



Planning & Strategic Initiatives Committee Agenda

Monday, October 2, 2023, 6:30 p.m. - 7:00 p.m.

Council Chambers - Hybrid

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

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

The meeting live-stream and archived videos are available at www.kitchener.ca/watchnow.

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

Chair: Councillor P. Singh

Vice-Chair: Councillor D. Chapman

Pages

1. Commencement

2. Disclosure of Pecuniary Interest and the General Nature Thereof

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

3. Consent Items

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

3.1 Traffic Calming 2023 Initiation Approval, DSD-2023-287

3

4. Delegations

Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. All Delegations where possible are encouraged to register prior to the start of the meeting. For Delegates who are attending in-person, registration is permitted up to the start of the meeting. Delegates who are interested in attending virtually must register by TIME on September 18, 2023 in order to participate electronically.

4.1 Item 5.1 - Peter Watt, Crossways to Life**5. Public Hearing Matters under the Planning Act (advertised)**

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

5.1	Official Plan Amendment Application	30 m	16
	OPA23/012/W/CD, Zoning By-law Amendment		
	Application ZBA23/022/W/CD, 83-87 Weber		
	Street East, Brigade Holdings Corporation,		
	DSD-2023-322		
	<i>(Staff will provide a 15-minute presentation on this matter.)</i>		

6. Discussion Items

6.1 None at this time.

7. Information Items

7.1	Integrity Commissioner Annual Report - July 1, 2022 to June 30, 2023,	89
	COR-2023-420	

8. Adjournment

Marilyn Mills
Committee Administrator

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: October 2, 2023

SUBMITTED BY: Barry Cronkite, Director, Transportation Services,
519-741-2200 ext. 7738

PREPARED BY: Connor Payne, Traffic Technologist, Transportation Services
519-741-2200 ext.7374

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: September 12, 2023

REPORT NO.: DSD-2023-287

SUBJECT: Formal Traffic Calming 2023 Initiation Approval

RECOMMENDATION:

That a traffic calming review for Dumfries Avenue between Stirling Avenue North and Edna Street be initiated in 2023.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend Dumfries Avenue between Stirling Avenue North and Edna Street for a Formal Traffic Calming review in 2023.
- The key finding of this report is that Dumfries Avenue between Stirling Avenue North and Edna Street is currently ranked the highest priority of streets on the traffic calming priority list.
- The financial implications include a budget of \$72,500 for the planning, design, and installation of one (1) formal traffic calming project.
- Community engagement will include residents located along Dumfries Avenue, and those in the surrounding catchment areas who are directly affected will be engaged by way of a public meeting, surveys, project webpage, and other forms of communication.
- This report supports the delivery of core services.

BACKGROUND:

The existing City of Kitchener traffic calming policy was adopted by Council in March 2014 (INS-14-042). The traffic calming policy outlines evaluation criteria that provide a fair and consistent review to prioritize streets that are most in need of traffic calming from a traffic safety perspective. Further, in December 2021 Council approved a Vision Zero Strategy through staff report *DSD-2021-210*. This strategy targets the elimination of serious injuries and fatalities resulting from vehicle collisions in the City of Kitchener.

Vision Zero focuses on areas identified as most in need of safety improvements through a holistic data-driven approach and a hot spot improvement program. To fund these improvements and to strategically advance engineering improvements in problematic areas

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

through the Vision Zero program, Council supported the reduction in the number of annual traffic calming reviews from three to one annually.

It is also worth noting that Transportation Services manages a traffic calming priority list. This list includes all streets that have had requests for traffic calming measures, either through a request from Council or Kitchener residents. The traffic calming priority list is reviewed on an annual basis with respect to speed, volume, collisions, and other safety factors. Attached is the current traffic calming priority list which has been filtered to display warranted roadways (Attachment 'A').

REPORT:

The intent of traffic calming is to reduce vehicle speeds, deter non-residential traffic from the area and reduce the risk of collisions, thereby increasing safety for all users within the right-of-way. The types of traffic calming measures selected depend on the issues being addressed and the function of the street. Currently, there are a total of 19 locations on the priority list that are warranted for traffic calming.

Dumfries Avenue (between Stirling Avenue North and Edna Street) currently ranks first on the list due to the following:

- Ranked 1st on the warranted traffic calming list with 52 points;
- Designated as a Minor Neighbourhood Collector Street with a posted speed limit of 40 km/h;
- 2020 recorded 85th percentile speed (speed at which 85 percent of drivers travel at or below): 57 km/h;
- 2020 recorded AADT (average annual daily traffic): 2938 vehicles.
- 10 collisions reported to the WRPS within the last 3 years
- Identified concerns include speeding, collisions and traffic volumes, which can be addressed through the proposed traffic calming review.

Based on the information above, it is recommended that Dumfries Avenue (between Stirling Avenue North and Edna Street) undergo a formal traffic calming review in 2023 with installation expected in 2024.

PUBLIC ENGAGEMENT FOR FORMAL TRAFFIC CALMING

In 2021 Transportation Services implemented a modified public engagement process as approved in staff report *DSD-20-036, 2020 Formal Traffic Calming Reviews – Initiation Approval*. The modified approach includes (1) public information centre with more focus on collaborative design earlier in the process, rather than two (2) town hall style meetings. Staff are planning a similar hybrid meeting that will still include a presentation followed by a public design discussion facilitated by staff. The presentation will introduce the traffic calming process, opportunities, and challenges, and provide opportunity to participate in design. Also introduced in 2021 were dedicated *Engage Kitchener* project webpages for each traffic calming review. Project webpages include a news feed with important updates, project timelines, FAQs, project documentation, opportunity for ongoing feedback, and project lead contact information. An Engage Kitchener project page will again be utilized for the proposed Dumfries Avenue formal traffic calming review.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Council has allocated \$72,500 for the completion of one (1) formal traffic calming review in 2023. This budget will be applied to the planning, design, and installation of traffic calming measures.

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

COMMUNITY ENGAGEMENT:

Residents located along Dumfries Avenue, and those in the surrounding catchment areas who are affected, will be engaged by way of a minimum of one (1) public meeting, two (2) surveys, and other forms of communication. The project will be assigned to a project manager who will be a single point of contact for residents throughout the course of the traffic calming review, and a dedicated project webpage will be developed and shared with residents.

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- Report Number: INS-14-042 - Amendment to INS 13-106 - Traffic Calming Policy
- Policy No: MUN-STR-1235 - Traffic Calming

APPROVED BY: Justin Readman, General Manager, Development Services Department

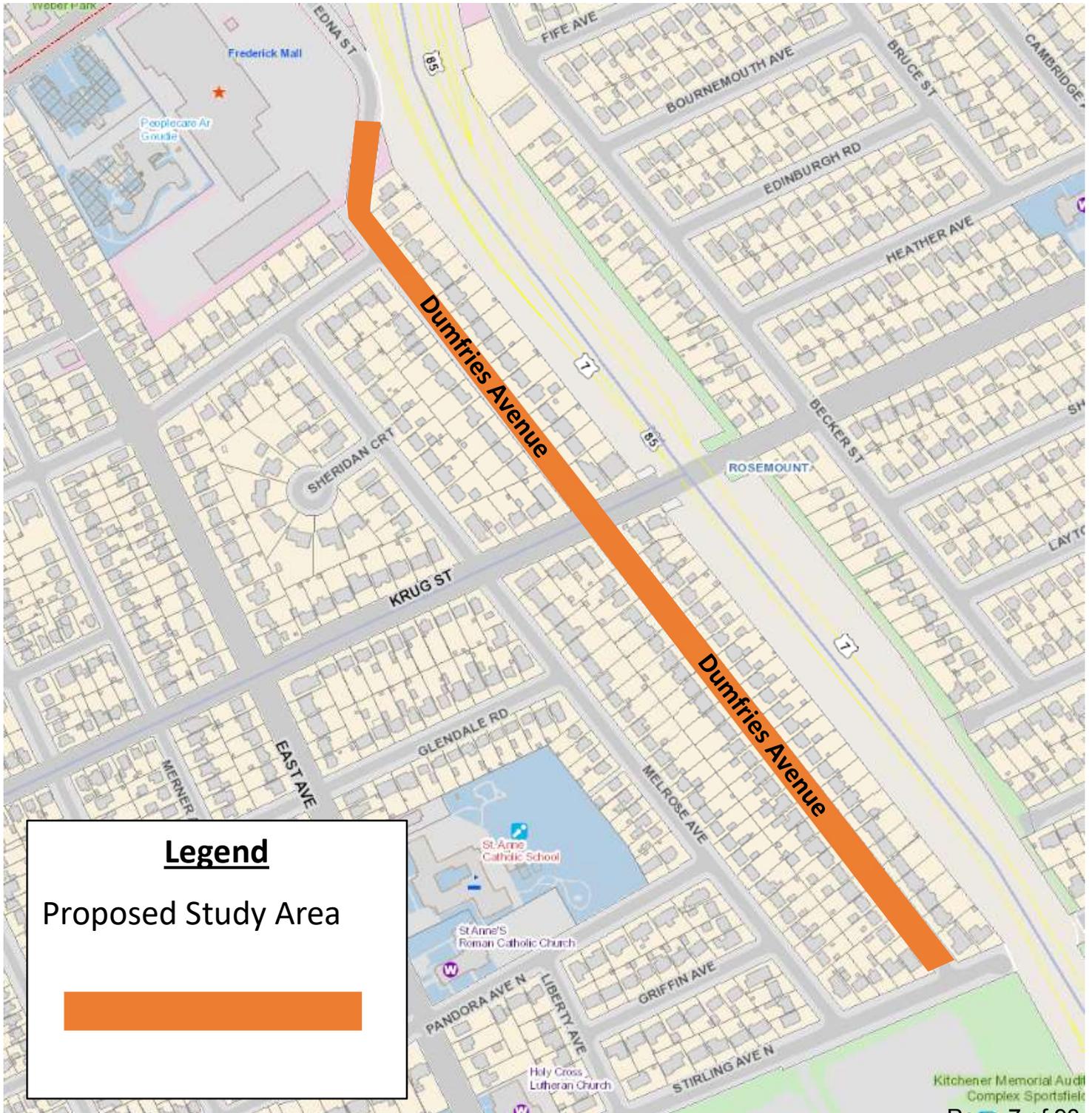
ATTACHMENTS:

- Attachment A – 2023 Warranted Traffic Calming Priority List
- Attachment B – Dumfries Avenue Proposed Traffic Calming Study Area

2023 Warranted Locations for Traffic Calming Review																					
Rank	Street Name	Road Classification	Speed Limit	85th Percentile Speed	Speed Over 50km/h	Speed Points Unrounded	Volume	Volume Points Rounded (0.5)	Collisions	Length km	Collisions per km	coll/mil/km	Collision Points (Max 15)	Collision Points Rounded (0.5)	Cycling	Sidewalks	Community Destinations	Total Points	Total Points Rounded	Classification Eligible = 0 Ineligible = 1	Ward
1	Dumfries Ave (Edna - Stirling)	Minor Collector	50	57	7	17.5	2,938	18.0	10.0	0.94	10.64	9.92	9.9	10.0	2.5	0.0	4.0	52.00	52	0	10
2	Old Country Drive	Minor Collector	50	55	5	12.5	2520	15.5	7.0	0.47	14.89	16.19	15.0	15.0	2.5	0	4	49.50	50	0	6
3	Karn Street	Local Road	50	56	6	15.0	1,275	19.5	3.0	0.83	3.61	7.77	7.8	8.0	2.5	0	4	49.00	49	0	8
4	Blackhorne Drive	Local Road	50	56	6	15.0	1,219	19.0	4.0	1.17	3.42	7.68	7.7	7.5	2.5	0	4	48.00	48	0	6
5	Black Walnut Dr	Minor Collector	50	58	8	20.0	3,066	18.5	1.0	0.45	2.22	1.99	2.0	2.0	2.5	0	4	47.00	47	0	4
6	Union St (Lancaster - Margaret)	Minor Collector	50	58	8	20.0	2,399	14.5	2.0	1.10	1.82	2.08	2.1	2.0	5.0	0	5	46.50	47	0	10
7	West Avenue	Major Collector	50	56	6	15.0	3,856	14.5	8.0	0.58	13.79	9.80	9.8	10.0	2.5	0	4	46.00	46	0	9
8	Erinbrook Drive (Rittenhouse - Rittenhouse Bottom Half)	Minor Collector	50	57	7	17.5	2,130	13.0	9.0	1.57	5.73	7.37	7.4	7.5	2.5	0	5	45.50	46	0	6
9	Thomas Slee Drive (between Robert Ferrie & South Creek)	Minor Collector	50	56	6	15.0	2,385	14.5	7.0	1.50	4.67	5.36	5.4	5.5	2.5	0	5	42.50	43	0	4
10	Apple Ridge Drive	Minor Collector	50	55	5	12.5	3,658	22.0	1.0	1.25	0.80	0.60	0.6	0.5	2.5	0	5	42.50	43	0	4
11	Carson Drive	Minor Collector	40	55	5	12.5	2,120	13.0	3.0	0.55	5.45	7.05	7.0	7.0	2.5	2	5	42.00	42	0	1
12	Windrush Trail	Minor Collector	50	55	5	12.5	1,158	7.0	2.0	0.38	5.26	12.45	12.5	12.5	2.5	0	4	38.50	39	0	4
13	Copper Leaf Street	Local Road	50	56	6	15.0	1,117	7.0	3.0	0.62	4.84	11.87	11.9	12.0	0.0	0	4	38.00	38	0	5
14	Eastforest Trail	Major Collector	50	57	7	17.5	3,039	11.5	0.0	0.83	0.00	0.00	0.0	0.0	5.0	0	4	38.00	38	0	7
15	East Avenue (Krug - Weber)	Major Collector	40	55	5	12.5	2975	11.0	4.0	1.00	4.00	3.68	3.7	3.5	5	0	5	37.00	37	0	10
16	Guelph St (Lancaster - Riverbend)	Major Collector	50	55	5	12.5	1,332	5.0	3.0	1.18	2.54	5.23	5.2	5.0	5.0	4	4	35.50	36	0	10
17	Grand River Boulevard (Morrison - River)	Minor Collector	50	55	5	12.5	2,616	16.0	5.0	1.19	4.20	4.40	4.4	4.5	0.0	0	2	35.00	35	0	2
18	Mill Park Drive	Major Collector	40	55	5	12.5	1519	5.5	2.0	1.48	1.35	2.44	2.4	2.5	2.5	4	4	31.00	31	0	4
19	Autumn Ridge Trail	Minor Collector	50	56	6	15.0	1,030	6.0	1.0	1.32	0.76	2.02	2.0	2.0	2.5	0	4	29.50	30	0	4

Proposed 2023 Traffic Calming Study Area

Dumfries Avenue between Edna Street and Stirling Avenue North



REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: October 2, 2023

SUBMITTED BY: Rosa Bustamante, Director of Planning 519-741-2200 ext. 7319

PREPARED BY: Brian Bateman, Senior Planner 519-741-2200 ext. 7869

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: September 14, 2023

REPORT NO.: DSD-2023-408

SUBJECT: 7 Morrison Road, ZBA23/026/M/BB
Lifting of Holding Provision 42H, Klondike Homes Ltd.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA23/026/M/BB for Klondike Homes Ltd. for the purpose of removing Holding Provision 42H from the lands specified in the attached Map No.1, in the form shown in the “Proposed By-law, attached to the Report DSD-2023-408 as Appendix A, be approved.

REPORT HIGHLIGHTS:

- The purpose of this report is to seek Council’s approval of a zoning by-law amendment to remove Holding Provision 42H from the lands municipally addressed as 7 Morrison Road.
- The applicant has satisfied the conditions outlined within the holding provision as confirmed by the Regional Municipality of Waterloo.
- There are no financial implications associated with this zoning by-law amendment.
- Community engagement included notification of the intent to pass a by-law to remove the Holding Provision that was advertised in The Record on September 8, 2023.
- This report supports the delivery of core services.

BACKGROUND:

An application by Klondike Homes Ltd. was received to lift Holding Provision 42H to facilitate development of the subject lands for stacked townhomes. This report seeks Council’s approval of a Zoning By-law Amendment to remove the holding provision 42H from the property.

REPORT:

Official Plan Amendment and Zoning By-law Amendment applications were submitted and subsequently approved by Council on May 2, 2023. As part of the approval of the Zoning By-law Amendment, a Holding Provision was implemented that would require that the Region of Waterloo be satisfied with respect to the submission of a Record of Site

Condition (RSC) and a detailed Noise Study before the holding provision can be lifted. Region staff have now confirmed that the requirement for the RSC is no longer applicable, and also advised that the findings and recommendations of the latest detailed Noise Study are satisfactory.

The City is in receipt of correspondence (Attachment C) indicating that the Regional Municipality of Waterloo is satisfied that the applicant has met the requirements of 42H. Accordingly, Planning staff is of the opinion that the requested zoning by-law amendment to remove holding provision 42H is appropriate at this time. Planning Staff recommends removing Holding Provision 42H as shown on Map No. 1 contained within Attachment 'A'.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Council / committee meeting. Notice of the intention to pass a By-law to remove the Holding Provision was placed in the Record on September 8, 2023 (Attachment B). Under the Planning Act a statutory public meeting is not required for zoning by-law amendments to remove holding provisions and a neighbourhood circulation is not required.

PREVIOUS REPORTS/AUTHORITIES:

- DSD-2023-120
- Planning Act
- City’s Official Plan
- Zoning By-law 2019-051

REVIEWED BY: Garrett Stevenson – Manager of Development Review

APPROVED BY: Justin Readman, General Manager Development Services

ATTACHMENTS:

- Attachment A – Proposed Zoning By-law and Map No. 1
- Attachment B – Newspaper Notice
- Attachment C – Regional Municipality of Waterloo Correspondence
- Attachment D - By-law 2023-047

BY-LAW NUMBER _____

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law No. 2019-051, as amended, known as the Zoning By-law for the City of Kitchener – Klondike Homes Ltd. – 7 Morrison Road)

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

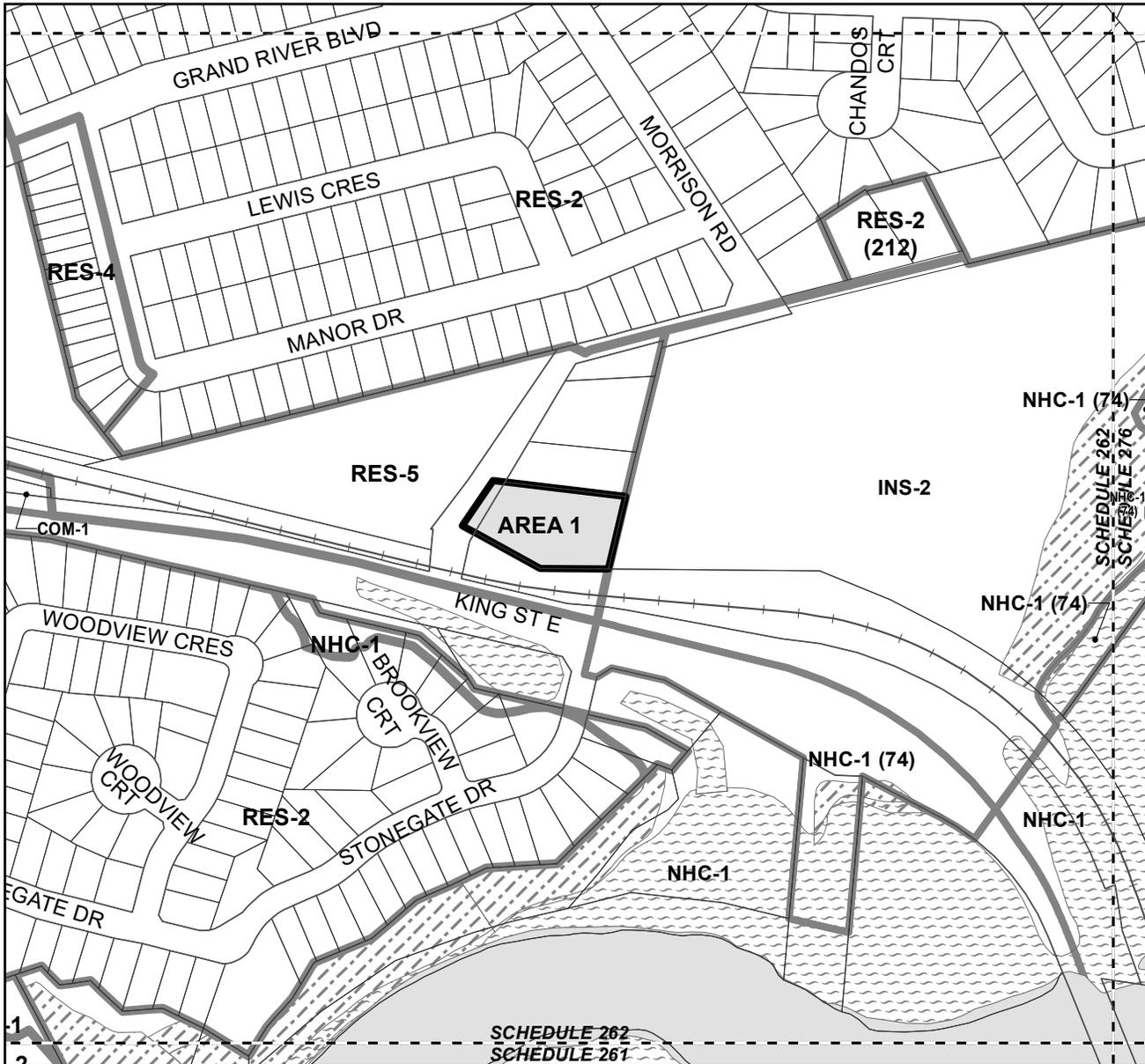
NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. Schedule Number 262 of Appendix “A” to By-law 2019-051 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, from Low Rise Residential Five Zone (RES-5) with Site Specific Provision (361) and Holding Provision 42H to Low Rise Residential Zone (RES-5) with Site Specific Provision (361).

PASSED at the Council Chambers in the City of Kitchener this ____ day of ____ 2023.

Mayor

Clerk



SUBJECT AREA(S)



AMENDMENT TO BY-LAW 2019-051

AREA 1 -
 FROM LOW RISE RESIDENTIAL FIVE ZONE (RES-5)
 WITH SITE SPECIFIC PROVISION (361)
 AND HOLDING PROVISION (42H)
 TO LOW RISE RESIDENTIAL FIVE ZONE (RES-5)
 WITH SITE SPECIFIC PROVISION (361)

BY-LAW 2019-051

COM-1 LOCAL COMMERCIAL ZONE
 INS-2 MAJOR INSTITUTIONAL ZONE
 RES-2 LOW RISE RESIDENTIAL TWO ZONE
 RES-4 LOW RISE RESIDENTIAL FOUR ZONE
 RES-5 LOW RISE RESIDENTIAL FIVE ZONE
 (NHC-1) NATURAL CONSERVATION ZONE

ZONE GRID REFERENCE
 SCHEDULE NO. 262
 OF APPENDIX 'A'

KITCHENER ZONING BY-LAW 85-1 AND 2019-051

ZONE LIMITS

FLOODING HAZARD

SLOPE EROSION HAZARD



MAP NO. 1

KLONDIKE HOMES LTD.

7 MORRISON RD



SCALE 1:4,000

DATE: SEPTEMBER 12, 2023

ZONING BY-LAW AMENDMENT ZBA23/026/M/BB

OFFICIAL PLAN AMENDMENT N/A

City of Kitchener

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
 ZBA23026MBB_MAP1
 .mxd

NOTICE OF PUBLIC MEETING

for removal of a holding provision

7 Morrison Road



Location Map



Removal of
Holding Provision 42H

Community & Infrastructure Services Committee

Date: **October 2, 2023**

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

To view the staff report, agenda, meeting details & start time of this item (to be posted 10 days before meeting), visit [kitchener.ca/meetings](https://www.kitchener.ca/meetings)

To learn more about this project, visit:

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

or contact:

Brian Bateman, Senior Planner
brian.bateman@kitchener.ca
519.741.2200 x7869

The City of Kitchener will consider an application for a Zoning By-law Amendment to lift Holding Provision 42H in Zoning By-law 2019-051 affecting the subject lands. The requirements for the removal of 42H have been fulfilled with the approval of a Noise Study and a Record of Site Condition by the Region of Waterloo.



Region of Waterloo

PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning

150 Frederick Street 8th Floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

File: C14-60/2/23026
September 21, 2023

Brian Bateman, MCIP, RPP
Senior Planner
City of Kitchener
City Hall, P.O. Box 1118
200 King Street West
Kitchener, ON N2G 4G7

Dear Mr. Bateman:

Re: ZBA 23/026/M/BB
Removal of Holding Provision – 42H
Klondike Homes Ltd.
7 Morrison Road
City of Kitchener

In accordance with By-law No. 17-035 of the Regional Municipality of Waterloo, please accept the following recommendation regarding the above-noted application on behalf of the Council of the Regional Municipality of Waterloo.

The applicant has submitted a request to lift the holding provision for the site. Holding Provision 42H is as follows:

42. “Notwithstanding Section 7 of this Bylaw, within the lands zoned RES-5 (361) and shown as being affected by this subsection on Zoning Grid Schedule Number 262 of Appendix “A”, only those uses which lawfully existed on the date of passing of this By-law, shall be permitted to continue until such time as this Holding Provision is removed by by-law once the City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region’s requirements have been satisfied with respect to the submission of a Record of Site Condition and a detailed Noise Study.”

Record of Site Condition

Since adoption of holding provision 42H Regional staff has determined in consultation with City of Kitchener staff, that the purpose of the original zoning by-law amendment (ZBA 22/024/M/BB) was to provide for a change in regulation, and not an increase in

Document Number: 4480311

Version: 2

density for a sensitive use on the subject site. As such, a Record of Site Condition is not required in accordance with the Region's Implementation Guideline for the Review of Development Applications On or Adjacent to Known and Potentially Contaminated Sites (June 24, 2009).

Detailed Noise Study

The applicant has submitted a noise study entitled, "Environmental Noise Study, 7 Morrison Road, Kitchener, Ontario" (JPE Engineering, April 5, 2023). The Report assessed the impacts of road and rail traffic noise on the proposed development. The Report conclusions and recommendations are acceptable to Regional staff, which recommendations include a 2.4m high noise wall on private property, provision for central air conditioning, brick veneer construction, and noise warning clauses. The Region's review comments are being provided under separate cover.

Implementation

Regional staff understands there is no provision under the Planning Act to enter into an agreement with the Region of Waterloo under the current (or original) zoning by-law amendment application to secure implementation of the noise study recommendations. However, Regional staff understands the applicant intends to make application for a plan of condominium, at which time these mitigation measures may be secured through conditions of draft approval, including entering into an agreement with the Region to secure implementation of the noise mitigation. This is satisfactory to Regional staff.

Based on the above, the Region has **no objection** to the removal of Holding Provision 42H at this time.

Satisfactory arrangements have been made with the applicant regarding remittance of the Region's fee for this application,

Should you have any questions, please do not hesitate to contact Shilling Yip, Senior Planner, at syip@regionofwaterloo.ca.

Yours truly,



Amanda Kutler, MCIP, RPP
Manager, Community Planning

cc. Pierre Chauvin, MHBC Planning

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: October 2, 2023

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

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

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: September 1, 2023

REPORT NO.: DSD-2023-322

SUBJECT: Official Plan Amendment Application OPA23/012/W/CD
Zoning By-law Amendment Application ZBA23/022/W/CD
Address: 83-87 Weber Street East
Owner: Brigade Holdings Corporation

RECOMMENDATION:

That Official Plan Amendment Application OPA/23/012/W/CD for Brigade Holdings Corporation requesting a land use designation change from 'Market District' to 'Market District with Specific Policy Area 9' to permit a 25-storey mixed use development on the lands specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-322 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/022/W/CD for Brigade Holdings Corporation be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2023-299 as Appendix 'B'.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment applications for the property located at 83-87 Weber Street East. It is Planning staff's recommendation that the Official Plan and Zoning By-law Amendment applications be approved.
- Community engagement included:
 - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;

- installation of three large billboards notice sign on the property (one facing each street);
 - follow up one-on-one correspondence with members of the public;
 - Neighbourhood Meeting held on August 3, 2023;
 - postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site and those who responded to the preliminary circulation;
 - notice of the public meeting was published in The Record on September 8, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Planning staff is recommending approval of the requested Official Plan Amendment to add Specific Policy Area 9 to Map 4 and Policy 15.D.2.72 to the text in the Official Plan to allow for an increased Floor Space Ratio (FSR) of 14. Planning Staff is recommending approval of the requested Zoning By-law Amendment application to change the zoning from 'Commercial Residential Zone (D-5)' to 'Commercial Residential Zone (D-5) with Special Regulation Provision 805R' in Zoning By-law 85-1 to allow for an increased Floor Space Ratio (FSR); to regulate building setbacks; and to regulate parking and bicycle parking requirements and to apply a Holding Provision 110H to require an updated Urban Design Brief, and an updated Noise Study. Staff recommends that the applications be approved.

BACKGROUND:

Brigade Holdings Corporation has made applications to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to change the land use designation and zoning of the lands at 83-87 Weber Street East to permit the lands to be developed with a 25-storey mixed use development with 336 residential dwelling units and three ground floor commercial units and 14 parking spaces located internal to the building.

The lands are located within the Urban Growth Centre, designated 'Market District' in the City of Kitchener Official Plan (2014) and are zoned as 'Commercial Residential Zone (D-5)' in Zoning By-law 85-1.

Existing Commercial Residential Zone (D-5) zoning permissions include:

- Commercial and residential uses;
- Maximum Floor Space Ratio (FSR) of 4.5 (3.0 for residential and 1.5 for all other uses);
- Rear yard setback of 3.0 metres; and
- Minimum front yard setback of 3.0 metres.

Site Context

The subject lands include the consolidation of two properties, municipally known as 83 and 87 Weber Street East, which are situated within the City of Kitchener's Downtown. The subject lands are located at the southwest side of the Weber Street East near the intersection of Weber Street East and Scott Street. The consolidated property has a lot area of 0.20 hectares (0.49 acres) with 52 metres of frontage along Weber Street East.

The surrounding neighbourhood consists of a variety of uses including high rise mixed-use, commercial, buildings, medium rise and low rise residential, institutional and office buildings. 83 Weber Street East is currently developed with a 2-storey mixed use building with 2 ground floor commercial units and a residential dwelling unit located on the upper floor, while 87 Weber Street East is currently developed with a 2-storey multiple dwelling building. In total, there are 4 residential dwelling units within the existing multiple dwelling at 87 Weber Street East, 3 that are currently rented to tenants at market rate while 1 dwelling unit is vacant and requires extensive renovations. The owner has several other rental properties in the City of Kitchener and staff have been advised that the Owner has committed to arranging for relocation of the existing tenants to new market rate units and will be assisting and supporting in the relocation efforts.

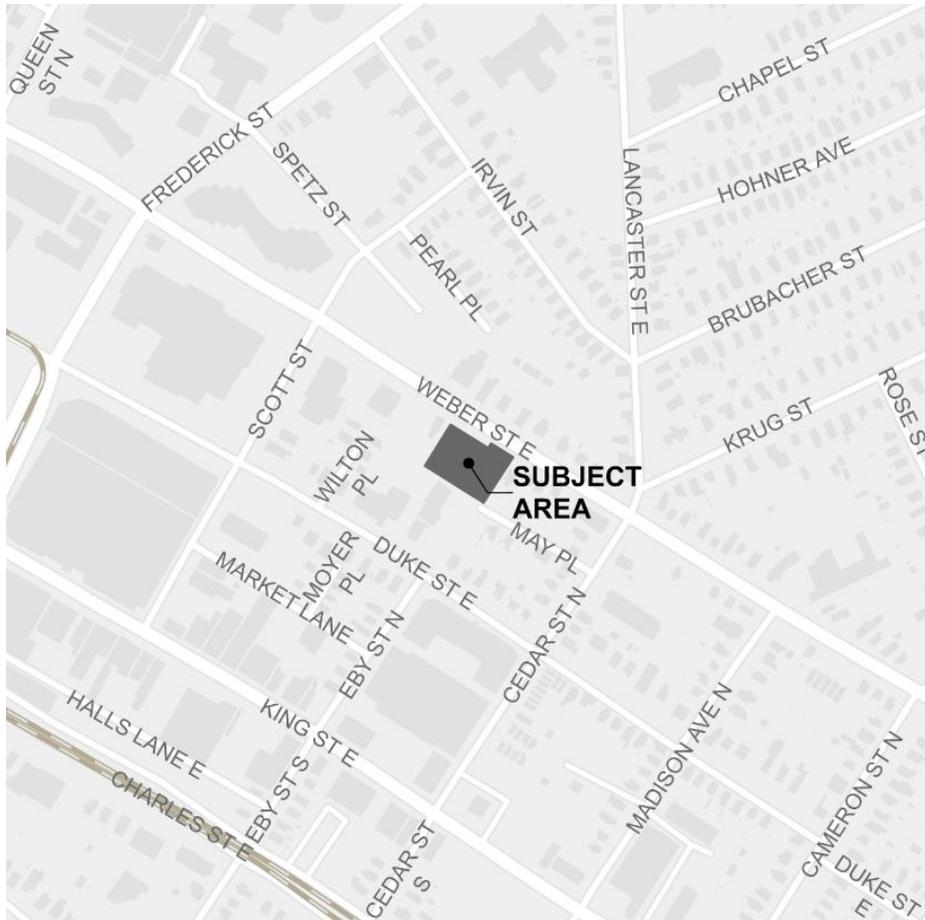


Figure 1 – Location Map: 83-87 Weber Street East

REPORT:

The applicant is proposing to develop the subject lands with a 25-storey mixed use development with a proposed Floor Space Ratio (FSR) 14. The proposed development includes one building with an 18 storey tower on top of a 7-storey podium, for a total height of 25 storeys. The high rise mixed use building proposes a total of 336 residential dwelling units with 14 parking spaces located internal to the building. Four hundred and eight (408) Class A (secured indoor) bicycle parking spaces are proposed along with 6 Class B visitor bicycle spaces. Vehicular access, three (3) ground floor commercial units and the building's lobby are proposed at grade along Weber Street East.

Table 1 below highlights the development concept statistics while Figures 2 and 3 show the proposed development concept site plan and building elevations of the development proposal.

Table 1. Proposed Development Concept Statistics

	Development Concept
Number of Units	336 residential dwelling units, 3 ground floor commercial units
Parking Spaces	14 parking spaces
Total Building Height	25 storeys
Class A (indoor secured) Bicycle Parking	Minimum of 1 per unit (408 provided)
Class B (outdoor visitor) Bicycle Parking	6
Floor Space Ratio	14
Unit Types	241 – One Bedroom Units 68 - Two Bedroom units 27 - Three Bedroom Units



Figure 3 – Proposed Building Rendering: Front elevation along Weber Street East

To facilitate the redevelopment of 83-87 Weber Street East with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are required to change the land use designation and zoning of the subject lands as the existing Official Plan policies only permit a maximum Floor Space Ratio of 3.0 and the zoning only permits a maximum Floor Space Ratio (FSR) of 4.5. The lands are currently designated 'Market District' (Map 4, Urban Growth Centre) in the City of Kitchener Official Plan (2014) and zoned 'Commercial Residential Zone (D-5)' in Zoning By-law 85-1.

The owner is proposing to add Specific Policy Area 9 to Map 4 and Policy 15.D.2.72 to the text in the Official Plan to allow for an increased Floor Space Ratio (FSR) of 14 and requesting to change the zoning from 'Commercial Residential Zone (D-5)' to 'Commercial Residential Zone (D-5) with Special Regulation Provision 805R' in Zoning By-law 85-1, to allow for a FSR of 14; regulate parking and bicycle parking requirements; and to further regulate building setbacks. Holding Provision 110H is also proposed to be added to the property to require an updated Urban Design Brief demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate on-site amenity to the satisfaction of the City of Kitchener's Director of Planning. The Holding

Provision will also prevent the development of the site with sensitive uses, including residential uses, until the Region is in receipt of a revised Noise Study, completed to the satisfaction of the Region of Waterloo.

Planning Analysis:

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

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

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

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

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

Provincial Policy Statement, 2020:

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

integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

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

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

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

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

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas including major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

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

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:

- i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
 - f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
 - g) integrate green infrastructure and appropriate low impact development.

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

Policy 2.2.4 requires that planning be prioritized for MTSA's on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSA's on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stations are Major Transit Station Areas (MTSA's) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated Urban Growth Centre (UGC), and within a Major Transit Station Area (MTSA) in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA boundary for the ION Frederick Stop. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved by the Minister in August 2022. The subject lands are within the Frederick MTSA. The proposed development provides residential intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Urban Growth Centre in the ROP. Development within the Urban Growth Centre is intended to achieve by 2031 or earlier a minimum density target of 200 residents and jobs combined per hectare. In addition, development within Urban Growth Centres are to accommodate significant population and employment growth that supports the transit network at the regional scale. The development concept proposes a higher density mixed use development that contributes to the achievement of the minimum intensification target established for the Urban Growth Centre Area of 200 people and jobs per hectare.

The subject lands are located in the Frederick Major Transit Station Area (MTSA) in the ROP. The minimum density target within the Frederick MTSA is 160 people and jobs/ha. The density proposed through this application exceeds the density target of 160 people and jobs/ha on a site-specific basis and the proposed development will contribute to the achievement of the overall density target for the Frederick MTSA. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. The Frederick MTSA includes lands which are not anticipated to redevelop with high density residential uses, including smaller fragmented parcels and non-residential buildings such as the new courthouse and other civic buildings.

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

City of Kitchener Official Plan (OP)

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

Complete Community

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

The applicant is proposing to contribute to a complete community with 336 residential dwelling units and 327 square metres of non-residential commercial and retail space. Considerable thought for the orientation and placement of the building, podium height, and building step backs, have been incorporated into the design for this high intensity mixed use development.

Urban Structure

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

Component and Intensification Area in the city. The planned function of the UGC is to accommodate a significant share of the Region's and City's future population and employment growth. Section 3.C.2.13 of the OP indicates that the UGC is planned to achieve, by 2031 or earlier, a minimum density of 225 residents and jobs combined per hectare and assist in achieving the minimum residential intensification target identified in Policy 3.C.1.6. The UGC is planned to be a vibrant Regional and City-wide focal point and destination and is intended to be the City's primary focal point for residential intensification as well as for investment in institutional and Region-wide public services, commercial, office, recreational, cultural and entertainment uses.

The site is also within the Frederick MTSA and within 300 metres of both the Frederick and Kitchener Market ION stops. In accordance with Policy 3.C.2.17 of the OP, the planned function of the MTSAs is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in MTSAs give consideration to the Transit-Oriented Development (TOD) policies contained in Section 13.C.3.12 of the OP. Generally, the TOD policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well-served by nearby transit and rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that implements the City's policy direction for the UGC and MTSA and also contributes to the vision for a sustainable and more environmentally-friendly city.

Land Use

The subject lands are designated 'Market District' (Map 4, Urban Growth Centre) in the City of Kitchener Official Plan. The Market District is located at the eastern entrance to the Downtown and functions as a unique village-like setting anchored by market uses. Many of the properties which were originally developed as single detached residential dwellings have been converted to commercial uses given their proximity to the City Centre District. The collection of buildings on Market Lane and others on Eby Street have been converted or redeveloped with a similar design theme creating a unique and attractive environment. The primary uses permitted in the Market District include residential, commercial, and institutional uses.

Policies 15.D.2.59 to 15.D.2.60 of the City of Kitchener's Official Plan encourage redevelopment and higher density developments along the arterial roads of the Market district (in this case, Weber Street E) and restricted higher density redevelopments internal to the district restricting density for properties that front Market Lane or Duke Street.

The applicant is proposing to add Specific Policy Area 9 to the Urban Growth Centre, (Map 4) to allow a Floor Space Ratio (FSR) of 14 whereas the current Official Plan policies only allow for a maximum FSR of 3.0.

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

Growing Together

The Growing Together project is the continuation of the City's ongoing planning review process that began with PARTS and advanced through the Neighbourhood Planning Review (NPR) project, while also responding to new direction from the Province, implementing the updated Regional Official Plan, and addressing new and emerging City priorities.

Preliminary designations and zoning categories have been drafted by staff and are currently available public for consultation. The subject lands, together with surrounding lands are contemplated to be designated to allow for high-rise form developments where lot consolidation occurs such as the proposed development of the consolidated properties at 83-87 Weber Street East. The approach to zoning and policies of Growing Together differs from the current zoning regime which makes strong use of numerical metrics such as building height and floor space ratio. These metrics are useful in many contexts, however become somewhat problematic in considering high-density and high-rise developments where site sizes and building heights can vary significantly. Staff are recommending a form based zoning approach as part of the Growing Together project, which will place a greater emphasis on the pedestrian experience and design of buildings at grade and as experienced on the street, as well as appropriate tower floor plate sizes, separations and setbacks which protect from tower overlook within and between sites, which preserve access to sunlight and mitigates shadow impacts, and which provides for an interesting skyline which is also the goal of the City's Tall Building Guidelines.

At the time of this report, Staff are drafting the recommended site-specific policy and zoning regulations for the subject lands in consideration of the direction of the Growing Together project. Staff are of the opinion that the subject lands are appropriate for high-rise, high-density development, subject to demonstration that the proposed built form achieves the objectives of the Urban Design Manual and the Tall Building Guidelines.

Urban Design

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations. An updated urban design brief will be required and secured through a Holding Provision. Extra attention to high quality urban design that contributes positively to the public realm and streetscapes is expected for the subject lands with adequate on-site amenity for future residents. Detailed design will be reviewed through the site plan design and approvals process and an updated urban design brief will be required prior to removal of the Holding Provision.

Streetscape – The Weber Street frontage is activated by at-grade commercial units and the building's lobby. At-grade commercial units and the building lobby have direct access to public sidewalks. The tower podium has a defined base which will enhance the streetscape.

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

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

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

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

Tower Design

The proposed building tower is classified as a "Large Point" as the proposed tower floor plate is 852.8 square metres in area. The tower placement has been oriented along Weber Street with a 7-storey podium. The tower massing is broken up vertically by variation and the articulation of building materials and step backs. Furthermore, balconies for the residential units are included and 4.5 metre tall ground floor commercial units are proposed which will enhance the streetscape with an active use.

Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Brief Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual. Further review of the Shadow Impact Study will be undertaken through the detailed site planning process.

Wind Study

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

Tall Building Guidelines

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

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

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed tower is generally consistent with and meets the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development generally meets the off-site separation distance requirements of the Design for Tall Building Guidelines and will be further reviewed through the site plan approval process prior to removal of the Holding Provision.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located in close proximity to the two ION stations; Frederick and Kitchener Market. The building has excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the downtown cycling grid. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12, as outlined above.

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more compact mixed-use development in the City of Kitchener's primary intensification area (UGC). The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

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

Housing Policies:

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

Sustainable Development

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

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

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

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

Proposed Official Plan Amendment Conclusions

The Official Plan Amendment application requests that the land use designation as shown on Map 4 – Urban Growth Centre in the 2014 Official Plan be changed from ‘Market District’ to ‘Market District with Specific Policy Area 9’. Based on the above-noted policies and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved in the form shown in Appendix ‘A’.

Proposed Zoning By-law Amendment (Zoning By-law 85-1):

The subject lands are zoned ‘Commercial Residential Zone (D-5)’ in Zoning By-law 85-1. The existing zoning permits a range of commercial, institutional and residential uses with a maximum permitted Floor Space Ratio (FSR) of 4.5 (3.0 for residential and 1.5 for all other use). The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from ‘Commercial Residential (D-5)’ to ‘Commercial Residential Zone (D-5) with Special Regulation Provision 805R and Holding Provision 110H’ in Zoning By-law 85-1.

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

The applicant is seeking to amend the Zoning By-law to add Special Regulation Provision 805R to Zoning By-law 85-1. The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), regulate buildings setbacks, and regulate vehicular and bicycle parking requirements.

Staff offer the following comments with respect to the proposed Special Regulation Provision 805R:

a) That the maximum Floor Space Ratio (FSR) shall be 14.

The purpose of this regulation is to cap the Floor Space Ratio and ensure development does not generally exceed the density presented in the concept plans.

b) That electric vehicle parking and bicycle parking shall be provided in accordance with Section 5 of Zoning By-law 2019-051 and the required parking rates shall be provided in accordance UGC Zones in Table 5-5 of Zoning By-law 2019-051.

The purpose of regulation b) is to provide for a parking rate which is appropriate for the development. The lands are designated Urban Growth Centre – Innovation District. While Urban Growth Centre (UGC) zones have not been created in Zoning By-law 2019-051, Parking Regulations contained in Section 5 provide a specific Urban Growth Centre (UGC) parking ratio, which permits zero parking be provided for most uses including multiple residential dwellings. This parking ratio implements Official Plan policies that provide for reduced parking rates in support of, and in recognition of, active transportation and transit

availability in intensification areas. New UGC/MTSA zones will be established as part of the Growing Together project later this year.

The UGC parking rates also require 1 Class A bicycle parking space (long-term secure and weather protected e.g., bike room) per unit as well as Class B bicycle parking (short-term secure (outdoor bike rack)). In addition, 20% of the parking which is provided must be electric vehicle ready. The subject lands have adequate access to public transit and pedestrian/cycling networks and adequate bike storage will be provided within the development for residents. Planning and Transportation Services staff is of the opinion that the parking rate is appropriate for the subject lands.

c) The minimum front yard setback shall be 0 metres.

The purpose of this regulation is to allow the building to be located right up to front property line as a 3.0 road widening is required along 87 Weber Street East.

d) The minimum rear yard setback shall be 2.4 metres.

The purpose of this regulation is to allow the building's podium to be located 2.4 metres from the rear property line. The request to reduce the yard setback from 3.0 metres to 2.4 metres allows the podium to be built closer to the property line and allows for the efficient and effective use of the lands.

Staff offer the following comments with respect to Holding Provision 110H:

Official Plan policies require that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to facilitate the implementation of the 'D-5' zone and special regulation provision. The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

Holding Provision 110H

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

- i. No residential use shall be permitted until a detailed Transportation (road) and Stationary Noise Study has been completed and any recommended mitigation measures have been implemented to the satisfaction of the Regional Municipality of Waterloo. The detailed Stationary Noise Study shall review stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g., HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.
- ii. No development on the lands shall occur until such time as an Urban Design Brief is approved by the City's Director of Planning demonstrating a high quality of urban

design that contributes positively to the public realm and streetscapes with adequate on-site amenity.

A Noise Study was prepared in support of the proposed Zoning By-law and reviewed by the Region of Waterloo. Additional building noise mitigation measures will be reviewed through the site plan design and approvals process and an addendum to the Noise Study will be required prior to removal of the Holding Provision.

High quality urban design is expected for the subject lands and extra attention to high quality urban design that contributes positively to the public realm and with adequate on-site amenity for future residents is required to be provided on-site. Detailed design will be reviewed through the site plan design and approvals process and an updated Urban Design Brief, approved by the Director of Planning, will be required prior to removal of the Holding Provision.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to 'Commercial Residential Zone (D-5) with Special Regulation Provision 805R, and Holding Provision 110H' represents good planning as it will facilitate the redevelopment of the lands with a mixed use dwelling development that is compatible with the existing neighbourhood, which will add visual interest at the street level and skyline, and will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law Amendment be approved as shown in Appendix 'B'.

Department and Agency Comments:

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken in July 2023 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and any necessary revisions and updates were made. Copies of the comments are found in Appendix 'D' of this report.

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

- Planning Justification Report
Prepared by: MHBC Planning, July 2023
- Urban Design Brief
Prepared by: MHBC Planning, June 2023
- Shadow Study
Prepared by: Reinders and Law, 2023
- Building Elevations, Renders and Floor Plans.
Prepared by: Reinders and Law, 2023

- Wind Study
Prepared by: Boundary Layer Wind Tunnel Laboratory, June 2023
- Parking Study and Access Circulation Review
Prepared by: Paradigm Transportation Solutions, June 2023
- Site Servicing Feasibility Study
Prepared by: SBM, June 2023
- Sustainability Statement
Prepared by: MHBC Planning, July 2023
- Noise Feasibility Study
Prepared by: HGC Engineering, June 2023
- Arborist Report
Prepared by: JK Consulting Arborists, April 2023

Community Input & Staff Responses

WHAT WE HEARD



763 addresses (occupants and property owners) were circulated and notified



3 people/households/businesses provided comment



A City-led Neighbourhood Meeting was held on August 3, 2023 and 9 users logged on

Staff received written responses from 3 residents with respect to the proposed development. The comments received are included in Appendix 'E'. A Neighbourhood Meeting was held on August 3, 2023. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Support for the number of bicycle parking spaces.	There was support for the number of bicycle parking spaces provided for this development (414 bicycle parking spaces proposed for 336 residential dwelling units)
Concerns that there are no bike lanes on Weber Street	Weber Street is a Regional Road and there are no short-term plans to add bike lanes to Weber street

	however the subject lands are located in close proximity to the downtown cycling grid and other cycling facilities.
On-site Parking - Some residents support the reduced parking proposed while others did not think enough parking was provided.	A Parking Justification Study was submitted and reviewed by Transportation Services staff who support a proposed parking rate of 0 parking spaces per dwelling unit. The lands are designated Urban Growth Centre – Market District. Urban Growth Centre (UGC) zones have not yet been established in By-law 2019-051, however parking regulations were created in Section 5 to provide direction for the Urban Growth Centre (UGC). In the UGC, no minimum parking is proposed for most uses including multiple residential dwellings.
Support for redeveloping this area of the downtown and increasing the density as long as there is a plan for the overall neighbourhood.	<p>The subject lands and surrounding neighbourhood land uses and zoning are being reviewed and updated through the Growing Together project. The Growing Together project is the continuation of the City's ongoing planning review process that began with PARTS and advanced through the Neighbourhood Planning Review (NPR) project, while also responding to new direction from the province, implementing the updated Regional Official Plan, and addressing new and emerging city priorities.</p> <p>At the time of this report, Staff are drafting the recommended site-specific policy and zoning regulations for the subject lands in consideration of the direction of the Growing Together project.</p>
Affordable Units should be provided.	This development is not proposing affordable housing units and staff are not aware of any sponsorship or incentives from other levels of government at this time. The Planning Act does not allow the City to require affordable housing at this time. Inclusionary Zoning will be implemented as part of the Growing Together project. A mix of unit types and unit sizes are proposed. The two (2) and three (3) bedroom units could offer a more affordable rent option for future tenants who could share the cost-of-living accommodations.
Existing tenants concerned with finding new homes at similar affordable rates.	The owner has several other rental properties in the City of Kitchener and staff have been advised that the Owner has committed to arranging for relocation of the existing tenants to new market rate units and will be assisting and supporting in the relocation.

Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment applications to permit the development of a mixed used development at 83-87 Weber Street East. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Planning staff are recommending that the applications be approved.

ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

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

FINANCIAL IMPLICATIONS:

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

Operating Budget - *Bill 109, More Homes for Everyone Act, 2022* introduced a requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe. Decisions on Zoning By-law Amendments, when combined with an Official Plan Amendment, are required within 120 days to retain planning application fees, for applications received after July 1, 2023. A decision must be made by Council prior to October 30, 2023 or the Planning Division must issue an application fee refund of \$12,800.00, being 50% of the \$25,600.00 Major Zoning By-law Amendment Application fee. The Planning Division does not have a funding source or budget for refunding planning application fees.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting. A large notice sign was posted on the property and information regarding the application was posted to the City's website in July of 2023. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, and those responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on September 8, 2023 (a copy of the Notice may be found in Appendix 'C').

CONSULT – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 240 metres of the subject lands on July 9, 2023. In response to this circulation, staff received written responses from 3 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 85-1

REVIEWED BY:

Garett Stevenson - Manager of Development Review, Planning Division

Tina Malone-Wright - Supervisor Development Applications, Planning Division

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

APPENDIXS:

Appendix A – Proposed Official Plan Amendment

Appendix B – Proposed Zoning By-law Amendment

Appendix C – Newspaper Notice

Appendix D – Department and Agency Comments

Appendix E – Public Comments

**CITY OF KITCHENER
OFFICIAL PLAN
AMENDMENT TO MAP 4
URBAN GROWTH CENTRE (DOWNTOWN)**



Urban Growth Centre (Downtown)

 Boundary

Land Use Designation

 City Centre District

 Civic District

 Market District

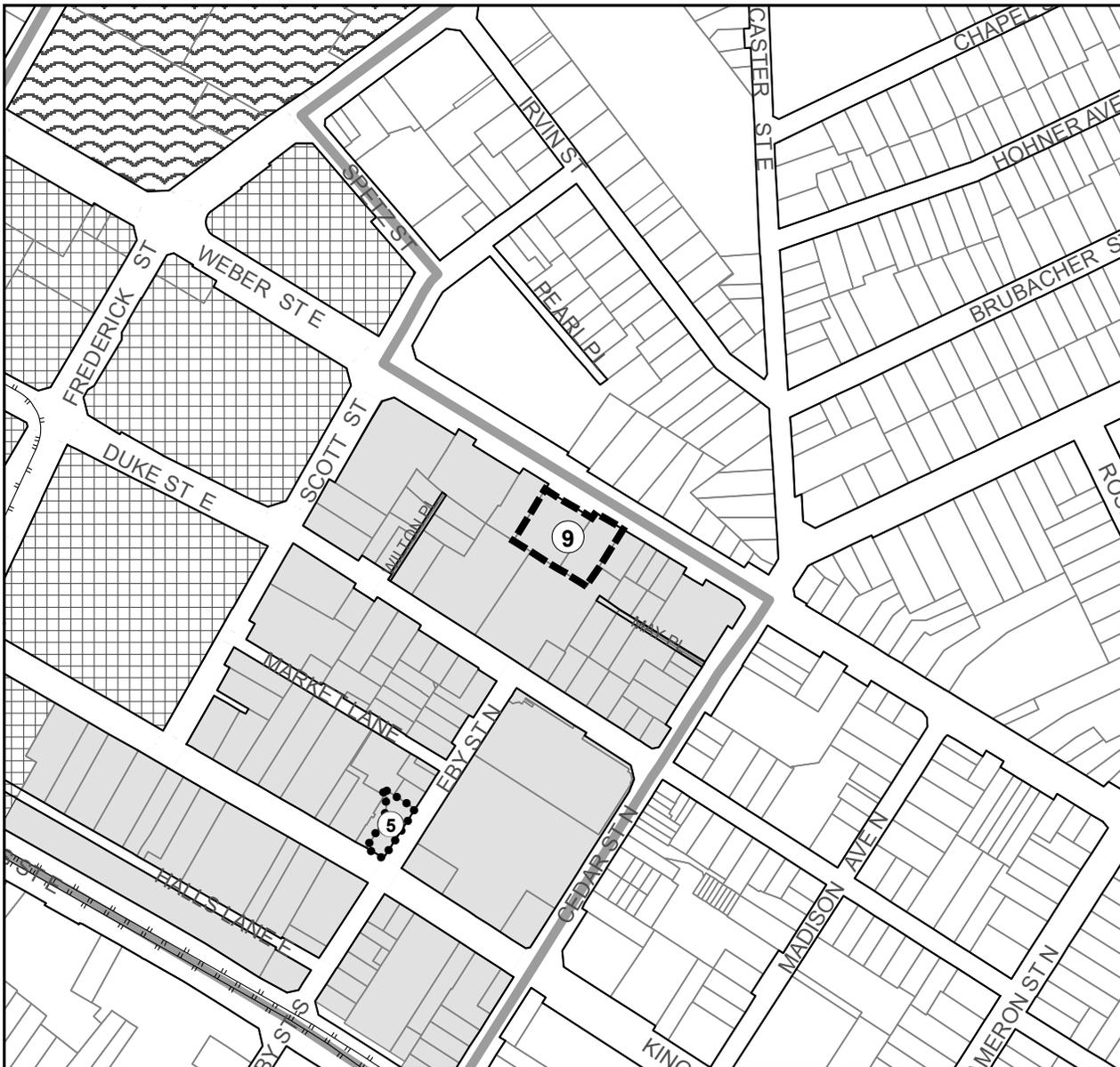
Specific Policy Area

 Boundary

5. 276 King St E (Policy 15.D.2.68)

Area of Amendment

 To Add Specific Policy Area
9. 83 & 87 Weber St E
(Policy 15.D.2.72)



SCHEDULE 'A'

BRIGADE HOLDINGS CORPORATION

83 & 87 WEBER ST E



SCALE 1:4,000

DATE: SEPTEMBER 8, 2023

REVISED:

OFFICIAL PLAN AMENDMENT OPA23/012/W/CD

ZONING BY-LAW AMENDMENT ZBA23/022/W/CD

City of Kitchener
DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
OPA230012WCD_MAP4
.mxd

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

CITY OF KITCHENER
83-87 Weber Street East

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

CITY OF KITCHENER
83-87 Weber Street East

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SECTION 2	PURPOSE OF THE AMENDMENT
SECTION 3	BASIS OF THE AMENDMENT
SECTION 4	THE AMENDMENT

APPENDICES

APPENDIX 1	Notice of the Meeting of Planning & Strategic Initiatives Committee of October 2, 2023
APPENDIX 2	Minutes of the Meeting of Planning & Strategic Initiatives Committee October 2, 2023
APPENDIX 3	Minutes of the Meeting of City Council

SECTION 1 – TITLE AND COMPONENTS

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

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of the Official Plan Amendment is to amend the Official Plan by adding Site Specific Policy Area 9 to Map 4 - Urban Growth Centre (Downtown) and by adding associated Site Specific Policy Area 15.D.2.72 to the text of the Official Plan.

SECTION 3 – BASIS OF THE AMENDMENT

Planning Analysis

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

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

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

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

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

Provincial Policy Statement, 2020:

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

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

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

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

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

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas including

major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

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

Policies 2.2.1.4 states that complete communities will:

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

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

Policy 2.2.4 requires that planning be prioritized for MTSA's on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSA's on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stations are Major Transit Station Areas (MTSA's) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated Urban Growth Centre (UGC), and within a Major Transit Station Area (MTSA) in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA

boundary for the ION Frederick Stop. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved by the Minister in August 2022. The subject lands are within the Frederick MTSA. The proposed development provides residential intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Urban Growth Centre in the ROP. Development within the Urban Growth Centre is intended to achieve by 2031 or earlier a minimum density target of 200 residents and jobs combined per hectare. In addition, development within Urban Growth Centres are to accommodate significant population and employment growth that supports the transit network at the regional scale. The development concept proposes a higher density mixed use development that contributes to the achievement of the minimum intensification target established for the Urban Growth Centre Area of 200 people and jobs per hectare.

The subject lands are located in the Frederick Major Transit Station Area (MTSA) in the ROP. The minimum density target within the Frederick MTSA is 160 people and jobs/ha. The density proposed through this application exceeds the density target of 160 people and jobs/ha on a site-specific basis and the proposed development will contribute to the achievement of the overall density target for the Frederick MTSA. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. The Frederick MTSA includes lands which are not anticipated to redevelop with high density residential uses, including smaller fragmented parcels and non-residential buildings such as the new courthouse and other civic buildings.

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

City of Kitchener Official Plan (OP)

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

Complete Community

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks and open spaces distributed and connected in a coherent and efficient manner. A complete

community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute to a complete community with 336 residential dwelling units and 327 square metres of non-residential commercial and retail space. Considerable thought for the orientation and placement of the building, podium height, and building step backs, have been incorporated into the design for this high intensity mixed use development.

Urban Structure

The OP establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre (UGC), Major Transit Station Areas (MTSA), Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within the UGC. The UGC (Downtown) is the primary Urban Structure Component and Intensification Area in the city. The planned function of the UGC is to accommodate a significant share of the Region's and City's future population and employment growth. Section 3.C.2.13 of the OP indicates that the UGC is planned to achieve, by 2031 or earlier, a minimum density of 225 residents and jobs combined per hectare and assist in achieving the minimum residential intensification target identified in Policy 3.C.1.6. The UGC is planned to be a vibrant Regional and City-wide focal point and destination and is intended to be the City's primary focal point for residential intensification as well as for investment in institutional and Region-wide public services, commercial, office, recreational, cultural and entertainment uses.

The site is also within the Frederick MTSA and within 300 metres of both the Frederick and Kitchener Market ION stops. In accordance with Policy 3.C.2.17 of the OP, the planned function of the MTSA's is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in MTSA's give consideration to the Transit-Oriented Development (TOD) policies contained in Section 13.C.3.12 of the OP. Generally, the TOD policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider

convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well-served by nearby transit and rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that implements the City's policy direction for the UGC and MTSA and also contributes to the vision for a sustainable and more environmentally-friendly city.

Land Use

The subject lands are designated 'Market District' (Map 4, Urban Growth Centre) in the City of Kitchener Official Plan. The Market District is located at the eastern entrance to the Downtown and functions as a unique village-like setting anchored by market uses. Many of the properties which were originally developed as single detached residential dwellings have been converted to commercial uses given their proximity to the City Centre District. The collection of buildings on Market Lane and others on Eby Street have been converted or redeveloped with a similar design theme creating a unique and attractive environment. The primary uses permitted in the Market District include residential, commercial, and institutional uses.

Policies 15.D.2.59 to 15.D.2.60 of the City of Kitchener's Official Plan encourage redevelopment and higher density developments along the arterial roads of the Market district (in this case, Weber Street E) and restricted higher density redevelopments internal to the district restricting density for properties that front Market Lane or Duke Street.

The applicant is proposing to add Specific Policy Area 9 to the Urban Growth Centre, (Map 4) to allow a Floor Space Ratio (FSR) of 14 whereas the current Official Plan policies only allow for a maximum FSR of 3.0.

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

Growing Together

The Growing Together project is the continuation of the City's ongoing planning review process that began with PARTS and advanced through the Neighbourhood Planning Review (NPR) project, while also responding to new direction from the Province, implementing the updated Regional Official Plan, and addressing new and emerging City priorities.

Preliminary designations and zoning categories have been drafted by staff and are currently available public for consultation. The subject lands, together with surrounding lands are contemplated to be designated to allow for high-rise form developments where lot consolidation occurs such as the proposed development of the consolidated properties at 83-87 Weber Street East. The approach to zoning and policies of Growing Together differs from the current zoning regime which makes strong use of numerical metrics such as building height and floor space ratio. These metrics are useful in many contexts, however become somewhat problematic in considering high-density and high-rise developments where site sizes and building heights can vary significantly. Staff are recommending a form based zoning approach as part of the Growing Together project, which will place a greater emphasis on the pedestrian experience and design of buildings at grade and as experienced on the street, as well as appropriate tower floor plate sizes, separations and setbacks which protect from tower overlook within and between sites, which preserve access to sunlight and mitigates shadow impacts, and which provides for an interesting skyline which is also the goal of the City's Tall Building Guidelines.

At the time of this report, Staff are drafting the recommended site-specific policy and zoning regulations for the subject lands in consideration of the direction of the Growing Together project. Staff are of the opinion that the subject lands are appropriate for high-rise, high-density development, subject to demonstration that the proposed built form achieves the objectives of the Urban Design Manual and the Tall Building Guidelines.

Urban Design

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations. An updated urban design brief will be required and secured through a Holding Provision. Extra attention to high quality urban design that contributes positively to the public realm and streetscapes is expected for the subject lands with adequate on-site amenity for future residents. Detailed design will be reviewed through the site plan design and approvals process and an updated urban design brief will be required prior to removal of the Holding Provision.

Streetscape – The Weber Street frontage is activated by at-grade commercial units and the building’s lobby. At-grade commercial units and the building lobby have direct access to public sidewalks. The tower podium has a defined base which will enhance the streetscape.

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

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

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

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

Tower Design

The proposed building tower is classified as a “Large Point” as the proposed tower floor plate is 852.8 square metres in area. The tower placement has been oriented along Weber Street with a 7-storey podium. The tower massing is broken up vertically by variation and the articulation of building materials and step backs. Furthermore, balconies for the residential units are included and 4.5 metre tall ground floor commercial units are proposed which will enhance the streetscape with an active use.

Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Brief Staff have reviewed the study and are satisfied the shadow study meets the City’s requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual. Further review of the Shadow Impact Study will be undertaken through the detailed site planning process.

Wind Study

A Wind Study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development are generally suitable. A full Wind Assessment be required and reviewed at the site plan

application stage and wind control features will be required through the site plan application, if necessary, to mitigate wind.

Tall Building Guidelines

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

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

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed tower is generally consistent with and meets the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development generally meets the off-site separation distance requirements of the Design for Tall Building Guidelines and will be further reviewed through the site plan approval process prior to removal of the Holding Provision.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located in close proximity to the two ION stations; Frederick and Kitchener Market. The building has excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the downtown cycling grid. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12, as outlined above.

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more compact mixed-use development in the City of Kitchener's primary intensification area (UGC). The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

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

Housing Policies:

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

Sustainable Development

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

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

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

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

Proposed Official Plan Amendment Conclusions

The Official Plan Amendment application requests that the land use designation as shown on Map 4 – Urban Growth Centre in the 2014 Official Plan be changed from 'Market District' to 'Market District with Specific Policy Area 9'. Based on the above-

noted policies and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved.

SECTION 4 – THE AMENDMENT

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

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

“15.D.12.72. 83-87 Weber Street East

Notwithstanding the Market District land use designation and policies within the Urban Growth Centre, on lands municipally known as 130-142 Victoria Street South, a Floor Space Ratio (FSR) of 14.0 will be permitted.

- b) Amend Map No. 4 – Urban Growth Centre (Downtown) by adding Specific Policy Area “9. 83-87 Weber Street East (Policy 15.D.2.72)” to the ‘Area of Amendment’, as shown on the attached Schedule ‘A’.

NOTICE OF PUBLIC MEETING

for a development in your neighbourhood
83-87 Weber Street East



Concept Drawing



Mixed
Use



25 Storeys,
336 Dwelling
Units



Floor Space
Ratio of 13.7

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **October 2, 2023**

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

Go to **kitchener.ca/meetings**
and select:

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

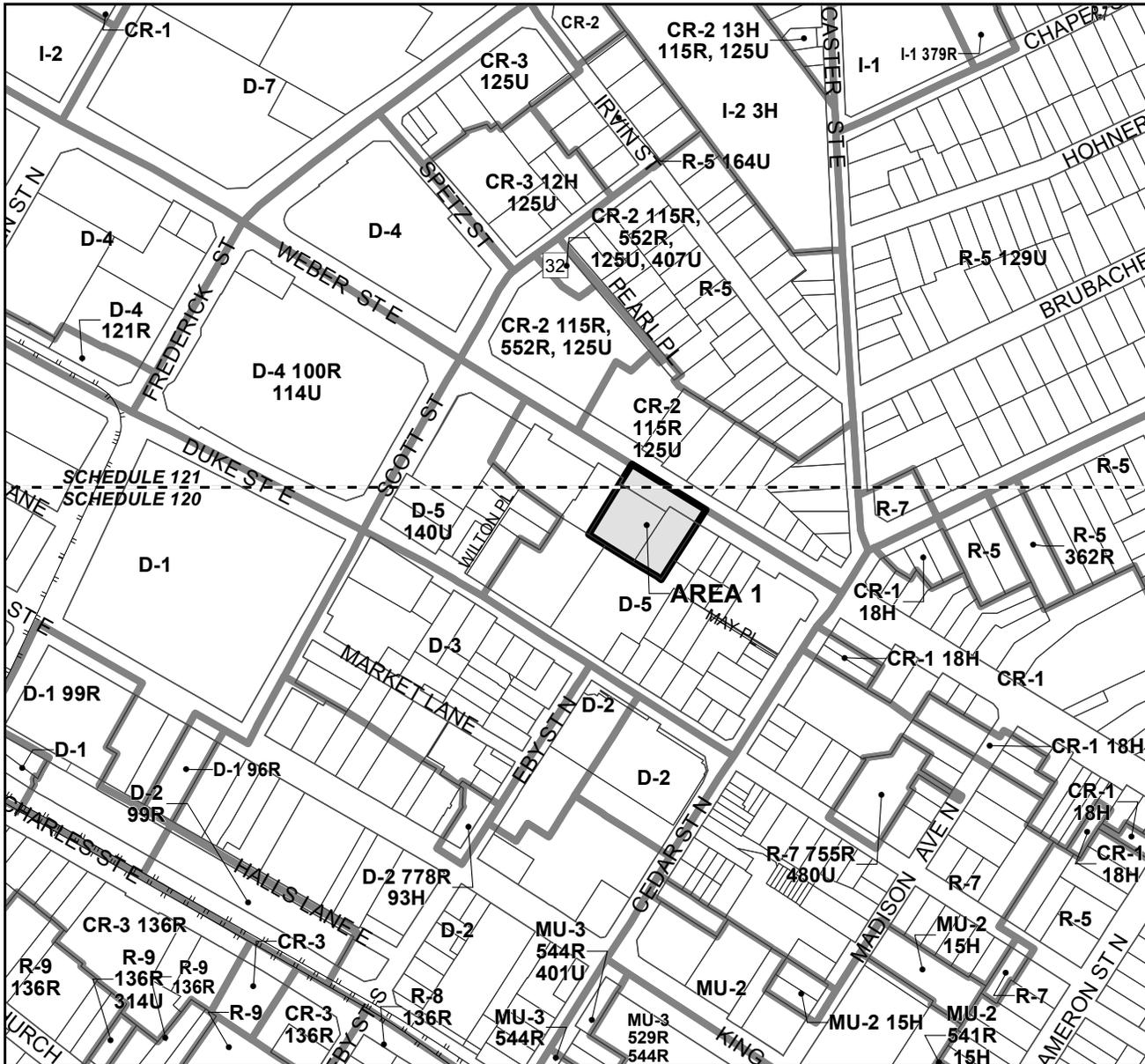
To learn more about this project, including
information on your appeal rights, visit:

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

or contact:

Craig Dumart, Senior Planner
craig.dumart@kitchener.ca
519.741.2200 x7073

The City of Kitchener will consider applications for an Official Plan Amendment and Zoning By-law Amendment to facilitate the redevelopment of the lands with a 25-storey mixed use development with a Floor Space Ratio of 13.7. A total of 336 residential units, 3 ground floor commercial units, 14 vehicle parking spaces and 414 bicycle parking spaces are proposed for the development.



SUBJECT AREA(S)

AMENDMENT TO BY-LAW 85-1

AREA 1 -
 FROM COMMERCIAL RESIDENTIAL ZONE (D-5)
 TO COMMERCIAL RESIDENTIAL ZONE (D-5)
 WITH SPECIAL REGULATION PROVISION 805R
 AND HOLDING PROVISION 110H

BY-LAW 85-1

- CR-1 COMMERCIAL RESIDENTIAL ONE ZONE
- CR-2 COMMERCIAL RESIDENTIAL TWO ZONE
- CR-3 COMMERCIAL RESIDENTIAL THREE ZONE
- D-1 RETAIL CORE ZONE
- D-2 EAST MARKET ZONE
- D-3 MARKET VILLAGE ZONE
- D-4 OFFICE DISTRICT ZONE
- D-5 COMMERCIAL RESIDENTIAL ZONE
- D-7 MACKENZIE KING SQUARE ZONE
- I-1 NEIGHBOURHOOD INSTITUTIONAL ZONE
- I-2 COMMUNITY INSTITUTIONAL ZONE
- MU-2 MEDIUM INTENSITY MIXED USE CORRIDOR ZONE
- MU-3 HIGH INTENSITY MIXED USE CORRIDOR ZONE
- R-5 RESIDENTIAL FIVE ZONE
- R-7 RESIDENTIAL SEVEN ZONE
- R-8 RESIDENTIAL EIGHT ZONE
- R-9 RESIDENTIAL NINE ZONE

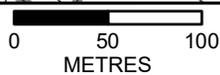
ZONE GRID REFERENCE
 SCHEDULE NO. 120 AND 121
 OF APPENDIX 'A'
 KITCHENER ZONING BY-LAW 85-1 AND 2019-051
 ZONE LIMITS



MAP NO. 1

BRIGADE HOLDINGS CORPORATION

83 & 87 WEBER ST E



SCALE 1:4,000

DATE: SEPTEMBER 8, 2023

ZONING BY-LAW AMENDMENT ZBA23/022/W/CD

OFFICIAL PLAN AMENDMENT OPA23/012/W/CD

City of Kitchener

DEVELOPMENT SERVICES DEPARTMENT, PLANNING

FILE:
 ZBA23022WCD_MAP1
 .mxd

PROPOSED BY – LAW
_____ 2023
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 85-1, as amended known as
the Zoning By-law for the City of Kitchener
– Brigade Holdings Corporation – 83-87 Weber Street East)

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;

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

1. Schedule Numbers 120 and 121 of Appendix “A” to By-law 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1, in the City of Kitchener, attached hereto, from Commercial Residential Zone (D-5) to Commercial Residential Zone (D-5) with Special Regulation Provision 805R and Holding Provision 110H.
2. Schedule Numbers 120 and 121 of Appendix “A” to By-law Number 85-1 are hereby further amended by incorporating additional zone boundaries as shown on Map No.1 attached hereto.
3. Appendix “D” to By-law 85-1 is hereby amended by adding Section 805 thereto as follows:

“805. Notwithstanding Sections 16A.1,16A.2 and 6.1.2 of this By-law, within the lands zoned D-5 and shown as being affected by this Subsection on Schedule Numbers 120 and 121 of Appendix “A”, the following special regulations shall apply:
 - i) The maximum Floor Space Ratio shall be 14.
 - ii) Electric vehicle parking and bicycle parking shall be provided in accordance with Section 5 of Zoning By-law 2019-051 and the required parking rates shall be provided in accordance with UGC Zones in Table 5-5 of Zoning By-law 2019-051.

- iii) The minimum front yard setback shall be 0.0 metres.
- iv) The minimum rear yard setback shall be 2.4 metres.”

4. Appendix “F” to By-law 85-1 is hereby amended by adding Section 110H thereto as follows:

“110H. Notwithstanding Section 16A of this Bylaw, within the lands zoned D-5 and shown as being affected by this Subsection on Schedule Numbers 120 and 121 of Appendix “A”:

- i) No residential use shall be permitted until a detailed transportation (road) and stationary noise study has been completed and implementation measures recommended to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.
- ii) No development on the lands shall occur until such time as an Urban Design Brief is approved by the City’s Director of Planning demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate onsite amenity.”

5. This By-law shall become effective only if Official Plan Amendment No. XX (83-87 Weber Street East) comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED at the Council Chambers in the City of Kitchener this _____ day of _____, 2023.

Mayor

Clerk

NOTICE OF PUBLIC MEETING

for a development in your neighbourhood
83-87 Weber Street East



Concept Drawing



Mixed
Use



25 Storeys,
336 Dwelling
Units



Floor Space
Ratio of 13.7

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **October 2, 2023**

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

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

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

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

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

or contact:

Craig Dumart, Senior Planner
craig.dumart@kitchener.ca
519.741.2200 x7073

The City of Kitchener will consider applications for an Official Plan Amendment and Zoning By-law Amendment to facilitate the redevelopment of the lands with a 25-storey mixed use development with a Floor Space Ratio of 13.7. A total of 336 residential units, 3 ground floor commercial units, 14 vehicle parking spaces and 414 bicycle parking spaces are proposed for the development.

City of Kitchener - Comment Form

Project Address: 83-87 Weber Street East

Application Type: OPA/ZBA

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

Commenter's name: Raida Chowdhury

Email: raida.chowdhury@kitchener.ca

Phone: 519-741-2200 ext. 7078

Written Comments Due: August 14, 2023

Date of comments: August 18, 2023

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

- Sustainability Statement 83-87 Weber Street East, MHBC, July 5, 2023

2. Comments & Issues:

I have reviewed the supporting documentation (as listed above) to support a OPA/ZBA application proposing a 25-storey mixed use building on the existing subject property, regarding sustainability and energy conservation, and provide the following comments:

- Although the Ontario Building Code (OBC) is progressive, going forward all developments will need to include energy conservation measures that go beyond the OBC as the City (and Region of Waterloo) strive to achieve our greenhouse gas reduction target.
- A Sustainability Statement (as per the City's Terms of Reference) will be required as part of a complete Site Plan Application which can further explore and/or confirm additional sustainability measures that are best suited to the development as the design evolves.
- **Upon review of the supporting documentation, the Official Plan and Zoning Bylaw Amendments can be supported as several sustainable measures have been proposed or are being considered for the development.**
- The applicant should, in an updated Sustainability Statement, further clarify:
 - Whether the building envelope (wall, roof, and window thermal performance) will be designed beyond OBC requirements
 - Whether the sustainable sourcing of construction and building materials will be considered

3. Conditions of Site Plan Approval:

- To submit a revised Sustainability Statement to the satisfaction of the City's Director of Planning. Further, the approved sustainability measures recommended in the Sustainability Statement will be implemented in the landscape, stormwater management, and building design, to the satisfaction of the City's Manager of Development Review.

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

- Kitchener Official Plan Policy 7.C.4.5. The City will encourage and support, where feasible and appropriate, alternative energy systems, renewable energy systems and district energy in accordance with Section 7.C.6 to accommodate current and projected needs of energy consumption.
- Kitchener Official Plan Policy 7.C.6.4. In areas of new development, the City will encourage orientation of streets and/or lot design/building design with optimum southerly exposures. Such orientation will optimize opportunities for active or passive solar space heating and water heating.
- Kitchener Official Plan Policy 7.C.6.8. Development applications will be required to demonstrate, to the satisfaction of the City, energy is being conserved or low energy generated.
- Kitchener Official Plan Policy 7.C.6.27. The City will encourage developments to incorporate the necessary infrastructure for district energy in the detailed engineering designs where the potential for implementing district energy exists.

5. **Advice:**

- As part of the Kitchener Great Places Award program every several years there is a Sustainable Development category. Also, there are community-based programs to help with and celebrate and recognize businesses and sustainable development stewards (Regional Sustainability Initiative - <http://www.sustainablewaterlooregion.ca/our-programs/regional-sustainability-initiative> and TravelWise - <http://www.sustainablewaterlooregion.ca/our-programs/travelwise>).
- The '[Sustainability Statement Terms of Reference](#)' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>

City of Kitchener
Zone Change Comment Form

Address: 83-87 Weber Street

Owner:

Application: OPA/ZBA

Comments Of: Urban Design- Planning

Commenter's Name: Pegah Fahimian

Email: Pegah.fahimian@kitchener.ca

Phone: 519-741-2200 Ext. 7342

Date of Comments: August 10, 2023

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

No meeting to be held

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

1. Documents Reviewed:

- Architectural Drawings by Reinders+ Law.
- Shadow Study by Reinders+ Law.
- Urban Design Brief- MHBC, June 2023
- Wind Study - Pedestrian Level Wind- Boundary Layer Wind Tunnel Laboratory, June 16, 2023

2. Site-Specific Comments & Issues:

I have reviewed the updated/revised documentation noted below that has been submitted in support of an OPA and ZBA to allow for a Floor Space Ratio (FSR) of 13.7 and proposing a Zoning By-law Amendment to Zoning By-law 85-1 to add a Special Use Provision to allow for; a maximum floor space ratio of 13.7; a front yard setback of 0 metres; a reduction in parking to permit a parking ratio of 0 spaces for non residential uses and 0 spaces for dwellings greater than 51 square metres in size and 0.165 spaces per dwelling unit for units less than 51 square metres; and to permit a rear yard building setback of 2.4 metres. The proposed amendments will allow for the development of a 25-storey mixed-use development with a Floor Space Ratio of 13.7 with a total of 336 residential units, 3 ground floor commercial units, 14 vehicle parking spaces and 414 bicycle parking spaces.

3. Comments on Submitted Documents

There are key design considerations that must be addressed through a redesign of the site to create a more functional site for residents and ensure the project fits in the context of the neighborhoods, as detailed below.

The City's Tall Building Guidelines should be consulted to inform the revised design of the site with respect to the following:

- a. Tower design
- b. Podium characteristics

City of Kitchener

Zone Change Comment Form

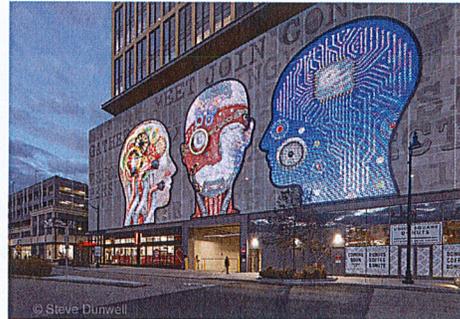
Planning Justification Report: MHBC

Physical separation:

- The proposal needs to fully meet the tall building guidelines, specifically with regard to separation as the guidelines are an excellent compatibility test for proposals exceeding their zoning permissions. The tower separation distance is estimated to be 12 m. The current layout does not show enough separation on the northwest, which may lead to overlooking and privacy concerns from adjacent properties. The proposal must be modified by reducing building length and/or height until the resulting built form meets its corresponding separation target.

Podium Design:

- Contemporary architectural style and details are to be refined through the site plan process. The building facades facing Weber Street should contain an appropriate amount of detailing and articulation, particularly at the podium and tower. Consider adding further architectural expression to the street-facing elevations; explore options to maximize interest and expressiveness of exposed podium facades. This can include strategically incorporating public art and visual elements into the exposed facades.
- This project should play a significant role in reinforcing the character of Weber Street. There is a need for public art, well integrated into the architecture of the building, and I suggest the following as options.
 - Public Art (sculpture, mural, digital)
 - Digital Art, see the examples below
 - Enhanced architecture at the corner
 - Community-oriented space
 - Enhanced exterior lighting (colored, programmable, patterned, etc.)



City of Kitchener
Zone Change Comment Form

- The tower should step back from its base a **minimum of 3m** along any street-facing elevations.
- The proposed podium along Weber Street should be broken down using enhanced detailing and articulation.



- The proposed corner treatment will be further enhanced to create visual interest at the street edge.



Amenity area:

- Required amenity space calculations are contained in the Urban Design Manual and include two parts – one for a general amenity area and one for children’s play facilities in multiple residential developments. $(2m^2 \times \#units) + (2.5m^2 \times \#bedrooms - \#units) = \text{outdoor amenity space}$.
- The Urban Design Brief should include text and conceptual images that demonstrate the commitment to providing sufficient and appropriate amenity space for all potential residents on site. An updated urban design brief should be provided to address this issue.
- Wind assessment is required for outdoor amenities and the pedestrian realm.

Streetscape:

- Details of the streetscape are to be provided. Any streetscape elements proposed are to be reviewed.
- The area between the building’s face and the property line should be well integrated with the street and public realm to deliver high-quality, seamless private, semi-private and public spaces.

City of Kitchener
Zone Change Comment Form

Wind Study - Pedestrian Level Wind – Preliminary Impact Assessment. Boundary Layer Wind Tunnel Laboratory report

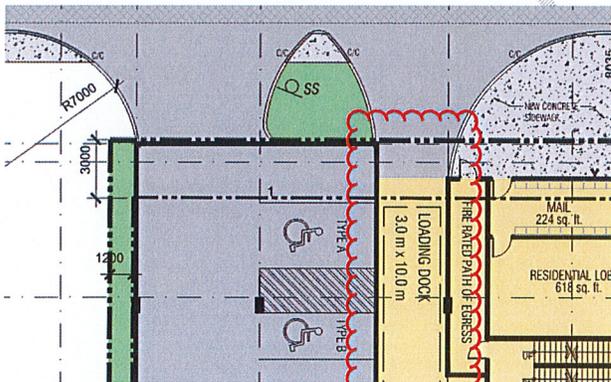
A further quantitative wind study coupled with a detailed wind tunnel analysis will be required as part of the full site plan application package.

A revised design proposal that addresses the wind impacts outlined in the submitted wind study should be developed.

4. Comments on Submitted Documents

Architectural Floor plans-

- The proposed loading area does not contribute positively to the streetscape. Design modifications should be provided to address this issue.



- For tall buildings with retail or other active uses at grade, provide a ground floor height of 4.5m (minimum) to permit a variety of retail types and activities.
- The building facades fronting Weber Street should contain an appropriate amount of glazing and articulation, particularly along the lower 5m where the building addresses the sidewalk.
- You may consider relocating the proposed mailroom to provide more glazing along the Weber Street.
- The underground parking structure should have a sufficient setback from the property lines to accommodate the necessary soil volume to support required large-statured, high-canopy trees.
- The location of residential and commercial garbage storage, loading area and Passenger pick up /drop-off area should be noted on the site plan.

City of Kitchener
Zone Change Comment Form

- The area between the building's face and the property line should be well integrated with the street and public realm to deliver high-quality, seamless private, semi-private and public spaces.
- Provide natural surveillance by employing high percentages of glazing, active uses at ground level and incorporating more units with windows and balconies on the main facade with views onto the street.
- The building 's interface and relationship with the street and adjacent properties should be thoroughly explored.
- 3-bed units are desirable as they provide more living space for families. A higher percentage of these units might help with community engagement.
- The proposed tower should have unique top features that are architecturally excellent, highly visible and makes a positive contribution to the image of Kitchener developing skyline.
- Provide materiality and texture shifts at the podium and across the towers and incorporate variations in tower setbacks from the base to distinguish the tower form from the podium.
- Residential and commercial entrances should be clearly identified and offer access from both the public realm and the private parking side of the building. The proposed main entrance will be further enhanced to create visual interest at the street edge. (for example, cantilevered entrance canopy, corrugated-metal panels and fritted glass.
- Balconies may be staggered in a creative pattern to lighten the structure and provide private outdoor space for the units.
- All utility locations, including the meter room and transformer room to be shown on the layout. Building-mounted or ground-based AC units should be located away from public view and fully screened.
- Wind assessment and shadow study is required for outdoor amenities and the pedestrian realm.

Preliminary Comments

Zone Change / Official Plan Amendment Comment Form

Address: 83-87 Weber St E
Owner: Brigade Holdings Corporation
Application: Official Plan Amendment # Zoning By-law Amendment #

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

Date of Comments: July 14 2023

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

1. Documents Reviewed:

I have reviewed the documentation noted below submitted in support of an Official Plan Amendment to add a Specific Policy Area to the Official Plan to allow for a Floor Space Ratio (FSR) of 13.7 and proposing a Zoning By-law Amendment to Zoning By-law 85-1 to add a Special Use Provision to allow for; a maximum floor space ratio of 13.7; a front yard setback of 0 metres; a reduction in parking to permit a parking ratio of 0 spaces for non residential uses and 0 spaces for dwellings greater than 51 square metres in size and 0.165 spaces per dwelling unit for units less than 51 square metres; and to permit a rear yard building setback of 2.4 metres. The proposed amendments will allow for the development of a 25 storey mixed use development with a Floor Space Ratio of 13.7 with a total of 336 residential units, 3 ground floor commercial units, 14 vehicle parking spaces and 414 bicycle parking spaces.

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

2. Site Specific Comments & Issues:

There are minor updates required to the documentation noted below to address Parks and Cemeteries concerns with the proposed OPA/ZBA applications. Parks and Cemeteries can provide conditional support to the applications subject to receiving satisfactory updates to the documentation noted.

Should document updates not be available prior to the application proceeding to Committee and Council, a Holding Provision should be considered ensure the submission and approval of such documents to Parks and Cemeteries satisfaction.

Zone Change / Official Plan Amendment Comment Form

3. Comments on Submitted Documents

The parkland dedication requirement will be deferred at the Official Plan Amendment/Zoning By-law Amendment application(s) and assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class(es) and density approved through the OPA and ZBA and required as a condition of Site Plan Approval. **Parkland dedication will be taken as land/cash-in-lieu of land. It is expected that Park Dedication be satisfied through the physical dedication of land off-site with the balance being provided as cash in lieu.** Off-site lands should generally be within 500m of the proposed development and meet the requirements as identified in Chapter 273.1.4.1, Development Manual Section L and under the Park Dedication Policy, Section 5. Preferred locations for physical dedication would be adjacent to existing park space.

The site is within the City Commercial Core Planning Community and through Places and Spaces – An Open Space Strategy for Kitchener, this community has been identified as underserved with active neighbourhood park space with only 4.7m² / person available within the immediate neighbourhood. A rating of “Critical” has been assigned to this Planning Community and it is recommended that physical land dedication be pursued through Planning applications to address the shortfall in planned park space within the community.

The following comments should be addressed at this time.

1) **Planning Justification Report – MHBC dated July 2023**

- a) Pdf pg 15 - Community Benefits. The following statement should be removed from the document as physical dedication of off-site land is the City’s preferred Parkland Dedication option and the attribution of Parkland Dedication funds to the improvement of specific parks within the surrounding area is not consistent with the current bylaw or policy framework:
“It is anticipated that parkland dedication in the form of cash-in-lieu will be required, which will be directed towards future improvements to parks in the area.”
- b) As part of the Parks and Cemeteries Presubmission requirements for a complete application, it was required that the PJR should include an analysis and discussion of how the proposed development will impact the existing neighbourhood including the availability of services and infrastructure related to parks, open space, urban forests and community facilities relative to the change in planned function and significant increase in density specifically referencing the objectives and policies and in Part C Section 8: Parks, Open Space, Urban Forests and Community Facilities and indicating specifically how the proposal will implement / achieve the policy objectives. This commentary has not been provided and a revised submission is required.
- c) **A revised Planning Justification Report is required.**

2) **Urban Design Brief – MHBC dated June 2023**

- a) Pdf pg 17 - Section 5.4 Public Realm and Streetscape. Makes reference to “opportunities for planters and landscape elements as well as decorative paving treatments along both fronting streets for delineation of the private and public realms. Visual appeal along public and private

Zone Change / Official Plan Amendment Comment Form

streetscape should be designed by coordinating elements such as trees, signage, street lights, and boulevard treatment.”

- i) The passage should be revised to reflect that the site fronts onto only one street
 - ii) With a 0m front yard setback all landscaping and streetscape elements will be on public lands within the Regional right of way? Has the Region agreed to such landscape enhancements? Perpetual maintenance agreements will be required, and City of Kitchener Parks and Cemeteries and Operations should be involved in design discussions to ensure maintenance requirements are adequately addressed.
- b) Pdf pg 17 - Section 5.4 Public Realm and Streetscape. It is noted that “the 8th storey rooftop amenity terrace provides opportunity for seating furnishings and a BBQ area, complimented by planter arrangements throughout. The design of the rooftop amenity area will be refined during site plan.” There is little active public parkland in the immediate neighbourhood and the developer should provide a clear commitment to providing robust, active on-site amenity spaces and through the UDB provide conceptual details, commentary and precedent images to guide detailed site design through the site plan application. These amenity spaces should have good solar access, protection from wind and incorporate seating and play equipment for residents of all ages and abilities; this will be critical to this proposal.
- c) **A revised Urban Design Brief is required.**

4. Policies, Standards and Resources:

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw 2022-101 and Park Dedication Policy
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Multi-Use Pathways & Trails Masterplan
- Urban Design Manual

5. Anticipated Fees:

Parkland Dedication

The parkland dedication requirement for this submission is **deferred** and will be assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class(es) and density approved through the OPA and ZBA and required as a condition of Site Plan Approval

Parkland dedication is required for the application as a combination of **cash-in-lieu and off-site land** according to the Planning Act, Parkland Dedication Bylaw 2022-101 and the Parkland Dedication Policy.

Dedication requirements are subject to the Parkland Dedication Policy and rates in effect.

Craig Dumart

From: Jason Brule
Sent: Monday, July 24, 2023 11:51 AM
To: Craig Dumart
Subject: RE: Circulation for Comment - 83-87 Weber Street East (OPA/ZBA)
Attachments: 83-87 Weber St E - ZBA and OPA Comments.pdf

Hi Craig,

Attached are Engineering's comments. I also received KU's and included them. All good for the OPA/ZBA. Let me know if you need anything else from me on this.

Regards,

Jason Brûlé, C.E.T.
519-741-2200 ext.7419

From: Ellen Kayes <Ellen.Kayes@kitchener.ca>
Sent: Monday, July 17, 2023 3:18 PM
To: Jason Brule <Jason.Brule@kitchener.ca>
Subject: FW: Circulation for Comment - 83-87 Weber Street East (OPA/ZBA)

Hey Jason,
I believe you were the last one to do comments on this site.

Thanks
Ellen

Ellen Kayes
Program Assistant | Development Engineering - Engineering | City of Kitchener
(519) 741-2200 ext. 7411 | TTY 1-866-969-9994 | ellen.kayes@kitchener.ca



From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Monday, July 17, 2023 1:56 PM
To: _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Heuchert <Dave.Heuchert@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Kayes <Ellen.Kayes@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman

Internal memo

Development Services Department



www.kitchener.ca

Date: July 24, 2023
To: Craig Dumart
From: Jason Brûlé
Subject: Zoning By-law Amendment and Official Plan Amendment Application
Brigade Holdings Corporation
83-87 Weber Street East, Kitchener
ZBA 23/022/W/CD
OPA 23/012/W/CD

The below comments have been prepared through the review of the supplied Site Servicing Feasibility Study prepared by Strik, Baldinelli, Moniz Ltd.; dated June 12, 2023 in support of the above noted applications circulated July 17, 2023.

General Comments:

1. Engineering is in support of the applications. Any comments below can be used to direct detailed design.

Sanitary:

2. Proposed flows were verified in the City's model and indicate no impacts downstream of this development.

Water (Angela Mick, Kitchener Utilities):

3. KU has no issues with these applications.
4. Advisory comment: Any buildings over 84m tall require a second water service in accordance with Ontario Building Code section 3.2.9.7 (4).

Storm and Stormwater Management:

5. A thorough review of the site SWM report will be conducted with detailed design.
6. Note: SWM fees with respect to retention or quality are assessed and calculated in the year in which they are to be paid.

Jason Brûlé, C.E.T.
Engineering Technologist

Craig Dumart

From: Dave Seller
Sent: Thursday, August 10, 2023 1:56 PM
To: Craig Dumart
Subject: Comments: 83-87 Weber Street East (OPA/ZBA)

City of Kitchener

Application Type: Official Plan Amendment Application OPA23/012/W/CD
Zoning By-law Amendment Application ZBA23/022/W/CD

Project Address: 83-87 Weber Street East

Comments of: Transportation Services

Commenter's Name: Dave Seller

Email: dave.seller@kitchener.ca

Phone: 519-741-2200 ext. 7369

Date of Comments: August 10, 2023

- a. As part of a complete Zoning By-law amendment application, a Parking Study and Access Circulation Review was submitted (June 2023) by Paradigm Transportation Solutions Limited in support of this OPA/ZBA application. Transportation Services offer the following comments.

Development proposal

The applicant is proposing to develop a 25-storey mixed use building with 336 units and 327 m² (3523 ft²) of ground floor commercial space. Vehicle access is provided by one full moves access along Weber Street East (Regional Road 8). A total of 14 parking spaces are being proposed and the development is located within the urban growth centre (UGC).

Parking supply analysis

The applicant is proposing to provide a total of 14 parking spaces for all uses (residential & commercial). The results of Paradigms analysis of zoning by-law requirements in other municipalities, ITE rates and auto ownership resulted in an estimated residential maximum parking demand range of 0.00 to 0.68 spaces per unit, which equates to 0 to 229 parking spaces, while the commercial demand is between 0 to 6 parking spaces. It should be noted that the upper range data collected for the residential use was prior to the ION opening in June 2019. It is anticipated that the rates would be reduced given the likely partnership between a mixed-use building with over 300 units.

Should visitors and residents choose to drive to this development, there are seven parking lots/parking garages located within 500m that offer daily and monthly parking options.

It should be noted that while the City of Kitchener 2019-051 zoning by-law is not in effect within the UGC, no minimum parking is required for residential or visitor parking. This development proposes a total of 14 parking spaces, which would be over the minimum parking requirements.

Transportation Demand Management (TDM) analysis

This development is well situated to take advantage of the existing alternative modes of transportation available in the area to reduce vehicle dependency. Less than 400m from this development there are several Grand River Transit (GRT) routes and ION light rail. These alternative modes of transportation offer connectivity to a broader transit network throughout the Region of Waterloo and within Kitchener itself. The applicant is providing subsidized transit

passes for a minimum of two years to further encourage alternative modes of transportation as their primary means of travel.

The walkability for pedestrians accessing the site and surrounding area can easily be achieved, as sidewalks are provided on both sides of roadways in the surrounding area which provide connections to the Kitchener Market, restaurants, retail and employment opportunities.

There are existing cycling opportunities in the area, as well as future cycling connections to the downtown cycling grid. To encourage cycling and take advantage of these opportunities in the area, the applicant must provide the minimum amount of bike parking noted below, which totals 344 spaces. The applicant is proposing to provide 414 bike parking spaces.

- Class A – 336 residential, 1 non-residential
- Class B – 6 residential, 1 non-residential

Vehicle parking must be unbundled and offered at a separate cost to leasing or owning a unit. This approach is more equitable and effective as tenants are not forced to pay for parking that they do not need.

Car sharing is another option available that allows someone to rent a vehicle that is intended to substitute the ownership of a personal private vehicle. This makes vehicle use affordable for occasional use. There is a car sharing station located less than 250m from this development.

AutoTURN swept path analysis

In Appendix B of Paradigm’s report, the following Transportation Association of Canada (TAC) design vehicles as noted below were reviewed for loading/garbage.

- TAC Medium Single Unit (MSU) - acceptable
- TAC Light Single Unit (LSU) - acceptable
- TAC Passenger Vehicle (P) - acceptable
- City Refuse Wayne Titan - acceptable

Conclusion

Paradigm’s analysis spoke to unbundled vehicle parking, convenient access to several GRT and ION routes, pedestrian walkability, cycling infrastructure, secure bike parking, and City of Kitchener policies to promote and encourage alternative modes of transportation. Therefore, based on the analysis, Transportation Services supports the proposed parking supply of 14 spaces.

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

Craig Dumart

From: Brandon Coveney <planning@wrdsb.ca>
Sent: Tuesday, July 18, 2023 2:51 PM
To: Craig Dumart
Cc: Planning; Christine Kompter
Subject: Re: [Planning] Circulation for Comment - 83-87 Weber Street East (OPA/ZBA)

July 18, 2023

Re: Circulation for Comment - 83-87 Weber Street East (OPA/ZBA)
Municipality: Kitchener
Location: 83-87 Weber St N
Owner/Applicant: Brigade Holdings Corporation

Hi Craig,

The Waterloo Region District School Board (WRDSB) has reviewed the above-noted application that proposes amendments in order to facilitate the construction of a 25 storey mixed-use tower including 336 residential units. The WRDSB offers the following comments:

Student Accommodation

At this time, the subject lands are within the boundaries of the following WRDSB schools:

- Suddaby PS (Junior Kindergarten to Grade 6);
- Courtland Avenue PS (Grade 7 to Grade 8); and
- Cameron Heights CI (Grade 9 to Grade 12).

The WRDSB's 2020-2030 Long-Term Accommodation Plan provides information on student enrolment and accommodation at these schools. Portable classrooms may be located on-site to provide additional capacity on an interim basis.

Student Transportation

The WRDSB supports active transportation, and we ask that pedestrians be considered in the review of all development applications to ensure the enhancement of safety and connectivity.

Please be advised that Student Transportation Services of Waterloo Region (STSWR)'s school buses will not travel privately owned or maintained right-of-ways to pick-up/drop-off students. Transported students will be required to meet the bus at a congregated bus pick-up point. STSWR may have additional comments about student pick-up point(s) placement on municipal right-of-ways.

Education Development Charges

Please be advised that any development on the subject lands is subject to the provisions of the WRDSB's Education Development Charges By-law, 2021, amended in 2022 or any successor thereof and may require the payment of Education Development Charges for these developments prior to issuance of a building permit.

The WRDSB requests to be circulated on any subsequent submissions on the subject lands and reserves the right to comment further on this application.

If you have any questions about the comments provided, don't hesitate to contact the undersigned.

Regards,



Brandon Coveney

Senior Planner

Waterloo Region District School Board

51 Ardelt Avenue, Kitchener ON, N2C 2R5

Email: brandon_coveney@wrdsb.ca

On Mon, Jul 17, 2023 at 1:55 PM Christine Kompter <Christine.Kompter@kitchener.ca> wrote:

Please see attached. Additional documentation can be found in AMANDA folders 23-115952 & 23-115960 (City staff) and [Sharefile](#) (external agencies). Comments or questions should be directed to **Craig Dumart**, Senior Planner (craig.dumart@kitchener.ca; 519-741-2200 x7073).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener

200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7

519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



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Craig Dumart

From: Planning <planning@wcdsb.ca>
Sent: Friday, August 11, 2023 2:54 PM
To: Craig Dumart
Subject: RE: Circulation for Comment - 83-87 Weber Street East (OPA/ZBA)

Good Afternoon Craig,

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

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

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

Thank you,

Jordan Neale

Planning Technician, WCDSB

480 Dutton Dr, Waterloo, ON N2L 4C6

519-578-3660 ext. 2355

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Monday, July 17, 2023 1:56 PM
To: _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Heuchert <Dave.Heuchert@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Ellen Kayes <Ellen.Kayes@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Hydro One - Dennis DeRango <landuseplanning@hydroone.com>; Jim Edmondson <Jim.Edmondson@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; Ontario Power Generation <Executivevp.lawanddevelopment@opg.com>; Park Planning (SM) <Park.Planning@kitchener.ca>; Region - Planning <PlanningApplications@regionofwaterloo.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Robert Morgan <Robert.Morgan@kitchener.ca>; Steven Ryder <Steven.Ryder@kitchener.ca>; Sylvie Eastman <Sylvie.Eastman@kitchener.ca>; Tom Ruggle <Tom.Ruggle@kitchener.ca>; UW-WUSA (Feds) (pres@wusa.ca) <pres@wusa.ca>; Planning <planning@wcdsb.ca>; WRDSB - Board Secretary (elaine_burns@wrdsb.ca) <elaine_burns@wrdsb.ca>; WRDSB - Planning <planning@wrdsb.ca>
Cc: Craig Dumart <Craig.Dumart@kitchener.ca>
Subject: Circulation for Comment - 83-87 Weber Street East (OPA/ZBA)

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Please see attached. Additional documentation can be found in AMANDA folders 23-115952 & 23-115960 (City staff) and [Sharefile](#) (external agencies). Comments or questions should be directed to **Craig Dumart**, Senior Planner (craig.dumart@kitchener.ca; 519-741-2200 x7073).

Christine Kompter

Administrative Assistant | Planning Division | City of Kitchener
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | christine.kompter@kitchener.ca



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Region of Waterloo

PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning

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Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
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www.regionofwaterloo.ca

Melissa Mohr 1-226-752-8622
File: D17/2/23012
C14/2/23022
August 21, 2023

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

Dear Mr. Dumart,

**Re: Proposed Official Plan Amendment OPA 23/012 and
Zoning By-law Amendment ZBA 23/022
83-88 Weber Street East
MHBC Planning Inc. (C/O Pierre Chauvin) on behalf of 83
& 87 Weber Street East, Brigade Holdings Corporation
(C/O Stephen Litt)
CITY OF KITCHENER**

MHBC Planning has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 83-88 Weber Street East (referred to as subject lands) in the City of Kitchener.

The applicant has proposed to demolish the existing offices located on the subject lands to construct a 25 storey mixed-use commercial/residential tower containing approximately 336 residential rental units with three (3) ground floor commercial units. One access from Weber Street East and 14 at-grade parking spaces have been proposed on site.

The subject lands are located in the Urban Area and designated Urban Growth Centre in the Regional Official Plan. The site is designated Market District in the Urban Growth Centre Downtown of the City of Kitchener Official Plan and zoned Commercial Residential (D-5) Zone in the Zoning By-law. The Owner has requested an **Official Plan**

Document Number: 4459645

Version: 1

Amendment to add a special policy to permit an FSR of 13.7. The applicant has requested a **Zoning By-law Amendment** to add special use provisions to permit a maximum FSR of 13.7; a front yard setback of 0 metres; a reduction in parking to permit a parking ratio of 0 spaces for non-residential uses and 0 spaces for dwellings greater than 51 square metres in size and 0.165 spaces per dwelling unit for units less than 51 square metres; and to permit a rear yard setback of 2.4 metres.

The Region has had the opportunity to review the proposal and offers the following:

Regional Comments

Consistency with Provincial Legislation and Regional Official Plan Conformity

The subject lands are designated “Urban Area” and “Urban Growth Centre” on Map 1 and Figure 2 of the Regional Official Plan (ROP) and the site is designated Market District in the City of Kitchener Official Plan.

Urban Growth Centre Policies:

The subject lands are located within two strategic growth areas of the Region (Urban Growth Centre and Major Transit Station Area). Development within the Urban Growth Centre is intended to achieve by 2031 or earlier a minimum density target of 200 residents and jobs combined per hectare. In addition, development within Urban Growth Centres are to accommodate significant population and employment growth that supports the transit network at the regional scale. The development concept proposes a higher density mixed use development that contributes to the achievement of the minimum intensification target established for the Urban Growth Centre Area of 200 people and jobs per hectare. Furthermore, through the development, the applicant has proposed a reduced vehicular car parking rate with increased bicycle parking that can support access and use of the transit and cycling networks within the vicinity of the subject lands.

Major Transit Station Area Policies:

The subject lands are located in the Frederick Station Major Transit Station Area (MTSA). The minimum density target within the Frederick Station MTSA is 160 people and jobs/ha over the entire station area. Regional staff understand that this development exceeds 160 people and jobs per hectare and will contribute to the achievement of the overall density target for the Frederick Station MTSA.

This development proposes a higher density development with apartment style housing, in proximity to transit and sidewalks along Weber Street East that is within walking distance to Frederick Street, where the Frederick Station is located. Higher density mixed use developments are encouraged within MTSA's through the policy framework contained in the ROP.

In addition to the above planning comments, Regional staff have the following technical comments relating to the proposed Official Plan Amendment and Zoning By-law Amendment:

Noise Study Peer Review (Transportation and Stationary Noise):

The Environmental Noise Report entitled “Noise Feasibility Study, Proposed Mixed-Use Development, 83-88 Weber Street East, Kitchener, ON” prepared by HGC Engineering, dated June 20, 2023 has been received and has been sent to the region’s 3rd party noise consultant for review. Comments relating to the noise study will follow under separate cover.

Please be advised that the Region must be satisfied with the methodology, conclusions and recommendations contained in the report. In addition, a holding provision may be required to address noise concerns. If a holding provision is required, the required wording of the holding provision shall be:

That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

Corridor Planning:

Official Plan Amendment and Zoning By-law Amendment Stage:

Functional Servicing Report:

The Functional Servicing Report entitled “Site Servicing Feasibility Study, proposed Multi-Residential Development, 83-87 Weber Street East, Kitchener”, prepared by SBM and dated June 12, 2023 is accepted at this stage (Official Plan Amendment and Zoning By-law Amendment stage).

The report has demonstrated that detailed stormwater management will be addressed at the detailed Site Plan stage and will be attenuated to the 5-100 year post to pre-development flows. Please be advised that the detailed servicing plan shall require Regional approval through Municipal Consent before final site plan approval and a detailed stormwater management report and detailed site grading plan will be required for review and approval by the Region.

Parking and Access Circulation:

The "Parking study and Access and Circulation Study" prepared by Paradigm, dated June 2023, has been reviewed and Regional staff have the following comments:

Grand River Transit (GRT) currently operates numerous transit routes along this section of Weber Street East, with existing transit stops to the east and west of the proposed development. These transit stops have been recently upgraded as part of the Weber Street East road reconstruction project; therefore, please ensure no damage is made to this infrastructure during construction (should this application move forward).

Furthermore, GRT staff generally support the provision of an unbundled parking and surplus bike parking as impactful Transportation Demand Management (TDM) and transit-supportive measures for the site. Regional staff respectfully request the TDM checklist (Appendix D) to the TIS as it was not included in the circulation.

In addition to the above, Regional staff note that Subsidized Transit Passes were listed in the report as a potential TDM measure and the Region wishes to advise the applicant and City that providing Subsidized Transit Passes incurs significant financial and administrative costs and requires a commitment from the Owner/Applicant to manage, administer and fund the total cost of monthly transit passes for residents. If this is to be considered by the applicant and accepted by the City, further consultation and confirmation of expectations between the three parties (Applicant, City and GRT staff at the Region) is required as soon as possible.

Car share was also included as a potential TDM measure. The most established car-sharing program in Waterloo Region is Communauto. Communauto requires a business agreement with the property owner to launch this program on site. Please contact Janet MacLeod at jmacleod@communauto.ca should you have pursue this option.

Site Plan Application Stage:

Regional Road Dedication:

The subject lands have direct frontage on Weber Street East (RR# 8) and Weber Street East has a designated road width of 26.213 (86ft) in accordance with Schedule "A" of the Regional Official Plan. The existing Weber Street East right-of-way measures approximately 18.3m (60ft); therefore a road dedication of approximately 3.96m (13ft) shall be required across the frontage of 87 Weber Street East as the road dedication has already been completed at 83 Weber Street East.

Please be advised that the exact amount of land to be dedicated through a road widening shall be determined by an Ontario Land Surveyor (OLS) in consultation with the Region's Transportation Planner.

Please ensure that if a Record of Site Condition is required by the City of Kitchener, the RSC shall exclude the road dedication along 87 Weber Street East.

Access Permit/Access Regulation:

The existing properties currently obtain vehicular access to Weber Street East via two full movement access locations; one at 83 Weber Street East (which is shared with 79 Weber Street East) and one at 87 Weber Street East. The development concept provided with the application proposes a single, full-movement access to Weber Street East at the north end of the property. Regional staff have no objection to the proposed full moves vehicular access, however, the Region requires the proposed access to meet minimum offsets identified in the Regional Access Policy as all Regional Roads are controlled via By-law# 58-87 and Policy found here:

<https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Commercial-Access-Permit-Application>.

Stormwater Management Report and Site Grading:

A detailed Stormwater Management Report and detailed Site Grading Plan shall be required at the site plan application stage.

Access Permit/Access Regulation:

Region of Waterloo Access Permits shall be required for any approved access location to Weber Street East. The application for a new access can be found on the Region's website here: <https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Commercial-Access-Permit-Application>. Please be advised that the access must be designed and constructed in accordance with the Region's Access Policy and By-law including the throat width, curb line width, proximity to adjacent access locations and the angle of the access at the centerline compared to the roadway. In addition, please be advised that there is a \$230.00 fee for each access permit (new access) with no fee for the closure of existing accesses.

Site Plan Review Fee:

The Region shall require a site plan review fee of \$805.00 at the site plan application stage.

Region of Waterloo International Airport and NAV Canada:

Although the subject lands are located outside of the Region of Waterloo International Airport, NAV Canada requires to be notified of any buildings or construction cranes above 30.48m (100ft) above ground level; therefore, the developer shall complete and

submit a Land Use Submission Form to their office. The form can be found here: <https://www.navcanada.ca/en/aeronautical-information/land-use-program.aspx>
Please note that an application is required for the crane.

Regional Cultural Heritage

Please be advised that if archaeological resources are discovered during development or site alteration, the applicant must immediately cease alteration/development and contact the Ministry of Heritage, Sport, Tourism and Culture Industries. If it is determined that additional investigation and report of archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with s. 48(a) of the Ontario Heritage Act.

If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant must immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Housing Services

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

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

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

In order for affordable housing to fulfill its purpose of being affordable to those who require rents or purchase prices lower than the regular market provides, a mechanism should be in place to ensure the units remain affordable and establish income levels of the households who can rent or own the homes.

Staff further recommend meeting with Housing Services to discuss the proposal in more detail and to explore opportunities for partnerships or programs and mechanisms to support a defined level of affordability.

For the purposes of evaluating the affordability of an ownership unit, based on the definition in the Regional Official Plan, the purchase price is compared to the least expensive of:

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

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

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

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

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

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

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

Fees:

The Region acknowledges receipt of the Official Plan Amendment and Zoning By-law Amendment review fees totalling \$10,000 (deposited August 17, 2023).

Follow Up:

As indicated above, the Environmental Noise Study has been sent to the Region’s 3rd party reviewer and comments will be sent under separate cover. The Region must be satisfied with the methodology, conclusions and recommendations contained within the report in order to provide final comments on the above development applications.

Document Number: 4459645

Version: 1

In addition, Regional staff require the TDM Checklist for review.

Conclusions:

Subject to acceptance of the Noise study and TDM measures, Regional staff require the implementation of the following within the site-specific Zoning By-law Amendment to the satisfaction of the Regional Municipality of Waterloo:

1. The implementation of a holding provision to obtain an Environmental Noise Study, including Transportation and Stationary Noise to the satisfaction of the Regional Municipality of Waterloo. The required wording for the Holding Provision is:

That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

Next Steps:

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

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

Yours truly,



Melissa Mohr, MCIP, RPP
Senior Planner

- C. MHBC Planning Inc. C/O Pierre Chauvin (Applicant)
83 & 87 Weber Street East, Brigade Holdings Corporation C/O Stephen Litt (Owner)

Craig Dumart

From: Cindy P <
Sent: Tuesday, July 25, 2023 10:27 AM
To: Craig Dumart
Cc: Aislinn Clancy
Subject: 83-87 Weber Street East

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[arn why this is important](#)

Good morning Mr. Dumart.

Last week I received the postcard about the proposed development at 83-87 Weber Street East here in Kitchener. I've really thought about the information given and while I think the idea of housing is a good one I can't help but see the parking pitfall.

I know there is a big push for environmental sustainability and I think it's great that the proposed information says there will be 414 bicycle parking spaces but I think that is highly unrealistic. The idea of only 14 vehicle parking spaces for 336 dwelling units isn't practical especially when there are zero grocery shopping options in the downtown core. This is just going to end up overburdening current parking lots because it doesn't say this will be geared to income affordable housing so to assume that at least 1/3 of the residents won't need to drive to get to work is idealistic and extremely short sighted. If planning to have businesses also in the building - it will hamper their business to not have customer parking available.

I think it's a great idea to have the safe and secure bike parking - I mean, almost every person I know has had at least one bike stolen so protecting your investment matters a lot. You can still push environmentally friendly transportation options and charge extra for the option of a vehicle parking space. Ruling out the parking will just cause issues of people trying to park on streets around the building - or are you going to increase parking enforcement all around the area? I personally can't imagine moving into a place where there isn't even somewhere for my visitor's to park (14 spaces for 336 dwellings means that 4% of units would have a potential spot for a guest to park in), that doesn't even begin to hit numbers because it's rare that anyone can afford to live alone so there could be an average of 672 people living in this proposed building - bringing that number to maybe 2% of residents having access to a parking spot - even temporarily.

I do think it's a nice looking building and the living space is needed but to think you can do away with parking and cars is naive and extremely shortsighted. It's also wiping out a steady revenue stream which can help you make up the cost of adding in the parking area. I believe the average parking spot rental in downtown Kitchener is about \$150/month. Having 100 parking spaces rented at \$125 a month is \$12,500 in revenue each month. The \$125 + tax is based on the underground parking at 40 Weber building up the street from the proposed site.

Thank you for your time and I hope you have a wonderful day.

Sincerely,
Cindy Peloquin

Craig Dumart

From: Marko Savic
Sent: Friday, July 28, 2023 2:29 PM
To: Craig Dumart; Aislinn Clancy
Subject: 83–87 Weber St E

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[why this is important](#)

Hi Craig and Aislinn,

My name's Marko, I am the owner/resident and received the postcard about the proposed development at 83–87 Weber St E.

This is adjacent to my backyard, so I have some questions for planning and council to consider for this development. Overall I am pro-density in downtown, so my concerns aren't around density but how density can address the housing and affordability crisis, and the city's plan for the Market District overall.

I reviewed the submitted proposal files on the City's website before providing this feedback.

- This proposal looks like Vive is re-using another one of their proposals to change the zoning in order to flip the land, so it's hard to take this proposal at face value for any criticism
- The 8-floor podium feels very imposing
- I'm glad to see a mix of 3-bedroom units, which seems to be a missing middle in downtown, assuming this is a real proposal
- This will not help affordable housing at all, as Vive is a for-profit, high rent landlord – I'm not sure if they are contributing to any affordable housing initiative as part of their re-zoning request
- I am pro-transit/cycling/pedestrian infrastructure (I sold my car and I walk everywhere), but the extreme lack of parking is going to create a substantial impact on the neighbourhood, particularly with all of the surrounding roads being converted to bike paths and Duke becoming one-way. Regardless of whether it attracts car-free residents, 336 units will have more than 14 visitors on a daily basis. I imagine this will have a substantial impact on the Kitchener Market and Market Square (Conestoga) parking garages now.
- The retail makes no sense with the lack of parking and how busy Weber St., is as a vehicle corridor. There are already vacancies in the King/Cedar area, additional retail opening in the Drewlo towers, and the retail proposed on Scott St. was converted to amenities. There's a way to set up retail for success in this location, but this proposal is not it.
- The density of the tower, the height, and the lack of parking are going to set a precedent for the rest of the block that is currently for sale (Weber & May Pl. to Cedar). Whether City planning/council wants that to happen or not, if this is approved as is it will increase the likelihood of another developer going big and if denied by the city, pushing for an OLT ruling in favour of density (similar to what recently happened on Victoria & Park, though at least that's a nice looking building and appropriate for that area of downtown). Again, I'm in favour of density, but the planning for this section should be done holistically and not on a proposal-by-proposal basis.
- If this is approved, it means it's going to create a substantial change to the "market district." If that goal the City has for this area remains a "market village" vibe, that will disappear. If the City were to take inspiration from European cities with market neighbourhoods, 6–8 stories seems to be the style that works best. That seems to be the case for the property being developed at King/Eby, the 3-story townhomes proposed on Cedar, and the upcoming redevelopment on the other Cedar St. Properties. It's going to be quite a strange setup around the market to have homes like mine on Duke with 25 story towers directly behind them. Unless the city plans to support the redevelopment of Duke to medium-density later, the scale of the neighbourhood is going to be very, very weird. Whether the density is right for the area or not isn't my concern, but the shape of the

neighbourhood is going to be pretty nonsensical if the zoning for this Duke/Cedar/Weber block isn't considered together.

- Given the focus of the proposal on bicycle parking, and lack of bicycle infrastructure and high levels of high speed vehicle traffic on Weber, it seems it would make sense for the plan to connect onto Duke through a pedestrian/bike pathway – I imagine that will happen organically through the Racquet Club parking lot, which I doubt they are going to like.

If the City wants this level of density in this part of downtown, I can get behind it, but I would ask that the overall neighbourhood redevelopment be considered. If this is approved as is, the City will lose control over the rest of the redevelopment by setting precedent for this height, on this block, which is far outside the City's official plan. The Kitchener Market is great, and the idea (still to form) of a market village is very cool, but this would change that substantially.

Really, the City just needs a plan for this area. For example, I wanted to open a bakery in my home (perfect for the market village vibe) but that's not allowed in the zoning plan today, which makes absolutely no sense (given my front door looks at the Market). Then given all the redevelopment uncertainty, I'm not sure it's worth the investment in a zoning variance and renovation if this whole neighbourhood is going to become generic 25 story towers, under construction for the next 5–10 years.

Hope that's helpful,

Marko

RE-FILE MANAGER

CRAG DUMPERT

MY NAME IS TRACEY
GRAHAM I AM A RESIDENT
AT

I HAVE LIVED
HERE FOR OVER 10 YEARS,
ASLO I AM ON ODSP.

I HAVE BEEN LOOKING
FOR A PLACE TO RENT FOR
THE LAST 6 MONTHS, AND
HAVING A HARD TIME.

I PAY \$817 FOR A ONE
BEDROOM APT. THE
MAXIMUM I CAN PAY
IS \$1000. A MONTH, AS
MY TOTAL INCOME IS
\$1550.⁰⁰ ~~00~~

CRAG DUMPERT SAID
~~WE~~ (THE RESIDENTS)
COULD RELOCATE WITH
THEIR HELP. IF SO
CAN THIS BE DONE

I WILL NEED HELP I
HAVE NO FAMILY OR FRIENDS
HERE TO HELP ME

I NEED TO KNOW
WHERE I STAND. ARE
YOU GOING TO MAKE
ME HOMELESS JUST
FOR PROFIT?

I AM HOPING I CAN
GET A PLACE I CAN
AFFORD BEFORE YOU
DEMOLISH MY HOME.

VERY CONCERNED
-AND VERY WORRIED
TENDER

TRACEY GRAHAM

Tracey Duche

Staff Report



Corporate Services Department

www.kitchener.ca

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: October 2, 2023

SUBMITTED BY: Amanda Fusco, Director of Legislated Services/City Clerk, 519-741-2200 ext. 7089

PREPARED BY: Amanda Fusco, Director of Legislated Services/City Clerk, 519-741-2200 ext. 7089

WARD(S) INVOLVED: All

DATE OF REPORT: September 18, 2023

REPORT NO.: COR-2023-420

SUBJECT: Integrity Commissioner Annual Report – July 1, 2022 to June 30, 2023

RECOMMENDATION:

For information.

REPORT HIGHLIGHTS:

- The purpose of this report is to present the annual report submitted by the Integrity Commissioner (IC), ADR Chambers, in accordance with provisions in the Code of Conduct (“the Code”).
- This report supports the delivery of core services.

BACKGROUND:

Subsection 223.2 (1) of the *Municipal Act, 2001*, (“the Act”) provides that a municipality shall establish codes of conduct for members of the Council of the municipality and its local boards. Subsection 223.3 of the Act authorizes the municipality to appoint an Integrity Commissioner who shall perform various functions under the Act as authorized by the municipality.

Council has adopted a Code of Conduct for members of Council and local boards, and appointed an Integrity Commissioner (IC), ADR Chambers, to provide independent investigative services in response to complaints against members of Council where there is a perceived contravention of the Code.

The Code requires the IC to report annually to Council if any complaint within the jurisdiction of the IC is received.

REPORT:

In accordance with the requirements of the City's Code, the attached annual report (Attachment A) from the IC dated September 11, 2023 for the period of July 1, 2023 to June 30, 2023, is provided for Council's information.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

During this operating period, the Integrity Commissioner received and responded to three Requests for Advice and one Code of Conduct complaint. The complaint was not filed in accordance with the prescribed timelines set out in the Municipal Act and in the City's Complaint Protocol, and therefore was dismissed.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

The billings for the year as noted in the Annual report is \$6,299.76. The amount budgeted is \$2,000. The deficit is currently being covered in the Operating Budgets for Legislated Services and Office of the Mayor and Council accounts.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- COR-2023-090 – Integrity Commissioner Annual Report - July1, 2021toJune30, 2022
- *Municipal Act, 2001*
- *Municipal Conflict of Interest Act, 1990*

APPROVED BY: Victoria Raab, General Manager, Corporate Services

ATTACHMENTS:

Attachment A – Annual Report of the Integrity Commissioner, July 1, 2022 to June 30, 2023



ADR
CHAMBERS

Integrity Commissioner Office
for the City of Kitchener

September 11, 2023

SENT BY E-MAIL TO:

Amanda Fusco
City Clerk, City of Kitchener
200 King Street West
Kitchener, ON N2G 4V6
Amanda.fusco@kitchener.ca

**Re: File No.: IC-25729-0723: City of Kitchener - Integrity Commissioner Annual Report-
Operating Period July 1, 2022 to June 30, 2023**

Dear Ms. Fusco:

Thank you for the opportunity to act as the Integrity Commissioner (or "IC) for the City of Kitchener (the "City") over the past year. In accordance with the terms of the agreement with the City, and pursuant to section 223.6(1) of the *Municipal Act, 2001*, we are providing our annual report for the operating period of July 1, 2022 to June 30, 2023.

As you know, the IC's role is to help Members of Council ("Members") ensure that they are performing their duties and functions in accordance with the City's Code of Conduct (the "Code") and the *Municipal Conflict of Interest Act* ("MCIA"). The Integrity Commissioner is available to educate and provide advice to Members on matters governing their ethical behavior and compliance with the Code and MCIA.

The Integrity Commissioner is also responsible for receiving, assessing, and investigating appropriate complaints respecting alleged breaches of the Code or the MCIA.

Requests for Advice

During this operating period, the Integrity Commissioner received and responded to three Requests for Advice.

Code of Conduct Complaints

During this operating period, the Integrity Commissioner received one Code of Conduct complaint. The complaint was not filed in accordance with the prescribed timelines set out in the *Municipal Act* and in the City's Complaint Protocol, and therefore was dismissed.

Billings

A summary of billing for the year is included in this annual report as Appendix 1.

Final Comments

We look forward to assisting the City and its Members in contending with the issues that may arise in connection with the administration of its Code in the coming year.

Yours truly,



Lori Lalonde
ADR Program Associate, ADR Chambers Inc.
Office of the Integrity Commissioner

APPENDIX 1
Summary of Billing

Billing for the year to date has totaled **\$6,299.76**, as detailed below.

Invoice Number	Date	Fees	HST	Total
8301	07/07/2022	\$2,000.00	\$260.00	\$2,260.00
8530	08/02/2023	\$3,162.50	\$411.13	\$3,573.63
8692	08/06/2023	\$412.50	\$53.63	\$466.13
TOTAL		\$5,575.01	\$724.75	\$6,299.76