Planning Staff Responses to Written and Verbal Submissions received ‘Before’, ‘At’ and ‘After’ the Statutory Public Meeting held on December 9, 2019 to consider Official Plan Amendment OPA19/004/COK/TMW and Zoning By-law Amendment ZBA19/010/COK/TMW (Neighbourhood Planning Review Project)

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Planning Staff Responses to Written and Verbal Submissions

Written Submissions

1. 101 David Street

Submission received October 28, 2019
“Hi, I am part of a group that manages 101 David St. in the Victoria park area. Can you inform me when the review of land use meeting will take place? Thanks.”

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
(A comparable zone is proposed to be applied.)

Staff Response
On October 29, 2019 Planning Staff responded with the following:

“Hi, Thank you for your email and for your interest in the Neighbourhood Planning Review. I have attached a copy of the letter that was sent out notifying of the December 9th public meeting to consider land use and zoning changes to the lands that are contained in 7 Secondary Plans.

We are updating the land use and zoning in the Secondary Plans to help implement new legislation and direction from the Province, Region, City, and other agencies to ensure the City’s land use plans and zoning reflect current practices and supports Kitchener’s strategic direction. The existing zoning of the property at 101 David Street is “Existing Use Zone (E-1)”. The proposed zoning is “Existing Use Floodplain (EUF) Zone”. In this case we are applying a similar zone to what
exists already and updating the name of the zone to reflect the intent. The change in zoning is in name only.

Should you have any other questions or comments please do not hesitate to contact our office. Regards.”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 101 David Street.

2. 165 Queen Street North

Submission received October 29, 2019
“Thanks Tina. I also own 165 Queen St. N, but I will be away on Dec 9th. Can you let me know if the changes for the civic district are in name only too?”

Submission received October 29, 2019
“I will be away for the December 9th re-zoning meeting and I would like to oppose the suggested changes to the zoning of my property on 165 Queen St. N.

I purposely bought my property due to the flexible zoning and high-density uses available with R-8. I even overpaid to get access to this type of zoning. If it is to be changed that would seriously impact my plans for the property and cause significant financial loss.

I am also next to a very high density 17 story apartment building, so making my property a “low rise RES-3” seems abrupt and unfair. Please get back to me so we can arrange a time to discuss your plans for the area to see if there is a way, we can work out this issue.”
Current and Proposed Zoning
Current Zoning – R-8
Proposed Zoning – RES-3 (159) (160)

Staff Response
On October 29, 2019 Planning Staff responded with the following:

“Hi, The property at 165 Queen Street North is currently designated “Medium Density Multiple Residential” and zoned “Residential Eight Zone (R-8)”. It is proposed to be designated “Low Rise Residential Limited” and zoned “Low Rise Residential Three Zone (RES-3)”. This change is not in name only.

If you are away on December 9th and would like to submit comments you are encouraged to email your comments to the Secondary Plan email account, and they will be considered as part of the public record moving forward.

Should you have any other questions or comments, please do not hesitate to contact our office. Regards,”

Further:
The Civic Centre Heritage Conservation District Plan, which was approved in 2007, made several recommendations with respect to land use and zoning in order to implement the Plan and protect and conserve the cultural heritage significance of the neighbourhood.

The following, on page 4.3 of the Civic Centre Heritage Conservation District Plan, recommended that the properties on Queen Street be designated and zoned “Low Rise Residential” instead of for Medium Density Multiple Residential and R-8.
The goal for land use was to maintain the low-density residential character of the Civic Centre Neighbourhood Heritage Conservation District as the predominant land use, while recognizing that certain areas of the District already have or are intended for a wider range of uses. Higher intensity uses or redevelopment opportunities were recommended to be focused at the perimeter, or outside of, the District primarily in appropriate locations in the Victoria Street Mixed Use Corridor or Weber Street.

The property at 165 Queen Street North was identified as a Group B building. The fine and very fine examples of Group A and B buildings and their defined architectural styles number 172 out of the 366 properties, or almost half of the properties in the neighbourhood.

The recommendations of the Civic Centre Heritage Conservation District Plan were reflected in the Council approved PARTS Central Plan and have been implemented in the updated Civic Centre Secondary Plan. The land use categories and regulations that were recommended in PARTS and applied in the Secondary Plan were applied to balance opportunities for growth and development where appropriate, while respecting heritage conservation objectives and minimizing potential impacts on designated heritage properties.

Also, given the size of the property, the Group B building classification and its location in a Heritage Conservation District, it is doubtful that the property could be redeveloped in accordance with old R-8 or a new comparable medium rise zone.

The property is proposed to be zoned “R-5 (159) (160)”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional
requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution

No changes are recommended to be made to the proposed land use designation and zone category to be applied to 165 Queen Street North. The new land use and zoning implement the vision and recommendations of the Civic Centre Heritage Conservation District Plan and PARTS Central Plan and will maintain and protect the character of the streetscape.

3. 179 Victoria Street South

Submission received November 5, 2019

I am writing this letter in regards to the rezoning of my property in the Victoria park community. In short it says the city is going to allow a developer to push me and my neighbours out of our homes. I have lived here for 15 years and have watched my neighbourhood grow into what it is today. It is a safe family orientated community where young families have made home. You can finally notice children outside playing and families going for walks and enjoying their community. This took 20 years to build up from what it was and now the city wants to tear it down.

I have put well over $100,000 into my house since I purchased it to make it into a home and my neighbours have done the same. There are several of us that live and work here in the city as for myself I walk to work and that was one of the reasons I decided to live here. I didn't want to drive my car every day and pollute the air and deal with the over congested traffic which is the same reasons as many of my neighbours. We look out for each other and do our best to make this a safe and healthy community. We all care about it and do not want to see it taken away.
There are so many other things the city can be doing then just looking for ways to put up more towers and congesting our roads with traffic. We have a major drug and homelessness problem in this city and you should be finding ways to fix it instead of pushing families out of their homes and into the suburbs where they will be forced to drive back to the city to work and damage our environment even more. The city put a public washroom in Victoria park without considering the danger it would cause to the people living in the community and their children. The police are there often dealing with homeless people using it as a place to go inject there drugs and leave there used needles there for kids to see and possibly get hurt. There are enough high-rise buildings being built. There are some going up at the old Schneiders factory site three on Victoria street one on Charles street another one on Queen street and several others not including the ones that are already built. We don't need to make this into another Waterloo.

As I was reading your letter, I noticed that it states that there hasn’t been a reassessment in 25 to 30 years which is not the case. There was one done approximately 10 years ago, and I wish I kept the letter but I’m sure you already know that. I don’t understand the reasoning for this horrible decision, and I am hoping that you will reconsider this and allow our community to continue to grow. This is a beautiful neighbourhood and should be helped to grow not sold to someone for profit. The zoning doesn’t need to change and should stay as is. My neighbours and I are ready to file a lawsuit against the city if this plan goes ahead. We want what you should want and that is a healthy safe community and city. And this plan doesn’t help our community go forward but makes it go backwards.

I encourage you to come take a walk with all of the city counsellors to the Victoria park area and see for yourselves what a beautiful community we have built and to please reconsider your plans.

This should say a residential area for single family homes.
Thank you,

**Current and Proposed Zoning**

Current Zoning – MU-1
Proposed Zoning – MIX-1

A comparable zone, which better correlates the relationship of Floor Space Ratio (FSR) with building height, is proposed to be applied.

**Staff Response**

In May of 2016 the City approved the PARTS Central Plan. One of the primary purposes of preparing these plans for the Major Transit Station Areas, is that growth will be happening with ION, and the City wanted to get ahead of the infrastructure implementation and find the appropriate locations for intensification while protecting stable established neighbourhoods.

Following the completion of the PARTS Plans, there were changes in Provincial policy which also necessitated the need to update the planning framework for the Secondary Plans. For the most part the official plan land use designations and zone categories of the majority of the properties in the Secondary Plans are essentially remaining unchanged with respect to existing land use permissions.
Through the development of the PARTS Central Plan and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of FSRs with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

As a result of the 3D modelling work, recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

With respect to the subject property, the land use permissions are not changing. The zone category name and some of the zoning regulations in the MIX-1 zone, are proposed to be updated to ensure an appropriate built form and compatibility with adjacent lands. The update to the name of the zone category and some regulations in the MIX-1 zone will not force homeowners from their properties.

**Submission received November 10, 2019**

“Hi, My name is ‘Deleted Name’ and I live at 179 Victoria St, South in Kitchener. I am writing you to get clarification on the proposed zoning change for my property. I was trying to decipher what it says, and I am very confused. Can you please tell me if the city can force me out of my home if this new zoning proposal goes through?

This has caused me a lot of stress and I want to know if the city is going to force me out of my house. I just want to say I am against what I can understand so far and I will also be attending the December 9 public meeting.

I look forward to hearing from you soon. Thank you.”

**Staff Response**

On November 13, 2019 Planning Staff responded with the following:

“Good afternoon, Thank you for your email and for your interest in the Neighbourhood Planning Review Project. We also received your written correspondence on November 5, 2019.

We are updating the existing Secondary Plans and Zoning for the Victoria Park Secondary Plan. Certain parts of the plan have not been updated for approximately 25-30 years.

The property at 179 Victoria Street South is currently designated “Mixed Use Corridor” and is zoned “Low Intensity Mixed Use Corridor Zone (MU-1)” in Zoning By-law 85-1.

The update proposes to designate the property “Mixed Use” with a site-specific policy area and to zone the property “Low Rise Mixed Use One (MIX-1)” in new Zoning By-law 2019-051. In essence the land use and zoning are not changing for your property. We are updating the names of the land use category and zones.”
The City does not by way of an Official Plan and Zoning By-law force people out of their houses. We put land use permission and zoning regulations in place to guide the types of uses that are constructed on properties and how they can be constructed (i.e. setbacks from property lines).

The updates do not impact the ability for the property to be used as a single detached dwelling. Should you have any additional questions or comments, please do not hesitate to contact our office. Regards, Tina.”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 179 Victoria Street South.

4. 399 Park Street

Submission received October 18, 2019
“I have received a letter regarding the new proposed zone laws. I live at 399 Park street. I am looking for clarity on how the zone change would affect me. Our house is proposed to change to an Institutional zone. If this takes place, does this mean that if we were to sell down the road, we would be limited to whom we sell to? Could another family buy our home, or would we be limited to that of institutional use?”

Current and Proposed Zoning
Current Zoning – I-2, 102U
Proposed Zoning – INS-1
Staff Response
On October 21, 2019, Planning staff responded with the following:

“Thanks for your inquiry below. The current zoning of your property is I-2, 102 and the proposed zoning is INS-1. Here is the link to existing and new zoning maps. Any residential use established under the permissions of the current I-2 zoning that are not permitted in the proposed INS-1 zoning would become legal non-conforming. Which means that, yes, another family can buy your home and you can also sell to someone looking for property with institutional uses.”

Further:
(See Response No. 143 for 485 and 487-491 Park Street and 61 Mt. Hope Street).

The PARTS Midtown Plan, which was approved in December of 2017, recommended that the properties addressed as 485 and 487-491 Park Street be designated for “Institutional” uses.

One of the biggest changes with the new “Institutional” land use designation with the approval of the Official Plan in 2014, is that residential uses are no longer permitted. The lands on the southerly side of Park Street from Mt. Hope Street to Glasgow Street are currently primarily developed with residential and some institutional uses. At the time the original secondary plan was prepared it was envisioned that Park Street be designated for institutional uses so as to allow Park Street to transition and redevelop with uses to complement the adjacent hospital use, i.e. health offices/services. While this has happened on a handful of properties on Park Street there has also been a number of properties that continued to be used for primarily residential uses and some have since redeveloped with multiple residential uses.

The PARTS Midtown Plan recommended that the “Institutional” uses on Park Street from the boundary with the City of Waterloo to Mt. Hope Street be redesignated from “Institutional” to “Mixed Use – Low Density”. With the proposed changes to the FSRs and building heights in the Mix base zones, it was recommended that these properties be zoned “MIX-2” which permits a maximum FSR of 3.0 and a maximum building height of 6 storeys.
The remainder of Park Street from Mt. Hope Street to Glasgow Street was recommended to remain designated “Institutional”. Upon further review of this section of Park Street, given its close proximity to the ION stop, a mixed use land use designation may be appropriate to allow for both institutional and compatible commercial uses, to service and complement the hospital use, as well as multiple residential uses to develop on this section of Park Street. The “Mixed Use” land use designation would maintain the existing land use institutional and residential land use permissions and allow for some complementary commercial uses and be consistent with the land use designation that was applied to the properties on Park Street from Mt. Hope Street to the boundary with the City of Waterloo.

Resolution

It is recommended that the southerly side of Park Street from Mt. Hope Street to Glasgow Street, which includes the properties addressed as 485 and 487-491 Park Street, be designated “Mixed Use with Specific Policy Area 2” instead of “Institutional” and be zoned “MIX-2” instead of “INS-1”.

5. 152 Glasgow Street

Submission received October 21, 2019

“I received the letter with respect to zoning review, and just wanted to clarify. I am a realtor and am actually listing my own home for sale in a couple of days, and therefore it’s important that I understand the correct zoning. As far as I can tell from the GIS Inquiry on the City of Kitchener Website, my home at 152 Glasgow Street in Kitchener is currently zoned Residential 5. Having looked at the link provided in the October 11 letter, it appears that the Proposed Zoning would be Residential 3, with the Land Use as ‘Low Rise Residential Limited’. Are you able to confirm this for me? Thank you in advance for any assistance you can provide!”

Current and Proposed Zoning

Current Zoning – R-5, 129U
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

**Staff Response**
On October 23, 2019 Planning Staff responded with the following:

“Hello ‘Deleted Name’,
Yes, you are correct. The current zoning is R-5, 129U and proposed zoning is RES-3 (159) (160). I am attaching a pdf which compares permitted uses and regulations of the current and proposed zones. For proposed site specifics, please visit this link.

For any further questions, please do not hesitate to contact us.”

Further:

The subject property at 152 Glasgow Street is currently zoned “R-5” with 129U. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units however the 129U provision, which is applied to the subject property, only permits up to a duplex. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

**Resolution**
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 152 Glasgow Street.

6. 32 Shanley Street
Submission received October 19, 2019
“I live at 32 Shanley St. in Kitchener and was wondering exactly what land use designation and zoning changes are being proposed for our property. And how will it affect us?”

Current and Proposed Zoning

Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response

On October 23, 2019 Planning Staff responded with the following:

“Thanks for the enquiry below. Your property is within K-W Hospital/Midtown Secondary Plan.

Current land use designation of your property is Low Rise Conservation and proposed is Low Rise Residential Limited. The current zoning is R-5 and proposed zoning is RES-3 (159), (160). I have attached a pdf showing comparison of Current and Proposed Zoning. The other two attachments provide information of Site-Specifics.

In summary, your property has residential land use & zoning and will stay residential. If you have any questions, after reviewing the attached information, please do not hesitate to contact us.”

Further:
The subject property at 32 Shanley Street is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and
frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 32 Shanley Street.

7. 61 Cameron Street North

Submission received October 21, 2019

“Hello, I am the owner of 61 Cameron St North. I received your letter about the proposed zoning changes. I have looked at the pdf that has the proposed zoning changes. I can't quite tell if my property (which is right near the intersection of Weber and Cameron N) will fall under the Res-3 or Mix-1 based on the pdf. Can you please clarify? This will help inform me whether there is value to be present for the proposed meeting on De. 9th.”
Current and Proposed Zoning
Current Zoning – CR-1, 18H
Proposed Zoning – MIX-1
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

Staff Response
On October 23, 2019 staff responded with the following:

“Hello, Thanks for your question below. The proposed zoning of your property is MIX-1. Please see the image below:

If you have any further questions, please do let us know. Thank again, Preet”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 61 Cameron Street North.
8. 496 King Street East

Phone call received on October 23, 2019
Phone call received on October 23, 2019 to receive more information.

Current and Proposed Zoning
Current Zoning – MU-2, 541R
Proposed Zoning – MIX-3
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

Staff Response
On October 23, 2019 staff provided the following response by email:

“Hello, Thanks for your call, as requested here are the links to relevant information.
1. Zoning map
2. Proposed Zoning: MIX-3
3. Current zoning: MU-2, 541R
If you have any further questions, please do let us know. Thanks, Preet”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 496 King Street East.
9. MIX-4 – FSR

Submission received October 24, 2019

“Good morning: I am reviewing the draft MIX-4 zoning proposed as part of the Victoria Park Neighbourhood Planning Review. I see that a maximum FSR of 5.0 is proposed for the MIX-4 Zone. Can you please confirm if this is the intended recommendation or a typo (I had thought a max of 4.0 was being contemplated)?

Thank you.”

Staff Response
On October 24, 2019 staff responded with the following:

“Hi, Thank you for your email and your continued interest in the Neighbourhood Planning Review project particularly with the new Victoria Park Secondary Plan.

I can confirm the proposed maximum permitted FSR in the new MIX-4 zone is recommended to be 5.0.

As a result of more detailed modelling work, we are proposing to recommend revisions to the MIX zones to better align maximum building heights with the maximum permitted FSRs.

Should you have any additional questions or comments please do not hesitate to contact us.

Regards, Tina”

Resolution
None required.

10. 5 Rose Street

Submission received October 21, 2019
“Hi there, We received a letter in the mail stating that the city was reviewing our house over potential proposed zoning changes.

We live at 5 Rose St.

It appears that the major change for us is that we will no longer be considered a part of King East (which we did not realize we were a part of. We assumed we were the Aud. Am I correct in my assumption?

Also - it is not clear what neighbourhood this now makes us a part of and whether the change of neighbourhoods would have any other effect. Thanks.”

Staff Response
On October 23, 2019 staff responded with the following:

“Good afternoon, Thanks for the enquiry below. This is review is to help guide the use of land (e.g. where new housing could go, commercial businesses, environmental conservation land, parks, etc.) and policies for new development or redevelopment.

This review does not change boundaries of Neighbourhood Associations. You are still part of Auditorium N.A. Your property was part King Street East Secondary Plan and moving forward it is proposed to merge with parent Official Plan.

Hope this helps. If you have any further questions, please feel free to contact us.”

Submission received October 23, 2019
“Thanks, Preet. What is the parent official plan?”

Staff Response
On October 24, 2019 staff responded with the following:

“Hi, It is the main official plan for the city. You can visit this link for a brief introduction to what is official plan and what is secondary plan. This link is from the open house held on April 4, 2019 for King Street East secondary plan. Here is the link to official plan page. Preet”

Submission received October 24, 2019
“Thanks again. I appreciate the clarification.”

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3
A comparable zone is proposed to be applied.

Staff Response
Further:
The subject property 5 Rose Street is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 5 Rose Street.

11. 58 Madison Avenue North

Submission received October 20, 2019
“Hello, This address is currently zoned CR-1 and is a 12-unit multi residential apartment building. I wish to confirm that this will be a legal use if the zoning is changed to MIX-1 as proposed.”

Current and Proposed Zoning
Current Zoning – CR-1, 18H
Proposed Zoning – MIX-1
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

Staff Response
On October 25, 2019 Planning Staff responded with the following:
“Thank you for your email and for your interest in the Neighbourhood Planning Review.

To answer your question, if the new MIX-1 were to be approved for the property at 58 Madison Ave. N, the use of the building for only residential uses (currently 12 dwelling units) would become legal non-conforming. The new MIX-1 zone only permits a multiple dwelling on a lot containing a nonresidential use as per regulation No (1) below.

“(1) is: “A cluster townhouse dwelling, and a multiple dwelling are only permitted on a lot containing a non-residential use. A cluster townhouse dwelling, and a multiple dwelling shall not have a street line façade, except for access.”

The use of the building for 12 dwelling units would also be a legal use in the MIX-1 zone if a nonresidential use were to locate on the 1st floor of the existing building.

In summary, a 12-unit multiple residential building would become a legal non-conforming use with the application of the MIX-1 zone.

If you have any other questions or comments, please do not hesitate to contact our office.
Regards, Tina”

The following response was received on October 25, 2019.
“Thank you for your response and clarification. I see no reason to oppose this zoning change.”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 58 Madison Avenue North.
12. 119 Cedar Street South

Phone call received on October 25, 2019
Requested more information with respect to the zoning for 119 Cedar Street South.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-5

Staff Response
On October 25, 2019 Planning Staff responded with the following:

“Hi, The existing zoning of your property is R-5 and proposed zoning RES-5. Have a look at the comparison table and feel free to let me know if you have any questions. Best, Preet”

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 119 Cedar Street South.

13. Lodging Houses

Submission received October 25, 2019
Good morning, Recently I received a notice of a proposed zoning change in my neighborhood. After reviewing the existing and proposed zoning map it appears to be changing from RES-5 to RES-3. Looking at the permitted uses it seems "Lodging Houses" will no longer be permitted.
My question is, what does this mean for the existing rooming houses on my street or the other uses that will no longer be permitted? I look forward to your reply. Thank you.

Staff Response
On October 29, 2019 staff responded with the following:

“Good day, Thank you for your email and your interest in the Neighbourhood Planning Review.

You are correct in that “Lodging Houses” are not a permitted use in the new “RES-3” zone. If properties currently zoned “R-5” proposed to go to new “RES-3” contain a “Lodging House” use, the use of the property will become Legal Non-Conforming. Legal Non-Conforming uses are allowed to continue under zoning which does permit such use until such time as the lodging house use ceases, then the building would now only be able to be used for uses permitted in the “RES-3” zone.

I trust this answers your question. Should you have any additional questions or comments, please do not hesitate to contact our office. Regards, Tina Malone-Wright”

Resolution
None required.

14. 33 Roland Street
Hello, I read your letter and went online, however, I remain uninformed as to how the proposed changes affect our property located at 33 Roland Street (Victoria Park).

Could you please tell me?

Also is there a map or maps that show the old official plan vs. the new plan? That would be great or an overlay that could easily indicate the proposed changes compared to what already exists.

I appreciate you reviewing my inquiry and thank you in advance for your response.

**Current and Proposed Zoning**

Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

**Staff Response**

On October 29, 2019 Planning Staff responded with the following:

“Thank you for your email and for your interest in the Neighbourhood Planning Review.

We are updating the land use and zoning in the Secondary Plans to help implement new legislation and direction from the Province, Region, City, and other agencies to ensure the City’s land use plans and zoning reflect current practices and supports Kitchener’s strategic direction.

The existing zoning of the property at 33 Roland Street is “Existing Use Zone (E-1)”.

The proposed zoning is “Existing Use Floodplain (EUF) Zone”. In this case we are applying a similar zone to what exists already and updating the name of the zone to reflect the intent. The change in zoning is in name only.

Unfortunately, we do not have one map which shows the old official plan vs. the new plan. It is challenging to have such an overlay on the website and be AODA compliant (in compliance with accessibility legislation). We are looking at a way to have an interactive map available to be able to “click” on individual properties to understand the changes. For now, you will need to review both maps to understand the changes.

Should you have any other questions or comments please do not hesitate to contact our office.”

**Resolution**

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 33 Roland Street.
Phone call received October 29, 2019
Staff from the Downtown Community Centre called on behalf of the homeowner that received a letter for the proposed zoning changes/updates. The property owner is a good friend and looked to her for help to understand the proposed changes.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-4 (159)

Staff Response
On October 30, 2019 Planning Staff responded with the following:

“Hi, The current zoning of 39 Russel Street is R-5, see the image below:
And proposed zoning is RES-4 (159). Please see the image below:

Attached pdf is the comparison of ‘R’ and ‘RES’ zones. Below is the wording of site specific (159):

(159) - Within the lands zoned RES-3, RES-4 and RES-5 and shown as affected by this provision in Appendix A, an attached private garage or detached private garage shall be located 5.5 metres behind the front façade of the principal building.

After reviewing this, if you have any further questions, please do not hesitate to let us know. Thanks,”

Further:
New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 39 Russel Street.
Hi Preet, Can you please confirm the zone recommended for this property? Also, can you please reply all with the map for this area? Thanks!

Staff Response
On November 4, 2019 staff responded with the following:

“Hi, The proposed zoning of this property is RES-3 (159), (160). Here is the link to the proposed zoning map. The existing zoning for the subject property is R-5. Here is the link to the existing zoning map.
Here is the link to comparison of existing and proposed residential zones. For Site Specifics (159) and (160), please see this link.

You can find more detailed information by visiting K-W Hospital/Midtown Secondary Plan’s main home page.

If you or ‘Deleted Name’ have any further questions, please do not hesitate to let us know. Regards,”

Submission received December 9, 2019
I would like to propose that new zoning for our residential property be designated minimum RES4 (R6), not RES3 (159), (160).
When we purchased our property in 1999, we confirmed with City Planning that the R6 zoning could allow us to sever and build a triplex on the Linwood portion of the property adjacent to Mount Hope Cemetery.
We have discussed this and agree that a 3-Unit Street Townhouse proposal might also be a good option moving forward. This could possibly include a plan for 'accessible' units.

This seems to be a reasonable request, in light of ongoing intensification and proposed Mix-Use 3/4 development directly across Linwood from our driveway.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
The subject property at 66 Braun Street is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units but not in the form of a townhouse dwelling development. There are several properties on Braun Street which have a 129U provision which only permits up to a duplex. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

The proposed RES-3 zone is comparable to the existing R-5 zone and will permit a multiple dwelling containing up to 3 dwelling units. For a multiple dwelling having more than 3 dwelling units or for a different form of multiple residential development, site-specific planning applications would be required now and in the future with the comparable zone.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 66 Braun Street. The property owner is advised to submit site-specific planning
applications to facilitate development which will not meet the proposed land use and/or zoning regulations.

17. 14 Hoffman Street

I am the owner of 1384883 Ontario Inc. which owns 14 Hoffman St. I have reviewed the suggested rezoning of my area and the issue I have with the proposal is that all of the properties on Ottawa St. that back onto my property are zoned MIX 4. The rainwater runoff from all of these properties runs down to my property. I have had, and continue to have issues with the water from 367 Ottawa St. S. The roof was replaced a number of years ago at that address. They placed the roof drains facing my property whereas previously they drained towards the train tracks. I immediately had problems with water running onto my property and when I called the city, I was told that there was nothing that the city would do. Last year was the first time that water actually ran into the loading door at the back of the building during one of those torrential rains. The city has been vocal about dealing with climate change issues. The city should be proactive on this issue when dealing with redevelopment.

I am now faced with the prospect of all of the properties from Ottawa St. being built on and paved over and the consequence of that is that more water will run either onto, under, into, over my property which will force me to take legal action against a builder because my experience has shown me that the city of Kitchener does not want to get involved. I do not want this to be my only option.
One option would be to zone my property Mix 4 so that the development could deal with the water issue without putting me against them. We could plan to deal with the water all the way to the storm drain at the east end of my property.

Current and Proposed Zoning
Current Zoning – M-2
Proposed Zoning – EMP-6 (175)

Staff Response
There is not a direct correlation between proposed land use and zoning, official plan and zoning by-law amendments, and the impacts of rainwater runoff. If the new land use and zoning permits a redevelopment or intensification of a particular property, the provisions for stormwater management, grading and drainage plans (to demonstrate no impact to adjacent properties), are reviewed and approved as part of the site plan approval process to facilitate the redevelopment.

Stormwater management and grading and drainage (rain water runoff) is proactively dealt with at the time of site development/plan approval, on a property specific basis, and does not provide planning justification for a particular land use, save and except lands/properties located in a recharge or floodplain area or the case of a subdivision, required for a stormwater management block/lot. These types of lands would be designated and zoned so as not to permit any development.

At such time as one of the properties on Ottawa redevelops in accordance with the new MIX-4 zone it will be required to accommodate and manage stormwater on site. If there is a comprehensive development of more than one property, there may be an opportunity to designate an area or a portion of the lands for infiltration (quantity and quality purposes).

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 14 Hoffman Street nor to the MIX-4 properties on Ottawa Street South.
Hey Tina, I was reviewing the proposed secondary plan & I notice 63 Courtland has a mixed-use designation right up to Martin street.

I thought that the planning department's intention was to restore the residential status of the property abutting Martin street in keeping with cultural heritage landscape.

I know in meetings downtown I had the impression that there was to be a distinct separation between the Courtland side of the property and the side that abuts Martin street.

Can you clarify the planning department's intentions? Thanks.

Current and Proposed Zoning
Proposed Zoning – MIX-1 (168)
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

Staff Response
On November 15, 2019 Planning Staff responded with the following:

“Hi ‘Deleted Name’, It was nice to see you, ‘Deleted Name’ and ‘Deleted Name’ out last night.”
I apologize again for the tardiness in replying to your email. It has been extremely busy but nice to see the interest in the project.

As mentioned last evening, we have been doing some further modelling work and are proposing to recommend some changes to the MIX base zones to accommodate transitions on the subject properties where they abut low rise residential uses.

The Mixed Use land use designation and zone permits residential uses and their setback and height will be regulated from Martin Street to ensure a compatible built form and transition. The new MIX regulations are a definite improvement to what currently exists with transitions in our existing "CR" Zones.

It is challenging to split zone an individual property and determine where exactly that zone boundary line should be in the absence of a surveyed "legal" boundary.

Let me know if you would like to discuss with Adam or myself further. Have a great weekend. Cheers.”

Further:
The existing CR-1 zoning permits a maximum Floor Space Ratio of 1.0 and a maximum building height of 18 metres. Site-specific regulation 130R, which also applies to the subject property, permits a maximum Floor Space Ratio of 1.5 and limits the maximum building height to 13.5 metres within 30.0 metres of the street line of Martin Street.

The new MIX-1 zone permits a maximum Floor Space Ratio of 2.0 and a maximum building height of 14 metres or 4 storeys. Site-specific regulation (168) permits a maximum building height of 16 metres or 5 storeys, whichever is greater, at the highest grade.

In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.

The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood.

As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and
high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods. The recommended setbacks from a low-rise residential zone, to be incorporated into the MIX base zones, are as follows:

(2) The maximum building height shall not exceed:
   a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
   b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

The required setbacks are dependent on the building height of the proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself.

Overall the maximum building height on the subject property has been reduced from 18 metres to 16 metres and instead of limiting the building height to 13.5 metres within 30 metres of the Martin Street street line, the maximum building height cannot exceed 12 metres within 15 metres of a low-rise residential zone. Only a building with a maximum height of 11 metres, the same as the height in the RES-3 zone, may be located a minimum distance of 7.5 metres from a low-rise residential zone. The measurement of the setback is now from a low-rise residential zone instead of the Martin Street street line.

As noted in earlier comments, it is challenging to split zone a property. The zone boundary needs to be surveyed to illustrate it in the exact location and it is not ideal with respect to designing and achieving a comprehensive development of the subject property.

The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

Planning staff understand that the height of a proposed building would be able to be a maximum of 16 metres instead of 13.5 metres within 15-30 metres of the street line of Martin Street. With the new proposed height and setback requirements for developments in a MIX zone from a low rise residential zone, Planning staff will review to see if additional site-specific zoning regulations are required for the property, addressed as 63 Courtland Avenue East, to ensure an appropriate built form is achieved on the site while minimizing the impacts on the adjacent low rise residential uses.

Resolution

With the new proposed height and setback requirements for developments in a MIX zone from a low rise residential zone, Planning staff will review to see if additional site-specific zoning regulations are required for the property, addressed as 63 Courtland Avenue East, to ensure an appropriate built form is achieved on the site while minimizing the impacts on the adjacent low rise residential uses.

19. 475 Charles Street East
Submission received October 16, 2019
I have received a letter dated October 11th, 2019 regarding the proposed zoning changes for my property. When I type in the link it’s does not work. Would you be able to email me the link, perhaps I am typing it wrong?

I will comment at this point after speaking with a staff member some time ago when you had a meeting in Victoria Park. I objected to the change in zoning in my property because it would discontinue the current use. This property is my only retirement income and if I lose the tenant due to zoning changes then it would have dire financial consequences.

I understand there will be a notwithstanding clause to allow continued uninterrupted use. The problem with this clause, is there is no timeline when a Tenant moves out and a similar Tenant can be found. Commercial real estate can sit vacant for some time before finding a qualified suitable tenant.

Staff commented that a reasonable time period would be allowed before the current use would no longer be allowed. The City definition of reasonable time may not agree with mine. I think this is something we need to discuss and have in writing in the bylaw, specific for 475 Charles St E.

Staff Response
On October 18, 2019 staff responded with the following:

“Hello ‘Deleted Name’, Thanks for your email below.

Your property is within Rockway Secondary Plan area. Please explore the link for more information.

Your property is currently zoned as M-2, 1R, 159U and the proposed zoning is MIX-4.”
If you have any questions, after reviewing the information, please do not hesitate to contact us.

Thanks, Preet”

Submission received November 15, 2019
Can you update me on the current proposal for the property noted above? I have read PARTS, but it seems unclear to me what is proposed and the timeline. A brief response is fine.

Staff Response
On November 19, 2019 Planning Staff responded with the following:

“Hello ‘Deleted Name’, The lands at 475 Charles Street E are designated General Industrial in the Mill Courtland Woodside Park Secondary Plan.

The PARTS Rockway Plan proposed a Mixed-Use High Density land use (lands are located in Floodplain Two-zone Policy Area). The timing of implementing the PARTS Rockway Plan is approximately 1.5-2 years. Formal notification of the intent to change the land use will be provided to affected landowners. Regards”

Current and Proposed Zoning
Current Zoning – M-2, 1R, 159U
Proposed Zoning – MIX-4 with Flooding Hazard Overlay

Staff Response
Further:
The proposed land use designation and zoning implement the recommendations of the PARTS Rockway Plan which was approved by Council in December of 2017. The new MIX-4 land use designation permits a variety of commercial uses, institutional uses in combination with residential uses. It will allow a diversification and intensification of the subject property which is in close proximity to the Borden ION stop.

Although the property is currently designated and zoned “General Industrial” the submission indicates a concern that “Commercial real estate can sit vacant for some time before finding a qualified suitable tenant”. Commercial type uses will no longer be permitted in our General Industrial Employment land use designation and implementing zone category. Without knowing who the existing tenant is and what type of use they are classified as, the new MIX-4 zone may be a more appropriate zone? If the existing use is no longer permitted in the MIX-4 zone, it would become legal non-conforming. If the tenant left, the legal non-conforming status of the use would remain until a similar tenant is found. The legal non-conforming status would only be lost at such time as another type of use occupied the building.

The new MIX-4 zone permits a variety of uses and given the proximity of the subject property to the station stop, it should not be difficult to tenant the building.
Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 475 Charles Street East.

20. 37 Rose Street

Submission received October 21, 2019
To Whom it May Concern, I received a letter saying the zoning of my home might change. It's a long technical letter but seems to be missing the only really important piece of information, and that is what the proposed new zoning is. Are you able to tell me this?

Staff Response
On October 23, 2019 staff responded with the following:

“Hello, Thanks for the enquiry below. The current zoning of your property is R-5 and proposed zoning is RES-3. I am attaching a pdf which compares permitted uses and regulations of the current and prosed zones. Please do not hesitate to contact if you have any further questions. Thanks again, Preet”

Submission received November 19, 2019
Hi Preet, Thanks for that information. The zoning change actually looks preferable to me.

I'm also wondering if you could let me know the Current and Proposed Zoning for the property behind mine. It is currently the "National Home Healthcare" business, though they have a rental unit at the back too. My biggest concern for my properties privacy and value is that that building will someday be replaced by something larger, perhaps a large townhouse or small condo. Thanks again kindly.
Staff Response
On November 19, 2019 staff responded with the following:

“The properties behind your property have MIX-1 zoning. Here is the link to what is permitted and what the regulations are in proposed MIX-1 zoning.”

Submission received November 19, 2019
Hi Preet, I see that MIX-1 can be up to 4 stories high. If the landowner were to ever decide to develop such a building, is there any way for me to get advanced notice? Do the plans have to be made publicly available for a period of time somewhere I can check, for instance? Thanks,

Staff Response
On November 19, 2019 staff responded with the following:

“Hi, All the information other than the pre-submission is public. The site plan application, if zoning regulations such as setbacks, minimum lot area/front are met, then the proposal does not need public notice to be posted on the site. If variance is required to one or more regulations of a property, then they apply for minor variance, for which they put notice on the property and neighbouring properties get notice in mail for it.

The only way you can get information about development projects is from City’s Interactive Mapping’s general portal. Here is the link to it: https://www.kitchener.ca/en/city-services/interactive-mapping.aspx
You can find quick reference guide for mapping through the links above.

Hope this helps. If you have any additional questions, please let us know. Thanks for contacting us.”

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3
A comparable zone is proposed to be applied.
Staff Response
Further:

Staff are proposing new setback regulations to ensure appropriate transition of buildings developed in a MIX zone abutting a low-rise residential zone.

“(2) The maximum building height shall not exceed:
  a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
  b) 25 metres within 30 metres of a lot line with a low-rise residential zone.”

The maximum permitted height in a low-rise residential zone is 11 metres and the minimum rear yard setback from the rear lot line is 7.5 metres. In no case will a building with a height of greater than 12 metres be permitted within 15 metres of a low-rise residential zone. Accordingly, a building constructed in a MIX zone adjacent to a low rise residential zone will be setback a similar distance from the rear lot line and any portion of the building within 7.5 metres to 15 metres of the rear lot will have a maximum height of 12 metres and be compatible with the 11 metre maximum building height in a low rise residential zone.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 37 Rose Street.
Submission received November 22, 2019

To whom it may concern; Hi, the owners writing this letter would like specific answers to the following:

First and obvious is we DO NOT wish to lose ANY of our backyard and driveway land at our property 65 Peter Street!!!

After reading/scanning the approximately 100 pages on the website, we, at 65 Peter Street, need much more specific clarification as to this proposal of zoning changes!!??

We will be sending detailed comments before the meeting on December 9 and also will be attending the meeting on the same day.

Please e-mail us at: ‘Deleted Name’ with specific answers to OUR land/zoning, as mentioned above, at your earliest convenience.

Thank you for your time and concern, From the owners of 65 Peter Street
Current and Proposed Zoning

Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response

On November 27, 2019 Planning Staff responded with the following:

“Good morning, Thank you for your email and for your feedback on the Neighbourhood Planning Review.
Please note that you are not losing any of your backyard and driveway land through secondary plan review. The City of Kitchener has the ownership of the laneway to Sandhills.

Below is the land use and zoning information for the property addressed as 65 Peter Street as requested:

- Existing Land use is Low Rise Conservation
- Existing zoning is R-5
- The proposed land use is Low Rise Residential Limited
- The proposed zoning is RES-3 (159) (160)

Site specific text:
(159): Within the lands zoned RES-3, RES-4 and RES-5 and shown as affected by this provision in Appendix A, an attached private garage or detached private garage shall be located 5.5 metres behind the front façade of the principal building.

(160): Within the lands zoned RES-3, RES-4 and RES-5 and shown as affected by this provision in Appendix A, a new single detached dwelling, new semi-detached dwelling or new street townhouse dwelling shall include a porch on at least one street line façade and in accordance with Section 4.14.7.

Here is the link to the pdf showing the comparison between existing and proposed residential zones with respect to permitted uses and regulations.

We have included your contact information on our notification list to keep you informed of any upcoming project announcements.

If you have any further comments or questions, please feel free to contact us.”

Resolution

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 65 Peter Street.
Submission received December 3, 2019
On behalf of our client, the Evangelical Missionary Church of Canada, please accept this letter with regard to the ongoing Neighbourhood Planning Review of the Mill Courtland Woodside Park Area.

Our client owns the property municipally known as 214 Highland Road East, Kitchener, which is located within the Mill Courtland Woodside Park Neighbourhood Planning area. This letter reviews the proposed changes to the land use planning framework applicable to our client’s lands and sets out a series of questions and recommendations to the City as it continues on with the Neighbourhood Planning Review process.

Description of Subject Property
The subject property is known locally as 214 Highland Road East, Kitchener and legally as LT 1-3, 19-21 PL 652 Kitchener. Figure 1 shows the location of the subject property. Figures 2-3 show aerial imagery (Google Earth) of the existing building and site conditions.
As shown on Figures 2-4, the site is bound by Highland Road to the West and Russel Street to the east and has vehicular access from both streets. The site has a lot area of approximately 2,801 m² or 0.28 hectares, and 44 metres of frontage on both streets.
Historic and Current Use of the Building
The existing building was constructed in 1965 and was used for several decades for the religious/institutional uses associated with Highland Road United Church. In 2009, the building was purchased by our client.

While the original intent for the purchase of the building was to house a new congregation/church, since its purchase in 2009 the building has primarily been used for office purposes associated with the Evangelical Missionary Church of Canada. In recent years most office needs have been consolidated into the denominational headquarters in Calgary, Alberta, making the building largely surplus to the needs of our client. Currently, the Highland Road building is used for the office space needs of 3 employees.

Contemplated Redevelopment Concept
Recognizing the underutilization of the existing building and given it is no longer required for institutional uses, our client has contemplated different options for the potential repurposing or redevelopment of the site in the future.

One concept, shown as Figure 5, which has been prepared aligned with the current Secondary Plan and Zoning controls applicable to the site, would subdivide the existing property into six (6) single detached lots, with three (3) lots fronting onto Highland Road and three (3) fronting onto Russell Street, as shown below.

In this concept, each lot would have a lot area of approximately 522 square metres, which would be of a comparable size (slightly larger) as adjacent existing residential lots (typical lot areas of adjacent lots are 450-500 square metres).
While this concept would require the demolition of the existing church building, the proposed single detached lots would be comparable to those of the surrounding neighbourhoods and could be constructed to complement the existing streetscape.

Under the current land use planning controls which apply to the site, it is anticipated that this concept could be processed through either the Draft Plan of Subdivision or Consent/Severance process and would not require any variances or site-specific relief from the City’s existing Zoning By-Law. It is our understanding that the proposed Secondary Plan and Zoning would no longer permit limited residential uses as-of-right and would require approval of a Zoning By-Law Amendment application prior to such a redevelopment.

Our client is not interested in developing the site, but rather would partner with a builder towards the ultimate redevelopment of the property.

**Existing and Proposed Land Use Controls**
The use and development of the subject property is guided by a range of Provincial, Regional, and local legislation, policies, plans, and By-Laws including:

- The Planning Act;
- The Growth Plan for the Greater Golden Horseshoe;
- The Regional Official Plan;
- The City of Kitchener Official Plan / Mill Courtland Secondary Plan; and,
- The City of Kitchener’s Zoning By-Law.

The following subsections discuss the City’s current land use planning framework and the proposed changes contemplated through the draft Secondary Plan and Zoning released as part of the Neighbourhood Planning Review of the Mill Courtland Woodside Park area.

**City of Kitchener Official Plan/ Mill Courtland Woodside Park Secondary Plan**
The subject property is currently located within the Mill Courtland Woodside Park Secondary Plan area and is subject to the associated policies of the Secondary Plan. As shown below, the site is currently designated ‘Neighbourhood Institutional’ by the Secondary Plan.

Section 13.4.3.10 of the Secondary Plan provides that:

“The Neighbourhood Institutional designation recognizes the existence of small, neighbourhood-oriented institutions and makes provision for limited redevelopment opportunities.

Permitted uses are restricted to single detached dwellings, semi-detached dwellings, duplex dwellings, home businesses, private home day care, educational establishments, religious institutions, and small residential care facilities. Day care facilities are also a permitted use provided they are located within an educational establishment or a religious institution.”

As highlighted above, the existing Neighbourhood Institutional land use designation identifies small neighbourhood orient institutions, such as churches and other religious uses, and permits their redevelopment for low density residential purposes and other compatible uses.
In our opinion, this current policy framework provides a reasonable level of flexibility on the type and intensity of neighbourhood institutional sites. The designation permits and supports the use of such designated properties for institutional purposes, while also permitting their redevelopment for residential purposes at a scale that will not detract from the character of the surrounding area.

Based on the foregoing, we respectfully make the following recommendation:

**Recommendation #1:** That the existing ‘Neighbourhood Institutional’ land use designations continue to apply to the property to permit the continuation of small-scale institutional uses and the redevelopment of the site for low density residential purposes.

**City of Kitchener Existing Zoning By-Law**
The City of Kitchener’s existing Zoning By-Law zones the property ‘Neighbourhood Institutional’ (I-1), which permits a broad range of institutional and compatible uses, including; Day Care Facility, Duplex Dwelling, Educational Establishment, Home Business, Hospice, Private Home Day Care, Religious Institution, Residential Care Facility, Semi-Detached Dwelling, Single-Detached Dwelling.

The site is also subject to Site-Specific Regulation 93R which provides that a day care facility may only be provided within and accessory to a religious institution or community centre.

In our opinion the Contemplated Redevelopment Concept would satisfy each of the requirements noted above, and no variance applications or site-specific relief would be required to facilitate a six-lot severance.

Based on the foregoing, we respectfully make the following recommendation:

**Recommendation #2:** That the existing ‘Neighbourhood Institutional’ Zoning continue to apply to the subject property in order to permit the compatible redevelopment of the site for low density residential purposes.

**Currently Proposed Official Plan Amendment**
As part of the Mill Courtland Woodside Park Neighbourhood Planning Review, the City of Kitchener released draft new Official Plan mapping and land use designations for our client’s lands. It is understood that a Statutory Public Meeting to introduce Council to the draft changes will be held on December 9, 2019.

Through the proposed Official Plan Amendment, the City is now proposing that the site be designated ‘Institutional’ as shown on Figure 8 below. It is understood that the policies of Section 15.D of the City’s existing Official Plan would now apply.

In accordance with proposed policy 15.D.7.6. of the City’s Official Plan it is understood that “the Institutional land use designation will provide for a range of institutional uses that are primarily of a community or regional scale which may not be appropriate for some areas of the city due to traffic and other impacts and other small-scale institutional uses.”
We note that residential uses, such as single detached and semi-detached dwellings, which are currently permitted by the in-effect Secondary Plan will no longer be permitted. Given the small size of the existing building, limited amount of parking, and given that the site no longer functions as a religious institution, we question the appropriateness of the application of the Institutional land use designation for the site and would suggest that the existing policy framework provides for a more flexible and appropriate framework for the long term use of the property.

Should the proposed land use designation be applied to the site, it is understood that an Official Plan Amendment would be required prior to the redevelopment of the site for residential purposes, which are currently permitted.

Based on the foregoing, we respectfully make the following recommendations:

**Recommendation #4:** That the City maintain the existing policy framework for the site which contemplates small scale institutional uses as well as limited low-density forms of housing.

Consistent with the proposed Official Plan Amendment, it is understood that the proposed INS-1 zoning would not permit the residential use or development of the property. As discussed, our client is seeking to maintain the existing residential land use permissions which currently apply to the site.

In addition to the foregoing, the proposed Zoning By-Law contemplates various regulations and requirements for lands proposed to be zoned INS-1, which are summarized and discussed in the table below:

Given that the existing site conditions do not satisfy many of the proposed Zoning requirements for the INS-1 zone and as the existing building is within close proximity to existing low density residential buildings to the north and south, we question whether the INS-1 zone is truly appropriate for the site.

Given the above, we respectfully make the following recommendations:

**Recommendation #5:** That the existing I1 Zoning continue to apply to the subject property so as to allow for the compatible residential redevelopment of the property.

**Recommendation #6:** That if the INS-1 zoning is applied to the property, that a site-specific regulation be applied recognizing the existing non-conforming matters described above.

**Conclusions**

On behalf of our client, the Evangelical Missionary Church of Canada, thank you for the opportunity to review and provide comments on the proposed Official Plan Amendment and proposed corresponding Zoning By-Law updates for the area. As detailed in this letter, we have reviewed the proposed Official Plan Amendment and corresponding Zoning and have concerns related to their effect on the current use of the property and the long-term possible redevelopment of the site.

We would appreciate a discussion with the Secondary Planning team to discuss the recommendations set out in this letter following the December 9, 2019 Statutory Public Meeting.

By way of this letter, we also request that we be added to any notification/distribution list relating to the proposed Official Plan and Zoning By-Law Reviews.
Submission received June 1, 2020
“Good morning Tina – I hope you are keeping well.
I have been advised by my client that they have sold the property, and accordingly they no longer have any interest in the planning controls proposed for the site. Likewise, their request for a meeting and response to our letter is no longer requested. As an FYI, I believe the property has been sold to an orthodox church denomination who I believe intend to use the property for continued institutional purposes.”

Current and Proposed Zoning
Current Zoning – I-1, 93R
Proposed Zoning – INS-1

Staff Response
None required.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 214 Highland Road East.

23. 150 Strange Street
On behalf of our client, Park Street Parking Ltd. Who own the property located at 150 Strange Street within the City of Kitchener, please accept this letter and supporting material as their comments related to the proposed KW-Hospital/Midtown Secondary Plan and Zoning By-Law Amendments?

IBI Group has been retained to review the recently released draft Secondary Plan and accompanying Zoning By-Law for the KW-Hospital/Midtown area, to identify any potential impact of these proposed policy and regulatory changes, and to provide a professional policy and land use opinion with regard to the appropriateness of the proposed changes and the effect of these changes to the current and future use of our client’s property.

Based on our review, it is our opinion that the existing Mixed Use Official Plan designation should be retained as it is the most appropriate designation for encouraging intensification and transit-oriented development, in line with overarching goals for redevelopment within Major Transit Station Areas. It is our opinion that the proposed Innovation Employment and Open Space land use designations and the corresponding zoning will unnecessarily constrain future development opportunities on the site, and do not allow for flexibility in which is centered to the purpose of Major Transit Station Areas.

The following table provides a summary of the recommendations discussed throughout the letter.

| City of Kitchener Official Plan (2014) | Recommendation #1 | That the existing Official Plan designations of Mixed Use and ‘Special Policy Area No.28’ be retained in order to continue existing parking operations and provide flexibility for future redevelopment opportunities. |
| City of Kitchener Zoning By-Law 85-1 | Recommendation #2 | That the current Zoning By-Law be updated to reflect the existing Mixed Use designation of the Official Plan. It is recommended that the MIX-3 (Medium to High Rise Mixed Use) zoning apply to the property. |
| City of Kitchener Zoning By-Law 85-1 | Recommendation #3 | That a Holding Provision apply to residential uses, day care uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region. It is also recommended that the requirement for a compatibility assessment prior to the establishment of new residential uses be added to the Holding provision. |
Proposed KW Hospital/ Midtown Secondary Plan

Recommendation #4 That the City maintain the existing Official Plan *Mixed Use* designation for the entire property, replacing the proposed *Innovation Employment* and *Open Space* designations.

Proposed Zoning By-Law (2019)

Recommendation #5 That the City apply the MIX-3 (Medium to High Rise Mixed Use) zoning to the entire property, similar to the neighbouring property to the east. This would replace the EMP-6 and OSR-2 zones.

Proposed Zoning By-Law (2019)

Recommendation #6 That an additional Site-Specific Provision apply to the subject property in order to permit Commercial Parking Facility and reflect the current operations of the site.

Proposed Zoning By-Law (2019)

Recommendation #7 Recognizing the more central nature of the KW Hospital/Midtown Area compared to that of other Station Areas, the City should develop alternate parking rates for uses within the area. A parking rate of 0.7 spaces per residential (multiple) unit plus 0.05 visitor spaces per unit is recommended.

1.0 Description of Subject Property

The subject property is municipally known as 150 Strange Street in the City of Kitchener, and legally identified as:

LT 5, 20 PL 184 KITCHENER; LT 21 STREETS & LANES KITCHENER; PT LT 1-4, 6, 19 PL 184 KITCHENER; PT LT 8 PL 387 KITCHENER PT 2, 58R4479; KITCHENER.

Figure 1 shows an aerial image of the property.

The subject property has an estimated area of 15,899 square metres or 1.59 hectares and fronts onto three public roads: Strange Street, Park Street, and Dominion Street.

The site is currently being used as a commercial parking lot and does not contain any buildings and/or structures, as shown in Figure 1. Surrounding land uses are as follows:

- To the north: Low-rise residential housing;
- To the east: Recreational facility (The Backyard Axe Throwing League);
- To the south: an active CN Rail line, Cherry Park; and
- To the west: Industrial/Commercial lands (AirBoss of America Corp.).
2.0 Existing and Proposed Land Use Planning Controls

The use and development of the subject property is guided by a land use planning framework consisting of Provincial legislation, plans and policy statements; the Region of Waterloo Official Plan; and, the City of Kitchener Official Plan and Zoning By-Law.

The following sections provide an overview of existing planning controls that currently apply to the subject property, as well as the draft KW-Hospital/Midtown Secondary Plan and Zoning By-Law being proposed.

2.1 Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction for land use matters around transit corridors and areas. In general, these policies aim to encourage compact, mixed use development around transit stations in order to support liveable and resilient communities.

It is acknowledged that the Province is considering, in our opinion, minor modifications to the PPS with the objective of supporting the delivery of housing in a more-timely manner. The timing of these changes has not been determined.

It is our opinion that the Innovation Employment and Open Space land use designations would remove the potential to develop a mixed-use development, as outlined in the PPS. We believe a mixed-use development is more congruent with provincial interests and can accommodate both employment and residential land use demands within the transit corridor and station area.

2.2 Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan outlines a number of policies that direct future growth and development around Major Transit Station Areas (MTSAs). The Province has defined MTSAs as, “the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.”

The policy objectives of the Growth Plan generally advocate for a mix of uses within MTSAs which are intended to support existing and future transit service levels. It is also understood that the
land uses and built form within MTSAs are expected to meet a minimum density target of 160 residents and jobs per hectare for areas served by light rail transit.

Based on the subject property’s size and proximity to ION stations, it is our opinion that a mixed-use development provides an opportunity to facilitate a development conducive to the function of major transit station areas. Given that the proposed Innovation Employment and Open Space designations restrict uses more narrowly than currently contemplated by the City’s existing Mixed Use land use designation applicable to the property, it is our opinion that the proposed designations are not aligned with the overarching intent of Major Transit Station Areas. In our opinion, a mixed-use development containing both employment and residential uses has the ability to meet the minimum density targets of the Growth Plan and provides a greater level of flexibility on how these targets can be achieved.

2.3 Region of Waterloo Official Plan (2015)
The Region of Waterloo Official Plan has identified the subject lands as being located within two MTSAs, which include the ION’s Grand River Hospital Station and Central Station. We believe that this property redevelopment is more closely aligned with the Central Station. As per Section 2.D.6 of the Regional Official Plan, Major Transit Station Areas will be planned and developed to achieve:

a) increased densities that support and ensure the viability of existing and planned rapid transit service levels; and
b) a mix of residential, office, institutional and commercial development, wherever appropriate.

Based on our review of the Regional Official Plan, it is our opinion that the proposed Innovation Employment and Open Space designations will hinder the owner’s ability to meet the MTSA objectives mentioned above. We believe that a mixed-use development on the subject property can achieve or exceed the MTSA policy objectives and can provide an opportunity to incorporate both employment and residential uses.

It should be noted that the Region has initiated the review of their Official Plan and the policy direction requires the Region to provide for specific policies for MTSAs, which we believe would include support of the existing Kitchener Official Plan designation.

2.4 City of Kitchener Official Plan (2014)
The subject property is currently designated Mixed Use, as per Map 3 (Land Use) of the City’s approved Official Plan 2014 (Figure 2).
Section 15.D.4 of the Official Plan states, “the Mixed Use land use designation is intended to be flexible and responsive to land use pattern changes and demands and permit a broad range of uses at different scales and intensities depending on the lands’ geographic location and identification at the urban structure level. As such, an appropriate and compatible mix and range of commercial, retail, institutional and residential uses, at different scales and intensities will be encouraged and supported within lands designated Mixed Use depending on their location within the City’s Urban Structure.”

The site is also located within Special Policy Area No. 28, as per Map 5 (Special Policy Areas) of the City’s current Official Plan (Figure 3). This designation permits the existing use of commercial parking and is outlined as follows:

Section 15.D.12.28. Glasgow Street/Strange Street

a) Notwithstanding the Mixed Use land use designation on lands located near the southwesterly corner of Glasgow Street and Strange Street, the continuation of the existing industrial and commercial parking facility uses will be permitted until such time as the site transitions into uses permitted by the land use designation. The transition of the site may occur in phases.

b) A Holding provision pursuant to Section 17.E.13 will apply to residential uses, day care uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region.

Although the subject property does not contain any industrial uses, it is understood that the site was once used for industrial purposes and there is a high likelihood of contamination from previous or surrounding industrial operations.
The existing Mixed Use and ‘Special Policy Area No.28’ designations provide Park Street Parking Limited the opportunity to continue their operations, while also permitting a broad mix of uses for future development. Given that our client intends to construct a residential/mixed-use development in the future, the existing designations outlined above are preferred.

Based on the above, we respectfully make the following recommendation:

**Recommendation #1:** That the existing designations of Mixed Use and ‘Special Policy Area No.28’ be retained in order to permit existing operations and provide flexibility for future redevelopment opportunities.

**2.5 City of Kitchener Zoning By-Law**

The site is currently zoned M-2 (General Industrial), as per the City’s approved Zoning By-Law 85-1 (Figure 4). This zone permits a broad range of industrial uses, including a Commercial Parking Facility. Most notably, the development of any residential uses are prohibited.
Although the current Official Plan designates the property as Mixed Use, it is understood that the M-2 zone is a reflection of previous land uses and not what the current Official Plan contemplates for the future.

Based on the above, we respectfully make the following recommendations:

**Recommendation #2:** That the current Zoning By-Law be updated to reflect the existing Mixed Use lands use designation from the current Official Plan. It is recommended that the MIX-3 (Medium to High Rise Mixed Use) zone apply to the subject property.

**Recommendation #3:** That a Holding Provision apply to residential uses, day care uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region. It is also recommended that the requirement for a compatibility assessment prior to the establishment of new residential uses be added to the Holding provision.

### 2.6 PARTS Midtown Station Area Plan (2017)

The subject property is located within the PARTS Midtown Station Area Plan, which was approved in 2017 (Figure 5). The intent of PARTS was to review lands within 800 metres of the ION transit stations and recommend new planning policies that could be implemented in the Official Plan, Zoning By-Law, and other supporting documents. Based on the policies outlined in the Midtown PARTS Plan, it was recommended that development within this 800 metre radius should support a mix of land uses that are transit-oriented.

The ‘Preferred Land Use Plan’ recommended that the northern portion of the property be designated Innovation Employment, while the southern portion be designated Open Space.
(Figure 6). It is to our understanding that the ‘Preferred Land Use Plan’ from the PARTS Midtown Station Area Plan influenced the draft land use designations and policies of the KW Hospital/Midtown Secondary Plan.

It is also understood that numerous public engagement events occurred throughout the duration of the PARTS Midtown Station Area Plan. It is our understanding that our client, Park Street Parking Ltd., did not participate in the PARTS planning process. Notwithstanding this, our client is participating in the Neighbourhood Review process of the KW-Hospital/Midtown Secondary Plan and the effects of these reviews on their lands.

While it is acknowledged that nearby Catalyst 137 has been a successful example of an innovation employment use in the area, it is our opinion that the proposed Innovation Employment land use would create limitations/restrictions on how the site could be redeveloped in the future, and would detract from the flexibility which is currently awarded by the Official Plan’s existing Mixed Use designation.

Based on our client’s interest to eventually develop a residential/mixed use development, the proposed land use designations from the Midtown PARTS Plan would hinder this opportunity. While we understand the City’s intent to create a tech-oriented employment hub around the existing Catalyst 137 property, the restrictive nature of the proposed designations limit the redevelopment of the subject property and are not supported.

2.7 Proposed KW-Hospital/Midtown Secondary Plan (2019)
Over the past couple of years, the City of Kitchener has been undertaking a review of its Secondary Plans. Based on this review, the City is now proposing to merge the site into the updated KW-Hospital/Midtown Secondary Plan, as the subject property is currently located within Map 3 (Land Use) of the City’s 2014 Official Plan.
Furthermore, a draft of the land use designations were made public on October 11, 2019, and it is understood that the City is proposing to designate the property as both Innovation Employment and Open Space. Figure 7 shows the proposed land use designations.

### Innovation Employment

The northern portion of the subject property is proposed to be designated as Innovation Employment (Figure 7). This designation is intended to create employment areas or opportunities around major transit station stops and support the growing tech industry within the Waterloo Region.

More specifically, Section 15.D.6 of the Draft Official Plan Policies document states, “These lands provide unique opportunities to utilize the existing built form and allow the adaptive reuse or redevelopment of former industrial buildings to recognize a growing trend for ‘start up’, ‘maker space’ and ‘research and development’ employment uses within or in close proximity to the major transit station stops.”

It is understood that this designation permits a range of industrial and tech uses, however, residential uses would no longer be not permitted within these lands.

In our opinion, the Innovation Employment land use designation for the northern portion of the property is not appropriate for the site. We believe the permissive nature of the existing Mixed Use designation will allow for greater development opportunities that are compatible with the surrounding land uses and can still achieve the goals of the Innovation Employment designation.

Furthermore, we believe the size and scale of the subject property provides an opportunity to support high density development within close proximity to the ION Grand River Hospital Station and Central Station. This would ultimately encourage active forms of transportation, such as walking and cycling, thus reducing the need to travel by car. It is our opinion that a residential/mixed use development is the most compatible use in regards to the ION station area policies.

### Open Space

...
The southern portion of the subject property is proposed to be designated as Open Space (Figure 7). It is understood that the intent of this designation is to improve Kitchener’s cycling network and provide connectivity between the Iron Horse Trail and the future King/Victoria Transit Hub.

While we appreciate the City’s effort to create more public spaces and provide greater connectivity between existing trails throughout the City, we believe this method of designating open space is not appropriate. It is our opinion that the proposed trail delineated in the draft land use plan can be discussed or negotiated through the development application process.

Based on the above, we respectfully make the following recommendation:

**Recommendation #4**: Maintain the existing Official Plan Mixed Use designation for the entire property, replacing the proposed Innovation Employment and Open Space designations.

**Cultural Heritage Landscapes – CN Rail Corridor**

Proposed Map 9a identifies a stretch of the active CN Rail Corridor as a Cultural Heritage Landscape. We understand that this identification is in response to the City of Kitchener’s Cultural Heritage Landscape Study undertaken in 2014 which evaluated the importance of this corridor.

Notwithstanding this, it is unclear how the proposed associated Official Plan Policies set out in proposed policies 11.C.1.34 would impact future land use development adjacent to this corridor. Namely, it is noted that most – if not all – of the policies seem geared towards buildings/existing built form.

In our opinion, clarification from the City is required on how these policies would be applied to lands adjacent to the CN Rail Corridor. Likewise, clarification on the defining characteristics of this corridor are required to properly assess the impact of the Cultural Heritage Landscape designation for this corridor on our client’s lands. Given that we wish to meet with staff, this matter can be further clarified at the meeting.

**2.8 Currently Proposed Zoning By-Law (2019)**

In addition to the proposed land use changes mentioned above, the subject property is now proposed to be zoned both EMP-6 (Innovation Employment) and OSR-2 (Open Space: Greenways). Figure 8 shows the proposed zoning of the subject property.
EMP-6 (Innovation Employment)
The City is proposing to zone the northern portion of the property as EMP-6, with a Site-Specific Provision (175) that restricts the maximum floor space ratio to 3.0 and the maximum building height to 6 storeys or 20 metres, whichever is the greater.

The EMP-6 zone would “accommodate a range of high-tech, research and development and other unique employment uses and limited complimentary uses on lands primarily located within central neighbourhoods in close proximity to major transit station stops which have historically been used for industrial purposes,” as per Section 10.1 of the draft Zoning By-Law.

Most notably, the EMP-6 zone would prohibit the development of residential uses, which we believe restricts future development opportunities of the site. Based on our review, it is our opinion that the EMP-6 zone be replaced with the MIX-3 zone in order to provide greater flexibility and support development that is better suited for the ION stations.

In order to achieve a greater mix of employment and residential uses, it is our opinion that a Floor Space Ratio of 4.0 be applied to the subject property to conform to the current Official Plan.

It is also recommended that the maximum height match the MIX-3 zone, which would permit a building height of up to 26 metres. This would provide the opportunity to achieve a higher density development that is compatible with the ION’s Grand River Hospital Station and Central Station.

While the EMP-6 permits a broad range of employment and tech related uses, it is also important to highlight that the current use of subject property, being a commercial parking lot, will no longer be permitted within this zone. To not preclude the ongoing use of the site, we recommend that a Site-Specific Provision be created to permit the existing use.

OSR-2 (Open Space: Greenways)
The southern portion of the property is proposed to be zoned OSR-2, where “the primary purpose of this zone is for green space and buffers as part of a comprehensive and connected open space system. OSR-2 lands may be comprised of lands not used for park or active recreational purposes, but which form part of the overall open space system,” as per Section 15.1 of the draft Zoning By-Law.
Permitted uses would be limited to Cemeteries, Outdoor Active Recreation, and Outdoor Passive Recreation. As expected, residential uses are prohibited.

While we understand the City’s intent to create a network of trails throughout the City, the OSR-2 zone restricts development potential for a significant portion of the property. Based on our review, we expect that the delineation of the OSR-2 zone was determined based on its proximity to the active CN Rail line. While we understand that the CN Rail line may conflict with residential dwellings in a mixed-use development, appropriate noise studies, setbacks, and overall design of the site can effectively mitigate these impacts.

Furthermore, it is also our opinion that the approach proposed by the City to create a trail network through the Comprehensive Zoning By-Law Review Process is an inappropriate mechanism to do so. Essentially the proposed approach "down-zones" existing land uses to another zone which limits future use to public park/trail purposes.

Municipalities have, under the Planning Act, the ability to secure lands for park/trail purposes:

- as a condition to the approval of a plan of subdivision (S.51 of the Planning Act);
- as a condition of a severance (S.51 and 53 of the Planning Act); and,
- as a condition of site plan approval (S.41 of the Planning Act).

The ability to secure lands for similar purposes in re-zoning applications, including Municipal Comprehensive Reviews, does not exist under the Planning Act.

In our opinion, the approach does not conform to the Planning Act and takes due process towards the establishment of a municipal trail network out of the equation. Further, it conflicts with Ontario Municipal Board rulings on similar matters, as expressed by the decision of past OMB Member Krushelnicki on Case No. PL001187, 2002 ("Spellman"):

"The Board and other tribunals have frequently commented on the matter of down zoning and the related question of the unreasonable taking of rights through land use planning decisions. The Minister's advisor quoted above provides a reasonable summary of the law, as generally understood. Down zoning is not by itself a compensable taking.

In Canada and Ontario, we do not compensate for loss, nor do we tax the betterment or gain achieved by a favourable planning approval. Nevertheless, the Board and the courts have developed several principles applicable to the question of down zoning. In the first place, down zoning should not be considered lightly or undertaken in bad faith or for wrong reasons.

Furthermore, it is well established that zoning and planning designations cannot be used to create public parks or publicly accessible open spaces. This requires that the lands be legally acquired by consent or through due process, and that fair compensation be paid. And finally, it should only be undertaken with care and with a strong and compelling public justification following a very careful consideration of the impact of the reduced rights of the landowner."

"
While the proposed OSR-2 zoning is well-intentioned and aims to facilitate the creation of an east-west trail corridor, it is our opinion that the proposed re-zoning of these lands is premature.

Based on the above, we respectfully make the following recommendation:

**Recommendation #5:** Apply the MIX-3 (Medium to High Rise Mixed Use) zoning to the entire property, similar to the neighbouring property to the east. This would replace the EMP-6 and OSR-2 zones.

**Recommendation #6:** That an additional Site-Specific Provision apply to the subject property in order to permit Commercial Parking Facility and reflect the current operations of the site.

**Proposed Parking Regulations**

In addition to the proposed use provisions of the Zoning By-Law, we have reviewed the draft proposed parking rates for PARTS areas. Based on our review, we understand that the proposed parking rate for multiple residential use is 0.9 per unit plus 0.1 visitor parking spaces per unit for residential uses.

While we recognize that this rate has been consistently proposed throughout the City’s PARTS areas, it is our opinion that this rate may be excessive for the KW-Hospital/Midtown Area compared to other, less central station areas (such as the Rockway Station Area).

Recognizing the central and convenient location of the KW-Hospital/Midtown Area and the ease of access (by transit, walking or cycling) to Uptown Waterloo, Downtown Kitchener and Belmont Village, we would suggest that a lower parking rate – potentially of 0.7 spaces per unit plus 0.05 visitor spaces per unit – may be more appropriate for the area and prevent an oversupply of parking within the area.

**Recommendation #7:** Recognizing the more central nature of the KW-Hospital/Midtown Area compared to that of other Station Areas, the City should develop alternate parking rates for uses within the area. A parking rate of 0.7 spaces per residential (multiple) unit plus 0.05 visitor spaces per unit is recommended.

**3.0 Proposed Development Concept**

As discussed previously, our client’s long-term vision for the property includes the comprehensive redevelopment of the property as a mixed-use community, featuring a mix of employment, commercial and residential uses. We believe this subject property provides a unique quality given the size, shape, and location.

As part of our review of the subject property and the impact of the proposed land use designations and zoning contemplated for the site, we prepared a preliminary Development Concept to articulate how the site could be redeveloped in the future.

The proposed Development Concept, shown on Figure 10, contemplates the development of the site to feature six (6) mixed use buildings centered around an expansive pedestrian plaza and bordered to the south by a multi-purpose trail (adjacent to the rail corridor). As shown on Figure 11, a broad range of uses are contemplated on the site to see its development as a mixed-use community. The development would feature expansive underground parking (approximately
350-400 spaces) as well as limited at-grade parking for accessibility, visitor, and convenient shopping purposes.

The proposed Development Concept contemplates two (2) eight-storey buildings along the southern portion of the subject property, with residential, office and ground-floor retail uses.
These buildings would step down towards the central pedestrian plaza and feature active frontages on all four sides of the buildings, including onto the multi-purpose trail.

Recognizing the existing interface with lands to the east, the concept proposes two (2) six-storey office/commercial buildings along its western (Strange Street) frontage, providing a transition in use from the lands to the west to the proposed residential lands on the site.

Cognizant of the existing low-density residential uses north of Dominion Street, the proposed Development Concept proposes two (2) smaller five-storey residential/commercial buildings along its northern property line to provide a transition in height to lands to the north.

In total, it is estimated that this Development Concept features approximately 430,000 square feet of Gross Floor Area, which equates to a Floor Space Ratio of approximately 2.5. Of this floor area, it is anticipated that 50% of the floor space would be dedicated to the residential uses proposed (approximately 250 residential units). The remaining 215,000 square feet of floor space would be divided for innovation employment/tech office space and ground floor retail.

As suggested earlier in this letter, it is our recommendation that the City should consider implementing Medium to High Rise Mixed Use (MIX-3) zoning for the site, which would permit a development similar to what is currently envisioned by our client. In our opinion this zoning would permit a range of uses and facilitate the redevelopment of the property in line with the overarching goals of the Major Transit Station Area.
4.0 Conclusion
On behalf of our client, Park Street Parking Ltd., we trust this letter provides you with an understanding our concerns and recommendations regarding the proposed KW-Hospital/Midtown Secondary Plan and Zoning By-Law Amendments.

We would appreciate the opportunity to meet with you and additional City Planning staff to discuss our concerns and recommendations following the Statutory Public Meeting on December 9, 2019.

We also request that we be notified of any future meetings and decisions on the proposed KW Hospital/ Midtown Secondary Plan and Zoning By-Law Amendments.

Sincerely,

Current and Proposed Zoning
Current Zoning – M-2
Proposed Zoning – EMP-6 (175)

Staff Response
The properties at 101, 105 and 137 Glasgow Street and 150 Strange Street were designated “Comprehensive Development Area (CDA)” in the 1994 Official Plan. This land use designation was unique to only these properties and contemplated a future development with a mix of uses. The City’s existing Secondary Plans were deferred at the time of the review and preparation of the 2014 Official Plan. As these lands were not in an existing Secondary Plan, they were given a Mixed Use land use designation in the 2014 Official Plan as this land use designation was the closest to the “Comprehensive Development Area (CDA)” designation in the 1994 Official Plan.

The lands were never zoned in accordance with the new Mixed Use land use designation in the 2014 Official Plan. They continued to be zoned “General Industrial Zone (M-2)” and fortunately for the property at 137 Glasgow Street, the M-2 zoning allowed the existing building to be repurposed into a unique employment use containing a high-tech employment uses, maker and service space, that met and addressed a niche manufacturing market and demand growing in Kitchener for these types of spaces.

During the development of the PARTS Central Plan, a new Innovation Employment land use designation was created to designate and identify lands to satisfy this growing trend. It was determined that this new land use designation would be perfectly suited to be applied to these properties on Glasgow Street, particularly because 137 Glasgow Street was already developing in accordance with the Innovation Employment land use policies. The property at 101 Glasgow Street would also benefit given redevelopment opportunities under this land use designation would support the retention and repurposing of the existing building, which again as noted in the submission, was identified as a Listed Non-Designated Property on the City’s Municipal Heritage Register in 2015.

The PARTS Midtown Plan recommended that the lands, at 101, 105 and 137 Glasgow Street and 150 Strange Street, be designated new “Innovation Employment” in the new Midtown Secondary Plan (former KW Hospital Secondary Plan). Council approved the plan in December of 2017 and
also passed a Resolution in response to a submission from the property owner at 101 Glasgow Street (AirBoss):

“THAT notwithstanding the PARTS: Midtown Plan, any of the conceptual future street connections shown in the plan shall not hinder the ability of AirBoss (101 Glasgow Street) to continue to operate and expand their industrial facility at any time. Only at such time as 101 Glasgow Street is ever proposed to have a different use of the property, a potential private or public transportation connection to Elm Street be explored with the landowner at that time;

AND FURTHER THAT for the lands bounded by Glasgow Street, Strange Street, the rail line and Iron Horse Trail, any future street connections – whether private road, private driveway or public road; and any park space – whether private or public; shown on the maps contained in the PARTS: Midtown Plan are conceptual, long-term possibilities that would only be considered at the time a property is redeveloped and a landowner at that time may provide justification of an alternate way to achieve these particular PARTS: Midtown Plan objectives.”
Through the consultation and review of the new Secondary Plan, Planning staff revised some of the recommended land use designations to correspond to existing building placement and the way the lands are currently developed, as well as to reflect the Council Resolution. Accordingly, the commercial land uses were revised to Innovation Employment, the proposed road connection was removed, and the proposed park land use on the AirBoss property was revised to Innovation Employment.

As the submission indicates, the intent of the Innovation Employment Land use designation as noted in the Preamble in Section 15.D.6 states that “These lands provide unique opportunities to utilize the existing built form and allow the adaptive reuse or redevelopment of former industrial
buildings to recognize a growing trend for ‘start up’, ‘maker space’ and ‘research and development’ employment uses within or in close proximity to the major transit station stops.”

The property at 150 Strange Street has no existing buildings and is currently being used as a commercial parking facility. With the intent of this designation to facilitate the adaptive reuse or redevelopment of former industrial buildings to provide unique employment opportunities it would be challenging to do so under these circumstances. Given the property’s location between the Mixed Use to the east across the street on Park Street and the Innovation Employment to the west on the other side of Strange Street, staff are of the opinion that a Mixed Use land use designation may be a more appropriate land use.

It is agreed that municipalities have, under the Planning Act, the ability to secure lands for park / trail purposes as a condition of subdivision, consent, and site plan approval. The City has no intention of trying to secure this land through a City-initiated OPA/ZBA process without appropriate compensation. Instead the purpose is to designate and zone the lands for Open Space purposes to show intent and guide the acquisition of these lands through the appropriate application under the Planning Act.

Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.

Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Planning Staff provide the following responses to the Recommendations contained in the Submission.

**Recommendation #1: That the existing designations of Mixed Use and ‘Special Policy Area No.28’ be retained in order to permit existing operations and provide flexibility for future redevelopment opportunities.**

- Planning staff recommend that the lands be designated for Mixed Use with Specific Policy Area 3 and a specific policy area requiring a Holding provision pursuant to Section 17.E.13 to apply to residential uses, day care uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region.
- A stand-alone commercial parking facility is not an appropriate use in a Mixed Use land designation and particularly not an appropriate in a Mixed Use land use designation in a Major Transit Station Area. Until the property transitions to a mixed-use development, the existing commercial parking facility will be considered legal-conforming.
Recommendation #2: That the current Zoning By-Law be updated to reflect the existing Mixed Use lands use designation from the current Official Plan. It is recommended that the MIX-3 (Medium to High Rise Mixed Use) zone apply to the subject property.

- Planning staff recommend that the property be zoned “MIX-3” with a Holding Provision.

Recommendation #3: That a Holding Provision apply to residential uses, day care uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region. It is also recommended that the requirement for a compatibility assessment prior to the establishment of new residential uses be added to the Holding provision.

- Planning staff agree with this recommendation.

Recommendation #4: Maintain the existing Official Plan Mixed Use designation for the entire property, replacing the proposed Innovation Employment and Open Space designations.

- Planning staff recommend that the lands be designated “Mixed Use” rather than “Innovation Employment”. As noted, Planning and Parks Staff will review the needs and opportunities for park space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Recommendation #5: Apply the MIX-3 (Medium to High Rise Mixed Use) zoning to the entire property, similar to the neighbouring property to the east. This would replace the EMP-6 and OSR-2 zones.

- Planning staff agree with the MIX-3 recommendation for zoning in addition to a Holding Provision. Further discussion will be had with respect to the proposed “OSR-2” zone that was shown.

Recommendation #6: That an additional Site-Specific Provision apply to the subject property in order to permit Commercial Parking Facility and reflect the current operations of the site.

- A stand-alone commercial parking facility is not an appropriate use in a Mixed Use land designation and particularly not an appropriate land use in a Mixed Use land use designation in a Major Transit Station Area. Until the property transitions to a mixed-use development, the existing commercial parking facility will be considered legal-conforming.

Recommendation #7: Recognizing the more central nature of the KW-Hospital/ Midtown Area compared to that of other Station Areas, the City should develop alternate parking rates for uses within the area. A parking rate of 0.7 spaces per residential (multiple) unit plus 0.05 visitor spaces per unit is recommended.

- Thank you for recommendation. Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential, staff anticipate a reduced residential parking rate of 0.7 parking spaces per
Further:
In response to comments made with respect to Policy 11.C.1.34:

“Notwithstanding this, it is unclear how the proposed associated Official Plan Policies set out in proposed policies 11.C.1.34 would impact future land use development adjacent to this corridor. Namely, it is noted that most – if not all – of the policies seem geared towards buildings/existing built form.

In our opinion, clarification from the City is required on how these policies would be applied to lands adjacent to the CN Rail Corridor. Likewise, clarification on the defining characteristics of this corridor are required to properly assess the impact of the Cultural Heritage Landscape designation for this corridor on our client’s lands.”

Planning and Heritage Planning staff will clarify the wording and intent of policy 11.C.1.34 and provide clarification on the defining characteristics of the CN Rail corridor to assist in assessing impact of this policy with respect to the proposed redevelopment these lands.

Resolution
Planning staff recommend the property at 150 Strange Street be designated “Mixed Use” with Specific Policy Area 3 and be zoned “MIX-3” with a Holding Provision.

Further discussion will be had on the needs and opportunities for parks and open space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

In response to comments made with respect to Policy 11.C.1.34, Planning and Heritage Planning staff will clarify the wording and intent of policy 11.C.1.34 and provide clarification on the defining characteristics of the CN Rail corridor to assist in assessing impact of this policy with respect to a proposed redevelopment these lands.
Submission received December 4, 2019
My name is ‘Deleted Name’ and I have lived in Kitchener my whole life. I am excited at the new growth in our downtown core and the revitalization happening in the immediate core. I recognize its importance. I am also devastated with the lack of love for our historical landmarks, greenspace, and overall sense of community in the proposed planning. In the new proposed planning, there is nothing about preserving the outside shell of our historical churches. From my
research, there are ten historical churches in the downtown core and only two seem to be zoned properly. St Andrew's on Queen & St. Joseph's on Courtland. What about the other eight? For example, the new zoning "High Density Commercial Residential" along Weber St where Zion United Church is, is not protected. In fact, the new zoning is doing the opposite, it is setting it up to be demolished for condos like Trinity United (Frederick & Duke) were and it is putting the pieces in play so the public will not be notified. As far as I am aware, the only time a new development is up for review is when the developer is asking for a variance in zoning. Instilling the new proposed planning would ensure that the city would not need to announce the approval for the new development which would include taking down a chunk of our history.

Moving on, throughout the proposal there are clearly marked parks that are being saved, but what is not being addressed with the new developments that are about to start around Victoria Park that they are consuming the land they purchased with bricks and mortar and claiming that Victoria Park will be the green space associated with their development. This is not enough. That is not enough to keep our city's beautiful atmosphere with grass and trees. What about the huge beautiful trees that line our historical neighbourhoods? Our gardens? Our investment to climate change? Is that all word service from City Hall? I want to know that the mayor knows this, that he understands, that he has agreed that we're in a climate crisis, but his planning department is not planning our future like we are. I want to be able to hold someone accountable and not watch the city I love fall and crumble.

The only balanced solution I see is for there to be a committee that is not associated with developers, that are elected in for their residential neighbourhood to give feedback and push back if there is a new development going in. To prevent developers from completely disregarding the neighbourhood. For Example, the Mill Street project. The condos that have townhouse fronts, do not look like historical townhouses that would keep the community feeling. They would only have to reference a block away, on Courtland Ave, the walk-up townhouses are a great illustration of what townhouses are from that era look like.

I feel that if the public has a voice to slow down development for the sake of development and help consciously think of all of the variables that goes into a great city that we can have a truly great city. We need to be able to vote in a public committee. Voting is our right for our Councillors, our Mayor, our School Board Trustees, why is it not our right in regards to City Planning?

My biggest and final point is that I want our city to keep pieces of our heritage and I feel the zoning is the one way to ensure that. In 1999, I went to Courtland PS and my history teacher Mr. H, took us a walk to Victoria Park and back pointing out the different historical architecture, why it was built that way, the influences in the time period etc. It really painted a picture of what it was like to be one of the first settlers. It started my love of design and I want to be able to take my children on the same tour and show them our history. I'm scared this is going to be ruined and that it's going to creep into the next section of planning. That the provincial push to invigorate within 800 metres of an ION rapid transit station will translate to flattening our city and filling it back in with cold condos.

Please do not do that. I hope my letter is combined with hundreds of others who have written in to help prevent the demolition of our city.
Sincerely, ‘Deleted Name’
Krug St, Kitchener

Current and Proposed Zoning (Zion United)
Current Zoning – CR-3
Proposed Zoning – MIX-3

Current and Proposed Zoning (St. Andrew’s)
Current Zoning – I-2
Proposed Zoning – MIX-3 (162)

Current and Proposed Zoning (St. Joseph’s)
Current Zoning – I-2
Proposed Zoning – INS-1

Staff Response
In response to the submission, Planning staff offer the following comments:

- Planning staff are excited about the new growth in our City particularly all the development that has occurred over the last several years to revitalize our Downtown core. Kitchener and its neighbourhoods are our home too and we have a vested interest in protecting and enhancing the built environment while managing the need to accommodate growth.
- The lands within the Urban Growth Centre (Downtown core) are not within the scope of this project. Their current zoning, established under Zoning By-law 85-1, will be reviewed at a future date.
- The Region of Waterloo determined the ION route and location of ION Stops irrespective of neighbourhoods, CHLs or Heritage Conservation Districts and intensification opportunities. In accordance with Provincial policy and regulations the Region and the City are obligated to support LRT and establish MTSA boundaries.
- One of the primary intents of the Planning Around Rapid Transit Stations (PARTS) Planning Process was to support ION by determining the appropriate locations for intensification while protecting our stable established neighbourhoods.
- The MTSA boundaries that were recommended through the PARTS process included stable established neighbourhoods, CHLs, Heritage Conservation Districts (Civic Centre and Victoria Park), to be able to clearly indicate and provide policy direction that these areas are not the focus for intensification.
- The Civic Centre Heritage Conservation District Plan, which was approved in 2007, indicated that the existing CR-3 zoning would have the potential to be in conflict with the intent of the heritage conservation district plan. It recommended that zoning similar to what existed on Victoria Street be considered.
- In the review of the PARTS Central Plan, Planning staff were cognizant of the land use recommendations that were made in the 2007 Civic Centre Heritage Conservation District Plan. Accordingly, the PARTS Central Plan, which was approved in May of 2016 recommended that the property be designated Medium Density Mixed Use.
• Accordingly, the Zion United Church is recommended to be designated “Medium Density Mixed Use” and not "High Density Commercial Residential" to implement the recommendations of the Civic Centre Heritage Conservation District Plan and the PARTS Central Plan.
• St. Andrew’s Church is proposed to be designated and zoned “Mixed Use” with a site-specific to allow the church use to diversify only within the existing building. And St. Joseph’s Church on Courtland is proposed to designated and zoned “Institutional”. As noted, the properties with religious institutions in the Downtown will be reviewed at a future date.
• The submission is correct is that the only time a site-specific development would be consulted on with the public is if an application under the Planning Act is necessary to facilitate the redevelopment (i.e. not permitted by the Official Plan, Zoning By-law, or a Minor Variance is required). If the proposal meets the zoning by-law then only site plan approval is required which application is not a public process under the Planning Act.
• Protection for historical buildings or buildings of cultural heritage significance can be afforded with designation under the Ontario Heritage Act. Buildings of cultural heritage significance can also be listed on the Municipal Heritage Registry to identify the desire for protection.
• Each property owner has development rights under the Zoning By-law unless the Zoning By-law does not permit development. As a condition of development, a developer must provide either 5% value of the development in park land on the property or where this is not possible a 5% cash-in-lieu of parkland contribution. These monies paid go into a City Park Trust Fund to be able to purchase new park space.
• The City is committed to reducing the impacts of climate change and supports the retention and enhancement of the City’s Tree Canopy.
• The Planning Act provides the ability for the community/public to be involved in applications for plans of subdivision/condominium, official plan and zoning by-law amendments, consents, and minor variances. In many instances Planning staff consult above and beyond what is required by the Planning Act. Planning staff also engage on projects/plans that have no requirement or direction in the Planning Act to consult on.
• Recommendations on Planning Applications are voted on by members of Council/Committee of Adjustment with input from Planning Staff and the community. The Planning Act of Ontario does not give authority for a Neighbourhood Committee to make decisions on Planning Applications. Assured that Committees, Council and City Staff are not “associated” with Developers.
• There is Provincial direction to intensify in around the ION stops but Planning staff are confident, through the completion of the PARTS Plans, that this can be accommodated outside our stable established neighbourhoods.

Resolution
None required.

25. 19 Strange Street
Phone call received December 2, 2019
Requested more information with respect to the zoning for 19 Strange Street.

Staff Response
On December 2, 2019 Planning Staff responded with the following:

“Thanks for your call this morning. You can find all the information by visiting the webpage.

The existing land use of your property is low rise multiple residential and the proposed land use is low rise residential. The existing zoning is R-7, 1R and the proposed zoning is RES -5 (159). Here is the link to the Site-Specific.

After reviewing the information, if you have any questions, please feel free to let me know. Thanks, Preet”

Email received December 4, 2019
“Hi Preet, thank you for forwarding the information relevant to the upcoming meeting of Monday, Dec. 9/19. It will take some time for me to sift through and understand the information provided. Please help me identify which area applies to the 19 Strange Street (Kitchener) property, is it the Midtown Secondary designation?”

Staff Response
On December 5, 2019 Planning Staff responded with the following:
“Thanks for your email below and continued interest in Neighbourhood Planning Review process.

19 Strange St. was within Victoria Street Secondary Plan and now is part of Parent Official Plan and is in Map-3. You can find all the information in the Victoria Street link provided in my email below.

The proposed land use is ‘Low Rise Residential’.

The proposed zoning is RES-5, (159).

If you have any questions, please feel free let us know. Thanks, Preet”

Submission received December 6, 2019

“Hi Preet, thanks again for the information. How do I challenge the proposed land use? Do I need to submit a request or a request for an amendment prior to the meeting for Monday, Dec. 9?”
Submission received December 8, 2019

“Hello / To Whom It May Concern,

I wish to submit an appeal for the proposed re-zoning of the area, presently known as Victoria Street Secondary plan and now part of Parent Official Plan, which includes my property at 19 Strange Street (Kitchener).

The present zoning of this property is R-7, 1R and the proposed zoning is RES -5 (159).

I would like recognition that there are currently retail business established along this street, namely Warren Greenhouses and ZM Cycle and Fitness, and that the re-zoning allow for more retail development or perhaps mixed use to occur. My property has a detached two car garage at the rear of the property, and I am interested in developing the detached building to support a retail business.

I will be attending the meeting scheduled for Monday, December 9, 2019.”

Current and Proposed Zoning

Current Zoning – R-7 and R-7 with 1R
Proposed Zoning – RES-5 (159) with a portion subject to the Flooding Hazard Overlay

Staff Response

The existing R-7 zone in Zoning By-law 85-1 permits a variety of residential uses from a single detached dwelling to a multiple residential dwelling with a maximum FSR of 1.0 and a maximum building height of up to 24 metres. The only non-residential uses that are currently permitted are those that are within the scope and permissions of a home business. Through the 3D modelling work it was determined that the FSR and building heights in the R-7 did not correlate well with each other. The R-7 zone was intended to permit a built form between low and medium rise in density but the locations of these properties in predominantly low-rise residential areas and fit of regulations were not appropriate.

The RIENS Study noted that there were some residential areas in the Study Area that were zoned R-6 and R-7 but that the majority of these properties contained single-detached dwellings and some low-rise multiple dwellings. Based on the character of these neighbourhoods and the predominance of single-detached dwellings, it was recommended that these areas be reviewed to determine whether or not the zoning continues to be appropriate.

In the case of these properties, located on the westerly side of Strange Street, based on their existing use as single detached dwellings, staff applied the most permissive low rise residential land use designation and zoning, new RES-5 which is comparable to existing R-6. It still permits a variety low rise residential uses from a single detached dwelling to a multiple residential dwelling, however the maximum FSR and building height is limited to 0.6 and 11 metres, respectively. The regulations for a multiple residential dwelling are more compatible with the regulations of the other permitted low-rise residential building types. A comparable residential zone, with more appropriate and compatible multiple residential regulations, has been applied. Non-residential uses are permitted in accordance with the home business regulations.
Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 19 Strange Street.

26. 291 Weber Street East

Submission received December 4, 2019
Siobhan – may I have your advice on something? ‘Deleted Name ‘and my presentation has to do with the proposed downzoning of Weber Street East. So, it’s Crozby–RIENS related to King East neighbourhood. How should I formally reference that on my written submission? I’m trying to figure out the right codes, so it relates to the formal package prepared by the City. But I’m mystified, lol. All insight appreciated.

Staff Response
On December 5, 2019, Planning Staff responded with the following:

“Hi, It sounds like you would like to make a presentation with respect to the King Street East Secondary Plan which is being considered as part of the Neighbourhood Planning Review Project.

The proposed Official Plan and Zoning By-law Amendments to implement this project are being considered under the following application numbers.
If you reference these application numbers your presentation/comments will be included as part of the public record to these applications.

Hope this helps. Let me know if I can be of further assistance. Regards, Tina”

Staff Response
On December 6, 2019, Planning Staff sent the following email:

“Hi, I was just going through some of the written submissions before Monday’s meeting.

I just wanted to clarify that with respect to 291 Weber Street East and the adjacent properties currently zoned “R-6”, the proposed new “RES-5” zone is the comparable zone in new Zoning By-law 2019-051 (CRoZBy Project) to the existing “R-6” Zone. These lots are not proposed to be downzoned.

I have attached the link which provides a comparison of existing Zoning By-law 85-1 “R” zones to new “RES” zones for your information. Link to Comparison of ‘R’ Zones and new 'RES' Zones

Regards, Tina”

Submission received December 6, 2019
Tina, at the charette in spring, it looked like quite a bit of Weber from Ottawa up towards downtown was downzoned to a new restrictive RES-1 - not just RES-1 but RES-1 with additional restrictions. I spoke with staff about it at that time. I'm sorry I don't have my folio in front of me - does that mean that staff decided to recommend leaving properties on Weber at equivalent to R6, which allows 10m in height?

Apologies, this is my first time through this process, and I believed I had current information.

Staff Response
On December 6, 2019, Planning Staff responded with the following:

“Hi, Yes you are correct in that some of Weber from Ottawa had been shown as having a lower density (downzoned) than what currently exists at the Open House held in the spring.
Staff reviewed the comments that were received at (verbally) and after (in writing) the Open House and made some revisions to maintain the current density or zoning.

The updated Official and Zoning Maps, all the background information (including the Open House materials and comments and Staff Responses) were posted on the City’s website on October 11, 2019 when the notification of the December 9th meeting was sent out in the mail.

The proposed land use and zoning information for the King Street East Secondary Plan can be found here.
The City mailed out over 4,000 letters for this meeting. We did not have the staff resources to be able to meet with everyone in advance of the Dec. 9th meeting, but I am happy to provide assistance and clarification with respect to the information that is being considered.

The staff recommendation for 291 Weber St E and the adjacent properties is to maintain the existing zoning which will be new RES-5 which is equivalent to existing R-6. This permits multiple dwellings up to a maximum building height of 11 metres.

If I can be of further assistance, please let me know. Regards, Tina”

Submission received December 9, 2019
Siobhan, hi - I’ve had some email correspondence with Tina since Friday about the zoning of Weber East. Sounds like staff revised their original recommendation, and it’s no longer designated for downzoning. I’m awaiting a chance to chat with Tina briefly by phone but in meantime can you please remove our 4 slides from the deck for this eve. I will likely still speak briefly to commend staff and urge staff and council to continue to support inclusive density – but I won’t do a full presentation, and it seems the slides are now redundant. Thank you for all your help!

Tina – if you have a moment to call me ‘Deleted Phone Number’ per my voice message, I can gain the clarity I seek in advance of remarks this eve. Best,

Current and Proposed Zoning
Current Zoning – R-6
Proposed Zoning – RES-5
A comparable zone is proposed to be applied.

Staff Response
No further response required.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 291 Weber Street East.
Submission received November 27, 2019
I’m reviewing the new secondary plan for Midtown and preparing comments on behalf of Catalyst 137. I’m struggling to understand the new policies (and the existing too) for the CHL component and need your assistance and guidance pls.

Catalyst 137 sits next to both the Iron Horse trail and the CNR line, 2 identified CHL on Map 9a. will those areas on Map 9a be simply identified on a register or will they be registered under Part ___ of the Heritage Act? I’m not sure I agree with the IHT and the CNR being a CHL, but that ship has sailed when your study was approved. But why do you only show part of IHT on Map 9a?

New Policy 11.C.1.34 is titled ‘design in cultural heritage landscapes’, so do these new policies only apply to development within the larger landscapes, and not a site like Catalyst 137 which is adjacent to but not within a CHL?

New Policy 12.C.1.23 will require an HIA or VIA ‘e) on or adjacent to a property considered to be of Specific Cultural Heritage Landscape Interest.’ What does that mean, ‘specific’ and ‘interest’ are throwing me off. does that mean HCL’s on Map 9a? if so, say so. And if it means an HIA for any development on Catalyst 137, I don’t understand what one would be ‘testing’ along both the IHT and the CNR. Pls explain. And if an HIA, would it have to go the Heritage Committee for review and consideration?
Thanks for your time, I trust you can provide me a response next week before I submit comments. Pls call if it’s easier to discuss, I don’t mind.

**Staff Response**

On December 4, 2019, Planning staff responded with the following:

“Hi, This email is to provide a response to your questions regarding the Cultural Heritage Landscapes (CHLs) identified within the Midtown Secondary Plan in advance of the December 9 Committee meeting.

The Iron Horse Trail and the CN Railway line CHLs will be identified on Map 9 in the Official Plan. Neither of these CHLs will be listed or designated under the Ontario Heritage Act.

New policy 11.C.1.34 is applicable to properties located within the identified CHLs. Catalyst 137 would not be within an identified CHL. Map 1 shown within the appendix document (page 16) shows the CHLs identified in the Midtown Secondary Plan. A decision was made to look at the CHLs that were entirely, or mostly, within the secondary plan boundary. The other CHLs included on Map 1 (Warehouse District, which includes Catalyst 137, and Mt Hope/Breithaupt Neighbourhood) will be reviewed at a later date and will not be identified on Map 9 in the Official Plan at this time. The CHLs on Map 9 are being shown as they are evaluated as part of the secondary plan process. Property owners and the public will be consulted as the City identifies additional CHLs in the Official Plan and prepares action plans for each CHL with specific conservation options.

Properties of specific cultural heritage landscape interest have been identified in the cultural heritage resources maps shown on Map 2 in the appendix document (page 17). Properties of specific cultural heritage landscape interest are properties that are designated under the Ontario Heritage Act, listed on the Municipal Heritage Register or properties that are adjacent to a designated or listed property, within an identified Cultural Heritage Landscape.

With respect to Catalyst 137, this property has not been identified as a property of specific cultural heritage landscape interest. However, the Iron Horse Trail, adjacent to Catalyst 137, is recommended to be identified as a Heritage Corridor in the Official Plan. With respect to the trail, the character-defining features include the character of the trail vested in its alignment; its connection to Victoria Park and Waterloo Park; and the plant materials and surfacing materials used to permit its use as a trail. Additional attributes identified include the preservation of views of the original rail corridor; trail signage; and remnant commemorative railway infrastructure located along the trail.

Our interest is in any potential development that may impact the identified heritage attributes of the Iron Horse Trail (i.e. blocking the trail, re-routing the trail, erecting large fencing, etc.). If a development is proposed that has potential to impact the attributes of the Iron Horse Trail, a Heritage Impact Assessment may be required. Development adjacent to the trail is encouraged to incorporate the trail into landscape elements and enhance the interface of the development to the trail. An addition to the Catalyst 137 building that would not have impact on the trail would not require the submission of a Heritage Impact Assessment.
I trust this information is of assistance. Please let me know if further information or clarification is required. Victoria”

Submission received December 4, 2019

GSP Group Inc are planning consultants to ‘Deleted Name’, owners of the Catalyst 137 project on Glasgow Street in the Midtown community. As you are aware, Catalyst 137 is a successful conversion of the former 43,521 square metres (468,471 square foot) warehouse building into a unique community of office and technology-related production companies. The owners see this recent conversion as the first phase in a long-term redevelopment and intensification of the site as it diversifies by adding additional uses such as residential, commercial, public space and community facilities.

Background
The City of Kitchener Official Plan (OP), approved in 2014, designates the Catalyst 137 site (as well as the adjacent properties to Strange Street and Park Street) as Mixed Use to recognize and encourage their transition to higher density development with a residential component. Special Policy 15.D.12.28 in the OP provides for the continuation of the existing industrial and commercial parking uses in this block as it transforms into a residential, office and commercial neighbourhood as provided by the Mixed Use designation. The Special Policy also contains a holding provision which requires that a Record of Site Condition (RSC) be obtained prior to sensitive uses such as residential being introduced to these sites.

The PARTS process which concluded about 2 years ago also established a mixed-use vision for the Catalyst site. the PARTS Plan introduced mixed Use and commercial development along the Glasgow Street frontage. It also introduced the notion of a public park on the northwest corner of the site (where Glasgow Street meets the Ironhorse Trail) as well as a broad open space corridor along the western and southern flankages of the property.

Notwithstanding the PARTS Plan prepared by the City’s consultant, Council in November of 2017 approved a staff report which recommended that consideration of any future streets and park space, whether private or public space, take place when the properties redevelop. Regard will be had for the PARTS Plan suggestions, but other alternatives will be entertained.

Proposed Secondary Plan and Zoning
The draft Midtown Secondary Plan now proposes to designate a majority of the Catalyst site (as well as the adjacent properties to the east) as Innovation Employment, a new designation introduced to the OP with these amendments. The intention of this designation is to provide for office and technology related employment activity with residential uses only permitted through a zoning by-law amendment. The Midtown Plan also proposes Open Space of various depths along the southern and western edges as well as a larger block of well over an acre at the corner of Glasgow Street and the Ironhorse Trail.

The proposed zoning for the majority of this site is EMP-6 which has an office-oriented range of uses. A special zoning regulation would provide for a maximum FSR of 3.0 with a maximum building height of six storeys.
The areas of the site designated Open Space in the draft Secondary Plan are proposed to be zoned OSR-2. It appears that about 3 acres of the site is proposed for this recreational or open space activity, notwithstanding the Council direction to defer decisions on park space until these sites develop.

**Catalyst 137 Comments**

We have concerns with the direction of the draft Midtown Secondary Plan and Zoning By-law Amendments. In summary, Catalyst wishes to continue the Mixed Use designation and policy approach established in the current Official Plan rather than embarking on the new Innovation Employment direction being proposed. The current Special Policy direction for this block allows for its evolution from a solely employment environment to a mixed use neighbourhood, at a higher intensity and in a phased manner. It is our submission that the current policy framework can be updated, and a new zoning regime can be created that will provide for the evolution of the Catalyst 137 site as well as its neighbouring properties in an appropriate and phased manner.

It appears that the draft Secondary Plan has taken a literal interpretation of the PARTS program even though the PARTS plans were demonstration documents. The proposed planning documents provide for approximately three acres of the site to be turned into open space, but the value and utility of those spaces are questionable given site topography. Catalyst wishes to have these designations removed which is consistent with Council’s resolution of November 2017. Catalyst has created a large internal public area that is well used by the community and has provided a connection to the Ironhorse Trail. Catalyst will continue to provide public space in its development, but it may be privately owned and publicly accessible space. The park space identified at the corner of Glasgow Street and the Ironhorse Trail should be determined by Catalyst as a component of a master plan which will guide the further intensification of the property.

The existing Mixed Use designation can continue to apply to the property and Special Policy 15.D.12.28 can be modified to recognize the existing office, industrial and commercial parking uses can continue on the properties in this block as the transition to add or convert to new higher intensity activities occurs. Policy can also be used to guide their redevelopment and intensification, and in that contact mattes of open space and amenities, site circulation, building placement and height can all be addressed. Policies can also provide for a holding provision which can address the requirements for a Record of Site Condition prior to the introduction of sensitive uses, as well as compatibility analysis to ensure that new sensitive uses, and current industrial uses can coexist.

Similarly, the City should apply the proposed MIX-3 zone (with the removal of the maximum building height of 8 storeys) or the current MU-3 zone to these properties which would provide for the core commercial and higher density residential uses on these properties. Additionally, special use regulations can be enacted which would permit the existing office and manufacturing uses on the property. The holding provisions previously discussed could be incorporated into the site-specific zoning as well.

The draft zoning by-law will contain new parking rates for the Major Transit Station Areas. While the recently approved Downtown parking rates are very low, the MTSA rates appear higher than
required, especially the residential rates. The MTSA areas including the Catalyst site are walkable, have bus transit, cycling facilities and ION statins, and should have commensurate parking rates.

Lastly, the proposed general policy changes to the OP also provide for the designation of new Cultural Heritage Landscapes (CHL) on Map 9a. The CHL include the Ironhorse Trail and the CNR corridor, both of which abut Catalyst 137. While these rail corridors have played an important role in the development of the community, the implications of the CHL’s on development applications associated with the Catalyst property are not clear. Further discussion with City staff on the implementation of the CHL’s is required.

Catalyst 137 Kitchener L.P. would like to thank the City for the opportunity to provide comments and participate in this exercise. We believe that through further discussions, a policy and zoning framework can be created that meets the needs of the City as well as the landowners in this area.

Should you have any questions, please do not hesitate to call me to discuss.

Current and Proposed Zoning
Current Zoning – M-2, 21U
Proposed Zoning – EMP-6 (175)

Staff Response
The properties at 101, 105 and 137 Glasgow Street were designated “Comprehensive Development Area (CDA)” in the 1994 Official Plan. This land use designation was unique to only these properties and contemplated a future development with a mix of uses. The City’s existing Secondary Plans were deferred at the time of the review and preparation of the 2014 Official Plan. As these lands were not in an existing Secondary Plan, they were given a Mixed Use land use designation in the 2014 Official Plan as this land use designation was the closest to the “Comprehensive Development Area (CDA)” designation in the 1994 Official Plan.

The lands were never zoned in accordance with the new Mixed Use land use designation in the 2014 Official Plan. They continued to be zoned “General Industrial Zone (M-2)” and fortunately for the property at 137 Glasgow Street, the M-2 zoning allowed the existing building to be repurposed into a unique employment use containing a high-tech employment uses, maker and service space, that met and addressed a niche manufacturing market and demand growing in Kitchener for these types of spaces.

During the development of the PARTS Central Plan, a new Innovation Employment land use designation was created to designate and identify lands to satisfy this growing trend. It was determined that this new land use designation would be perfectly suited to be applied to these properties on Glasgow Street, particularly because 137 Glasgow Street was already developing in accordance with the Innovation Employment land use policies. The property at 101 Glasgow Street would also benefit given redevelopment opportunities under this land use designation would support the retention and repurposing of the existing building, which again as noted in the submission, was identified as a Listed Non-Designated Property on the City’s Municipal Heritage Register in 2015.
The PARTS Midtown Plan recommended that the lands, at 101, 105 and 137 Glasgow Street and 150 Strange Street, be designated new “Innovation Employment” in the new Midtown Secondary Plan (former KW Hospital Secondary Plan). Council approved the plan in December of 2017 and also passed a Resolution in response to a submission from the property owner at 101 Glasgow Street (AirBoss):

“THAT notwithstanding the PARTS: Midtown Plan, any of the conceptual future street connections shown in the plan shall not hinder the ability of AirBoss (101 Glasgow Street) to continue to operate and expand their industrial facility at any time. Only at such time as 101 Glasgow Street is ever proposed to have a different use of the property, a potential private or public transportation connection to Elm Street be explored with the landowner at that time;

AND FURTHER THAT for the lands bounded by Glasgow Street, Strange Street, the rail line and Iron Horse Trail, any future street connections – whether private road, private driveway or public road; and any park space – whether private or public; shown on the maps contained in the PARTS: Midtown Plan are conceptual, long-term possibilities that would only be considered at the time a property is redeveloped and a landowner at that time may provide justification of an alternate way to achieve these particular PARTS: Midtown Plan objectives.”

In light of the recommendation in the PARTS Midtown Plan that “If the lands along Glasgow Street between Belmont Avenue and Park Street are to further intensify and add further land uses in the future, the introduction of internal streets is recommended in order to reduce impacts to Glasgow Street, reduce driveway conflicts and provide additional route options for those lands. Glasgow Street is an important connecting street and further improvements should reinforce this.”
The Secondary Plan did not take a literal interpretation of the PARTS Midtown Plan. Through the consultation and review of the new Secondary Plan, Planning staff revised some of the recommended land use designations to correspond to existing building placement and the way the lands are currently developed, as well as to reflect the Council Resolution. Accordingly, the commercial land uses were revised to Innovation Employment, the proposed road connection was removed, and the proposed park land use on the AirBoss property was revised to Innovation Employment.

The new Innovation Employment land use designation was created to identify and designate lands to satisfy this growing trend and need for this type of use. It was determined and supported, through the development of the PARTS Midtown Plan, that this new land use designation would
be perfectly suited to be applied to these properties on Glasgow Street, particularly because 137 Glasgow Street was already developing in accordance with the Innovation Employment land use policies.

Proposed Policy 15.D.6.35 would allow new residential uses, subject to the support of a Land Use Compatibility Study, without the need for an Official Plan Amendment. This is in essence a Holding Provision which not be lifted and/or zone category amended until it could be demonstrated that residential use of this property would be appropriate and compatible.

15.D.6.35 Lands designated Innovation Employment may permit new residential uses, subject to a Zoning By-law Amendment, supported by a Land Use Compatibility Study, completed to the satisfaction of the Region and the City, to assist with providing a transition between lands designated Mixed Use and for residential uses where it can be demonstrated that the residential uses are compatible with Innovation Employment uses on the subject lands and adjacent lands.

The proposed Innovation Employment land use designation and zone is the most appropriate land use to be applied to these lands in the station area, in the new Midtown Secondary Plan. There are limited properties which could be designated to provide this type of niche employment use and it is desirable and appropriate to provide employment opportunities, particularly this type of employment use, in a station area.

With respect to the land proposed to be designated and zoned for parks/open space use, over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.

Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine, where there is not an agreement, if there is an amenable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Thank you for comments with respect to parking rates. Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

In response to comments made with respect to Policy 11.C.1.34, Planning and Heritage Planning staff will clarify the wording and intent of policy 11.C.1.34 and provide clarification on the
defining characteristics of the CN Rail corridor to assist in assessing impact of this policy with respect to a proposed redevelopment these lands.

Resolution
No changes are recommended to be made to the land use designation and zone category proposed to be applied to 137 Glasgow Street.

Further discussion will be had on the needs and opportunities for parks and open space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

In response to comments made with respect to Policy 11.C.1.34, Planning and Heritage Planning staff will clarify the wording and intent of policy 11.C.1.34 and provide clarification on the defining characteristics of the CN Rail corridor to assist in assessing impact of this policy with respect to a proposed redevelopment these lands.
28. a) 170 and 188 Borden Avenue South  
b) 59 Bedford Road

Submission received December 4, 2019
GSP Group Inc. are planning consultants to ‘Deleted Name’ with respect to the above noted properties on Borden Avenue and Bedford Road in the Rockway Secondary Plan Area. We are providing this letter as comments on the proposed planning framework in the new Rockway Secondary Plan.

These two properties are currently designation General Industrial in the Mill-Courtland Secondary Plan and are zoned General Industrial (M-2) in Zoning By-law No. 85-1. This current planning framework provides for light manufacturing and warehouse uses on these properties as well as those surrounding it. Both properties are in the ‘flood fringe’ of the Shoemaker and Schneider Creeks system that travels through the Rockway area. A special regulation (1R) in the Zoning By-law applies to both sites requiring GRCA approval prior to development. As well, 170 and 188 Borden Avenue have site-specific provision (165U) which provides for metal stamping which has been a long-standing use of the property by Trillium Metal Stampings.

The proposed Rockway Secondary Plan provides for the Borden Avenue properties to be designated Innovation Employment with the Bedford Road property proposed as Mixed Use. The proposed zoning on these properties follows a similar approach with the Borden Avenue sites to be zoned EMP-6 and 59 Bedford Road to be zoned MIX-3.
The right of way of Borden Avenue and Bedford Road adjacent to these sites appears to be proposed as a Natural Heritage Conservation (NHC-1), however we are questioning why the streets need to have a separate zone for this purpose, particularly when the flood fringe overlay continues to apply to the properties.

‘Deleted Name’ generally supports the designation of the properties Innovation Employment and Mixed Use, and the associated change in zoning to EMP-6 and MIX-3 to implement these designations. This change will facilitate improvements and redevelopment in the area in the long term, however, it is important to keep in mind that this change will take some time especially on sites such as these with older buildings and a location in the flood fringe. It is hoped that in time these sites will be less constrained by the floodplain of Shoemaker and Schneider Creeks through initiatives by the City or removal of downstream buildings which could improve creek flow conditions.

In the meantime, it is our submission that it is appropriate to retain a range of light manufacturing, warehousing, automotive and particularly with the Borden Avenue sites, the permission for metal stamping uses. These uses are not permitted through the proposed EMP-6 zone but could be added for this and possibly some neighbouring properties. This approach will recognize the City and community desires to transform the area while at the same time protecting the rights of owners to maintain current and for the foreseeable future, viable uses for the buildings and properties.

Thank you for the opportunity to provide these comments and we look forward to further discussions with City Staff.

a) 170 and 188 Borden Avenue South

Current and Proposed Zoning (170 and 188 Borden Avenue South)

Current Zoning – P-3 and M-2, 1R, 137R, 159U, 165U

Proposed Zoning – EUF-1 and EMP-6 (175) with the Flooding Hazard Overlay

Staff Response

In response to the submission, Planning staff offer the following comments:

• The properties are proposed to be redesignated from a “General Industrial” land use designation to the new “Innovation Employment” land use designation. The submission indicates general support for the new land use designation.

• As the transition of uses is anticipated to take some time, the submission requests consideration of retaining some of the existing M-2 uses including the retention of a site-specific provision to recognize the existing metal stamping use on the subject lands. This type of use is not compatible and would be in conflict with some of the uses proposed in the new Innovation Employment as well as the uses that are proposed for the new MIX-3 lands on Bedford Road. The existing metal stamping use would become a legal non-conforming use, which uses are intended to disappear over time as permitted uses once they cease to exist, as properties and areas transition to their intended use.

• The Bedford Road right-of-way is located in the “Floodway” portion of the “Two Zone Floodplain”. Accordingly, the applicable zone is “Natural Heritage Conservation (NHC-1)” as is noted on the proposed zone schedule. If at a future point in time there was a closure
of Bedford Road and conveyed to adjacent properties, it would be clear that these lands are not developable due to their location in the “Floodway”.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 170 and 188 Borden Avenue South.

b) 59 Bedford Road

Current and Proposed Zoning (59 Bedford Road)
Current Zoning – P-3 and M-2, 1R, 159U
Proposed Zoning – EUF-1 and MIX-3 with the Flooding Hazard Overlay

Staff Response/Resolution
In response to the submission, Planning staff offer the following comments:

- The property is proposed to be redesignated from a “General Industrial” land use designation to a “Mixed Use” land use designation. The submission indicates general support for the new land use designation.
- As the transition of uses is anticipated to take some time, the submission requests consideration of retaining some of the existing M-2 uses on the subject property. These types of use are not compatible and would be in conflict with many of the uses proposed in the new MIX-3 zone. These M-2 uses are intended to disappear over time as permitted uses once they cease to exist, as properties and areas transition to their intended use.
- The Bedford Road right-of-way is located in the “Floodway” portion of the “Two Zone Floodplain”. Accordingly, the applicable zone is “Natural Heritage Conservation (NHC-1)” as is noted on the proposed zone schedule. If at a future point in time there was a closure of Bedford Road and conveyed to adjacent properties, it would be clear that these lands are not developable due to their location in the “Floodway”.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 59 Bedford Road. It is also recommended that the lands be zoned with a Holding provision given the change in use from an Industrial land use designation and zoning to ones that would permit sensitive uses.
Submission received December 4, 2019

GSP Group Inc. are planning consultants to ‘Deleted Name’, owners of property at 675 Queen Street South in Kitchener. We have reviewed the proposed Official Plan and zoning by-law changes as they apply to the site and are providing the following comments.

From an Official Plan perspective, the 675 Queen Street site remains designated Urban Corridor on Map 2 (Urban Structure) and Mixed Use on Map 3 (Land Use). The site is immediately adjacent to the Major Transit Station Area and the proposed Official Plan Amendment adds a Site-Specific Policy in Section 15.D.12.47 so that 675 Queen Street is considered part of a Station Area and will therefore have similar regulations to the station areas. We support this Official Plan framework as it applies to 675 Queen Street.

The property is currently zoned Mixed Use Corridor (MU-3) and the proposed zoning by-law amendment will change that to Mixed Use 4 (MIX-4) which provides for high-density residential, office, institutional, retail and service uses. The proposed MIX-4 zone permits a density up to FSR 5 given the Major Transit Station association. We support this approach to zoning the site as MIX-4.

There are, however, several zoning regulations found in Table 8-2 of the MIX zones that we submit should be adjusted to provide for reasonable development opportunities on the property. Firstly, the MIX-4 zone requires that 20% of the total floor area be non-residential in nature, such as commercial, office, institutional and retail. This site is approximately 1.5 hectares in size and can accommodate a significant amount of building floor space. Applying a 20% non-residential
factor to a site of this size could require something in the order of 15,700 square metres (170,000 square feet) of commercial floor area to be provided. We submit that there is not sufficient market support at this location to provide for such a large amount of commercial floor space. We submit that on this particular side efforts should focus on preserving the existing early modernist office component that fronts on to Queen Street and successfully incorporating that into a redevelopment scenario as office and commercial space. We suggest that the City, instead of providing a ‘hard number’ for a commercial component, consider instead focusing on marking building frontages along major streets convertible so that in the long term, should market conditions warrant, these buildings can add commercial, office and service uses.

Secondly, the proposed MIX-4 zoning also requires that a minimum, street line façade openings be established at 65% whereas in other MIX zones, only 50% is required. It is our submission that a 50% façade openings requirement should be applied in the MIX-4 zone for locations such as this.

Thirdly, the proposed zoning by-law amendment will require a minimum residential parking rate of 1.0 spaces per unit (0.9 plus 0.1 for visitors). Nearby in Downtown, the zoning by-law will require no minimum parking provision. At this location at the edge of a Major Transit Station designation, with good bus transit including a nearby express station, as well as good cycling and walking connections, the parking rate could be lowered from that being proposed. A parking rate at this location will not be as low as in the Downtown, but something “in the middle” in the 0.7 spaces per unit range should be considered for this location.

Thank you for the opportunity to provide these comments and we look forward to continuing these discussions to achieve an appropriate planning framework for this site to provide for its evolution in time to a higher intensity mixed use neighbourhood.

Current and Proposed Zoning
Current Zoning – MU-3, 508R, 520R
Proposed Zoning – MIX-4

Staff Response
The submission indicates support for the proposed land use designation and zone category proposed to be applied to the subject property at 675 Queen Street South, save and except some of the proposed regulations in the new MIX-4 zone.

Submission requests consideration of a reduction in the minimum required 20% non-residential floor area.
- Planning staff are reviewing this regulation. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.
Submission requests consideration of a reduction in the minimum street line façade openings in the MIX-4 zone from 65% to 50%.

- The required façade openings for the MIX zones are as follows:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1(1)</th>
<th>MIX-2 (1)</th>
<th>MIX-3 (1)</th>
<th>MIX-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum percent street line façade openings (4)(5)</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>65%</td>
</tr>
</tbody>
</table>

Staff feel that a 50% minimum percentage street line façade opening is appropriate for MIX 1, 3 & 3 zones and a 65% façade opening is appropriate for MIX 4 zones which are located in higher order transit areas. The intent behind this regulation is to provide a frontage which is semi-transparent, allowing active uses to be seen from the street and to provide the same effect for pedestrians. Having two-way vision from retail or similar active uses, enhances safety and interest in these areas. In extensive consultation with the industry the following regulations were added to ensure only useful space is considered as part of the calculation. This provides more flexibility in design for meeting the regulation.

As per the diagram below the measurement zone will be between 0.5m and 4.5m above exterior finished grade along the entire width of the street line façade. The maximum distance between street line façade openings and between exterior walls and street line façade openings shall be 8 metres.
Thank you for comments with respect to parking rates. Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

Resolution
No changes are recommended to be made to the land use designation and zone category proposed to be applied to 675 Queen Street South.

Planning staff will review the MIX-4 zone regulation which requires a minimum 20% of non-residential building floor area.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

30. 101 Glasgow Street

Submission received on November 29, 2019
On behalf of our client, ‘Deleted Name’, please accept this letter with regard to the ongoing Neighbourhood Planning Review of the KW Hospital-Midtown Area of the City of Kitchener. IBI Group has been retained to review the recently released draft Secondary Plan and draft implementing Zoning By-Law as they relate to lands owned by ‘Deleted Name’ which are known municipally as 101 Glasgow Street, Kitchener.

AirBoss is a major employer in Midtown Area and plays a vital role in the local economy, operating in the Glasgow Street facility for over two decades and employing over 270 full time staff.

This letter reviews the proposed changes to the land use planning framework applicable to our client’s lands and sets out a series of questions and recommendations to the City as it continues on with the Neighbourhood Planning Review process.

While this letter sets out various recommendations, the matters of key concern are summarized as follows:

1. The impact of the proposed Secondary Plan and Zoning on the continued use of the AirBoss site for industrial purposes.
2. The effect of the proposed ‘Open Space’ corridor identified on the southern portion of the site and concerns related to the impact of this identification on the existing land use and due process for the delineation of trails.
3. The rationale behind the proposed “Innovation Employment” land use designation and zoning and the effects of this proposed change on the future use of the lands.
4. The impact of the removal of residential and mixed-use land use permissions on the potential future redevelopment of the site.

In advance of this letter, we requested a meeting with City staff to discuss the ongoing Neighbourhood Planning review and the impact of the proposed changes as they relate to our client’s lands. Based on correspondence from yourself it is understood that no meetings will be held in advanced of the Statutory Public Meeting. Following the December 9th meeting, we kindly request a meeting at your earliest convenience to discuss prior to future consideration of the Secondary Plan and Zoning by Council.

Description of Subject Property
The subject property is known locally as 101 Glasgow Street, Kitchener and legally as PT LT 492 PL 377; PT LT 7-10 PL 431, PARTS 1, 3, 4 & 17, 58R9638; S/T 1254209, 375999; Kitchener.
Figure 1 shows the location of the subject property.

As shown on Figures 1-3, the site is bound by Glasgow Street to the North, Strange Street to the East, a Canadian National Railway to the south and privately owned lands (Catalyst 137) to the west. The site has a lot area of approximately 57,900 m², or 5.79 hectares.

Figures 2-3 show aerial imagery (Google Earth) of the existing building and site conditions.
AirBoss Business Operations
According to its website, AirBoss “develops, manufactures and markets high-quality, proprietary rubber-based products to various industries, including automotive, heavy industry, construction and infrastructure, oil & gas, and defense.”

The Kitchener AirBoss facility employs approximately 270 full time staff and is one of the largest custom rubber mixing facilities in North America. Compounds researched, developed, marketed and sold from the facility are used in a wide variety of products, “including various tires categories, conveyor belts, automotive noise- and vibration-dampening parts, hoses, oil & gas fittings and seals, water-treatment systems, and many other industrial products.”

AirBoss’ Kitchener facility has employees in a range of disciplines, including those summarized in the following table:

<table>
<thead>
<tr>
<th>Discipline</th>
<th>No. of Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Service</td>
<td>3</td>
</tr>
<tr>
<td>Finance</td>
<td>9</td>
</tr>
<tr>
<td>Human Resources</td>
<td>5</td>
</tr>
<tr>
<td>Information Technology</td>
<td>4</td>
</tr>
<tr>
<td>Maintenance</td>
<td>40</td>
</tr>
<tr>
<td>Operations</td>
<td>3</td>
</tr>
<tr>
<td>Process Control</td>
<td>5</td>
</tr>
<tr>
<td>Production</td>
<td>146</td>
</tr>
<tr>
<td>Production Planning</td>
<td>3</td>
</tr>
<tr>
<td>Purchasing</td>
<td>5</td>
</tr>
<tr>
<td>Quality Control</td>
<td>19</td>
</tr>
<tr>
<td>Research and Development</td>
<td>9</td>
</tr>
<tr>
<td>Sales</td>
<td>3</td>
</tr>
<tr>
<td>Shipping</td>
<td>13</td>
</tr>
<tr>
<td>Technical (Other)</td>
<td>6</td>
</tr>
</tbody>
</table>
The main building of the AirBoss compound was designed by prominent industrial architect Albert Khan and constructed in 1911 and has been recognized as a Non-Designated (Listed) Building of Cultural Heritage Value or Interest by the City of Kitchener in December 2015. According to the listing document, the building:

“is recognized for its design, physical, contextual, historic and associative values. The design value relates to the architecture of the factory building and former administrative office building. Originally known as the Dominion Tire factory, the building was constructed in 1912-13 and is a rare example of an industrial complex built in the early Industrial Modernism architectural style.

The design value of the property relates in part to the technical achievements represented in the materials and design of the factory including reinforced concrete, uninterrupted floor space, increased fireproofing, and natural lighting. The administrative office building constructed in 1919 is influenced by the design and construction of the adjacent factory buildings in terms of the use of red brick, concrete and dentil mouldings”.

Over time, several buildings have been constructed and building additions have occurred resulting in the current site conditions, shown on the attached Site Plan. In total, the site now features approximately 600,000 square feet of warehousing space, 175,000 square feet of manufacturing space, 20,000 square feet of administrative space, and 3,000 square feet of research and development space within the recently renovated/expanded office and research and development lab shown on Figure 4. Photos of the existing buildings are included as Figures 4 - 7.
Figure 5: AirBoss Storage Building and Secure Access Adjacent Glasgow Street (Image Source: IBI Group)

Figure 6: AirBoss Northern Façade of Main Building (Image Source: IBI Group)
Neighbourhood Context
The AirBoss site is situated between the area locally known as ‘Belmont Village’ (west of the site) and the Midtown Area of Kitchener (east of the site), both of which have seen rapid transformations within the past decade. Belmont Village is a vibrant neighbourhood, with a mix of retail, commercial, office and residential uses in a village like setting. The Midtown Area of Kitchener, primarily along its King Street corridor, continues to experience a dramatic transformation to a mixed-use corridor due in large part to the introduction of the ION LRT system. This transformation has included the introduction of several new mixed-use apartment buildings, including the Bauer Lofts, Cortes on King, and Red Condominiums to name a few.

The AirBoss facility is located immediately east of a local tech incubator hub, known as Catalyst 137, which was developed on lands formerly part of the Strange Street manufacturing compound. According to the Catalyst 137 website, Catalyst “is a 475,000 square foot space purpose-built for makers. The building serves as a concentration point for the talent, hardware engineering services, and venture capital support needed to build next-generation companies.”

The AirBoss site is also located in close proximity to a number of other uses, including:
- Stable residential areas to the north;
- KW Hospital to the north-east;
- Cherry Park to the south-east; and,
- An active CN rail-line to the immediate south of the site.

Existing and Proposed Land Use Controls
The use and development of the subject property is guided by a range of Provincial, Regional, and local legislation, policies, plans, and By-Laws including:
- The Planning Act;
- The Growth Plan for the Greater Golden Horseshoe;
The following subsections discuss the City’s current land use planning framework and the proposed changes contemplated through the draft Secondary Plan and Zoning released as part of the Neighbourhood Planning Review of the KW Hospital / Midtown Area.

**City of Kitchener Official Plan (2014)**

In 2014, the City of Kitchener adopted its current Official Plan, which is now in full force and effect. Map 3 (Land Use) of the Official Plan currently designates the AirBoss property ‘Mixed Use’ as shown on Figure 8, below.

![Map of City of Kitchener Official Plan, Map 3 (Land Use)](image)

In accordance with Section 15.D.4 of the Official Plan “the Mixed Use land use designation is intended to be flexible and responsive to land use pattern changes and demands and permit a broad range of uses at different scales and intensities depending on the lands’ geographic location and identification at the urban structure level.”

The Official Plan establishes a range of objectives for lands designated Mixed Use, including:

- To achieve an appropriate mix of commercial, residential, and institutional uses on lands designated Mixed Use.
- To support and provide opportunities for lands to evolve and intensify over time.
- To support and allow for a broad range of uses within lands designated Mixed Use.
• To retain and support a viable retail and commercial presence within lands designated Mixed Use by protecting and improving existing commercial uses and allowing for new appropriately scaled commercial uses that primarily serve the surrounding areas.
• To ensure that lands designated Mixed Use are transit-supportive, walkable, and integrated and interconnected with other areas of the city.

In addition to the Mixed Use designation that applies to the site, the Official Plan also identifies the AirBoss property as within Site Specific Policy Area No. 28 which recognizes and permits the existing and continued use of the property for industrial uses:

“15.D.12.28. Glasgow Street/Strange Street
a) Notwithstanding the Mixed Use land use designation on lands located near the southwesterly corner of Glasgow Street and Strange Street, the continuation of the existing industrial and commercial parking facility uses will be permitted until such time as the site transitions into uses permitted by the land use designation. The transition of the site may occur in phases.
b) A Holding provision pursuant to Section 17.E.13 will apply to residential uses, day care uses and other sensitive uses. The Holding provision will not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region.”

Together, the existing Mixed Use and Site-Specific land use designations that apply to the site contemplate and permit the continued use of the AirBoss site for its existing industrial uses while permitting a mix of land uses to support its possible / eventual redevelopment. This existing approach is preferred by AirBoss as it does not restrict/impede its current operation and also provides flexibility in the future use of the site, in the event the facility ever becomes
surplus to the needs of AirBoss. By permitting a range and mix of both residential and nonresidential uses, the Mixed Use land use designation supports the flexible redevelopment of the property.

Based on the foregoing, we respectfully make the following recommendation:

**Recommendation #1:** That the existing ‘Mixed Use’ and ‘Site Specific Policy Area No. 28’ land use designations continue to apply to the property and that the implementing Zoning permit a range and mix of uses to support the eventual redevelopment of the site.

**City of Kitchener Existing Zoning By-Law**
The City of Kitchener’s existing Zoning By-Law 87-67 zones the AirBoss lands ‘General Industrial’ (M2) which permits a broad range of industrial and complementary uses on the site. The site is also subject to Site-Specific Use Provision 21-U, which permits the following additional land uses on the site:

- Refining, Rolling, Forging or Extruding of Metal only as an accessory use in the manufacturing of industrial equipment and machinery
- Stamping, Blanking or Punch-Pressing of Metal
- Vulcanizing of Rubber or Rubber Products. (By-law 87-67, S.12)

Based on our review of the existing Zoning controls applicable to the site, it is our opinion that all current uses existing on the site today are contemplated and permitted by the existing Zoning By-Law.

Notwithstanding this, it is acknowledged that the existing Zoning By-Law predates the City’s current Official Plan which designated the site ‘Mixed Use’ and allows for the continued use of the site in accordance with site-specific policies which apply to the site.
Based on the foregoing, we respectfully make the following recommendations:

**Recommendation #2:** That the Zoning By-Law be updated to conform to the existing ‘Mixed Use’ and ‘Site Specific Policy Area No. 28’ land use designations of the City of Kitchener’s Official Plan. Based on our review of similar nearby sites proposed for Mixed Use purposes, it is recommended that Medium to ‘High Rise Mixed Use Three’ (MIX-3) Zoning be applied to the entirety of the AirBoss site with site specific regulations to allow for the continued use/operation of the facility.

**Recommendation #3:** That pursuant to the City’s existing Official Plan, the implementing Zoning include a Holding provision applying to residential uses, day care uses and other sensitive uses and that the Holding provision not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region. It is also recommended that the requirement for a compatibility assessment prior to the establishment of new residential uses be added to the Holding provision.

**PARTS Midtown Station Area Plan**
In December 2017, the City of Kitchener approved the PARTS Midtown Station Area Plan to establish “a vision for the station area and provides an implementation strategy that will inform a series of amendments to municipal policy and planning regulations.” This work was contemplated by the 2014 Official Plan to contemplate how areas near ION Station Stops should be planned and developed in the future.

Towards the development and ultimate approval of the PARTS Midtown Station Area Plan, the City consulted the public and stakeholders to establish a vision for the development of the Station Area.

![Figure 11: PARTS Midtown Station Area Plan Study Area, City of Kitchener](image)
The PARTS Midtown Station Area Plan recognizes the importance of the AirBoss facility to the local economy as well as the potential for the redevelopment of the site in the event that the facility ever becomes surplus to the needs of AirBoss:

“Airboss is a successful employment use on the southeast side of Glasgow Street. While maintaining industrial employment in close proximity to established neighbourhoods presents land use compatibility considerations, the diversity Airboss adds to the area’s employment sector is a key asset that must be protected, along with the heritage factory building itself.

Encouraging compatible employment uses on the adjacent 137 Glasgow site, (such as the current Catalyst 137 high-tech manufacturing hub) could create a cluster of desirable and compatible employment uses and address the unmet demand for a niche manufacturing market to support local tech industries.”

Through the PARTS Midtown Station Area Plan it was identified that the ‘Preferred Land Use’ for the site would be for ‘Innovative Employment’ uses as shown on Figure 12 below.

![Figure 12: PARTS Midtown Station Area Plan, Preferred Land Use Plan (City of Kitchener)](image)

It is also noted that the PARTS Midtown Station Area Plan contemplated the establishment of trail network along AirBoss’ southern property line as well as the introduction of a new street connection from Strange Street to Glasgow Street through the site.

AirBoss, through its previous planning consultant, participated in the PARTS Midtown Station Area Plan consultation, particularly relating to the contemplation/introduction of a new street and pedestrian connection through the site. AirBoss, through its consultant Labreche Patterson, at the time objected to the street connection providing “the establishment of said road would
result in the introduction of public traffic on lands abutting a highly secured area and unnecessarily impact the continued operation and expansion of the property”.

As a result of discussions with AirBoss and its consultant, the City passed a Resolution at its December 4, 2017 Planning and Strategic Initiatives Committee (a copy of Staff Report CSD-17-105 is included as an attachment to this letter), which provided the following:

“THAT notwithstanding the PARTS: Midtown Plan, any of the conceptual future street connections shown in the plan shall not hinder the ability of AirBoss (101 Glasgow Street) to continue to operate and expand their industrial facility at any time. Only at such time as 101 Glasgow Street is ever proposed to have a different use of the property, a potential private or public transportation connection to Elm Street be explored with the landowner at that time;”

“AND FURTHER THAT for the lands bounded by Glasgow Street, Strange Street, the rail line and Iron Horse Trail, any future street connections – whether private road, private driveway or public road; and any park space – whether private or public; shown on the maps contained in the PARTS: Midtown Plan are conceptual, long-term possibilities that would only be considered at the time a property is redeveloped and a landowner at that time may provide justification of an alternate way to achieve these particular PARTS: Midtown Plan objectives.”

Through this Resolution it is our understanding that any future street connections and any open spaces (private or public) shown on the Station Area Plan were meant to be viewed as conceptual, “long-term possibilities that would only be considered at the time a property is redeveloped and a landowner at that time may provide justification of an alternate way to achieve these particular PARTS: Midtown Plan objectives”.

Based on our review of the proposed Secondary Plan and implementing Zoning it is noted that the proposed street connection has not been implemented/shown, however it appears that the open space/trail connection along the southern property line is proposed to be implemented through ‘Open Space: Greenways’ land use designations and zoning. In our opinion, this zoning in premature and any open space through this portion of the site should only be considered through a future development application.

Outside of the involvement of AirBoss described above, it is unclear whether or not any comments were provided by our client with regard to the proposed ‘Innovation Employment Use’ of the site.

Notwithstanding this, it is our observation that while innovation employment type uses may be an appropriate use for the site similar to the type of uses included at Catalyst 137, this proposed land use would remove the potential for residential/mixed use redevelopment of the site which could hinder the redevelopment of the property. Accordingly, it is recommended that the existing land use designation of the City of Kitchener’s Official Plan be retained through the Neighbourhood Planning Review process.

Currently Proposed KW Hospital – Midtown Secondary Plan
On October 11, 2019, the City of Kitchener issued the current draft of the KW Hospital – Midtown Secondary Plan as well as a Notice of a Statutory Public Meeting to be held on December 9, 2019.

Through the Draft Secondary Plan, the proposed land use designations of the AirBoss site are proposed to be revised to ‘Innovation Employment’ and ‘Open Space’ as shown on Figure 13, below. It is noted that there does not appear to be any Special Policy Area applied to the site, similar to that which currently exists in the City’s Official Plan, which permits the continued use of the site for manufacturing, warehousing and other uses currently existing on the site.

![Figure 13: Proposed Midtown Secondary Plan, Land Use (City of Kitchener)](image)

In accordance with proposed policy 15.D.6.34 of the proposed accompanying Official Plan Amendment the “Innovation Employment land use designation will apply to lands in the city’s central neighbourhoods, which have historically been used for industrial purposes and which location and built form are ideal to facilitate unique employment opportunities to locate in close proximity to major transit station stops.”

Permitted uses within the designation include:

- creative products manufacturing;
- an artisan’s establishment, craftsperson space, live/workspace, galleries, and studios;
- digital design and music production and studios;
- office, including scientific, technological and/or communications establishments;
- light industrial uses;
- post-secondary educational establishments and commercial schools;
- retail sales permitted accessory to any innovation employment use; and,
- complementary service commercial uses such as restaurants, print shops, computer service facilities, financial establishments, personal services, fitness centers, recreational facilities, day care facilities, health offices and clinics and veterinary and other pet services.

While the proposed range of uses contemplated above would provide some flexibility for the future use of the site, as noted previously, AirBoss does not have any current intention to relocate its operations. Accordingly, it is of fundamental concern that the land use designations that will
apply to the site will allow for the continued industrial use of the property, inclusive of the existing manufacturing and warehousing uses.

Further to the above, it is noted that the propose Innovation Employment designation does not contemplate the as-of-right use of the site for residential purposes. Rather, proposed policy 15.D.6.35 provides that lands designated Innovation Employment may only permit new residential uses subject to a Zoning By-law Amendment supported by a Land Use Compatibility Study demonstrating that the residential use is compatible with Innovation Employment uses on the subject lands and adjacent lands.

While the policy requiring a compatibility assessment prior to the establishment of residential uses is warranted given the existence of industrial and employment uses (including those of AirBoss), the requirement for a Zoning By-Law Amendment prior to the use of lands for residential purposes does not align with the current Mixed Use land use designation, which would permit a mix of residential and non-residential uses as-of-right. In our opinion, the existing Mixed Use designation is appropriate for the site as it facilitates the eventual mixed-use development of the site, inclusive of residential and non-residential uses. As noted in Recommendation #3, we recommend that a requirement for a compatibility assessment prior to the establishment of new residential uses be applied to the site by way of a Holding Provision.

In addition to the above, we question what technical study or information has been relied upon to support the proposed land use designations. Specifically, we question whether an employment lands study or market study has been developed rationalizing the substantial portion of lands proposed to be converted from their current Mixed Use land use permissions to the Innovation Employment designation now proposed.

Given the size and scale and heritage significance of the AirBoss facility and the remedial measures that would be required for the conversion of uses / re-use of the building in the future, it is our opinion that any land use designations should ensure that a suitable mix of land uses, including residential uses, are permitted to facilitate, and not hinder, the eventual redevelopment of the site. In our opinion, the Innovation Employment designation is inappropriately restrictive nor is there sufficient land use planning rationale to support the proposed change in use permissions.

In addition to the above, it is understood that a southern portion of the site is proposed to be designated ‘Open Space’, consistent with the direction of PARTS Midtown Station Area Plan. As previously discussed, it is our understanding that the future street connections and any open spaces (private or public) were conceptual in nature, and that by way of a Council Resolution in 2017 “would only be considered at the time a property is redeveloped”.

As discussed later in this letter, it is our opinion that the identification of this area of the site for open space purposes at this time is inappropriate and premature and should rather be considered through a future development application, whenever that may be. We also note, that much of this area is used for current shipping and receiving purposes, which directly conflict with typical open space uses (recreation, leisure, trails, etc.).

Based on the foregoing, we respectfully make the following recommendations:
**Recommendation #4:** Continue to support the eventual redevelopment of the site by permitting a mix and range of land uses.

**Recommendation #5:** Maintain existing Mixed Use Land Use Designation and implement appropriate mixed-use Zoning for the AirBoss Lands.

**Recommendation #6:** Remove the proposed Open Space designation, and instead match the proposed land use designations of the southern portion of the property to that of the remaining site.

**Recommendation #7:** Ensure that the existing industrial (warehousing, manufacturing etc.) land use and operation of the facility is permitted by identifying the site as a Site-Specific Policy Area.

**Cultural Heritage Landscapes – CN Rail Corridor**

Proposed Map 9a identifies a stretch of the active CN Rail Corridor as a Cultural Heritage Landscape. We understand that this identification is in response to the City of Kitchener’s Cultural Heritage Landscape Study undertaken in 2014 which evaluated the importance of this corridor.

Notwithstanding this, it is unclear how the proposed associated Official Plan Policies set out in proposed policies 11.C.1.34 would impact future land use development adjacent to this corridor. Namely, it is noted that most – if not all – of the policies seem geared towards buildings / existing built form.

In our opinion, clarification from the City is required on how these policies would be applied to lands adjacent to the CN Rail Corridor. Likewise, clarification on the defining characteristics of this corridor are required to properly assess the impact of the Cultural Heritage Landscape designation for this corridor on our client’s lands.

**Proposed Zoning By-law**

As shown on Figure 14 below, consistent with the approach employed by the proposed Secondary Plan, the subject property is now proposed to be zoned ‘Innovation Employment’ (EMP-6) and ‘Open Space: Greenways’ (OSR-2). The following subsections of this letter review and provide comments and recommendations with respect to these proposed zoning classifications.
Proposed Innovation Employment Zoning

As shown on Figure 14, the vast majority of the AirBoss site is being proposed to be subject to the EMP-6 zone, with the section of a portion of the site along the CN rail corridor.

As currently proposed the EMP-6 zoning would restrict the use of the site to “a range of high tech, research and development and other unique employment uses and limited complimentary uses on lands primarily located within central neighbourhoods in close proximity to major transit station stops which have historically been used for industrial purposes.”

The following table highlights the uses that are proposed to be permitted within the EMP-6 zone:

<table>
<thead>
<tr>
<th>Use</th>
<th>EMP-6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artisan’s Establishment</td>
<td>✓</td>
</tr>
<tr>
<td>Biotechnological Establishment</td>
<td>✓</td>
</tr>
<tr>
<td>Catering Service Establishment</td>
<td>✓</td>
</tr>
<tr>
<td>Commercial School</td>
<td>✓</td>
</tr>
<tr>
<td>Computer, Electronic, Data Processing, or Server Establishment</td>
<td>✓</td>
</tr>
<tr>
<td>Craftsperson Shop</td>
<td>✓</td>
</tr>
<tr>
<td>Creative Products Manufacturing</td>
<td>✓ (7)</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td>✓ (3)</td>
</tr>
<tr>
<td>Financial Establishment (3)</td>
<td>✓</td>
</tr>
<tr>
<td>Fitness Centre</td>
<td>✓ (3)</td>
</tr>
<tr>
<td>Health Clinic (3)</td>
<td>✓</td>
</tr>
<tr>
<td>Industrial Administrative Office</td>
<td>✓</td>
</tr>
<tr>
<td>Light Repair Operation</td>
<td>✓</td>
</tr>
</tbody>
</table>
It is noted that the proposed EMP-6 zoning will allow for a range of innovative employment and complementary uses, however compared to the existing M2 zone, it is noted that several uses that are currently permitted on the site – and central to the operation of AirBoss – will no longer be permitted, including warehousing and manufacturing uses.

In addition to the above, it is noted that the proposed Zoning By-Law also contemplates the application of two Site Specific Regulations for the site, which are reviewed in the following table:

<table>
<thead>
<tr>
<th>Special Regulation No.</th>
<th>Requirement</th>
<th>Analysis / Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>172</strong></td>
<td>Within the lands zoned EMP-6 and shown as affected by this provision on Zoning Grid Schedule X of Appendix A, the following shall apply:</td>
<td>The existing Mixed Use land use designation of the Official Plan, permits development within the designation up to a Floor Space Ratio (FSR) of 4.0.</td>
</tr>
<tr>
<td></td>
<td>a) the maximum floor space ratio shall be 3; and</td>
<td>To not hinder any potential future redevelopment of the site, in the unlikely event of closure of the facility, it is recommended that the permitted FSR of 4.0 be permitted on the site in conformity with the existing Official Plan.</td>
</tr>
<tr>
<td></td>
<td>b) the <strong>maximum building height</strong> shall be 6 storeys or 20 metres, whichever is the greater.</td>
<td>Likewise, in order to provide flexibility in the future use of the property, it is recommended that the maximum building height match that of the proposed MIX-3 zone, which we</td>
</tr>
</tbody>
</table>
175

|   | Within the lands zoned EMP-6 and shown as affected by this provision on Zoning Grid Schedule 40, 41, 73, 74 of Appendix A, the following uses shall only be permitted as an accessory use in the manufacturing of industrial equipment and machinery:
|   | This special regulation largely mirrors the existing special regulation which permits certain types of manufacturing central to AirBoss’ ongoing operation.

|   | a) Stamping, Blanking or Punch-Pressing of Metal
|   | However, it is noted that these uses can only “be permitted as an accessory use in the manufacturing of industrial equipment and machinery”.

|   | b) Vulcanizing of Rubber or Rubber Products
|   | We note that the manufacturing of industrial equipment is not a permitted use in the EMP-6 zone, which intrinsically precludes the possibility for accessory uses.

|   | c) Refining, Rolling, Forging or Extruding of Metal Use, Noxious
|   | We also note that as these uses (manufacturing and warehousing) are primary uses undertaken by AirBoss, it is recommended that these uses be permitted as standalone uses (and not accessory).

Based on the foregoing, we respectfully make the following recommendations:

**Recommendation #8:** In conformity with the 2014 Official Plan, apply an approximate Mixed Use Land Use Designation to the Property (MIX-3 recommended).

**Recommendation #9:** In addition to the Specific Uses already proposed by Site Specific Regulation 175, permit Warehousing and Manufacturing as primary permitted uses on the property.

**OSR-2 Zoning Along Southern (Rail) Property Line**

Based on our review of the proposed Zoning Map for the Midtown Secondary Plan Area, it is noted that a portion of the site along its southern boundary is proposed to be re-zoned Open Space: Greenways (OSR-2). The area proposed as OSR-2 generally aligns with the area shown on Figure 15 below.
The primary purpose of the OSR-2 zone as set out in the Draft Zoning Regulations “is for green space and buffers as part of a comprehensive and connected open space system. OSR-2 lands may be comprised of lands not used for park or active recreational purposes, but which form part of the overall open space system.” As set out in Table 15-1 of the Draft Zoning Regulations, uses within the OSR-2 zone would be limited to Cemeteries, Outdoor Active Recreation and Outdoor Passive Recreation.

While it is appreciated that the City would like to establish a trail network adjacent to the CN rail corridor as express in the PARTS Midtown Station Area Plan, and acknowledged that this connection could be desirable from a land use planning perspective, the proposed re-zoning of this area conflicts with the ongoing use of the property by AirBoss and raises the potential for public health and safety concerns. We note that this area is in active use by AirBoss and is critical to the shipping and receiving function of the business.

Specifically, it is noted that this area of the site includes a rail line providing direct access from the AirBoss facility to the adjacent CN Railway to the south. Given the ongoing industrial use of this portion of the site, the identification and zoning of this area of the site as OSR-2 is premature and inappropriate at this time and would create significant health and safety concerns.
Moreover, it is also our opinion that the approach proposed by the City to create a trail network through the Comprehensive Zoning By-Law Review Process is an inappropriate mechanism to do so. Essentially the proposed approach “down-zones” existing land uses to another zone which limits future use to public park/trail purposes.

Municipalities have, under the Planning Act, the ability to secure lands for park / trail purposes:
- as a condition to the approval of a plan of subdivision (S.51 of the Planning Act);
- as a condition of a severance (S.51 and 53 of the Planning Act); and,
- as a condition of site plan approval (S.41 of the Planning Act).

It is our understanding that the ability to secure lands for similar purposes in re-zoning applications, including Municipal Comprehensive Reviews, does not exist under the Planning Act. In our opinion, the approach does not conform to the Planning Act and takes due process towards the establishment of a municipal trail network out of the equation. Further, it conflicts with Ontario Municipal Board rulings on similar matters, as expressed by the decision of past OMB Member Krushelnicki on Case No. PL001187, 2002 (“Spellman”):

“The Board and other tribunals have frequently commented on the matter of down zoning and the related question of the unreasonable taking of rights through land use planning decisions. The Minister’s advisor quoted above provides a reasonable summary of the law, as generally understood. Down zoning is not by itself a compensable taking.

In Canada and Ontario, we do not compensate for loss, nor do we tax the betterment or gain achieved by a favourable planning approval. Nevertheless, the Board and the courts have developed several principles applicable to the question of down zoning. In the first
place, down zoning should not be considered lightly or undertaken in bad faith or for wrong reasons.

Furthermore, it is well established that zoning and planning designations cannot be used to create public parks or publicly accessible open spaces. This requires that the lands be legally acquired by consent or through due process, and that fair compensation be paid. And finally, it should only be undertaken with care and with a strong and compelling public justification following a very careful consideration of the impact of the reduced rights of the landowner.”

While the proposed OSR-2 zoning is well-intentioned and aims to facilitate the creation of an east-west trail corridor, it is our opinion that the proposed re-zoning of these lands is premature.

Based on the foregoing, we respectfully make the following recommendations:

**Recommendation #10:** Match proposed land use designation and zoning for southern portion of site to that of the remainder of the property.

**Recommendation #11:** Delineate trail through future development applications, in accordance with the Planning Act.

**Proposed Parking Regulations**

In addition to the proposed use provisions of the Zoning By-Law, we have reviewed the draft proposed parking rates for PARTS areas. Based on our review, we understand that the proposed parking rate for multiple residential use is 0.9 per unit plus 0.1 visitor parking spaces per unit for residential uses.

While we recognize that this rate has been consistently proposed throughout the City’s PARTS areas, it is our opinion that this rate may be excessive for the KW-Hospital / Midtown Area compared to other, less central station areas (such as the Rockway Station Area).

Recognizing the central and convenient location of the KW-Hospital / Midtown Area and the ease of access (by transit, walking or cycling) to Uptown Waterloo, Downtown Kitchener and Belmont Village, we would suggest that a lower parking rate – potentially of 0.7 spaces per unit plus 0.05 visitor spaces per unit – may be more appropriate for the area and prevent an oversupply of parking within the area.

**Recommendation #12:** Recognizing the more central nature of the KW-Hospital / Midtown Area compared to that of other Station Areas, the City should develop alternate parking rates for uses within the area. A parking rate of 0.7m spaces per residential (multiple) unit plus 0.05 visitor spaces per unit is recommended.

**Conclusions**

On behalf of our client, AirBoss of America Inc., thank you for the opportunity to review and provide comments on the proposed Midtown Secondary Plan and proposed corresponding Zoning By-Law updates for the area.
As detailed in this letter, we have reviewed the proposed Secondary Plan and accompanying Zoning and have concerns related to their effect on the current use of the property and the long-term possible redevelopment of the site.

As noted, we understand that no meetings with staff are being made available in advance of the December 9, 2019 Statutory Public Meeting. Accordingly, we kindly request that a meeting with staff be scheduled shortly thereafter to discuss the concerns and recommendations set out in this letter. In advance of this letter, we met with representatives of two adjacent property owners (Mr. Glenn Scheels, GSP Group on behalf of Catalyst 137 and Douglas Stewart, IBI Group on behalf of the owner of 150 Park Street). We believe that given the similar concerns a group meeting with the City would be prudent.

By way of this letter, we also request that we be added to any notification/distribution list relating to the proposed Secondary Plan and Zoning By-Law Reviews.

Respectfully submitted

Current and Proposed Zoning
Current Zoning – M-2, 21U
Proposed Zoning – EMP-6 (172) (175)

Staff Response
The properties at 101, 105 and 137 Glasgow Street and 150 Strange Street were designated “Comprehensive Development Area (CDA)” in the 1994 Official Plan. This land use designation was unique to only these properties and contemplated a future development with a mix of uses. The City’s existing Secondary Plans were deferred at the time of the review and preparation of the 2014 Official Plan. As these lands were not in an existing Secondary Plan, they were given a Mixed Use land use designation in the 2014 Official Plan as this land use designation was the closest to the “Comprehensive Development Area (CDA)” designation in the 1994 Official Plan.

The lands were never zoned in accordance with the new Mixed Use land use designation in the 2014 Official Plan. They continued to be zoned “General Industrial Zone (M-2)” and fortunately for the property at 137 Glasgow Street, the M-2 zoning allowed the existing building to be repurposed into a unique employment use containing a high-tech employment uses, maker and service space, that met and addressed a niche manufacturing market and demand growing in Kitchener for these types of spaces.

During the development of the PARTS Central Plan, a new Innovation Employment land use designation was created to designate and identify lands to satisfy this growing trend. It was determined that this new land use designation would be perfectly suited to be applied to these properties on Glasgow Street, particularly because 137 Glasgow Street was already developing in accordance with the Innovation Employment land use policies. The property at 101 Glasgow Street would also benefit given redevelopment opportunities under this land use designation would support the retention and repurposing of the existing building, which again as noted in the submission, was identified as a Listed Non-Designated Property on the City’s Municipal Heritage Register in 2015.

As indicated in the submission, the PARTS Plan stated the following:
“Airboss is a successful employment use on the southeast side of Glasgow Street. While maintaining industrial employment in close proximity to established neighbourhoods presents land use compatibility considerations, the diversity Airboss adds to the area’s employment sector is a key asset that must be protected, along with the heritage factory building itself.

Encouraging compatible employment uses on the adjacent 137 Glasgow site, (such as the current Catalyst 137 high-tech manufacturing hub) could create a cluster of desirable and compatible employment uses and address the unmet demand for a niche manufacturing market to support local tech industries.”

The property owner at 101 and 105 Glasgow Street, AirBoss, participated in the development of the PARTS Midtown Plan. The PARTS Midtown Plan was considered at Planning and Strategic Initiatives Committee on October 2, 2017, however it was not recommended for approval. At that meeting, AirBoss, expressed concerns with the identification of proposed street connections and park space on the portion of the property addressed as 105 Glasgow Street.

“does not support the Preferred Scenario with regards to the identification of the proposed road (whether private or public) to connect Eden Avenue at Glasgow Street with Elm Street, essentially resulting in the bisection of the subject property and severely limiting the form and function of the potential redevelopment of the lands. Additionally, the owner does not support the identification of a large portion of their property for the provision of new park space or the extension of York Street.”

“Therefore, we are of the opinion that the identification of the “Proposed Streets” and “Proposed New Park Space” in the PARTS Midtown Station Area Plan, or any resulting Official Plan Amendment, Secondary Plan Amendment, or Zoning By-law Amendment, is
not appropriate and is not necessary to ensure the orderly redevelopment of the subject property. This is a large property prime for redevelopment. Impacting the property with these items will severely frustrate the landowner from moving ahead.

We would respectfully ask Committee and Council to support the proposal as presented with the removal of the roadways and proposed new park space.”

As a result of submission and concerns of AirBoss, at the October 2nd, 2017 Finance and Corporate Services Committee, the recommendations outlined in the PARTS Midtown Plan related to a possible, future street connection and potential, future parkland related to any future redevelopment of 101 and 105 Glasgow Street were deferred to the October 16th Council meeting. The deferral was to allow an opportunity to provide scenarios to address the landowners’ concerns.

Staff contacted the landowners’ representative regarding wording of a potential Resolution to provide certainty about existing operations/use and flexibility for future plans. Additional time to further consider this matter was needed. Given this specific item was part of a long-term plan and would only be considered upon redevelopment of either property, there was no immediate rush to conclude on the matter. As such, staff recommended that this matter be deferred to the December 4th Committee meeting and the following motion was passed:

“That that the recommendations outlined in the PARTS Midtown Plan related to the implementation of the roadway connection and parkland identified on the properties municipally addressed as 101 and 105 Glasgow Street, and as referred to in Clause 5 of the Finance and Corporate Services Report, be deferred until December 4th Standing Committee of Council.”

After 2 months, Planning staff received confirmation that the following motion was acceptable to Airboss.

“We greatly appreciate the opportunity for additional time for our group to consider the proposed wording that was presented to us and can now confirm that we are in agreement with this wording and support a Council Resolution to include this wording.”

Accordingly, this motion was recommended for approval at the December 4, 2017 Standing Committee of Council and this text was inserted into the final version of the PARTS Midtown Plan.

“THAT notwithstanding the PARTS: Midtown Plan, any of the conceptual future street connections shown in the plan shall not hinder the ability of AirBoss (101 Glasgow Street) to continue to operate and expand their industrial facility at any time. Only at such time as 101 Glasgow Street is ever proposed to have a different use of the property, a potential private or public transportation connection to Elm Street be explored with the landowner at that time;

AND FURTHER THAT for the lands bounded by Glasgow Street, Strange Street, the rail line and Iron Horse Trail, any future street connections – whether private road, private driveway or public road; and any park space – whether private or public; shown on the
Maps contained in the PARTS: Midtown Plan are conceptual, long-term possibilities that would only be considered at the time a property is redeveloped and a landowner at that time may provide justification of an alternate way to achieve these particular PARTS: Midtown Plan objectives."

After the amount of consultation and engagement with AirBoss and the deferral of the approval of the PARTS Midtown Plan for 2 months to facilitate more dialogue and a Resolution of issues, Planning Staff were very surprised to receive this submission on the proposed Secondary Plan, OPA and ZBA considered at the December 9th 2019 Statutory Public Meeting. Particularly because the proposed Secondary Plan, OPA and ZBA implement the approved PARTS Midtown Plan.

The new Midtown Secondary Plan does not show the proposed street connections and the proposed park space on Glasgow Street that were of concern to AirBoss in its ability to redevelop at a future point in time. The lands shown as Open Spaces on the PARTS Midtown Plan were not of concern to AirBoss and not identified in their submission October 2017 submission and accordingly were not identified in the December 4, 2017 motion that was recommended for approval.

The Open Space lands along the southerly boundary of the AirBoss property are for the most part currently being used for Open Space purposes and were not seen to be an impediment to any future redevelopment plans. The configuration of the Open Space area on the AirBoss property is smaller in width than what is shown on the adjacent properties. This is to allow the existing building to be utilized by other uses other than AirBoss or to be incorporated into future redevelopment plans. Particularly because of the cultural heritage significance of the building and its attractiveness to uses in the new Innovation Employment land use designation. The provision of a connection in the form trail in this location is desirable and represents good planning.
It is agreed that municipalities have, under the Planning Act, the ability to secure lands for park / trail purposes as a condition of subdivision, consent, and site plan approval. The City has no intention of trying to secure this land through a City-initiated OPA/ZBA process without appropriate compensation. Instead the purpose is to zone the lands for Open Space purposes to show intent and guide the acquisition of these lands through the appropriate application under the Planning Act.

With respect to the lands proposed to be designated and zoned for parks/open space use, over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.

Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Site Specific (172) was added in order to recognize the existing AirBoss use.

“(172)
Within the lands zoned EMP-6 and shown as affected by this provision on Zoning Grid Schedule 40, 41, 73, 74 of Appendix A, the following uses shall only be permitted as an accessory use in the manufacturing of industrial equipment and machinery Stamping, Blanking or Punch-Pressing of Metal Vulcanizing of Rubber or Rubber Products:

a) Refining, Rolling, Forging or Extruding of Metal Use, Noxious”
The proposed Innovation Employment land use designation and zone, with site-specific, is the most appropriate land use to be applied to these lands in the station area, in the new Midtown Secondary Plan. There are limited properties which could be designated to provide this type of niche employment use and it is desirable and appropriate to provide employment opportunities, particularly this type of employment use, in a station area.

In response to comments made with respect to Policy 11.C.1.34, Planning and Heritage Planning staff will clarify the wording and intent of policy 11.C.1.34 and provide clarification on the defining characteristics of the CN Rail corridor to assist in assessing impact of this policy with respect to a proposed redevelopment these lands.

Further:
Planning Staff provide the following responses to the Recommendations contained in the Submission.

**Recommendation #1:** That the existing ‘Mixed Use’ and ‘Site Specific Policy Area No. 28’ land use designations continue to apply to the property and that the implementing Zoning permit a range and mix of uses to support the eventual redevelopment of the site.

- Planning staff recommend that the lands continue to be designated “Innovation Employment” with site specifics to recognize the existing use and allow it to transition and redevelopment at such time as it is supported by a Land Use Compatibility Study.

**Recommendation #2:** That the Zoning By-Law be updated to conform to the existing ‘Mixed Use’ and ‘Site Specific Policy Area No. 28’ land use designations of the City of Kitchener's Official Plan. Based on our review of similar nearby sites proposed for Mixed Use purposes, it is recommended that Medium to ‘High Rise Mixed Use Three’ (MIX-3) Zoning be applied to the entirety of the AirBoss site with site specific regulations to allow for the continued use/operation of the facility.

- Planning staff recommend that the lands continue to be designated “Innovation Employment” with site specifics to recognize the existing use and allow it to transition and redevelopment at such time as it is supported by a Land Use Compatibility Study.

- Proposed Policy 15.D.6.35 would allow new residential uses, subject to the support of a Land Use Compatibility Study, without the need for an Official Plan Amendment. This is in essence a Holding Provision which could not be lifted and/or zone category amended until it could be demonstrated that residential use of this property would be appropriate and compatible.

**Recommendation #3:** That pursuant to the City’s existing Official Plan, the implementing Zoning include a Holding provision applying to residential uses, day care uses and other sensitive uses and that the Holding provision not be removed until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region. It is also recommended that the requirement for a compatibility assessment prior to the establishment of new residential uses be added to the Holding provision.

- Proposed Policy 15.D.6.35 would allow new residential uses, subject to the support of a Land Use Compatibility Study, without the need for an Official Plan Amendment. This is in essence a Holding Provision which could not be lifted and/or zone category amended
until it could be demonstrated that residential use of this property would be appropriate and compatible.

Recommendation #4: Continue to support the eventual redevelopment of the site by permitting a mix and range of land uses.

- The proposed Innovation Employment land use designation and zoning permits an opportunity for unique employment uses in the station area and would allow the permission for residential uses and other commercial uses with the support of a Land Use Compatibility Study, without the need for an Official Plan Amendment.

Recommendation #5: Maintain existing Mixed Use Land Use Designation and implement appropriate mixed-use Zoning for the AirBoss Lands.

- Planning staff recommend that the Innovation Employment land use designation proposed by the PARTS Midtown Plan, and which was supported by the property owner, be implemented for the subject lands.

Recommendation #6: Remove the proposed Open Space designation, and instead match the proposed land use designations of the southern portion of the property to that of the remaining site.

- Planning staff recommend that the lands be designated “Mixed Use” rather than “Innovation Employment”. As noted, Planning and Parks Staff will review the needs and opportunities for park space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Recommendation #7: Ensure that the existing industrial (warehousing, manufacturing etc.) land use and operation of the facility is permitted by identifying the site as a Site-Specific Policy Area.

- Planning staff will review Site-Specific (172) to ensure that will permit the existing AirBoss use.

Recommendation #8: In conformity with the 2014 Official Plan, apply an approximate Mixed Use Land Use Designation to the Property (MIX-3 recommended).

- Planning staff recommend that the lands continue to be designated “Innovation Employment” and zoned “EMP-6” with site specifics to recognize the existing use and allow it to transition and redevelopment at such time as it is supported by a Land Use Compatibility Study.
- Further discussion will be had with respect to the proposed “OSR-2” zone that was shown.

Recommendation #9: In addition to the Specific Uses already proposed by Site Specific Regulation 175, permit Warehousing and Manufacturing as primary permitted uses on the property.

- Planning staff will review Site-Specific (172) to ensure that will permit the existing AirBoss use.
Recommendation #10: Match proposed land use designation and zoning for southern portion of site to that of the remainder of the property.
- Further discussion will be had with respect to the proposed “OSR-2” zone that was shown.

Recommendation #11: Delineate trail through future development applications, in accordance with the Planning Act.
- Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine, where there is not an agreement, if there is an amenable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.
- Further discussion will be had with respect to the proposed “OSR-2” zone that was shown.

Recommendation #12: Recognizing the more central nature of the KW-Hospital / Midtown Area compared to that of other Station Areas, the City should develop alternate parking rates for uses within the area. A parking rate of 0.7 spaces per residential (multiple) unit plus 0.05 visitor spaces per unit is recommended.
- Thank you for the recommendation. Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

Resolution
No changes are recommended to be made to the land use designation and zone category proposed to be applied to 101 Glasgow Street.

Further discussion will be had on the needs and opportunities for parks and open space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

In response to comments made with respect to Policy 11.C.1.34, Planning and Heritage Planning staff will clarify the wording and intent of policy 11.C.1.34 and provide clarification on the defining characteristics of the CN Rail corridor to assist in assessing impact of this policy with respect to a proposed redevelopment these lands.
Good Morning, We received a letter regarding the city reviewing the land use designation and zoning proposed changes and is says our property at 136 Ottawa St. S is proposed to change.

After viewing the documents and plans the city has online it appears that 136 Ottawa St. S is not proposed to change? Is this correct? Any assistance finding this out would be appreciated.

Thanks,

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

Staff Response
On October 29, 2019 Planning Staff responded with the following:

“Good day, Thank you for your email and your interest in the Neighbourhood Planning Review project.
We are updating the land use and zoning in the Secondary Plans to help implement new legislation and direction from the Province, Region, City, and other agencies to ensure the City’s land use plans and zoning reflect current practices and supports Kitchener’s strategic direction.

Submission received October 23, 2019
The existing zoning of the property at 136 Ottawa Street South is “Existing Use Zone (E-1)”. The proposed zoning is “Existing Use Floodplain (EUF) Zone”. In this case we are applying a similar zone to what exists already and updating the name of the zone to reflect the intent. You are correct in that the change in zoning is in name only.

Should you have any other questions or comments please do not hesitate to contact our office. Regards, Tina Malone-Wright, MCIP, RPP, Senior Planner”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 136 Ottawa Street South.

32. 304 Ottawa Street South

Submission received October 18, 2019
I have read the information provided with respect to the council meeting. I will be attending the meeting and listening to the proposals and comments. At the moment, I do not have a comment; however, if things change in the plans, I may want to talk. If things stay as they are, I do not have any comments at the moment. I do not want to lose my right to appeal should something change. As such, should I be registering and then just decline to speak should nothing change?
Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-6

Staff Response
On October 25, 2019 Planning Staff responded with the following:

“Thank you for your email and your interest in the Neighbourhood Planning Review.

As per the legislative requirements in the Planning Act (see below), any person or public body who does NOT make oral and/or written submissions before or at the public meeting may not be entitled to appeal the decision. If at the moment you do not have any comments or concerns, I would still document them in a written form in advance of the public meeting, and then you will be notified of future decisions on the Secondary Plans and maintain your right to appeal should the plans change. You do not need to speak at the public meeting to ensure your right to appeal. Written comments are also acceptable as noted below.

“LEGISLATIVE INFORMATION If a person or public body would otherwise have an ability to appeal the decision of the City of Kitchener to the Local Planning Appeal Tribunal, but the person or public body does not make oral submissions at a public meeting or make written submission to the City of Kitchener prior to approval/refusal of the proposed Official Plan or Zoning By-law Amendment, the person or public body may not be entitled to appeal the decision.”

Hope this answers your question. If you have any additional questions or comments, please do not hesitate to contact our office.”

Resolution
None required.
Submission received October 22, 2019
To whom it may concern;
We live at 28 Rosedale Ave. and so will be affected by the proposed changes to the official plan. I am trying to find out if these changes in any way affect the properties behind us which are being redeveloped as a 44-unit condo or apt complex (that address being 80-96 Sydney St. N.) That plan had gone to the committee of adjustments and I spoke at that meeting on behalf of many of our neighbours and at that time the proposed plan was approved with a couple of minor changes. I have looked at the maps but not being experienced at reading what was there it appeared to me that our property and those properties behind us are going to be low density residential. Is that so? This will determine if I will be speaking at the upcoming meeting on Dec 9th. Another thing that concerned most of our neighbours was the height of the units being proposed to be built and I think that the low density would restrict the height to 2 1/2 stories. Is that correct? Your earliest attention to this question would be greatly appreciated Thank you in advance.

Current and Proposed Zoning (28 Rosedale Avenue)
Current Zoning – R-7
Proposed Zoning – RES-4 (159)

Current and Proposed Zoning (80-96 Sydney Street North)
Current Zoning – R-7
Proposed Zoning – RES-5 (171)

Staff Response
On October 25, 2019 staff responded with the following:
“Hi, Thank you for your email and for your interest in the Neighbourhood Planning Review.

I have attached a picture of the existing zoning and of the proposed zoning. As you can see from the graphics, the “R-7” lands in this area are being rezoned to new “RES-4” and new “RES-5”.

Currently the “R-7” zone permits a multiple residential building with a Floor Space Ratio of 1.0 (amount of building floor area compared to lot area, in this case a 100% of the lot area could be building floor area) built to a maximum height of 24 metres (approx. 8 storeys).

New “RES-5” permits a multiple dwelling to a maximum Floor Space Ratio of 0.6 and limits the building height to a maximum of 11 metres.

New “RES-4” zone permits up to a multiple dwelling with 4 dwelling units and a maximum building height of 11 metres.

The link below is for a chart which compares existing zone categories with proposed zone categories for your information. [Link to Comparison of 'R' Zones and new 'RES' Zones]

The lands at 80-96 Sydney Street are proposed to be zoned at a lower density but retain a site-specific regulation to recognize some aspects of existing zoning and site plan approval. They are proposed to be rezoned to “RES-5” with a site-specific regulation (171) to recognize the existing Floor Space Ratio of 1.0 and the proposed height as shown on the approved site plan of 4 storeys or 11.5 metres.

I have attached the wording of Site-specific regulation (171).

(171) – Within the lands zoned RES-5 and shown as affected by this provision on Zoning Grid Schedules XX of Appendix A, the maximum Floor Space Ratio shall be 1.0 and the maximum building height shall be 4 storeys or 11.5 metres, whichever is greater, at the highest grade.

I have also attached the wording of site-specific regulation (159) for your information.

(159) - Within the lands zoned RES-3, RES-4 and RES-5 and shown as affected by this provision in Appendix A, an attached private garage or detached private garage shall be located 5.5 metres behind the front façade of the principal building.
Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 28 Rosedale Avenue and 80-96 Sydney Street North.
Submission received October 17, 2019
Hello, I received the letter regarding the planning for Cedar Hill and Schneider Creek, I am concerned regarding my property as it clearly doesn't fit into any of the measurements stated. There is barely enough land for the house, let alone parking. Last year I received a letter saying that the city was considering making Peter St a one-way street with parking, is this still a possibility? I would be happy to sell to the city if space is needed to accommodate changes and parking for the neighborhood.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
On October 25, 2019 Planning Staff responded with the following:

“Thank you for your email and for your interest in the Neighbourhood Planning Review. I have attached a link to a document which compares existing residential zones with the proposed new residential zones. [Link to Comparison of 'R' Zones and new 'RES' Zones]"
Your property is currently zoned “R-5” and is proposed to be zoned new “RES-3”. The size requirements for a single detached dwelling are not proposing to change.

With respect to the Peter Street reconstruction I would suggest contacting Yam Bhattachan, Engineering Services, (Yam.Bhattachan@kitchener.ca) for information/questions related to the Peter Street reconstruction.

Thank you for your comments with respect to the sale of your property. I will include them in the public record and for future consideration by the City. Regards, Tina Malone-Wright, MCIP, RPP”

Further:
The property is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 72 Peter Street.
35. a) 687 King Street West

Staff Response
On October 21, 2019 staff responded with the following to a phone call received on that same date:

“Hi, Thanks for your call.
Your property is within K-W Hospital/Midtown Secondary Plan area. The current zoning of your property is MU-3 and the proposed zoning is MIX-3. You can find more information regarding zoning via this link.
If you have any further questions, please let me know.
Thanks, Preet”

Phone call received October 21, 2019
Hi Preet, Thank you for the information. I marked 687 King St W on the attached maps (pink & orange). Could you please confirm that this is the correct lot?

Current and Proposed Zoning
Current Zoning – MU-3
Proposed Zoning – MIX-3
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.
Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 687 King Street West.

b) 16 Andrew Street

Submission received October 23, 2019
Good morning Preet, I have another question in addition to the one below. Looks like 16 Andrew St is within the K-W Hospital/Midtown Secondary Plan area. Could you please confirm the existing and proposed zoning for this property?

Current and Proposed Zoning
Current Zoning – MU-2
Proposed Zoning – MIX-4
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

Staff Response
On October 23, 2019 staff responded with the following:

“Hi, Yes 687 King St is the one you marked on the attached map. See the image below for 16 Andrew Street. The existing zoning is MU-2 and the proposed zoning is MIX-4.”
Resolution

No changes are recommended to be made to the proposed land use designation and zone category to be applied to 16 Andrew Street.

36. 137 Church Street
Submission received October 18, 2019
May I please be given specific information if the Cedar Hill and Schneider Creek Project will impact my home at 137 Church Street, where I have been living for 34 years. I would like to know if the parking situation on my street will be affected, if any high rise will be built nearby, and if there is anything else, I should be concerned about.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
On October 21, 2019 Planning Staff responded with the following:

“Thanks for your enquiry below.
Your property, 137 Church Street, is within Cedar Hill and Schneider Creek Secondary Plan area. You are encouraged to visit the page for detailed information. In summary, the current zoning of your property is R-5 and proposed zoning of your property is RES-3 (159) (160). I have attached a pdf showing a comparison of current and proposed zones. Link to Comparison of ‘R’ Zones and new ‘RES’ Zones

If you have any questions after reviewing it, please do not hesitate to contact us.”

Staff Response
On October 22, 2019 Planning Staff responded further with the following:

“I missed your question in my email to you yesterday - ‘if the parking situation on my street will be affected, if any high rise will be built nearby, and if there is anything else, I should be concerned about’. There are no new proposed high-rise zoning other than recognizing land use and zoning of existing lots/buildings. For any new high-rise development proposals within low rise residential limited land use, the developer will have to go through rigorous application process in place for official and zoning by-law amendment. Neighbours will be engaged in the process. You will not see much difference to the parking situation in your area.”

Further:
The subject property at 137 Church Street is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific
Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 137 Church Street.

37. 17 Mary Street

Submission received October 22, 2019
Hi There, We received a letter notifying that the city is currently reviewing the land use designation and zoning which includes a property we own at 17 Mary St. Could you please let me know how we can submit our comments in writing? Is there a mailing address or email where we can send the comments to prior to for consideration? Thank you

Good morning, Further to my email below, is it possible to let us know what the new zoning is currently being proposed for 17 Mary Street? Thank you
Current and Proposed Zoning

Current Zoning – R-5, 129U
Proposed Zoning – RES-3 (159)
A comparable zone is proposed to be applied.

Staff Response
On October 22, 2019 staff provided the following response:

“Hello, Thanks for the call and emails below. As discussed over the phone, you will be able to find relevant information on the NPR Webpage: www.kitchener.ca/NPR and for comparison between Res and R zones see this link.

Also, please note that no decisions will be made at this statutory public meeting. The purpose of the public meeting is to receive your input and comments on the proposed changes to the city’s official plan and zoning by-law. Please review the material and if you have any questions or comments, you may submit for consideration.

If you have any further questions, please feel free to let us know. Thanks, Preet”

Further:
The property at 17 Mary Street is currently zoned R-5, 129U. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units, however the 129U that is applied to this property does not permit this use. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 17 Mary Street.
Submission received October 18, 2019
Can you please provide me with the current zoning for the following properties: 777 Weber St E and 1700 King St E?

Current and Proposed Zoning
Current Zoning – MU-3
Proposed Zoning – MIX-3
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

Staff Response
On October 18, 2019 Planning Staff responded with the following:

“Thanks for your enquiry below. The current zoning of 777 Weber St E and 1700 King St E is MU-3 and proposed zoning in the MIX-3. If you have any further questions, please do not hesitate to contact us.”

Further:
The new MIX-3 is a comparable zone to the existing MU-3 zone with respect to Floor Space Ratio regulations. Both zones permit a maximum FSR of 4.0. The only difference is that the existing MU-3 does not have a maximum height regulation whereas the new MIX-3 has a maximum building height of 8 storeys or 26 metres.
In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling. The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood.

As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

What Planning Staff were finding is that when a property had a maximum FSR and building height that did not correlate, the development would meet one zoning requirement first, and put forward that they could exceed this zoning requirement because the other zoning requirement had not been met. Both FSR and Maximum Building Height were meant to work together, and this was not happening. The miscorrelation was being taken as an interpretation that one of the zoning requirements could be exceeded if the other zoning requirement had not been maxed out. For example, if the maximum FSR of a property was 4.0 and the maximum building height was 10 storeys, a proposal for a development having a FSR of 6.0 would be put forward because the maximum building height on the site was 10 storeys.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 777 Weber Street East and 1700 King Street East.
Submission received October 16, 2019
Is this directed to just my property at 253 Borden Ave S? Or are other properties on my street getting this notice as well?

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159)
A comparable zone is proposed to be applied.

Staff Response
On October 18, 2019 Planning Staff responded with the following:

“The City of Kitchener is undertaking a detailed review of the land use and planning framework for many Kitchener neighbourhoods. This letter refers to seven secondary plans and sent to all property owners within these secondary plans.
Your property is part of Rockway Secondary Plan area. You are encouraged to visit this link to get more information regarding your property.
If you have any further questions, please feel free to let us know. Thanks, Preet”

Further:
The subject property at 253 Borden Avenue South is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act
regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structure in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 253 Borden Avenue South.

40. 58 Glasgow Street

Submission received October 15, 2019
I received a letter in the mail about reviewing land use designation and zoning. I don't actually know what this means. I don't think it's fair for me to show up to the meeting in person without a clue about what this is. The link to the website included in the letter gives me no additional information beyond what was included in the mailed letter.
Can you please tell me what this review is about and what the implications to me as the owner of this property is?

**Current and Proposed Zoning**

Current Zoning – R-5, 129U
Proposed Zoning – RES-3 (159), (160)
A comparable zone is proposed to be applied.

**Staff Response**

On October 18, 2019 Planning Staff responded with the following:

“Thanks for your email below.

Your property, 58 Glasgow St, is within Midtown Secondary Plan area. You are encouraged to visit the page for detailed information.

In summary, the current zoning of your property is R-5, 129U and proposed zoning of your property is RES-3 (159), (160). I have attached a pdf showing comparison of current and proposed zones.

If you have any questions after reviewing it, please feel free to contact.”

Further:

The subject property at 58 Glasgow Street is currently zoned “R-5” with 129U. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units however the 129U provision, which is applied to the subject property, only permits up to a duplex. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

**Resolution**

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 58 Glasgow Street.

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41. Schneider Avenue
Submission received October 16, 2019
Hi, I was reviewing the material on the website but cannot find the Victoria Park neighbourhood and Schneider Ave in particular. Am I missing that on the website somewhere? Let me know.

Staff Response
On October 18, 2019 Planning Staff responded with the following:

“Good afternoon ‘Deleted Name’,
Thanks for your email below. Here are the links to main webpages for Victoria Park and Cedar Hill and Schneider Creek secondary plan areas.
If you need further information, please do not hesitate to contact us.
Thank you, Preet”

Resolution
None required.

42. 389 Weber Street East
Submission received October 17, 2019
Good afternoon we have received a letter from City of Kitchener regarding a property we just purchased Sept. 4th. The property is located 389 Weber St. E. in Kitchener. It appears to be on the fringe of the King St. E. planning change. Can you please provide a break down regarding how the changes may impact this property?

Current and Proposed Zoning
Current Zoning – R-6
Proposed Zoning – RES-5
A comparable zone is proposed to be applied.

Staff Response
On October 18, 2019 Planning Staff responded with the following:

“Good morning, Thanks for your enquiry below. Your property is within King St. E secondary plan area. Here are the links to proposed and existing zoning maps. The current zoning is R-6 and proposed zoning is RES-5. Attached pdf showing comparison of existing and proposed residential zones is for your information.

If you have any further questions, please feel free to let us know. Thanks, Preet”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 389 Weber Street East.
Hello, I am the owner of 28 Stirling Ave N in Kitchener and have received a letter regarding proposed changes to the land use designation. The property is an investment rental property and I am wondering how such changes may affect its current use? Thanks.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
On October 18, 2019 Planning Staff responded with the following:

“Good morning ‘Deleted Name’, Thanks for your enquiry below. Your property is within King St. E secondary plan area. Here are the links to proposed and existing zoning maps. The current zoning is R-5 and proposed zoning is RES-3 (159), (160). Attached pdf showing comparison of existing and proposed residential zones is for your information.

If you have any further questions, please feel free to let us know. Thanks, Preet”
The property is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specific provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 28 Stirling Avenue North.

44. 45 Pandora Avenue North

Submission received October 11, 2019
“Hello, The last planning meeting was just a zoo. I’d like to make an appointment to view how my street and home are affected please.”

Staff Response
On October 15, 2019 Planning staff responded with the following:

“Thanks for your email. As mentioned in the notice below and given the large number of properties being engaged and consulted at this time, City staff will not be able to meet with individual property owners and/or stakeholders in advance of the December 9th public meeting to discuss or resolve any issues and concerns. However, if you can provide the address or your area in general, I can send you the webpage links to current & proposed land use and zoning. Thanks again, Preet”

Submission received October 15, 2019
“Hello Preet, Thanks for your email. As mentioned in my previous email the `City meeting’ was a zoo -- it was not helpful; it was not well organized and many of us left highly dissatisfied and annoyed. We all have lives - we have to pay the property taxes that pay your salary, that of the Ms. Marsh and all the other City Staff and therefore may not be able to attend the meeting held by city staff that is paid to do this job on December 9th public meeting to discuss or resolve any issues and concerns. However, if you can provide the address or your area in general, I can send you the webpage links to current & proposed land use and zoning. Thank you. Not the two words going through my mind -- one of them is `you` though."

Staff Response (Provided by Councillor Marsh)
On October 16, 2019 Councillor Marsh responded with the following:

“I understand your frustration. I hope you can appreciate this is a very large project that involves several neighbourhoods and staff are trying to complete it in a timely, efficient manner. What I can tell is that no decisions will be made on December 9th. Any comments or concerns from residents should be noted in an email so that staff can work to try to address them.

So, I will ask Preet to send links of the maps for the area of Pandora between King and Weber, and surrounding blocks to give you a chance to review them. For the most part, low rise residential properties will not see a significant change, other than a province-wide rule that says when a property is large enough to accommodate a 2nd or 3rd dwelling unit, property owners will be allowed to add a dwelling unit or two to a single family home. Properties on King and Weber are proposed to allow additional density because they are along arterial roads.”

Staff Response
On October 17, 2019 staff responded with the following:

“Thank you for the email below. As requested, below are the links to the maps and related documents for the area of Pandora between King and Weber:

The subject area is within King Street Secondary Plan and here is the link to the main page.
The proposed land use designation is Low Rise Residential Limited. Here are the links to proposed Land Use Map, typologies, and policies. The existing land use is Low Rise Conservation. Here is the link to existing land use map.

The proposed zoning is RES-3 with site specifics (159) (160). Here are the links to proposed zoning map, RES zones, typologies, and site specifics. The existing zoning is R-5. Here are the links to existing zoning map and existing zoning by-law 85-1.”

Submission received October 18, 2019
“Dear Mr. Kohi: In your email you refer to " supports Kitchener’s strategic direction. What is that direction, who decided, when, and why please.”

Staff Response
On October 18, 2019 staff responded with the following:

“Hello, You can find more information about Kitchener’s strategic plan, it’s direction, who decided, when, and why by visiting this webpage.
Thanks, Preet”

Submission received October 18, 2019
“Dear Mr. Kohi, Thank you for the referral to the City of Kitchener Webpage. I think you may have inadvertently put your finger on the very problem. It is the statement: listening to our community. We asked Kitchener residents, council members and local organizations where we should focus our efforts to make Kitchener an even more innovative, caring, and vibrant city that is concerning.

Often the "asking" sessions are really download information sessions of decisions that have already been taken; or the information that city is getting is coming from organizations like King Street East neighbourhood Association -- a very very closed and tightly guarded group that by no means represents the residents of the area.

This small group centered around the Duke and Cameron area are not a conduit for information or any relevant feedback. Indeed, the small self-protecting group that runs this organization has really alienated most of the community. It saddened me that when a boarding house, I think a provincially run boarding house opened up on Duke Street behind the house of Chair of Kena -- many of the residents on Pandora thought it a source of amusement, given the way in which this group handled concerns about 656 King St. E.

The door to that boarding house is left open 24/7 and of course, like 24 Cameron is a "round the clock drop in."

I was very active in encouraging the folks at 656 King to move, as were some other neighbours. That involved - frankly very little help from the members of the WRPS when called by the OWNER; but rather residents on their own facing meth dealers in the parking lot and making it clear they needed to leave; or walking out front on King Street to discourage prostitution that one of the
residents boasted his daughter offered nightly. It involved assaults, life threats, theft, harassment...

We are very grateful to Gloria MacNeil who did everything she could from a by-law stand point - including addressing the large rats that appeared roaming as far north as Duke from the third level high refuse that accumulated every week brought back by the all night long bicyclists who roamed the neighbourhood to pick up items.

The folks at KENA were as much help as mammary glands on a bouvine taurus. So, if things like "neighbourhood associations" or KW Awesome is your source of community input... frankly, that's laughable.

**Current and Proposed Zoning**

Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

**Staff Response**

Further:
The subject property at 45 Pandora Avenue North is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

**Resolution**

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 45 Pandora Avenue North.
Phone call received October 17, 2019
Property owner called inquiring what changed with regards to their property.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159)
A comparable zone is proposed to be applied.

Staff Response
On October 18, 2019, Planning Staff responded with the following:

“Hi, thanks for the call yesterday. As requested, attached is the pdf of comparison of existing and proposed zones.

Your property is within Rockway secondary plan. The current zoning is R-5 and proposed zoning is RES-3 (159), here is the link to proposed zoning map.

If you have any further questions, please feel free to let us know. Thanks, Preet”

Further:
The subject property at 246 Ottawa Street South is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning
which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 246 Ottawa Street South.

46. 11 Stirling Avenue North

Submission received October 15, 2019
Attention Tina Malone Wright
I would appreciate a phone call from you so you can further explain this letter I received today. You may contact me at 'Deleted Phone Number’. Thank you
Current and Proposed Zoning
Current Zoning – MU-2, 541R, 15H
Proposed Zoning – MIX-3
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

Staff Response
On October 18, 2019, Planning Staff responded with the following:

“Thank you for your email below.
The City of Kitchener is undertaking a detailed review of the land use and planning framework for many Kitchener neighbourhoods. You received the letter because your property is part of the area we are currently reviewing.

Your property is within King St. East Secondary Plan area. This is the main link and you are encouraged to visit this link for more information.

In summary, the current zone of your property, 11 Stirling Ave. N is MU-2, 541R, 15H. The proposed zone of your property is MIX-3.

If you have any further questions, please feel free to contact us.”

Further:
A phone call was also had with the property owner on October 17, 2019 wherein Planning Staff were advised that there were no concerns with the proposed land use designation and zoning.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 11 Stirling Avenue North.
Submission received October 17, 2019

Hello. Our home just received a letter about proposed changes to the land use designation and zoning of our property. We live on Courtland and Peter and were wondering about the changes going to be made around our area. We tried to look online but it is quite confusing for us. Can you explain exactly what is going to be done around our area?

Current and Proposed Zoning

Current Zoning – CR-1, FSR 1.0, Maximum Building Height 18 metres
Proposed Zoning – MIX-1 (168), FSR 2.0, Maximum Building Height 5 storeys, 16 metres
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

Staff Response
On October 18, 2019, Planning Staff responded with the following:

“Hello, thanks for your enquiry below. Your property is within Cedar Hill and Schneider Creek Plan secondary plan area. Here are the links to proposed and existing zoning maps. You can locate your property and review the changes. Attached pdf showing comparison of existing and proposed residential zones will be helpful if your property is residential. In case it is a non-residential property, then you can explore the first link above to know more about mixed use zoning.
If you have any further questions, please feel free to let me know.”
Further:
Planning staff completed extensive 3D modelling. The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 87 Courtland Avenue East.

48. 368-382 Ottawa St. S., 388 Ottawa St. S. and 99 to 115 Pattandon Ave.
I am pleased to represent St. Mary and St. Maurice’s Coptic Orthodox Church regarding their lands at Pattandon and Ottawa Street, in the City of Kitchener (as shown on the image below and the attached survey).

The lands outlined in blue (municipal address = 388 Ottawa St. S.) represents the current location of St. Mary and St. Maurice’s Coptic Orthodox Church. The lands outlined in red reflect additional lands under their ownership including 368 to 382 Ottawa Street south and 99 to 115 Pattandon Avenue.

It is our understanding that the City of Kitchener is currently undertaking a review of the land use planning framework for specific Kitchener neighborhoods. The subject lands are located within the "Mill Courtland Woodside Park Secondary Plan" and the City is in the process of considering new land use designations and zoning regulations.

Initial drafts of materials have been issued and under the Proposed New Secondary Plan, Proposed Land Use Plan the boundary is drawn showing the Coptic Church Lots 1 to 7, municipally known as 368 to 382 Ottawa Street South and 107 to 115 Pattandon Avenue inclusive falling within the proposed `Mixed Use` boundary. However, Lots 8 and 9, municipally known as 99 and 103 Pattandon Avenue, are separated by this boundary and fall under `Low Rise Residential` use (as shown on the image below).
Similarly, on the Proposed Zoning Plan Lots 1 to 7 are proposed to be zoned ‘Mixed Use’ (MIX-4 Sp.3) and Lots 8 and 9 are zoned Low ‘Rise Residential’ (RES-4).

The landowner would ask the City to consider a minor boundary adjustment to the Proposed Land Use Plan to include all of their lands within the ‘Mixed Use’ designation boundary; and a corresponding adjustment to the Proposed Zoning Plan to show all lands owned by the Coptic Church zoned as ‘Mixed Use (MIX-4 Sp.3) as shown on the image below.

We would formally request, via this email, that the City consider this minor boundary modification to the Secondary Plan Land Use Plan to reflect the ownership of the Coptic Church lands. This would facilitate any future development of their lands.

We trust that this submission is sufficient for our proposal to be included for consideration and evaluation by staff. We look forward to working with the City on the formal designation and
zoning of the Coptic Church lands through this process. We are in the midst of having concept plans generated to illustrate how development of these lands could occur based on the new designation and zoning. We would be happy to present this information to you to supplement our request.

We would appreciate a discussion with the City to review the rational for the proposed limits of the "Mixed Use" designation and corresponding zoning. The inclusion of these two additional lots is a modest change to the limit to reflect the property ownership that currently exists and will facilitate a comprehensive redevelopment of the lands. I would be happy to discuss options for how we can make this viable for all parties.

If you have any questions or require further information, please do not hesitate to contact the undersigned. It is our understanding that further consultation and engagement with the public/stakeholders will occur before any recommendations are put forward to City Council. We wish to participate in this process so please add us to the mailing list and keep us apprised as this matter advances.

Current and Proposed Zoning (368-382 Ottawa Street South)
Current Zoning – R-5
Proposed Zoning – MIX-3

Current and Proposed Zoning (388 Ottawa Street South)
Current Zoning – I-1
Proposed Zoning – INS-1

Current and Proposed Zoning (99 to 115 Pattandon Avenue)
Current Zoning – R-5
Proposed Zoning – RES-3, 159U (99 and 103 Pattandon Avenue), MIX-3 (107-115 Pattandon Avenue)

Staff Response
On October 17, 2019 responded with the following:

“Thank you for your email and for your interest in the new Rockway Secondary Plan.

At the time your email below was received, Staff was in the midst of preparing and finalizing the notice and draft materials for a Dec. 9th Statutory Public Meeting for this Secondary Plan for mail out and inclusion on our website as part of the Neighbourhood Planning Review Project.

We sent out approximately 4,000 notices/letters in the mail on October 11th to give residents/stakeholders ample opportunity to review the materials in advance of the statutory public meeting to consider same.

Given the large number of properties being engaged and consulted at this time, and the fact that Staff will not be revising the policies, zoning and mapping in advance of the Dec. 9th meeting, City Staff will not be able to meet to discuss your proposal.
Given where we are in the process at this point in time, I can receive your comments below and forward them to Clerks for consideration by Committee and inclusion as part of the public record.

Thank you. If there are any additional questions or comments, please do not hesitate to contact me.”

Further:

In advance of the Secondary Plans consideration at the statutory public meeting in December of 2019, Planning Staff did a more detailed review of the land use designations. Two years had passed since the PARTS Plans had been considered and approved by Council and Planning staff wanted to confirm the most appropriate land use designations in the station areas.

In the vicinity of the Ottawa Street South and Pattandon Avenue intersection, Planning staff reviewed the land uses and their extension along Pattandon. Given the lot fabric in relationship to properties on Ottawa Street and the use of these properties, the ‘Mixed Use’ land use designation and zone was applied to a few additional properties on both sides of Pattandon Avenue but did not extend so as to include 99 and 103 Pattandon Avenue.

The submission indicates “that the City consider this minor boundary modification to the Secondary Plan Land Use Plan to reflect the ownership of the Coptic Church lands. This would facilitate any future development of their lands.”

In a time when housing is scare (especially missing middle) and climate goals call for transit-based intensification, we need to ensure we have lands available to support density in the right places, and transitional regulations that support a compatible interface with surrounding existing uses.
The further extension of a ‘Mixed Use’ land use designation along Pattandon may not be appropriate. With the increased setbacks, stepbacks and height limitations, staff are of the opinion that a built form could be achieved that would be compatible in scale and massing with surrounding and adjacent lower scaled residential buildings. However, there could be concerns with a ‘Mixed Use’ land designation that would require commercial uses on the ground floor of any new building.

Ideally one land use designation over the entirety of the lands owned by the applicant would support a comprehensive and compatible development, particularly if it was in line with the lot line fabric of the property with frontage on Ottawa.

However, to support increasing the amount of dwelling units in the station area, a Medium Rise Residential land use designation may be more compatible if it extends further along Pattandon Avenue and into the neighbourhood.

Submissions requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification and impacts of the particular proposal can be evaluated appropriately.

In the case of this submission, in the interest of implementing the PARTS recommendations of increasing density, in particular residential density, at this intersection, Staff will review the land use, the extension and interface of the land use along Pattandon Avenue, the most appropriate and compatible built form in this location recognizing its adjacency with low residential uses, further with the property owner.

Resolution
In the interest of implementing the PARTS recommendations of increasing density at the Ottawa Street South and Pattandon Avenue intersection, in particular residential density, Planning Staff will review the land use, the extension and interface of the land use along Pattandon Avenue, the most appropriate and compatible built form in this location recognizing its adjacency with low residential uses, further with the property owner.
Submission received October 16, 2019
I received the notice form the City of Kitchener regarding possible zoning changes for my property. Very difficult to navigate the website info given and I'm an engineer. Can't imagine what this is like for elderly in the area.

Please provide me with my current zoning and proposed zoning initially. Then we can talk about possible effects of changes.

p.s. not everyone is able to make the meeting on December 9th, so we may need to do this via e-mail.

Current and Proposed Zoning
Current Zoning – I-2, 102U
Proposed Zoning – RES-3 (159) (160)

Staff Response
On October 17, 2019 Planning Staff responded with the following:


The current zoning of your property is I-2 with Site-Specific 102U. The proposed zoning is RES-3 with Site-Specifics (159) & (160).
Thanks again for your interest in the process. If you have any questions, please do not hesitate to contact. Preet”

Further:
In response to the submission for 203 Strange Street and the concerns expressed with respect to the loss of uses, being rezoned from I-2 to new RES-3, staff responded with the following:

- The subject property and all of the properties on the westerly side of Strange Street, between Glasgow Street to just the other side of Elm Street, are part of the Gruhn Neighbourhood Cultural Heritage Landscape. In order to protect and maintain the cultural heritage landscape, a low-rise residential land use designation was recommended to be applied to these properties.
- In order to maintain some existing use permissions and balance the desire and need to protect the cultural heritage landscape, Planning staff recommend that the “Low Rise Residential Limited Office” land use designation be applied instead of the “Low Rise Residential Limited”.
- The Low Rise Residential Limited Office land use designation is intended to apply to areas within the central part of the city where the intent is to conserve the existing buildings and built form in these areas and serve as a transition between adjacent higher intensity uses and the existing built form and streetscape character of the established neighbourhood.
- The permitted uses in the Low Rise Residential Limited Office are uses that could be appropriately accommodated within the existing buildings, therefore maintaining the character of the cultural heritage landscape which is what we are trying to achieve. This also provides a transition to the Innovation Employment and institutional uses that are adjacent to this stretch of Strange Street.
- This land use designation was applied to lots on Gildner Street that were also previously designated “Institutional” and located in a cultural heritage landscape. Through the Open House, these property owners expressed concern with the reduction in permitted non-residential uses. The compromise was the “Low Rise Residential Limited Office” which permits limited complementary non-residential uses, such as artisan’s establishment, studio, craftsman shop, day care facilities, health office, personal services and offices to locate and operate within the existing buildings, without the loss of the residential/streetscape character that was identified to be protected and maintained in the CHL Study.

Resolution
That the properties on the westerly side of Strange Street from Glasgow to the other side of Elm Street, addressed as 181 to 217 Strange Street and 53 to 57 Glasgow Street, be designated “Low Rise Residential Limited Office” and zoned RES-3 (159) (160) (161) instead of “Low Rise Residential Limited” and RES-3 (159) (160).
50. Brock Street

Submission received October 16, 2019
Dear Preet, After receiving a letter in the mail about proposed zoning changes to our residence on Brock Street in Kitchener (Victoria Park zone), I'm still a bit confused about what this means. I see that there is a public meeting, but I would like more information prior to the meeting. Your Web site, while very detailed, is written in urban planning jargon and is hard to understand. Could you please direct me to exactly what is changing and how it will impact my life on Brock Street? Thank you.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
On October 17, 2019 Planning Staff responded with the following:

“Good morning Jane, Thank you for your email below. The properties on Brock St. are proposed to be rezoned from R-5 to new RES-3 (159) (160).

Attached is the chart showing comparison of the existing and new residential zones for your information.

If you have any further questions, please feel free to contact. Preet”

Further:
The majority of the properties on Brock Street are currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one
additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to the properties on Brock Street.

51. 16 Pandora Avenue North

Submission received October 15, 2019
Please send further clarification regarding the proposed land use designation and zoning.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
On October 17, 2019, Planning Staff responded with the following:

“Thank you for your interest and enquiry below.

The proposed land use designation of your property, 16 Pandora Ave. N is within King Street Secondary Plan and here is the link to the main page.

The proposed land use designation is Low Rise Residential Limited. Here are the links to proposed Land Use Map, typologies, and policies. The existing land use is Low Rise Conservation. Here is the link to existing land use map.

The proposed zoning is RES-3 with Site-Specifics (159) (160). Here are the links to proposed zoning map, RES zones, typologies, and Site-Specifics. The existing zoning is R-5. Here are the links to existing zoning map and existing zoning bylaw 85-1. Thanks again, Preet”

Further:
The subject property at 16 Pandora Avenue North is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structure in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 16 Pandora Avenue North.
Good evening, I live at 230 Sydney SOUTH and received a letter about my property. When I looked at the maps, all proposed changes apply to neighbourhoods north of King St. including Sydney St NORTH.

My question to you is how does this apply to my property or anyone else's south of King St E and bordering Courtland Avenue?

**Current and Proposed Zoning**

Current Zoning – R-5  
Proposed Zoning – RES-3 (159)  
A comparable zone is proposed to be applied.

**Staff Response**  
On October 17, 2019 Planning Staff responded with the following:

“Good afternoon ‘Deleted Name’, Thanks for your email below. Your property proposed to be rezoned from R-5 to new RES-3 (159). Attached is the chart showing comparison of the existing and new residential zones for your information.”
Currently we are updating land use and zoning of secondary plans only. The properties on south of King St E and bordering Courtland Ave. are part of the parent Official Plan’s Land use Map. On April 29, 2019 Council approved Zoning By-law for non-residential properties. The city has started to review the residential zones and here is the link to project page: [www.kitchener.ca/crozby](http://www.kitchener.ca/crozby).

Hope this helps. If you have any additional questions, please feel free to let me know. Thank you, Preet”

Further:
The property addressed as 230 Sydney Street South is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning with the additional requirement to regulate the location of attached/detached parking structures in order to enhance and protect the character of the streetscape.

**Resolution**
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 230 Sydney Street South.
Hi, Tina, Preet: I am the Planning Consultant for Charles Street - Kitchener- International Gospel Centre. Please place me on your notice list to receive any future emails, notices and reports dealing with the subject property and area.

Please note that International Gospel Centre owns additional properties along Charles Street, and we are interested to know and participate in the future development of these properties.

Are there reports on the proposed changes to the Neighbourhood. I assume this is also related to the Crosby by-law. Can you provide me with the links to any reports that may effect the subject property and area? Thanks.

**Current and Proposed Zoning**

Current Zoning – CR-3, 136R
Proposed Zoning – MIX-4

**Staff Response**

On October 16, 2019 Planning Staff responded with the following:

“Good afternoon ‘Deleted Name’, Hope you are doing well. I have added you and ‘Deleted Name’ in the emailing list.”
The City is updating secondary plans and zoning, more information can be found here: [www.kitchener.ca/NPR](http://www.kitchener.ca/NPR). The subject property, 35 Charles St, is part of the new Cedar Hill and Schneider Creek Secondary Plan. The proposed land use is Mixed use and the proposed zoning is MIX-4.

Please see attached email to know more about participating in the process. The statutory public meeting is on Monday, December 9, 2019 - 4:00 p.m. (Industry Stakeholders) and 7:00 p.m. (Property Owners) at Kitchener City Hall, Council Chambers. Please note that no decisions will be made on December 9th. Any comments or concerns noted will be addressed by the staff.

If you have any concerns and questions, please feel free to contact. Regards, Preet”

Resolution
None required with respect to this submission. See Response No. 107.

54. 1290 King Street East

Submission received October 15, 2019
Hi Preet, Nice chatting with you. I run my business from 1290 King St east location How new proposed zoning could affect us. Thanks.

Current and Proposed Zoning
Current Zoning – MU-2
Proposed Zoning – MIX-3
A comparable zone is proposed to be applied.
Staff Response
On October 16, 2019, Planning Staff responded with the following:

“Good morning ‘Deleted Name’, Thanks for the call and email below.
Here is the link to the webpage with all the relevant information. www.kitchener.ca/NPR

The current zoning of the subject property is MU-2 and the proposed is MIX-3. You can check these zoning links to get more information on existing permitted and proposed uses and regulations. Thanks, Preet”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 1290 King Street East.

55. 197 Mill Street

Submission received October 14, 2019
This email is in response to the invitation to the meeting on December 9th regarding the Rockway secondary plan. I am writing to confirm that I understand the zoning changes proposed for the property that my husband and I own. We own 197 Mill Street located at the corner of Mill St and Woodland Ave. As I understand it, the current zoning is Res-5 and the intent is to remove this area from the secondary plan area, and at the same time change the zoning to Res-4. Is that correct?

Our house (a non-conforming duplex) was the first home we owned as a married couple and is now an investment property. We are not at all pleased to have a more restrictive zoning applied to our property and would if possible like to have some explanation as to why the neighbourhood
around Woodland Avenue would be moved to a Res-4 zoning from Res-5. What is the justification?

**Current and Proposed Zoning**
Current Zoning – R-5
Proposed Zoning – RES-4 (159)

**Staff Response**
On October 16, 2019 Planning Staff responded with the following:

“Thank you for your email and for your interest in the Neighbourhood Planning Review.

You are correct in that the property at 197 Mill Street is proposed to be removed from the Mill-Courtland Woodside Park Secondary Plan and become part of the parent Official Plan.

You are also correct in that the property is proposed to be rezoned from R-5 to new RES-4 (159). I have included a chart which compares the existing and new residential zones for your information.

Although it is a change in zone number, the zone is pretty much comparable with respect to use (i.e. we applied the new residential zone category closest to the existing zone category applicable to these properties). The only difference is that the new RES-4 zone permits up to 4 dwelling units in one building whereas the existing R-5 zone only permits a maximum of up to 3 dwelling units in a building. The new RES-4 zone is not more restrictive. Hopefully I have answered your question.

If you have any other questions or would like to discuss, please do not hesitate to contact me.”

Further:
New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning with the additional requirement to regulate the location of attached/detached parking structures in order to enhance and protect the character of the streetscape.

**Resolution**
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 197 Mill Street.
56. Mill Courtland Woodside Park Secondary Plan

Submission received October 15, 2019

Good afternoon, After receiving notification of the land use designation and zoning review of my property, I would like to clarify; does a change in designation or zoning alter property lines at all? The map designates a portion of my backyard previously marked residential as natural heritage conservation. Is this still considered part of my property or does it simply restrict how that portion of my yard can be used? Thanks for clarifying.

Staff Response
On October 16, 2019, Planning Staff responded with the following:

“Good afternoon ‘Deleted Name’, Thanks for your email.

Change in zoning designation does not change property boundaries and part of your property with Natural Heritage Conservation designation is yours. Properties with Natural Heritage Conservation designation restrict development due to natural hazardous lands for being in floodplain and floodway.

Hope this helps.

If you have any questions, please feel free to let us know. Preet”

Resolution
None required.

57. 141 Whitney Place

Submission received October 11, 2019
Thanks, Preet, Just to be clear, is this notice pertaining to Cedar Hill and Schneider Secondary Plan, or other secondary plan, or generally? Thanks.

Current and Proposed Zoning
Current Zoning – M-2, 1R, 159U
Proposed Zoning – EMP-6, EUF-1
A new Innovation Employment Zone is proposed to be applied.

Staff Response
On October 15, 2019 Planning Staff responded with the following:

“Good morning John, The notice is for all seven secondary plan study areas including Cedar Hill and Schneider Creek sec. plan. The webpage www.kitchener.ca/NPR has detailed information on each secondary plan including land use, zoning, cultural heritage landscape maps, related policy documents and background information, such as CHL reports, comments & responses. Preet”

Resolution
None required.

58. 55 Pattandon Avenue
**Phone call and Submission received October 16, 2019**
I as stated on the back of the letter I received today regarding the land use designation and zoning for your property, I have some questions and would like better clarification on this form please contact me at ‘Deleted Phone Number’.

**Current and Proposed Zoning**
Current Zoning – R-5
Proposed Zoning – RES-3 (159)
A comparable zone is proposed to be applied.

**Staff Response**
On October 16, 2019, Planning Staff responded with the following:

“Hi, Thank you for your email and your interest in the Neighbourhood Planning Review.

There have been a number of phone calls and emails since the letter went out in the mail on Friday.

I wanted to let you know that I have received your email and can give you a phone call tomorrow, if you have not been able to connect with Preet or myself, to discuss. Regards, Tina”

Further:
The subject property at 55 Pattandon Avenue is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures in order to enhance and protect the character of the streetscape.

**Resolution**
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 55 Pattandon Avenue.

**59. General**

**Submission received October 15, 2019**
Could you please advise a time I can speak to a staff member about the proposed zoning by-law?
Staff Response
On October 16, 2019, staff responded with the following:

“Hi, Thank you for your email and your interest in the Neighbourhood Planning Review.

I would be happy to discuss anytime. My office hours are 8:30-5:00 pm and my direct number is (519)741-2200 x7765. As I am involved with meetings throughout the day and away from my desk, if I miss your call, please leave me a voicemail, or let me know what would be a good time to return your phone call. Thank you. Tina”

No further submissions were received.

Resolution
None required.

60. 19 Henry Street

Phone call received October 15, 2019
An inquiry was received from property owner/realtor as to what the notice meant for the property at 19 Henry Street.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.
Staff Response
On October 16, 2019 staff responded with the following:

“Hello, Here is the link to the main webpage as requested yesterday: www.kitchener.ca/NPR. The property, 19 Henry St., is in Victoria Park Secondary Plan and this webpage has links to existing and proposed land use and zoning and other relevant information.”

Further:
The subject property at 19 Henry Street is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 19 Henry Street.
I received a notice today, that there is a meeting taking place regarding the land use designation and zoning of my home, 55 Homewood Avenue. I tried to look up information online, but I don’t understand how to navigate your website. Can you please tell me what specifically is being considered for my house?

Staff Response
On October 16, 2019, Planning Staff responded with the following:

“Your house, 55 Homewood Ave. is located within Victoria Park Secondary Plan. The proposed land use is Low Rise Residential Limited and here is the link to related policies. The proposed Zoning is RES-3 with Site-Specifics (159 & 160). Here is the link to existing land use and zoning. The existing zoning is R-5.”

Submission received October 16, 2019
Thank you for your response. I guess what I’m trying to figure out is if this impacts the duplex designation that I have? I bought the house in August and want to know if anything changes regarding that specifically. Can you tell me that?

Staff Response
On October 17, 2019 Planning Staff responded with the following:

“The duplex status of your house, dated June 2019, will remain the same and the zoning changes does not impact it. Regards Preet“
Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response

Further:
The subject property at 55 Homewood Avenue is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 55 Homewood Avenue.
Submission received October 15, 2019
The existing zoning on 141 Whitney Place includes a minor variance for permitted assembly use, as we have a Club, and there are artist studios (not sure if they meet Artisan Establishment). Will 141 Whitney have a provision that allows for these uses, for artistic production, or are we ok that all production for the arts (performing arts as well as arts producing physical objects) and offices relating to the arts are permitted? Just askin’.

Current and Proposed Zoning
Current Zoning – M-2, 1R, 159U
Proposed Zoning – EMP-6, EUF-1
A new Innovation Employment Zone is proposed to be applied.

Staff Response
On October 16, 2019, Planning Staff responded with the following:

“Good afternoon ‘Deleted Name’,
I checked our system and it shows minor variance for parking and not for assembly use.

The proposed zoning for 141 Whitney Place is EMP-6 and you can find permitted uses in the link. The definitions can be found here. Below is clip of Artisan’s Establishment definition. If the artistic production falls within the categories mentioned in the definition below, then moving forward these uses will be permitted.

“Artisan’s Establishment – means the use of a premises for the making, study, or instruction of a performing or visual art; or the workplace of an artisan such as a painter, sculptor, photographer, dressmaker, or tailor. Artisan’s establishment shall not include an adult sex film theatre.”
Let me know if you need more information. Thank you, Preet”

**Resolution**

No changes are recommended to the proposed land use designation and zoning of 141 Whitney Place.

**63. Ottawa Street South between Acacia Street and Lilac Street**

Submission received October 15, 2019

Happy Thanksgiving! I have some questions and comments. The questions:

- Approximately when will the proposed zoning in the secondary plan be implemented?
- What are the regulations with regards to enlargement of existing single detached dwellings without changing the use? For example, if I have an existing dwelling that has a 1.0m side yard, can I build an addition that also has a 1.0m side yard? In the previous zoning, that would be permitted?

And comments:

**Regarding Zoning along Ottawa between Acacia and Lilac**

In the March draft zoning, large areas were scheduled as RES-5, which permits a larger range of uses on generally smaller lots. The current October draft reduces the zoning to RES-3, which is a significant reduction that is incompatible with the location near a major transit station and along a major street.

In particular, I own a home along the east side of Ottawa St between Acacia and Lilac St. The section is surrounded on all sides by proposed higher-density zones.

- Across the street is proposed RES-6
- South and north is MIX-1
East is RES-5

It would be appropriate to zone the properties fronting on the east side of Ottawa between Acacia and Lilac St as RES-5, or at minimum, RES-4. This is appropriate because the existing lots are wide and large enough to support low rise multiple dwellings of 4 units, and a consolidation of two lots could efficiently support a multiple dwelling of up 6-8 units. RES-3 actually represents down zoning from the existing zone because the semi-detached minimum lot area is increasing from 235 to 260 sqm. Suggest changing the minimum lot area for RES-3 semi-detached to either 210 or 235 sqm.

Regarding Residential Building Height
The previous proposed regulations for height have also been significantly reduced. The old draft proposed a maximum height of 14.0m for residential dwellings along regional roads. The new draft has an effective height of 9.0m when adjacent to smaller existing homes. While I can appreciate this sensitivity for additions to homes within quiet residential neighbourhoods, it doesn't really make sense for arterial streets like Ottawa St and elsewhere in the city. Along the major streets and near major transit stations, we should strive to encourage an increase in height and density to promote walkable, vibrant main streets, while preserving a lower level of height and density for internal residential neighbourhoods. Even for established neighbourhoods, 9m is significantly less than the existing 10.5m height limit and would make it difficult to fit even a regular two storey house with a steep roof. Suggest permitting at minimum 9.5m. though I would prefer the existing 10.5m.

Regarding Detached Additional Dwellings
Fantastic that the city is permitting "coach houses" so quickly, in accordance with provincial policy. There are two things I am really concerned about.

1. The proposed maximum height of 6m is too low to account for a steep-pitched roof on a small building. I have attempted to design one myself and it does not produce an attractive result. You will end up with a lot of flat-topped buildings. Suggest a maximum height of 7m. I support keeping the shortest-wall maximum height at 3m.

2. The maximum floor area of 40% of the gross floor area of the existing dwelling may be too small in many cases, because many existing war-time dwellings in the central neighbourhoods are very small (average 1200 sq.ft.), even though they are located on large lots with excellent infill potential. It is principally important to ensure that these new detached additional units can attract high quality tenants, or they may develop a reputation as problem spots. If dwellings are forced to be constructed too small, the rents will be too low, and they will attract lower quality tenants over the long run. A 1200sqft war-time house would permit a second dwelling of only 480 sq.ft. Therefore, recommend providing a maximum of gross area of 80 square meters or 60% of the gross floor area of the existing dwelling, whichever is greater.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159)
A comparable zone is proposed to be applied.
Staff Response
On October 15, 2019 Planning Staff responded with the following:

“Thank you for your email and for your comments on the proposed zoning along Ottawa Street near the Mill Street Station.

To answer your questions, we hope to implement the proposed zoning in the secondary plans sometime in 2020. The meeting in December is to receive the comments and then staff will review and make any changes with a view to bringing an implementing by-law as soon as we can in 2020. The regulations for enlargement of an existing single detached dwelling without changing use are not changing. Enlargements must meet the setbacks of the base zone category. Where existing yards do not comply, a homeowner can apply for a minor variance to build an addition with the same non-complying yard.

With respect to your comments, we will log your comment regarding the proposed zoning for the lots on Ottawa Street between Acacia and Lilac Streets for the public meeting on December 9th.

With respect to your comments regarding “Residential Building Height” and “Detached Additional Dwellings”, I am forwarding these comments to the CRoZBy Project Manager and the CRoZBy (Comprehensive Review of the Zoning Bylaw) Project Account for their consideration as they relate to the Base Residential Zone Regulations and the new Residential Zones which will be considered at a public meeting on October 22nd, 2019.”

Further:
The properties on the southerly side of Ottawa Street South are currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structure in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the properties on the southerly side of Ottawa Street South between Acacia and Lilac Streets.

64. Unknown
Submission received October 11, 2019
What is the area please? I own a few different properties.

Staff Response
On October 15, 2019 staff responded with the following:

“Good morning, The notice is for all seven secondary plan areas. Please visit http://www.kitchener.ca/NPR for detailed information on each secondary plan which include land use, zoning, cultural heritage landscape maps, related policy documents and background information. Thank you, Preet”

No further submissions were received.

Resolution
None required.

65. Mill Courtland Woodside Park Secondary Plan

Submission received October 15, 2019
Hello, I can see from the link that my home is proposed as being zoned out of Mill Courtland; however, it doesn't seem to indicate what the new zone would be - primarily, I am interested in if this is going to change which primary school my children will go to. How can I find out this information?

Staff Response
On October 15, 2019, staff responded with the following:

“Hello, This process is about reviewing and updating land use policies and zoning by law. School boards have their own process to create school area boundaries and therefore, do not change with this review process. You can find that information by going to school board’s website or by calling them. Hope this helps. Preet”

No further submissions were received.

Resolution
None required.
Submission received December 3, 2019

The Region of Waterloo received a notification from the City regarding the proposed changes to the land use designations of our property at 140 Weber Street East, just outside of the Central Frederick secondary plan boundary. The site is currently occupied by an apartment dwelling.

Our intention is to redevelop these lands over the next 10 years, as part of the Waterloo Region Housing Master Plan, and as such it would be useful to review a zoning map of the affected neighbourhood to determine how the proposed zoning impacts our site. According to the information on the website, the zoning for this specific is currently unavailable.

Is there someone that can provide some more specific information on this so we can submit comments by December 9th? Specifically, a zoning map for the affected neighbourhood or the proposed zoning of our site at 140 Weber Street East would be helpful. Is the boundary of the existing secondary plan for Central Frederick being changed to include our property? Any information you can provide is useful.
Current and Proposed Zoning
Current Zoning – CR-1
Proposed Zoning – MIX-1
A comparable zone is proposed to be applied.

Staff Response
On December 4, 2019, Planning Staff responded with the following:

“Good afternoon ‘Deleted Name’, Thank you for your email and for your interest in the Neighbourhood Planning Review.

The property at 140 Weber Street East is located in the King Street East Secondary Plan and is proposed to continue to be part of this Secondary Plan. Information related to the existing and proposed land use designations and zoning can be found here.

The property is currently designated “Low Density Commercial Residential” and zoned “Commercial Residential One Zone (CR-1)”

It is proposed to be designated “Mixed Use, with site-specific policy 1” and zoned “Low Rise Mixed Use One (MIX-1)”. This is a comparable designation and zone category with an increase in the maximum permitted Floor Space Ratio from 1.0 to 2.0.

The Central Frederick Secondary Plan is not part of this stage of the Neighbourhood Planning Review and updates to this Secondary Plan will be considered at a future date in time. You can subscribe to this webpage to be kept informed.

Please contact our office if we can be of further assistance. Regards, Tina”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 140 Weber Street East.
Submission received December 3, 2019
We act for ‘Deleted Name’ and by this letter we are commenting on the proposed Official Plan Amendment and Zoning By-Law Amendment, as per the attached Notice.

Our client has no objection in principal to the thrust of the planning initiative but is very concerned about the impacts to the use of the property in the interim.

Although his current uses could continue as legal non-conforming uses, this would be a hardship as uses change over time.

We would therefore request that the new uses be described as additional permitted uses and that the current permitted uses remain as permitted uses under the by-law.

Current and Proposed Zoning
Current Zoning – CR-1, 158U (a driveway for the purpose of industrial or commercial access shall also be permitted), M-2, 159U
Proposed Zoning – MIX-3
Staff Response
The property at 244 Mill Street is currently split-zoned with a commercial-residential (Mixed Use) zoning applied to the front half of the property and a general industrial zoning applied to the rear half of the property.

The PARTS Rockway Plan which was approved in December of 2017 recommended that the properties on the northeasterly side of Mill Street be designated Medium Density Mixed Use in their entirety. The Mixed Use land use designation is consistent with the existing commercial residential land use designation and zoning that is currently applied to the subject properties. From a redevelopment and compatibility point of view, it did not make sense to continue the split designation and zoning and continue to have the rear halves of these properties designated and zoned for industrial purposes.

The submission does not indicate what the current use or uses of the property are. If the land use designation and zoning of the front half of the property are remaining the same, then it could be assumed that it would be a use permitted by the general industrial designation and zoning that would become legal non-conforming.

The submission indicates that the property owner is very concerned about the impacts of the new zoning to the use of the subject property in the interim. Although his current uses could continue as legal non-conforming uses, this would be a hardship as uses change over time.

With the new zoning, the existing non-conforming business will become what is termed “Legal Non-Conforming”. What this means is that the existing business and use of the lands for the non-conforming use will be able to continue until it ceases. At which time the use of the property ceases, only those uses permitted in the new MIX-3 zone will be permitted. This will not affect a future sale of the existing business. A new owner will be able to utilize the subject property for the same use. However, if the new property owner would like to use the subject property for a different use, not permitted in MIX-3, this will necessitate an application to the Committee of Adjustment.

The submission “requests that the new uses be described as additional permitted uses and that the current permitted uses remain as permitted uses under the by-law.” Again, Planning Staff would need to understand what the current use of the property is and how this use fits or does not fit with the proposed MIX-3 zone. As MIX-3 is comparable to existing CR-1, permitted uses are not proposed to change for the front half of the property. It is not desirable to split zone properties and there is not the ability to retain industrial uses on the same property due to compatibility concerns.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 244 Mill Street.
Submission Received November 29, 2019
We have been operating our scrap metal recycling business on this property for over 100 years. What I wanted to confirm in this letter to the city is the status of our ‘legal non-conforming’ status on this location. Historically, when zoning and/or by-laws have changed, we have always maintained our legal nonconforming rights of operation.

What I would like to confirm with this letter is that we would continue to enjoy the same rights of operation that we do at present.

I look forward to meeting you on December 9th at 4 pm and the Industry Stakeholders meeting. I would not have any comments aside from ensuring the continuity of our operations.

Current and Proposed Zoning
Current Zoning – MU-1, 162U, 559R
Proposed Zoning – MIX-2

Staff Response
On December 3, 2019 Planning Staff responded with the following:

“Thank you for your email and for your interest in the Neighbourhood Planning Review. “Legal non-conforming status” does not change when the zoning of the property changes unless the new zone permits the use. The land use designation and zoning is proposed to remain Mixed Use. Accordingly, the “legal non-conforming status” will not change with the proposed zoning by-law
amendment that will be considered at the December 9th statutory public meeting. I can confirm that this property would continue to enjoy the same rights of operation that it does at present."

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 257 Victoria Street North.

70. 37 Roland Street

Submission received December 4, 2019
Hi Barry,
I'm reaching out to you for your support on a recent issue that has the Roland Street neighborhood somewhat anxious and concerned about the proposed outcome.

As I am sure you are aware the city is updating the land use zoning in the Secondary Plans to help implement new legislation and direction from the Province, Region and City.

"The existing zoning of the property at Roland Street is "Existing Use Zone (E-1)". The proposed zoning is "Existing Use Floodplain (EUF) Zone". In this case we are applying a similar zone to what exists already and updating the name of the zone to reflect the intent. The change in zoning is in name only."

Tina Malone-Wright, MCIP, RPP
Senior Planner - Policy | Planning | City of Kitchener
While Ms. Malone-Wright may suggest this is a "Name Only" issue, we recognize it may significantly effect property values, insurance coverage and permit approval to name a few. This is definitely a proposal, we as a neighborhood, are not in favor of.

There is a meeting planned for December 9th that many on the street plan to attend.

Looking forward to hearing your valued opinion concerning this issue.

**Current and Proposed Zoning**

Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

**Staff Response**

On December 5, 2019 Planning Staff responded to Mayor Vrbanovic with the following:

“Hi Berry,
As you may be aware, we are having a Statutory Public Meeting under the Planning Act to consider proposed land use and zoning for 7 of the City’s Secondary Plans on Monday, Dec. 9th at 4pm and 7 pm.

We mailed out just over 4,000 letters on October 11, 2019. Since this date property owners have been calling and emailing with questions and we have done our best to answer the questions and provide more information and clarification in advance of the Dec. 9th date.

I have not spoken or emailed with ‘Deleted Name’ but I had emailed a resident at 33 Roland Street on October 30th with the information ‘Deleted Name’ has noted below.

The properties on Roland Street are located in a Floodplain and are currently designated “Open Space” and are proposed to be designated “Natural Heritage Conservation” in the new Secondary Plan.

The existing zoning of the properties on Roland Street is ”Existing Use Zone (E-1)”. The proposed zoning is ”Existing Use Floodplain (EUF-1) Zone. The new EUF-1 Zone is the equivalent of the existing E-1 Zone. The permitted uses and regulations are the same. The change in zoning is in name only.

The decision to change the name of the E-1 Zone to EUF-1 Zone was made during Stage 1 of CRoZBy (By-law 2019-051), in consultation with Grand River Conservation Authority, to provide transparency to future property owners and to reflect the intent of the zone. To recognize existing development in the Floodplain. Technically properties that are located in a floodplain should have a no development zone in accordance with Provincial Policy. The existing use zone, then and now, is the compromise to recognize existing uses in a floodplain and allow some minor expansions with a permit from the GRCA.
We have not put any recommendations for approval forward at this meeting. This is simply a meeting to receive formal submissions on the proposed land use and zoning. ‘Deleted Name’ comments and those of his neighbours will be included in the public record. As to possible solutions to resolve the concerns, given that the properties’ permitted uses (only existing uses) and regulations are not proposed to change, the issue would appear to be with the renaming of the zone category from E-1 to EUF-1.

As mentioned, the Existing Use zone category name was changed, approved as part of Stage 1 of CRoZBy, to be more transparent and to accurately reflect the intent of the zone. This was the compromise rather than applying a “No Development Zone” or “NHC-1 Zone” to properties with existing development in a floodplain, which was the desire of GRCA and Planning Staff in accordance with Provincial Policy.

I have included a FAQ on impact of zoning on property values which was developed through the CRoZBy project.

With respect to insurance coverage, the fact that the properties are in a floodplain is not changing.

With respect to any required permits, a permit from the GRCA is required now and will continue to be required for any minor additions/ expansions up to 25% of the existing ground floor area.

“What impact may the new zoning by-law have on the value of my property and/or my property taxes?

The zoning of properties has little to no impact on the assessed value of properties. The Municipal Property Assessment Corporation (MPAC) assesses the value of properties based on as many as 200 different factors. Five major factors usually account for 85% of a property’s value including location, lot size/dimensions, living area, age of the house and, quality of construction. More information on MPAC’s property assessment valuation process can be obtained by visiting Link to MPAC - Residential Property Assessment.

Property taxes are not calculated based on the market value but rather the assessed value of the property. The market value of a property depends on a host of factors including the state of the economy and the individual purchaser’s preferences.”

Please let me know if you would like to discuss further.”

Resolution

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 37 Roland Street.
Submission received December 6, 2019

We act on behalf of the owners of lands municipally addressed as 22 Weber Street West, Kitchener and identified on the attached plan. Our clients have asked that we review the proposed amendments to the Civic Centre Secondary Plan and related draft zoning by-law (CRoZBy) and provide input to the process on their behalf.

As you are aware, land use planning for the Civic Centre Secondary planning area has a lengthy history. The land use designation and related policies that are now in effect are outcomes of a hearing and related determinations by what was then referred to as the Ontario Municipal Board (OMB).

The subject lands are now designated as “High Density Commercial Residential.” This designation recognizes the proximity of the subject lands to Downtown Kitchener (Urban Growth Centre) as well as the property’s frontage on Weber Street. Weber Street is a Regional Arterial Road and has been designated as a Planned Transit Corridor.

The “High Density Commercial Residential” designation permits a range of residential, commercial, and retail uses within free standing buildings or mixed-use buildings. Official Plan policies provide for a maximum floor space ratio of 4.0 and permit high density residential development. Approved Official Plan policies have been implemented by the Commercial
Residential 3 Zone (CR-3) of By-law 85-1. Current planning permissions do not restrict building height.

The subject lands back onto lands fronting the southerly side of Roy Street and that are now designated Office Residential Conversion. The intent of the Office Residential Conversion designation and related built form is to buffer high density development fronting Weber Street from Low-Rise Residential uses located internal to the Civic Centre Neighbourhood.

At the time the existing land use designations were put in place the alignment of LRT was not known. LRT is now a reality. The property is located one block north of existing LRT stops, is located along a Planned Transit Corridor and is currently being used as a surface parking lot representing a redevelopment opportunity. The planning objective should be balancing support of LRT and the Downtown while still recognizing compatibility with established neighbourhoods. A Regional perspective is required.

We have completed analysis (including sun shadow studies and angular plane) to confirm that a height of 15 storeys with an FSR of 6.0 can be accommodated on the lands without measurable impact on the low-rise residential properties located on the north side of Roy Street. Traffic associated with the redevelopment of the lands would be oriented to Weber Street. We appreciate that staff have completed massing diagrams in support of draft Secondary Plans. However, massing should be specific to a lot or block and in the case of our client’s lands the proposed FSR and maximum height do not correlate.

Under the draft Secondary Plan our client’s lands are proposed to be redesignated from “High Density Commercial Residential” to “Mixed Use Medium to High Rise”. The Mixed Use Medium to High Rise designation is proposed to be implemented by the Mixed Use Three (MIX-3) Zone as set out in the City’s draft zoning by-law. The MIX -3 zoning category retains the existing maximum permitted floor space ratio of 4.0 but imposes a maximum height restriction of 8 storeys (currently there is no restriction), limits the range of permitted uses when compared to existing permissions, and imposes more restrictive zoning regulations (multiple dwelling would be restricted to a mixed use building). Our clients are concerned with the proposed restrictions, particularly given the locational and planning context of the subject lands.

Our client is also concerned with some of the changes to general regulations. We note that the reduced parking rate for smaller units (less than 51 sq m) is no longer contemplated. This reduced parking rate was beneficial in supporting more affordable housing and encouraging alternative modes of transport.

We are also concerned with the 15 metre transition regulation given our understanding that the Region will be taking road widenings along Weber Street as part of any future application for our client’s lands. The cumulative impact of the 15 metre setback and road widening is that the resulting building envelope may severely limit the development potential of the site. Our client’s lands are already appropriately transitioned from low rise residential given the abutting ‘Office Residential Conversion’ designation (proposed to be carried forward as ‘Low Rise Residential Limited Office’).

In light of the above comments we respectfully that staff consider the following:
• That the lands be designated and zoned to permit a maximum FSR of 6.0 with a maximum height of 15 storeys. This considers that the office conversion area on the south side of Roy Street already serves as the transition from high density development fronting Weber Street to Low-Rise Residential uses located internal to the Civic Centre Neighbourhood.
• That the 20% requirement for non-residential uses not apply. In the alternative, we would support the regulation requiring a minimum ground floor height of 4.5 metres (which would apply regardless of the use of the interior space). This regulation provides for the option of nonresidential on the ground floor.
• That the reduced parking rate for smaller units be carried forward into the new zoning by-law, and;
• That the low-rise transition regulation not apply to properties along Weber Street as this regulation ultimately results in a buffer from the buffer.

Please ensure that this correspondence forms part of the public record as it relates to proposed Official Plan Amendment (OPA19/004/COK/TMW) and Zoning Bylaw Amendment (ZBA19/010/COK/TMW). We look forward to discussing these comments with staff prior to the adoption of the OPA and ZBA.

Current and Proposed Zoning
Current Zoning – CR-3, FSR 4.0
Proposed Zoning – MIX-3, FSR 4.0, 8 storeys, 26 metres
A comparable zone is proposed to be applied with a new maximum height requirement.

Staff Response
The Civic Centre Heritage Conservation District Plan, which was approved in 2007, indicated that the existing CR-3 zoning would have the potential to be in conflict with the intent of the heritage conservation district plan. It recommended that zoning similar to what existed on Victoria Street be considered. Accordingly, during the preparation of the PARTS Central Plan, 3D modelling to examine this relationship was done and it was recommended that zoning similar to Victoria Street be applied.

“**The High Density Commercial Residential designation, located on Weber Street and extending slightly into College and Young Streets has the potential to be in conflict with the intent of the heritage conservation district plan. Similar to Victoria Street, this designation is identified in the Municipal Plan as one intended to recognize the area’s proximity to downtown and primary roads. Zoning in this area is generally CR-3, permitting a range of residential, commercial, office and service uses, with a floor space ratio of 4 and no height restrictions. Potential infill or redevelopment along Weber Street could have a negative impact on the heritage character of the area if not undertaken in a sensitive manner, particularly as this street contains nearly half of the oldest buildings in the District.**

*It is recommended that zoning regulations and Special Provisions similar to those proposed for Victoria Street be considered.*
Angular plane zoning could be considered for a section of the street where infill development may be most likely to occur to better address potential impacts on existing residential / office conversion uses.”

In the review of the PARTS Central Plan, Planning staff were cognizant of the land use recommendations that were made in the 2007 Civic Centre Heritage Conservation District Plan. Accordingly, the PARTS Central Plan, which was approved in May of 2016 recommended that the property be designated Medium Density Mixed Use. A medium to high-density mixed-use land use designation and zoning was implemented in the new Civic Centre Secondary Plan as a result of the additional 3D modelling which looked at FSR/Building height correlation and setbacks from low rise residential uses.

Planning Staff offering the following in response to the submission.

- The submission states that the land use designation and related policies that are now in effect are outcomes of a hearing and related determinations by what was then referred to as the Ontario Municipal Board (OMB). The existing land use and zoning predates the 2007 Civic Centre Heritage Conservation District Plan and any OMB hearing would have been at least 20 years or more ago. The existing planning framework, including the land use designations and zoning, is required to be updated with the changes and updates in Provincial and Regional Policy and including the Civic Centre Heritage Conservation District Plan, the PARTS Plans and the RIENS Study.

- As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. The FSRs and Maximum Building Heights in the MIX base zones are proposed to be amended as follows:

  MIX-1 - Floor Space Ratio (FSR) to increase from 1.0 to 2.0
  MIX-1 - Building Height to remain at 4 storeys or 14 metres

  MIX-2 - Floor Space Ratio (FSR) to increase from 2.0 to 3.0
  MIX-2 - Building Height to decrease to 6 storeys, 20 metres from 8 storeys, 25 metres

  MIX-3 - Floor Space Ratio (FSR) to increase from 2.0 to 4.0
  MIX-3 - Building Height to decrease to 8 storeys, 26 metres from 10 storeys, 32 metres

  **New MIX-4** - Floor Space Ratio (FSR) 5.0
  **New MIX-4** - No Building Height regulation

- What Planning Staff were finding is that when a property had a maximum FSR and building height that did not correlate, the development would meet one zoning requirement first, and put forward that they could exceed this zoning requirement because the other zoning requirement had not been met. Both FSR and Maximum Building Height were meant to work together, and this was not happening. The miscorrelation was being taken as an interpretation that one of the zoning requirements could be exceeded if the other zoning requirement had not been maxed out. For example, if the maximum FSR of a property
was 4.0 and the maximum building height was 10 storeys, a proposal for a development having a FSR of 6.0 would be put forward because the maximum building height on the site was 10 storeys.

- The submission indicates that current planning permissions do not restrict building height. However, the height is limited by the maximum permitted FSR of 4.0. The fact that the zones, existing and proposed, do not have a maximum building height is being put forward in the submissions, by both the development industry and the community, that this means this zone has “unlimited” height. It does not. A development’s maximum building height in any zone would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the zone’s setback requirements from lot lines, including the setbacks from low rise residential zones.

- The submission requests that the lands be designated and zoned to permit a maximum FSR of 6.0 with a maximum height of 15 storeys. The fact that the existing CR-3 zone does not have a maximum building height requirement does not mean that a 15 storey building with a maximum FSR of 6.0 is justified and appropriate. A 6.0 FSR and 15 storey development do not meet the requirements of even the new MIX-4 zone. The NPR Process is not the appropriate process to consider site-specific provisions to facilitate individual development proposals, in excess of the maximum permitted FSRs and contemplated building heights, particularly in light of the recommendations of previous studies and reports which went through an extensive community engagement process.

- All proposals must meet the City’s recently approved Tall Building Guidelines to ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

- Planning staff are reviewing the regulation requiring a minimum of 20% of the gross floor area to be for non-residential uses. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.

- From what we have gathered, there appears to be no causality between the size of the unit and car ownership. Rather than maintaining a reduced parking rate for smaller units in the new zoning by-law, staff are proposing to further reduce the MTSA parking rates for residential and non-residential uses. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions. Staff trust that this reduction would have a similar effect to carrying forward the reduced parking rate for smaller units.

- The setback requirements in the base MIX zone to low rise residential are appropriate and required in this location. The Civic Centre Heritage Conservation District Plan indicated that the Weber Street properties should not negatively impact the existing residential / office conversion uses. The Low Rise Residential Limited – Office, area on the south side of Roy Street is still considered a low rise residential use and does not serve as
the transition from high density development fronting Weber Street to the Low-Rise Residential uses located internal to the Civic Centre Neighbourhood.

Since the Statutory Public Meeting on December 9, 2019 owner-initiated Planning Applications (OPA/ZBA) to facilitate a redevelopment of the subject lands have been submitted and are currently being processed by the Planning Division.

Submissions which are requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification and impacts of the particular proposal can be evaluated appropriately.

At such time as a decision on the owner-initiated planning applications (OPA/ZBA) is made by Committee/Council, if such decision is different than what is recommended through the NPR Process, this decision will be reflected in the new Secondary Plan.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the property addressed as 22 Weber Street West. At such time as a decision on the owner-initiated planning applications (OPA/ZBA) is made by Committee/Council, if such decision is different than what is recommended through the NPR Process, this decision will be reflected in the new Secondary Plan.

Planning staff will review the MIX-4 zone regulation which requires a minimum 20% of non-residential building floor area.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

72. 19 Strange Street (See Response No. 25)

73. 291 Weber Street East (See Response No. 26)

74. General – Cultural Heritage - Community/Neighbourhood Character

Submission received December 9, 2019
Hello, Please find my written submission regarding the Neighbourhood Planning Review Update, regarding both the Official Plan update and Zoning By-law changes. Thanks, ‘Deleted Name’

A hard stop to new development in heritage areas
Lonely Planet recommends to its readers to “just pass through (Kitchener) on your way to Elora and Fergus, St Jacobs or Stratford” (1). Why not visit Kitchener? What do people want to see? When we look at Paris, France, Lonely Planet first mentions “Paris’ monument-lined boulevards, museums, classical bistros and boutiques…” (2). Its heritage architecture and charm is how Paris has become the world’s second most visited city in the world (3). Of course, the city didn’t get
there overnight. For one-and-a-half centuries, it has strictly regulated its Hausmanian architecture, requiring owners to keep up their buildings and to renovate them according to stringent guidelines. Likewise, if Kitchener wants to be recommended as more than a “pass through” for visitors, Kitchener should put a hard stop to new development in heritage areas -- going so far as to require owners to keep up their houses and to even expand heritage areas.

Economically, heritage features are attractions for visitors, bringing in financial benefit to communities. According to U.S. News, 18 of the top 20 sights in Paris were historical sites. (4) Overall, in France, “9.7% of the GDP is contributed by the travel and tourism sector” (5). Here in Kitchener, we have a golden opportunity to develop these opportunities for our economic benefit. Our historic downtown and Victoria Park neighbourhoods are the milieu for the “best time to visit...festival time” (6) It is not just the festivals that can draw people here, but the historic character of our downtown neighbourhoods. But how do we maintain them?

In Paris, people fall in love with the Hausmanian architecture: 5-6 stories, limestone buildings, mansard roofs, period features, and consistency across the city. Considering these buildings were built from 1853 to 1870, we have to ask how the city has preserved these buildings so well as to attract so many visitors? The city has strict building codes requiring owners to keep up their buildings as well as renovate them according to heritage features and requirements.

Likewise, Kitchener should uphold strict preservation criteria for its heritage neighbourhoods and downtown districts. In contrast to current trends, where the city allows properties at the fringes of heritage areas to be torn down and rebuilt in whichever fashion, the city should be demanding that property owners rebuild to the standards of the era (where, of course, choice was and should continue to be allowed: queen anne, victorian, edwardian, berlin vernacular,...) Currently, properties at the edges of the Victoria Park heritage district are being torn down and modern developments are being allowed to be build, encroaching upon our historic neighbourhood. This is not preservation! This is not heritage! Rather, delinquent owners need to be required to rebuild buildings in the style of the era...the two houses recently torn down on David St., Bara castle, the current proposal on Mill St. (the current houses should stay!), Joseph & Water. Modern developments should not be encroaching into our heritage areas, but instead have their place everywhere else in the city.

If we have the vision and the courage of our convictions, we can improve upon and even expand our heritage area by protecting our properties and enforcing historical architecture. Instead of our heritage areas getting squeezed by modern buildings, we could push to expand current heritage areas. At the very least, if we can’t save them because of their beauty or their defining contribution to our identity, we could at least save them for the economic benefits they will help attract to our city.

References:
(1) https://www.lonelyplanet.com/canada/kitchener-waterloo
(2) https://www.lonelyplanet.com/france/paris
(3) https://www.weforum.org/agenda/2019/09/these-are-the-worlds-top-5-most-visitedcities/
(4) https://travel.usnews.com/Paris_France/Things_To_Do/
Staff Response
Planning staff appreciates the comments on the City’s Heritage Areas and shares the same opinion, particularly with respect to Heritage Area defined as a “Heritage Conservation District” and “Cultural Heritage Landscape”.

There are strict requirements and policies in a Heritage Conservation District which essentially prohibit demolition and redevelopment. If such were to occur (demolition due to unsafe conditions, a fire, an act of nature) a Heritage Impact Assessment and Heritage Permit would provide the City the ability to regulate built form, architectural features and building materials with the new construction and redevelopment. The City can utilize and uphold strict preservation criteria for its heritage neighbourhoods in Heritage Conservation Districts.

Where properties/buildings are not designated under Part IV and V of the Ontario Heritage Act, the City has limited abilities to prohibit demolition and regulate redevelopment in accordance with strict architectural criteria.

Protecting and maintaining the City’s cultural heritage resources are important to the City of Kitchener. To do this:

- The City is expanded upon its progressive and innovation cultural heritage policies to include new policies for cultural heritage landscapes and the requirement for a Visual Impact Assessment.
- New neighbourhood specific urban design guidelines are also being proposed to be approved with the amendment to adopt the new Secondary Plans.
- New zoning regulations to regulate the location of attached garages to require front porches are being introduced.
- Through the development of the PARTS Plans and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of FSRs with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.
- As a result of the 3D modelling work, recommendations are being made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods, including heritage areas.

Resolution
None required.

75. 137 Glasgow Street (See Response No. 27)
Comments On Proposed Secondary Plan And Zoning By-Law

124 Bedford Road, City Of Kitchener

Please accept this letter as our comments related to the Proposed Secondary Plan and Zoning By-Law. We have owned our home at 124 Bedford Road in Kitchener since December 15, 2003 (16 years now) and as most homeowners who are looking to purchase a home, our attention was on the home, not the zoning, etc. We loved the house and the neighbourhood appeared to be a quiet one with the other older homes in the area and the few businesses surrounding seemed an ideal place to live while still remaining within the downtown area.

Existing Zoning

Under the existing Zoning By-Law our property is zoned M2, 1R, 159U as outlined in the extract below:
Implications Of Existing Zoning

In 2005, we began to experience noise and vibration issues caused by MTD. When we contacted MTD, and eventually the City and the Ministry of Environment – we were advised that because of the zoning – MTD had the “right” to have a stamping plant – and that we, the residents, were “legal non-conforming”. In essence we were told that, as homeowners, our right to enjoy our property was not important. It took many phone calls and meetings with MTD, our local Councillor at the time (Christina Weylie), and with the Ministry of Environment for MTD to admit that there were increased noise levels and strong vibrations emanating from their stamping operation and they worked with the Ministry to rectify both the noise and the vibrations.

And then there was the Blacksmith who rented a back unit out of the building located at 175 Borden Street who would always have their bay door open, playing their music loudly and undertake the grinding of their metal products outside in the back laneway (directly behind our home). Our bedroom windows face that back laneway and the noise, at times, was unbearable. We tried being the “good” neighbour and asking them to move their business inside but were told where to go instead. But it was the black smoke which spewed out of that unit into our backyard and our home that was most concerning. Again, we had to contact authorities, and again, we were told that we were “legal, non-conforming” and it was only when we pushed back with the fact that the business rental is for the inside of the unit – not the outside and certainly should not be affecting the adjacent neighbours – no matter what the zoning, did the Ministry of Environment take action and investigate. Shortly thereafter, the Blacksmith operation left.

In the last two years (early spring to late fall), there have also been noise issues stemming from the Fitness Club located at 175 Borden in that we have been awoken every day at 6:00 am due to the music and yelling of the women as they have opened the bay doors facing the laneway and at times workout outside. Again, we tried going over and asking them to have regard for the people that live in the area, but to no avail. It was not until we were left with no choice but to register a noise complaint and a By-Law Officer attended, did it stop (we will see what next year brings). Furthermore, there is very limited parking available at 175 Borden and quite frequently Bedford Road is being utilized for street parking by those attending the Fitness Club.

And then there have been individuals who have rented bays at 101 Bedford and operate vehicle repair shops which is a permitted use under the existing Zoning By-Law. However, these particular businesses operate with their bay doors open (spring to fall) and do not adhere to any
business hours; sometimes starting at 6:30 in the morning and going well past midnight, seven
days per week. Not only does the noise emanating from their air guns and grinding impact the
neighbourhood, the tow truck’s delivering vehicles damage the grass on our lawns and curbs.
Furthermore, the tow trucks block our driveways as do the customers as there is very little
parking available; parking on both sides of the street, and litter the neighbourhood with their
garbage (that we end up cleaning up). They rev the car engines they are working on and speed
up and down Bedford Road while testing the cars they have worked on – and sometimes just to
show off their muscle cars.

The other tenants of 101 Bedford employ staff; however, there is not enough parking allotted
and when they have parked on the street (and received parking tickets), we are the ones who are
being approached and accused of calling By-Law. Furthermore, they have blocked our driveway,
run over our lawn and the lawn on the curb with their work trucks/trailers and have very little
regard for other people’s property. Again, no matter what the use, this would still be occurring.

We have had numerous issues with the zoning uses permitted under the existing Zoning By-Law.
We as residents, do not and cannot impact these businesses as they have impacted us. We have
been told to our face – that they belong there, and the residents are only “legal, non-conforming”
and therefore don’t hold as much weight; or the better one – if you don’t like it – move.

Our home is our haven, we have worked hard for it. We keep it neat and tidy; we pick up the
garbage left by these businesses as well as their customers. We pay our taxes. We strongly
disagree with being “legal, non-conforming” and constantly having to fight for our rights to exist
and enjoy our home and property in a reasonable manner. We do not impact others, nor should
we be impacted by others.

Proposed Zoning/Secondary Plan
It is our understanding that under the new Zoning By-Law/Secondary Plan, the existing residences
along Bedford Road between Borden Street and Ottawa Street will be changed to Innovation
Employment zone (refer to excerpt below) which “purpose is to accommodate a range of high-
tech, research and development and other unique employment uses and limited complimentary
uses on lands primarily located within central neighbourhoods in close proximity to major transit
station stops which have historically been used for industrial purposes.”

It is understood that the proposed designation of Innovation Employment permits a range of
industrial and tech uses, however, residential uses would no longer be permitted within these
lands.
In our opinion, the Innovation Employment land use designation is not appropriate for our
property. We believe the permissive nature of a residential designation will allow for a use that
is more compatible with the surrounding land uses.

Furthermore, we believe that with the Innovation Employment lands being on the west side of
Borden Avenue together with those identified on the previous Schneider site will be sufficient to
meet the goal and requirements of the Innovation Employment use.

It is our opinion that a residential use is the most compatible use for the neighbourhood and
congruent with our bordering neighbours as delineated in yellow below.
Although this is a much more compatible use than the Heavy Industrial Zone of the Existing Zoning By-Law, it still leaves us, the residents, in a legal, non-conforming position and an uncertainty as to what we will have to endure.

The existing Fitness Club at 175 Borden under the proposed Zoning By-Law would remain a permitted use and the lack of parking would remain.

The vehicle repair businesses at 101 Bedford Road would become legal, non-conforming under the proposed MIX3 designation and the issues of parking, blocking driveways, noise, no adherence to any business hours or etiquette would continue until such time as the business leaves or the owner decides to re-develop the property.

As mentioned above, currently Bedford Road is being utilized for street parking from the businesses currently located at 175 Borden and 101 Bedford. Sometimes it is difficult for our guests to find parking on the street.

**Suggested Modification**

It is our opinion that the entire area (as depicted in red on the figure below-next page), be designated as the same residential use as their bordering neighbours of Bedford Road, Ottawa.
Dundas Street and Sydney Street as well as Courtland Avenue, Borden Avenue South and Ottawa Street.

This suggested modification would be a much better land use and would incorporate a consistency and a cleaner flow of uses while still maintaining the Innovation Employment lands to the west of Borden Avenue.

This isn’t just about changing the Zoning By-Law or the Secondary Plan, you need to be cognizant of the impacts your decisions have had on the local residents under the Existing Zoning/Secondary Plan and the potential impacts under the proposed Zoning By-Law/Secondary Plan – not only for us personally, but also for everyone else that will be affected.

We trust that you will take this into consideration and keep us abreast of any additional modifications, correspondence, and meetings. Regards,

Current and Proposed Zoning
Current Zoning – M-2, 159U, 1R
Proposed Zoning – EMP-5 (175) with Flooding Hazard Overlay

Staff Response
The Mill Courtland Woodside Park Secondary Plan was adopted and approved in 1994. The approved Secondary Plan applied a “General Industrial” land use designation and zoning to the properties on both sides of Bedford Road and for the last 26 years the area and the majority of the properties have developed with uses permitted in the “General Industrial” land use designation and M-2 zone.

The PARTS Rockway Plan which was approved in December 2017 recommended that the northeasterly side of Bedford Road be designated and zoned the new Innovation Employment land use designation. As the submission indicates the purpose and intent of this new land use designation “will apply to lands in the city’s central neighbourhoods, which have historically been used for industrial purposes and which location and built form are ideal to facilitate unique employment opportunities to locate in close proximity to major transit station stops.” This new designation is ideal for this side of Bedford Street, particularly as this side of the street is located in the flood fringe of the floodplain. The intent of this designation is to facilitate a trend in industrial uses and accommodate those industrial uses that are “makers” such as creative
products manufacturing, craftsman, and artisan establishments. These types of industrial uses may be more compatible with adjacent uses. To assist with the transition from General Industrial the other side of Bedford Road was recommended to be designated Mixed Use to permit a mix of non-residential and residential uses and this continued to Courtland Avenue.

Planning staff are sympathetic to the concerns raised in the submission. Unfortunately, for the subject property, the area has developed in accordance with the ‘General Industrial’ vision for land use that was established with the approval of the Mill Courtland Woodside Park Secondary plan 26 years ago. The existing industrial character of Bedford Road between Borden Avenue and Ottawa Street South is evidenced in the Google Maps images noted below.

View looking towards Borden Avenue

View looking towards Ottawa Street South

This pocket of industrial properties contributes to the balance of uses in close proximity to the Borden and Mill station stops. If this area were to be designated for residential uses it would be forever lost as an opportunity to provide non-residential industrial employment uses in the station area. The vision for this portion of Bedford Road, as contained in the PARTS Rockway Plan and in the new Rockway Secondary Plan, is for it to continue as a type of industrial employment area. Planning staff will review the land uses on the southwesterly side of Bedford Road to Courtland Avenue East to ensure an appropriate interface on Bedford Road and an appropriate transition to Courtland Avenue East.

Resolution
No changes are recommended to the land use designation and zoning of 124 Bedford Road. Planning staff will review the land use and zoning of the southwesterly side of Bedford Road to
Courtland Avenue East to ensure an appropriate interface on Bedford Road and an appropriate transition to Courtland Avenue East.

77. 618 King Street West

Submission received December 6, 2019
We are pleased to submit the following comments in advance of the statutory public meeting on December 9th, 2019 on behalf of our client, ‘Deleted Name’, regarding the property municipally addressed as 618 King Street, herein referred to as the subject lands.

According to the current City of Kitchener Official Plan, the subject lands are identified as being located within the K-W Hospital Secondary Plan area. This Secondary Plan is currently being reviewed as part of the second phase of the City of Kitchener Comprehensive Review of the Zoning By-law (CRoZBY), and the Official Plan review. The below comments are provided to you as a response to the presently proposed Official Plan and Zoning By-law changes as a result of the Midtown Secondary Plan update.
Existing Policy & Zoning
The K-W Hospital Secondary Plan currently designates these lands Mixed Use Corridor. This designation permits a broad range of commercial uses, a full range of institutional uses and multiple residential uses. Over time, the intent of the mixed-use corridor is to intensify and provide for a balanced distribution of commercial, multiple residential, and institutional uses along major transit routes. New development within the Mixed Use Corridor is permitted to have a Floor Space Ratio (FSR) between 0.6 and 2.0.

The current zoning on the subject lands is Mixed Use Two subject to special use provision 401U. The MU-2 zone recognizes the importance of mixed-use buildings at a medium density within the City’s Major Transit Station Areas, and the role they play in allowing for transit supportive development. The current MU-2 zone permits a Floor Space Ratio (FSR) between 1.0 and 4.0, and permits a maximum building height of 24.0 meters. Special Use provision 401U excludes Day care facility, duplex dwelling, dwelling unit, lodging house, multiple dwelling, residential care facility, single detached dwelling, street townhouse dwelling, and tourist home from the permitted uses in the MU-2 zone, unless a record of site condition has been completed.

Proposed Policy & Zoning
As identified on the Proposed Land Use Map (Map 12), the Midtown Secondary Plan designates the subject lands as Mixed Use Medium Rise, subject to Specific Policy Area 2. New development within the Mixed Use designation shall be permitted at densities between 0.6 and 5.0 FSR. Specific Policy Area 2 limits density to 3.0 and height to 20.0 meters (approximately 6 storeys).

The proposed zoning on the subject lands is Medium Rise Mixed Use Two with special provision 102. The MIX-2 zone permits a variety of uses within mixed use buildings and mixed-use developments. Special provision 102 excludes day care facility, large residential care facility, and multiple dwelling from the permitted uses, unless a record of site condition has been completed. Re-development is permitted at a density range between 0.6 and 3.0 FSR. The maximum building height of 20.0 meters (6 storeys) is further limited to 12.0 meters (3-4 storeys) within 15 meters of a low-rise residential zone.

Conclusions
We note that the land uses permitted by the current secondary plan and zoning are being carried forward with minor updates to the language used (e.g. Brewpub as a permitted use). The special use provision that states multiple residential uses are not permitted unless a Record of Site Condition is submitted and approved by the Ministry of Environment is also carried over from the existing regulations. A wide range of uses is appropriate, and we support the uses permitted in the proposed secondary plan and zoning.

We understand and support the City’s desire to have increased intensification within Major Transit Station Areas. The proposed density target of 160 residents and jobs combined per hectare within major transit station areas presents an opportunity to achieve appropriate transit supportive development. With stable low-rise neighbourhoods located close to the LRT line, there are limited opportunities in achieving transit supportive density within the Midtown Secondary Plan area.
We further understand that the application of the Mixed Use Medium Rise designation and MIX-2 zoning applied to sites abutting low-rise residential uses is intended to manage the transition between low-rise residential areas and the potentially higher height development within mixed use areas. In our view, it is the height of new buildings that is the critical issue in ensuring an appropriate transition and not necessarily the density of new developments. We note that the proposed zoning provision limiting height of new development within 15 meters of a low-rise residential zone accomplishes this transition. In my opinion, it is not necessary to also limit the overall density of the site to ensure compatibility. Given the variety in sizes, shapes and locations of the properties within the Mixed Use designated lands, there is potential that, on some sites, there is ability to achieve relatively high building height and density, while still achieving a transition to nearby low rise residential properties. Some flexibility within the new policy and zoning framework is needed to recognize this variety.

Therefore, I suggest the City consider revising the Mixed Use Medium Rise designation and corresponding MIX-2 zone to permit a maximum FSR of 4.0 (rather than the 3.0 FSR as currently proposed) and permit a maximum height of 8 stories and 25 metres. But also continue to include the Low Rise Residential setback that limits height to 12 metres within 15 metres of a low-rise residential zone and also apply a height limit of 20 metres within 30 metres of a low-rise residential zone. Development further than 30 metres from a low-rise residential zone would be permitted a maximum height of 25 metres and 8 stories. This would allow properties, or portions of properties, that are further from low rise residential areas to develop at the same height and density as the Mixed Use Medium High Rise designation, while still ensuring that there is compatibility and transition to adjacent low-rise residential areas.

Should you have any questions or require additional information, I would be pleased to discuss this further with you.

Current and Proposed Zoning
Current Zoning – MU-2, 401U
Proposed Zoning – MIX-2 (102)
A comparable zone is proposed to be applied.

Staff Response
In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.

The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood.

As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.
The FSRs and Maximum Building Heights in the MIX base zones are proposed to be amended as follows:

**MIX-1** - Floor Space Ratio (FSR) to increase from 1.0 to **2.0**
MIX-1 - Building Height to remain at **4 storeys or 14 metres**

**MIX-2** - Floor Space Ratio (FSR) to increase from 2.0 to **3.0**
MIX-2 - Building Height to decrease to **6 storeys, 20 metres** from **8 storeys, 25 metres**

**MIX-3** - Floor Space Ratio (FSR) to increase from 2.0 to **4.0**
MIX-3 - Building Height to decrease to **8 storeys, 26 metres** from **10 storeys, 32 metres**

**New MIX-4** - Floor Space Ratio (FSR) **5.0**
**New MIX-4** - No Building Height regulation

What Planning Staff were finding is that when a property had a maximum FSR and building height that did not correlate, the development would meet one zoning requirement first, and put forward that they could exceed this zoning requirement because the other zoning requirement had not been met. Both FSR and Maximum Building Height were meant to work together, and this was not happening. The miscorrelation was being taken as an interpretation that one of the zoning requirements could be exceeded if the other zoning requirement had not been maxed out. For example, if the maximum FSR of a property was 4.0 and the maximum building height was 10 storeys, a proposal for a development having a FSR of 6.0 would be put forward because the maximum building height on the site was 10 storeys.

The fact that the MIX-4 zone does not have a maximum building height is being put forward in the submissions, by both the development industry and the community, that this means this zone has “unlimited” height. It does not. A development’s maximum building height in the MIX-4 zone would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the MIX-4’s setback requirements from lot lines, including the setbacks from low rise residential zones. No maximum building height in the MIX-4 zone does not mean unlimited height and that an FSR of 8.0, 10, or 12.0 is justified and appropriate.

Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods. The recommended setbacks from a low-rise residential zone, to be incorporated into the MIX base zones, are as follows:
(2) The maximum building height shall not exceed:

a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,

b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

The submissions suggests:

“I suggest the City consider revising the Mixed Use Medium Rise designation and corresponding MIX-2 zone to permit a maximum FSR of 4.0 (rather than the 3.0 FSR as currently proposed) and permit a maximum height of 8 stories and 25 metres. But also continue to include the Low Rise Residential setback that limits height to 12 metres within 15 metres of a low-rise residential zone and also apply a height limit of 20 metres within 30 metres of a low-rise residential zone. Development further than 30 metres from a low-rise residential zone would be permitted a maximum height of 25 metres and 8 stories.”

The PARTS Central Plan which was approved in May of 2016 recommended that the property addressed as 618 King Street West be designated for “Medium Density Mixed Use”. The new Midtown Secondary Plan implements the PARTS Central recommendation for land use.

To revise the base MIX-2 zone to allow a maximum FSR of 4.0 and a maximum height of 8 storeys (25 metres) would equate to applying the new MIX-3 zone which allows a maximum FSR of 4.0 and a maximum building height of 8 storeys (26 metres).

The proposed zoning would allow a building with a maximum height of between 12 metres and 25 metres to be transitioned and located within 30 metres of a low-rise residential zone.

Resolution

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 618 King Street West.
Submission received December 6, 2019
The subject lands were recently approved for an Official Plan Amendment (OP17/006/K/BB) and a Zoning By-Law Amendment (ZC17/018/K/BB) which were approved in 2018. Site-specific provisions were permitted for the subject lands and included the following provisions:

- An increase in the maximum permitted Floor Space Ratio (FSR) from 4.0 to 7.1.
- A reduction in required minimum front, side, and rear yard setbacks to 0.0 metres.
- A reduction in the required visitor parking from 20% of the required parking spaces to 10%.
- A commercial parking rate of 1 space per 45 square metres.
- An increase in the maximum permitted gross floor area of retail space from 1000 square metres to 1256 square metres.

The proposed King Street East Secondary Plan designation and CRoZBy zoning for the subject lands do not appear to maintain the approved Site-Specific provisions. We would request that the approved Site-Specific provisions be applied to the subject lands for the proposed King Street East Secondary Plan and CRoZBy zoning provisions.
Current and Proposed Zoning
Current Zoning – MU-3, 719R
Proposed Zoning – MIX-4

Staff Response
Planning Staff will review the approvals that given for OP17/006/K/BB and ZC17/018/K/BB and reflect these in a future OPA/ZBA for the King Street East Secondary Plan.

Resolution
Planning Staff will review the approvals that given for OP17/006/K/BB and ZC17/018/K/BB and reflect these in a future OPA/ZBA for the King Street East Secondary Plan.

79. 18 and 27 Pine Street

Submission received November 15, 2019
On behalf of our client, ‘Deleted Name’, we are writing to provide input on the draft Secondary Plan and CRoZBy zoning provisions amendment for the Midtown Secondary Plan as it relates to 18 and 27 Pine Street. These comments are for consideration at the December 9, 2019 Statutory Public Meeting. We have been in contact with City staff regarding concerns that are being raised in this letter and were directed to provide comments for the Public Meeting with a request to meet with City staff following the Public Meeting. We would like to meet to resolve concerns prior to final documents presented to Committee/Council for final approval.
The subject lands (27 Pine Street) are currently used as a parking facility that provides vitally essential parking for the existing medical/office building at 18 Pine Street and without this parking the building would not be fully capable of providing for the use and services to patients. The location of the property and existing use can be seen on the attached aerial photograph.

The draft Secondary Plan and Zoning provisions propose to change the use permissions on 27 Pine Street to an Open Space for park purposes. The lands are currently designated Mixed Use and zoned Residential (R-5) with a site-specific use provision permitting a commercial parking facility on the subject lands. A comparison of current permissions and proposed changes is shown in on the attached plan.

The draft Secondary Plan proposed land use as Open Space represents a “down” designation of 27 Pine Street and has the result of expropriation of the lands by the City without compensation. Our client has not been involved in any discussions directly with the City with regard to changing the permitted use of the lands from a Mixed Use (specific parking area permission) to Open Space. We understand that there was public consultation associated with the completion of PARTS, however the proposed changes should have been specifically discussed with our client.

Our client object to the draft Secondary Plan and Zoning provisions as they relate to 27 Pine Street and does not agree with the recommendations or report that proposes the land use change and zoning on 27 Pine Street.

We look forward to the opportunity for further discussion.
Staff Response
On November 19, 2019 Planning staff responded with the following:

“Hi, Thank you for your email and for your interest in the Neighbourhood Planning Review Project.

After over 2+ years of consultation on the PARTS Plans, RIENS, CHL and the Neighbourhood Planning Review, Planning Staff are bringing draft documents for the public’s and Committee’s consideration on December 9th, 2019. As mentioned in the letter no decisions will be made at this meeting. It is a Statutory Public Meeting under the Planning Act to receive formal oral and/or written submissions to be considered as part of the public record.

We mailed out over 4,000 letters by standard mail and also circulated notice to meeting to our email distribution group. Given the availability of staff resources, to be fair to all those that were circulated, and because no changes can be made to the draft documents in advance of December 9th, Statutory Public Meeting, it was decided that Planning Staff would not be able to meet with individual property owners/stakeholders in advance of Dec. 9th.

We encourage you to submit your comments to the Clerk’s Office via standard mail as per the October 11th, 2019 Notice or you can email your comments to the Secondary Plans account at secondaryplans@kitchener.ca and we will forward them to the Clerk’s Office on your behalf.

After the December 9th meeting staff will review the comments/submissions, meet with property owners/stakeholders as necessary, to try and resolve the concerns prior to final documents being presented to Committee/Council for final approval.

If there are any questions, items for clarification, I will do my best to provide answers and additional information in advance of the Dec. 9th meeting. Regards”

Current and Proposed Zoning (18 and 27 Pine Street)
Current Zoning – MU-3 and R-5, 131U
Proposed Zoning – MIX-3 and OSR-2

Staff Response
Municipalities have, under the Planning Act, the ability to secure lands for park / trail purposes as a condition of subdivision, consent, and site plan approval. The intent is to zone the lands at 27 Pine Street for Open Space purposes, as recommended by the PARTS Midtown Plan, to show intent and guide the acquisition of these lands through the appropriate application under the Planning Act.

With respect to the lands proposed to be designated and zoned for parks/open space use, over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.
Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine, where there is not an agreement, if there is an amenable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Resolution
Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

There will be further discussion with respect to the proposed “OSR-2” zone that was proposed for the property addressed as 27 Pine Street.

80. 75 and 81 York Street, 130 Mt. Hope Street
Submission received December 6, 2019
We are writing on behalf of the owners of the property municipally addressed as 75 and 81 York Street and 130 Mt. Hope Street in response to Draft Official Plan Amendment OP19/004/COK/TMW and Draft Zoning By-law Amendment OP19/010/COK/TMW.

Existing and Proposed Secondary Plan
The subject property is located within the K-W Hospital Secondary Plan and is currently designated as High Density Multiple Residential. The property is currently developed with three apartment buildings ranging in height from 9 to 18 storeys. Going forward, the subject lands will be located within the Midtown Secondary Plan and are proposed to be designated as High Rise Residential. The lands are also located within a Major Transit Station Area.

We have reviewed the proposed High Rise Residential designation and related policies and confirm that the proposed Secondary Plan carries forward current density permissions and expands upon the list of permitted uses. As such, we are writing in support of the proposed Secondary Plan as it relates to this property.

Existing and Proposed Zoning
The subject property is currently zoned R-9 (Residential Nine) with Special Use Provision 133U. Special Use Provision 133U implements the Special Policy Area of the current Secondary Plan by adding health clinic and health office to the list of permitted uses. The lands are proposed to be zoned RES-7 (High Rise Residential Seven Zone). Special Use Provision 133U has not been carried over into the draft zoning.
We are generally supportive of the proposed zoning category but respectfully request consideration of the following:

- **That the full range of uses currently permitted continue to be permitted.** This includes Street Townhouses and Health Clinics. There are currently areas on the property that could support further intensification and townhouse units would be an appropriate built form along the street edge. This would allow for a transition between the existing apartment buildings and surrounding single detached dwellings.
- **That the new zoning by-law continue to recognize reduced parking for smaller units** (in particular within Major Transit Station Areas) as this is beneficial in supporting more affordable housing and encouraging alternative modes of transport; and
- **That the transition to low rise residential regulation not apply to the subject property.** While we understand that the proposed RES-7 regulations do not apply to existing buildings or structures, this comment is in recognition that the existing building at 81 York Street is approximately 11 metres from a low rise residential zone (whereas the by-law requires 15 metres for building heights above 12 metres). As a result, any potential redevelopment of this property could not be built within the same building envelope as the building currently located on 81 York Street. The attached aerial image illustrates surrounding low-rise residential areas and the 15 metre setback.
Please ensure that this correspondence forms part of the public record as it relates to proposed Official Plan Amendment (OPA19/004/COK/TMW) and Zoning Bylaw Amendment (ZBA19/010/COK/TMW). We look forward to discussing these comments with staff prior to the adoption of the OPA and ZBA.
Thank you for your consideration.

Current and Proposed Zoning
Current Zoning – R-9, 133U
Proposed Zoning – RES-7
A comparable zone is proposed to be applied.

Staff Response
As noted above, the subject properties are currently zoned at the highest density, R-9, and this is proposed to be carried forward in the new Secondary Plan. The new RES-7 zone is the comparable zone to the R-9 zone in Zoning By-law 85-1. There are some minor differences between the new and existing high-density zones. They are:

- The minimum FSR has increased from a maximum 1.0 to 2.0.
- Street and cluster townhouse dwellings are no longer a permitted use because they are not high-density residential uses. Sites developed with this dwelling type would be challenged to meet the minimum FSR of 2.0.
- An “Artisan’s Establishment, Community Facility, Health Office, and Studio” will also be permitted in addition to these non-residential uses “Convenience Retail, Day Care Facility, Financial Establishment, Home Business, Office, Personal Services” already permitted by the R-9 zone.
- The new RES-7 zone and Zoning By-law 2019-051 contain transitional setbacks based on the height of the building, or portion thereof, from a low-rise residential zone.
The submission indicates support for the new RES-7 zone, however requests that 133U which permits a health office and clinic be carried forward. The submission also requests consideration of reduced parking requirements for smaller residential units and that the transitional setbacks for buildings of a certain height from low rise residential not apply to the property at 81 York Street.

Site-specific use provision 133U was not carried forward as the new RES-7 base zone permits additional non-residential uses including a health office.

From what we have gathered, there appears to be no causality between the size of the unit and car ownership. Rather than maintaining a reduced parking rate for smaller units in the new zoning by-law, staff are proposing to further reduce the MTSA parking rates for residential and non-residential uses. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions. Staff trust that this reduction would have a similar effect to carrying forward the reduced parking rate for smaller units.

Extensive 3D modelling work was done to examine the relationship of medium and high-rise development adjacent to low rise residential neighbourhoods. This resulted in recommendations to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

The submission indicates that the transitional setback of 15 metres to a low-rise residential zone should not apply because the existing building at 81 York Street is only setback 11 metres. If redevelopment should occur, the property owner will have to meet the new zoning regulation. If this won’t or can’t be done the appropriate planning application should be submitted to provide the necessary justification to support the reduction of the setback to a low-rise residential zone.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 75 and 81 York Street and 130 Mt. Hope Street.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.
Following is our response to the revised Midtown Secondary Plan. It was good to see that the zoning of properties in the area of King/Wellington/Walter and the property at the end of Agnes and Dominion Streets have been changed from the earlier draft secondary plan and that as such the potential heights of buildings on these streets are reduced.

It was also good to read 16.D.4.17 in the Secondary Plan Use Policies which prohibits cash-in-lieu of parkland space for the property at 77 Wellington Street South.

The revised Midtown Secondary plan presents a number of concerning decisions. In brief they are:

1. **Situate Mixed Use 4 zoning adjacent to low rise residential**
2. **Under value the importance of green space and parkland**
3. **Overlook traffic impact on residential streets**

1. **Mixed Use 4 Zoning Adjacent to Low Rise Residential.**

   Our position is that the mass and scale of Mixed Use 4 zoning should never be adjacent to low rise residential. The *Midtown Secondary Plan – Proposed Zoning* includes two Mixed Use 4 Zones adjacent to low rise residential zones. Currently there are not enough regulations protecting the low-rise residential zone from the potential significant impact from tall buildings. While new regulations limit the maximum building height to 12 metres within 15 metres of a lot with low rise residential and 25 metres within 30 metres of a lot line with a low rise residential zone, these regulations do not address the overall impact of a tall tower rising 30 metres from low rise residential properties. The fact that developers regularly apply for, and are granted, adjustments to setbacks and FSR compounds the concerns of owners of low-rise residential properties.

   Preserving the setting of low rise residential neighbourhood requires further regulations. Effective regulations include:

   a. **Secondary Plans Area/Site Specific Policy Areas 16.D.3.3 from Section 16: Secondary Plan Land Use Policies** which prescribes a maximum Floor Space Ratio of 4 and limits the building height to 8 stories or 26 metres.

   b. **Robust shadow impact regulations based on those of the City of Mississauga.** Mississauga is committed to maximizing the use of private residential spaces and mitigating shadow from proposed development by restricting impacts to one hour in durations in areas such as private rear yards, decks, patios, and pools. In addition to generally degrading private residential spaces, shadows from tall buildings impact the tree canopy on residential properties and the existing or future installation of clean energy solar panels.
The high-rise is not the only answer to density. In fact, it may be a very unsuitable solution that undermines the character, livability, social fabric and even the public health of the city – Bloomingrock

Reasons Why High-Rises Kill Livability

2. Green Space and Parkland.
In the effort to concentrate housing in a few defined places and to make the most of every available site that is close to the LRT, planners ignore the need to expand the tree canopy in the urban core in response to the climate emergency and to reduce the urban heat island effect. Planners have not prioritized greenspace zoning despite city council recently announcing that there is a climate emergency and the well know benefits of trees to mitigate climate change.

Each of the neighbourhood secondary plan includes the same statement about the active search and use of the existing Park Trust Fund and cash-in-lieu to develop new parks. The fact that this statement is repeated in each of the neighbourhoods’ secondary plans dilutes its meaningfulness.

In previous feedback from residents about parkland/greenspace in the Secondary plan, the city planners justified the lack of designated green space with the following statements: Opportunities for urban greenspace are extremely limited under existing constraints. The PARTS Plan recommended areas for greenspace and park and these have been shown on the plans. There is also an option to require parkland dedication through the site plan process Section 16: Secondary Plan Land Use Policies 16.D.4.15.

We disagree with the conclusion that opportunities are extremely limited. The Station Park developers will pay cash-in-lieu of parkland for the first phase of their development. This is a lost opportunity for greenspace in the Midtown neighbourhood. A stronger commitment to planning for green space, similar to the plan for the property at Queen and Charles Streets across from the LRT station on property now occupied by a parking lot, is needed.

In the initial feedback to the Midtown Secondary Plan an opportunity for a future greenspace site was identified. While the property is currently privately owned, the unique condition of this property, dissected by a city road, creates an opportunity for parkland. We resubmit this opportunity for greenspace.

The maps for the secondary plan fail to include the stretch of street that fronts the Badminton club at 69 Agnes. There is an island of land bordered by Dominion, Agnes, and Park, currently used as a parking lot. In the proposed plan, this land is zoned M4SP3 (now MIX Use 3). This is an obvious location for a green space. A new park on Park Street - an antidote to “They paved paradise and put up a parking lot”. It addresses a number of pressures the neighbourhood faces as intensification changes this area. It will
• support a walkable community
• contribute to the urban forest - many trees in the neighbourhood will be lost as a result of intensification, this is already happening
• provide a transition from the houses on Dominion Street and new development of the lands which are currently the KW Badminton Club
• put green space planning in the hands of the city rather than developers
use the money from developers locally

A sea of towers in the Midtown neighbourhood and the dearth of parkland and green space will be felt by everyone living, working, and traveling through our neighbourhood. Only zoning for green space as part of the secondary plans will ensure adequate spaces as the neighbourhood densify.

BB3 and Station Park will bring significant development to the Midtown neighbourhood. The future development of several other properties include, but are not limited to:

a. 69 Agnes Street (listed for sale)
b. 624 King Street West (cleared lot at Wellington and King)
c. 600 King Street West
d. 622 King Street West (vacant lot)
e. 751 King Street West (vacant buildings)
f. 37 – 73 Dominion Street (parking lot)

Each new development will bring both incremental and significant increases in traffic on Wellington, Walter, Agnes, Dominion, Park and Strange Streets. It does not appear that a comprehensive transportation impact study has guided plans for future land use and zoning. Changes in zoning and the densification of the Midtown neighbourhood must realistically reflect the traffic capacity on neighbourhood streets. A comprehensive transportation study based on the cumulative development of lands must inform zoning and land use decisions in Midtown.

The concerns we have identified come from our interested in the development of Midtown as a thriving and liveable neighbourhood.
Staff Response
Planning staff offers the following response.

Mixed Use 4 Zoning Adjacent to Low Rise Residential

- In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.
- The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.
- A lot of work was done, through the development of the PARTS Plans and Secondary Plans, to review the compatibility and transition of medium or high-rise development in the MIX zones from an adjacent low-rise residential zone. This resulted in new required setbacks dependent on the building height of these proposed medium/high rise developments and also requires the proposed building to transition in height within the subject property itself. The new required setbacks will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

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</tbody>
</table>

**2. The maximum building height shall not exceed:
(a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
(b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

- In addition to setback and stepbacks, a maximum height is employed within each of the zones to ensure that even if a lot is large enough to meet the setback requirements that a maximum height will be employed to minimize overlook and shadow impacts, and to provide a build form that is compatible in size with the surrounding environment. In all zones we have created a max height of 12 metres if a 15 metre setback can be achieved from a low-rise residential zone. If a greater setback can be achieved (a minimum of 30m), buildings in MIX 4 zones are permitted to have a height greater than 25 metres. There are no situations in any of the MIX zones, where an unlimited height is permitted where a lot is adjacent to a lot zoned for low rise residential.
- Staff feel that through the use of setbacks, stepbacks and a maximum building height, new mixed use development adjacent to low rise resident will be compatible in scale, setback and will transition gradually from historically lower rise residential areas to areas
along corridors where new mixed use development is welcome and anticipated. The City of Kitchener’s new Urban Design Manual (approved in 2019) does not use angular plane as a form of assessing compatibility. Because an angle extends on indefinitely, in order for a building to fit completely within the angle, setbacks would need to be an unrealistic distance from where the acute part of the angle exists. This could result in lands in mixed use corridors that are underdeveloped, which resultingly would make it hard for the City to add density to support transit. In addition, through our research staff have found no research for the rationale behind the angular plane method, and often the point from where it is measured is confused or subjective.

- Land use designations and zone categories are applied generally properties in the city. Depending on locational characteristics or other unique challenges, property owners may need to submit applications under the Planning Act to facilitate a particular development that will not meet all policies and zoning regulations. It is Planning Staff’s responsibility to provide a Professional Planning Opinion/Recommendation to the applicable Committee/Council for their consideration in the decision-making process.
- Shadow impact studies are required by Planning staff with the submission of development applications.
- Agreed that the high-rise is not the only answer to density. However, in a time when housing is scare (especially missing middle) and climate goals call for transit-based intensification, we need to support density in the right places and transitional regulations that support a compatible interface with surrounding existing uses. Staff feel that employing increased setbacks, stepbacks and height limitations, we are able to achieve larger mixed-use buildings along our corridors that are compatible in scale and massing with surrounding and adjacent lower scaled residential buildings.

**Green Space and Parkland**

- Planning staff is very cognizant of the need to find and provide opportunities for parkland and green space in the Secondary Plan areas. As noted, in this time of a climate emergency not only is it important to support increase transit-based intensification, we also need to increase our parkland and greenspace.
- As the submission notes, Planning staff advised in previous feedback from residents about parkland/greenspace in the Secondary plan; “Opportunities for urban greenspace are extremely limited under existing constraints.” Opportunities for new parkland and green space are constrained in an urban context and are limited. As per recommendations in the PARTS Midtown Plan, lands on private property were proposed to be designated and zoned as ‘Open Space’. In response to submissions No. 23, 27, 30 and 79, where private properties were identified as ‘Open Space” in the Midtown Secondary Plan Planning staff are committed to having further discussion.

“It is agreed that municipalities have, under the Planning Act, the ability to secure lands for park / trail purposes as a condition of subdivision, consent and site plan approval. The City has no intention of trying to secure this land through a City-initiated OPA/ZBA process without appropriate compensation. Instead the purpose is to designate and zone the lands for Open Space purposes to show intent and guide the acquisition of these lands through the appropriate application under the Planning Act.
Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.

Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.”

- As the submission indicates Policy 16.D.4.15 is repeated in each of the neighbourhood secondary plans. While its repetition may appear to ‘dilute its meaningfulness’, this policy is important in order to support the City’s ability to acquire actual parkland, under the Planning Act, at such time as a development application is received. Particularly important, given no policy direction currently exists in any of the Secondary Plans now.

“Parkland
16.D.4.15 The City will actively search and use the Park Trust Fund, cash-in-lieu, and other opportunities to develop new parks in the Midtown Secondary Plan area, particularly on sites that submit development and/or redevelopment applications.

16.D.4.16 The City will designate and support the development of new park space on Pine Street.

16.D.4.17 The City will require a parkland dedication, in the form of lands rather than a cash-in-lieu contribution, for the property at 77 Wellington Street South at such time as development and/or redevelopment applications are received for lands in this location.”

- Thank you for resubmitting the opportunity for the triangular-shaped lands across from 69 Agnes Street. This information will be forwarded along to Parks Planning for their consideration as they embark on their project over the next 18 months.

Traffic Impact

- A comprehensive transportation study (“A Transportation Impact Assessment”) was completed as part of the technical work on the proposed land use and density of the Preferred Land Use Scenario that was recommended in the PARTS Midtown Plan.
HDR Inc. conducted a detailed transportation assessment for the Midtown station area to understand how the Preferred Scenario may impact traffic conditions, as well as considering Transportation Demand Management (TDM) strategies, in order to assist in the implementation of this Plan. To appropriately consider anticipated conditions approximately 20 years into the future, the future Preferred Scenario was compared to existing conditions and the ‘Status Quo’ scenario as baselines. This comparison accounts for changes in population and employment based on land use designations and permissions between these scenarios over time.

“Section 9.3 Transportation Impact Assessment

HDR Inc. conducted a detailed transportation assessment for the Midtown station area to understand how the Preferred Scenario may impact traffic conditions, as well as considering the Transportation Demand Management (TDM) strategies, in order to assist in the implementation of this Plan. To appropriately consider anticipated conditions approximately 20 years into the future, the future Preferred Scenario was compared to existing conditions and the ‘Status Quo’ scenario as baselines. This comparison accounts for changes in population and employment based on land use designations and permissions between these scenarios over time.”

- One of the primary indicators that was evaluated was the level of service provided by signalized intersections based upon typical delays in seconds. Generally, level of service A, B, and C are considered acceptable, representing a delay of 35 seconds or less. Level of service D indicates that delays are more perceptible. Level of service E and F indicate notable delays but may be acceptable in urban contexts. These levels of service also indicate areas where transit priority measures will have the largest relative benefit for transit travel time reductions.

- A traffic analysis of the Preferred Scenario yields the following key considerations:
  - Traffic analysis of the Preferred Scenario reveals that 2031 traffic conditions reach level of service D at two intersections along King Street, in which some queuing and delays of about 35 to 55 seconds are anticipated to occur. This level of congestion is often acceptable in an urban setting with transit priority.
• Implementation of transportation demand management measures, including providing the broad mix of mobility options identified in the PARTS Plan should assist with managing future traffic levels.
• The Preferred Land Use Scenario provides the necessary types of uses, range of uses and densities that should contribute to the overall Regional Transportation Master Plan objective of increasing the modal split within the central area for transit, cycling and walking while reducing single occupant vehicles.
- The proposed land use for the following properties was taken into consideration as part of the Traffic Impact Assessment. Updated site-specific transportation impact assessment may be required as part of development applications requesting a different land use and/or increases in density beyond what was contemplated by PARTS and the Secondary Plan.
  - 69 Agnes Street (listed for sale)
  - 624 King Street West (cleared lot at Wellington and King)
  - 600 King Street West
  - 622 King Street West (vacant lot)
  - 751 King Street West (vacant buildings)
  - 37 – 73 Dominion Street (parking lot)

**Resolution**

Planning staff will review the City of Mississauga land use policies and zoning by-laws to see how the requirements for and recommendations from Shadow Impact Studies are incorporated into such documents.

Planning staff will forward the opportunity for the triangular-shaped lands across from 69 Agnes Street to Parks Planning for their consideration as they embark on their project over the next 18 months.

**82. 16 Martin Street**

Submission received December 6, 2019
Good afternoon Tina and Brandon  
We would like to provide you with some personal comments regarding the proposed secondary plan. This has been a great deal of work for all of you and I want to start by acknowledging that I can clearly see that you have incorporated some of our group comments within the zoning and urban design notes. You have all demonstrated your commitment to preserving and respecting our community character! Thank you all for that!

As homeowners at 16 Martin St we are directly in the transition zone or interface between low rise residential and any new higher buildings. This makes issues of how we experience those transitions very important. We are pleased to see you have given consideration to the elevation difference between our property and the properties along Courtland Ave. As you know those properties along Courtland, perched higher than street level, provide a challenge to us. This results in any new development seeming much higher than the density you have suggested. It becomes even more of an issue when we add the properties along Benton and 63 Courtland into the mix. The effect of this on our property will seem overwhelming in that we will have taller buildings walling us in on 3 sides blocking views to the sky. The current bungalow is of noted height compared to our home and we cannot imagine 4 storeys there. We think it will loom over our home, blocking the skyline from our rear yard. One of the things we identified as a Community was a desire to limit the heights of any new development so that this did not happen. It greatly affects the liveability of our already limited private spaces. We would like to discuss the 14 m or 4 storeys allowed in this zoning further if possible. We do wish to note, however, that you have reduced the heights and that we do see the logic of any new intensification running along Courtland Ave.

We wish to note that although we think it is great that the FSR of any new building should include parking it concerns us that developers can use that to request higher buildings to make up the difference for what they think they are losing in residential space. We currently see this reflected in the Mill St development that is currently seeking a zone change. For obvious reasons surface parking on these lots are challenging and of course we would not wish to see a parking lot visible from our back yard.

We very much appreciate and agree to the proposed changes that include the 15m from the rear property line before a building rises to 4 storeys. This is an excellent improvement and will certainly help to lessen the impact on how we experience a taller building. Does this setback apply to the side property lines as well? How would a Regional Road easement on Courtland apply in terms of pushing a building back toward the rear lot line?

There is a quirky old barn in the rear yard of a home (2nd from the corner of Benton and Courtland beside 49 Courtland. not sure if it is 48) that we see prominently from our property. It adds so much to the character of our back yard in terms of a buffer to the view of the intersection at Benton and Courtland and as an asset in our borrowed view from our home. I can’t think of another core neighbourhood that has a barn in the midst of their community. I think we have overlooked the potential loss of a charming link to the past. It concerns me that we now know that someone has acquired 3 properties which, along with this home, include 49 and 53 Courtland. Obviously, they will seek some redevelopment at some point.
We, again, want to thank you for demonstrating your interest in preserving our character and history by listing all of the properties we indicated having value to us within the secondary plan notes. We look forward to the review process but do realize that step is down the road. What will be done if a property owner wishes to develop the land or lands before this process begins? We do not want to lose an opportunity to preserve what we can. One of the prime reasons we have lived here for 29 years is this character, this history, this community. We want to be resilient; we want to acknowledge the need for intensification, and we want that to be balanced with something we can live with.

We would also support bringing forward the special provisions that exist on 63 Courtland. We had worked with city previously on a height restriction to 3 to 3.5 storeys and no access to Martin. It has not been brought forward in the secondary plan and we would like to chat about that. We have seen a rogue conceptual drawing of a suggested use for that property that illustrates that intensifying that site is quite achievable using towns, alternative housing and a 3 storey building. It would be a great improvement to our property if that site was redeveloped since it can be noisy and unkept at times and has a large parking lot that is unsightly from our home. It certainly could benefit from greening with plants and trees.

So from our perspective the key issues revolve around transition, appropriate height that acknowledges how that is experienced from the lower property, parking included within the FSR driving developers to ask for compensation for the loss of units, surface parking, loss of character building or homes of historical interest and becoming fenced in by taller buildings on 3 sides and how that affects the quality and liveability of our private back yard space.

We look forward to more conversation.

**Current and Proposed Zoning (16 Martin Street)**
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

**Current and Proposed Zoning (Courtland Avenue East)**
Current Zoning – CR-1, 130R, Max FSR 1.5, Max. Building Height 18 metres
Proposed Zoning – MIX-1 (168), Max FSR 2.0, Max. Building Height 5 storeys, 16 metres
A comparable zone is proposed to be applied.

**Staff Response**
- In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.
- The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation
resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

- A lot of work was done, through the development of the PARTS Plans and Secondary Plans, to review the compatibility and transition of medium or high-rise development in the MIX zones from an adjacent low-rise residential zone. This resulted in new required setbacks dependent on the building height of these proposed medium/high rise developments and also requires the proposed building to transition in height within the subject property itself. The new required setbacks will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

### Maximum Building Height

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<tr>
<th>Regulation</th>
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<th>MIX-2</th>
<th>MIX-3</th>
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<td>26m(2a)</td>
<td>(2a) (2b)**</td>
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<tr>
<td><strong>Maximum number of storeys</strong></td>
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<td>6 storeys</td>
<td>8 storeys</td>
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<td><strong>Maximum floor space ratio</strong></td>
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**2. The maximum building height shall not exceed:**
(a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
(b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

- In addition to setback and stepbacks, a maximum height is employed within each of the zones to ensure that even if a lot is large enough to meet the setback requirements that a maximum height will be employed to minimize overlook and shadow impacts, and to provide a build form that is compatible in size with the surrounding environment.
- In all zones we have created a maximum height of 12 metres if a 15 metre setback can be achieved from a low-rise residential zone. This is compatible with the maximum permitted height in our low-rise residential zones of 11 metres. Both the MIX zones and the RES zones require rear yard setbacks of 7.5 metres. The maximum permitted heights and yard setbacks are intended to create a compatible built form interface between those properties zoned for mixed use and those zoned for low rise residential uses.
- If a greater setback can be achieved (a minimum of 30 m), buildings in MIX 4 zones are permitted to have a height greater than 25 metres. There are no situations in any of the MIX zones, where an unlimited height is permitted where a lot is adjacent to a lot zoned for low rise residential.
- Staff feel that through the use of setbacks, stepbacks and a maximum building height, new mixed use development adjacent to low rise resident will be compatible in scale, setback and will transition gradually from historically lower rise residential areas to areas along corridors where new mixed use development is welcome and anticipated.
- The Cedar Hill and Schneider Creek Neighbourhood residents have been very engaged in the planning processes, first in the development of the PARTS Central Plan and then in the two Open Houses and the Downtown Neighbourhood Alliance meeting that were held prior to the development of the Secondary Plan and Zoning By-law Schedules and their consideration at a statutory public meeting in December of 2019. Several of the conversations have centered around the property at 63 Courtland Avenue and its
potential to redevelop at a future point in time and the impact that this redevelopment may have on abutting properties and the Martin Street streetscape.

- The property at 63 Courtland Avenue is a through lot with frontage on both Courtland Avenue East and Martin Street. It is zoned “CR-1” which permits a multiple dwelling having a maximum FSR of 1.0 and a maximum building height of 18 metres. The property also has a special regulation provision, 130R, which increases the maximum permitted FSR to 1.5 and states that the maximum building height shall be 13.5 metres within 30 metres of the street line of Martin Street.

130. Notwithstanding Section 44.3 of this By-law, within the lands zoned CR-1 on Schedules 85 and 86 of Appendix "A", described as Part of Lot 10, Registered Plan 280 and Lots 6 to 9 inclusive, Registered Plan 280 and Part of Lot 10, Sub Lot 17 Lot 219 and Part of Lots 218 and 234, German Company Tract, the maximum Floor Space Ratio shall be 1.5 and the maximum building height shall be 13.5 metres within 30.0 metres of the street line of Martin Street. (By-law 2005-106, S.34b) (Housekeeping Amendment)

- The “CR-1” zone requires a rear yard setback of 7.5 metres or half the height of the building, whichever is greater. In the case of an 18 metre building the requirement would be 9 metres. The required side yard setback is 3 metres for buildings with a height greater than 10.5 metres.

- In the application of the new zoning for the subject property, Planning staff considered a split zoning to only allow low rise residential uses at the rear, but it was challenging without a specific development proposal to determine exactly where that line should be. The new Mixed Use land use designation and zoning would permit stand-alone residential uses so it was desirable to apply one land use designation and zoning to allow the property to be developed comprehensively and still provide the opportunity to permit a stand-alone multiple residential dwelling(s) to be developed at the rear of the subject property.

- As noted above, since the development of the PARTS Central Plan and the Open Houses, extensive 3D modelling was completed, and Planning Staff revised the zoning regulations to develop a transitional framework to support and facilitate the transition of built form within the property itself.

- Planning Staff are of the opinion that the new proposed transitional regulations are an improvement over the existing regulations. Any new building would have a maximum height of 12 metres within 15 metres of all lot lines abutting a low-rise residential zone instead of 13.5 metres within the Martin Street lot line. This transitional regulation would also ensure that a building with a height greater than 12 metres would be setback a minimum of 15 metres of any lot line abutting a low-rise residential zone.

- Overall, the maximum permitted building height for development on Courtland Avenue East has been reduced to 16 metres from the currently permitted 18 metres.

- With the new setback requirements for buildings of a certain height, from a low rise residential zone and a single land use designation and zone category, there will be the necessary flexibility to allow for a comprehensive development with Mixed Use along Courtland and residential development to complement the Martin Street streetscape.

- As the submissions indicates there is a current policy to only allow those low-rise residential uses permitted in both the CR-1 and R-5 zones to be developed at the rear of the property.
“With the exception of street townhouses and those Low Rise Commercial-Residential uses which are also permitted within the Low Rise Conservation designation, new development shall be required to gain access via Courtland Avenue with no vehicular access permitted to Martin Street.”

- To have policies restricting access to particular rights-of-way, city or regional, are really too prescriptive for an Official Plan/Secondary Plan and would not provide the needed flexibility to adapt to Traffic Impact Assessments and their recommendations, the approval of the most appropriate site plan, and changing regional/city policies. To require an Official Plan Amendment to facilitate the most appropriate access for development on a property would be a very onerous process.

- In a time when housing is scarce (especially missing middle) and climate goals call for transit-based intensification, we need to support density in the right places and policies and transitional regulations that support a compatible interface with surrounding existing uses.

- Depending on the redevelopment proposal that is submitted, there needs to be some flexibility in vehicular access to the site. However, Planning staff are understanding of the concerns of increased traffic on Martin Street and will consider what policy language can be put in place to encourage vehicular access from Courtland Avenue.

- As the submission notes, above-grade parking structures are included in the calculation of Floor Space Ratio (FSR) because they contribute to overall building massing. The provision of underground parking in the Secondary Plan areas is challenging because of the water table and surface parking is not ideal, particularly adjacent to low rise residential uses. Planning staff are proposing to reduce the parking requirements for residential uses in the Major Transit Station Areas. This will support the need to provide new housing in the MTSA areas and support the use of LRT.

- Land use designations and zone categories are applied generally properties in the city. Depending on locational characteristics or other unique characteristics, property owners may need to submit applications under the Planning Act to facilitate a particular development that will not meet all policies and/or zoning regulations. It is Planning Staff’s responsibility to provide a Professional Planning Opinion/Recommendation to the applicable Committee/Council for their consideration in the decision-making process.

- In response to the question, “What will be done if a property owner wishes to develop the land or lands before this process begins?”, any property owner can submit a site plan application to redevelop under the existing zoning. As noted above, if a particular development cannot meet all policies and/or zoning regulations, they have the ability to submit an application under the Planning Act.

- Unfortunately, the timing of the Neighbourhood Planning Review Project has stalled now that the Major Transit Station Area boundaries must be established in the Region’s Official Plan before our own Official Plan/Secondary Plans.

Resolution
Planning staff will review the possible building envelop and built form for the property at 63 Courtland Avenue East and incorporate any further necessary policies/regulations to support a compatible interface with the existing the low rise residential uses, including considering what policy language can be put in place to encourage vehicular access from Courtland Avenue.
I continue to provide advice to 'Deleted Name' who are the occupants and owners of the property located at 161 Stirling Avenue South. The Subject Property is located within the Rockway Secondary Plan.

I was involved in the consultation process regarding PARTS (Rockway Station Area). I have made submissions in that process on behalf of 'Deleted Name'. I appreciate that this Public Meeting constitutes the implementation stage of this planning process.

I have reviewed the Planning Reports and the documentation that has been made available prior to the Public Meeting. My submission follows:

**Proposed Rockway Secondary Plan**

Map 15 for the Rockway Secondary Plan proposes to designate the Subject Property as "Natural Heritage Conservation". The Subject Property is identified in the "Flooding Hazard Overlay" as Floodway.

I do see the area of the Subject Property that is identified as 'Candidate Flood Fringe' according to the 2016 GRCA Floodplain Study. This is a matter that I agreed would provide an opportunity for limited redevelopment on the easterly section of the Subject Property.

I appreciate that there is a solid black line that seems to represent the Flood Fringe. I expect that Section 15.D.9.3 in the Kitchener Official Plan applies to the Subject Property where there is a Flood Fringe. Attached as Figure 1 is the extract from the GRCA Study that identifies the area of the Flood Fringe within the Subject Property.
I request that Map 15 identify the Flood Fringe in the easterly section as illustrated on attached Figure 2.

Proposed Zoning By-law 2019
The proposed Zoning for the Rockway Secondary Plan identifies the ‘Floodway’ within the westerly section of the Subject Property. This reflects the intent of the GRCA Study. The easterly section of the Subject Property is not identified as ‘Flood Fringe’. I interpret the map as adding a ‘white area’ without distinction on the easterly section of the Subject Property.

I understand the reason for the “EUF-1” zoning on the Subject Property and the provisions of Section 14 – Existing Use Floodplain (EUF) Zones. The existing Institutional use of the Subject Property is recognized as a legal use and may continue. This is acceptable.

In the future, there may be an opportunity to redevelop part of the Subject Property in the Floor Fringe subject to the required planning approvals and consideration by the Grand River Conservation Authority.

Consistent with my recommended designation in the Rockway Secondary Plan, I request that the “Flood Fringe” should be added to the easterly section of the Subject Property.

Submission
This submission is made in good faith and represents the interests of the ‘Deleted Name’. To assist the City of Kitchener with a clear understanding of the boundaries of the Subject Property, I attach Figure 3 with the property outlined in yellow.

Please accept this submission prior to the Statutory Public Meeting and prior to the decisions of Kitchener Council regarding the amendments to the Official Plan and Zoning By-law.

I request further notices of meetings of the Kitchener Planning & Strategic Initiatives Committee and Kitchener Council.

I will be pleased to further discuss these comments and recommendations prior to final decisions.

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1), Institutional (I-1), 1R
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

Staff Response
The PARTS Rockway Plan, which was approved in December of 2017, recommended that the property addressed as 161 Stirling Avenue South be designated “Natural Heritage Conservation”. This recommendation was reflected in the OPA/ZBA considered at the Statutory Public Meeting that was held on December 9, 2019.
The basis of the recommendations for land use in the PARTS Rockway Plan were reflective of the Grand River Conservation Authority Floodplain Study and updated floodplain mapping that was completed in 2016. As a result of the updated floodplain mapping the subject property is almost entirely located in the floodway, (save and except a very small triangular piece of land at the northeasterly corner), and now necessitates an existing use zone rather than a split existing use and institutional zone.

The PARTS Rockway Plan also identified an opportunity to establish a future scenario whereby some of the lands within the ‘Floodway’ could become ‘Flood Fringe’. This was based on the Grand River Conservation Authority’s ‘Update of Schneider Creek Floodplain Mapping & Two-Zone Policies, Stirling Avenue to Sydney Street (2016)’ Plan. Through this update to the GRCA floodplain mapping it was identified that, although the extent of potential flooding may be greater in the existing condition compared to the past mapping, there may be an opportunity to establish a future scenario whereby some of the lands within the ‘Floodway’ could become ‘Flood Fringe’. The above plan is intended to provide direction for potential land use should the ‘Candidate Flood Fringe Scenario’ occur.

The intent is that historic industrial uses in close proximity to the creek could be re-urbanized with medium and high density residential (with supporting uses) on the northeast side of the creek and a range of different uses on the southerly side of the creek. Several strategies will need to be considered in order to potentially realize this planning opportunity.

A ‘Candidate Flood Fringe Scenario’ relies, in one instance on the northeast side of the creek, on a single landowner potentially initiating the scenario (i.e. the MTD lands). In other instances, mostly on the opposite southerly side of the creek, it relies on either multiple landowners coming together, the City facilitating some option, or it may not materialize given the context of the properties.

The primary concern is flooding hazard and public safety. As such, the preferred land use plan indicates Natural Heritage Conservation as the land use for the full extent of the updated ‘Floodway’.

The GRCA has provided direction that if certain existing buildings and uses were removed from the ‘Floodway’ that this may change certain ‘blocks’ of land to ‘Flood Fringe’. Throughout the PARTS Rockway Plan public process, several different options were explored as to what the appropriate land use, mobility and public realm directions and strategies would be should this scenario occur. The situation where nothing new could be developed (i.e. only recognizing existing uses, result is the where appropriate) to a situation where future development may be possible provided there are supporting studies and GRCA acceptance.
In accordance with Provincial Policy properties that are located in a floodway should have a no new development zone applied. The existing use floodplain zone, which has appropriately been applied, is a compromise to recognize existing uses in a floodplain and allow some minor expansions with a permit from the GRCA.

Planning staff will consider adding some policy language and direction with respect to the ‘Candidate Flood Fringe Scenario’ to the Midtown Secondary Plan to guide future Planning Act applications to facilitate implementation of this scenario at such time that it is possible.

**Resolution**
No changes are recommended to be made to the land use designation and zone category proposed to be applied to 161 Stirling Avenue South.

Planning staff will consider adding some policy language and direction with respect to the ‘Candidate Flood Fringe Scenario’ to the Midtown Secondary Plan to guide future Planning Act applications to facilitate implementation of this scenario at such time that it is possible.
Submission received December 8, 2019
We are homeowners who reside in the affected Ode Berlin Town Neighbourhood. Our current address is 36 Ellen St E. We moved into the area approx. 3.5 years ago and have begun to raise our small family of two kids. We fully understand that the city wishes to update the land-use document that was created 25-30 years ago. Our current land-use is R-8 with special regulations 163U. According to the city documents our land is proposed to be changed to Res-3. We are requesting that our land use zone be Res-3 Office. We request this small change so that we may operate a small business office inside our current residence to support our family.

As the city is updating the zoning and regulation, we would also like to express my concerns regarding a few other properties in our affected area and the affected changes that are proposed. The current building known as Centre in the Square, 101 Queen St N, with zoning UGC is right across the street from our house. We would request to the City if we can have a maximum podium height of 12m and finite height limits. We also request that the City stay with the minimum 6 m front and side yard setbacks as opposed to the proposed 3m. We understand that this will not affect the current building but will affect any new building on the site. We feel that the proposed 3m is too close to the street and would change the landscape too dramatically, this would then, in turn, change our enjoyment of our family house and front yard and potentially cause significant shadowing issues.

We welcome further discussion from the city regarding our requests.
Current and Proposed Zoning
Current Zoning – R-8, 163U
Proposed Zoning – RES-3 (159) (160)

Staff Response
Currently, the subject property at 36 Ellen Street East enjoys a site-specific policy, Policy 13.1.3.5, in the Civic Centre Secondary Plan and a special use provision, 163U, in Zoning By-law 85-1 to permit a health office as an additional permitted use within the existing building.

“Notwithstanding the Medium Density Multiple Residential designation applied to the property located at 36 Ellen Street East, and legally described as Lot 8 of Registered Plan 417, a health office shall be permitted within the existing building.”

During the review of the existing land use and zoning of the Civic Centre Secondary Plan, including a site walk of the neighbourhood, there did not appear to be evidence of a health office use of the subject property. The submission indicated support for the new Low Rise Residential Limited Office which would permit a limited range of low density housing types, including single detached dwellings, additional dwelling units, attached or detached, semi-detached dwellings and special needs housing in addition to an artisan’s establishment, studio, craftsman shop, day care facilities, a health office, personal services, and an office.

The intent of this new land use designation is to apply to lands within the central part of the city where the intent is to conserve the existing buildings and built form in these areas and serve as a transition between adjacent higher intensity uses and the existing built form and streetscape character of the established neighbourhood. The subject property borders the UGC to the south and its location would fit and meet this criteria. The property currently enjoys a site-specific provision for a health office. It is not known if this health office currently exists. The new land use designation and zoning would allow the property to retain this existing use as well as diversify to other compatible non-residential uses, including an office, while ensuring preservation and conservation of the existing built form and character of the streetscape.

The UGC base zones were considered at a Statutory Public meeting in March of 2019. However, they were not adopted and approved by Council and have been deferred from consideration. The UGC zones are not within the scope of this NPR Project and will considered in a future stage of the CRoZBy Project. Planning staff appreciate the comments and concerns with potential UGC zoning across the street of the subject property. These comments will be forwarded to the Project Manager to be assigned to the development and review of UGC zoning for their consideration.

Resolution
Planning staff recommends that the land use designation and zoning of the property at 36 Ellen Street East be changed to “Low Rise Residential Limited Office” and “RES-3 (159) (160) (161).

The comments with respect to the proposed zoning of lands across the street will be forwarded to the Project Manager to be assigned to the development and review of UGC zoning for their consideration.

85. 19 Strange Street (See Response No. 25)
86. Civic Centre – Various (55 Margaret Avenue)

Submission received December 8, 2019
We realize that the Olde Berlin Town Neighbourhood Association may not have legal standing. We, therefore, personally, support the following comments and recommendations of the neighbourhood response to the proposed Secondary Plans. Thank you.

“We realize that the Olde Berlin Town Neighbourhood Association may not have legal standing.

We, therefore, personally, support the following comments and recommendations of the report as follows:

We request:
1. the changes identified in the marked up Secondary Plan text of Appendix 3;
   Staff Response
   • Refer to Appendix 3 for a response.

2. that all zoning within and adjacent to the neighbourhood incorporate setbacks on yards facing or abutting the heritage district that at least equal the average of the zoned setback requirement and average existing setback of the heritage district lands on the block, or 7.5 m, whichever is greater. Example: A Mixed Use building with a required setback of 7.5 m sharing a rear property line with a low rise residence on a block with average rear yard setbacks of 18 m would be required to have a rear yard setback of (7.5 + 18)/2 or 12.25 m;
   Staff Response
   • In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.
   • A lot of work was done, through the development of the PARTS Plans and Secondary Plans, to review the compatibility and transition of medium or high-rise development in the MIX zones from an adjacent low-rise residential zone. This resulted in new required setbacks dependent on the building height of these proposed medium/high rise developments and also requires the proposed building to transition in height within the subject property itself. The new required setbacks will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.
### Maximum Building Height

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**2. The maximum building height shall not exceed:**

(a) 12 metres within 15 metres of a lot with a *low-rise residential zone*; and,

(b) 25 metres within 30 metres of a lot line with a *low-rise residential zone*.

- In addition to setback and stepbacks, a maximum height is employed within each of the zones to ensure that even if a lot is large enough to meet the setback requirements that a maximum height will be employed to minimize overlook and shadow impacts, and to provide a build form that is compatible in size with the surrounding environment.
- In all zones we have created a maximum height of 12 metres if a 15 metre setback can be achieved from a low-rise residential zone. This is compatible with the maximum permitted height in our low-rise residential zones of 11 metres. Both the MIX zones and the RES zones require rear yard setbacks of 7.5 metres. The maximum permitted heights and yard setbacks are intended to create a compatible built form interface between those properties zoned for mixed use and those zoned for low rise residential uses.
- Staff feel that through the use of setbacks, stepbacks and a maximum building height, new mixed use development adjacent to low rise resident will be compatible in scale, setback and will transition gradually from historically lower rise residential areas to areas along corridors where new mixed use development is welcome and anticipated.

3. that, in a zone with a maximum height of more than 12 metres, the floor space within 15 metres of a lot with a low-rise residential zone may not be transferred elsewhere on the property;

**Staff Response**

- The amount of building area that can be developed on a property is regulated by the Floor Space Ratio (FSR) zoning regulation which in turn is dependent on the lot area, the maximum building height, and any setback from lot line requirements.
- As noted in other responses related to a maximum building height in the MIX-4 Zone, “A development’s maximum building height in any zone would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the zone’s setback requirements from lot lines, including the setbacks from low rise residential zones.”
- Similarly, the setbacks from lot lines, and the proposed maximum building height within 12 metres of a low-rise residential zone, does not justify within the existing zoning regulations that the FSR on the property may be exceeded beyond the maximum permitted.

4. the height of all new or renovated buildings at any given point not exceed 2/3 of the horizontal distance from the low rise-residential zone property line, plus 6.2 metres;

**Staff Response**

- The City of Kitchener’s new Urban Design Manual (approved in 2019) does not use angular plane as a form of assessing compatibility. Because an angle extends on indefinitely, in order for a building to fit completely within the angle, setbacks would need to be
an unrealistic distance from where the acute part of the angle exists. This could result in lands in mixed use corridors that are underdeveloped, which resultingly would make it hard for the City to add density to support transit. In addition, through our research staff have found no research for the rationale behind the angular plane method, and often the point from where it is measured is confused or subjective.

5. that heritage district properties not be subjected to more shadowing than their height and setback limits permit them to cast onto their neighbours;

Staff Response
- An earlier submission requested consideration of “Robust shadow impact regulations based on those of the City of Mississauga. Mississauga is committed to maximizing the use of private residential spaces and mitigating shadow from proposed development by restricting impacts to one hour in durations in areas such as private rear yards, decks, patios, and pools. In addition to generally degrading private residential spaces, shadows from tall buildings impact the tree canopy on residential properties and the existing or future installation of clean energy solar panels.”
- Planning staff will review the City of Mississauga land use policies and zoning by-laws to see how the requirements for and recommendations from Shadow Impact Studies are incorporated into such documents.

6. that the Special Regulations of By-law 2011-058 be retained;

Staff Response
- By-law 2011-058 amended Zoning By-law 85-1 to assign Mixed Use zoning to the properties in the Victoria Street Mixed Use Corridor.
- It is assumed what is meant by the special regulations are those site-specifics which regulate the built form and setbacks of development on the Mixed Use zoned properties.
- Since the development of the PARTS Central Plan in 2016 and the Open Houses 2017-19, extensive 3D modelling was completed, and Planning Staff revised the zoning regulations to develop a transitional framework to support and facilitate the transition of built form within the property itself.
- In addition to setback and stepbacks, a maximum height is employed within each of the zones to ensure that even if a lot is large enough to meet the setback requirements that a maximum height will be employed to minimize overlook and shadow impacts, and to provide a build form that is compatible in size with the surrounding environment. In all zones we have created a max height of 12 metres if a 15 metre setback can be achieved from a low-rise residential zone.
- Staff feel that through the use of setbacks, stepbacks and a maximum building height, new mixed use development adjacent to low rise resident will be compatible in scale, setback and will transition gradually from historically lower rise residential areas to areas along corridors where new mixed use development is welcome and anticipated. Planning Staff are of the opinion that the new proposed transitional regulations are an improvement over the existing regulations.
7. that the following text be added to the Civic Centre Secondary Plan:

“The following properties are assigned a land use other than Low Rise Residential to respect the existing built form and in-process builds: 119 College St, 10 Ellen St E, 20 Ellen St E, 11 Margaret/100 Queen St N, 30-40 Margaret Ave, 43 Margaret Ave, and 175 Queen St N. The designation is not to be understood as a precedent for future development possibilities. To enable a reconciliation in land use and zoning, we ask that owners of the listed properties be permitted to revert to a land use of Low Rise Residential (or Low-Rise Residential Limited or Low-Rise Residential Office, as may be appropriate) at any time, at no cost to the owners, via a signed, written request”;

Staff Response

- Several of the properties listed above contain large multiple dwellings with several units that have existed in the neighbourhood for 25 plus years.
- They have been given a high-density land use designation and zone category to recognize their use and planned function in the neighbourhood and to facilitate expansion or redevelopment if something were to happen to the existing buildings.
- In a time when housing is scare (especially missing middle) and climate goals call for transit-based intensification, we need to ensure we have lands available to support density in the right places. These places have been established and it would not be appropriate to remove this density from the neighbourhood particularly its location in and adjacent to a Major Transit Station Area. To reduce the use from one of high density to one of low density would have the effect of displacing several residents from the neighbourhood.
- A change in land use designation and zoning must go through a public process under the Planning wherein it can be reviewed to ensure such land use decision is good planning.

8. that Regulation 13. 3. from existing Secondary Plan be retained: “In order to obtain the necessary input to plan on a neighbourhood level, the City shall establish Liaison Committees in neighbourhoods for which Secondary Plans are being prepared. Participation on such Liaison Committees shall be open to all residents and property owners within a planning neighbourhood and other interested parties”;

Staff Response

- A “Liaison” is a person who helps organizations or groups to work together and provide information to each other. It is a relationship that allows different organizations or groups to work together and provide information to each other.
- This policy in the existing Secondary Plans is approximately 30-40 years old. It was developed at time when internet and social media were unheard of and Liaison Committees were a great resource at disseminating information to the neighbourhood and gathering and facilitating feedback and providing input back to City staff.
- With internet and current engagement and communication tools, Planning Staff are able to engage directly with all persons/residents in neighbourhoods and all residents and property owners can easily engage and communicate directly with Planning staff.
- This ensures that everyone hears the information directly and ensures their voice is heard in communication back to City.
- The Secondary Plans have already been prepared and are being updated through the Neighbourhood Planning Review process.
It is desirable for individual residents and property owners to participate directly with City Staff in the Planning process. Their input is valuable, and Planning Staff would like the opportunity to hear from as many residents and property owners as possible. Being engaged directly will also ensure they can participate at the Local Planning Appeals Tribunal (LPAT), if at any such time, a Secondary Plan, a zoning by-law, or application under the Planning Act, is appealed.

9. that Low Rise Residential zones within Civic Centre be modified as follows, perhaps through site-specific provisions:
   a) minimum rear yard setbacks be the greater of 7.5 metres or 40% of lot depth;
   b) that the eaves of the roof facing the public sphere of new low-rise residential development or redevelopment be no more than 7 metres above grade; and
   c) that the roofs facing the public sphere of new low-rise residential development or redevelopment be sloped similarly to the houses in the Heritage District.

Staff Response
- See the response in No. 20 below as to the authority of a Zoning By-law.
- The new ‘Residential’ Base Zones, their uses and regulations are being created as part of Stage 2a of CRoZBy to be incorporated into new Zoning By-law 2019-051.
- With respect to site-specific provisions for Low Rise Residential zones in Civic Centre, Planning staff will review the suggestions to see what if any, are appropriate and can be accommodated in a Zoning By-law. First thoughts are that changes to rear yard setbacks may have the effect of prohibiting ‘Additional Units’, both attached and detached. The requirements listed in b) and c) may be better regulated through the Heritage Permit application process and particularly c) as the slopes of roofs cannot be regulated in a Zoning By-law.

10. that the following regulations be added regarding Additional Dwelling Units (detached):
   a) The above grade floor space of the unit shall not exceed 90 square metres.
   b) The maximum floor space of the 2nd floor of the unit shall not exceed 50% of the unit’s first floor.
   c) The owner of the property creating, by construction or change of use, a unit shall erect and maintain a fence affording any abutting neighbour privacy, at the neighbour’s sole discretion and at the owner’s sole expense. The fence shall be of height and opacity as the neighbour requires.

Staff Response
- The General Regulations for ‘Additional Dwelling Units (detached)’ are being created as part of Stage 2a of CRoZBy to be incorporated into new Zoning By-law 2019-051.
- Until this happens and the new ‘Residential’ Base Zones and General Regulations for ‘Additional Units (Detached)’ come into effect and applied to properties across the City and in the Secondary Plans, Planning Staff are proposing to amend Zoning By-law 85-1 to add regulations to guide ‘Additional Dwelling Units (detached)’ so that they may be permitted and developed immediately upon these regulations coming into effect.
- These comments have been forwarded to the Project Team looking at the implementation of regulations for ADUs in both Zoning By-law 85-1 and 2019-051.
11. that Secondary Plan regulation 16.D.9.15 be strengthened by adding “New development or redevelopment within or adjacent to the Heritage District is to be compatible with the context and character of the existing neighbourhood.” We are concerned that the term “overall” within the clause “overall, be compatible with the context and character of the existing neighbourhood” of Official Plan policy 11.C.1.34 d) renders the requirement less meaningful;

Staff Response

- Planning staff will review the wording to see if there are opportunities to strengthen the language, with respect to the compatibility of new infill development, within the authority of an Official Plan and Zoning By-law.
- Words such as ‘encouraged’ are used where there is no authority to ‘require’. i.e. building materials.
- The Heritage Permit application is the most appropriate tool to ensure new infill is compatible with the context and character of the existing neighbourhood.

12. that a provision be added regarding parking as follows “Notwithstanding Table 5-5 (Multiple Residential Buildings), in Section 5 (Parking, Loading, and Stacking), we request the minimum visitor parking rate for PARTS Areas and Mixed Use zones be 0.15 per dwelling unit where 10 or more dwelling units are on a lot”;

Staff Response

- The regulation that as considered at the statutory public meeting in December of 2019 is to require visitor parking at a rate of ‘0.1 parking spaces per dwelling unit where there are 5 or more units on a lot’ in an MTSA area.
- The visitor parking rate requirement of ‘0.1 parking spaces per dwelling unit where there are 5 or more units on a lot’ in a MIX zone was adopted as part of Zoning By-law 2019-051 and is in effect. It’s city-wide application to MIX properties is not within the scope of the Neighbourhood Planning Review Project.
- Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

13. that “through lots” be considered to have two front lot lines;

Staff Response

- Zoning By-law 85-1 defines a "Through Lot" as meaning a lot bounded by streets on two opposite sides.
- For the purposes of defining the front lot line, Zoning By-law 85-1 "Front Lot Line" means the lot line abutting a street with the following exceptions: d) in the case of a through lot, one of the lot lines abutting a street shall be deemed to be the front lot line and the other lot line abutting a street shall be deemed to be the rear lot line.
- New Zoning By-law 2019-051 defines the front lot line of a “Through Lot” as follows: Lot Line, Front – means the lot line abutting a street with the following exceptions: b) in the case of a through lot, the City may deem one of the lot lines abutting a street to be the
front lot line and the other lot line abutting a street to be the rear lot line; or, c) in the case of a through corner lot, the City may deem any of the lot lines abutting a street as the front lot line.

- General regulations and Glossary terms in new Zoning By-law 2019-051, which are applicable city-wide, are not within the scope of the Neighbourhood Planning Review Project.

14. that reference 3.C.2.51 within the Official Plan Policies Please be corrected or completed;

**Staff Response**

- Policy 3.C.2.51 states: “Within areas identified as Community Areas on Map 2 the applicable land use designation may include Low Rise Residential, Medium Rise Residential, High Rise Residential, Open Space, Institutional and/or Major Infrastructure and Utilities as shown on Map 3 and detailed in Sections 15.D.3, 15.D.7, 15.D.10 and 15.D.11.
- Planning staff will need to follow up to understand the comment/concern with this policy.

15. that the Proposed Land Use (Map 17) be revised as necessary to suit requested changes to proposed zoning;

**Staff Response**

- Map 17 -Civic Centre Secondary Plan Land Use will be revised if necessary.

16. that proposed zoning on specific addresses be revised as per Appendix 1;

**Staff Response**

- Planning staff appreciate the work that has gone into Appendix 1.
- As noted in the responses to the other comments, the zoning has been updated and revised as per current best practices, and to ensure appropriate transitions from low rise residential areas, can be accommodated within those properties proposed to be designated for medium and high density uses.
- Other properties have been designated and zone to reflect their current medium/high density use.
- Planning staff will review the chart; however, it would not be appropriate to revise the land use and zoning of the properties in the chart where property owner input and consent has not been solicited, supported, and obtained.
- The land use designations and zone categories, as shown in the draft amendments considered at the statutory public meeting in December 9, 2019, implement the recommendations of the Civic Centre Heritage District Conservation Plan, the PARTS Central Plan and Planning Staff’s recommendations for land use and compatible transition represent good planning.

17. that the portion of Queen Street in the district between Weber St W and Margaret Ave be recognized as integral to the heritage district. Unlike Victoria St N, Queen St N is not a Mixed Use Corridor. This portion of Queen St is listed as a “Major Collector Road”, unlike Victoria and Weber, which are Regional Roads. Address-specific requests are included in Appendix 1;

**Staff Response**

- The portion of Queen Street between Weber St W and Margaret Ave is identified as an ‘Existing Major Collector Road’ because of its existing planned function.
“The function of Major Community Collectors Streets is to balance the provision of mobility in the city with land accesses. They do this by collecting and distributing people and goods between communities from Local Streets and Minor Neighbourhood Collector Streets to City Arterial Streets and Regional Roads. Direct accesses to properties may be permitted. Major Community Collector Streets can support conventional transit and rapid transit service. Sidewalks are to be provided on both sides of the street. Dedicated cycling facilities are to be provided where appropriate in accordance with the City’s Cycling Master Plan. These streets are typically important connections through communities and a high level of streetscapes and urban design is expected.”

- Its identification as a ‘Major Collector Road’ is because of its planned function rather than if it is a Regional or City road.
- It is shown integral to the heritage district as it is shown on Map 9a as being included in the ‘Heritage Conservation District’.

18. that all properties in the block bounded by Water St N, Ahrens St W, College St, and Weber St W be included in the neighbourhood Secondary Plan to ensure that any possible mid-block transitions may be discussed within a single planning community;

Staff Response

- As noted in previous responses to this neighbourhood, this area previously part of the Civic Centre Secondary Plan was removed from the Secondary Plan and included in the Urban Growth Centre as part of the 2014 Official Plan. An ‘Urban Growth Centre’ boundary is established by the Province and Kitchener’s ‘Urban Growth Centre’ boundary was established by the Province and approved as part of the 2014 Official Plan.
- There is no Staff, City Council or Region of Waterloo authority to change this boundary.

19. that low-rise residential zones be required to have a minimum vegetative landscaped area;

Staff Response

- The new ‘Residential’ Base Zones, their uses and regulations are being created as part of Stage 2a of CRoZBy to be incorporated into new Zoning By-law 2019-051.
- See the response in No. 20 below.
- In low rise residential zones, the Zoning By-law regulates the amount of coverage that a building may occupy of the lot. Typically, a single detached dwelling may not occupy more than 55% of the lot area.
- ‘R-5’ for example: Maximum Lot Coverage - A total of 55 percent, of which the habitable portion of the dwelling shall not exceed 45 percent and the accessory buildings or structures, whether attached or detached, shall not exceed 15 percent.
- For low rise multiples, 3 units and above, a minimum 20% landscaped area is required to ensure some amenity area is provided on site.

20. that front and exterior side yards and boulevards be required to be predominantly landscaped with living plants;

Staff Response

- The Ontario Planning Act provides the authority to enact a Zoning By-law and what can be regulated by a Zoning By-law.
- Two of the main purposes of a Zoning By-law are to regulate the use of land, i.e. residential, commercial, and the regulation of the location and massing of a building.
• Kitchener’s Zoning By-law states exactly how land can be used and where buildings and other structures can be located. It also determines the types of buildings that are allowed and how they may be used.
• Unfortunately, a zoning by-law cannot regulate plantings and/or planting materials and that front and exterior side yards be predominantly landscaped with living plants.

21. that, as we cannot take down heritage properties to build a park, and a park along Weber St W or Victoria St N may not be feasible, cash-in-lieu from sites redeveloped in the Civic Centre Secondary Plan area be ear-marked for new parks within a five-minute walk of the Civic Centre Secondary Plan area.

Staff Response
• Given the constraints of finding new park and open space with the existing urban environment, a policy has been proposed for all of the Secondary Plans. Policy 16.D.4.15 is repeated in each of the neighbourhood secondary plans to support the City’s ability to acquire actual parkland, under the Planning Act, at such time as a development application is received. Currently no policy direction, to acquire lands first, exists in any of the Secondary Plans now.
• If a land dedication is not possible given the size of the property, staff will receive a ‘cash-in-lieu’ parkland dedication. However, there is no authority or ability in the by-law to require that monies received as a result of development in the Civic Centre Secondary Plan, be used for new parks within a five-minute walk of the Civic Centre Secondary Plan.
• Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.

22. that lodging houses be permitted in RES-3 zones.

Staff Response
• The new ‘Residential’ Base Zones, their uses and regulations are being created as part of Stage 2a of CRoZBy to be incorporated into new Zoning By-law 2019-051.

23. that height limits and/or stepback requirements be applied to flanking UGC zones, so that undue shadowing and inappropriate transitions are not created.

Staff Response
• The new ‘Urban Growth Centre’ Base Zones, their uses and regulations are being created under a separate CRoZBy project to be incorporated into new Zoning By-law 2019-051.
• Any necessary height limits or stepback requirements, to ensure a compatible interface with adjacent low rise residential, will be incorporated as necessary and appropriate.

Appendix 1: Requested Address-Specific Changes to Proposed Zoning

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Zone</th>
<th>Current Special Regulations</th>
<th>Proposed Zone</th>
<th>Requested Change (s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Zoning</td>
<td>Floor Area</td>
<td>Designation</td>
<td>Notes</td>
</tr>
<tr>
<td>----------------------------------</td>
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<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>70 Ahrens St W (Hibner Park)</td>
<td>P-1</td>
<td>OSR-2</td>
<td>OSR-1</td>
<td>OSR-1 without cemetery, community facility or active recreation use or possibility of buildings</td>
</tr>
<tr>
<td>103 Ahrens St W</td>
<td>MU-1</td>
<td>566R</td>
<td>MIX-1</td>
<td>Retain 566R, Include in Civic Centre Secondary Plan</td>
</tr>
<tr>
<td>36 Ellen St E</td>
<td>R-8</td>
<td>163U</td>
<td>RES-3</td>
<td>If owner wishes, RES-3 Office</td>
</tr>
<tr>
<td>58-60 Ellen St E, 115 Lancaster St E</td>
<td>R-8</td>
<td>RES-5</td>
<td></td>
<td>Remove town house cluster and large residential care facility as possible uses.</td>
</tr>
<tr>
<td>200 Frederick St</td>
<td>D-7</td>
<td>UGC-2</td>
<td></td>
<td>Minimum yard setback of 6 metres for those yards facing the heritage district, Maximum podium height of 12 m, Finite height limits.</td>
</tr>
<tr>
<td>11 Gordon Ave (Gordeon Green Park)</td>
<td>P-1</td>
<td>OSR-2</td>
<td>OSR-1</td>
<td>OSR-1 without cemetery, community facility or active recreation use or possibility of buildings</td>
</tr>
<tr>
<td>7 Lancaster St W</td>
<td>R-5</td>
<td>RES-3</td>
<td>RES-3 Office</td>
<td>RES-3 Office</td>
</tr>
<tr>
<td>110 Lancaster St E</td>
<td>CR-1</td>
<td>114R, 128U</td>
<td>RES-5</td>
<td>RES-3 Office</td>
</tr>
<tr>
<td>64 Margaret Ave</td>
<td>MU-1</td>
<td>561R, 167U</td>
<td>RES-3</td>
<td>Permit the division of the property from 221 Victoria St N along the line dividing the zones at no charge to the owner, vi a signed written request.</td>
</tr>
<tr>
<td>170 Otto St (Firefighter Park)</td>
<td>D-7</td>
<td>UGC-2</td>
<td>OSR-1</td>
<td>OSR-1 without cemetery, community facility or active recreation use or possibility of buildings</td>
</tr>
<tr>
<td>54 Queen St N</td>
<td>I-2</td>
<td>MIX-2</td>
<td>RES-3 Office</td>
<td>RES-3 Office* to be applied to the land from Roy St until the rear property line of 23 Roy St. The equivalent of 75% of the ground floor area to be one or a combination of the following uses: Adult Education School, Community Facility, Cultural Facility, Day Care Facility, Elementary School, Place of Worship, Post-Secondary School, Secondary School.</td>
</tr>
<tr>
<td>68-86 Queen St N (even numbers only), 11 Roy St</td>
<td>CR-1</td>
<td>MIX-2</td>
<td>RES-3 Office* or MIX-1 (with reduced range of uses?)</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Zoning</td>
<td>Use</td>
<td>Notes</td>
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</tr>
<tr>
<td>73-85, 101 Queen St N (odd numbers only)</td>
<td>D-7</td>
<td>UGC-2</td>
<td>Minimum yard setback of 6 metres for those yards facing the heritage district, Maximum podium height of 12 m, Finite height limits.</td>
<td></td>
</tr>
<tr>
<td>108 Queen St N/9 Margaret Ave</td>
<td>CR-2</td>
<td>MIX-2</td>
<td>RSE-3 Office* or MIX-1 (with reduced range of uses?)</td>
<td></td>
</tr>
<tr>
<td>116 Queen St N/12 Margaret Ave</td>
<td>I-2</td>
<td>MIX-2</td>
<td>Retain the height limit of 15.3 m. The equivalent of 75% of the ground floor area to be one or a combination of the following uses: Adult Education School, Community Facility, Cultural Facility, Day Care Facility, Elementary School, Place of Worship, Post-Secondary School, Secondary School.</td>
<td></td>
</tr>
<tr>
<td>41, 51 Roy St (and a portion of 32 Weber St W)</td>
<td>CR-3</td>
<td>16H, 133R RES-3 Office</td>
<td>Retain Special Regulation 133R</td>
<td></td>
</tr>
<tr>
<td>42, 46 St. Leger St</td>
<td>MU-1</td>
<td>RES-3</td>
<td>RES-3 Office*</td>
<td></td>
</tr>
<tr>
<td>151 Victoria St N</td>
<td>MU-1</td>
<td>560R</td>
<td>MIX-2</td>
<td>MIX-1, Retain 560R, Retain Special Policy 13.1.3.8</td>
</tr>
<tr>
<td>159 Victoria St N</td>
<td>MU-1</td>
<td>562R</td>
<td>MIX-2</td>
<td>Retain 562R, Retain Special Policy 13.1.3.8</td>
</tr>
<tr>
<td>165-189 Victoria St N</td>
<td>MU-1</td>
<td>559R</td>
<td>MIX-2</td>
<td>Retain 559R, Retain Special Policy 13.1.3.8</td>
</tr>
<tr>
<td>221 Victoria St N</td>
<td>MU-1</td>
<td>561R, 562R</td>
<td>MIX-2</td>
<td>Retain 561R regulations a) and b)</td>
</tr>
<tr>
<td>239 Victoria St N /56 Ellen St W</td>
<td>MU-1</td>
<td>RES-3</td>
<td>Add site-specific provision 161 (RES-3 Office*)</td>
<td></td>
</tr>
<tr>
<td>245 Victoria St N</td>
<td>MU-1</td>
<td>562R</td>
<td>MIX-2</td>
<td>Retain 562R</td>
</tr>
<tr>
<td>249-257 Victoria St N (odd numbers only)</td>
<td>MU-1</td>
<td>559R</td>
<td>MIX-2</td>
<td>Retain 559R</td>
</tr>
<tr>
<td>275 Victoria St N</td>
<td>MU-1</td>
<td>562R</td>
<td>MIX-2</td>
<td>Retain 562R</td>
</tr>
<tr>
<td>277 Victoria St N, 33 St. Leger St</td>
<td>MU-1</td>
<td>MIX-2</td>
<td>RES-3* Office</td>
<td></td>
</tr>
<tr>
<td>281 Victoria St N</td>
<td>MU-1</td>
<td>562R</td>
<td>MIX-2</td>
<td>Retain 562R</td>
</tr>
<tr>
<td>289-333 Victoria St N (odd numbers only)</td>
<td>MU-1</td>
<td>563R</td>
<td>MIX-2</td>
<td>Retain 563R</td>
</tr>
<tr>
<td>341, 343 Victoria St N</td>
<td>R-5</td>
<td>RES-3</td>
<td>RES-3 Office</td>
<td></td>
</tr>
<tr>
<td>95 Water St N</td>
<td>MU-2</td>
<td>MIX-2</td>
<td>Retain 565R, Include in Civic Centre Secondary Plan, Remove from Urban Growth Centre</td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Zoning</td>
<td>Park</td>
<td>Notes</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>99 Water St N</td>
<td>MU-2</td>
<td>MIX-2</td>
<td>Include in Civic Centre Secondary Plan, Remove from Urban Growth Centre</td>
<td></td>
</tr>
<tr>
<td>103-125 Water St N (odd numbers only)</td>
<td>MU-2</td>
<td>565R</td>
<td>Retain 565R, Include in Civic Centre Secondary Plan, Remove from Urban Growth Centre</td>
<td></td>
</tr>
<tr>
<td>127 Water St N</td>
<td>MU-1</td>
<td>560R</td>
<td>Retain 560R, Include in Civic Centre Secondary Plan, Remove from Urban Growth Centre</td>
<td></td>
</tr>
<tr>
<td>20 Weber St E</td>
<td>D-7</td>
<td>UGC-2</td>
<td>Minimum yard setback of 6 metres for those yards facing the heritage district, Finite height limits and setbacks as required an appropriate transition.</td>
<td></td>
</tr>
<tr>
<td>18-28, 44-84 Weber St W (even numbers only)</td>
<td>CR-3</td>
<td>MIX-3</td>
<td>Minimum Rear Yard of 7.5 metres or one half of the building height, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>32 Weber St W</td>
<td>CR-3</td>
<td>MIX-3, RES-3</td>
<td>Retain Special Regulation 133R, Minimum Rear Yard of 7.5 metres or one half of the building height whichever is greater starting from 30 metres from the Roy Street street line. Permit the division of the property along the line parallel to Roy St, 30 metres from the Roy Street street line at no change to the owner, via a signed, written request. No vehicular access to Roy Street, whether consolidated with 41 and/or 51 Roy St or not. The equivalent of 75% of the ground floor area to be one or a combination of the following uses: Adult Education School, Community Facility, Cultural Facility, Day Care Facility, Elementary School, Place of Worship, Post-Secondary School, Secondary School.</td>
<td></td>
</tr>
<tr>
<td>90-94 Weber St W (even numbers only)</td>
<td>MU-2</td>
<td>MIX-2</td>
<td>Include in Civic Centre Secondary Plan</td>
<td></td>
</tr>
</tbody>
</table>

‘*’ Existing uses, height, lot coverage and FSR documented as legal non-conforming and not to be used as precedent for future development. To enable a reconciliation in zoning, may forgo
some or all of the benefits conferred by these Special Regulations, at no cost to the owner, via a signed, written request.

**Staff Response**

- Planning staff will review the chart; however, it would not be appropriate to revise the land use and zoning of the properties in the chart where property owner input and consent has not been solicited, supported, and obtained.
- The land use designations and zone categories, as shown in the draft amendments considered at the statutory public meeting in December 9, 2019, implement the recommendations of the Civic Centre Heritage District Conservation Plan, the PARTS Central Plan and Planning Staff’s recommendations for land use and compatible transition represent good planning.
- The zoning has been updated and revised as per current best practices, and to ensure appropriate transitions from low rise residential areas, can be accommodated within those properties proposed to be designated for medium and high density uses.
- The site-specific regulations for those properties in the MU Zones in Zoning By-law 85-1 have become redundant and are no longer required with the application of the new MIX Zones and their incorporation of more appropriate transition regulations. These special regulations were based on angular plane and a ‘less sophisticated’ means of modelling the relationship of high to low-rise built form. Previous site-specifics encouraged a ‘wedding cake’ built form and design, while the new transition regulations encourage a built form compatible in height with adjacent low-rise residential areas, with the increases in height setback an appropriate distance.
- Other properties have been designated and zone to reflect their current medium/high density use.
- In a time when housing is scare (especially missing middle) and climate goals call for transit-based intensification, we need to ensure we have lands available to support density in the right places. These places have been established and it would not be appropriate to remove this density from the neighbourhood particularly its location in and adjacent to a Major Transit Station Area. To reduce the use from one of high density to one of low density would have the effect of displacing several residents from the neighbourhood.
- A change in land use designation and zoning must go through a public process under the Planning wherein it can be reviewed to ensure such land use decision is good planning. It is not appropriate to consider through a written request.
- As noted in previous responses to this neighbourhood, this area previously part of the Civic Centre Secondary Plan was removed from the Secondary Plan and included in the Urban Growth Centre as part of the 2014 Official Plan. An ‘Urban Growth Centre’ boundary is established by the Province and Kitchener’s ‘Urban Growth Centre’ boundary was established by the Province and approved as part of the 2014 Official Plan.
- There is no Staff, City Council or Region of Waterloo authority to change the UGC boundary.

**Appendix 3: Draft Secondary Plan Marked Up**

 Begins on the following page for formatting reasons.
“Low Rise Residential Limited

16.D.2.3 The Low Rise Residential Limited land use designation will apply to areas within the central part of the city where the intent is to retain and/or maintain the existing built form and streetscape character of the established neighbourhood.

16.D.2.4 In addition to the applicable Residential policies outlined in Section 15.D.3, the following additional policies will apply to lands designated Low Rise Residential Limited in a Secondary Plan.

16.D.2.5 This designation will accommodate a limited range of low-density housing types, including single detached dwellings, additional dwelling units, attached or detached, semi-detached dwellings, and special needs housing.

16.D.2.6 New residential conversions to permit up to a maximum of 3 dwelling units in an existing building in a Heritage Conservation District will only be permitted where there is sufficient floor area for the conversion and where no major structural alterations are required to the exterior of the building to facilitate the conversion. Any exterior stairs or fire escapes are to be kept away from the façade structure. Minor exterior alterations and additions to single detached dwellings shall be permitted provided such alterations are not within any front or side yard.”

Staff Response

- Planning Staff will review the wording to see if there are opportunities to strengthen the language, within the authority of and the appropriateness of such language in an Official Plan.
- Official Plans are meant to be high-level planning documents to provide vision and guide growth and development in our community. The ‘nuts and bolts’ as to how we regulate this are generally meant for a zoning by-law.
- Planning staff are cognizant of the language and the policy wording so as to not require an ‘Official Plan Amendment’ for a very minor alteration. An Official Plan amendment is typically a 6-9-month process from start to finish, costly in comparison to a Minor Variance, and needs to be approved by the Region of Waterloo. Having language in an Official Plan requiring property owners to go through a very onerous process, for an alteration that may have negligible impacts, would not be appropriate.
- In some cases, the Heritage Permit application may be the most appropriate tool to ensure new infill and structural alternations are compatible with the context and character of the streetscape and the existing neighbourhood and not Official Plan policy.

“16.D.3 Secondary Plan Area Specific/Site Specific Policy Areas

16.D.3.1 **Mixed Use – Low Rise**

Notwithstanding the Mixed Use land use designation and policies for lands designated Mixed Use in an Urban Growth Centre or in a Major Transit Station Area on Map 2:
a) the Floor Space Ratio will be a minimum of 0.6 and a maximum of 2.0; and
b) generally, no building will exceed 4 storeys or 14 metres in height, whichever is greater, at the highest-grade elevation.

16.D.3.2 Mixed Use - Medium Rise

Notwithstanding the Mixed Use land use designation and policies for lands designated Mixed Use in an Urban Growth Centre or in a Major Transit Station Area on Map 2:

a) the Floor Space Ratio will be a minimum of 0.6 and a maximum of 3.0; and
b) generally, no building will exceed 6 storeys or 20 metres in height, whichever is greater, at the highest-grade elevation.

16.D.3.3 Mixed Use – Medium to High Rise

Notwithstanding the Mixed Use land use designation and policies for lands designated Mixed Use in an Urban Growth Centre or in a Major Transit Station Area on Map 2:

a) the Floor Space Ratio will be a minimum of 0.6 and a maximum of 4.0; and
b) generally, no building will exceed 8 storeys or 26 metres in height, whichever is greater, at the highest-grade elevation.

Staff Response

• Planning staff were purposeful in the choice of language of these policies.
• The wording and language used in these policies is the same as what is contained in the parent policies of the ‘Mixed Use’ land use designation in the Official Plan.
• Official Plans are meant to be high-level planning documents to provide vision and guide growth and development in our community. The ‘nuts and bolts’ as to how we regulate this are generally meant for a zoning by-law.
• Flexible yet direction language is needed in an Official Plan.
• In this case, the Official Plan provides guidance for building height and this is regulated further in the City’s Zoning By-law.
• To have more definitive and prescriptive language would require an Official Plan Amendment for a development and/or alteration with negligible impacts. Flexible yet direction language is needed in an Official Plan.

“16.D.9 Civic Centre Secondary Plan

Preamble
The Civic Centre Secondary Plan is located in the central area of Kitchener and extends from the north side of Queen Street North to the south side of Victoria Street North, and from the east
The neighbourhood is located adjacent to the Urban Growth Centre (Downtown) and has a well-established cultural and architectural history associated with many of Kitchener’s (originally Berlin’s) civic leaders in the late 1800s and early 1900s. Approximately two thirds of the existing housing stock was constructed between 1880 and 1917 when the neighbourhood was part of the Town of Berlin. The Civic Centre Neighbourhood was designated a Heritage Conservation District under Part V of the Ontario Heritage Act in 2008. This neighbourhood is in close proximity to the Central Station, Kitchener City Hall and Frederick ION stops.”

Staff Response

- Planning staff will review the wording in the Preamble to ensure that it accurately reflects the area of the Civic Centre Secondary Plan.

“16.D.9.13 Developments and/or redevelopments of properties located on Victoria Street North and Weber Street West will be encouraged to utilize the arterial street, where it is feasible and satisfactory to the Region and the City, for primary access into these sites. The laneway at the rear of these properties will be encouraged to be utilized for secondary access and will be required to be upgraded and improved to activate the laneway as noted in Policy 16.D.9.11 above. [Replace with] The City will require developments and redevelopments of properties located on Victoria Street North and Weber Street West to utilize the arterial street for access into these sites. The laneway at the rear of these properties may be utilized for access to additional detached dwelling units and will be required to be upgraded and improved to activate the laneway as noted in Policy 16.D.9.11 above. Any other development or redevelopment beyond Low-Rise Residential, Low-Rise Residential Limited or Low-Rise Residential Office is not to have vehicular access to laneways or the interior of the neighbourhood.

16.D.9.14 The City will require development and/or redevelopment adjacent to the Civic Centre Heritage Conservation District will be encouraged to comply with reflect the policies and guidelines in the Civic Centre Heritage Conservation District Plan.

16.D.9.15 New residential infill will be required encouraged to reflect the character, design, massing and materials of the adjacent and surrounding dwellings, including the provision of appropriately sized front porches where they are predominant architectural feature on the street, sloped roofs, and requiring an attached or detached garage to be located and setback a minimum distance from the front façade of the principle dwelling.”

Staff Response

- Planning staff will review the wording suggestion for Policy 16.D.9.13. Victoria and Weber Streets are Regional roads (access regulated by the Region of Waterloo) and staff want to ensure that any changes to the wording will not frustrate redevelopments on these streets and facilitate opportunities to activate the laneways.
- As has been noted, words such as ‘encouraged’ are used where there is no authority to ‘require’. i.e. building materials/sloped roofs.
Staff Response
For ease of reference, the Staff Response is contained within the submission above.

Resolution
Planning staff will review the City of Mississauga land use policies and zoning by-laws to see how the requirements for and recommendations from Shadow Impact Studies are incorporated into such documents.

Planning Staff will review the wording to see if there are opportunities to strengthen the language, with respect to the compatibility of new infill development, within the authority of an Official Plan and Zoning By-law.

Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

Planning staff will review the wording in the Preamble to ensure that it accurately reflects the area of the Civic Centre Secondary Plan.

Planning staff will review the wording suggestion for Policy 16.D.9.13. Victoria and Weber Streets are Regional roads (access regulated by the Region of Waterloo) and staff want to ensure that any changes to the wording will not frustrate redevelopments on these streets and facilitate opportunities to activate the laneways.
Submission received December 8, 2019
To Whom it May Concern,
These are comments submitted from ‘Deleted Name’ and ‘Deleted Name’ regarding our property under the proposed secondary plan.

Our Address: 54 Margaret Ave. Kitchener ON N2H 4H2

Preamble:
Under the proposed new secondary plan, our lot (54) and the 64 Margaret lot beside us (as well as the 2 houses on the north side of Margaret at the corner with Victoria) will be zoned as Res-3. The part of the 64 Margaret property along Victoria (where the existing houses set for demolition are) will be zoned Mix-2.

Mix 2: MIX-2 Same as above Uses allowed in MIX-1 plus Large Residential Care Facility, Payday Loan, Establishment, Post-Secondary School
Max 6 Storeys (Max. height – 20 metres)
FSR: Min – 0.6 Max – 3.0

Minimum yard setback abutting a residential zone 7.5m (for MIX-2).

Rear yard setbacks average about 18m where they abut proposed Mixed-Use zones (the abutting MIX zones are required to have a setback of only 7.5 metres from low-rise residential zones).
The bigger issue for us is the rear yard setback. One average, houses in our neighbourhood have rear yards at least 15m or so. Under the new secondary plan, mix-2 only requires setbacks of 7.5m at the back and even less on the sides.

We would like to request that the setbacks be set such that any new mix-2 buildings transition appropriately given the heritage context of our house, and don’t result in more shadowing of our property than a typical adjacent house would cause. Ideally transitions and setbacks should match that of the rest of the neighbourhood in order to limit further isolation of 54 Margaret and preserve its heritage context.

It is a VERY special house in the neighbourhood and deserves to be protected.

Thank you for your time and consideration with this matter.

Submission received January 18, 2021
Hello Tina,
Happy New Year...
In the interest of time and efficiency, I’ll keep this very short.

In the latest communications from the city, it seems the zoning change request we discussed in the past was not considered (or denied), since our zoning has not changed. Could you please shed some light on this for ‘Deleted Name’ and I.

Before the pandemic, we began a conversation - did something get lost in the shuffle or overlooked.
Our house is a three storey home, residential, protected under the heritage provisions and a local treasure.
There is a very low chance this property will ever be developed into RES6.

Thoughts?

Staff Response
On January 18, 2021 Planning Staff responded with the following:

“Hi, Happy New Year to you too!

Thank you for your email and continued interest in the Neighbourhood Planning Review (NPR) Project proposing updates to the land use designations and zone categories to properties in the Secondary Plans.

As you may be aware, a statutory public meeting to consider the updates was held on December 9th, 2019. At that meeting a "Low Rise Residential Limited" land use designation and a new proposed "RES-3 (159) (160)" zone were shown and considered for 54 Margaret Avenue. This was a change, from what was shown at the December 12, 2018 Open House (Medium Rise Residential, RES-6), and was made in response to comments that were received from both yourself and from the Neighbourhood Association."
When the pandemic hit in March, we posted an update to the NPR webpage and continued to work through the submissions that were received and made before and at the public meeting.

Unfortunately, since March 2020 the project has hit several "bumps" in the road, and we are continuing to work on a plan to bring the final documents to another statutory public meeting for consideration and ultimately approval from Council.

One key project that is needed, in order to be able to move forward with NPR, is the new residential base zones. i.e. the new RES-3 zone. This is Stage 2a of the Comprehensive Review of the Zoning By-law (CRoZBy Project). An amendment to bring the City’s new residential base zones into Zoning By-law 2019-051 (Stage 1) could be not be done until an appeal of 2019-015 was resolved by LPAT. This appeal of 2019-051 took longer than anticipated to resolve. It was finally settled at the beginning of December 2020.

As soon as we have the City's new residential base zones and some other items addressed, we will be able to have the 2nd Statutory Public Meeting and bring final documents to officially change the land use and zoning of your property at 54 Margaret Avenue from existing 'R-8' (Zoning By-law 85-1) to a new 'RES-3' proposed in Zoning By-law 2019-051.

We will update the NPR webpage (you can subscribe for updates by clicking on the yellow button) and email those on our Project Distribution List as new information is available.

In the meantime, if you have any additional questions/concerns, please let me know. Regards, Tina”

**Current and Proposed Zoning**

Current Zoning – R-8
Proposed Zoning – RES-3 (159) (160)

**Staff Response**

The subject property at 54 Margaret Avenue is currently zoned “R-8” The R-8 zoning currently allows a multiple dwelling having a maximum FSR of 2.0 and a maximum building height of 24 metres (8 storeys).

With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, 54 Margaret Avenue is proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch.
The required setbacks in the MIX base zones of development from low rise residential neighbourhoods came about as a result of extensive 3D modelling done as part of the NPR Project. Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. These are noted below:

(2) The maximum building height shall not exceed:
   a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
   b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

These required setbacks are dependent on the building height of the proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself.

The adjacent lands to the north have received site plan approval (SP17/022/M/GS) for a 6-storey apartment fronting Victoria Street North and a two and a half storey 17-unit multiple residential dwelling fronting Margaret Avenue. This will be reflected in a future OPA/ZBA for the Civic Centre Secondary Plan. This property is proposed to be zoned new MIX-2.

The new MIX-2 zone allows a maximum building height of 20 metres or 6 storeys, however the rear yard setback from a low-rise residential zone has increased to 15 metres for a building that is over 12 metres in height. Only a mixed-use building with a maximum height of 11 metres, the same as the height in the RES-3 zone, may be located a minimum distance of 7.5 metres from a low-rise residential zone.

The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

Resolution
No changes are recommended to be made to the transition and setback regulations in the Mixed Use Zones and to the proposed land use designation and zone category to be applied to 54 Margaret Avenue.
Submission received December 9, 2019
On behalf of ‘Deleted Name’, please accept this letter as our comments as they relate to the proposed Secondary Plan designation and proposed zoning that are being contemplated through Official Plan Amendment Application OPA19/004/COK/TMW and Zoning By-Law Amendment Application ZBA19/010/COK/TMW for the lands at 105 Glasgow Street in the City of Kitchener.

As you may be aware the lands are located on Glasgow Street and are currently developed with a commercial parking facility which is utilized by Sunlife Financial. The subject lands constitute an area of 15,993.1m² (3.95ac).

The lands are located within the area identified by the City of Kitchener as the “K-W Hospital / Midtown Neighborhood Secondary Plan”. The subject lands are proposed to be designated as “Innovation Employment” the policies of which are:

**Innovation Employment**

15.D.6.34 The Innovation Employment land use designation will apply to lands in the city’s central neighbourhoods, which have historically been used for industrial purposes and which location and built form are ideal to facilitate unique employment opportunities to locate in close proximity to major transit station stops. The permitted uses may include:
a) creative products manufacturing using fabrication methods and large equipment, such as laser cutters, waterjet cutters, computer numerical control (CNC) routers, 3D printers and 4D systems which require appropriately sized production spaces and floor space with high ceilings; b) an artisan’s establishment, craftsperson space, live/work space, galleries, and studios;

d) digital design and music production and studios;

c) office, including scientific, technological and/or communications establishments such as computer, electronic, data processing, research and development and consulting uses; and may include major office where they are permitted in accordance with the applicable policies in Section 3.C.2

d) light industrial uses such as a repair operations and contractor or service trade uses;

e) post-secondary educational establishments and commercial schools, such as training centers;

f) retail sales permitted accessory to any innovation employment use, provided they are located on the same lot and are to be clearly subordinate to and support the main use to which they are accessory to; and

g) complementary service commercial uses such as restaurants, print shops, computer service facilities, financial establishments, personal services, fitness centers, recreational facilities, day care facilities, health offices and clinics and veterinary and other pet services provided: i) they are located within a building containing at least one primary permitted Innovation Employment use as identified in Policy 15.D.6.35 a) to g) inclusive; ii) no individual unit used will exceed 1,500 square metres of gross floor area; and, iii) they will not conflict or interfere with the satisfactory operation and development of the lands for Innovation Employment purposes.

15.D.6.35 Lands designated Innovation Employment may permit new residential uses, subject to a Zoning By-law Amendment supported by a Land Use Compatibility Study completed to the satisfaction of the Region and the City, to assist with providing a transition between lands designated Mixed Use and for residential uses where it can be demonstrated that the residential uses are compatible with Innovation Employment uses on the subject lands and adjacent lands.

15.D.6.36 Existing residential uses may be recognized on lands designated as Innovation Employment to acknowledge the manner in which these areas have historically development.

15.D.6.37 Outdoor storage and display areas will generally not be permitted and will be restricted through implementing zoning.

15.D.6.38 A maximum Floor Space Ratio of 2.0 will apply to all new development and redevelopment.

15.D.6.39 Generally no building will exceed 4 storeys or 14 metres in height, whichever is the greater, at the highest-grade elevation.

15.D.6.40 Notwithstanding Policies 15.D.6.38 and 15.D.6.39 a maximum Floor Space Ratio of 3.0 and generally a maximum building height of 6 storeys or 20 metres in height, whichever is the greater, at the highest grade elevation, may apply to individual properties where higher density
development or redevelopment is desirable and appropriate. The following criteria will be considered as the basis for the implementing zoning:

a) the property is located within 450 metres of an existing or planned transit corridor as identified on Map 2;

b) the property is adequately buffered from lands designated Low Rise Residential; and, c) there is adequate existing or planned infrastructure.

The proposed zoning of the subject lands is “EMP-6”. The “EMP-6” Innovation Employment zone is to accommodate a range of high-tech, research and development and other unique employment uses and limited complimentary uses on lands primarily located within central neighbourhoods in close proximity to major transit station stops which have historically been used for industrial purposes.

As noted, the subject lands are currently developed for a commercial parking facility and comprise 3.95ac of land that are ideally suited for redevelopment.

We are pleased to see that the proposed designation on the subject lands allows for the potential conversion of the lands to other uses such as residential when reviewed in the context of a Zoning By-Law amendment that includes a Land Use Compatibility Study. We encourage the City to maintain these policies and further enhance the policies allowing for a range of development options on the subject lands and surrounding areas.

We would also encourage the City to not limit the development potential of the lands within this designation with restrictions on height and density (massing regulated through Floor Space Ratio requirements). Placing restrictions on the subject property in this manner may require additional approvals processes to be required. We would respectfully suggest that any restrictions on height and FSR be removed from the proposed designation and be evaluated through the basis of the Land Use Compatibility Study that would be evaluated through a review process. Establishing firm height and FSR limits without going through this exercise is near sighted and does not allow for a fulsome planning review.

We would note that the PARTS Midtown Plan previously completed and endorsed by Council indicated that development on these lands would be supportable to a height of six (6) storeys. We would encourage that height limit be maintained regardless of use and that additional height be permitted if deemed appropriate through development applications.

The subject lands were acquired on the basis that redevelopment would someday occur. The commercial parking facility on the subject lands is not seen as the permanent use of the lands and was an interim step given the existence of “Industrial” manufacturing operations on nearby lands.

Conceptual redevelopment plans have been generated in support of the subject lands and we would welcome the opportunity to present those to city staff for consideration prior to the designation and zoning being finalized. Those redevelopment plans would be subject to a thorough review process to be implemented on the subject lands, however it would appear to be a waste of a land resource if the redevelopment opportunities were stymied through this current process.
If you have any questions or require further information, please do not hesitate to contact the undersigned. Yours truly,

**Current and Proposed Zoning**
Current Zoning - M-2, 21U  
Proposed Zoning - EMP-6 (175)

**Staff Response**
The submission indicates support for the proposed ‘Innovation Employment’ land use designation and ‘EMP-6’ zone category proposed to be applied to 105 Glasgow Street.

The way the policies are currently written and proposed, with site-specific provision (175), the lands would be able to accommodate a redevelopment having a maximum Floor Space Ratio of 3.0 and a maximum building height of six storeys or 20 metres. This would include residential uses, by a Zoning By-law Amendment, where they have been supported by a Land Use Compatibility Study.

Planning staff will consider adding policy language to also support amendments to the maximum permitted FSR and building height in the Innovation Employment, for residential uses, if it is supported and justified by a Land Use Compatibility/Planning Justification Report.

**Resolution**
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 105 Glasgow Street.

Planning staff will consider adding policy language to also support amendments to the maximum permitted FSR and building height in the Innovation Employment, for residential uses, if it is supported and justified by a Land Use Compatibility/Planning Justification Report.
Submission received December 9, 2019
On behalf of the landowners, please accept this letter as our comments as they relate to the proposed Secondary Plan designation and proposed zoning that are being contemplated through Official Plan Amendment Application OPA19/004/COK/TMW and Zoning By-Law Amendment Application ZBA19/010/COK/TMW for the lands at 235-239 Victoria Street South in the City of Kitchener.

As you may be aware the lands are located on Victoria Street South and are currently developed with two single detached dwellings. The landowner acquired these lands with the intent of amalgamating properties in this area into a larger development parcel. The intended form of development would be a “Multiple Dwelling” for residential uses.

The lands are located within the area identified by the City of Kitchener as the “Victoria Park Secondary Plan”. The subject lands are proposed to be designated as “Low Rise Residential” and zoned as “RES-5”.

The existing land use designation is “Medium Density Multiple Residential” with a zoning of “R-8”.

Upon review of the proposed designation and proposed zoning the landowners are extremely disappointed with the direction the City is proposing for their lands. The current zoning, under which the properties were acquired, would allow for a maximum Floor Space Ratio (FSR) of 2.0 and a maximum building height of 24.0. This zoning facilitates the development of a multiple residential dwelling on the subject properties.

The new zoning (down zoning) of the properties proposes a maximum FSR of 0.6 and a maximum building height of 11.0m or 3 storey’s. We are sure that Council can appreciate the ramifications for these lands when such dramatic decreases in development potential are being proposed.

On this basis, the landowners are not supportive of the proposed changes to the designation and zoning of their properties that would result in major impacts to their ability to redevelop their lands or consider the acquisition of other parcels. The economic impacts of the proposed changes cannot be overstated and a down zoning of this magnitude cannot be supported.

We would welcome the opportunity to meet with staff and discuss these items in detail prior to the Victoria Park Secondary Plan being finalized.

Thank you for the opportunity to provide these comments.

If you have any questions or require further information, please do not hesitate to contact the undersigned.

Current and Proposed Zoning
Current Zoning – R-8
Proposed Zoning – RES-5

Staff Response
As the submission indicates, the subject lands are designated “Medium Density Multiple Residential” and zoned “R-8” in the Victoria Park Secondary Plan.

Through the review of the Secondary Plan, it was thought that based on the lot sizes and fabric of these properties fronting Victoria Street, medium rise residential uses may not be appropriate in this location. It was recommended that these lots be designated for lower density residential uses so as to permit increased density on the individual lots themselves in lieu of frustrating redevelopment by necessitating consolidation.

Planning staff acknowledge that the proposed land use designation and zoning is a reduction in current land use permissions. With the proposed new medium rise zoning and minimum requirements for lot width, and the properties location on Victoria Street and adjacent to existing medium rise development, these lands are an opportunity to support intensification and the need for affordable housing in areas close to Major Transit Station Areas. It is recommended that the existing land permissions be retained.
Resolution
It is recommended that the properties addressed as 219-239 Victoria Street South retain their existing land use permissions and be designated “Medium Rise Residential” and be zoned “RES-6”.

90. 760 King Street West

Submission received December 9, 2019
On behalf of ‘Deleted Name’, please accept this letter as our comments as they relate to the proposed Secondary Plan designation and proposed zoning that are being contemplated through Official Plan Amendment Application OPA19/004/COK/TMW and Zoning By-Law Amendment Application ZBA19/010/COK/TMW for the lands at 760 King Street West in the City of Kitchener.

As you may be aware the lands are located on King Street and are currently developed with a commercial facility (Central Fresh Market) The subject lands constitute an area of 11,082.5m² (2.74ac).

The lands are located within the area identified by the City of Kitchener as the “K-W Hospital / Midtown Neighborhood Secondary Plan”. The subject lands are proposed to be designated as “Mixed Use” and “Low Rise Residential Limited”.
The lands are proposed to be zoned “MIX-4” and “RES-3”.
1. We support additional density along the King Street West corridor.

2. We support the Proposed Land Use designation of “Mixed Use” for the entire property. We would request that the “Mixed Use” designation be applied to the entire property as the “Low Rise Residential Limited” designation permits different land use types. If the lands were to redevelop the split designation would be problematic in ensuring a consistent and comprehensive development scheme across the entire lands.

3. The proposed “MIX-4” zoning has height limitations in proximity to existing low rise residential lands. We suggest this provides sufficient step-down / compatibility regulations that would ensure that any development that may occur on the overall parcel was compatible with the existing low-rise area.

4. Please ensure that the designation and zoning limits match the property limits associated with the subject lands.

5. We support the “MIX-4” zoning and the unlimited height along King Street West.

In short, we are very supportive of the direction the City is contemplating for these lands through the K-W Hospital / Midtown Neighborhood Secondary Plan. Parcels of significant size such as this (2.74ac) are not common and we need to ensure that proper development standards are implemented that will facilitate proper redevelopment of the site together with maximizing the development potential and ensuring compatibility with existing land uses.

We would welcome the opportunity to meet with staff and discuss these items in detail prior to the K-W Hospital/ Midtown Neighborhood Secondary Plan being finalized.

Thank you for the opportunity to provide these comments.

If you have any questions or require further information, please do not hesitate to contact the undersigned.

Current and Proposed Zoning
Current Zoning – MU-2, 498R
Proposed Zoning – MIX-4, RES-3 (159) (160)

Staff Response
At the Open House a Mixed Use land use designation was shown for the front portion of the property fronting King Street and a Low Rise Residential land use designation was shown for the rear portion of the property with frontage on Linwood Avenue. This implemented the recommendations in the PARTS Midtown Plan for land use.

Since the Open House extensive 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the
FSR based on permitted building height and vice versa. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height.

What Planning Staff were finding is that when a property had a maximum FSR and building height that did not correlate, the development would meet one zoning requirement first, and put forward that they could exceed this zoning requirement because the other zoning requirement had not been met. Both FSR and Maximum Building Height were meant to work together, and this was not happening. The miscorrelation was being taken as an interpretation that one of the zoning requirements could be exceeded if the other zoning requirement had not been maxed out. For example, if the maximum FSR of a property was 4.0 and the maximum building height was 10 storeys, a proposal for a development having a FSR of 6.0 would be put forward because the maximum building height on the site was 10 storeys.

The fact that the MIX-4 zone does not have a maximum building height is being put forward in the submissions, by both the development industry and the community, that this means this zone has “unlimited” height. It does not. A development’s maximum building height in the MIX-4 zone would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the MIX-4’s setback requirements from lot lines, including the setbacks from low rise residential zones. No maximum building height in the MIX-4 zone does not mean unlimited height and that an FSR of 8.0, 10, or 12.0 is justified and appropriate.

The 3D modelling work also resulted in recommendations to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods. The recommended setbacks from a low-rise residential zone, to be incorporated into the MIX base zones, are as follows:

(2) The maximum building height shall not exceed:
   a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
   b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

Planning staff agree that a split designation and zoning of a property can be problematic and could inhibit a comprehensive well-planned development. With the new transition provisions, Planning staff are of the opinion that the MIX-4 zone can be applied to the entirety of the property at 760 King Street West.

Resolution
It is recommended that the entirety of the property at 760 King Street West be designated “Mixed Use” and zoned “MIX-4”.
Submission received December 9, 2019
On behalf of the landowners, please accept this letter as our comments as they relate to the proposed Secondary Plan designation and proposed Zoning that are being contemplated through Official Plan Amendment Application OPA19/004/COK/TMW and Zoning By-Law Amendment Application ZBA19/010/COK/TMW for the lands at 1440 King Street East in the City of Kitchener.

As you may be aware the lands are located on King Street East. The landowner acquired these lands with the intent of redeveloping the parcel for a “Multiple Dwelling” for residential uses.

The lands are located within the area identified by the City of Kitchener as the “King Street East Secondary Plan”. The subject lands are proposed to be designated as “Mixed Use” and zoned as “MIX-3”.

The existing land use designation is “Mixed Use Corridor” with a zoning of “MU-3, 543R”.

Upon review of the proposed designation and proposed zoning the landowners are encouraged to see that the proposed Floor Space Ratio (FSR) maximums are being maintained at 4.0 and that a building height maximum of 26m (or 8 storeys) is being retained. This will greatly assist with their redevelopment plans moving forward.
Upon review of the performance standards that are being proposed however, we did note that the new zoning would require a 4.0m interior side yard for the development of a Multiple Dwelling on the subject lands. The current zoning has no such requirements.

We are sure Council can appreciate that the provision of a 4.0m setback along each interior lot line is a significant amount of building area that can no longer be developed. Especially when this 4.0m area is carried over the length of the property and over 8 storeys of a proposed building. We would ask that staff and Council consider the imposition of such new regulations on the development potential of properties and account for that lost building area through increases in other regulations such as overall building height or FSR.

In summary, we are supportive of the proposed designation and proposed zoning for the subject lands, so long as redevelopment potential that was available through the current designation and zoning is not impacted or lost through this process. Based on our review it would appear that some of the performance standards as proposed would result in impacts to the potential building area that can be developed.

We would welcome the opportunity to meet with staff and discuss these items in detail prior to the King Street East Secondary Plan being finalized.

Thank you for the opportunity to provide these comments.

If you have any questions or require further information, please do not hesitate to contact the undersigned.

Current and Proposed Zoning
Current Zoning – MU-3, 543R
Proposed Zoning – MIX-3
A comparable zone is proposed to be applied.

Staff Response
The MIX base zones, MIX-1, MIX-2, and MIX-3 (with the exception of MIX-4), uses and regulations, were reviewed as part of Stage 1 of CRoZBy and approved as new Zoning By-law 2019-051. The new MIX-4 zone was reviewed as part of the NPR Project for application to lands in the Major Transit Station Areas (MTSAs). The existing MIX base zones and new MIX-4 zone were applied to the lands in the Secondary Plans.

In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.

The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood.
As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself.

The incorporation of a minimum interior side yard setback of 4 metres in the MIX-3 zone was necessary to assist new development in complying with the City’s recently approved Tall Building Guidelines. This regulation in the MIX-3 zone was approved as part of Zoning By-law 2019-051 and incorporated into the MIX-4 zone as part of this zone’s development in the NPR Project. It’s appropriateness in the MIX-3 zone did not come up as an issue during the CRoZBy project and was not part of the scope of the NPR Project.

A 4 metre interior side yard setback in the MIX-3 and MIX-4 zones is appropriate to ensure proper transition and compatibility between tall buildings. If a particular proposal cannot meet this zoning requirement, they are advised to submit the appropriate planning application wherein the reduction in the minimum interior side yard can reviewed to determine its appropriateness and potential impact on adjacent lands.

Resolution
No changes are recommended to the minimum interior side yard requirement in the MIX-3 (not within the scope of this project) and MIX-4 base zones and to the land use designation and zoning of the property addressed as 1440 King Street East. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.
Our client is supportive of the proposed General Industrial designation and the General Industrial Employment (EMP-2) zoning for the subject lands. The range of uses fits with the current use of the property, and our clients’ likely future use of the property. However, we note that the abutting Innovation Employment designation and zoning permits uses which could be considered sensitive land uses (i.e. possible residential). The introduction of residential uses or other sensitive uses within the Innovation Employment areas near the subject lands has the potential to create land use conflicts with currently established or future industrial uses.

Our client would like assurance from the City that existing businesses in the General Industrial designation will not be impacted by the introduction of such sensitive land uses, and that land use compatibility will be thoroughly assessed when contemplating expanded uses on adjacent lands. It is important that existing industrial areas are protected, especially given the location adjacent to a rail corridor and Highway 7/8 which already limit compatible uses.

**Current and Proposed Zoning**
Current Zoning – M-2
Proposed Zoning – EMP-6 (175)

**Staff Response**
The submission indicated supports for the proposed General Industrial Employment land use designation and EMP-2 zoning. The concern is for the permission for residential uses in the
Innovation Employment land use designation that is proposed to be applied to adjacent lands and the potential impacts on existing businesses in the General Industrial designation.

Residential uses will not be permitted “as of right” in the Innovation Employment land use designation and zoning. As Policy 15.D.6.35 states below, new residential uses may be permitted subject to a Zoning By-law Amendment supported by a Land Use Compatibility Study. The study will need to demonstrate that residential uses are compatible with the Innovation Employment uses on the subject lands and adjacent lands.

“15.D.6.35 Lands designated Innovation Employment may permit new residential uses, subject to a Zoning By-law Amendment supported by a Land Use Compatibility Study completed to the satisfaction of the Region and the City, to assist with providing a transition between lands designated Mixed Use and for residential uses where it can be demonstrated that the residential uses are compatible with Innovation Employment uses on the subject lands and adjacent lands.”

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 2 Hoffman Street.

Planning staff will review the wording in Policy 15.D.6.35, “to assist with providing a transition between lands designated Mixed Use and for residential uses”, highlighted in yellow above, to provide clarification of intent and process.
Submission received December 9, 2019
On behalf of our client, ‘Deleted Name’, we have reviewed the proposed Secondary Plan land use designation and CRoZBy zoning provisions for the lands municipally addressed as 800 King Street West (‘the subject lands’), which is identified on the attached plan for your reference.

A meeting with City staff was held on June 20th, 2019, prior to the release of the draft Secondary Plan. We expressed concern with the proposed land use designation and zoning provisions for the subject lands. It was our opinion that the entire property should be designated ‘High Density Mixed Use’ to allow intensive, transit supportive development, including multiple dwellings with a maximum Floor Space Ratio (FSR) of 4.0.

Policy 4.19 proposes to provide a transition policy for areas adjacent to low-rise residential areas. The policy states that despite any maximum building heights in any zone, the building height shall not exceed 12 metres within 15 metres of a lot with a low-rise residential zone. We have concerns with this policy given the sites unique configuration and the narrow right of way of Linwood Avenue. We believe that the intent of this policy can be addressed through a future site plan application to ensure a compatible building design and adequate buffer between the proposed development and existing low-rise residential area. We would request confirmation that this policy not be applicable to the subject lands, given that the low-rise residential designation is
located across Linwood Avenue. Consideration should be given to amending the policy to ‘immediately abutting a low-rise residential designation.

The proposed MIX-4 zoning applies to the front of the subject lands and permits a maximum FSR of 5.0, and no maximum height. The proposed MIX-3 zoning applies to the rear of the subject lands and permits a maximum FSR of 4.0 and a maximum building height of eight (8) storeys. The proposed zoning aligns with the proposed Midtown Secondary Plan designation.

We do not believe the location at the rear is well suited for commercial uses as required in the proposed MIX-3 zone, given its location and proximity to low rise residential uses, and would request that stand alone residential uses be permitted on the rear portion of the site through the Site-Specific policy.

In summary, we are generally supportive of the proposed Secondary Plan designation for the subject lands, and associated proposed zoning, however, we would request clarification regarding policy 4.19 in the Secondary Plan and its application to the subject lands. Thank you for the opportunity to provide comments and discuss the draft Secondary Plan and CRoZBy zoning. Please contact the undersigned if you have any questions or wish to discuss further.

Current and Proposed Zoning
Current Zoning – MU-3
Proposed Zoning – MIX-3, MIX-4
MIX-3 is a comparable zone, which better correlates the relationship of FSR with building height.

Staff Response
Planning Staff met with the property owners and their representatives on June 20, 2019. The purpose of the meeting was to discuss the land designation/zoning and permissions that were shown at the Open House for the Midtown Secondary Plan in April of 2019.

At the Open House a Mixed Use land use designation was shown for the front portion of the property fronting King Street and a Medium Rise Residential land use designation was shown for the rear portion of the property with frontage on Linwood Avenue. Since there would be no clear distinction between the mixed and medium residential use of the property, and stand-alone residential would be permitted in Mixed Use, it was discussed that it would be beneficial to have the same land use designation and zone category apply to the entirety of the property. As a result of the meeting, Planning Staff recommended that the Mixed Use land use designation and the MIX-4 zone category be extended to the rear of the property. This would allow the property to be developed comprehensively while still permitting a stand-alone multiple residential dwelling to be developed at the rear. The new MIX-4 zoning would maintain existing MU-3 land use permissions.

3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with...
The maximum FSR in the MIX-4 was increased from 4.0 to 5.0. Consequently given the rear of the property’s proximity to the existing low rise residential on Linwood Avenue, Planning staff recommended that the rear portion of the subject property maintain its existing land use permissions and be zoned MIX-3, instead of the updated MIX-4 with a 5.0 FSR.

The 3D modelling work also resulted in recommendations to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

Some this work was incorporated into the CRoZBy Project in Stage 2a with the development of the residential base zones and the setback of medium and high rise residential from low rise residential development. This resulted in General Regulation 4.19, which incorrectly noted in the submission is a regulation in Zoning By-law 2019-051 and not a policy in the Secondary Plan or the Official Plan.

General regulation 4.19 of CRoZBY was considered as part of the Statutory Public Meeting on the Residential Base Zones that was held on October 22, 2019.

Council approved the proposed Zoning By-law (including General Regulation 4.19), that was considered as part of Report DSD-19-233 and will give the final 3rd reading of the by-law when the appeals of CRoZBy (Zoning By-law 2019-051) are resolved.

General Regulation 4.19 is not within the scope of the NPR Project. The intent and principle of General Regulation 4.19 is proposed to be repeated in the MIX zones with an additional footnote regulation to limit the building height to a maximum of 25 metres within 30 metres of a lot line with a low-rise residential zone as part of the NPR Project.

Planning Staff cannot rely on the Urban Design Manual and Guidelines and Site Plan Approval process alone to ensure appropriate transition. The setback regulations as noted in 4.19 warranted repeating and being expanded upon in the base MIX zones to ensure appropriate transition and compatibility with adjacent low-rise residential development. Proposed developments will need to demonstrate why it is not possible to meet the minimum required setbacks and that any requested reductions/variances will not negatively impact adjacent low-rise residential areas.

With the new setback transitional requirements for buildings of a certain height, from a low-rise residential zone, proposed in General Regulation 5.19 and within the MIX base zones, it would be appropriate to assign one zone category across the entire lot. This is preferable to split zoning the property as it will facilitate more easily the implementation of zoning regulations and allow for a more comprehensive development. It is recommended that the entirety of the property be zoned "MIX-4".

The proposed Mixed Use land use designation and zoning contained in the OPA/ZBA considered at the statutory public meeting, implement what was discussed and agreed upon in the meeting.
on June 20th, 2019. The proposed land use designation and zoning will allow for a comprehensive development of the subject property while allowing for a stand-alone multiple residential building at the rear of the property.

Resolution
It is recommended that the entirety of the property at 800 King Street West be designated “Mixed Use” and zoned “MIX-4”.

94. 607-641 King Street West

Submission received December 9, 2019
We are writing on behalf of our client, ‘Deleted Name’, in response to Draft Official Plan Amendment OP19/004/COK/TMW and Draft Zoning By-law Amendment OP19/010/COK/TMW. As you may be aware our client is actively pursuing the development of this property and has received Site Plan Approval in Principle for the first phase of development.

Existing And Proposed Secondary Plan
The subject property is located within the K-W Hospital Secondary Plan and is currently designated as Mixed Use Corridor with a maximum permitted Floor Space Ratio (FSR) of 4.0. There is no height restriction. The property is currently developed with a commercial plaza. Going forward, the subject lands will be located within the Midtown Secondary Plan and are proposed to be designated as Mixed Use with a maximum permitted FSR of 5.0. The lands are also located within a Major Transit Station Area and are in close proximity to the planned transit hub at the north-east corner of King and Victoria streets.
The City has provided for a range of densities within the Mixed Use designation, with the highest densities applied to Mixed Use properties within the Urban Growth Centre and certain sites within Major Transit Station Areas. This recognizes these properties are located where the highest density is planned to occur. Properties that have been identified as the highest density sites within the City should not be capped at such a low FSR, especially given these sites are located where there are minimal impacts on surrounding neighbourhoods. This comment considers, in part, conformity with the 2019 Provincial Growth Plan and in particular Growth Plan policy 2.2.4.2 which reads:

For major transit station areas on priority transit corridors or subway lines, upper- and single-tier municipalities, in consultation with lower-tier municipalities, will delineate the boundaries of major transit station areas in a transit-supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station. (Emphasis added)

Through the Neighbourhood Review process the City has significantly decreased the size of Major Transit Station Areas (Schedule 2 of the Official Plan). If the boundaries of Major Transit Station Areas are to be reduced, densities of lands remaining in the Transit Station Areas should be increased to maximize “the number of potential transit users that are within walking distance of the station”.

Increased FSR permissions would be appropriate for our client’s lands for the following reasons:

- The lands are located within a Major Transit Station Area, a planned intensification area, second only to the Downtown in terms of the City’s hierarchy for intensification areas.
- The lands are surrounded in their entirety by lands also proposed to be designed Mixed Use.
- The lands are located in close proximity to the planned transit hub, and are in fact closer to the hub than the majority of lands within the Urban Growth Centre.

We understand the importance of protecting the central neighbourhoods, but in our opinion there is a broader public interest in supporting the significant financial investment that has been made in LRT by promoting intensification in locations that will have minimal impact on surrounding neighbourhoods.

Notwithstanding our above comments regarding the proposed density, we have reviewed the proposed Mixed Use designation and related policies and are generally in support of the proposed land use category and the range of permitted uses. We also support the proposed Mixed Use designation that has been applied to the surrounding properties.

The subject property is currently zoned MU-3 (High Intensity Mixed Use Corridor) with Special Regulation 504R and Special Use Provisions 395U and 401U. The lands are proposed to be zoned MIX 4 (High Rise Mixed Use). The MIX 4 is the highest density zone in the City (including the Urban Growth Centre) and consideration should be given to increasing the FSR beyond 5.0 to make the best use of these opportunities.
We are supportive of the proposed zoning category and permitted uses. We are also supportive of the following:

- Decreased daylight triangles for lands within MIX zones;
- Reduction in parking stall sizes for compact cars (to be applied to a maximum of 10% of total parking); and
- Increased retail permissions.

Notwithstanding, we do have some concerns with the proposed zoning as it relates generally to lands within Major Transit Station Areas and specifically to our client’s property. We respectfully request consideration of the following:

- **That the maximum FSR be increased:** This is in recognition that lands zoned MIX-4 are located either in the Urban Growth Centre, or within strategic areas of the Major Transit Station Areas where the greatest amount of intensification is anticipated and supported.

- **That the minimum percentages (20%) of required non-residential and required residential not apply to these lands:** Our client has proposed a mixed-use development which will ultimately contain residential and non-residential uses. Notwithstanding, the development is proposed in phases and not all phases include a mix of uses, this would potentially cause zoning compliance issues through the site plan process. We are also concerned given the total floor area proposed, providing 20% of the floor area as non-residential may not be reasonably achievable given non-residential uses would be, for the most part, located on the ground floor only.

- **That the minimum ground floor street line façade width as a percent of the width of the abutting street line regulation not apply to these lands:** This regulation is problematic for sites with more than one abutting street. Once again, our client’s development is proposed to be phased and the first phase, cannot comply with this regulation given the first phase includes buildings oriented to Wellington Street and not King Street. This regulation would also limit the ability to provide urban parks and/or public squares, which are typically required to be located with street frontage.

- **That the 30% parking reduction for non-residential uses continue to apply:** This regulation recognizes that within mixed use sites parking is often shared between non-residential uses. The regulation has not been carried forward from Zoning By-law 85-1.

- **That the new zoning by-law continue to recognize reduced parking for smaller units** (in particular within Major Transit Station Areas) as this is beneficial in supporting more affordable housing and encouraging alternative modes of transport;

- **That the new zoning by-law consider further parking reductions within MIX zones:** Residential parking rates have decreased from 1 space per unit to 0.9 spaces per unit. However, while Zoning By-law 85-1 required visitor parking as a % of total parking required, the proposed by-law requires visitor parking in addition to parking required for units. The net result is the parking requirement for multiple residential remains at 1.0 space per unit. The parking rates should reflect the location within a Major Transit station Area and the Region and City’s desire to move away from single occupancy vehicles and towards transit supportive development. We appreciate that the proposed zoning by-law
includes decreased parking requirements for nonresidential uses, however, the proposed rates are still high when compared to recent approvals in the area that have relied on lower parking rates. For mixed use developments a blended rate should be considered for non-residential uses.

We would appreciate the opportunity to review these comments with staff in greater detail prior to the adoption of the OPA and ZBA. In the meantime, we respectfully request that this correspondence forms part of the public record as it relates to proposed Official Plan Amendment (OPA19/004/COK/TMW) and Zoning Bylaw Amendment (ZBA19/010/COK/TMW).

Thank you for your consideration,

Current and Proposed Zoning
Proposed Zoning – MIX-4
MIX-4 is a comparable zone, better correlates the relationship of FSR with building height and increases the maximum FSR from 4.0 to 5.0.

Staff Response
Firstly, planning applications (OPA/ZBA) to facilitate a redevelopment of the subject lands have been submitted and are currently at the Local Planning Area Tribunal (LPAT) for a decision on the appropriate land use permissions applicable to the subject lands. When this decision is received, it will be reflected in the new Secondary Plan. The comments below will generally respond to issues and comments that have been made with respect to MTSAs, the Mixed Use policies, in particular Mixed Use in a MTSA, and the MIX-4 zone and not how these specifically relate to the subject properties.

When Map 2 – Urban Structure of the Official Plan was approved in 2014 it identified the boundaries of a Major Transit Station Area (MTSA) as an 800 m “as the crow flies” conceptual circle centered around the station stop. An 800 m radius was consistent with the Province’s Growth Plan and Region’s Official Plan interpretation of an MTSA boundary. Between 2015 and 2017 extensive community engagement and consultation was done to determine and refine the MTSA boundaries around the ION stops in the Central, Rockway and Midtown areas. The starting point for the review of these MTSA boundaries was the work done in PARTS Phase 1 which identified a preliminary boundary ranging from 1000 metres or more in some locations to a boundary of 500 metres in other locations, around each of the station stops. The resultant boundaries of the MTSAs, determined through PARTS, were walkable (not necessarily following the 800 m “as the crow flies” radius) and could achieve the minimum required density target of 160 residents and jobs per hectare.

The submission stated that “Through the Neighbourhood Review process the City has significantly decreased the size of Major Transit Station Areas (Schedule 2 of the Official Plan).” This is not correct. The PARTS Central, Rockway and Midtown Plans, approved by Council in 2016 and 2017, identified the boundaries of the MTSA’s and these have been implemented in the Secondary Plans (NPR Process). The PARTS/MTSA boundaries and size of the MTSAs have not been significantly decreased through the Neighbourhood Review Process.
Since consulting on the PARTS and Secondary Plans, the Region as part of the Region’s Official Plan Review, is taking this opportunity to review the MTSA boundaries in all of the municipalities in the Region and develop a consistent methodology to calculate density for all of the MTSA in all 3 cities. Before proceeding with next steps in the Neighbourhood Planning Review Project Planning staff need to understand how MTSA are planning to be implemented at the Regional level as we would like to ensure there is alignment with our work. What is known as this point, is that the Region is looking to maximize the size of MTSA (Province’s Growth Plan Policy 2.2.4.2) within 500 metres of each of the ION stops. It is anticipated that there will be changes to the City’s MTSA boundaries that were determined through the PARTS process and implemented in the Secondary Plans.

During the preparation of the PARTS Central Plan, Planning staff determined that the existing maximum FSR of 4.0 in the MU Zones would be sufficient to achieve an appropriate level of intensification in the MTSA to support public transit.

Through the NPR process additional 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. With respect to the MIX-4 base zone, it was determined that the maximum FSR could be increased from 4.0 to 5.0. Based on the modelling work it was also determined that an FSR greater than 5.0 in the base zone would not be appropriate to apply to all MIX-4 properties. A maximum FSR in the MIX-4 zone of 5.0 will more than enough to achieve the minimum density target of 160 residents/jobs per hectare that is required by Provincial policy in our MTSA.

All proposals must meet the City’s recently approved Tall Building Guidelines to ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

In response to the requests for consideration, Planning Staff offer the following comments:

That the minimum percentages (20%) of required non-residential and required residential not apply to these lands.

- Planning staff are reviewing this regulation. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.

- Site-specific OPA/ZBA Planning Applications for the subject lands have been referred to the Local Planning Area Tribunal (LPAT) for a decision. At such time as a decision is received, it will be reflected in the new Secondary Plan.

That the minimum ground floor street line façade width as a percent of the width of the abutting street line regulation not apply to these lands.
• With respect to the requirement for Minimum Ground Floor Street Line Façade Width and Façade Openings, staff offers the following comments:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4 (NEW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum ground floor street line façade width as a percent of the width of the abutting street line</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>70%</td>
</tr>
<tr>
<td>Minimum percent street line façade openings (4)(5)</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>65%</td>
</tr>
</tbody>
</table>

• The minimum ground floor street line façade and openings is currently 50% in the MIX-1, MIX-2, and MIX-3 zones.
• Planning staff are of the opinion that it is appropriate to carry this regulation forward in the new MIX-4 zone.
• A minimum 70% minimum ground floor street line façade and that a minimum of 65% of the façade is open is appropriate for the MIX-4 zone which zone is located in higher order transit areas. The intent behind this regulation is to provide a visible street presence and a frontage which is semi-transparent, allowing active uses to be seen from the street and to provide the same effect for pedestrians. Having two-way vision from retail or similar actives uses, enhances safety and interest in these areas. In extensive consultation with the industry the following regulations were added to ensure only useful space is considered as part of the calculation. This provides more flexibility in design for meeting the regulation.
• As per the diagram below the measurement zone will be between 0.5m and 4.5m above exterior finished grade along the entire width of the street line façade. The maximum distance between street line façade openings and between exterior walls and street line façade openings shall be 8 metres.
• Planning staff will review and given further consideration to the requirement for the 70% minimum ground floor street line façade width as a percent of the width of the abutting street line in the MIX-4 zone.
• Site-specific OPA/ZBA Planning Applications for the subject lands have been referred to the Local Planning Area Tribunal (LPAT) for a decision. At such time as a decision is received, it will be reflected in the new Secondary Plan.

That the 30% parking reduction for non-residential uses continue to apply.
• The parking requirements for non-residential uses in MTSAs reflect the recommendations in the parking study that was prepared for CRoZBy.

That the new zoning by-law continue to recognize reduced parking for smaller units (in particular within Major Transit Station Areas).
• Thank you for the comment. From what we have gathered, there appears to be no causality between the size of the unit and car ownership. Rather than maintaining a reduced parking rate for smaller units in the new zoning by-law, staff are proposing to further reduce the MTSA parking rates for residential and non-residential uses. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions. Staff trust that this reduction would have a similar effect to carrying forward the reduced parking rate for smaller units.

That the new zoning by-law consider further parking reductions within MIX zones.
Thank you for the comment and suggestion. Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the properties addressed as 607-641 King Street West.

At such time as a decision is received on the OPA/ZBA Planning Applications that have been referred to the Local Planning Area Tribunal (LPAT) for review and Resolution, it will be reflected in the new Secondary Plan.

95. 65 Shanley Street

Submission received December 9, 2019
Dear city clerk, planning staff, Mayor, and Councillors,

I am deeply distressed by aspects of the proposed rezoning. In spite of my numerous very specific comments and feedback, our neighbourhood’s cultural heritage aspects will not be recognized, and a large part of our stable residential neighbourhood has been designated as a Major Transit Station area. We know, given the current planning legislation, that this represents a green light for intensified redevelopment. Any new zoning bylaws and notwithstanding clauses you may pass would be largely meaningless, if the city planning were to recommend a non-conforming development, which they have a consistent and recent track record of doing. We know that you know we know these facts. So, the current proposal feels like a deliberate slap in the face to a neighbourhood that has been at the forefront of collaboration and cooperation with Planning, and a leader in neighbourhood engagement.

Further, it was extremely difficult even for me to discern all the proposed zoning changes, which are contained in multiple documents in multiple locations, with conflicting maps. For example, the proposed rezoning map and the neighbourhood-specific land use map do not show the MTSA boundaries, but the city-wide map does. No explanation is given in the staff recommendations as to why our neighbourhood was left out of cultural heritage landscape designation (including the Sacred Heart campus), in spite of resident feedback. No explanation is given as to the actual implications of the MTSA designation in stable residential neighbourhoods.

One has to ask, who are the planning staff working for?

I ask the Mayor and Councillors to request that public information materials are re-done, with the actual rezoning (with all special provisions and their implications) and information about non-decisions (such as not including our cultural heritage landscapes) be mailed to property owners. An on-line GIS lookup tool should also be created, where property owners can view the Current and Proposed Zoning, will all information in the attribute fields. We know you have the capacity to do this. Another public engagement session should follow I likely will not be able to attend this evening’s meeting due to illness. Here are all the details I could gather, with suggested questions for elected officials to ask planning officials. I ask that my letter be read by the clerk.

1) In Appendix A, Page 5, you state: “The 2014 Kitchener CHL Study identifies the Gildner Green Neighbourhood and Gruhn Neighbourhood, Mount Hope Cemetery, Union Boulevard, Iron Horse Trail and Canadian National Railway Line as significant cultural heritage landscapes within the Midtown Secondary Plan area. Sections of other cultural heritage landscapes identified in the 2014 CHL Study are also located within the Midtown Secondary Plan boundary. These include a very small area of the Westmount Neighbourhood (East and West) CHL; part of the Warehouse District CHL; and a portion of the Mt. Hope/Breithaupt Neighbourhood CHL (see Map X). Consideration of these three latter CHLs will be addressed in future studies and will not form part of the CHL work being undertaken with the Midtown Secondary Plan.”

We all know it will not happen latter. Now is the moment to recognize these cultural heritage resources and provide a very, very modest degree of protection. What is the rationale for not recognizing these resources as part of the secondary plan rezoning?

The staff report does not address this issue, rather stating on page 5:
Additional background work was completed for the cultural heritage landscapes that were identified in the 2014 CHL Study and contained within the Cedar Hill and Schneider Creek and Midtown Neighbourhoods. Recommendations from this additional study of these CHLs are contained in the proposed amendments. CHLs located wholly within the Secondary Plan areas are proposed to be identified on the Official Plan maps and policies and guidelines are proposed to conserve and protect these significant cultural heritage landscapes.

**Why were the Mt. Hope and Sacred Heart CHL left out?**

2) The new Major Transit Station Area boundary appears to encroach further into the stable residential neighbourhood than previous versions. Single family residential zoning “low rise residential limited” is irrelevant if an area is designated as an MTSA, as we all know the MTSA definition legally overrides any lower density zoning designations. You have the ability to exclude stable residential neighbourhoods from MTSA designations, especially as the new zoning allows many options for “intensification in place” via additional units. Further much of the new stable residential neighbourhood with proposed zoning of MTSA has been identified as a cultural heritage landscape. **Why are you designating stable residential neighbourhoods in identified cultural heritage landscapes as MTSA?**

3) Are adequate height transitions in place for the mixed-use zoning bordering back yards along the SE side of Braun and the NE side of Walter and Agnes, which are the only stable residential neighbourhoods to abut Mix4 zoning?

4) Are projected density targets for the Midtown MTSA met without further intensification within the recognized cultural heritage landscapes?

5) What is Section 3.C.2?

**Current and Proposed Zoning**

Current Zoning – R-5, 129U

Proposed Zoning – RES-3 (159) (160)

A comparable zone is proposed to be applied.

**Staff Response**

First, may I suggest that it may have been helpful for the writer to meet directly with Planning staff to have a discussion with respect to her questions and concerns and to obtain the correct information before submitting these comments. The statement/question of “One has to ask, who are the planning staff working for?” questions our professionalism and ethics as City Planners and is quite frankly offensive. And to make this statement in conjunction with a number of other statements with incorrect information and assumptions is also concerning, especially if this information/opinion is being spread amongst the neighbourhood.

The property at 65 Shanley Street is currently zoned R-5, 129U. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units, however the 129U that is applied to this property does not permit this use. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and
2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

The Region of Waterloo determined the ION route and location of ION Stops irrespective of neighbourhoods, CHLs or Heritage Conservation Districts and intensification opportunities. In accordance with Provincial policy and regulations the Region and the City are obligated to support LRT and establish MTSA boundaries.

In advance of the PARTS planning work the City was able to adopt an Urban Structure Map (Map 2) as part of the 2014 Official Plan which showed a conceptual circle with an 800 metre radius around the ION Stops in advance of any boundaries being shown in the Region’s Official Plan. Normally, MTSA boundaries would have been needed to be shown in the ROP before they could be shown in the City’s Official Plan. The Secondary Plans were deferred as part of the 2014 Official Plan in order to be able to do the PARTS Planning.

One of the primary intents of the PARTS Planning Process was to support ION by determining the appropriate locations for intensification while protecting our stable established neighbourhoods.

The MTSA boundaries that were recommended through the PARTS process included stable established neighbourhoods, CHLs, Heritage Conservation Districts (Civic Centre and Victoria Park), to be able to clearly indicate and provide policy direction that these areas are not the focus for intensification. Since the preparation of the PARTS Plans, there is clearer direction in Provincial Policy that MTSA boundaries must be delineated in such a manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station and this includes low rise residential neighbourhoods.

The PARTS Central, Rockway and Midtown Plans, approved by Council in 2016 and 2017, identified the boundaries of the MTSA’s and these have been implemented in the Secondary Plans (NPR Process). To respond to the submission, the PARTS/MTSA boundaries do not encroach further into the stable residential neighbourhood than previous versions.

Since consulting on the PARTS and Secondary Plans, the Region as part of the Region’s Official Plan Review, is taking this opportunity to review the MTSA boundaries in all of the municipalities in the Region and develop a consistent methodology to calculate density for all of the MTSAs in all 3 cities. Before proceeding with next steps in the Neighbourhood Planning Review Project Planning staff need to understand how MTSAs are planning to be implemented at the Regional level as we would like to ensure there is alignment with our work. What is known as this point, is
that the Region is looking to maximize the size of MTSAs (Province’s Growth Plan Policy 2.2.4.2) within 500 metres of each of the ION stops. These draft MTSA boundaries are proposing to maximize the area around the ION stops further to include more low rise residential neighbourhoods. Our MTSA boundaries will need to conform to the ROP so we are working with the Region in determining what the ultimate boundaries will be, taking into account the PARTS work and the need to maximize the area and number of potential transit users within walking distance of the ION stops. It is anticipated that there will be changes to the City’s MTSA boundaries that were determined through the PARTS process and implemented in the Secondary Plans.

As part of the NPR project, Planning Staff developed a new low rise residential land use designation and zone category (new RES-3 with Site-Specifics) to be able to protect stable established low rise neighbourhoods, including those neighbourhoods subject of a CHL or Heritage Conservation District, that are located within a MTSA.

Since the Dec. 9th meeting Planning staff has met with City Legal Staff to determine if a new land use plan (Secondary Plan) and zoning to implement MTSA boundaries is appealable. For example, if the new land use plan and zoning are not appealable, then the new proposed “Low Rise Residential Limited” and “RES-3” zone with Site-Specifics, together with the land use designations and zoning to facilitate intensification, would not be appealable. However, a person still has the right to file an application to change the land use and zoning after the City/Region has approved plans to implement MTSAs, but it is the City’s understanding that site-specific owner-initiated applications would be still be appealable.

In response to the comment “as we all know the MTSA definition legally overrides any lower density zoning designations. You have the ability to exclude stable residential neighbourhoods from MTSA designations,” The MTSA definition does not override lower density zoning designations and we do not have the ability based on Provincial Policy and Regional and City interpretation of same to exclude stable residential neighbourhoods. It is Planning Staff’s opinion that by including these stable neighbourhoods in the MTSA boundary with a low rise residential limited land use designation and a RES-3 zone with site-specifics that it is clear that these areas are not the focus for intensification.

The Sacred Heart property is located within the Mt. Hope Breithaupt Park CHL. As noted in the Appendix – Background Report to the Midtown Plan (Responses to Open House comments), the entirety of this CHL was not studied as part of the background CHL study for the Midtown Secondary Plan, as the majority of this CHL is located outside of the boundary of the Midtown Secondary Plan. The whole of the Mt. Hope Breithaupt Park Neighbourhood CHL will be studied in more detail at a future point in time. Given that a large majority of this CHL is not located within the new Midtown Plan and that it is proposed to be studied in the future it was not appropriate to identify this CHL on the City’s Map 9 – Cultural Heritage Resources at this time. The stable residential lands in the Mt. Hope Breithaupt Park Neighbourhood CHL within the Midtown Secondary Plan and MTSA were assigned the Low Rise Residential Limited and RES-3 zoning with site-specifics. This is the same land use and zoning applied to residential lands in the Civic Centre and Victoria Park Heritage Conservation Districts.
The Sacred Heart property was designated and zoned Institutional with Site-Specifics that were envisioned as part of a workshop held with the neighbourhood. This property is considered a cultural heritage resource and listed on the Municipal Heritage Register. A Heritage Impact Assessment (HIA) would be required with any redevelopment proposal for these lands irrespective of whether it is identified as a CHL on Map 9.

One policy or matter of provincial interest (MTSA or Cultural Heritage interest) does not necessarily override the other. Plans and their policies are meant to be read in their entirety and the applicable and relevant Provincial Acts and policies will be applied in a balanced recommendation put forward by Planning staff in the decision-making process.

Through the development of the PARTS Midtown Plan and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of FSRs with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. A development’s maximum building height would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the MIX zone’s setback requirements from lot lines.

As a result of the 3D modelling work, recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

The City’s recently approved Tall Building Guidelines will also ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

Section 3.C.2 in the Official Plan contains policies related to Urban Structure. As part of the OPA considered at the Dec. 9th meeting, Policy 3.C.2.16 is proposed to be amended to state that each of the MTSA, as proposed to be designated and zoned, will be able to achieve a minimum 160 residents and jobs per hectare.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 65 Shanley Street.

96. Cedar Hill and Schneider Creek Secondary Plan

Submission received December 8, 2019
Here is a question I have. It turns out that our property and the one adjacent to it are actually now to be zoned at slightly higher density than others -- low rise residential without the limited.
That allows for things like townhouses etc. This raises interesting questions. The only reason this was done (and I actually didn't even notice it -- my husband did) is apparently because of the size of the two lots. Neither my neighbour nor we have any intention of doing anything. However, you cannot predict the future, particularly if the two lots were under common ownership -- I can't see a lot of incentive for much if they were separate but together things would be very different.

My question. I can see that the land could take greater intensification and I am not instinctively opposed to it. However, the pictures presented in the Land Use documents show something that I believe would inherently be incompatible with the Peter St. streetscape and I see this as being similar to the Mill St. issue. Further, the existing houses are heritage -- they are in good condition and go back to the 1880s (we are, I believe, only the third owners of ours). I suspect that there would be room for a small town-house or equivalent project at the back of the properties and they could, if well designed, be quite compatible with the neighbourhood. But this would be premised on retaining the existing two homes.

I do not believe that at present there are any planning descriptions that would prevent a developer from demolishing the existing buildings in order to build a much more intensified project with little sympathy for what surrounds it. As with Mill St., all the economic incentives are to tear down the existing properties and increase the volume of units on the two sites.

Are there any planning provisions that would (or could be devised) ensure retention of the existing buildings and street character while still maintaining some level of intensification? Beyond historic designations which don't honestly seem the most powerful protection?

Somehow I think this question gets to the heart of many of the problems we will undoubtedly face throughout the older parts of town. In some ways our two properties are a perfect case study since neither house is particularly large -- different issues arise when houses are much larger than the average single-family home is today. These (our two) houses will retain their appeal as single family homes.

Staff Response
The comments above were received indirectly from another resident in the area. It is unknown who submitted the original comments and to what specific properties they are referring to? Consequently, staff will provide a general response to the issue that has been identified.

In principle, some of the larger lots in the Secondary Plan areas were given a Low Rise Residential designation instead of a Low Rise Residential Limited in order to allow for more intensive low-rise residential redevelopment opportunities in the MTSA areas.

Whether the properties are Low Rise Residential Limited or Low Rise Residential, demolition of the existing residential dwellings in order to permit residential redevelopment, whether it be a new single detached dwelling or a multiple residential dwelling with 3 dwelling units, is permitted, unless the buildings/properties are designated under the Ontario Heritage Act and/or located in a Heritage Conservation District.

It is hoped, that with the new zoning requirements to regulate the location of attached/detached garages, to require a front porch, where this is the predominant architectural feature on the
street, and with the new Urban Design Official Plan policies and Urban Design Guidelines, that any new residential development will be compatible with the existing built form and maintain the character of the streetscape.

Resolution
None required.

97. a) Cedar Hill and Schneider Creek Secondary Plan

Submission received December 9, 2019
I attended the public meeting tonight regarding the proposed secondary plan for the Schneider Creek/Cedar Hill community. Thank you and staff for all the work that has gone into preparing the plans. This project is a huge undertaking and from my discussions with neighbours we all appreciate the work and engagement that staff has put into date. I think a lot of the character issues of our neighbourhood have been well documented in the plan and policies and for that I am very appreciative. I also like the direction that has been included related to public space (e.g. improving the pedestrian function of Courtland Ave, parks etc. – although I have comments below about strengthening the direction on these policies).

Items that I would like addressed within the plan include:
- Land use designations for properties on the side streets (Benton, Peter, Cedar etc.) towards Courtland Ave – a number of these properties are proposed for Mixed Use
development. I feel that these should be designated Low Rise Residential Limited in order to conserve and protect this existing established neighbourhood, which is a stated goal of the secondary plans for established neighbourhoods within major transit station areas. This is particularly the case for the properties along Benton that were previously identified in past correspondence (145, 147, 149 Benton St). If these properties were to redevelop to a mixed-use development, I feel that there would be little argument in stopping the remaining lots on this block before Martin St from being redeveloped as well. I believe Courtland Ave should be the dividing line for mixed use development and the side streets should be designated low rise residential limited. I recognize the 1994 secondary plan identified these lots in question for commercial/residential; however, this review process is an opportunity to make refinements to preserve this neighbourhood (along with the goals of appropriate intensification in a MTSA). Also, at the time of the previous secondary plan I understand that Benton St was to be a diversion road for Queen St so perhaps it made sense at that time for this block to redevelop. The Queen St diversion project has since been abandoned (and I believe this stretch of Benton has been transferred to the City) and therefore I think it is time to reconsider the development permissions for both sides of Benton.

Thanks again for all your work on this project!

Staff Response
The properties on the side streets (Benton, Peter, and Cedar Streets), are proposed to be designated the same as the properties on Courtland Avenue East where they are in line with the rear of the properties on Courtland Avenue East. This was done to allow the corner properties at these intersections to acquire these side street properties and develop in a comprehensive manner and on a property that is similar in size to the other properties on Courtland Avenue. Without the side street properties, the corner properties at these intersections would not be able to redevelop in accordance with the intended land use designation.

These side street properties will be maintaining a comparable land use designation and zoning are also included within the Major Transit Station Area (MTSA) boundary as determined in consultation with the Region.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to these side street properties.

b) Cedar Hill and Schneider Creek Secondary Plan

Submission received December 9, 2019
I attended the public meeting tonight regarding the proposed secondary plan for the Schneider Creek/Cedar Hill community. Thank you and staff for all the work that has gone into preparing the plans. This project is a huge undertaking and from my discussions with neighbours we all appreciate the work and engagement that staff has put into date. I think a lot of the character issues of our neighbourhood have been well documented in the plan and policies and for that I am very appreciative. I also like the direction that has been included related to public space (e.g.
improving the pedestrian function of Courtland Ave, parks etc. – although I have comments below about strengthening the direction on these policies).

Items that I would like addressed within the plan include:

- Heights – there continues to be concern about building heights along Courtland Ave and the interface of new development with low rise properties that back onto properties that front onto Courtland Ave. Our neighbourhood is at the bottom of the Cedar Hill slope and there are noted grade changes between Courtland Ave and Martin St. I would like consideration of lowering the permitted building heights for the mixed-use properties fronting on the south side of Courtland Ave. Height should also be measured to the lesser of the metric/storey measurement and calculated from the lowest grade rather than the highest.

Thanks again for all your work on this project!

Current and Proposed Zoning
Current Zoning – CR-1, CR-1, 130R, 1.0 FSR, 6 storeys, 18 metre maximum building height
Proposed Zoning – MIX-1 (168), 2.0 FSR, 5 storeys, 16 metres maximum building height

Staff Response
The PARTS Central Plan, which was approved in May of 2016 after months of community engagement, recommended that the properties located on Courtland Avenue East be designated “Medium Density Mixed Use with site-specific policy to limit the building height to 5 storeys”. The Medium Density Mixed Use was shown as permitting a 2.0 FSR with a 24 metre maximum building height. This recommendation was reflected in the OPA/ZBA considered at the Statutory Public Meeting that was held on December 9, 2019.

Through the PARTS process, 3D modelling was done for the properties on Courtland Avenue to determine the appropriate density of Mixed Use to be applied to these lands. It was determined that a Medium Density Mixed Use would be appropriate but given that the majority of these lands were adjacent to low rise residential, it was recommended that the maximum building height be capped at 5 storeys.

Through the NPR Project more extensive 3D modelling was completed. As a result, changes to the FSRs and building heights in the base MIX zones in Zoning By-law 2019-051 were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. The FSRs and Maximum Building Heights in the MIX base zones are proposed to be amended as follows:

MIX-1 - Floor Space Ratio (FSR) to increase from 1.0 to 2.0
MIX-1 - Building Height to remain at 4 storeys or 14 metres

MIX-2 - Floor Space Ratio (FSR) to increase from 2.0 to 3.0
MIX-2 - Building Height to decrease to 6 storeys, 20 metres from 8 storeys, 25 metres
MIX-3 - Floor Space Ratio (FSR) to increase from 2.0 to 4.0
MIX-3 - Building Height to decrease to **8 storeys, 26 metres** from 10 storeys, 32 metres

Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. These are noted below:

(2) The maximum building height shall not exceed:
   a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
   b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

These required setbacks are dependent on the building height of the proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself.

Buildings, or those portions thereof, developed on Courtland Avenue, with a maximum building height of 11 metres will need to be located a minimum distance of 7.5 metres from a low-rise residential zone. This building height maximum is the same as the maximum height building height in the RES-3 zone. For buildings, or portions thereof, with a maximum building height of 5 storeys or 16 metres, these buildings will be required to be located a minimum distance of 15 metres from a low-rise residential zone. These setbacks will ensure that buildings, depending on their building height, developed on Courtland Avenue, will be located an appropriate distance from a low-rise residential zone.

The glossary term for building height and how it is measured is applicable city-wide and is not within the scope and review of the NPR Project.

**Resolution**
No changes are recommended to the base MIX zones and the zoning, including the site-specific to limit the building height to 5 storeys, proposed to be applied to the properties on Courtland Avenue.
Submission received December 9, 2019
I attended the public meeting tonight regarding the proposed secondary plan for the Schneider Creek/Cedar Hill community. Thank you and staff for all the work that has gone into preparing the plans. This project is a huge undertaking and from my discussions with neighbours we all appreciate the work and engagement that staff has put into date. I think a lot of the character issues of our neighbourhood have been well documented in the plan and policies and for that I am very appreciative. I also like the direction that has been included related to public space (e.g. improving the pedestrian function of Courtland Ave, parks etc. – although I have comments below about strengthening the direction on these policies).

Items that I would like addressed within the plan include:

- Access limitations for new development fronting on Courtland Ave and Queen St. I believe any redevelopment for mixed use should be required to have access off the main/regional road. Our very narrow streets should not be the access point for new developments that front on Courtland Ave or Queen. I understand the Region has policies around access being off side streets however these polices are dated (I believe going back to in 1984) and are not reflective of contemporary planning objectives. Existing special policies for 63 Courtland Ave/Martin St should be carried forward as it relates to access restrictions in particular.

Thanks again for all your work on this project!

Staff Response
To have policies restricting access to particular rights-of-way, city or regional, are too prescriptive for an Official Plan/Secondary Plan and would not provide the needed flexibility to adapt to Traffic Impact Assessments and their recommendations, the approval of the most appropriate site plan, and changing regional/city policies. To require an Official Plan Amendment to facilitate the most appropriate access for development on a property would be a very onerous process.

The submission provides the example of 63 Courtland Avenue East which is a through lot with both frontage on Courtland Avenue and Martin Street. There is currently a policy to only allow those low-rise residential uses permitted in both the CR-1 and R-5 zones to be developed at the rear of the property.

“With the exception of street townhouses and those Low Rise Commercial-Residential uses which are also permitted within the Low Rise Conservation designation, new development shall be required to gain access via Courtland Avenue with no vehicular access permitted to Martin Street.”

In a time when housing is scare (especially missing middle) and climate goals call for transit-based intensification, we need to support density in the right places and policies and transitional regulations that support a compatible interface with surrounding existing uses.

Depending on the redevelopment proposal that is submitted, there needs to be some flexibility in vehicular access to the site. However, Planning staff are understanding of the concerns of
increased traffic on Martin Street and will consider what policy language can be put in place to encourage vehicular access from Courtland Avenue.

In the application of the new zoning for the subject property, Planning staff considered a split zoning to only allow low rise residential uses at the rear, but it was challenging without a specific development proposal to determine exactly where that line should be. The new Mixed Use land use designation and zoning would permit stand-alone residential uses so it was desirable to apply one land use designation and zoning to allow the property to be developed comprehensively and still provide the opportunity to permit a stand-alone multiple residential dwelling(s) to be developed at the rear of the subject property.

With the new setback requirements for buildings of a certain height, from a low rise residential zone and a single land use designation and zone category, there will be the necessary flexibility to allow for a comprehensive development with Mixed Use along Courtland and residential development to complement the Martin Street streetscape.

Resolution
Planning staff will review the possible building envelop and built form for the property at 63 Courtland Avenue East and incorporate any further necessary policies/regulations to support a compatible interface with the existing the low rise residential uses, including considering what policy language can be put in place to encourage vehicular access from Courtland Avenue.

d) Cedar Hill and Schneider Creek Secondary Plan

Submission received December 9, 2019
I attended the public meeting tonight regarding the proposed secondary plan for the Schneider Creek/Cedar Hill community. Thank you and staff for all the work that has gone into preparing the plans. This project is a huge undertaking and from my discussions with neighbours we all appreciate the work and engagement that staff has put into date. I think a lot of the character issues of our neighbourhood have been well documented in the plan and policies and for that I am very appreciative. I also like the direction that has been included related to public space (e.g. improving the pedestrian function of Courtland Ave, parks etc. – although I have comments below about strengthening the direction on these policies).

Items that I would like addressed within the plan include:

- Strengthening policy language – there are a number of policies that are written which reference the word “encourage” and I think it would be better for them to be more explicit or mandatory. I’ve highlighted the following which I suggest the word encourage should be removed or replaced with “will” or “shall”:

  **Urban Design**

  **16.D.6.16** Development and/or redevelopment along Courtland Avenue East will be **encouraged** to address the street and that this street be treated as a main pedestrian corridor with wider sidewalks, buildings that address the public realm with high quality design and the accommodation and incorporation of street trees. A safe
enhanced pedestrian connection will be encouraged to be developed at Peter Street and Courtland Avenue East.

16.D.6.17 New development and/or redevelopment in this neighbourhood will be designed to respect the significant changes in elevation between neighbouring properties, public realm spaces and views and vistas from the street.

16.D.6.18 New development and/or redevelopment at the top of Cedar Hill will be designed to mitigate against unwanted, cumulative wind conditions. Specific proposals will require the submission of a wind study and any recommended wind mitigation measures, particularly ones that address the impacts to the public realm, will be required to be implemented as part of the development application.

16.D.6.19 New residential infill will be encouraged to reflect the character, design, massing and materials of the adjacent and surrounding dwellings, including the provision of appropriately sized front porches where they are predominant architectural feature on the street, and requiring an attached or detached garage to be located and setback a minimum distance from the front façade of the principle dwelling.

Parkland

16.D.6.20 The City will actively search and use the Park Trust Fund, cash-in-lieu, and other opportunities to develop new parks in the Cedar Hill and Schneider Creek Secondary Plan area, particularly on sites that submit development and/or redevelopment applications.

16.D.6.21 The City will encourage and support the acquisition of lands adjacent to park space to improve the access, usability, and visibility of these park spaces from the street. The following additional measures are encouraged to enhance pedestrian access and improve the identities of parks in the Cedar Hill and Schneider Creek Secondary Plan.

a) Kaufman Park - The City will encourage and support the removal of the retaining wall, where possible, to improve access and visibility of the park. New development and redevelopment proposed along Madison Avenue South, abutting the park, will be encouraged to provide public access to Kaufman Park.

b) Sandhills Park - The City will encourage and support improvements to access and the visibility of Sandhills Park at St. George Street, Cedar Street North, and Peter Street through the use of wayfinding signage and landscaping. New development and redevelopment fronting onto Sandhills Park should provide enhanced glazing and building articulation along the rear façade to provide increased natural surveillance onto the park.

c) Mike Wagner Green - The City will encourage and support measures to improve the identity of Mike Wagner Green through the provision of lighting and signage at the south end of Peter Street.

Transportation
16.D.6.22 The City will consider the closure of Madison Avenue to Charles Street East to vehicular traffic and enhancing the active transportation network/linkages in this vicinity.

16.D.6.23 The City will encourage and support the enhancement of the Benton Street streetscape with improvements to the support the pedestrian environment and active transportation linkages.

16.D.6.24 The City will encourage and support the enhancement of the connection of Mitchell Street to Benton Street.

Thanks again for all your work on this project!

Staff Response
In writing the policies for the Secondary Plans, careful consideration was given to the strength of the language. The policy uses a “may”, “support”, “encourage” where the City does not have the authority or the ability to implement the policy requirement. Also, a “may”, “supports”, “encourage” is appropriate to provide flexibility in certain circumstances where implementation may not be possible. Again, it would be very onerous to require an official plan amendment in this regard.

The policy uses a “will” rather than a “shall” where the City does have the authority and the ability to implement the policy requirement.

Planning staff will review the language to see where it can be strengthened within the authority and the ability to implement and enforce while still providing some flexibility in extenuating circumstances without the need for an official plan amendment.

Resolution
Planning staff will review the language in the Secondary Plan policies to see where it can be strengthened within the authority and the ability to implement and enforce while still providing some flexibility in appropriate circumstances without the need for onerous official plan amendments.
As the landowners of 19-41 Mill Street, Polocorp Inc. would like to provide comments on the proposed Cedar Hill Schneider Creek Secondary Plan in advance of the upcoming Statutory Public Meeting on Monday, December 9th, 2019. We have reviewed the documents titled ‘Proposed Secondary Plan Policies’ and ‘Proposed Zoning’.

We are generally in support of the Secondary Plan designation of the lands as ‘Medium Rise Residential’ and the proposed zoning category of ‘RES-6’. As you are aware, we have submitted planning applications for Official Plan and Zoning By-law Amendments for the 19-41 Mill Street lands, which reflect ongoing discussions on the built form and urban design of the site with City staff, as obtained through the regulatory process.

We are working with City staff and commenting agencies to progress through the planning application process, understanding that the proposed development of the site is consistent with the proposed designations in the Secondary Plan, with site-specific requirements to be addressed through the planning applications.

In summary, we generally support the proposed designation and zoning, understanding that a separate planning process will address any site-specific zoning requirements to facilitate the built form and urban design elements of the proposal. We look forward to working with you through this secondary process and welcome any questions you may have.
Current and Proposed Zoning
Current Zoning – CR-1, CR-1, 1R
Proposed Zoning – RES-6, RES-6 with Flooding Hazard Overlay

Staff Response
The PARTS Central Plan, which was approved in May of 2016, recommended that the properties addressed as 19-41 Mill Street be designated “Medium Rise Residential”. This recommendation was reflected in the OPA/ZBA considered at the Statutory Public Meeting that was held on December 9, 2019.

Owner-initiated Planning Applications (OPA/ZBA) to facilitate a redevelopment of the subject lands have been submitted and are currently being processed by the Planning Division. As the submission indicates, the proposed Medium Rise Residential and RES-6 zone are generally supported, but the applications are requesting some site-specific amendments to facilitate their proposal for the subject lands.

Submissions which are requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification and impacts of the particular proposal can be evaluated appropriately.

At such time as a decision on the owner-initiated planning applications (OPA/ZBA) is made by Committee/Council, if such decision is different than what is recommended through the NPR Process, this decision will be reflected in the new Secondary Plan.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the properties addressed as 19-41 Mill Street. At such time as a decision on the owner-initiated planning applications (OPA/ZBA) is made by Committee/Council, if such decision is different than what is recommended through the NPR Process, this decision will be reflected in the new Secondary Plan.
As the landowners of 459-485 Mill Street, ‘Deleted Name’, would like to provide comments on the proposed Rockway Secondary Plan in advance of the upcoming Statutory Public Meeting on Monday, December 9th, 2019. We have reviewed the documents titled ‘Proposed Secondary Plan Policies’ and ‘Proposed Zoning’.

We are generally in support of the Secondary Plan designation of the lands as ‘Mixed Use’ and the proposed zoning category of ‘MIX-4’, with the following amendment requests:

- On Map 15 – Proposed Land Use for the Rockway Secondary Plan, the southern portion of the lands include a strip designated as ‘Open Space’. We would request this designation be removed, as it will limit the opportunities for future development to integrate with the adjacent LRT stop. If ‘Open Space’ areas are intended for this area, it should be included within the rail line right-of-way. Furthermore, we are working with the Region of Waterloo to either acquire part of the lands adjacent to ours and adjacent to the LRT or coordinate a seamless design that would integrate our site with the LRT.

- Within the Proposed Zoning for the lands, we would request that the non-residential gross floor area be reduced to 5-10%. As the site is identified for high-density development, the proposed non-residential GFA would limit the feasibility for development adjacent to an LRT station. Even the residential towers in the core (see 1 Victoria & City Centre) do not have this much commercial as a percentage of the building.
While we understand the intent to make this a truly mixed-use site, this increase will not be sustainable, and there will be vacant commercial space throughout the mixed-use sites.

- Within the Proposed Zoning for the lands, it is identified that 70% of the street floor façade is required, which would significantly restrain the ultimate built form for the site and minimize the potential for a variety in massing along the street. We would request that the City remove provisions for minimum street floor facades within the zoning and address it through urban design comments at the site plan stage.

In summary, we generally support the proposed designation and zoning, understanding that there are some further modifications required within the proposed land use designations and zoning to address appropriate urban design principles. We look forward to working with you through this secondary process and welcome any questions you may have.

Current and Proposed Zoning
Current Zoning – M-2
Proposed Zoning – MIX-4, OSR-2

Staff Response
The PARTS Rockway Plan, which was approved in December of 2017, recommended that the properties addressed as 459-485 Mill Street be designated “Medium and High Density Mixed Use” and “Open Space/Parks”. This recommendation was reflected in the OPA/ZBA considered at the Statutory Public Meeting that was held on December 9, 2019.

Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections. Further discussion will be had for the lands that were shown as proposed Open Space.

With respect to the comment on the minimum required percentage of non-residential gross floor area, Planning staff are reviewing this regulation. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.

With respect to the requirement for Minimum Ground Floor Street Line Façade Width and Façade Openings, staff offers the following comments:
The minimum ground floor street line façade and openings is currently 50% in the MIX-1, MIX-2, and MIX-3 zones.

Planning staff are of the opinion that it is appropriate to carry this regulation forward in the new MIX-4 zone.

A minimum 70% minimum ground floor street line façade and that a minimum of 65% of the façade is open is appropriate for the MIX-4 zone which zone is located in higher order transit areas. The intent behind this regulation is to provide a visible street presence and a frontage which is semi-transparent, allowing active uses to be seen from the street and to provide the same effect for pedestrians. Having two-way vision from retail or similar actives uses, enhances safety and interest in these areas. In extensive consultation with the industry the following regulations were added to ensure only useful space is considered as part of the calculation. This provides more flexibility in design for meeting the regulation.

As per the diagram below the measurement zone will be between 0.5m and 4.5m above exterior finished grade along the entire width of the street line façade. The maximum distance between street line façade openings and between exterior walls and street line façade openings shall be 8 metres.
Planning staff will review and given further consideration to the requirement for the 70% minimum ground floor street line façade width as a percent of the width of the abutting street line in the MIX-4 zone.

Planning staff also propose to add a policy to require a Holding provision for lands currently designated for industrial uses proposed to be redesignated to permit sensitive uses, such as residential uses.

Resolution
No changes are recommended to be made to the proposed land use designations and zone categories to be applied to the properties addressed as 459-485 Mill Street. However, in consultation with Parks Planning, staff will review the lands that were shown as proposed Open Space.

Planning staff will review and given further consideration to the requirement for the 70% minimum ground floor street line façade width as a percent of the width of the abutting street line in the MIX-4 zone and the MIX-4 zone regulation which requires a minimum 20% of non-residential building floor area.

Planning staff also propose to add a policy to require a Holding provision for lands currently designated for industrial uses proposed to be redesignated to permit sensitive uses, such as residential uses.

100. General Zoning Issues

Submission received December 9, 2019
Hi Brandon, You’re probably pretty busy today.

Wanted to get you something before tonight’s meeting. It’s not complete, nor have I had the time to refine it. So, please read with that understanding. I just haven’t had the time to invest in this right now. Are there any documents/images available that give a look at the overall concept behind all this? I asked at one of the neighbourhood meetings (thanks a lot for all you and your staffs’ participation!) whether someone had looked at the street section of the planned streets and how those relate to the built mass. At the time, you said that wasn’t done. I ask because I think this would be very useful for residents and staff to see how these By-Laws will impact their communities. What does it look like to have a single family home next door to a MIX building with 15+ foot ground floor of glass...How do setbacks and setbacks impact the public realm? Trees, parking, loading, cycling and infrastructure; how do they function at the ground level? I think just a few street sections and/or perspectives might help a lot in this.

Also, I have no idea of the proposed timelines on all this, but I wonder if there is an ability to get an overall massing of the future of the city - as proposed today. Many years ago, I worked with Thomas Seebohm at UW, producing the City’s 3D model. The intent of the model was never fully realized, of course, but the hope was that that model could be used to look at future developments in real-time VR. While I was working with him, I learned quite a bit about tools available for this type of research and one of those tools was to use the GIS info to mass produce drawings, diagrams and even 3D models. It’s possible, though I don’t have the ability, to produce
a 3D model that depicts the massing as it relates to Zoning inputs. I realize that this can’t predict potential assemblies, but it would give a very quick look at what things look like, without individually modelling individual properties. Of course, then it would be possible to go back and adjust for any known or potential assemblies or other unique criteria. The benefit of this being that, once you have the overall inputs and model, you can instantly see how individual changes can affect that massing and also get an infinite number of perspectives, either street level or bird’s eye. I keep seeing more and more images of 3D models on the City’s walls and I’ve also sent a few of my own in for projects that we are doing so, I think there is some potential there.

Attachment:

**Bonus Floor Area** - Should this be removed?

**Building Floor Area** - This poses problems with underground parking. Can there be some provision that address the actual visual impact of the massing?

**Building Height** - Can there be an area attributed to this? How about roof patios...they need some amenity in order to be functional. Either you discourage roof patios or provide some means of making them work.

**DVT** - This should have provisions to say "on the property in question" as one cannot control what is built or proposed on adjacent properties. It is depicted this way in the current UDM, but staff have interpreted that it means neighbouring properties as well and that is unnecessarily restrictive.

**Duplex** - Can there be a depiction of this in the UDM? This needs more clarification as a Duplex and Semi-Detached are similar in some ways but very different in others. Personally, I do not agree that a Duplex cannot be completely located adjacent each other. If there must be a portion of building located above or below the other, this should be clear.

**Grade** - Waterloo uses 5 points. Can we have a little consistency? Does 6 vs 5 provide any advantage?

**MIX-4 Minimum Ground Floor Height** - Aside from this requirement being overly prescriptive, this is in contradiction to the current RIENS and UDM. These and other City guidelines state that building should be designed to 'fit in' with the surrounding area. This height is massively overscaled for any existing built form and/or new built form. 4.5 M or nearly 15 ft is 3X human scale, is not approachable and will alienate pedestrians. This, in turn, will render the public realm uncomfortable for human occupation, also contrary to the City’s goals as I understand them.

**MIX-4 Minimum Façade Opening** - This is also overprescriptive and also in contradiction to the current (new) guidelines. Glass does not 'fit in' with most building types - keeping in mind that the MIX Zone is intended as a transition between high and low densities; meaning, directly adjacent to established neighbourhoods. Glass is not a 'human' material and will also make the public realm feel alien to human occupation. Glass is the material with the least ability to reduce heat loss in a building, making it the least environmentally friendly (also contrary to City goals) and extremely poor at sound absorption and/or diffusion - further alienating people within the
public realm. This is not the type of city that I want to live in. However, the intent of safety and open and inviting shops and public realm are wonderful goals but this should not be in the By-Law and should be left to individual cases where warranted. Maybe include, "where retail use is proposed...entrances to large multi res..."?

**Location of Parking and Loading Spaces** - This should be reconsidered. If the City's goal is to reduce parking, people will have fewer cars and are less able to go out and access shopping. At the same time, peoples' general habits are changing, and more and more online shopping is done. With this in mind, having a loading space near the front of the building is advantageous for a number of reasons, including deliveries and truck movement on a site.

**Bonusing** - Does this still apply? This is still random and not representative of reality.

**Balconies Projecting into yard** - Not supported by the ground is forcing the balcony to be cantilevered which creates thermal bridging that is one of the leading causes for heat loss in a building. Consider changing this.

**Canopies** - Again, prescriptive in terms of design and not environmentally friendly.

**Maximum Parking** - This is unnecessary. Why are we intentionally deciding that the City doesn't need parking? Why would we limit parking in a development that will then, in turn, dictate the type of people who will be able to live there. It's simply not realistic to think that people don't need cars and that everyone lives alone. This is encouraging families and hardworking, dual income couples to live in the suburbs. Don't we want those people in the core also?

**20% min. Commercial (non-residential use)** - I understand the goal of this is to make communities with a variety of uses within a relatively small/walkable area. The concern with hardwiring this into the by-law is that it does not necessarily address a particular need and may result in vacant, underutilized ground floor units that will have the opposite impact as what is desired.

**Staff Response**
In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.

The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and
high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

The results of this 3D modelling were reflected in the proposed policy revisions and zoning regulations for Mixed Use contained in the official plan and zoning by-amendments considered at the Statutory Public Meeting that was held on December 9, 2019.

The following CRoZBy or Zoning By-law Glossary Terms were already approved as part of Zoning By-law 2019-051 and are not within the scope of the NPR Project. They include “Bonus Floor Area, Building Floor, Building Height, DVT, Duplex, Grade, Location of Parking and Loading Spaces, Bonusing, Balconies Projecting into yard, Canopies, Maximum Parking”. Accordingly, Planning staff will not be responding to the comments that were made in the Attachment to the Submission.

All 3 of the MIX zones in force and effect require a minimum ground floor height of 4.5 metres. This minimum height is to ensure that floor height on the ground floor is appropriate for a non-residential use. This same regulation and minimum requirement are proposed for the MIX-4 zone.

The chart below indicates what is proposed to be required for ‘Minimum Façade Openings’ in the MIX zones. The regulations for the MIX-1, MIX-2 and MIX-3 are currently in force and effect.

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1 (1)</th>
<th>MIX-2 (1)</th>
<th>MIX-3 (1)</th>
<th>MIX-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum percent street line façade openings (4)(5)</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>65%</td>
</tr>
</tbody>
</table>

Staff feel that a 50% minimum percentage street line façade opening is appropriate for MIX 1, 3 & 3 zones and a 65% façade opening is appropriate for MIX 4 zones which are located in higher order transit areas. The intent behind this regulation is to provide a frontage which is semi-transparent, allowing active uses to be seen from the street and to provide the same effect for pedestrians. Having two-way vision from retail or similar actives uses, enhances safety and interest in these areas. In extensive consultation with the industry the following regulations were added to ensure only useful space is considered as part of the calculation. This provides more flexibility in design for meeting the regulation.

As per the diagram below the measurement zone will be between 0.5m and 4.5m above exterior finished grade along the entire width of the street line façade. The maximum distance between street line façade openings and between exterior walls and street line façade openings shall be 8 metres.
Planning staff are reviewing the regulation requiring a minimum 20% of non-residential gross floor area. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.

Resolution
Planning staff will review the MIX-4 zone regulation which requires a minimum 20% of non-residential building floor area.

101. a) General Comments – Proposed Densities and Height Restrictions

Submission received December 9, 2019
We are writing on behalf of multiple clients/landowners who have interests that may be affected by Official Plan Amendment OP19/004/COK/TMW and Draft Zoning By-law Amendment OP19/010/COK/TMW. Our general concerns are outlined as follows for your consideration:

Proposed Densities And Height Restrictions
At the time the existing land use designations of the various Secondary Plans were put in place the alignment of LRT was not known. LRT is now a reality. The planning objective should be balancing support of LRT and the Downtown while still recognizing compatibility with established neighbourhoods. A Regional perspective is required. Through the current Secondary Planning
process height and density permissions have in some cases increased, but in many cases have decreased or remained the same. At the same time the boundaries of Major Transit Station Areas have decreased (the attached Schedules illustrate Major Transit Station Areas in the approved Official Plan and Major Transit Station Areas as proposed through the Secondary Plan process. Lands remaining in the Major Transit Station Areas should not be capped at such low Floor Space Ratios.

This comment considers, in part, conformity with the 2019 Provincial Growth Plan and in particular Growth Plan policy 2.2.4.2 which reads:

For major transit station areas on priority transit corridors or subway lines, upper- and single-tier municipalities, in consultation with lower-tier municipalities, will delineate the boundaries of major transit station areas in a transit-supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station. (Emphasis added)

If the boundaries of Major Transit Station Areas are to be reduced as proposed through the Secondary Plan process, densities of lands remaining in the Transit Station Areas should be increased to maximize “the number of potential transit users that are within walking distance of the station”.

We understand the importance of protecting the central neighbourhoods, but in our opinion there is a broader public interest in supporting the significant financial investment that has been made in LRT by promoting intensification in locations that will have minimal impact on surrounding neighbourhoods.

Staff Response
When Map 2 – Urban Structure of the Official Plan was approved in 2014 it identified the boundaries of a Major Transit Station Area (MTSA) as an 800 m “as the crow flies” conceptual circle centered around the station stop. An 800 m radius was consistent with the Province’s Growth Plan and Region’s Official Plan interpretation of an MTSA boundary. Between 2015 and 2017 extensive community engagement and consultation was done to determine and refine the MTSA boundaries around the ION stops in the Central, Rockway and Midtown areas. The starting point for the review of these MTSA boundaries was the work done in PARTS Phase 1 which identified a preliminary boundary ranging from 1000 metres or more in some locations to a boundary of 500 metres in other locations, around each of the station stops. The resultant boundaries of the MTSAs, determined through PARTS, were walkable (not necessarily following the 800 m “as the crow flies” radius) and could achieve the minimum required density target of 160 residents and jobs per hectare.

The PARTS Central, Rockway and Midtown Plans, approved by Council in 2016 and 2017, identified the boundaries of the MTSA’s and these have been implemented in the Secondary Plans (NPR Process). The PARTS Plans were done in consultation and collaboration with the Region of Waterloo. The PARTS/MTSA boundaries, as proposed, have not been reduced through the Secondary Plan process.

Since consulting on the PARTS and Secondary Plans, the Region as part of the Region’s Official Plan Review, is taking this opportunity to review the MTSA boundaries in all of the municipalities
in the Region and develop a consistent methodology to calculate density for all of the MTSAs in all 3 cities. Before proceeding with next steps in the Neighbourhood Planning Review Project Planning staff need to understand how MTSAs are planning to be implemented at the Regional level as we would like to ensure there is alignment with our work. What is known as this point, is that the Region is looking to maximize the size of MTSAs (Province’s Growth Plan Policy 2.2.4.2) within 500 metres of the each of the ION stops. It is anticipated that there will be changes to the City’s MTSA boundaries that were determined through the PARTS process and implemented in the Secondary Plans.

The submission indicates that “height and density permissions have in some cases increased, but in many cases have decreased or remained the same at the same time the boundaries of Major Transit Station Areas have decreased.” This statement is inaccurate.

Through the NPR process additional 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. As a result of the 3D modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. The maximum FSR in each of the MIX base zones is proposed to be increased as follows:

- MIX-1 – 1.0 to 2.0
- MIX-2 – 2.0 to 3.0
- MIX-3 – 2.0 to 4.0
- **New MIX-4 – 5.0**

During the preparation of the PARTS Plans, Planning staff determined that each of the MTSA boundaries could achieve, and in some cases exceed, the minimum density target of 160 residents and jobs per hectare, based on the maximum FSRs in the base zones in Zoning-By-law 85-1. With the proposed increases in the FSRs in the new MIX base zones, there is no issue with being able to meet and exceed this target.

Based on the 3D modelling work that was done it was also determined that it would not be appropriate to allow an “as of right” FSR greater than 5.0 in the MIX-4 base zone, particularly with no maximum height requirement. An “as of right” FSR greater than 5.0 could have negative impacts on adjacent properties. Also, it is not needed to achieve the required density target in an MTSA. Properties wanting more than a maximum 5.0 FSR will need to demonstrate, through site-specific planning applications, that this amount of massing and height is appropriate in the location proposed and that it will be compatible with adjacent development.

The implementation of the PARTS Plans through NPR process supports the broader public interest in supporting the significant financial investment that has been made in LRT.

**Resolution**
Planning Staff will continue to work with the Region in the coordination and implementation of MTSA boundaries in the Region’s and City’s Official Plans in accordance with Provincial policy. The FSRs that are proposed in the MTSA areas are appropriate in the context of the entire MTSA
area and will help achieve the required density target. No changes are to the policies/map/zoning requirements are required.

b) General Comments – Mixed Use Policies

Submission received December 9, 2019

We are writing on behalf of multiple clients/landowners who have interests that may be affected by Official Plan Amendment OP19/004/COK/TMW and Draft Zoning By-law Amendment OP19/010/COK/TMW. Our general concerns are outlined as follows for your consideration:

Mixed Use Policies
Policy 15.D.4.17 is proposed to be amended to increase the Floor Space Ratios for Mixed Use Areas, including Mixed Use areas within City and Community Nodes. Zoning for the City and Community Nodes has already been approved (Stage 1, CRoZBy), including Site-Specific regulations for a number of our clients. The zoning was based on the Mixed Use policies in place at the time the zoning was considered by Council. We are supportive of the increases to density but want to ensure that the Stage 1 zoning is updated accordingly to reflect these policy changes.

We would appreciate the opportunity to review these comments with staff in greater detail prior to the adoption of the OPA and ZBA. In the meantime, we respectfully request that this correspondence forms part of the public record as it relates to proposed Official Plan Amendment (OPA19/004/COK/TMW) and Zoning Bylaw Amendment (ZBA19/010/COK/TMW).

Staff Response
The Zoning By-law Amendment that was considered at the December 9th Statutory Public Meeting proposed to amend the Floor Space Ratios (FSRs) and the Maximum Building Heights in the base MIX Zones in Zoning By-law 2019-051. Accordingly, the revised base MIX zones are applicable to all properties that were zoned with a MIX zone through CRoZBy Stage 1.

Resolution
No changes are to the policies/map/zoning requirements are required.

c) General Comments – Design in Major Transit Station Areas

Submission received December 9, 2019

We are writing on behalf of multiple clients/landowners who have interests that may be affected by Official Plan Amendment OP19/004/COK/TMW and Draft Zoning By-law Amendment OP19/010/COK/TMW. Our general concerns are outlined as follows for your consideration:
Design In Major Transit Station Areas

A number of new policies are proposed to apply to lands within Major Transit Station Areas. We are generally supportive of these policies but are concerned that the language of some of these policies does not allow for sufficient flexibility for design related matters which may differ on a site-by-site basis. Examples include policy 11.C.1.38 c-f and Policy 11.C.1.39 b-e. Further, some of the wording is not clear in intent and therefore the policies should provide sufficient flexibility to adapt to individual circumstances. Our preference would be that the word ‘encourage’ be used instead of ‘require’ to avoid potential conflicts in the future.

We would appreciate the opportunity to review these comments with staff in greater detail prior to the adoption of the OPA and ZBA. In the meantime, we respectfully request that this correspondence forms part of the public record as it relates to proposed Official Plan Amendment (OPA19/004/COK/TMW) and Zoning Bylaw Amendment (ZBA19/010/COK/TMW).

Staff Response

In the drafting of Policy 11.C.1.38 Planning and Urban Design Staff were intentional on what items would be required in order to ensure a built form in the Major Transit Station Area that would contribute to placemaking and achieve the desired density to support ION.

“c) require that at least one principle entrance be located within the front of the building and a minimum percentage of building frontage be built to the lot line;

d) require variations in building frontages in terms of setbacks and architectural materials;

e) require stepbacks above certain heights to ensure buildings reinforce a pedestrian scale;

f) require service and parking accesses be located at the side or rear of buildings; and,”

Planning Staff are of the opinion that the items listed above should be design requirements and that these policies are flexible yet certain to achieve an appropriate built form in a MTSA. The word “encouraged” is used in other policies where it is not as important to achieve the desired effect of the policy.

With respect to Policy 11.C.1.39 b) to e), again Planning and Urban Design Staff were intentional on what items would be required to support and contribute to a high quality of public realm.

“b) require a minimum pedestrian promenade width which includes sidewalks, street furniture, street trees and a landscaping zone. Where public sidewalk does not afford this width, greater building setbacks will be encouraged;

c) require developments to support, maintain and/or increase the tree canopy, where possible, to support the city’s urban forest;

d) restrict impermeable surfaces by requiring Low Impact Development (“LID”) water management techniques including materials and plantings that have a relatively
high infiltration rate to reduce the impact on the city’s stormwater management system;

e) require landscaping adjacent to any loading/service facility that can be seen from the public street;”

Planning Staff are of the opinion that the items listed above should be design requirements and that these policies are flexible yet certain to achieve a high-quality public realm. The word “encouraged” is used in other policies where it is not as important to achieve the desired effect of the policy.

Resolution
No changes are to the policies/map/zoning requirements are required.

d) General Comments – Design in Cultural Heritage Landscapes

Submission received December 9, 2019
We are writing on behalf of multiple clients/landowners who have interests that may be affected by Official Plan Amendment OP19/004/COK/TMW and Draft Zoning By-law Amendment OP19/010/COK/TMW. Our general concerns are outlined as follows for your consideration:

Design In Cultural Heritage Landscapes
We are concerned with new Policy 11.C.1.34, and specifically 11.C.1.34 d-k. The issue of concern is that heritage character and heritage attributes of each cultural heritage landscape have not been specifically defined. The proposed general policies are pre-mature and apply a general set of design requirements that may be not be appropriate or applicable within all of the cultural heritage landscapes given the high degree of variability among the 50+ identified cultural heritage landscapes. It is appropriate that new development should conform with the policies and guidelines of the applicable Heritage Conservation Plan where such a plan exists, however this has not yet been completed for the majority of the identified cultural heritage landscapes.

Instead of putting these general policies in the Official Plan at this time, HCD plans or Site-Specific Official Plan policies should be completed that specifies the appropriate design considerations for each CHL.

We would appreciate the opportunity to review these comments with staff in greater detail prior to the adoption of the OPA and ZBA. In the meantime, we respectfully request that this correspondence forms part of the public record as it relates to proposed Official Plan Amendment (OPA19/004/COK/TMW) and Zoning Bylaw Amendment (ZBA19/010/COK/TMW).

Staff Response
Planning and Heritage Planning Staff recognize that not all 55 CHLs that were identified in the 2014 Kitchener Cultural Heritage Landscape Study have been studied in further detail to specifically identify and define the heritage character and heritage attributes of each of the cultural heritage landscapes.
Official Plan Policy 11.C.1.34 is meant to apply to those Cultural Heritage Landscapes that have identified on Maps 9 and 9a and those designated by a by-law passed under Part IV and Part V of the Ontario Heritage Act.

Resolution
Planning and Heritage Planning Staff will clarify the wording and intent of Policy 11.C.1.34 so that it is applicable to those CHLs that have been identified on Maps 9 and 9a including those CHLs designated by a by-law passed under the Ontario Heritage Act.

e) General Comments – Visual Impact Assessments

Submission received December 9, 2019
We are writing on behalf of multiple clients/landowners who have interests that may be affected by Official Plan Amendment OP19/004/COK/TMW and Draft Zoning By-law Amendment OP19/010/COK/TMW. Our general concerns are outlined as follows for your consideration:

Heritage Impact Assessments, Visual Impact Assessments And Heritage Conservation Plans
Policy 12.C.1.26 has been amended to now make reference to Visual Impact Assessments. We respectfully request staff to consider outlining the typical requirements of these studies separate from the requirements typically required for a Heritage Impact Assessment instead of combining these in one policy.

We would appreciate the opportunity to review these comments with staff in greater detail prior to the adoption of the OPA and ZBA. In the meantime, we respectfully request that this correspondence forms part of the public record as it relates to proposed Official Plan Amendment (OPA19/004/COK/TMW) and Zoning Bylaw Amendment (ZBA19/010/COK/TMW).

Staff Response
Policy 12.C.1.22 has been amended to add a Visual Impact Assessment as another means of submission to demonstrate impacts of proposed development/redevelopment. It could be submitted as part of or in lieu of a Heritage Impact Assessment. This type of assessment is being used in other municipalities in the Province to demonstrate compatibility and no adverse impacts. A glossary term was provided, as part of the proposed OPA, to indicate what is a Visual Impact Assessment. It reads as follows:

“Visual Impact Assessment - a document comprising text and graphic material including plans, drawings, photographs, visualizations and/or 3D modelling (including both before and after visualizations and modelling) that provides an analysis of the potential visual impacts to the landscape and landscape vistas and views resulting from a proposed development, redevelopment and/or site alteration and the potential effects and mitigation measures as required by official plan policies and any other applicable or pertinent guidelines. A Visual Impact Assessment may be part of or included in a Heritage Impact Assessment.”

Policy 12.C.1.26 states that the contents of a Heritage Impact Assessment and/or Visual Impact Assessment will be outlined in a Terms of Reference. In general, the contents of a Heritage Impact Assessment and/or Visual Impact Assessment will include, but not be limited to, the following
listed in a) to g). Where a Visual Impact Assessment is required in lieu of a Heritage Impact Assessment it is appropriate to develop a Terms of Reference that will satisfy this requirement.

Based on the glossary term and Policy 12.C.1.26, Planning Staff are of the opinion that it is not necessary to outline the typical requirements of a Visual Impact Assessment separate from the requirements typically required for a Heritage Impact Assessment.

Resolution
No changes are to the policies/map/zoning requirements are required.

f) General Comments - Zoning

Submission received December 9, 2019
We are writing on behalf of multiple clients/landowners who have interests that may be affected by Official Plan Amendment OP19/004/COK/TMW and Draft Zoning By-law Amendment OP19/010/COK/TMW. Our general concerns are outlined as follows for your consideration:

Zoning
We respectfully request that staff review the proposed parking regulations and that the new zoning bylaw continue to recognize reduced parking for smaller units (in particular within Major Transit Station Areas) as this is beneficial in supporting more affordable housing and encouraging alternative modes of transport.

We further request that the new zoning by-law consider further parking reductions within MIX zones. Residential parking rates (multiple dwellings) have decreased from 1 space per unit to 0.9 spaces per unit. However, while Zoning By-law 85-1 required visitor parking as a % of total parking required, the proposed by-law requires visitor parking in addition to parking required for units. The net result is the parking requirement for multiple residential remains at 1.0 space per unit. The parking rates should reflect the location within a Major Transit station Area and the Region and City’s desire to move away from single occupancy vehicles and towards transit supportive development. We appreciate that the proposed zoning by-law includes decreased parking requirements for non-residential uses, however, the proposed rates are still high when compared to recent approvals in the area that have relied on lower parking rates. For mixed use developments a blended rate should be considered for non-residential uses.

We would appreciate the opportunity to review these comments with staff in greater detail prior to the adoption of the OPA and ZBA. In the meantime, we respectfully request that this correspondence forms part of the public record as it relates to proposed Official Plan Amendment (OPA19/004/COK/TMW) and Zoning Bylaw Amendment (ZBA19/010/COK/TMW).

Staff Response
The new parking requirements for properties in MTSA areas were as a result of the recommendations of the parking study that was prepared for the CRoZBy Project (Zoning By-law 2019-051). The implementation of the parking requirements in MTSA areas was deferred to the NPR Project given there were no MTSA areas included in Stage 1 of CRoZBy.
The MTSA parking requirements balance the need to support LRT and the general desire of the community to still access and use a personal vehicle.

Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

**Resolution**
Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.


Submission received December 9, 2019
GSP Group is the planning consultant for ‘Deleted Name’ with respect to the former Schneiders property at 321 to 325 Courtland Avenue, 230 and 240 Palmer Avenue and 30 Vernon Avenue (the “site”).

For background purposes, ‘Deleted Name’ acquired the site in 2017. In April 2019, GSP Group submitted complete applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to the City of Kitchener on behalf of ‘Deleted Name’. Understandably, the complete submission of studies and reports for the applications was comprehensive and thorough given the site’s size (10 plus hectares) and the nature of the proposed redevelopment.

The proposed redevelopment will be a transformative development and a catalyst for the Rockway Station Area. It will be a true mixed-use addition to the neighbourhood, including a range of low, mid, and high-rise housing options; street-fronting retail spaces; and opportunities for a diversity of space for different employment uses. Non-residential uses will be contained in retained and re-purposed existing buildings on the site to create distinct, vibrant commercial spaces. Public streets will extend onto the site in a fashion that connects the existing neighbourhood fabric and breaks up the large site into smaller development blocks. A publicly accessible series of parks and plazas through the development will be a public realm focal point.

The complete applications included specific details for an Official Plan Amendment and a Zoning By-law Amendment for the site. The proposed Official Plan designation and policies and the requested Zoning By-law zones and regulations in these Amendments were formulated based on the general direction of the approved Rockway PARTS Plan. This was done given the implementing details of the Rockway PARTS Plan were not available at the time of application submission.

We have had a preliminary review of the draft Official Plan Amendment and Zoning By-law Amendment in Appendices A and B, respectively, of Report DSD-19-252. Generally speaking, we recognize that the proposed site-specific Amendments have similarities with the draft Official Plan Amendment and Zoning By-law Amendment in Appendices A and B; however, there are some differences in respect to boundaries, policies and regulations between the site-specific Amendments and the draft Amendments.

GSP Group and the consultant team for the site have been meeting, and will continue to meet, with City Staff to address and resolve matters raised through the application process. This process will continue in the first part of 2020, which will include discussions concerning the proposed site-specific Amendments. We anticipate that the proposed site-specific Amendments will be heard by Planning & Strategic Initiatives Committee in Spring 2020.

Given this ongoing application process, we request the former Schneiders Site be excluded from the draft Amendments as part of the Neighbourhood Planning Reviews; instead, the policy and zoning direction should defer to the site-specific Amendments process that was initiated in April 2019.

**Current and Proposed Zoning**

Current Zoning – M-2, 1R, 155U, 159U  
Proposed Zoning – RES-6, RES-7, MIX-3, EMP-6 (175)
Staff Response
The PARTS Rockway Plan, which was approved in December of 2017, recommended that the properties addressed as 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue and 30 Vernon Avenue be designated “Medium Rise Residential, High Rise Residential, Mixed Use Medium Density and Innovation Employment”. This recommendation was reflected in the OPA/ZBA considered at the Statutory Public Meeting that was held on December 9, 2019.

Owner-initiated Planning Applications (OPA/ZBA) to facilitate a redevelopment of the subject lands have been submitted and are currently being processed by the Planning Division. As the submission indicates, the proposed site-specific Amendments have similarities with the draft Official Plan Amendment and Zoning By-law Amendment that were considered at the Statutory Public Meeting, however, there are some differences with respect to boundaries, policies and regulations between the site-specific Amendments and the draft Amendments to facilitate their proposal for the subject lands.

Submissions which are requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification, supporting technical studies and impacts of the particular proposal can be evaluated appropriately.

At such time as a decision on the owner-initiated planning applications (OPA/ZBA) is made by Committee/Council, if such decision is different than what is recommended through the NPR Process, this decision will be reflected in the new Secondary Plan.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the properties addressed as 321-325 Courtland Avenue East, 230 and 240 Palmer Avenue and 30 Vernon Avenue.

Depending on the timing of the NPR Project and the timing of the decision on the owner-initiated planning applications (OPA/ZBA), the final land use and zoning of these properties in the Rockway Secondary Plan will either reflect the decision of the owner-initiated applications or be deferred from consideration of the NPR Project until such time as a decision is made on the owner-initiated OPA/ZBA applications.
Submission received December 5, 2019

Thank you for contacting ‘Deleted Name’ regarding the proposed changes in Midtown. I plan on attending the public meeting being held on Monday December 9, 2019 on behalf of ‘Deleted Name’ as a ‘stakeholder’, since we don’t own the property at 835 King Street West. I look forward to hearing from staff about the proposed changes and listening to other stakeholders in Midtown to hear what their concerns might be. In the meantime, I’m providing the following list of questions or comments related to the properties currently owned or occupied by ‘Deleted Name’ for staff to consider:

1. 40 Green Street, 466 Park Street, 835 King Street are currently zoned I-3. The proposed change shows part of the block as INS-2 and part of it as MIX-4. INS-2 specifically shows ‘Hospital’ as a ‘permitted use’ but MIX-4 does not. How does that affect the hospital’s future construction on the site? Will ‘Deleted Name’ be permitted to build new buildings, or parts of new buildings in the MIX-4 zone for any uses typically associated with the hospital including a parking garage? If so, how does ‘Deleted Name’ fit in under ‘permitted uses’? How does the definition of ‘public use’ apply to Grand River Hospital?

2. MIX-4 zoning does not specifically list ‘parking structure’ under permitted uses. Please note that our current plans for replacing the existing parking structure show the new parking structure in the proposed MIX-4 zone. Will ‘Deleted Name’ be allowed to locate
the new parking structure in a MIX-4 zone without going through a re-zoning application or minor variance process to address the ‘permitted uses’ issue?

3. ‘Deleted Name’ staff would like to confirm with City staff what the maximum and minimum building heights, FSR or floor space ratio, and setbacks are in a MIX-4 and the INS zones.

4. ‘Deleted Name’ staff would also like to confirm the street level land use requirements for buildings in a MIX-4 zone.

5. ‘Deleted Name’ staff would like to understand how the requirement to have a ‘minimum 20% of residential gross floor area’ in a MIX-4 zone affects the hospitals current and future plans for construction at 835 King Street West.

These are issues that will or may have an impact on what is being planned for these properties by ‘Deleted Name’, therefore, we’d like to make sure that our plans are aligned with the City’s vision for this part of the community. We look forward to meeting with City staff sometime after the public meeting to get clarification on the above which will guide our future internal planning efforts.

Current and Proposed Zoning
Current Zoning – I-3
Proposed Zoning – INS-2, MIX-4

Staff Response
The following was provided on February 5, 2020 in response to an email requesting an update to comments provided on December 5, 2019.

“Thank you for your comments on proposed updates to the Secondary Plan and Zoning as it relates to the Grand River Hospital.

We received your written submission on December 5th, 2019 and these comments were forward to the Planning and Strategic Initiatives Committee as part of the public record with respect to the Statutory Public Meeting held on December 9th, 2019.

We are now in the ‘issues Resolution’ phase. We have about 140 formal written or oral submissions, including your submission, as part of the Statutory Public Meeting. The intent is for us to review each comment and provide a response. Some may necessitate further dialogue. Additional actions and timing are pending as there are a few critical path items we are following up on. The Region is preparing an update to their Official Plan over the next year or so and we would like to ensure there is alignment.

Accordingly, at this time we do not have a detailed response to the comments/questions that you have raised. The proposed “MIX-4” zone was the subject of the statutory public meeting in December but has no legal status at this time. There were no recommendations made at the Dec. 9th meeting to approve the new official plan land use designations and new zone categories and their application to lands in the Secondary Plans. As the MIX-4 zone has no legal status and its uses and regulations may be subject to change as we review the 140 submissions, it is not possible to provide guidance and advice based on the new MIX-4 zone, its permitted uses, and regulations.
Once we determine next steps, the goal is to go through all of the submissions and comments and bring an official plan and zoning by-law amendment to Council to implement the new land uses and zones late 2020. The earliest that any new land use designations and zoning may take effect will be early to mid-2021.

With respect to a spring timeline for tender, my advice at this point in time, is that above-grade parking garages associated with a permitted use will continue to be permitted in accordance with current zoning regulations. The intent is to continue to permit the hospital use on lands in the Secondary Plan and staff will review the list of permitted uses in the MIX-4 in this regard or alternatively consider the application of a site-specific policy. As these lands are located in close proximity to an ION stop, it would be expected that new development would conform to the Transit-Oriented Policies in the Region and City’s Official Plans and the City’s Urban Design Guidelines for development in a Major Transit Station Area (MTSA). Our vision for any above grade parking structure in an MTSA is outlined in the Urban Design Briefs for MTSA’s and in the one for Structured Parking. Please see the links below.

[Link to Urban Design Manual - Major Transit Station Areas](#)
[Link to Urban Design Manual - Structured Parking](#)

Hopefully this provides some further clarity so that you may proceed with spring plans. If I can be of further assistance, please let me know.”

**Resolution**
Planning staff will follow up with ‘Deleted Name’ and representatives to discuss the application of the MIX-4 Zone to a portion of the subject property. It was intended to allow for the portion of the property containing the parking garage structure to redevelop with a more intensive use to complement the hospital use.
Dear Crosby Team members,

My parents and I own properties on 103, 107 and 111 Water St. N. which is within a short walk to the Main transportation hub at King & Victoria as well as three other LRT transit stops. We are very concerned about the changes proposed to the maximum FSR, maximum building heights and no. of storeys to the MIX Zoning designations and how these changes will affect our properties. We favour increased/high population densities around our major transit station areas. Pressures to intensify in these areas are more urgent now than ever. We must greatly increase population densities around LRT station areas to promote non-auto dependency in our city thereby saving energy related transportation costs and eliminating greenhouse gases. High population densities are required around these areas because not all residents residing nearby will use the public transit service. Intensification is necessary to reduce urban sprawl and better utilize our infrastructure and services. Many cities recognize climate change as an emergency and take it into account when making policy decisions. Climate change is an emergency we must respond to now. Intensification around major transit station areas is one key to a solving it.

Angular plane requirements should be implemented to determine appropriate transitions between low rise residential and mid-rise to high rise developments. The proposed changes to the maximum FSR and maximum height limits for MIX-1,2,3 should be re-examined using angular plane constructs that are used by many Ontario cities. Reductions to the maximum FSR and maximum building height to the MIX zoning designations will in turn reduce the intensification/population density of our properties and in our area. Does this make sense given...
the properties in our area were rezoned as recent as 2011? Has the need for intensification been reduced? I do not think this is the case, and yet this seems to be the direction the city is taking if the proposed changes to the MIX-1,2,3 zoning designation are approved. These proposed changes seem counter intuitive given the current pressures to solve climate change, homelessness, urban sprawl, and the need to better utilize our infrastructure and public transit. We are opposed to the proposed changes to the MIX-1,2,3 zone permissions for maximum FSR and maximum height limits.

We should strive to challenge developers to build innovative, eye pleasing buildings rather than reducing heights and FSRs. An ugly building is an ugly building whether it is 4 or 30 storeys - its height is irrelevant. Appropriate transitions using angular planes, the building’s innovative creative human scale, visual aspect, sense of place, design aspects and the design of the ground floor all need to be emphasized. Emphasizing these aspects rather than the maximum FSR and maximum building height will yield higher intensification levels without causing greater opposition to taller, high density buildings.

Reducing the maximum FSR and maximum height limit for the MIX-1,2,3 is essentially limiting intensification which we can ill afford. Population densities around the major transit stations should be higher than provincial targets to ensure the sustainability of the LRT. A huge tax burden has been placed on the residents of Waterloo Region and Ontario to build it and we must make every effort to make a viable economic and environmental success.

Please include this email and our attached PDF to our file. These comprise our comments and concerns regarding the proposed changes to maximum height, maximum FSR, and maximum number of storeys to the MIX-1,2,3 zoning designations, the density targets around the major transit stations and the proposed changes to the Civic Centre Secondary Plan.

Current and Proposed Zoning
Current Zoning – MU-2, 565R
Proposed Zoning – MU-2, 565R
These properties are located in the UGC and are not proposed to be rezoned at this time.

Staff Response
The subject properties are located in the Urban Growth Centre and are not proposed to be redesignated and rezoned at this time. They will remain zoned MU-2, 565R as part of Zoning By-law 85-1. However, as a result of extensive 3D modelling that was done for the NPR Project, changes to the FSRs and building heights in the MIX zones in Zoning By-law 2019-051 were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. The FSRs and Maximum Building Heights in the MIX base zones are proposed to be amended as follows:

MIX-1 - Floor Space Ratio (FSR) to increase from 1.0 to 2.0
MIX-1 - Building Height to remain at 4 storeys or 14 metres

MIX-2 - Floor Space Ratio (FSR) to increase from 2.0 to 3.0
MIX-2 - Building Height to decrease to **6 storeys, 20 metres** from 8 storeys, 25 metres

MIX-3 - Floor Space Ratio (FSR) to increase from 2.0 to **4.0**
MIX-3 - Building Height to decrease to **8 storeys, 26 metres** from 10 storeys, 32 metres

**New MIX-4** - Floor Space Ratio (FSR) **5.0**
**New MIX-4** - No Building Height regulation

What Planning Staff were finding is that when a property had a maximum FSR and building height that did not correlate, the development would meet one zoning requirement first, and put forward that they could exceed this zoning requirement because the other zoning requirement had not been met. Both FSR and Maximum Building Height were meant to work together, and this was not happening. The miscorrelation was being taken as an interpretation that one of the zoning requirements could be exceeded if the other zoning requirement had not been maxed out. For example, if the maximum FSR of a property was 4.0 and the maximum building height was 10 storeys, a proposal for a development having a FSR of 6.0 would be put forward because the maximum building height on the site was 10 storeys.

The recommendations are not being made in order to reduce density; rather they are being made to better correlate the maximum FSR with the maximum building height. The resultant density in these zones is not being decreased. In all cases, the maximum FSRs in the base MIX-1, 2 and 3 zones are increasing as noted above. The maximum building heights are more reflective of the correlation of the maximum building floor area with respect to lot area. The proposed setbacks from low rise residential ensure the massing is compatible with and transitions appropriately from a low-rise residential zone.

The method of using angular plane is not new and has historically been used to regulate the location and height of a building on a property and its impacts on adjacent properties. This type of “angular plane” transition is currently reflected in site-specific provision 565R b) which is applied to the subject property.

> “Notwithstanding Section 54.2 of this By-law, within the lands zoned MU-2 and shown as affected by this subsection on Schedules 83, 84 and 122 of Appendix "A" the following special regulations shall apply:
>  
> a) the minimum rear yard setback shall be 15.0 metres; and
> b) the maximum building height shall be 16.5 metres; however, the building height may be increased to a maximum of 24.0 metres provided that for each additional metre of building height beyond 16.5 metres a minimum of 1.5 metres of additional setback from the rear lot line is provided for those portions of the building with a height in excess of 16.5 metres.”

Subsection b) results in “a wedding cake” form of development in order to implement a type of angular plane methodology. A maximum building height of 24 metres may never be able to be achieved on certain properties, based on the depth of the property and the ability to step back 1.5 metres for each additional metre of building height in excess of 16.5 metres. However again, a proponent sees a maximum building height of 24 metres and believes this is a given despite the other zoning requirements.
The submission indicates that “The proposed changes to the maximum FSR and maximum height limits for MIX-1,2,3 should be re-examined using angular plane constructs that are used by many Ontario cities.” The City of Kitchener is moving away from using an angular plan methodology. Instead, City of Kitchener Planning is moving forward with a new way to correlate FSR and building height, which will see Kitchener Planning continue its “cutting edge” reputation and model the way for other Ontario cities to follow.

Planning staff have indicated to the property owner that at such time as new zoning is proposed to be applied to the subject properties, Planning Staff will review to ensure similar zoning permissions are applied.

Resolution
No changes are being proposed to the land use designation and zoning of the subject properties at 103, 107 and 111 Water Street at this time. They are not part of the NPR Review. No changes to the MU base zones in Zoning By-law 85-1 are recommended to be made. At such time as new zoning is proposed for these properties, Planning Staff will review to ensure to similar zoning permissions are applied.

105. 100 St. George Street

Submission Received October 24, 2019
As you know, ‘Deleted Name’ brings communities together to help families build strength, stability, and independence through affordable homeownership. With the help of volunteers,
donors, and community partners, we provide a solid foundation for low-income families in Waterloo Region.

In 2015, ‘Deleted Name’ purchased a vacant parcel of land, formerly addressed as 100 St. George Street and previously home to a Regional water tower. The intent is to develop the site for 6-8 dwelling units. ‘Deleted Name’ is continuously planning for its future builds by securing lands to suit a range of housing needs and planning for successive builds. The site is now in our build schedule for a 2020 build.

We would appreciate the opportunity to discuss our plans for the site with you, and to ensure that the provisions of the Cedar Hill Secondary Plan and Zoning By-Law changes enable our proposal.

Also, please add my name and that of ‘Deleted Name’, Planner and member of the ‘Deleted Name’ Land Development Committee to those receiving notices of upcoming meetings regarding Secondary Plan and Zoning By-Law changes that may affect 100 St. George Street.

**Current and Proposed Zoning**

Current Zoning – R-5  
Proposed Zoning – RES-5  
The new RES-5 in Zoning By-law 2019-051 is comparable to existing R-6 in Zoning By-law 85-1.

**Staff Response**

The PARTS Central Plan, which was approved in May of 2016, recommended that the property addressed as 100 St. George Street be designated “Low Rise Residential”. One of the objectives of the PARTS Central Plan was to determine the appropriate locations for intensification while protecting the stable established neighbourhoods. The intent of the “Low Rise Residential” land use designation was to protect the stable neighbourhoods. As this designation has the potential to permit low rise residential uses up 11 metres (3 storeys) in height up to a maximum Floor Space Ratio of 0.6, a decision was made to develop a more limiting low rise residential designation to provide further protection for these established neighbourhoods. A “Low Rise Residential – Limited” land use designation was created to protect the stable established neighbourhoods and limit the number of residential dwelling units on a property to 3. This is in keeping With the new Planning Act regulations which came into effect in 2018, requiring zoning to permit 2 additional dwelling units to the principle dwelling on a property, either 2 additional attached, or one additional attached and one additional detached.

Upon a more detailed review of the area, it was determined that some properties were already developed with low rise multiple residential dwellings and other sites could redevelop with forms of low rise multiple residential uses and provide additional opportunities for intensification. These properties are proposed to remain Low Rise Residential designation as was contemplated by the PARTS Plan.

Accordingly, the property at 100 St. George Street is proposed to be designated “Low Rise Residential” and be zoned new “RES-5” which is comparable to the “R-6” zone in Zoning By-Law 85-1. The new RES-5 zone allows for low rise multiple residential with a maximum building height of 11 metres and a maximum FSR of 0.6. Depending on the form/type/sizes of dwelling units
proposed for the site, 6 to 8 dwelling units may be possible. The property owner is advised to determine the potential for residential development based on the new RES-5 zoning.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 100 St. George Street.

106. 204 Madison Avenue South

Submission received October 28, 2019
This is to acknowledge the receipt of your letter of October 11, 2019 concerning the land designation and zoning review that the City is undertaking.

The church building was built in 1973 by a few families of our congregation, who are Romanian people. A few years after construction was completed, a number of members had a falling out and no longer attended. This caused financial difficulty, and at the time, my parents then decided to take financial responsibility of the property. This was the only Romanian Pentecostal Church in Ontario that we knew of. The deed is in my name and the ‘Deleted Name’ because my mother and I were employed at the time and the mortgage was transferred to our names. The mortgage has been paid off for approximately 30 years. The building is the perfect size for our small congregation.

Some renovations have been done within the past 5 years. I have been attending this church for about 46 years now and would like to continue to attend for the rest of my life. The location is
very convenient even for the elderly people who walk to church. Some have been driving from Woodstock and London for over 20 years.

It would be heartbreaking to see the property ownership and current use be taken away. I would appreciate if you could respect our needs and leave this property as is. The property is at the edge of the property lines, as per the map viewed on the website that you provided, and my hope is that the City could leave it unaffected by the changes.

Current and Proposed Zoning
Current Zoning – I-1, 1R, 93R, Existing Use Zone (E-1)
Proposed Zoning – INS-1 with Flooding Hazard overlay, EUF-1
Comparable zones are proposed to be applied.

Staff Response
The PARTS Central Plan, which was approved in May of 2016, recommended that the property addressed as 204 Madison Avenue South continue to be designated “Institutional”. An “Institutional” land use and zoning was applied to this property in the new Cedar Hill and Schneider Creek Secondary Plan.

The Floodplain mapping has also been updated in the Secondary Plan which would result in a greater portion of the lower part of the subject property being designated “Natural Heritage Conservation” and “Existing Use Floodplain Zone (EUF-1)”, instead of “Open Space” and “E-1”

The submission indicates that the property owner supports the existing “Institutional” land use designation and zoning. Presumably, the designation and zoning that were applied to the lands in the Cedar Hill and Schneider Creek Secondary Plan are also supported, given they are comparable to what currently exists.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 204 Madison Avenue South.
Submission received October 30, 2019

We are in support of the changes to the Cedar Hill and Schneider Creek Secondary Plan and the zoning.

We have reviewed the list of permitted uses and noted that Commercial Parking Lot and accessory parking lots are not listed as permitted uses in the Mix 4 zone. In addition to the lands owned by the International Gospel Centre at 35 Charles Street E. they also own the three houses at 19, 23, and 27 Charles Street E and plans for the properties have not been finalized. In the meantime, we would like to demolish these houses and put in an accessory parking lot for the church. The parking available to the church has been impacted by the following chain of events:

1. The ION train system was established on Charles Street in front of the Church. This resulted in the removal of parking spaces along the full length of Charles Street E.
2. The church has a verbal agreement with the Crowne Plaza to use their parking lot for Sunday parking. The hotel parking authority has recently advised the church that they can no longer park in their lot.
3. The overflow parking now has to use the City parking garage and members must walk to the church. This is a problem in winter or for the many seniors of the congregation.
4. The Sunday limited schedule of the ION does not help to get people out of their cars and onto public transportation.
5. Loss of parking will likely see a reduction in church membership.
On behalf of the church, we are asking that commercial parking lots be added as a permitted use. In addition, an accessory parking lot for International Gospel Centre be permitted at 19, 23 and 27 Charles Street E.

**Current and Proposed Zoning**

Current Zoning – CR-3, 136R  
Proposed Zoning – MIX-4  
A comparable zone, which better correlates the relationship of FSR with building height, is proposed to be applied.

**Staff Response**

In May of 2016 the City approved the PARTS Central Plan. One of the primary purposes of preparing these plans for the Major Transit Station Areas, is that growth will be happening with ION, and the City wanted to get ahead of the infrastructure implementation and find the appropriate locations for intensification while protecting stable established neighbourhoods.

Through the development of the PARTS Central Plan and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of FSRs with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

The PARTS Central Plan recommended that the properties along Charles Street, at a minimum, maintain their current land use permissions. As a result of the 3D modelling, the maximum FSR in the MIX-4 has been increased from 4.0 to 5.0.

The existing CR-3 zone and proposed MIX-4 zone do not permit commercial parking lots. A commercial parking lot or stand-alone parking lot, accessory to a permitted use, are not appropriate uses in a Major Transit Station Area. Planning Staff are sympathetic to the desire of the church to be able to provide parking adjacent to church building itself. However, the City’s existing Benton Street Parking Garage and 2 ION Stops (Queen Street and Frederick Street) are in very close proximity to the Crowne Plaza where there has been an existing verbal agreement/arrangement for the provision of parking. The walkability of the Benton Street Parking Garage and ION stops with the Crowne Plaza is comparable. It is suggested that the church may want to consider providing a shuttle service or the provision of a drop off area on the church property for those members which require mobility assistance.

With the redevelopment of 19-27 Charles Street East there would be the potential to provide accessory parking for the adjacent church use in conjunction with the development of other permitted MIX-4 Zone uses on these lands having a minimum Floor Space Ratio of 1.0.

**Resolution**

No changes are recommended to be made to the proposed land use designations and zone categories to be applied to 19-35 Charles Street East. The property owner is advised to submit site-specific planning applications to facilitate development which will not meet the proposed land use and/or zoning regulations. In the case of the subject properties, site-specific applications to permit a commercial parking lot or a parking lot accessory to the church use, would be difficult to justify and support in this location, particularly in such close proximity to 3 ION stops.
On November 8, 2019, the property owner visited City Hall to enquire of the proposed changes as he had received the letter in the mail notifying of the changes and the meeting on December 9, 2019. After the proposed changes were explained and discussed the property owner advised that he had no concerns or objections to the proposed new land use designation and zoning of the property addressed as 192-194 Duke Street East.

**Current and Proposed Zoning**

Current Zoning – R-7  
Proposed Zoning – RES-6  

A new zone which increases the residential permissions from low rise/density to medium rise/density, to better correlate the relationship of FSR with building height, is proposed to be applied.

**Staff Response**

It is noted that the proposed land use designation and zoning to be applied to the subject property is supported as discussed and signed on November 8, 2019.

**Resolution**

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 192-194 Duke Street East.
Submission received November 21, 2019

We have reviewed the information that you have provided in your letter dated October 11, 2019 regarding the City’s review of land use designations and zoning for properties that we own on Homewood Avenue in Kitchener. **We do not agree** with the proposed zoning change to Natural Heritage Conservation and the restrictions this will place on future property development.

These are the properties that we own that will be negatively impacted by this proposed zoning change:

- 160 Homewood Avenue
- 154 Homewood Avenue
- 152 Homewood Avenue
- 150 Homewood Avenue

As property owners and taxpayers – the proposed zoning of these properties as Natural Heritage Conservation (NHC) will create nothing but financial hardship for us. It will limit our ability to improve or upgrade our properties and it will limit any type of significant development in the future. These restrictions on development will make it extremely difficult for us to sell the properties on Homewood Avenue for a fair market value.
The unique parcel(s) of land at 152 Homewood Avenue have been owned by the ‘Deleted Name’ family since 1923. Over the years, the undersigned has obtained the listed adjacent properties on Homewood Avenue, with the objective being potential development at some time in the future. Together these properties comprise over 4 acres of prime development land with a total frontage of 150 feet.

Looking forward - we believe that these properties offer the potential for low rise residential development that will benefit the Victoria Park community, beautify the existing properties, and provide affordable housing options needed currently and well into the future. Now is the time to assign zoning to these properties that will prepare the groundwork to set this site up for future development. Is this not the City’s obligation as a good corporate citizen – to support and encourage the kind of planning that offers flexibility to future developers without creating unnecessary hardship to the property owner(s)? To support and encourage the diversity and richness of the city?

Alternatively – the properties could be purchased by the City of Kitchener to expand Victoria Park at its south end. Our Recommendations:

- Change the zoning to allow low density residential housing - or other appropriate housing options in the future.
- The City of Kitchener could buy the Homewood Avenue properties that we currently own and add them to Victoria Park. This large area could be used in many ways to benefit the park:
  ~ as an additional entrance
  ~ for parking
  ~ for bike trail access
  ~ as a maintenance area for City maintenance vehicles and storage of materials

We are happy to work with the City of Kitchener and the GRCA towards a mutually beneficial solution to this issue.

We look forward to your comments regarding our concerns and the options we have presented.

Staff Response
On November 26, 2019 Staff wrote the following.

"I wanted to let you know that we have updated the zone map with respect to the floodplain in various locations in the Secondary Plans. Properties with existing development in the floodplain, currently zoned “E-1” should have been zoned “EUF-1”.

- 150 Homewood Avenue is currently “R-5, 1R” and is proposed to be zoned “RES-3 with a Flooding Hazard Overlay” This is the new comparable zoning.
- 152 and 154 Homewood Avenue are currently zoned “E-1” and are proposed to be zoned “EUF-1”. This is the new comparable zoning."
• 160 Homewood Avenue is currently zone “P-3” and is proposed to be zoned “EUF-1” to recognize existing development.

I will forward your email submission, dated November 18, 2019, to the Clerk’s Office for inclusion in the public record.”

Submission received November 26, 2019
"Thank you for the update. We will review and move forward based on this new information."

Submission received June 2, 2020
We thank you for your response to our initial letter dated November 18, 2019 responding to the proposed Zone Change for the properties we own on Homewood Avenue in Kitchener. You have indicated that the proposed zoning for the properties in question (152, 154 and 160 Homewood Avenue) will be EUF-1 – while the property at 150 Homewood Avenue would be zoned as RES-3.

We have heard nothing since then – possibly the COVID-19 situation has impacted or delayed the decision.

In the meantime – would there be a possibility of further discussions regarding our specific properties that fall under the EUF-1 proposed zoning and working together on a plan for future development?

We are very concerned about the future of these properties, and our ability to sell them for a fair market value. Your proposed zoning would severely limit most potential buyers – and we would like to position the property for development in the future that benefits the Victoria Park neighbourhood and the City of Kitchener overall.

What could we do to find a way to significantly develop these properties that would be in keeping with City of Kitchener and GRCA regulations? We want to be pro-active and work on developing a solution that aims to mitigate all environmental (flooding) concerns.

Specifically - the 2019 Property Taxes for the 152 Homewood Avenue property alone was $12,900.89. This is an outrageous amount of money for a property where every type of future development is basically unacceptable to the City of Kitchener and/or the GRCA under the parameters of the proposed EUF-1 zoning. This amount will be crippling to any future owner if they are not allowed to further develop the property. As it is – we have enough difficulty making these annual payments – and they continue to rise every year.

If development of low rise, low density residential is completely off the table because of zoning issues – would the City of Kitchener be interested in purchasing the property at 152 Homewood Avenue as an addition to the park? The City has already encroached into this property directly behind Victoria Park with no input or permission from us.

We are happy to work with the City of Kitchener and the GRCA towards a mutually beneficial solution to this issue. We look forward to your comments and suggestions regarding our concerns.
We will also send a hard copy of this letter to you both in the mail.

Staff Response
On June 11, 2020 Planning Staff responded with the following:
“Good afternoon ‘Deleted Names’,
Thank you for your follow up letter to your initial letter of November 19, 2019. I was also informed that the hard copy of your letter was received at City Hall yesterday.

We are currently in the issue Resolution stage of this project and we are currently reviewing the 140+ submissions that were received in response to the statutory public meeting that was held in December 2019. I will append this letter to your previous submission for review and response.

Just before our office closed on March 17, 2020, we updated the City’s webpage to indicate where we are in the process and next steps. You may wish to subscribe to the page using the yellow button at the bottom of the webpage to receive updates when new information is added.

Since the office closed, I have been working remotely from home, however for a portion of this time, I was redeployed from Planning to work on Recovery Services. I can also advise that Preet is no longer working for the City. Accordingly, there has been some delay to this project. We will continue to work through the comments/submissions and hopefully be in a position to post the responses and be able to have further discussions and to engage with the community starting in September.

Should you have any further questions or comments please do not hesitate to contact me. Regards,”

Current and Proposed Zoning (150 Homewood Avenue)
Current Zoning – R-5, 1R
Proposed Zoning – RES-3 with Flooding Hazard Overlay
A comparable zone is proposed to be applied.

Current and Proposed Zoning (152 and 154 Homewood Avenue)
Current Zoning – Existing Use Zone E-1
Proposed Zoning – Existing Use Floodplain Zone EUF-1
A comparable zone is proposed to be applied.

Current and Proposed Zoning (160 Homewood Avenue)
Current Zoning – Hazard Zone P-3
Proposed Zoning – Existing Use Floodplain Zone EUF-1
An existing use zone is being applied rather than a no development zone.

Staff Response
Further:
These properties on Homewood Avenue, save and except 150 Homewood Avenue, are located in a Floodplain and are currently designated “Open Space” and are proposed to be designated “Natural Heritage Conservation” in the new Secondary Plan.
For the properties that are currently zoned "Existing Use Zone (E-1)" the comparable zone "Existing Use Floodplain (EUF-1) Zone" is proposed to be applied. The new EUF-1 Zone is the equivalent of the existing E-1 Zone. The permitted uses and regulations are the same. The change in zoning is in name only.

The property at 160 Homewood Avenue is proposed to be rezoned to the “Existing Use Floodplain (EUF-1) Zone” instead of a “Hazard Land Zone (P-3)” no development zone.

The Existing Use zone (E-1) category name was changed “Existing Use Floodplain (EUF-1)”, approved as part of Stage 1 of CRoZBy, to be more transparent and to accurately reflect the intent of the zone. This was the compromise rather than applying a “No Development Zone” or “NH-1 Zone” to properties with existing development in a floodplain, which was the desire of GRCA and Planning Staff in accordance with Provincial Policy.

I have included a FAQ on impact of zoning on property values which was developed through the CRoZBy project.

With respect to insurance coverage, the fact that the properties are in a floodplain is not changing.

With respect to any required permits, a permit from the GRCA is required now and will continue to be required for any minor additions/ expansions up to 25% of the existing ground floor area.

“What impact may the new zoning by-law have on the value of my property and/or my property taxes?

The zoning of properties has little to no impact on the assessed value of properties. The Municipal Property Assessment Corporation (MPAC) assesses the value of properties based on as many as 200 different factors. Five major factors usually account for 85% of a property's value including location, lot size/dimensions, living area, age of the house and, quality of construction. More information on MPAC’s property assessment valuation process can be obtained by visiting Link to MPAC - Residential Property Assessment.

Property taxes are not calculated based on the market value but rather the assessed value of the property. The market value of a property depends on a host of factors including the state of the economy and the individual purchaser’s preferences.”

On June 2, 2020, the property owner wrote to inquire as to the opportunities for these properties including the opportunity for the City to purchase 152 Homewood Avenue.

“If development of low rise, low density residential is completely off the table because of zoning issues – would the City of Kitchener be interested in purchasing the property at 152 Homewood Avenue as an addition to the park? The City has already encroached into this property directly behind Victoria Park with no input or permission from us.

We are happy to work with the City of Kitchener and the GRCA towards a mutually beneficial solution to this issue. We look forward to your comments and suggestions regarding our concerns.”
Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.

Planning Staff will forward this information and opportunity to Parks Planning Staff for future discussion.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 150, 152, 154 and 160 Homewood Avenue.

Planning Staff will forward the property information to Parks Planning Staff so that a discussion can be had as to the future opportunities to add parkland in this location.
Submission received November 22, 2019
Thank you for the posted information and the invitation to comment on the proposed changes. I have concerns regarding the proposed changes for my property and the adjacent property on Park St.

It does not make sense that the land use behind me on Park St intensifies [from 1-2 to Mix-2, e.g., allowing 6 storey apartment building], while at the same time the use of my property becomes less dense than what it was previously zoned for, (going from Res 5 to Res 3 low rise residential limited). It seems to me there should be a gradual change in intensification from a major corridor to single family use. Besides, immediately south of York St and on the East side of York St there are high density apartment buildings, with my property sandwiched in-between.

My property has the largest lot and has the most frontage of all properties of the street and I feel that the allowed density use of my property should remain as is, if not higher.

Thank you very much for your consideration.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.
Staff Response
With respect to the property located at 600 York Street, the R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. This is the only property on York Street that is permitted up to 3 dwelling units. All other properties on York Street are subject to 129U which only permits up to a duplex. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. Accordingly, all lots on York Street have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3. The proposed zoning that has been applied to 600 York Street is not changing in permitted uses and density.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

With respect to the properties that are located on Park Street, they are proposed to redesignated and rezoned from “Institutional, I-2” to “Mixed Use, MIX-2”. The Institutional land use and zone no longer permit residential uses whereas Mixed Use would continue the same land use permissions.

Currently the maximum building height in the I-2 zone is 15.3 metres and developments must be located a minimum distance of 7.5 metres from a rear lot line (properties on York Street).

The new MIX-2 zone allows a maximum building height of 20 metres or 6 storeys, however the rear yard setback from a low-rise residential zone has increased to 15 metres for a building that is over 12 metres in height. Only mixed-use building with a maximum height of 11 metres, the same as the height in the RES-3 zone, may be located a minimum distance of 7.5 metres from a low-rise residential zone.

The required setbacks in the MIX base zones of development from low rise residential neighbourhoods came about as a result of extensive 3D modelling done as part of the NPR Project. The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 600 York Street.

111. 28 Henry Street
Submission received November 28, 2019
With reference to the communication recently received from your office regarding the proposed changes to land use designation and zoning for the above-mentioned property, our investigations have led us to ask a single question:

With regard to properties located on the north side of Victoria Street and opposite the northern end of Henry Street, what (if any) height restrictions are placed on those properties under the proposed new zoning?

According to my estimation, the straight line distance from the property line of 52 Henry St. to the property line of 186 Victoria St. is in excess of 50m., and therefore any new construction built on or near 186 Victoria St is exempt from the height restrictions laid out in the proposed new zoning (ref. Mix-4, table 8-2, additional regulations 2(a) & 2(b)).

**Current and Proposed Zoning**
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

**Staff Response**
Through the development of the PARTS Central Plan and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of FSRs with building
height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. Although the MIX-4 zone does not a maximum building height regulation built into the base zone, the development’s height would be limited by the maximum permitted FSR regulation. The MIX-4 Zone does not have an unlimited height. A development’s maximum building height would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the MIX-4’s setback requirements from lot lines.

As a result of the 3D modelling work, recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. These are noted below:

(2) The maximum building height shall not exceed:
   a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
   b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

These required setbacks are dependent on the building height of the proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself.

With respect to the concern expressed in the submission that new construction in and around 186 Victoria Street will be exempt from the height restrictions in 2 a) and b), if these properties abut a low rise residential zone, they will need to be located a certain distance from the low rise residential zone based on their building height. As noted earlier, the MIX-4 Zone does not have an unlimited height. A development’s maximum building height would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the MIX-4’s setback requirements from lot lines.

The property at 28 Henry Street is well separated from the properties on the north side of Victoria Street and will not be impacted by the Mixed Use properties on the southerly side of Victoria Street. The properties on the southerly side are proposed to be designated MIX-1. The new MIX-1 zone allows a maximum building height of 14 metres or 4 storeys, however the rear yard setback from a low-rise residential zone has increased to 15 metres for a building that is over 12 metres in height. Only mixed-use building with a maximum height of 11 metres, the same as the height in the RES-3 zone, may be located a minimum distance of 7.5 metres from a low-rise residential zone.

The required setbacks in the MIX base zones of development from low rise residential neighbourhoods came about as a result of extensive 3D modelling done as part of the NPR Project. The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

The new RES-3 zone in Zoning By-Law 2019-051 is the comparable zone to the existing R-5 zone in Zoning By-law 85-1. New Site-Specific Provision (159) requires an attached/detached garage
or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The property at 28 Henry Street will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 28 Henry Street.

112. 91, 101, 107, 111, 115, 125-131, 139 and 141 Whitney Place

Submission received December 2, 2019
We, the undersigned owners of the properties listed herein, wish to comment, and make our views known on the proposed zone changes outlined in your letter.

It is our collective view and opinion that a zone change to High Density Residential is by far the best use of the lands for the area on the west side of Whitney Place, commencing at 91 to and including 141. We cite the following reasons for High Density Zoning:

a) These lands are located in a residential family oriented neighbourhood.
b) Schools, churches, many restaurants, pharmacy, St. Mary's Hospital, automotive repair services and shopping are all within easy walking distance.

  c) Foot and bicycle access take you to Victoria and Sandhills Parks as well as Harry Class Pool with ease and safety.

  d) The popular Iron Horse Trail runs behind all of these properties.

  e) J F Carmichael, Courtland Ave. Senior Public and Cameron Heights Collegiate are all within safe walking distance, eliminating the cost of busing. Courtland School backs on to Whitney Place, providing another green space/play area.

  f) A few minutes’ walk takes people to a number of ION stops.

  g) A seven to ten-minute walk takes people to the downtown core.

  h) These are only a few of the many advantages which you, as Planners, can see and incorporate at the development stage of this area.

We ask that you give serious consideration to our proposal and add your professionalism to it in making your decision. You have our thanks and appreciation.

**Current and Proposed Zoning**

Current Zoning – M-2, 1R, 159U  
Proposed Zoning – EMP-6, EUF-1  
A new Innovation Employment Zone is proposed to be applied.

**Staff Response**

In May of 2016 the City approved the PARTS Central Plan. One of the primary purposes of preparing these plans for the Major Transit Station Areas, is that growth will be happening with ION, and the City wanted to get ahead of the infrastructure implementation and find the appropriate locations for intensification while protecting stable established neighbourhoods.

The PARTS Central Plan created a new employment land use designation to accommodate a range of high-tech, research and development and other unique employment uses and limited complimentary uses on lands primarily located within central neighbourhoods in close proximity to major transit station stops which have historically been used for industrial purposes. The PARTS Central Plan recommended that the this new “Innovation Employment” land use designation be applied to the properties addressed as 91-141 Whitney Place.

The submission requests that a High Rise (Density) Residential be considered for the industrial employment properties on Whitney Place. The following has been considered in reviewing this request.

- With the revisions to the MTSA boundaries by the Region, the properties on Whitney Place will no longer be within the MTSA boundary of the Kitchener Market ION Stop. They are not required for intensification purposes.
- The majority of the properties are located either in the flood fringe or floodway of the Schneider Creek Floodplain. In accordance with Provincial Policy new residential development is not permitted in a Floodway.
- It is anticipated that new high-rise residential development would have negative impacts, i.e. shadow impacts, on the adjacent low rise residential neighbourhoods.
• The neighbourhood would benefit with the provision of employment uses in close proximity to existing residential and non-residential amenities.
• The properties on Whitney Place are recommended to be included in the boundary of the Cultural Heritage Landscape. The background document for the new Secondary Plan recognized the terminating view of the property at 141 Whitney Place.
  “View down Cedar Street terminating at the former Bonnie Stuart Shoe Factory and sign at 141 Whitney Place. Bonnie Stuart Shoes was a long-standing business in the neighbourhood, manufacturing and selling children’s shoes and attracting a clientele well beyond the City limits. While Bonnie Stuart closed in the 1990s after decades in operation, the building remains a local landmark and is now occupied by Globe Studios providing office and artist studio space.”

In light of the above, high rise (density) residential development is not appropriate for the lands municipally addressed as 91-141 Whitney Place.

Submissions requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification, supporting technical studies and impacts of the particular proposal can be evaluated appropriately.

Resolution
No changes are recommended to the proposed land use designation and zoning proposed to be applied to 91, 101, 107, 111, 115, 125-131, 139 and 141 Whitney Place. The property owners are advised to submit site-specific planning applications to facilitate a development which will not meet the land use and/or zoning regulations proposed to be applied. In the case of the subject properties, site-specific applications to permit high rise residential uses would be difficult to justify and support in this location.
Submission received December 6, 2019

Please find below written comments submitted for the Statutory Public Meeting Under the Planning Act called for December 9, 2019 regarding changes to land use designation and zoning proposed as part of the Neighbourhood Planning Review.

First of all, I would like to thank the member of the planning committee for their thorough and thoughtful review and proposals for the new planning guidelines. My comments apply to the properties at 274 to 320 Ottawa St. S. and specifically concern the property at 286 Ottawa St. S.

I was happy to read that any new builds that come about as a result of changing the designation of these properties from Low Rise Residential to Medium Rise Residential will take into account the existing neighbourhood. "Staff determined that proper compatibility can be ensure[d] using the new zoning regulations to allow for gentle intensification or redevelopment on these properties." (Appendix D Rockway Secondary Plan 6.0 Justification and Summary pg. 114 - italics mine)

16.D.7.6 Notwithstanding the identification of lands in a Major Transit Station Area, the policies and regulations of the applicable land use designations and implementing zoning may be more restrictive to ensure appropriate and compatible development and/or redevelopment adjacent to and within established neighbourhoods.
I would simply like to reiterate the importance of new buildings fitting in with the character of the existing neighbourhood.

**Current and Proposed Zoning (286-316 Ottawa Street South)**
Current Zoning – R-5
Proposed Zoning – RES-6

**Current and Proposed Zoning (274, 282 and 320 Ottawa Street South)**
Current Zoning – R-7
Proposed Zoning – RES-6

**Staff Response**
In December of 2017 the City approved the PARTS Rockway Plan. One of the primary purposes of preparing these plans for the Major Transit Station Areas, is that growth will be happening with ION, and the City wanted to get ahead of the infrastructure implementation and find the appropriate locations for intensification while protecting stable established neighbourhoods.

Through the development of the PARTS Rockway Plan and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of FSRs with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. A development’s maximum building height would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the MIX zone’s setback requirements from lot lines.

As a result of the 3D modelling work, recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

The City’s recently approved Tall Building Guidelines will also ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

The proposed Medium Density Residential land use designation and RES-6 implement the recommendations of the PARTS Rockway Plan. The extensive amount of 3D modelling that was completed, the PARTS Plans, the development of specific urban design guidelines and new base zones will ensure new construction fits in and is compatible with the existing established neighbourhoods.

**Resolution**
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the properties addressed as 274-320 Ottawa Street South.
I oppose all changes - Official Plan and Zoning By-Law - (OPA19/004/COK/TMW - official plan ZBA19/010/COK/TMW – zoning by-law)

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

Staff Response
Given the requirement and the need to update the planning framework for the Secondary Plan areas, in accordance with Provincial and Regional policies, this necessitates changes to the official plan land use designations and zone categories of all of the properties in the Secondary Plans. It is challenging to formulate a response to this comment as it does not provide details as to what the issues and concerns are with the proposed land use designations and zoning of one or any of the properties in the Secondary Plans. For the purposes of a response, Planning staff will assume the comment relate to the property at 419 Queen Street South.

The decision to change the name of the E-1 Zone to EUF-1 Zone was made during Stage 1 of CRoZBy (By-law 2019-051), in consultation with Grand River Conservation Authority, to provide transparency to future property owners and to reflect the intent of the zone. To recognize
existing development in the Floodplain. Technically properties that are located in a floodplain should have a no development zone in accordance with Provincial Policy. The existing use zone, then and now, is the compromise to recognize existing uses in a floodplain and allow some minor expansions with a permit from the GRCA.

Planning Staff understand from the various written and oral submissions that the change in the name of the existing use zone to include the word “floodplain” is of concern. As mentioned, the name of the Existing Use Zone was updated in April of 2019 and is not within the scope of this project. The name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain.

With respect to concerns regarding property values and insurance, nothing is changing. Assessed land values are determined by the Municipal Property Assessment Corporation (MPAC). MPAC is aware of the zone categories and that they mean the same irrespective of the word “floodplain” in the title. The ability for a property owner to obtain insurance and the type of insurance again is the same in either case. Irrespective of the zone name, the properties are still located in a floodplain.

Link to MPAC - Residential Property Assessment

Resolution
The name of the Existing Use Zone was updated in April of 2019 and is not within the scope of this project. The name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain. No changes are recommended to EUF-1 Zone or to the proposed land use designation and zoning proposed to be applied to 419 Queen Street South.
Submission received December 9, 2019
The home where I live with my family has been scheduled for a zoning change. From MU6 to MIX4. It is but one of many parcels that have been rezoned as part of Kitchener's plan for the future, which includes densification.

While densification is undoubtedly an excellent thing, the unlimited height potential that a MIX4 designation provides is concerning to both my wife and I. In particular, a triangle of land adjacent to the railroad tracks (within the larger triangle of land bounded by Park St, Victoria St., and the railroad tracks) has recently been sold to a developer. This same developer is in the midst of planning a 10-storey building at the corner of Frederick St. and Lancaster to replace the old Tim Horton's building there. Local residents have been excluded from any talks dealing with the design of the building that will be placed in their neighbourhood (https://www.therecord.com/news-story/9763942-residents-oppose-10-storey-condo-project-in-downtown-kitchener/). I do not believe that the developer will take local opinions into account and will pursue a plan based solely on profit, leaving those who actually live there with a tall building in their backyard, blocking out the sun at select times of day.

Rather than cross my fingers and hope that the allure of higher profits will be coupled with a desire for aesthetics on the part of the developer, I respectfully ask that the zoning designation be changed to MIX3 instead of MIX4, or else that a maximum height restriction be applied to this...
specific site (triangle of land West of Park St., and bounded by Park St., Victoria St., and the railroad tracks).

Please. I put 2.5 years of my life into doing a gut rehab of a 1911 home and my wife is talking about moving because a tall building might be built in that parcel. It's a stress that neither of us wants.

If you would like to contact either of us, please don't hesitate to call or mail.

Current and Proposed Zoning
Current Zoning - MU-1, 521R
Proposed Zoning - MIX-4

Staff Response
The larger triangle parcel of land bounded by Victoria Street, Park Street and the railroad tracks was recommended to be designated high density mixed use by the PARTS Central Plan, approved by Council in May of 2016. The whole of this parcel is currently designated and zoned Mixed Use Corridor and zoned MU-1 and similar permissions with respect to permitted uses were proposed to be applied but at a higher intensity than what currently exists.

Through the development of the PARTS Central Plan and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of FSRs with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. Although the MIX-4 zone does not a maximum building height regulation built into the base zone, the development’s height would be limited by the maximum permitted FSR regulation. A development’s maximum building height would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the MIX-4’s setback requirements from lot lines.

The properties in the triangular shaped area are a part of the Warehouse District Cultural Heritage Landscape that was identified in the 2014 Cultural Heritage Landscape Study. The whole of the Warehouse District Cultural Heritage Landscape was not reviewed as part of this phase of the Neighbourhood Planning Review Project. A portion of this CHL also exists in the Urban Growth Centre. This zoning is also under review. Planning staff will go back and further study and review
the Warehouse District CHL in more detail to determine the most appropriate land use and zoning to apply to these lands.

Resolution
Planning staff will further study and review the Warehouse District CHL in more detail to determine the most appropriate land use and zoning to apply to these lands.

116. 15-35 Ottawa Street North

Submission received December 9, 2019
To recipient from the city: my name is ‘Deleted Name’, I am the lead Pastor of ‘Deleted Name’. Our church has 2 locations, one in Waterloo and now one on 19 Ottawa St. N. (formerly Kitchener Mennonite Brethren Church; as of January 2019). We have over 4,000 unique people from the KW region registered in our programs and attending our services on an annual basis. We represent a large portion of the KW population and have 2 significant properties in the region.

Our Ask: The current official plan mapping our property at 15-35 Ottawa St. N. includes CR-1 and I-1 zoning. The city is considering moving our land use from CR-1 & I-1 to INS-1. On behalf of ‘Deleted Name’, I am asking for the official plan to be kept as is CR-1 & I1.

Having just taken over the Kitchener site of our church this year officially, we are currently under internal updates to the property on Ottawa St. N. and we are visioning for the future. We may want to build some housing in that spot for intern staff or to help low income individuals get on their feet again. We may also need the commercial zoning for seminary or communal workspace. The current zoning would allow for all of those possibilities, and future planned zoning would not.
Here are the reasons why I feel this should be considered.

1. **We want to continue to be a great community partner that we believe you will want to stay in the residential community to provide services to the community of Kitchener.** We just raised $224,000 in a Sunday offering to help with supporting low income and new Canadians adjust in KW. Religious communities that are growing like ‘Deleted Name’, are expanding their scope as community builders, and have always been seen as strong community partners for the work we do for the community. Whether it be in partnership of providing soccer fields to the city of Waterloo, as polling stations for voting or many other programs. In fact, the 1990 Waterloo bylaws speaks to churches being good community partners that can offer a lot in a residential community and should be placed in residential communities. WMB is running programs that create job skills to get Kitchener people back to work, we help over 200 low income families a year get on their feet again with coaching and financial aid, we offer ESL classes, and other help for refugees including 20 families living in the homes of people from our church, we provide for the needs of parents with summer day camps and classes to help them with issues they are facing, we run workshops on mental health and dealing with aging parents, we offer programs and skill based workshops for the community several times of the year, we run youth groups giving teenagers a place to be involved, as well as community BBQ’s movie, nights, and all kinds of other programming to help make KW region a better place to live for everyone not just those who are a part of our faith based activities. Being close to the residential community we are serving is an integral part of this for us: we need to be on the major bus line, with bike trails, and easy car access for our community, but again serving the community well means having the flexibility in our land to do so.

2. **We really feel that residential zoning on our land could help us to provide housing for those working at the church as interns or to consider affordable housing for refugee’s or low-income families in the future.**

3. **We need the commercial zoning because we are considering making part of our space a seminary or communal workspace (think incubator or market, but specifically to help impoverished people get back on their feet).**

4. **The ability for religious communities to purchase new lands and build or to build on green space is really getting cost prohibitive within the residential neighbourhoods we are serving.** This means we will need to continue to build on our own existing properties. Thank you for considering our request. On behalf of ‘Deleted Name’, I am asking for the official plan to not be amended but to leave our zoning as is for the flexibility we need for the future.

Thank you for your time.
Current and Proposed Zoning
Current Zoning – I-1 (19 Ottawa St N), CR-1 (15, 31 and 35 Ottawa Street N)
Proposed Zoning – INS-1

Staff Response
The PARTS Rockway Plan, which was approved by Council in December of 2017, recommended that the properties addressed as 15, 31 and 35 Ottawa Street North be designated “Commercial” and that the property addressed as 19 Ottawa Street North be designated “Institutional”.

Through the review of the King Street East Secondary Plan it was thought that as the entire block was under one ownership and that property owner provided institutional services, it would be appropriate to designate this entire block as “Institutional” rather than institutional and commercial. This would provide the property owner the flexibility to use the parcels proposed to be designated commercial for institutional purposes.

The submission indicates that the property owner would like to maintain existing land use permissions.

In keeping with the recommendations of the PARTS Rockway Plan and desire of the current property owner to maintain current land use permissions, it is the opinion of staff, that the properties addressed as 15, 31 and 35 Ottawa Street could be designated Mixed Use instead of Commercial as was contemplated by the PARTS Rockway Plan. A mixed use land use designation and zoning would be comparable to the existing Commercial Residential land use and CR-1 zoning that is currently applied to these properties, and would provide the flexibility of these properties to be used for complementary commercial and residential uses as well as for institutional uses. The Institutional land use and zoning would remain on the property addressed as 19 Ottawa Street North.

Resolution
No changes are recommended to the proposed land use designation and zoning of 19 Ottawa Street North. It is recommended that the land use and zoning of the properties addressed as 15, 31 and 35 Ottawa Street North be designated “Mixed Use with Specific Policy Area 2” and zoned “MIX-2” instead of “Institutional” and “INS-1”. A similar land use designation and zone category, to what currently exists now, would be applied to the properties addressed as 19-35 Ottawa Street North.
Good Afternoon, I just wanted to provide a few comments regarding the Secondary Planning meeting this evening on the chance that I am unable to attend.

I reviewed the materials and think that the structure around the changes are very well thought out, though I am hoping that some specific action can be targeted through these Resolutions. Especially given the Proposed Map 11 designates the portion of Glasgow St that I live on a City Arterial Street, the condition and amenity provided on this street is sorely lacking in every category per Kitchener’s Complete Streets model and does not have the capacity to safely accommodate the current traffic at peak hours, let alone planning for future growth, with much of the street being only a 12 metre right of way. The following are some fairly low hanging fruit that should be addressed for the area.

1) Especially for a Transit Station Area, there is a ridiculous amount of surface parking scattered throughout the area for Sun Life Financial. These parking lots are generally in disrepair and are a blight to the neighborhood. I appreciate the Section 5.2.b provision regarding all parking lots being within a 400m radius, but given the proximity to the LRT I have a hard time swallowing that Sun Life is in need of 2000 parking spaces over 7 parking lots and something to the effect of 6 Hectares of land surrounding a residential area. Even
more so is the fact that many of these drivers for Sun Life and the neighbouring Air Boss are disrespectful to the neighbourhood both while driving and walking.

2) There is a very obvious Corner Visibility Area concern at the NNE corner of Park Street and Glasgow behind Don McLaren Arena. From the sidewalk there is absolutely 0 set back to a retaining wall on that corner. This provides such a blind spot to traffic that you are in the intersection prior to seeing traffic coming while Southbound on Park Street. Given there is no building on that portion of the lot, there can be no reason that the Visibility area guidelines for UGC cannot apply as a minimum standard at that intersection.

3) Transport Truck traffic is also rampant in this area. Given the Residential zoning of most of the neighbourhood, the streets are in no way sized for constant flow of 53-foot trailer traffic in and out of the area. All directions of traffic coming into the Hospital, Air Boss, and Ontario Seed do not facilitate traffic from vehicles of this size for reasons including:
   a) Low Train bridge from Park Street to the South
   b) No space to turn at William Street to the North
   c) Trucks take up the entire curve at Walter Street as it becomes Glasgow and cannot be seen until you are in the curve
   d) Trucks need to pull into oncoming traffic and jackknife to get into the Hospital
   e) Trucks constantly go to the wrong driveway, or miss the driveway for AirBoss and will back up in traffic, or back out blind from the driveway into traffic
   f) No intersections in the area are large enough to facilitate truck turns without blocking traffic in some direction

4) Blight from decay of Historic buildings also plagues the area in buildings such as 79/81 Moore Street which has been boarded up and left to decay by the church who hopes to tear them down, as well as the blight from the gorgeous Craftsman style office building at 143 Strange street whose bricks are currently crumbling off the face.

Thank you for your time and patience with the consultations and putting this together. Best Regards,

Current and Proposed Zoning
Current Zoning – R-5, 129U
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed.

Staff Response
The PARTS Midtown Plan which was approved in December of 2017 contained several key directions with respect to the vision for Glasgow Street as a complete street and important connector and for the redevelopment of the existing large surface parking areas in the plan area.

The Plan directs the reurbanization of Glasgow Street, to reinforce Glasgow Street’s role as a connective street, and to improve the pedestrian connections at Park and York Streets. New development should be pulled back from the street to create additional space for streetscape and public realm improvements. One of strategies to assist with implementing the direction for Glasgow Street indicates:
“Advance a streetscape master planning exercise to reposition Glasgow Street as a complete street. This exercise should explore the following opportunities:

- Introduce a sidewalk along the south side of the street to support pedestrians.
- Implement a multi-use pathway along the south side of Glasgow Street and a dedicated cycling lane along the north side of the street to encourage active transportation and connectivity between King Street and Belmont Village.
- Maintain space for trucks and other vehicles along Glasgow Street and employ strategies such as consolidating curb cuts to mitigate conflict between vehicles, pedestrians, and cyclists. Introduce improved crossings at the Iron Horse Trail, York Street and Park and Strange Streets, such as exploring opportunities to reduce crossing distance and turning radii and introducing improved visual and signalized crossings where possible.”

Planning staff propose to incorporate additional language and policies in the new Midtown Secondary Plan to assist in implementing the vision for Glasgow Street. Planning staff will also explore the potential to add new policies for complete streets in the parent Official Plan through this or a future amendment.

Another key direction of the Midtown Plan is to “transform the King/Union parking lot” and “encourage the redevelopment of the King / Union parking lot with a mix of medium and high density uses”. The Plan notes the following:

“The King Street / Union Blvd parking lot is one of the largest redevelopment sites in the station area and is located near the LRT stop. This site, in conjunction with Sun Life Financial and Grand River Hospital presents an opportunity to build upon Midtown’s existing cluster of regionally significant employment. The current surface parking on this block presents a large hole in the urban fabric, detracting from the pedestrian experience and amenity along King Street.

This site provides a particularly important opportunity to introduce greater density and an improved mix of uses neighbouring the LRT stop. Mixed-use mid-rise base buildings should line King Street, creating an opportunity to activate the street with pedestrian oriented retail and services, with complementary residential or office uses above.”

It is agreed that these large surface parking areas provide a great opportunity to contribute to the density in the station area and to the use of the ION. They have been given a new MIX-4 zoning, which requires a minimum FSR, to encourage and facilitate their redevelopment.

It is noted that the corner visibility area at the NNE corner of Park Street and Glasgow behind Don McLaren Arena is not ideal. This situation can be rectified at such time as redevelopment plan/applications are submitted for these properties. In the interim, staff can investigate to see what mitigation measures can be implemented in the short term to rectify this concern.

Planning staff have reviewed the “transport truck traffic” concern with Transportation Planning Staff. Unfortunately, the low bridge on Park Street and some of the widths of the rights-of-way are existing conditions and are unable to be rectified through this process. Staff will review the existing transport truck routes in the area to ensure that they are appropriate and that they are
clearly signed to guide this type of truck traffic in the neighbourhood. This can also be communicated to the existing businesses in the area.

With respect to the blight from the decay of historic buildings, property standards issues are of concern to Planning and Heritage Planning staff. Recently, new policies/procedures have been approved to avoid this from happening in the future.

All properties within the City are subject to the Standards of Maintenance and Occupancy of Property By-law. Chapter 694 of the City’s Municipal Code contains specific standards for property maintenance for vacant designated heritage property.

The new RES-3 zone in Zoning By-Law 2019-051 is the comparable zone to the existing R-5 zone in Zoning By-law 85-1. New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The property at 86 Glasgow Street will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
Planning staff will incorporate new policies in the Midtown Secondary Plan to implement the vision for Glasgow Street as a complete street and an important connector as was noted in the PARTS Midtown Plan. Staff will also review the directions for other streets in the Midtown Plan to see if any additional direction should also be incorporated into the Secondary Plan.

No changes are recommended to be made to the land use or zoning. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 86 Glasgow Street.

Planning staff will review the corner visibility concern at Glasgow and Park Streets as well as the transport truck traffic concerns with Transportation Planning Staff to determine appropriate resolutions.
Written submission received December 9, 2019
Re 76 Heins Avenue Kitchener
As owner of the above property, I want to respond to the invitation to comment.

The proposed changes do impact this property and I am attempting to understand the reasoning. The new proposed designation for 76 Heins Avenue is EUF-1, while the adjoining property at 70 Heins Avenue is RES-3 and the adjoining property to the rear of 76 Heings Avenue, on Linden Street is RES-5.

The EUF-1 zoning for this property is unnecessarily restrictive and seems arbitrary, given the proposed zoning for adjoining properties. I understand that there was a study to designate this floodplain. Where could a copy of this study or designation be obtained? I lived in the area in the late 1970’s when there was a very heavy rainfall that resulted in very significant flooding in the Victoria Park area. On that occasion, a large amount of plant material, including bullrushes and reeds had been recently cut upstream, and these washed into Victoria Park Lake and completely blocked the only drainage exit from the lake. With no outlet, the water simply flooded the entire area. On that occasion the water on David Street at the area of the outlet drain was over 3 feet deep. Had the drain not been blocked this would not have occurred. Following that flood, the drainage outlet was improved to increase capacity to prevent a recurrence. In the mid 1980’s a second flood occurred when a heavy rainfall washed construction materials, such as 2x4’s and pieces of lumber, into the lake and these also clogged the drain and prevented water from exiting the lake and flood resulted. I am not aware of more recent flooding but would be interested in knowing whether either of these incidents were used to contribute to defining the flood plain.
Certainly since 1996, since I have owned the property at 76 Heins Avenue, there has been no flooding at this property, and there have been some heavy rainfalls.

I am aware that these changes are in process, and would request that this property be excluded from the EUF-1 zoning and consideration be given to including this property in the less restrictive zoning of adjoining properties either RES-3 or RES-5 zoning. Thank you for this opportunity to discuss this with Staff.

Sincerely,

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

Staff Response
The property located at 76 Heins Avenue is located in a Floodplain and is currently designated “Open Space” and is proposed to be designated “Natural Heritage Conservation” in the new Secondary Plan.

For the properties that are currently zoned "Existing Use Zone (E-1)" the comparable zone "Existing Use Floodplain (EUF-1) Zone“ is proposed to be applied. The new EUF-1 Zone is the equivalent of the existing E-1 Zone. The permitted uses and regulations are the same. The change in zoning is in name only.

The Existing Use zone (E-1) category name was changed to “Existing Use Floodplain (EUF-1)”, approved as part of Stage 1 of CRoZBy, Zoning By-law 2019-051, to be more transparent and to accurately reflect the intent of the zone. This was the compromise rather than applying a “No Development Zone” or “NHC-1 Zone” to properties with existing development in a floodplain, which was the desire of GRCA and Planning Staff in accordance with Provincial Policy.

I have included a FAQ on impact of zoning on property values which was developed through the CRoZBy project.

With respect to insurance coverage, the fact that the properties are in a floodplain is not changing.

With respect to any required permits, a permit from the GRCA is required now and will continue to be required for any minor additions/expansions up to 25% of the existing ground floor area.

“What impact may the new zoning by-law have on the value of my property and/or my property taxes?
The zoning of properties has little to no impact on the assessed value of properties. The Municipal Property Assessment Corporation (MPAC) assesses the value of properties based on as many as 200 different factors. Five major factors usually account for 85% of a property’s value including location, lot size/dimensions, living area, age of the house and, quality of construction. More information on MPAC’s property assessment valuation process can be obtained by visiting Link to MPAC - Residential Property Assessment.
Property taxes are not calculated based on the market value but rather the assessed value of the property. The market value of a property depends on a host of factors including the state of the economy and the individual purchaser’s preferences.”

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 76 Heins Avenue.

119. 203 Strange Street (See Response No. 49)

Submission received December 9, 2019
Great turn out.
Attended meeting, sat on floor, then moved to different room, but equipment kept going out.

It was interesting to here different areas given their presentation, but maybe better to have separate meetings for each area infuture, or let groups know what time they could deal with their area. Most people left the room after two hours. The purpose of the meeting was to receive input and comments, but most people left frustrated with out any of their concerns answered.

Here are our concerns.
Background
We have owned the property 33 years, have done many renovations, have been approached many times about selling and have a great understanding about what people are looking for in our area. The property has large size rooms and larger lot.

Concerns
Having the property zoned as Institutional with many different uses permitted was great. It was that way when we purchased the property.

We did not know that one side of the street was designated that way till just recently.

We put in a larger parking area for up to 6 cars years ago, even if it was not used and have a bigger lot than most of the homes with the current zoning and still have a good size green space in our yard, plus shed. I would say our lot as a RES-3 is NOT low dwelling type on “smaller lot”. We have always done renovations keeping in mind some day we would sell the property for small business to set up there would fit in with the neighbourhood. Wanting a business that fits in with no noise, limited signage, just office spaces and no additions to house.

Two years ago, we were approached by many Realtor’s with clients looking to purchase in the area. We were no ready to sell at that time but had many individuals come to the door wanting to view the property for future use. Like a friend of a friend saying that we may be selling. The ones that stand out are:

1. A tech manager from nearby firm, want space for office, meetings, storage, space to accommodate extra workers away from main firm from time to time, plus living space from time to time.
2. An International Medical Research group wanting space for 2 or 3 employees needing office space near hospital, plus bonus space to house visiting out of town or out of country person.
3. Someone wanting to open a small business of renting out office spaces (rooms with table and 4 chairs) on an hourly rate to accommodate overflow from existing businesses in lower unit. Plus renting out upper unit to offset expenses.
4. Person wants office space away from financial firm that is nearby, for meetings and likely using the upper unit as a rental.

Not sure why the proposed zone would pick Home Business, Hospice & Resident Care Facility, we would want Home Business and Office and duplex dwelling.

Current and Proposed Zoning
Current Zoning – I-2, 102U
Proposed Zoning – RES-3 (159) (160)

Staff Response
The PARTS Midtown Plan, which was approved in December of 2017, recommended that the property addressed as 203 Strange Street be designated as “Established Low Rise Residential” instead of remaining “Institutional”.

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The subject property and all of the properties on the westerly side of Strange Street, between Glasgow Street to just the other side of Elm Street, are part of the Gruhn Neighbourhood Cultural Heritage Landscape. In order to protect and maintain the cultural heritage landscape, a low-rise residential land use designation was recommended to be applied to these properties.

In order to maintain some existing use permissions and balance the desire and need to protect the cultural heritage landscape, Planning staff recommend that the “Low Rise Residential Limited Office” land use designation be applied instead of the “Low Rise Residential Limited”.

The Low Rise Residential Limited Office land use designation is intended to apply to areas within the central part of the city where the intent is to conserve the existing buildings and built form in these areas and serve as a transition between adjacent higher intensity uses and the existing built form and streetscape character of the established neighbourhood.

The permitted uses in the Low Rise Residential Limited Office are uses that could be appropriately accommodated within the existing buildings, therefore maintaining the character of the cultural heritage landscape which is what we are trying to achieve. This also provides a transition to the Innovation Employment and institutional uses that are adjacent to this stretch of Strange Street.

This land use designation was applied to lots on Gildner Street that were also previously designated “Institutional” and located in a cultural heritage landscape. Through the Open House, these property owners expressed concern with the reduction in permitted non-residential uses. The compromise was the “Low Rise Residential Limited Office” which permits limited complementary non-residential uses, such as artisan’s establishment, studio, craftsman shop, day care facilities, health office, personal services and offices to locate and operate within the existing buildings, without the loss of the residential/streetscape character that was identified to be protected and maintained in the CHL Study.

Resolution
That the properties on the westerly side of Strange Street from Glasgow to the other side of Elm Street, including the property addressed as 203 Strange Street, be designated “Low Rise Residential Limited Office” and zoned RES-3 (159) (160) (161) instead of “Low Rise Residential Limited” and RES-3 (159) (160).
Submission received December 9, 2019
Please accept this email as my registration and commentary for the Grand River hospital area and Victoria Park secondary plan and attendance at the Dec 9 public meeting.

As a property owner for 3 properties in the grand river hospital (Mary St, Briar Ave) and Victoria park (Park St) neighbourhoods, I am writing to submit my general support for the new 3rd unit proposal put forth as part of this process.

My one comment and concern is that parking provisions have not been addressed and will still require a 1 parking space per unit - the concern is that in order to meet this requirement, major changes to the site plan including demolition of structures would be required.

To date, as a responsible owner we have maintained and extensively renovated the buildings to provide well maintained rental properties. This is consistent with many of the public comments heard from Victoria Park residents as we have updated the outside of the house to meet heritage and city standards.

In an effort to meet public transit push (LRT) supported by the region and city, climate change, and active transportation, triplex units could be accommodated where the tenants use public transit and active transportation.
We are supportive of higher density, but the parking needs to be reviewed to allow for properties which are within 800m of transit stations with reduced parking requirements to encourage use of public transit.

Our goal is to keep with the low-rise nature and heritage aspects of the neighborhoods but provide higher density housing for mixed income levels.

**Current and Proposed Zoning**

Current Zoning – R-5, 129U  
Proposed Zoning – RES-3 (159)  
A comparable zone is proposed to be applied.

**Staff Response**

The subject property at 19 Mary Street is currently zoned “R-5” with 129U. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units however the 129U provision, which is applied to the subject property, only permits up to a duplex. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structure in order to enhance and protect the character of the streetscape.

With respect to the required parking, currently in Zoning By-law 85-1, one parking space is required for each dwelling unit. Accordingly, a duplex dwelling would require 2 parking spaces, and these could be arranged in tandem. A multiple dwelling with 3 dwelling units would require 3 unobstructed parking spaces.

Contrary to the submission, parking provisions have been addressed for those residential properties located within the boundary of a Major Transit Station Area (MTSA). A single-detached dwelling, semi-detached dwelling, street townhouse and dwelling would require 1 parking space. One (1) Additional Dwelling Unit (Attached) or Additional Dwelling Unit (Detached) will not require any additional parking spaces and Two (2) Additional Dwelling Units (Attached) or (Detached) will require just one (1) additional parking space. Accordingly, for a duplex in an MTSA, only 1 parking space is required under the new zoning regulations, rather than 2. For a multiple dwelling having 3 dwelling units or for a duplex with a detached dwelling unit located in an MTSA, only 2 parking spaces would be required instead of 3.
Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 19 Mary Street.

b) 18 Briar Avenue

Submission received December 9, 2019
Please accept this email as my registration and commentary for the Grand River hospital area and Victoria Park secondary plan and attendance at the Dec 9 public meeting.

As a property owner for 3 properties in the grand river hospital (Mary St, Briar Ave) and Victoria park (Park St) neighbourhoods, I am writing to submit my general support for the new 3rd unit proposal put forth as part of this process.

My one comment and concern is that parking provisions have not been addressed and will still require a 1 parking space per unit - the concern is that in order to meet this requirement, major changes to the site plan including demolition of structures would be required.

To date, as a responsible owner we have maintained and extensively renovated the buildings to provide well maintained rental properties. This is consistent with many of the public comments heard from Victoria Park residents as we have updated the outside of the house to meet heritage and city standards.
In an effort to meet public transit push (LRT) supported by the region and city, climate change, and active transportation, triplex units could be accommodated where the tenants use public transit and active transportation.

We are supportive of higher density, but the parking needs to be reviewed to allow for properties which are within 800m of transit stations with reduced parking requirements to encourage use of public transit.

Our goal is to keep with the low-rise nature and heritage aspects of the neighborhoods but provide higher density housing for mixed income levels.

**Current and Proposed Zoning**
Current Zoning – R-5, 129U
Proposed Zoning – R-5, 129U
This property is not located with a Secondary Plan area and is not being rezoned at this time.

**Staff Response**
The subject property is not located with the new Midtown Secondary Plan and is not proposed to be redesignated and rezoned at this time. It will remain zoned R-5, 129U as part of Zoning By-law 85-1.

**Resolution**
No changes are being proposed to the land use designation and zoning of the property addressed as 18 Briar Avenue at this time as it is not part of the Neighbourhood Planning Review Project.
Submission received December 9, 2019
Please accept this email as my registration and commentary for the Grand River hospital area and Victoria Park secondary plan and attendance at the Dec 9 public meeting.

As a property owner for 3 properties in the grand river hospital (Mary St, Briar Ave) and Victoria park (Park St) neighbourhoods, I am writing to submit my general support for the new 3rd unit proposal put forth as part of this process.

My one comment and concern is that parking provisions have not been addressed and will still require a 1 parking space per unit - the concern is that in order to meet this requirement, major changes to the site plan including demolition of structures would be required.

To date, as a responsible owner we have maintained and extensively renovated the buildings to provide well maintained rental properties. This is consistent with many of the public comments heard from Victoria Park residents as we have updated the outside of the house to meet heritage and city standards.

In an effort to meet public transit push (LRT) supported by the region and city, climate change, and active transportation, triplex units could be accommodated where the tenants use public transit and active transportation.
We are supportive of higher density, but the parking needs to be reviewed to allow for properties which are within 800m of transit stations with reduced parking requirements to encourage use of public transit.

Our goal is to keep with the low-rise nature and heritage aspects of the neighborhoods but provide higher density housing for mixed income levels.

**Current and Proposed Zoning**

Current Zoning – R-5

Proposed Zoning – RES-3 (159) (160)

A comparable zone is proposed to be applied.

**Staff Response**

The subject property at 54 Park Street is currently zoned “R-5”. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

With respect to the required parking, currently in Zoning By-law 85-1, one parking space is required for each dwelling unit. Accordingly, a duplex dwelling would require 2 parking spaces, and these could be arranged in tandem. A multiple dwelling with 3 dwelling units would require 3 unobstructed parking spaces.

Contrary to the submission, parking provisions have been addressed for those residential properties located within the boundary of a Major Transit Station Area (MTSA). A single-detached dwelling, semi-detached dwelling, street townhouse and dwelling would require 1 parking space. One (1) Additional Dwelling Unit (Attached) or Additional Dwelling Unit (Detached) will not require any additional parking spaces and Two (2) Additional Dwelling Units (Attached) or (Detached) will require just one (1) additional parking space. Accordingly, for a duplex in an MTSA, only 1 parking space is required under the new zoning regulations, rather than 2. For a multiple dwelling having 3 dwelling units or for a duplex with a detached dwelling unit located in an MTSA, only 2 parking spaces would be required instead of 3.

**Resolution**

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of
attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 54 Park Street.

121. 41 Louisa Street

Submission received December 9, 2019
I was remiss in reading the notification for the public meeting this evening and I believed incorrectly that the plan would be on display and there would be an opportunity to view the plan physically. While we attended, due to large numbers, we were unable to hear or see the city presentation and we were unable to locate specific information on the extensive 1200+ page electronic proposed land use designation and zoning document.

Would it be possible to send the information requested for this property and the surrounding area?

It would be greatly appreciated if further public consultation and comments could be included for consideration.
Current and Proposed Zoning
Current Zoning – R-5, 129U
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
The subject property at 41 Louisa Street is currently zoned “R-5” with 129U. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units however the 129U provision, which is applied to the subject property, only permits up to a duplex. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

The proposed RES-3 zone is comparable to the existing R-5 zone and will permit a multiple dwelling containing up to 3 dwelling units. For a multiple dwelling having more than 3 dwelling units or for a different form of multiple residential development, site-specific planning applications would be required now and in the future with the comparable zone.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 41 Louisa Street.

Planning Staff will provide the existing and proposed zoning by external mail. We will also provide all of the community engagement and consultation comments that were received as a result of the December 9th, 2019 Statutory Public Meeting, with Planning Staff’s responses on the City’s website.

122. General - Lodging Houses, Impacts of Redevelopment/Construction

Submission received December 9, 2019
I missed that lodging houses would not be allowed in our neighbourhood anymore (or at least new ones wouldn't), but I can't in good conscious be silent on this idea.
Is there a reason for this change? I thought the current licensing covered a lot of what was required and encouraged a blending of lodging homes with single family ones.

I have a lodging house as a neighbour, and another one two homes down from me. They haven’t always been great, but who is honestly! And with the current landlords taking an active role, we have met some great new neighbours, and some folks that I wouldn't naturally have met otherwise. I would like to think they're happy to have met me too! I would be very disappointed if this change happened, it is targeting a group of vulnerable people for no justifiable reason. It is mean spirited.

Thanks for reading. I'm also attaching my speech from today just FYI.
https://docs.google.com/document/d/1wGb4Nm-tAiy8_hjfT8tE0iQBFKCBSmdLjbeq-54cpD4/edit?usp=drivesdk

“I am here as a resident of King East and as the Chair of the King East Neighbourhood Association. I live at the corner of Duke and Cameron. As you are aware, our neighbourhood has been under a lot of development already, and as frustrating as that might be for commuters trying to get through, it has been a thousand times worse for us living here.

Not everyone gets excited about taller buildings when you are dealing with an older neighbourhood, but the truth is that our population is growing, and it is better and wiser to grow up in key areas -- like the core -- and not out. We need to be good partners with the other life that shares this planet and plan our existence in a way that is mindful of our impact. Reducing the amount that cars are needed and planning our city to best enable active and public transportation is an important part of that. That being said, as development happens, those who are building (private or public) need to be more mindful of the impact this intense growth is having on the existing community. What is the point of things like the RIENS study if those neighbourhoods become so unbearable and unsafe to live in during construction that people start to leave? Communities are more than a collection of buildings; we are the humans occupying that neighbourhood.

If you would like to foster more enthusiastic support of intensification from established neighbourhoods, you must do better when planning how it is executed. Daily car accidents, impassable sidewalks, and property damage -- on top of the incredible amount of noise (which is admittedly less manageable) -- are guaranteed ways to stress out a neighbourhood and lose the support of the population. There needs to be a system in place so that we are informed of when our immediate roads and intersections are going to be closed so we can plan our lives accordingly. Honestly, it didn’t seem like any of the many projects were coordinating or communicating at all with each other over this past year.

When traffic is being diverted, there desperately needs to be clearer detour signage. We had signs literally sending drivers in circles and the wrong way down one-way streets because one project sent traffic to places the other project had closed. When King Street was closed there were NO detour signs posted, all while Weber street was closed in one direction, and the Krug/Cedar/Weber intersection all at the same time! Unsurprisingly, this caused several accidents, and again, A LOT of stress for those of us who live and work here.
We look forward to eventually meeting our new neighbours when all this building is done, we look forward to an increase in population that will hopefully bring businesses and vibrancy to King Street east, we just really hope that we can survive the process to get to that point. We hope that the City can learn from this experience and do better in the future.

Staff Response
Lodging houses are currently permitted in the R-5 to R-9 zones in Zoning By-law 85-1. Moving forward they will now be permitted in the new RES-4 to RES-8 zones in Zoning By-law 2019-051.

The King Street East Neighbourhood has experienced a lot of new building and road reconstruction projects over the last couple of years. Unfortunately, as evidence by the submission it has not been well coordinated between developers and city and regional bodies. A more cognizant and coordinated effort needs to be had in order to minimize the impacts these projects have on the neighbourhoods, particularly the residents of these neighbourhoods.

Resolution
Planning staff will investigate the means and methods to improve communication and coordination of owner, city, and region-initiated projects.

123. 247 Madison Avenue South

Submission received December 9, 2019
To whom it may concern,
My family owns the property at 247 Madison Ave S and the business Olde Phish Auto Repair at the same address. The property has a residential structure in the front as well as a commercial automotive garage in the back. The business has operated at this location for more than 3 years and has all the associated licenses and insurance for a recognized business.

In the old zoning plan out property is zoned under General Industrial. However, the proposed secondary plan rezoned us as Low Rise Residential. My parents have the following questions:

- Is there any reasoning behind this rezoning? From our understanding the property has been zoned and used as a garage since the 1970s.
- What is the difference between the old zone (General Industrial) and the new zone? How would this affect the status of our business?
- Will we be able to continue operate the business if the zoning is changed to residential? How would this affect the future sale of the property and business? (For example, will we be able to sell the garage business or the property as a garage in the future?)
- How will this affect the future renewal of our business license? As we understand we now have to renew our business license every year. How would having this rezoned as residential area have an impact on us?

We look forward to hearing from you. Thank you.

**Current and Proposed Zoning**

Current Zoning – M-2, 368R  
Proposed Zoning – RES-5

**Staff Response**

The PARTS Rockway Plan, which was approved in December of 2017, recommended that the property addressed as 247 Madison Avenue South be designated “Low Rise Residential”. This recommendation was reflected in the OPA/ZBA considered at the Statutory Public Meeting that was held on December 9, 2019. The PARTS Plan recommended this new designation as the adjacent property to the east, 235 Madison Avenue South was proposed to be designated Medium Rise Residential instead of General Industrial. Given the size of the subject lands it was felt that a Low Rise Residential designation would be a more appropriate transition from General Industrial to the adjacent low-rise residential properties to the west.

With the new zoning, the existing auto repair/garage business will become what is termed “Legal Non-Conforming”. What this means is that the existing business and use of the lands for an auto repair garage will be able to continue until it ceases. At which time the use of the property ceases, only those uses permitted in the new RES-5 zone will be permitted. This will not affect a future sale of the existing business. A new owner will be able to utilize the subject property for the same use. However, if the new property owner would like to use the subject property for a different use, this will necessitate an application to the Committee of Adjustment.
The new residential zoning will not impact the ability of the property owner to renew a business license for the continued use of the property as an auto repair business. Issues with the new zoning will only result if the use of the property ceases as an auto repair garage.

Resolution
No changes are recommended to be made to the land use designation and zone category proposed to be applied to 247 Madison Avenue South. Staff needs to add a "Holding Provision" to the property.

124. Resident

Submission received December 9, 2019
Hello there, My husband and I tried to attend a planning meeting tonight at City Hall to discuss proposed zoning changes to our property, but we were not able to see the screen and there were no seats left in the Council Chambers. We stood with several other people in the entrance way for a little while, but it was not possible to follow the proceedings, so we left, no further ahead. We tried to prepare for the meeting by reading the materials available on that were sent ahead of the meeting, but we found them very difficult to navigate.

Please notify us about the next meetings and please let us know what we can do to better prepare for the meeting. Thank you.

Staff Response
Our apologies that you were not able to fully experience and participate in the public meeting that was held on December 9th, 2019. Please feel free to contact Planning Staff with any questions or to obtain additional information. There will be future opportunities for community engagement. We have added your email address to our contact distribution list and will notify you of these opportunities. You may also subscribe to the Neighbourhood Planning Review webpage to receive notifications as this page is updated with new information.

Resolution
Planning staff have added email address to our NPR Notification Distribution List.
Hi, I would like to understand what zoning our property is changing from and to. As well, what will this mean for use of our property.

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

Staff Response
The property addressed as 175 Sydney Street South is located in a Floodplain and is currently designated “Open Space” in the existing Mill Courtland Woodside Park Secondary Plan and are proposed to be designated “Natural Heritage Conservation” in the updated new Secondary Plan.

The existing zoning of the subject property is "Existing Use Zone (E-1)". The proposed zoning is "Existing Use Floodplain (EUF-1) Zone. The new EUF-1 Zone is the equivalent of the existing E-1 Zone. The permitted uses and regulations are the same. The change in zoning is in name only.

The existing use permissions for the subject property will remain unchanged. For any other questions/concerns with respect to the change in the name of the zone category and what it means for insurance and property value considerations, these can be found in the responses in this chart for the other properties with similar proposed land use and zoning.
Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 175 Sydney Street South.

126. Civic Centre Secondary Plan - 58 Ahrens Street West

Submission received December 9, 2019
Thank you for the opportunity to respond to the city’s proposal and for the work done by city planning staff.

The Official Plan and Secondary Plan should protect Civic Centre’s well-establish neighbourhood.

Recommendations in the Civic Centre Heritage Conservations District (CCHCD) Plan should be incorporated into the Secondary Plan with a special policy. I am concerned that some heritage properties previously listed are no longer on the city’s list.

Sections of Civic Centre are identified as being within the Major Transit Station Areas and thus do not have the “Community Area” designation like the homes on just the other side of the same street. The city plan is that “Limited intensification” may be permitted within Community Areas.

Similar homes in the Major Transit Station Areas and also in the CCHCD are a “community” area too, with many people living there – homes with over a 100 years of heritage that people appreciate and love. They need to be protected as well.
Any developments on the Mixed Use Corridors or Regional roads such as Victoria and Weber should have their primary access on Regional roads, not on the interior streets, or on laneways. Re-developed properties must not be able to direct their servicing and traffic into the interior of the Civic Centre neighbourhood.

There are several instances in Civic Centre whereby zoning for high residential abuts a low residential area. For example, rear lot lines on Victoria (numerous place long laneways and directly adjacent to properties); Weber (abuts south side of Roy St. and others internally between Young St and Water St.) and Queen St.

There should be appropriate transition between high, mixed use, and low-rise residential areas for any development with a building height in excess of 4 storeys. Variances in building height should flow between building, not create precipices between low and high rises. The view from a distance should be appealing – like a landscaped painting – with consideration to nearby buildings and the overall character of the neighbourhood. Front setback limits, side setbacks and rear setbacks need to blend with the cultural heritage landscape.

The land use and zoning of properties on the opposite side of a street, especially along Weber and Victoria and Queen streets, have a direct impact on Civic Centre CHCD. How will the city mitigate issues for Civic Centre that are created by excessive height of such tall buildings?

I support the city’s stance that “property values are not a land use planning consideration”. This applies to any buyer of any property – whether it’s a single dwelling family home or land speculators. Developers should not get concessions that homeowners would not be able to get.

Why are churches in Civic Centre identified as Mix 2 use when churches in other areas of the city continue to have the institutional “I” use? If this cannot be changed to “I” use then it is critical that a site-specific clause be added to protect the existing building, such as . . . new use is only permitted within the existing building.

More items need to be included in Urban Design such as preserving boulevards and Victorian streetlights on Queen Street; incorporate this lighting feature into future streetlamps throughout the CCHCD.

**Current and Proposed Zoning**

Current Zoning – R-5, 127U
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

**Staff Response**

The Civic Centre and Victoria Park Secondary Plans are unique in that they encompass Heritage Conservation Districts. Low rise residential areas that are part of Heritage Conservation District Plan are proposed to be designated “Low Rise Residential Limited” regardless of whether they are located in a “Major Transit Station Area (MTSA)” or in a “Community Area”.

The recommendations in the Civic Centre Heritage Conservations District (CCHCD) Plan were first incorporated into the PARTS Central, approved by Council in of May 2016, and further
implemented into the Civic Centre Secondary Plan considered at the Statutory Public Meeting on December 9, 2019. The new Secondary Plan does not reduce the number of heritage properties previously listed on the City’s Municipal Heritage Register.

In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.

The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood.

The properties on the opposite side of the district, especially along Weber, Victoria, and Queen Streets, in particular were included in this 3D modelling exercise. The new relationships between FSR and maximum building heights and the required setbacks of medium to high-rise buildings from low-rise residential zone, that resulted from the modelling, will ensure development that is compatibility in massing and provide for an appropriate transition.

All new proposals must also meet the City’s recently approved Tall Building Guidelines to ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

The existing churches in the Civic Centre Secondary Plan are proposed to be designated and zoned Mixed Use instead of Institutional. The Institutional land use designation and zone are quite limiting in the types of other uses that can occupy and use the existing building on days when the church use is not. The Mixed Use land use designation and zone permit “institutional” uses in addition to compatible commercial and residential uses. The ability of the church to be able to share the space with other permitted uses during their “off times” will support the church use and their continued use of the church building. Planning staff have proposed a site-specific policy to state that the additional uses that are allowed in the Mixed Use zone are only permitted within the existing building.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specific provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 58 Ahrens Street West.

No other changes are recommended to be made to the Civic Centre Secondary Plan.

127. 192 Stirling Avenue South
Submission received December 10, 2019
I attended the meeting last night in regards to the zoning changes taking place however found myself more confused after the meeting. I live at 192 Stirling Ave S and all I want to know is if my house is affected in any way. We were about to start some renovations however have put this on hold until we get some kind of confirmation that our house will not be torn down. Can someone please advise what exactly is going to happen to our house if anything?

Current and Proposed Zoning
Current Zoning – R-5, 1R
Proposed Zoning – RES-3 (159) (160) with Flooding Hazard overlay
A comparable zone is proposed to be applied.

Staff Response
The new RES-3 zone in Zoning By-Law 2019-051 is the comparable zone to the existing R-5 zone in Zoning By-law 85-1. The existing 1R Site-Specific Provision indicates that a portion of the property is located within the floodway and that a permit from the GRCA may be required for any redevelopment of the subject property, is proposed to be replaced with a Flooding Hazard overlay. New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning and will not cause the existing house to be torn down. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 192 Stirling Avenue South.
Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

1) 926 – 936 King Street East
**Proposed Designation: Mixed Use – Specific Policy Area 3 (Mixed Use Medium to High Rise)**
- The proposed Mixed-Use –Special Policy Area 3 designation permits medium to high rise development with a maximum Floor Space Ratio (FSR) of 4.0 and a maximum building height of eight (8) storeys or 26 metres.
Proposed Zoning: MIX-3
• The proposed MIX-3 zoning permits a maximum FSR of 4 and a maximum building height of eight storeys.

Summary: We are supportive of the maximum FSR of 4.0 proposed in the Secondary Plan and CroZBy. However, in our opinion we feel that a maximum building height of 10 storeys would be more appropriate for this zoning category, and particularly this site. The site has a compact configuration and an increase in height will allow for the ability to achieve an FSR of 4.0 on the subject lands. A pre-consultation has been held for the proposed redevelopment of these lands with a concept that is 10 storeys and has an FSR of 4.0. The concept demonstrates that development at this height and density can be compatible with the adjacent established residential areas.

Therefore, we respectfully request consideration of increasing the maximum building height in the Medium to High Rise Mixed Use designation and MIX-3 zoning to 10 storeys in order provide more flexibility to achieve a maximum FSR of 4.0. This height associated with FSR of 4.0 is consistent with the current Mixed Use policy framework in the City’s Official Plan as well as other Secondary Plans in the City such as the Rosenberg Secondary Plan. Furthermore, the Urban Design policies in combination with the proposed new zoning provisions regarding transition to low-rise residential zones will ensure that proposed development in these areas can be sensitive and compatible to surrounding lower density uses.

Current and Proposed Zoning
Current Zoning - MU-2, 541R
Proposed Zoning – MIX-3
A comparable zone is proposed to be applied with a better correlated FSR to Building Height.

Staff Response
In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.

The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.
The results of this 3D modelling were reflected in the proposed policy revisions and zoning regulations for Mixed Use contained in the official plan and zoning by-amendments considered at the Statutory Public Meeting that was held on December 9, 2019.

A pre-submission meeting was held on September 19, 2019 to review the proposal for a multiple dwelling having 90 residential units with a proposed building height of 10 storeys, a FSR of 2.62, and a reduction in the required parking from 90 to 50 parking spaces.

Contrary to the submission, a 10 storey building height will not provide the flexibility of the property at 926-936 King Street East to achieve a FSR of 4.0. The concept plan, that was considered at the pre-submission in September of 2019, did not demonstrate that a 4.0 FSR could be achieved on the site by permitting a maximum building height of 10 storeys. In actual fact, the concept plan that was submitted suggests that in order to try and achieve a maximum FSR of 4.0 an incompatible building height and inappropriate transition from the adjacent low-rise residential neighbourhood, which is also cultural heritage landscape, would result.

All proposals must meet the City’s recently approved Tall Building Guidelines to ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

**Resolution**

No changes are recommended to the maximum permitted FSRs and building heights in the base MIX-3 Zone or to the land use designation and zoning proposed to be applied to 926-936 King Street East. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.
b) 206 and 210 Duke Street East, 46 and 50 Madison Avenue North

Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

2) 206 and 210 Duke Street East, 46 and 50 Madison Avenue North

Proposed Designation: Medium Rise Residential
• The proposed designation is Medium Rise Residential designation. It is our understanding that the applicable policies are the Medium Rise Residential policies in the Official Plan.

Proposed Zoning: RES-6
• The subject lands are proposed to be zoned Medium Rise Residential Six (RES-6) zoning, which corresponds to the Medium Rise Residential designation in the Official Plan. The RES-6 zone will primarily allow for cluster townhouses and multiple dwellings.
• The RES-6 zone will allow for a maximum of 8 storeys or 25 metres. The RES-6 zone also permits non-residential uses in mixed use buildings.

Summary: We are supportive of the proposed Medium Rise Residential designation and the RES-6 zoning and maximum height permission of 8 storeys. A pre-consultation has been held for these
lands to allow for the conversion of the lands to a residential zone in accordance with the uses and densities proposed in the draft Secondary Plan and zoning.

We feel that additional non-residential uses such as, but not limited to financial establishment, personal service, health office etc. should also be permitted in multiple dwellings in the RES-6 zone, similar to the RES-7 zone. We also do not see a need to regulate the minimum number of dwellings units, as this is already regulated in the permitted uses, for example a 3-4-unit cluster townhouse dwelling should be considered appropriate for the RES-6 zone.

**Current and Proposed Zoning (206 and 210 Duke Street)**
Current Zoning – R-7, 755R, 480U (Zoning By-law 2020-053)
Proposed Zoning – RES-6

**Current and Proposed Zoning (46 and 50 Madison Avenue)**
Current Zoning – R-7
Proposed Zoning – RES-6

**Staff Response**
The uses and regulations in the base RES Zones are not within the scope of the NPR Project. The base RES Zones, which includes the permitted uses and regulations, were endorsed by Council in October 2019 in order to be able to be applied to properties in the Secondary Plan areas. The by-law to adopt the base RES Zones was given two readings by Council and will be given further consideration now that the appeals of Zoning By-law 2019-051 are resolved.

Since the December 10th submission, the owner made application for a Zoning By-law Amendment (ZBA20/001/D/GS) to facilitate a redevelopment of the lands municipally addressed as 206 and 210 Duke Street East. It was approved by Zoning By-law 2020-053. This approval will be reflected in the updated King Street East Secondary Plan.

Zoning By-law Amendment Application ZBA20/001/D/GS did not apply to the lands addressed as 46 and 50 Madison Avenue. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

**Resolution**
No changes are recommended to base RES-6 Zone or to the land use designation and zoning proposed to be applied to 46 and 50 Madison Avenue North. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

The new zoning of the properties addressed as 206 and 210 Duke Street East, by Zoning By-law 2020-053, will be reflected in the updated King Street East Secondary Plan.
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan policies/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

3) 332 Charles Street East

Proposed Designation: Mixed Use

- The subject lands are designated in the draft secondary plan as Mixed Use. It is our understanding that the applicable policies are the Mixed Use policies in the Official Plan.

Proposed Zoning: MIX-4

- The lands are proposed to be zoned MIX-4. The MIX-4 zone has a maximum FSR permission of 5.0, and no maximum height unless in proximity of a low-rise residential zone.

Summary: We are supportive of the Mixed Use designation and MIX-4 zoning for the subject lands. However, we request that the City consider revising the policies in the Secondary Plan and Official Plan to increase the maximum FSR in the Mixed Use designation to an FSR of at least 8.0.
This is in recognition of the fact that bonusing provisions are no longer contemplated in the Official Plan given the recent changes in the Planning Act, and the fact that Regional and provincial plans encourage intensification within Major Transit Station Areas in order to support public transit. The areas identified as Mixed Use, particularly those located in close proximity to ION stations, represent a limited opportunity within an MTSA accommodate higher densities. As a result, the policies in the Official Plan and Secondary Plans should encouraging higher densities.

All proposals must meet the City’s recently approved Tall Building Guidelines to ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

**Current and Proposed Zoning**

Current Zoning – MU-3, 4.0 FSR, 544R – FSR may be increased to 5.0 with a food store
Proposed Zoning – MIX-4
A comparable zone is proposed to be applied with an increased FSR.

**Staff Response**

During the preparation of the PARTS Central Plan, Planning staff determined that the existing maximum FSR of 4.0 in the MU Zones would be sufficient to achieve an appropriate level of intensification in the MTSA to support public transit.

As mentioned in previous responses, 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. With respect to the MIX-4 Zone, it was recommended that the maximum FSR be 5.0. This FSR permission will more than achieve the minimum density target of 160 residents/jobs per hectare that is required by Provincial policy in our MTSA.

An as of right-of-way site-specific FSR of 8.0 is not appropriate for the subject property. The property owner is advised to submit site-specific planning applications to facilitate a proposal in excess of a 5.0 FSR.

**Resolution**

No changes are recommended to the maximum permitted FSR in the base MIX-4 Zone or to the land use designation and zoning proposed to be applied to 332 Charles Street East. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

4) 388 King Street East

**Proposed Designation: Mixed Use – Specific Policy Area 3 (Mixed Use Medium to High Rise)**
- The proposed Mixed-Use –Special Policy Area 3 designation permits medium to high rise development with a maximum Floor Space Ratio (FSR) of 4.0 and a maximum building height of eight (8) storeys or 26 metres.

**Proposed Zoning: MIX-3**
- The proposed MIX-3 zoning permits a maximum FSR of 4.0 and a maximum building height of eight (8) storeys.

**Summary:** We are supportive of the Mixed Use – Specific Policy Area 3 and the MIX-3 designation for the subject lands. However, as noted above, we would request consideration of an adjustment to the maximum building height in this zoning category.
Current and Proposed Zoning
Current Zoning – MU-2, 4.0 FSR, 24 metres building height
Proposed Zoning – MIX-3, 4.0 FSR, 26 metres/8 storeys building height
A comparable zone is proposed to be applied with a better correlated FSR to Building Height.

Staff Response
As mentioned in previous responses, 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height.

In the case of the MU-2 and comparable MIX-3 zone, the maximum permitted building height was recommended to be increased from 24 to 26 metres. No further changes are warranted or recommended.

All proposals must meet the City’s recently approved Tall Building Guidelines to ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

Resolution
No changes are recommended to the maximum permitted building height in the MIX-3 Zone or to the land use designation and zoning proposed to be applied to 388 King Street East. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.
Submission received December 10, 2019

We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan policies/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

5) 967-1051 King Street East

Proposed Designation: Mixed Use

- The subject lands are designated in the draft secondary plan as Mixed Use.

Proposed Zoning: MIX-4

- The lands are proposed to be zoned MIX-4. The MIX-4 zone has a maximum FSR permission of 5.0, and no maximum height unless in proximity of a low-rise residential zone.

Summary: We are supportive of the proposed Mixed Use designation and MIX-4 zone, as these are in keeping with the existing land use permissions for the subject lands. However, as noted above, we respectfully request that the Mixed Use policies allow for a maximum FSR of 8.0.

Current and Proposed Zoning

Current Zoning – MU-3, 4.0 FSR, 544R – FSR may be increased to 5.0 with a food store
Proposed Zoning – MIX-4
A comparable zone is proposed to be applied with an increased FSR.

Staff Response
During the preparation of the PARTS Rockway Plan, Planning staff determined that the existing maximum FSR of 4.0 in the MU Zones would be sufficient to achieve an appropriate level of intensification in the MTSAs to support public transit.

As mentioned in previous responses, 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. With respect to the MIX-4 Zone, it was recommended that the maximum FSR be 5.0. This FSR permission will more than achieve the minimum density target of 160 residents/jobs per hectare that is required by Provincial policy in our MTSAs.

An as of right-of-way site-specific FSR of 8.0 is not appropriate for the subject properties. The property owner is advised to submit site-specific planning applications to facilitate a proposal in excess of a 5.0 FSR.

All proposals must meet the City’s recently approved Tall Building Guidelines to ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

Resolution
No changes are recommended to the maximum permitted FSR in the base MIX-4 Zone or to the land use designation and zoning proposed to be applied to 967-1051 King Street East. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

6) 29 Brick Street

**Proposed Designation: Medium Rise Residential**
- The proposed designation is Medium Rise Residential designation. It is our understanding that the applicable policies are the Medium Rise Residential policies in the Official Plan.

**Proposed Zoning: RES-6**
- Permits a maximum FSR of 2.0 and a maximum height of 25 metres/8 storeys.

**Summary: We are supportive** of the proposed Medium Rise designation and RES-6 zone, as these are in keeping with the existing land use permissions for the subject lands.

**Current and Proposed Zoning**
- Current Zoning – R-8
- Proposed Zoning – RES-6
- A comparable zone is proposed to be applied.
Staff Response
It is noted that the proposed land use designation and zoning to be applied to the subject property is supported as noted in the submission received on December 10, 2019.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 29 Brick Street.

g) 44 Weber Street West and 96 Young Street

Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan policies/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

7) 44 Weber Street West and 96 Young Street
**Proposed Designation: Mixed Use – Specific Policy Area 3 (Mixed Use Medium to High Rise)**
- The proposed Mixed-Use –Special Policy Area 3 designation permits medium to high rise development with a maximum Floor Space Ratio (FSR) of 4.0 and a maximum building height of eight (8) storeys or 26 metres.
Proposed Zoning: MIX-3
• The proposed MIX-3 zoning permits a maximum FSR of 4.0 and a maximum building height of eight (8) storeys.

Summary: We are supportive of the Mixed Use designation; however, we would also request that MIX-4 be considered for the subject lands.

Current and Proposed Zoning
Current Zoning – CR-3, 4.0 FSR
Proposed Zoning – MIX-3, 4.0 FSR, 26 metres/8 storeys building height
A comparable zone is proposed to be applied with a new maximum building height.

Staff Response
The recommendations of the Civic Centre Heritage Conservation District Plan were reflected in the Council approved PARTS Central Plan and have been implemented in the updated Civic Centre Secondary Plan. The land use categories and regulations that were recommended in PARTS and applied in the Secondary Plan were applied to balance opportunities for growth and development where appropriate, while respecting heritage conservation objectives and minimizing potential impacts on designated heritage properties.

“The High Density Commercial Residential designation, located on Weber Street and extending slightly into College and Young Streets has the potential to be in conflict with the intent of the heritage conservation district plan. Similar to Victoria Street, this designation is identified in the Municipal Plan as one intended to recognize the area’s proximity to downtown and primary roads. Zoning in this area is generally CR-3, permitting a range of residential, commercial, office and service uses, with a floor space ratio of 4 and no height restrictions. Potential infill or redevelopment along Weber Street could have a negative impact on the heritage character of the area if not undertaken in a sensitive manner, particularly as this street contains nearly half of the oldest buildings in the District.”

As mentioned in previous responses, 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. The modelling also assisting in determining the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise residential neighbourhood. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and high-rise developments are compatible in height with adjacent development and also ensure an appropriate transition in building height to existing established low-rise residential neighbourhoods.
The results of this 3D modelling were reflected in the proposed policy revisions and zoning regulations for Mixed Use contained in the official plan and zoning by-amendments considered at the Statutory Public Meeting that was held on December 9, 2019.

With respect to the subject properties a similar land use designation and zone category is proposed to be applied. The zone category will now have a maximum building height regulation which is in keeping with the recommendations resulting from the 3D modelling work. It will also implement the recommendations contained in the Civic Centre Heritage Conservation District Plan for the land on this side of Weber Street West.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 44 Weber Street West and 96 Young Street. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

h) 64 Margaret Street

Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing
zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

8) 64 Margaret Street

Proposed Designation: Mixed Use Corridor – Medium Rise and Low Rise Residential Limited
- The Mixed Use Medium Rise designation allows an FSR up to 3.0 and a maximum height 4 storeys or 14 metres. The Low Rise Residential Limited designation contemplates low density housing types i.e. single detached dwellings, semi-detached dwellings etc. and applies to areas of the City where the intent is to retain and / or maintain existing built form and streetscape character in established neighborhoods.

Proposed Zoning: MIX-2, RES-3
- The MIX-2 zone intends to permit a variety of uses within mixed use buildings / developments at a medium density. The RES-3 zone contemplates low rise residential dwellings including detached dwellings, semi-detached dwellings etc., with a maximum height permission of 11 metres.

Summary: We are supportive of the Mixed Use Corridor – Medium Rise designation and MIX-2 zoning for the portion of the site fronting onto Victoria Street North. However, we would request that this portion of the site be permitted to have a maximum permitted building height of 8 storeys. This would correspond with the requested increase in the building height of the MIX-3 zone to 10 storeys, as noted above. Furthermore, this requested height increase would recognize the increased building height that was previously approved for this site through a minor variance.

Furthermore, we are not supportive of the Low Rise Residential Limited designation and RES-3 zoning for the portion of the site fronting Margaret Ave. These lands form part of the same property fronting Victoria Street North, have received site plan approval (SP17/022/M/GS) for a 6-storey apartment fronting Victoria Street North and a two and a half storey 17-unit multiple residential dwelling fronting Margaret Avenue. We would request that this portion of the lands be designated and zoned similar to the portion of the lands fronting Victoria Street North to recognize the existing approvals currently in place.

Current and Proposed Zoning
Current Zoning – MU-1, 167U, 561R
Proposed Zoning – RES-3 (159) (161)

Staff Response
Planning Staff will review the approvals that given for SP17/022/M/GS and reflect these in a future OPA/ZBA for the Civic Centre Secondary Plan.

Resolution
Planning Staff will review the approvals that given for SP17/022/M/GS and reflect these in a future OPA/ZBA for the Civic Centre Secondary Plan.
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

9) 153 Queen Street North
Proposed Designation: Low Rise Residential Limited
• The Low Rise Residential Limited designation contemplates low density housing types i.e. single detached dwellings, semi-detached dwellings etc. and applies to areas of the City where the intent is to retain and/or maintain existing built form and streetscape character in established neighborhoods.

Proposed Zoning: RES-3
• The RES-3 zone contemplates low rise residential dwellings including detached dwellings, semi-detached dwellings etc., with a maximum height permission of 11 metres.

Summary: We are not supportive of the Low Rise Residential Limited designation or the proposed RES-3 zoning. These land use permissions are not in keeping with the existing permissions for the site. The site is currently designated ‘Medium Density Multiple Residential’
and zoned R-8. We would request that the existing permissions for the subject lands be carried forward in the Secondary Plan and CROZBy.

**Current and Proposed Zoning**
- **Current Zoning – R-8**
- **Proposed Zoning – RES-3 (159) (160)**
- Proposed to rezone from Medium to Low Rise Residential.

**Staff Response**
The Civic Centre Heritage Conservation District Plan, which was approved in 2007, made several recommendations with respect to land use and zoning in order to implement the Plan and protect and conserve the cultural heritage significance of the neighbourhood.

The following, on page 4.3 of the Civic Centre Heritage Conservation District Plan, recommended that the properties on Queen Street be designated and zoned “Low Rise Residential” instead of for Medium Density Multiple Residential and R-8.

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**Medium Density Multiple Residential Designation – Queen Street**

Seven properties fronting on the east side of Queen Street (139-143 Queen Street and 153-165 Queen Street) still retain their original structures, but are designated as Medium Density Multiple Residential with associated zoning that permits multiple dwellings up to 24 metres (approximately 8 storeys) in height. These seven properties, located between or in front of previously redeveloped medium-high rise apartment buildings, contain buildings of considerable architectural and/or historical merit, with five of them being ranked as ‘A’ and ‘B’ buildings. They continue to contribute significantly to the overall streetscape and heritage character of Queen Street and the district as a whole, being located on one of its most important and traveled internal street corridors. It is recommended that consideration be given to changing the designation of these seven properties from Medium Density Multiple Residential to Low Rise Residential Preservation, consistent with the properties located at 181-189 Queen Street. This would give greater protection to these structures and recognize their importance to the District.

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The recommendations of the Civic Centre Heritage Conservation District Plan were reflected in the Council approved PARTS Central Plan and have been implemented in the updated Civic Centre Secondary Plan. The land use categories and regulations that were recommended in PARTS and applied in the Secondary Plan were applied to balance opportunities for growth and development where appropriate, while respecting heritage conservation objectives and minimizing potential impacts on designated heritage properties.

**New Site-Specific Provision (159)** requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. These provisions are being
applied to protect the character of the streetscape and the character of the Civic Centre Heritage Conservation District Plan.

**Resolution**
No changes are recommended to be made to the land use designation and zone category proposed to be applied to 153 Queen Street North. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

**j) 15 Cedar Street North**

Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.
10) 15 Cedar Street North

Proposed Designation: Mixed Use – Specific Policy Area 3 (Mixed Use Medium to High Rise)
• The proposed Mixed-Use –Special Policy Area 3 designation permits medium to high rise development with a maximum Floor Space Ratio (FSR) of 4.0 and a maximum building height of eight (8) storeys or 26 metres.

Proposed Zoning: MIX-3
• The proposed MIX-3 zoning permits a maximum FSR of 4.0 and a maximum building height of eight (8) storeys.

Summary: We are supportive of the Mixed Use – Specific Policy Area 3 and MIX-3 zone; however, as previously noted we would request that the maximum building height permission be increased to 8 storeys to allow for the development to achieve the permitted maximum FSR of 4.0.

Current and Proposed Zoning
Current Zoning – MU-2, 15H, 4.0 FSR, 24 metres building height
Proposed Zoning – MIX-3, 4.0 FSR, 26 metres/8 storeys building height
A comparable zone is proposed to be applied with a better correlated FSR to Building Height.

Staff Response
As mentioned in previous responses, 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height.

In the case of the MU-2 and comparable MIX-3 zone, the maximum permitted building height was recommended to be increased from 24 to 26 metres/8 storeys. The maximum permitted building height has been increased 2 metres to provide some flexibility in achieving an 8-storey building.

Resolution
No changes are recommended to the maximum permitted building height in the MIX-3 Zone or to the proposed land use designation and zoning. A similar land use designation and zone category, to what currently exists now, is proposed to be applied to 15 Cedar Street North.
Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

11) 60-66 Church Street

Proposed Designation: Low Rise Residential Limited, Low Rise Residential and Medium Rise Residential

- The Low Rise designations contemplate low density housing types i.e. single detached dwellings, semi-detached dwellings etc. It is our understanding that the applicable policies for the Medium Rise Residential designation are the Medium Rise Residential policies in the Official Plan.

Proposed Zoning: RES-3, RES-5, RES-6

- These zones allow for a range of low-rise residential dwellings. Only the RES-6 zone contemplates multiple dwellings, with a maximum FSR of 2.0 and a maximum building height of 25 metres / 8 storeys.
Summary: We are not supportive of the proposed designations and zoning. The subject lands are currently designated High Density Multiple Residential and zoned R-9, which permits high-rise, multiple residential uses. Furthermore, this site is located in close proximity of the Urban Growth Centre (UGC) and LRT corridor and is an ideal location for transit supportive intensification. The proposed designation and zone remove the existing land use planning permissions. We would request that the existing permissions for the subject lands be carried forward in the Secondary Plan and CRoZBy.

Current and Proposed Zoning (60 and 64 Church Street)
Current Zoning – R-9, 136R
Proposed Zoning – RES-5

Current and Proposed Zoning (66 Church Street)
Current Zoning – R-9, 136R
Proposed Zoning – RES-3 (159)

Staff Response
In the preparation of the new Cedar Hill and Schneider Creek Secondary Plan, further consideration was given to the land use categories and regulations that were recommended in PARTS Central Plan in order to balance opportunities for growth and development where appropriate, while respecting the Cultural Heritage Landscape (CHL) that had been identified in the neighbourhood.

The intersection of Benton and Church Street is identified as a “Gateway” and the property addressed as 60-64 Church Street is identified as being located adjacent to a listed property (cultural heritage resource).
It was determined that ‘new’ high rise/density development is not appropriate in this location. Accordingly it was recommended that the property addressed as 60-64 Church Street be zoned new RES-5 which would permit the highest intensity of low rise residential uses up to a maximum Floor Space Ratio of 1.0 and that the property addressed as 66 Church Street be zoned new RES-3 to reflect the existing single detached dwelling use and would also allow additional dwelling units, attached and detached.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. This property is proposed to have the additional requirement to regulate the location of attached/detached parking structures to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made to the land use designation and zone category proposed to be applied to 60-66 Church Street. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.
Submission received December 10, 2019

We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan policies/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

12) 17 and 23 Louisa Street

**Proposed Designation: Low Rise Residential Limited**

- The Low Rise Residential Limited designation contemplates low density housing types i.e. single detached dwellings, semi-detached dwellings etc. and applies to areas of the City where the intent is to retain and / or maintain existing built form and streetscape character in established neighborhoods.

**Proposed Zoning: RES-3**

- The RES-3 zone contemplates low rise residential dwellings including detached dwellings, semi-detached dwellings etc., with a maximum height permission of 11 metres.

**Summary:** We are not supportive of the Low Rise Residential Limited designation or the proposed RES-3 zoning. These land use permissions are not in keeping with the existing permissions for the site. The site is currently designated Mixed Use with a Special Policy Area and
zoned MU-2. We would request that the existing permissions for the subject lands be carried forward in the Secondary Plan and CRoZBy.

**Current and Proposed Zoning**

Current Zoning – MU-2, 401U, 6H
Proposed Zoning – RES-3 (159) (160)

**Staff Response**

The existing Holding Symbol, 6H, requires that the lands must be consolidated with lands fronting King Street West and a site plan has been approved, including appropriate buffering measures, in order to be developed with MU-2 uses.

A residential only land use designation and zoning were recommended for these 2 properties to focus commercial uses to the properties with frontage on King Street. Given the existing lot fabric, the permission of commercial uses on these 2 properties could facilitate the extension of commercial uses, mixed use, further into the neighbourhood along Louisa Street.

Upon further review, the property at 17 Louisa Street appears to be developed with a multiple residential building having 1 dwelling units and 23 Louisa Street also appears to be developed with a multiple residential building having an undetermined number of dwelling units. Both multiple residential buildings are not higher than 3 storeys in height. Accordingly, it is recommended that these 2 properties are designated and zoned to permit low rise multiple residential development to recognize the existing uses and facilitate appropriate intensification as such.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction are proposed to enhance and protect the character of the streetscape.

**Resolution**

It is recommended that a "Low Rise Residential" land use designation and a "RES-5" zone category be applied to the properties addressed as 17 and 23 Louisa Street.

Staff will review the zoning for 690 King Street West to ensure that the entirety of the property is zoned MIX-2 (should extend to 24 Louisa Street).
Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

13) 80, 84, 86 Union Boulevard, 571 York Street
Proposed Designation: Low Rise Residential
- The Low Rise designations contemplate low density housing types i.e. single detached dwellings, semi-detached dwellings etc.

Proposed Zoning: RES-5
- The purpose of this zone is to accommodate the widest range of low-density dwelling types on the widest range of lot sizes in low rise areas. The maximum permitted building height is 11 metres / 3 storeys.

Summary: We are not supportive of the proposed designation and zoning. The existing zoning is R-7, which allows for a maximum building height of 24 metres. We would request that the existing permissions for the subject lands be carried forward in the Secondary Plan and CRoZBy, and believe the RES-6 zone is more appropriate and maintains the exiting land use permissions for the site. Further, the subject lands are already developed with an apartment dwelling containing 22 units.
Current and Proposed Zoning
Current Zoning – R-7, 1.0 FSR, 24 metres building height
Proposed Zoning – RES-5, 0.6 FSR, 11 metres building height

Staff Response
The existing R-7 zone in Zoning By-law 85-1 permits a variety of residential uses from a single detached dwelling to a multiple residential dwelling with a maximum FSR of 1.0 and a maximum building height of up to 24 metres. The only non-residential uses that are currently permitted are those that are within the scope and permissions of a home business. Through the 3D modelling work it was determined that the FSR and building heights in the R-7 did not correlate well with each other. The R-7 zone was intended to permit a built form between low and medium rise in density but the locations of these properties in predominantly low-rise residential areas and fit of regulations were not appropriate.

The RIENS Study noted that there were some residential areas in the Study Area that were zoned R-6 and R-7 but that the majority of these properties contained single-detached dwellings and some low-rise multiple dwellings. Based on the character of these neighbourhoods and the predominance of single-detached dwellings, it was recommended that these areas be reviewed to determine whether or not the zoning continues to be appropriate.

With the exception of 92 Union Boulevard, the properties at 571 York Street and 80-98 Union Boulevard are all developed with multiple residential buildings, containing more than 7 dwelling units, not more than 4 storeys in height.

In the case of these properties, based on their existing use as multiple residential dwellings, it would seem appropriate to consider a Medium Rise Residential and RES-6 zone category from 571 York Street to the property at the corner of the Iron Horse Trail and Esson Street.

The properties are part of the Westmount East and West Cultural Heritage Landscape identified in the 2014 Cultural Heritage Study and are proposed to be considered and studied further at a later date.

Heritage Planning Staff have no concerns with the revising the land use designation to “Medium Rise Residential” and the zone category to “RES-6” as this reflects the existing permissions. 80-86 Union Blvd/571 York Street are also “listed” properties on the Municipal Heritage Register. Therefore, any redevelopment proposal on these lands would require submission of a Heritage Impact Assessment.
Resolution
It is recommended that a “Medium Rise Residential” land use designation and a “RES-6” zone category be applied to the properties addressed as 80, 84, 86 Union Boulevard, 571 York Street.

n) 69 Agnes Street

Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan polices/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

14) 69 Agnes Street

Proposed Designation: Mixed Use – Specific Policy Area 3 (Mixed Use Medium to High Rise)
- The proposed Mixed-Use –Specific Policy Area 3 designation permits medium to high rise development with a maximum Floor Space Ratio (FSR) of 4.0 and a maximum building height of eight (8) storeys or 26 metres.

Proposed Zoning: MIX-3
- The proposed MIX-3 zoning permits a maximum FSR of 4.0 and a maximum building height of eight (8) storeys.

Summary: While we are supportive of these lands being included in the Midtown Secondary Plan, as well as the proposed designation and zoning categories, to recognize that these lands are in a transition area, from employment to a range and mix of uses. However, we feel that MIX-
4 zoning would be appropriate for all, or a portion of the site to be in keeping with the lands to the east, and to allow for future redevelopment of these lands. Ensuring compatibility with the surrounding low-rise residential uses could be achieved through site and building design.

**Current and Proposed Zoning**
Current Zoning – M-2
Proposed Zoning – MIX-3

**Staff Response**
The proposed site at 69 Agnes Street is proposed to be zoned MIX-3. The property owner has requested consideration of a MIX-4 zoning.

In comparing the MIX-3 and MIX-4 zones, the MIX-3 has a maximum Floor Space Ratio of 4.0 and the MIX-4 zone has maximum Floor Space Ratio of 5.0. Another difference between the zones is that the MIX-3 zone has a maximum Building Height of 26 metres or 8 storeys, whichever is the greater, and the MIX-4 does not specify a maximum height limit, leaving it to the setbacks and FSR maximum to regulate the overall massing.

The PARTS Central Plan recommended that this property be designated a medium density mixed use and lower than high density mixed use of the adjacent property at 77 Wellington Street South, given its size and proximity to the low rise residential neighbourhood and shadow impacts of development greater than 8 storeys in height.

As mentioned in previous responses, 3D modelling was done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height.

In performing this modelling, staff modelled some site-specific properties including the subject site and the adjacent site at 77 Wellington Street South in response to neighbourhood feedback heard at the Open House for the Midtown Secondary Plan. The modelling confirmed the recommendations of the PARTS Central Plan and that a MIX-3 zone category, with a 4.0 maximum FSR and a maximum building height of 26 metres or 8 storeys is appropriate for this site.

Planning staff also propose to add a policy to require a Holding provision for lands currently designated for industrial uses proposed to be redesignated to permit sensitive uses, such as residential uses.

**Resolution**
No changes are recommended to be made to the land use designation and zone category proposed to be applied to 69 Agnes Street. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.
Planning staff also propose to add a policy to require a Holding provision for lands currently designated for industrial uses proposed to be redesignated to permit sensitive uses, such as residential uses.

o) General – FSR and Building Heights

Submission received December 10, 2019
We are writing on behalf of our client, ‘Deleted Name’, regarding the proposed Secondary Plan land use designations and draft zoning provisions as it relates to various lands that our client has interests in. We have reviewed the draft Secondary Plan policies/designations and implementing zoning by-law as it relates to our client’s lands in the various Secondary Plan areas and offer the following comments for your consideration.

15) General Comments
In addition to the above Site-Specific comments, we would appreciate if Staff could confirm that lands that have been previously zoned as MIX-2 and MIX-3 through Stage 1 of CRoZBy, will be re-evaluated to allow for lands to be zoned MIX-3 and MIX-4, which would be in keeping with the proposed changes to the Secondary/Official Plan policies and zoning.

We would also request that consideration be given to adjusting the height and densities of the MIX zones as follows:

MIX-1, Max FSR 2.0, Max Bldg. Height 6 storeys
MIX-2, Max FSR 3.0, Max Bldg. Height 8 storeys
MIX-3, Max FSR 4.0, Max Bldg. Height 10 storeys
MIX-4, Max FSR 8.0, Max Bldg. Height Unlimited

Prior to the recent changes to the Planning Act, it was anticipated that the increase in density for the Mixed Use designation/ MIX-4 zones, (4.0 FSR to 8.0 FSR) would be achieved through bonusing provisions. However, since the recent changes to the Planning Act, there is no ability to increase density through bonusing. We believe that the increase height permissions will allow for the ability to achieve the maximum permitted densities.

We understand and support the City's desire to have increased intensification within Major Transit Station Areas. A maximum density of 8.0 FSR in Mixed Use areas would provide an opportunity to achieve appropriate transit supportive development. Due to the current location of stable low-rise neighbourhoods in proximity of the LRT line, as well as the removal of the bonusing provision, there are limited opportunities in achieving appropriate densities within Secondary Plan Areas as contemplated by the Regional Official Plan and the province’s Growth Plan.

As such, the consideration for a density of 8.0 FSR within the Mixed-Use designation, particularly within a Major Transit Station Area, would allow for greater opportunities to provide for a mix of uses within these areas, and contribute to greater opportunities for intensive transit supportive development. In our view, the maximum density of 5.0 FSR will lead to the underdevelopment of the lands given that the City no longer has the ability to allow for greater density through the bonusing provisions of Section 37 of the Planning Act. Therefore, we recommend that the
Secondary Plan and Official Plan policies apply density levels of 8.0 FSR for Mixed Use sites that are appropriately located in close proximity to a transit station and are capable of accommodating this level of intensification.

We also feel that the ‘Mixed Use Medium to High Rise’ designation category, should be considered for increased height permissions from 8 storeys / 26 metres to 10 storeys / 32.5 metres to allow for the development of these lands to achieve their full development potential and maximum FSR.

Thank you for the opportunity to provide comments on the draft Secondary Plans and CRoZBy zoning. We would appreciate the opportunity to meet with you to further review our comment and concerns. Please contact he undersigned if you have any questions or wish to discuss further.

Staff Response
In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.

The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood.

As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa. The FSRs and Maximum Building Heights in the MIX base zones are proposed to be amended as follows:

MIX-1 - Floor Space Ratio (FSR) to increase from 1.0 to 2.0
MIX-1 - Building Height to remain at 4 storeys or 14 metres

MIX-2 - Floor Space Ratio (FSR) to increase from 2.0 to 3.0
MIX-2 - Building Height to decrease to 6 storeys, 20 metres from 8 storeys, 25 metres

MIX-3 - Floor Space Ratio (FSR) to increase from 2.0 to 4.0
MIX-3 - Building Height to decrease to 8 storeys, 26 metres from 10 storeys, 32 metres

New MIX-4 - Floor Space Ratio (FSR) 5.0
New MIX-4 - No Building Height regulation

What Planning Staff were finding is that when a property had a maximum FSR and building height that did not correlate, the development would meet one zoning requirement first, and put forward that they could exceed this zoning requirement because the other zoning requirement had not been met. Both FSR and Maximum Building Height were meant to work together, and this was not happening. The miscorrelation was being taken as an interpretation that one of the
zoning requirements could be exceeded if the other zoning requirement had not been maxed out. For example, if the maximum FSR of a property was 4.0 and the maximum building height was 10 storeys, a proposal for a development having a FSR of 6.0 would be put forward because the maximum building height on the site was 10 storeys.

The fact that the MIX-4 zone does not have a maximum building height is being put forward in the submissions, by both the development industry and the community, that this means this zone has “unlimited” height. It does not. A development’s maximum building height in the MIX-4 zone would be limited by the amount of building floor area that would be permitted by the lot area and the arrangement of this building floor area on the lot based on the MIX-4’s setback requirements from lot lines, including the setbacks from low rise residential zones. No maximum building height in the MIX-4 zone does not mean unlimited height and that an FSR of 8.0, 10, or 12.0 is justified and appropriate

Recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and high-rise developments are compatible in height with adjacent development and also ensure an appropriate transition in building height to existing established low-rise residential neighbourhoods. The recommended setbacks from a low-rise residential zone, to be incorporated into the MIX base zones, are as follows:

(2) The maximum building height shall not exceed:
   a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
   b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

The results of this 3D modelling were reflected in the proposed policy revisions and zoning regulations for Mixed Use contained in the official plan and zoning by-amendments considered at the Statutory Public Meeting that was held on December 9, 2019.

The properties that were zoned MIX-2 and MIX-3 through Stage 1 of CRoZBy are not within and part of the scope of the Neighbourhood Planning Review Project and will not be re-evaluated to be zoned MIX-3 and MIX-4. Although the NPR Project is recommending revisions to the base MIX zones, which will affect properties that were zoned as part of Stage 1 of CRoZBy, the changes are necessary to better correlate Floor Space Ratio with building height. This improved correlation will facilitate the appropriate development of these properties and enable better transitions within and adjacent to lower rise developments. The intent of the recommended changes to the base MIX zones is to achieve better development and not to increase the development potential of properties outside of MTSAs and the NPR Project.

The submission indicates “it was anticipated that the increase in density for the Mixed Use designation/ MIX-4 zones, (4.0 FSR to 8.0 FSR) would be achieved through bonusing provisions”; “given that the City no longer has the ability to allow for greater density through the bonusing provisions of Section 37 of the Planning Act…. we recommend that the Secondary Plan and Official Plan policies apply density levels of 8.0 FSR for Mixed Use sites that are appropriately
located in close proximity to a transit station and are capable of accommodating this level of intensification.” Planning staff are unsure why it was anticipated that the FSR of Mixed Use properties outside of the Urban Growth Centre would have been permitted an as of right FSR of 8.0 with Bonusing. There was no communication/presentation of information at the Open Houses to indicate this was being considered. Planning Staff had been contemplating a maximum FSR of 6.0 for MIX-4 properties but after completing the additional modeling work, it was determined that a 6.0 FSR would not result in an appropriate development for a majority of the properties proposed to be zoned MIX-4. It would be more appropriate to consider site-specific applications wherein the justification could be provided to demonstrate the proposed development, higher than a 5.0 FSR, is compatible and an appropriate development for the subject lands.

Resolution
Based on the extensive 3D modelling that has been completed, Planning staff are of the opinion that the resultant changes to the based MIX zones are appropriate as they better correlate FSR with building height and will facilitate an appropriate transition to low rise development. No further changes, to the base MIX zones, are recommended. Property owners are advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.
Hello ‘Deleted Name’,

According to 'map 14 Proposal Land Use' in the Cedar Hills and Schneider Creek secondary plan, the new zoning indicates Houses 66 and 70 Madison Ave. S. as well as houses 166, 162 and 158 Church St. are zoned to remain as low rise residential. We would like to see these properties in line with the new Proposed zoning changes to the neighbouring properties to be medium density residential.

We, the residents of these homes and neighbouring homes in this area, feel it would make more visual sense as well as allow the city to meet its target to increase intensification. Yes, there is visual appeal to having the heritage look with the low rise homes however, with the new medium rise condominiums at 67-79 Madison Ave S, underway and potential high density at 40-62 Madison Ave S being high density, the original proposal of medium density would make more sense. Also, the shadows from the larger buildings could pose as a problem being as these few homes would be in the center of the higher density newer looking buildings and on the corner in between all of the higher density. Please make these considerations when finalizing the plan.

Thank you!
Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)

Staff Response
The PARTS Central Plan which was approved in May of 2016 recommended that the properties addressed as 152-166 Church Street and 66 and 70 Madison Avenue South, on the westerly side of Church Street, and the properties addressed as 146-159 Church Street and 90 Madison Avenue South, on the easterly side of Church Street, be designated for medium density residential uses.

Upon further review of the area with respect to the Cultural Heritage Landscape (CHL) and additional 3D modelling work, Planning Staff suggested some changes to the recommendations of the PARTS Central Plan in its application to the Secondary Plan. With respect to the subject properties, it was felt that a medium density land use designation would have the potential to further intrude and negatively impact the Church Street streetscape.

There is not a consistent and unique built form in this location in and around the intersection of Church Street and Madison Avenue South. With the existing multiple residential dwelling located at 159 Church Street and the proposed Medium Rise Residential designation proposed for the majority of properties located on Madison Avenue South, the extension and application of the Medium Rise Residential land use designation to these properties would be appropriate. It would allow Madison Avenue South to develop with a consistent medium rise-built form and provide a moderate intensification opportunity to support the Kitchener Market ION stop.

To balance both the recommendations and objectives of the PARTS Central Plan with the protection of the CHL and the Church Street streetscape, the Medium Rise Residential land use designation could be considered to be extended to the properties addressed as 66 and 70 Madison Avenue South, 158-166 Church Street, and additionally the properties located across the street, addressed as 151-159 Church Street and 90 Madison Avenue South.

Resolution
It is recommended that the properties addressed as 66 and 70 Madison Avenue South, 158-166 Church Street, and additionally the properties located across the street, addressed as 151-159 Church Street and 90 Madison Avenue South be designated “Medium Rise Residential” and zoned “RES-6”.

130. 744-746 Queen Street South
Submission received December 5, 2019
My husband and I are the property owners of 16 Homewood Ave., located in the Victoria Park Neighbourhood. In response to your call for feedback on the proposed land use designation and zoning for my neighborhood, I would like to raise our concerns about the proposed zoning of Com-1: Local Commercial for 744 Queen Street South, the property at the south-west corner of Brock and Queen Street. Among the proposed permitted uses for Com-1 are Gas Station and Propane Retail Outlet. I object to these two uses being permitted at 744 Queen Street South because of the potential environmental impacts of such uses on neighbouring properties (RES - 3) on Brock Street, Queen Street and Homewood Ave; and the property's proximity to the nearby waterway/floodway/flood fringe. The local traffic conditions do not support such uses at this particular property because it is near a busy intersection (Highland and Queen) where there is a right turn lane. Frequent traffic coming on and off the property would be unsafe and compete with the right turning vehicles. In terms of compatibility, a gas station or a propane retail outlet would be very incompatible with the Victorian style family homes in the immediate area.

We request that gas station and propane retail outlet be excluded from the list of permitted uses at 744 Queen Street South.

We look forward to your response.
Current and Proposed Zoning
Current Zoning – R-6, 278U, 325R
Proposed Zoning – COM-1 (174)

Staff Response
The property at 744-746 Queen Street South is zoned for up to a multiple residential use with a maximum Floor Space Ratio of 0.6. The property also has a site-specific provision to also allow a personal service use. Given the commercial use and its location on Queen Street, staff applied a “COM-1” zone to allow for additional commercial uses. Upon a further review of the COM-1 zone it is agreed that given the size and location of the property not all uses in the COM-1 zone would be appropriate to permit here.

Planning staff recommend that Site-specific provision (165) should also be applied to the zoning of this property. This is applied to the property at 119 Joseph Street. And upon further review of the properties zoned “COM-1” in the Victoria Park Secondary Plan, Site-specific provision (165) should also be applied to the property addressed as 640 Queen Street South.

Resolution
It is recommended that Site-specific Provision (165) also be applied to the property addressed as 744-746 Queen Street South and also be applied to the property addressed as 640 Queen Street South.

131. Courtland Avenue East

Submission received December 9, 2019
I have a question about the proposed designation of the south side of Courtland Ave - is it “Mixed Use Low Rise” (4 storeys under policy 16.D.3.1)? That was how I had interpreted the mapping, but when I read the proposed Site-Specific zoning - Mix-1 (168) it references a 5 storey height.

I’m not sure if I have misunderstood the designation so would appreciate if you could clarify. Sorry for the late question on this.

Current and Proposed Zoning
Current Zoning – CR-1, CR-1, 130R
Proposed Zoning – MIX-1 (168)

Staff Response
On December 9, 2019 Planning Staff responded with the following: “Thank you for the question. It has pointed out a typo on the map/schedule that is attached to the draft Official Plan Amendment.

The land use for the properties on Courtland Avenue is proposed to be Mixed Use – Low Rise with a Site-Specific policy to permit 5 storeys instead of 4 storeys. This is consistent with what was shown at the May 29th and November 20th Open Houses.

November 20, 2018 Open House
May 29, 2018 Open House

Site-Specific Policy Area 1 is needed because it is Mixed Use in a Major Transit Station Area which would permit the max of MIX-4. Site-Specific Policy Area 10 is to permit a maximum of 5 storeys in Mixed Use Low Rise instead of the maximum permitted 4 storeys. No. 10 should read “Mixed Use Low Rise” instead of “Mixed Use Medium Rise”. It is not proposed to be Mixed Use Medium Rise. The purpose of No. 10 is to permit the 5 storeys.

Map 14 – Schedule G to OPA

Hopefully this clarifies the intended land use for the properties on Courtland. I appreciate the question and will make the note to correct this on any final documents that are brought back to Committee/Council for approval.”

Resolution
Staff will ensure OP and Zone Schedules for the properties on Courtland Avenue East are in sync before final documents are brought back to Committee/Council for approval.

132. 66 Braun Street (See Response to Written Submission No. 16)

133. 180 Sydney Street South
I was at the planning meeting tonight at city hall and I’ve had some time to reflect on the delegations brought forward around the planned zoning changes in our neighborhood. I wanted to formally add a comment regarding the change to EUF zoning for our residential property (180 Sydney St S). I heard comments tonight regarding the concern with adding the name ‘floodplain’ to our zoning and I absolutely agree. As a new homeowner in this neighborhood I worry about the negative side effects this may have to our property value and agree with the comment that this may also negatively impact insurance premiums. As a first time homeowner I’ve been fortunate to squeeze into the tight housing market in Kitchener but worry that we invested in the wrong location if the zoning nomenclature I’m our neighborhood will give prospective buyers the idea that our neighborhood is a floodplain. I would like to formally add my comment to the list collected at tonight’s meeting. I would also like to formally ask Council to consider eliminating the name ‘floodplain’ from our zoning. I’m not sure why the name to our zoning needs to mention that word at all?

I would be very appreciative if you could keep in contact with me to update me on this matter.

Thanks kindly,

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.
Staff Response
The decision to change the name of the E-1 Zone to EUF-1 Zone was made during Stage 1 of CRoZBy (By-law 2019-051), in consultation with Grand River Conservation Authority, to provide transparency to future property owners and to reflect the intent of the zone. To recognize existing development in the Floodplain. Technically properties that are located in a floodplain should have a no development zone in accordance with Provincial Policy. The existing use zone, then and now, is the compromise to recognize existing uses in a floodplain and allow some minor expansions with a permit from the GRCA.

I understand from the written and oral submissions that the change in the name of the existing use zone to include the word “floodplain” is of concern. As mentioned, the name of the Existing Use Zone was updated in April of 2019 and is not within the scope of this project. The name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain.

With respect to concerns regarding property values and insurance, nothing is changing. Assessed land values are determined by the Municipal Property Assessment Corporation (MPAC). MPAC is aware of the zone categories and that they mean the same irrespective of the word “floodplain” in the title. The ability for a property owner to obtain insurance and the type of insurance again is the same in either case. Irrespective of the zone name, the properties are still located in a floodplain.

I have attached a portion of a FAQ that was prepared for the new Zoning By-law (CRoZBy) to help explain zone changes and what they mean for property owners.

“What impact may the new zoning by-law have on the value of my property and/or my property taxes?
The zoning of properties has little to no impact on the assessed value of properties. The Municipal Property Assessment Corporation (MPAC) assesses the value of properties based on as many as 200 different factors. Five major factors usually account for 85% of a property’s value including location, lot size/dimensions, living area, age of the house and, quality of construction. More information on MPAC’s property assessment valuation process can be obtained by visiting Link to MPAC - Residential Property Assessment.

Property taxes are not calculated based on the market value but rather the assessed value of the property. The market value of a property depends on a host of factors including the state of the economy and the individual purchaser’s preferences.”

Resolution
The name of the “Natural Heritage Conservation” land use designation and the name of the “Existing Use Zone” was updated in June of 2014 and April of 2019 respectively, and are not within the scope of this project. The zone category name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain. No changes
are recommended to EUF-1 Zone or to the proposed land use designation and zoning of the property addressed as 180 Sydney Street South.

134. 179 Victoria Street South (See Response to Written Submission No. 3)

135. a) Victoria Park Secondary Plan – Design Brief Covers

Submission received orally on December 9, 2019 and by email on December 10, 2019
The presentation that I made on December 9 was provided before the meeting, but the reading text was not included. I have attached the PowerPoint presentation so that you can read the text of what I read in notes below each slide.

I would like to meet with you to discuss some of the issue that I brought up last night. We need to work on better protection for our historic neighbourhoods, particularly those adjacent and outside the HCDs.

“Slide 1: I am a resident of Victoria Park inside the Heritage Conservation District”

“Slide 2: Covers of Design for Central Neighbourhoods

The document presented in February for a design charette was entitled: Design for Central Neighbourhoods (dated February 14, 2019)

A revised title appeared a few days later: Design for Residential Infill in Central Neighbourhoods

The word “infill” was added suggesting a direction for our neighbourhood that was added by Planning staff.
We in Victoria Park worry that infill and high-rise developments surrounding us will have very negative impacts.”

**Staff Response**
The approved by Council title is ‘Design for Residential Infill in Central Neighbourhoods’. The section is designed to guide new low-rise development in established neighbourhoods. This is the definition of infill in this case. Staff feel that it is important to have design guidelines that guide new low-rise development in our central neighbourhoods, particularly in our established neighbourhoods outside of Heritage Conservation Districts.

**Resolution**
No changes are recommended to be made to the Council Approved Urban Design Guidelines entitled "Design for Residential Infill in Central Neighbourhoods".

If still necessary after reading this response, Planning staff will be available to meet to discuss the submission at a future date in time.

b) **Victoria Park Secondary Plan – Comparison to Central Park**

*Submission received orally on December 9, 2019 and by email on December 10, 2019*

The presentation that I made on December 9 was provided before the meeting, but the reading text was not included. I have attached the PowerPoint presentation so that you can read the text of what I read in notes below each slide.

I would like to meet with you to discuss some of the issue that I brought up last night. We need to work on better protection for our historic neighbourhoods, particularly those adjacent and outside the HCDs.

“Slide 3: Image of Central Park

The re-named document states that we will have “pockets of low-rise, historical residential neighbourhoods” around the city centre. (Design for Residential Infill in Central Neighbourhoods, p. 1)”
I am concerned with the phrase “pockets of low-rise... neighbourhoods.”

The core is surrounded by low-rise neighbourhoods dating back to the 19th century -- everywhere on this map in light green. If there is a pocket, it is the downtown core. It is essential to have buffers to protect the low-rise historic districts.

Two houses were demolished next to Schneider Haus and six houses on Mill Street have no protection despite meeting criteria for heritage status under Reg. 09/06 of the Heritage Act.

Low rise, historic districts near downtown Kitchener are valuable because they give a sense of who we are and our history. And our history attracts tourists from all over.

Following discussions with residents of Victoria Park, we need:
- Protection within and adjacent to the Victoria Park Heritage Conservation District
- Transitions between the high and low density areas
- Adequate park and open space

Staff Response
The Urban Growth Centre (Downtown)’s Urban Design Brief, land use designations and zoning are not within the scope of the Neighbourhood Planning Review Project (NPR). Provincial, Regional and City policies state the Urban Growth Centre is the primary focus area for intensification. A density target of 225 residents and jobs per hectare and land use designations to achieve this target were approved as part of the City’s 2014 Official Plan.

In May of 2016 the City approved the PARTS Central Plan. One of the primary purposes of preparing these plans for the Major Transit Station Areas, is that growth will be happening with ION, and the City wanted to get ahead of the infrastructure implementation and find the appropriate locations for intensification while protecting stable established neighbourhoods.

The Urban Growth Centre contains 5 ION Stops. Given it is the primary focus for intensification (Provincial/Regional direction) and this is further supported by ION, the City is going to see high rise development within this boundary. This is where it should be directed and not in the City’s stable established neighbourhoods.
The Victoria Park Heritage Conservation District abuts the Urban Growth Centre along its easterly boundary. There is only a small portion of the actual park that actually abuts the UGC. For the most part the park is surrounded on 3 sides by low rise residential uses on Richmond Avenue, Water Street South, Heins Avenue, Linden Avenue, Theresa Street, Park Street, Henry Street, West Avenue, Homewood Avenue, Dill Street, Schneider Avenue and Roland Street.

Victoria Park and it’s framing with building massing will never be or look like Central Park.

Zoning has been applied to lands within the Victoria Park Heritage Conservation District to protect and maintain the character of the landscape and streetscapes. Lands adjacent to the District have also been zoned appropriately. Any development of lands within and directly adjacent to the District will be required to submit a Heritage Impact Assessment (HIA) to demonstrate there will be no adverse impacts to the Heritage Conservation District.

As a result of the 3D modelling work, recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. This required setback is dependent on the building height of these proposed medium/high rise developments and also allows the ability of the proposed building to transition in height within the subject property itself. The required setback will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

The City’s recently approved Tall Building Guidelines will also ensure appropriate compatible relationships between properties with developments greater than 8 storeys in height.

The acquisition and development of new park space is challenging in an existing urban environment. The City is committed to finding opportunities to develop new park spaces.

Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.

Resolution
If still necessary after reading this response, Planning staff will be available to meet to discuss the submission at a future date in time.

c) Victoria Park Secondary Plan – Joseph and David Streets

Submission received orally on December 9, 2019 and by email on December 10, 2019

The presentation that I made on December 9 was provided before the meeting, but the reading text was not included. I have attached the PowerPoint presentation so that you can read the text of what I read in notes below each slide.
I would like to meet with you to discuss some of the issues that I brought up last night. We need to work on better protection for our historic neighbourhoods, particularly those adjacent and outside the HCDs.

Specifically, the area at David and Joseph is at risk. Proposed zoning is MIX 2, allowing a 6 storey building. Currently, there are low-rise homes and a parking lot owned by the city. Here is an opportunity to downgrade the area to Low Rise Residential Limited, in accordance with Section 16 of the Draft Secondary Plan Land Use Policies.

Alternatively, it could be zoned OR-1, or park space, which we need more of in light of the many new condos being built nearby.

Current and Proposed Zoning
Current Zoning – R-8, 2.0 FSR, 24 metre maximum building height, 8 storeys
Proposed Zoning – MIX-2, 3.0 FSR, 20 metre maximum building height, 6 storeys
**Staff Response**
Currently the properties addressed as 55 and 69 Joseph Street, 2, 12, 14 and 20 David Street can be developed with 8 storey buildings having a maximum building height of 24 metres.

The amendments considered at the Statutory Public Meeting in December of 2019 recommended that the zoning be changed from ‘R-8’ to ‘OSR-1 for the properties addressed as 55 and 69 Joseph Street. This resulted in land previously zoned for medium rise residential uses being added to Victoria Park.

The amendments also proposed that the zoning be changed from ‘R-8’ to ‘MIX-2’ for the properties addressed as 2, 12, 14 and 20 David Street. This resulted in an increase in the FSR from 2.0 to 3.0 but the maximum height decreased from 24 metres, 8 storeys to 20 metres, 6 storeys. The new MIX zone allowed for some additional commercial/institutional uses on the property in addition to the residential and complementary commercial uses that are currently permitted.

This site is directly adjacent to the downtown and is across the street from a planned redevelopment that will happen on the transit terminal site. In addition, considering we are experiencing a climate emergency and an affordable housing crisis, it is important to continue to build housing in areas where growth is directed.

In consideration of the need to provide opportunities for additional housing and the protection of the heritage conservation district it is recommended that the property addressed as 2 David Street be designated and zoned for medium density residential uses and the properties addressed as 12, 14 and 20 David Street be designated and zoned for low density residential uses.
A redevelopment of the vacant lot at the corner would provide a transition between the proposed development on the transit station site and the lower rise Victoria Park neighbourhood to the south. In staff’s opinion a medium rise building would provide an appropriate transition between up to three storey single detached dwellings (in Victoria Park) and larger buildings in the Downtown. Urban design regulations such as stepbacks, and setbacks that have been added to the general regulations and residential base zones provide additional off-site protection between higher density land uses and adjacent low-rise land use designations.

In addition, the building’s presence at the northeast corner of the park means there will be no shadow impacts, other than potentially very early in the morning in the summer months. There is currently a 9-storey building on David street with another 5-storey building having received recent approval. In this context, and with our strategic plan objectives to increase housing supply and create a more sustainable future, these permissions are appropriate, and the impacts will be negligible.

Resolution

It is recommended:

- That an “Open Space” land use designation and an “OSR-1” zone category be applied to the properties addressed as 55 and 69 Joseph Street;
- That a “Medium Rise Residential” land use designation and a “RES-6” zone category be applied to the property addressed as 2 David Street; and
- That a “Low Rise Residential” land use designation and a “RES-5” zone category be applied to the properties addressed as 12, 14 and 20 David Street.

d) Victoria Park Secondary Plan – View from Victoria Park

Submission received orally on December 9, 2019 and by email on December 10, 2019

The presentation that I made on December 9 was provided before the meeting, but the reading text was not included. I have attached the PowerPoint presentation so that you can read the text of what I read in notes below each slide.

I would like to meet with you to discuss some of the issue that I brought up last night. We need to work on better protection for our historic neighbourhoods, particularly those adjacent and outside the HCDs.

“Slide 6: View from Park with high rises

Do we want the park to look like this?”
Page 11 of the Urban Design Manual, Downtown, shows five high-rise buildings in the Charles and Gaukel area.

We need to protect zones close to the park, not build on them.

The former bus terminal could be turned into a plaza or an extension of the park.

Another example is on Michael Street.”

Staff Response
The Urban Growth Centre (Downtown)’s Urban Design Brief, land use designations and zoning are not within the scope of the Neighbourhood Planning Review Project (NPR). Provincial, Regional and City policies state the Urban Growth Centre is the primary focus area for intensification. A density target of 225 residents and jobs per hectare and land use designations to achieve this target were approved as part of the City’s 2014 Official Plan.

In May of 2016 the City approved the PARTS Central Plan. One of the primary purposes of preparing these plans for the Major Transit Station Areas, is that growth will be happening with ION, and the City wanted to get ahead of the infrastructure implementation and find the appropriate locations for intensification while protecting stable established neighbourhoods.

The policies in the City’s new Official Plan point to the Downtown as being an area for intensification. Because of the intensification targets specified by the new Growth Plan and the Regional Official Plan and as a result of the LRT, staff need to plan for intensification and balance that intensification with areas of low or transitional change.

The Urban Growth Centre contains 5 ION Stops. Given it is the primary focus for intensification (Provincial/Regional direction) and this is further supported by ION, the City is going to see high rise development within this boundary. This is where it should be directed and not in the City’s stable established neighbourhoods including the Victoria Park Heritage Neighbourhood.

In addition, considering we are experiencing a climate emergency and an affordable housing crisis, it is important to continue to build housing in areas where growth is directed.
The lands at Charles/Gaukel/Joseph and Ontario are located in the Urban Growth Centre and are not within the scope of the Neighbourhood Planning Review (NPR) Project. The appropriate land use for these lands was reviewed and approved as part of the 2014 Official Plan. Zoning to implement this Official Plan designation will be applied at a future date in time and not part of this project/process. The Urban Design Brief for the Downtown and the land use designations for the Urban Growth Centre are not under review.

Resolution
None required. Lands subject of the submission are not included within the scope of the NPR Project.

e) Victoria Park Secondary Plan – Ukrainian Church and Centre

Submission received orally on December 9, 2019 and by email on December 10, 2019
The presentation that I made on December 9 was provided before the meeting, but the reading text was not included. I have attached the PowerPoint presentation so that you can read the text of what I read in notes below each slide.

I would like to meet with you to discuss some of the issue that I brought up last night. We need to work on better protection for our historic neighbourhoods, particularly those adjacent and outside the HCDs.

“Slide 8: Image of Ukrainian Catholic Church and Centre

Here, the Ukrainian Church and Catholic Centre are at risk.

Currently zoned I-1, Neighbourhood Institutional, it is proposed to be MIX 3, allowing an 8 storey high-rise. This is inside the Victoria Park Heritage Conservation District! High-rises should not be built in heritage districts.

Rather, this could be a parkette for the three high-rises built or under construction right across the street.”

Current and Proposed Zoning (135 and 139 Victoria Street South)
Current Zoning – MU-1, 1R
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Current and Proposed Zoning (131 Victoria Street South)
Current Zoning – I-1, 1R
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Current and Proposed Zoning (37-49 Michael Street)
Current Zoning – I-1, 1R, 93R
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Current and Proposed Zoning (15 Michael Street)
Current Zoning – I-1, 1R, 93R, 399R
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Current and Proposed Zoning (5 Michael Street)
Current Zoning – I-2, 1R, 281U
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Staff Response
The Victoria Park Heritage Conservation District Study, November 1995, was prepared to determine if Victoria Park met the criteria to be considered a Heritage Conservation District and be designated as such under the Ontario Heritage Act.

The Study identified 3 general “Settlement Periods” within the District, although it was noted that there are examples of later and earlier built buildings.
The 1995 Study did an analysis of the development opportunities recognizing that while the District is historic, it has changed and will continue to change and develop in the future. The analysis indicated that there would be relatively little change in Victoria Park and neighbouring residential areas, there could be considerable change on Queen Street South. Since 1995 we have seen some of that considerable change.
“9. Development Analysis
The District, while historic, has changed and will continue to change and develop in the future. Development may be defined by two categories – municipal works that include streets, curbs, sidewalks, boulevard trees and Victoria Park, and private development of buildings, properties, and lots. Analysis of municipal works was carried out by a review.... Analysis of private development indicates relatively little change in Victoria Park and the neighbouring residential areas but measured to considerable change on Queen Street South. These potential development areas (see map – Development) are as follows:”
“11. This area contains the Cline Shirt Factory, the Ukrainian Catholic Centre, and a large vacant area of land to the rear. Municipal plan special policies permit the continuing presence and use of the factory and future development of the church property to the west for a residential care facility at a medium multiple residential density. Preliminary analysis suggests that these provisions will enhance the historic character of the area.”

The 1995 Study identified the property at 15 Michael Street and the properties at 37-49 Michael Street as a development opportunity. It noted existing Official Plan policies permitting the continued presence and use of the factory and future development of the church property to the west for a residential care facility at a medium density multiple residential density. As noted in the study, “Preliminary analysis suggests that these provisions will enhance the historic character of the area.”

“Discussion
Municipal works and planning policies for private development generally complement conservation of the historic buildings, landscapes, and character in the District. The one area of concern is Queen Street South, both immediately north and south of Courtland Avenue. Municipal land use designation has consolidated a high rise, high density residential/commercial corridor to the north and medium rise, medium density to the south. This could result in the loss of a number of fine Queen Anne Revival style residences which provide visible historic character to one of the oldest settled areas in the city. Nevertheless, a skillful integration of new and old buildings can be achieved that enables high densities without loss of historic character. Guidelines should be prepared to demonstrate this.”
In this section of the study, it is important to note that the authors indicated that “a skillful integration of new and old buildings can be achieved that enables high densities without loss of historic character.”

The study also recognized that mid-rise multiple dwellings 6-8 storeys in height are not an incompatible form of development within a Heritage Conservation District. The earliest example of a multiple dwelling in the District is the 7 storey York Apartments at 214 Queen Street South which was built in 1928 using neo-Georgian stylistic elements and is near original in condition.

The intent of applying a Mixed Use land designation and zone was not to support demolition and redevelopment at a scale incompatible with the Heritage Conservation District. It was to support what was identified in the 1995 study, as an opportunity to intensify the existing use of the property, without the loss of historic character.

The application of a Mixed Use land use designation is more desirable as still permits the use of the property for institutional uses and supports its continued viability as an institutionally used property with the ability to diversify with compatible commercial and residential uses, which residential uses are no longer permitted in the new Institutional land use designation and zones. In addition, considering we are experiencing a climate emergency and an affordable housing crisis, it is important to continue to provide for new housing in areas where there is an opportunity to do so. But not at the detriment of the historic character of the District.

The change in land use designation does not pose any risk to the continued operation of the Ukrainian Church. Staff are of the opinion that the opposite would be true. A Mixed Use land use designation and zoning would also allow the church to be able to share the existing space with other permitted uses during their “off times” and support the existing church use and their continued use of the property.

Currently in the I-1 zone in Zoning By-law 85-1 there is no maximum building height for an educational establishment, religious institution, or hospice. A residential care facility is limited to 8 residents.

In the I-2 zone in Zoning By-law 85-1 the maximum permitted building height is 15.3 metres for an educational establishment, hospice, religious institution, residential care facility with 9 residents or more and a multiple dwelling.

In new Zoning By-law 2019-051, the institutional zones would at a minimum/maximum permit a maximum building height of 14 metres and in INS-2 (locations in Major Transit Station Areas) there would be no maximum building height except where it is located adjacent to low rise residential. In this case, the portions of a building greater than 14 metres would have a stepback of 3 metres where the base abuts a low-rise residential zone.

A lot of work was done, through the development of the PARTS Plans and Secondary Plans, to review the compatibility and transition of medium or high-rise development in the MIX zones from an adjacent low-rise residential zone. This resulted in new required setbacks dependent on the building height of these proposed medium/high rise developments and also requires the proposed building to transition in height within the subject property itself. The new required
setbacks will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

**Maximum Building Height**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum building height</strong></td>
<td>14m(2a)</td>
<td>20m(2a)</td>
<td>26m(2a)</td>
<td>(2a)(2b)**</td>
</tr>
<tr>
<td><strong>Maximum number of storeys</strong></td>
<td>4 storeys</td>
<td>6 storeys</td>
<td>8 storeys</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum floor space ratio</strong></td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

**2.** The maximum building height shall not exceed:
(a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
(b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

- In addition to setback and stepbacks, a maximum height is employed within each of the zones to ensure that even if a lot is large enough to meet the setback requirements that a maximum height will be employed to minimize overlook and shadow impacts, and to provide a build form that is compatible in size with the surrounding environment.
- In all zones we have created a maximum height of 12 metres if a 15 metre setback can be achieved from a low-rise residential zone. This is compatible with the maximum permitted height in our low-rise residential zones of 11 metres. Both the MIX zones and the RES zones require rear yard setbacks of 7.5 metres. The maximum permitted heights and yard setbacks are intended to create a compatible built form interface between those properties zoned for mixed use and those zoned for low rise residential uses.

The Secondary Plan that was considered at the December 9th, 2019 statutory public meeting showed this area as proposed to be designated “Mixed Use with Specific Policy Area 3 – Mixed Use Medium to High Rise” and proposed to be zoned “MIX-3”.

Planning staff are of the opinion that a “Mixed Use” land use designation is the most appropriate land use designation to be applied to these lands. Rather than “Specific Policy Area 3”, staff will recommend that “Specific Policy Area 2” be applied instead.

It is also staff’s opinion that the application of a Mixed Use land use designation rather than an Institutional, will facilitate and support the Ukrainian Church by allowing these lands and the existing buildings to be used for more than religious institutional purposes.

These properties, located within a Major Transit Station Area, are also an opportunity to intensify with housing and/or a residential care facility (allowing aging in place), compatible with the Heritage Conservation District, as was contemplated in the 1995 Study.

Staff will also give consideration to an additional site-specific policy to provide more guidance with respect to any future redevelopment/intensification of these lands to protect the existing built form and ensure that any new buildings reflect and are compatible with the historic character of the District.
Resolution
It is recommended that the properties addressed as 135 and 139 Victoria Street South, 131 Victoria Street South, 37-49 Michael Street, 15 Michael Street, and 5 Michael Street be designated “Mixed Use with Specific Policy Area 2” and be zoned “MIX-2”.

Staff will also give consideration to an additional site-specific policy to provide more guidance with respect to any future redevelopment/intensification of these lands to protect the existing built form and ensure that any new buildings reflect and are compatible with the historic character of the District.

f) Victoria Park Secondary Plan – Homewood Avenue

Submission received orally on December 9, 2019 and by email on December 10, 2019
The presentation that I made on December 9 was provided before the meeting, but the reading text was not included. I have attached the PowerPoint presentation so that you can read the text of what I read in notes below each slide.

I would like to meet with you to discuss some of the issue that I brought up last night. We need to work on better protection for our historic neighbourhoods, particularly those adjacent and outside the HCDs.

Another area of concern is Homewood street, which currently has no protection because it is outside the Heritage District. Some homes here have 300-foot lot depths.

A few houses could be bought, and a high rise put there.... As is proposed on Mill Street.

We need to be very cautious planning within and around old neighbourhood districts.”
Staff Response
Homewood Avenue is not proposed to be an area to focus intensification, particularly for high rise residential development. The properties on Homewood Avenue are located within a Cultural Heritage Landscape and are currently zoned R-5. Some properties also have a 1R provision because there are portions thereof that are located in the flood fringe and some properties area zoned ‘E-1’ to recognize their existing use because there are portions thereof located in the floodplain.

The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all the properties on Homewood Avenue are proposed to be give the new comparable zone to R-5 and are proposed to be zoned new RES-3.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Homewood Avenue is proposed to be designated and zoned with a comparable low-rise residential designation and zone as the adjacent Victoria Park Heritage Conservation District. The reason that the lots on the northerly side of Homewood Avenue are approximately 80 metres (262 feet) in depth, is that a majority of the cases, more than 50% of the lot is located within the floodplain and is not developable/useable. Some of the lots, or portions thereof, are located
within the flood fringe (identified by the Flooding Hazard overlay) and some of these lots, or portions thereof, are located in the floodway (proposed to be zoned EUF-1).

The properties on Homewood Avenue have been given a proposed land use designation and zoning to reflect its location within a ‘Cultural Heritage Landscape (CHL)’ in an established neighbourhood. With the presence of floodplain at the rear of these properties, ‘as of right’ high-rise residential development is not possible.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the properties on Homewood Avenue.
g) Victoria Park Secondary Plan – List of Issues

Submission received orally on December 9, 2019 and by email on December 10, 2019

The presentation that I made on December 9 was provided before the meeting, but the reading text was not included. I have attached the PowerPoint presentation so that you can read the text of what I read in notes below each slide.

I would like to meet with you to discuss some of the issue that I brought up last night. We need to work on better protection for our historic neighbourhoods, particularly those adjacent and outside the HCDs.

"Slide 10: List of Victoria Park Issues"

What I am suggesting is a plan that better protects low-rise established neighbourhoods and provides essential park and open space for all residents.

In short, only four storey building should be allowed in established neighbourhoods.

Finally, Victoria Park residents engaged in a design charrette in February organized by the City of Kitchener.

Here are some of their ideas.”

Staff Response

The updated Victoria Park Secondary Plan does protect the existing low-rise residential neighbourhoods. New zoning has been applied to better protect the character of the Heritage Conservation District. Building height in low rise residential established neighbourhoods is limited to 3 storeys or 11 metres.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. These additional zoning regulations to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction will protect and maintain the character of the streetscape.
The ideas/suggestions, that were generated at the February 2019 urban design charrette for the Victoria Park neighbourhood, were included in the new Urban Design Brief for the Victoria Park Secondary Plan. Where possible, these were also incorporated into Official Plan policies and zoning requirements. Not all of the ideas/suggestions on the list were able to be implemented in the City’s Official Plan or Zoning By-law because there is no authority and ability to do so.

Resolution
If still necessary after reading this response, Planning staff will be available to meet to discuss the submission at a future date in time.

136. Nyberg Street (Ottawa Street South to Sydney Street South)

Submission received December 12, 2019
Hi, Planning Department, I was looking through the cities plans that surround Schneider's creeks along Nyberg St and would like to know what the fate of the houses along Nyberg St between Ottawa St and Sydney St will be. Are there plans to demolish the houses to make way for green park space flood zones?

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.
Staff Response
On December 12, 2019 Planning Staff responded with the following:
“Thank you for your question and interest in the Neighbourhood Planning Review.

The properties on Nyberg Street, between Ottawa Street and Sydney Street are located in a Floodplain and are currently designated “Open Space” and zone “Existing Use Zone (E-1)”. In the new Secondary Plan these properties are proposed to be designated “Natural Heritage Conservation” and zoned “Existing Use Floodplain (EUF-1) Zone”.

There are no plans to demolish the houses to make way for green space/flood zones.

The new EUF-1 Zone is the equivalent of the existing E-1 Zone. The permitted uses and regulations are the same. The change in land use designation and zoning is in name only. The decision to change the name of the E-1 Zone to EUF-1 Zone was made during Stage 1 of CRoZBy (By-law 2019-051), in consultation with Grand River Conservation Authority, to provide transparency to future property owners and to reflect the intent of the zone. To recognize existing development in the Floodplain. The existing zone recognizes existing uses in the floodplain and the new zone proposes to do the same.
If we can be of further assistance, please let us know.”

Resolution
The name of the “Natural Heritage Conservation” land use designation and the name of the “Existing Use Zone” was updated in June of 2014 and April of 2019 respectively, and are not within the scope of this project. The zone category name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain. No changes are recommended to EUF-1 Zone or to the proposed land use designation and zoning of the properties on Nyberg Street.

137. General - Zoning By-law 2019-051 Regulation 4.19

Submission received December 13, 2019
At its meeting October 22, 2019 the Planning and Strategic Initiatives Committee considered Stage 2a of the Comprehensive Review of the Zoning By-law (CRoZBy) which contained new residential base zones.

At its meeting December 9, 2019, the Planning and Strategic Initiatives Committee considered the Neighbourhood Planning Review (NPR), which contained a Zoning By-law Amendment to implement new CRoZBy zones within the Secondary Plan areas in the Central Neighbourhoods of the City. Neither have been approved by Council to date. Staff indicated at the December 9, 2019 meeting that they would receive further input and do further consultation about the NPR before the new Zoning is brought to Council for approval in 2020.

In reviewing the NPR materials, it has come to our attention that there is a proposed new provision in the CRoZBy By-law in the General Provisions section, which means that it would apply City-wide. Regulation 4.19 reads:
“Despite any maximum building height of more than 12 metres applying to any zone, the building height shall not exceed 12 metres within 15 metres of a lot with a low-rise residential zone.”

We have concerns with this regulation being applied as a general provision. This provision would significantly ‘down zone’ lands that permit midrise and tall buildings (including lands that were previously rezoned MIX and COM Zones by Council through Stage 1 of the CRoZBy process).

In some of the City’s intensification areas where midrise and tall buildings are planned and permitted by the Official Plan (e.g. where MIX-2, MIX-3 and COM-2, COM-3 and COM-4 Zones have been applied through Stage 1 of the CRoZBy process), Regulation 4.19 as proposed could severely restrict and in some cases preclude midrise and high-rise intensification. At the time the COM and MIX Zones were approved by Council in May 2019, the required setbacks to abutting low-rise residential zones was 7.5 metres. In MIX Zones there is an additional requirement for a 3.0 metre stepback above the base of the building.

With the implementation of Regulation 4.19 the setbacks for midrise and high-rise buildings would be increased from 7.5 metres to 15 metres or the stepback increased from 3.0 metres to 7.5 metres.

GSP Group is supportive of the design principle of transition between new development and abutting stable low rise neighbourhoods. However, we have concerns with recommended zoning Regulation 4.19 to achieve this end because it is an inflexible tool.

Other tools are in place to address the principle of transition. City Council recently adopted a comprehensive new Urban Design Manual (“UDM”). The UDM contains numerous design guidelines that address the matter of compatibility and transition for midrise and tall buildings in infill contexts. These were developed after extensive public consultation. The guidelines require transition through stepbacks of upper storeys or through increasing separation distances between buildings. In the UDM appropriate separation distances are determined as a function of the proposed building’s height and length (height x length divided by 200). This was intended to provide for scaling up of separation distances for midrise and tall buildings. The UDM is intended to allow for consideration of the context to determine the appropriate design solution.

Proposed Regulation 4.19, by contrast, is inflexible because it requires a 15 metre setback for any building greater than 12 metres (3-4 storeys in height) that abuts an adjacent low-rise residential zone. For constrained infill sites in particular, the 15 metre setback is onerous. Since it is measured to a lot line it does not consider relationships between buildings or adjacent sites, nor does it take into account the scale of the proposed building. For illustrative purposes, the UDM generally requires midrise and tall buildings to be no greater than 70 metres in length and determines the appropriate separation distance based on a formula of height x length / 200. For a 70-metre-long building (the maximum contemplated by the UDM), it would have to be 42 metres high (14 storeys or greater) to require a 15 metre setback per the formula in the UDM. The UDM would require lesser setbacks for narrower and/or shorter buildings. There is a very clear disconnect between proposed Regulation 4.19 and the approach approved through the UDM. As a one-size-fits-all approach, proposed Regulation 4.19 is problematic.
In the presentation December 9, 2019, staff indicated that the rationale for the 15 metre setback/stepback for upper storeys of midrise and tall buildings was to discourage slab forms of development which create the potential for proliferation of surface parking, abrupt transition to adjacent development, wind impacts and overlook impacts. It is our submission that Regulation 4.19 does not necessarily ensure built form with stepbacks in massing, nor will it necessarily discourage surface parking. Moreover, we submit that the issues of wind, overlook, building mass and articulation and site layout are best addressed through the Site Plan Approval process (guided by the UDM) because it is in this process where the unique conditions of a site can be appropriately considered and evaluated.

We ask that staff reconsider Regulation 4.19 and instead rely upon the setbacks/stepback requirements of the parent Zones (e.g. 7.5 metres in MIX and COM Zones as previously approved by Council) and the comprehensive Council-approved UDM and Site Plan approval process to determine context-sensitive design solutions for infill abutting low rise residential neighbourhoods.

Thank you for the opportunity to provide these comments prior to a decision being made on the proposed Regulation 4.19. We look forward to further discussion with on this aspect of the new Zoning By-law.

Staff Response
On December 13, 2019 Planning Staff responded with the following:

“Thank you for your comments on the NPR project.

General regulation 4.19 of CRoZBY was considered as part of the Statutory Public Meeting on the Residential Base Zones that was held on October 22, 2019.

The by-law to adopt the base RES Zones was given two readings by Council and will be given further consideration now that the appeals of Zoning By-law 2019-051 are resolved.

With respect to the NPR Project, General Regulation 4.19 is proposed to be repeated in the MIX zones with an additional footnote regulation to limit the building height to a maximum of 25 metres within 30 metres of a lot line with a low-rise residential zone.”

To further respond to and clarify some of the points made in the submission:

- The setback requirement noted in General Regulation 4.19 was developed as a result of the additional 3D modelling work that was completed for the CRoZBY and NPR Projects.
- It was recommended to be implemented as part of Stage 2a, the introduction of the Residential base zones, to ensure compatible transition between medium and high-rise residential zones to adjacent low-rise residential zones.
- General Regulation 4.19 is not within the scope of the NPR Project. As noted in staff’s initial response, its principle and intent was recommended to be repeated in the base MIX zones and expanded upon to include an additional regulation that the maximum building height shall not exceed 25 metres within 30 metres of a lot line with a low-rise residential zone as part of the NPR Project.
• Planning Staff cannot rely on the Urban Design Manual and Guidelines alone to ensure appropriate transition. The setback regulations as noted in 4.19 warranted repeating and being expanded upon in the base MIX zones to ensure appropriate transition and compatibility with adjacent low-rise residential development. Proposed developments will need to demonstrate why it is not possible to meet the minimum required setbacks and that any requested reductions/variances will not negatively impact adjacent low-rise residential areas.

• The minimum yard setback from a residential zone for a mixed-use building with a minimum height is 7.5 metres. For that portion of the Mixed Use building greater than 12 metres in height, the yard setback increases to 15 metres. This is to ensure that any portion of the mixed-use building constructed within the 7.5 metre to 15 metre setback is compatible in height with low rise residential. In low rise residential areas, the maximum building height is 11 metres.

• The 3 metre stepback above the base of mid-rise and tall buildings is only applicable to the street line and not to an abutting residential zone as was indicated in the submission.

**Resolution**
No further revisions will be made to the base MIX zones with respect to required setbacks relative to building height. It is appropriate to have specific setback requirements based on the heights of buildings or the portions thereof to ensure appropriate transition and compatibility with adjacent low-rise residential development. Proposed developments will need to demonstrate why it is not possible to meet the minimum required setbacks and that any requested reductions/variances will not negatively impact adjacent low-rise residential areas.
Submission received December 16, 2019
Dear Ms. Malone-Wright:

‘Deleted Name’ has interest in an approximately 3.25-acre property comprised of contiguous parcels known municipally as 432 Charles Street, 851 King Street East and 5 Stirling Avenue South which is within the Borden Station area. This letter provides our comments on the proposed Secondary Plan and Zoning By-law Amendments for this area.

Our property is currently designated Mixed Use in the City’s Official Plan and the proposed King Street East Secondary Plan will continue the Mixed Use designation. We concur with this policy framework. The Charles Street site is currently zoned Mixed Use (MU-3) and is proposed to be replaced with the new Mixed Use zoning by-law category MIX-4. We concur with the general direction of the MIX-4 zone given the location of the property at an LRT station; however, we have concerns with some of its detailed regulations. In general, the regulations of the MIX zones are very prescriptive and should be deleted. Development should respond to its neighbourhood context and the architectural design for individual properties can be assessed by the City through the Site Plan approval process.

The regulations of Table 8-2 are very specific and do not necessarily respond to neighbourhood conditions. The new by-law will regulate the maximum and minimum number of storeys in the podium of a building, as well as the minimum step back for mid and high-rise buildings. Those are best addressed at the Site Plan Approval stage and do not need to be codified in the zoning by-law.

This site and many of the redevelopment sites in this area will be predominantly residential in nature. Table 8-2 requires that a minimum of 20% of the total floor area be provided for non-
residential floor space. On large sites such as this, that 20% requirement is excessive and not supported by near or mid-term market conditions. Let the market determine the most appropriate types of uses on each site. Commercial activity often follows residential activity and its improper for the City to “force” commercial space to be provided when the market does not exist, especially in pioneering neighbourhoods. Similarly, Table 8-2 requires a minimum ground floor street line façade width of 70% of the lot, and that 65% of the street facing façade to have openings for windows and doors. These are detailed matters that can be addressed based on the specific urban design solution for the property and should not be dictated on an arbitrary basis by the zoning by-law.

Finally, given the proximity to the LRT Station, we submit that the required parking rate of 1 space per unit is too high at this location. The cost of structured parking is high and over supplying parking adds to housing costs. We suggest that the City provide flexibility on parking when within a 5-minute walk to a station.

Thank you for the opportunity to provide comments on the proposed Official Plan and Zoning By-law Amendments. I would be pleased to meet to discuss these comments further with City Staff.

**Current and Proposed Zoning (432 Charles Street)**
- **Current Zoning** – MU-3, 1R, 535R, 544R
- **Proposed Zoning** – MIX-4
  A comparable zone is proposed to be applied with an increased FSR.

**Current and Proposed Zoning (851 King Street East)**
- **Current Zoning** – MU-3, 535R, 544R
- **Proposed Zoning** – MIX-4
  A comparable zone is proposed to be applied with an increased FSR.

**Current and Proposed Zoning (5 Stirling Avenue South)**
- **Current Zoning** – MU-3, 534R, 535R, 544R
- **Proposed Zoning** – MIX-4
  A comparable zone is proposed to be applied with an increased FSR.

**Staff Response**
Planning staff provide the following response:
Requirement for Minimum and Maximum number of Storeys For a Podium

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4 (NEW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum number of storeys in the base of a mid-rise building or tall building</td>
<td>3 storeys</td>
<td>3 storeys</td>
<td>3 storeys</td>
<td>3 storeys</td>
</tr>
<tr>
<td>Maximum number of storeys in the base of a mid-rise building or tall building</td>
<td>6 storeys</td>
<td>6 storeys</td>
<td>6 storeys</td>
<td>6 storeys</td>
</tr>
</tbody>
</table>

- The minimum and maximum number of storeys in the base of a mid-rise or tall building, the podium, is currently 3 storeys and 6 storeys respectively in the MIX-2 and MIX-3 zones.
- Planning staff feel it is appropriate to carry this regulation forward in the new MIX-4 zone.

Requirement for Minimum 20% of Non-Residential Gross Floor Area

- Planning staff are reviewing the regulation requiring a minimum of 20% of the gross floor area to be for non-residential uses. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.

Requirement for Minimum Ground Floor Street Line Façade Width and Façade Openings

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4 (NEW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum ground floor street line façade width as a percent of the width of the abutting street line</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>70%</td>
</tr>
<tr>
<td>Minimum percent street line façade openings (4)(5)</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>65%</td>
</tr>
</tbody>
</table>

- The minimum ground floor street line façade and openings is currently 50% in the MIX-1, MIX-2, and MIX-3 zones.
- Planning staff are of the opinion that it is appropriate to carry this regulation forward in the new MIX-4 zone.
- A minimum 70% minimum ground floor street line façade and that a minimum of 65% of the façade is open is appropriate for the MIX-4 zone which zone is located in higher order transit areas. The intent behind this regulation is to provide a visible street presence and a frontage which is semi-transparent, allowing active uses to be seen from the street and to provide the same effect for pedestrians. Having two-way vision from retail or similar actives uses, enhances safety and interest in these areas. In extensive consultation with the industry the following regulations were added to ensure only useful space is considered as part of the calculation. This provides more flexibility in design for meeting the regulation.
- As per the diagram below the measurement zone will be between 0.5m and 4.5m above exterior finished grade along the entire width of the street line façade. The maximum
distance between street line façade openings and between exterior walls and street line façade openings shall be 8 metres.

**Residential Parking Requirement**

- Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

**Resolution**

No changes are recommended to be made to the proposed land use designation and zone category to be applied to 432 Charles Street East, 851 King Street East and 5 Stirling Avenue South. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

Planning staff will review and given further consideration to the requirement for the 70% minimum ground floor street line façade width as a percent of the width of the abutting street line in the MIX-4 zone and the MIX-4 zone regulation which requires a minimum 20% of non-residential building floor area.
Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

139. 123 Stirling Avenue South

Submission received December 17, 2019
Hello, Thank you for hosting the evening meeting at City Hall and allowing invested Kitchener Core parties to speak. I attended the meeting and found it helpful.

I added my contact info to the list of people who wanted to be kept in the loop going forward. Here it is again to ensure my wife and I are included in all future communications.

Also, if you don’t mind, could you please provide some confirmation for me (or direct me to where I could get the confirmation) re: our properties zoning under the new secondary plans?

When looking at the various relevant maps, it appears the only zoning impacts that our property is affected by is that our home is on the fringe of a flood plain influenced by Schneider Creek. Am I interpreting this correctly? Are there any other immediate or adjacent proposed changes that I’m somehow missing?

Thanks so much for any answers you can provide or directing me to where I can get those answers.
Enjoy your day and Happy Holidays

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159)
A comparable zone is proposed to be applied.
Staff Response
On December 18, 2019 Planning Staff responded with the following:
"Thank you for your email and for your interest in the Neighbourhood Planning Review Project and the updates to the Secondary Plans and Zoning.

We will add your contact information to our email distribution list so that you may be kept informed of future meetings and updates on the project.

The property at 123 Stirling Avenue South is currently designated "Low Rise Conservation" in the Mill Courtland Woodside Park Secondary Plan and zoned "Residential Five Zone (R-5)" in Zoning By-law 85-1.

The new Rockway Secondary Plan would designate the property as "Low Rise Residential Limited" and new Zoning By-law 2019-051 would zone the property new "Low Rise Residential Three Zone (RES-3)" which is the equivalent zone to the existing "R-5" zone. I have attached a comparison of the existing and proposed residential zones for your information.

[Link to Comparison of 'R' Zones and new 'RES' Zones]

The floodplain mapping for Schneider Creek has been updated and is reflected in the new Secondary Plan and Zoning. You are correct in that the property at 123 Stirling Avenue South is not located in the floodplain (which includes floodway and flood fringe).

If I can be of further assistance, please let me know.

Happy Holidays to you too!"

Submission received December 18, 2019
"Thank you very much, Tina. I really appreciate you getting back to me and for detailing our situation.
Happy Holidays!"

Further:
To clarify new Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirement to regulate the location of attached/detached parking structures in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 123 Stirling Avenue South. Planning staff have added the submission’s contact information to the email distribution list so that the property owner will be kept informed of future meetings and updates on the project.
Submission received November 26, 2019

Dear Tina, Thank you for your return phone call to Ingrid last week. We are recent owners of a lovely property at 167 Sydney Street South. Our two sons are currently living there. We have concerns about the proposed re-zoning of the property.

We went through a long process to acquire this property in a difficult real estate market. Our desire was to find a smaller home on a large lot (167 is almost a double lot) which was adaptable enough for our one son’s home-based business and had the driveway to support any clients visiting that business. In addition, we wanted a home and yard which would be suitable for his plans to live there long term, eventually with his fiancé and possible future family. We looked at over 90 properties, bidding and losing the bids on some, prior to substantially overbidding and winning the opportunity to purchase this property. Therefore, it is concerning to us that re-zoning is being considered.

We understand that our property is being changed from E1 (existing use) to EUF1 (existing use floodplain) zoning. While there is a rear lower part in one right rear corner of the lot, the wording overemphasizes any threat of flooding to what is currently and historically a very dry building and basement. On the proposed zoning map, our property (as well as others) is labelled as “open space”. This wording is uncomfortable because it sounds like the intention is to eliminate these buildings in the future. We need assurance that:
1. The property will still be able to be used for the home-based business. Considering the street is home to many businesses and commercial properties, it would be nice if it were even an option going forward to rezone the area for businesses.

2. It will not be more difficult to get the permission of the city or the GRT to increase the size of the house by 25% going forward to allow for a 3rd bedroom and slightly more living space.

In addition, perhaps the city can choose alternative wording to “open space” on their maps and consider a zoning label that does not include the word “Floodplain.”

We hope that you and others in the Planning Department will consider our concerns prior to the scheduled Dec. 9th Public Meeting.

Submission received December 27, 2019
As a follow up to my previous letter, my husband and I continue to have concerns about the proposed re-zoning of our property on Sydney Street.

We attended the December 9th meeting at City hall and listened carefully to the presentations. It remains concerning to us that re-zoning is being considered from E1 (existing use) to EUF1 (existing use floodplain) zoning. Labels are important. The word “floodplain” on the zoning and the words “open space” on the maps associated with Mill Courtland Woodside Park properties could:

1. – decrease the real estate value of the property.
2. – make resale more difficult as potential buyers would be wary of the property.
3. – potentially increase our insurance rates.

Perhaps the city can choose alternative wording to “open space” on their maps and consider a zoning label that does not include the word “Floodplain.”

We hope that you and others in the Planning Department will consider our concerns.

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

Staff Response
Planning staff cannot choose alternate wording to rename the “Natural Heritage Conservation” land use designation and “Existing Use Floodplain” zone category.

The decision to utilize the “Natural Heritage Conservation” land use name to designate lands located within hazard lands, a flood plain, was determined with the adoption and approval of the City’s Official Plan in 2014. This land use designation must be applied to Flood plain lands which are located within the Secondary Plans.
The decision to change the name of the E-1 Zone to EUF-1 Zone was made during Stage 1 of CRoZBy (By-law 2019-051), in consultation with Grand River Conservation Authority, to provide transparency to future property owners and to reflect the intent of the zone. To recognize existing development in the Floodplain. Technically properties that are located in a floodplain should have a no development zone in accordance with Provincial Policy. The existing use zone, then and now, is the compromise to recognize existing uses in a floodplain and allow some minor expansions with a permit from the GRCA.

Planning Staff understand from the various written and oral submissions that the change in the name of the existing use zone to include the word “floodplain” is of concern. As mentioned, the name of the Existing Use Zone was updated in April of 2019 and is not within the scope of this project. The name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain.

With respect to concerns regarding property values and insurance, nothing is changing. Assessed land values are determined by the Municipal Property Assessment Corporation (MPAC). MPAC is aware of the zone categories and that they mean the same irrespective of the word “floodplain” in the title. The ability for a property owner to obtain insurance and the type of insurance again is the same in either case. Irrespective of the zone name, the properties are still located in a floodplain.

[Link to MPAC - Residential Property Assessment]

Resolution
The name of the “Natural Heritage Conservation” land use designation and the name of the “Existing Use Zone” was updated in June of 2014 and April of 2019 respectively, and are not within the scope of this project. The zone category name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain. No changes are recommended to EUF-1 Zone or to the proposed land use designation and zoning of 167 Sydney Street South.
Hi Tina,

At the public meeting held on Dec 9, the Chair, Councillor Sarah Marsh, repeatedly encouraged participants to follow up with staff on their questions and input. Therefore, I am following up on my previous email to find out how the City plans to address the points I made, as well as this email.

After the meeting, I learned from neighbourhood group emails that many of my neighbours on Homewood Ave and Brock Street were concerned about the rapid changes, and confused by what exactly are being proposed. Unless a person has been following the City's planning work in the last several years, the information posted online is overwhelming, and very difficult to follow and understand both at a personal level and on a community level. I suggest that posting a large number of reports online, as is the case here, though might fulfill legislative requirements to share information with stakeholders, does not necessarily achieve effective communication.

In addition to my previous comments, I would like to add that my husband and I, like property owners and residents of downtown neighbourhoods, feel quite threatened by the recent rapid and potential changes that can negatively impact our sense of community, quality of life and property value.

At the public meeting, I observed three categories of people (apart from the hired consultants) - those who live in the affected neighbourhoods who want the best long-term outcomes for their homes and neighbourhoods; those who own properties in the affected neighbourhoods but don't necessarily live there and want to maximize the returns on their investments (downtown properties); and a few who are familiar with the issues (who might or might not live in the
affected neighbourhoods) and were there to share their viewpoints. The needs of the first two groups seemingly conflict with each other’s, but that doesn’t have to be the case.

As a former planner, I fully understand the reasons for which the Region and the Cities are pushing for maximum density. I am concerned about the impacts of urban sprawl as much as municipal planners are, and support density and mass transit. My key feedback, like that expressed by many who presented at the public meeting, is that the City needs innovative, thoughtful ways to manage growth, approaches that seriously address the impacts on existing neighbourhoods, residents and property owners, approaches that would achieve growth without compromising the well-being of existing stakeholders. Those of us who own properties in downtown neighbourhoods and live there are impacted most directly and significantly when a high-density development takes place near our homes. One party's gain, or the overall community's gains for that matter, should not be achieved at the expense of others, as that would be clearly unfair. Please understand that we, homeowners, are simply trying to do what anyone in our situation would do - protect one of the most precious things in our lives - the enjoyment of our homes!

Please let me know if I could help organize any neighbourhood consultation activities on and around Homewood Ave.

I look forward to hearing from you.

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
In May of 2016 the City approved the PARTS Central Plan after 18 months of community engagement in the development of the plan. One of the primary purposes of preparing these plans for the Major Transit Station Areas, is that growth will be happening with ION, and the City, in consultation with the community, wanted to get ahead of the infrastructure implementation and find the appropriate locations for intensification while protecting stable established neighbourhoods.

Following the completion of the PARTS Plans, there were changes in Provincial policy which also necessitated the need to update the planning framework for the Secondary Plans. One of the most important pieces of information coming out of the PARTS Central Plan, was that with the retention of the existing land use designations and zoning, the minimum density target of 160 residents and jobs per hectare could be achieved. Accordingly, for the most part the official plan land use designations and zone categories of the majority of the properties in the Secondary Plans are essentially remaining unchanged with respect to existing land use permissions and densities.

Through the development of the PARTS Central Plan and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of FSRs with building
height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

As a result of the 3D modelling work, recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

While maximum Floor Space Ratios (FSRs) were proposed to increase in the MIX base zones, which appears to be increases in density, maximum building heights were decreased and additional setbacks from low rise residential zones for buildings of certain heights were incorporated in the MIX base zones. The overall density in the PARTS areas and Secondary Plan areas essentially remains unchanged and the building massing on a MIX property is situated an appropriate distance from a low-rise residential zone based on its height.

“As a former planner, I fully understand the reasons for which the Region and the Cities are pushing for maximum density. I am concerned about the impacts of urban sprawl as much as municipal planners are, and support density and mass transit. My key feedback, like that expressed by many who presented at the public meeting, is that the City needs innovative, thoughtful ways to manage growth, approaches that seriously address the impacts on existing neighbourhoods, residents and property owners, approaches that would achieve growth without compromising the well-being of existing stakeholders.”

The approved PARTS plans demonstrated that with existing land use permissions and densities the City could achieve the minimum density target to support LRT. The City, in consultation with the Region, determined that we did not need to “push” for more density in implementing the PARTS recommendations for land use in the Secondary Plans. In the majority of the Secondary Plan areas, the density permissions for properties either stayed the same or decreased. In accordance with one of the goals of the PARTS plans, the Plan did identify appropriate locations for intensification and properties that could support an increase in density but not to the detriment of established neighbourhoods.

The extensive 3D modelling to better correlate the FSR and building height relationship and introduce setbacks from low rise depending on the height of a development is an innovative, respectful way to manage growth and to mitigate and negate the impacts that development can have on existing neighbourhoods.

Property owners/developers still have the opportunity and the ability to change the land use and density permissions of their lands through owner-initiated site-specific planning applications. Site-specific requests for increases/changes in excess of the base zones are not being considered through the NPR Process.

The comments that were made in a previous submission will be addressed in respect of that submission. Planning staff are available to meet to provide additional information and clarification and learn more about the specific areas of concern.
Resolution
Planning staff are available to meet to provide additional information and clarification and learn more about the specific areas of concern.

142. 149 Joseph Street

Submission received January 10, 2020
My husband and I attended the meeting about possible zoning changes in the downtown area in early December. We are the owners of 149 Joseph Street and are curious about any possible zoning changes to this specific property. Are you able to share proposed plans for this site? Thanks so much,

Current and Proposed Zoning
Current Zoning – R-5
Proposed Zoning – RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
On January 10, 2020 Planning Staff responded with the following:

“Thank you for your interest in the Neighbourhood Planning Review as it relates to updates of the Victoria Park Secondary Plan.”
All of the information with respect to the existing and proposed land use designations and zoning permissions can be found on the City’s website.

To summarize the property at 149 Joseph Street is currently designated “Low Rise Conservation" and is currently zoned “Residential Five Zone (R-5)” It is proposed to be designated "Low Rise Residential Limited" and proposed to be zoned "Low Rise Residential Three Zone (RES-3)"

I have attached a link to a document which compares the existing and proposed residential zones. Residential Zone Comparisons. [Link to Comparison of 'R' Zones and new 'RES' Zones]

In the case of 149 Joseph Street, the changes are not significant with respect to uses. We are updating the names of the land use designation and zone categories. The new “RES-3” Zone is the comparable to the existing “R-5” Zone.

Hopefully this answers your question. If there are any additional questions or comments, please do not hesitate to contact our office.”

Submission received January 10, 2020
The following response was received later on January 10, 2020.
"Thanks so much for the information! A"

Staff Response
Further:
To clarify new Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 149 Joseph Street. Planning staff have added the submission’s contact information to the email distribution list so that the property owner will be kept informed of future meetings and updates on the project.
Submission received January 28, 2020 
Thank you for taking the time to speak with me today.

Regarding the property that I own on Park Street: 491 Park, 485/487 Park, 61 Mt. Hope.

The properties at this location are currently used as Residential homes. My intention for these properties, along with adjacent properties that I have yet to acquire but continue to pursue, is to develop and improve the lands and structures and to create residential units to increase the residential density. This would be a move from 5-6 residences to potentially 27 or more residences. Transforming the property from older, not-exactly-the-prettiest homes to brand new structures that will enhance the neighbourhood in many ways: A new building will be better-built, better looking, safer and will give the area a better feel. It will only serve to improve the neighbourhood while offering much needed rental properties in the core near public transit and large employers.

My ask is that the use and zoning for these properties be residential focused with maximum density potential in the form of 3+ story units similar at the very least to those at the corner or Park and Wood street known at 55 Wood. In fact, I would be willing to undertake a larger development with an underground parking structure where the structure would extend 5 or more floors up – something similar to the building on Walter street. Or perhaps in this instance where height allows necessary density, and therefore affords us with enough to be able to create
underground parking, we could establish a mixed use of Institutional on the main floor and residential on the floors above – something like 222 King St S, Waterloo (Cortes).

The narrow focus offered by an Institutional zoning eliminates my ability to develop this property. The density of tenants necessary to generate the rental revenue I need to be able to spend money on developing the lands is not accessible via Institutional tenants. The main reason is the requirement for parking and also because of the lack of tenants interested in renting at this location. Parking requires so much land that I could not possibly build enough square footage of office space to generate the rental income necessary to cover the costs of capital input into the project. For example: an office of 5 Physiotherapists require parking for themselves and staff: 7 and patients currently being treated: 5 and patients waiting to be seen: 5 and any overlap: 2 plus handicapped spots. With that much parking required I am barely left with enough space for structure. Parking is the dagger in this type of development. Institutional tenants are looking more and more to larger developments on the outskirts where access is easy, parking is available, and complementary services are right next door: Doctor, Pharmacist, x-ray services, physiotherapists, and a coffee shop for those waiting. Drawing these kinds of tenants back to a location that a lot of them have left is very difficult – especially given the access issues we now see on King street due to the LRT. A lot of that traffic has moved to Park street – and maneuvering cars on Park street is not fun at most times of day which only pushes those patients to seek services where access is easier. Also, these types of tenants want new and up-to-date facilities – the money is not available to build this given the low density of tenants.

The vision for Downtown Kitchener, Uptown Waterloo, and the Midtown area in-between is to liven things up. Get people walking and riding bikes and taking the LRT. To get people in that area to support investment by Restaurants and service businesses that require foot traffic. Creating affordable living units does this. Institutional uses close in the evening and on weekends in most cases. This creates a void during those times – which does not aid those businesses that require people. I always thought there was a move to infill and encourage investment in the core areas to make it pretty, and safe, and fun.

A residential development has the math that works. I am working and able to secure the funding to move forward with this type of project – as mentioned I have been working with a Planner to look at best case scenarios for the property. Unfortunately, an Institutional zoning would not allow development. I would be forced to let the properties continue as is. And to be very honest, an Institutional zoning would hurt the property value where I couldn’t even look at selling the properties – it would be best to just let them stay as is and hope zoning changes in the future. An Institutional zoning would not change or better anything. The old homes there would just sit and continue to deteriorate.

If you have questions, please feel free to contact me. Thank you for your time!

Current and Proposed Zoning (485, 487-491 Park Street)
Current Zoning – I-2, 102U
Proposed Zoning – INS-1
The Park Street properties have received a comparable zone with the exception that the new Institutional land use and zoning do not permit residential uses.
Current and Proposed Zoning (61 Mt. Hope Street)
Current Zoning – R-5, 129U
Proposed Zoning RES-3 (159) (160)
A comparable zone is proposed to be applied.

Staff Response
The PARTS Midtown Plan, which was approved in December of 2017, recommended that the properties addressed as 485 and 487-491 Park Street be designated for “Institutional” uses and that the property addressed as 61 Mt. Hope Street be designated as “Established Low Rise Residential”.

One of the biggest changes with the new “Institutional” land use designation with the approval of the Official Plan in 2014, is that residential uses are no longer permitted. The lands on the southerly side of Park Street from Mt. Hope Street to Glasgow Street are currently primarily developed with residential and some institutional uses. At the time the original secondary plan was prepared it was envisioned that Park Street be designated for institutional uses so as to allow Park Street to transition and redevelop with uses to complement the adjacent hospital use, i.e. health offices/services. While this has happened on a handful of properties on Park Street there has also been a number of properties that continued to be used for primarily residential uses and some have since redeveloped with multiple residential uses.

The PARTS Midtown Plan recommended that the “Institutional” uses on Park Street from the boundary with the City of Waterloo to Mt. Hope Street be redesignated from “Institutional” to “Mixed Use – Low Density”. With the proposed changes to the FSRs and building heights in the Mix base zones, it was recommended that these properties be zoned “MIX-2” which permits a maximum FSR of 3.0 and a maximum building height of 6 storeys.

The remainder of Park Street from Mt. Hope Street to Glasgow Street was recommended to remain designated “Institutional”. Upon further review of this section of Park Street, given its close proximity to the ION stop, a mixed use land use designation may be appropriate to allow for both institutional and compatible commercial uses, to service and complement the hospital use, as well as multiple residential uses to develop on this section of Park Street. The “Mixed Use” land use designation would maintain the existing land use institutional and residential land use permissions and allow for some complementary commercial uses and be consistent with the land
use designation that was applied to the properties on Park Street from Mt. Hope Street to the boundary with the City of Waterloo.

With respect to the property addressed as 61 Mt. Hope Street, the PARTS Midtown Plan recommended that this property be designated “Established Low Rise Residential”. The proposed land use and zoning implement this recommendation and are comparable to what currently exists now with the exception that 3 residential dwellings, attached and/or detached, are now permitted provided the property can meet all zoning regulations.

New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling and new Site-Specific Provision (160) requires new dwellings to provide a front porch. The new zoning is comparable to the existing zoning. This property will have the same zoning permissions that it currently has with the additional requirements to regulate the location of attached/detached parking structures and the requirement for a front porch on new construction in order to enhance and protect the character of the streetscape.

Resolution
It is recommended that the southerly side of Park Street from Mt. Hope Street to Glasgow Street, which includes the properties addressed as 485 and 487-491 Park Street, be designated “Mixed Use with Specific Policy Area 2” instead of “Institutional” and be zoned “MIX-2” instead of “INS-1”.

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with added site-specifics provisions to regulate the location of attached/detached garage/carport and the requirement for a front porch, is proposed to be applied to 61 Mt. Hope Street. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

Planning staff have added the submission’s contact information to the email distribution list so that the property owner will be kept informed of future meetings and updates on the project.
Submission received February 1, 2020
Good Day Tina & Preet,
I am the owner of 6 Hoffman St under numbered company ‘Deleted Name’ I was at the property last weekend and have been informed that some changes have been proposed with respect to the zoning. Would you please share some insights and how my property will be affected with these proposed changes?

Thanks a lot, looking forward to your response.

Current and Proposed Zoning
Current Zoning – M-2
Proposed Zoning – EMP-6 (175)

Staff Response
On February 11, 2020 Planning Staff responded with the following:

“Thank you for your email and for your interest in the Neighbourhood Planning Review Project.

Proposed new land use designations and zoning were considered at a Statutory Public Meeting on December 9, 2019 for public review and comment. No recommendations or decisions were made at this meeting.

The existing land use is “General Industrial Employment” and the existing zoning is “General Industrial Zone (M-2)”
The proposed land use that was considered at the statutory public meeting is “Innovation Employment” and the proposed zoning is “Innovation Employment (EMP-6) Zone”.

The information on the existing and proposed zoning of the property at 6 Hoffman Street can be found on the City’s website here.

At this stage in the process we are now in the ‘issues Resolution’ phase. We have about 140 formal written or oral submissions as part of the Statutory Public Meeting. The intent is for us to review each comment and provide a response.

Additional information will be communicated to everyone that provided a submission once we have a clear course of action and timing. We do hope to ultimately be back at Council with a recommendation sometime later this year.

Should you have any additional questions or comments, please do not hesitate to contact our office.

Resolution
No further correspondence has been had with the property owner since providing the response on February 11, 2020. No changes are recommended to be made to the proposed land use designation and zone category to be applied to 6 Hoffman Street.

145. Civic Centre Secondary Plan

Submission received February 3, 2020
Happy new year, Brandon.

How do you recommend that neighbourhoods follow up regarding Secondary Plans?

I believe we, in Civic Centre, could proceed more productively if we had the following additional information, prior to our next discussion, so we may understand the needs we are attempting to address:

1. the current, existing density within the Urban Growth Centre (UGC) portion of the Major Transit Station Area (MTSA) that straddles the UGC and Civic Centre;
2. the CRoZBy-permitted density (as legislated) in the UGC portion of the MTSA, that straddles the UGC and Civic Centre;
3. the density that needs to be permitted in Civic Centre in order to meet the provincial, regional, and municipal requirements; and
4. the means by which (if any) the private gains and losses that result from re-zoning are to be addressed.

Is this information that the Planning Department is willing to share? If so, when might answers be available?

I understand that some of the other central neighbourhoods share an interest in this information.

Thank you,
On February 3, 2020, Planning staff responded with the following:

“Hi, Thanks for reaching out and touching base on this.

We are now in the ‘issues Resolution’ phase. We have about 140 formal written or oral submissions as part of the Statutory Public Meeting. The intent is for us to review each comment and provide a response. Some may necessitate further dialogue. Additional actions and timing are pending as there are a few critical path items we are following up on. The Region is preparing an update to their Official Plan over the next year or so and we would like to ensure there is alignment.

Additional information will be communicated to everyone that provided a submission once we have a clear course of action and timing. We do hope to ultimately be back at Council with a recommendation sometime later this year.

Regarding density – if the approved PARTS: Central Plan land use and identified updates to the Civic Centre Sec Plan and Zoning are put in place = enough to achieve density targets within MTSA (as it sits now. the provincial target is min 160 residents and jobs per hectare for MTSA station and current Kitchener OP target is 225 RJs/Ha in UGC which does not include Civic Centre neighbourhood).

Resolution
None required.

146. Civic Centre Secondary Plan

Submission received February 19, 2020
Good day Adam,

I’ve completed my analysis and would like to ensure that my understanding matches that of Planning Department staff. Can we schedule an in-person meeting? I think we’ll need to be in front of a computer screen (or projected image). With just the two of us, I imagine we could get through in half an hour or less. I have no problem with having additional Planning staff with us (lots of good minds over there), but it may add to the time required. I have a flexible schedule this week, working from home, so please suggest times that may work for you. Thank you,

Staff Response
On February 20, 2020, Planning staff responded with the following:

“Hi, Adam has forwarded your email on to myself since I was previously the Project Manager for the PARTS Planning and I am currently trying to implement the PARTS work and update the planning framework through the Neighbourhood Planning Review Project to also reflect the recommendations of the RIENS and CHL Studies.
Our methodology for calculating density was developed in 2009 with the development of Kitchener’s Growth Management Plan and Strategy. It was necessary to develop in order to comply with specific intensification and density targets (for the Built-Up Area and Designated Greenfield) mandated by the Government of Ontario through Places to Grow: Growth Plan for the Greater Golden Horseshoe 2006. In comparison to many municipalities, the City’s methodology was and still is very sophisticated and is based on a number of assumptions and variables. The algorithm that was developed is quite complicated and does not easily translate for example to 230 residents/jobs per hectare based on a FSR of 3.0. There are several other factors at play. For example, the lot area, the lot coverage (setbacks/lands used for parking/green space), building height maximums, % non-residential floor area, unit type where not measured by FSR, to name a few. Given the complicated calculations and number of properties that are run at any one time, the running of this algorithm is done outside of office hours.

As Brandon had mentioned in an email before he left, the MTSA boundary must achieve at a minimum a density target of 160 residents and jobs per hectare. The Urban Growth Centre must achieve at a minimum a density target of 225 residents and jobs per hectare. In planning for these boundaries, the City assigns land uses, that will assist and contribute to achieving this target. Where lands are located in both an MTSA and the UGC the higher density target applies to those lands. The PARTS Plans recommended land uses based on the MTSA boundary developed through the Plan and the need to achieve this target at a minimum recognizing that not all lands were appropriate locations for intensification.

While we appreciate the work that you have undertaken to try and understand how density is calculated in the MTSA, from a non-planner perspective, as Brandon also mentioned the Region is preparing an update to their Official Plan over the next year or so, which involves reviewing the MTSA boundaries in all area municipalities and assigning and calculating densities. As part of the Region’s Official Plan Review, they are taking this opportunity to review the MTSA boundaries in all of the municipalities in the Region and develop a consistent methodology to calculate density for all of the MTSA in all 3 cities. Before proceeding with next steps in the Neighbourhood Planning Review Project we need to understand how MTSA are planning to be implemented at the Regional level as we would like to ensure there is alignment with our work.

Further dialogue and meetings on the MTSA boundaries and densities can take place once we have a clearer course of action and timing. Regards,"

Resolution
Planning staff will be available to meet to discuss the submission at a future date in time.
Submission received February 24, 2020
On behalf of our client, Node Kitchener Inc. (owner of the properties 65, 71 and 79 Madison Avenue South), please accept this letter and supporting material regarding the proposed Zoning By-Law Amendments within the Cedar Hill and Schneider Creek Secondary Plan.

IBI Group has been retained to review the recently released draft Secondary Plan and accompanying Zoning By-Law for the Cedar Hill and Schneider Creek area, to identify any potential impact of these proposed policy and regulatory changes, and to provide land use opinion with regard to the appropriateness of the proposed changes and the effect of these changes to the future use of our client’s property. Please see Figure 1 below which highlights the location of the subject property within the context of the proposed new zoning.

Based on our review, it is our request that the proposed zoning for the subject property of ‘MIX –4’ for 65 Madison Avenue South and ‘RES-6’ for 71 and 79 Madison Avenue South, include a site-specific regulations to recognize the specific parking requirement and interior side yard setback that were both approved by Minor Variance Application A 2018-013.

1.0 Background Information
Our client has received Site Plan Approved in Principle for a 38 unit, 4-storey apartment building, file/application: SP17/132/M/GS (see Attachment 1 - Approved in Principle Site Plan). During the approval process, a Minor Variance was approved for a parking reduction of 1.05 spaces per dwelling unit (inclusive of required visitor parking), rather than the current Zoning By-Law
requirement of 1.25 spaces per unit. Furthermore, the proposed building’s interior side yard setback of 3.0 metres (which complies to the current ‘R-6’ zoning regulation interior side yard of 2.5 metres) but would not comply with the proposed 4.5 metres of the proposed ‘RES-6’ zone nor the proposed 4.0 metres of the proposed ‘MIX-4’ Zone of the subject property.

The following table provides a summary of the site-specific zoning regulations that we request be applied to the subject property.

**Parking Recommendation**
Apply a site-specific regulation to recognize the reduced parking rate of 1.05 spaces per dwelling unit (inclusive of visitor parking) previously obtained through a Minor Variance, rather than the proposed Zoning By-Law which requires 1.15 spaces (inclusive of required visitor parking) per dwelling unit.

**Interior Side Yard Setback Recommendation**
Apply a site-specific regulation to recognize the interior side yard setback of 3.0 metres, rather than the 4.5 metres and 4.0 metres in the proposed ‘RES-6’ and ‘MIX-4’ zoning of the subject properties.

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**Figure 1: Location Map / Proposed Zoning Map (Source: City of Kitchener)**

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**2.0 Parking**
As per the current Zoning By-Law in force and effect, the parking requirement for a multiple dwelling with 38 units requires parking at a rate of 1.25 spaces per dwelling unit, which equals 48 parking spaces. However, a Minor Variance was obtained in order to permit a reduced parking rate of 1.05 spaces per dwelling unit (inclusive of visitor parking), totaling 40 parking spaces for the proposed apartment building.

The City is proposing to require parking for a multiple dwelling at a rate of 1.15 spaces per dwelling unit (inclusive of visitor parking), which means a total of 44 parking spaces would be
required for the proposed development. This means the Site Plan Approved in Principle will have a parking deficit of 4 spaces, as it will not meet the minimum requirement.

Given that our client has already obtained a parking reduction through a Minor Variance, and Site Plan Approval In Principle, we request that a site-specific regulation be applied to the subject property to recognize the reduced parking rate of 1.05 spaces per dwelling unit (inclusive of visitor parking), rather than the proposed 1.15 spaces per dwelling unit (inclusive of visitor parking).

3.0 Interior Side Yard Setback
The subject property is currently zoned Residential 6 (R-6), as per the Zoning By-Law in force and effect. The R-6 zone requires an interior side yard setback of 2.5 metres.

The City is now proposing to zone the subject property to ‘MIX-4‘ and ‘RES-6‘. Based on the proposed changes, the interior side yard setback will require 4.5 metres instead of the current 2.5 metres. This means the interior side yard setback outlined in the Site Plan Approved in Principle, of 3.0 metres, will not comply with the proposed new minimum requirement. As such, we request that a site-specific regulation be applied to the subject property in order to permit an interior side yard setback of 3.0 metres, rather than the proposed 4.5 metres.

With regard to the interior side yard being increased from 2.5 metres in the current Zoning By-Law to 4.5 metres in the proposed Zoning By-Law, we are not aware of the specific reasons for this increase. As such, this proposed increase may be something that City staff reconsiders in the proposed ‘RES-6‘ and ‘MIX-4‘ zones to keep it at 2.5 metres or 3.0 metres. Adjusting it to 3.0 metres would be the same as what is proposed in the new ‘RES-4‘ and ‘RES-5‘ zones resulting in more consistency in the regulations of the new zones.

4.0 Conclusion
On behalf of our client, Node Kitchener Inc., we trust this letter provides you with an understanding of our concerns and request to include site specific regulations for the subject property to permit a minimum interior side yard of 3.0 metres and an applied parking requirement of 1.05 spaces per unit (inclusive of visitor parking) within the proposed Zoning By-Law Amendments to the Cedar Hill and Schneider Creek Secondary Plan, for the reasons noted above. Please advise us accordingly on this request.

We also request that we be notified of any future meetings and decisions on the proposed Cedar Hill and Schneider Creek Secondary Plan and Zoning By-Law Amendments. Sincerely,

Current and Proposed Zoning
Current Zoning – R-6
Proposed Zoning – RES-6

Staff Response
All 3 of the properties addressed as 65, 71 and 79 Madison Avenue South are proposed to be zoned new “RES-6”. The new Residential base zones are being developed and approved through the Comprehensive Review of the Zoning By-law (CROZBy) Project and being implemented in the
Neighbourhood Planning Review (NPR) Project. Accordingly, the uses and regulations in the new 'RES' zones are not within the scope of this project.

- The properties are currently designated “Low Density Multiple Residential” and zoned “Residential Six Zone” in Zoning By-law 85-1. The comparable zone in Zoning By-law 2019-051 would be new “RES-5”.
- The properties are proposed to be designated “Medium Rise Residential” and zoned “RES-6” in Zoning By-law 2019-051. The comparable zone in Zoning By-law 85-1 would be “R-8”.

The land use and zoning of these properties is changing from a low-rise built form to a medium-rise built form. The interior side yard setbacks are actually decreasing in the comparable zones. The minimum interior side yard setback in the “R-8” zone in Zoning By-law 85-1 is 6 metres and this is proposed to decrease to 4.5 metres in the comparable “RES-6” zone in Zoning By-law 2019-051.

Zoning By-law 2019-051 contains Transition Provisions as noted in Section 18 of the by-law.

“b) Despite Sections 1.7 and 1.8, nothing in this By-law applies to prevent the issuance of any building permit where:

i) a complete application for such building permit was made on or before the effective date of this By-law and said complete application complied with the provisions of By-law Number 85-1; or,

ii) a complete application for such building permit was made after the effective date of this By-law and is in respect of a lot to which Subsections c), d) or e) apply and the said complete application complied with the provisions of By-law Number 85-1;”

These provisions allow issuance of building permit where approval of a site plan application, which complies with Zoning By-law 85-1, has been given. Given the status of NPR, it is anticipated that Site Plan Application SP17/132/M/GS will receive final approval and be issued a building permit prior to these properties being rezoned to “RES-6”. The resultant side yard will become legal non-complying with respect to Zoning By-law 2019-051. At such time as final documents can be considered for the Secondary Plans, Planning staff will review that status of Site Plan Application SP17/132/M/GS and the need to add a site-specific to recognize the side yard setback of 3.0 metres.

Currently, the parking requirement for a multiple dwelling unit in this location in Zoning By-law 85-1 is 1.25 parking spaces per dwelling unit. As noted in the submission, a minor variance was approved to recognize a 1.05 parking space per dwelling unit (inclusive of visitor parking).

The parking requirement for multiple dwellings located in MTSA areas that was considered at the Statutory Public Meeting on December 9, 2019 proposed a minimum 0.9 parking spaces per dwelling unit and a 0.1 parking spaces per dwelling unit for visitor parking. The approved parking rate of 1.05 per dwelling unit would slightly exceed this requirement. Accordingly, no site-specific provision is required.
Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

Resolution
At such time as final documents can be considered for the Secondary Plans, Planning staff will review that status of Site Plan Application SP17/132/M/GS and the need to add a site-specific to recognize the side yard setback of 3.0 metres. No site-specific provision will be required to recognize the reduced parking requirement granted with the approval of Minor Variance Application A2018-013.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.
Submission received March 4, 2020
Property owner came into City Hall on March 4, 2020 to advise that they are supportive of the Medium Rise Residential land use and zoning and would like to be kept advised of the progress of the NPR project.

Current and Proposed Zoning
Current Zoning – R-5, 142R
Proposed Zoning – RES-6

Staff Response
The PARTS Central Plan which was approved in May of 2016 recommended that the property addressed as 143 Madison Avenue South be designated for medium density residential uses. The new Cedar Hill Schneider Creek Secondary Plan implements the PARTS Central recommendation for land use. The property owner has indicated their concurrence with the proposed Medium Rise Residential land use designation and RES-6 zoning.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to 143 Madison Avenue South. Planning staff have added the submission’s contact information to the email distribution list so that the property owner will be kept informed of future meetings and updates on the project.

149. 19 Roland Street
Submission received March 4, 2020
Hi Tina - a number of us Roland St residents wanted to follow-up from the Dec 9 meeting to book a follow-up to come in and discuss the proposed zoning changes to Roland Street with city staff. ‘Deleted Name’ spoke at the meeting and we were told we should reach out to book a meeting so I’m reaching out on behalf of all of us. Thanks in advance for the help,

Current and Proposed Zoning
Current Zoning – Existing Use Zone (E-1)
Proposed Zoning – Existing Use Floodplain Zone (EUF-1)
A comparable zone is proposed to be applied.

Staff Response
On March 5, 2020 Planning Staff responded with the following:

“Thank you for your email and for your interest in the Neighbourhood Planning Review Project.

We held a statutory public meeting to consider the updated and, in some cases, new land use designations and zoning for just over 4,000 properties in 7 Secondary Plans on December 9, 2019. We received a number of submissions and we are still in the process of reviewing these. We are also awaiting the work of the Region of Waterloo who are in the process of reviewing the Major Transit Station Area Boundaries across the Region. We want to make sure that our work aligns with their work before moving forward. Accordingly, the project is on hold until we determine next steps.
What I can provide you is some information and background to the project particularly as it relates to the properties on Roland Street. This information was provided in emails to residents who inquired of the changes in advance of the Dec. 9th meeting, in an email to Mayor Vrbanovic inquiring on behalf of the residents before the Dec. 9th meeting, and again orally by staff at the Dec. 9th meeting in response to a question from Mayor Vrbanovic.

The properties on Roland Street are located in a Floodplain and are currently designated “Open Space” in the existing Victoria Park Secondary Plan and are proposed to be designated “Natural Heritage Conservation” in the updated new Secondary Plan.

The existing zoning of the properties on Roland Street is "Existing Use Zone (E-1)". The proposed zoning is "Existing Use Floodplain (EUF-1) Zone. The new EUF-1 Zone is the equivalent of the existing E-1 Zone. The permitted uses and regulations are the same. The change in zoning is in name only.

**Existing Zoning**

![Existing Zoning Diagram]

**Proposed Zoning**

![Proposed Zoning Diagram]

The decision to change the name of the E-1 Zone to EUF-1 Zone was made during Stage 1 of CRoZBy (By-law 2019-051), in consultation with Grand River Conservation Authority, to provide transparency to future property owners and to reflect the intent of the zone. To recognize existing development in the Floodplain. Technically properties that are located in a floodplain should have a no development zone in accordance with Provincial Policy. The existing use zone, then and now, is the compromise to recognize existing uses in a floodplain and allow some minor expansions with a permit from the GRCA.
I understand from the written and oral submissions that the change in the name of the existing use zone to include the word “floodplain” is of concern. As mentioned, the name of the Existing Use Zone was updated in April of 2019 and is not within the scope of this project. The name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain.

With respect to concerns regarding property values and insurance, nothing is changing. Assessed land values are determined by the Municipal Property Assessment Corporation (MPAC). MPAC is aware of the zone categories and that they mean the same irrespective of the word “floodplain” in the title. The ability for a property owner to obtain insurance and the type of insurance again is the same in either case. Irrespective of the zone name, the properties are still located in a floodplain.

I have attached a portion of a FAQ that was prepared for the new Zoning By-law (CRoZBy) to help explain zone changes and what they mean for property owners.

“**What impact may the new zoning by-law have on the value of my property and/or my property taxes?**
The zoning of properties has little to no impact on the assessed value of properties. The Municipal Property Assessment Corporation (MPAC) assesses the value of properties based on as many as 200 different factors. Five major factors usually account for 85% of a property’s value including location, lot size/dimensions, living area, age of the house and, quality of construction. More information on MPAC’s property assessment valuation process can be obtained by visiting [Link to MPAC - Residential Property Assessment](#).

Property taxes are not calculated based on the market value but rather the assessed value of the property. The market value of a property depends on a host of factors including the state of the economy and the individual purchaser’s preferences.”

When we are a little further along in the project and start setting up engagement with property owners to address concerns, if you would still like to discuss further after receiving this information, please let me know.

**Resolution**
The name of the “Natural Heritage Conservation” land use designation and the name of the “Existing Use Zone” was updated in June of 2014 and April of 2019 respectively, and are not within the scope of this project. The zone category name change to include the word “floodplain” was at the request of the GRCA, to reflect Provincial Policy, and in lieu of not applying a “No Development At All” zone to properties with existing development in a floodplain. No changes are recommended to EUF-1 Zone or to the proposed land use designation and zoning of the properties on Roland Street. At such time as further engagement opportunities are scheduled, Planning staff would be happy to meet to discuss further.

150. **Victoria Park Secondary Plan**
Submission received March 10, 2020
Good morning Debbie,
Prior to my vacation I was busy with various Neighborhood projects. Hence, I forgot to check as the status of the Zoning on the corner lot at Joseph and David. In the Zoning meeting at the City, I pointed out that new R1 label allowed for a much higher building than was currently there.

I had assumed due to the massive efforts of Brandon's Dept in trying to corral this CRoZby behemoth, that it was accidentally rezoned in a blanket effort.

I would appreciate it if you could enquiry as to what the current status is. And if it is to remain R1 - WHY?

Just to be sure no one downplays what developers can do with the ENTIRE lot, or what this means in the big picture of the neighborhood I would like, to repeat some of what I said at that meeting.

There are two 2.5 story houses and small one and a half story house on the back half of the area. At the corner, there is a city parking lot.

The new zoning allows, as a MINIMUM a 60ft - 80ft high development. The "current" interested developer wants/will get much higher.

Once development has been granted, every remaining home along Joseph to Water, all the homes which back onto the park along Richmond, those at the end of Roland, Schneider, and Dill
will all be become prime targets for Development. Entire Neighborhoods will be ruined. There is nothing to stop this once a precedence has been established.

They will now build into the Park - on park land.

Has anyone in Kitchener, tried to outlaw cash purchases for properties and condos?...

**Current and Proposed Zoning**

Current Zoning – R-8, 2.0 FSR, 24 metre maximum building height, 8 storeys  
Proposed Zoning – MIX-2, 3.0 FSR, 20 metre maximum building height, 6 storeys

**Staff Response**

On March 11, 2020 Planning Staff responded with the following:

“Hi Debbie. Hope all is well.  
I believe ‘Deleted Name’ is referring to 3 properties at that corner that were proposed for Mixed Use (not R1) in the package of information at the December Statutory Public Meeting. It is part of the Neighbourhood Planning Review stuff for the central neighbourhoods with the new secondary plan designations, zoning, etc.

All comments received are being reviewed, considered and there will be responses. This may lead to further refinements. We will consider his and others’ comments and continue to review if the scale of mixed use proposed at that corner is appropriate. From a compatibility standpoint a mid-rise, 4ish storey building would be, but we’ll consider other aspects he raises.

As for ‘Deleted Name’s concern for the rest of Joseph, I took a look and we have identified pretty much all the properties he refers to as Low Rise Residential Limited which would pretty much keep it as is and is likely better than the current situation.

Tina is putting together some updates on next steps over the coming months and will be communicating that to you and our contacts in the near future. This should help you with any messaging of residents asking questions on it. We are now in the issue Resolution phase and there will be time coming up for those that have commented and have outstanding issues to meet with us. Also, next time I see Mario we can chat further about the topic.”

The following response was provided as part of No. 135 c)

“Currently the properties addressed as 55 and 69 Joseph Street, 2, 12, 14 and 20 David Street can be developed with 8 storey buildings having a maximum building height of 24 metres.

The amendments considered at the Statutory Public Meeting in December of 2019 recommended that the zoning be changed from ‘R-8’ to ‘OSR-1 for the properties addressed as 55 and 69 Joseph Street. This resulted in land previously zoned for medium rise residential uses being added to Victoria Park.

The amendments also proposed that the zoning be changed from ‘R-8’ to ‘MIX-2’ for the properties addressed as 2, 12, 14 and 20 David Street. This resulted in an increase in the FSR from...
2.0 to 3.0 but the maximum height decreased from 24 metres, 8 storeys to 20 metres, 6 storeys. The new MIX zone allowed for some additional commercial/institutional uses on the property in addition to the residential and complementary commercial uses that are currently permitted.

This site is directly adjacent to the downtown and is across the street from a planned redevelopment that will happen on the transit terminal site. In addition, considering we are experiencing a climate emergency and an affordable housing crisis, it is important to continue to build housing in areas where growth is directed.

In consideration of the need to provide opportunities for additional housing and the protection of the heritage conservation district it is recommended that the property addressed as 2 David Street be designated and zoned for medium density residential uses and the properties addressed as 12, 14 and 20 David Street be designated and zoned for low density residential uses.

A redevelopment of the vacant lot at the corner would provide a transition between the proposed development on the transit station site and the lower rise Victoria Park neighbourhood to the south. In staff’s opinion a medium rise building would provide an appropriate transition between up to three storey single detached dwellings (in Victoria Park) and larger buildings in the Downtown. Urban design regulations such as stepbacks, and setbacks that have been added to the general regulations and residential base zones provide additional off-site protection between higher density land uses and adjacent low-rise land use designations.

In addition, the building’s presence at the northeast corner of the park means there will be no shadow impacts, other than potentially very early in the morning in the summer months. There is currently a 9-storey building on David street with another 5-storey building having received recent approval. In this context, and with our strategic plan objectives to increase housing supply and create a more sustainable future, these permissions are appropriate, and the impacts will be negligible.”

Further:

- The submission states: “Once development has been granted, every remaining home along Joseph to Water, all the homes which back onto the park along Richmond, those at the end of Roland, Schneider, and Dill will all become prime targets for Development. Entire Neighborhoods will be ruined. There is nothing to stop this once a precedent has been established.”

As noted in staff’s response, these lands are proposed to be designated Low Rise Residential Limited which will protect and maintain the established neighbourhood. Further these lands are located in a Heritage Conservation District. This area is not a prime target for redevelopment and the demolition and ruining of this neighbourhood cannot happen.

- There will be no build out into the adjacent park. In fact, the part of the park that is currently zoned R-8 and would permit medium rise residential development is proposed to be zoned Open Space (OSR-1) and not permit any residential development.

- The City/Planning does not have the authority to prohibit the cash sale of properties and condos.
**Resolution**

It is recommended:

- That an “Open Space” land use designation and an “OSR-1” zone category be applied to the properties addressed as 55 and 69 Joseph Street;
- That a “Medium Rise Residential” land use designation and a “RES-6” zone category be applied to the property addressed as 2 David Street; and
- That a “Low Rise Residential” land use designation and a “RES-5” zone category be applied to the properties addressed as 12, 14 and 20 David Street.

151. a) Victoria Park Secondary Plan – Institutional on Michael Street

Submission received March 11, 2020

Hi Tina,

I made several suggestions in my Dec 9 presentation on the Victoria Park Secondary Plan. I am interested to know in particular what the planners are considering about two of my suggestions:

1) that there be a reversal of the changes from Institutional to Mix 2 and Mix 3 zones within Heritage Conservation Districts.

2) if the zoning on the property at Joseph and David remains at Mix 2.

Ideally, there are many people in the community who are concerned about high rise encroachments into and adjacent to HCDs and established neighbourhoods.
Current and Proposed Zoning (135 and 139 Victoria Street South)
Current Zoning – MU-1, 1R
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Current and Proposed Zoning (131 Victoria Street South)
Current Zoning – I-1, 1R
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Current and Proposed Zoning (37-49 Michael Street)
Current Zoning – I-1, 1R, 93R
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Current and Proposed Zoning (15 Michael Street)
Current Zoning – I-1, 1R, 93R, 399R
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Current and Proposed Zoning (5 Michael Street)
Current Zoning – I-2, 1R, 281U
Proposed Zoning – MIX-3 with Flooding Hazard Overlay

Staff Response
The Victoria Park Heritage Conservation District Study, November 1995, was prepared to determine if Victoria Park met the criteria to be considered a Heritage Conservation District and be designated as such under the Ontario Heritage Act.

The Study identified 3 general “Settlement Periods” within the District, although it was noted that there are examples of later and earlier built buildings.
The 1995 Study did an analysis of the development opportunities recognizing that while the District is historic, it has changed and will continue to change and develop in the future. The analysis indicated that there would be relatively little change in Victoria Park and neighbouring residential areas, there could be considerable change on Queen Street South. Since 1995 we have seen some of that considerable change.

9. DEVELOPMENT

Analysis

The District, while historic, has changed and will continue to change and develop in the future. Development may be defined by two categories – municipal works that include streets, curbs, sidewalks, boulevard trees and Victoria Park, and private development of buildings, properties and lots. Analysis of municipal works was carried out by a review...
Analysis of municipal works was carried out by a review. Analysis of private development indicates relatively little change in Victoria Park and the neighbouring residential areas but measured to considerable change on Queen Street South. These potential development areas (see map – Development) are as follows:

11. This area contains the Cline Shirt Factory, the Ukrainian Catholic Centre, and a large vacant area of land to the rear. Municipal plan special policies permit the continuing presence and use of the factory and future development of the church property to the west for a residential care facility at a medium multiple residential density. Preliminary analysis suggests that these provisions will enhance the historic character of the area.

The 1995 Study identified the property at 15 Michael Street and the properties at 37-49 Michael Street as a development opportunity. It noted existing Official Plan policies permitting the continued presence and use of the factory and future development of the church property to the west for a residential care facility at a medium density multiple residential density. As noted in
the study, “Preliminary analysis suggests that these provisions will enhance the historic character of the area.”

**Discussion**

Municipal works and planning policies for private development generally complement conservation of the historic buildings, landscapes, and character in the District. The one area of concern is Queen Street South, both immediately north and south of Courtland Avenue. Municipal land use designation has consolidated a high rise, high density residential/commercial corridor to the north and medium rise, medium density to the south. This could result in the loss of a number of fine Queen Anne Revival style residences which provide visible historic character to one of the oldest settled areas in the city. Nevertheless, a skillful integration of new and old buildings can be achieved that enables high densities without loss of historic character. Guidelines should be prepared to demonstrate this.

“Discussion

Municipal works and planning policies for private development generally complement conservation of the historic buildings, landscapes, and character in the District. The one area of concern is Queen Street South, both immediately north and south of Courtland Avenue. Municipal land use designation has consolidated a high rise, high density residential/commercial corridor to the north and medium rise, medium density to the south. This could result in the loss of a number of fine Queen Anne Revival style residences which provide visible historic character to one of the oldest settled areas in the city. Nevertheless, a skillful integration of new and old buildings can be achieved that enables high densities without loss of historic character. Guidelines should be prepared to demonstrate this.”

In this section of the study, it is important to note that the authors indicated that “a skillful integration of new and old buildings can be achieved that enables high densities without loss of historic character.”

The study also recognized that mid-rise multiple dwellings 6-8 storeys in height are not an incompatible form of development within a Heritage Conservation District. The earliest example of a multiple dwelling in the District is the 7 storey York Apartments at 214 Queen Street South which was built in 1928 using neo-Georgian stylistic elements and is near original in condition.

The intent of applying a Mixed Use land designation and zone was not to support demolition and redevelopment at a scale incompatible with the Heritage Conservation District. It was to support what was identified in the 1995 study, as an opportunity to intensify the existing use of the property, without the loss of historic character.

The application of a Mixed Use land use designation is more desirable as still permits the use of the property for institutional uses and supports its continued viability as an institutionally used property with the ability to diversify with compatible commercial and residential uses, which residential uses are no longer permitted in the new Institutional land use designation and zones.
In addition, considering we are experiencing a climate emergency and an affordable housing crisis, it is important to continue to provide for new housing in areas where there is an opportunity to do so. But not at the detriment of the historic character of the District.

The change in land use designation does not pose any risk to the continued operation of the Ukrainian Church. Staff are of the opinion that the opposite would be true. A Mixed Use land use designation and zoning would also allow the church to be able to share the existing space with other permitted uses during their “off times” and support the existing church use and their continued use of the property.

Currently in the I-1 zone in Zoning By-law 85-1 there is no maximum building height for an educational establishment, religious institution, or hospice. A residential care facility is limited to 8 residents.

In the I-2 zone in Zoning By-law 85-1 the maximum permitted building height is 15.3 metres for an educational establishment, hospice, religious institution, residential care facility with 9 residents or more and a multiple dwelling.

In new Zoning By-law 2019-051, the institutional zones would at a minimum/maximum permit a maximum building height of 14 metres and in INS-2 (locations in Major Transit Station Areas) there would be no maximum building height except where it is located adjacent to low-rise residential. In this case, the portions of a building greater than 14 metres would have a stepback of 3 metres where the base abuts a low-rise residential zone.

A lot of work was done, through the development of the PARTS Plans and Secondary Plans, to review the compatibility and transition of medium or high-rise development in the MIX zones from an adjacent low-rise residential zone. This resulted in new required setbacks dependent on the building height of these proposed medium/high rise developments and also requires the proposed building to transition in height within the subject property itself. The new required setbacks will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

### Maximum Building Height

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum building height</td>
<td>14 m</td>
<td>20 m</td>
<td>26 m</td>
<td>(2a)</td>
</tr>
<tr>
<td>Maximum number of storeys</td>
<td>4 storeys</td>
<td>6 storeys</td>
<td>8 storeys</td>
<td></td>
</tr>
<tr>
<td>Maximum floor space ratio</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

**2. The maximum building height shall not exceed:**

(a) 12 metres within 15 metres of a lot with a *low-rise residential zone*; and,

(b) 25 metres within 30 metres of a lot line with a *low-rise residential zone*.

- In addition to setback and stepbacks, a maximum height is employed within each of the zones to ensure that even if a lot is large enough to meet the setback requirements that a maximum height will be employed to minimize overlook and shadow impacts, and to provide a build form that is compatible in size with the surrounding environment.
• In all zones we have created a maximum height of 12 metres if a 15 metre setback can be achieved from a low-rise residential zone. This is compatible with the maximum permitted height in our low-rise residential zones of 11 metres. Both the MIX zones and the RES zones require rear yard setbacks of 7.5 metres. The maximum permitted heights and yard setbacks are intended to create a compatible built form interface between those properties zoned for mixed use and those zoned for low rise residential uses.

The Secondary Plan that was considered at the December 9th, 2019 statutory public meeting showed this area as proposed to be designated “Mixed Use with Specific Policy Area 3 – Mixed Use Medium to High Rise” and proposed to be zoned “MIX-3”.

Planning staff are of the opinion that a “Mixed Use” land use designation is the most appropriate land use designation to be applied to these lands. Rather than “Specific Policy Area 3”, staff will recommend that “Specific Policy Area 2” be applied instead.

It is also staff’s opinion that the application of a Mixed Use land use designation rather than an Institutional, will facilitate and support the Ukrainian Church by allowing these lands and the existing buildings to be used for more than religious institutional purposes.

These properties, located within a Major Transit Station Area, are also an opportunity to intensify with housing and/or a residential care facility (allowing aging in place), compatible with the Heritage Conservation District, as was contemplated in the 1995 Study.

Staff will also give consideration to an additional site-specific policy to provide more guidance with respect to any future redevelopment/intensification of these lands to protect the existing built form and ensure that any new buildings reflect and are compatible with the historic character of the District.

Resolution
It is recommended that the properties addressed as 135 and 139 Victoria Street South, 131 Victoria Street South, 37-49 Michael Street, 15 Michael Street and 5 Michael Street be designated “Mixed Use with Specific Policy Area 2” and be zoned “MIX-2 with the Flooding Hazard Overlay”.

Staff will also give consideration to an additional site-specific policy to provide more guidance with respect to any future redevelopment/intensification of these lands to protect the existing built form and ensure that any new buildings reflect and are compatible with the historic character of the District.

b) Victoria Park Secondary Plan – Joseph and David Streets
Hi Tina,

I made several suggestions in my Dec 9 presentation on the Victoria Park Secondary Plan. I am interested to know in particular what the planners are considering about two of my suggestions:

1) that there be a reversal of the changes from Institutional to Mix 2 and Mix 3 zones within Heritage Conservation Districts.

2) if the zoning on the property at Joseph and David remains at Mix 2.

Ideally, there are many people in the community who are concerned about high rise encroachments into and adjacent to HCDs and established neighbourhoods.

Current and Proposed Zoning
Current Zoning – R-8, 2.0 FSR, 24 metre maximum building height, 8 storeys
Proposed Zoning – MIX-2, 3.0 FSR, 20 metre maximum building height, 6 storeys

Staff Response
On March 11, 2020 Planning Staff responded with the following:

“Thank you for your email and for following up on your submission at the Dec. 9th public meeting with respect to the Neighbourhood Planning Review Project.”
We are now in the ‘issues Resolution’ phase with the NPR Project. As a result of the Statutory Public meeting held on Dec. 9th, we received just over 140 formal written or oral submissions. We are continuing to get comments and feedback. The intent is for us to review each comment and provide a response. Some may necessitate further dialogue and meetings to understand and resolve the issues.

In addition, the Region is preparing an update to their Official Plan over the next year or so which involves reviewing land budget needs, Major Transit Station Area (MTSAs) boundaries, Regional intensification areas among other things. Before proceeding with next steps in the Neighbourhood Planning Review Project we need to understand how MTSAs are planning to be implemented at the Regional level as we would like to ensure there is alignment with our work.

We will be posting an update soon to the NPR website indicating the status of the project, next steps, when additional information will be available and when future meeting will be held. Stay tuned.

Should you have any additional comments or questions please do not hesitate to contact our office.”

Further:
Please see the Staff Response in No. 135 c)

Resolution
It is recommended:

- That an “Open Space” land use designation and an “OSR-1” zone category be applied to the properties addressed as 55 and 69 Joseph Street;
- That a “Medium Rise Residential” land use designation and a “RES-6” zone category be applied to the property addressed as 2 David Street; and
- That a “Low Rise Residential” land use designation and a “RES-5” zone category be applied to the properties addressed as 12, 14 and 20 David Street.

152. 232 Madison Avenue South
Submission received May 14, 2020

Hello, I hope this email finds you well, happy, and healthy!

I was directed by Richard Kelly - Ruetz to reach out to you regarding the above-mentioned address.

I am hoping to connect with someone with this site and understand why the rezoning on this site kept it to EMP-6 while large sites in the immediate area have been rezoned from the M-2 zoning to RES-6 and MIX-3.

It would seem that because the sites bordering on residential properties, as well as commercial/industrial spaces - would make it a strong candidate for a MIX zoning to allow for both residential and employment uses.

I would really appreciate the opportunity to connect and speak with someone to understand more!!

Best Regards,

Current and Proposed Zoning
Current Zoning – M-2, 159U
Proposed Zoning – EMP-6 (175)
Staff Response
The property at 232 Madison Avenue South is proposed to be removed from the Mill Courtland Woodside Park Secondary Plan and form part of Map 3 of the parent Official Plan as the new Rockway Secondary Plan reflects the work and recommendations of the PARTS Rockway Plan. The lands on the northwesterly side of Madison Avenue were not located within the ideal proximity to the ION station stops.

PARTS Rockway Plan  Mill Courtland Woodside Park Secondary Plan

Through the review of the Mill Courtland Woodside Park it was recommended that the lands which are currently designated for General Industrial purposes, be redesignated to new “Innovation Employment”.

The lands across the street on Madison, proposed to be part of the new Rockway Plan are currently designated General Industrial and proposed to be redesignated to “Medium Rise Residential” with a Holding Provision to require a Record of Site Condition before residential uses could be developed on these lands.

Given the location of 232 Madison Avenue South relative to the adjacent to low rise residential uses to the west, separated by the railway from employment uses to the east and in keeping with the proposed redesignation of employment lands to the south for medium rise residential uses, Planning staff are recommending that 232 Madison Avenue South be designated “Medium Rise Residential” with a Holding Provision for a Record of Site Condition.

Resolution
It is recommended that the land use and zoning of the property addressed as 232 Madison Avenue South be designated “Medium Rise Residential” and zoned “RES-6 (19H)” instead of “Innovation Employment” and “EMP-6 (175)”.

153. Architectural Conservancy Ontario North Waterloo Region Branch

Submission received May 25, 2020
Submission to the City of Kitchener Planning Division regarding Proposed Secondary Plans & their effect on Heritage Conservation Districts, Established Neighbourhoods & Individually Designated (Part IV) Properties by ACO North Waterloo Region branch (ACO NWR)

The City’s cultural heritage resources provide a link to the past and are an expression of the City’s culture and history. They contribute in a very significant way to the City’s identity and unique character. While Kitchener’s cultural heritage resources are important from a historical and cultural perspective, they are also of social, economic, environmental, and educational value. They help to instill civic pride, foster a sense of community, contribute to tourism, and stimulate the building renovation industry.

Preamble, Section 12: Cultural Heritage Resources, City of Kitchener Official Plan

Introduction
Through advocacy and direct action, the Architectural Conservancy of Ontario (ACO) has been a leader in preserving Ontario’s architectural and environmental heritage since 1933, with 20 branches currently operating in the province. The local ACO North Waterloo Region branch, formed in 1980, encourages the conservation and re-use of structures, districts, and landscapes of architectural, historical, and cultural significance through education and advocacy. We speak on behalf of about 100 local members in the communities of Kitchener, Waterloo, Wellesley, Wilmot, and Woolwich.

Our purpose in making this submission is twofold. First, residents of three of the four City of Kitchener Heritage Conservation Districts (HCDs)1 and several of the established, predominantly central, neighbourhoods2 have asked our branch to make recommendations to the Planning Division regarding the effect proposed Secondary Plans (SP) may have on their neighbourhoods, including commenting on their submissions to the City. Second, while we may be commenting on specific neighbourhoods, these same observations apply more widely to all properties of cultural heritage value in Kitchener, including individually designated Part IV properties, Listed properties, and properties located within Cultural Heritage Landscapes (CHL), whether they have recognized heritage status (protection) or not.

1 Civic Centre Neighbourhood HCD, Upper Doon HCD & Victoria Park Area HCD
2 Central Frederick (pending), Doon-Pioneer Park, Mount Hope-Breithaupt, Mill-Courtland, Olde Berlin Town & Victoria Park

Value Of Our Built Heritage
One of the most significant changes in society ACO NWR branch has seen since its inception has been a vast increase in the number of people who care deeply about our built heritage and shared history. Even if they live in a newer neighbourhood, many people now see our community’s heritage buildings as reinforcing their sense of place, belonging and well-being, providing quality, variety and meaning to their lives.

The story of Kitchener’s post-war development has shown that, where our built heritage has been valued and cared for, social and economic benefits have been generated for everyone, creating desirable, distinctive, and economically successful places. Where its potential has not been recognized, where it has been degraded or destroyed, the quality of people’s lives has been impoverished and opportunities stifled.

One measure of how the City of Kitchener values our built heritage are the quantity and scope of heritage programs undertaken by staff and volunteers, including:

- Individual Designations under Part IV of the Ontario Heritage Act, including many City-owned properties
- designation of Heritage Conservation Districts
- Listing properties of cultural heritage value on the Municipal Heritage Register, which began as an Inventory of Historic Buildings more than 40 years ago
- identifying, evaluating & conserving Cultural Heritage Landscapes
- processing Heritage Permit Applications for Designated Properties
- processing Planning Applications, including requiring Heritage Impact Assessments & Conservation Plans, for projects which include, or are adjacent to, properties with identified or potential cultural heritage value
- funding & implementing the Heritage Grant Program
- funding & implementing the Heritage Tax Refund Program
- creation of the Mike & Pat Wagner Heritage Awards
- developing walking tour brochures of a number of neighbourhoods in the City - appreciated even more in these days of social distancing
- installing heritage interpretive plaques throughout the City, sometimes in partnership with community groups
- installing industrial artifacts throughout the City
- creation in 1979 & ongoing support of a municipal heritage advisory committee
- hiring & providing resources to dedicated heritage planning staff for more than 30 years
- providing information & support to heritage property owners
- plus, many more

This can also be seen in the research undertaken in the Secondary Plan process:
- Cultural Heritage Resources sections within most of the SPs
- Cultural Heritage Resources Map, to become part of the Official Plan
- inclusion of Cultural Heritage Landscapes in SPs
- Cultural Heritage Landscape Implementation for Cultural Heritage Landscapes within the KW Hospital SP Area
- Lower Doon & Homer Watson Park Candidate Cultural Heritage Landscape Evaluation
- City of Kitchener Urban Design Manual - Residential Infill in Central Neighbourhoods
Thank you to staff for all the work you do!

Scope Of Submission
We will begin our submission with a few general comments about the value of HCDs and CHLs, the requirement for SPs to complement HCD Plans and recognize CHLs in the Official Plan (OP), how the Ontario Heritage Act affects the implementation of municipal bylaws, and about protecting other heritage properties, such as established neighbourhoods and individually designated properties, then ACO NWR branch will comment on several proposed Secondary Plans and the submissions neighbourhood groups made to City Council on December 9, 2019.

Value Of Heritage Conservation Districts
The Ontario Heritage Act gives municipalities the responsibility to identify, evaluate and conserve resources that have lasting cultural heritage value or interest in their community. HCDs offer a way to protect, over the long term, areas that have important and/or identifiable historic and architectural resources. The ability to designate HCDs is provided under Part V of the Ontario Heritage Act. Further guidance regarding HCD evaluation and designation is provided by the City of Kitchener Official Plan (12.C.1.13 to 12.C.1.16).

HCDs are created after much consultation with area residents and with expertise from City planning staff and paid consultants. The boundaries are carefully and thoughtfully delineated in order to preserve our built heritage and provide stability for an area deemed worth protecting and conserving, often one thought to be under threat in future.

When proposals come forward that could destroy the very thing that Districts were meant to protect, area residents have good reason to wonder about the future of their neighbourhood. It has the result of introducing instability into an area.

The City of Kitchener’s HCDs (Civic Centre Neighbourhood, St. Mary’s, Upper Doon, Victoria Park Area) have proven successful in preserving the integrity of areas that have important and identifiable cultural heritage significance. Our new proposed SPs must support this process of preservation, not provide ways to undermine it.

Secondary Plans Must Complement HCD Plans
When zoning regulations complement the heritage requirements of a District Plan, property owners and developers can feel confident in the predictability of future decision-making regarding land-use matters.

When the opposite is true, when zoning increases the intensification of a property with heritage protections beyond the existing (e.g., building height), this compromises District Plans, often resulting in demolition of heritage properties by neglect, preservation of only façades of heritage properties, or erosion of the context of heritage properties. This then negatively affects neighbouring properties, creating a domino effect, reaching well beyond the boundaries of the redeveloped property.

For example, a developer may argue for increased density from the existing on a property based on zoning (proposing the demolition of existing heritage buildings), while neighbours and heritage advocates counter-argue based on the District Plan provisions. This tension would be...
decreased if the zoning was better aligned with the District Plan. The heritage district would be less at risk, the community would be afforded more harmony, Planners and Council would be freed of the need to address such difficult decisions, and developers would know where they stand.

Action: ensure SPs and zoning regulations complement HCD Plans and their heritage requirements

The City of Kitchener OP provides guidance on additional conservation measures the municipality may use to conserve our built resources. Such as:

Conservation Measures
12.C.1.19. In addition to listing and designating properties under the Ontario Heritage Act, the City may use and adopt further measures to encourage the protection, maintenance and conservation of the City’s cultural heritage resources including built heritage and significant cultural heritage landscapes . . . These may include, but are not limited to . . . by-laws and agreements pursuant to the Planning Act (Zoning By-law . . .)

In this way, the Official Plan provides the rationale for zoning regulations to complement the heritage requirements of a District Plan.

Action: use the Zoning By-law to ensure regulations complement Heritage Conservation District Plans and their heritage requirements

Another idea would be to use the Holding Provisions section of the OP (17.E.13.1.e) as an additional measure to satisfy the policies of the District Plan related to cultural heritage conservation.

Action: use Holding Provisions to ensure to Council’s satisfaction that cultural heritage conservation policies are followed

The Zoning By-law, REINS, PARTS, and the proposed SPs all suggest that possible future uses of some heritage properties could be more intensive than what’s there now. But District Plans are clear in saying: “There may be rare occasions where infill development or limited integrated redevelopment is possible in the future or where redevelopment is required due to loss of buildings through fire, severe structural decay, . . . or other catastrophic events.”3 All of these Planning documents have been designed in case these “catastrophic events” occur, to give flexibility so that appropriate rebuilding can take place, not the other way around, not specifically to allow redevelopment.

3 City of Kitchener Civic Centre Neighbourhood Heritage Conservation District Plan, August 2007, pgs. 3.7-3.8

But developers don’t see it that way. They see a potential redevelopment site and consider its heritage protections last. This is the appropriate time and method to send the message that our built heritage must be protected.
Action: make clear statements to the effect that intensification of Zoning designations of heritage properties give flexibility so that appropriate rebuilding can take place in case of catastrophic events, not the other way around, not specifically to allow redevelopment

**Ontario Heritage Act**
The purpose of creating a HCD is to protect and manage the heritage character of the neighbourhood as the community evolves. The District Plans provide clear guidance regarding appropriate alteration activities.

The *Ontario Heritage Act* states:

**Consistency with heritage conservation district plan**

41.2 (1) Despite any other general or special Act, if a heritage conservation district plan is in effect in a municipality, the council of the municipality shall not,
(a) carry out any public work in the district that is contrary to the objectives set out in the plan; or
(b) pass a by-law for any purpose that is contrary to the objectives set out in the plan.

**Conflict**

(2) In the event of a conflict between a heritage conservation district plan and a municipal by-law that affects the designated district, the plan prevails to the extent of the conflict, but in all other respects the by-law remains in full force.

Though proposed Secondary Plans, and through them the Zoning Bylaw, may designate certain properties with higher intensification, if this contravenes the District Plan provisions, the *Ontario Heritage Act* says, “the plan prevails to the extent of the conflict”.

**Action:** ensure SPs and zoning regulations complement Heritage Conservation District Plans and their heritage requirements in order to be in compliance with the *Ontario Heritage Act*

**Value Of Cultural Heritage Landscapes**
The Province of Ontario, through the Provincial Policy Statement, requires that significant CHLs be conserved. The Regional Official Plan directs area municipalities to designate significant CHLs in their OPs and establish policies addressing their conservation and undertake proper planning. And the City of Kitchener OP states that these CHLs be listed on the Municipal Heritage Register and conserved.

Kitchener’s award-winning report, *Cultural Heritage Landscapes*, identified 12 established residential neighbourhoods as CHLs, including the four existing HCDs. “Each of these neighbourhoods expresses a high degree of heritage integrity and are representative of planning concepts and housing styles of the period in which they were developed,” explained the report. “Within these neighbourhoods, there is an enormous variety of housing designs. . . None of these neighbourhoods are likely to be constructed again, so any loss or depreciation of these neighbourhoods would be a significant loss to Kitchener’s portfolio of heritage resources.”

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4 *City of Kitchener Cultural Heritage Landscapes*, December 2014, pg. 11
Secondary Plans Must Recognize CHLS

The other eight neighbourhoods which include identified CHLs deserve some heritage status and protection, sooner rather than later, by recognizing them in the OP and developing strong guidelines in the SPs to ensure these established neighbourhoods thrive.

ACO NWR is concerned that reference to the full Mount Hope/Breithaupt/Gildner/ Gruhn Neighbourhood CHL was removed from the KW Hospital/Midtown SP. Similarly, the Central Frederick Neighbourhood CHL was removed from the King Street East SP. Another example is the Rockway Neighbourhood, Gardens & Golf Course CHL, with only the tiny sliver of Floral Crescent included on Map 9a, but not mentioned in the Section 16 document. We understand that only parts of a CHL may be within a SP boundary but waiting until the perfect time to introduce these protections means more time for built heritage resources to be lost or irreparably altered.

**ACTION:** ensure SPs include protection of CHLs, even if this means a fractured approach to their implementation

The proposed SP policies outline some existing protection tools such as Heritage Impact Assessments (HIA), required for development applications having the potential to impact property of Specific Cultural Heritage Landscape Interest. Whether a CHL is identified in a SP or not, Part IV, Part V and Listed properties within those CHLs already had this protection under the Ontario Heritage Act and the Official Plan.

What is troubling to ACO NWR are the limitations the proposed SP policies suggest for properties located within a CHL which do not already possess heritage status. For these properties, proposed SP policies say the HIA “may be scoped and limited in review to assess visual and contextual impact.” The OP states CHLs must be listed on the Municipal Heritage Register. Our interpretation is that this means every property within a CHL identified in the OP should be considered a Listed property, with the same protections as other Listed properties.

**Action:** ensure CHLs are listed on the Municipal Heritage Register, with every property within the CHL, at minimum, a Listed property

Every property has some cultural heritage value, but not everyone is given heritage status, which offers some protection under provincial, regional, and municipal rules. Those rules provide a framework, a process where we can identify, evaluate, and choose to protect, or not, properties in our municipality.

In its introduction, the City of Kitchener’s Terms of Reference for Heritage Impact Assessments states, “A Heritage Impact Assessment is a study to determine the impacts to known and potential cultural heritage resources within a defined area proposed for future development.”

If the terms of reference of a HIA are scoped, this limits its ability to examine the impact of development on potential cultural heritage properties.
The OP states (12.C.1.4. and 12.C.1.5.): “The City acknowledges that not all of the city’s cultural heritage resources have been identified. Accordingly, a property **does not have to be listed or designated** to be considered as having cultural heritage value or interest. Through the processing of applications submitted under the Planning Act resources of potential cultural heritage value or interest **will be identified, evaluated** and considered for listing or designation.”

Why limit the power of the HIA by omitting key sections on some projects? This is an opportunity that shouldn’t be passed up to truly evaluate the cultural heritage potential of properties that are located within a CHL. Chances are good that the potential is there simply by its proximity to other heritage properties.

**Action:** ensure all HIA Terms of Reference require the full scope to identify, evaluate and protect resources of potential cultural heritage value or interest within CHLs

**Established Neighbourhoods & Individually Designated Properties**

Kitchener has over 65,000 individual properties, but only 230 are Listed on the Municipal Heritage Register, just over 1,000 are located in Heritage Conservation Districts and fewer than 90 are Individually Designated under Part IV of the *Ontario Heritage Act*. Many of these properties are threatened with redevelopment. **It is a limited resource that is gradually being lost.** Help us protect the few resources we have.

5 Statistic provided 19 Feb 2020 by Information Technology-GIS staff, “If Right of Way category is excluded (roads, walkway blocks, etc.) then the ballpark figure would be 65,000 remaining parcels.”

Those 230 Listed properties are the result of the **re-evaluation of the Heritage Kitchener Inventory of Historic Buildings**. In the past 15 years, of those original 800 properties, some were Listed, some were properties in HCDs, some were demolished, a few were individually Designated, but **many heritage buildings in established neighbourhoods**, were either not recommended for Listing or Council chose not to List them. These are the properties we mean when we write, “every property has some cultural heritage value, but not everyone is given heritage status.” As we pointed out in the introduction, **society’s values evolve**; perhaps it’s time we develop a process to re-examine those properties which have been deemed not worthy.

**Action:** ensure HIA Terms of Reference require the full scope to re-evaluate and protect resources of potential cultural heritage value or interest, specifically properties previously listed on the Heritage Kitchener Inventory of Historic Buildings

Many of these same ideas can be applied to the SPs which do not affect HCDs, but do cover **established neighbourhoods**, many containing **individually designated (Part IV) and Listed properties**. What affect will new proposed zoning designations have on existing built heritage resources? Are appropriate transitions provided?

**Action:** when proposing a SP for established neighbourhoods and those containing individually designated (Part IV) and Listed properties, consider the affect new proposed zoning designations will have on existing built heritage resources and the provision of appropriate transitions
One tool used in some of the proposed SPs which we feel should be used universally when reviewing an established neighbourhood is a map of existing built heritage resources. These maps visually represent the locations of identified heritage resources, making them more accessible to more people.

6 See Proposed Cedar Hill & Schneider Creek Secondary Plan & Lower Doon Neighbourhood Planning Review

**Action: provide mapping of existing built heritage resources for all proposed SP reviews**

Civic Centre Neighbourhood Heritage Conservation District
The Civic Centre Neighbourhood HCD is of considerable significant cultural heritage value given the heritage attributes found within its architecture, streetscape, and historical associations. The designation of the Civic Centre Neighbourhood as a HCD was meant to protect and preserve the heritage assets and character that exist in the area. The District Plan provides the planning framework to ensure that future change within the district is both complementary to, and compatible with, the heritage attributes of the area.

The Olde Berlin Town Neighbourhood Association submission regarding the proposed Secondary Plans for the Civic Centre neighbourhood is as comprehensive, well researched and thought out as you will find anywhere. It is available online at:


ACO NWR branch particularly appreciates its use of quotes from the District Plan, such as:

“Maintain the low-density residential character of the Civic Centre Neighbourhood Heritage Conservation District as the predominant land use, while recognizing that certain areas of the District already have or are intended for a wider range of uses.”

7 City of Kitchener Civic Centre Neighbourhood Heritage Conservation District Plan, August 2007, pg. 3.2
8 ibid, pg. 3.4

“Preserve Traditional Setting - A building is intimately connected to its site and to the neighbouring landscape and buildings. Land, gardens, outbuildings, and fences form a setting that should be considered during plans for restoration or change. An individual building is perceived as part of a grouping and requires its neighbours to illustrate the original design intent. When buildings need to change there is a supportive setting that should be maintained.”

As has been mentioned previously in this submission, the Olde Berlin Town document points out, “The owners’ enjoyment may be diminished if the overall character, features and zoning of the neighbourhood that supports these uses is removed or compromised. We do not believe it prudent to expect owners to continue to be good stewards of their own property, if the property and neighbourhood no longer provide enjoyment.”
Their submission has three important goals:

1. promote internally consistent zoning, to ensure uniform protections and benefits under the law, under similar circumstances, while respecting the existing rights and circumstances of individual property owners;
2. ensure zoning supports the heritage district plan and does not incentivize owners to detract from the neighbourhood context thereby compromising existing uses;
3. establish rules for transitioning to more intensive zones within and around the neighbourhood.

The submission provides very detailed, specific suggestions for Planning staff. ACO NWR branch suggest these be taken very seriously. We particularly appreciate the ideas behind these suggestions:

#9 that Regulation 13.3. from existing Secondary Plan be retained: “In order to obtain the necessary input to plan on a neighbourhood level, the City shall establish Liaison Committees in neighbourhoods for which Secondary Plans are being prepared. Participation on such Liaison Committees shall be open to all residents and property owners within a planning neighbourhood and other interested parties.”

#12 that Secondary Plan regulation 16.D.9.15 be strengthened by adding “New development or redevelopment within or adjacent to the Heritage District is to be compatible with the context and character of the existing neighbourhood.” We are concerned that the term “overall” within the clause “overall, be compatible with the context and character of the existing neighbourhood” of OP policy 11.C.1.34 d) renders the requirement less meaningful.

#18 that the portion of Queen Street in the district between Weber St W and Margaret Ave be recognized as integral to the heritage district. Unlike Victoria St N, Queen St N is not a Mixed Use Corridor. This portion of Queen St is listed as a “Major Collector Road”, unlike Victoria and Weber, which are Regional Roads.

In addition, after consulting with Olde Town Berlin representatives, we also suggest the following:

**Action**: that any zoning provision that permits greater height or FSR on a property than the existing heritage building may not be used as justification for the demolition of that heritage building

**Action**: while the Olde Berlin Town Neighbourhood Association submission may be specific to the Civic Centre neighbourhood, the overall principles listed above can be applied to all heritage districts

One point of clarification, the Civic Centre Cultural Heritage Landscape is not numbered or identified on Proposed Map 9A Detail indicating Cultural Heritage Resources to be protected by the Official Plan. There may be a reason for this, or perhaps just a minor error.
**Victoria Park Area Heritage Conservation District**

We reviewed the presentation made by Victoria Park residents to the December 9, 2019, Council meeting seeking resident input on the Secondary Plan process.

Established in 1896 by the Town of Berlin, now the City of Kitchener, Victoria Park is located on land which had belonged to Lot 17 of the German Company Tract purchased by Joseph Schneider, one of the first Pennsylvania-German farmers in the area. The road Schneider built to link his farm to the main road through the area, now King Street, was first named Schneider Road. When Joseph sold land for the park, named in honour of then British monarch, Queen Victoria, Schneider Road became Queen St S. Today it leads past the fine Mennonite Georgian farmhouse, c 1816, a National Historic Site restored to the mid-19th century period. Schneider extended the road beyond his farm, west to Wilmot Township where lumber from his sawmill was needed for housing for immigrants from Germany arriving in the area from the mid-1820s.

Victoria Park was designed in the English Landscape style. Its main feature is a freshwater lake dredged from Schneider’s mill pond and fed by a small watercourse from the north, Schneider Creek. Many of the residences built around the lake date to the opening of the Park and reflect late Victorian and early 20th century styles. Housing on adjoining streets are more modest dwellings built for workers and their families employed by the industries nearby.

Over the years, development has been vigorous on all sides. Despite its proximity to the City core, it has remained largely intact with its Victorian-era architecture and streetscapes.

The Victoria Park Area HCD provides residents a measure of security that the area will be protected from inappropriate and intrusive developments. Any SP for the area should have zoning provisions that respect the District Plan.

**Action: ensure SPs and zoning regulations complement HCD Plans and their heritage requirements**

Many residents are concerned about protecting established neighbourhoods from the intensification that the region is experiencing. “Many people think we are growing too fast and that we need to slow down,” commented one resident. “Our established neighbourhoods are being unduly pressured by developers, and planning staff agree to their plans because density targets will then be met.”

“We in Victoria Park worry that infill and high-rise development surrounding us will have very negative impacts,” explained residents. “It is essential to have buffers to protect low-rise historic districts. Low-rise historic districts near downtown Kitchener are valuable because they give a sense of who we are and our history.”

**Action: ensure Secondary Plans and zoning regulations provide appropriate transitions between high- and low-density areas**
We point to several specific examples from the presentation.

In the current SP review, a large area bounded by Linden Ave, Michael St and Victoria St S has been **proposed to be rezoned from Neighbourhood Institutional to Mix 3** (medium to high rise), now containing low rise residential and a church. Residents believe allowing Mix 3 would **significantly change the character** of this part of the neighbourhood inside the HCD.

**Action:** ensure Secondary Plans and zoning regulations respect the existing character of the Victoria Park Area HCD

The lots at the corner of David and Joseph Sts are now a parking lot (City-owned) and two low rise residential buildings (20 David St is City-owned). While this area is zoned Mix 2 (medium rise), the lower **heights of the existing buildings are compatible with the majority of Victoria Park.** Residents don’t believe a Mix 2 designation is appropriate, with a possible allowable height of six storeys to replace the existing. As well, since this area is **adjacent to the Park** itself, it would **significantly change the character of the open space.** An alternative, since two of the three lots are City-owned, would be to incorporate these into the Park itself.

**Action:** ensure Secondary Plans and zoning regulations do not allow encroachment onto the open space character of the Park, consider enlarging the Park where possible

Quite often, when interpreting the HCD Plan, consultants and developers point out that the Queen St S area has already had development, as if that’s **justification for more high rises** to be built there. ACO NWR agrees that this area has seen a good deal of development, and **for that reason we should limit future redevelopment.**

**Action:** ensure Secondary Plans and zoning regulations limit development on Queen St S within the HCD boundary in order to protect the heritage character of the area

We are also concerned that **part of the Victoria Park Neighbourhood CHL** is not included on Map 9a, that section of the CHL and Heritage Conservation District bounded by Benton St, Courtland Ave E, David St, Joseph St, Queen St S and Charles St E, plus three properties on Oak St closest to Victoria St S. **These are the properties most at risk from future development.**

**Action:** ensure the SPs and Map 9a include the complete Victoria Park Neighbourhood Cultural Heritage Landscape in their protections

**Cedar Hill & Schneider Creek**

We have heard **concerns from residents** in the Mill Courtland Woodside Park neighbourhood about substantial changes in this proposed SP through removal of three residential areas on the north end, and the addition of a transit station and industrial lands on the south. **There will no longer be a Mill Courtland Woodside Park neighbourhood as we know it today.**

While the Queen St S properties and Mill Courtland areas will become part of other SPs, there is some **concern for the Woodside Park Neighbourhood** which will not be part of a SP. It is characterized by low rise residential and historic Woodside Park including the Harry Class pool, a Part IV designated property.
Action: protection of the Woodside Park Neighbourhood should be considered within a SP in the event of future development/redevelopment

The entire Cedar Hill & Schneider Creek (CHSC) neighbourhood is part of the Major Transit Station Area, an area of designated intensification. This will put pressure on CHSC and all downtown neighbourhoods. The SPs are intended to provide for a range and mix of uses and identify intensification opportunities in support of ION while ‘protecting the established character of the existing neighbourhoods’. Residents believe this is not the same as protecting the built urban fabric and fear it could lead to substantial demolition of existing building stock and replacement with inappropriate developments.

Action: ensure SP provides a range and mix of uses, while protecting the established character of the existing neighbourhood

The SP proposes two significant CHLs within its boundaries:
- Cedar Hill & Schneider Creek Neighbourhood CHL
- Iron Horse Trail CHL

The Secondary Plan identifies unique features of the CHL including Priority Locations at gateways that facilitate views into and out of the neighbourhoods and accentuate the unique topography of Cedar Hill. These and other features are provided with protection measures to maintain the qualities and characteristics of the area.

Specific policies have also been suggested for the Official Plan through the Design in Cultural Heritage Landscapes section. Regarding new development or redevelopment, the City will ensure that CHL features are supported and maintained (11.C.1.34). These are supportive actions for conservation of the neighbourhood. For additions and/or alternations proposed for built cultural heritage resources, the City has identified some prescriptive principles to be followed (11.C.1.35). The four principles speak to conservation of building parts; however, the principles would be clearer and strengthened by referencing national and provincial conservation guidelines. These are valuable and available tools whether a property or building is designated or not.

Action: ensure Policies 11.C.1.34 and 11.C.1.35 reference national and provincial conservation standards and guidelines to inform protection measures for additions and/or alterations of built cultural heritage resources
Cultural Heritage Landscapes are vulnerable due to exposure of lands at the edges. The area circled in red, at left on Map 9a Detail, for example, is characterized by unique placement of historic single detached dwellings surrounded on all sides by identified cultural heritage resources: Victoria Park Heritage Conservation District and CHL, the Cedar Hill Schneider Creek CHL and the Iron Horse Trail CHL. The view from Queen St S shows the unique character of the residential cluster and the gateway to Mike Wagner Green along Mill St. Within this turn-of-the-century neighbourhood is a designated home (45 Mill St), as well as two homes identified as having cultural heritage value in 2010 (19 and 25 Mill St), but not listed on the Municipal Heritage Register. The area is to be rezoned medium density in the proposed SP. Instead of being celebrated for its unique features and garnering protection through alignment with the adjacent heritage areas as a cultural heritage resource or landscape, the neighbourhood is faced with demolition of six properties at its centre. The historic homes are to be replaced with a proposed 10- or 12-storey development of 176 units. Demolition will destroy the neighbourhood qualities and characteristics. In this situation, infill development behind the homes would have been more appropriate.

Action: ensure the cultural heritage landscape features of Mill St be connected to Victoria Park, Schneider Creek and the Iron Horse Trail and provided protection

The ‘scoped HIA study’ approach for the proposed development on Mill St, for example, eliminated the requirement for historical research and statements of significance for 19 and 25 Mill St, which left the properties vulnerable and ultimately subject to demolition. The impact to 45 Mill St, a Part IV designated property, is substantial. The lack of protection will result in demolition of its original neighbourhood context and historic references and allow a new development that exceeds current and proposed secondary plan zoning in size and scope.

Action: ensure HIA Terms of Reference require the full scope to identify, evaluate and protect resources of potential cultural heritage value or interest within CHLs

While the Iron Horse Trail CHL is noted as a resource in the SP, there is no further reference. While the plan is still in progress, it would be worth noting the Iron Horse Trail’s unique features in each neighbourhood area.
**Action:** ensure the Iron Horse Trail is referenced in the SPs, with its Statement of Significance as a whole, as well as its characteristics and features within each neighbourhood and localized protection measures

**Lower Doon**
The story of community planning and development in this neighbourhood has been controversial, to say the least. The 1976 SP designated many of the historic streets, such as Old Mill Dr and Pinnacle Dr, as low density residential. This was reinforced in the 2004 Community Plan which focused on single detached dwellings, minimum 50-foot wide lots, placing permitted semi-detached, duplex and townhouse (not exceeding two stories) developments in specific locations away from the heritage areas, and specifying that more intensive uses must be “compatible in form and height with the low density character of the neighbourhood.”

With the growth of Conestoga College, immense pressure has been placed on this neighbourhood. One continuing theme that was highlighted at the February 4, 2020, community consultation was that “Heritage attributes/character of the neighbourhood is being affected by high number of student rental houses.”

**Action:** ensure low density residential continues to be the desired built form in the Lower Doon SP, while balancing the needs of students

Residents of Old Mill Dr and Pinnacle Dr have asked ACO NWR to emphasize the heritage character of their neighbourhood. These two streets seem to contain the largest number of individual properties with cultural heritage value in Lower Doon, though few have been provided with heritage status or, therefore, protection.

**ACTION:** ensure that, before the Lower Doon SP is completed, re-evaluation of the individual cultural heritage value of the historic houses on Old Mill Dr and Pinnacle Dr be carried out and appropriate protections be provided

A positive step has been the preparation of the 2019 Cultural Heritage Landscape Evaluation of Lower Doon. In addition to the already identified CHLs, Doon Golf Course, Homer Watson House, and Mill Park Dr, two additional CHLs have been proposed by the consultant, Homer Watson Park and Willow Lake Park.

**Action:** ensure identified CHLs are recognized and provided with appropriate protections in the Lower Doon Secondary Plan

**Action:** though this action is not a SP issue, we would also suggest following through with the conservation recommendations of the report

**Central Frederick SP - Pending**
The Central Frederick Neighbourhood is on the pending list for its SP review. Much of the Central Frederick Neighbourhood Cultural Heritage Landscape is located in this neighbourhood, some of it extends into the King East Neighbourhood, where the SP review is currently underway minus any protections for this CHL, and into the Auditorium Neighbourhood, which is not scheduled for review in the near future. These conditions leave this CHL in limbo.
Action: ensure SPs include protection of Cultural Heritage Landscapes, even if this means a fractured approach to their implementation

Conclusion
ACO helps and encourages people to nurture our built heritage as an integral part of life today and as a foundation for tomorrow. This will help to create places where our rich past is made a vital and living part of the future. We want to help the community make well informed, timely decisions that make better places for people to live in, work and visit.

Kitchener has its own unique culture and heritage. Our places, spaces and stories are integral to our identity. To paraphrase the Official Plan, Kitchener’s cultural heritage resources are important from a historical and cultural perspective, they are of social, economic, environmental, and educational value. They do help to instill civic pride, foster a sense of community, contribute to tourism, and stimulate the building renovation industry.

We hear the same complaint over and over again from residents, “The process is the problem - developers purchasing blocks of homes causing disruption to neighbourhoods, requesting more than permitted zoning, FSR, height, coverage, etc.”

ACO North Waterloo Region branch welcomes a full discussion of the issues. Over the past 40 years of our branch’s existence, we have seen many heritage properties destroyed and many saved, the latter, in part through our efforts. We know our communities well and have been involved in the creation of HCDs, which we believe are the core of Kitchener’s heritage and history. HCDs need to have significant, strong, and consistent consideration when development is proposed within and adjacent to them.

Please consider these ideas that emphasize a stable sense of place, that encourage a viable and secure community, all ideas contained within our Official Plan.

Thank you for your consideration,

Staff Response
Planning Staff provide the following responses to the “Actions” contained in the Submission.

   - The proposed land use designations and zoning regulations in the Secondary Plans take heritage conservation district plan policies into consideration.

2. Action: Use the Zoning By-law to ensure regulations complement Heritage Conservation District Plans and their heritage requirements.
   - The proposed land use designations and zoning regulations in the Secondary Plans take heritage conservation district plan policies into consideration.

3. Action: Use Holding Provisions to ensure to Council’s satisfaction that cultural heritage conservation policies are followed.
Properties located within heritage conservation districts are subject to the policies contained within the relevant heritage conservation district plans. The conservation of protected heritage property is regulated by the Ontario Heritage Act.

4. **Action:** Make clear statements to the effect that intensification of zoning designations of heritage properties give flexibility so that appropriate rebuilding can take place in case of catastrophic events, not the other way around, not specifically to allow development.

   - In the event of damage or loss of heritage attributes or loss of a building on a heritage property, there is not an obligation on the property owner to replace lost attributes or reconstruct a replica building. However, a replacement building within a heritage conservation district is subject to the policies and guidelines of the applicable heritage conservation district plan, and a Heritage Permit Application would be required. The proposed zoning provides for a diversification of use while not eliminating development rights of a property owner.

5. **Action:** Ensure Secondary Plans and zoning regulations complement Heritage Conservation District Plans and their heritage requirements in order to be in compliance with the Ontario Heritage Act.

   - The new Secondary Plans and new Zoning By-law take the heritage conservation district plan policies into consideration.

6. **Action:** Ensure Secondary Plans include protection of CHLs even if this means a fractured approach to their implementation.

   - In Secondary Plan areas where additional CHL work has not been undertaken, the zoning that is proposed is to protect neighbourhood character while meeting provincial targets.

7. **Action:** Ensure CHLs are listed on the Municipal Heritage Register, with every property within the CHL, at minimum, a listed property.

   - It is not the City’s intent to potentially require a HIA for development on all property within the CHL boundary. It is recommended that within the CHL boundary, the ability to require a HIA be limited to planning and development applications having the potential to impact property identified as being of specific CHL interest, such as:
     - protected heritage property designated under Part IV of the Ontario Heritage Act;
     - properties that are listed on the Municipal Heritage Register;
     - property that is recommended for listing on the Municipal Heritage Register;
     - property adjacent to listed properties; property within and forming an identified gateway; and
     - property forming an identified viewshed.

8. **Action:** Ensure all HIA Terms of Reference require the full scope to identify, evaluate, and protect resources of potential cultural heritage value or interest within CHLs.

   - Official Plan policy 12.C.1.28 states that Heritage Impact Assessments and Conservation Plans required by the City may be scoped or waived by the City, as deemed appropriate.

   - A Heritage Impact Assessment will be required for development applications having the potential to impact property of specific cultural heritage interest, including:
protected heritage property designated under Part IV and/or Part V of the Ontario Heritage Act;
property listed on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act;
property identified as being of cultural heritage interest and recommended for listing on the Municipal Heritage Register; and
property located adjacent to protected and listed heritage property.

- Where development or redevelopment is proposed on property that is of specific cultural heritage interest but not designated or listed (i.e. properties identified as gateway properties), then such HIA may be scoped and limited in review to assess visual and contextual impact.

9. Action: When proposing a Secondary Plan for established neighbourhoods and those containing Part IV and listed properties, consider the affect the new proposed zoning designations will have on existing built heritage resources and the provisions of appropriate transitions.
- Consideration has been given to appropriate transitions to protected and listed cultural heritage resources with the Secondary Plan area. Planning staff are continuing to review the proposed zoning designations to ensure transitions are appropriate.

10. Action: Provide mapping of existing built heritage resources for all proposed Secondary Plan reviews.
- Internal and external interactive mapping includes a layer for all listed and designated properties within the City.

Civic Centre Neighbourhood HCD

11. Action: That any zoning provision that permits greater height or FSR on a property than the existing heritage building may not be used as justification for the demolition of that heritage building.
- As of right zoning is not justification for the demolition of heritage buildings. A Heritage Permit Application is required for a demolition request of a designated heritage property and subject to a decision of City Council. A Heritage Impact Assessment may also be required.

12. Action: While the Olde Berlin Town Neighbourhood Association submission may be specific to the Civic Centre Neighbourhood HCD, the overall principles listed above can be applied to all heritage districts.
- This is noted by Planning staff.

13. Action: Show the Civic Centre CHL on proposed Map 9a Detail indicating cultural heritage resources to be protected within the Official Plan.
- The Civic Centre CHL will be identified on Map 9a.

Victoria Park Area HCD

• The new Secondary Plans and new Zoning By-law will take the heritage conservation district plan policies into consideration.

15. **Action:** Ensure Secondary Plans and zoning regulations provide appropriate transitions between high- and low-density areas.
• The new Secondary Plans and new Zoning By-law will take the heritage conservation district plan policies into consideration and provide appropriate transitions between high and low-density areas.

16. **Action:** Ensure Secondary Plans and zoning regulations respect the existing character of the Victoria Park Area HCD.
• The new Secondary Plans and new Zoning By-law will respect the existing character of the Victoria Park Area HCD.

17. **Action:** Ensure Secondary Plans and zoning regulations do not allow encroachment onto the open space character of the Park, consider enlarging the Park where possible.
• The city does not permit developments to encroach onto public park land. Where there are opportunities to expand the park, this has been recommended. Planning staff will continue to look for future opportunities.

18. **Action:** Ensure Secondary Plans and zoning regulations limit development on Queen Street South within the HCD boundary in order to protect the heritage character of the area.
• Heritage designation does not restrict the use of a property or prevent the redevelopment of a property. Any development on Queen Street South properties located within the boundary of the Victoria Park Area HCD would be subject to the policies and guidelines contained within the Victoria Park Area HCD Plan, would require submission of a Heritage Permit Application, and may require submission of a Heritage Impact Assessment.

19. **Action:** Ensure the Secondary Plans and Map 9a include the complete Victoria Park Neighbourhood CHL in their protections.
• The Victoria Park Neighbourhood CHL will be identified on Map 9a.

*Cedar Hill & Schneider Creek*

20. **Action:** Protection of the Woodside Park Neighbourhood should be considered within a Secondary Plan in the event of future development/redevelopment.
• The Mill Courtland Woodside Park/Rockway Secondary Plan does not contain identified Cultural Heritage Landscapes. Appropriate land use designations and zoning regulations will be applied to protect the existing neighbourhood character.

21. **Action:** Ensure Secondary Plan provides a range of mix and uses, while protecting the established character of the existing neighbourhood.
• The Cedar Hill & Schneider Creek Secondary Plan will ensure there is an appropriate mix of land use designations while taking into consideration the established character of the neighbourhood.
22. **Action:** Ensure Policies 11.C.1.35 and 11.C.1.35 reference national and provincial conservation standards and guidelines to inform protection measures for additions and/or alterations of built cultural heritage resources.
   - Staff will review these policies to determine the appropriateness of referencing national and provincial conservation standards within the City’s Official Plan.

23. **Action:** Ensure the cultural heritage landscape features of Mill Street be connected to Victoria Park, Schneider Creek, and the Iron Horse Trail and provided protection.
   - Mill Street is not recommended to form part of the Cedar Hill Schneider Creek CHL. The CHL boundary is proposed to be refined to remove properties that lack the CHL features and attributes common among other properties within the CHL boundary. It is recommended that the Schneider Creek-Stirling Greenway serve as the boundary of the CHL.

24. **Action:** Ensure HIA Terms of Reference require the full scope to identify, evaluate, and protect resources of potential cultural heritage value or interest within CHLs.
   - Official Plan policy 12.C.1.28 states that Heritage Impact Assessments and Conservation Plans required by the City may be scoped or waived by the City, as deemed appropriate.
   - A Heritage Impact Assessment will be required for development applications having the potential to impact property of specific cultural heritage interest, including:
     - protected heritage property designated under Part IV and/or Part V of the Ontario Heritage Act;
     - property listed on the Municipal Heritage Register under Section 27 of the Ontario Heritage Act;
     - property identified as being of cultural heritage interest and recommended for listing on the Municipal Heritage Register; and
     - property located adjacent to protected and listed heritage property.
   - Where development or redevelopment is proposed on property that is of specific cultural heritage interest but not designated or listed (i.e. properties identified as gateway properties), then such HIA may be scoped and limited in review to assess visual and contextual impact.

25. **Action:** Ensure the Iron Horse Trail is referenced in the Secondary Plans, with its Statement of Significance as a whole, as well as its characteristics and features within each neighbourhood and localized protection measures.
   - The Iron Horse Trail will be identified as a CHL on Map 9a and subject to the policies in Part C Section 12 of the Official Plan.

Lower Doon

26. **Action:** Ensure low density residential continues to be the desired built form in the Lower Doon Secondary Plan, while balancing the needs of students.
   - Comments will be considered through the Lower Doon land use study

27. **Action:** Ensure that, before the Lower Doon Secondary Plan is completed, re-evaluation of the individual cultural heritage value of the historic houses on Old Mill Drive and Pinnacle Drive be carried out and appropriate protections be provided.
• Comments will be considered through the Lower Doon land use study.

28. Action: Ensure identified CHLs are recognized and provided with appropriate protections in the Lower Doon Secondary Plan.
   • Comments will be considered through the Lower Doon land use study

29. Action: Though this action is not a Secondary Plan issue, we would also suggest following through with the conservation recommendations of the report.
   • Comments will be considered through the Lower Doon land use study

Central Frederick Secondary Plan – Pending
30. Ensure Secondary Plans include protection of Cultural Heritage Landscapes, even if this means a fractured approach to their implementation.
   • Comments will be considered through the review of the Central Frederick Secondary Plan review.

Resolution
The new Secondary Plans and new Zoning By-law will take the heritage conservation district plan policies into consideration and provide appropriate transitions between high and low-density areas.

The Civic Centre and Victoria Park Neighbourhood CHLs will be identified on Map 9a.

Staff will review these policies to determine the appropriateness of referencing national and provincial conservation standards within the City’s Official Plan.

154. 50 Borden Avenue South
Submission received June 5, 2020
On behalf of our client, ‘Deleted Name’, please accept this letter with regard to the ongoing Neighbourhood Planning Review of the Mill Courtland Woodside Park Area.

Our client owns the property municipally known as 50 Borden Ave. S., Kitchener, which is located within the Mill Courtland Woodside Park / Rockway Neighbourhood Planning area. This letter reviews the proposed changes to the land use planning framework applicable to our client’s lands and sets out a series of questions and recommendations to the City as it continues on with the Neighbourhood Planning Review process.
Description Of Subject Property
The subject property is known locally as 50 Borden Avenue South, Kitchener and legally as PT LT 25 PL 404 and PT 1, 58R2633 Kitchener. Figure 1 shows the location of the subject property. Figures 2-3 show aerial imagery of the existing building and site conditions.

As shown on Figures 2-4, the site has frontage onto Charles Street to the North and Borden Ave. to the east, and currently has vehicular access from both streets. The site has a lot area of approximately 7,307 m² or 0.73 hectares.
Currently, the majority of the existing building is occupied by “Go Bananas” and “Grand River Rocks”, which are indoor climbing and bouldering commercial recreational facilities.

Figure 3: Site Context – Looking North (Image Source: Google Earth)

Figure 4: Site Context – Looking Southwest (Image Source: Google Earth)

Future Development Aspirations
Recognizing the unique location of the site being adjacent to an ION LRT station stop, our client has contemplated various development options for the property which would see it redeveloped as a high-density mixed-use development.

Preliminary plans for the property contemplate a multi-tower redevelopment, featuring upwards of 350 residential units and ground floor commercial space with frontage onto both Borden and Charles Street. Parking facilities would be provided underground, with limited surface parking also being provided. These preliminary development concepts have contemplated a development with Floor Space Ratios of up to 6.0.

The development concepts prepared to date are generally aligned with the direction of the proposed Secondary Plan land use designations and Zoning for the subject property in that they support the development of this site for high density, mixed use purposes.

**Existing And Proposed Land Use Planning Controls**
The use and development of the subject property is guided by a range of Provincial, Regional, and local legislation, policies, plans, and By-Laws including:

- The Planning Act;
- The Growth Plan for the Greater Golden Horseshoe;
- The Regional Official Plan;
- The City of Kitchener Official Plan / Mill Courtland Secondary Plan; and,
- The City of Kitchener’s Zoning By-Law.

The following subsections discuss the City’s current land use planning framework and the proposed changes contemplated through the draft Secondary Plan and Zoning released as part of the Neighbourhood Planning Review of the Mill Courtland Woodside Park area.

**City of Kitchener Official Plan / Mill Courtland Woodside Park Secondary Plan**
The subject property is located within the Mill Courtland Woodside Park Secondary Plan area and is subject to the associated policies of the Secondary Plan. As shown below, the site is currently designated ‘General Industrial’ by the Secondary Plan.
We note that the existing “General Industrial” land use designations which apply to the site generally limit the use and development of the property to industrial (manufacturing, warehousing, storage etc.) and other complementary uses. This existing land use designation precludes the ability to convert the land use designation of the property to other non-employment uses, unless by way of a municipal comprehensive review.

While these land use designations were once important mechanisms of the City’s land use planning framework to help ensure the adequate supply of employment lands across the community, it is noted that the Charles and Borden area has undergone a considerable amount of change over the past decade, which most significantly has included the introduction of the Regional ION / LRT system along Charles Street (and the introduction of a station stop immediately adjacent to our client’s lands).

Recognizing this change, we understand that the City completed its employment lands review (CREL – Comprehensive Review of Employment Lands) in 2010, which recommended the removal of the employment lands designation from the subject property in order to support the eventual transit-supportive redevelopment of the property.

**Recommendation #1:**
Based on this evolving context of development, we recommend that in accordance with the findings of CREL, the City implement the removal of the existing industrial land use designations and consider new designations to support the high-density redevelopment of the property. We concur with the City’s proposed ‘Mixed Use’ land use designation as the appropriate land use designation for the property.

**City of Kitchener Existing Zoning By-Law**
The City of Kitchener’s existing Zoning By-Law 87-67 zones the subject property ‘General Industrial’ (M2) which permits a broad range of industrial and complementary uses on the site. The site is also subject to Site-Specific Use Provision 159 and Site-Specific Regulation 1, which applies further use and regulatory restrictions to the site:
• Site-Specific Use Provision 159: does not permit the sale and rental of motor vehicles and major recreational equipment 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.

• Site Specific Regulation 1: 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, if required.

Based on our review of the existing Zoning controls applicable to the site, it is our opinion that the existing Zoning does not reflect the recent changes that have occurred within the area, namely the introduction of the Regional ION / LRT system and the introduction of a new station stop immediately adjacent to the site on Charles Street.

Recognizing the presence of higher order transit services immediately adjacent to the property, the industrial zoning which currently applies to the site is no longer appropriate. Rather, it is our opinion that a Zoning classification that is more supportive of a high-density mixed-use form of development should be implemented.

Based on the foregoing, we respectfully make the following recommendation:
Recommendation #2:
That the zoning of the subject property be amended to support the mixed use, high density redevelopment of the subject property. Based on our review of the proposed new Zoning By-Law, we concur that the proposed MIX4 zoning is most appropriate for the site.

Recommendation #3:
That the existing site-specific regulation that applies to the site requiring GRCA review and permitting (as required) continue to apply to the property to ensure the safe and orderly development of the property.

Currently Proposed Official Plan Amendment
As part of the Mill Courtland Woodside Park Neighbourhood Planning Review, the City of Kitchener released draft new Official Plan mapping and land use designations for our client’s lands. A Statutory Public Meeting to introduce Council to the draft changes was held on December 9, 2019.

Through the proposed Official Plan Amendment, the City is now proposing that the site be designated ‘Mixed Use’ as shown on Figure 8 below. Accordingly, it is our understanding that Section 15.D.4 of the Official Plan will apply to the site, as proposed to be amended.

Based on our review of the applicable sections of the Official Plan, we understand that the purpose of the Mixed Use Designation is to be “flexible and responsive to land use pattern changes and demands and permit a broad range of uses at different scales and intensities depending on the lands’ geographic location and identification at the urban structure level.”
In accordance with Section 15.D.4 of the Official Plan, it is understood that a broad range of uses and complementary uses are permitted within the Mixed Use Designation, including:

- uses permitted in the Medium Rise Residential and High Rise Residential land use designations;
- compatible commercial uses such as, but not limited to, retail, commercial entertainment, restaurants, financial establishments; and,
- personal services, office, and health-related uses.

It is understood that a minimum Floor Space Ratio of 0.6 and a maximum Floor Space Ratio of 5.0 is proposed for the site given its location within a Major Transit Station Area. We are supportive of this recommendation given the location of the site adjacent to an ION station stop.

We note that proposed policy 15.D.4.20 contemplates density increases in instances (up to 5.0) where certain criteria are satisfied. Given that the permitted FSR for the subject property is proposed at 5.0 already, we suggest that similar consideration be given to sites within the Downtown and Major Transit Station Areas for a FSR increase of up to 6.0 should these same criteria be satisfied.

Based on the foregoing, we respectfully make the following recommendations:

**Recommendation #4:**
That the City approve the Mixed Use Land Use designation for the property as currently proposed.

**Recommendation #5:**
That proposed policy 15.D.4.20 be amended so as to permit FSR increases of up to 6.0 for sites that are located within the Downtown and Major Transit Station Areas and subject to the same criteria set out in this policy.

**Proposed Zoning By-Law**
As shown on Figure 9 below, consistent with the approach proposed by the proposed Official Plan Amendment, the subject property is now proposed to be zoned ‘High Rise Mixed Use Four’ (MIX4), the purpose of this zone “is to accommodate a variety of uses within mixed use buildings and mixed use developments at a high density” (City of Kitchener, 2019).
Table 8-1 of the proposed Zoning By-Law sets out the types of uses permitted within the MIX4 zone, which are highlighted in yellow below.

In addition to the foregoing, the proposed Zoning By-Law contemplates various regulations and requirements for lands proposed to be zoned MIX4, which are summarized and discussed in the table below:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Requirement</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td>15 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>1.5 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum exterior side yard setback</td>
<td>1.5 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Maximum front yard setback and exterior side yard setback</td>
<td>4.0 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>7.5 m</td>
<td>Recommend a rear yard of 4.0 metres be required.</td>
</tr>
<tr>
<td>Minimum interior side yard setback</td>
<td>4.0 m</td>
<td>A 4 m interior side yard seems excessive, particularly in instances where MIX 4 sites are side-by-side where an 8 m gap between buildings would be created. In order to facilitate a harmonious streetscape in these priority growth areas lesser interior setbacks (1.5 m to 2 m) are recommended.</td>
</tr>
<tr>
<td>Requirement</td>
<td>Minimum Requirement</td>
<td>Recommendation</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Minimum yard setback abutting a residential zone</td>
<td>7.5 m</td>
<td>Recommend a setback of 4.0 metres be required.</td>
</tr>
<tr>
<td>Minimum ground floor building height for any building with street line façade</td>
<td>4.5 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum building height</td>
<td>11 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>NA (in this instance)</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Maximum number of storeys</td>
<td>NA</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum number of storeys in the base of a mid-rise building or tall building</td>
<td>3 storeys</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Maximum number of storeys in the base of a mid-rise building or tall building</td>
<td>6 storeys</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum street line stepback for mid-rise buildings and tall buildings</td>
<td>3 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum / Maximum floor space ratio</td>
<td>1/5</td>
<td>Agree with recommendation. Recommend that an FSR of 6.0 be permitted if certain criteria are met (see comments on proposed Secondary Plan policies)</td>
</tr>
<tr>
<td>Maximum total retail gross floor area within a multi-unit building, multi-unit development, mixed-use building, or mixed-use development.</td>
<td>42,000 m²</td>
<td>No concern with this recommendation as it applies to this property.</td>
</tr>
<tr>
<td>Minimum percent of non-residential gross floor area</td>
<td>20% (3)</td>
<td>Question the rationale for this requirement and how the 20% requirement has been developed. For large mixed-use properties, this could necessitate excessive amounts of non-residential floor space that may not be required to satisfy market demands. Rather than a minimum percentage of non-residential floor space, an alternate approach of requiring at grade non-residential floor space would be requested.</td>
</tr>
<tr>
<td>Minimum percent of residential GFA</td>
<td>20% (3)</td>
<td>Similar to the above, the rationale for this proposed regulation is</td>
</tr>
</tbody>
</table>
In addition to the MIX4 regulations, we understand that parking rates of 0.9 spaces per residential use and 0.1 visitor parking spaces are proposed. Given the location of the subject property (and most other sites proposed to be zoned MIX4) in close proximity to ION station stops, it is our opinion that the proposed parking standards are excessive and hinder the development of such properties for mixed use, transit supportive purposes. Further, given that a significant portion of the subject property is restricted from having underground parking, it is our opinion that the proposed parking standards will hinder the future development of our client’s property. We recommend a lower parking rate of 0.65-0.75 spaces per unit be applied.

Given the above, we respectfully make the following recommendations:

**Recommendation #6:**
That the City implement the proposed MIX4 zoning and make revisions to the proposed regulations as described above.

**Recommendation #7:**
That the City consider lower parking minimums for MIX4 zoned sites. A lower standard of 0.6 spaces per residential unit, plus 0.05 visitor parking spaces is recommended. We understand that this lower ratio would be aligned with the Citywide Comprehensive Parking Utilization Study completed by Paradigm Transportation Solutions.

**Conclusions**
On behalf of our client, ‘Deleted Name’, thank you for the opportunity to review and provide comments on the proposed Secondary Plan / Official Plan Amendment and proposed corresponding Zoning By-Law updates for the area.

We would appreciate a discussion with the Secondary Planning team to discuss the recommendations set out in this letter. By way of this letter, we also request that we be added to any notification/distribution list relating to the proposed Official Plan and Zoning By-Law Reviews. Respectfully submitted,

**Current and Proposed Zoning**
Current Zoning – M-2, 159U, 1R
Proposed Zoning – MIX-4, MIX-4 with Flooding Hazard Overly

**Staff Response**
Planning Staff provide the following responses to the Recommendations contained in the Submission.

*Recommendation #1: Based on this evolving context of development, we recommend that in accordance with the findings of CREL, the City implement the removal of the existing industrial land use designations and consider new designations to support the high-density redevelopment*
of the property. We concur with the City’s proposed ‘Mixed Use’ land use designation as the appropriate land use designation for the property.

- The proposed Mixed Use land use designation supports this recommendation.

**Recommendation #2:** That the zoning of the subject property be amended to support the mixed use, high density redevelopment of the subject property. Based on our review of the proposed new Zoning By-Law, we concur that the proposed MIX4 zoning is most appropriate for the site.

- The proposed MIX-4 zoning supports this recommendation.

**Recommendation #3:** That the existing site-specific regulation that applies to the site requiring GRCA review and permitting (as required) continue to apply to the property to ensure the safe and orderly development of the property.

- The proposed Flooding Hazard Overlay supports this recommendation.

**Recommendation #4:** That the City approve the Mixed Use Land Use designation for the property as currently proposed.

- The proposed Mixed Use land use designation supports this recommendation.

**Recommendation #5:** That proposed policy 15.D.4.20 be amended so as to permit FSR increases of up to 6.0 for sites that are located within the Downtown and Major Transit Station Areas and subject to the same criteria set out in this policy.

- Through the NPR work there was extensive 3D modelling done to re-examine the relationship of FSR and building height to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height within the MIX base zones. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with building height. With respect to the MIX-4 Zone, it was recommended that the maximum FSR be 5.0. Planning Staff did test an FSR of 6.0 and found that this amount of floor space was not appropriate for the majority of properties in the MTSA areas.

- It was determined that an FSR permission of 5.0 will more than achieve the minimum density target of 160 residents/jobs per hectare that is required by Provincial policy in our MTSAs.

- Planning Staff will review Policy 15.D.4.20 to determine the appropriateness of allowing properties to develop to a maximum FSR of 6.0, within MTSAs, with a corresponding zoning by-law amendment application. The new zoning framework, including the permissions for FSRs, in the Urban Growth Centre (Downtown), is being reviewed through a separate Planning Project.

**Recommendation #6:** That the City implement the proposed MIX4 zoning and make revisions to the proposed regulations as described above.

- The submission requests consideration of a minimum 4.0 metre rear yard setback instead of 7.5 metres, a minimum 1.5-2 metre interior side yard setback instead of 4 metres and a minimum 4 metre yard abutting a residential zone instead of 7.5 metres.

- The proposed minimum rear yard setback and minimum yard setback abutting a residential zone in the new MIX-4 zone are the same as the requirements in the existing
MIX-1, MIX-2 and MIX-3 zones and are appropriate to maintain in the new MIX-4 zone. Particularly given that development in the new MIX-4 zone will facilitate the development of tall buildings which could impact adjacent properties.

- Planning staff will give further review to the yard setbacks in the new MIX-4 zone and in the other MIX zones to ensure they will function appropriately.

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4 (NEW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rear yard setback</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum interior yard setback</td>
<td>2 m</td>
<td>0 m</td>
<td>4 m</td>
<td>4 m</td>
</tr>
<tr>
<td>Minimum yard setback abutting a residential zone</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
</tbody>
</table>

- Planning staff are reviewing the regulation requiring a minimum of 20% of the gross floor area to be for non-residential uses. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.

- In reviewing the submissions for 50 Borden Avenue South, 509 Park Street and 207 Madison Avenue South, while 50 Borden Avenue South (MIX-4) and 207 Madison Avenue South (MIX-3) have issues with the yard setbacks, there are no issues with the maximum permitted building heights or required number of storeys in the base of a mid-rise or tall building. The submission for 509 Park Street (MIX-2) has issues with the maximum permitted building heights, the required number of storeys in the base of mid-rise or tall building, but support for minimum yard abutting a residential zone.

- In reviewing all 3 submissions it is not clear whether the issues are with the base zones themselves or with the application of the MIX based on the lot’s location and context.

- Land use designations and zone categories are applied generally properties in the city. Depending on locational characteristics or other unique challenges, property owners may need to submit applications under the Planning Act to facilitate a particular development that will not meet all policies and/or zoning regulations.

- Submissions which are requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification and impacts of the particular proposal can be evaluated appropriately.

**Recommendation #7**: That the City consider lower parking minimums for MIX-4 zoned sites. A lower standard of 0.6 spaces per residential unit, plus 0.05 visitor parking spaces is recommended. We understand that this lower ratio would be aligned with the Citywide Comprehensive Parking Utilization Study completed by Paradigm Transportation Solutions.

- Thank you for the comment and suggestion. Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were...
first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

Resolution
No changes are recommended to the maximum permitted FSR in the base MIX-4 Zone or to the land use designation and zoning proposed to be applied to 50 Borden Avenue South. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

Planning staff will give further review to the yard setbacks in the new MIX-4 zone and in the other MIX zones to ensure they will function appropriately.

Planning staff will review the MIX-4 zone regulation which requires a minimum 20% of non-residential building floor area.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.
Submission received June 5, 2020
On behalf of our client, Woodhouse Investments Inc., please accept this letter with regard to the ongoing Neighbourhood Planning Review of the KW Hospital / Midtown Area as it relates to our client’s property.

Our client owns the property municipally known as 509 Park Street, Kitchener, which is located within the KW Hospital / Midtown Neighbourhood Planning area. This letter reviews the proposed changes to the land use planning framework applicable to our client’s lands and sets out a series of questions and recommendations to the City as it continues on with the Neighbourhood Planning Review process.
Description of Subject Property
The subject property is municipally known as 509 Park Street, Kitchener and legally identified as Pt Lt 14 Pl 438 Kitchener; Lt 15 Pl 438 Kitchener; Pt Lt 17 Pl 438 Kitchener Pts 1, 2 & 9, 58r838; S/T 1518268; Kitchener. Figure 1 shows the location of the subject property. Figures 2-3 show aerial imagery of the existing building and site conditions.
As shown on Figures 2-4, the site has frontage onto Park Street to the North, and currently has vehicular access from both Park Street and Mount Hope Street from the southeast. The site has a lot area of approximately 1,831 m².

The site has approximately 20 m of frontage onto Park Street and 18 m of frontage onto Mt. Hope. The property is unique given it has frontage on both streets, however it is neither a “through” or “corner” lot as the current property holdings do not include the corner properties (509 and 503 Park and 54 Mt. Hope). Given this unique configuration, determination of ‘yards’ is difficult within the context of the Zoning By-Law.
Current Use of the Building
The subject property is currently used as a medical clinic (addition treatment clinic). The site features one driveway access from Park Street (south of the existing building) and a secondary access from Mt. Hope which leads directly to the parking area behind the building. While our client does not have any current redevelopment plans for the property, it is understood that their long-term vision for the property would include a mixed-use medium density redevelopment including residential and non-residential (retail/commercial) uses.

Existing And Proposed Land Use Planning Controls
The use and development of the subject property is guided by a range of Provincial, Regional, and local legislation, policies, plans, and By-Laws including:

- The Planning Act;
- The Growth Plan for the Greater Golden Horseshoe;
- The Regional Official Plan;
- The City of Kitchener Official Plan / KW Hospital Secondary Plan; and,
- The City of Kitchener’s Zoning By-Law.

The following subsections discuss the City’s current land use planning framework and the proposed changes contemplated through the draft Secondary Plan and Zoning released as part of the Neighbourhood Planning Review of the KW Hospital / Midtown area.

City of Kitchener Official Plan / KW Hospital Secondary Plan
The subject property is located within the KW Hospital Secondary Plan area and is subject to the associated policies of the Secondary Plan. As shown in Figure 5 below, the site is currently designated ‘Community Institutional’.

![Figure 5: City of Kitchener KW Hospital Secondary Plan, Map 18 (Land Use)](image-url)
The site is also subject to Special Policy Areas 11 and 12, which are outlined as follows:

- **Special Policy Area 11**: for properties located on the south side of Park Street between the City of Waterloo boundary and Mount Hope Street, all approved site plans shall require that access be obtained from Park Street, with no driveway access onto York Street.
- **Special Policy Area 12**: medical laboratories shall be a permitted use on all lands located on the south side of Park Street between the City of Waterloo boundary and the property located at the southwest intersection of Strange and Elm Streets.

The current use (medical clinic) of the lot is permitted under the existing Zoning applicable to it, whereas residential and mixed-use land uses are not currently permitted.

**City of Kitchener Existing Zoning By-Law**
The subject property is currently zoned I-2 (Community Institutional) as per the City of Kitchener’s Zoning By-Law 85-1 (Figure 6). The site is also subject to Special Use Provision 102U, which permits the use of a ‘medical laboratory’.

![Figure 6: Existing Zoning (Source: City of Kitchener)](image)

Similar to the existing Official Plan land use designations which apply to the site, the uses of the property are generally limited to institutional uses currently, including medical offices (such as that existing on the property).

Given the location of the site within close proximity to King Street and numerous LRT stations, the existing Zoning appears to conflict with the logical planned function of the area as a mixed-use community. Based on the foregoing, we respectfully make the following recommendation:
**Recommendation #1:**
That the Zoning of the subject property be updated to a more permissive classification that will support the mixed use planned function of the area.

**Currently Proposed Official Plan Amendment**
It is understood that the City of Kitchener has released draft Official Plan mapping and land use designations for our client’s land within the KW Hospital / Midtown Secondary Plan. A Statutory Public Meeting to introduce Council to the draft changes was held on December 9, 2019.

It is understood that the City is proposing to designate the subject property ‘Mixed Use’, as shown in Figure 7 below. The site is also located within Specific Policy Area 2 (Mixed Use Medium Rise), which is outlined as follows.

- the Floor Space Ratio will be a minimum of 0.6 and a maximum of 3.0;
- no building will exceed 6 storeys or 20 metres in height, whichever is greater, at the highest-grade elevation.

![Figure 7: Proposed Land Use Designations (Source: City of Kitchener)](image)

In our opinion, the proposed land use designations will support the development of the area as a mixed use and transit supportive neighbourhood. Given the location of the site adjacent to KW Hospital, a major institutional use, we suggest that a building height of 8 storeys would be appropriate along the Park Street frontage of the site, and lower building heights (6 storeys) towards the rear of the property to step the building height towards the lower density areas to the west. We recommend that heights of up to 8 storeys or 25.5 metres be permitted for the site as well as the corner properties surrounded by our client’s lands, and that a maximum building height of 6 storeys (or 20 metres) be permitted within 12.5 metres of a low rise residentially designated property.
Given that the ‘Mixed Use’ land use designations are generally proposed for Park Street facing properties which abut onto more stable low density residential neighbourhoods, it is recommended that the Official Plan provide urban design direction to focus development as close to the Park Street property line to transition to the abutting lower density areas.

Based on the foregoing, we respectfully make the following recommendations:

**Recommendation #2:**
That the City implement Mixed Use land use designations for the subject property, and permit a maximum building height of 8 storeys or 25.5 m on the site and a height of 6 storeys (or 20 metres) be permitted within 12.5 metres of a low rise residually designated property and a maximum.

**Recommendation #3:**
That policy and urban design direction be provided to encourage a transition in density from the Park Street frontage to lower density areas west of the corridor.

**Proposed Zoning By-law**
As shown on Figure 8 below, the subject property is now proposed to be zoned ‘Medium Rise Mixed Use Two’ (MIX-2) to reflect the proposed Mixed Use land use designation as proposed in the draft Official Plan Amendment. It is understood that the purpose of this zone, “is to accommodate a variety of uses within mixed use buildings and mixed-use developments at a medium density” (City of Kitchener, 2019).

![Figure 8: Proposed Zoning (Source: City of Kitchener)](image)

Table 8-1 of the proposed Zoning By-Law sets out the types of uses permitted within the MIX-2 zone, which are highlighted in yellow on the following page.

In addition to the foregoing, the proposed Zoning By-Law contemplates various regulations and requirements for lands proposed to be zoned MIX-2, which are summarized and discussed in the table below:
<table>
<thead>
<tr>
<th>Regulation</th>
<th>Requirement</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td>15 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>1.5 m</td>
<td>Agree with recommendation. Recommend that a maximum front yard setback be implemented to ensure a harmonious streetscape and to encourage the siting of buildings close to the street.</td>
</tr>
<tr>
<td>Minimum exterior side yard setback</td>
<td>1.5 m</td>
<td>Agree with recommendation. Does not apply to subject site.</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>7.5 m</td>
<td>Due to the irregular property configuration, and given that the site’s technical front yard is fronting onto Mt. Hope, we note that the rear yard setback could be interpreted as northerly property line, which we do not believe is the intended direction of the proposed Zoning By-Law (as functionally this is an interior side yard). We request clarification as to how the City would interpret the rear yard for this site.</td>
</tr>
<tr>
<td>Minimum interior side yard setback</td>
<td>0 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum yard setback abutting a residential zone</td>
<td>7.5 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum ground floor building height for any building with street line façade</td>
<td>4.5 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum building height</td>
<td>11 m</td>
<td>Agree with recommendation in principle, however given that a ground floor height of 4.5 m is required and typical floor heights for apartments are approximately 3 m, it is recommended that the minimum building height be 3 storeys or 10.5 m.</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>20 m (or 12 m within 15 m of a lot with a low-rise residential zone)</td>
<td>Recommend a maximum height of 25.5 metres / 8 storeys or 19.5 metres /6 storeys within 12.5 metres of a low-rise residential lot line. The recommendations for 25.5 / 19.5 metre maximums is to account for a</td>
</tr>
</tbody>
</table>
Maximum number of storeys | 6 storeys | Recommend a maximum of 8 storeys or 6 storeys within 12.5 m of a low-rise residential lot line.

Minimum number of storeys in the base of a mid-rise building or tall building | 3 storeys | Regulation is redundant and potentially conflicts with ‘minimum building height’. Recommend consolidating regulations.

Maximum number of storeys in the base of a mid-rise building or tall building | 6 storeys | Regulation is redundant and presents confusion when compared with ‘maximum number of storeys’ regulation. Recommend deletion.

Minimum street line stepback for mid-rise buildings and tall buildings | 3 m | Agree with recommendation.

Minimum / Maximum floor space ratio | 0.6 / 3 | Agree with recommendation.

Maximum total retail gross floor area within a multi-unit building, multi-unit development, mixed-use building, or mixed-use development. | 7,500 m2 | No concern with regulation as it relates to the subject property.

Through the proposed Zoning By-law Amendment, it is understood that the City is also proposing parking rates of 0.9 spaces per residential unit and 0.1 visitor parking spaces per unit. In our opinion these proposed parking rates conflict with the planned function of the area and the site’s proximity to multiple ION station stops. Given the proximity to transit and the viability of active modes of transportation a lower residential parking rate of 0.65-0.75 parking spaces per unit (inclusive of visitor parking) would be more appropriate for MIX-2 zoned sites. We believe that this requested parking ratio is in keeping with a City-wide parking utilization study completed by Paradigm Transportation Solutions.

Given the above, we respectfully make the following recommendations:

**Recommendation #5:**
That the City implement MIX-2 Zoning for the subject property.

**Recommendation #6:**
That consideration be given to the proposed modifications to the proposed regulations as discussed in the table above.

**Recommendation #7:**
That the City consider alternate parking rates for more central MIX zoned properties, in keeping with the planned function of the area and above noted study.
Conclusions
On behalf of our client, ‘Deleted Name’, thank you for the opportunity to review and provide comments on the proposed Secondary Plan / Official Plan Amendment and proposed corresponding Zoning By-Law updates for the area.

We would appreciate a discussion with the Secondary Planning team to discuss the recommendations set out in this letter. By way of this letter, we also request that we be added to any notification/distribution list relating to the proposed Official Plan and Zoning By-Law Reviews.

Respectfully submitted,

Current and Proposed Zoning
Current Zoning – I-2, 102U
Proposed Zoning – MIX-2

Staff Response
Planning Staff provide the following responses to the Recommendations contained in the Submission.

Recommendation #1: That the Zoning of the subject property be updated to a more permissive classification that will support the mixed use planned function of the area.
- The proposed MIX-2 zoning supports this recommendation.

Recommendation #2: That the City implement Mixed Use land use designations for the subject property, and permit a maximum building height of 8 storeys or 25.5 m on the site and a height of 6 storeys (or 20 metres) be permitted within 12.5 metres of a low rise residentially designated property and a maximum.
- In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.
- The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood.
- As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

Recommendation #3: That policy and urban design direction be provided to encourage a transition in density from the Park Street frontage to lower density areas west of the corridor.
- Planning staff will review the policies to see what wording can be added to assist in this regard.
Recommendation #5: That the City implement MIX-2 Zoning for the subject property.
- The proposed MIX-2 zoning supports this recommendation.

Recommendation #6: That consideration be given to the proposed modifications to the proposed regulations as discussed in the table above.
- The submission requests consideration of the following changes to the MIX-2 zoning regulations:
  - a minimum building height of 10.5 metres instead of 11 metres;
  - a maximum permitted building height in the MIX-2 zone from the proposed 20 metres and 6 storeys to 25.5 metres and 8 storeys;
  - a maximum permitted height of 20 metres and 6 storeys within 12.5 metres of a low-rise residential zone instead of

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4 (NEW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum building height</td>
<td>7.5 m</td>
<td>11 m</td>
<td>11 m</td>
<td>11 m</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>14 m (2a)</td>
<td>20 m (2a)</td>
<td>26 m (2a)</td>
<td>(2a) (2b)</td>
</tr>
<tr>
<td>Maximum number of storeys</td>
<td>4 storeys</td>
<td>6 storeys</td>
<td>8 storeys</td>
<td></td>
</tr>
</tbody>
</table>

(2) The maximum building height shall not exceed:
  a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
  b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

- As indicated above, In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.
- The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood.
- As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.
- In reviewing the submissions for 50 Borden Avenue South, 509 Park Street and 207 Madison Avenue South, while 50 Borden Avenue South (MIX-4) and 207 Madison Avenue South (MIX-3) have issues with the yard setbacks, there are no issues with the maximum permitted building heights or required number of storeys in the base of a mid-rise or tall building. The submission for 509 Park Street (MIX-2) has issues with the maximum permitted building heights, the required number of storeys in the base of mid-rise or tall building, but support for minimum yard abutting a residential zone.
- In reviewing all 3 submissions it is not clear whether the issues are with the base zones themselves or with the application of the MIX based on the lot’s location and context.
- Land use designations and zone categories are applied generally properties in the city. Depending on locational characteristics or other unique challenges, property owners may
need to submit applications under the Planning Act to facilitate a particular development that will not meet all policies and/or zoning regulations.

- Submissions which are requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification and impacts of the particular proposal can be evaluated appropriately.

**Recommendation #7:** That the City consider alternate parking rates for more central MIX zoned properties, in keeping with the planned function of the area and above noted study.

- Thank you for the comment and suggestion. Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

**Resolution**

No changes are recommended to the land use designation and zoning proposed to be applied to 509 Park Street. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

Planning staff will review the policies to see what wording can be added to assist in providing urban design direction to encourage a transition in density from the Park Street frontage to lower density areas west of the corridor.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.
Submission received June 5, 2020

On behalf of our client, ‘Deleted Name’, please accept this letter with regard to the ongoing Neighbourhood Planning Review of the Mill Courtland Woodside Park Area as it applies to our client’s lands.

Our client owns the property municipally known as 207 Madison Avenue South, Kitchener, which is located within the Mill Courtland Woodside Park Neighbourhood Planning area. This letter reviews the proposed changes to the land use planning framework applicable to our client’s lands and sets out a series of questions and recommendations to the City as it continues on with the Neighbourhood Planning Review process.
1.0 Description Of Subject Property
The subject property is municipally known as 207 Madison Avenue South, and legally identified as Pt Lt 2 Pl 368 Kitchener Pt 1, 58R-1623 Except Pt 1, 58R-2953; S/T 639633; Kitchener.

The subject property is located at the intersection of Madison Avenue South and Hopp Street, with vehicular access from both streets. The subject lands have an estimated area of 2,957 square metres or 0.2957 hectares, with 14 metres of frontage onto Madison Avenue South.

As shown in Figure 2 below, the subject property is surrounded by the following uses:
- To the North: The Iron Horse Trail and Schneider Creek
- To the East: A commercial plaza
- To the South: A vacant lot adjacent to an active CN Rail line
- To the West: A single-detached home and commercial buildings
2.0 Existing And Proposed Land Use Planning Controls
The use and development of the subject property is guided by a range of Provincial, Regional, and local legislation, policies, plans, and By-Laws including:

- The Planning Act;
- The Growth Plan for the Greater Golden Horseshoe;
- The Regional Official Plan;
- The City of Kitchener Official Plan / Mill Courtland Secondary Plan; and,
- The City of Kitchener’s Zoning By-Law.

The following subsections discuss the City’s current land use planning framework and the proposed changes contemplated through the draft Secondary Plan and Zoning released as part of the Neighbourhood Planning Review of the Mill Courtland Woodside Park area.

2.1 City of Kitchener Official Plan / Mill Courtland Woodside Park Secondary Plan
The subject property is currently designated both ‘Open Space’ and ‘General Industrial’, as per Map 12 of the 1994 Mill Courtland Woodside Park Secondary Plan (Figure 3). The subject property is also located within the Floodway and Flood Fringe, as identified in Map 13 of the 1994 Mill Courtland Woodside Park Secondary Plan (Figure 4).
Open Space
The northern portion of the subject property is currently designated ‘Open Space’. The intent of this designation is to reserve lands for recreational purposes, as well as identify lands that are unsuitable for development due to steep slopes, possibility of flooding or poor soils and are considered to be hazard lands. It is understood that this designation reflects the Floodway and Flood Fringe of Schneider Creek, as identified in Figure 4 above.

Given that the subject property is located within the floodway portion of the flood plain, this means new development is prohibited within this designation. Existing development within this
designation will remain legal non-conforming, and will be subject to the Fill, Construction and Alteration to Waterways Regulation administered by the Grand River Conservation Authority.

**General Industrial**
The southern portion of the subject property is currently designated ‘General Industrial’. The intent of this designation is to permit a broad range of industrial uses and create employment opportunities for the local economy.

The subject property and adjacent lots have historically been used for industrial and commercial purposes within the Mill Courtland Woodside Park neighbourhood. Therefore, it is understood that the ‘General Industrial’ designation reflects past industrial uses, which have become obsolete within recent years.

**2.2 City of Kitchener Existing Zoning By-Law**
The subject property is currently zoned ‘Existing Use Zone’ (E-1) and ‘General Industrial Zone’ (M-2), as per the City of Kitchener’s Zoning By-law 85-1 (Figure 5). The site is also subject to the following special provisions:

- Special Regulation Provision 1R: 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
- Special Use Provision 159U: 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.
The northern portion of the subject property is currently zoned E-1, as it reflects the current ‘Open Space’ land use designation (Figure 5). The intent of this zone is allow the continued use of existing uses that were constructed prior to the passing of By-law 2003-163, S.45. This means new development is prohibited within this zone, and a permit must be obtained from the GRCA if additions or alterations to existing buildings are proposed to be made.

**General Industrial Zone (M-2)**
It is understood that southern portion of the subject property is zoned M-2 to reflect the current ‘General Industrial’ land use designation (Figure 5). The intent of the M-2 zone is to permit a broad range of industrial uses, which includes office space. Most notably, this zone prohibits residential uses.

**2.3 Proposed Official Plan Amendment**
As part of the Mill Courtland Woodside Park Neighbourhood Planning Review, the City of Kitchener released drafts of new Official Plan mapping and land use designations for our client’s lands. A Statutory Public Meeting to introduce Council to the draft changes was held on December 9, 2019.

Based on the Neighbourhood Planning Review, the City is proposing to designate the subject property both ‘Natural Heritage Conservation’ and ‘Mixed Use’ (Figure 6).

**Natural Heritage Conservation**
The northern portion of the subject property is proposed to be designated ‘Natural Heritage Conservation’ (Figure 6). It is understood that the intent of this designation is to protect or conserve natural heritage features for their ecological functions. This designation permits a limited number of uses, which include conservation activities; forest, fish, and wildlife management; and small-scale passive recreation activities.
We are supportive of the City’s decision to designate the northern portion of the site as ‘Natural Heritage Conservation’, given the presence of a GRCA regulated floodplain and flood fringe. We also acknowledge that this proposed land use designation maintains the same general policy direction as the current ‘Open Space’ land use designation which currently applies to the site.

**Mixed Use**

The southern portion of the site is proposed to be designated as ‘Mixed Use’ (Figure 6). This designation is intended to support a broad range of uses, such as commercial, retail, institutional and residential within mixed use developments.

It is also important to note that the subject property is proposed to be located within Specific Policy Area 3 (Medium to High Rise), where the following provisions would apply:

- the Floor Space Ratio will be a minimum of 0.6 and a maximum of 4.0; and,
- generally, no building will exceed 8 storeys or 26 metres in height, whichever is greater, at the highest-grade elevation.

It is understood that the Specific Policy Area 3 applies to the subject property given that it is located within 800 metres of a Major Transit Station Area. More specifically, the subject property is within a 10 to 15-minute walking distance of the ION’s Kitchener Market Station.

We are generally supportive of the proposed ‘Mixed Use’ land use designation, given the size and scale of the subject property. The ‘Mixed Use’ designation will give our client the opportunity to support high density development within close proximity to the ION’s Kitchener Market Station. This would ultimately encourage active forms of transportation, such as walking and cycling, thus reducing the demand to travel by private automobile.

Based on the foregoing, we respectfully make the following recommendations:

**Recommendation #1:**
That the City approve the proposed ‘Mixed Use’ land use designation within Specific Policy Area 3.

**2.4 Proposed Zoning By-law**

As shown in Figure 7, the City is proposing to zone the subject property both ‘Medium to High Rise Mixed Use Three’ (MIX-3) and ‘Existing Use Floodplain’ (EUF-1).
**Existing Use Floodplain’ (EUF-1)**
The City is proposing to zone the northern portion of the subject property EUF-1. The purpose of this zone is to recognize existing uses within a floodway or floodplain. It is understood that this zone would limit the use of the property to existing uses, the same type of use as the existing use, and a dwelling with the same or fewer dwelling units than that existing on, and continually used since the effective date of this By-law in a dwelling that was existing on the effective date of this By-law. This means new development is prohibited within areas zoned EUF-1.

This proposed Zoning is consistent with the existing zoning which applies to the northern portion of the property. In our opinion the proposed Zone and associated regulations are appropriate given the presence of a GRCA regulated floodway and flood fringe in proximity to the site.

**Medium to High Rise Mixed Use Three (MIX-3)**
The City is proposing to zone the southern portion of the subject property MIX-3 as shown on Figure 7. This zone is intended to accommodate a variety of uses within mixed use buildings and mixed-use developments at a medium to high density.

Table 8-1 of the proposed Zoning By-Law sets out the types of uses permitted within the MIX-3 zone, which are highlighted in yellow below.

In addition to the foregoing, the proposed Zoning By-Law contemplates various regulations and requirements for lands proposed to be zoned MIX-3, which are summarized and discussed in the table below:
<table>
<thead>
<tr>
<th>Regulation</th>
<th>Requirement</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td>15 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum front yard setback</td>
<td>1.5 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum exterior side yard setback</td>
<td>1.5 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum rear yard setback</td>
<td>7.5 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum interior side yard setback</td>
<td>4 m</td>
<td>A 4 m interior side yard seems excessive, particularly in instances where MIX 3 sites are side-by-side where an 8 m gap between buildings would be created. In order to facilitate a harmonious streetscape in these priority growth areas lesser interior setbacks (1.5 m to 2 m) are recommended.</td>
</tr>
<tr>
<td>Minimum yard setback abutting a residential zone</td>
<td>7.5 m</td>
<td>Agree with recommendation in principal. Clarification requested to confirm this setback only applies where a site directly abuts a residential zone and does not apply when a site is located across a municipal street from a residential zone.</td>
</tr>
<tr>
<td>Minimum ground floor building height for any building with street line façade</td>
<td>4.5 m</td>
<td>Agree with recommendation in principal.</td>
</tr>
<tr>
<td>Minimum building height</td>
<td>11 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>26 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Maximum number of storeys</td>
<td>8 storeys</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum number of storeys in the base of a mid-rise building or tall building</td>
<td>3 storeys</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Maximum number of storeys in the base of a mid-rise building or tall building</td>
<td>6 storeys</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum street line stepback for mid-rise buildings and tall buildings</td>
<td>3 m</td>
<td>Agree with recommendation.</td>
</tr>
<tr>
<td>Minimum / Maximum floor space ratio</td>
<td>0.6 / 4</td>
<td>Agree with recommendation. The City should consider Floor Space Ratios of up to 5.0 where certain design and/or sustainability objectives are met and when the subject property is located</td>
</tr>
<tr>
<td><strong>Maximum total retail gross floor area within a multi-unit building, multi-unit development, mixed-use building, or mixed-use development.</strong></td>
<td>10,000 m²</td>
<td>No concern with this recommendation as it applies to this property. However, it is noted that this regulation could conflict with the “minimum percent of non-residential gross floor area” requirements as currently proposed.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Minimum percent of non-residential gross floor area</strong></td>
<td>20% (3)</td>
<td>Question the rationale for this requirement and how the 20% requirement has been developed. For large mixed-use properties, this could necessitate excessive amounts of non-residential floor space that may not be required to satisfy market demands. Rather than a minimum percentage of non-residential floor space, an alternate approach of requiring at grade non-residential floor space is requested.</td>
</tr>
<tr>
<td><strong>Minimum percent of residential GFA</strong></td>
<td>20% (3)</td>
<td>Similar to the above, the rationale for this proposed regulation is questioned. In certain instances, entirely non-residential uses may be appropriate (i.e., purpose-built office and retail buildings).</td>
</tr>
</tbody>
</table>

The City is also proposing parking rates of 0.9 spaces per residential use and 0.1 visitor parking spaces. Given that a significant portion of the subject property is restricted from having underground parking, it is our opinion that the proposed parking standards will hinder the future development of our client’s property. Furthermore, in our opinion the site’s proximity to the ION’s Kitchener Market Station supports lowered parking ratios supportive of transit-oriented redevelopments. In our opinion, a lower residential parking rate of 0.65-0.75 parking spaces per unit (inclusive of visitor parking) would be more appropriate for MIX3 zoned sites. We understand that this requested parking ratio would be in accordance with the findings of a City-wide parking utilization study completed by Paradigm Transportation Solutions.

Given the above, we respectfully make the following recommendations:

**Recommendation #2:**
That the City implement the proposed MIX-3 zoning and make revisions to the proposed regulations as described and recommended above.
Recommendation #3:
That the City consider lower parking minimums for MIX-3 zoned sites. A lower standard of 0.7 spaces per residential unit, plus 0.05 visitor parking spaces is recommended.

3.0 Zoning Of Adjacent Lands
While not under the ownership of our client, we note that the existing commercial plaza located south of the site is proposed to be zoned ‘COM-5’ through the Mill Courtland Rockway Neighbourhood Planning Review. We note that the COM-5 zoning is only proposed for one site within the broader block, the remainder of which is proposed to be re-zoned MIX-3.

While the COM-5 zone has considerable overlap with the MIX-3 zone, there are some key distinctions between the zones which could preclude a more comprehensive redevelopment of the block between Madison and Sterling. These include:

- A different list of permitted uses;
- A maximum FSR of 2.0 for residential uses;
- Use permissions for warehousing/manufacturing that could potentially conflict with more sensitive land uses.

Should these properties ever come under the same ownership, the conflicting zoning could pose challenges towards the development of a cohesive development.

Given these discrepancies between the zones, we recommend that unified zoning be proposed for the entire Madison/Sterling block. Our recommendation would be to apply the MIX-3 zone to the commercial plaza site to facilitate a more comprehensive redevelopment of the block supportive of the transit-oriented development objectives for the station area.

4.0 Conclusions
On behalf of our client, Woodhouse Investments Inc., thank you for the opportunity to review and provide comments on the proposed Secondary Plan / Official Plan Amendment and proposed corresponding Zoning By-Law updates for the area.

We would appreciate a discussion with the Secondary Planning team to discuss the recommendations set out in this letter. By way of this letter, we also request that we be added to any notification/distribution list relating to the proposed Official Plan and Zoning By-Law Reviews.

Respectfully submitted,

**Current and Proposed Zoning**

Current Zoning – E-1, M-2
Proposed Zoning – EUF-1, MIX-3

**Staff Response**

Planning Staff provide the following responses to the Recommendations contained in the Submission.

**Recommendation #1: That the City approve the proposed ‘Mixed Use’ land use designation within Specific Policy Area 3.**
- The proposed Mixed Use Land use designation and Specific Policy Area 3 supports this recommendation.

**Recommendation #2: That the City implement the proposed MIX-3 zoning and make revisions to the proposed regulations as described and recommended above.**
- The proposed MIX-3 zoning supports this recommendation.
- The submission requests consideration of a minimum 1.5-2 metre interior side yard setback instead of 4 metres.
- Although the regulations in the in effect MIX-3 zone are not within the scope of the review of this project, given the new MIX-4 is mirroring some of those regulations, Planning staff will give further review to the yard setbacks in the MIX zones to ensure they will function appropriately.

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4 (NEW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum rear yard setback</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
<tr>
<td>Minimum interior yard setback</td>
<td>2 m</td>
<td>0 m</td>
<td>4 m</td>
<td>4 m</td>
</tr>
<tr>
<td>Minimum yard setback abutting a residential zone</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
<td>7.5 m</td>
</tr>
</tbody>
</table>

- Planning staff are reviewing the regulation requiring a minimum of 20% of the gross floor area to be for non-residential uses. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.
In reviewing the submissions for 50 Borden Avenue South, 509 Park Street and 207 Madison Avenue South, while 50 Borden Avenue South (MIX-4) and 207 Madison Avenue South (MIX-3) have issues with the yard setbacks, there are no issues with the maximum permitted building heights or required number of storeys in the base of a mid-rise or tall building. The submission for 509 Park Street (MIX-2) has issues with the maximum permitted building heights, the required number of storeys in the base of mid-rise or tall building, but support for minimum yard abutting a residential zone.

In reviewing all 3 submissions it is not clear whether the issues are with the base zones themselves or with the application of the MIX based on the lot’s location and context.

Land use designations and zone categories are applied generally properties in the city. Depending on locational characteristics or other unique challenges, property owners may need to submit applications under the Planning Act to facilitate a particular development that will not meet all policies and/or zoning regulations.

Submissions which are requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification and impacts of the particular proposal can be evaluated appropriately.

**Recommendation #3:** That the City consider lower parking minimums for MIX-3 zoned sites. A lower standard of 0.7 spaces per residential unit, plus 0.05 visitor parking spaces is recommended.

Thank you for the comment and suggestion. Except for the downtown, the draft parking rates proposed in the Major Transit Station Areas (MTSA) are generally lower than lands in the rest of the city on account of their proximity to transit and future anticipated growth. Upon staff consideration of comments and trends since the time these rates were first proposed, the MTSA parking rates for residential and non-residential uses will be further reduced. The proposed rates will be finalized in the coming months. With respect to residential development, staff anticipate a reduced residential parking rate of 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.

**Resolution**

No changes are recommended to the land use designation and zoning proposed to be applied to 207 Madison Avenue South. The property owner is advised to submit site-specific planning applications to facilitate a development which will not meet the proposed land use and/or zoning regulations.

Planning staff will give further review to the yard setbacks in the MIX zones to ensure they will function appropriately.

Planning staff will review the MIX-3 zone regulation which requires a minimum 20% of non-residential building floor area.

Planning staff recommend that the residential parking rate be 0.7 parking spaces per unit (0.6 parking space per unit and 0.1 visitor parking spaces per unit) and may consider further reductions.
Submission received August 19, 2020

‘Deleted Name’ gave an overview of the history of discussions between MTD, the City of Kitchener and Region of Waterloo. ‘Deleted Name’ hired ‘Deleted Name’ years ago to look at redevelopment possibilities. ‘Deleted Name’ also worked on flood plain issues. Over the years the Region and City focused on reurbanization, contemplating special funding and policies. All 3 sides were analyzing best uses for MTD’s central properties, how they can support to the station area, and how this can be achieved.

MTD’s objective is to contribute to the community’s revitalization efforts while maintaining a viable business for which a new site has to be found.

Barbara Steiner referred to the “candidate scenarios” from the Planning Around Rapid Transit Station Areas document which spoke to innovative “blocks” that the GRCA proposed to deal with the Schneider Creek flood plain lands. MTD properties are key examples of such lands. Barbara Steiner added that the main condition for discussed lands is the removal of existing structures which would likely happen if a new proposal came forward. This would allow for opening up the flood plain if new buildings allow more water to pass, are floodproofed, etc. If that can be done,
those sites can be considered similarly to the flood fringe and allow for higher density developments.

‘Deleted Name’ asked what could be inserted into the Secondary Plan that would give “more comfort” to MTD lands’ future. Tina Malone-Wright responded that the City will look at adding a clause into the Secondary Plan that speaks about the City committing to considering development applications for “candidate scenario” lands, currently proposed as Existing Uses Flood Plain zones, including the MTD lands. She added that the current 2014 Official Plan includes policy direction for planning around Major Transit Station Areas and refers to the PARTS document which speaks to the “candidate scenario”.

Barbara Steiner added that certainty can now come from the approved PARTS Rockway Plan that speaks to potential redevelopment/candidate scenario. Only a new application which includes concrete technical studies, discusses a concrete proposal, and shows how the flood plain can be dealt with, can give more certainty once considered by the City.

The inclusion of a policy, speaking to the City considering applications for redevelopment of these lands, would certainly help.

Tina Malone-Wright confirmed she will add the clause to the next draft of the Rockway Secondary Plan and no action is required from MTD. She suggested ‘Deleted Names’ subscribe to the Neighbourhood Planning Review website to get related notifications. The next publication of the Secondary Plan will come before the next Public Meeting, probably early next year, not in December as contemplated previously.

Current and Proposed Zoning
Current Zoning – E-1
Proposed Zoning – EUF-1

Staff Response
The Grand River Conservation Authority’s ‘Update of Schneider Creek Floodplain Mapping and Two-Zone Policies, Stirling Avenue to Sydney Street (2016)’ provided updated modeling of the floodplain that traverses the PARTS Rockway Plan station area. Through this update to the GRCA floodplain mapping it was identified that, although the extent of potential flooding may be greater in the existing condition compared to the past mapping, there may be an opportunity to establish a future scenario whereby some of the lands within the ‘Floodway’ could become ‘Flood Fringe’. As a result, these lands could go from a situation where nothing new could be developed (i.e. only recognizing existing uses, result is the where appropriate) to a situation where future development may be possible provided there are supporting studies and GRCA acceptance.

A ‘Candidate Flood Fringe Scenario’ relies, in one instance on the northeast side of the creek, on a single landowner potentially initiating the scenario (i.e. the MTD lands). In other instances, mostly on the opposite southerly side of the creek, it relies on either multiple landowners coming together, the City facilitating some option, or it may not materialize given the context of the properties.
The above plan is intended to provide direction for potential land use should the ‘Candidate Flood Fringe Scenario’ occur. The intent is that historic industrial uses in close proximity to the creek could be re-urbanized with medium and high density, residential (with supporting uses) on the northeast side of the creek and a range of different uses on the southerly side of the creek. Several strategies will need to be considered in order to potentially realize this planning opportunity.

The GRCA provided direction that if certain existing buildings and uses were removed from the ‘Floodway’ that this may change certain ‘blocks’ of land to ‘Flood Fringe’. Until the ‘Candidate Flood Fringe Scenario’ can be realized, as the primary concern is flooding hazard and public safety, the preferred land use plan in the PARTS Rockway Plan indicated Natural Heritage Conservation as the land use for the full extent of the updated ‘Floodway’. This recommended land use was implemented in the new Rockway Secondary Plan that was considered at the Statutory Public Meeting in December 2019.

The submission requests some policy language to refer to the ‘Candidate Flood Fringe Scenario’ to provide direction to the processing of future Planning Act Applications once this scenario can
be realized with supporting studies and GRCA acceptance. Planning staff agree to add some policy direction in this regard.

Resolution
Planning staff will add some policy language to the Rockway Secondary to reference the ‘Candidate Flood Fringe Scenario’ planning opportunity and provide direction to the vision for this area should it be realized with supporting studies and GRCA acceptance.

158. **183 Victoria Street North (20 Maynard Avenue)**

Submission received September 4, 2020
Hi Tina,

My husband and I live at 20 Maynard Ave - we bought our home 16 years ago, and absolutely love our beautiful neighborhood!

Our property is directly behind 183 Victoria Street North, and we recently became aware of the development plans for this lot, as well as the proposed changes to the building allowances, and I would like to voice a few concerns that we have.

There is a laneway that runs parallel to Maynard and Victoria, and this is how we and several other homes on Margaret, Maynard, Ahrens, and Victoria access our parking. It is only wide enough for one vehicle, which has always been problematic for us, often getting stuck when
another vehicle enters the alley. I would like to know whether the building at 183 Victoria would have any access from the property to the laneway - pedestrians, vehicles, garbage trucks etc.

One of the proposed changes is to reduce the distance from the laneway to the back of the building from 15 metres to 7.5 metres. We have measured that and are quite astounded to imagine a 12-metre-high structure that close to the back of our property. The other change is to allow the building along the street to be increased from 16.5 metres to 20 metres - almost double the height of homes along Maynard. We have limitations on how high OUR home can be, in order to protect others who, live around us and ensure their comfort. The proposed changes for 183 Victoria do not seem to offer any benefit or consideration to current residents, only the developer.

My personal biggest concern is the huge walnut tree that resides at the back corner of the property. It offers so much privacy and greenery for all of us along Maynard. If that tree was removed it would be devastating. I am very concerned that reducing the distance from the laneway to the building from 15 metres to 7.5 would result in the need to remove that tree.

Besides concern about the garbage truck using the laneway, I would also like to know more about the garbage system. It looks to be in ground, at the back of the property, directly behind our parking area. Are there issues with smell from this kind of system? Noise from garbage collection?

Thanks for considering these points. We are not opposed to development, in fact it's quite exciting to see Kitchener grow and change! But it's also important to respect people's existing homes and neighbourhoods, so we can all enjoy the changes that are made. Please let me know if you have any insights into my concerns.

Much appreciated,

Current and Proposed Zoning (183 Victoria Street North)
Current Zoning – MU-1, 167U, 559R
Proposed Zoning – MIX-2

Staff Response
On September 9, 2020 Planning staff responded with the following:

“Hi,
Thank you for your email and for your interest in the Neighbourhood Planning Review Project and developments happening in your neighbourhood.

Your comments touch on two different processes related to the property at 183 Victoria Street North: current Site Plan Application SP/18/035/V/CL and the proposed update of the Civic Centre Secondary Plan land use designations and zoning under the Neighbourhood Planning Review Project.

The property at 183 Victoria Street North is currently zoned “MU-1” with site specific provisions 167U and 559R. In May of 2018 the property was granted and received “approval in principle” under Site Plan Application SP/18/035/V/CL to permit/facilitate the development of the property
with a multiple dwelling containing 7 dwelling units in accordance with the existing “MU-1” zoning regulations.

I have copied Sandro Bassanese who is overseeing the Site Plan Application file. He may be able to answer your questions with respect to the proposed development and access to the laneway, the handling of garbage for the proposed development and the existing walnut tree and the proposed tree management plan.

With respect to the proposed updates/changes in the land use designation and zoning for the properties in the Civic Centre Secondary Plan, the City held a Statutory Public meeting in December 2019. We are still working through the comments that were received at the meeting. I will log your comments and concerns with respect to the proposed changes in the setbacks and building heights for staff’s review and consideration through the Neighbourhood Planning Review Project. I have added your contact information to our distribution list. I would also suggest subscribing to the City’s webpage for this project so that you may be kept up to date as information is added to this webpage.

Currently, the proposed changes to the zoning do not change the “approval in principle” given to Site Plan Application SP18/035/V/CL.

I trust Sandro will be able to assist in answering your questions with respect to proposed development plans under Site Plan Application SP18/035/V/CL.

Thank you again for your comments on the proposed changes to the zoning. As I noted, they will be reviewed and considered moving forward in the Neighbourhood Planning Review Project.

Should you have any additional comments or questions, please do not hesitate to contact our office.

Regards,”

Further:

- In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.
- The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.
- A lot of work was done, through the development of the PARTS Plans and Secondary Plans, to review the compatibility and transition of medium or high-rise development in the MIX zones from an adjacent low-rise residential zone. This resulted in new required setbacks dependent on the building height of these proposed medium/high rise developments and also requires the proposed building to transition in height within the
subject property itself. The new required setbacks will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

**Maximum Building Height**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum building height</td>
<td>14 m</td>
<td>20 m</td>
<td>26 m</td>
<td>(2a)</td>
</tr>
<tr>
<td>Maximum number of storeys</td>
<td>4 storeys</td>
<td>6 storeys</td>
<td>8 storeys</td>
<td>(2a) (2b)**</td>
</tr>
<tr>
<td>Maximum floor space ratio</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

**2.** The maximum building height shall not exceed:
(a) 12 metres within 15 metres of a lot with a *low-rise residential zone*; and,
(b) 25 metres within 30 metres of a lot line with a *low-rise residential zone*.

- In addition to setback and stepbacks, a maximum height is employed within each of the zones to ensure that even if a lot is large enough to meet the setback requirements that a maximum height will be employed to minimize overlook and shadow impacts, and to provide a build form that is compatible in size with the surrounding environment.
- In all zones we have created a maximum height of 12 metres if a 15 metre setback can be achieved from a low-rise residential zone. This is compatible with the maximum permitted height in our low-rise residential zones of 11 metres. Both the MIX zones and the RES zones require rear yard setbacks of 7.5 metres. The maximum permitted heights and yard setbacks are intended to create a compatible built form interface between those properties zoned for mixed use and those zoned for low rise residential uses.

**Resolution**

None required at this time.

**159. Victoria Park Secondary Plan**

**Submission received November 4, 2020**

**Our Shared History**

First of all, our concerns go beyond our self-interest as residents of the Victoria Park Area Heritage Conservation District (VPAHCD). People in our neighbourhood generally consider themselves custodians of their properties. Passersby often comment to us about how much they like our 1903 home and we were awarded the Mike and Pat Wagner Award for heritage restoration in 2019.

It is generally believed in the wider community and among planners that we should preserve heritage; there is also a legal obligation to do so under the Ontario Heritage Act (OHA). More specifically, when the VPAHCD was created, it was stated that the area met the criteria for designation under Part V of the OHA for the following reasons:

- reflect an aspect of the history of the community,
- have a significant number of buildings unique to the community,
• be distinctive to the community,
• contribute to the character of the community.

*(Victoria Park Area Heritage Conservation District Plan, p. 2)*

The park was created for the enjoyment of all citizens and the VPAHCD was created because of erosion to the heritage around the park. Heritage in the VPAHCD goes well beyond our own concerns as property owners. The area is a key to the history of our city. It is the location of an indigenous settlement, the first Mennonite residents (Schneider Haus), the terminus of a trail leading from the Grand River and a gateway from the West along Queen Street. Victoria Park with its neighbourhood is the crown jewel of our City.

We understand that change will happen and that the heritage district is not set in stone. It will change, but the heritage value also needs to be kept as much as possible. Otherwise, what is the point of having a district?

Secondary Plan and Heritage Plan

Secondly, the Architectural Conservancy of Ontario North Waterloo Region Branch (ACONWRB) strongly supports strengthening heritage conservation districts through the Secondary Plan:

> The City’s cultural heritage resources provide a link to the past and are an expression of the *City’s culture and history*. They contribute in a *very significant* way to the City’s identity and unique character. While Kitchener’s cultural heritage resources are important from a *historical and cultural* perspective, they are also of *social, economic, environmental, and educational value*. They help to instill civic pride, foster a sense of community, contribute to tourism, and stimulate the building renovation industry.¹

Specific recommendations for the VPAHCD were:

1) that Secondary Plans and zoning regulations complement HCD Plans and their heritage requirements
2) ensure Secondary Plans and zoning regulations provide appropriate transitions between high- and low-density areas.

We hope that planning decisions will fully incorporate the VPAHCD into the Secondary Plan.

Unfortunately, we see that some proposed zoning changes conflict with both of these recommendations. We think that that the well-established residential zoning in the VPAHCD Plan is especially under attack. We can cite a number of instances where demolitions have been proposed and occurred despite the

*Provincial Policy Statement:*

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2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Specific Concerns in the Draft Secondary Plan

Planned zone changes could have a negative impact in two specific instances:

1) David and Joseph

The area at the corner of David and Joseph was previously zoned as R-8, allowing an 8 storey building. We are pleased that the proposed zoning is RES 3, but it would still allow a 6 storey building. The original 85-1 zoning may have been changed in 1994 from low rise residential when several new residential zones were added. However, there have been 3 low-rise residential homes located on this property since at least the 1940s and perhaps before then.

![Figure 1 David and Joseph](image)

Why was this area not changed in the draft Secondary Plan to RES 3 to conform with areas all around the park on Richmond, Water, Roland, Schneider, and Dill that border the park?

This area is also within the VPHAHCD where rules of compatibility apply. The VPAHCD plan suggests that the following principles guide the plan:

- Encourage the retention and conservation of historic buildings and landscapes.
- Guiding the design of new work to be compatible with the historic.

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2 Due to Covid restrictions, we cannot confirm the details of the changes and on-line documents are not available.
3 Fire maps might be available for the last 100 years would indicate when these properties first had residential buildings on them, but we cannot access this information due to Covid restrictions.
4 Examples of compatible designs are only drawings in the VPAHCD Plan. For examples of compatible design, we refer to the Civic Centre Heritage Conservation District Plan, pp. 6.33-6.38. As residents of the VPAHCD, we must ask permission from heritage planners and provide physical examples. When we replaced brick to repair step cracks and restore our chimney, we had to provide photographic evidence and lay out all the bricks we were going to use so they could be inspected. We agree with such rigorous attention to details when we preserve our heritage.
• Introducing features that will enhance the character and visual appeal of the Area, including distinctive landscaping, street lighting and signage.
• Promoting heritage conservation as a positive in the development of the Area.
• Achieving a cohesive, well designed, and identifiable Area (Victoria Park Area Heritage Conservation District Plan, p. 5).

These properties are at the very edge of the park, not across the street. How could a high-rise building in this area not compromise the landscape of the park? The VPAHCD Plan goes into great detail to educate us about the different styles in the area, details of house types and heritage landscapes. The concept of compatibility needs to be tightened when zoning and urban design is concerned.

Do we really need another high-rise building here, or should this area remain low rise residential? Policies of transition need to be considered here (see Figure 1).

Figure 2 Transition from Queen to Victoria Park

The high rises on Queen are from 7 to 16 storeys and the buildings on David are 3 storeys. Putting a 6-storey building here not only contradicts a smooth transition from low to high, but it also compromises the park as an outdoor space.

Many people have mentioned to me that, if anything, we need more parkland to accommodate several high-rise buildings along Queen, David, Victoria and a 33-storey building at Charles and Gaukel. A table of 2019 builds in the downtown area shows that there will be almost 3,000 new residential units.

Would a high-rise building here be compatible with the Victoria Park Plan? We think not. If these low-rise buildings had to be replaced, the City could then establish more park space that is simply not available in the downtown area. We see in The Urban Design Manual that the old bus terminal and adjacent lands could have four high-rises.

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5 We use the term high-rise to be any multi-storey building, i.e., anything taller than 6 storeys. We realize that the City of Kitchener’s definition would only include buildings of 9 storeys in that definition.
Why not more parkland or a plaza? What is being inferred here about how the area should be developed? While this area is not City owned, could we not have an urban design that would allow people to stroll on car-free streets from City Hall to the park? A large plaza would allow people to stroll, be entertained and relax in an increasingly vertical world. We need more space for recreation, not less.

It could be a highly attractive space for nearby residents and citizens of Kitchener.

While the future of that block depends on the region, zoning could be used to make for an appropriate transition from the high-rise core and the park. The park has zoned areas adjacent to the VPAHCD zoned with height limits. For example, the Manufacture’s Life parking lot has two zones: On Charles it is zoned D 5, allowing a FSR of 3.0 for residential. On the Joseph Street side of the block, it is zoned D5 104R, which has a maximum height of 10 metres. Preliminary plans for a high-rise development on the Charles Street half of the block, show the tall building placed as close as possible to Charles Street and narrow in design so that the viewscape does not compromise the Lang Tannery. It is interesting that the Joseph Street side must transition to the low-rise residential part of the VPAHCD. The 104R zoning for the Charles Street terminal area is a bit esoteric, but a 10 metre limit could be put here like the one on the Manufacture’s Life parking lot.

At various meetings, our neighbours have expressed concerns that developers will use high density zone changes as an invitation to build. Zoning exemptions are a part of every

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6 Special Provision 104R reads: Notwithstanding Section 16A.2 of this by-law, within the lands zoned D-5 on Schedules 84 and 85 of Appendix "A", described as Lots 124 to 130 inclusive, Registered Plan 375, the maximum building height shall be 10 metres.
(By-law 92-232, S.9) (Amended By-law 2003-163, S.53, [d])

7 The 104R Special Provision reads: Notwithstanding Section 14.3 of this by-law, within the lands zoned D-1 on Schedules 84 and 85 to Appendix “A”, described as Lots 4, 48 to 52 inclusive, 120 to 123 inclusive and Part of Lots 3, 5, 24, 47, and 99 to 102 inclusive, all according to Registered Plan 375, the maximum floor space ratio south of Hall’s Lane and north of Charles Street shall be 4.4 and the transfer of bonus floor area shall be permitted only for that bonus floor area in excess of the amount otherwise required to increase the floor space ratio from 2.0 to 4.4.
development proposal. In some cases, negotiations between planners and developers have taken place prior to a Final Planning Report to reduce increased height. However, many developers make excessive height demands. They depend on going higher since their unit costs go down with each floor that is added. Zone change exemptions have been approved in many instances throughout the city.

If developers did build a complex on David and Joseph site, it would open the floodgates to other developers and destroy the Victoria Park HCD and compromise the pleasure that all of us have while strolling through the Park. Waterloo Region has been considered *avant garde* and innovative for having introduced the countryside line – a hard line where development must stop and where the country begins. Likewise, heritage areas should have hard lines preventing new developments from encroaching upon them and creeping within them. The concept of the slippery slope warns us that allowing this property to develop will lead to other exceptions along the periphery.

Other developers would point to this building as a precedent and begin to demand the same zoning or greater for other homes that are close to, or back onto, the Park. All low-rise residential streets are at risk of blockbusting.8 We have often seen heritage being compromised due to pressures for higher density.

2) **Michael and Victoria**

Another example of a zone change inside the VPAHCD that would compromise heritage is along Michael Street near Victoria. The zoning has been changed from I-1 to Mix 3. The area is about 2.5 acres and currently contains a large parking lot, 4 residential homes of 1½ to 2 storeys, the Ukrainian Catholic Church (built 1926) and the Ukrainian Catholic Centre.

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8 Block busting is a commonly used method where by a property developer acquires certain homes within a street – usually close to each other, but not next door to each other. The developer intentionally allows/causes the homes to deteriorate. These homes become a blight on the street, causing neighbouring properties to depreciate in value. Complaints about property standards, when, if at all enforced, are considered toothless by the developers – “it’s the price of doing business” is the common adage. In the end the residents of the target street, sell to the developer at a substantial reduction. We are aware of two homes on Theresa owned by numbered companies, which may well be owned by developers wanting to develop the area.
A zone change to allow an 8-storey building would overwhelm the residential area along Oak and Theresa. Developers will fill every available space, demolish the low-rise buildings that currently house families, right across the street on Victoria from three other high-rise towers under construction.

It would be preferable to protect the Institutional zoning here. While churches find it increasingly difficult to maintain their buildings, a re-zoning to MIX 3 is an invitation to developers. In this time of increased high-rise living, there is not only a need for open space, but churches are a sanctuary for those residents.

The Ukrainian Catholic Church is a heritage building of significance. Built in 1926 it has numerous features that are not only of heritage value, but they also represent the history and culture of the Ukrainian population of Kitchener/Waterloo. The church has been a location for Doors Open for several years and has seen numerous visitors from the region and beyond. A letter from one member shows the importance that church means to her (letter from ‘Deleted Name’, October 26, 2020, attached). As the letter indicates, the church added a park space in 2012 next to the building as an area where people can reflect on life and seek a respite from daily living. I received a letter from Pastor ‘Deleted Name’, who opposes the rezoning to MIX 3 (attached). I asked that they send their letters to Tina Malone-Wright (secondaryplans@kitchener.ca).

Institutions are of great value – we need them even more; they are open, giving, and free spaces – indeed they are essential to the functioning of our community.

We know that these particular cases can be changed. I understand that early in the re-zoning process, zoning for the low-rise housing along Linden was proposed as Mixed Use. That zoning was changed to Low Rise Multiple Residential to reflect its current zoning. Allowing high rises of 6 to 8 storeys would have overwhelmed the residents of Heins and the zoning was changed, I understand on advice from Leon Bensason.\footnote{He said this in a casual conversation at a meeting on the Secondary Plan.}

We are asking that the entire Victoria Park HCD be made congruent with the HCD Plan, as stated by the ACOMWRB recommendations. That means that heritage be preserved, as outlined in the
plan. We also think that appropriate transitions be made along the borders of the Secondary Plan so the neighbourhood and park can remain a place of respite for all of us.

We think that the large number of high rises in Kitchener’s core will require more, not fewer, recreational, and open spaces – neighbourhoods – for the social and mental health of all the citizens of our region.

We make the following points and suggestions:

1) Why were the areas at David and Joseph and at Victoria and Michael changed from what they are physically at present?

Suggestion: drop the zoning to residential, i.e., RES 3 as in other areas of the neighbourhood.

2) Institutions are important to the community by providing a place of solace and as contributors to the social needs of residents. By changing that designation, the role of the Ukrainian Church is put at risk.

Suggestion: Make the zone INS or MIX 1, with a maximum height of 14 metres.

3) The Victoria Park Heritage Conservation District policies cannot be compatible with 6-8 storey buildings in the style, function, and use. Why are buildings of such height being allowed inside the HCD?

Suggestion: Adopt the ACO North Waterloo recommendation (sent May 25, 2020) that Secondary Plans and zoning regulations complement HCD Plans and their heritage requirements; and ensure Secondary Plans and zoning regulations provide appropriate transitions between high- and low-density areas.

4) Finally, we have limited opportunities to comment. At Council, I had 5 minutes and about 500 words with slides, which is also ephemeral. How much does such a presentation remain with those who see it? Is there a way that the perspectives of residents be more included in the planning process? It would save time and money since there would be less chance of conflict.

Suggestion: That a collaborative resident development committee be established to ensure that development is aligned with community value.
October 26, 2020

Dear ‘Deleted Name’:

Thanks for bringing the zone change for the Ukrainian Catholic Church to my attention. I completely agree with your article, "Kitchener's Urban Design Manual: Charette for Victoria Park Secondary Plan" (https://www.aconwr.ca/blog/)

I have been a member of the Ukrainian Catholic Transfiguration Church for many years. This Church was built in 1926 and is situated inside the Victoria Heritage Conservation District.

A few years ago, the parishioners raised money to develop a small Heritage Park beside the Church to create an oasis of peace for anyone wishing to use it. It allows the parishioners to sit at large and ponder Ukraine’s history and culture.

The Ukrainian Catholic Church is an important feature of Kitchener’s core. It is recommended as a place to visit in Trip Advisor, and as a result has a great number of people visiting and appreciating the relics and icons on display. There is also the beauty of stained-glass windows to enjoy.

We have a yearly "Doors Open" which is always a great success, sometimes with over 500 visitors walking through, with the Priest and parishioners ready to answer any questions.

High rises would dwarf this beautiful and historic church.

If high rises were to be erected in the Victoria Park district, they would definitely sabotage the serenity many people now enjoy and appreciate.

You can find out more about the beauty and historic value of this 93 year old church at this link: https://holytransfigurationkw.com/

I have attached some photographs of the interior as set out below.

Thank you,

‘Deleted Name’
October 26, 2020
‘Deleted Name’
Kitchener, ON

RE: Secondary Plan for Victoria Park

Dear ‘Deleted Name’,

As the pastor of Holy Transfiguration Church, I would like to express our concern regarding the proposed revision of the zoning in our area which would allow the construction of buildings up to 8 storeys. The area we are speaking of is already being dwarfed from the north-west side of Victoria St. and the current proposal would open the door to the destruction of single home dwellings in the name of higher density multi-storey buildings. This would destroy the neighbourhood’s heritage and create what can only be called an urban jungle of multi-storey buildings which serve developers, rather than facilitate human interaction and community. Most certainly planners’ attention needs to go towards rejuvenating further the City’s core and we applaud the transformation which has occurred through the repurposing of the Tannery and what is now the new Deloitte facility. Renewal is important, but sadly we do not see the proposal as nurturing healthy and community centred renewal.

Sincerely,

‘Deleted Name’
Pastor

Parish office: ‘Deleted Phone Number’
Pastor’s cell: ‘Deleted Phone Number’
Staff Response
Planning Staff provide the following responses to the questions contained in the Submission.

1) Why were the areas at David and Joseph and at Victoria and Michael changed from what they are physically at present?
   - The land use designation and zone that was applied to these properties and considered at the statutory public meeting reflected comparable current land use permissions and not was physically built on the ground.
   - See the response provided in No. 135 c).

2) Institutions are important to the community by providing a place of solace and as contributors to the social needs of residents. By changing that designation, the role of the Ukrainian Church is put at risk.
   - It is agreed that Institutions are important to the community. In order to protect these institutions and their viability, a mixed-use land use designation allows other non-institutional use of the existing buildings and lands in conjunction with and in addition to the religious institutional use.
   - See the response provided in No. 135 e).

3) The Victoria Park Heritage Conservation District policies cannot be compatible with 6-8 storey buildings in the style, function, and use. Why are buildings of such height being allowed inside the HCD?
   Suggestion: Adopt the ACO North Waterloo recommendation (sent May 25, 2020) that Secondary Plans and zoning regulations complement HCD Plans and their heritage requirements; and ensure Secondary Plans and zoning regulations provide appropriate transitions between high- and low-density areas.
   - The 1995 Victoria Park Conservation Heritage District Study indicated that “a skillful integration of new and old buildings can be achieved that enables high densities without loss of historic character.”
   - The study also recognized that mid-rise multiple dwellings 6-8 storeys in height are not an incompatible form of development within a Heritage Conservation District. The earliest example of a multiple dwelling in the District is the 7 storey York Apartments at 214 Queen Street South which was built in 1928 using neo-Georgian stylistic elements and is near original in condition.
   - A lot of work was done, through the development of the PARTS Plans and Secondary Plans, to review the compatibility and transition of medium or high-rise development in the MIX zones from an adjacent low-rise residential zone. This resulted in new required setbacks dependent on the building height of these proposed medium/high rise developments and also requires the proposed building to transition in height within the subject property itself. The new required setbacks will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.
   - See the response provided in No. 135 c).
Finally, we have limited opportunities to comment. At Council, I had 5 minutes and about 500 words with slides, which is also ephemeral. How much does such a presentation remain with those who see it? Is there a way that the perspectives of residents be more included in the planning process? It would save time and money since there would be less chance of conflict.

- The views, opinions and perspectives of residents is a very important part of the planning process.
- According, your December 9th, 2019 presentation and its content is included in this Response Document.
- Staff has given professional and thoughtful consideration to all the submissions through the preparation of this Response Document and will be available to discuss before any final documents are presented to Council for their approval.

Resolution
Please see the responses provided in No. 135, 151, and 153. If still necessary after reading these responses, Planning staff will be available to meet to discuss the submission at a future date in time.

160. Victoria Park Secondary Plan

Submission received November 8, 2020
Hi Tina, just following up on some of the conversations staff have been having with VPNA residents. I just wanted to add:

I suspect I am more accepting and welcoming of higher denser developments in and around the DTK core, especially diverse housing options that focus on more affordable housing options for our residents (including social and supportive housing) than some VP residents. However, that must also be balanced with the need for public green and community space. I think we need denser developments, but with that, the need for public green space becomes even more important. Additionally, the pandemic has highlighted both the importance of such spaces in our community and the unequal access that residents often have to such amenities.

In the Vic Park area, I think of the 3 properties at the corner of David and Joseph. These seem like a natural extension of Victoria Park and if those properties become available, I would encourage the city to purchase them and convert them to green/park space. I suspect that we will see more density come to the current Charles St Terminal lands, just one more reason to build upon Victoria Park's green space. While I do want to see more multi-residential options in and around the core, this specific parcel of land seems like a natural one to convert to more park space when such an opportunity presents itself.

Thanks.

Staff Response
On November 10, 2020 Planning Staff responded with the following:
“Hi,
Thank you for your comments and feedback on the updated Victoria Park Secondary Plan.

Yes, it is a balance between supporting intensification in the most appropriate locations while protecting our stable established neighbourhoods, in this case the Victoria Park Heritage Conservation District, and ensuring the provision and access to community amenities. During these times, we have been reminded how important the public realm, the open spaces and the parks are to our neighbourhoods and to the community. And if we are planning to accommodate more density in the ION station areas, we need to search out those opportunities to add new and to supplement the City’s public realm and parkland.

The updated Victoria Park Secondary Plan proposes to redesignate/rezone 2 of the parcels on Joseph Street from Medium Density Multiple Residential and R8 to Open Space and OSR-1. Over the next few weeks, we intend to review the proposed land use and zoning of the Joseph/David corner further. Your comments are timely.

Thank you again.
Regards, Tina”

Further:
Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections. Further discussion will be had for the lands that were shown as proposed Open Space.

Resolution
Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine if there is an agreeable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.
Submission received January 7, 2021

Hi Tina,
Could you please let me know when is the new proposed zoning (RES3) in the above stated property expected to come in force?

The current zoning at this property is R6. From R6 to RES3 is a big downgrade. Could you please also let me know if there is still time for residents in this neighbourhood to raise a concern about this downgrade?
Thanks

Staff Response
On January 7, 2021 staff responded with the following:

“Hi ‘Deleted Name’, Thank you for your email and your interest in the Neighbourhood Planning Review Project to update the Secondary Plans.

As you may be aware, there was a statutory public meeting held on December 9, 2019 to consider proposed changes to the land use designations and zoning of properties in 7 Secondary Plans. No decisions were made at this meeting.

Planning staff are still reviewing comments and trying to determine future timing of implementation. There are a few projects/initiatives that must occur before we can finalize the
land use and zoning for these Plans. One such project (the CRoZBY Project) is for the new Residential Zones to be adopted by by-law so that they may be applied to the residential properties in the Secondary Plans.

Given the number of changes that are proposed for the Secondary Plans and the length of time since the Dec. 9th meeting, another future Statutory Public meeting to consider proposed land uses and zoning will be scheduled. Not sure of the timing of this? I would recommend subscribing to the NPR Project webpage which will be updated as new information and timing is known.

I have noted your concern with respect to the proposed zoning of 474 Ottawa Street South and added your email address to our project distribution list.

As we are still going through the comments that were received at the Dec. 9th meeting, we can see if we can address this issue prior to the consideration of the Secondary Plans and zoning at a future statutory public meeting.

Should you have any other questions or concerns, please do not hesitate to contact me. Regards,”

Current and Proposed Zoning
Current Zoning – R-6
Proposed Zoning – RES-3 (159)

Staff Response
The PARTS Rockway Plan, approved by Council in December of 2017, recommended that the properties addressed as 426-486 Ottawa Street South be included in the boundary of the new Secondary Plan and be designated “Low Rise Residential” which would permit a variety of low rise residential uses including single detached, additional dwelling units (attached and detached), semi-detached, townhouse units (stacked, freehold, cluster) and multiple dwellings.
The properties addressed as 426-486 Ottawa Street South are currently designated “Low Rise Residential” in the 2014 Official Plan. They were designated “Low Rise Residential Limited” in the draft Official Plan Amendment that was considered at the Statutory Public Meeting on December 9, 2019. This designation limits the number of residential dwelling units to a maximum of 3 dwelling units per lot.

Planning Staff received four submissions in the early part of 2021 expressing concerns with the proposed land use designation and zoning and at a minimum requested that the properties retain existing land use permissions. One submission asked consideration of a RES-6 zoning. The new “RES-5” zoning proposed in Zoning By-law 2019-051 is comparable to the existing “R-6” zoning in Zoning By-law 85-1. A new “RES-6” zoning implements a “Medium Rise Residential” land use designation. It is staff’s opinion that this would not be appropriate in this location given the shallowness of the lots adjacent to low rise residential and the ability to meet zoning requirements to facilitate a compatible medium rise-built form.

Accordingly, Planning Staff recommend that the lands be designated “Low Rise Residential” in the new Secondary Plan and be zoned “RES-5” in new Zoning By-law 2019-051. This land use designation and zone category will implement the recommendations of the PARTS Rockway Plan and will maintain the existing land use permissions.

Resolution
It is recommended that the land use and zoning of the properties addressed as 426-486 Ottawa Street South be designated “Low Rise Residential” and zoned “RES-5” instead of “Low Rise Residential Limited” and “RES-3 (159)”.

Established Low-Rise Residential
Low Rise Residential
Medium Rise Residential
Hi Tina, I am emailing you regarding zoning proposed for 480 Ottawa street South Kitchener. It is currently R6 and proposed showing Res 3. House located on regional road surrounded by R7, res 5, empl6. House are rear ending Res 6. There is loads of future potential in these string of old houses. I wanted to know reason behind reduction in zoning of my house and adjacent property as this location can accommodate many housing unit options due to proximity to mill street station stop for which city spend 868 million and uncounted hours. My house has potential of 4 plex given public transit, downtown. Dropping it from R6 to Res 3 is harsh. R5 OR LEAVING IT AS IS WOULD MAKE SENSE GIVEN the prime LOCATION.

What do I do to stop this, please help me? Is it really necessary to gather all neighbours? I am sure they are not even aware yet of this change. I can make them aware and make a group to plea. However, I want your guidance to see what is right step. Not all owners ready to spend money and demolishing their house to build multi-unit or build addition right way. But eventually. We were happy about news on tiny homes etc. and now we see this drop zoning. Look at adjacent zoning around my property. Why my house zoning is proposed be dropped? Can you please add it to list of people who have offended zone change in the group of these houses please?

Staff Response
On January 12, 2021 staff responded with the following:
“Hello,
Thank you for your email and your interest in the Neighbourhood Planning Review Project to update the Secondary Plans.

As you may be aware, there was a statutory public meeting held on December 9, 2019 to consider proposed changes to the land use designations and zoning of properties in 7 Secondary Plans. No decisions were made at this meeting.

Planning staff are still reviewing comments and trying to determine future timing of implementation. There are a few projects/initiatives that must occur before we can finalize the land use and zoning for these Plans. One such project (the CRoZBY Project) is for the new Residential Zones to be adopted by by-law so that they may be applied to the residential properties in the Secondary Plans.

Here is the information on the Proposed New Residential Zones and how they compare with the existing residential zones. Link to Comparison of 'R' Zones and new 'RES' Zones

Given the number of changes that are proposed for the Secondary Plans and the length of time since the Dec. 9th meeting, another future Statutory Public meeting to consider proposed land uses and zoning will be scheduled. Not sure of the timing of this? I would recommend subscribing to the NPR Project webpage which will be updated as new information and timing is known.

I have noted your concern with respect to the proposed zoning of 480 Ottawa Street South and the adjacent properties and added your email address to our project distribution list.

As we are still going through the comments that were received at the Dec. 9th meeting, we can see if we can address this issue prior to the consideration of the Secondary Plans and zoning at a future statutory public meeting.

Should you have any other questions or concerns, please do not hesitate to contact me. Regards,”

Current and Proposed Zoning
Current Zoning – R-6
Proposed Zoning – RES-3 (159)

Staff Response
The PARTS Rockway Plan, approved by Council in December of 2017, recommended that the properties addressed as 426-486 Ottawa Street South be included in the boundary of the new Secondary Plan and be designated “Low Rise Residential” which would permit a variety of low rise residential uses including single detached, additional dwelling units (attached and detached), semi-detached, townhouse units (stacked, freehold, cluster) and multiple dwellings.
The properties addressed as 426-486 Ottawa Street South are currently designated “Low Rise Residential” in the 2014 Official Plan. They were designated “Low Rise Residential Limited” in the draft Official Plan Amendment that was considered at the Statutory Public Meeting on December 9, 2019. This designation limits the number of residential dwelling units to a maximum of 3 dwelling units per lot.

Planning Staff received four submissions in the early part of 2021 expressing concerns with the proposed land use designation and zoning and at a minimum requested that the properties retain existing land use permissions. One submission asked consideration of a RES-6 zoning. The new “RES-5” zoning proposed in Zoning By-law 2019-051 is comparable to the existing “R-6” zoning in Zoning By-law 85-1. A new “RES-6” zoning implements a “Medium Rise Residential” land use designation. It is staff’s opinion that this would not be appropriate in this location given the shallowness of the lots adjacent to low rise residential and the ability to meet zoning requirements to facilitate a compatible medium rise-built form.

Accordingly, Planning Staff recommend that the lands be designated “Low Rise Residential” in the new Secondary Plan and be zoned “RES-5” in new Zoning By-law 2019-051. This land use designation and zone category will implement the recommendations of the PARTS Rockway Plan and will maintain the existing land use permissions.

Resolution
It is recommended that the land use and zoning of the properties addressed as 426-486 Ottawa Street South be designated “Low Rise Residential” and zoned “RES-5” instead of “Low Rise Residential Limited” and “RES-3 (159)”.
Submission received January 26, 2021
The Region of Waterloo has released its interest in the subject property as “employment lands”.

Could you clarify what impact this has on the subject property with respect to the Crozby plans.

My understanding that the desire was to change the use of land to a higher density residential use.

A clarification would be welcome. Regards

Current and Proposed Zoning
Current Zoning – M-2, 1R, 159U
Proposed Zoning – MIX-4 with Flooding Hazard Overlay

Staff Response
On January 28, 2021, Planning staff responded with the following:

“Hello,
Thank you for the email and question regarding the lands at 475 Charles Street East.

Planning staff noticed in Nov./Dec. of 2020 that several of the properties on Charles Street East had been proposed to be included in the Regional Employment Area boundary. I understand that property owner submissions had also made.

Planning staff met with the Region in Dec. 2020 and Jan. 2021 to discuss the inclusion and recommended that these properties not be included in the Regional Employment Area boundary. As you have noted these properties were considered for higher density mixed use at the Statutory Public Meeting held on December 9, 2019.

I understand the Region recently sent out an email to confirm that 475 Charles Street will not be included.

The Region is in the process of reviewing their Official Plan which includes identifying employment lands of Regional significance and also identifying the Major Transit Station Area (MTSA) boundaries.

The City needs the MTSA boundaries established in the Region’s Official Plan in order to proceed to update the land use designations in the Secondary Plan and apply the new CRoZBy zoning.

We have an email distribution list to keep you updated but if you haven’t already you may also subscribe the Neighbourhood Planning Review webpage to also receive updates.

Please let me know if I can be of further assistance.
Regards, Tina"

Resolution
None required.
Dear Tina,

‘Deleted Name’ and I (‘Deleted Name’) own two adjoining properties, 474 and 480 Ottawa St South in Kitchener. These properties are currently zoned as R-6. This is a quite favorable zoning for future redevelopment and offers a variety of allowed uses. That was the reason we purchased these two properties. Both these properties are located only at about 4 minutes walking distance to the LRT Mill Station. We learned that the City is proposing to downgrade these two and neighboring properties at addresses from 426 to 486 Ottawa St S from R-6 to RES-3 zoning. We find this to be a very shocking and disappointing proposal. We cannot imagine why these properties, so close to the LRT transit station, will be downgraded in zoning. This is exactly opposite to the provincial guidelines that promote intensification to make housing more affordable.

What is even more surprising to us is the fact that the properties farther away from Mill Station (492 to 514 Ottawa St S) that are currently also zoned as R-6 will be RES-5 while the properties mentioned above that are closer to the LRT Mill Station will be zoned RES-3. The properties on the opposite side of Ottawa St S (451 to 479 Ottawa St S) are proposed to be zones as RES-6.

This is a significant loss to the options for use of these properties and significantly reduces the future development potential and value. We had purchased 474 and 480 Ottawa St S properties for our retirement support. As the combined lot front size of 94 feet for these two properties offers a lot of possibilities. This proposed zoning change will significantly erode our investment. Our neighbours share the same concerns.
We would highly appreciate it if the City can propose a better zoning like RES-6 as these properties are so close to the Mil Station and this zoning will be consistent with the zoning in the neighbourhood.
Thank you very much in advance. Best regards,

Staff Response
On February 25, 2021 staff responded with the following:

“Hello,
Thank you for your email and for your comments on the proposed updates to the land use designations and zoning in the Secondary Plan Areas as proposed by the Neighbourhood Planning Review Project. Specifically, as they relate to 474 and 480 Ottawa Street South.

I have previously received correspondence for 474 Ottawa Street South on January 7th, 2021 and correspondence for 480 Ottawa Street South, from Mandeep, on January 8, 2021. I responded to both emails with the same message.

“Planning staff are still reviewing comments and trying to determine future timing of implementation. There are a few projects/initiatives that must occur before we can finalize the land use and zoning for these Plans. One such project (the CRoZBY Project) is for the new Residential Zones to be adopted by by-law so that they may be applied to the residential properties in the Secondary Plans.

Here is the information on the Proposed New Residential Zones and how they compare with the existing residential zones. Link to Comparison of 'R' Zones and new 'RES' Zones

Given the number of changes that are proposed for the Secondary Plans and the length of time since the Dec. 9th meeting, another future Statutory Public meeting to consider proposed land uses and zoning will be scheduled. Not sure of the timing of this? I would recommend subscribing to the NPR Project webpage which will be updated as new information and timing is known.

I have noted your concern with respect to the proposed zoning of 480 Ottawa Street South and the adjacent properties and added your email address to our project distribution list.

As we are still going through the comments that were received at the Dec. 9th meeting, we can see if we can address this issue prior to the consideration of the Secondary Plans and zoning at a future statutory public meeting.”

In terms of an update since my last emails, this project to update the land use and zoning of properties in the new Rockway Secondary Plan (former Mill Courtland Woodside Park) is currently on hold. As I noted in my previous emails “There are a few projects/initiatives that must occur before we can finalize the land use and zoning for these Plans.” This project is dependent on work that is happening at the Region of Waterloo Government level. They need to establish the Major Transit Station Area boundaries in the Region’s Official Plan first. This is not anticipated to happen until 2022.
As I have also noted, we will review your comments with a view to be able to address them prior to the consideration of the Secondary Plans and zoning coming back to a NEW Statutory Public meeting sometime post 2021-22.

As mentioned, I have added your contact information to my distribution list to be able to update you when new information is available. You may also subscribe to the project webpage by clicking the yellow box.

In the interim the existing “R-6″ zoning will remain in place.

I trust that I have answered your questions and addressed the immediate concerns.

Should you have any further questions or comments, please do not hesitate to contact me. Regards,”

Current and Proposed Zoning
Current Zoning – R-6
Proposed Zoning – RES-3 (159)

Staff Response
The PARTS Rockway Plan, approved by Council in December of 2017, recommended that the properties addressed as 426-486 Ottawa Street South be included in the boundary of the new Secondary Plan and be designated “Low Rise Residential” which would permit a variety of low rise residential uses including single detached, additional dwelling units (attached and detached), semi-detached, townhouse units (stacked, freehold, cluster) and multiple dwellings.
The properties addressed as 426-486 Ottawa Street South are currently designated “Low Rise Residential” in the 2014 Official Plan. They were designated “Low Rise Residential Limited” in the draft Official Plan Amendment that was considered at the Statutory Public Meeting on December 9, 2019. This designation limits the number of residential dwelling units to a maximum of 3 dwelling units per lot.

Planning Staff received four submissions in the early part of 2021 expressing concerns with the proposed land use designation and zoning and at a minimum requested that the properties retain existing land use permissions. One submission asked consideration of a RES-6 zoning. The new “RES-5” zoning proposed in Zoning By-law 2019-051 is comparable to the existing “R-6” zoning in Zoning By-law 85-1. A new “RES-6” zoning implements a “Medium Rise Residential” land use designation. It is staff’s opinion that this would not be appropriate in this location given the shallowness of the lots adjacent to low rise residential and the ability to meet zoning requirements to facilitate a compatible medium rise-built form.

Accordingly, Planning Staff recommend that the lands be designated “Low Rise Residential” in the new Secondary Plan and be zoned “RES-5” in new Zoning By-law 2019-051. This land use designation and zone category will implement the recommendations of the PARTS Rockway Plan and will maintain the existing land use permissions.

Resolution
It is recommended that the land use and zoning of the properties addressed as 426-486 Ottawa Street South be designated “Low Rise Residential” and zoned “RES-5” instead of “Low Rise Residential Limited” and “RES-3 (159)”. 

583 | P a g e
Submission received March 1, 2021
Tina: at a public consultation at Mill-Courtland sometime back the proposal was to go from R6 to RES-5....I heard recently from the #474 neighbour/owner that the north side of Ottawa St S. in the location of our triplex building at #468 is moving to RES-3, is that correct?
Thanks for any feedback,

Staff Response
On March 1, 2021 Planning Staff responded with the following:

“Hi,
Thank you for your email and interest in the Neighbourhood Planning Review, specifically the updates to the land use designation and zoning for the properties in the new Rockway Secondary Plan (formerly Mill Courtland-Woodside Park).

The properties addressed as 426-486 Ottawa Street South were shown as “RES-3 (159)” at the Statutory Public Meeting on December 9, 2019. This zoning does permit a triplex, but I understand there is concern about the zoning that was shown as I have received numerous emails from property owners in this location within the last couple of months.

What I have conveyed is that this project to update the land use and zoning of properties in the new Rockway Secondary Plan (former Mill Courtland Woodside Park) is currently on hold. This project is dependent on work that is happening at the Region of Waterloo Government level.
They need to establish the Major Transit Station Area boundaries in the Region’s Official Plan first. This is not anticipated to happen until 2022.

What I have also conveyed is that we are still reviewing the comments and submissions that were received at the public meeting and that I have added “the concerns with the new zoning of the properties on Ottawa in this location” to this list. We will be able to address them prior to the consideration of the Secondary Plans and zoning coming back to a NEW Statutory Public meeting sometime post 2021-22.

Your contact information has been added to my distribution list to be able to update you when new information is available. You may also subscribe to the project webpage by clicking the yellow box.

In the interim the existing “R-6” zoning will remain in place.

Should you any other questions or comments, please do not hesitate to contact me.
Regards,

Submission received March 8, 2021
Tina: after confirming the proposed re-zoning of the property above from R-6 to RES-3 please note our formal email below expressing our concern for your records....

Dear Tina:
Myself and my wife own the triplex rental property at 468 Ottawa St S. in Kitchener. This property is currently zoned as R-6. This is quite a favorable zoning for future redevelopment and offers a variety of allowed uses. The property is located only a 500-meter walk from the Mill St. LRT station.

We learned recently that the City of Kitchener is proposing to downgrade the 426 to 486 block of properties (13 properties) on the north side of Ottawa St S. to RES-3 zoning from the current R-6. We find this to be a surprising and disappointing proposal. At the last public meeting we attended at the Mill-Courtland Community Centre, the proposal was to rezone to RES-5. We cannot imagine why these properties, so close to the LRT transit station, are to be downgraded in zoning status. This seems to run contrary to the provincial guidelines that promote intensification to make housing more affordable within the city.

Note that the 426 to 486 block of properties on the north side of Ottawa St S. lie on a busy four-lane Regional road and are opposite a mixed-use business/industrial area (currently M-2) and are serviced by multiple bus routes (2 bus routes by my research) and a close by LRT station. This does not seem to us to be a quiet ‘residential’ area such as RES-3 zoning would suggest. Also, street parking is not an option in this area given the major arterial status of the Ottawa St S. Regional road and the adjoining cycleway and mixed-use sidewalk.

What is even more surprising to us is the fact that properties farther away from Mill St LRT station (492 to 514 Ottawa St S.) that are currently also zoned as R-6 are proposed to move to RES-5 while the properties mentioned above that are closer to the LRT Mill St station will be rezoned
to RES-3. The properties on the opposite side of Ottawa St S. (451 to 479 Ottawa St S.) are proposed to be zoned as RES-6.

This is a significant loss to the options for use of these properties in the future and significantly reduces the future development potential and value. We had purchased the property for income potential and future property asset value for our retirement support. This proposed zoning change will significantly erode our investment potential. We have, and will be talking to, our immediate neighbours who share the same concerns.

We would highly appreciate it if the City can propose a more advantageous zoning such as RES-6 as these properties are so close to the Mill St LRT station and this zoning will be consistent with other zoning in the immediate neighbourhood.

Thank you for noting our concerns. Regards,

Staff Response
On March 9, 2021 Planning Staff responded with the following:

“Hello,
Thank you for your email and your comments on the proposed land use and zoning of the property at 468 Ottawa Street South.

I will add them to the file so that they may be addressed as we work through the review and updates to the Secondary Plans and Zoning.

I will also add your contact information to our distribution list so that you may be kept informed on the Neighbourhood Planning Review Project.

In the meantime, if you have any additional questions or comments please do not hesitate to contact me.
Regards,”

Current and Proposed Zoning
Current Zoning – R-6
Proposed Zoning – RES-3 (159)

Staff Response
The PARTS Rockway Plan, approved by Council in December of 2017, recommended that the properties addressed as 426-486 Ottawa Street South be included in the boundary of the new Secondary Plan and be designated “Low Rise Residential” which would permit a variety of low rise residential uses including single detached, additional dwelling units (attached and detached), semi-detached, townhouse units (stacked, freehold, cluster) and multiple dwellings.
The properties addressed as 426-486 Ottawa Street South are currently designated “Low Rise Residential” in the 2014 Official Plan. They were designated “Low Rise Residential Limited” in the draft Official Plan Amendment that was considered at the Statutory Public Meeting on December 9, 2019. This designation limits the number of residential dwelling units to a maximum of 3 dwelling units per lot.

Planning Staff received four submissions in the early part of 2021 expressing concerns with the proposed land use designation and zoning and at a minimum requested that the properties retain existing land use permissions. One submission asked consideration of a RES-6 zoning. The new “RES-5” zoning proposed in Zoning By-law 2019-051 is comparable to the existing “R-6” zoning in Zoning By-law 85-1. A new “RES-6” zoning implements a “Medium Rise Residential” land use designation. It is staff’s opinion that this would not be appropriate in this location given the shallowness of the lots adjacent to low rise residential and the ability to meet zoning requirements to facilitate a compatible medium rise-built form.

Accordingly, Planning Staff recommend that the lands be designated “Low Rise Residential” in the new Secondary Plan and be zoned “RES-5” in new Zoning By-law 2019-051. This land use designation and zone category will implement the recommendations of the PARTS Rockway Plan and will maintain the existing land use permissions.

**Resolution**

It is recommended that the land use and zoning of the properties addressed as 426-486 Ottawa Street South be designated “Low Rise Residential” and zoned “RES-5” instead of “Low Rise Residential Limited” and “RES-3 (159)”.
Verbal Submissions

01. 150 Strange Street

Mr. Douglas Stewart, IBI Group addressed the Committee in opposition to the proposed changes, on behalf of Park Street Parking Ltd. He advised he would like to see retention of the current ‘Mixed Use’ Official Plan designation.

Staff Response
See Response to Written Submission No. 23.

02. 101 Glasgow Street

Mr. David Galbraith and Mr. Carl Chapman, AirBoss of America Corp., addressed the Committee in opposition to the proposed changes to the Zoning By-law. They advised the proposed land use designations of innovation employment and open space would no longer permit residential development without a privately initiated Zone Change Application. He stated the proposed open space corridor conflicts with the current AirBoss loading facilities, and suggested the current zoning continue to apply to the site. He further noted the appropriate time to identify the trail corridor would be through a future development application.

Staff Response
See Response to Written Submission No. 30.

03. 137 Glasgow Street

Mr. Glen Scheels, GSP Group, addressed the committee on behalf of Catalyst 137 Kitchener LP; QSBC Inc; and, JAMZ Solutions Corp. He noted the midtown area is currently designated mixed-use and should remain as such despite the plan to introduce the innovation employment and open space designations. He further suggested with respect to the parks and open use designation, a policy framework needs to be developed, allowing for Open Space to be located on site, in conjunction with a more detailed master planning operation. He advised the proposed mix-use on Queen Street; proposed regulations; and, parking rates should be reconsidered.

Staff Response
See Responses to Written Submissions No. 27, No. 28, No. 29, and No. 75.
Mr. Wagdy Botros addressed the Committee in opposition to the Open Space Zoning Regulation. He expressed concerns that several parcels are proposed to be Open Space and questioned whether the Open Space designation would permit any other uses, such as the parking of cars.

**Current and Proposed Zoning**
- Current Zoning – MU-3
- Proposed Zoning – MiX-4, OSR-2

**Staff Response**
Through the review and development of the PARTS, there was an analysis done of park needs and public realm opportunities. Some lands were identified as being ideal locations for new green space and/or connections to pedestrian networks. These were designated on a land use map or identified in policy.

Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.

Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine, where there is not an agreement, if there is an amenable approach to the
identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

**Resolution**
Planning and Parks staff will review the needs and opportunities for park space in the Secondary Plans to determine, where there is not an agreement, if there is an amenable approach to the identification and dedication of park/open space lands so that it is a ‘win-win’ for all stakeholders in the community.

**05. 179 Victoria Street South**

Mr. Tony Economides addressed the Committee in opposition to the proposed changes to the Zoning By-law within the Victoria Park Secondary Plan. He noted the current Zoning By-law protected, maintained, and regulated the heritage area of Victoria Park, and suggested high-rise development and overpopulation will negatively affect the heritage homes in the neighbourhoods.

**Staff Response**
See Responses to Written Submissions No. 3 and No. 134.

**06. St. Mary’s and St. Maurice’s Coptic Orthodox Church**

Ms. Dina Dawoud addressed the Committee on behalf of St. Mary’s Coptic Orthodox Church, and St. Maurice’s Coptic Orthodox Church, requesting to extend the proposed rezoning of properties on Pattandon Ave.

**Staff Response**
See Response to Written Submission No. 48

**07. General**

Ms. Christine Stockie expressed concerns regarding increased intensification in downtown. She raised concerns with the minimum number of parking requirements; green space; affordable housing; traffic calming measures; pedestrian safety; enhanced snow removal; on-street parking; and, sustainable growth.

Planning staff heard comments to Committee expressing concern that there is too much intensification and that we are relaxing the requirements for developers. In addition to the concerns raised, we need to question staff’s recommendations on these types of intensification proposals.

**Staff Response**
Thank you for your comments. The Secondary Plans were deferred from the review and approval of the City’s new Official Plan 2014 to allow the City to review the land uses through the Planning Around Station Area Planning Process (PARTS).
One of the primary intents of the PARTS Planning Process was to support ION by determining the appropriate locations for intensification while protecting our stable established neighbourhoods. The PARTS Plans made recommendations for land use, and these have been implemented in the proposed Secondary Plans.

Even once the Secondary Plans are approved there may be a need for some properties to make site-specific applications to be able to implement a particular proposal. Planning applies a base land use designation and zone, but because of a property’s locational context and/or unique characteristics, more or less density may be accommodated. In the case of more, an applicant needs to demonstrate that it is appropriate, compatible and is good planning.

All of the submission’s concerns with respect to planning are top of mind for planners in their recommendations on planning applications. Planner recommendations are not based on precedent but on what is ‘good planning’, representative of the public good and in their planning opinion what is best for the community.

Resolution
None required at this time.

08. Victoria Park Secondary Plan

Mr. Gail Pool expressed opposition to the proposed changes to the Zoning By-law outlined in the Victoria Park Secondary Plan related to residential infill. He noted that infill and hi-rise developments will result in negative impacts and addressed the need for buffers to protect the important low-rise historic districts. He further advised of the need for transitions between high and low-density areas, and adequate park and open space.

Staff Response
See Responses to Written Submissions No. 135 a) to g) and No. 151 a) and b).

09. Whitney Place

Mr. Joe Filaschi addressed the Committee requesting high-density residential zoning for Whitney Place. He referenced the surrounding area, which is partially zoned as high density residential and noted no homes would need to be demolished in order to achieve the request.

Staff Response
See Response to Written Submission No. 112
10. Olde Berlin Town Neighbourhood Association

Mr. Hal Jaeger addressed the Committee in opposition to the proposed changes to the Zoning By-law, on behalf of the Olde Berlin Town Neighbourhood Association. He noted improvements have been made with regard to transitions from low-rise residential zones; however, more work remains to be done to achieve an appropriate transitional zoning that is fair to the neighbours as well as to the low-rise residences that border a more intensive zone.

Written Submission to Committee on December 9, 2019

Proposed Secondary Plan Changes
from the Olde Berlin Town Neighbourhood
WORKING DRAFT,
subject to revision after additional input and neighbourhood consultation
November 28, 2019

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Appendix 2: Neighbourhood Comments
- Comments Submitted to the Neighbourhood Heritage & Development Committee in Advance of March 30th Consultation
- Comments Submitted to the Neighbourhood Heritage & Development Committee after the March 30th Consultation

Appendix 3: Draft Secondary Plan Marked Up

Introduction
We, the board of the Olde Berlin Town Neighbourhood Association, thank Tina Malone-Wright and the Planning Department for the two drafts of our neighbourhood’s Secondary Plans and for responding to our questions and information requests. There is much to be appreciated in the new proposed zoning, and we see evidence of integration of aspects of the Civic Centre Neighbourhood Heritage Conservation District Plan (CCNHCDP), the Residential Intensification in Established Neighbourhoods Study and our previously submitted comments. Thank you.

Since the Open House on December 12, 2018, we have shared the information with our neighbourhood via our website and directed neighbours to it via our hand-delivered newsletters and our Facebook page and email broadcast. We presented the information at our
neighbourhood association’s annual general meeting on March 2, 2019. We hosted eight study sessions on the Secondary Plans between January and November 2019. We delivered the initial comments (included as Appendix 2) to the Planning Department in March 2019 and held a 2-hour discussion with Manager of Long-Range & Policy Planning Brandon Sloan on March 30, 2019. We delivered a previous draft of this Neighbourhood Response on September 30, 2019, prior to the release of the second draft of the Secondary Plans. All of our activities have been open to the entire neighbourhood. Our local Heritage & Development Committee met monthly to oversee the collection of the neighbourhood comments and the distillation of the comments into the following report (please see Appendix 2 for a list of questions asked by members of the community since April 1, 2019). All individual neighbour’s comments are delivered to the Planning Department without modification. We have attempted to achieve unanimity among all those who have engaged in our discussions. The findings of our report are unanimously supported by the study session participants, Heritage and Development Committee and OBTNA Board, unless noted otherwise.

Please note that we limited our discussion to zones proposed for inclusion in our Secondary Plan and those that immediately encircle our neighbourhood. Should the Planning Department wish to entertain other possible zones in the Civic Centre Secondary Plan, we would appreciate the opportunity to comment further.

We ask that our recommendations be incorporated into the Olde Berlin Town Secondary Plan and surrounding planning areas. Thank you for your consideration.

**Nomenclature**

On an administrative level, we request all the land-use documents (Secondary Plan, Urban Design Manual, Heritage Conservation District Plan, Self-guided tour information, etc.) refer to the neighbourhood as “Olde Berlin Town” as opposed to “Civic Centre” so as to eliminate confusion. The term “Civic Centre” is easily associated with the lands occupied by Centre in the Square, the library, gaol, courthouse, registry office and so forth, and these lands are not within the boundaries of the current nor proposed Secondary Plan. The neighbourhood identifies itself as Olde Berlin Town; neighbours will be better able to locate relevant planning information if it is labelled in a consistent manner.

**The Present Reality**

Olde Berlin Town is a neighbourhood originally constructed between 1870 and 1930, where “[a]most two-thirds of the existing houses were built between 1880 and 1917” (p. 2.3, CCNHCDP). The existing low-rise heritage houses (Group A, B, and C houses) make up 91.4% of the buildings in the Heritage District and have:

1. a height at the peak of the roof of under 10 m (compared to a proposed limit of 11 m);
2. a height at the eaves of under 7 metres and sloped roofs which permit light to reach neighbouring properties;
3. an FSR of about 0.4 (compared to a proposed inferred limit of 1.35);
4. an average lot coverage of habitable buildings of under 25% (compared to the proposed aggregate limit of 55%); and
5. rear yard setbacks averaging about 18m where they abut proposed Mixed-Use zones (the abutting MIX zones are required to have a setback of only 7.5 metres from low-rise residential zones).
Principles
In considering land use in Olde Berlin Town, we begin with the land use goal identified by the CCNHCDP:

“Maintain the low-density residential character of the Civic Centre Neighbourhood Heritage Conservation District as the predominant land use, while recognizing that certain areas of the District already have or are intended for a wider range of uses” (p. 3.2).

We furthermore note the District Plan’s guiding principle regarding land use:

“Preserve Traditional Setting - A building is intimately connected to its site and to the neighbouring landscape and buildings. Land, gardens, outbuildings, and fences form a setting that should be considered during plans for restoration or change. An individual building is perceived as part of a grouping and requires its neighbours to illustrate the original design intent. When buildings need to change there is a supportive setting that should be maintained” (p. 3.4, CCNHCDP).

And we recognize the request made of individual property owners:

“Encourag[e] individual building owners to understand the broader context of heritage preservation and recognize that buildings should outlive their individual owners and each owner or tenant should consider themselves stewards of the building for future owners and users” (p. 3.1, CCNHCDP).

This is a substantial ask of property owners, and we are fortunate to have a community of property owners that embraces this philosophy. Cooperation and support are required from the Planning Department and the City of Kitchener to foster and maintain this partnership by preserving the context that supports the use of the buildings.

Use of land and buildings, for a residential property owner, can include, among other things, space for bathing, cooking, eating, gardening, outdoor leisure, aesthetic pleasure, the option of a peaceful retreat from the outside world, and the possibility of developing relations with neighbours and a wider community. In a word, it includes enjoyment. The owners’ enjoyment may be diminished, if the overall character, features, and zoning of the neighbourhood that supports these uses is removed or compromised. We do not believe it prudent to expect owners to continue to be good stewards of their own property, if the property and neighbourhood no longer provide enjoyment.

Goals
This report’s goals are to:

1. promote internally consistent zoning, to ensure uniform protections and benefits under the law, under similar circumstances, while respecting the existing rights and circumstances of individual property owners;
2. ensure zoning supports the heritage district plan and does not incentivize owners to detract from the neighbourhood context thereby compromising existing uses; and
3. establish rules for transitioning to more intensive zones within and around the neighbourhood.

We note that where these goals are not engrained in zoning, it can become financially and otherwise unrewarding to invest in the care and maintenance of one’s property. We have heard from those in the gateways to the neighbourhood how painful it is to bear the restrictions of the heritage district without adequate protections from their neighbours on the other side of the heritage district border. Where the burdens of such inappropriate transitions become excessive, the potential for neglect of compromised properties mounts. One compromised and neglected property can have a domino effect on its neighbours and poses a threat to the neighbourhood as a whole.

The new Secondary Plan offers an opportunity to integrate the policies and requirements of the Heritage District Plan and the Residential Intensification in Established Neighbourhoods Study into zoning, along with appropriate transitions from the District to its neighbours. It is our hope that such clear, explicit regulations will stabilize the neighbourhood and thereby create the firm framework required to encourage investment in restoration, maintenance and renovation within the Heritage District and new builds along the perimeter, both of which will contribute to the desired intensification.

Requested Changes

• Base Zoning
We are concerned that the currently proposed RES-3 Limited zoning does not adequately reflect the context to be preserved. We request a revised zoning or special regulations be applied to all the properties in the heritage district to properly integrate the Heritage Conservation District Plan into zoning.

• Transitions
We acknowledge that both the Provincial Policy Statement (PPS) and the City of Kitchener Official Plan call for intensification. We note that the PPS also “encourag[es] a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes” (PPS, 1.7.1). Objective 3.2.5. of Kitchener’s Official Plan also sets as an objective “[t]o maintain a compatible interface between Intensification Areas and surrounding areas and achieve an appropriate transition of built form.”

We see the potential for incompatible transitions in height as shown in the following three diagrams.
In Figure 1, above, we see average Olde Berlin heritage houses, with typical setbacks, beside a MIX-3 building of maximum height with the minimum setback. The left red line connects the eaves of the house on the left to the eaves of the lowest roof of the MIX-3 building, the projecting limit of which is established by Item 15 in By-law 2019-051 in DSD-19-233 – Appendix E. The line connecting the two eaves has a slope that can be approximated to 1 metre of rise per 1.5 metres run, the same slope required under Special Regulation 565R for a section of the Mixed Use Corridor along Water St N that was established after the creation of the Heritage District. The extension of the red line is then interrupted by the stepped back wall of the MIX-3 building at a height of 17.5 metres. Ensuring that all buildings stay below the red line guarantees the left-most low-rise residential property the same degree of light regardless of the neighbouring more intensive zone(s).
In Figure 2, above, we see average Olde Berlin heritage houses, with typical setbacks, beside a RES-6 building (in yellow) of maximum height with the minimum setback. The same 1:1.5 angled red line starts from the eaves of the low-rise residential house and is interrupted by both the lower and upper walls of the RES-6 building, showing the increased burden of shadow. The transition to the RES-7 building is more dramatic. Again, ensuring that all buildings stay below the red line guarantees the right-most low-rise residential property the same degree of light regardless of the neighbouring more intensive zone(s).

![Figure 2: An illustration of proposed transitions in height from low-rise residential zone RES-6 to RES-7 as seen across Queen St N and Ellen St E](image)

In Figure 3, above, we see average Olde Berlin heritage houses, with typical setbacks, across the street from a UGC-2 building (in yellow) of maximum height with the minimum setback. Further stepbacks would be required to avoid substantial shadowing of the low-rise residential zone. As to transitions in FSR, considering that the average Olde Berlin Heritage house has a FSR of about 0.4, we see the following juxtapositions in floor space ratios:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum FSR</th>
<th>Maximum Square Feet (per comparable lot size)</th>
<th>Multiple of average Olde Berlin Heritage House FSR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Olde Berlin Heritage House</td>
<td>0.4 existing average</td>
<td>3,130 existing average</td>
<td>NA</td>
</tr>
<tr>
<td>MIX-1</td>
<td>2</td>
<td>15,650</td>
<td>5X</td>
</tr>
<tr>
<td>MIX-2/UGC-2</td>
<td>3</td>
<td>23,475</td>
<td>7.5X</td>
</tr>
<tr>
<td>MIX-3</td>
<td>4</td>
<td>31,300</td>
<td>10X</td>
</tr>
</tbody>
</table>

In discussing the proposed transitions in height and floor space ratios with neighbours, the most common first response was a gasp of shock.
To achieve an appropriate transition and respect and encourage the retention of the existing built form in the heritage district protected housing stock, we request that any transitions start from the existing neighbourhood. We include our specific requests in our list of Requested Changes.

Handling Exceptional Cases
We acknowledge that site-specific appropriate transitions are needed where existing builds or zoning do not comply with city-wide and neighbourhood-specific rules and principles governing appropriate transitions. We appreciate the need to respect the existing builds and property rights. We note the internal tension in assigning MIX-2 and MIX-3 zoning immediately abutting a low-rise heritage district neighbourhood. We attempt to address such challenges in Appendix 1, a list of requested address-specific changes.

We further note that the Mixed Use Corridor along Water St N and Victoria St N, was established in 2011, recently in comparison to the 1985 Secondary Plan, and subsequent to the adoption of the Civic Centre Heritage District Conservation Plan. Much effort was invested in creating By-law 2011-058, which established the Mixed Use Corridor. Substantial sacrifices and compromises were required of the community. We ask that the Special Regulations of By-law 2011-058 be retained. Should the Planning Department wish to deviate from the Special Regulations of By-law 2011-058 at this time, we ask that it only do so with the unanimous, written consent of all neighbours immediately adjacent to the Mixed Use Corridor properties in question.

Where a single property is proposed to be zoned significantly more intensively from its surroundings, we recommend a note be added to the Secondary Plan to clarify that the designation is to respect the existing built form and in-process builds and is not to be understood as a precedent for future development possibilities. To enable a reconciliation in land use and zoning, we ask that the property owners be permitted to revert to a land use of Low Rise Residential (or Low-Rise Residential Limited or Low-Rise Residential Office, as may be appropriate) at any time, at no cost to the owners, via a signed, written request.

Requested Changes
We request

1. the changes identified in the marked up Secondary Plan text of Appendix 3;
2. that all zoning within and adjacent to the neighbourhood incorporate setbacks on yards facing or abutting the heritage district that at least equal the average of the zoned setback requirement and average existing setback of the heritage district lands on the block, or 7.5 m, whichever is greater. Example: A Mixed Use building with a required setback of 7.5 m sharing a rear property line with a low rise residence on a block with average rear yard setbacks of 18 m would be required to have a rear yard setback of (7.5 + 18)/2 or 12.25 m;
3. that, in a zone with a maximum height of more than 12 metres, the floor space within 15 metres of a lot with a low-rise residential zone may not be transferred elsewhere on the property;
4. the height of all new or renovated buildings at any given point not exceed 2/3 of the horizontal distance from the low rise-residential zone property line, plus 6.2 metres;
5. that heritage district properties not be subjected to more shadowing than their height and setback limits permit them to cast onto their neighbours;
6. that the Special Regulations of By-law 2011-058 be retained;
7. that the following text be added to the Civic Centre Secondary Plan:
8. “The following properties are assigned a land use other than Low Rise Residential to respect the existing built form and in-process builds: 119 College St, 10 Ellen St E, 20 Ellen St E, 11 Margaret/100 Queen St N, 30-40 Margaret Ave, 43 Margaret Ave, and 175 Queen St N. The designation is not to be understood as a precedent for future development possibilities. To enable a reconciliation in land use and zoning, we ask that owners of the listed properties be permitted to revert to a land use of Low Rise Residential (or Low-Rise Residential Limited or Low-Rise Residential Office, as may be appropriate) at any time, at no cost to the owners, via a signed, written request”;
9. that Regulation 13.3 from existing Secondary Plan be retained: “In order to obtain the necessary input to plan on a neighbourhood level, the City shall establish Liaison Committees in neighbourhoods for which Secondary Plans are being prepared. Participation on such Liaison Committees shall be open to all residents and property owners within a planning neighbourhood and other interested parties”;
10. that Low Rise Residential zones within Civic Centre be modified as follows, perhaps through site-specific provisions:
   a) minimum rear yard setbacks be the greater of 7.5 metres or 40% of lot depth;
   b) that the eaves of the roof facing the public sphere of new low-rise residential development or redevelopment be no more than 7 metres above grade; and
   c) that the roofs facing the public sphere of new low-rise residential development or redevelopment be sloped similarly to the houses in the Heritage District.
11. that the following regulations be added regarding Additional Dwelling Units (detached):
   a) The above grade floor space of the unit shall not exceed 90 square metres.
   b) The maximum floor space of the 2nd floor of the unit shall not exceed 50% of the unit’s first floor.
   c) The owner of the property creating, by construction or change of use, a unit shall erect and maintain a fence affording any abutting neighbour privacy, at the neighbour’s sole discretion and at the owner’s sole expense. The fence shall be of height and opacity as the neighbour requires.
12. that Secondary Plan regulation 16.D.9.15 be strengthened by adding “New development or redevelopment within or adjacent to the Heritage District is to be compatible with the context and character of the existing neighbourhood.” We are concerned that the term “overall” within the clause “overall, be compatible with the context and character of the existing neighbourhood” of Official Plan policy 11.C.1.34 d) renders the requirement less meaningful;
13. that a provision be added regarding parking as follows “Notwithstanding Table 5-5 (Multiple Residential Buildings), in Section 5 (Parking, Loading, and Stacking), we request the minimum visitor parking rate for PARTS Areas and Mixed Use zones be 0.15 per dwelling unit where 10 or more dwelling units are on a lot”;
14. that “through lots” be considered to have two front lot lines;
15. that reference 3.C.2.51 within the Official Plan Policies be corrected or completed;
16. that the Proposed Land Use (Map 17) be revised as necessary to suit requested changes to proposed zoning;
17. that proposed zoning on specific addresses be revised as per Appendix 1;
18. that the portion of Queen Street in the district between Weber St W and Margaret Ave be recognized as integral to the heritage district. Unlike Victoria St N, Queen St N is not a Mixed Use Corridor. This portion of Queen St is listed as a “Major Collector Road”, unlike Victoria and Weber, which are Regional Roads. Address-specific requests are included in Appendix 1; 
19. that all properties in the block bounded by Water St N, Ahrens St W, College St, and Weber St W be included in the neighbourhood Secondary Plan to ensure that any possible mid-block transitions may be discussed within a single planning community; 
20. that low-rise residential zones be required to have a minimum vegetative landscaped area; 
21. that front and exterior side yards and boulevards be required to be predominantly landscaped with living plants; 
22. that, as we cannot take down heritage properties to build a park, and a park along Weber St W or Victoria St N may not be feasible, cash-in-lieu from sites redeveloped in the Civic Centre Secondary Plan area be ear-marked for new parks within a five-minute walk of the Civic Centre Secondary Plan area.

Appendix 1: Requested Address-Specific Changes to Proposed Zoning of this Submission is contained in Written Submission No. 86.

Appendix 2: Neighbourhood Comments
- Comments Submitted to the Neighbourhood Heritage & Development Committee in Advance of March 30th Consultation

1. Can we have all the land-use documents (Secondary Plan, Urban Design Manual, Heritage Conservation District Plan, Self-guided tour information, etc.) refer to the neighbourhood as “Olde Berlin Town” as opposed to “Civic Centre” so as to eliminate confusion?
2. Can we include a statement in the Secondary Plans that the recommendations in sections 4.0-4.5 and 6.9.0-6.9.4, inclusive, of the Heritage District Conservation Plan are to be read as requirements, with the words “recommended/recommend/recommends” and other such variants to be read as “shall”, etc.? Doing so would eliminate misunderstandings and ensure the value of the public consultations and commissioned reports.
3. Can we include a statement in the Secondary Plans clarifying that RES-3 is the zoning for all lands within the Heritage District, except for:
   a. 103 Ahrens St W, 94 Ahrens/151&153 Victoria St N, 277 Victoria St N and 33 St Leger, 
   b. all properties fronting Weber St W, and 
   c. churches 
   d. and that the lands zoned more intensively are exceptions, so zoned to reflect existing buildings, pre-dating this Secondary Plan?
4. Can we define maximum height in terms of metres? Can we ensure that metres be used as the units of physical measurement? This might be best applied city-wide.
5. Can we ensure that no property is subjected to more shado wing than its height and setback limits permit it to throw onto its neighbours? This would safeguard existing uses such as the collection of solar energy and gardening. Page 3.10 of the CCHDCP states “Any buildings proposed over 5 storeys in height may be required to undertake shadow studies where they abut existing residential uses, to demonstrate that they will not unreasonably impact on access to sunlight in rear yard amenity areas.” Can we also have a city-wide
rule on shadowing, using Mississauga’s plan (www6.mississauga.ca/onlinemaps/planbldg/UrbanDesign/ FinalStandards_ShadowStudies_July2014.pdf) as a starting point?

6. Can we designate all properties with frontage on Victoria not planned for MIX-2 zoning as Low Rise Residential Office RES-3?

7. Why does the proposed zoning recommend a maximum of two units in the RES-3 zones instead of the currently permitted maximum of three units as per the Secondary Plan provision 13.1.2.1?

8. Can we allocate required additional green space within a 10-minute walk of the development which generates the requirement?

9. Can we ensure that properties are capable of storing snow on their own land or appropriately sized boulevards?

10. Can we ensure that “as of right” zoning is interpreted to reflect all legislation, including heritage, shadowing, transition, wind tunnels, etc., and not simply the zoned Floor Space Ratio, setback, and height limits?

11. Can we ensure that no properties are stranded in intensified zones (i.e. single house surrounded by developed, consolidated lots)? Do we need holding provisions to do so?

12. Can we increase the minimum lot width (frontage on street) to 25 metres for MIXED 2 zones? Do MIXED 3 and 4 zones need even wider widths?

13. Can we institute a 15 metre setback on MIX-2 properties abutting a Low-Rise Residential zone in the CCHDCP?

14. Why are we proposing to prohibit semi-detached dwellings in the RES-3 zones? We already have a few heritage semis.

15. Can we ensure that the churches are zoned to retain a primary use that serves all society – community facility, cultural facility, place of worship, etc.? (The request that the churches remain under I-2 zoning was one of the most frequent comments.)

16. Can sidewalks be widened on Victoria St N?

17. Can we zone 54 Margaret Ave RES-3 as opposed to RES-6? It is a Class A heritage building like its neighbours across the street.

18. Can we retain the properties along the south-east side of Water Street in the Civic Centre Secondary Plan? Having the neighbourhood boundaries break down a rear property line as opposed to at a major street is confusing.

19. More specifically, can we retain 127 and 130 Water St N in the Civic Centre Secondary Plan? They are in the Heritage District and form part of the gateway to Ahrens from Water/Victoria, as per the CCHCDP.

20. Why is 277 Victoria St N proposed to receive a MIX-2 designation? It is land included in the Heritage District Plan with existing zoning MU-1 162U 401U 562R. It is part of the gateway to St Leger from Victoria, as per the CCHCDP. Can it be designated MIX 1?

21. Why is the portion of 33 St Leger included in the Heritage District being proposed to receive a MIX-2 designation? It currently zoned MU-1 162U 559R. Can it be designated MIX-1?

22. People appreciate the re-zoning of a portion of 64 Margaret to Low-Rise Residential.

23. Why is a MIX-2 designation being applied to a portion of the 64 Margaret lands, which are within the Heritage District with current zoning MU-1 167U 561R? Can that portion of 64 Margaret be zoned MIX-1?

24. Can we include 64 Margaret and 33 St Leger among the list of properties subject to Special Policies13.1.3.? As the properties are already consolidated with frontage on Victoria St N,
can we note that the provisions are to be effected through the Site Plan process? In general, how can we ensure that re-developed properties do not direct their servicing and traffic into the interior of the Civic Centre neighbourhood?

25. Can the CR-1 properties along Queen between Weber and Ahrens be zoned MIX-1? MIX-2 would impose on Queen St.

26. Can a height limit matching the existing building height be applied to 108 Queen St N (Sonneck House) given that it is a Part IV designated property inside the CCHDCP, so as not to mislead owners as to its potential use?

27. Within FANZ, why do we want the front yard setbacks at 236 and 264 Victoria St N to be as large as 33.89m and to have parking in the front yard? Do we not want to animate the street? Do we not want parking at the rear of the buildings?

28. Can we have, within the flanking UGC zones, height limits and/or stepback requirements, so that undue shadowing and inappropriate transitions are not created?

29. Along Queen St N and Ellen St E, in the UGC, can we have a minimum 6m front and exterior side yard setback, as opposed to the proposed 3m?

30. What is the definition of an “appropriate transition”? How will planning documents ensure an appropriate transition, as required by the OP, from the low-rise residential interior of Civic Centre across Queen, Victoria, Water and Weber into more intensified zones?

31. Can we have a height limit on the block encircled by Weber-Water-Victoria that affords the properties on the south-eastern side of Water St N an appropriate transition?

32. Should we permit a greater density of legal, regulated lodging houses throughout Kitchener? How many legal and illegal lodging houses are there presently in Olde Berlin?

33. Do we want to encourage more lane houses/coach houses?

34. Why is Lancaster/Mansion RES-6 property not listed as RES-3?

35. Quote: “I don’t live in the Civic Centre, but I take a lot of pleasure from walking through it which I do frequently. It gives me a sense of the history of the city and is a peaceful zone in the core.”

36. Quote: “I like the lanes for walking and biking. I wish they were better groomed.”

37. Can we continue the bike lane along Margaret/Otto from Victoria to Frederick?

38. Many neighbours did not receive notice of the planning review because not notified via mail.

39. The December 12th consultation date was too close to the holidays and competing obligations to permit adequate participation.

40. How can we include cultural heritage landscape policies?

41. How can we ensure that the heritage value of the green spaces and trees are protected?

42. How can we add more storey-telling signage?

43. Can we improve placemaking in the neighbourhood?

44. Can we bring in heritage style street lighting?

45. How can we add more street furniture?

46. What are the next steps in the neighbourhood planning review process?

47. How can we ensure more green space?

48. How do we add more green canopy, on both city land and private property, to prevent heat capture?

49. How do we ensure that the neighbourhood does not get split into two communities on either side of a more intensified Margaret? Would neighbourhood cohesion be harmed?
50. What regulations do we have/need to allow for new porches where an old porch was removed long ago?
51. Can we add requirements for laneway lighting and streets where current lights are obliterated by trees?
52. How can we ensure the availability of affordable housing options?
53. How can we ensure that new developments include more 3 bedroom and larger units to ensure that families can remain in the neighbourhood?
54. How does Central Frederick Neighbourhood feel about having properties along Lancaster transferred out of their plan? Are they being consulted?
55. How can we ensure that the Committee of Adjustment and Zone Change applications processes do not undermine these communally achieved Secondary Plans?

Appendix 2: Neighbourhood Comments

1. Quote: “I like the alleyways. New developments should have alleyways, too.”
2. Can we require any house destroyed by a lack of maintenance to be built as it was?
3. Can we have one or more dog parks in the downtown core?
4. 88-90 Weber St W concerned about being downzoned from FSR 4 to FSR 2, would like rooftop gardens to qualify toward the minimum landscaped area, support implementation of 4.5 metre minimum ground floor height (via Appendix F of Neighbourhood Planning Review)
5. 32 Weber St W concerned about being zoned Mixed Use, downzoned from FSR 4 to FSR 2, and limited in height to 8 storeys. (via Appendix F of Neighbourhood Planning Review)
6. 22 Weber St W concerned about being zoned Mixed Use, downzoned from FSR 4 to FSR 2, limited in height to 8 storeys, limited in range of uses and subject to more restrictive regulations. (via Appendix F of Neighbourhood Planning Review)
7. 99 College concerned that FSR of 2 is too low for properties along College St in area currently zoned CR-3, asking why we are limiting these properties to 3 units as opposed to 4. Cites the proximity to Weber ST W, which should be used for high density urban growth. (via Appendix F of Neighbourhood Planning Review)
8. 40 Roy concerned about new uses proposed for Weber St W properties that may present a nuisance (noise, delivery traffic, on-site waste storage, etc.) for neighbours on Roy St. Asking if it might be desirable to have “through lots” deemed to face the highest order street as the front lot line. (via Appendix F of Neighbourhood Planning Review)
9. I do not want payday loan establishments within the Civic Centre neighbourhood.
Appendix 3: Draft Secondary Plan Marked Up of this Submission is contained in Written Submission No. 86.

Staff Response
In response to the requested changes in the submission Planning staff offers the following comments:

Base Zone
- The submission indicated that they are concerned that the proposed RES-3 zoning does not adequately reflect the context to be preserved. The submission requests a revised zoning or special regulations be applied to all the properties in the heritage district to properly integrate the Heritage Conservation District Plan into zoning.
- The new “RES-3” that is proposed to be applied is comparable to the existing “R-5” zone. New site-specific provisions to regulate the location of an attached/detached garage/carport and the requirement for a front porch have been added to properties proposed to be zoned “RES-3” in the Civic Centre Secondary Plan.
- Planning staff will review the proposed zoning, in consultation with Heritage Planning staff, to ensure it reflects and implements the Heritage Conservation District Plan.

Transitions
- Planning staff note that the Figures are not an accurate in terms of scale and the representation of the relationship of one building envelope to another on an adjacent property.
- For example, the scale of the slope, 1 metre of rise per 1.5 metres of run, as drawn is not the same scale of ‘metre’ as the other dimensions in the Figures.
- The submission indicates that “In discussing the proposed transitions in height and floor space ratios with neighbours, the most common first response was a gasp of shock.” Planning staff would refer the neighbourhood to the 3D modelling that was prepared as part of this project and Stage 2a of CRoZBy (new RES zones). This modeling is an accurate representation of the transition and relationship of medium to high rise development adjacent to low rise residential areas.
- Planning staff would be happy discuss the modelling that was done to determine a compatible and appropriate transitional relationship of high and medium rise development to low rise residential areas to clear up any confusion or misconceptions of these transitions.
- The City of Kitchener’s new Urban Design Manual (approved in 2019) does not use angular plane as a form of assessing compatibility. Because an angle extends on indefinitely, in order for a building to fit completely within the angle, setbacks would need to be an unrealistic distance from where the acute part of the angle exists. This could result in lands in mixed use corridors that are underdeveloped, which resultingy would make it hard for the City to add density to support transit. In addition, through our research staff have found no research for the rationale behind the angular plane method, and often the point from where it is measured is confused or subjective.
Not one base zone in Zoning By-law 85-1 and new Zoning By-law 2019-051 permit ‘unlimited height’ where there is a zoning regulation for a maximum Floor Space Ratio (FSR). The maximum height on properties, where there is no maximum building height indicated in the zoning, will be the result of how the maximum permitted building floor area (Floor Space Ratio) is situate on the lot respecting the required setbacks from property lines and the transitional heights from low rise residential. When these Figures were presented at past neighbourhood meetings, Planning staff asked that the ‘Unlimited height’ notation be removed.
The pending UGC zones were considered at a Statutory Public Meeting in the spring of 2019. However, shortly after the public meeting there were changes to the Planning Act to eliminate the ability to ‘Bonus’. Since the UGC zones were developed on the premise of ‘Bonusing’, they were deferred as they could not be approved in their proposed form. Planning staff are currently in the process of reviewing and bringing new UGC zones to a future statutory public meeting for consideration. Accordingly, the Urban Growth Centre and the implementation of new UGC zones for these lands is not within the scope of the Neighbourhood Planning Review Project. At such time as the new UGC base zones are considered, I would encourage the Older Berlin Town Neighbourhood and adjacent property owners to engage in this process.

Handling Exceptional Cases

- Planning staff are cognizant that many of the opportunities for intensification, the MIX zoned lands, are adjacent to Heritage Conservation Districts. This is one of the reasons that so much work went into the 3D modelling exercise to determine the appropriate relationship of Floor Space Ratio to Building Height and the appropriate transitions adjacent to low rise residential uses.

- As the submission indicates site-specific regulations may be needed where existing buildings or proposals do not comply with the base zones. This is also true of future proposals. Even once the Secondary Plans are approved there may be a need for some properties to make site-specific applications to be able to implement a particular proposal. Planning applies a base land use designation and zone, but because of a property’s locational context and/or unique characteristics, more or less density may be accommodated. In the case of more, an applicant needs to demonstrate that it is appropriate, compatible and is good planning.
• Zoning By-law 2011-058 amended Zoning By-law 85-1 to apply the new “MU” zoning in the Mixed Use Corridors. Since this was done, 10 years ago, staff has access to new technology and have extensively reviewed the appropriate built form in these corridors particularly where they are located adjacent to low rise residential areas. The “MU” zoning was premised on angular plane and results in a ‘wedding cake’ form of development. As noted above, the City of Kitchener’s new Urban Design Manual (approved in 2019) does not use angular plane as a form of assessing compatibility. Because an angle extends on indefinitely, in order for a building to fit completely within the angle, setbacks would need to be an unrealistic distance from where the acute part of the angle exists. This could result in lands in mixed use corridors that are underdeveloped, which resultingly would make it hard for the City to add density to support transit. In addition, through our research staff have found no research for the rationale behind the angular plane method, and often the point from where it is measured is confused or subjective.

• The submission indicates that substantial sacrifices and compromises were required of the community when the “MU” zoning was established. These special regulations were based on angular plane and a ‘less sophisticated’ means of modelling the relationship of high to low-rise built form. It is staff’s opinion that the new “MIX” zones improve this transition and will facilitate a built form that will be compatible with adjacent low-rise residential areas. The transition in the site-specific regulations, which produce ‘a wedding cake-built form’ are no longer required as improved transitional regulations have been built into the base zones.

• The new “MIX” zones do not deviate ‘in intent’ from the special regulations of By-law 2011-058.

• Where single properties have been zoned at a higher intensity to recognize the existing land use, i.e. apartment building, it is not possible to permit these lands to revert back to a low rise residential use, at any time, at no cost to the owners, via a signed, written request. This is not permissible under the Planning Act.

• The existing medium and high-rise residential sites are a recognized part of and contribute to the Heritage Conservation District. Their resdesignation would serve no purpose except to remove dwelling units and displace residents from existing neighbourhoods within and in close proximity to Major Transit Station Areas.

Requested Changes

• The requested changes as noted in the Olde Berlin Town Neighbourhood Association were responded to as part of Written Submission No. 86 as they repeat the same points in this submission.

Appendix 1: Requested Address-Specific Changes to Proposed Zoning

• The requested changes as noted in the Olde Berlin Town Neighbourhood Association were responded to as part of Written Submission No. 86 as they repeat the same points in this submission.
Appendix 2: Neighbourhood Comments (Before March 30th)

- Planning staff has previously provided responses to the 55 comments in this section of the submission. Please see Pages 92 to 98 of Appendix ‘F’ to the Civic Centre Secondary Plan.
- As they have been previously addressed and answered, Planning staff is not quite sure why they have been included again in this submission.
- Planning staff will follow up to determine where there are still areas of concern and provide additional information and clarification.

Appendix 2: Neighbourhood Comments (After March 30th)

1. Quote: “I like the alleyways. New developments should have alleyways, too.”
   - Thank you for the comment. New developments can incorporate alleyways where they are appropriate and can be accommodated.

2. Can we require any house destroyed by a lack of maintenance to be built as it was?
   - No, we cannot require any house destroyed by a lack of maintenance to be built as it was.

3. Can we have one or more dog parks in the downtown core?
   - Opportunities for new park space, dog parks, are extremely limited in an existing urban area.
   - Over the next 18 months, Parks Planning will be coordinating and leading engagement on several high-profile parks and open space projects in our neighbourhoods. Parks Planning is looking to ensure the Kitchener’s growing and changing community continues to have access to high quality and local parks and open spaces. This is particularly important in the Neighbourhood Planning Review areas which are experiencing change, and which would benefit from new and/or enlarged high quality parks, open spaces, and open space/trail connections.
   - Planning staff will forward this request to Parks Planning for their consideration.

4. 88-90 Weber St W concerned about being downzoned from FSR 4 to FSR 2, would like rooftop gardens to qualify toward the minimum landscaped area, support implementation of 4.5 metre minimum ground floor height (via Appendix F of Neighbourhood Planning Review)
   - As the submission has noted Planning staff has previously provided a response Appendix ‘F’ to the Civic Centre Secondary Plan.
   - The concerns in this comment contradict the theme of previous comments in this submission.

5. 32 Weber St W concerned about being zoned Mixed Use, downzoned from FSR 4 to FSR 2, and limited in height to 8 storeys. (via Appendix F of Neighbourhood Planning Review)
   - As the submission has noted Planning staff has previously provided a response Appendix ‘F’ to the Civic Centre Secondary Plan.
   - The concerns in this comment contradict the theme of previous comments in this submission.

6. 22 Weber St W concerned about being zoned Mixed Use, downzoned from FSR 4 to FSR 2, limited in height to 8 storeys, limited in range of uses and subject to more restrictive regulations. (via Appendix F of Neighbourhood Planning Review)
   - As the submission has noted Planning staff has previously provided a response Appendix ‘F’ to the Civic Centre Secondary Plan.
• The concerns in this comment contradict the theme of previous comments in this submission.

7. 99 College concerned that FSR of 2 is too low for properties along College St in area currently zoned CR-3, asking why we are limiting these properties to 3 units as opposed to 4. Cites the proximity to Weber ST W, which should be used for high density urban growth. (via Appendix F of Neighbourhood Planning Review)
   • As the submission has noted Planning staff has previously provided a response Appendix ‘F’ to the Civic Centre Secondary Plan.
   • The concerns in this comment contradict the theme of previous comments in this submission.

8. 40 Roy concerned about new uses proposed for Weber St W properties that may present a nuisance (noise, delivery traffic, on-site waste storage, etc.) for neighbours on Roy St. Asking if it might be desirable to have “through lots” deemed to face the highest order street as the front lot line. (via Appendix F of Neighbourhood Planning Review)
   • As the submission has noted Planning staff has previously provided a response Appendix ‘F’ to the Civic Centre Secondary Plan.
   • As they have been previously addressed and answered, Planning staff is not quite sure why they have been included again in this submission.
   • Planning staff will follow up to determine where the areas of concern are and provide additional information and clarification.

9. I do not want payday loan establishments within the Civic Centre neighbourhood.
   • Payday loan establishments cannot locate on residentially zoned lands within the Civic Centre neighbourhood.

Appendix 3: Draft Secondary Plan Marked Up
   • The requested changes as noted in the Olde Berlin Town Neighbourhood Association were responded to as part of Written Submission No. 86 as they repeat the same points in this submission.

See Responses to Written Submissions No. 86, No. 145, and No. 146.

Resolution
See No. 86, No. 145, and No. 146.

Planning staff will forward this request to consider new dog parks to Parks Planning for their consideration.

Planning staff will follow up to determine where there are still areas of concern and provide additional information and clarification.

11. 18 and 27 Pine Street

Mr. Dave Aston, MHBC Planning addressed the Committee on behalf of the owners of the properties municipally addressed as 18 and 27 Pine Street. He raised concerns with the proposal to downgrade the properties from their existing permissions to open space, which would take away the permitted uses currently in place.
Staff Response
See Response to Written Submission No. 79

12. Cedar Hill and Schneider Creek Secondary Plan

Ms. Jane Pellar, Mr. Burnie Root, and Mr. David Shoftoe addressed the Committee on behalf of the Schneider Creek Working Group. Ms. Pellar advised in order to maintain the low-rise character of Benton, Peter and Cedar Streets, properties on both sides of these streets should be designated low-rise conservation residential. She noted if zoning changes are extended into the neighbourhood, it will challenge the overly congested, narrow streets. She further stated that elevation change is a challenge, making thoughtful transitions to low rise buildings imperative, and a minimum front yard landscape to open space standard should be incorporated to maintain limited front yard landscaping. Mr. Root requested the special policy regarding the height of 63 Courtland Ave remain at three stories due to the close proximity to Martin Street. Mr. Shoftoe addressed the committee in regards to the properties municipally addressed as 14 and 16 Martin Street. He noted the transitional manner regarding the changes in height that currently exist and asked for consideration when it comes to the character of the terrain.

Written Submission to Committee on December 8, 2019

Hi Tina and Brandon!
Here are our revised comments for the secondary plans. We are pleased to note that many comments have already been addressed. We would like to chat some more about the items below if possible.

Existing Site-Specific Policies for the former Schneiders Factory and Courtland Ave Public School:

Site specific policies should be provided for these lands since they likely represent redevelopment opportunities in the neighbourhood. Access prohibitions from any local roads (Benton, Martin, Peter, Cedar) should be incorporated into the policy and zoning, as well as, site specific standards for building setbacks (stepbacks and terracing), landscaping and buffering of parking areas. We would request the city provide a proactive Neighbourhood Design Charette for these sites in advance of the completion of the secondary plan to guide the long-term redevelopment of these lands.

The existing site-specific policy that applies to 26 Martin St, 53 and 63 Courtland Ave has not been carried forward. This is a crucial property block for the entire neighbourhood, and these policies were established in consultation with the community years ago. They remain important. The policy restricted the height of any new development to 10.5 m within 30 m of the Martin St frontage of this property. It had a max FSR of 1.5. It also restricted access off Martin St to only street townhouses and uses permitted in the Low Rise Conservation zone. Any other new development was required to have access from Courtland Ave

We would like to have this previous policy brought forward and we seek more consultation here. We would appreciate meeting with you about this issue because it is a key property that will certainly affect the livability, the way the surrounding neighbourhood will experience any development here and address any scale concerns. We found an example of how this site could
be intensified using multiple housing types and a 3 storey main building. It was an interesting concept that we could see being implemented here that provides for the goals of intensification.

**Zoning:**
We have a question about the proposed zoning of the entire south side of Courtland. There is some confusion because the Secondary Plan and the zoning, we think, say different heights. Is it 4 or 5 storeys?

In the current wording we would be interested in removing the word “generally”, “whichever is greater” and “height should be measured from the lowest grade elevation” to a suggested “no building shall exceed 4 storeys or 14m in height, whichever is lesser from the lowest grade elevation”.

**With regard to 49 and 53 Courtland Ave:**
These properties are identified as properties that may qualify for heritage protection, however, they are designated Low Rise Mixed Use. Perhaps the city should designate them as Low Rise Residential Limited to retain them?

**Benton Street and Martin Street Land Use Designations:**
In order to maintain the Low Rise Residential character of Benton St we propose both sides of the street have the same designation which is Low Rise Residential Limited and associated zoning. We would also ask the same for properties on Peter and Cedar Streets.

Similarity 26 Martin St and the Martin Street frontage of 63 Courtland should be designated Low Rise Residential Limited to ensure that any new development completes what is currently a disrupted Low Rise Residential landscape. Ideally, we would like the city to designate and zone the frontage of Martin St for some sort of lower density land use and higher density towards Courtland. We would support maintaining the holding provision currently applied to 26 Martin.

**Street Access:**
The policies make reference to the narrow streets in our neighbourhood, but we would like to see restrictions on the access to these streets from new development

**Staff Response**
See Responses to Written Submissions No. 82, No. 97 a) to d) and No. 131.

In addition to the responses noted in No. 82, No. 97 a) to d) and No. 131, Planning staff will consult with Heritage Planning staff to determine the cultural heritage significance, if any, of the properties at 49 and 53 Courtland Avenue. If it is determined that the properties are of cultural heritage significance, Planning staff in consultation with Heritage Planning staff will determine what framework can be put in place to afford protection.

**Resolution**
In addition to the responses noted in No. 82, No. 97 a) to d) and No. 131, Planning staff will consult with Heritage Planning staff to determine the cultural heritage significance, if any, of the properties at 49 and 53 Courtland Avenue. If it is determined that the properties are of cultural
heritage significance, Planning staff in consultation with Heritage Planning staff will determine what framework can be put in place to afford protection.

13. Changes to Zoning By-law and Maximum Heights

Mr. John MacDonald expressed opposition to the proposed changes to the Zoning By-law, stating the importance of input received from citizens, businesses, and the development community being balanced and incorporated into the planning process. He further stated input received by staff should be balanced and incorporated to cap the maximum heights permitted, all within a framework of compliance with the following: the Provincial Policy Statement 2014; the Growth Plan for the Greater Golden Horseshoe 2019; the Region of Waterloo Official Plan 2015; and, the City of Kitchener Official Plan.

Planning staff heard comments to Committee suggesting that there needs to be more caps on the permitted heights and densities in the Secondary Plans. Questions as to how much more growth needs to be accommodated to meet provincial policies and that only a portion of the properties in the Secondary Plans need to redevelop. Developers are using the Provincial policies to justify their applications in all locations whether growth is needed or not.

Staff Response

- In responses to the comments received at the various Open Houses with respect to the transition of medium and high-rise developments and their compatibility with adjacent low-rise residential areas, Planning staff completed extensive 3D modelling.
- The purpose of this modelling was to determine the most appropriate combination/correlation of Floor Space Ratio (FSR) with maximum building height and to determine the most appropriate distance or setback of a medium and high-rise development from an adjacent low-rise neighbourhood. As a result of the modelling, changes to the FSRs and building heights in the MIX zones were recommended to be made to better correlate the relationship of FSR with maximum building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.
- A lot of work was done, through the development of the PARTS Plans and Secondary Plans, to review the compatibility and transition of medium or high-rise development in the MIX zones from an adjacent low-rise residential zone. This resulted in new required setbacks dependent on the building height of these proposed medium/high rise developments and also requires the proposed building to transition in height within the subject property itself. The new required setbacks will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

### Maximum Building Height

<table>
<thead>
<tr>
<th>Regulation</th>
<th>MIX-1</th>
<th>MIX-2</th>
<th>MIX-3</th>
<th>MIX-4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum building height</strong></td>
<td>14 m</td>
<td>20m(2a)</td>
<td>26m(2a)</td>
<td>(2a) (2b)**</td>
</tr>
<tr>
<td><strong>Maximum number of storeys</strong></td>
<td>4 storeys</td>
<td>6 storeys</td>
<td>8 storeys</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum floor space ratio</strong></td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
2. The maximum building height shall not exceed:
   (a) 12 metres within 15 metres of a lot with a low-rise residential zone; and,
   (b) 25 metres within 30 metres of a lot line with a low-rise residential zone.

- In addition to setback and stepbacks, a maximum height is employed within each of the zones to ensure that even if a lot is large enough to meet the setback requirements that a maximum height will be employed to minimize overlook and shadow impacts, and to provide a build form that is compatible in size with the surrounding environment.
- In all zones we have created a maximum height of 12 metres if a 15 metre setback can be achieved from a low-rise residential zone. This is compatible with the maximum permitted height in our low-rise residential zones of 11 metres. Both the MIX zones and the RES zones require rear yard setbacks of 7.5 metres. The maximum permitted heights and yard setbacks are intended to create a compatible built form interface between those properties zoned for mixed use and those zoned for low rise residential uses.
- If a greater setback can be achieved (a minimum of 30 m), buildings in MIX 4 zones are permitted to have a height greater than 25 metres. There are no situations in any of the MIX zones, where an unlimited height is permitted where a lot is adjacent to a lot zoned for low rise residential.
- Staff feel that through the use of setbacks, stepbacks and a maximum building height, new mixed use development adjacent to low rise resident will be compatible in scale, setback and will transition gradually from historically lower rise residential areas to areas along corridors where new mixed use development is welcome and anticipated.
- The targets in the Provincial policies, for example the density target of 160 residents and jobs per hectare in Major Transit Station Areas, is a ‘minimum’ target. The target is not a ‘maximum’. At a minimum we have to achieve the targets in the Provincial and Regional policies and plans but it does not prevent further intensification and growth if that density target has been reached.
- The PARTS Plans looked at the opportunities for intensification and growth while protecting the stable established neighbourhood. Lands have been designated according to the recommendations in the PARTS Plans to at a ‘minimum’ achieve the Provincial and Regional density targets.
- The Planning Act provides the ability for applicants to apply for approvals to facilitate their particular development and demonstrate that a proposal meets applicable legislation and is good planning. Applications are reviewed on their own merits and not based on precedent.
- Even once the Secondary Plans are approved there may be a need for some properties to make site-specific applications to be able to implement a particular proposal. Planning applies a base land use designation and zone, but because of a property’s locational context and/or unique characteristics, more or less density may be accommodated. In the case of more, an applicant needs to demonstrate that it is appropriate, compatible and is good planning.

Response
None required at this time.

14. 19 Strange Street
Ms. Darlene Mack-Lam addressed the Committee regarding the Victoria Street Secondary Plan. She expressed her support for mixed-use zoning in her neighbourhood.

**Staff Response**

See Responses to Written Submissions No. 25, No. 72, and No. 85

**15. Civic Centre Secondary Plan**

Mr. John Gibson expressed opposition to the Civic Centre Secondary Plan. He noted the new zoning is in contradiction to the intensification program and has concerns with the mandatory 20% of space that must be allocated for commercial use. He further advised he is opposed to the limit of three units per low rise residential and suggested the market should dictate how the commercial use space is filled.

Planning staff heard comments to Committee concerning the proposed new “RES-3” zone proposed to be applied to 99 College Street. It limits the number of dwelling units to three and this property currently has three with potential for a fourth. Lodging houses are a tool to assist with the provision of affordable housing and this use should be regulated through licensing rather than zoning. Expressed concern with the minimum 20% requirement for non-residential floor space in the MIX-3 zone for the property at the corner of Young and Weber Streets. Proposing a similar type of housing to what currently exists now and if there is a requirement for non-residential floor area this will be empty or vacant space.
Current and Proposed Zoning
Current Zoning – CR-3, 16H
Proposed Zoning – RES-3 (159) (160) (161)

Staff Response
The Secondary Plans were deferred from the review and approval of the City’s new Official Plan 2014 to allow the City to review the land uses through the Planning Around Station Area Planning Process (PARTS).

One of the primary intents of the PARTS Planning Process was to support ION by determining the appropriate locations for intensification while protecting our stable established neighbourhoods. The PARTS Central Plan recommendations for land use reflect the recommendations in the Civic Centre Heritage District Conservation Plan.

As is the situation for other properties in the Secondary Plan, where a proposal will not meet the zoning regulations in effect, owner-initiated applications will be required wherein the planning justification and impacts of the particular proposal can be evaluated appropriately.

The development of the new Residential base zones is not within the scope of this project. These are being considered through Stage 2a of the Comprehensive Review of the City’s new Zoning By-law (CRoZBy).

The lodging house use is being reviewed as part of the Affordable Housing Strategy and any recommendations or implementation measures coming out of that review will apply to the Secondary Plans.

Planning staff are reviewing the regulation requiring a minimum of 20% of the gross floor area to be for non-residential uses. Planning staff agree that, depending on the size of the lot, this minimum percentage of 20% could require an amount of non-residential building floor area not in keeping with the urban structure and other zoning regulations. Planning staff are considering a couple of approaches including regulating the location of the non-residential and residential uses on a lot. i.e. residential uses not be permitted on the ground floor or first storey of a building and/or within a certain distance of the street line.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the property addressed as 99 College Street.

Planning staff will review the MIX-4 zone regulation which requires a minimum 20% of non-residential building floor area.

16. Building Floor Heights/Glazing>Loading Spaces

Mr. Steve Burrows addressed the Committee in opposition to the regulations outlined with the Secondary Plans stating the document is far too prescriptive; specifically related to floor heights on the ground floor; glazing; and, locations of parking loading spaces.
Ms. Katherine Bitzer expressed concerns with the proposed zoning for Benton Street and increased transportation demands.

Planning staff heard comments to Committee indicating support for the Cultural Heritage Landscape that has been identified in the Cedar Hill neighbourhood. Requested clarification as to what a gateway means at Benton/St. George and Benton/Church. For high rise mixed use there should be some shade/green initiatives. Asked about the zoning plans for Benton Street as there was previously a by-pass planned and whether Madison Avenue was intended to close. The intersection of Church and Cedar is an accident waiting to happen.

Staff Response
The Secondary Plans were deferred from the review and approval of the City’s new Official Plan 2014 to allow the City to review the land uses through the Planning Around Station Area Planning Process (PARTS).

One of the primary intents of the PARTS Planning Process was to support ION by determining the appropriate locations for intensification while protecting our stable established neighbourhoods. The properties on Benton Street were identified as a focus for intensification while ensuring the
protection of the established Cedar Hill neighbourhood. The Benton Street by-pass is no longer in the long-term Regional plans and lands in an around Benton Street have been designated in accordance with the direction that was recommended in the PARTS Central Plan. Although the lands have been designated for high-rise, transitions from low-rise residential areas have been incorporated into the zoning and a shade analysis and ensuring an appropriate amount of green space and amenity area are requirements of the site plan approval process.

There are no immediate plans to close Madison Avenue. New Policy 16.D.6.22 provides direction for the City to consider the closure of Madison Avenue to Charles Street East to vehicular traffic and enhancing the active transportation network/linkages in this vicinity, if such an opportunity presents itself.

Thank you for the comments on the identification of the Cultural Heritage Landscapes in the Secondary Plans. New Policy 16.D.6.9, in the new Cedar Hill and Schneider Creek Secondary Plan, identifies several Priority Locations at gateway locations which facilitate views into and out of the neighbourhoods. Corner properties framing these referenced intersections are identified as being Property of Specific Cultural Heritage Landscape Interest. In these locations, the City proposes to regulate building height, setbacks and built form in order to ensure a proper transition towards the stable low density residential uses on local streets and to protect and enhance views of the hill and the local streetscape features characteristic of this neighbourhood. New development and/or redevelopment should appropriately frame the intersection, especially where a building of cultural heritage interest is located at the corner.

Resolution
None required at this time.
Mr. Jonathan Diamond addressed the Committee in opposition to the proposed changes to the Zoning By-law, specifically noting the properties municipally addressed at 61 and 65 Roy Street. He advised the properties each contain five rental units, with a maximum of three units on each property being permitted for residential use, as per the Official Plan. He requested an increase in the maximum number of residential units on each property to five, due to the high demand for residential rental space and the low demand for commercial rental space.

Planning staff heard comments to Committee stating that demand is high for residential dwelling units and that demand is low for non-residential space. The existing buildings on each of these two properties are underutilized and that each building can accommodate 5 dwelling units.

**Current and Proposed Zoning**

Current Zoning – R-5, 164U  
Proposed Zoning – RES-3 (159) (160) (161)

**Staff Response**

Submissions which are requesting site-specifics, or a different land use designation and zone category, with respect to a particular proposal are not being reviewed through the NPR Process. They are being processed independently of the NPR Process wherein the planning justification and impacts of the particular proposal can be evaluated appropriately.

The property owner is advised to submit their own planning applications to recognize five dwelling units on each of these properties.
At such time as a decision on the owner-initiated planning applications (OPA/ZBA) is made by Committee/Council, if such decision is different than what is recommended through the NPR Process, this decision will be reflected in the new Secondary Plan.

Resolution
No changes are recommended to be made to the proposed land use designation and zone category to be applied to the properties addressed as 61 and 65 Roy Street. At such time as a decision on the owner-initiated planning applications (OPA/ZBA) is made by Committee/Council, if such decision is different than what is recommended through the NPR Process, this decision will be reflected in the new Secondary Plan.

19. 22 Weber Street East

Ms. Andrea Sinclair, MHBC Planning, addressed the Committee on behalf of the property municipally addressed as 22 Weber Street. She requested increased height and density for the property.

Staff Response
See Response to Written Submission No. 71.

20. King Street East Secondary Plan

Ms. Annie Doran addressed the Committee on behalf of the King East Neighbourhood Association, in support of the proposed changes. She advised her neighbourhood has been subject to intensification and a great deal of pressure due to development. She requested notice regarding road closures, clear detour signage when traffic is being diverted, and coordination and communication between projects.

Staff Response
See Response to Written Submission No. 122.

21. Transitions to Low Rise Residential Uses

Mr. Dan Currie, MHBC Planning, addressed the Committee in opposition to the proposed changes to the Zoning By-law regarding the transition between mixed-use areas and higher density areas, and low-rise residential neighbourhoods.

Planning staff heard comments to Committee indicating that there are a lot of good things in the Neighbourhood Planning Review. i.e. transition of high to low. However, this transition needs to be balance the established neighbourhood and the need to support growth. There needs to be a separation of height from density. Height is the issue and not density.

Staff Response
See Response to Written Submission No. 77.

22. 104 Whitney Place
Ms. Lisa Hagen addressed the Committee in support of the proposed changes to the Zoning Bylaw as it relates to Whitney Place. She advised the creation of additional higher density structures creates the need for more hydro lines and transformers. She further suggested undergrounding would be required for hydro to increase the aesthetic value of the neighbourhoods.

Planning staff heard comments to Committee indicating support for the Innovation Employment designation and permissions for high-tech uses across the street.

Staff Response
Thank for your comments.

Resolution
None required.

23. Mill Street and Queen Street

Mr. Mario Chilanski addressed the Committee in opposition to the proposed changes to the Zoning By-law for the area of Mill Street and Queen Street. He advised restrictions should be imposed regarding the height of the proposed buildings and requested a restrictive zone be applied to this property for future protection.

Staff Response
See Response to Written Submission No. 150.

24. Schneider Creek
Mr. Alfred Rumple addressed the Committee on behalf of the Schneider Creek Working Group, regarding regional roads where traffic is being directed into smaller neighbourhoods.

Planning staff heard comments to Committee concerning the Regional jurisdiction of roads and the development that is occurring on Regional roads forcing traffic on local roads. Courtland Avenue is a main corridor and traffic is funneled through neighbourhoods. He suggested the use of one-way roads.

**Staff Response**
Planning staff are appreciative of the concern of increased traffic in the Secondary Plan areas particularly on the local roads. The land uses in the Secondary Plan are intended to reflect the opportunities for medium and high-rise residential intensification in the appropriate locations. Higher rise and more intensive developments are directed to Regional roads and arterial corridors so as not to increase the volume of traffic on local roads.

The jurisdiction of roads and changing this jurisdiction is not within the scope of the Neighbourhood Planning Review Project.

Where there is the ability for vehicular access on both a Regional and local road, the City works with the Region on determining the most appropriate access. City staff support and encourage the primary access onto a Regional road, however there may be some instances, where given the locational context and circumstances, this is not possible.

Planning staff will review the lands in the Secondary Plans and consider more policy direction for access where lands abut both Regional and local roads.

**Resolution**
Planning staff will review the lands in the Secondary Plans and consider more policy direction for access where lands abut both Regional and local roads.

**25. Affordable Housing**

Mr. Martin Asling, Waterloo Region Yes in My Backyard, addressed the Committee in opposition to the proposed changes to the Zoning By-law, as it relates to the affordable housing crisis.

Planning staff heard comments to Committee that the discussion should be focused on the affordable housing crisis. There is a link between cost and supply. The Cedar Hill neighbourhood has great character and there are different housing types.

**Staff Response**
The land uses in the Secondary Plan are intended to reflect the opportunities for medium and high-rise residential intensification in the appropriate locations. In existing low-rise residential areas, zoning will now allow for three dwelling units, either three dwelling units in the one building, or two dwelling units in one building and a detached dwelling unit in the rear yard.
The new residential base zones will be considered at a statutory public meeting in May of 2021 and once approved they will be able to be implemented in the new Secondary Plans.

Inclusionary zoning is another tool, once approved, that will be able to assist in the provision of affordable housing in the Major Transit Station Areas.

**Resolution**
None required at this time.

**26. 88 Samuel Street**

Mr. John Cunningham addressed the Committee in opposition to the proposed changes to the Zoning By-law and encouraged the preservation of the City's Heritage assets through the Secondary Plans.

Planning staff heard comments to Committee that the City has a difficulty with history. He has lived here since 1978 and the history of the city/area/neighbourhood is impossible to preserve.

**Current and Proposed Zoning**
Current Zoning – R-5, 129U

The property’s zoning is not proposed to change at this time. This property is located within the Central Frederick Secondary Plan which is not currently within the scope of this stage of the Neighbourhood Planning Review.
Staff Response
As indicated above, the property is located within the Central Frederick Secondary Plan and is not currently within the scope of this stage of the Neighbourhood Planning Review.

The proposed land use designations and zoning regulations in the Secondary Plans take heritage conservation district plan policies into consideration.

Properties located within heritage conservation districts are subject to the policies contained within the relevant heritage conservation district plans. The conservation of protected heritage property is regulated by the Ontario Heritage Act.

Consideration has been given to appropriate transitions to protected and listed cultural heritage resources with the Secondary Plan area. Planning staff are continuing to review the proposed zoning designations to ensure transitions are appropriate.

The cultural heritage landscape(s) in the Central Frederick Secondary Plan will be reviewed at the time this Secondary Plan is considered through the Neighbourhood Planning Review Project.

Resolution
None required.
Mr. Randy Harms addressed the Committee in opposition to the proposed changes to the Zoning By-law for the Secondary Plan. He questioned how the height restrictions of the plan were determined.

Planning staff heard comments to Committee inquiring as to how planning decisions are made and a desire to further dialogue with City staff.

**Current and Proposed Zoning**
Current Zoning – CR-2
Proposed Zoning – MIX-2 (162)

**Staff Response**
In May of 2016 the City approved the PARTS Central Plan. One of the primary purposes of preparing these plans for the Major Transit Station Areas, is that growth will be happening with ION, and the City wanted to get ahead of the infrastructure implementation and find the appropriate locations for intensification while protecting stable established neighbourhoods.

Following the completion of the PARTS Plans, there were changes in Provincial policy which also necessitated the need to update the planning framework for the Secondary Plans. For the most part the official plan land use designations and zone categories of the majority of the properties in the Secondary Plans are essentially remaining unchanged with respect to existing land use permissions.
Through the development of the PARTS Central Plan and again through the NPR Project, extensive 3D modelling was completed. The result was a better correlation of Floor Space Ratios (FSR) with building height. The correlation resulted in a better relationship between the two regulations wherein a development would not exceed the FSR based on permitted building height and vice versa.

As a result of the 3D modelling work, recommendations were made to incorporate a specific setback or a minimum distance of a medium or high-rise development to be located from an adjacent low-rise residential neighbourhood. The new required setbacks, based on building height, will ensure that medium and high-rise developments are compatible in height with adjacent development and will also facilitate an appropriate transition in building height to existing established low-rise residential neighbourhoods.

Planning staff are available for further dialogue and discussion.

Resolution
None required at this time. Planning staff are available for further dialogue and discussion.

28. Roland Street

Mr. Dave Sanders addressed the Committee in opposition to the proposed changes to the Zoning By-law regarding Roland Street. He raised concerns with changing the existing zoning from "existing use residential" to "existing use floodplain". Ms. Ingrid Fehderau was also in attendance in opposition to the proposed zoning with respect to name changes, for the property municipally addressed as 167 Sydney Street South.

Staff Response
See Response to Written Submission No. 14.

29. 167 Sydney Street South

Mr. Dave Sanders addressed the Committee in opposition to the proposed changes to the Zoning By-law regarding Roland Street. He raised concerns with changing the existing zoning from "existing use residential" to "existing use floodplain". Ms. Ingrid Fehderau was also in attendance in opposition to the proposed zoning with respect to name changes, for the property municipally addressed as 167 Sydney Street South.

Staff Response
See Response to Written Submission No. 140.

30. City’s Heritage Assets

Mr. Adam Smit addressed the Committee in opposition to the proposed changes to the Zoning By-law and the impact on the preservation of the City's Heritage assets.
Mr. Greg Dent addressed the Committee in opposition to the proposed changes to the Zoning By-law. He proposed a limitation on transport trucks using Courtland Avenue to exit the expressway.

Planning staff heard comments to Committee asking to confirm land use and impacts to property. There is a huge amount of traffic on Courtland Avenue which is sometimes bumper to bumper and there is difficulty exiting the driveway. This amount of traffic has quadrupled in 4 years.

**Current and Proposed Zoning**

Current Zoning – M-2, 159U

Proposed Zoning – MIX-3

**Staff Response**

The subject property is currently designated and zoned for ‘General Industrial’ uses. It is proposed to be redesignated and zoned for ‘Mixed Use’ uses.

The existing Mill Courtland Secondary Plan contains many properties designated and zoned for industrial employment uses. Some industries/businesses have left the area, but some continue...
to operate in accordance with this industrial land use. Given the nature of industrial employment uses, truck transport traffic is a reality and the shortest distance and fastest route is the exit and entrance to Highway No.8 at Courtland Avenue.

Some of these industrial employment properties are proposed to change to other land use designations such as Mixed Use, Residential and Innovation Employment. Truck transport traffic could lighten with the redevelopment of some of these properties from their industrial employment use to a commercial/residential use.

It is also hoped that vehicular traffic will also lessen over time with increased ridership on ION.

Resolution
None required at this time.

32. 29 Lilac Street

Mr. Ken Herminson addressed the Committee in support of the proposed changes to the Zoning By-law for the property municipally addressed as 29 Lilac Street. He expressed his desire to build a tiny home on the property but raised concerns with parking.
Current and Proposed Zoning
Current Zoning – R-7
Proposed Zoning – RES-5

Staff Response
As per the chart below, it is proposed that no parking be required for one (1) additional dwelling unit, attached or detached, in a Major Transit Station Area. Where two (2) new additional dwelling units are created, one (1) new parking space will be required to be provided.

Minimum and Maximum Required Rates for Parking Spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>UGC Zones</th>
<th>MTSA Areas (Appendix E)</th>
<th>MIX Zones</th>
<th>All Other Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Dwelling Unit (Attached) and Additional Dwelling Unit (Detached)</td>
<td>Minimum parking spaces: n/a</td>
<td>One Additional Dwelling Unit: 0 Or Two Additional Dwelling Units: 1</td>
<td>n/a</td>
<td>1 per dwelling unit</td>
</tr>
</tbody>
</table>

Resolution
None required.

33. 291 Weber Street East

Ms. Mary Dever and Mr. John Dancy addressed the Committee in support of the proposed changes and requested staff consider inclusionary zoning in the future.

Staff Response
See Responses to Written Submissions No. 26, No. 66, and No. 73.
Ms. Jackie Wall was in attendance in opposition to the proposed changes to the Zoning By-law and commented the City and the Region should be encouraged to be more transparent in their development planning processes.

Planning staff heard comments to Committee concerning another property outside of the Neighbourhood Planning Review area, in which it was discovered that a proposal for a semi-detached dwelling was on a former waste disposal site.

**Current and Proposed Zoning**

current Zoning – R-5, 129U

Proposed Zoning – RES-3 (159)

A comparable zone is proposed to be applied.

**Staff Response**

The property at 54 Pine Street is currently zoned R-5, 129U. The R-5 zoning currently allows up to a multiple dwelling with 3 dwelling units, however the 129U that is applied to this property does not permit this use. With the new Planning Act regulations which came into effect in 2018, Planning staff are required to implement zoning which will permit a single detached dwelling and 2 additional dwelling units, either 2 additional attached, or one additional attached and one additional detached. A lot will have to have a minimum lot area and frontage in order to be able to accommodate additional dwelling units, attached and detached. Accordingly, all lots have been given the new comparable zone to R-5, without the 129U, and are proposed to be zoned new RES-3.
New Site-Specific Provision (159) requires an attached/detached garage or carport to be located a minimum distance of 5.5 metres from the front façade of the dwelling. The new zoning is comparable to the existing zoning with the additional requirements to regulate the location of attached/detached parking structures in order to enhance and protect the character of the streetscape.

Resolution

No changes are recommended to be made. A similar land use designation and zone category, to what currently exists now, with an added site-specific provision to regulate the location of an attached/detached garage/carport, is proposed to be applied to 54 Pine Street.

35. 187 Madison Avenue South

Ms. Holly Andres addressed the Committee in opposition to the proposed changes. She requested the City address the derelict buildings found in the Madison Avenue South area.

Planning staff heard comments to Committee concerning the number of derelict buildings and brown zones in the area. Would like the properties cleaned up as they are encouraging inappropriate uses and they are ‘eye sores’.

Current and Proposed Zoning

Current Zoning – R-5, R-5, 1R
Proposed Zoning – RES-3 (159) (160)
Staff Response
Some of the properties further along Madison Avenue South in the existing Mill Courtland Woodside Secondary Plan and the new Rockway Secondary Plan are currently designated and zoned ‘General Industrial’ and are proposed to change to ‘Innovation Employment’ and ‘Medium Rise Residential’. It is hoped that the new land use designations and zones will facilitate ‘clean up’ and encourage these properties to redevelop in accordance with the new permitted uses.

Resolution
None required at this time.

36. 93 Park Street

Mr. Philip Drader advised buildings zoned Mixed -Use 4 would have no height restrictions and requested consideration be given to imposing restrictions on building heights.

Staff Response
See Response to Written Submission No. 115