

Planning Justification Report

Study Description:

A Planning Justification Report provides an independent professional planning assessment and evaluation of a development proposal through the review of the subject site, the appropriateness of a project within its locational context, the land use planning and policy framework applicable to it, and other matters as appropriate. The Planning Justification Report must be prepared in alignment with the *OPPI Independent Professional Judgment Standards of Practice*. This document sets out the standard requirements that must be included in a Planning Justification Report. More specific scoping of the Planning Justification Report may be identified by appropriate staff during the pre-application consultation process.

Purpose:

The purpose of this Terms of Reference ("TOR") is to establish clear expectations and requirements for the preparation of a Planning Justification Report submitted to the City of Kitchener. Compliance with these guidelines will help to expedite review times and mitigate the need for further revisions and submissions. Failure to satisfy the requirements set out in this TOR may result in an application being deemed incomplete. If an application is deemed incomplete it will be returned to the applicant to satisfy the necessary submission requirements.

When is it Required:

A Planning Justification Report is required for the following Planning Act applications:

- Official Plan Amendment
- Zoning By-law Amendment
- Draft Plan of Subdivision or Draft Plan of Vacant Land Condominium

A Planning Justification Report may be required for the following Planning Act applications:

- Committee of Adjustment Application for Minor Variance or Consent.
- Draft Plan of Condominium (Standard, Phased, etc).

The City may scope the requisite information to be contained in the Planning Justification Report on a case-by-case basis, and in consultation with any applicable external agencies through the pre-consultation process. In the instance where a planning application being advanced does not have a pre-application consultation process (e.g., Committee of Adjustment applications), the applicant is encouraged to contact the City's Planning Division to discuss the nature of the proposal and to determine if a Planning Justification Report is required.

Qualified Person:

A Planning Justification Report shall be prepared by or under the direction of a qualified and competent Registered Professional Planner (RPP) in good standing. The report must identify and be signed by the author(s) and, where prepared under the direction of an RPP, the signature of the RPP as a reviewer of the

report. The RPP that has signed the report shall take professional responsibility for its contents and the accuracy of the information contained therein.

Applicable Legislation:

The authority to require or request information or material to evaluate and make a decision on proposed planning applications is provided by the Ontario *Planning Act* and City of Kitchener Official Plan Section 17.E.10 (“Complete Application Requirements”).

Report Contents:

A. Introduction:

The introduction will provide a high-level overview of the proposal as well as the purpose of the land use planning application being requested.

The following should be included:

- ☐ Ownership/applicant information.
- ☐ Party/firm retained to write the report
- ☐ The address of the subject property
- ☐ A high-level overview of the development proposed
- ☐ A detailed summary of the purpose of the land use planning application(s) proposed, including any site specific policies or regulation contemplated by the applicant.

B. Site Description and Context Analysis:

This section will provide the reader with a clear understanding of the location of the proposed development and the existing conditions of the subject property.

The following should be included:

- ☐ A description of the location of the site and its municipal and legal property address.
- ☐ A description of current use(s).
- ☐ The total size of the site (in hectares, to three decimal points).
- ☐ A review of existing site conditions (e.g., buildings, structures, topography, municipal servicing and private services, vegetation, landscaping, potential contamination, heritage features, natural features, hazards, and if the site is subject to the Source Protection Plan, etc.).
- ☐ A summary of any existing registered plans, easements, restrictive covenants, and development agreements, if applicable (electronic copies of such documents are to be provided to the City under separate cover at the time of submission of the Planning Justification Report).
- ☐ An overview of any previous or concurrent planning approvals associated with the subject lands (e.g., previous Official Plan Amendments, Zoning By-Law Amendments, Site Plan approvals, Minor Variances, Ontario Land Tribunal decisions, etc.).
- ☐ Visuals (including but not limited to a site location map, aerial photography/imagery, photographs)

C. Context Analysis

The context analysis will provide a description of the context of the development within the broader geographic area.

The following should be included, as applicable:

- ☐ A description of neighbouring and nearby land uses.
- ☐ A description of the local character and context
- ☐ Identification of potentially incompatible or sensitive land uses within proximity to the site, and off-site constraints.
- ☐ Road, active transportation and transit services in proximity to the site.
- ☐ Parks, schools and community amenities
- ☐ Cultural heritage resources within a 300 metre radius
- ☐ Natural features and natural hazards within a 300 metre radius, including those identified on Schedule 'A4' and Schedule 'A5' of the City of Waterloo's Official Plan.
- ☐ Identification of nearby active development applications
- ☐ Visuals (including but not limited to maps, aerial photography/imagery, photographs)

D. Summary of Development Proposal

This section will provide a detailed description of the subject planning application(s) with sufficient information to provide the reader with a detailed understanding of the development being proposed.

The following should be included:

- ☐ A detailed description of any proposed buildings or structures.
- ☐ A detailed description of any new proposed uses.
- ☐ A review of any buildings, structures or vegetation to be removed.
- ☐ A review of the proposed site design including (but not limited to) building orientation, built form, streetscaping and public realm, accesses, parking layout, site circulation (pedestrian, cycling and vehicular), accessibility requirements, landscaping, and urban design.
- ☐ A site data chart, including key statistics such as the number and type of units, building height, total building floor area for each use, landscaped open space, density, parking and bicycle parking spaces, etc. in the same units of measurement as the relevant Official Plan policies and Zoning By-Law regulations.
- ☐ A detailed description of development phasing if multiple phases are proposed.
- ☐ A detailed outline of anticipated future applications (e.g., Zoning By-Law Amendment Application followed by a Site Plan Application, followed by a Plan of Standard Condominium Application)
- ☐ Visuals (including but not limited to maps, aerial photography/imagery, photographs)

E. Summary of Applications and Requested Approvals

This section will provide a summary of the development application(s) and any amendment(s) being requested to the Official Plan or Zoning By-law. Information may be summarized in a table format.

For amendments to the Official Plan or Zoning By-law, this section should include:

Last Updated June 7, 2024

- ☐ Reference to the specific policy or regulation proposed to be amended.
- ☐ Details of the proposed amendment.
- ☐ A draft of the proposed implementing policy/policies, by-law(s) and mapping revision(s) be included in this section or appended to the Report.

For Draft Approval of a Plan of Subdivision or Vacant Land Condo, this section should include:

- ☐ Complete overview of the proposed plan of subdivision including description of the number of lots, blocks, proposed land uses, proposed density .
- ☐ Proposed Draft Plan of Subdivision/Condominium.

F. Existing Planning Framework/Policy Review

This section of the Planning Justification Report is a fundamental component of the overall report and a critical element to the City in formulating a recommendation with regard to the application(s). This section of the report must demonstrate, through appropriate detailed analysis, how the proposed amendment/development is consistent with and/or conforms to the relevant land use planning framework, as set out in the:

- ☐ Planning Act
- ☐ Provincial Policy Statement
- ☐ Growth Plan for the Greater Golden Horseshoe
- ☐ Region of Waterloo Official Plan
- ☐ City of Kitchener Official Plan including:
 - ☐ Part B (Vision of a Complete and Healthy Kitchener)
 - ☐ Part C (The General Policies for a Complete and Healthy Kitchener)
 - ☐ Part D (Land Use Policies)
- ☐ City of Kitchener Urban Design Manual
- ☐ Any other applicable policy documents, studies, guidelines, and standards that pertain to the subject lands and proposal
- ☐ Review of applicable draft legislation (including Bills on the Environmental Registry of Ontario and approved legislation that has not yet received Royal Assent)

It is strongly recommended that the Planning Justification Report contain visuals showing the planning framework applicable to the property, which may include maps and land use schedules from applicable policy documents, zoning schedules, and environmental constraint mapping obtained from the GRCA.

G. Planning Rationale

This section of the Planning Justification Report should provide land use planning rationale and opinion as to why the proposal is appropriate and desirable, and how it addresses the principles of “good planning”. This section should not be a reiteration of the Existing Planning Framework/Policy Review and Planning Justification section of the Planning Justification Report (Section F), but rather should concentrate on the merits of the application from a land use planning perspective and should consider additional matters such as:

- ☐ Urban design principles and built form objectives;
- ☐ Land use compatibility and relationship with existing neighbourhood conditions;
- ☐ Sustainability considerations and environmental impact;

- ☐ Benefits to the community;
- ☐ Cultural and built heritage; and
- ☐ Other relevant planning and design considerations

Where site specific policies and/or regulations are proposed, this section should clearly discuss why each site-specific amendment is being requested and provide sound land use planning rationale to justify why each site-specific amendment represents good planning. For example, this may include an opinion statement on how the proposal provides beneficial social, economic or environmental outcomes; how the proposal contributes to creating complete, vibrant communities; and/or how potential negative impacts have been avoided or mitigated. The discussion should also include an assessment of the proposed development against good urban design practices, as well as direct references to relevant considerations and recommendations from Supporting Studies, as applicable.

This section of the report should also rationalize why the development application is appropriate in its context and provide an assessment of the impact of the development on the surrounding neighbourhood.

H. Supporting Studies

This section of the Planning Justification Report should provide a summary of the supporting studies submitted as part of a 'complete application' package. A summary of the key findings and conclusions from each study should be included. Should any supporting study make recommendations regarding mitigation measures (such as transportation demand management measures, wind and/or environmental noise mitigation measures, berms, building material improvements, etc.), these should be summarized for the benefit of the reviewer with a description of how/when each will be implemented.

K. Conclusions & Recommendations

The Summary and Conclusion section of the Planning Justification Report should clearly and succinctly summarize the findings, conclusions, and recommendations of the Report. This section should include:

- ☐ A summary of the development proposal and required development approvals.
- ☐ Concluding statements regarding the adherence of the proposal with the applicable land use planning framework.
- ☐ A summary of the land use planning rationale.
- ☐ Any recommendations to City staff and Council with regard to the application.
- ☐ Signatory of the author(s).

Additional Information

1. If City staff consider the submitted Planning Justification Report to be incomplete, unsatisfactory, inconsistent, insufficient, authored by an unqualified individual, or if it fails to satisfy the requirements set out in this TOR in any other manner, the associated development application may be deemed incomplete and returned to the applicant.
2. Deeming an application complete does not guarantee that the contents of the study are acceptable to City staff and/or that the application will be approved.
3. If a request for a Planning Justification Report is not made at an earlier stage in the development process, this does not preclude the City from requesting a Planning Justification Report at a later stage. Once an application has been deemed "complete", the City may require additional information, reports, and/or studies following a more detailed review to assess the implications of an application for approval.

4. The City of Kitchener is committed to complying with the Accessibility for Ontarians with Disabilities Act (AODA). In our everyday work with businesses institutions, and community partners we anticipate the same commitment to AODA compliance. Therefore, the Planning Justification Report must be AODA compliant and must meet the current provincial standard for compliance. ‘
5. The City reserves the right to request an updated study, or an addendum thereto, should staff determine that changes in the development proposal or changes to legislation warrant further/modified planning analysis.
6. City staff reserve the right to require a peer review of submitted materials by an appropriate agency or qualified professional, the cost of which will be borne by the applicant.
7. Documents and all related information submitted to the City as part of a complete development application are considered public documents once submitted.
8. The Planning Justification Report shall be submitted in conjunction with the applicable development application(s), unless otherwise agreed to by the City.
9. This Terms of Reference document is intended to be used for guideline purposes only, and will be used to provide technical direction throughout the planning and development process. Completion of a report in alignment with the requirements of this Terms of Reference will not guarantee approval of the development application in question.
10. This TOR is relevant at the time of publishing and will be updated as necessary to reflect current policy, best practices, and accepted standards. It is the applicant’s responsibility to ensure the report is prepared in accordance with the most recent version of the TOR issued by the City.