

# Staff Report



Development Services Department

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

**DATE OF MEETING:** May 15, 2023

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

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

**WARD(S) INVOLVED:** Ward 2

**DATE OF REPORT:** April 17, 2023

**REPORT NO.:** DSD-2023-200

**SUBJECT:** Official Plan Amendment Application OPA21/007/W/BB Zoning By-law Amendment Application ZBA/21/010/W/BB 1157 and 1175 Weber Street East M.K.G. Holding Corporation

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## RECOMMENDATION:

That Official Plan Amendment Application OPA/21/007/W/BB for M.K.G. Holding Corporation requesting a land use designation change from 'Commercial' to 'Mixed Use' 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 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA21/010/W/BB for M.K.G. Holding Corporation be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', as Attachment 'B' as attached; and further

That the Urban Design Brief prepared by GSP Group Inc., dated March 2023, and attached as Attachment 'C' be endorsed, and staff be directed to implement the Urban Design Brief through future Site Plan Approval processes.

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment applications for the property located at 1157 and 1175 Weber Street East. It is planning staff's recommendation that the proposed Official Plan and Zoning By-law Amendments be approved.
- Community engagement included:
  - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;
  - installation of a large billboard notice sign on the property;
  - follow up one-on-one correspondence with members of the public;
  - Neighbourhood Meeting held on November 9, 2022;
  - Regular updates to Story Map on the City's website;

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

- postcard advising of the statutory public meeting was circulated to all property owners and occupants within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meeting;
- notice of the public meeting was published in The Record on April 21, 2023.
- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

M.K.G Holding Corporation is proposing to change the Official Plan designation from 'Commercial' to 'Mixed Use' in the City's Official Plan, and to change the zoning from 'General Commercial Zone (COM-2)' in Zoning By-law 2019-051 to 'High Intensity Mixed Use Corridor Zone (MIX-3)' in Zoning By-law 2019-051 with Site Specific Provision to further regulate parking; building heights; and to apply a Holding Provision that requires receipt of a Record of Site Condition (RSC) and an updated noise study. Staff recommends that the applications be approved.

## **BACKGROUND:**

In 2021, M.K.G Holding Corporation made applications to the City of Kitchener for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) proposing to change the land use designation and zoning of the lands at 1157 and 1175 Weber Street East. These changes were being requested to facilitate a mixed-use development comprised of two towers that are 15 storeys and 17 storeys in height on top of a 5-storey podium that will contain structured parking, and ground floor commercial. A total of 378 units and 330 structured and surface parking spaces are proposed. A Site-Specific Policy area and site-specific zoning is required to address a request for increased Floor Space Ratio (FSR), building height, and a reduction in parking.

In January 2023, M.K.G Holding Corporation, submitted a request for changes to be made to the proposed development in response to changing market conditions. The main changes include reduction in podium height from 5 to 4-storeys, increase in tower heights from 15 to 17 and 17 to 19 stories, increase in the dwelling unit count from 378 to 443, reduction in vehicular parking from 330 to 319 parking spaces, reduction in the amount of commercial floor space from 851 to 376 square metres and the supply of bike parking increased to 423 spaces. All in all, these revisions do not change the requested OPA as the FSR remains the same at 4.5, however the zoning is revised to reflect the increased building heights and parking rates.

## **Site Context**

The subject site is in the Stanley Park community and is generally bounded by Weber Street East to the north, existing commercial uses to the east, Highway 8 to the south and Franklin Boulevard South to the west (Figure 1). The subject property is municipally known as 1157 and 1175 Weber Street East and legally described Part of Lots 3 and 4, Part of Franklin Street North, Registered Plan 267 and Parts 9 to 14, Reference Plan 58R-12049, City of Kitchener, Regional Municipality of Waterloo.

The western portion of the subject site (1157 Weber Street East) is currently occupied by an existing asphalt surface parking lot with two separate driveway access points on Franklin Street South.

The eastern portion of the subject site (1175 Weber Street East) is occupied by two existing structures associated with Crosby Volkswagen; the existing showroom and sales office approximately 90 m<sup>2</sup> in size and an existing storage and service building approximately 165 m<sup>2</sup> in size. The eastern portion of the site also contains asphalt surface parking lots surrounding the existing buildings with three separate driveway access points on Weber Street East.

The subject property is generally flat with limited vegetation and trees located along the Weber Street East and Franklin Street South frontages. There is a significant, immediate grade change located along the southern property boundary with Highway 8 situated approximately 6 metres below.



Figure 1 - Location Map: 1156 & 1175 Weber St. E.

## REPORT:

The subject property is proposed to be redeveloped as a high-rise residential project with a 17-storey and a 19-storey tower atop a common podium. The proposed development has been situated prominently at the intersection of Weber Street East and Franklin Street with one vehicular access provided at the southwest corner of the Site on Franklin Street and one vehicular access provided at the northeast corner of the Site on Weber Street.

As illustrated in Figures 2, 3 and 4, the proposed development includes the following:

- A 4-storey podium with one 17-storey tower (Tower B) and one 19-storey tower (Tower A) for a total of 443 dwelling units. Dwelling units include a mix of one-two-and three-bedroom units.

- Lobby and reception area for Tower B provided along Weber Street.
  - Lobby and reception area for Tower A provided along Franklin Street.
  - Indoor common amenity space and bicycle parking for entire development provided at the southwest corner of the podium, outdoor podium terrace to be accessible to residents of both towers.
- 376 m<sup>2</sup> of commercial retail space provided along a large portion of the Weber Street frontage. Future commercial units to have separate dedicated entrances.
  - On-site parking provided through one level of underground parking and three levels of above-ground parking integrated into podium for a total of 298 structure parking spaces. Access to on-site parking facilities provided at the rear of building.
  - Surface parking provided along eastern and southern property line, including 21 regulatory surface parking spaces and 38 additional parking spaces provided within the standard Ministry of Transportation Ontario (“MTO”) setback (*Note: parking providing within the MTO setback not included as part of overall regulatory parking provisions*).
  - Enhanced landscape design to be provided along the Weber Street and Franklin Street frontage. Enhanced terrace amenity space to be provided atop podium for all residents. Future detailed design of podium terrace space to include common amenity areas, gathering areas, possible outdoor recreational uses and landscape features including planting beds and furniture.

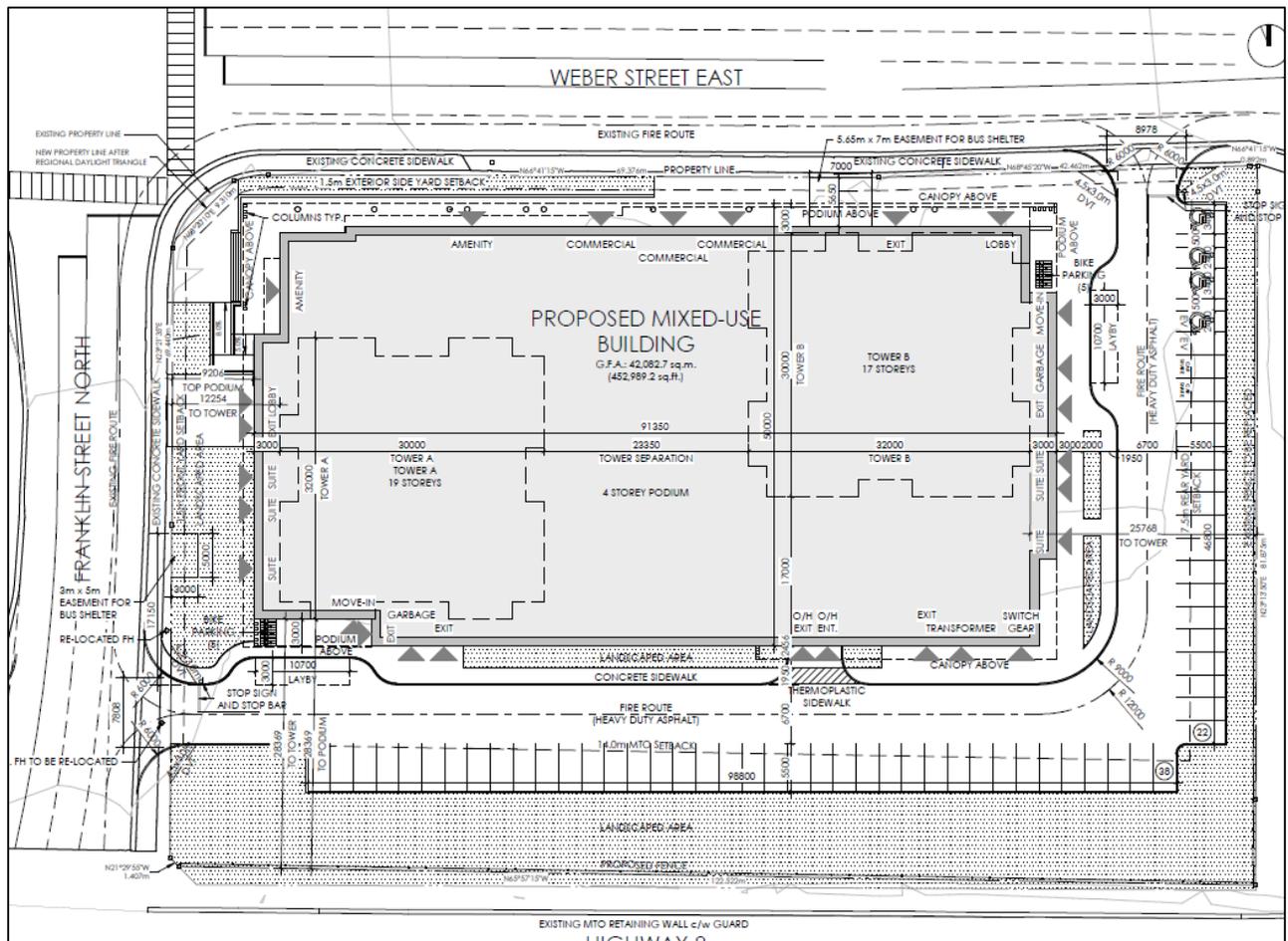


Figure 2 – Proposed Site Plan (Updated 2023)



Figure 3 –Weber St. View of Building Renderings

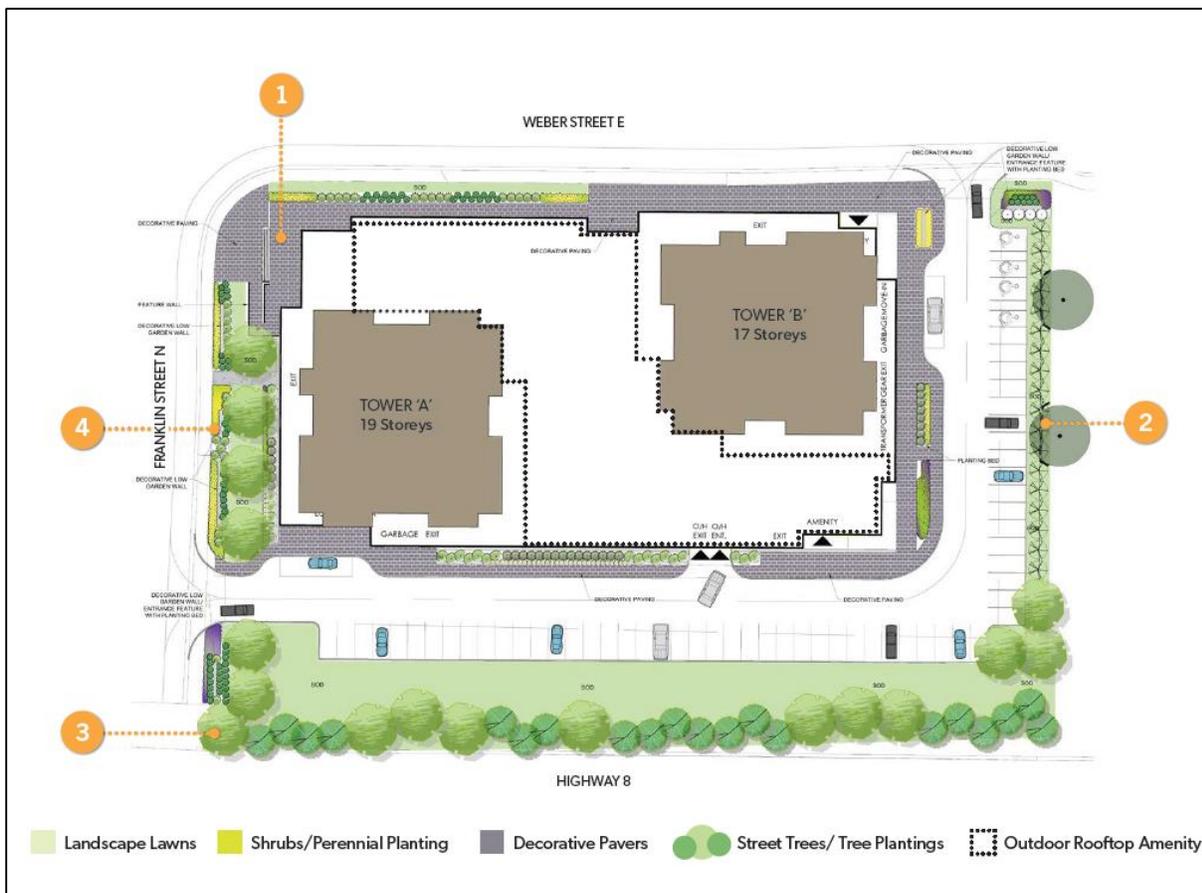


Figure 4 – Landscape Plan (GSP)

The subject site is identified as 'Urban Corridor' (Urban Structure) and designated as 'Commercial' (Land use) in the City's Official Plan. The application for Official Plan Amendment proposes to redesignate the subject site as 'Mixed Use' and add a Site-Specific Policy Area to reflect the increased density and height of the Proposed Development. The Site is currently zoned 'General Commercial Zone (COM-2)' in the City of Kitchener Zoning By-law 2019-051. The application for Zoning By-law Amendment proposes to rezone the site to 'Mixed Use Three Zone (MIX-3)' with a Site Specific Provision to reflect the increased density and height of the 'Proposed Development' as well as include considerations for reduced parking. 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 site contamination has been remediated and a revised 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,

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

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, 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 bus transit options, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to open space and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed use development represents an attainable form of market-based housing.

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

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

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

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

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

Policies 2.2.1.4 states that complete communities will:

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

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

The subject lands are located within the City's delineated built-up area, and within an Urban Corridor. Urban Corridors are located along existing or planned transit corridors and should provide for transit-supportive intensification opportunities. The proposed development represents intensification and will help the City achieve density targets. 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):**

The Regional Official Plan ("ROP") was adopted by the Region of Waterloo in June 2009 and received final approval from the Ontario Municipal Board ("OMB") on June 18, 2016. The ROP provides policy direction on planning matters for the Region and includes all policy changes and amendments since the adoption of the Regional Official Policies Plan ("ROPP") in 1995.

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 ROP includes policies to consider in Reurbanization Corridors, which are those areas along existing or planned transit corridors that link directly with rapid transit and offer opportunities for medium and high-density reurbanization. Policy 2.D.11 states that Reurbanization Corridors will be planned to:

- a) Accommodate additional population and employment growth service by high frequency transit connections to the rapid transit systems.
- b) Achieve higher development densities to support and ensure the viability of existing and planned transit services.
- c) Provide a mix of residential, office, institutional and commercial development where appropriate.
- d) Connect and facilitate movement among Urban Growth Centres, Major Transit Station Areas and Major Local Nodes.

The subject property is along two existing transit routes with GRT Route 8 providing high-frequency service during the AM and PM peak; both existing GRT routes connect directly to the Fairway ION Station. The proposed development includes a total of 378 residential units, which equates to approximately 699 people proximate to existing transit and rapid transit services. The proposed development includes a mix of residential and commercial uses and is close to existing transit services that provide direct and indirect connections to major transit station and downtown core areas (Urban Growth Centres) throughout the Region of Waterloo.

Policy 3.A.2 of the ROP states that area municipalities will plan to provide an appropriate 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 proposed development will provide for a high-density residential use proximate to existing transit services, broadening the

range of housing options available with the existing community in terms of form, housing, and affordable ownership.

## **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 'Commercial'. The Commercial land use designation permits a full range of commercial and institutional uses that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods.

The applicant is proposing to change the land use designation to 'Mixed Use'. The Mixed-Use land use designation provide 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. A maximum floor space ratio of 4.0 is permitted although the applicant has requested for an increase in the floor space ratio that is captured in a Site-Specific Policy Area for the subject lands.

### 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, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within an Urban Corridor.

3.C.2.38. The planned function of Urban Corridors is to provide for a range of retail and commercial uses and intensification opportunities that should be transit-supportive. Urban Corridors function as the spine of a community as well as a destination for surrounding neighbourhoods. Strengthening linkages and establishing compatible interfaces between the Urban Corridors and surrounding Community Areas and Industrial Employment areas are priorities for development in these areas.

3.C.2.39. Within areas identified as Urban Corridor on Map 2 the applicable land use designations may include **Mixed Use and/or Commercial** as shown on Map 3 and detailed in Sections 15.D.4 and 15.D.5 depending on the context and the range of uses deemed appropriate for achieving the planned function of that Urban Corridor.

The planned function of Urban Corridors is to provide for a range of retail and commercial uses and intensification opportunities that should be transit supportive. Urban Corridors function as the spine of a community as well as a destination for surrounding neighbourhoods. Strengthening linkages and establishing compatible interfaces between the Urban Corridors and surrounding Community Areas and Industrial Employment areas are priorities for development in these areas.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for an Urban Corridor but also contributes to the vision for a sustainable and more environmentally friendly city.

### Land Use Designation

The City of Kitchener Official Plan (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 currently designated Commercial in the Official Plan. Lands designated Commercial encourage the intensification and redevelopment of existing commercial lands. Lands are intended to serve the day-to-day and weekly commercial needs of the surrounding community. Moreover, the lands are identified as Urban Corridor on the City's Urban Structure.

The applicant is proposing to change the land use designation of the subject lands from Commercial to Mixed Use, along with Site-Specific Policy Area 63.

Policy 15.D.4.1. of the OP confirms that the Mixed-Use designation is an appropriate land use designation to be applied within an Urban Corridor. The Mixed-Use designation plays an important role in achieving the planned function of the Intensification Areas of the City Urban Structure. Lands designated Mixed Use have the capacity to accommodate additional density and intensification. Development and redevelopment of lands within lands designated Mixed Use must implement a high standard of urban design. The Mixed-Use designation permits medium and high-rise residential uses as well as a wide range of non-residential uses, including:

- **compatible commercial uses such as, but not limited to, retail, commercial entertainment, restaurants, financial establishments;**
- **personal services;**
- **office;**
- **health-related uses such as health offices and health clinics and institutional uses such as daycare facilities, religious institutions, and educational establishments;**
- **social service establishment; and,**
- **studio and artisan-related uses.**

In this case, the applicant is proposing high rise residential uses in conjunction with non-residential uses that are outlined within the above list of uses.

The Mixed-Use designation states that the maximum building height may be regulated in the Zoning By-law. The applicant has requested a Site-Specific Policy Area to limit the building height within the requested Mixed-Use designation to 64.5 metres or 19 storeys. The Mixed-Use designation states that the Floor Space Ratio (FSR) is limited to 2.0. Policy 15.D.4.19 however states that the FSR may be increased to 4.0 if the redevelopment achieves certain criteria, such as being located on an arterial roadway, adequate buffering is achieved from low rise residential lands and there is adequate infrastructure to service the lands. In the opinion of staff, this proposal meets that criterion. This property is situated on Weber Street East which is a Regional Roadway. Low Rise Residential lands are located across Weber Street and the development proposes a 4-storey podium with the 17-storey tower step backed from the podium to help achieve compatibility and buffering along Weber Street East. Shadow, wind and traffic impact studies confirm that any impacts can be mitigated and fall within acceptable ranges. Lastly, infrastructure is adequate to service these lands for redevelopment. The applicant is requesting a Site-Specific Policy Area to increase the FSR to 4.5, a 0.5 increase over the maximum permitted of 4.0 by Policy 15.D.4.23.

Moreover, Policy 17.E.13.1. of the City of Kitchener Official Plan requires that holding provisions be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. Holding provisions may be used to implement this Plan to ensure that certain conditions, studies, or requirements

related to a proposed Zoning By-law Amendment are met. In this case, the Region has requested application of two holding provisions: one related to the requirement for a Record of Site Condition and the other related to the requirement for detailed stationary noise study and implementation of mitigation measures. These holding provisions are discussed in greater detail in the Zoning By-law Amendment section of this report.

Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit and commercial/retail while being context sensitive to surrounding lands.

### Urban Design

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief and Design Report 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.

**Streetscape** – A key design feature of the proposed development are active street frontages. The ground floor units along the entirety of Weber Street are proposed to incorporate commercial units. These units will animate 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 towers will provide a new feature on the City's skyline. The proposed building will create visual interest from several different vantage points.

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood.

### Traffic Impact/Parking Justification Study

The owner has completed a Traffic Impact/Parking Justification to assess access parking demand generated from the proposed development and discussion of Transportation Demand Management (TDM) measures to reduce single occupancy vehicular trips. The study concludes that the development is anticipated to generate 101 and 151 new trips during the AM and PM peak hours, respectively. All intersections will continue to operate with adequate levels of service and therefore no remedial measures are suggested at this time. TDM measures are recommended to help meet minimum reduced parking rates and these have been included in the proposed Zoning By-law with additional measures to be carried out as part of the Site Plan Approval process.

Both Regional and City Transportation Planning staff have reviewed the study and concur with the findings.

### Noise Impact/Land Use Compatibility Study

The owner completed a Noise Impact/Land Use Compatibility Study to assess stationary and vehicular noise. The study concludes that the cumulative impact of off-site noise sources on this

development meet the MECP NPC-300 noise guideline criteria for background (ambient) noise and the exclusionary noise level limits applicable for a Class 1 acoustical area for the daytime and nighttime periods. Both building design measures to mitigate noise impact along with warning clauses are recommended. Since a detailed design of the development has not yet occurred, Regional staff is recommending that a Holding Provision be applied until a detailed noise study is undertaken. Holding Provision 44H is included in the attached Zoning By-law.

### Region of Waterloo Airport Restrictions

The subject lands are located within the Airport Zoning Regulation (AZR), which currently permits an existing maximum elevation of 416.50 mASL with a maximum height restriction of 90.5 metres. A more restrictive AZR is proposed, and the Owner/Developer has submitted an Aeronautical Assessment to justify a maximum elevation of 411mASL.

Regional staff understand that the height proposed through this development does not violate the current AZR and are satisfied with the Aeronautical Assessment and Regional staff have no objection to this development. In accordance with the submitted aeronautical report, Regional staff recommend that the Zoning By-law for the subject lands contain a maximum height permitted on site for buildings and any associated structures (e.g., rooftop HVAC, communication towers/antennas) of 411 mASL. Please be advised that any construction cranes cannot exceed this limit.

Staff has incorporated the suggested height limit in the attached Zoning By-law.

### Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the minimum requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design manual.

### Wind Study

A Pedestrian Wind Assessment ("Wind Assessment", was completed by RWDI to conduct a desktop analysis to identify potential wind conditions and impacts from the Proposed Development. The Wind Assessment made the following conclusions:

- There are no unsafe wind conditions expected as part of the Proposed Development.
- The Tower A residential lobby entrance is recessed and includes a wind screen, which offers protection from stronger winter winds.
- The Tower B residential lobby entrance is well situated from a wind comfort perspective.
- The commercial unit entrances are expected to have less than ideal wind conditions during the winter, which can be augmented with detailed design considerations.
- The sidewalks around the project are predicted to be comfortable for walking on an annual basis.
- The private terrace amenity space is expected to have some wind confirm challenges; strategic placement of wind screens, planters and trellises to be considered as part of future detailed design.

The Wind Assessment recommends that a wind tunnel study be completed as part of future detailed design to quantify wind conditions and refine wind mitigation measures.

### 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 has been designed with these objectives in mind. City staff has confirmed that the proposed towers are consistent with and meets the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development meets the onsite and offsite separation distance requirements of the Tall Building Guidelines.

#### 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 at the corner of a Regional Roadway (Weber Street) and a Major Community Collector Roadway (Franklin Street) served by the Number 8 (Weber Street) GRT bus line. The building has access to cycling networks, including existing on and off-street cycling facilities. 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. The proposed Official Plan Amendment and Zoning By-law Amendment applications support a denser residential development. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

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

#### Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the range of dwelling units available in the city. The development is contemplated to include a range of unit types including, one and two bedrooms, with and without dens and three-bedroom units. The wide range of units will meet 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.

As part of the development submission, the applicant has provided a letter outlining sustainable development initiatives that will be further explored at the Site Plan approval stage.

### Official Plan Conclusions

The Official Plan Amendment application requests that the land use designation as shown on *Map 3 – Land Use* of the 2014 Official Plan be changed from ‘Commercial’ to ‘Mixed Use’ with a Site-Specific Policy Area to allow a maximum building height of 19 storeys or 64.5 metres and a maximum Floor Space Ratio of 4.5. Based on the above noted policies and analysis, Planning staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the requested Official Plan Amendment be adopted in the form shown in Attachment ‘A’.

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

The subject lands are zoned ‘General Commercial Zone (COM-2)’ in Zoning By-law 2019-051. The existing zoning permits a wide range of retail and commercial uses. The existing COM-2 zoning permissions include:

- Dwelling units and a wide range of commercial and retail uses;
- Residential dwelling units shall be located within a mixed-use building containing at least one other permitted use listed in Table 9-1, and except for access, shall not be located on the ground floor;
- The maximum Floor Space Ratio for for a commercial building with dwelling units, on upper floors, shall be 2.0;
- Requirement for 1.0 parking space and 0.15 visitor requirement for each dwelling unit; and
- Maximum Building height is 8 storeys but can be increased to 12 storeys without an amendment to the Official Plan.

The applicant has requested an amendment to change the zoning from ‘General Commercial Zone (COM-2)’ to ‘Mixed Use Three (MIX-3) with Site Specific Provision (364), and Holding Provision 44H’, under Zoning By-law 2019-051.

The *MIX-3 Zone* permits a wide variety of commercial and residential uses within mixed-use buildings and mixed-use developments at a medium density within *Community Nodes* and *City Nodes* (types of Urban Structure Components). **The *MIX-3 Zone* was not intended to be applied where higher densities and building heights may be justified.** Accordingly, the *MIX-3 Zone* limits Floor Space Ratio to 2.0 and limits building height to 32 metres / 10 storeys.

In this regard, the requested Site-Specific Provision tailors the *MIX-3 Zone* for this context, allowing high-rise mixed use development. The Site-Specific Provision also tailors the *MIX-3 Zone* to facilitate the Proposed Development Concept and has the following effect:

1. Requires a minimum of 1,300 m<sup>2</sup> of non-residential use on the ground floor. The proposed non-residential gross floor area (GFA) is approximately 376 square metres. While this figure is less than the required minimum, the intent of this regulation is to provide activation of uses along the streetscape. This is being achieved, particularly along Weber Street East. Also, the requested *MIX-3 Zone* requires that 20 percent of the GFA be devoted to non-residential use. This percentage requirement would be eliminated in favour of the 1,300 square metres GFA requirement.
2. Permits a maximum Floor Space Ratio (FSR) of 4.5. Presently, the *COM-2 Zone* regulates Floor Space Ratio to a maximum of 2.0. However, the requested *MIX-3 Zone* also has a standard maximum Floor Space Ratio of only 2.0. Site Specific Provision (364) allows for a FSR of 4.5. As discussed earlier on in this report, Official Plan policies would support an increase to 4.0 FSR at this location.
3. Permits a maximum building height of 64.5 metres and 19 storeys – the tallest of the two towers proposed. The second tower of lesser height is 17 storeys in height. Presently, *COM-2 Zone regulates building height to 8-storeys and 24 metres*. However, the requested *MIX-3 Zone* has a standard maximum building height of 32 metres and standard maximum number of storeys of 10. Site Specific Provision (364) allows for a maximum height of 19 storeys and 64.5 metres.
4. Permits the minimum number of parking spaces for Dwelling Unit and Multiple Dwelling to be 0.7 spaces per dwelling unit, whereas the standard parking rate in the *MIX* zones is 0.9 parking spaces per dwelling unit.

Official Plan policies require 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.

In this case, Planning staff is satisfied that the requested Site-Specific Provision satisfies the above noted policies. The applicant has submitted several technical reports to justify the increase in height and massing and a parking reduction. In addition, The City's Transportation Services supports the minor parking reduction and notes that the property is well positioned to take advantage of many modes of transportation and will provide approximately 423 secured bicycle parking spaces.

The Region has requested that two holding provisions be applied to the whole of the subject lands. The applicant has agreed to these provisions, the purpose of which is to:

1. Require the owner to prepare a detailed stationary noise study and to implement any recommended mitigation measures, to the satisfaction of the Regional Municipality of Waterloo. The purpose of this study is to ensure that residents of the proposed residential use are protected from noise generators (e.g., HVAC equipment), and
2. Require that a Record of Site Condition (RSC) be filed with the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and a Ministry Acknowledgement letter be submitted to the satisfaction of the Region. The purpose of RSC is to ensure that the lands are not contaminated before the proposed residential use is established.

Planning staff offers the following comments with respect to the holding provision. Official Plan policies state 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. In this case, a Holding provision, Holding Provision 44H, is proposed to

facilitate the implementation of the *MIX-3 Zone* and *Site-Specific Provision (364)*. Once the requisite conditions have been fulfilled, the Holding provision can be lifted through a by-law amendment, thereby permitting redevelopment to proceed.

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

Staff is of the opinion that the proposed Zoning By-law Amendment 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, provide enhanced landscaping that will contribute to the streetscape, and which will appropriately accommodate on-site parking needs. Staff is supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Attachment “B”.

## WHAT WE HEARD



**13 people provided written comments**



**1 Neighbourhood Meetings held, 17 households in attendance**



**280 households/businesses/agencies circulated and notified**

### **Department and Agency Comments:**

Circulation of the Official Plan Amendment and Zoning By-law Amendment Applications was undertaken in December 2021 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 Attachment “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 GSP Group
- Urban Design Brief, prepared by GSP Group
- Sustainability Statement, prepared by GSP Group
- Design Brief, prepared by ABA
- Functional Servicing and Stormwater Management Report, prepared by MTE Consultants
- Pedestrian Wind Assessment, prepared by RWDI
- Noise and Vibration Impact Study, prepared by RWDI
- Traffic Impact Study and Parking/TDM Study, prepared by Paradigm

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

Staff received written responses from approximately 13 residents to the proposed applications. These are included in Attachment “F”. A Neighbourhood Meeting was held on November 9, 2021. In addition, staff had follow up one-on-one correspondence with members of the public. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Concerns that the proposed development will generate traffic that existing roads cannot handle.	The proposed development is located at the corner of a Regional Roadway (Weber) and an Arterial Roadway (Franklin). Regional roadways are designed to carry large amounts of traffic and are monitored regularly to ensure they operate efficiently. Larger mixed-use developments are required to submit a study to assess the traffic impact. A Traffic Impact Study was submitted and reviewed by Regional Transportation and City staff who did not identify any major traffic concerns because of the proposed development.
Proposal is too tall to adjacent low rise residential neighbourhood	Low rise residential use exists along the opposite side of Weber Street adjacent to the proposal. In addition to the 4-lane wide roadway which acts as an existing buffer and separation, the proposal consists of a 4-storey podium building that wraps around the entire Weber and Franklin block that provides human-scaled massing and height along those streetscapes. Along Weber Street - the shorter of the two towers at 17 storeys will be situated - will sit atop of the podium and be setback 3.0 m from the top edge of the podium. That design feature reduces the effect of massing and height at street-level. In addition, the proposal has been assessed for shadow and wind impacts to ensure the proposed height and massing does not create unacceptable impacts and fall within established limits. These technical assessments have been reviewed and accepted by staff.
Loss of day light	A Shadow Study has been submitted. Staff has reviewed the study and is satisfied it meets the minimum requirements, as related to shadow impacts and will have minimal impacts on adjacent low rise residential properties. The combination of being point towers and buildings located diagonally atop of the podium, help to mitigate the effects of shadowing.
Concerns with lack of park space within the neighbourhood.	It is acknowledged there is a shortfall of public parks space in this area. However, the proposed development includes a large, landscaped amenity space located on the top level of the podium as illustrated on Figure 4 of this report. There is also a long linear landscaped area proposed along the property boundary with Highway 8.
The building is too tall, and residents have concerns with privacy and shadows into rear yards.	The proposed tower along Weber Street will face detached dwellings on the opposite side of Weber Street. Given the width of the Weber Street right-of-way and because they

	will front each other, views from balconies of the tower into backyards will be minimal.
Not enough parking is being provided.	A joint Traffic Impact/Parking Justification/TDM Study was submitted by Paradigm and reviewed by Transportation Services staff who support the proposed parking rate of 0.7 parking spaces per dwelling unit. Unbundled parking as well as 423 Class A bicycle parking spaces are proposed as a Transportation Demand Management (TDM) measure to offset a reduced parking rate. This is consistent with the direction of the Official Plan.
Difficulty in turning left onto Weber Street from Arlington Blvd. and this development will cause further challenges	It is acknowledged Weber Street is a busy 4 lane Regional roadway and that there may be challenges at times turning left onto Weber Street. However, this is an existing condition. Weber Street is a Regional Roadway designed to carry large amounts of traffic. The development is not proposing an access onto Weber Street but rather from Franklin Street. Therefore, access to and from the development will not conflict with left-hand turning movements from Arlington and Pinecrest onto Weber Street, especially given there are 2 eastbound lanes and cars turning right off Franklin coming from the development should be in the right lane.
Are there heights limits due to airport restrictions?	There are building height restrictions due to Waterloo Regional Airport flight paths. This is governed by Transport Canada. According to the Region of Waterloo in their comments attached to this report in Attachment "E," building heights at this location are restricted to 411 mASL and the proposal is within that specified height limit.
Spill over on street parking concerns	Residents are allowed to park on City streets unless it is specified otherwise. The City has a Parking By-law and a process to address on street parking should an issue arise. For more information, please refer the enclosed link: <a href="#">Parking bylaws - City of Kitchener</a> .
Population and Density Increasing Beyond Sustainable Levels	<p>The City's vision is to encourage higher density development within strategic areas such as Urban Growth Centre, Transit Station areas, Nodes and Corridors to support and increase public transit usage and make better use of our existing infrastructure. This property is located within an Urban Corridor which is considered a prime and planned area for intensification.</p> <p>Secondly, the City's Growth Management Monitoring Plan is an action item of the 2009 Kitchener Growth Management Strategy (KGMS), which requires tracking of the general supply of land and the achievement of intensification and density targets on an annual basis. The KGMS provides a long-term framework for planning where</p>

	<p>and how future residential and employment growth should occur in Kitchener. To ensure that growth contributes positively to quality of life, the KGMS coordinates the provision of infrastructure and services with new development. According to the 2022 Monitoring Report, given the number of recent developments, Kitchener has the potential to accommodate its current allocated population and employment growth within its urban area suggesting that despite construction activity, Kitchener is growing at a sustainable level.</p> <p>Thirdly, the Province has mandated that Kitchener accommodate 35, 000 units by 2031 to help address a housing shortage in Ontario. This, along with other developments, will help meet that housing goal.</p>
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**Planning Conclusions**

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit 1157 and 1175 Weber Street East to be developed with a mixed-use development. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

**ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:**

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

**FINANCIAL IMPLICATIONS:**

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

Operating Budget – 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 sign was posted on the property and information regarding the application was posted to the City’s website in December of 2021. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, 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 April 21, 2023 (a copy of the Notice may be found in Attachment “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 on December 7, 2021. In response to this circulation, staff received written responses from 25 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

**PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan, 2015
- City of Kitchener Official Plan, 1994
- City of Kitchener Zoning By-law 2019-051

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

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

**APPENDIXS:**

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