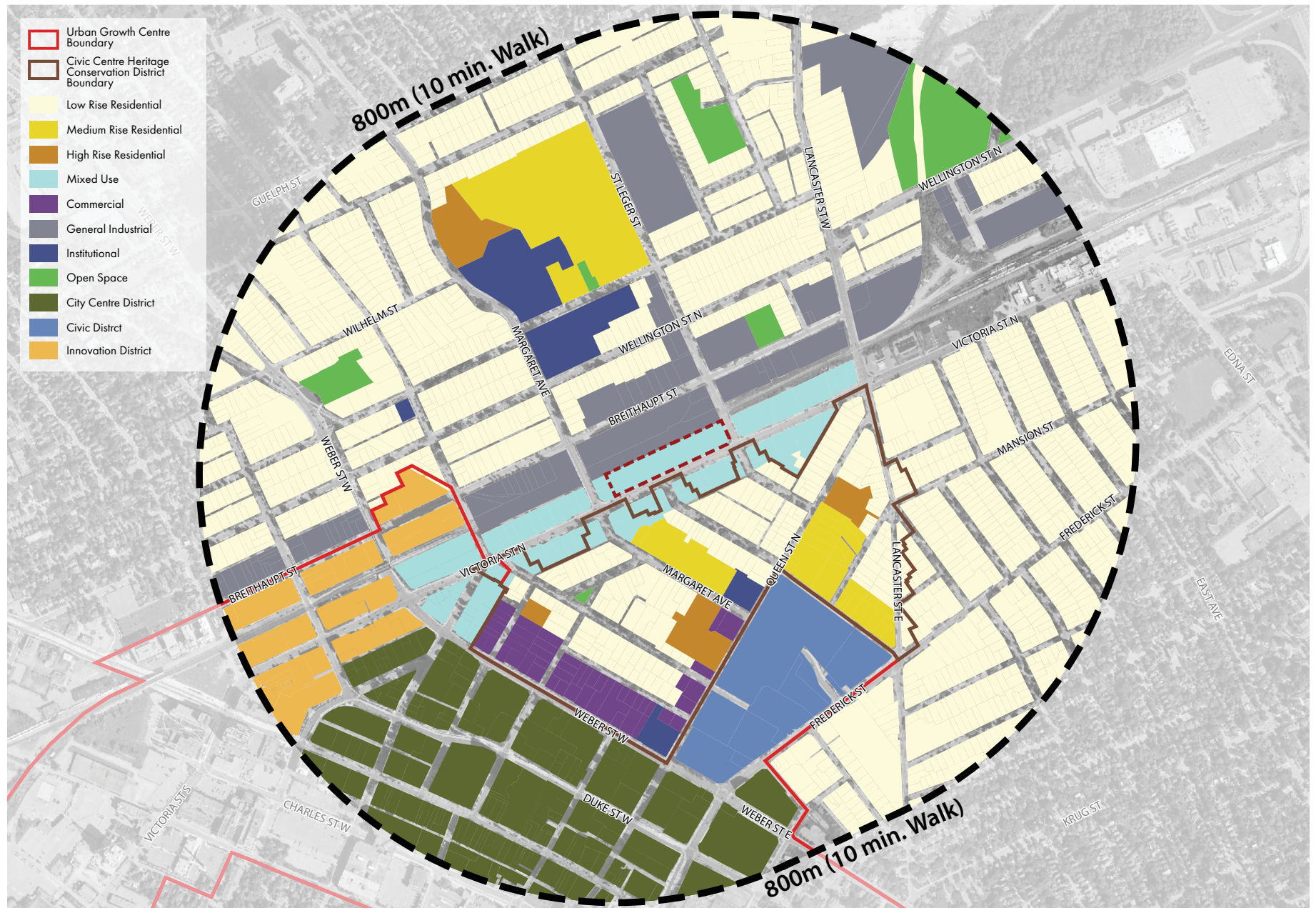


Figure 6 - Surrounding land uses



Figure 7 - Metrolinx rail corridor to the north of the Site



Figure 9 - Mixed use corridor along Victoria St N, to the north of the Site



Figure 8 - Existing residential along Wellington St N



Figure 10 - Existing single-detached along Victoria St N, with new mid-rise apartment under construction



Figure 11 - Regional of Waterloo Headquarters within the Civic District



Figure 13 - Existing single-detached houses within the Civic Centre HCD



Figure 12 - Mixed residential character within the Civic Centre HCD



Figure 14 - Kitchener GO/VIA train station to the west of the Site

Circulation

The Site is well connected to the existing City and Regional road network (see Figure 15). The Site has frontage onto Victoria Street North, a Regional Road with a five lane cross section, and St Leger Street, a Minor Neighbourhood Collector Street with a two lane cross section. Victoria Street North has a curb face sidewalk and no street trees, while St Leger Street has a landscaped boulevard, sidewalk, and planting strip. Victoria Street North connects with Downtown and Highways 7 and 85, providing connections to Waterloo Region, Guelph, and the 401. The surrounding area is built on a regular street grid. While the grid is interrupted by the adjacent rail corridor,

regular crossings are provided, including at St Leger Street and Margaret Avenue. The local streets to the north and south include narrow boulevards, mature street trees, and direct driveway accesses.

The Site is located within walking distance of a number of public transit routes (see Figure 16). The Site is approximately 350 meters from the existing GO/VIA train station at Victoria Street North and Weber Street West and approximately 800 meters from the Central ION Station and proposed Multi-Model Transit Hub. The 204 iXpress runs along Victoria Street, with a stop at Margaret Avenue, providing express east-west travel across the City.

The Site is also well connected to the active transportation network (see Figure 17). The majority of the surrounding streets contain dual sidewalks, while a number of nearby bike lanes and multi-use trails enable cycling trips. The Spur Line Trail is approximately 300m to the west, providing connections to Uptown Waterloo and the Downtown Cycling Grid, while new infrastructure on Margaret Avenue and Otto Street provides access to the City Centre and Central Frederick neighbourhoods.



Figure 15 - Surrounding vehicle circulation

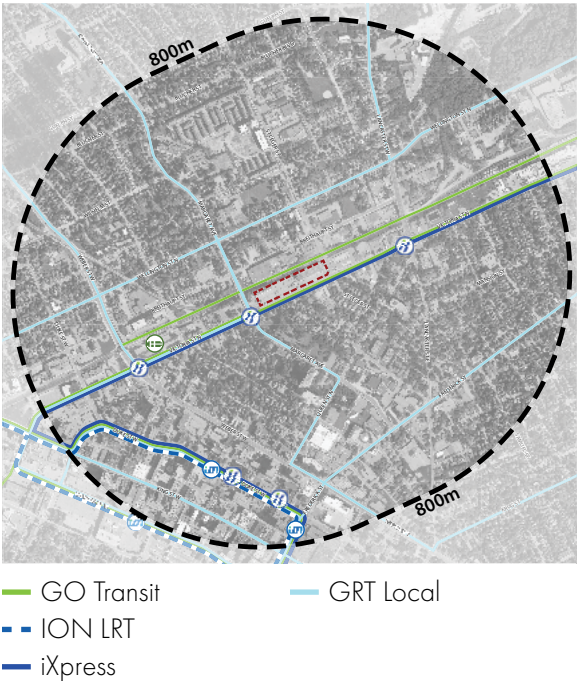


Figure 16 - Surrounding public transit

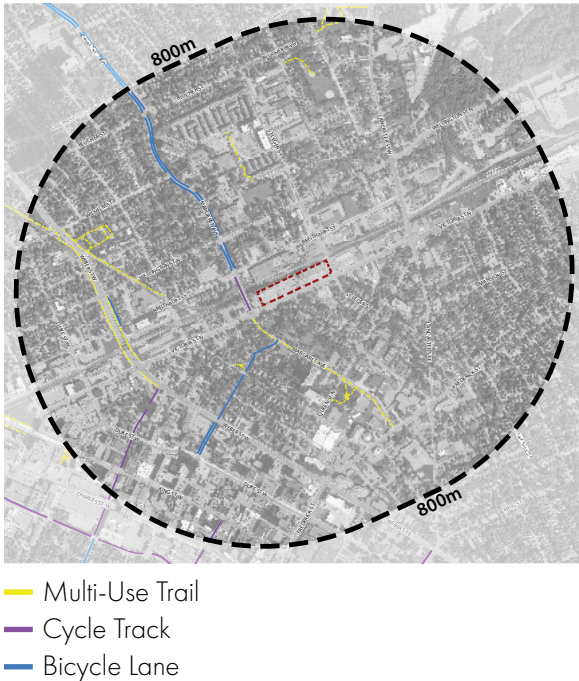
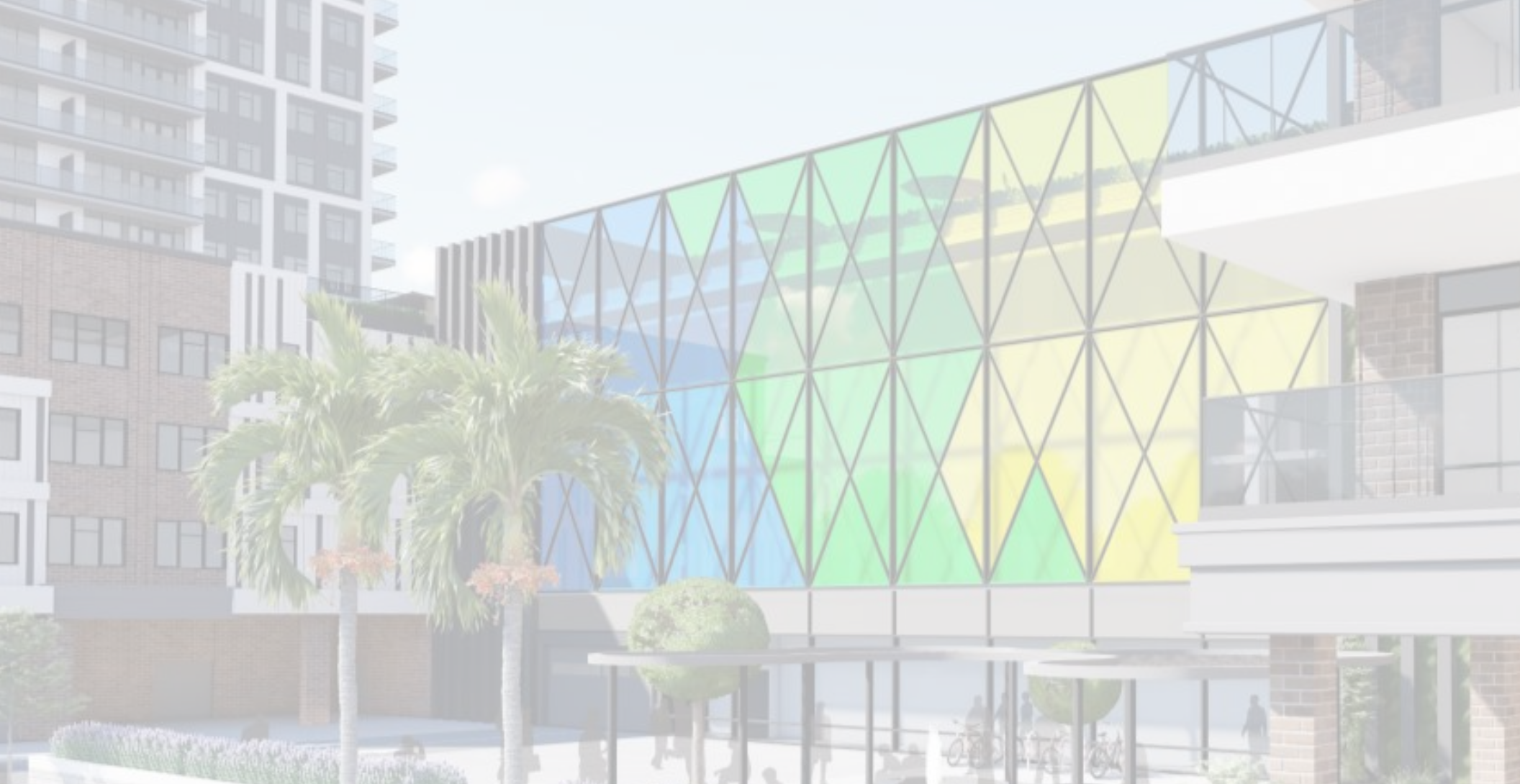


Figure 17 - Surrounding active transit routes



# 3.0 PROPOSED DEVELOPMENT

## 3.1 SITE DESIGN

The Owner is proposing a two-tower mixed-use development with 1,076 units and 1,114 square meters of ground floor commercial space (see Figures 18 and 19). The two residential towers are placed at the east and west portions of the Site and are connected through a shared podium. Tower A, at the east end, is 40 storeys, with a 6 storey podium and 18 storey midtower. Tower B, at the west end, is 35 storeys with a 4 storey podium.

The proposed podiums are oriented to the streets, with minimal setbacks. The podium facade is setback 0.8m from St Leger Street, 1.5m from Victoria Street North, 1.8m from the western property line, and 6.9m from the rail corridor. The eastern portion of the ground floor is setback an additional 1.5m along Victoria Street North, creating a weather-protected pedestrian arcade. The centre of the podium is cut out, revealing a small urban square approximately at the terminus of Ellen Street West.

Above the podium, the tower portions are stepped back from the podium face to create a clear separation of massing and preserve the pedestrian scale of the podium. Tower A is stepped back an additional 5.5m from St Leger Street and Victoria Street North, and 2.8m from the northern podium edge. Tower B is stepped back 5.5m from Victoria Street North, 25.5m from the western podium edge, and 2.8m from the northern podium edge. The combination of setbacks and stepbacks places tower Tower B 27.3m from the western property line, allowing sufficient tower separation should the adjacent lands be redeveloped in the future.

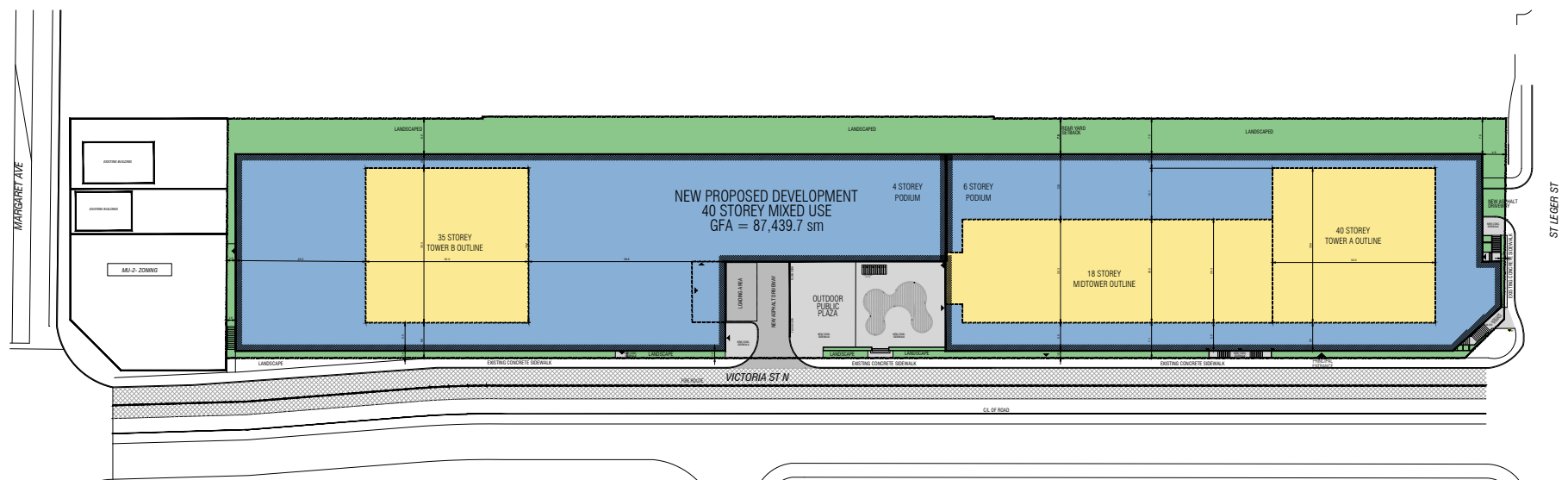


Figure 18 - Proposed Site Plan (Reinders + Low, December 8, 2023)

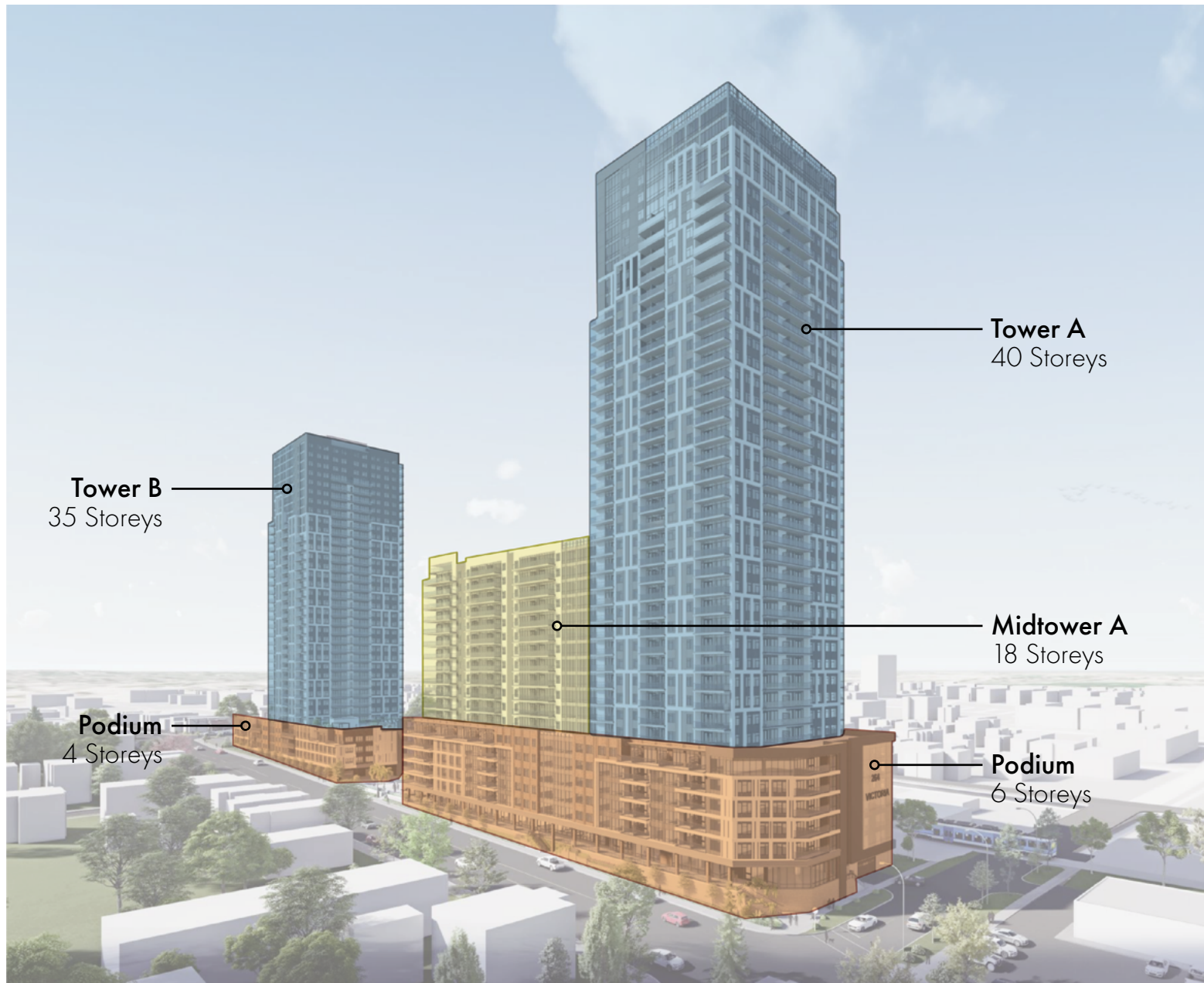


Figure 19 - Proposed massing, with podium, tower, and midtower forms

Access to the Site is provided via Victoria Street South and St Leger Street for both pedestrians and vehicles (see Figures 20 and 21). Ground floor commercial units and residential lobbies will have direct access to Victoria Street South, with an additional secondary lobby entrance along St Leger Street.

Driveway entrances off Victoria Street South and St Leger Street provide access to underground and podium parking areas. 916 vehicle parking spaces are provided. Parking areas are shielded from view by the podium mass, with ground floor commercial and upper storey residential units along the street-facing

facades. Loading areas are located next to the Tower B podium, with access off Victoria Street North. 1,566 Class A bicycle parking spaces are located within the podium floors, with access via the elevators and internal ramps, with an additional 8 Class B spaces located along the streetscape.

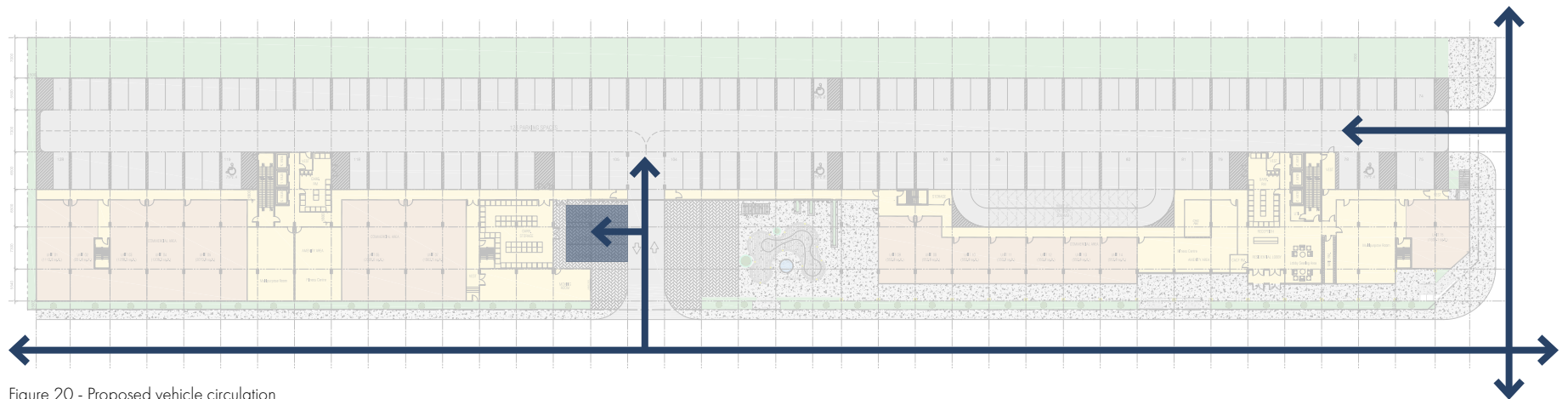


Figure 20 - Proposed vehicle circulation

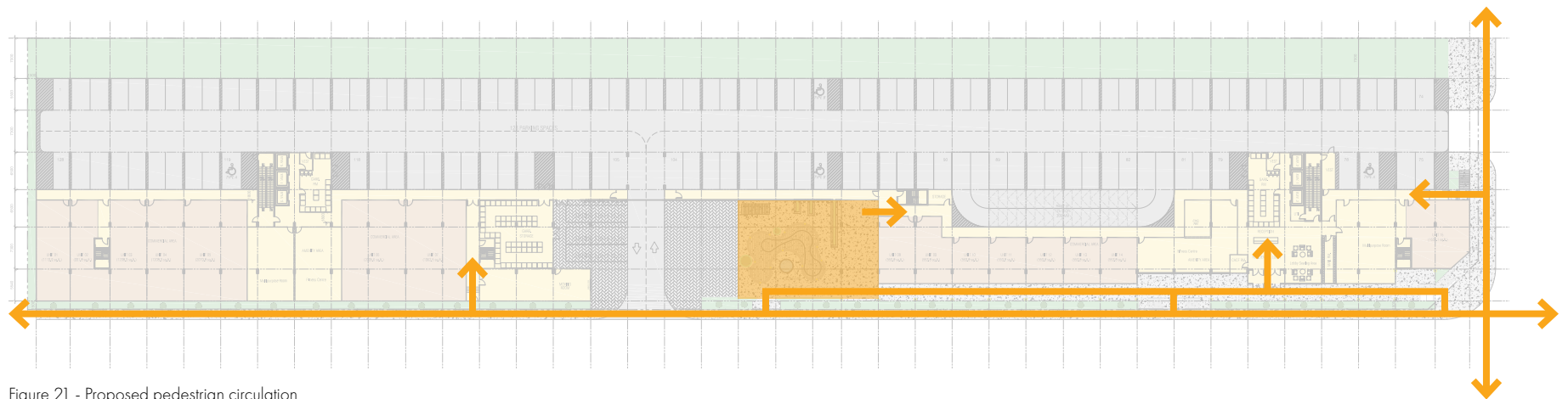


Figure 21 - Proposed pedestrian circulation

## 3.2 BUILDING DESIGN

The Proposed Development is designed with four distinct building forms: the two residential towers, midtower portion of Tower A, and the podium base. Overall, the design utilizes massing and materials to create base, middle, and top portions.

The combined podiums of Towers A and B form the building base (see Figure 22). The 4 to 6 storey podium is built with minimal setbacks along Victoria Street North to create an urban, street-oriented form. The ground floor of the eastern portion is setback behind the upper storeys, creating a weather-protected pedestrian arcade. The arcade provides direct access to the ground floor commercial units and helps address the grade change along the street. The podium form is broken up by the central plaza, creating a central activity space that roughly aligns with the Ellen Street West terminus. The plaza, ground floor commercial, and upper storey residential units will provide an active façade and streetscape along the Victoria Street North frontage. Vehicle parking located in the podium will be screened from view by the commercial and residential uses. The podium rooftops at the 5th and 7th floor will be utilized for common amenity spaces, with connections from both towers for convenient resident access. The podium design features a contemporary design of white and grey panels and red brick, with a mix of inset and projecting balconies.



Figure 22 - Proposed podium design with ground floor retail and pedestrian arcade (Reinders + Law, December 8, 2023)

Above the podium, the design shifts to feature two large point towers and a slab-form midtower (see Figure 23). These forms are stepped back from the podium face to create distinct massing. The point towers each have 1,028 square meter floor plates, while the midtower portion adds 1,289 square meters to the Tower A footprint. The material palette is consistent with the podium, utilizing a rhythmic pattern of white and grey panels and projecting balconies. The midtower portion features a simpler façade treatment to help distinguish it from the tower portion of Tower A and reduce the appearance of mass. The upper floors of Towers A and B further simplify the design to create a distinct tower top, utilizing grey panels and larger areas of vision glass and removing balconies. The towers and midtower are fully residential, with indoor amenity spaces located on the 5th floor.



Figure 23 - Proposed tower design with rhythmic pattern of panels, windows, and balconies (Reinders + Law, December 8, 2023)

### 3.3 LANDSCAPE DESIGN

The preliminary landscape design for the Site includes a central plaza space, pedestrian arcade along Victoria Street North, and amenity areas on the podium rooftop.

The central plaza is designed to create a focal point within the Proposed Development and connect it to the surrounding community (see Figure 24). The plaza is flanked on the east side by ground floor commercial units, while the design of the northern façade features a unique coloured glass treatment. Initial designs include raised planting beds, a water feature, and shade structure with seating. The plaza connects with the Victoria Street North streetscape and linear pedestrian arcade, providing continuous pedestrian access along the street. The proposed retaining wall along Victoria Street North, required due to the existing grades along the street, is softened with planting beds and street trees, with stair access in multiple locations.

The preliminary design for the 5th floor rooftop amenity area, adjacent to Tower B, features outdoor kitchen areas, seating, raised planting beds, and shade structures, creating a common gathering space for future residents (see Figure 25). The amenity area is connected to indoor amenity areas on the 5th floor and is accessible from Tower B and the Tower A podium.

Further design detail on the streetscape, plaza, and rooftop amenity areas will be provided through a subsequent Site Plan Approval application.



Figure 24 - Proposed central plaza on Victoria St N with multi-coloured glass facade (Reinders + Law, December 8, 2023)



Figure 25 - Proposed rooftop amenity between Tower B and Midtower A (Reinders + Law, December 8, 2023)



# 4.0 POLICY & DESIGN RESPONSE

## 4.1 CITY OF KITCHENER OFFICIAL PLAN

Section 11 of the City of Kitchener Official Plan contains Urban Design policies which direct the growth and development of the city in relation to communities, neighbourhoods, sites, and buildings. The Proposed Development conforms to the applicable Official Plan policies, as detailed below.

### **Streetscape**

*(Policy 11.C.1.11)*

The proposed building and primary building entrances will be oriented towards the street and will support the character of the surrounding area near downtown Kitchener. The Proposed Development will have direct access to the public sidewalk system, landscaping along street frontages, and a visually appealing building façade that enhance the public realm experience.

### **Safety**

*(Policies 11.C.1.13-15)*

The Proposed Development incorporates CPTED principles within the site, building, and landscape design. Natural surveillance is provided along the street-facing facades and onto the central plaza through ground floor commercial units with transparent glazing, as well as upper floor residential units on all floors of the podium. Access control is provided through secure building entrances for pedestrians and vehicles. It is intended that the rear yard along the rail corridor will not be publicly accessible, avoiding the creation of a secluded, dead-end.

The Site is easily accessible by emergency services due to its location along a Regional Road. The Proposed Development will be designed in compliance with the Ontario Building Code including aspects related to fire prevention and suppression.

### **Universal Design**

*(Policy 11.C.1.16)*

The Proposed Development includes barrier-free paths of travel to all residential and commercial unit entrances. Further detail, including on-site grades and ramping, will be explored through a subsequent Site Plan Approval application to ensure conformity with the relevant universal design and accessibility guidelines.

### **Public Art**

*(Policies 11.C.1.17-20)*

The Proposed Development includes a unique coloured glass wall along the central plaza, which is visible from the public realm along Victoria Street North. Further integration of public art within the Site will be explored through detailed design.

### **Priority Locations**

*(Policy 11.C.1.21)*

The Proposed Development has been designed with high quality materials and pedestrian-friendly massing to create a gateway location along Victoria Street North, an important corridor and entrance point into Downtown Kitchener.

### **Site Design**

*(Policies 11.C.1.29-30)*

The Proposed Development enhances the Site and streetscape by converting an existing auto-oriented form into an urban mixed-use development with ground floor commercial and a new urban plaza. Further detail on the conformity with Policy 11.C.1.30 will be provided through a subsequent Site Plan Approval application.

### **Building Design, Massing and Scale**

*(Policies 11.C.1.31-33)*

The Proposed Development enhances active transportation usability by providing a compact urban form and pedestrian-scaled streetscape with direct access to residential and commercial units from the street. Outdoor and secure bicycle parking is also provided. The proposed podium forms are oriented toward the street with minimal setbacks and are appropriated sized to create a sense of enclosure along Victoria Street North. The contemporary design of the building complements the surrounding neighbourhoods, and the inclusion of brick on the podium facades references the character of the surrounding heritage areas.

### **Transit-Oriented Development**

*(Policy 13.C.3.12)*

In addition to the Urban Design policies contained within Section 11, Section 13 speaks to developments in relation to transportation and public transit. The Site is located within the Major Transit Station Area designation.

The Proposed Development creates a compact urban form within walking distance of multiple rapid transit stops, including GO, ION, and iXpress, replacing an existing auto-oriented built form. A mix of commercial and residential uses provides opportunities for increased services and amenities to serve surrounding community. The high-rise tower forms create appropriate density and support higher frequency transit service on the nearby routes. The ground floor commercial and pedestrian arcade create a walkable, pedestrian-friendly environment along Victoria Street North. Together with the outdoor and secure bike parking, the Proposed Development encourages active transportation for site residents and the surrounding community. The new central plaza further enhances the public realm, creating a local gathering place that promotes social interaction.

## 4.2 CITY OF KITCHENER URBAN DESIGN MANUAL

The City of Kitchener Urban Design Manual contains a series of guidelines related to development across the City, of which the sections relating to City-Wide development, Major Transit Station Areas, and Tall Buildings are applicable. To avoid repetition, the policies within the various sections are grouped by theme and addressed simultaneously. The Proposed Development meets the guidelines in the Urban Design Manual, as demonstrated below.

### **Built Form, Ground Floor Design & Tower Design**

*(Sections 01.3.1, 02.3.1, 09.2.1, 09.2.2)*

The Proposed Development concentrates height and massing at the Site's edges and street frontages, utilizing minimal street setbacks to create a consistent urban street wall. Stepbacks between the podium and tower forms maintain the human scale of the 4 to 6 storey podium. The building's facades are well articulated with material changes, projections, and balconies to create visual interest and break up the massing. The long base is further broken up by the central plaza. The ground floor utilizes commercial units, residential lobbies, and common amenity areas with visible entrances, high levels of transparency, and a 4.5m height to create an active frontage along Victoria Street North and St Leger Street. Parking is located within the building and wrapped by commercial and residential uses to screen it from public view.

The proposed tower forms are classified as Large Point Towers, with Midtower A classified as a Large Slab Tower. The relative mass of each tower is broken up by the rhythmic pattern of materials and balconies, as well as a separate façade design for the midtower portion. Tower B, at 124.5m (35 storeys), is 88% of Tower A at 109.5m (40 storeys), creating a clear distinction in relative height. Tower separation is provided in excess of the guideline distances between Tower B and the western property line (19.2m required, 25.5m proposed) and between Tower B and Midtower A (45.8 required, 81.8m proposed). Towers are pushed to the east and west edges of the podiums in order to maximize separation distance, as the Site's limited depth does not allow for alternative placements or orientation to reduce tower overlook. The tower tops are designed with integrated mechanical penthouses to create a seamless design that contributes to the City's skyline.

### **Compatibility**

*(Section 09.3.3)*

The Proposed Development utilizes minimal front and exterior side yard setbacks, as well as tower stepbacks at the 5th and 7th floors, to create a human-scaled relationship between the podium and public realm. The overall height and massing are compatible with the Site's location in a Major Transit Station Area. A contemporary design is utilized to avoid replication of the existing built form, with small scale elements such as red brick on the podium providing a sensitive design cue to the nearby heritage district.

## Design for Outdoor Comfort

(Section 09.3.6)

As demonstrated in the Sun Study, prepared by Reinders + Law, the Proposed Development allows for full sun on the public realm of Victoria Street North during the spring and fall equinoxes. The large separation distance between the two towers results in alternating patterns of sun and shade on the surrounding streets and a shadow form that moves quickly across the landscape. The 5th floor rooftop amenity space similarly sees minimal impact from shadows, with more than half of the amenity area in sun until the 5:00 PM test time on March 21. The large separation distance between the tower forms also allows for abundant skyview between the towers.

The Pedestrian Wind Comfort Assessment, prepared by RWDI (dated November 10, 2023) found wind impacts on the surrounding public realm would be moderated by the Proposed Development's design, including the orientation of the buildings and continuous podium form. Regarding the 5th floor rooftop amenity space, the study recommends taller parapet heights, canopies, wind screens, and landscaping elements to deflect downwashing winds.

## Site Function

(Sections 01.3.3, 02.3.3)

The Proposed Development utilizes underground and podium parking, with podium parking levels wrapped by commercial and residential uses on street-facing facades. Two driveway entrances are provided to distribute vehicle loads and minimize conflicts with pedestrians. Loading areas are partial-

ly screened from view by the building mass and do not interrupt the flow of pedestrians or cyclists within the Site or public realm. Further details regarding lighting, barrier free spaces, bicycle parking locations, emergency access, and truck movements will be provided through a subsequent Site Plan Approval application.

## Shared Space

(Sections 01.3.2, 02.3.2, 09.3.2)

The Proposed Development provides residents with indoor and outdoor amenity areas, including the central plaza and rooftop amenity areas. These spaces are intended to offer a variety of programming and amenities, such as seating, water features, outdoor kitchens, and planting beds. Natural surveillance is provided on all amenity areas through adjacent commercial, residential, and indoor amenity areas. Detailed design of these spaces has not been completed at this time. Future designs will consider appropriate planting palettes, materials, furniture, lighting, and public art to create flexible, attractive, and safe shared spaces.

## Inclusive Design

(Section 09.3.1)

The Proposed Development includes highly transparent commercial and amenity spaces at ground level, as well as upper storey residential units, providing abundant natural surveillance on the public realm. Pedestrian circulation is designed to be continuous to avoid dead ends and entrapment areas. Future lighting and landscape design will ensure maximum safety and comfort.

## Cultural & Natural Heritage

(Section 09.3.4)

The Heritage Impact Assessment, prepared by MHBC (dated December, 2023), concluded that the Proposed Development will not have any adverse impacts on the surrounding heritage resources. The report recommends the installation of a commemorative element to acknowledge the history of Greb Industries and Bauer Hockey. Details of the specific commemorative strategy are to be completed as part of the Site Plan Approval process.

## Design for Sustainability

(Section 09.3.5)

Specific sustainability measures will be addressed through a subsequent Site Plan Approval application and may consider building materials, green roofs, native and drought resistant landscaping, passive solar design, on-site waste separation, high-efficiency appliances, and bird-friendly façade treatments.



# 5.0 CONCLUSION

This Urban Design Brief concludes that the Proposed Development incorporates a high-quality of urban design through the following:

- Replacing an auto-oriented commercial form with a compact, mixed-use urban development that aligns with the transit-supportive goals of the MTSA;
- Creating an active, urban streetscape along Victoria Street North with ground floor commercial and a new central plaza;
- Providing abundant bicycle parking and barrier-free pedestrian connections to promote active transportation;
- Contributing to the creation of a complete community by providing residential, commercial, and amenity uses;
- Creating a podium and tower form that minimizes shadow and wind impacts on the surrounding neighbourhood; and,
- Utilizing a façade design and material palette that complements the nearby Civic Centre Neighbourhood Heritage Conservation District.

It is our opinion that the proposed Official Plan Amendment and Zoning By-law Amendment applications reflect the intent, policies, and guidelines of the City of Kitchener Official Plan and Urban Design Manual and represent good urban design.

Respectfully submitted,



Andrea Sinclair, MUDS, MCIP, RPP  
Partner



Jonathan Hann, BEDP, MSc  
Senior Urban Designer

