

# Planning Justification Report

Official Plan and Zoning By-law Amendment Applications  
328 & 330 Mill Street, Kitchener

March 2024

Prepared for:  
*Masri O Inc. Architects*  
101-609 Kumpf Drive  
Waterloo, ON N2V 1K8



Prepared by:  
*JV Planning & Development Consulting*  
187 West River Road  
Cambridge, ON N1S 2Z9



PLANNING  
& DEVELOPMENT  
CONSULTING



330 MILL STREET



# Table of Contents

<b>1.0 Introduction</b>	<b>3</b>
1.1 Proposed Applications	7
1.1.1 Official Plan Amendment	7
1.1.2 Zoning By-law Amendment	7
<b>2.0 Site Description and Surrounding Land Uses</b>	<b>9</b>
2.1 Site Location and Description	9
2.2 Surrounding Land Uses	10
2.3 Neighbourhood & Transportation Context	11
<b>3.0 Description of the Development Proposal</b>	<b>13</b>
3.1 Project Overview	13
<b>4.0 Supporting Studies</b>	<b>16</b>
4.1 Functional Servicing and Stormwater Management Report	16
4.2 Transportation Impact, Parking Justification & TDM Study	17
4.3 Road Traffic and Stationary Noise Impact Study	19
4.4 Pedestrian Wind Comfort Assessment	19
4.5 Archaeological Assessment	20
4.6 Urban Design Report	20
4.7 Shadow Study	21
4.8 Sustainability Statement	22
<b>5.0 Planning Policy Framework</b>	<b>23</b>
5.1 Provincial Policy Statement	23
5.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe	26
5.3 Region of Waterloo Official Plan	20
5.4 City of Kitchener Official Plan	36
5.4.1 Mill Courtland Woodside Park Secondary Plan	43
5.4.2 PARTS Rockway Plan and Rockway Secondary Plan	47
5.4.3 Growing Together	47

5.5 MECP D-6 Guidelines.....	53
5.6 City of Kitchener Zoning By-law 85-1 .....	54
5.6.1 Site Specific Regulations .....	58
5.6.1.1 Existing Special Use and Regulatory Provisions.....	58
5.6.1.2 Yard Setbacks.....	58
5.6.1.3 Floor Space Ratio .....	59
5.6.1.4 Ground Floor Street Line Façade .....	59
5.6.1.4 Reduced Parking.....	60
<b>6.0 Conclusion.....</b>	<b>61</b>

**List of Figures**

- Figure 1 – Site Location
- Figure 2 – Neighbourhood Context
- Figure 3 – Region of Waterloo Official Plan Amendment 6 Map 1 - Regional Structure
- Figure 4 – Region of Waterloo Official Plan Amendment 6 Map 2 - Urban Structure
- Figure 5 – Region of Waterloo Official Plan Official Plan Amendment 6 Figure 7b – Mill Street Major Transit Station Area
- Figure 6 – City of Kitchener Official Plan Map 2 - Urban Structure
- Figure 7 – City of Kitchener Official Plan Map 3 - Land Use
- Figure 8 – City of Kitchener Official Plan Map 11 - Integrated Transportation System
- Figure 9 – City of Kitchener Official Plan Map 12 - Mill Courtland Woodside Park Secondary Plan – Land Use Plan
- Figure 10 – PARTS Rockway Plan – Preferred Land Use Plan
- Figure 11 – Proposed Growing Together City of Kitchener Official Plan Amendment to Map 2 – Urban Structure
- Figure 12 – Proposed Growing Together City of Kitchener Official Plan Amendment to Map 3 – Land Use
- Figure 13 – Proposed Growing Together City of Kitchener Zoning By-law Amendment – Zoning Grid Schedule 118
- Figure 14 – City of Kitchener Zoning By-law 85-1

**List of Appendices**

- Appendix A – Pre-consultation Meeting Record
- Appendix B – Proposed Conceptual Site Plan

# 1.0 Introduction

This Planning Justification Report has been prepared by JV Planning & Development Consulting on behalf of Masri O Inc. Architects who is submitting the application on behalf of the property owner 1658194 Ontario Ltd., in support of an Official Plan and Zoning By-law Amendment application pertaining to 328 and 330 Mill Street in Kitchener (herein referred to as ‘the Subject Property’ or ‘the Subject Lands’). The proposed Official Plan and Zoning By-law Amendment applications are necessary to intensify and redevelop the Subject Lands for a new 20-storey mixed-use building in an area of the City that is experiencing transition from industrial to a predominantly residential, mixed use area. The intent is to realize a higher density form that maximizes the full potential of the site which will contribute to creating a walkable, transit-friendly development.

The Subject Site is approximately 0.3 hectares (3,050 square metres) in size and is located on the north side of Mill Street between Heiman Street and Borden Parkway as shown on **Figure 1**. The Site is irregular in shape and measures 40.56 metres of frontage along Mill Street.

The Subject Lands are a consolidation of two properties including 328 and 330 Mill Street. The Subject Lands are utilized for residential, commercial and industrial purposes with a residential single detached dwelling located at 328 Mill Street, a semi-detached dwelling with a florist, Belmont Flowers operating at 330 Mill Street and a low-rise industrial building located at the rear of 330 Mill Street utilized as an automotive repair and service business.

The proposed applications would facilitate the construction of a 20-storey, mixed use building containing residential and commercial uses. A portion of the building will be a dedicated parking garage with one level of underground parking.

Implementation of the proposed redevelopment requires approval of an Official Plan and Zoning By-law Amendment application.

A formal Pre-Submission Consultation meeting was held with the City of Kitchener and Grand River Conservation Authority (GRCA) on April 27, 2023. In addition to 328 and 330 Mill Street, the original proposal also included 334 and 338 Mill Street both of which are located within the two-zone floodplain of Shoemaker Creek. Adjacent to Shoemaker Creek,

## Development Vision

*The development vision prioritizes pedestrians and encourages connectivity by designing a compact layout that is within walking distance to a number of transit stops and the ION Mill Street Station. Focusing on creating a pedestrian friendly environment, the design incorporates multiple landscaped walkways connecting directly to the municipal sidewalk.*

*To enhance neighborhood identity through thoughtful architectural design, the proposed building is designed consistent with transit-supportive principles to support an active pedestrian environment. Using massing and transitions in height, the building design is intended to reinforce the streetscape and public realm.*

*The design incorporates ground-level patios and rooftop terraces to provide inviting public and private spaces. The intent is that these areas will facilitate social engagement for both commercial users and residents. By promoting mixed-use spaces, the project seeks to revitalize the neighbourhood by bringing together a diverse range of residential and commercial activities.*

*Integration with the existing community fabric is central to the design intent. The development aims to contribute significantly to ongoing revitalization efforts, fostering vibrancy and economic growth in the Mill Street area.*



338 Mill Street is almost entirely located within the flood fringe and a portion of the floodway. Given the flood related impacts, the proposal was revised to remove these two properties from the development proposal.

The design concept was further advanced and updated from a 12-storey building with 290 residential units to a 20-storey building with 293 units. The original Record of Consultation dated April 20, 2023, and an updated Record of Consultation dated August 14, 2023, is attached as **Appendix A**.

Following receipt of the updated August 14, 2023, Record of Consultation, confirmation was received that a scoped Environmental Impact Study and the vibration component of the Environmental Noise Study was no longer required.



**Figure 1**  
**Site Location**

LEGEND  
[Red dashed rectangle] Subject Lands

Source: Region of Waterloo GIS Locator, 2022 Aerial Imagery



The purpose of this Planning Justification Report is to provide:

- A description of the Subject Property, its existing physical condition, and its context within the surrounding community.
- An outline of the proposed redevelopment plan for the Subject Lands and corresponding development applications.
- A summary of the supporting technical studies and related findings.
- An overview of the relevant planning policy regulations including Provincial, Regional and City policies and guidelines along with planning rational in support of the proposed development.
- An analysis of the required site-specific zoning regulations required to facilitate the proposed site and building design.

## Summary Opinion:

*The proposed development appropriately intensifies underutilized properties in a Major Transit Station Area (MTSA) - an identified strategic growth area for intensification and redevelopment. It provides 293 residential units by redeveloping underutilized properties that have been assembled for redevelopment purposes. The proposed development will facilitate a more efficient use of the Subject Lands that is well served by existing infrastructure, public service facilities and higher order transit that can effectively accommodate new residents.*

*Residential intensification on the Subject Lands is supportive of numerous policy directions in the Provincial Policy Statement, the Growth Plan, the Region of Waterloo and City of Kitchener Official Plans, which are supportive of intensification of underutilized sites that are well served by transit and municipal infrastructure.*

*Located in an established neighbourhood that has existing infrastructure including a variety of services, including elementary public and Catholic schools, and is well served by transit and active transportation options, the Subject Lands are well positioned to accommodate growth and intensify existing underutilized properties.*



## 1.1 Proposed Applications

To advance the vision for the redevelopment of the Subject Lands, the following applications are being pursued:

### 1.1.1 Official Plan Amendment

The Subject Lands are currently designated 'Low Density Commercial Residential' to the depth of a standard residential lot while the balance of the Subject Lands are designated 'General Industrial' in the Mill Courtland Woodside Park Secondary Plan.

The Low Density Commercial Residential designation permits multiple dwellings and a range of commercial, and office uses. The maximum permitted density is 100 units per hectare on an individual lot and a maximum Floor Space Ratio (FSR) of 1.0.

To permit the proposed mixed-use development, the applicant is proposing to redesignate the Subject Lands from 'Low Density Commercial Residential' and 'General Industrial' to 'Mixed Use Corridor'.

In addition, the applicant is requesting a Special Policy Area on the Subject Lands to permit a maximum FSR of 6.7, whereas a maximum of 4.0 is permitted in the 'Mixed Use Corridor' designation. Therefore, the following Special Policy Area provision is proposed for the entirety of the Subject Lands:

- Notwithstanding the provision of Policy 13.4.3.14 (Part 3, Section 3 – Secondary Plans), the maximum Floor Space Ratio permitted shall not exceed 6.7.

A comprehensive review and analysis of the Official Plan policies are detailed in Section 5.4 of this report.

### 1.1.2 Zoning By-law Amendment (85-1)

The Subject Lands are currently split zoned with the whole of 328 Mill Street and the front half of 330 Mill Street to the depth of the rear lot line of 328 Mill Street zoned 'Commercial Residential One Zone (CR-1)' and the balance of 330 Mill Street zoned 'General Industrial Zone (M-2)'. The CR-1 zoned lands are subject to Special Use Provision 158U which permits a driveway for commercial/industrial access. The M-2 zoned lands are subject to Special Regulation 1R which requires a permit to be obtained from the Grand River Conservation Authority for development within a regulated area and Special Use Provision 159U that allows the sale and rental of motor vehicles and major recreational equipment as an accessory use to the service or repair of motor vehicles.

To accommodate the proposed redevelopment, the Subject Lands are proposed to be rezoned from CR-1 and M-2 to 'High Intensity Mixed Use Corridor (MU-3)' with the following site-specific regulations:

- An increase in FSR from 4.0 to 6.7.
- A reduction in the minimum front yard setback from 1.5 metres to 1.0 metre.
- A reduction in the minimum rear yard setback from 14 metres to 1.0 metre.
- A reduction to the minimum ground floor façade width as a percent of the width of the abutting street line from 50% to 29.9%.
- A reduction in the minimum multiple dwelling parking rate from 1.0 parking space per dwelling unit (293 spaces) to 0.53 spaces per dwelling unit (155 spaces).
- To allow for the shared use of visitor and non-residential parking spaces at a combined rate of 0.037 spaces per unit (11 spaces) whereas 20% of the required residential rate is required for visitor parking spaces (59 spaces) and 1.0 space

per 27 square metres of gross non-residential floor area (8 spaces) is required for the commercial units.

- That a Holding Provision (H) shall apply to the entirety of the subject lands until a Record of Site Condition is obtained.

A detailed review of the applicable Zoning By-law regulations and conformance is discussed in Section 5.6 of this report.



# 2.0 Site Description and Surrounding Land Uses

## 2.1 Site Location and Description

The Site is located approximately 1.5 kilometers southeast of Downtown Kitchener, within the Mill Courtland Woodside Park neighbourhood. The Subject Property is located on the north side of Mill Street between Heiman Street and Borden Parkway (**Figure 1**). It is roughly “L” shaped and is one property removed from bordering Shoemaker Creek. The property is municipally known as 328 and 330 Mill Street.

It is intended that these properties will be merged to form a viable development parcel. The gross site area is 3,050 square metres with 40.56 metres of frontage along Mill Street.

There are three existing buildings located on the Subject Lands including a single detached dwelling located at 328 Mill Street, a semi-detached dwelling located at 330 Mill Street of which one half is operating as Belmont Flowers, and 3Bay Auto Sales, an automotive repair and service shop operating at the rear of 330 Mill Street.



Photo 1: 328 Mill Street



Photo 2: Belmont Flowers, 330B Mill Street



Photo 3: 3 Bay Auto Sales, 330 Mill Street

located immediately to the east of Mill Creek Place while single detached dwellings are located to the west.

**East:** Immediately to the east of the Subject Lands is a used car dealership ('3 Bay Auto Sales'), followed by Shoemaker Creek, the Mill Street Parkette and a three-storey townhouse development ('Joy' townhouses).

## 2.2 Surrounding Land Uses

The surrounding area is characterized by a mix of uses and low-rise built form including residential, retail and service commercial uses and industrial/employment uses. The CN Rail Corridor and the former Schneider's meat processing operation is located to the north.

Generally, surrounding land uses include the following:

**North:** Immediately to the north of the Subject Lands is a vacant parcel of land which backs onto the CNR rail line corridor. The former Schneider's factory complex is located immediately north of the site across the CNR rail line. Planned for a large, multi-tower mixed use infill project known as 'The Metz', the former Schneiders facility is intended to accommodate a range of low, mid, and high rise housing options, retail and employment uses.

**West:** Single detached dwellings are situated to the immediate west. There is a small commercial plaza further to the west at 300 Mill Street comprised of service commercial uses. There is an area of mixed industrial/employment uses to the northwest of the Site comprised of light industrial uses predominately motor vehicle related.

**South:** Immediately to the south of the Subject Lands on the south side of Mill Street is a townhouse development ("Mill Creek Place"). A 3-storey apartment building is

## 2.3 Neighbourhood and Transportation Context

The Subject Lands are centrally located within the Kitchener Mill-Courtland-Woodside neighbourhood that forms part of the broader ring of neighbourhoods that surround Downtown Kitchener. Downtown Kitchener’s core and its focus of retail, restaurants and employment activities is within approximately 1.5 kilometers of the Subject Property.

The Mill-Courtland-Woodside neighbourhood is generally characterized by a mix of post-war single detached housing and recently constructed townhouses and low to mid-rise apartment buildings. According to the 2021 Census, single detached dwellings comprise the majority of the dwelling types within the neighbourhood at 66%. Apartment buildings greater than or equal to five storeys account for 17% while row houses account for 12% of the dwelling types.

The Subject Property is located on Mill Street, an east-west City Arterial Street with a two-lane cross section. Sidewalks are provided on both sides of Mill Street between Ottawa Street South and Stirling Avenue. To the east is Ottawa Street South, a Regional Road offering higher order east-west connections. Stirling Avenue, located west of the site is a north-south Major Community Collector Street. Both Ottawa Street and Stirling Avenue have sidewalks on both sides of the roadway. Heiman Street to the west, a local, two lane street has sidewalks on both sides while Borden Parkway, a local street located to the east, has a sidewalk on the south side of the roadway.

The Subject Property is well connected to existing Grand River Transit routes with approximately 22 bus stops within 500 metres, the closest stops located on Mill Street immediately east of the Borden Parkway intersection. The Mill Street ION Light Rail Transit

Station is approximately 450 metres or a six-minute walk from the Subject Lands.

The Subject Lands are also integrated into the existing active transportation network. Mill Street has on-street cycling lanes between Stirling Avenue and Ottawa Street. East of Ottawa Street, a boulevard multi-use path is provided on Mill Street.

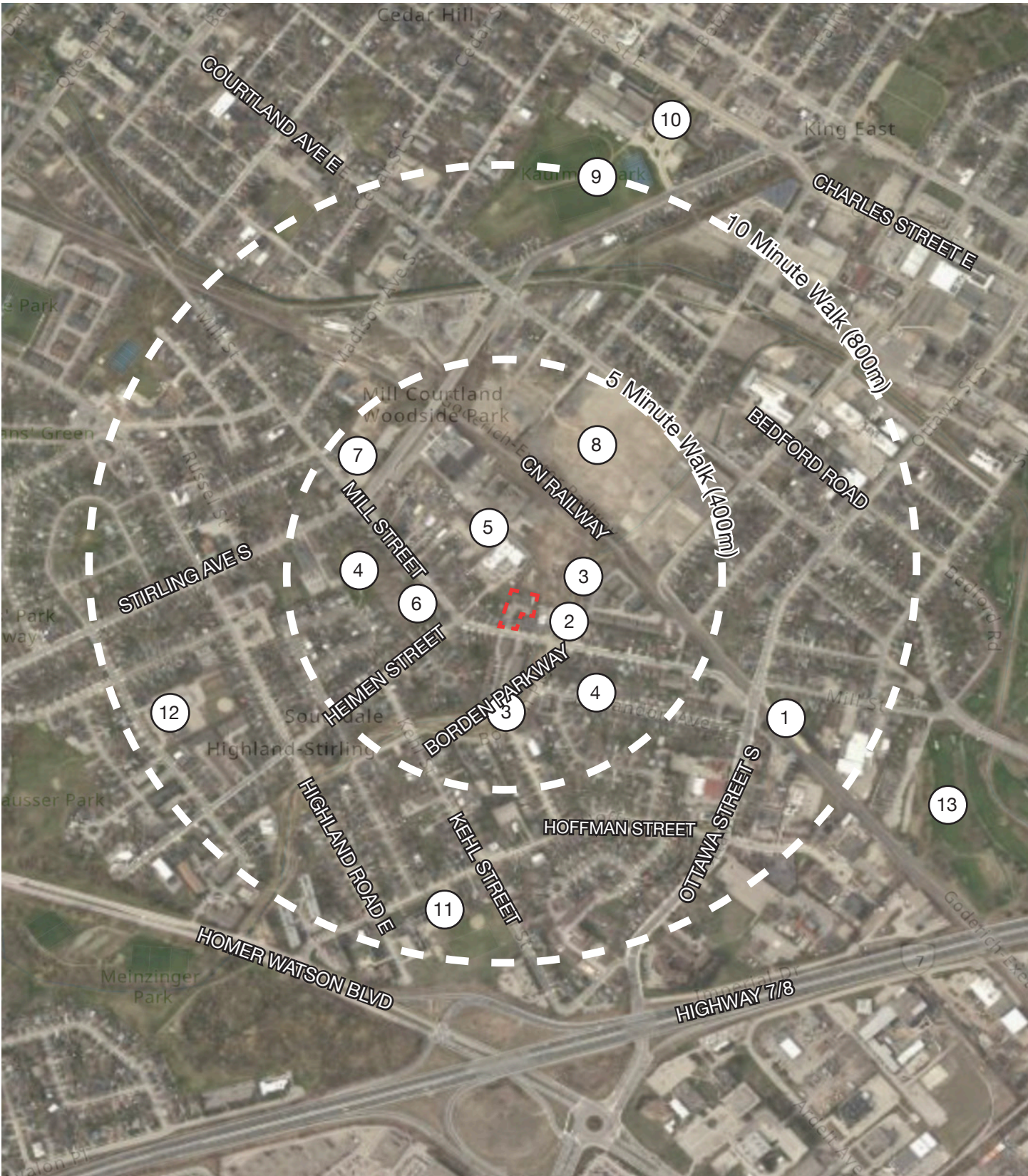
Stirling Avenue has on-street cycling lanes as well as Ottawa Street South, south of the Mill Street intersection. The Iron Horse Trail is located to the north of the site which can be accessed either via Stirling Avenue or Ottawa Street.

A planned primary multi-use pathway is proposed along Shoemaker Creek.

The following table highlights a number of notable land uses in proximity to the proposed development. This table is to be read in conjunction with the Neighbourhood Context Map (**Figure 2**).

No.	Description
1	Mill Street Station
2	Mill Street Parkette
3	Shoemaker Greenway
4	Low Rise Residential
5	Industrial/Employment
6	St. Andrew’s Memorial Anglican Church
7	Mill Courtland Community Centre
8	Former Schneider’s Redevelopment Site
9	Kaufman Park
10	Cameron Heights Collegiate Institute
11	Queen Elizabeth Elementary Public School
12	St. Bernadette Catholic Elementary School
13	Rockway Golfcourse





**Figure 2**  
**Neighbourhood Context**

Source: Region of Waterloo GIS Locator, 2022 Aerial Imagery

**LEGEND**

- Subject Lands
- Walking Distances (400m & 800m)



# 3.0 Description of the Development Proposal

## 3.1 Project Overview

A twenty-storey, mixed use (residential and commercial) building is proposed on the Subject Lands which will require the demolition of the existing buildings. A total of 293 residential units and 212 square metres of ground floor commercial space is proposed with a total gross floor area (GFA) of 20,400 square metres. The proposed building is approximately 68 metres in height with a ground floor height of 4.5 metres to provide additional height to accommodate the commercial ground floor units.

The new development will provide a variety of unit sizes and types comprised of 29 studio units, 208 1-bedroom units, 53 2-bedroom units and three, 3-bedroom units. The proposed mix of unit types and sizes will be attractive to a range of household sizes.

A single vehicular access is proposed via a driveway located along the east property line providing access to the primary residential building entrance, passenger drop off area and parking garage.

A total of 212 square metres commercial/retail space is provided on the ground floor. To enhance the pedestrian experience, the ground floor is recessed under the building to provide a sheltered promenade. A sidewalk located at the west side of the building provides a direct connection to Mill Street for pedestrians to access the commercial uses as well as access to the side yard patios offering seating areas for use by the commercial tenants and their customers.

The proposed development provides a total of 166 vehicle parking spaces located in one level of underground parking and above grade, structured parking partially integrated into the podium levels at the rear of the building and an additional three levels of structured parking located within a dedicated parking garage located at the rear and east side of the building.

Public and visitor parking is provided on the ground floor along with a loading and garbage pick-up area. Most of the resident parking is accommodated in the underground and upper levels. The basement level parking garage also includes the mechanical and electrical rooms. The main bike storage is located at the entrance to the parking garage with its own secure dedicated entrance.

A total of 106 bicycle parking spaces are proposed consisting of 100, secure indoor spaces and six outdoor bicycle parking spaces for visitors.

The site design incorporates several landscaped areas and walkways to improve the aesthetic quality of the site, providing multiple direct connections to the public sidewalk to prioritize pedestrian utility. Extensive perimeter landscaping is proposed including a 1.8 metre high wood board fence to provide increased privacy and screening along all property lines.

A large, landscaped front plaza area is proposed as a predominately hardscaped area supplemented with street trees and a variety of native species in raised planters.

The building base has been designed to prioritize pedestrian comfort and safety by incorporating large windows, weather protection over building entrances and direct connections to the public sidewalk with active commercial uses directly accessible from the street. The primary residential entrance is clearly marked and shielded by a substantial canopy overhang, offering protection from the elements for pedestrians and individuals waiting for ride shares or carpooling.

Massing has been designed to create visual interest and to reinforce human scale. Projections, recesses, colours, and materials were purposely designed to reduce and diversify the buildings massing.

All elevations have been designed to provide transparency, architectural continuity, and visual interest. No blank walls are proposed with ample windows and balconies providing natural surveillance onto the public streets and proposed shared spaces.





The six-level podium has been planned with diverse architectural features. On the ground level, the commercial area is recessed from the street, to allow for the landscaped plaza. Above, the second floor serves as a protective canopy, shielding pedestrians from the elements. The 5th and 6th floors feature angled setbacks, enhancing visual appeal and linking with the tower overhead. Dominantly glass, the tower boasts clear glazing and spandrel glass panels with an articulating linear form and varying setbacks to add interest and visually break up the built form.

The material choice selected for the first three floors was deliberately more vibrant and distinct, setting them apart from the rest of the structure to accentuate the building's base, emphasizing human scale and delineating the predominantly public and semi-public functions of these floors.



The base is thoughtfully designed to harmonize with the surroundings, featuring welcoming masonry facades and ample ground-level glass. To enhance pedestrian experience, the ground floor steps back from the street, forming a sheltered promenade.

The second and third levels accommodate amenities such as the gym, fitness areas, kitchen, and lounge. The ground floor, featuring a glass-wrapped design, fosters a seamless visual connection between the exterior landscaped area and the commercial units. Towards the rear, the parking structure, clad in similar materials, seamlessly integrates into the base.





The rooftop of the parking garage structure is a proposed outdoor amenity space, offering dining areas, lounges, and a small greenhouse.



# 4.0 Supporting Studies

The following is a summary of the key findings and recommendations of the supporting technical reports and studies that were requested by the City and Region of Waterloo at the Pre-consultation meeting held on April 27, 2023, and subsequently revised to reflect changes to the proposal detailed in an updated Record of Consultation dated August 14, 2023. Following receipt of the revised Record of Consultation, confirmation was received via email that the scoped Environmental Impact Study and Vibration Study was no longer required as part of a complete application.

## 4.1 Functional Servicing and Stormwater Management Report

MTE Consultants Inc. was retained to prepare a Functional Servicing and Stormwater Management Report. MTE found that the proposed development can be adequately serviced where some of the key findings are summarized as follows:

- Existing municipal infrastructure for water, sanitary and storm is available along Mill Street.
- There is an existing 300mm diameter municipal watermain along Mill Street. A new connection to the 300mm diameter municipal watermain along Mill Street will be required in order to service the proposed building.
- The proposed building will be sprinklered. The required private water service size will be determined during detailed design but will likely be 200mm diameter.
- There is an existing municipal fire hydrant in close proximity to the Site, located opposite the Site on the other side of Mill Street. Based on the fire flow analysis, it is anticipated that the existing hydrant will provide adequate fire protection for the proposed building.
- There is a 200mm diameter sanitary sewer along Mill Street which drains toward the east. It is proposed that the site will be serviced by a new 200mm diameter sanitary service at the southwest corner of the Site.
- A sanitary flow design sheet has been prepared to determine the flows anticipated to be generated by the proposed development. In accordance with City design flow rate standards for residential development, it is determined that there is sufficient capacity for the proposed private sanitary connection to convey sanitary flow from the proposed site.
- A private storm sewer system including area drains, flow control roof drains, and a manhole will be installed on-site to collect rooftop runoff as well as runoff from the driveway and amenity areas. The collected runoff will be directed through the underground parking, on to the proposed manhole at the property line, which will connect to the existing storm sewer on Mill Street.
- During the 5-year storm event, the entire proposed development will produce a stormwater runoff rate of 21.0L/s. A portion of this flow will be piped, and a portion will flow overland towards the storm sewer system in the right of way. Therefore, the proposed storm service connection will have adequate capacity to convey the flow from the proposed development.
- Due to the proposed building and underground parking extending over the majority of the Site, on-site stormwater retention is not feasible. A cash-in-lieu



payment will therefore be required for the difference in the required and provided volume retention.

- The impervious percentage of the Site under the existing condition is approximately 66.8% and will increase to approximately 86.6% with mostly building rooftop area under the proposed development condition. In order to achieve the stormwater management requirements for the site, runoff generated from the roof area will be controlled using flow control roof drains.
- The installation of twelve flow control roof drains is proposed which is determined to control the post-development runoff from the controlled portion of the site for the 2-, 5- and 100-year storm events. It has been demonstrated that the post development flow rates are controlled to rates lower than pre-development flow rates.
- A majority of the Site is covered with roof, which generates “clean” runoff. Further, uncovered portions of the site are primarily pedestrian accesses and amenity space, which also generate “clean” runoff. Only a small portion of the driveway ramp is uncovered. Given the existing residential and commercial driveways on-site, the proposed development is expected to result in no net change to water quality from the Site. Therefore, no other on-site water quality controls are proposed at this time.
- The proposed grading strategy will respect the existing grades along the north, east and west property lines. Grading within the boulevard along the south property line is proposed to maintain positive drainage towards the right-of-way and match into existing grades along the existing concrete sidewalk on Mill Street.
- Regrading within the Site will involve exposing foundation walls along the east side and burying the foundation wall along the north and west side of the building structure.

- In the proposed condition, the driveway overland route is sloped to the southeast towards the Mill Street right-of-way. Grading within the internal roadway will involve directing stormwater runoff to the proposed area drains connecting internally into the building.
- The Site falls within the Grand River Conservation Authority (GRCA) regulation limit and as such, the site engineering design will be submitted to the GRCA for their review and approval as part of a Fill Permit

## 4.2 Transportation Impact Study, Parking Justification Study & Transportation Demand Management (TDM)

Paradigm Transportation Solutions Limited was retained to undertake the following studies:

**Traffic Impact Study (TIS)** – The TIS included an analysis of the existing traffic conditions, evaluated anticipated traffic impacts of the proposed development and, if warranted, provided recommendations to improve future traffic conditions. Traffic forecasts assumed a five-year horizon from the date of the study (2028).

Based on the investigations carried out, the TIS concluded the following:

- The roadways within the study area comprise Mill Street with the intersecting streets of Ottawa Street South, Stirling Avenue, Heiman Street and Borden Parkway intersections.
- The study area intersections are currently operating within acceptable levels of service and within capacity.
- The development is forecast to generate 59 new trips in the AM peak hour and 82 new trips in the PM peak hour.
- The study area intersections are forecast to continue to operate at acceptable levels of

service and within capacity. No critical movements are forecast.

- The study area intersections and proposed site driveway is forecast to operate at acceptable levels of service and within capacity. No critical movements are forecast.
- A left-turn lane on Mill Street at the site driveway is not warranted under future traffic conditions.
- Based on the findings of the study, it is recommended that the development be approved with no requirements for off-site improvements.

**Parking Study and TDM** – to evaluate the number of parking spaces the proposed development would require in accordance with the City of Kitchener Zoning By-law and compare that to the proposed parking rates to determine if the proposed parking reduction is appropriate.

Combined with the Parking Study, the TDM analysis evaluated TDM measures to reduce the demand for parking.

The Parking and TDM Study concluded the following:

- The proposed development requires a total of 360 parking spaces to comply with the in-effect Zoning By-law 85-1. 166 parking spaces are proposed resulting in a potential shortfall of 194 spaces.
- The study reviewed actual parking demands that are likely to be generated by the proposed development to assess the proposed parking supply, independent and separate from a review of the Zoning By-law parking requirements.
- The Institute of Transportation Engineers (ITE) Parking Generation Manual indicates a parking supply of 201 spaces would be sufficient to serve the parking demands on site.
- Proxy site data at two sites in the City of Kitchener indicate an average peak parking demand of 0.55 to 0.57 spaces/unit.

- Given the results of Zoning By-law requirements in other municipalities, ITE rates, auto ownership rates and parking demand data in similar developments, the estimated maximum residential parking demand is between 0 and .57 spaces/unit (0 spaces and 167 spaces) and the estimated commercial demand is between 0 and 54 spaces. The upper end of the forecast demand range (auto ownership) is high given the data was collected prior to the ION LRT opening in June 2019.
- The City of Kitchener has developed a “PARTS TDM Checklist” as part of their Transportation Master Plan. This worksheet was created to assist in assessing whether developments are planned in such a manner to support the overall objectives of the City of Kitchener to increase transit use and reduce single occupant vehicle (SOV) travel.
- Based on a number of TDM measures, the development would be eligible for a 14% reduction resulting in a total requirement 360 spaces
- Based on the full TDM measures considered for the site, the development may be eligible for parking reduction of 29% for a total requirement of 298 spaces.
- The developer is committed to several Transportation Demand Management (TDM) measures including pedestrian connectivity, unbundling parking, provision of bicycle storage facilities, provision of car share parking space, and education packages for residents.
- City and Regional policies promote the use of non-auto travel modes and the implementation of TDM measures, ultimately contributing to a target mode share of 20% by 2031. The subject site location within a major transit station area is conducive to the use of alternative modes and reduction in parking requirements., The rise of the price of gas, price of parking and convenience of rapid transit all contribute to reducing the demand



for parking on-site. The subject development and the non-provision of parking on-site is consistent with these policies and objectives to reduce auto dependency.

### 4.3 Road Traffic and Stationary Noise Impact Study

JJ Acoustic Engineering Limited was retained to conduct a Road/Rail Traffic and Stationary Noise Impact Study for the proposed development. The Study was prepared consistent with Ontario Ministry of the Environment, Conservation and Park (MOECP) NPC 300 “Environmental Noise Guideline, Stationery and Transportation Sources – Approval and Planning (August 2013) and the Regional Municipality of Waterloo Noise Policy Implementation Guideline (October 2019).

The report examined potential impacts of road, rail and nearby potential stationary noise impacts on the proposed development. The noise impacts from the proposed development on itself and the surrounding environment will be completed once the building’s mechanical equipment is determined. Based on the results of the study, the following conclusions have been reached:

- The stationary noise impacts from the neighbouring buildings to the site were elevated and the sound level predictions were determined to be below the noise limits for all facades.
- NPC 300 defines a balcony or terrace as an Outdoor Living Area (OLA) if it has a minimum depth of 4 metres. All balconies are less than 4 metres in depth and therefore are not considered OLA’s.
- The landscaped area located approximately 3 metres from the south façade closest to Mill Street was evaluated and subsequently determined that the road traffic noise levels exceeded the NPC 300 OLA guideline of 55 dBA by 4 dBA. As road traffic noise levels are

above 55 dBA, warning clause A is recommended for all units.

- The road and traffic noise impacts were above the NPC 300 requirements. Mitigation measures will be required to address noise impacts from road and rail traffic including ventilation requirements, special building components and noise warning clauses for all units.

### 4.4 Pedestrian Wind Comfort Assessment

RWDI Air Inc. was retained to complete a quantitative pedestrian-level wind assessment to evaluate potential impact of the proposed development on wind conditions in pedestrian areas on and around the subject lands. Key areas of interest for the assessment include nearby sidewalks and properties, the main entrance and drop-off area underneath the proposed tower, retail entrances, at grade outdoor patio area at the rear of the proposed building and outdoor terraces at levels 5, 16 and 18. Using Computational Fluid Dynamics (CFD) modelling, a numerical technique that can be used for simulating wind flows in complex environments, the following conclusions have been reached:

- The proposed building is taller than its surroundings, and therefore is expected to redirect wind to ground level. However, several positive features such as stepped massing and the perforated garage are positive to moderate wind impacts to a large extent.
- Wind conditions at ground level, including the main entrance, retail entrances, the rear patio, and sidewalks, are expected to be appropriate for the intended usage. The project is not expected to have a notable influence on wind conditions on other properties.
- Potentially uncomfortable or unsafe wind speeds are expected around the north building corner in the winter. If public use of the area is anticipated in the winter, wind mitigation strategies would be required. They may range from additional tower setbacks

and corner articulations to large canopies, screens and coniferous trees.

- Wind speeds on the Level 5 terrace are predicted to be appropriate for passive use, while higher-than-desired wind speeds are expected for the more exposed terraces at Levels 16 and 18.
- Wind speed increases with elevation. Terraces at Levels 16 and 18 are more exposed to the prevailing winds that accelerate around the north and south ends of the proposed tower. As such, conditions on these terraces are expected to be too windy for passive use. High wind speeds in the winter may exceed the safety limit without the use of any wind control measures. To reduce the wind speeds at Levels 16 and 18, tall guardrails should be considered along the perimeters. In addition, local features such as planters, screens and trellises may be interspersed throughout the terraces or used to surround designated gathering or seating areas for further wind reduction.

## 4.5 Archaeological Assessment

Archaeological Research Associates Ltd. (ARA) was retained to conduct a Stage 1 and Stage 2 Archaeological Assessment to identify any potential archaeological sites within the subject lands. Based on the results of the study, the following conclusions were reached:

- The Stage 1 assessment involved a desk top examination including up-to-date listing of sites from the Ontario Archaeological Sites Database within a 1 km radius, the consideration of previous local archaeological fieldwork within a minimum of a 50 metre radius, an analysis of historical maps and the study of aerial imagery to determine the identification of archaeological potential in the vicinity of the study area.

- The most relevant indicators of archaeological potential include location of Shoemaker Creek, a historical community (Berlin), one historically surveyed road way (Mill Street) and several historical structures.
- The Stage 1 assessment determined that the study area comprised a mixture of areas of archaeological potential, areas that were likely disturbed by past land alterations and areas of no archaeological significance.
- Areas identified as containing potential archaeological potential required further assessment as part of the Stage 2 Assessment.
- The Stage 2 Assessment involved a combination of visual inspection and test pit survey. The Stage 2 Assessment did not result in the identification of any archaeological materials. No further assessment is recommended.

## 4.6 Urban Design Report

An Urban Design Report was prepared by Masri O Architects to provide an analysis of the overall design solution for the proposed development. The report evaluates the proposal in accordance with the design policy direction in the City's Official Plan, Urban Design Manual including the City-Wide Design Guidelines and the Design for Tall Buildings, the design strategies detailed in the Rockway PARTS plan and most recently, the built form intent of the Growing Together initiative.

The report concludes that the proposed design achieves the City's key urban design goals established for the neighbourhood. The key findings are as follows:

- The design of the development implements a strategy to achieve the City's expectation for good tall building design.
- The building base is massed as a mid-rise form of six stories and includes commercial space and the residential lobby at grade. On the 2nd and 3rd floors, amenity uses overlook the

street with a two-storey façade along the frontage featuring the gym and lounge.

- The design incorporates enhanced streetscaping with the large plaza, sculptural landscaping and coordinating lighting features. The podium is articulated at the 2nd floor creating a cantilevered canopy.
- The proposed building has a positive relationship with the public realm achieved through hard and soft landscaping and large walkway connections to the existing sidewalk that focus on ease of user circulation.
- The ground floor is mainly glass, and the upper base floors are brick. At the 2nd floor and the 4th floor, the building articulates at an angle towards and away from the street.
- The tower portion of the building spans floors 7-20 and is primarily made up of a lighter colour palette of blue, white and grey glazing and contains a curtain wall construction in the middle. The tower is a mainly glass form, consisting of clear glazing and spandrel glass.
- The tower is broken down into three sections in the horizontal plane: front, middle and back. The centre portion is entirely curtain-wall construction while the front and back are coloured concrete. The front section rises to the 17th storey while the section at the back stops at the 15th floor. At the 16th storey, the tower footprint is reduced, and materiality differentiated to reduce the mass.
- Designed to consider its place in a transition zone between an established neighbourhood and an industrial area, the podium and tower is designed to provide the impression of three separate buildings. The podium addresses the human scale and the public realm, while the tower is stepped back and differentiated. This has been achieved through massing, materiality and the use of colours. The materiality and mass of the building is broken up in all three

dimensions, through the depth of the Site and as it moves up to the highest levels.

- Due to the irregular shape of the site, there is only one location to accommodate the residential tower. Placement of the building was derived from a multitude of physical limitations and building code requirements, functional requirements of access, circulation, parking, and servicing.
- Overall, the building aims to minimize undesirable impacts on amenity spaces and the public realm and responds to criteria of separation, overlook, relative height and orientation.
- The top design is clean and minimalist with integrated mechanical penthouse setback from the building on west, north and east face. Due to the location of the stairs on the south face, a setback is not possible, but the small mass of the mechanical penthouse level is not overpowering, and its materiality is cohesive with the rest of the building.

## 4.7 Shadow Study

In support of the proposed development, Masri O Architects. Inc. prepared a sun shadow analysis to examine the potential impacts the proposed development may have on the Subject Lands and surrounding properties in accordance with the City's Design for Tall Buildings guidelines. The guidelines identify that the shadow analysis should demonstrate how the proposed building maintains daily access to at least five hours of cumulative direct sunlight under equinox conditions on nearby open space and sidewalks. For private properties, generally the common municipal criterion is four hours of sunlight on private amenity areas.

### Spring and Fall

During the Spring and Fall periods, a shadow is cast in the rear yards of the single detached dwellings located directly to the west at the 10 am interval only. The vacant land directly behind the Subject Property is partially impacted from 2:00 pm onward however no

one part of the property is fully in shade for consecutive time periods. The Joy townhouse development to the east is only in shadow during the 6 pm interval. No municipal sidewalks are impacted by shadow during any of the time periods.

### Summer

During the Summer, shadow impacts from the proposed development will be minimal. Like the Spring/Summer period, the rear yards of the single detached dwellings to the west are only impacted during the 10 am interval. The shadows cast on the vacant land to the north are small and fast moving. The property to the east is partially impacted at the 4 pm interval and fully shaded at the 6pm interval.

The Joy townhouse development along with the Mill Street parkette is only impacted at the 6 pm interval.

No municipal sidewalks are impacted by shadow during any of the time intervals.

### Winter

The shadows cast in December are understandably the longest when the sun is very low in the sky. The rear yards of the properties to the west are again, only impacted during the 10 am interval. The property to the north is impacted starting at the 12 pm interval with the shadow being narrower and longer as it moves across the property during the day with no one area impacted with the exception of the area directly behind the proposed building. There are no shadow impacts on the municipal sidewalks, the property to the east or the Joy townhouse development during the winter.

The shadow study diagrams demonstrate that the height and location of the proposed building will not generate unacceptable amounts of shadow over adjacent lands. Further the proposed building maintains more than five hours of full sunlight on nearby open spaces and sidewalks and for private properties, maintains more than four hours of sunlight on private amenity areas.

## 4.8 Sustainability Statement

A Sustainability Statement was prepared by Masri O Architects. Inc. to demonstrate the proposed development's conformity with the sustainable development policies of the Kitchener Official Plan, including Policy 7.C.4.4. The report concludes that the proposed development includes and has considered numerous elements to encourage environmental sustainability, including proximity to amenities, encouraging a variety of transportation options and TDM measures, a proposed greenhouse located on the 5th floor terrace to allow for a community garden and construction that will meet or exceed contemporary energy efficiency and waste diversion standards.

# 5.0 Planning Policy Framework

## 5.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), provides policy direction on matters of Provincial interest related to land use planning and development. All land use planning decisions are required by the *Planning Act* to be consistent with the PPS.

The PPS promotes 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. It encourages development patterns that support strong, liveable, and healthy communities by endorsing intensification as a means to accommodate growth and increase urban vitality.

The PPS emphasizes intensification in built-up areas to promote the efficient use of land and existing infrastructure and public service facilities to avoid the need for unjustified and uneconomic expansion and as a means to accommodate growth and increased urban vitality.

The proposed redevelopment has been reviewed against the PPS. The sections of the PPS that are most relevant to the proposed development are reviewed below.

### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

**Policy 1.1.1** states in part that healthy, liveable and safe communities are to be sustained by promoting efficient development and land use patterns; accommodating an appropriate range and mix of residential (including single-detached, additional

residential units, multi-unit housing, affordable housing, and housing for older persons), promoting cost effective development patterns and standards to minimize land consumption and servicing costs. The policy supports 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”* in order to optimize transit and efficiently use land.

**Policy 1.1.2** directs that sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

**Policy 1.1.3.1** directs that settlement areas shall be the focus of growth and development, their vitality and regeneration critical to long term economic prosperity of our communities.

**Policy 1.1.3.2** requires that land use patterns within settlement areas be based on densities and a mix of land uses, which:

- a) Efficiently use land and resources
- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available avoiding the need for their unjustified and/or uneconomical expansion.
- c) Support active transportation.
- d) Are transit-supportive, where transit is planned, exists or may be developed.

**Policy 1.1.3.3** requires planning authorities to identify and promote opportunities for transit-supportive



development, accommodating a significant supply and range of housing options through intensification and redevelopment, where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities.

**Policy 1.1.3.4** states that appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

**Policy 1.4.1** directs planning authorities to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, by:

- a) Maintaining at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.

**Policy 1.4.3** includes specific directions to Planning Authorities with respect to providing an appropriate range and mix of housing types and densities. This includes permitting and facilitating all types of residential intensification, including second units and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

**Policy 1.6.3** provides that before consideration is given to developing new infrastructure and public service facilities; the use of existing infrastructure and public service facilities should be optimized.

**Policy 1.6.7.2** states that efficient use should be made of existing and planned infrastructure, including through the use of transportation

demand management (TDM) strategies, where feasible.

**Policy 1.6.7.4** promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation.

**Policy 1.6.9.1(a)** states that planning for land uses in the vicinity of airports, rail and marine facilities shall be undertaken so that their long-term operation and economic role is protected. Additionally, planning shall be undertaken to protect their long-term operation and economic role, and to appropriately design, buffer and separate sensitive land uses from airports and rail facilities.

**Policy 1.8.1** requires that planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which, among other things:

- (a) Promote compact form and a structure of nodes and corridors.
- (b) Promote the use of active transportation and transit in and between residential, employment and institutional uses and other areas.
- (c) Improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

# Provincial Policy Statement Summary

## Opinion:

*The proposed redevelopment is consistent with the PPS. As a site located in one of Kitchener's ten Major Transit Station Area's (MTSAs) transit service in proximity to the Subject Lands is substantial. Within walking distance to approximately twenty-two bus stops and a 6-minute walk to the Mill Street ION transit station, the Subject Lands are afforded frequent conventional and higher order transit service supporting residents to choose non-auto travel more frequently.*

*The redevelopment of the Subject Lands advances the provincial goals of healthy, liveable and safe communities by optimizing the use of land, resources and public investment in infrastructure and public service facilities.*

*The proposed redevelopment not only improves the range and mix of housing and commercial uses to the neighbourhood to build on a complete community, but it will also contribute to a sense of place by advancing a well-designed, compact built form.*

*Providing high-density residential uses, the redevelopment will promote the use of transit and increased housing options. The proposed redevelopment has been designed in a manner that will further support increased pedestrian and cycling infrastructure in the area.*

*Transit-oriented development strategies were intentionally incorporated into the redevelopment by providing a mixed-use transit supportive building within 500 metres of the Mill Street Station. The mix of land uses creates a multi-purpose destination that will support an area currently in transition. The building is designed consistent with transit-oriented principles, ensuring visual interest.*

*The redevelopment incorporates TDM measures to reduce the amount of required parking to encourage transit use, while allowing for efficient use of the Subject Lands.*

*The proposed development has consideration for the flood fringe and proximity of the rail line impacting the site and will be designed to mitigate impacts to the environment, public health, and safety.*

## 5.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ('A Place to Grow', 'Growth Plan') came into effect on August 28, 2020. Updates to the Growth Plan include changes to the population and employment forecasts, the horizon year for planning, alignment of infrastructure, and policies pertaining to the increase of housing supply, employment opportunities, and business potential areas.

The Growth Plan directs growth and development in the region to 2051, including policies pertaining to transportation, infrastructure, land use planning, urban form, housing, employment zones, and natural heritage protection. The overriding goals of the plan are to prioritize intensification, complete communities, integrated land use and infrastructure planning, and providing a range of housing options while capitalizing on new business potential and employment opportunities as they emerge.

Section 1.2.1 states that the policies of the Growth Plan regarding how land is to be developed are based on several principles including:

- Supporting the achievement of complete communities that are designed to support healthy and active living to meet people's needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure to support transit viability.
- Support a range and mix of housing options
- Provide for different approaches to manage growth.

All planning decisions in the Greater Golden Horseshoe must conform with the Growth Plan. The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning and the need to optimize the use of the land supply and infrastructure.

Section 2.1 of the Growth Plan emphasizes the importance of optimizing land use in urban areas. Specifically, the Growth Plan's emphasis is on optimizing the use of the existing urban land supply and represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area."

Section 2.2.1 of the Growth Plan outlines how future population and employment growth will be allocated across the region. Policy 2.2.1(2)(c) provides that, within settlement areas, growth will be focused in delineated built up areas, strategic growth areas, locations with existing or planned transit (with a priority on higher order transit where it exists or is planned), and areas with existing or planned public service facilities.

Policy 2.2.1(2)(c) provides that, within settlement areas, growth will be focused in delineated built up areas, strategic growth areas, locations with existing or planned transit (with a priority on higher order transit where it exists or is planned), and areas with existing or planned public service facilities.

Policy 2.2.1(3)(c) directs municipalities to undertake integrated planning to manage forecasted growth to the horizon of this Plan which will provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

Policy 2.2.1(4) provides that applying the policies of the Growth Plan will support the achievement of complete communities that, among other things, feature a diverse mix of land uses, provide a diverse range and mix of housing options, expand convenient access to a range of transportation options, provide for a more compact built form and a vibrant public realm, including public open spaces, and mitigate and adapt to climate change impacts and contribute to environmental sustainability.

Section 2.2.2 indicates that municipalities must develop a strategy to achieve the minimum intensification targets within the built-up area. This includes identifying

strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development, identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas, and encourage intensification generally throughout the delineated built-up area.

*The proposed development is located within the Built-Up Area within a delineated MTSA. MTSAs are strategic growth areas that the Growth Plan prioritizes for intensification.*

Policy 2.2.4.3 (a) requires that a minimum density target of 160 residents and jobs per hectare for those areas served by light rail transit.

*Based on the Region of Waterloo's land budget methodology, the proposed development will contribute a total of 519 residents and 14 jobs equating to 1,747 residents and jobs per hectare on this one site alone<sup>1</sup>.*

Policy 2.2.4.9 further states that development in major transit station areas will be supported that achieves the following:

- a) planning for a diverse mix of uses, including second units and affordable housing, to support existing and planned transit services levels.
- b) fostering collaboration between public and private sectors, such as joint development projects.
- c) providing alternative development standards, such as reduced parking standards.
- d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.

*The Subject Site is located within 500 metres of the Mill Street ION LTR station. With a projected density of 1,747 people and jobs per hectare, the proposed redevelopment broadens the range and mix of housing options and incorporates transit-oriented development standards such as enhanced bicycle parking and ample secure bicycle*

*parking for residents, that support transit usage and alternate transportation modes.*

In accordance with Policy 2.2.4.9, within all MTSAs, development will be transit-supportive, with a mix of land uses, to support existing and planned transit service levels, fostering collaboration between public and private sectors; providing alternative development standards, such as reduced parking standards; and prohibiting development that would adversely affect the achievement of transit supportive densities. MTSAs will also be planned to achieve multimodal access to stations and be supportive of active transportation.

Policy 2.2.6.1 (a) requires municipalities to support housing choice through the achievement of the minimum intensification and density targets of the Growth Plan by identifying a diverse range and mix of housing options and densities.

Policy 2.2.6.2 requires municipalities to support the achievement of complete communities by planning to accommodate forecasted growth and minimum intensification and density targets, consider the range and mix of housing options and densities and planning to diversify their overall housing stock across the municipality.

## Infrastructure to Support Growth

Chapter 3 of the Growth Plan is comprised of policies that place emphasis on the need to integrate land use planning and investment to both infrastructure and transportation.

Policy 3.2.2 (1) provides that transportation system planning, land use planning and transportation investment will be coordinated to implement the Growth Plan.

---

<sup>1</sup> Residents and jobs calculated as follows: 1.77 persons x 293 apartment unit = 519 residents and 2.8% of total residents (0.028 x 519 = 14 jobs). Residents + jobs = 533/0.305 hectares = 1,747 residents and jobs/hectare.

Policies 3.2.3 (1) and 3.2.3(2) state that public transit will be the first priority for transportation infrastructure planning and major transportation investments and that all decisions on transit planning and investment will be made according to a number of criteria including prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels.

*The Subject Lands are well serviced by existing infrastructure and public service facilities that can effectively accommodate new densities. The proposed redevelopment supports the Growth Plan's infrastructure and transit objectives by adding new residential units in a strategic growth area that will utilize existing and planned public infrastructure. The proposed redevelopment provides a mixed-use development at a transit supportive density in proximity to higher order transit.*

## *Growth Plan Summary Opinion:*

*The Growth Plan seeks to accommodate anticipated growth for the Region in a sustainable and efficient manner. Emphasizing the importance of optimizing land use in urban areas, the Growth Plan establishes minimum intensification and density targets, and promotes the creation of complete communities.*

*The proposed redevelopment will contribute to the minimum density targets prescribed by the Growth Plan by providing a high-density, mixed-use development within a MTSA. Additional residents, employees and commercial opportunities will optimize the use of the land.*

*The proposed development represents a context-sensitive intensification that is both transit and pedestrian oriented. Providing an appropriate level and form of intensification, the proposed development makes efficient use of existing and planned infrastructure and supports future investments in improved transit connectivity in a MTSA.*

*Commercial uses and quality amenity areas for future residents, bicycle infrastructure coupled with reduced parking rate to promote alternative methods of transportation while optimizing efficiency, improved public realm and streetscape enhancements, along with a range of housing unit sizes, the proposed redevelopment will contribute to and support a more complete community.*

## 5.3 Region of Waterloo Official Plan

The Regional Official Plan (ROP) outlines the policy direction for land use planning in the Region of Waterloo over a 20-year planning horizon. In 2010, the Ministry of Municipal Affairs and Housing approved a revised ROP. This decision faced an appeal to the Ontario Municipal Board (OMB), which, in June 2015, allowed the ROP to be fully enforced.

The Regional Official Plan Amendment No. 6 (ROPA No.6) received approval from Regional Council in August 2022 and was approved, with amendments, by the Minister of Municipal Affairs and Housing (MMAH) bringing the amendment into effect on April 12, 2023.

ROPA No. 6 proposes to establish the planning framework in the ROP to accommodate forecasted population and employment growth to the year 2051 and to implement the policies of the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow), and the Greenbelt Plan, across the Region. The amendment replaced in their entirety Chapters 1-3A with further amendments to the glossary and maps. A future amendment is required to complete the municipal comprehensive review and bring the balance of the ROP into conformity with the evolving provincial planning framework.

The subject lands are located within the Urban Area on ROPA 6 Map 1: Regional Structure as shown on **Figure 3**, which according to [Policy 2.C.2.1](#) is planned to accommodate approximately 90% of the Region's forecasted growth to 2051. The Subject Lands are also located in the Delineated Built-Up Area on ROPA 6 Map 2: Urban Structure as shown on **Figure 4**.

[Section 2.B](#) of the Plan indicates that over 60% of the Region's new residential growth will occur within the delineated built-up areas of cities and townships through intensification. Much of this growth will be directed to a series of strategic growth areas serviced by transit and the balance will occur in existing neighbourhoods through gentle density and a broader range of missing middle housing options.

*Located within the Delineated Built-up Area and in a strategic growth area, the proposed development will*

*contribute towards the achievement of intensification targets.*

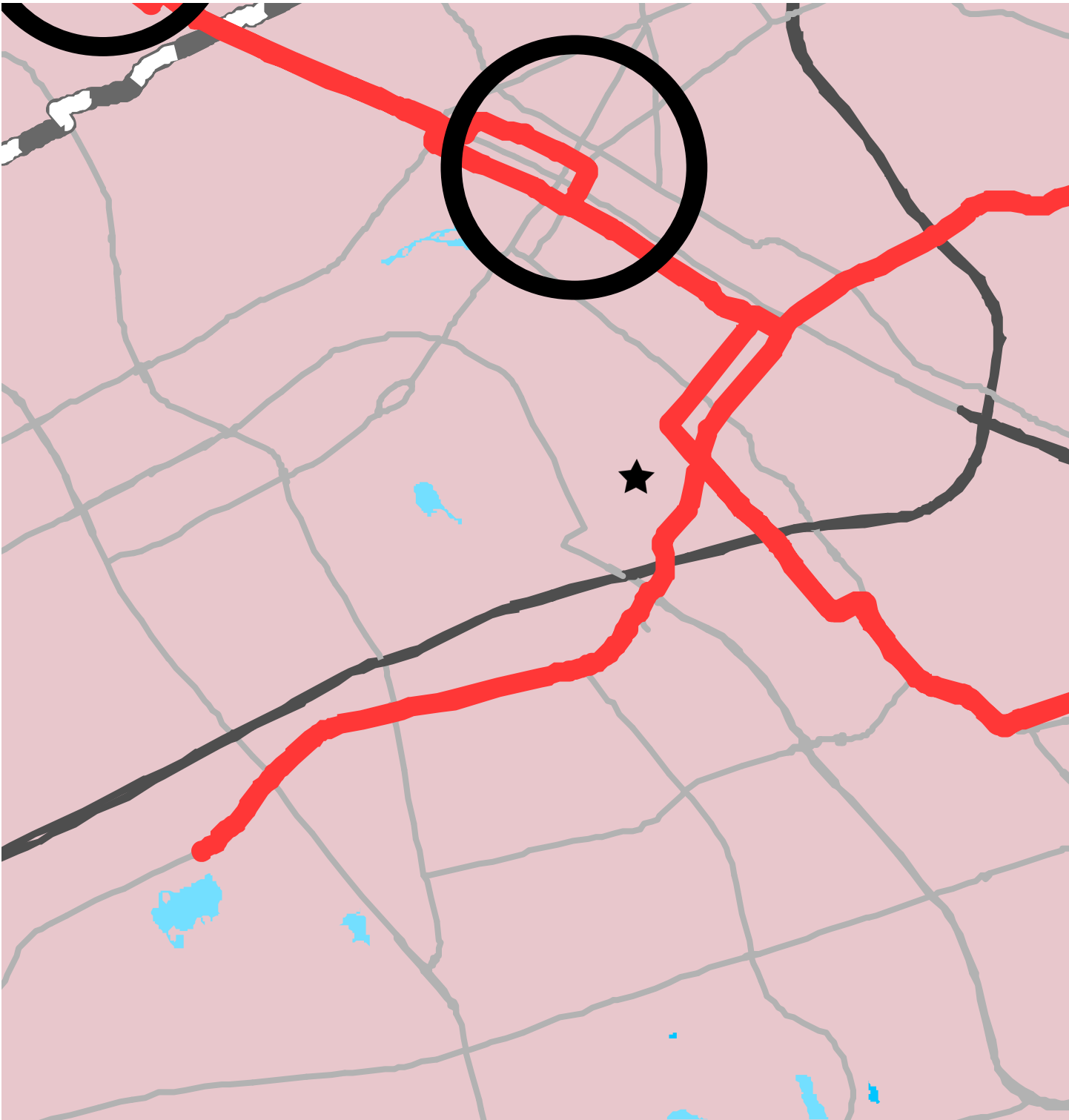
[Section 2C of the Plan](#) indicates that the Urban Area designation broadly identifies where the majority of the Region's future growth will occur. This designation contains the physical infrastructure and community infrastructure to support major growth, including transportation networks, municipal drinking-water supply systems and municipal wastewater systems, and a broad range of social and public health services. It is also well-served by the existing Regional transit system, which is intended to be enhanced through future expansions of the ION light rail transit system and ongoing improvements to the region's mobility networks focused on walking, cycling and rolling.

*For the above reasons, lands within the Urban Area have the greatest potential and capacity to accommodate growth.*

[Policy 2.C.2.2](#) states that area municipalities will develop, in part, official plan and implementing zoning by-laws to ensure that development within the Urban Area is planned and developed in a manner that:

- implements the Regional urban system
- advances the community's transition into an energy-efficient, resilient, low-carbon community by, in part, promoting a more compact built form and contributing to the creation of 15-minute neighbourhoods.
- Is serviced by municipal water and sanitary systems
- Protects the natural environment.
- Provides a diverse range and mix of housing options to accommodate people at all stages of life and to accommodate the needs of all household sizes and incomes.
- Conserves cultural heritage resources
- Avoids development and land use patterns that may pose a risk to public health, safety and the environment.
- Improves accessibility for persons of all ages and abilities.
- Ensure the development of high-quality urban form;





**LEGEND**

★ Subject Lands

**Urban System**

○ Urban Growth Centre

— Regional Intensification Corridors

— Urban Area

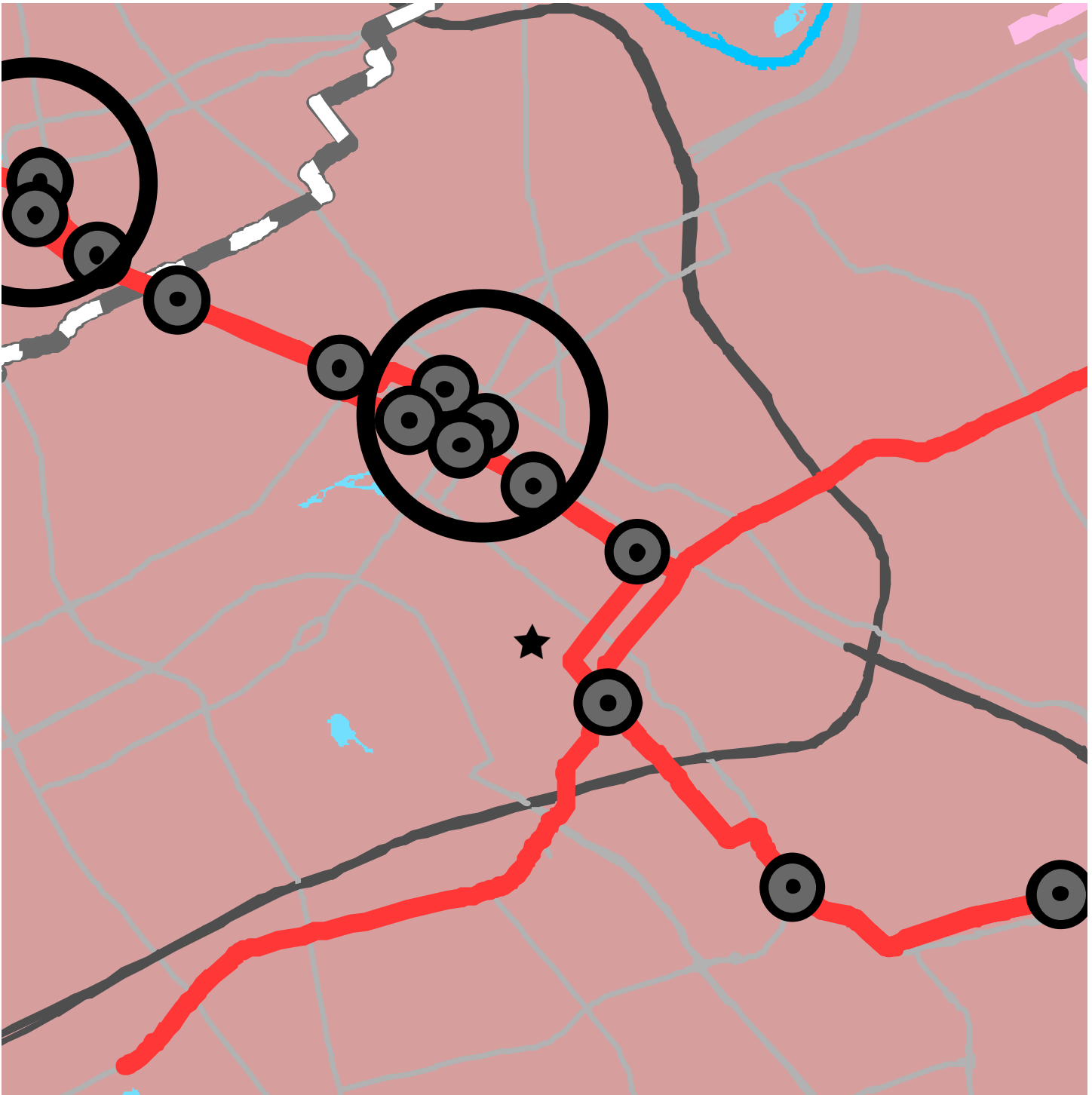
— Township Urban Area

— Countryside Line



**PLANNING  
& DEVELOPMENT  
CONSULTING**

**Figure 3**  
**Region of Waterloo Official Plan Amendment 6**  
**Map 1: Regional Structure**



**Figure 4**  
**Region of Waterloo Official Plan**  
**Amendment 6 Map 2: Urban**  
**Structure**

Source: Region of Waterloo GIS Locator, 2022 Aerial Imagery

**LEGEND**

- ★ Subject Lands
- Strategic Growth Areas**
- Urban Growth Centre\*
- Regional Intensification Corridors
- Major Transit Station Area\*
- Urban Area / Township Urban Area**
- Delineated Built-Up Area
- Designated Greenfield Area

- Municipal Boundaries**
- ⊕ Regional Municipal Boundary
- ⊕ Area Municipal Boundary
- Transportation**
- ⊕ Region of Waterloo International Airport
- Provincial Highways
- Regional Roads
- ★ Areas that remain subject to the ROPA 2 appeal.

\*The location of the Urban Growth Centres and Major Transit Station Areas are shown symbolically. The boundaries of the UGCs are delineated on Figures 1 to 3, and the boundaries of the MTSAs are delineated on Figures 4a to 9d inclusive.



- Considers the wellbeing and belonging of all children and youth.
- Expands residents' access to a range of transportation options, public service facilities, urban greenlands and open spaces, and affordable food options in neighbourhoods.

*Section 2D* identifies strategic growth areas as nodes, corridors and other areas that will accommodate most of the planned intensification in the region. Nodes, including Urban Growth Centres, MTSAs, Local Centres and Township Urban Growth areas are required to be planned as areas of more intense density, use and activity. The policies in this section are grounded in the principles of transit-supportive development.

The subject lands are located within the Mill Station Major Transit Station Area on ROPA 6 Figure 7b: Mill Station Major Transit Station Area as shown on **Figure 5**, which according to *Policy 2.D.2.1* identifies MTSAs along the Stage 1 and planned Stage 2 ION light rail transit route that are typically located within a 500 to 800 metre radius of the transit stop, representing about a 10 minute walk.

In accordance with *Policy 2.D.2.3* area municipalities are required to undertake detailed planning and establish official plan policies and zoning by-laws to ensure MTSAs are planned and designed in a manner that:

- Achieves a minimum density target of 160 people and jobs combined per hectare.
- Is transit-supportive;
- Prioritizes access to the station area and connections any any nearby major trip generators by providing connections to regional and provincial transit service and mobility networks including sidewalks, bicycle lanes, and secured bicycle parking
- Provides for a diverse mix of uses
- Provides alternative development standards for users near transit route to maximize intensification opportunities and minimize surface parking areas

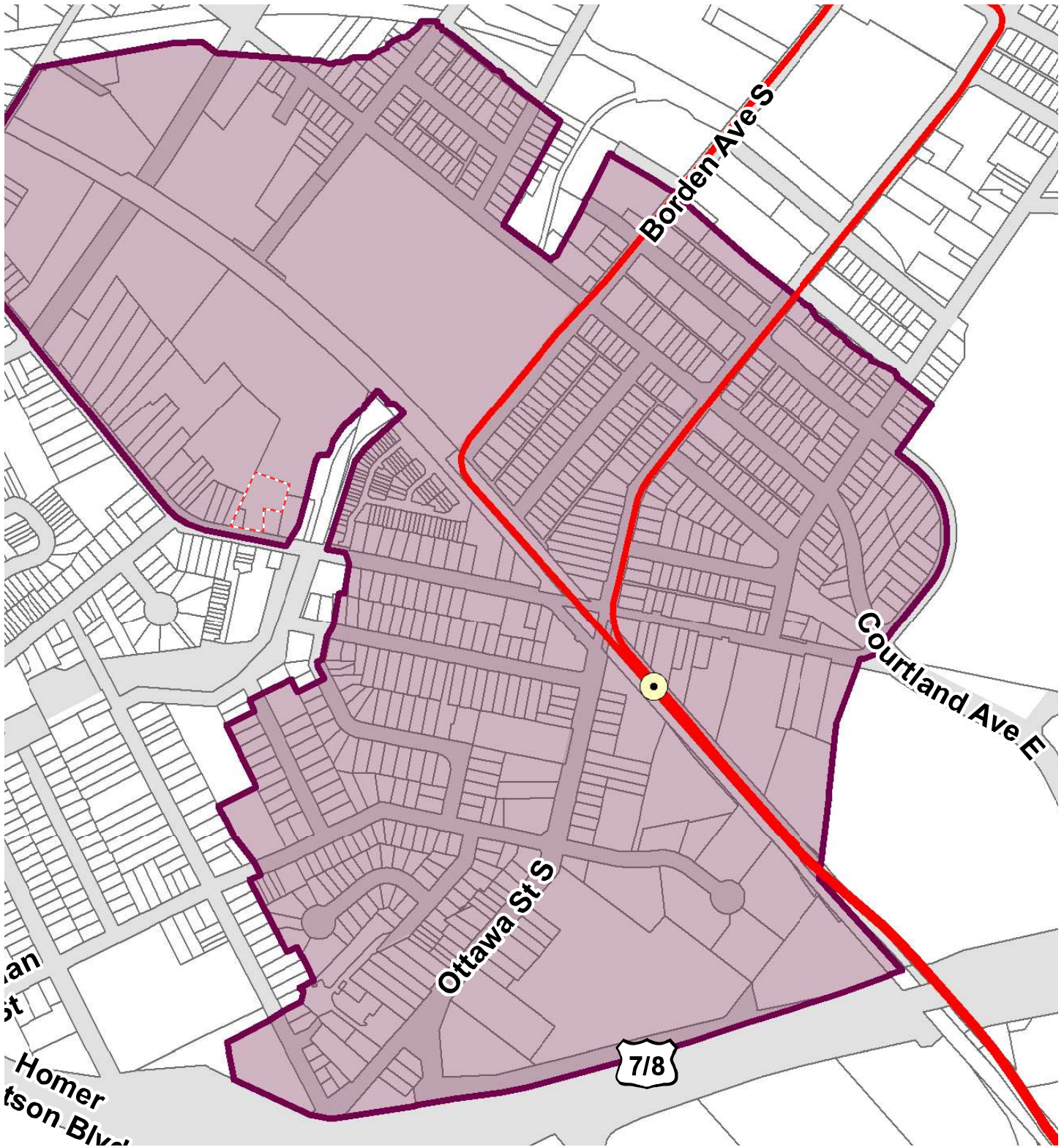
*Like the Growth Plan's intensification first approach, ROPA No. 6 places increased importance on intensification,*

*density, and transit-supportive development to achieve its future growth projections to 2051. ROPA No. 6 further emphasizes the importance of supporting an appropriate level and form of intensification through redevelopment in priority areas such as MTSAs.*






*Located within a MTSA, the Subject Site is located and designed in a manner to support walking, cycling and transit use. Walking is supported through direct connections to the existing sidewalk network along Mill Street. Building entrances for both the proposed commercial and residential uses are strategically designed to be a predominate feature from the street. Cycling will be encouraged through the inclusion of secure indoor bicycle parking for the future residents of the building and outdoor bicycle parking for visitors and commercial users.*

*Policy 2.D.6.1* states “In addition to the general development policies described in this Chapter, the Region and the area municipalities will apply the following transit-supportive development criteria in reviewing and evaluating development applications or site plans, within strategic growth areas and other intensification areas identified by the area municipality:

- *creates an interconnected, multimodal street pattern that prioritizes walking, cycling, and rolling, and taking transit over automobile trips, and supports vibrant mixed-use developments;*
- *supports a more compact built form that locates the majority of transit-supportive uses within a comfortable walking distance of a transit stop or Major Transit Station Area;*
- *provides an appropriate mix of land uses, including a range of food destinations, local services, and amenities to meet peoples' daily needs for living;*
- *promotes medium and higher-density development as close as possible to the transit stop to support higher frequency transit service and optimize transit rider convenience;*
- *supports a high-quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities; and*



**LEGEND**

-  Subject Lands
-  Transit Stop
-  Stage 1 ION LRT Route
-  Planned Stage 2 ION LRT Route
-  Major Transit Station Area



**Figure 5**  
**Region of Waterloo Official Plan**  
**Amendment 6 Figure 7b: Mill Station**  
**Major Transit Station Area**



- provides access from various transportation modes to the transit facility, including consideration of pedestrian, bicycle parking, and where applicable, passenger transfer and commuter pick-up/drop off areas.”

The development's compact built form ensures that transit-supportive uses are conveniently located within a comfortable walking distance of transit stops. By integrating a mix of residential, commercial, and unique amenity spaces, a self-sustaining environment is created where residents can live, work, and play without relying heavily on automobiles.

Accessibility was a key factor in the site design. Well-designed pedestrian-friendly pathways, designated bicycle parking areas, and efficient passenger transfer points are incorporated to facilitate seamless connections between different transportation modes. Additionally, designated commuter pick-up/drop-off areas are included to accommodate the needs of those utilizing ride-sharing services or private vehicles.

The creation of a high-quality public realm is central to the design philosophy. Inviting streetscapes, plazas, and gathering spaces are envisioned to enhance the identity of the area and provide opportunities for social interaction and community events. Through thoughtful landscaping and street furniture, the objective is to create a welcoming and memorable experience for residents and visitors alike.

Containing 293 residential units, at a mix and density that will contribute positively toward the achievement of the residential intensification growth target established in the ROP, the site is located within walking distance of the public transit, institutional and commercial uses. The density proposed will contribute towards local and higher-order LRT transit usage and the considerable investment made by multiple levels of government. The Subject Site is well situated to promote both cycling and walking on the existing sidewalk system to several transit options providing greater connections throughout the City and Region.

Policy 2.1.1.1 states “the Region and the area municipalities will ensure that major facilities and

sensitive land uses are planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.”

Although the Subject Lands are designated General Industrial, the redesignation to Mixed Use is supported by the updated planning framework initiated through the Planning Around Rapid Transit Stations (PARTS) project in 2013 and more recently by Kitchener’s Protected Major Transit Station Areas planning initiative named “Growing Together”. Through this recent initiative, the Subject Lands, in addition to the surrounding industrial designated lands are proposed to be designated Strategic Growth Area B intended to accommodate significant intensification to support the ION LRT and City’s intensification goals.

Policy 2.1.2.2 states “Where a development application for a sensitive land use is submitted in the vicinity of an Existing Regional Road, Provincial Highway, Planned Regional Road or Provincial Highway, the rapid transit system, transit terminals, railways or area Municipal roads, a noise study may be required in accordance with the provisions of the Regional Implementation Guideline for Noise Policies. The noise criteria shown on Table 5 will be used in determining appropriate noise mitigation measures for the proposed development. Any required noise mitigation measures will be implemented through the development application review process.”

A Traffic and Stationary Noise Study was prepared by JJ Acoustic Engineering Limited as part of a complete application, which reviewed the potential impacts of road, rail and nearby potential stationary noise impacts on the proposed development.

The Study concluded that road and traffic noise impacts were above the NPC-300 requirements. Mitigation measures will be required to address noise impacts from road and rail traffic through ventilation requirements, special building components and noise warning clauses.



Policy 2.1.3.1 states “Where a development application is proposed on, or adjacent to, a known or potentially contaminated site, planning approvals will be subject to the submission of a Record of Site Condition in accordance with the provision of the Regional Implementation Guideline for the Review of Development Applications On or Adjacent to Known and Potentially Contaminated Sites.”

*Based on the completion of a Phase One Environmental Site Assessment (ESA) of the Subject Lands, it is acknowledged that a Record of Site Condition (RSC) will be required in support of a future Site Plan approval application. A holding provision is proposed until the RSC is obtained.*

Section 3.A.2 directs area municipalities to plan and provide for an appropriate range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social and economic and personal support needs of current and future residents.

*The proposed development includes a variety of unit sizes as well as commercial and shared amenity spaces to meet the needs of the residents. It is also in a location that is walkable to not only a range of non-residential uses, including institutional and commercial but also bus stops and the Mill Station transit stop providing convenient access to Downtown Kitchener.*

## ROP Summary Opinion:

*Consistent with the Subject Lands location with the Built-Up Area and MTSA, the proposed development supports the ROP’s Planned Community Structure and conforms to the policy directions contained within the Plan.*

*Contributing to intensification within the Built-Up Area, the proposed development will assist both the City and Region in achieving the minimum intensification target in an area located within an area planned for intensification.*

*The proposed development makes more efficient use of the Subject Lands and infrastructure providing increased density in a location that provides convenient pedestrian access to transit stops and where residents can walk or cycle to nearby public schools, post-secondary schools, commercial services, and amenities.*

## 5.4 City of Kitchener Official Plan

The 2014 City of Kitchener Official Plan ('Kitchener OP') is a long range, comprehensive land use strategy for the City. All decisions related to land use within the City must conform to the policies of the Kitchener OP. The Official Plan sets out principles, objectives and policies designed to direct the form, extent, nature and rate of growth and change within the City.

In addition to the Kitchener OP policies, the City is currently advancing a new initiative called 'Growing Together' which establishes a new planning framework for development within strategic growth areas in Kitchener and implements it on lands within the MTSA.

The Growing Together initiative is a continuation of the Planning Around Rapid Transit Stations (PARTS) planning review process that began in 2013 advanced through the Neighbourhood Planning Review (NPR) project. The Growing Together initiative is not yet Council-approved, however draft land use designations, policies, zoning and built form regulations have been proposed. This analysis will address both the existing Kitchener OP as well as the changes proposed through the Growing Together initiative.

The Subject Lands are located within the Urban Area and, specifically, the Built-Up Area on Map 1: City Urban Area and Countryside of the Kitchener OP. [Section 3.C.1.1](#) states that lands with the Urban Area Boundary are intended to accommodate the City's growth, are already serviced or intended to be serviced with major roads, transit and sewer and water services. The Subject Lands are serviced and the intensification of the lands will utilize existing services.

[Section 3.C.1.5](#) establishes that new residential development occurring within the Built-Up Area will contribute to the Region's minimum residential intensification target of 45 percent and is to predominantly occur within Intensification Areas. Smaller-scale site-specific intensification may be permitted throughout the Built-Up Area in accordance with land use policies.

The Subject Lands are also located within a Major Transit Station Area (MTSA) on Map 2: Urban Structure (**Figure 6**). Intensification Areas, including MTSA's are to accommodate the majority of intensification and commercial growth within the City.

[Policy 3.C.2.16](#) states that MTSA's are designated in the Regional Official Plan, are identified on Map 2 and are a conceptual representation of the area of a ten minute walking radius centered around the location of Rapid Transit Station Stops.

The Growing Together initiative proposes to amend [Policy 3.C.2.16](#) to:

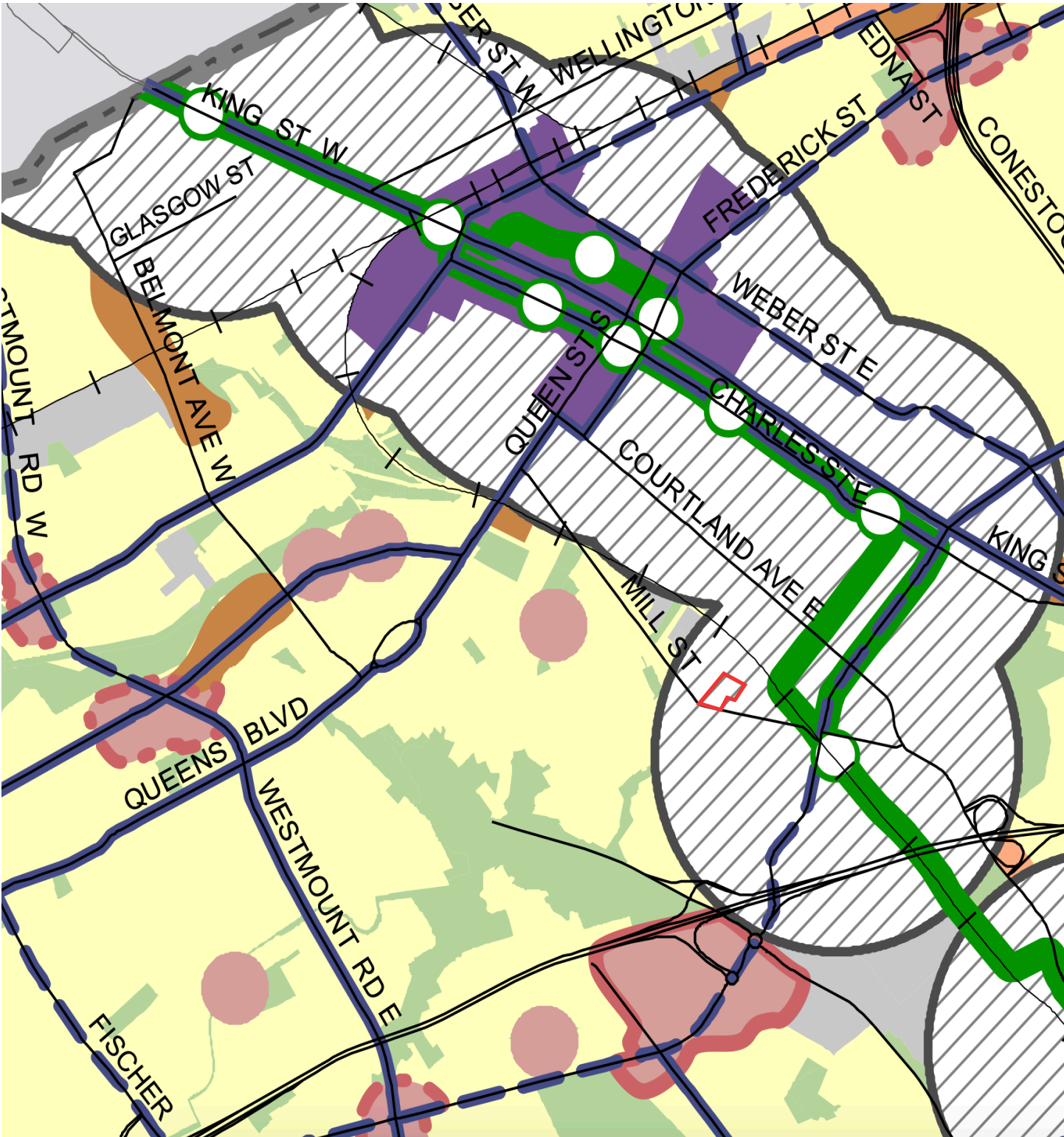
*"Protected Major Transit Station Areas are delineated in the Regional Official Plan, are identified on Map 2 and Map 4. Major Transit Station Areas are Protected Major Transit Station Areas in accordance with Section 16(16) of the Planning Act."*

*The Subject Lands are therefore proposed to be located within a Protected Major Transit Station Area (PMTSA).*

[Policy 3.C.2.17](#) further states that the planned function of MTSA's, in order to support transit and rapid transit, is to:

- a) provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels;
- b) provide connectivity of various modes of transportation to the transit system;
- c) achieve a mix of residential, office (including major office), institutional (including major institutional) and commercial development (including retail commercial centres), wherever appropriate; and;
- d) have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

The proposed Growing Together policy, 3.C.2.18(g) states that Mill Station shall be planned to achieve a minimum density of 160 residents and jobs combined per hectare.



**LEGEND**

- Subject Lands
- Intensification Areas**
  - Urban Growth Centre (Downtown)
  - Major Transit Station Area
  - City Node
  - Community Node
  - Neighbourhood Node
  - Urban Corridor
  - Arterial Corridor
- Other Areas**
  - Community Areas
  - Industrial Employment Areas
  - Green Areas
- Transit**
  - Existing Transit Corridor
  - Planned Transit Corridor
  - Light Rail Transit Corridor
  - Adapted Bus Rapid Transit Corridor
  - Rapid Transit Station

**Figure 6**  
**City of Kitchener Official Plan**  
**Map 2: Urban Structure**



*The proposed development supports the City’s intensification goals by providing 293 units within a MTSA. Growing Together’s proposed density target of 160 people and jobs per hectare for the Mill Station MTSA is also achieved with a proposed density of 1,747 residents and jobs/hectare. Broadening the range and mix of housing options within a well serviced area capable of supporting increased densities. The proposal supports the City’s objectives by adding new residential units in a strategic growth area that will utilize existing and planned public infrastructure. The proposed development provides a mixed-use development at a transit supportive density in proximity to higher order transit.*

*Furthermore, the non-residential components proposed within the building are located and accessible from the ground floor level, which will achieve a built form that is pedestrian-friendly and transit-oriented.*

## Housing

Section 4 of the Kitchener OP provides policy direction that supports the provision of suitable, affordable and attractive living accommodations for all its residents. The policies seek to address the characteristics and types of housing that may be required to support Kitchener’s residents’ needs as well as the appropriateness and quality of the community settings in which the housing is located to support a complete and healthy community.

**Policy 4.C.1.6** encourages residential intensification and/or redevelopment to include infill opportunities, and the provision of additional dwelling units in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure.

**Policy 4.C.1.8** states “*that where special zoning regulation(s) are requested, proposed, or required to facilitate residential intensification or a redevelopment of lands, the overall impact of special zoning regulation(s) will be evaluated against a number of criteria.*”

The following table provides a summary of the criteria and responses as they relate to the proposed development.

Criteria	Discussion of Conformity
Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard.	The Subject Lands are located in an area undergoing planned transition, marked for strategic growth and development and as such, the proposed massing and scale is appropriate for a site within a MTSA. The project aligns closely with the objectives outlined in the Growing Together OP Amendment. The proposed mixed-use development not only maximizes land use efficiency, the building height and massing has been configured to avoid overlook with adjacent building and provide appropriate transition to adjacent lands.
Where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape and the neighbourhood.	A 1.0 metre setback is proposed which provides appropriate space to accommodate landscaping, private amenity space and address the street. It is anticipated that the built form of this block will continue to evolve in accordance with the station area planning and new planning framework advanced through the Growing Together initiative.
New additions and modifications to existing buildings are to be directed to the rear yard and are to be discouraged in the front yard and side yard abutting a street, except where it can be demonstrated that the addition and/or modification is compatible in scale, massing, design and character of adjacent properties and is in keeping with the character of the streetscape.	Not applicable. The existing buildings will be demolished.
New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.	Appropriate considerations have been made to ensure privacy and avoid overlook between new and existing buildings including perimeter landscaping and fencing.
The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.	An appropriate number of parking spaces through the provision of underground and structured parking are proposed. Significant public and private amenity areas are proposed throughout the site.
The impact of each special zoning regulation will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate	The proposed special zoning regulations do not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design. An analysis of the proposed zoning is detailed in Section 5.6 of this Report.



site and neighbourhood design and does not create further zoning deficiencies.	
--	--

## Urban Design

Section 11 of the Kitchener OP provides guidance on urban design requiring a high quality of design in order to help create a complete and healthy community that is safe, attractive, thriving, innovative and inclusive for all.

The Urban Design & Tall Building Analysis report prepared by Masri O Architects provides a detailed analysis of the proposed development in the context of the existing urban design policies in the Kitchener OP. The report concludes that the proposed development conforms with the policies of Section 11 specifically relating to streetscapes, safety, universal design, site and building design.

*Uniquely positioned within a MTSA, the proposal provides an opportunity to act as a catalyst to revitalize and enhance the street, providing ‘missing middle’ house stock to the neighbourhood.*

As part of the Growing Together initiative, Section 11 of the Kitchener OP is proposed to be amended by adding the following new policies:

**11.C.1.34** New tall building development and/or redevelopment will have consideration for tall building design principles including physical separation, overlook, relative height, floor plate area, building length, tower placement, orientation and building proportion, among others. The City will provide design criteria for tall buildings through zoning regulations and the urban design manual, where appropriate. This is to:

- a) mitigate environmental impacts caused by tall buildings such as shadows, accelerated winds, access to light and sky and more;
- b) create high-quality design relationships between the built-forms of multiple adjacent or nearby towers that account for occupant privacy and quality of life, contribute toward a visually interesting skyline, and ensure good compatibility between buildings in dense, urban environments.

c) ensure good compatibility with surrounding low and mid-rise contexts

d) ensure that the development of future, adjacent or nearby tall buildings is not frustrated and can continue to achieve high-quality design principles.

*Tall building design principles including physical separation, overlook, size and proportion, relative height and placement have been considered in the design.*

*The proposed massing and scale is appropriate for the planned function of the area within a MTSA. The building height and massing has been designed to maximize sunlight penetration, avoid overlook and provide an appropriate transition to adjacent lands.*

Policy 11.C.1.37 includes policies to support and contribute to a high quality public realm in PMTSAs including ensuring high-quality streetscape design to support safe and comfortable walking, cycling and rolling throughout the station area, including to and from transit stops; requiring sidewalks, street furniture, street trees and landscaping to foster placemaking; encouraging direct connections from private and public development and encourage landscape screening between the public right of way and any visible surface parking or loading/service areas.

*The proposed development achieves these policy objectives by providing the following:*

- *Coordinated streetscape and landscaping design with the potential for the addition of street furnishings and active ground floor uses to encourage increased pedestrian activity.*
- *Building façade design actively addresses street through the use of transparent glazing and windows.*
- *Multiple building entrances providing convenient, direct and safe pedestrian and barrier free access.*

- *Servicing and loading areas are located internal to the building away from public view.*

## Integrated Transportation System

To support active transportation, [Policy 13.C.1.6](#) states that the City will encourage a mix of land uses to ensure that residents' access to basic community infrastructure, amenities and services does not depend on car ownership or public transit use.

[Policy 13.C.1.7](#) indicates that the City will have regard for pedestrian connectivity in the review of individual development or redevelopment applications as well as in the design of roads. The City will seek to minimize travel distances between pedestrian origins and destinations, clearly demarcate pedestrian routes and signage to identify connections to the off-road trails network.

[Policy 13.C.1.7](#) requires new, multi-unit residential developments to provide secure bicycle parking and will encourage, where appropriate, shower/change facilities for cycling commuters.

[Policy 13.C.2.11](#) encourages new development or redevelopment to provide multi-use pathway related facilities, such as access to the multi-use pathway network, bicycle parking, benches, and waste receptacles that are appropriately designed and properly located.

Mill Street is designated as a City Arterial Street on Map 11: Integrated Transportation System (**Figure 7**). The primary purpose of these streets is to provide mobility for people and goods through and within the city while also providing a positive image of the city. The number and design of accesses onto abutting lands will be regulated in recognition of the need to protect the function served by City Arterial Streets. Sidewalks are to be provided on both sides of the street. Dedicated cycling facilities are to be provided, separated from vehicular traffic where possible, and where appropriate.

In accordance with [Policy 13.C.7.4](#), the City will consider reduced parking requirements for development and/or redevelopment in accordance with [Policy 13.C.8.2](#) where

a comprehensive Transportation Demand Management Report is submitted to the satisfaction of the City.

[Policy 13.C.8.2](#) provides for the consideration of adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management (TDM) measures or where sufficient transit exists or is to be provided.

*It is recognized that transit-oriented development offers an opportunity to reduce the amount of parking in MTSAs through increased transit ridership, reduced vehicle ownership and shared parking arrangements. The proposed reduction in parking is appropriate considering the Subject Property's context and proximity to rapid transit that can be accessed by active transportation.*

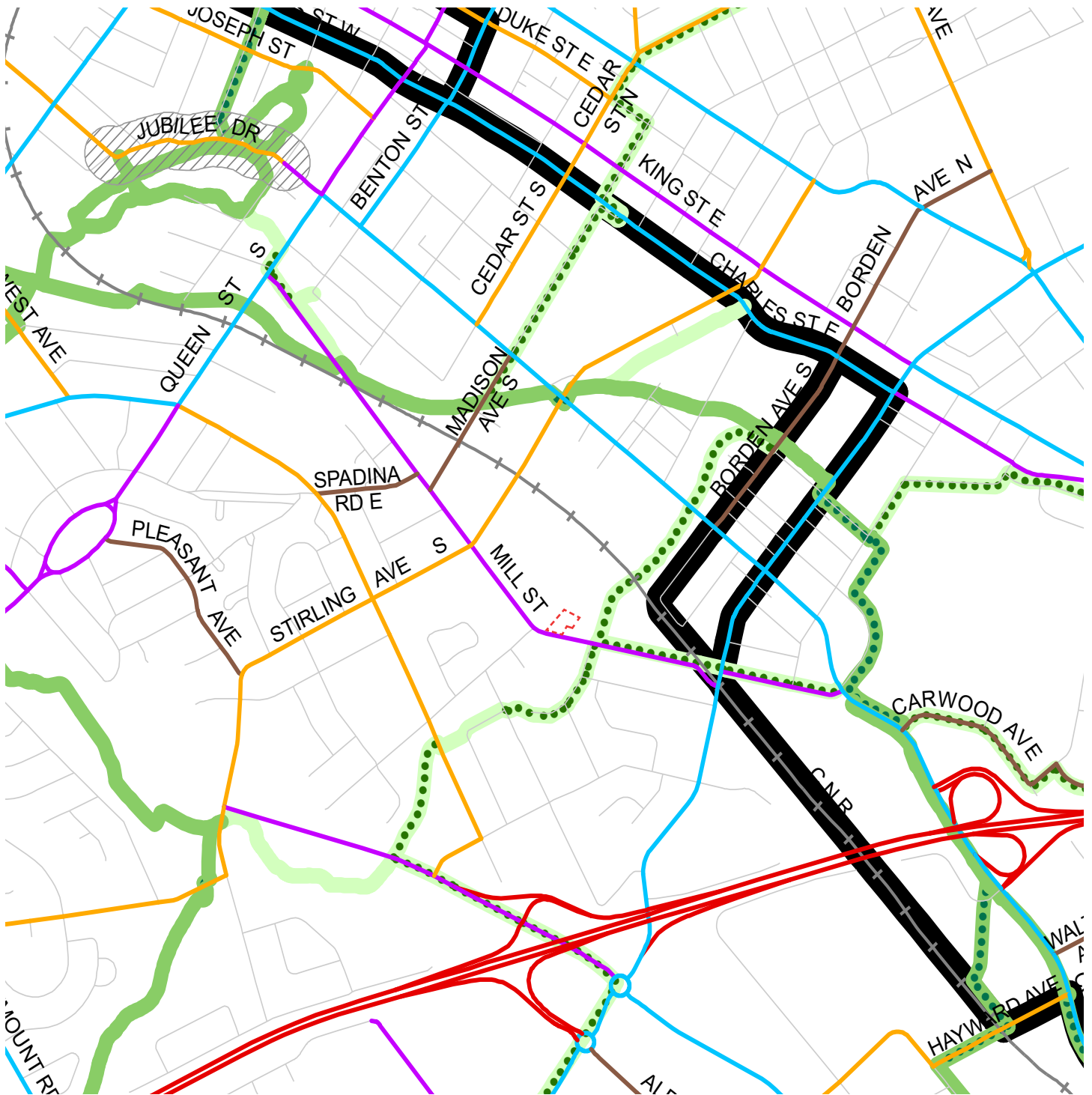
*Streetscape and site design will actively encourage walking and cycling while discouraging reliance on automobiles, providing inviting areas for social interaction.*

*The Proposed Development aligns with the function of Mill Street by limiting vehicular access to one driveway access.*

*Several TDM measures are proposed as part of the development and will serve to encourage travel options by transit, walking and cycling for residents and visitors and support residents who choose not to own a car.*

*Ample indoor, secure bike parking spaces for residents and short term, outdoor spaces for visitors are proposed.*

*Cycling infrastructure in the area provides good options for travel by bicycle. On-street cycling lanes are available on Mill Street and surrounding streets with access to the Iron Horse Trail located north of the Subject Lands that can be accessed either via Stirling Avenue or Ottawa Street.*



**LEGEND**

		Subject Lands	
<b>Street Network</b>	<b>Existing</b>	<b>Planned</b>	<b>Proposed Corridor</b>
Provincial Highway			
Regional Road			
City Arterial Street			
Major Community Collector Street			
Minor Neighbourhood Collector Street			
Local Street			
Heritage Corridor			
<b>Multi-Use Pathway and On Road Connection Network</b>			
Primary Multi-Use Pathway/Connection (Type 1)			
Secondary Multi-Use Pathway/Connection (Type 2)			
<b>Transit Corridor</b>			
Light Rail Transit Corridor Public Transit Right-of-Way			
Adapted Bus Rapid Transit Corridor			



**Figure 7**  
**City of Kitchener Official Plan Map 11:**  
**Integrated Transportation System**

## 5.4.1 Mill Courtland Woodside Park Secondary Plan

The subject lands are located within the Mill Courtland Woodside Park Secondary Plan area on Map 3: Land Use **(Figure 8)** of the Kitchener OP of which all of 328 Mill Street and the front half of 330 Mill Street to the depth of the existing adjacent standard residential lots is designated 'Low Density Commercial Residential' and the balance of 330 Mill Street is designated 'General Industrial' on Map 12: Mill Courtland Woodside Park Secondary Plan – Land Use Plan **(Figure 9)**.

**Policy 13.4.3.7** (Part 3, Section 13 – Secondary Plans) states that the intent of the Low Density Commercial Residential designation is to recognize existing areas of small scale commercial and residential development as well as to allow for the low rise, low density redevelopment of such areas with commercial, institutional and residential uses. This designation is also intended to create transitional or buffer areas between some industrial and surrounding residential areas. The maximum residential density shall be limited to 100 units per hectare with a FSR of 1.0. Multiple dwellings may be permitted to exceed 100 units per hectare on an individual lot provided the FSR is not exceeded.

**Policy 13.4.3.4** (Part 3, Section 13 – Secondary Plans), states that the 'General Industrial' designation is intended to support a broad range of industrial uses, some of which by virtue of their operation or site utilization, require appropriate buffering to mitigate potential impacts on residential areas. Further, the General Industrial designation is applicable to inner-city and other established industrial areas, non-planned industrial parks, industrial areas along Arterial Roads, and certain undeveloped areas appropriately buffered from residential areas.

*It is understood that the Subject Lands and surrounding area, has historically supported commercial and industrial uses. However, the Mill Courtland Woodside Park Secondary Plan, established in 1994, predates the construction of the ION LRT system. As such, the existing land use designations do not align with the latest*

*Provincial, Regional, or municipal planning policies advocating for higher-density, mixed-use development within MTSAs.*

*Therefore, the applicant is requesting to amend the Official Plan/Secondary Plan to redesignate the subject property from 'Low Density Commercial Residential and 'General Industrial' to 'Mixed Use Corridor' in order to implement the current Provincial, Regional and City planning policies.*

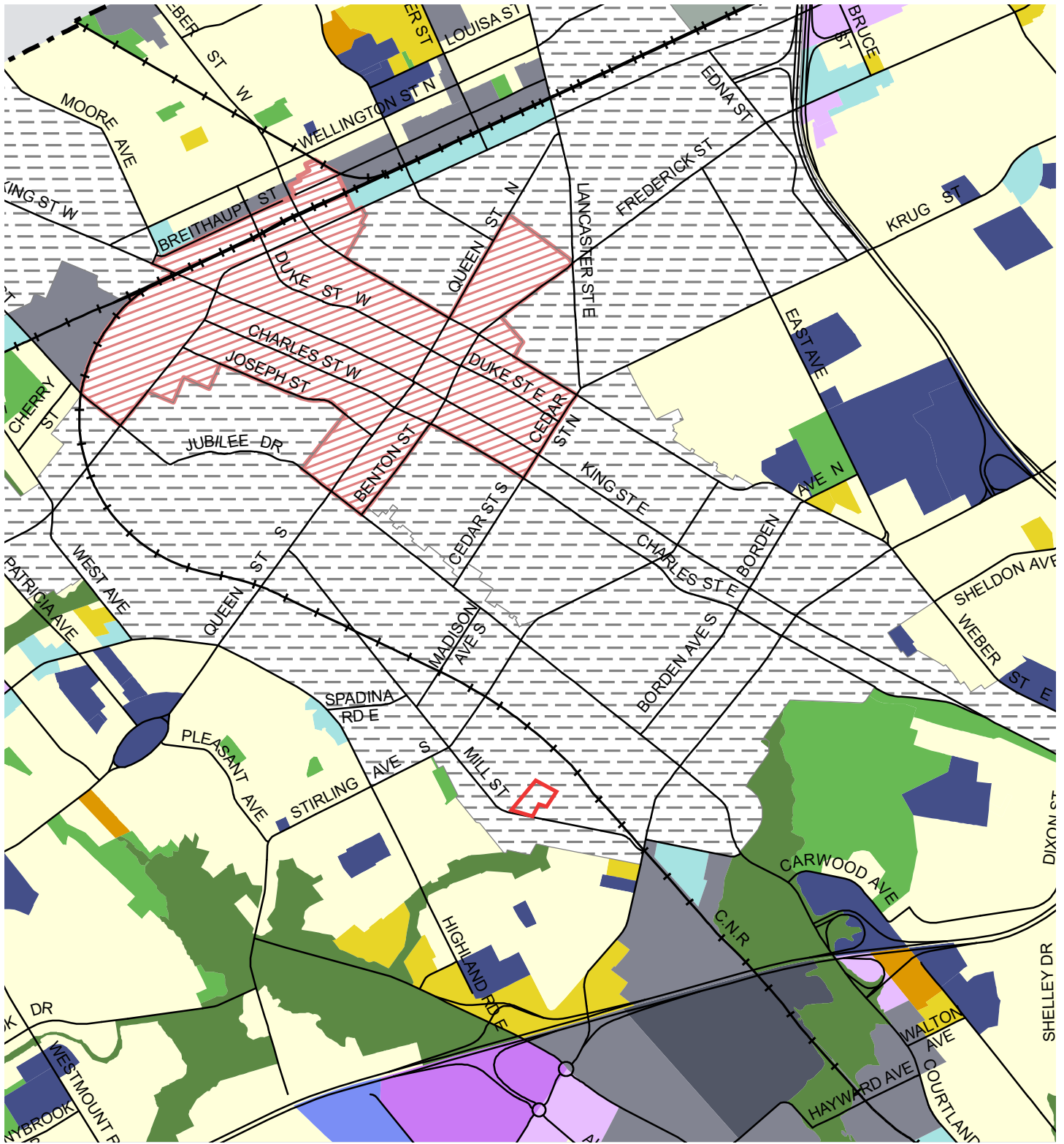
*Furthermore, it is important to highlight that a thorough examination of employment lands was completed as part of ROPA 6 and approved by the Province. Additionally, the lands underwent an evaluation as part of the City's Comprehensive Review of Employment Lands, PARTS and NPR processes which constitute a municipal comprehensive review demonstrating the need for the conversion of the subject and surrounding lands to Mixed Use and more recently the proposed strategic growth area land use designations to support the ION LRT corridor.*

*Acknowledging the location of the Subject Lands within a MTA and its proximity to an ION station stop, the proposed 'Mixed Use Corridor' designation is suitable for the Subject Property.*

**Policy 13.4.2.14** – Mixed Use Corridor designation recognizes the evolution of uses along major corridors in the City. These corridors are intended to serve the adjacent residential neighbourhoods and employment areas and allow for intensive, transit supportive development.

The Secondary Plan also states that in cases where the new development abuts an arterial or major collector road, is well separated from low rise residential developments, and has adequate municipal infrastructure, the maximum Floor Space Ratio (FSR) permitted may be 4.0.



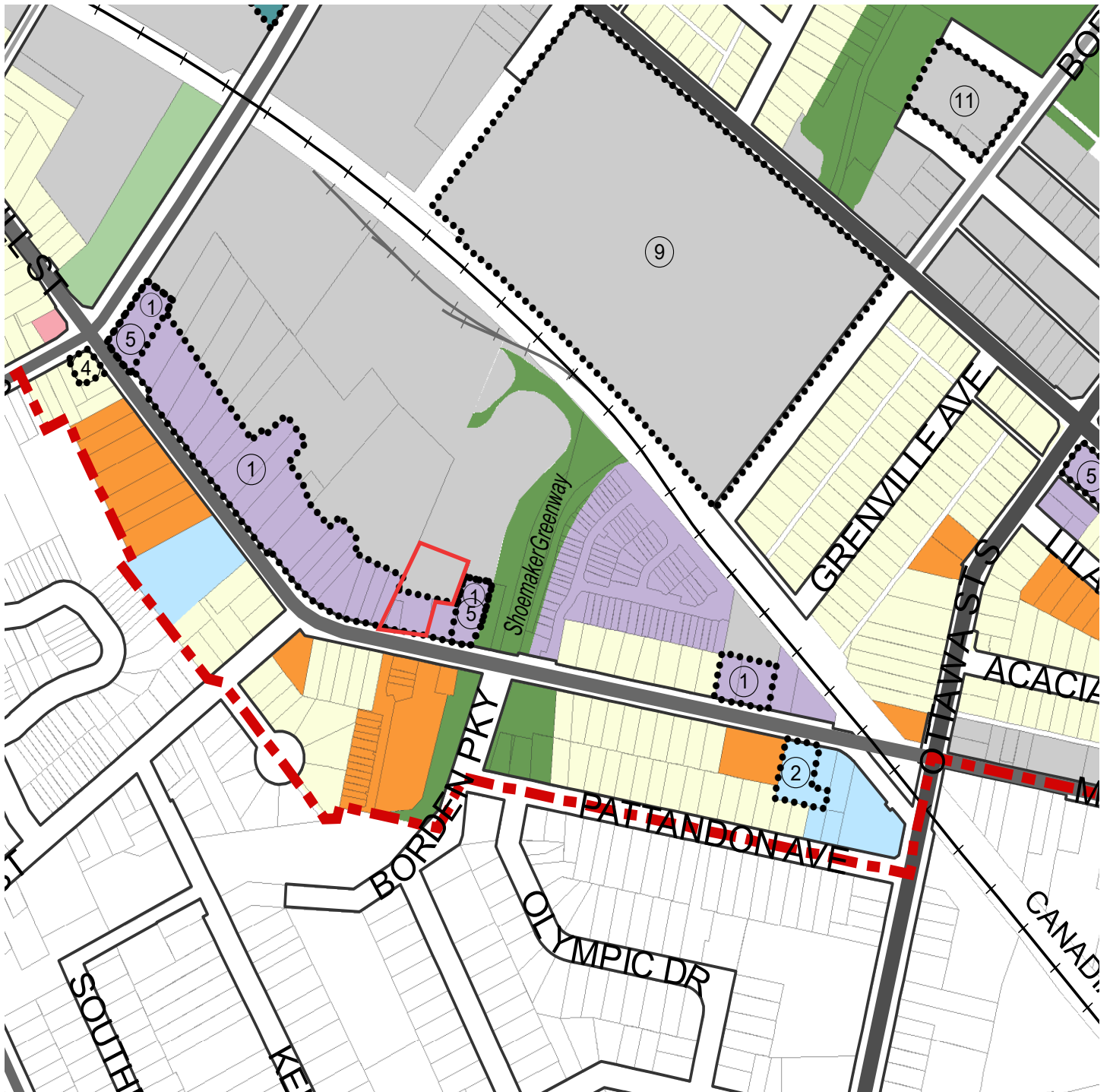


**LEGEND**

- Subject Lands
- Refer to Secondary Plan For Detail
- Urban Growth Centre (Downtown) Refer to Map 4
- Area Under Deferral
- Low Rise Residential
- Medium Rise Residential
- High Rise Residential
- Mixed Use
- Commercial Campus
- Commercial
- Heavy Industrial Employment
- General Industrial Employment
- Business Park Employment
- Institutional
- Prime Agriculture
- Rural
- Natural Heritage Conservation
- Open Space
- Major Infrastructure and Utilities

























**Figure 8**  
**City of Kitchener Official Plan**  
**Map 3: Land Use**





**Figure 9**  
**City of Kitchener Official**  
**Plan Map 12: Mill Courtland**  
**Woodside Park Secondary**  
**Plan - Land Use Plan**

**LEGEND**

	Subject Lands		Neighbourhood Mixed Use Centre
	Low Rise Conservation		Neighbourhood Park
	Low Density Multiple Residential		Open Space
	Medium Density Multiple Residential		Boundary of Secondary Plan
	Convenience Commercial		Special Policy Area
	Low Density Commercial Residential		Trunk Road
	Medium Density Commercial Residential		Primary Arterial Road
	High Density Commercial Residential		Secondary Arterial Road
	Neighbourhood Institutional		Major Collector Road
	Community Institutional		Minor Collector Road
	General Industrial		Connector Road
	Mixed Use Corridor		Scenic-Heritage Road



*Given that the proposed FSR is 6.7, the proposal will exceed the maximum FSR limit of 4.0 and require a Site-Specific Policy. In order to permit the proposed FSR of 6.7, the applicant is requesting a Site-Specific Policy Amendment to the Mill Courtland Woodside Park Secondary Plan.*

A small portion of the northeast corner of the Subject Property is located within the Shoemaker Creek ‘Flood Fringe’, as per Map 13 – Floodplain and Environmental.

**Policy 13.4.2.2** (Part 3, Section 13 – Secondary Plans) states that underground parking facilities are permitted within the flood fringe in the Mixed-Use Corridor designation provided that the parking facility is floodproofed to the Regulatory Flood elevation and safe access is maintained during times of severe flooding.

*The proposed development includes one (1) level of underground parking that will be developed with floodproofing measures to ensure public health and safety is prioritized.*

## Official Plan Summary Opinion:

*Consistent with the Subject Lands location within the Mill MTSA, the proposed development represents a compact development of the Subject Lands making use of both the underutilized site itself and existing infrastructure.*

*The proposed development will promote active transportation given the network of existing and proposed pedestrian and cycling infrastructure in the area. The range of unit sizes provided will ensure a diversity of housing contributing to Kitchener’s Municipal Housing Pledge to accommodate 18,000 of Kitchener’s target total of 35,000 units by 2031 within a MTSA.*

*Intensification of the Subject Property will make efficient use of existing infrastructure, public service facilities and will support the Region’s investment and commitment to public transit.*

## 5.4.2 PARTS Rockway Plan and Rockway Secondary Plan

The Subject Property is located within the Planning Around Rapid Transit Stations (PARTS) Rockway Plan. The intent of the PARTS project was to review lands within 800 meters of the ION transit stations to provide a planning framework and policies that could be implemented in the Official Plan, Zoning By-law and other supporting documents.

Based on the 'Preferred' Land Use Plan in the PARTS Rockway Plan, the Subject Property is designated 'Mixed-Use Medium Density' (**Figure 10**). This designation is intended to permit a mix of office, residential and retail uses, with active uses at street level, generally between 5-8 storeys in height.

Building on the work undertaken as part of the Rockway PARTS plan, the City undertook a review of the Mill Courtland Woodside Park Secondary Plan and an adjacent area in the Rockway neighbourhood. The new area is proposed to become the new Rockway Secondary Plan.

According to the proposed Rockway Secondary Plan – Land Use Map 15 and the Rockway Secondary Plan – Proposed Zoning Map, the Subject Lands were proposed to be designated 'Mixed Use Corridor' and zoned 'MIX-3'.

Both the proposed designation and zoning would permit the proposed mixed-use development on the Subject Property. The proposed 'Mixed Use Corridor' designation (Section 15.D.4.17(d)) and the proposed MIX-3 Zone would permit a maximum FSR of 4.0. Although a FSR of 6.7 is proposed, the proposed designation and zoning are intended to permit medium to high mixed-use development supportive of higher order transit.

## 5.4.3 Growing Together

Building upon prior community engagement initiatives such as the PARTS and Neighbourhood Planning Review projects, the Growing Together project responds to new directives from the provincial government to meet MTSA's intensification minimums and Kitchener's Housing Pledge target of 35,000 new units by 2031. It

also responds to and implements relevant portions of ROPA 6 and the objectives, regulations and policies of the Planning Act, the PPS and Growth Plan.

The key directions in the PARTS plan together with the new legislation informed the proposed Official Plan policies and zoning framework for Growing Together.

Three new land use categories, Strategic Growth Areas A, B and C together with four new zones – SGA-1 (low rise), SGA-2 (mid-rise), SGA-3 (high rise with limited heights) and SGA-4 (high-rise without a height limit) are proposed for the MTSA's located within the geographic area of Growing Together.

Located within the Mill Station MTSA on the Proposed Growing Together Official Plan Amendment Map 2: Urban Area (**Figure 11**), the Subject Lands are proposed to be designated Strategic Growth Area B as shown on the Proposed Growing Together Official Plan Amendment Map 3: Land Use (**Figure 12**) and zoned 'Strategic Growth Area-3' as shown on the Proposed Growing Together City of Kitchener Zoning By-law Amendment: Zoning Grid Schedule 118 (**Figure 13**).

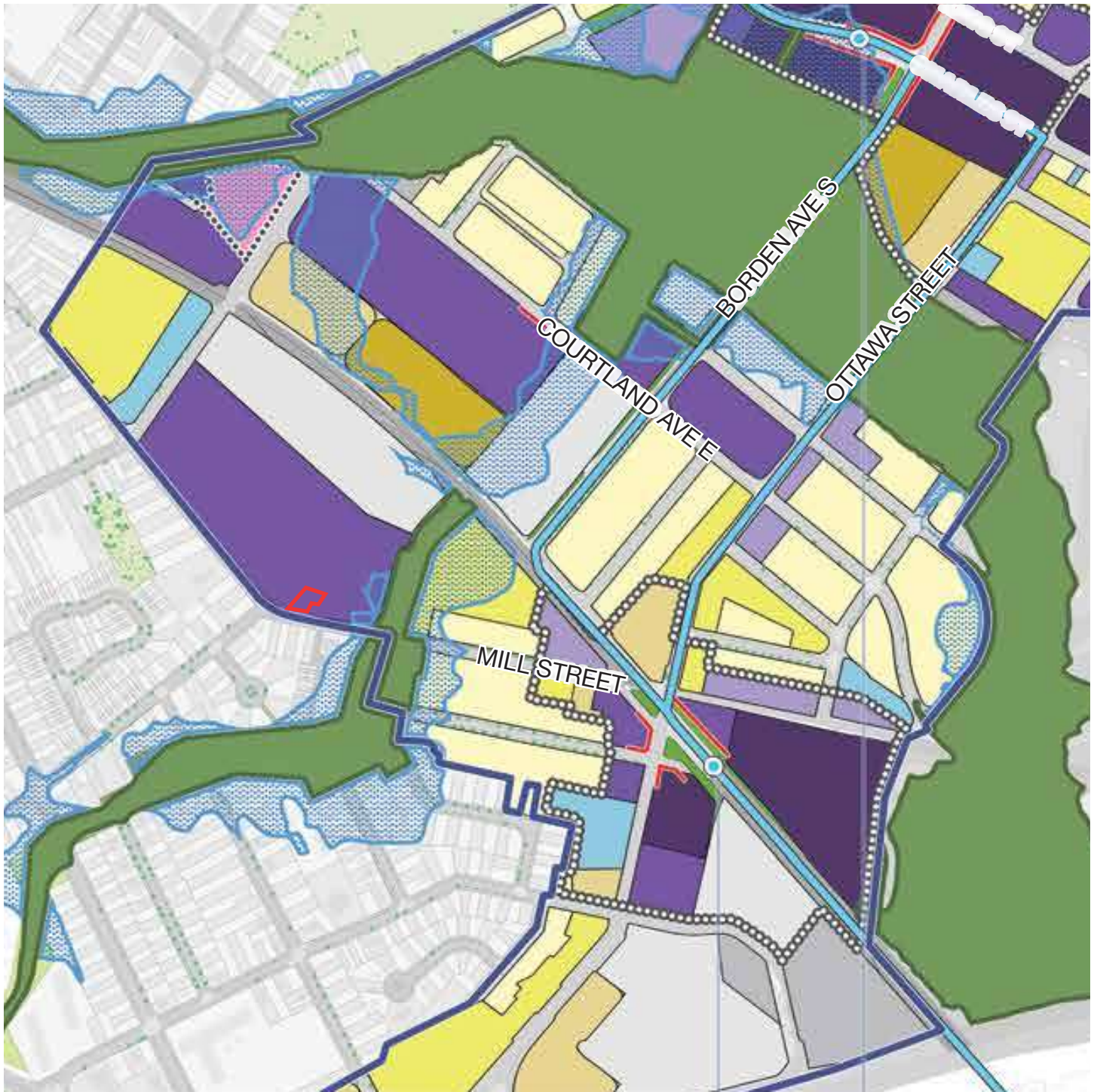
The Strategic Growth Area B land use designation is intended to accommodate significant intensification at building heights between those in the Strategic Growth Area A and Strategic Growth Area C. The Strategic Growth Area B land use designation is intended to accommodate a range of medium and high-density residential housing types and compatible commercial uses such as retail.

Four new zones, SGA-1 (low rise), SGA-2 (mid-rise), SGA-3 (high rise with limited heights) and SGA-4 (high-rise without a height limit) are designed to meet complex needs of infill development within MTSA's. Minimum densities are defined using FSR while maximum densities are defined through built-form regulations such as height, maximum building length, maximum floor plate areas and minimum physical separation between buildings.














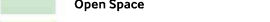
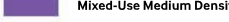




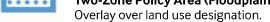



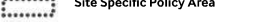
The built-form zoning regulations are intended to work in combination to limit shadow, wind and other impacts as well as protect development on surrounding properties that may potentially frustrate future development.



*Paramount to this approach however is flexibility that will enable changes in land use and built form regulations that recognize the challenges of redevelopment on properties located within highly urbanized areas where properties are generally smaller and, in most cases, require a degree of land assembly to facilitate redevelopment. For example, a large, regular shaped site can achieve significantly more massing and density with larger setbacks and separation requirements to achieve the planned built form than a smaller site or a site that is irregular in shape. Unfortunately, sites within the built boundary suitable for intensification are generally smaller and, more often than not, impart additional challenges to redevelop.*

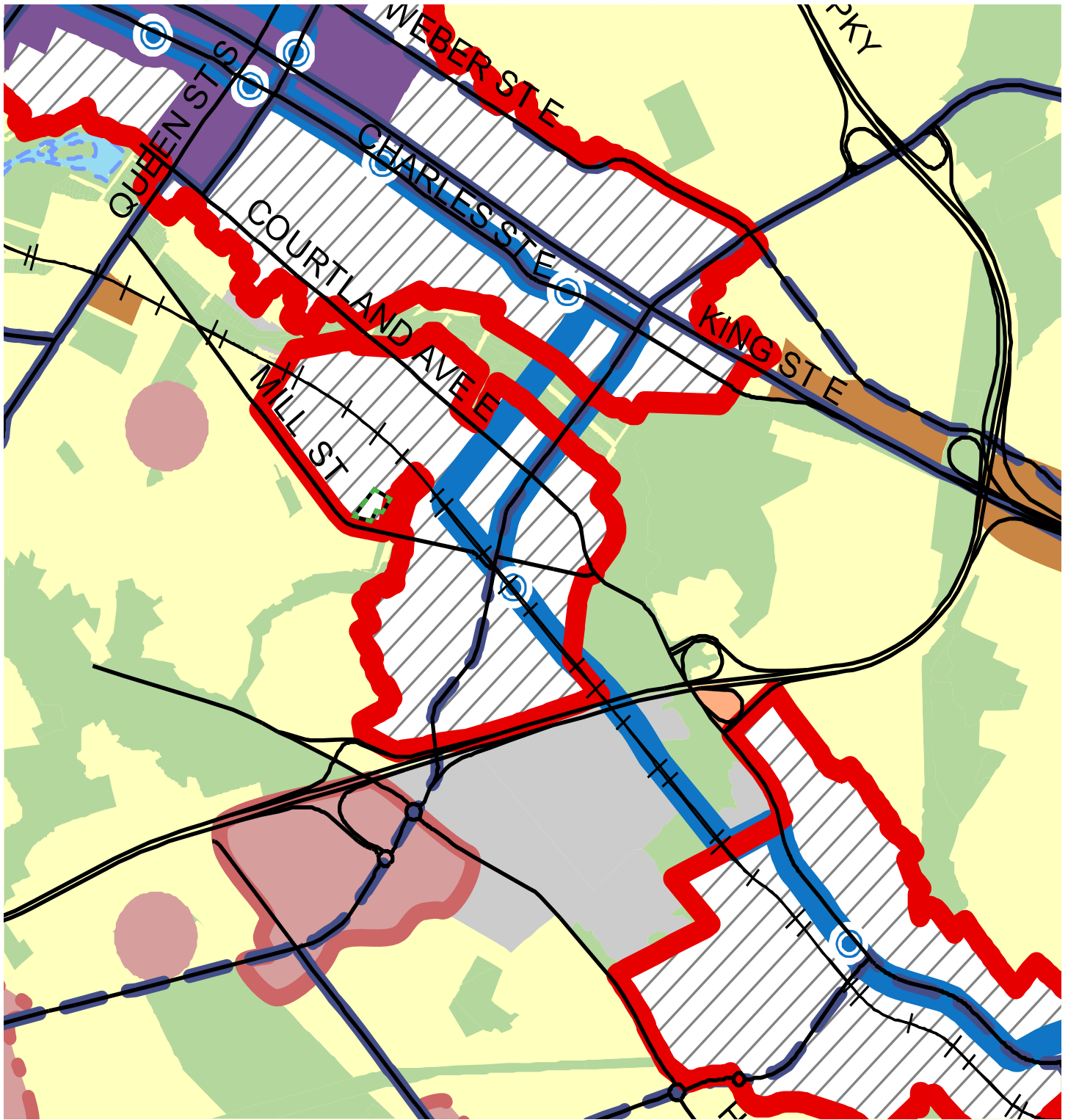


**LEGEND**

- |   |                          |  |   |
|---|--------------------------|--|---|
|  | Subject Lands            |  | Established Low-Rise Residential  |
|  | <b>Map Legend</b>        |  | Low Rise Residential  |
|  | Study Area Boundary      |  | Medium Rise Residential   |
|  | Focus Area Boundary      |  | High Rise Residential   |
|  | ION Line & Stops         |  | Parks   |
|  | Mixed-Use High Density   |  | Open Space  |
|  | Mixed-Use Medium Density |  | Natural Heritage Conservation   |
|  | Mixed-Use Low Density    |  | Two-Zone Policy Area (Floodplain)<br>Overlay over land use designation. |
|  | Commercial               |  | Site Specific Policy Area   |
|  | Innovation Employment    |  | Active Frontage   |
|  | General Employment       |  | scale (approx) 400m   |
|  | Institutional            |  |   |

















**Figure 10**  
**PARTS Rockway Plan:**  
**Preferred Land Use Plan**





**Figure 11**  
**Proposed Growing Together**  
**City of Kitchener Official Plan**  
**Amendment to Map 2: Urban**  
**Structure**

**LEGEND**

-  Subject Lands
- Intensification Areas**
  -  Urban Growth Centre (Downtown)
  -  Major Transit Station Area
  -  City Node
  -  Community Node
  -  Neighbourhood Node
  -  Urban Corridor
  -  Arterial Corridor
- Other Areas**
  -  Community Areas
  -  Industrial Employment Areas
  -  Green Areas
- Transit**
  -  Existing Transit Corridor
  -  Planned Transit Corridor
  -  Light Rail Transit Corridor
  -  Adapted Bus Rapid Transit Corridor
  -  Rapid Transit Station



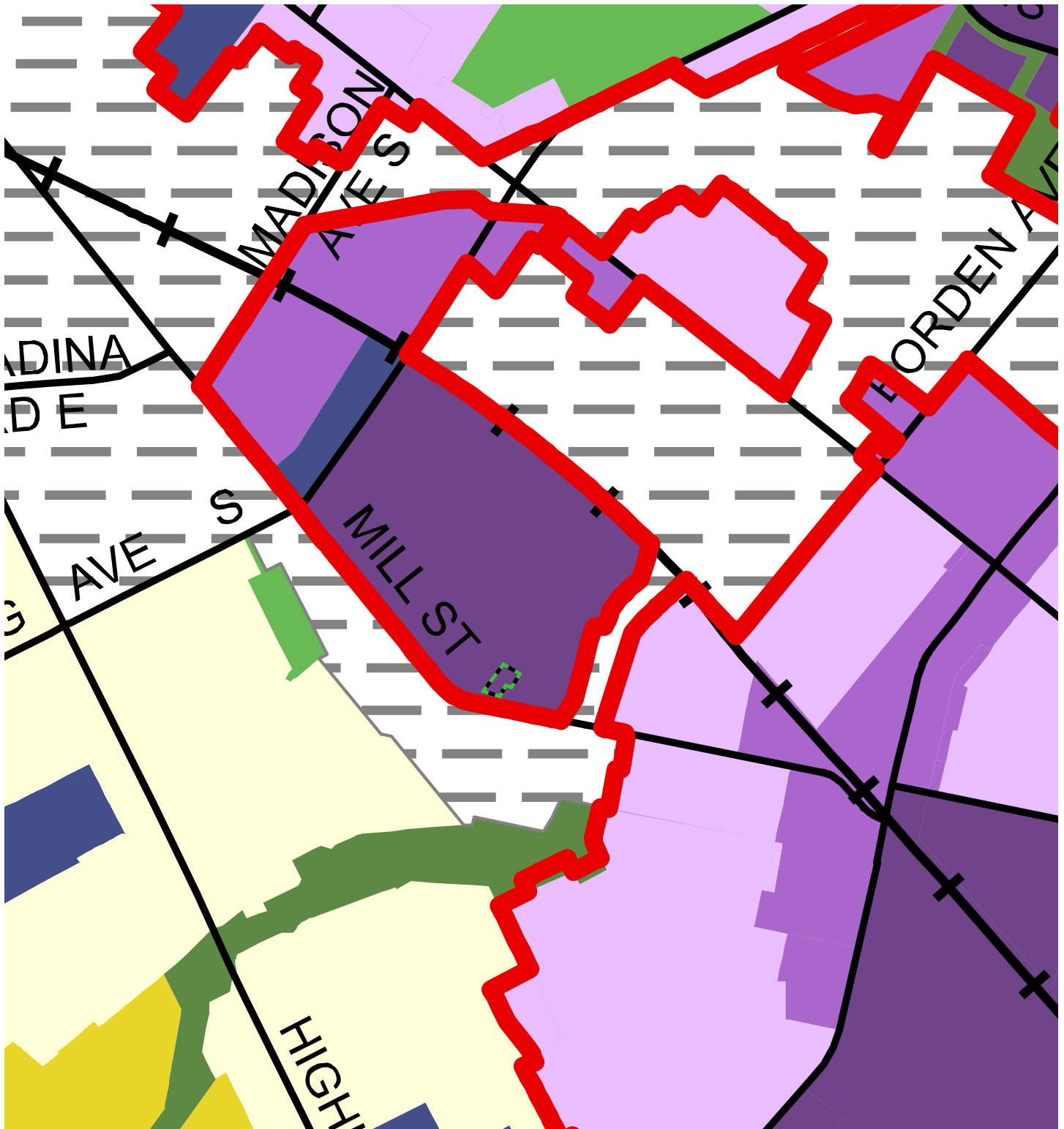





Figure 12

Proposed Growing Together  
City of Kitchener Official Plan  
Amendment to Map 3 – Land  
Use

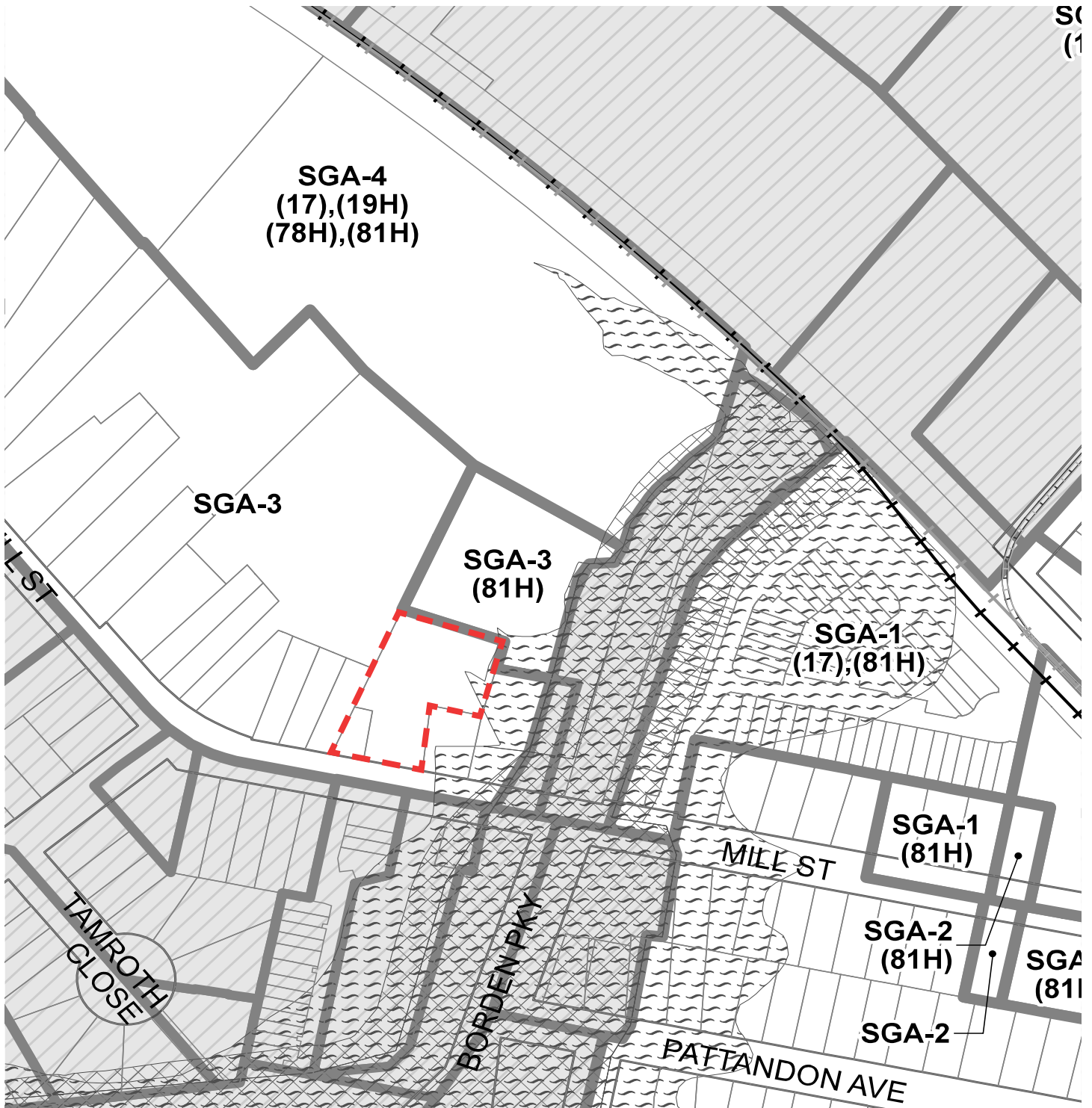
LEGEND

-  Subject Lands
-  Low Rise Residential
-  Medium Rise Residential
-  High Rise Residential
-  Mixed Use
-  Strategic Growth Area A
-  Strategic Growth Area B
-  Strategic Growth Area C

-  Institutional
-  Natural Heritage Conservation
-  Open Space
-  Refer to Secondary Plan For Detail
- Area of Amendment**
-  Lands subject to this amendment














**Figure 13**  
**Proposed Growing Together**  
**City of Kitchener Zoning By-**  
**Law Amendment: Zoning Grid**  
**Schedule 118**

**LEGEND**

-  Subject Lands
- By-Laws**
-  Lands Subject to this Zoning By-law Amendment
-  Lands not Subject to this Zoning By-law Amendment
- Overlays Applicable to By-Law 2019-051**
-  Flooding Hazard
-  Slope Erosion Hazard
-  Ecological Restoration Areas
-  Significant Wildlife Habitat and Landforms
- [5000] Zoning By-law Index Number
- (88) Site Specific Provision Number
- 1 Property Detail Schedule Number



## 5.5 MECP D-6 Guidelines

The Ministry of Environment, Conservation and Parks has issued a series of environmental land use planning guides, referred to as the D-Series Guidelines, aimed at assisting decision makers, environmental engineers (in areas such as noise, vibration, odour, air quality, etc.), and planners in determining compatibility between sensitive uses (including residential uses) and potentially noxious uses.

The D-6 Guideline offers specific guidance regarding the assessment of compatibility between sensitive uses and industrial facilities, with the overarching goal *"to prevent or minimize the encroachment of sensitive land use upon industrial land use and vice versa, as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land use created by industrial operations."*

The Guidelines establish recommended influence distances from various types of industrial uses (Class I—70 meters, Class II—300 meters, Class III—1000 meters) and recommended separation distances for the same (Class I—20 meters minimum separation distance, Class II—70 meters minimum separation distance, Class III—300 meters minimum separation distance).

*The Subject Lands are situated near various industrial/employment uses however according to Road/Rail Traffic and Stationary Noise Impact Study, potential stationary noise sources are related only to heavy truck traffic (maximum of three truck movements during the daytime and two during the nighttime), HVAC equipment and truck idling associated with the industrial uses and not the industrial operation itself.*

*Based on modelled noise impact from all significant noise sources to the Subject Lands, the Study demonstrates that all façades for the Site are below the noise limits.*

Despite the Subject Lands adjacency to existing industrial uses, the Guidelines exhibit flexibility and acknowledge that achieving the recommended minimum separation distances outlined in Section 4.3 may not always be feasible in areas undergoing infilling, urban redevelopment, or transitioning to mixed-use

developments which is the case for the proposed development.

In such cases, the Guidelines provide that the proposals must be in accordance with official plan policy or a formal planning process with clear delineation of redevelopment, infilling, or mixed-use areas by the planning authority.

*As discussed, the Subject Lands have been planned to accommodate a range of medium and high residential housing types including compatible commercial uses in response to its strategic location along the ION LRT route and proximity to a station stop. Through a site-specific Official Plan Amendment and Zoning By-Law Amendment, the intent is to implement the mixed-use, high-density residential land uses envisioned for the site and its broader vicinity.*

*Considering these factors and acknowledging that the Subject Property and broader area is planned to accommodate significant intensification and residential redevelopment opportunities as proposed most recently by the Growing Together initiative, and previously through the PARTS project and the Rockway Secondary Plan process, the need for separation will no longer be required. Since the noise caused by the neighbouring commercial and industrial uses do not exceed MECP sound level limits, interim mitigation measures are not required.*

## 5.6 City of Kitchener Zoning By-law 85-1

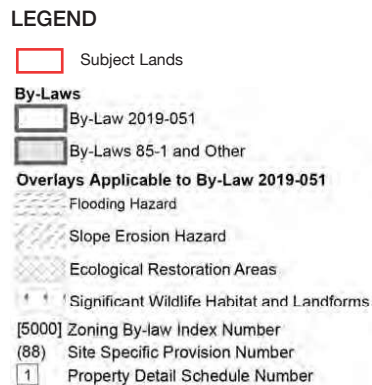
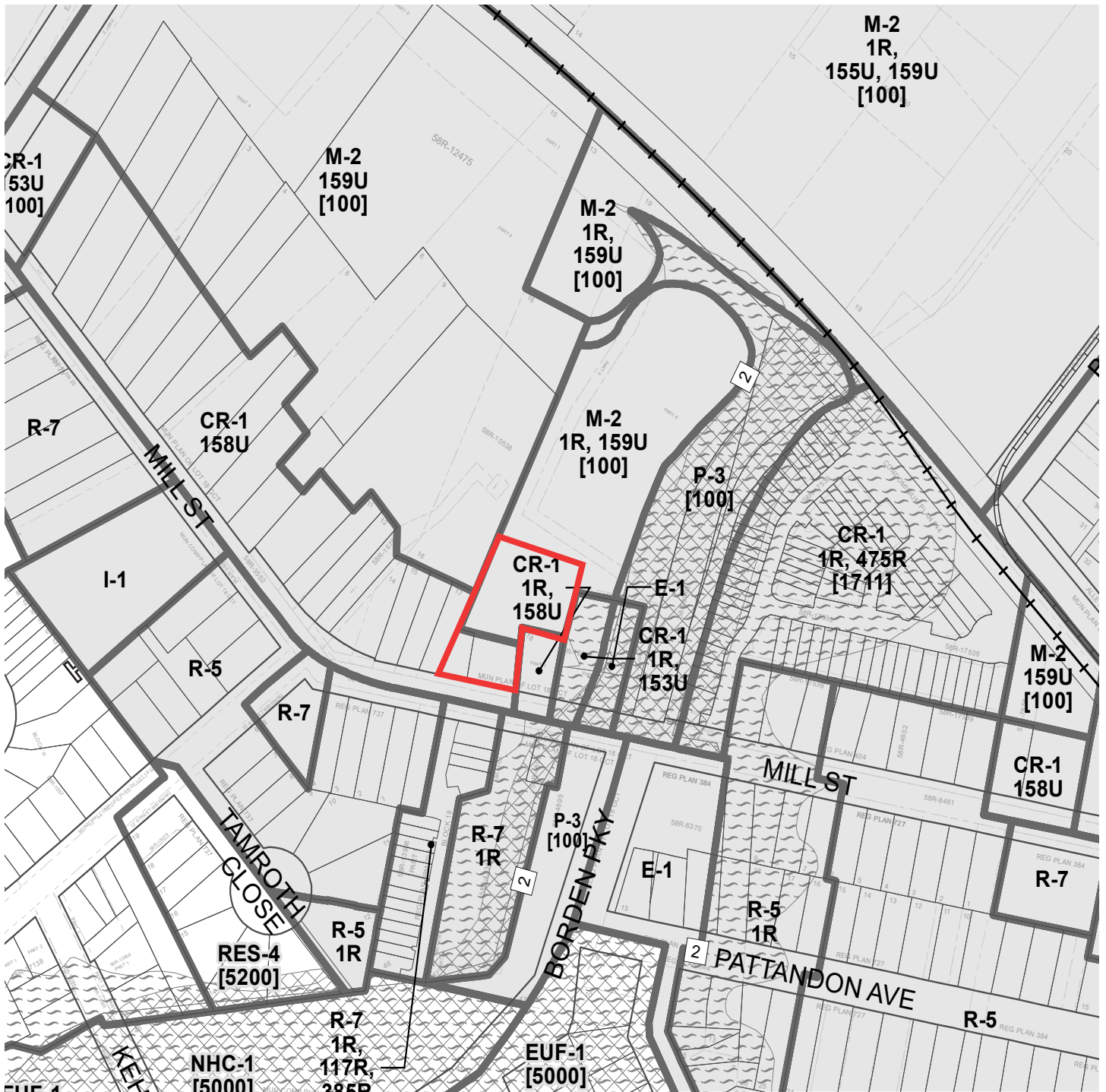
The City of Kitchener is currently regulated by two Zoning By-laws, with the existing Zoning By-law 85-1 being replaced in stages through the enactment of Zoning By-law 2019-051. As indicated in the Pre-submission record, the proposed zoning is dependent on what Zoning By-law is in effect at the time of a complete application submission. Since Zoning By-law 2019-051 currently does not apply to the Subject Lands, the proposed development must have consideration for the regulations of Zoning By-law 85-1.

The Subject Lands are currently split zoned with the whole of 328 Mill Street and the front half of 330 Mill Street zoned 'Commercial Residential One Zone (CR-1)' with Special Use provision 158U and the balance of 330 Mill Street zoned 'General Industrial Zone (M-2)' with Special Use Provision 159U and Special Regulation Provision 1R in Zoning By-law 85-1 (**Figure 14**).

The Commercial Residential One zone is intended to permit a range of commercial and residential uses with a maximum FSR of 1.0 while the General Industrial zone is intended to permit a broad range of employment/industrial uses.

Given that the proposed development does not conform with the existing CR-1 and M-2 zone, an application for a Zoning By-law Amendment has been submitted to rezone the Subject Lands from the Commercial Residential One Zone (CR-1) and General Industrial Zone (M-2) zones to 'High Intensity Mixed Use Corridor Zone (MU-3)' with specific provisions tailored to the Subject Property's unique requirements.

The following table summarizes the applicable regulations of the High Intensity Mixed Use Corridor Zone (MU-3) zone. The proposed development has been reviewed against these zone standards to determine compliance and identify the required site-specific amendments.



**Figure 14**  
**City of Kitchener Zoning By-law**  
**85-1: Schedule 118**





Regulation	Required	Proposed (Non-compliance bolded with *)
Minimum Lot Width	15 metres	38.63m
Minimum Front Yard Abutting a Street	1.5 metres	<b>1.0*</b>
Maximum Front Yard Abutting a Street	10 metres for structures greater than 24 metres	1.0
Minimum Width of Primary Ground Floor Façade	50% of the length of abutting street lines	<b>29.9%*</b>
Minimum Rear Yard	14 metres	<b>1.0m*</b>
Minimum Façade Height	6 metres	65.1m
Maximum Floor Space Ratio (Min.-Max.)	1.0 - 4.0	6.7
Minimum Landscaped Area	10% of lot area, which may include solariums, roof top gardens and similar landscape amenities not at grade	43%
Location of Dwelling Unit	Shall not be located on the ground floor unless located within a building used only as a multiple dwelling	Not at grade
Façade Openings	For non-residential uses, not less than 40% of the area of a primary ground floor façade shall be devoted to display windows or entrances to the building; the horizontal distance between display windows shall not exceed 4 metres	72%
Outdoor Storage	No outdoor storage of goods, materials or equipment shall be permitted in any front yard or in a side yard abutting a street. This shall not, however, prevent the display of goods or materials for retail purposes	None
Off-Street Parking – Residential	1.0 spaces per unit (293 units x 1 parking space = 293 spaces)	<b>0.53 spaces per unit*</b> (293 units x 0.53 = 155 spaces)
Off-Street Parking – Visitor	20% of total required residential parking (0.2 x 293 = 59 spaces)	<b>.037 spaces per unit*</b> (293 units x .037 = 11 spaces)
Off-Street Parking – Non-Residential	1.0 spaces/27 m <sup>2</sup> of gross floor area (226 m <sup>2</sup> retail /27 m <sup>2</sup> = 8 spaces)	<b>Shared between visitor and commercial *</b>

Off Street Loading	No commercial or industrial building to which, or from which regular deliveries are made shall be used or erected unless off street spaces for the standing, loading or unloading of trucks are provided	1 loading space
Barrier Free Parking 201-1000 Required Parking Total Required Parking – 360 spaces	2 + 2% of total required parking (2 + 7.2 = 10  Type A: 5 spaces Type B: 5 spaces	Type A: 5 Type B: 5
Location of New Retail Floor Space	On the ground floor of a building containing any other permitted uses with equal or greater floor area	Retail units located on ground floor
Maximum Gross Floor Area of Retail Space	1,000 m <sup>2</sup>	212m <sup>2</sup>

Based on the foregoing table, the following site-specific regulations are proposed.

## 5.6.1 Site Specific Regulations

### 5.6.1.1 Existing Special Use and Regulatory Provisions

As previously indicated, the Subject Lands are subject to the following land use and regulatory provisions in the existing Zoning By-law 85-1:

**Special Use Provision 158U (applying to all of 328 Mill Street and the CR-1 zoned portion of 330 Mill Street):**

*“Notwithstanding Section 44.1 of this By-law, within the lands zoned CR-1 on Schedule 118 of Appendix “A”, described in the clauses listed below, a driveway for the purpose of industrial or commercial access shall also be permitted.”*

**Special Use Provision 159U (applying to the M-2 zoned portion of 330 Mill Street):**

*“Notwithstanding Section 20.1 of this By-law, within the lands zoned M-2 on Schedules 89, 120, 121, 147 and 148 of Appendix “A”, shown as affected by this subsection, the sale and rental of motor vehicles and major recreational equipment shall not be permitted except as an accessory use to the service or repair of motor vehicles and major recreational equipment in which case a maximum of two vehicles or major recreational equipment units for each service or repair bay may be displayed for retail purposes on the lot at any one time.”*

**Special Regulation 1R (applying to the M-2 zoned portion of 330 Mill Street):**

*“Notwithstanding anything else in this By-law, within any lands shown in Appendix ‘A’ as affected by this Subsection, prior to the development of any land, interference with wetlands or alterations to shorelines or watercourses, a permit shall be obtained from the Grand River Conservation Authority, where required by the said Authority, in accordance with Regulation 150/06, as amended.*

It is proposed that the special use provisions applying to the Subject Lands be removed while Special Regulation 1R applying to the existing M-2 portion of 330 Mill Street be retained.

### 5.6.1.2 Yard Setbacks

#### **Reduced Minimum Front Yard Setback**

The Zoning By-law Amendment requests a minimum front yard setback of 1.0 metre, whereas the MU-3 zone requires a minimum front yard setback of 1.5 metres. The front yard reduction will facilitate a building design that incorporates a cantilevered structure. This design feature will significantly contribute to the architectural and urban character of the area, while also providing functional benefits to the development and enhancing the streetscape.

The design approach involves setting back the ground floor approximately 5 metres from the property line, while the second floor is set back 1.0 metre. The creation of a large plaza underneath the cantilevered area enriches the streetscape by providing an inviting public space for social interaction and community engagement. The design promotes a pedestrian-friendly environment by incorporating a visually appealing and accessible plaza at the street level. This contributes to the creation of a vibrant and livable urban realm, in line with the city's objectives for pedestrian-oriented development.

#### **Reduced Minimum Rear Yard Setback**

The Zoning By-law Amendment requests a minimum rear yard of 1.0 metre, whereas the MU-3 zone requires a minimum rear yard setback of 14 metres. The rear yard reduction will allow for the construction of an efficient, functional parking garage. This reduced setback is required to optimize the overall functionality of the building while effectively addressing parking needs.

The existing rear yard setback regulation is based on outdated criteria related to the total height of the building, does not adequately account for modern

building design and functionality. By allowing for a reduced setback, the development can optimize land use efficiency while maintaining adequate access, landscaping opportunities, and overall functionality.

The one metre setback represents the smallest point of the rear yard, with an average rear yard of 4.68 metres with larger areas in each corner. The reduction in the rear yard setback does not impede landscaping - adequate space remains available for the implementation of landscaping features, such as greenery, trees, and other vegetation, enhancing the aesthetic appeal of the development without compromising the function of the Subject Property.

### 5.6.1.3 Floor Space Ratio

The Zoning By-law Amendment requests a maximum FSR of 6.7 whereas the MU-3 zone permits a maximum FSR of 4.0. The proposed FSR facilitates the construction of a 20-storey building at a density that is essential for supporting transit infrastructure.

Regulations of Zoning By-law 85-1 were devised without considering the presence of rapid transit and the densities required to support transit within a MTSA. The proposed increase in FSR reflects the need to adapt zoning regulations to the evolving needs of the community and the introduction of rapid transit infrastructure.

The proposal aligns with the proposed Growing Together zoning approach which proposes to remove FSR maximums in exchange for built-form regulations to ensure compatibility and lot suitability. By focusing on built form rather than FSR limits, the development can better respond to the unique characteristics and context of the site while maintaining compatibility with the surrounding neighborhood.

The increased FSR does not adversely impact the development's ability to remain compatible with the surrounding neighborhood. The building and site has been designed to integrate with the existing built environment. Adequate setbacks and buffers have been incorporated into the site design to minimize any potential adverse effects on neighboring properties while allowing for functionality of the building.

The proposal includes adequate circulation through the site and appropriate landscaping and buffering between surrounding uses. Pedestrian-friendly pathways, green spaces, and landscaping elements enhance the overall quality of the development and contribute to a pedestrian-oriented urban environment.

The increase in FSR is appropriate by its alignment with transit-supportive density targets, the need to update regulations in light of rapid transit infrastructure, adherence to policy objectives and minimal adverse impacts on neighboring properties.

### 5.6.1.4 Ground Floor Street Line Façade

The Zoning By-law Amendment requests a reduced minimum ground floor street line façade width, as a percentage of the width of the abutting street line from 50% to 29.9%. The proposed reduction in the ground floor street line facade width is required to accommodate the development of a large, landscaped plaza and a single driveway access. While the zoning regulation aims to establish an urban street edge, the unique circumstances of this development warrant flexibility to create a vibrant and pedestrian-friendly environment that enhances the overall urban fabric.

The creation of a landscaped plaza at the ground floor level significantly enhances the quality of the public realm. By providing a welcoming and accessible open space, the development contributes positively to the streetscape, fosters community engagement, and aligns with transit-supportive design principles by prioritizing pedestrian access.

While the zoning regulation aims to establish an urban street edge, the reduction is warranted to enhance the public realm, promote pedestrian-friendly spaces, and facilitate vehicular access in a safe and efficient manner. Ultimately, the Mill Street street edge will be well established through the building base design with active uses and enhanced landscaping and as such, the reduced street line width is appropriate for the proposed development.



### 5.6.1.5 Reduced Parking

The proposed Zoning By-law Amendment requests a reduced residential parking space rate of 0.53 spaces per unit and a combined visitor and non-residential shared parking rate of .037 spaces per unit.

A Parking Justification and Transportation Demand Management Study undertaken by Paradigm Transportation Solutions evaluated the proposed parking reduction and projected demand, as detailed in Section 4.2 of the report. The Study concluded that the proposed number of parking spaces are expected to adequately accommodate anticipated demand, incorporating TDM, notably the provision of bicycle parking, car share parking space and unbundled parking.

The Region and City Official Plans and the Provincial policy documents including the PPP and Growth Plan all recognize the importance of optimizing land use focusing on making better use of existing infrastructure to accommodate growth. This intensification first approach recognizes transit as the priority for major transportation investment and requires MTSA's to be transit supportive with a mix of land uses to support transit service levels.

It is also recognized that transit-oriented development offers an opportunity to reduce the amount of parking in MTSA's through increased transit ridership and reduced vehicle ownership.

It is important to note that the proposed Growing Together Zoning By-law Amendment includes no minimum required vehicle parking noting, in part, that requiring more parking than necessary can add substantial cost to development, and potentially create 'induced demand' for personal vehicle use.

Based on the findings of the Parking Justification Study and considering Provincial, Region and City policy directives, the proposed site-specific parking rates are justified and warrant support.

## Zoning By-law Summary Opinion:

*The Subject Lands are in a strategic growth area planned for significantly increased height and density. The proposed development is appropriately situated and massed to mitigate impacts on the surrounding properties and address the street providing a development pattern that responds to the emerging built form context.*

*The proposed increase in FSR will allow for the appropriate intensification of the Subject Lands with a compact built form that has been designed to recognize the Site's location within a MTSA and associated proximity to higher order transit.*

*The amendments to front and rear yard setbacks, FSR, ground floor street line façade and reduced parking are appropriate for the urban context and irregular shaped site located in an area with excellent access to alternative modes of transportation including cycling, bus transit and LRT.*

# 6.0 Conclusion

This Planning Justification Report has been prepared by JV Planning & Development Consulting on behalf of Masri O Inc. Architects in support of an Official Plan and Zoning By-law Amendment application pertaining to 328 and 330 Mill Street Kitchener. The proposed applications are necessary to redevelop the Subject Lands for the intended planned purpose, achieve the desired urban design objectives and realize an urban transit-supportive high- rise built form that maximizes the full potential of the Subject Property. The proposal facilitates the development of a mixed-use, twenty-storey, 293-unit residential building with 212 square metres of ground floor commercial space.

The Planning Justification Report concludes that the proposed Official Plan and Zoning By-law Amendment application is appropriate and represents good planning for the following reasons:

- The proposed redevelopment is consistent with the Provincial Policy Statement and conforms with ‘A Place to Grow: Growth Plan for the Greater Golden Horseshoe. As a site located in a MTSA and within proximity of a LRT Transit station, the redevelopment of the Subject Property advances the provincial goals of healthy, liveable and safe communities that efficiently utilizes existing infrastructure, improves the range and mix of housing types and introduces commercial uses to the neighbourhood to build on a complete community.
- The proposed redevelopment implements and conforms to the policy directions set out in the Regional Official Plan. The Subject Lands are within 800 m of LRT transit and represent a significant opportunity for redevelopment of an underutilized property. Providing high-density residential and commercial uses, the redevelopment will promote the use of transit and increase housing options. The proposed redevelopment has been designed in a manner that will further support increased pedestrian and cycling infrastructure in the area.
- The infusion of private investment in the redevelopment of brownfield properties is helping to ensure the efficient use of existing infrastructure as well as helping to achieve the Region’s broader environmental, sustainable development, transit-supportive and land use planning objectives.
- The proposed redevelopment conforms with the updated planning framework for lands around ION LRT through the redevelopment of underutilized land within a MTSA, which promotes the use of transit, provides new housing and employment options, and supports the use of pedestrian and cycling infrastructure.
- The proposed development conforms with the City of Kitchener Official Plan policies with respect to urban design objectives by providing streetscape improvements, public realm enhancements, and ensuring high-quality building design intended to minimize impacts and provide appropriate transition to surrounding properties. The building placement, orientation, massing and size considers wind and shadow impacts on surrounding land uses.
- The proposed redevelopment will allow for the redevelopment of underutilized properties in a priority area for intensification.

- The proposed redevelopment is supported by technical studies submitted as part of the application.

This report has been prepared and respectfully submitted by,



Jennifer Voss, MCIP, RPP

# Appendix A – Record of Consultation



# Record of Consultation

Development Services Department - Planning



**Project Address: 328-338 Mill Street**

**Application Types: OPA/ZBA**

**Date of Pre-Submission Consultation Meeting: April 27, 2023**

**Applicant: Gurbeant Singh Bajwa**

**Agent: Reema Masri (Masri O Inc. Architects)**

**File Planner: Katie Anderl, Senior Planner P: 519-741-2200 x7987 E: katie.anderl@kitchener.ca**

**Meeting Attendees: Reema Masri, Katie Anderl, Rojan Mohammadi, Carrie Musselman, Lenore Ross, Dave Seller, Niall Melanson, Tina Malone-Wright, Melissa Mohr, Trevor Heywood, Sandro Bassanese**

---

## **CONFIDENTIAL DOCUMENT**

The contents of this document are confidential and are not part of a Planning Act Application.

---

The purpose of the Pre-Submission Consultation is to review a proposed development and identify the need for, and scope of, the *other information and materials* required as part of a complete application under the Planning Act. The City will not accept an application for a Plan of Subdivision, a Plan of Vacant Land Condominium, an Official Plan Amendment, a Zoning By-law Amendment, a Consent and/or Site Plan for processing unless such development application is considered to be a complete application and in accordance with section 17.E.10.1 of the Official Plan

This Record of Pre-Submission Consultation only applies to the proposal as described and/or as provided for in the attached concept plan (unless otherwise approved by the Director of Planning or his/her delegate), and shall be valid for one year from the date of the Pre-Submission Consultation Meeting.

*If you have any questions or concerns with this Record of Pre-Submission Consultation please contact the File Planner.*

---

**A City for Everyone**

Working Together – Growing Thoughtfully - Building Community

## PART 1 – DESCRIPTION OF DEVELOPMENT PROPOSAL

The vision for the re-development is to intensify the use of the land with a 12-storey mixed-use building with an approximate gross floor area of 24,256 m<sup>2</sup>. The new building will include a commercial at grade facing Mill Street. Behind the commercial spaces, there will be various building amenities accessed from the rear of the site. The main building entrance would be east of the building off the private driveway complete with a drop-off lane. The floors above the ground floor: 2nd -12th floors would be residential with +/- 290 apartments.

The building massing is envisioned to be close to the street line at the ground floor and progressively steps back as it rises in height. The floors 2nd -12th are shaped in the form of a U at 2nd-6th floors then the building takes a linear form at higher floors from 7th -12th. Indoor and outdoor amenities will be provided within the arms of the U on the roof of the commercial floor.



## **PART 2 – OVERALL COMMENT SUMMARY**

The subject lands are located in a Major Transit Station Area, and comprehensive planning studies including the PARTS Plan and Neighbourhood Planning Reviews, generally contemplate mixed use and higher density development along the north side of Mill Street.

- The proposed development introduces a high-rise mixed used building into an MTSA. Staff is supportive of a concept which includes ground floor non-residential uses, below grade parking with dwelling units on upper stories.
- Staff are interested to discuss whether a particular tenant has been identified, given the large floor plate for the commercial uses.
- Staff encourage the applicant to incorporate additional levels within the podium and are supportive of the terraces and step-backs to the residential tower. This helps to provide a compatible transition from the low-rise residential uses south of Mill Street.
- Please see Urban Designer comments for additional feedback on the proposed built form.

A portion of the subject lands, particularly 334 and 338 Mill Street, are located within the two-zone floodplain of Shoemaker Creek. The subject lands are impacted by both Floodway and Flood Fringe. Lands located within the Floodway are zoned E-1 and are not developable. The development concept should be revised to exclude development, including driveways from this portion of the site. Development may be permitted in the Flood Fringe subject to water-proofing and safe access requirements, and a GRCA permit will be required.

The properties are adjacent to Shoemaker Greenway which is riparian area. The greenway is a tributary to Schneider Creek, a warm water stream system. The creek and riparian area are considered an Ecological Restoration Area (ERA) in Kitchener's Official Plan. The presence of an identified ERA may place limitations or conditions on adjacent lands related to development, redevelopment or site alteration—especially when drainage characteristics, site grading and/or stormwater management are being altered. To fully evaluate environmental features and functions (i.e. if it contributes to the stream's optimal ecological state), development impacts, mitigation measures and what portion of the property may be developable (building envelope) an Environmental Impact Study will be required. To protect the natural features, functions, and associated buffers on the subject property. The City would be interested in having a discussion with the applicant/owner about conveying any and/or all portion(s) identified as Natural Heritage Conservation to the City. If the lands are not conveyed, then we request the owner to enter into a Conservation Easement that would be registered on title.

A portion of the subject lands are currently zoned and designated for Employment uses. A municipal comprehensive review was completed as part of ROPA 6, which was recently approved by the Province and the lands are not identified as Regionally or Provincially Significant Employment Lands. The lands were evaluated as part of the City's Comprehensive Review of Employment Lands and were identified as Protected Employment, however as they are located in a Major Transit Station Area conversion may be

Given the surrounding industrial land uses, compatibility of the proposed land use must be carefully considered. This includes both potential impacts of the industrial uses on the proposed residential use, as well as consideration of whether there may be implications for the long-term viability of the industrial

uses with the encroachment of additional sensitive land uses. Further a noise study is required to evaluate stationary, road and rail noise (and vibration). A Record of Site Condition will be required prior to the change to a sensitive land use, alternatively a Holding Provision may be utilized.

### PART 3 – OTHER INFORMATION AND MATERIALS

The following is a list of other information and materials that will be required for the subject development application to be considered complete. Please note that following the acceptance of an application as “complete” additional information and materials may be required as a result of the detailed review, due to changes to the proposal, or changes to policy.

**Development applications submitted after January 1, 2023 may be subject to additional complete application requirements. Please contact the Manager of Development Review for additional information.**

**Complete application requirements may be subject to change when Bill 23 proclamation date is determined and when implementing regulations are fully approved. Staff are reviewing the implications of Bill 23 and will provide updated comments with the formal application.**

Other Information and Materials: OPA/ZBA				
	#	To the Satisfaction of:	Notes:	AODA: (Y/N)
<b>Standard Requirements</b>				
Completed Application Form and Fee(s)	1	Planning		
Existing Conditions Plan	*	Planning		
Concept Site Plan	*	Planning		
<b>Digital Plans</b>				
PDF of all submission materials	1	Planning	Files may be provided through City’s ShareFile or consultant’s file sharing service.	
Subject Area Map	*	Planning	To be used for postcards and billboard signs. See digital submissions standards below**.	N
<b>Other Required Plans and Studies</b>				
Planning Justification Report	*	Planning Region Parks	Prepared in accordance with the comments of: - Planning - Region of Waterloo - Parks	Y
Land Use Compatibility Study	*	Region		Y
Urban Design Scorecard	*	Planning		Y
Neighbourhood Meeting Applicant Team slidedeck	*	Planning	Please submit in power point	

Sustainability Statement or Energy Conservation/ Generation Report	*	Planning	As described in sustainability comments	Y
Preliminary Building Elevations (in colour with materials) and Cross-section Drawings	*	Planning		
Floor Plans	*	Planning		
Preliminary Grading Plan	*	Planning Engineering		
Tree Preservation and Enhancement Plan and Arborist Report	*	Planning Parks		
Preliminary 3D Massing Model	*	Planning	In Google SketchUp	
Shadow Study	*	Planning		
Wind Analysis	*	Planning		Y
Scoped Environmental Impact Study	*	Planning		Y
Stormwater Management Report	*	Planning Engineering Region	See comments of Environmental Planning, Engineering, Region and GRCA	
Functional Servicing Report	*	Engineering Region		
Water Distribution Report	*	Engineering		
Transportation Impact Study	*	Transportation Region		Y
Parking Justification Study and TDM Option Report	*	Transportation Region		Y
Archaeological Assessment(s) and Ministry Acknowledgement Letter(s)	*	<i>Region</i>		Y
Notice of Source Protection Plan	*	Region		Y
Risk Management Plan	*	Region		Y
Environmental Noise Study (Stationary, Road, Rail, and Vibration)	*	Region CN Rail		Y
Signed Consultant Noise Study Declaration and the Owner/Authorized Agent Statemen	*	Region		Y



Record of Site Condition	*	Region	Or a holding provision may be proposed	
Copy of NAVCAN Land Use Submission Form	*	Region		
Hydrogeological Investigation or zoning regulation prohibiting geothermal	*	Region		

**\* DIGITAL SUBMISSION ONLY (NOTE: FILES MUST BE NAMED THE EXACT NAME OF THE REPORT)**

**Note: Any applications for a plan of subdivision, official plan amendment and/or zoning by-law amendment that are required to permit a site plan application must have received a Council decision prior to the submission of the site plan application.**

**\*\*Subject Area Map Submission requirements. A location map is required in landscape orientation with a maximum size of 14” x 28” and 1200dpi. The subject area is to be identified in a darker grey fill (RBG values 104,104,104) with the text ‘SUBJECT AREA’ inside if it fits legibly or outside with an arrow if it doesn’t. Scale may vary by size of subject area. Select a scale that clearly shows the subject area with some surrounding area for context and location but generally 1:8000 – 10,000. Street names must be legible and not overlapping.**

**NOTE RE: Accessibility for Ontarians with Disabilities Act, 2005 (AODA)**

In order to facilitate the City’s compliance with O. Reg. 191/11 *Integrated Accessibility Standards* under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11., the Consultant/Contractor shall provide any final report and any other document identified by the Project Manager/City Representative as intended City/Client website content in an accessible format that complies with the World Wide Web Consortium Web Content Accessibility Guidelines 2.0 AA [other than success criteria 1.2.4. Captions (Live) and success criteria 1.2.5 Audio Descriptions (Pre-Recorded)]. However, this requirement shall not apply to drawings, photos, maps, site plans, or other documents that the Project Manager/City Representative agrees cannot practicably be converted to an accessible format. For detailed information about AODA requirements and to find training resources, visit <https://aoda.ca/>.

**PART 4 – SIGNATURES**


This Record of Pre-Submission Consultation only applies to the proposal as described and/or as provided for in the attached concept plan. This Record of Pre-Submission Consultation documents the required *other information and materials* that must be submitted in support of a complete Application made under the Planning Act.

**If you have any concern with this Record of Pre-Submission Consultation please contact the File Planner immediately.**

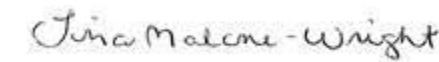
Please note that the feedback provided at this Pre-Submission Consultation Meeting does not constitute a detailed review of the development application(s). Following the acceptance of an application as “complete” additional information and materials may be required as a result of the detailed review, or changes to the proposal, City policies, the zoning by-law, or standard City conditions of development.

**OPTION A. Approval of the Record of Pre-Submission Consultation**

These minutes shall be considered valid until 4/27/2024

  
\_\_\_\_\_  
Katie Anderl  
Senior Planner

June 16, 2023  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Tina Malone-Wright  
Interim Manager of Development Review

June 16, 2023  
\_\_\_\_\_  
Date

## PART 5 – DETAILED COMMENTS

Notice of this Pre-Submission Consultation Meeting was provided to City Staff and Commenting Agencies. Detailed comments are attached to this Record of Consultation as indicated below.

Commenting Authority	Circulated?	No Concern or Comment	Comments Attached
Kitchener Planning			
Planning	Y		Y
Urban Design	Y		Y
Heritage	Y	Y	
Environment	Y		Y
Engineering Services	Y		Y
Building	Y		
Fire	Y		Y
Transportation Services	Y		Y
Parks	Y		Y
Kitchener Utilities	Y		Y
Economic Development	Y		
Region of Waterloo	Y		Y
Grand River Conservation Authority	Y		Y
Canada Post	Y		Y
KW Hydro	Y		
Bell	Y		
Rogers	Y		
Hydro One	Y		
Ministry of Transportation			
CN Rail	Y		Y
CP Rail			
Goderich Exeter Rail			
Metrolinx/GO			
WRDSB	Y		
WCDSB	Y		Y

**City of Kitchener**  
**PRE-SUBMISSION CONSULTATION COMMENTS**

**Project Address:** 328-338 Mill Street

**Date of Meeting:** April 27, 2023

**Application Type:** OPA/ZBA

---

Comments Of: Planning

Commenter's Name: Katie Anderl

Email: katie.anderl@kitchener.ca

Phone: 519-741-2200 x7987

Date of Comments: April 20, 2023

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

1. Site Specific Comments & Issues:

- The subject lands are located in a Major Transit Station Area, and comprehensive planning studies including the PARTS Plan and Neighbourhood Planning Reviews, generally contemplate mixed use and higher density development along the north side of Mill Street.
  - The proposed development introduces a high-rise mixed used building into an MTSA. Staff is supportive of a concept which includes ground floor non-residential uses, below grade parking with dwelling units on upper stories.
  - Staff are interested to discuss whether a particular tenant has been identified, given the large floor plate for the commercial uses.
  - Staff encourage the applicant to incorporate additional levels within the podium and are supportive of the terraces and step-backs to the residential tower. This helps to provide a compatible transition from the low-rise residential uses south of Mill Street.
  - Please see Urban Designer comments for additional feedback on the proposed built form.
- A portion of the subject lands, particularly 334 and 338 Mill Street, are located within the two-zone floodplain of Shoemaker Creek. The subject lands are impacted by both Floodway and Flood Fringe. Lands located within the Floodway are zoned E-1 and are not developable. The development concept should be revised to exclude development, including driveways from this

portion of the site. Development may be permitted in the Flood Fringe subject to water-proofing and safe access requirements, and a GRCA permit will be required. Please see the attached comments from the GRCA for additional information.

- A portion of the subject lands are currently zoned and designated for Employment uses and Official Plan and Zoning By-law Amendments will be required to permit the proposed mixed-use development. A municipal comprehensive review was completed as part of ROPA 6, which was recently approved by the Province and the lands are not identified as Regionally or Provincially Significant Employment Lands. The lands were evaluated as part of the City's Comprehensive Review of Employment Lands and were identified as Protected Employment, however as they are located in a Major Transit Station Area conversion may be considered.
  - A proposal to convert the lands to non-employment uses may be considered without the requirement for a municipal comprehensive review provided any proposal is in accordance with the Transit Oriented Development Policies in the Section 13.C.3. Any proposal that does not fully meet the Transit-Oriented Development Policies may still be permitted provided the owner/applicant demonstrates, to the satisfaction of the Region and the City that the proposed development or redevelopment is designed in such a way that subsequent phases or infilling would meet the Transit-Oriented Development Policies.
  - The Planning Justification Report should include a comprehensive discussion of the Employment Conversion Criteria contained in the Growth Plan (2.2.5.9), Transit Oriented development Policies of s13.c.3 of the City's Official Plan.
  - Given the surrounding industrial land uses, compatibility of the proposed land use must be carefully considered. This includes both potential impacts of the industrial uses on the proposed residential use, as well as consideration of whether there may be implications for the long-term viability of the industrial uses with the encroachment of additional sensitive land uses. City and Regional staff will require that the Planning Justification Report provide an analysis of compatibility between the land uses, including consideration of environmental emissions and an analysis in consideration of the MECP D-6 Criteria. A noise study evaluative Traffic, Stationary and Rail Noise (and Vibration) will be required. A Record of Site Condition will be required prior to the change to a sensitive land use, alternatively a Holding Provision may be utilized.

**Heritage Planning Comments:** No Heritage concerns.

**Official Plan Designation:**

**Regional Official Plan:** Figure 7b Major Transit Station Area (Mill)

**Kitchener Official Plan:**

Map 2 (2014 OP) – Major Transit Station Area

**Secondary Plan (1994 OP):** Mill Courtland Woodside Park Neighbourhood Plan for Land Use (Map 12)

Low Density Commercial Residential – FSR 1.0 & 100 u/ha on an individual lot  
-multiple dwelling and a range of commercial and office uses permitted.



General Industrial – permits a broad range of industrial uses

Open Space – to recognize flooding hazard

Special Policy 1: Those properties which front the north side of Mill Street between Stirling Avenue and the Shoemaker Greenway as well as 380 and 400 Mill Street and are occupied in part by an industrial use shall be designated Low Density Commercial Residential to the depth of a standard residential lot while the rear one-half to two-thirds of these properties will be designated General Industrial. It is recognized that there is existing private access over the residentially designated portions of these properties to the industrial designation in the rear and new private driveways shall also be permitted to cross over lands designated Low Density Commercial Residential to provide industrial access to lands designated General Industrial. In addition, the development of an interior industrial road with access to Mill Street west of the Shoemaker Greenway shall be permitted.

Special Policy 5: Notwithstanding the Low Density Commercial Residential designation applied to the properties located at 363 Stirling Avenue South, 338 Mill Street and 453 Courtland Avenue, an automobile service station and the service or repair of motor vehicles and major recreational equipment excluding body repair or rust proofing, shall be permitted, provided that such service or repair shall only be permitted within buildings or portions thereof, which existed prior to January 24, 1994. Further, the sale or rental of motor vehicles or major recreational equipment as an accessory use to an automobile service station or service or repair business, shall be permitted in accordance with the regulations of Section 13.1 of Zoning By-law 85-1.

Map 13 – Floodway and Flood Fringe

As per Schedule D of the Official Plan Mill Street (City owned street) **is not** identified to be widened.

Neighbourhood Planning Review (Rockway):

Contemplated a Mixed-Use designation and MIX-3 zone (max height 26 m and FSR 4.0)

**Current Zoning:**

CR-1, 158U (1R) – 158U permits a driveway leading to an industrial use

CR-1, 153U (1R) – 153U permits and regulates a gas station, the service and repair of motor vehicles within existing buildings, and sale and rental of motor vehicles as a limited accessory use

M-2, 159U – 159U restricts sale and rental of motor vehicles except as a limited accessory use

E-1 – permits only existing uses within the floodplain.

## **Amendments:**

An Official Plan Amendment and Zoning By-law Amendment are required.

The lands are located in an MTSA and therefore are not considered protected employment. They are permitted to convert to a non-employment use without a Municipal Comprehensive Review.

A Mixed Use land use designation may be proposed for the entirety of the lands, except those located within the floodplain. A site specific policy would be required to permit an increased Floor Space Ratio and removal of the maximum unit/hectare policy.

Zoning:

Depending on the timing of a complete application a High Intensity Mixed Use Corridor Zone (MU-3) under by-law 85-1 or MIX zone should the lands have been incorporated into By-law 2019-051 would be appropriate. Special Regulations and Holding Provision may be proposed, depending on the site design.

### **Detailed Parking Calculations**

A reduced parking rate must be justified through a Parking Justification Study, and should include robust TDM measures.

By-law 85-1 required parking:

Residential (MU zone): 1 space per unit

Commercial (MU zone): varies and is subject to a further 10% - 30% reduction.

Visitor Parking: 20% of parking required for multiple dwelling

Bike Parking:

Class A: required under By-law 2019-051

Class B: required under By-law 2019-051

Electric Vehicle Parking/Ready: required under By-law 2019-051

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

- Application Form and Fees
- Preliminary Site Plan
- Preliminary Grading Plan
- Preliminary Cross-sections and Floor Plans to assist with Zoning analysis
- A Planning Justification Study: a comprehensive planning study, prepared by a qualified professional, which is required to be submitted in conjunction with certain development applications. Such studies should address matters including, but not limited to the following:
  - Background:
    - Site location and description
    - Site history

- Existing conditions
- Surrounding context
- Description of the proposal:
  - Proposal overview
  - Main characteristics of planned development (e.g., height, massing, setbacks, building form, parking)
  - Outline of supporting studies submitted with the proposal
  - Site concept plan and/or master plan
- Policy Review:
  - How the proposal relates to applicable policy / legislation / regulation:
    - Provincial Policy (e.g., Provincial Policy Statement, Places to Grow)
    - Regional Official Plan
    - City Official Plan
    - Kitchener Growth Management Plan
    - Urban Design Manual
- Analysis, planning rationale and justification:
  - Rationale and justification for the development applications
  - Impact on the overall Urban Structure
  - Impact on the planned function of the area in which the proposal is located
  - Compatibility with and impacts upon adjacent land uses, including how any impacts are proposed to be managed
  - Availability of services and infrastructure
  - Pedestrian accessibility and connectivity
  - How the proposal is transit-supportive and/or transit-oriented
  - Transportation system implications, including operational improvements necessary to accommodate the proposal
  - Transportation Demand Management (TDM) measures
  - Provision of a Sustainability Statement or Energy Conservation Plan identifying the energy, water and waste conservation measures to be included in the proposal to support Provincial, Regional and City policies
  - The implications of the proposed development on local parks, open spaces, urban forests and community facilities
  - Description of the community benefits that the proposal will contribute to the surrounding area
  - How the proposal addressed the City's objective of housing for all, including how the proposal accommodates affordable housing
- Conclusion: Succinctly, why should City staff recommend approval of the proposal?

### 3. Policies, Standards and Resources:

- **Provincial Policy Statement, 2020** (especially with regard to Section 1.2.6 – Land Use Compatibility, 1.3 – Employment)
- **A Place to Grow, 2019** (especially with regard to section 2.2.5 - Employment)
- Regional Official Plan
- City of Kitchener Official Plan

- Kitchener Growth Management Plan
- City of Kitchener Urban Design Manual

4. Anticipated Fees:

[Kitchener Planning Division User Fees](#)

**City of Kitchener**  
**PRE-SUBMISSION CONSULTATION COMMENTS**

**Project Address:** 328, 330, 334 338 Mill Street

**Date of Meeting:** April 27, 2023

**Application Type:** Official Plan Amendment & Zoning Bylaw Amendment

---

Comments Of: Urban Design

Commenter's Name: Rojan Mohammadi

Email: rojan.mohammadi@kitchener.ca

Phone: 519-741-2200 ext 7326

Date of Comments: April 20, 2023

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

**1. Site Specific Comments & Issues:**

- The proposed must demonstrate compatibility with their surroundings and transition in height and scale through appropriate design of the project's built form. The proposed transitions well from the front of the building but stepbacks are recommended to the west side of the property. Ideally, a 4-story base/podium design is recommended.
- The building's base including the ground floor should have a direct relationship to the streetscape and public realm. Please note access to the commercial space.
- Tall Building Design analysis is required including physical separation distance, overlook, placement, angular plane, and transition.
- Bases shouldn't not exceed 70m in overall building length. Buildings longer than 70m should demonstrate enhanced streetscaping, materials and building articulation.
- For tall buildings with retail or other active uses at grade, provide ground floor height of 4.5m (minimum) to permit variety of retail types and activities.
- Pedestrian connection from rear parking spaces to the front of the development is required.
- Outdoor at grade amenity area is highly recommended.
- Spaces designed for frequent use should include hardscaped areas, seating, and weather protection. Provide details for Common Outdoor Amenity Space to include hard and soft surface treatments, landscaping details, seating areas, access to both shade and sunlit areas. Please



keep in mind the minimum space requirements for multiple residential developments ( $2\text{m}^2 \times \#\text{units}$ ) + ( $2.5\text{m}^2 \times \#\text{bedrooms} - \#\text{units}$ ) = outdoor amenity space.

- All visible elements of a building including utilities (meters, conduits), HVAC and loading/servicing areas are to be integrated into the design of the building and shown on elevation drawings as part of the building elevation approval process.
- A well-designed top to integrate the mechanical and telecommunication equipment as part of a coherent architectural expression and tower design is required.
- Provide visual variety through well-articulated massing and high-quality materials.

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

- **Updated Site Plan**
- **Tree Management Plan**
- **Preliminary 3D massing model**
- **Preliminary Building Elevations in Color and anticipated building materials**
- **A complete Shadow Study**
- **Wind Analysis**
- **Tall Building Analysis**
- **Urban Design Score Card**
- **Cross Sections**

## 3. Anticipated Requirements for full Site Plan Approval:

### **Final Tree Management Plan**

**A landscaping Plan is required** - Please see UDM Part C, Section 15 for detailed requirements.

- Landscape plantings to City standards are required along all property lines, surrounding the building and in parking lot islands
- Landscape screening of all parking lots adjacent to City streets is required according to City standards
- Required bicycle parking should be shown on the Landscape Plan. Floor plans demonstrating adequate indoor, secure bike parking should be provided, together with details of any bicycle storage system. Outdoor bicycle parking should be provided on a hard surface and in an area with good oversight.
- Pedestrian crossings of drive aisles should be in an alternate material e.g. full depth coloured asphalt, concrete or coloured concrete, thermoplastic inlay. Painted lines are not acceptable.
- Garbage and recycling storage should be noted on the site and landscape plans. A full, roofed enclosure or deep well storage system is required
- All Utilities should be coordinated with the landscape design and with building elevations to provide a high-quality pedestrian experience within the site and from the public realm. Utility meters should be located within building niches or on internal end walls of townhouse blocks

and screened. On-site transformers should be located discretely and incorporate decorative wraps, physical screens or landscape plantings as required.

- Please show all fencing, bollards, access control gates and site furniture on the landscape plan and provide appropriate details
- A visual barrier of 1.8m will be required where parking is adjacent to residential land uses
- Please keep in mind the minimum space requirements for multiple residential developments  $(2\text{m}^2 \times \#\text{units}) + (2.5\text{m}^2 \times \#\text{bedrooms} - \#\text{units}) = \text{outdoor amenity space}$ .
- Please locate both ground supported and portable signs within the landscape and note on the plan. Portable signage requires plantings as detailed in the Urban Design Manual
- Standard owner, Landscape Architect and Civil Engineer sign offs are required
- Please see City of Kitchener fence and sign bylaws for requirements

**A copy of the Grading Plan must be submitted with the Landscape Plan.**

**A Lighting Plan is required** - please see UDM Part C, Section 4

- All site lighting must be full cut-off and dark-sky compliant
- In accordance with current best practices, all fixtures should have a CCT of 3000K or less
- The use of LED lighting is strongly encouraged
- Details of individual townhouse units' entry lights should be provided; photometrics for these are not necessary. These fixtures should be full cut-off and dark-sky compliant
- The standard City of Kitchener Lighting Designer declaration should be included on final submission.

**Building Elevations and 3D Model**

- Full colour renderings specifying all materials and colours are requested
- Please ensure that all publicly visible facades are well articulated and detailed
- Floor plans demonstrating adequate indoor, secure bike parking should be provided.
- HVAC should be illustrated and fully screened from all public views and adjacent residential properties. Sightline drawings should be provided, and a detail of any aftermarket screening should be included on the drawings.
- All Utilities, building-mounted or ground-based AC units should be located away from public view and fully screened.

**Cost Estimate and Letter of Credit (LOC)**

- A cost estimate for all required on-site development works will be required in standard City format
- A Letter of Credit for 50% of the approved Cost Estimate will be required
- The developer should contact City Legal Services 519.741.2200 x 7858 **in advance of obtaining their Letter of Credit**, in order to have the DBRS rating checked and pre-cleared.
- Certification of the completed site works will be required

**Plan Review Fees** will be required at the rate of 5% of the approved cost estimate.

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

##### **General information**

- Within the City's approved Official Plan there are numerous sections that are relevant including Part C, Section 11 Urban Design. [www.kitchener.ca/officialplan](http://www.kitchener.ca/officialplan)
- A link to the City of Kitchener Urban Design Manual – UDM - is provided. Please be aware that over the next year this document will be updated to reflect Official Plan policies and new standards of best practice. [www.kitchener.ca/udm](http://www.kitchener.ca/udm)
- **Part A** of the Manual provides further urban design and built form objectives. **Part B** of the Manual contains Design Briefs which outline specific requirements related to geographic areas or land uses. **Part C** of the Manual contains City standards for many site development requirements, and these should be accurately reflected in the proposal: parking stall dimensions; aisle widths; sidewalk dimensions; planting rates; landscape plan details; dark-sky luminaire compliance and photometric details.
- The following sections of the Urban Design Manual may be of interest when doing the detailed design of the site:
  - [Contents](#)
  - [City-Wide Design](#)
  - [Tall Building Design Guidelines](#)
  - [Outdoor Amenity Area](#)
  - [Structured Parking](#)
  - [MTSA](#)
  - [Central Neighborhood](#)

#### 5. Anticipated Fees:

- 50% Letter of Credit- calculated based on the Approved on-site Cost Estimate. Due prior to Final Site Plan Approval. If the development will be registered as a Condominium, securities at 100% of the outstanding, uncertified site works will be required prior to registration.
- 5% Plan Review Fees – calculated based on the Approved on-site Cost Estimate. Due prior to Final Site Plan Approval
- Fees will also apply to the preparation and registration of the Section 41 agreement after approval in principle through Legal Services.

**City of Kitchener**  
**PRE-SUBMISSION CONSULTATION COMMENT FORM**

**Project Address: 328-338 Mill Street**

**Date of Meeting: April 27, 2023 – 1:00 – 2:00 p.m. (staff only April 20th)**

**Application Type: ZBA & OPA**

---

Comments Of: Environmental Planning – City of Kitchener

Commenter's Name: Carrie Musselman on behalf of Barbara Steiner

Email: Carrie.Musselman@kitchener.ca / Barbara.Steiner@kitchener.ca

Phone: 519-741-2200 x 7068 / 519-741-2200 X7293

I plan to attend the meeting (questions/concerns/comments for discussion)

I do NOT plan to attend the meeting (concerns/requirements outlined below)

---

1. Site Specific Comments & Issues:

- Each of the properties have varying amounts of treed vegetation present. Some of the vegetation may be in shared ownership.
- The properties are adjacent to Shoemaker Greenway and its riparian area. The greenway is a tributary to Schneider Creek, a warm water stream system. The creek and riparian area are considered an Ecological Restoration Area (ERA) in Kitchener's Official Plan.
  - The presence of an identified ERA may place limitations or conditions on adjacent lands related to development, redevelopment or site alteration--especially when drainage characteristics, site grading and/or stormwater management are being altered.
- Both One Zone and Two Zone Floodplain are associated with the creek and extend onto the properties.
- To fully evaluate environmental features and functions (i.e. if it contributes to the stream's optimal ecological state), development impacts, mitigation measures and what portion of the property may be developable (building envelope) an Environmental Impact Study will be required.
  - To protect the natural features, functions, and associated buffers on the subject property. The City would be interested in having a discussion with the applicant/owner about conveying any and/or all portion(s) identified as Natural Heritage Conservation to the City. If the lands are not conveyed, then we request the owner to enter into a Conservation Easement that would be registered on title.

*Environmental Planning is unable to support the proposed Concept Plan submitted with the pre submission application until such time that an Environmental Impact Study (EIS) has been approved.*

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

- a) A Tree Preservation/Enhancement Plan (TP/EP) prepared by an Arborist, in accordance with the City's Tree Management Policy and Official Plan Policies submitted as part of a complete site plan application.
  - An objective of the TP / EP should be to protect and conserve the existing healthy trees and woodlands on the property and incorporate them into the new development.
  - The TP/EP is to address trees both wholly on the property and trees on adjacent lands whose root zones might be impacted by development on the property. It will also need to incorporate grading and servicing details.
    - It should also, provide confirmation that no endangered, threatened special concern and extirpated animal or plant species (as per current official species at risk in Ontario regulations) have been identified on site.
  
- b) A Scoped Environmental Impact Study (EIS) in accordance with Official Plan Policy 17.E.11A, and prepared by an environmental consultant experienced in such studies, especially with respect to the water management impacts associated with adjacent urban development to aquatic and valleyland systems.
  - The EIS will need to be prepared in accordance with Reginal and City Policies as well as GRCA requirements.
  - It is recommended that the Terms of Reference be prepared and circulated to interested agencies prior to the development of any study.
  - It is advised that the Scoped EIS for this site should be scoped as follows:
    - Characterize the riparian vegetation community associated with the Creek and floodplain where it is assumed that stormwater/drainage will outlet.
    - Characterize woody and treed vegetation on the property as per the requirements of the City's Tree Management Policy (rev. 2001) especially the requirements for a Tree Preservation / Enhancement Plan (Tree Management Policy - City of Kitchener).
    - Assess and document all direct (e.g. structures, grading) and indirect (e.g. stormwater management and potential erosion) impacts to the floodplain / riparian area and baseflow channel of the Creek.
    - Demonstrate/describe how this development will contribute to enhancing the ecological features and functions of the Creek, ultimately contributing to a stream and valleyland system restored to its best possible state in an urbanized subwatershed.
  - A Stormwater Management Report will be required with relevant components being incorporated into the EIS.

## 3. Anticipated Requirements of OPA/ZBA Approval:

- a) An approved Scoped Environmental Impact Study incorporating all relevant supporting studies.
- b) An Approved Tree Preservation / Enhancement Plan.



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

##### Development adjacent

- a) As per Section 7.C.2.23 of the Official Plan. Development, redevelopment or site alteration will only be permitted on lands adjacent to the Natural Heritage Conservation features where an Environmental Impact Study or other appropriate study has determined to the satisfaction of the City, Region, Grand River Conservation Authority and/or Province, as appropriate, that approval of the proposed development, redevelopment or site alteration would not result in adverse environmental impacts on the natural heritage feature or the ecological functions of the feature.

##### Environmental Impact Study

- b) As per Section 7.C.2.52 of the Official Plan. Any required Environmental Impact Study will be completed in accordance with the Environmental Impact Studies Policies in Section 17.E.11.

##### Acquiring Lands / Conservation Easement

- c) As per Section 7.C.2.58 of the Official Plan. Notwithstanding Policy 7.C.2.57, where feasible, the City will consider acquiring land to protect and improve the Natural Heritage System.

##### Tree Management

- d) As per Section 8.C.2.16. of the Official Plan, the City will require the preparation and submission of a tree management plan in accordance with the City's Tree Management Policy (available on the City's Website), where applicable, as a condition of a development application.
  - o Any tree management plan must identify the trees proposed to be removed, justify the need for removal, identify the methods of removal and specify an ecologically sound tree replacement scheme and any mitigative measures to be taken to prevent detrimental impacts on remaining trees.
- e) policy 8.C.2.6., the City will incorporate existing and/or new trees into the streetscape or road rights-of-way and encourage new development or redevelopment to incorporate, protect and conserve existing healthy trees and woodlands in accordance with the Urban Design Policies in Section 13 (Landscape and Natural Features) of the Urban Design Manual and the Development Manual.

##### Hedgerows

- f) As per Section 8.C.2.19. of the Official Plan, when considering development, redevelopment or site alteration proposals, the City may require the protection and enhancement of hedgerows, especially where:
  - a) they link other elements of the Natural Heritage System;
  - b) wildlife regularly uses them as habitat or movement corridors;
  - c) they are composed of mature, healthy trees;
  - d) they contain trees that are rare, unique, culturally important or over 100 years in age; or,
  - e) they contribute to the aesthetics of the landscape.

##### Natural Heritage Features

- g) The mapping and criteria for identifying individual natural heritage features is included in the Kitchener Natural Heritage System Technical Background Report (rev. June 2014).

#### 5. Anticipated Fees: Unknown

**City of Kitchener**  
**Pre-submission Application Comment Form**

**Project Address:** 328-338 Mill St

**Date of Meeting:** April 27, 2023

**Application Type:** OPA / ZBA

---

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

**Commenter's Name:** Kieran Luckhai

**Email:** Kieran.luckhai@kitchener.ca

**Phone:** 519-741-2200 x 7078

**Date of Comments:** April 14, 2023

I plan to attend the meeting (questions/concerns/comments for discussion)

I do NOT plan to attend the meeting

---

**1. Site Specific Comments & Issues:**

I have reviewed the pre-submission application to permit the development of the lands with a 12-storey mixed use development including 290 dwelling units, 1796 m2 of ground floor commercial, 1 storey of below grade parking, and approximately 117 parking spaces, regarding Sustainability and Energy Conservation and provide the following:

- The City is committed to accommodate growth in a sustainable manner. Sustainable development promotes a holistic approach to planning to achieve a balance between the social and economic needs of the community, and environmental conservation.
- The City is committed to the wise and efficient use of energy and the establishment of energy sources that will protect the interests of future generations of citizens, such as alternative energy systems and renewable energy systems.
- Energy consumption can be reduced through the development of an energy efficient urban form. Using less energy is beneficial for the environment as it reduces the demand on resources to create energy and the infrastructure required for its distribution.
- The development is located within the Mill Courtland Woodside Park Secondary Plan. The development should consider the criteria set out in the Secondary Plan when developing the site with consideration to sustainability.
- As further identified in the Environmental comments, consideration should be given to the sustainable aspects of locating within a floodway. Consider measures such as stormwater management reduction, landscaping options, and retention of open space provided.

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

- For an Official Plan and/or a Zoning By law Amendment, it should be demonstrated, to the satisfaction of the City, how energy is being conserved or low energy generated.

- Such studies may include but are not limited to an (1) Integrated Energy Master Plan, (2) Energy Conservation Efficiency Study, (3) a Feasibility Study for Renewable or Alternative Energy Systems, (4) District Heating Feasibility Study, or a (5) Sustainability Statement.

### **3. Policies, Standards and Resources:**

- Kitchener Official Plan Policy 7.C.4.4. Development applications will be required to demonstrate to the satisfaction of the City, through the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10, that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.
- 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. Such studies may include, but not limited to an Energy Conservation Efficiency Study, a Feasibility Study for Renewable or Alternative Energy Systems, District Heating Feasibility Study, and the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10.
- Kitchener Official Plan Policy 7.C.6.27. The City will encourage developments to incorporate the necessary infrastructure for district energy in the detailed engineering designs where the potential for implementing district energy exists.

### **4. Advisory Comments:**

- The '[Sustainability Statement Terms of Reference](https://www.kitchener.ca/SustainabilityStatement)' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>
- Green Building Resources
  - [Canada Green Building Council](https://www.cagbc.org/) - <https://www.cagbc.org/>
  - [Developer's guide to passive house buildings](https://www.passivehousecanada.com/passive-house-resources/) - <https://www.passivehousecanada.com/passive-house-resources/>
  - [Energy Efficient programs for builders – NRCAN](https://www.nrcan.gc.ca/energy-efficiency/buildings/new-buildings/20673) - <https://www.nrcan.gc.ca/energy-efficiency/buildings/new-buildings/20673>
  - [Canada's Building Strategy](https://www.nrcan.gc.ca/energy-efficiency/buildings/canadas-building-strategy/20535) - <https://www.nrcan.gc.ca/energy-efficiency/buildings/canadas-building-strategy/20535>
  - [Passipedia - The Passive House Resource](https://passipedia.org/) - <https://passipedia.org/>

### **5. Anticipated Fees:** unknown

**City of Kitchener**  
**PRE-SUBMISSION CONSULTATION COMMENT FORM**

**Project Address: 328-338 Mill Street**

**Date of Meeting: April 27, 2023**

**Application Type: ZBA & OPA**

---

Comments Of: Transportation Services

Commenter's Name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of Comments: April 28, 2023

I plan to attend the meeting (questions/concerns/comments for discussion)

I do NOT plan to attend the meeting (no concerns)

---

1. Site Specific Comments & Issues:

- a. A Transportation Impact Study (TIS) and Parking Justification report be submitted as part of a complete zoning by-law amendment application. The TIS and Parking justification report must be prepared under the supervision of a qualified, experienced and registered Professional Engineer in the Province of Ontario with specific training in traffic and transportation engineering and have several years of experience related to preparing traffic studies for existing or proposed developments. The parking justification report should also include other transportation demand management (TDM) measures being provided to reduce vehicle parking demand. The traffic consultant to arrange a pre-study conference with City of Kitchener staff.
- b. Transportation Services supports an enhanced pedestrian experience along the private street frontage and in the street right of way, as guided by comments from Planning staff. Those features could be used as a justification for a reduced parking rate, along with other TDM measures. A letter of understanding be submitted outlining which TDM measures the applicant agrees to provide to reduce vehicle parking demand.
- c. Visitor parking must be provided at a ratio of 0.1 spaces per unit and based on this proposal of 290 units, 29 parking spaces must be allocated for visitor parking.
- d. Indoor secure Class A bicycle parking will be required at a ratio of 0.5 spaces per unit. A portion of the bike parking can be provided from within the units.

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

e. Submission of TIS, parking justification report and letter of understanding.

3. Anticipated Requirements of full Site Plan Approval:

f. N/A.

4. Policies, Standards and Resources:

- [Urban Design Manual](#)
- [Transportation Impact Study Guidelines \(regionofwaterloo.ca\)](#)

5. Anticipated Fees:

g. N/A.



**City of Kitchener**  
**Pre-submission Application Comment Form**

**Project Address:** 328-338 Mill Street

**Date of Meeting:** April 27, 2023

**Application Type:** ZBA / OPA

---

Comments Of: Development Engineering

Commenter's Name: Niall Melanson

Email: niall.melanson@kitchener.ca

Phone: 519-741-2200 x 7133

Date of Comment:

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

1. Site Specific Comments & Issues:

- No specific concerns.

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

Zoning Bylaw Amendment:

- For the OPA/ZBA a Functional Servicing Report showing outlets to the municipal servicing system along with the sanitary design sheets are required to the satisfaction of Engineering Services. The sanitary peak flow must also be submitted to run the sanitary capacity modeling. The City of Kitchener will use this information to determine if there are any downstream issues. If the capacity analysis determines that the pipes will need to be upgraded to support the development, then these upgrades will be rolled into the development costs. Further studies will be required at the time of development to determine the approximate length of sanitary sewers that will need to be upgraded to accommodate the above development.
- Please note that since zoned flows for this development are not reflective of the development application, population should be based off the Regions 2020 Water and Wastewater Monitoring Report. Section 2.4 – Development Data establishes a People Per Unit (PPU) based on Structure Type and assigns Apartments as having a PPU of 1.77. Please multiply 1.77 by the number of units in the building. Furthermore, the City's Average Daily Residential Sanitary Flow rate is 305L/day/cap and the City's Average per second Residential Sanitary Flow rate is

0.0035L/sec/cap. Please be advised that the process Engineering is noting above is specific to this development.

- For the OPA/ZBA a Water Distribution Report is required to the satisfaction of Engineering Services in consultation with Kitchener Utilities and the Region of Waterloo.

**City of Kitchener**  
**PRE-SUBMISSION CONSULTATION COMMENT FORM**

**Project Address:** 328-338 Mill St

**Date of Meeting:** April 20/27 2023

**Application Type:** OPA/ZBA Presubmission

---

Comments Of: Parks & Cemeteries

Commenter's Name: Lenore Ross

Email: Lenore.ross@kitchener.ca

Phone: 519-741-2200 ext 7427

Date of Comments: April 14 2023

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

0. Questions / General Comments

There is an opportunity to incorporate additional lands at the rear of the property and allow a revised functional driveway access for the 325 Stirling Ave S property from where it is currently located between the subject property and Shoemaker Greenway

1. Site Specific Comments & Issues:

.1 **Parkland Dedication**

- .1 The parkland dedication requirement will **be deferred** at the Official Plan Amendment/Zoning By-law Amendment application(s) and 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 will be taken as cash-in-lieu of land.**
- .2 An estimate is provided using the approved land valuation of \$5,931,000/ha; a dedication rate of 1ha/1000 units; a maximum dedication of either land or CIL of 10% and a capped rate of \$11,862/unit. The estimated cash-in-lieu park dedication for the proposed 0.49477ha site with 290 proposed units is **\$293,448**

Calculation: 290 units/1000 units x \$5,931,000 = \$1,719,990 (Bylaw 2022-101)

**0.49477ha x \$5,931,000 x 0.1 = \$293,448 (More Homes Built Faster Act)**

See section 5. Anticipated Fees

- .3 If a revised design incorporating additional lands and accommodating a revised access for 325 Stirling Ave S is proposed, a 6m trail corridor within the NHC lands adjacent to Shoemaker Greenway should be accommodated in the design.
- .4 Dedication requirements are subject to the Park Dedication Bylaw, Policy and rates in effect. Please see Section 4 below.
- .5 Should any further revisions be made to the site plan, a revised parkland dedication estimate may be required.
- .6 If any questions regarding the parkland dedication calculation form or this memo, please contact the above-noted Parks & Cemeteries staff for clarification.

**.2 Street Trees**

- .1 There are existing City-owned street trees located on Mill St that will be impacted by the proposed development. If trees cannot be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law, full compensation and replacement is expected. A Tree Protection and Enhancement Plan (TPEP) and Arborist's Report is required, please see Urban Design Manual Part C, Section 13 and [www.kitchener.ca/treemanagement](http://www.kitchener.ca/treemanagement). **An ISA valuation of existing trees should be included in the Arborist Report.**
- .2 New City street trees *may* be possible along Mill St depending on infrastructure and available soil volumes. Street tree planting shall conform to Section M of the Development Manual. Tree planting is to be approximately one large stature tree (LST) per 10 lineal meters of frontage with the intent of creating a continuous tree canopy. The number of proposed street trees is subject to available minimum soil volumes, which shall be augmented as needed by the use of soil cell technology. The proposed street trees shall be shown on the Street Tree Planting Plan (STPP) stamped by a certified Landscape Architect and submitted for review and approval by Parks & Cemeteries that will be required as a condition of site plan approval. This plan shall include any and all landscape elements and relevant data that will affect the implementation of street tree plantings as intended, such as proposed and existing utilities and available soil volumes. Tree Planting and Landscape requirements will be coordinated with Urban Design

**.3 Trails**

- .1 There are existing cycling facilities on Mill St and the active transportation infrastructure should be illustrated on the proposed site plan and accommodated in the design.
- .2 On-site signage should be included to advise motorists of the active transportation facilities
- .3 If additional lands are incorporated at the rear and east of the site, a 6m trail corridor within the NHC lands adjacent to Shoemaker Greenway should be accommodated

**.4 Impacts to Public Lands**

- .1 The Schneider Creek Naturalization project was recently completed near the site and involved significant reconstruction and restoration within Shoemaker Greenway. Although the

watercourse is physically separated from the subject site by a separate property's driveway, all construction and grading activities should be designed to fully protect this watercourse.

- .2 As identified in Places and Spaces: An Open Space Strategy for Kitchener, the Mill Courtland Planning Community is currently underserved with active neighbourhood park space with only 6.4sq.m/person and the proposed redevelopment will exacerbate this deficit. The provision of on-site amenities suitable to all ages, including children's play facilities, will be critical to this proposal. The site plan, Planning Justification Report, the Urban Design Brief/Scorecard and supporting technical studies such as the Noise, Wind and Shadow analyses, should reflect and accommodate sufficient and suitable on-site amenity spaces

**.5 Other**

- .1 No comment

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

- .1 As part of a complete OPA/ZBA application a Planning Justification Report (PJR) should be submitted to the satisfaction of Parks & Cemeteries staff. The PJR should include an analysis and discussion of how the proposed development will impact the existing neighbourhood including the availability of services and infrastructure related to parks, open space, urban forests and community facilities relative to the change in planned function and significant increase in density specifically referencing the objectives and policies and in Part C Section 8: Parks, Open Space, Urban Forests and Community Facilities and indicate specifically how the development proposal will implement / achieve the policy objectives.
- .2 The required Urban Design Brief/Urban Design Scorecard *and supporting studies* should include assessment of shadows, solar access, noise and wind for on-site amenity spaces, at-grade pedestrian spaces and the adjacent public realm. Robust on-site outdoor amenity spaces with good solar access and protection from wind will be required as part of the site plan and should include seating and play equipment for residents of all ages and abilities. The UDB should provide conceptual details for on-site amenity spaces including commentary and precedent images to guide detailed site design through the site plan application.
- .3 A Scoped Environmental Impact Statement will be required by Environmental Planning and the GRCA to determine the limits of development and safe access. Any lands identified as undevelopable should be zoned as NHC and be subject to a Conservation Easement if not conveyed to the City. If a revised design incorporating additional lands and accommodating a revised access for 325 Stirling Ave S is proposed, a 6m trail corridor within the NHC lands adjacent to Shoemaker Greenway should be accommodated.
- .4 Any lands identified NHC which are to be dedicated to the City should be assessed and remediated according to Ministry of Environment, Conservation and Parks and the City of Kitchener Development Manual standards prior to conveyance.
- .5 A revised site plan showing a) preliminary amenity area; b) accepted limits of development
- .6 A Tree Protection and Enhancement Plan (TPEP) including an Arborist's Report will be required as impacts are anticipated to trees located on City-owned property. Please see Urban Design Manual

Part C, Section 13 and [www.kitchener.ca/treemanagement](http://www.kitchener.ca/treemanagement). An ISA valuation of existing trees should be included in the Arborists Report.

### 3. Anticipated Requirements of full Site Plan Approval:

- .1 Park Dedication paid as cash in lieu of land
- .2 A final Tree Protection and Enhancement Plan (TPEP) including an Arborist's Report will be required as impacts are anticipated to trees located on City-owned property. Please see Urban Design Manual Part C, Section 13 and [www.kitchener.ca/treemanagement](http://www.kitchener.ca/treemanagement) Suitable compensation for impacts to existing City owned trees
- .3 A Street Tree Planting Plan (STPP) stamped by a certified Landscape Architect shall be submitted for review and approval by Parks & Cemeteries prior to site plan approval. This plan shall include any and all landscape elements and relevant data that will affect the implementation of required plantings as intended, such as proposed and existing utilities and available soil volumes.
- .4 Coordinated Utilities Plan
- .5 If work is required on City land, items should be included in the off-site works cost estimate and appropriate securities provided.
- .6 If NHC lands are to be conveyed to the City, a R-Plan will be required.

### 4. City of Kitchener Policies, Standards and Resources:

The City of Kitchener Park Dedication Bylaw and Park Dedication Policy have recently been updated and new parkland dedication criteria, rates and land values have been approved by Council on August 22, 2022. The Bylaw is under appeal. Further changes to the Bylaw may be required as a result of the Bill 23 – More Homes Built Faster Act.

- Park Dedication Bylaw 2022 – 101 and Park Dedication Policy
- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Cycling & Trails Masterplan
- Multi-Use Pathways & Trails Masterplan
- Development Manual
- Urban Design Manual

### 5. Anticipated Fees:

Parkland Dedication paid as cash in lieu of land prior to Final Site Plan Approval based on the Parkland Dedication Bylaw and Policy in effect

Based on current rates, land classes and the proposed preliminary site plan, Parkland Dedication of \$293,448 would be required.

Any necessary off-site works securities.



**City of Kitchener**  
**Pre-submission Application Comment Form**

**Project Address:** 328-338 Mill Street, Kitchener

**Date of Meeting:** April 27, 2023

**Application Type:** Official Plan Amendment and Zoning By-law Amendment

---

Comments Of: Region of Waterloo

Commenter's Name: Melissa Mohr, Senior Planner

Email: mmohr@regionofwaterloo.ca

Phone: 226-752-8622

Date of Comments: June 7, 2023

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

**1. Site Specific Comments & Issues:**

The applicant is proposing a 12 storey mixed-use building that includes 290 residential dwelling units and 1796 m<sup>2</sup> of ground floor commercial space. In addition, one (1) level of below grade has been proposed on site.

The subject lands are located in the Urban Area of the City of Kitchener and designated Built Up Area in the Regional Official Plan. In addition, the subject lands are designated Low Density Commercial Residential with Policy Area 1, General Industrial and Open Space in the City of Kitchener Official Plan and zoned CR-1, M-2 and Existing Use Zone (E-1) in City of Kitchener Zoning By-law 85-1. The Official Plan Amendment is requested to permit an FSR of 4 (whereas a max between 0.6-2 FSR is permitted) and a Zoning By-law Amendment has been proposed to permit an increase in FSR of 4.0 (whereas 0.6 to 2 is currently permitted). Site-specific permissions have also been requested that are tailored to the development.

**Community Planning:**

The subject lands are located in the 'Built-Up Area' of the 'A Place to Grow' Growth Plan for the Greater Golden Horseshoe and is designated 'Urban Area' and 'Built-Up Area' within the Region of Waterloo Official Plan (ROP).

Please be advised that the Ministry of Municipal Affairs and Housing (MMAH) has issued a decision regarding ROPA 6. ROPA 6 is approved with modifications and is now in full force and effect. In addition, the remaining sections of ROP, 2015 (Chapters 4-10) remain in full force and effect.

The subject lands are located within the 'Built-Up Area' designation within the City of Kitchener and they are located in the Mill Station Major Transit Station Area (MTSA) within the Regional Official Plan (Figure 7b of Regional Official Plan) .

Section 2.C.2 of the Regional Official Plan establishes policies for the urban area and in particular Section 2.C.2.2 establishes policies for development in the urban area. Furthermore, Section 2.D.2 to 2.D.2.8 of ROPA 6 establishes policies for development within MTSA's. A focus within this section is providing increased mixed-use densities that are transit supportive that also meet the relevant area municipal planning policies.

Section 2.D.2 of ROPA 6 establishes policies for development within MTSA's. A focus within this section is providing increased mixed-use densities that are transit supportive. Please be advised that the minimum density target established for the Mill Station MTSA is 160 People and Jobs/hectare. In addition, Chapter 3 of ROPA 6 establishes policies for housing in the Region. Section 3.A.1, 3.A.2 and 3.A.6 focus on affordable housing policies in the Region.

Although the subject lands are not designated Provincially Significant or Regional Employment, the lands are partially designated General Industrial within the City of Kitchener Official Plan. The Region shall require a discussion on the conversion of the General Employment lands to non-employment uses within the Planning Justification Report. In addition, the Planning Justification Report should include a review of Chapters 2 and 3 of the Regional Official Plan.

For additional information, please visit the following website: <https://www.engagewr.ca/regional-official-plan> (Chapters 1-3 and schedules) and <https://www.regionofwaterloo.ca/en/regional-government/land-use-planning.aspx#Regional-Official-Plan> (Chapters 4-10).

*Land Use Compatibility Review/Land Use Compatibility Study:*

There are industrial land uses between the CN rail line and the subject lands. Regional staff consider these land uses to be Class II industrial land uses. In addition, there is a brewery directly adjacent to the subject lands. Breweries are considered Class III industrial land uses within the Ministry of Conservation and Parks D-6 Series Guideline entitled "*D-6 Compatibility Between Industrial Facilities*".

Regional staff have concerns with potential compatibility issues that can arise between the existing industrial land uses and the proposed sensitive residential land uses. To address this concern, the applicant shall complete a land use compatibility study (separate from the Planning Justification Report) that addresses land use compatibility concerns as well as potential additional concerns due to noise and odour from the adjacent industrial facilities. The compatibility study must also include a review of Section 1.2.6 of the PPS, 2020 and 2.2.5.7 of the Growth Plan as well the Ministry of Environment, Conservation and Parks (MECP) D-6 Series Guidelines. In addition, the compatibility study shall address Section 2.1.1 of the Regional Official Plan. These policies must be addressed in depth within the Land Use Compatibility Study and included within the Planning Justification Report.

The MECP D-6 Guidelines can be found here: <https://www.ontario.ca/page/d-6-compatibility-between-industrial-facilities>

As part of a complete application, the Region of Waterloo requires:

- A Planning Justification Report

Please include a discussion of the following within the report:

1. Provincial Policy Review (please include a density calculation within the report)
2. Regional Official Plan Review (please review the Regional Official Plan Chapters 1-3 in ROPA 6 and Chapters 4-10 of ROP, 2015)
3. City of Kitchener Official Plan Review
4. Include a Technical Reports Review

### **Threats Inventory Database/Record of Site Condition**

According to the Regions Threats Inventory Database, there are high environmental threats located on and adjacent to the subject lands due to past land uses. Regional staff understand that the applicant is proposing a new sensitive land use and a density increase of a sensitive land use on the subject lands; therefore, a Record of Site Condition (RSC) and Ministry Acknowledgement Letter are required for the entirety of the subject lands in accordance with the Region's Implementation Guidelines for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites (Section 2.1.3.1 of the ROP). Should the RSC and Ministry Acknowledgement Letter not be ready as part of the complete application, the Region shall accept a Holding Provision (Holding Zone) until the above has been completed and the Ministry Acknowledgement letter has been issued.

### **Corridor Planning**

#### **.1 Zoning By-law Application Stage:**

#### **Environmental Noise**

The proposed development may encounter environmental noise as the subject lands are in close proximity to Ottawa Street South and in proximity to nearby railway lines. It is the responsibility of the applicant to ensure the proposed development is not adversely affected by noise impacts. Therefore, the applicant must prepare an Environmental Noise Study for road and rail noise as well as vibration impacts part of the complete application for the Official Plan Amendment and Zoning By-law Amendment to the satisfaction of the Regional Municipality of Waterloo. The noise level criteria and guidelines for the preparation of the study must follow the Ministry of Environment, Conservation and Parks (MECP) NPC-300 requirements.

The consultant who prepares the Environmental Noise Study must be pre-approved by the Region of Waterloo and is responsible for obtaining current information, applying professional expertise in performing calculations, making detailed and justified recommendations and submitting the Consultant Noise Study Declaration and Owner/Authorized Agent Statement. The consultant who prepares the Environmental Noise Study must submit the Transportation Planning Noise Assessment Fee Form for transportation data including traffic forecasts and truck percentages for the purpose of preparing the Environmental Noise study. Please note that there is a fee of \$500.00 for the preparation of the forecasts and the review of the Environmental Noise Study. Once the application and fee have been

received, Regional staff will provide the data within three weeks. [The Transportation Planning Noise Assessment Fee Form can be found here: https://rmow.permitcentral.ca/Permit/GroupApply?groupId=3](https://rmow.permitcentral.ca/Permit/GroupApply?groupId=3)

Stationary Noise Study:

Due to the proposal (multi-residential development) and its proximity to commercial, Industrial and low density residential developments, a detailed stationary noise study, prepared by a qualified professional is required as part of a complete application for the Zoning By-law Amendment. The study must address impacts of on-site noise on the on-site sensitive receptors and the impact of on-site noise on off-site sensitive receptors.

Please be advised that the noise study will be reviewed by a third party external noise consultant retained by the Region. The applicant will be required pay for a third party review by an external Noise Consultant retained by the Region. The fee for this third party review is \$4000 + HST (**\$4,520.00 total**). Please submit payment for the third party review along with the submitted noise study. Additional fees may apply depending on scope of review required.

Payment can be made either by cheque payable to the Region of Waterloo, or by contacting Ms. Peggy Walter ([PWalter@regionofwaterloo.ca](mailto:PWalter@regionofwaterloo.ca)) via other methods at the time of submission.

TIS:

The Regional Municipality of Waterloo does not require a Traffic Impact Study (TIS) as part of the Complete Application for the Official Plan Amendment and Zoning By-law Amendment; however, we request a copy of the TIS, as required by the City of Kitchener for review.

Grand River Transit/Transit Comments:

The subject property is located within the City of Kitchener's Planning Around Rapid Transit Station Area (PARTS) Focus Area. Therefore, GRT respectfully requests to be circulated a TDM checklist, if required by the City as part of a complete application.

**Region of Waterloo International Airport**

The subject lands are located in the Approach Surface and the Airport Zoning Regulation (AZR) of the Region of Waterloo International Airport; therefore, the Region can support the proposed development (building and crane) to a maximum elevation of 437.5 m ASL (proposed AZR). For additional information, please see the following link:

<https://rmw.maps.arcgis.com/apps/webappviewer/index.html?id=6f7e096fa1434740a8195b1c7cfded70>

The applicant shall submit a land use submission form to NAV Canada and Regional staff shall require this documentation as part of the complete application for the Official Plan Amendment and Zoning By-law Amendment. The application form can be found here: <https://www.navcanada.ca/en/aeronautical-information/land-use-program.aspx>. A separate land use form is also required for the crane.

In addition to the above, the following noise-warning clause shall be implemented through a future consent or condominium application:

*"Prospective purchasers and tenants are advised that all units in this plan of condominium are located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo*

*International Airport and that directional lighting along this path and noise from aircraft using the flight path may cause concern to some individuals.”*

**Hydrogeology and Source Water Protection:**

The property is located within Wellhead Protection Sensitive Area 8 (WPSA 8) and WHPA D-2. In addition, the subject lands are located in a Chloride Issue Contributing Area (ICA) of the Greenbrook wellfield. Hydrogeology and Source Water Protection staff shall require a Stormwater Management Report or Functional Servicing Report that includes water balance showing pre- and post-development infiltration volumes.

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

In accordance with Regional Council’s endorsed position on geothermal energy, vertical closed-loop geothermal is prohibited at this location. Vertical open-loop geothermal energy may be considered subject to the submission of a Hydrogeology Study. The Hydrogeology Study is required to determine if the geothermal energy system poses a risk to nearby municipal drinking water supply wells.

Should the Hydrogeology Study not be submitted with the application, a prohibition on geothermal energy shall be required within the site specific 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.”*

**Part 4 Area of the Clean Water Act/Risk Management**

The subject lands are located in a Source Protection Area where Risk Management Plan or prohibition polices implemented by the Region of Waterloo may apply. A Notice of Source Protection Plan Compliance (Valid Section 59 Notice) is required as part of the Complete Application for the Official Plan Amendment and Zoning By-law Amendment (and eventual site plan application).

Under the 2022 Grand River Source Protection Plan, a Risk Management Plan for salt application may be required for proposed and/or altered surface parking and vehicle driveway areas greater than eight (8) parking spaces or 200 square metres. Design considerations with respect to salt management that will form the Risk Management Plan include; minimizing the transport of meltwater across the parking lots or driveways; directing downspouts away from paved areas; and, locating snow storage areas on impermeable (i.e. paved) surfaces that drain directly to catch basins.

A Risk Management Plan for storm water management may be required if any engineered and/or enhanced infiltration features are proposed. Please be advised that the Region of Waterloo does not

support any engineered and/or enhanced infiltration of runoff originating from paved surfaces within chloride Issue Contributing Areas. The above noted property is within a chloride Issue Contributing Area. Engineered and/or enhanced infiltration features may include ponds, infiltration galleries, permeable pavers, ditches, swales, oil-grit separators, etc.).

Please visit the Region's TAPS website here: <https://taps.regionofwaterloo.ca> to determine all applicable source protection plan requirements, and contact the Risk Management Official ([rmo@regionofwaterloo.ca](mailto:rmo@regionofwaterloo.ca)) if required. Please allow for sufficient time to negotiate the Risk Management Plan, as a Notice will not be issued until a signed Risk Management Plan is complete. In addition, please note that failure to submit a valid (e.g. fully signed) Section 59 Notice will lead to the applications being deemed incomplete.

### **Cultural Heritage**

The subject lands have the potential for the recovery of archaeological resources due to the proximity of the site to a historic road, the landform for which it is situated on and its proximity to known resources. To address this concern, an Archaeological Assessment(s) and Ministry Acknowledgement Letter(s) is required as part of the complete application for Official Plan and Zoning By-law Amendment. Please be advised that should the Stage 1 Archaeological Assessment recommend a Stage 2 Archaeological Assessment and so on, the Region shall require all Archaeological Assessments and corresponding Ministry Acknowledgement Letters. Therefore, it is recommended that the applicant initiate this work as soon as possible.

As per Regional Official Plan policy 3.G.9, the applicant is required to have a licensed Archaeologist complete an Archeological Assessment of the subject property. The applicant must submit the Archaeological Assessment report(s) to the Ministry of Heritage, Sport, Tourism and Culture Industries and once reviewed and accepted, provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

### **Housing**

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.

Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households	\$385,500
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$576,347

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

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

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

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low and moderate income renter households	\$1,470
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$950 1-Bedroom: \$1,134 2-Bedroom: \$1,356 3-Bedroom: \$1,538 4+ Bedroom: \$3,997

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

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

## .2 Regional Development Charges

Any future development on the subject lands will be subject to provisions of Regional Development Charges By-law 19-037 or any successor thereof.

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

As indicated above, the following studies are required as part of the complete application for the Official Plan Amendment and Zoning By-law Amendment include:

- Planning Justification Report as described above
- Land Use Compatibility Study
- Record of Site Condition as described above
- Environmental Noise Study that addresses **Road, Rail Noise, Vibration and Stationary Noise**
- Signed Consultant Noise Study Declaration and the Owner/Authorized Agent Statement
- Copy of the Transportation Impact Study (if required by the City of Kitchener)
- Copy of Transportation Demand Management Checklist (TDM Checklist)

- Copy of the land use submission form completed and sent to NAV Canada
- No support the infiltration of salty runoff from paved surfaces at this location; however, the infiltration of clean roof runoff may be accepted.
- No support for permanent active or passive dewatering controls for below-grade infrastructure, including foundations, slabs, parking garages, footings, piles, elevator shafts, etc. Therefore, waterproof seals should be used in lieu of permanent dewatering infrastructure.
- Submission of a Stormwater Management Report or Functional Servicing Report that includes pre- and post-development infiltration volumes
- Submission of a hydrogeology study or a prohibition on geothermal energy as described above
- Risk Management Plan(s) as described above
- Valid Section 59 Notice (Signed notices referencing all properties, the current proposal and the concurrent applications)
- All Archaeological Assessments (e.g. Stage 1, Stage 2 etc.) and associated Ministry Acknowledgement Letters

### 3. Anticipated Requirements of full Site Plan Approval:

N/A – comments only provided on OPA/ZBA

### 4. Policies, Standards and Resources:

- Ontario Planning Act
- Provincial Policy Statement, 2020
- A Place to Grow Growth Plan for the Greater Golden Horseshoe, 2020
- Regional Official Plan, 2015 or its successor (e.g. ROPA 6)
- Design Guidelines and Supplemental Specifications for Municipal Services, January 2022
- City of Kitchener Official Plan

### 5. Anticipated Fees:

The Region must be in receipt of the following fees as part of the complete application in accordance with Fees and Charges By-law 23-09:

- Official Plan Review Fee: \$7,000.00 (required at the submission stage)
- Zoning By-law Amendment Review Fee: \$3,000.00 (required at submission stage)
- Peer Review Fee for Noise Study: \$4,000.00 + HST (**\$4,520.00** total required at submission stage)

It is recommended that the applicant check the Region’s website for the current Fees and Charges By-law prior to submitting an application, should the above change.

The Region acknowledges receipt of the pre-submission application fee of \$300.00 for the OPA/ZBA pre-submission consultation (deposited June 8, 2023).

### **Source Water Protection:**

The property at 328-338 Mill St is in a source protection area where Risk Management Plan or prohibition polices implemented by the Region of Waterloo may apply. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required prior to formal application.

Under the 2022 Grand River Source Protection Plan;

- A Risk Management Plan for salt application may be required for proposed and/or altered surface parking and vehicle driveway areas greater than eight (8) parking spaces or 200 square metres. Design considerations with respect to salt management that will form the Risk Management Plan include;
  - Minimizing the transport of meltwater across the parking lots or driveways
  - Directing downspouts away from paved areas
  - Locating snow storage areas on impermeable (ie paved) surfaces that drain directly to catch basins
- A Risk Management Plan for storm water management may be required if any engineered and/or enhanced infiltration features are proposed.

Note: The Region of Waterloo does not support any engineered and/or enhanced infiltration of runoff originating from paved surfaces within chloride Issue Contributing Areas. The above noted property is within a chloride Issue Contributing Area. Engineered and/or enhanced infiltration features may include ponds, infiltration galleries, permeable pavers, ditches, swales, oil-grit separators, etc.

The applicant should be directed to TAPS (<https://taps.regionofwaterloo.ca>) to determine all applicable source protection plan requirements, and to contact the Risk Management Official ([rmo@regionofwaterloo.ca](mailto:rmo@regionofwaterloo.ca)) as required. Allow for sufficient time to negotiate the Risk Management Plan, as a Notice will not be issued until a signed Risk Management Plan is complete.

Regards,  
Georgia Wiggins  
Student, Hydrogeology & Source Water Protection  
Water Services  
Region of Waterloo  
[GWiggins@regionofwaterloo.ca](mailto:GWiggins@regionofwaterloo.ca)  
(519)575-4757 ext 3641  
150 Frederick St. 7<sup>th</sup> Floor  
Kitchener, ON. N2G 4J3

## **CN Rail:**

Thank you for pre-consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Branch Line. CN has concerns of developing/densifying residential uses abutting our railway right-of-way. 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:

1. 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.
2. 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 300m of the railway right-of-way:  
"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 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."
3. The storm water management facility must be designed to direct all run off waters away from CN right of way. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
4. 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 any of the mitigation 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.
5. 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.
6. 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 study and a storm water management report taking into consideration the above noted CN development guidelines.

Thank you and don't hesitate to contact me for any questions.

Best regards,

**Saadia Jamil**

Urbaniste sénior / Senior Planner (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)

**City of Kitchener**

**PRE-SUBMISSION CONSULTATION COMMENT FORM**

**Project Address:328-338 Mill St**

**Date of Meeting: April 27, 2023**

**Application Type:OPA/ZBA**

---

Comments Of: WCDSB

Commenter's Name: Jordan Neale

Email: Jordan.Neale@wcdsb.ca

Phone: 519-578-3660 ext. 2355

Date of Comments:Date of comments.

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

---

1. Site Specific Comments & Issues:

- The Waterloo Catholic District School Board has reviewed the above application and based on our development circulation criteria have the following comment(s)/condition(s):
  - A) That any Education Development Charges shall be collected prior to the issuance of a building permit(s).

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

- N/A

3. Anticipated Requirements of full Site Plan Approval:

- N/A

4. Policies, Standards and Resources:

- N/A

5. Anticipated Fees:

- N/A



**City of Kitchener**  
**PRE-SUBMISSION CONSULTATION COMMENT FORM**

**Project Address: 328-338 Mill St**

**Date of Meeting: April 27, 2023**

**Application Type: OPA/ZBA**

---

Comments Of: Canada Post

Commenter's Name: Jamie Bere

Email: james.bere@canadapost.postescanada.ca

Phone: 519-280-7968

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

**1. Site Specific Comments & Issues:**

Multi-unit buildings and complexes (residential and commercial) with a common lobby, common indoor or sheltered space, require a centralized lock box assembly which is to be provided by, installed by, and maintained by the developer/owner at the owner's expense. **Buildings with 100 units or more MUST have a rear loading Lock Box Assembly with dedicated secure mail room.**



CANADA POST  
2701 RIVERSIDE DRIVE SUITE N0620  
OTTAWA ON K1A 0B1  
CANADAPOST.CA

POSTES CANADA  
2701 PROM RIVERSIDE BUREAU N0620  
OTTAWA ON K1A 0B1  
POSTESCANADA.CA

March 31, 2023

**Katie Anderl**  
Senior Planner

([katie.anderl@kitchener.ca](mailto:katie.anderl@kitchener.ca); 519-741-2200 x7987).

**Notice of Pre-submission Consultation - 328-338 Mill Street (OPA/ZBA)**

Canada Post has reviewed the proposal for the above noted Development Application and has determined that the project adheres to the multi-unit policy and will be serviced by developer/owner installed Lock Box Assembly.

*Multi-unit buildings and complexes (residential and commercial) with a common lobby, common indoor or sheltered space, require a centralized lock box assembly which is to be provided by, installed by, and maintained by the developer/owner at the owner's expense. **Buildings with 100 units or more MUST have a rear loading Lock Box Assembly with dedicated secure mail room.***

Should the description of the project change, please provide an updated plan in order for us to assess the impact of the change on mail service.

Canada Post appreciates the opportunity to comment on the above noted application and looks forward to working with you in the future.

The complete guide to Canada Post's Delivery Standards can be found at:  
[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)

If you require any further information or have any questions or concerns, please contact the undersigned.

Regards,

Brad Biskaborn  
Delivery Services Officer | Delivery Planning  
Huron/Rideau Region  
955 Highbury Ave N  
London ON N5Y 1A3  
(519) 495-5373  
[brad.biskaborn@canadapost.ca](mailto:brad.biskaborn@canadapost.ca)

## Park Dedication Template - Test Version (R2.1)

Part 1: Site Information		
Application Type	Pre-Submission Application	
Address of Property	328-338 Mill St	
Community Name	Mill Courtland	
Community Park Priority for Park Land (Spaces, 2022)	High	
Applicant	Masrio O	
Owner (if different from above)	1658194 Ontario Ltd	
Part 2: Transition (Chapter 273.1.6)		
Complete Application made prior to August 22, 2022	Not applicable	
Transition Requirement	Park dedication will be referred to under the current By-Law 2022-101	
Part 3: Application Data		
Land Area (ha)	0.49	
Land Frontage - Consent only (l.m.)		
Commercial/Industrial Floor Area (if applicable, sq.m.)		
Existing to be Retained		
Existing to be Demolished		
Proposed	1786	
Net Addition	1786	
Percent Addition	100%	
Dwelling Units, inclusive of Legalization and ADU's (matrix):	<b>Total (no.)</b>	<b>People</b>
Apartment, >5 storeys	290	522
Existing Units to be Retained (for reference)		
Total Dwelling Units (sum above)	290	522
Proposed FSR	4.00	
Part 4: Chapter 273 Requirements		
<i>273.1.3.1. - Development and Dedication Type</i>		
Dedication Type	Cash in Lieu	
Dedication Rate	10% Land Cap (Bill 23 Planning Act)	
<i>273.1.4.2. - Exemptions or Reductions</i>		
Previous conveyance of land, payment or owing	No	
If yes, above, Land conveyed or required (ha)		
Temporary Sales Centre (ZB 2019-051)	No	
<i>273.1.5.2. - Cash-in-Lieu of Land Payments</i>		
Land Class	Residential - Medium, Mixed Use (<2 FSI)	
Land Class Value	\$5,931,000	
Accepted AACI Appraisal Value (input \$ per hectare)		
Part 5: Policy Exemptions, Reductions or Limits		
<i>Exemptions</i>		
Developed on behalf of and for the use by...	(Not on exemption list)	
Non-residential development	No	
<i>Reductions</i>		
Supportive Housing	No	
Affordable rental Housing	No	
Approved POPS (ha)	0.00	
<i>Limitations</i>		
Park Dedication as Land - 10 sq.m. per person reached	Yes	
Park Dedication as Cash - Cap Applied	No	
Part 6: Bill 23 Reductions		
<i>Exemptions</i>		
Non-Profit Housing Development	No	
Ancillary dwelling unit, up to 3 units on one property	No	
Part 7: Final Dedication		
Exempt from Park Dedication	No	
Dedication Type	Cash in Lieu	
Park Dedication - Land Requirement (ha)	0.049477	
Park Dedication - Cash-in-Lieu	\$293,448	
Part 8: Additional Comments		
Existing COM uses noted in Cover letter - no GFA provided. 1796 m2 new COM GFA proposed. No PD currently required for COM uses. Lot 328: Computer Repair Service (Computer, Electronic, and Data Processing Business) Lot 330: Flower shop (Retail establishment) Lot 334 & 338: Automotive Repair		
Part 9: Review Information		
Form Completed By		
Date application received		
Date comments due		
Date of completion	April 19, 2023	



March 29, 2023

Katie Anderl  
Senior Planner  
City of Kitchener  
200 King Street West  
Kitchener ON N2G 4V6  
[katie.anderl@kitchener.ca](mailto:katie.anderl@kitchener.ca)

**Re: Pre-consultation for Official Plan / Zoning Bylaw Amendment  
328-338 Mill Street, Kitchener  
1658194 Ontario Limited**

---

Dear Ms. Anderl,

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted application for a 12 storey mixed-use development.

### **Recommendation**

Adjustments are required to the proposed site plan to remove all development from the floodway. Additional plans are required to demonstrate floodproofing and safe access requirements have been met.

### **Documents Reviewed by Staff**

Staff have reviewed the plans (Masri O Architects, revised March 13, 2023) submitted with this application.

### **GRCA Comments**

The GRCA has reviewed this application under Ontario Regulation 686/21, acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as well as in accordance with Ontario Regulation 150/06 and GRCA's Board approved policies.

---

Information currently available at our office indicates that the subject lands contain the Shoemaker Creek floodplain. The regulatory floodplain elevation (RFE) for the property is 321.7 metres (CGVD 28) / 321.3 metres (CGVD 2013). We request that the applicant completes a topographical survey of the property to confirm the extent of the floodplain, and inform building / grading requirements.

This reach of Shoemaker Creek is a Two-Zone Floodplain Policy Area, which separates the floodplain into the inner floodway (where the deepest and fastest flows occur), and the outer flood fringe (where depths and velocities are lower). New development is prohibited in the floodway. The plans currently propose a driveway and part of the basement level within the floodway, and these must be removed.

Development is permitted in the flood fringe subject to floodproofing and safe access requirements. Safe access for residential uses is where, during a regulatory storm:

- the depth of flooding does not exceed 0.8 metres
- the flow velocity does not exceed 1.7 metres per second; and
- the depth-velocity product does not exceed 0.4 metres squared per second.

The portion of the site in the flood fringe must be graded above the RFE, and there must be no openings to the basement level below the RFE. A revised driveway should ideally be at a point along Mill Street that is dry, but must be no less than safe, as per the criteria outlined above.

If the development proposes to discharge stormwater to municipal services, we defer comment to the City. Additional requirements would apply for a direct outlet to Shoemaker Creek.

The GRCA requests the following in support of official plan / zoning bylaw amendment (OPA/ZBA) application:

- Site plan, illustrating the floodway – flood fringe boundary and all proposed development outside of the floodway;
- Topographic survey, illustrating the existing floodplain extent;
- Grading and drainage plan, illustrating the floodway – flood fringe boundary and the proposed floodplain extent;
- Stormwater management brief, including any outlet details.

### **Advisory Comment to the City**

We note that the current access for the property addressed at 325 Stirling Avenue South is via Mill Street, directly east of this assembly of properties and within the floodway. Access for a future sensitive use on the property would not meet safe access

criteria, and any access for new development would need to be outside of the floodway. The City may wish to ensure 325 Stirling Avenue South has adequate access outside of the floodway (i.e. either via this application or through 329 Stirling Avenue South) so that it does not effectively become landlocked or unduly restricted in its redevelopment potential.

---

This will be considered a major official plan / zoning bylaw amendment application. Consistent with GRCA's 2023 approved fee schedule, we will invoice the applicant \$2,500 for our review upon receipt of a formal application. A separate fee will be required for a GRCA permit.

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

Sincerely,



---

Trevor Heywood  
Resource Planner  
Grand River Conservation Authority

Encl. Resource Mapping

cc: Reema Masri, Masri O Architects



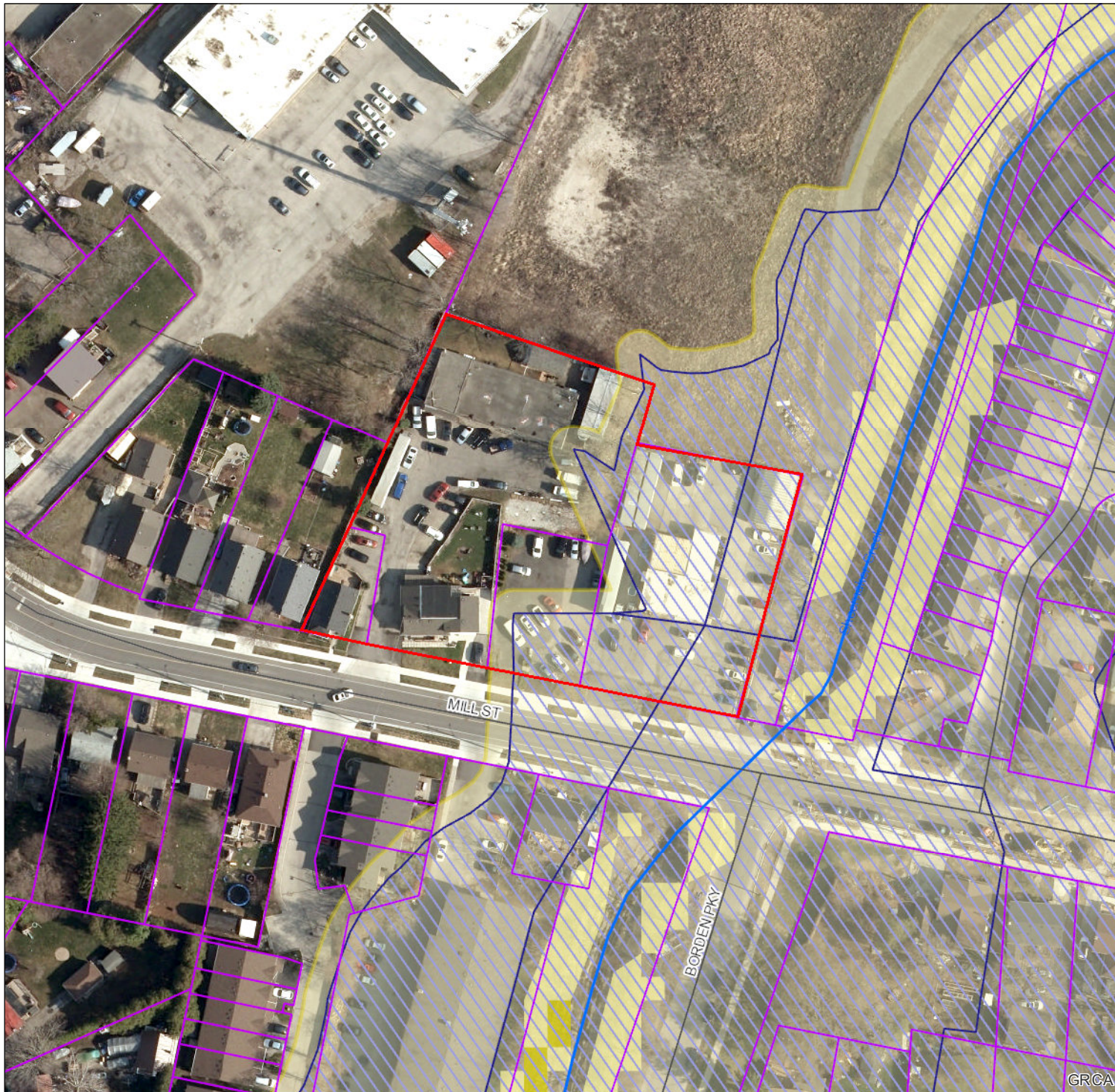
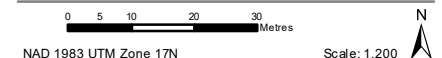


Legend

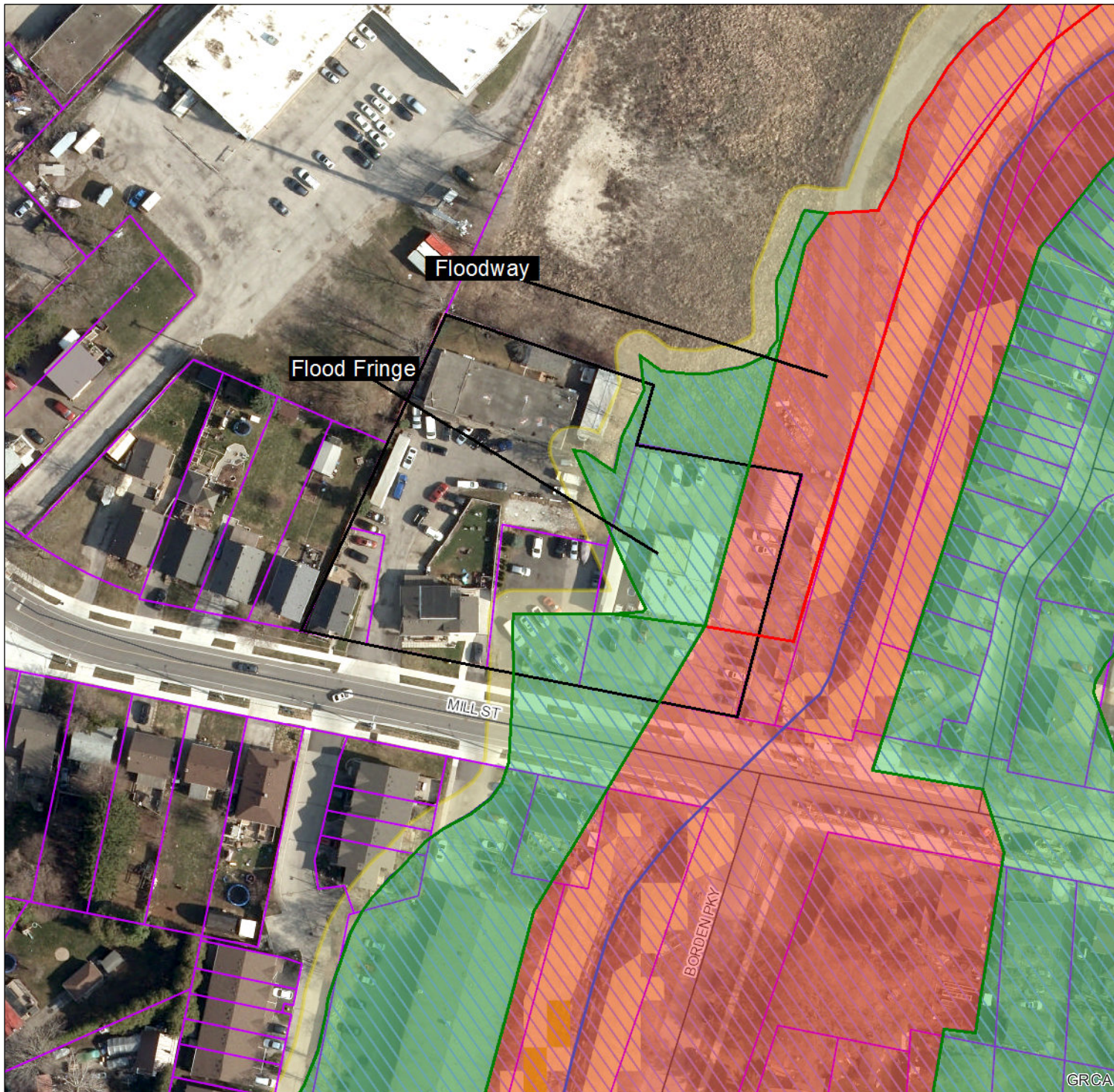
- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
  - Special Policy Area
- Slope Valley (GRCA)
  - Steep
  - Oversteep
  - Steep
- Slope Erosion (GRCA)
  - Oversteep
  - Toe
- Lake Erie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

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

Copyright Grand River Conservation Authority, 2023. Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





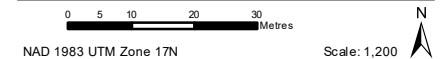


**Legend**

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

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

**Copyright Grand River Conservation Authority, 2023.**  
Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.  
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





# Record of Consultation

Development Services Department - Planning



**Project Address: 328-338 Mill Street**

**Application Types: OPA/ZBA**

**Date of Pre-Submission Consultation Meeting: July 27, 2023**

**Applicant: Gurbeant Singh Bajwa**

**Agent: Reema Masri (Masri O Inc. Architects)**

**File Planner: Katie Anderl, Senior Planner P: 519-741-2200 x7987 E: katie.anderl@kitchener.ca**

**Meeting Attendees: N/A**

---

## **CONFIDENTIAL DOCUMENT**

The contents of this document are confidential and are not part of a Planning Act Application.

---

The purpose of the Pre-Submission Consultation is to review a proposed development and identify the need for, and scope of, the *other information and materials* required as part of a complete application under the Planning Act. The City will not accept an application for a Plan of Subdivision, a Plan of Vacant Land Condominium, an Official Plan Amendment, a Zoning By-law Amendment, a Consent and/or Site Plan for processing unless such development application is considered to be a complete application and in accordance with section 17.E.10.1 of the Official Plan

This Record of Pre-Submission Consultation only applies to the proposal as described and/or as provided for in the attached concept plan (unless otherwise approved by the Director of Planning or his/her delegate), and shall be valid for one year from the date of the Pre-Submission Consultation Meeting.

*If you have any questions or concerns with this Record of Pre-Submission Consultation please contact the File Planner.*

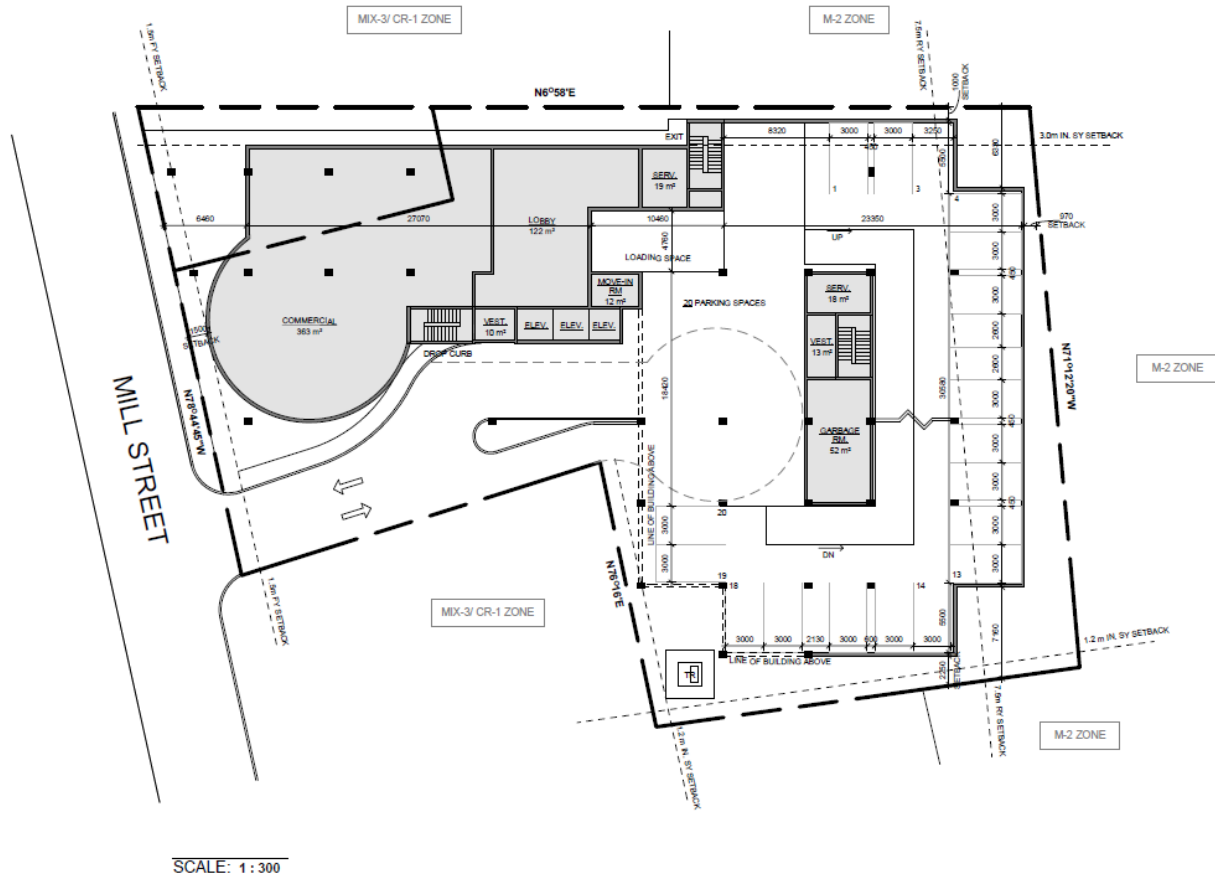
---

**A City for Everyone**

Working Together – Growing Thoughtfully - Building Community

## PART 1 – DESCRIPTION OF DEVELOPMENT PROPOSAL

In response to the comments of the April 2023 pre-submission consultation, the applicant has removed lands for the development proposal and updated the development concept to include an 18-storey mixed use building with about 274 residential units, 171 parking spaces and a FSR of 8.0 (whereas the original proposal was for a 12-storey building with, 290 residential units, 117 parking spaces and a FSR of 4.0).



SCALE: 1:300

## **PART 2 – OVERALL COMMENT SUMMARY**

While the orientation of the lands and building height and density have changed, the number of units has decreased and the parking ratio has increased. The proposal also moves towards addressing concerns identified by the GRCA regarding proximity to the floodplain and safe access. Staff is of the opinion that no purpose is served by holding a further pre-consultation meeting.

Attached is an updated list of Other Information and Materials which must be submitted with a complete application. Please review the Record of Consultation Issued in June 2023 for detailed comments. Please ensure all the documentation clearly shows the floodplain details (floodway/flood fringe) and that a topographic survey illustrating this is included as well in accordance with the GRCA's comments.

### PART 3 – OTHER INFORMATION AND MATERIALS

The following is a list of other information and materials that will be required for the subject development application to be considered complete. Please note that following the acceptance of an application as “complete” additional information and materials may be required as a result of the detailed review, due to changes to the proposal, or changes to policy.

**Development applications submitted after January 1, 2023 may be subject to additional complete application requirements. Please contact the Manager of Development Review for additional information.**

**Complete application requirements may be subject to change when Bill 23 proclamation date is determined and when implementing regulations are fully approved. Staff are reviewing the implications of Bill 23 and will provide updated comments with the formal application.**

Other Information and Materials: OPA/ZBA				
	#	To the Satisfaction of:	Notes:	AODA: (Y/N)
<b>Standard Requirements</b>				
Completed Application Form and Fee(s)	1	Planning		
Existing Conditions Plan	*	Planning		
Concept Site Plan	*	Planning	Illustrate floodway/flood fringe boundary	
<b>Digital Plans</b>				
PDF of all submission materials	1	Planning	Files may be provided through City’s ShareFile or consultant’s file sharing service.	
Subject Area Map	*	Planning	To be used for postcards and billboard signs. See digital submissions standards below**.	N
<b>Other Required Plans and Studies</b>				
Planning Justification Report	*	Planning Region Parks	Prepared in accordance with the comments of: - Planning - Region of Waterloo - Parks	Y
Land Use Compatibility Study	*	Region		Y
Urban Design Scorecard	*	Planning		Y
Neighbourhood Meeting Applicant Team slidedeck	*	Planning	Please submit in power point	
Sustainability Statement or Energy Conservation/ Generation Report	*	Planning	As described in sustainability comments	Y

Preliminary Building Elevations (in colour with materials) and Cross-section Drawings	*	Planning		
Floor Plans	*	Planning		
Preliminary Grading Plan	*	Planning Engineering GRCA	illustrating the floodway – flood fringe boundary and the proposed floodplain extent	
Tree Preservation and Enhancement Plan and Arborist Report	*	Planning Parks		
Preliminary 3D Massing Model	*	Planning	In Google SketchUp	
Shadow Study	*	Planning		
Wind Analysis	*	Planning		Y
Scoped Environmental Impact Study	*	Planning		Y
Topographic Survey	*	GRCA	Illustrating flood plain extent	
Stormwater Management Report	*	Planning Engineering Region GRCA	See comments of Environmental Planning, Engineering, Region and GRCA	
Functional Servicing Report	*	Engineering Region		
Water Distribution Report	*	Engineering		
Transportation Impact Study	*	Transportation Region		Y
Parking Justification Study and TDM Option Report	*	Transportation Region		Y
Archaeological Assessment(s) and Ministry Acknowledgement Letter(s)	*	<i>Region</i>		Y
Notice of Source Protection Plan	*	Region		Y
Risk Management Plan	*	Region		Y
Environmental Noise Study (Stationary, Road, Rail, and Vibration)	*	Region CN Rail		Y
Signed Consultant Noise Study Declaration and	*	Region		Y



the Owner/Authorized Agent Statemen				
Record of Site Condition	*	Region	Or a holding provision may be proposed	
Copy of NAVCAN Land Use Submission Form	*	Region		
Hydrogeological Investigation or zoning regulation prohibiting geothermal	*	Region		

**\* DIGITAL SUBMISSION ONLY (NOTE: FILES MUST BE NAMED THE EXACT NAME OF THE REPORT)**

**Note:** Any applications for a plan of subdivision, official plan amendment and/or zoning by-law amendment that are required to permit a site plan application must have received a Council decision prior to the submission of the site plan application.

**\*\*Subject Area Map Submission requirements.** A location map is required in landscape orientation with a maximum size of 14" x 28" and 1200dpi. The subject area is to be identified in a darker grey fill (RGB values 104,104,104) with the text 'SUBJECT AREA' inside if it fits legibly or outside with an arrow if it doesn't. Scale may vary by size of subject area. Select a scale that clearly shows the subject area with some surrounding area for context and location but generally 1:8000 – 10,000. Street names must be legible and not overlapping.

**NOTE RE: Accessibility for Ontarians with Disabilities Act, 2005 (AODA)**

In order to facilitate the City's compliance with O. Reg. 191/11 *Integrated Accessibility Standards* under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11., the Consultant/Contractor shall provide any final report and any other document identified by the Project Manager/City Representative as intended City/Client website content in an accessible format that complies with the World Wide Web Consortium Web Content Accessibility Guidelines 2.0 AA [other than success criteria 1.2.4. Captions (Live) and success criteria 1.2.5 Audio Descriptions (Pre-Recorded)]. However, this requirement shall not apply to drawings, photos, maps, site plans, or other documents that the Project Manager/City Representative agrees cannot practicably be converted to an accessible format. For detailed information about AODA requirements and to find training resources, visit <https://aoda.ca/>.

**PART 4 – SIGNATURES**

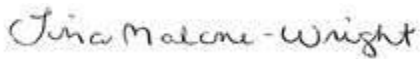
This Record of Pre-Submission Consultation only applies to the proposal as described and/or as provided for in the attached concept plan. This Record of Pre-Submission Consultation documents the required *other information and materials* that must be submitted in support of a complete Application made under the Planning Act.

**If you have any concern with this Record of Pre-Submission Consultation please contact the File Planner immediately.**

Please note that the feedback provided at this Pre-Submission Consultation Meeting does not constitute a detailed review of the development application(s). Following the acceptance of an application as “complete” additional information and materials may be required as a result of the detailed review, or changes to the proposal, City policies, the zoning by-law, or standard City conditions of development.

**OPTION B. Pre-Submission Consultation Meeting Waiver**

I confirm that no reasonable purpose would be served by holding a Pre-Submission Consultation Meeting due to the nature of the application as described and presented in Pre-Submission Consultation Meeting Request Form. Therefore, the requirement for a Pre-Submission Consultation Meeting has been waived.



August 14, 2023

\_\_\_\_\_  
Tina Malone-Wright  
Interim Manager of Development Review

\_\_\_\_\_  
Date

# Appendix B – Proposed Site Plan

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND DISCREPANCIES TO THE CONSULTANT.

THESE DOCUMENTS ARE COPYRIGHTED INSTRUMENTS OF SERVICE AND PROPERTY OF THE ARCHITECT.

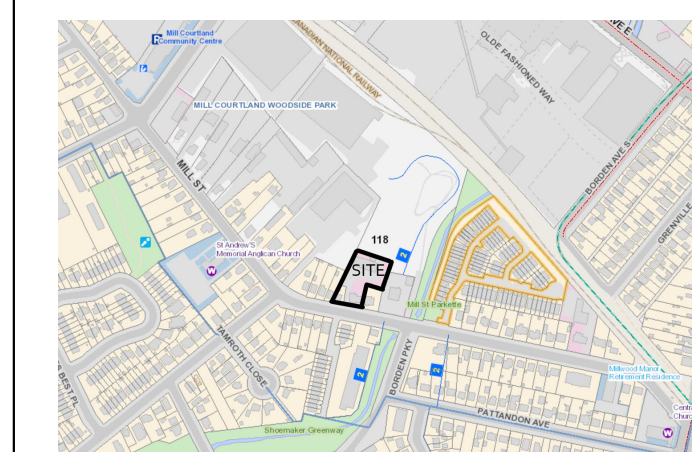
THESE DOCUMENTS ARE TO BE USED ONLY ONCE FOR THE INTENDED PURPOSE INDICATED UNDER THE ISSUED DATE.

ANY ALTERATION, DUPLICATION OR COPYING WITHOUT THE CONSENT OF THE ARCHITECT IS PROHIBITED.

DO NOT SCALE THESE DRAWINGS.

REVISIONS:

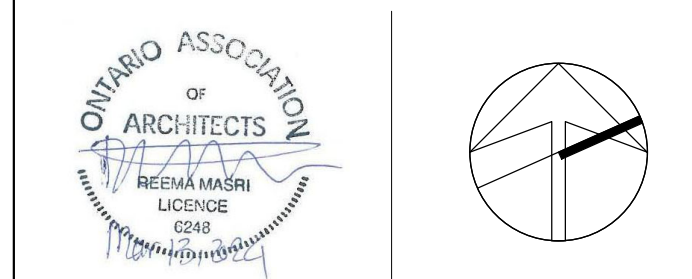
NO.	DATE	ISSUED:
1	2024.03.14	ISSUED FOR ZBA



KEY PLAN

DETAILS OF DEVELOPMENT

DATA	REQ.	PROV.
GROSS LOT AREA (m <sup>2</sup> )	3050	
GROSS FLOOR AREA (m <sup>2</sup> )	20,400	
BUILDING FLOOR AREA (m <sup>2</sup> )	2260	
<b>TOTAL NO. OF UNITS</b>		
<b>ZONING</b>	ZB 85-1	MU-3
LOT WIDTH (AT 6m SETBACK)	15	38.63
SETBACKS	FY (m)	1.5
	RY (m)	14
	N IN. SY (m)	n/a
	S IN. SY (m)	n/a
MIN. WIDTH FACADE (m)	20.0	12.1
MIN. FACADE HEIGHT (m)	6.0	65.1
FLOOR SPACE RATIO (MIN-MAX)	1.0-4.0	6.7
BUILDING HEIGHT (m)	N/A	68.4
LANDSCAPE AREA (MIN-%)	10	43
LOCATION OF DWELLING UNIT	NOT AT GRADE	NOT AT GRADE
FACADE OPENINGS	>40%	72%
OUTDOOR STORAGE	NONE	NONE
OFF STREET PARKING 1.0 SPACES / UNIT	293	166
VISITOR PARKING (20%)	59	-
COMMERCIAL PARKING 1/27m <sup>2</sup> (RATE REDUCED BY 30%)	8	-
BF PARKING PROVISION 2 + 2% (OF TOTAL REQUIRED)	5 TYPE A 5 TYPE B	5 TYPE A 5 TYPE B
TOTAL NO. OF PARKING	380	166
OFF STREET LOADING	1	1
RETAIL USES	ALLOWED AT GRADE (1000m <sup>2</sup> )	
MAX GROSS FLOOR AREA		212m <sup>2</sup>

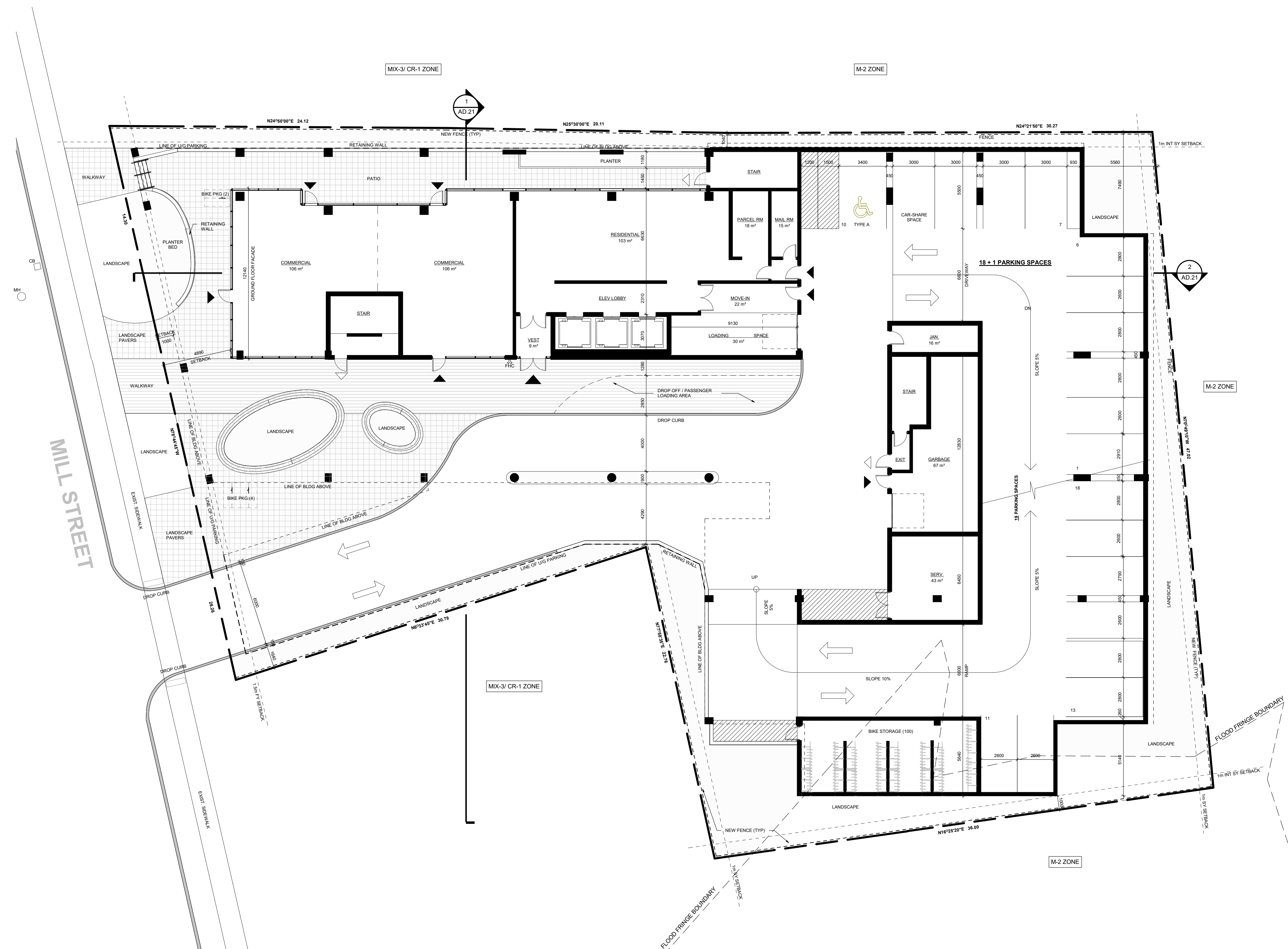


PROJECT:  
**APARTMENT BUILDING**  
328 & 330 MILL STREET  
KITCHENER

DRAWING TITLE:  
**SITE PLAN**

DATE: 2024.03.14  
SCALE: As indicated  
DRAWN: NS  
STATUS: DESIGN  
JOB NO.: 2303

DRAWING NO.:  
**AD.1**



SCALE: 1 : 150