

# Staff Report



Development Services Department

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**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** April 24, 2023

**SUBMITTED BY:** Garrett Stevenson, Interim Director of Planning, 519-741-2200 x.7070

**PREPARED BY:** Katie Anderl, Senior Planner, 519-741-2200 x.7987

**WARD INVOLVED:** Ward 9

**DATE OF REPORT:** March 27, 2023

**REPORT NO.:** DSD-2023-151

**SUBJECT:** Official Plan Amendment Application OPA22/001/K/KA  
Zoning By-law Amendment Application ZBA22/001/K/KA  
King-Charles Properties (Kitchener) Limited  
1001 King Street East

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## RECOMMENDATION:

That Official Plan Amendment Application OPA22/001/K/KA for King Charles Properties (Kitchener) Limited requesting a land use designation change from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 10' to permit a 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-2023-151 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA22/001/K/KA for King Charles Properties (Kitchener) Limited be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2023-151 as Appendix 'B'; and further

That COUNCIL adopt the Urban Design Brief for 1001 King Street East attached to Report DSD-2023-151 as Appendix 'C'.

## 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 subject lands located 1001 King Street East. It is planning staff's recommendation that the Official Plan and Zoning By-law Amendments be approved, and the Urban Design Brief be adopted.
- The proposed Amendments support the creation of a high intensity mixed use development in a Major Transit Station Area.
- Community engagement included:
  - circulation of a preliminary notice and neighbourhood meeting invite postcard to property owners and residents within 240 metres of the subject site, and publishing notice in the Record;
  - installation of large billboard notice signs on the property;
  - follow up one-on-one correspondence with members of the public;

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

- Neighbourhood Meeting held on March 23, 2022;
- 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 March 31, 2023.
- This report supports the delivery of core services.

### **EXECUTIVE SUMMARY:**

The owner of the lands addressed as 1001 King Street East is proposing to change the Official Plan (1994) land use designation from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 10' in the King Street East Secondary Plan, and to change the zoning from High Intensity Mixed Use Corridor Zone (MU-3) with Special Use and Special Regulation Provisions in Zoning By-law 85-1 to 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 with Special Regulation Provisions 544R and 788R and Holding Provision 100H to allow for an increased Floor Space Ratio (FSR), further regulate parking, permit reduced setbacks to the street, allow for dwelling units and commercial uses to both be located on the ground floor, and to apply a Holding Provision to require remediation of site contamination and an updated noise study. Staff recommend that the applications be approved.

### **BACKGROUND:**

King Charles Properties (Kitchener) Limited has made applications to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to amend the land use designation and zoning of the lands at 1001 King Street East to permit the lands to be developed with a 30-storey mixed use residential building with a proposed Floor Space Ratio (FSR) of 8.1. The lands are currently designated 'Mixed Use Corridor with Special Policy Area 1' in the City of Kitchener King Street East Secondary Plan and zoned 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R and 401U' in Zoning By-law 85-1.

The existing zoning permissions permit:

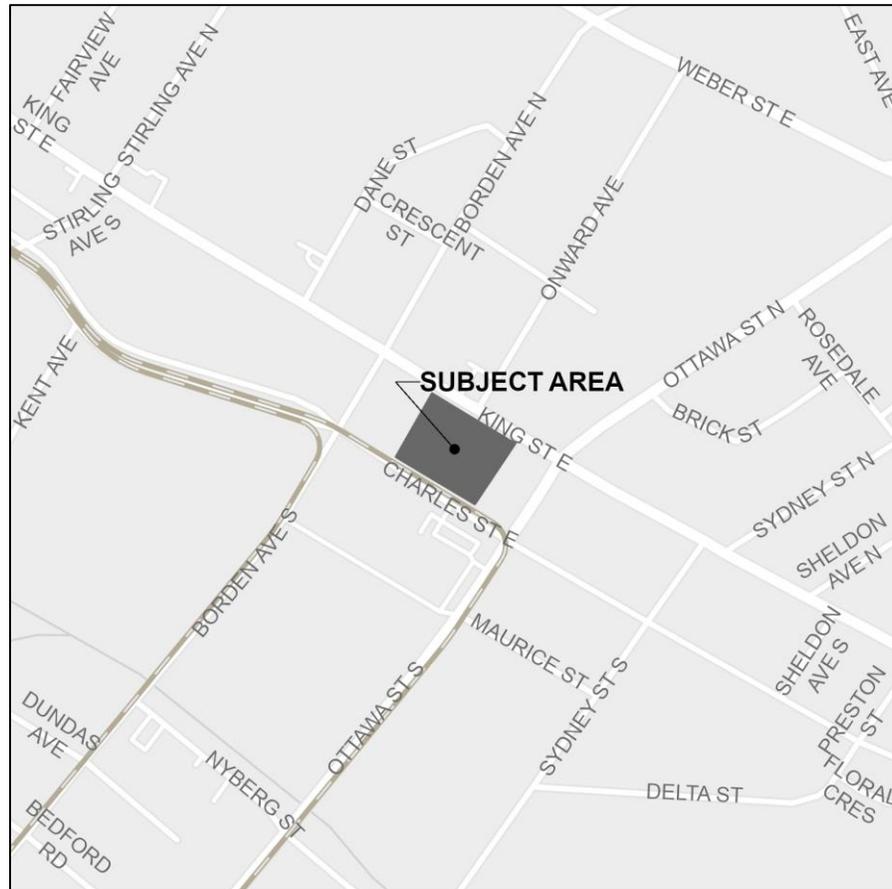
- a range of uses including multiple dwellings, commercial and institutional uses,
- a maximum building Floor Space Ratio (FSR) of 4.0,
- buildings with no maximum building height, subject only to the Floor Space Ratio (FSR) maximum requirement,
- an on-site parking rate of 1 parking space for each dwelling unit over 51 square metres of floor area,
- Special regulation 544R which allows for an increase Floor Space Ratio (FSR) to 5.0 for a mixed-use development with a food store and permits a building setback of 1.5 metres to King Street East and Charles Street East.
- Special use 401U which restricts sensitive uses until a Record of Site Condition is completed.

### **Site Context**

The proposed development includes lands on King Street East and Charles Street East which have been consolidated and are now addressed as 1001 King Street East and are located mid-block between Borden Avenue and Ottawa Street South. The subject lands have a lot area of 0.65 hectares. The subject lands currently contain a car parts supplier store (formerly Onward Manufacturing), a repair shop, an e-waste collection facility, 2 single detached dwellings and 1 duplex dwelling. The applicant has advised that the dwellings are currently subject to short-term and interim leases with tenants.

The surrounding neighbourhood consists of a variety of uses including commercial, industrial, office, singles detached dwellings and small multiples. High-rise residential uses have also been recently approved in proximity to the subject lands at 20 Ottawa Street North and 926 King Street East. The subject lands are located within 150 metres of the Borden ION station, which is located on Charles Street East near the intersection with Borden Avenue South. Existing bus routes operate along King

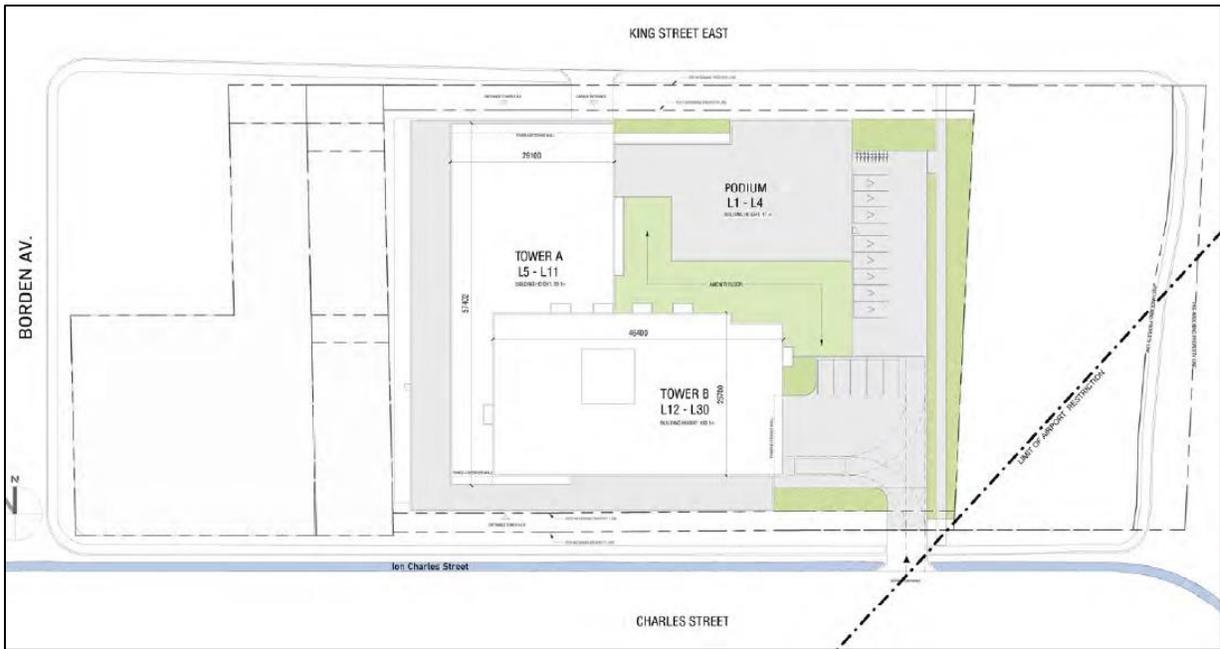
Street East, Ottawa Street, Charles Street including an iXpress Route, and the subject lands are in close proximity to the downtown cycling grid and Iron Horse Trail.



**Figure 1 – 1001 King Street East**

**REPORT:**

The applicant is proposing to develop the subject lands with a mixed-use residential building consisting of a 30-storey tower (Building A) and an 11-storey building (Building B) and a 4-storey podium with a shared roof-top amenity area and structured parking facility. The development is proposed to have an FSR of 8.1 (based on the pre-road-widening lot area). The mixed use building proposes a total of 464 residential units with approximately 450 square metres of commercial/retail space at grade fronting King Street East and 7 two-storey live-work units fronting Charles Street East. A parking rate of 0.64 parking spaces per dwelling unit is proposed. Parking is primarily located within a parking garage with one storey of underground parking and four storeys of above-grade parking within the podium. Building step-backs are provided at the 4<sup>th</sup> floor and the 11<sup>th</sup> floor. Outdoor amenity space is proposed on the 4<sup>th</sup> level of the podium that connects the 30 storey tower with the 11 storey building.



**Figure 2 – Conceptual Site Plan**



**Figure 3 – Conceptual Massing Model (King Street East elevation)**

The initial Official Plan and Zoning By-law Amendment applications proposed a 30-storey single tower, mixed-use development, with an FSR of 8.27 and a parking rate of 0.54 parking spaces per dwelling unit. Through the review process, the applicant has worked with staff to refine the building so that it better achieves Urban Design policies and the Tall Building Guidelines. The updated building and site design (as shown in Figures 2 & 3) proposes an 'L' shaped building having a 30-storey tower oriented to Charles Street East and a 11 storey building oriented to King Street East, all sitting upon a 4-storey podium. The parking structure is wrapped with commercial and residential units along the King Street East frontages, and live-work units are proposed at grade along the Charles Street East frontage. Planning staff is supportive of the revised building design, in accordance with the comments and discussion in the following sections of this report and recommend that the proposed site-specific Official Plan and Zoning By-law amendments be approved and the Urban Design Brief be adopted. Table 1 below highlights the development concept statistics.

**Table 1. Proposed Development Concept Statistics**

	<b>Development Concept</b>
<b>Number of Units</b>	464 dwelling units
<b>Commercial Space</b>	450 square metres
<b>Parking Spaces</b>	300 parking spaces (approx.)
<b>Building Height</b>	30 storeys
<b>Podium Height</b>	4 storeys
<b>Class A (indoor secured) Bicycle Parking</b>	Minimum of 0.5 spaces per unit
<b>Class B (outdoor visitor) Bicycle Parking</b>	Minimum of 6
<b>Electric Vehicle Ready Parking Stalls</b>	Minimum of 20%
<b>Floor Space Ratio</b>	8.1
<b>Unit Types</b>	1-bedroom units (130) – 28% 1-bedroom + den units (202) – 43.5% 2-bedroom units (115) – 25% 3-bedroom units (10) – 2% Live-work units (7) – 1.5%

To facilitate the redevelopment of 1001 King Street East with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are required. The lands are currently designated 'Mixed Use Corridor with Special Policy Area 1' in the City of Kitchener King Street East Secondary Plan and is zoned 'High Intensity Mixed Use Corridor Zone (MU-3)' with 'Special Regulation Provision 544R' and 'Special Regulation Provision 401U' applying to two smaller former lots. The owner is proposing to change the land use designation to 'Mixed Use Corridor with Special Policy 10' in the King Street East Secondary Plan and the zoning of the entire parcel to 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provisions 544R, 788R and Holding Provision 100H' in Zoning By-law 85-1, to allow for a FSR of 8.1; reduce the required parking; reduce setbacks to the street; require secure and weather protected bicycle parking; allow live-work units on the ground floor; and prohibit geothermal energy systems. A Holding Provision is also proposed to be added to the property to prevent the development of the site with sensitive uses, including residential uses, until the Region is in receipt of a Record of Site Condition and a noise study is 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,

- 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 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 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 m<sup>2</sup> 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 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 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 MTSAs, 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.

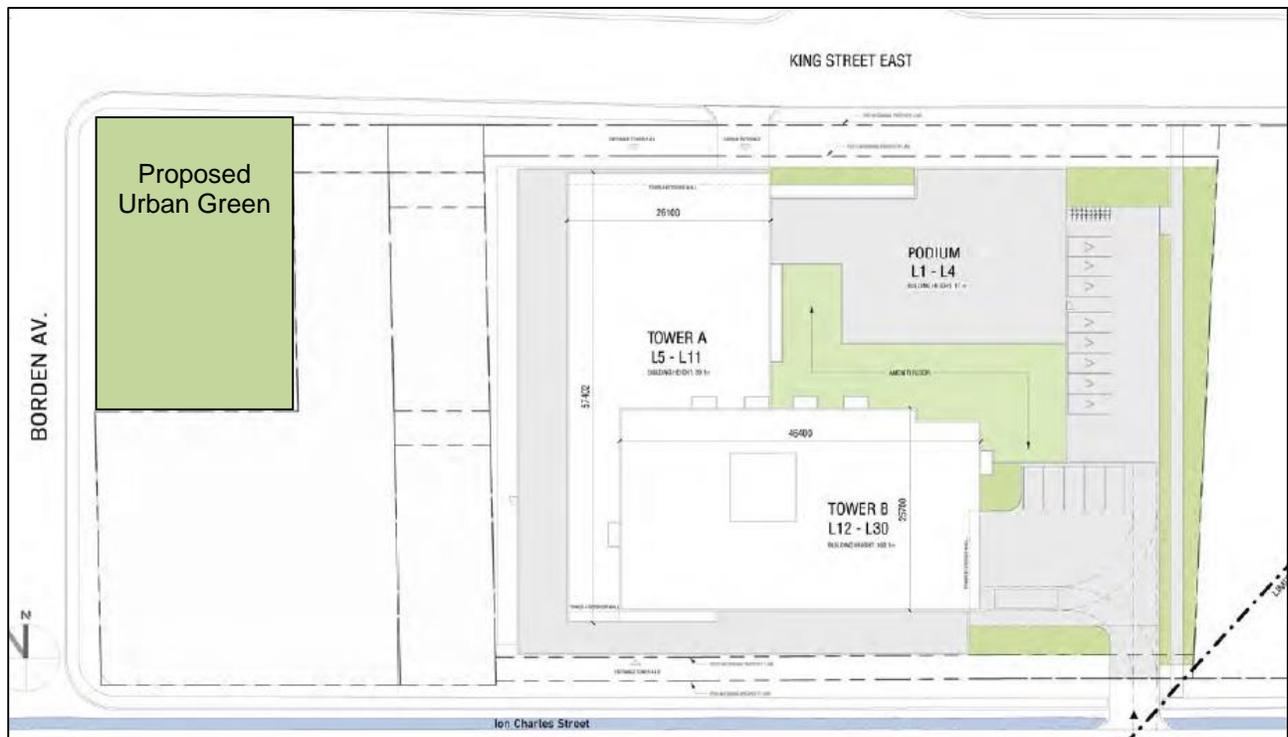
Development applications are required to demonstrate that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved. Sustainable development initiatives will be further implemented at the time of Site Plan Application.

### 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.



**Figure 4 – Proposed Urban Green**

### 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' shaped 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.

#### **Proposed Zoning By-law Amendment:**

The subject lands are zoned ‘High Intensity Mixed Use Corridor Zone (MU-3)’ in Zoning By-law 85-1. The existing zoning permits Multiple Dwellings and a wide range of Commercial uses. The MU-3 zone currently allows for a maximum Floor Space Ratio (FSR) of 4.0 and there is no maximum building height. The existing zoning also requires 1.0 parking spaces for each dwelling unit over 51 square metres of floor area.

The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning of Area 1 from 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R' to 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R, Special Regulation Provision 788R and Holding Provision 100H' and Area 2 from 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Use Provision 401U and Special Regulation Provision 544R' to 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R, Special Regulation Provision 788R and Holding Provision 100H'. The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), permit reduced setbacks, reduce the required parking rate, permit live-work units on the ground floor, and to prohibit geothermal energy systems.

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.

Staff offer the following comments with respect to the proposed Special Regulation Provision 788R:

- a) That the maximum Floor Space Ratio (FSR) shall be 8.1.

The purpose of this regulation is to cap the Floor Space Ratio and ensure development does not exceed the density presented in the concept plans. As discussed in the context of the proposed Official Plan Amendment in the preceding section, staff is of the opinion that the proposed development concept including 464 dwelling units in 30 storey and 11 storey towers with a 4 storey podium, which includes active uses at grade, structured parking and dwelling units fronting the primary pedestrian street, represents an appropriate development in a MTSA and in close proximity to an ION station. The building has an acceptable degree of compliance with the Tall Building Guidelines and does not compromise the development potential of neighbouring or nearby lands. The building has been oriented to minimize impacts to established low-rise residential lands north of King Street East and east of Ottawa Street South. Staff is of the opinion that a FSR of 8.1 is appropriate for this site.

- b) The minimum yard abutting Charles Street East shall be 1.2 metres for the ground floor and 0.0 metres for storeys above the ground floor and the minimum yard abutting King Street East shall be 1.2 metres for portions of the building containing commercial, residential and amenity uses and 5.0 metres for portions of the building containing mechanical and/or parking structure.

The applicant is proposing to reduce the yards abutting the street to accommodate for the proposed built form. Staff note that a road widening of about 3.0 m is required along the Charles Street East frontage and 4.0 metres is required along the King Street East frontage. The purpose of these widenings is to provide additional right-of-way width for future street improvements. Staff anticipate that in both cases such improvements would not necessarily include expansion for vehicles but would likely include improved pedestrian and cycling infrastructure. Further, the proposed setback aligns with or exceeds the minimum setback required by Enova for the existing hydro poles (these can exceed, and also supersede, zoning setback regulations). The proposed building setback would be from the future lot line and regulations clarify that they are to be measured from the post-road-widening property line. Staff is of the opinion that permitting a 1.2 metre setback to the ground floor uses along Charles Street East provides an appropriate distance between the building and future property line to incorporate on-site hard and soft landscaping, and the proposed 0.0 metre setback for upper storeys allows the building to project on upper storeys of the podium to provide for a weather protected entrance to the residential lobby and live-work units. The proposed 1.2 metre setback along King Street East applies to all levels and accommodates for the minimum setback to the hydro lines, while also allowing some space for hard and soft landscaping. The building is proposed to have variation in the façade setbacks allowing for commercial units to be close to the

street, and the residential lobby to be somewhat recessed with a weather protected overhang. The zoning will also require that sections of the building not incorporating active uses be setback for 5.0 to accommodate for enhanced landscaped area and commemoration features.

- c) That parking be provided at a rate of 0.54 parking spaces per dwelling unit and that 0.1 parking spaces per dwelling unit be reserved for visitor parking and non-residential uses. Bicycle and electric vehicle parking are to be provided in accordance with Zoning By-law 2019-051.

The purpose of this regulation is to provide for a parking rate which is appropriate for the development. A Transportation Impact Study and Parking Justification Study were submitted in support of the applications. Transportation staff have reviewed the study and are supportive of the proposed parking rate of 0.54 parking spaces per dwelling unit subject to Transportation Demand Management techniques including provision of secure and weather protected bike parking, unbundled parking, provision of TDM educational materials, subsidized transit passes and provision of a car share parking space. The subject lands have excellent access to public transit including Ion, iXpress and local bus routes, and pedestrian/cycling networks.

Staff recommend an additional 0.1 parking spaces per dwelling unit be reserved for shared use between residential visitors and commercial units. The proposed visitor parking rate of 0.1 parking spaces per dwelling unit is consistent with the visitor rate for multiple dwellings in a mixed use zone in Zoning By-law 2019-051.

While in many cases it may be appropriate to reduce visitor parking rates, in this instance there is no on-street parking on many adjacent streets including on Ottawa Street, King Street East, Charles Street East, and Borden Avenue South, and unlike in the downtown, there are currently no public off-site parking lots or garages in close proximity. Staff also heard concerns from residents about impacts to the availability of on-street parking on local roads such as Onward Avenue and Crescent Street. While short-term on-street parking will continue to be available to the general public, due to the limited availability, it is appropriate provide for visitor parking on-site. Staff is of the opinion that while a landlord may be able to manage parking generated by tenants through lease agreements and TDM measures, it is more difficult to manage that of visitors. Staff is satisfied that based on the location of the site, and proposed TDM measures that a parking ratio of 0.64 (0.54 resident parking spaces per dwelling unit and 0.1 visitor parking spaces per dwelling unit) is appropriate.

- d) Live-work units shall be permitted to be located on the ground floor fronting Charles Street East.

The purpose of this regulation is to allow for live-work units to be located on the ground floor along the Charles Street East frontage. The current zoning of the property does not allow for dwelling units to be located on the ground floor unless the development is entirely residential. Live-work units are a hybrid living/working space, the regulation clarifies this use is permitted on the ground floor along Charles Street East. Staff is of the opinion that the proposed live-work units will provide an appropriate active use along the Charles Street East frontage.

- d) Geothermal Energy Systems shall be prohibited.

The Region of Waterloo has indicated Geothermal Energy Systems need to be prohibited to mitigate the risks associated with groundwater contamination.

#### Removal of Special Use Provision 401U

Special Use Provision 401U is proposed to be removed. This regulation currently only applies to former lots which contained residential uses and restricts new sensitive uses until a Record of Site Condition has been completed and the Region has received a Ministry Acknowledgment Letter. Holding Provision 100H takes the place of the Special Use Provision and applies to the entirety of the subject lands.

### Holding Provision 100H

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. 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.

Planning staff is recommending that a Holding Provision, in accordance with Regional comments and requirements, be applied to the zoning of the subject lands. The proposed Holding Provision will restrict residential uses until:

- a Record of Site Condition has been completed; and
- a detailed transportation (road), vibration and stationary noise study has been completed and mitigation measures have been implemented.

### 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 'High Intensity Mixed Use Corridor Zone (MU-3)' with Special Regulation Provisions 544R, 788R and Holding Provision 100H represents good planning as it will facilitate the redevelopment of the lands with a mixed-use 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 January 2022 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 "E" 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, November 2021 (updated November 2022 and February 2023)
- Urban Design Brief & Shadow Study  
Prepared by: MHBC Planning, November 2021 (updated November 2022 and March 2023)
- Conceptual Site Plan, Elevations, Floor Plans  
Prepared by: Neo Architecture Inc., March 2021 (updated November 2022 and February 2023)
- Cultural Heritage Impact Assessment Report  
Prepared By: MHBC Planning, November 2021(updated November 2022)
- Transportation Impact Study, Parking Study and Site Circulation Review  
Prepared by: Paradigm Transportation Solutions, November 2021 (Addendum Letter dated February 2023)
- Pedestrian Level Wind – Preliminary Impact Assessment

Prepared by: Boundary Layer Wind Tunnel Laboratory, June 2021 (updated November 2022)

- Site Servicing Feasibility Study  
Prepared by: SBM, August 2021 (updated December 2022 and revised February 2023)
- Provisional Risk Management Plan, Section 58(6) Notice & Section 59(2) Notice  
Prepared by: Region of Waterloo, November 2021
- Topographical Survey  
Prepared by: ACI Survey Consultants, October 2019
- Sustainability Statement  
Prepared by: MHBC Planning, November 2021
- Tree Management Plan  
Prepared By: Dan Weagant, August 2021
- Noise Feasibility Study  
Prepared by: HGC Engineering, October 2021

### **Community Input & Staff Responses**

# WHAT WE HEARD



**344 addresses (occupants and property owners) were circulated and notified**



**Approximately 13 people/households/businesses provided comment**



**A City-led Neighbourhood Meeting was held on March 23, 2022, and 12 different users logged on**

Several responses received indicated a general level of support for the proposed development and an overall increase in densities near transit stations, however identified concerns with certain aspects of the proposal. One respondent is supportive of the proposal and shared family history associated with the lands. An overview of the identified concerns and staff responses are found below.

<b>What We Heard</b>	<b>Staff Comment</b>
Concerns with increase to traffic	A Traffic Impact Study was submitted and reviewed by Regional and City Transportation staff. The TIS did not identify any major traffic concerns or need for road improvements as a result of the proposed development.

	<p>The applicant is proposing a full moves access to the parking garage to King Street East, and a right-in, right-out service only access to Charles Street East. The study finds that the driveways will operate at an acceptable level of service, and that turning lanes are not warranted.</p>
<p>Concerns with reductions to parking rates and impacts to on-street parking availability</p>	<p>As discussed in the context of the proposed zoning regulations, staff are recommending an overall parking rate of 0.64 parking spaces per dwelling unit. Staff is supportive of the recommended parking rate of 0.54 parking spaces per residential unit for residents given the proximity to the ION station, and other public transit options and the transportation demand management measures proposed. Staff recommends that an additional 0.1 parking spaces per dwelling unit be reserved for visitors and commercial units. This is consistent with the visitor parking rate required by new Zoning By-law 2019-051 for residential units in mixed use zones.</p> <p>Residents expressed concerns with spillover parking onto surrounding neighbourhood streets. On-street parking on local roads is available equally to the general public, however, is limited to a maximum length of 3 hours. Staff recognize the limited availability of on-street parking in proximity to the subject lands and is of the opinion that that the proposed parking resident and visitor parking rates will result in a development where parking can be accommodated on-site.</p>
<p>Concerns with compatibility of high-rise development with nearby low-rise residential uses and shadow impacts.</p>	<p>A number of residents expressed concerns regarding the compatibility of the proposed high-rise development with nearby low-rise residential uses. The subject lands are located on a Regional Road and a City Arterial road in close proximity to the Borden Ion station. High-rise development is appropriate in this location. Through the application review process, staff have worked with the applicant to reorient the massing of the 30-storey tower on the site so that it is located away from King Street East. This has helped to reduce shadow impacts on the residential lands north of King Street East. The 4-storey podium and 11-storey building are oriented towards King Street East, which provides for a transition in heights and orients the active uses to King Street East which is the primary pedestrian frontage.</p>
<p>Questions about compliance with Tall Building Guidelines</p>	<p>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 an acceptable on-site and off-site separations and overlook which provides opportunities for future development of tall buildings on neighbouring lands.</p>

Provision of park and amenity spaces	The development will include appropriate on-site amenity spaces for future residents which will be further detailed and designed, in accordance with Urban Design Guidelines through the Site Plan process. The applicant is proposing to dedicate park lands at the south-east corner of Borden Avenue and King Street East for an Urban Green. These lands will be conveyed through the Site Plan Approval process.
Concerns with the public (pedestrian) interface of the building (streetscape, pedestrian realm, and terminating views)	Through the application review process, the developer has worked with staff to refine the building design and massing. Active uses including commercial units, and a residential lobby have been located along King Street East and live-work units and a residential lobby to Charles Street East. A larger landscaped area including commemoration features will be include on King Street East and form the terminating view from Onward Avenue. These measures are articulated in the Urban Design Brief and will be implemented and further refined through the Site Plan process.
Concerns about lack of affordable housing and range of dwelling units	Through the review process the applicant has improved the range of dwelling unit types to include one bedroom, one bedroom plus den, two bedroom and three bedroom rental dwelling units, as well as live-work units. While not deeply affordable, the applicant has indicated that the building will provide market-based, attainable housing.

### **Planning Conclusions**

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit 1001 King Street East to be developed with a 30-storey mixed use development. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

### **STRATEGIC PLAN ALIGNMENT:**

The recommendations 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 – 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. A large notice signs were posted on the property and information regarding the application was posted to the City's website in January of 2022. Following the initial circulation referenced below, an additional postcard advising of the Neighbourhood Meeting and the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, those responding to the preliminary circulation and who attended the Neighbourhood

Meetings. Notice of the Statutory Public Meeting was also posted in The Record on March 31 , 2023 (a copy of the Notice may be found in Appendix D).

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 in January 2022. In response to this circulation, staff received written responses from 13 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
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 1994
- City of Kitchener Zoning By-law 85-1

**REVIEWED BY:** Tina Malone-Wright – Interim Manager of Development Review, Planning Division

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

**APPENDICES:**

- Appendix A – Proposed Official Plan Amendment
- Appendix B – Proposed Zoning By-law Amendment
- Appendix C – Urban Design Brief
- Appendix D – Newspaper Notice
- Appendix E – Department and Agency Comments
- Appendix F – Public Comments