

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

CITY OF KITCHENER
1001 King Street East

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SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. ### to the Official Plan of the City of Kitchener (1994). 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:

- Map 10 – Secondary Plan - King Street East Neighbourhood Plan for Land Use by redesignating lands, municipally addressed as 1001 King Street East from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 10'
- Adding Policy 13.2.3.10 to Section 13.2.3 to permit a maximum Floor Space Ratio of 8.1.

SECTION 3 – BASIS OF THE AMENDMENT

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,

- a) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- b) The minimization of waste;
- c) The orderly development of safe and healthy communities;
- d) The adequate provision of a full range of housing, including affordable housing;
- e) The adequate provision of employment opportunities;
- f) The appropriate location of growth and development;
- g) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- h) 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;
- j) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

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

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 and light rail and makes efficient use of both existing roads and active transportation networks. The lands will be remediated through the development process and noise mitigation will be implemented. 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 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 Major Transit Station Areas (MTSA) 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 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 built-up area and the Borden Station MTSA. The proposed development provides residential intensification and will help the City achieve density targets of 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 Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

The subject lands are within the MTSA boundary that was approved in Regional Official Plan Amendment No. 6) in August 2022. The minimum density target for an MTSA is 160 people and jobs per hectare (ppj's/ha). Planning staff completed an evaluation of the existing density for each MTSA for the 2021 Growth Monitoring Report based on 2019 statistics. The Borden Station MTSA consists of an area of about 54 hectares and had an overall density of 44 residents and jobs per hectare in 2019. The subject proposal having 464 units and about 450 m² of commercial floor space represents about 864 residents and jobs. Therefore, this development will contribute about 16 people and jobs per hectare to the Borden Station MTSA.

The Region of Waterloo have requested a holding provision be added to the site-specific zoning. 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.

The subject lands are designated 'Mixed Use Corridor with Special Policy Area 1' (Map 10) in the King Street East Secondary Plan (1994 Official Plan). The Mixed Use Corridor land use designation provides residential redevelopment opportunities together with appropriate commercial and institutional uses that primarily serve adjacent residential neighbourhoods. Over

time it is intended that the Mixed Use Corridors shall intensify and provide a balanced distribution of commercial, multiple residential and institutional uses. The policies of Special Policy Area 1 were deleted through OPA 111.

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area 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, 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 a Major Transit Station Area. The planned function of the MTSA 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 Major Transit Station Areas give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development 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 rapid transit. The building and development will contribute to a high quality public realm. Through the Site Plan Approval process, the applicant will be required to make parkland dedication. The applicant is proposing to dedicate lands for an urban green at the southeast corner of Bordon Ave and King Street East (967-977 King Street East). In addition, private amenity space will be provided on site for future residents.

Staff is of the opinion that the proposed Official Plan Amendment will support a development that not only complies with the City's policies for a Major Transit Station Area but also contributes to the vision for a complete and healthy city.

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.

PARTS Rockway Plan

The subject lands are located within the PARTS Rockway Plan which is a guiding document for land uses within and around rapid transit station stops. The PARTS Rockway Plan made recommendations for amendments to the Secondary Plans within MTSA's, which have not yet been implemented. Some of the primary recommendations are to encourage the development of underutilized sites with higher density live-work environments and to increase housing supply with multi-unit residential while protecting existing stable neighbourhoods. The proposed development provides for a higher density housing options and the proposed amendment is in keeping with the PARTS Rockway vision for development within and around the ION stops.

Neighbourhood Planning Review (NPR)

The subject lands are within the King East Neighbourhood Planning Review (NPR) area. The proposed zoning and policies for this site contemplated most intensive mixed use zoning permissions.

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 number of rental apartment units available in the city. The development is contemplated to include a range of unit types including one, two and three bedroom units, and live-work units, which will 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 time of Site Plan Application.

Health and Safety Policies:

Official Plan policies seek to minimize and mitigate land use conflicts between sensitive land uses and sources of noise and vibration, and potential contamination. The Region of Waterloo has identified that the lands are located in proximity to noise sources (roads), potential stationary noise sources, and have been identified as having environmental threats (contamination) on and adjacent to the subject lands. Official Plan policies permit the use of holding provisions where it is desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions. The Region has requested that a Holding Provision be applied to the lands through the site-specific zoning to require filing of a Record of Site Condition and completion of a noise and vibration study prior to residential uses being permitted.

Parkland Acquisition:

Official Plan policies support the dedication of parkland in accordance with the Parks Strategic Plan. The subject area has been identified as being underserved by parks. The applicant is proposing to dedicate lands at the southeast corner of King Street East and Borden Street to the City of Kitchener as an Urban Green through the future Site Plan process. Parks staff is supportive of this proposal and will continue to pursue park land dedication through the subsequent Site Plan process.

Urban Design

The City's urban design policies are outlined in Section 11 of the Official Plan. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale. 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 and the future Site Plan review process. The Urban Design Brief is attached as Appendix 'C' and staff recommend that it be adopted by Council to guide the Site Plan Application Approval Process.

Streetscape:

The building has been designed to address and create a positive and active streetscape along both the King Street East and Charles Street East frontages. The King Street East frontage is activated by at-grade commercial units, the primary entrance to the residential lobby, and an enhanced landscaped area commemorating the Onward Manufacturing Plant. Seven two-storey live-work units are proposed along the Charles Street East frontage activating the street, together with a secondary residential lobby entrance. Principal entrances and lobbies are located at grade with direct access to public sidewalks. The proposed tower includes a 4 storey-podium base, and the upper storey of the base fronting King Street East is wrapped with dwelling units which will further enhance the character of the street.

Safety:

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

Universal Design:

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

Skyline:

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

Site Design, Building Design, Massing and Scale:

The scale of the proposed building and resulting FSR is higher than those presently built in the MTSA, however staff is of the opinion that it is compatible with the existing and planned built form of the MTSA and the surrounding neighbourhood. Nearby developments approved at 20 Ottawa St North and at 1251 King Street East (at Sheldon Ave) are of a comparable height and scale. The proposed mixed use building has been designed in a contemporary style and includes a well defined 4-storey podium and an 'L' shared tower with 11 and 30 storey sections which help to break up the massing. The mass of the 30-storey tower has been oriented towards Charles Street East, where it interfaces with existing industrial uses south of Charles Street East, and the 4 and 11 storey components of the building are oriented to King Street East, which is the primary pedestrian focus. The proposed building and at grade uses contribute to the streetscape and provides for a transition to the low-rise residential neighbourhood to the north.

The proposed built form includes above grade structured parking internal to the building. Due to a high water table, only one level of below-grade parking is feasible (and for the same reason, why geothermal is proposed to be prohibited). As such, 4 levels of above-grade parking internal to the building are proposed. The parking structure is proposed to be wrapped with commercial

and residential units along King Street East, and live-work units along Charles Street East. The above-grade parking within the building is screened from view along the ground floor, thereby maintaining a pedestrian focussed and activated streetscape. Staff note that the building floor area occupied by the above grade parking structure, contributes to the total FSR, however the massing of this portion of the building is well screened, and structured parking is strongly preferred to surface parking. City policies support the construction of structured parking in order to maximize intensification opportunities and minimize surface parking.

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. Urban Design staff has confirmed that the proposed towers are generally consistent with and meet the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development aligns with acceptable onsite and offsite separations and overlook which provides opportunities for future development of tall buildings on neighbouring lands.

Shadow Impact Study:

The owner has completed a Shadow Impact Study which is attached as part of the Urban Design Brief in Appendix 'C'. 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. The placement of the tower avoids most shadow impacts on the residentially zoned lands north of King Street East during daytime hours in the spring, summer and autumn.

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. Wind control features will be required through the site plan application.

Cultural Heritage

Policies of the Official Plan seek to conserve cultural heritage resources. The property municipally addressed as 1027 King Street East (and located within the subject lands) is listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register. The property is also located within the Onward Avenue Neighbourhood- a significant cultural heritage landscape as per the Kitchener Cultural Heritage Landscape Study (CHLS) which was prepared by The Landplan Collaborative Ltd and approved by Council in 2015.

A Heritage Impact Assessment (HIA) was prepared and contemplates the demolition of the existing listed structure. The HIA found that only the Art Deco Tower in the middle of the building possessed cultural heritage value, with the adjacent buildings having lost its cultural heritage integrity due to many alterations and a fire that damaged the existing structure. However, the report found that preserving the tower without the two other structures would not be possible as it is structurally reliant on the adjacent buildings. Other alternatives, such as retaining only the Art-Deco Tower were explored but were ultimately not recommended. The listed property also had historical and contextual value, specifically with regards to its the views from Onward Avenue. The findings and recommendations of the HIA were presented and discussed at the January 4, 2022, meeting of Heritage Kitchener.

Heritage Planning staff are of the opinion that the recommended mitigation measures including documentation and commemoration are appropriate for the conservation of the cultural heritage value of the existing resource. As outlined in the Urban Design Brief and HIA, the commemoration will be completed at the Site Plan Application stage and will include:

- Installing the 'Eureka' signage - inspired from the 'Eureka' tiles found inside the existing building - in front of the proposed development;
- a large "Memorial Wall" at the terminating view from Onward Ave, where the existing building currently is located, and at the entrance of the podium which details the history of the site and its evolution over time to commemorate and preserve the existing terminating views, and
- re-use of salvaged elements of the Art Deco Tower (including original Eureka tiles, window and door elements, and existing metal columns).

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 within 150 metres of the Borden ION station stop, and several bus routes including an iXpress bus route. The building has good access to cycling networks, including existing on and off-street cycling facilities and is located in proximity to the downtown cycling grid. Secure, weather protected bicycle parking, and short-term visitor bicycle parking will be required as part of the proposed Zoning By-law amendment.

The proposed development applications would permit compact mixed-use development that supports walkability within a pedestrian-friendly environment, and that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel. Pedestrian lobbies are provided to both King Street East and Charles Street East, and commercial and live-work units will also connect directly with the public sidewalks. Recessed weather protected pedestrian entrances are proposed which will enhance the comfort of pedestrian entering/exiting the building, and those passing by along the public street.

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 and a parking reduction is proposed. Policy objectives of the Official Plan seek to ensure adequate parking, while also reducing demand by supporting public transit and active transportation, especially in intensification areas. Further discussion with respect to the proposed parking reduction is provided in the Zoning By-law discussion below.

A Transportation Impact Study was completed in support of the application and has been reviewed and accepted by City and Regional transportation staff. The TIS find that no off-site improvements are required for the proposed development (such as turning lanes or changes to

intersections). Staff is satisfied that the proposed development and parking rates comply with the Transportation Policies of the Official Plan.

Proposed Official Plan Amendment:

The applicant is proposing to add Special Policy Area 10 to the King Street East Secondary Plan to permit a maximum Floor Space Ratio (FSR) of 8.1 whereas the current Official Plan policies allow for a maximum FSR of 4.0. The proposed site-specific increase to the Floor Space Ratio will permit the proposed development concept. 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

1. The City of Kitchener Official Plan (1994) is hereby amended as follows:
 - a) Part 3, Section 13.2.3 Special Policies is amended by adding new Section 13.2.3.10 thereto as follows:
 - “10. Notwithstanding the Mixed Use Corridor land use designation and policies for lands addressed 1001 King Street East the maximum permitted Floor Space Ratio shall be 8.1.

A Holding provision pursuant to Section 17.E.13 of the Official Plan will apply to residential uses, day care uses and other sensitive uses. The Holding provision will be lifted through a by-law amendment and will not be removed until such time as a Record of Site Condition has been completed and a Noise and Vibration Study has been approved by the Region and releases have been issued by the Region.
 - b) Map 10 – King Street East Neighbourhood Plan for Land Use is amended by designating the lands, municipally addressed as 1001 King Street East, as ‘Mixed Use Corridor with Special Policy Area 10’ instead of ‘Mixed Use Corridor with Special Policy Area 1’, as shown on the attached Schedule ‘A’.

NOTICE OF PUBLIC MEETING for a development in your neighbourhood 1001 King Street East



Concept Drawing

Have Your Voice Heard!

Date: **April 24, 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
or to appear as a delegation, visit:

kitchener.ca/meetings

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

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

or contact:

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Mixed Use
Development



30 Storeys



Floor Space
Ratio of 8.1

The City of Kitchener will consider applications to amend the Official Plan and Zoning By-law for the property at 1001 King Street East to permit a mixed-use development including 464 residential units, 7 live/work units, 450 m² of commercial space, and a parking rate of 0.64 parking spaces per dwelling unit. The development proposes an 'L' shaped building with a 30-storey and a 11-storey tower and a parking structure with a Floor Space Ratio (FSR) of 8.1.

APPENDIX 2: Minutes of the Planning & Strategic Initiatives Committee Meeting (April 24, 2023)

APPENDIX 3 - Minutes of the Meeting of City Council (May 8, 2023)