

AMENDMENT NO. \_\_\_\_ TO THE OFFICIAL PLAN  
OF THE CITY OF KITCHENER

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CITY OF KITCHENER  
1157 and 1175 Weber Street East

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## **SECTION 1 – TITLE AND COMPONENTS**

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

## **SECTION 2 – PURPOSE OF THE AMENDMENT**

The purpose of the Official Plan Amendment is to:

- Amend *Map 3 – Land Use* by redesignating lands from *Commercial* to *Mixed Use*,
- Amend *Map 5 – Specific Policy Areas* by adding the subject lands addressed as 1157 and 1175 Weber Street East as *Specific Policy Area 63*, and
- Add Site Specific Policy 15.D.12.63 as follows:
  - to allow a maximum Floor Space Ratio (FSR) of 4.5;
  - to allow a maximum building height of 64.5 metres;
  - to allow the maximum number of storeys to be 19;
  - A Holding provision pursuant to Section 17.E.13 will apply to residential uses and other sensitive uses. The Holding provision will not be removed until such time as a detailed stationary noise study has been provided to the Regional Municipality of Waterloo, and any mitigation measures have been implemented, and a release has been issued by the Region; and until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region.
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## **SECTION 3 – BASIS OF THE AMENDMENT**

### **Planning Analysis:**

#### **Planning Act, R.S.O. 1990, c. P.13:**

Section 2 of the Planning Act establishes matters of provincial interest and states that the council of a municipality, in carrying out its responsibilities under the Planning Act, shall have regard to, among other matters, matters of provincial interest. For example:

- The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- The minimization of waste;
- The orderly development of safe and healthy communities;
- The adequate provision of a full range of housing, including affordable housing;
- The adequate provision of employment opportunities;
- The appropriate location of growth and development;
- The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- The promotion of built form that,
  - Is well-designed,
  - Encourages a sense of place, and
  - Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

- 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 and Growth Plan which direct how and where development is to occur. The City's Official Plan is an important vehicle for the implementation of the Provincial Policy Statement and Growth Plan. Planning staff is of the opinion that the proposal adequately addresses the matters of provincial interest outlined above.

### **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 land use designation and zoning facilitate a compact form of development which efficiently uses the subject lands, the lands are close proximity to transit options including local bus routes, iXpress routes and Provincial highway systems, and makes efficient use of existing Regional roads and services.

Provincial policies are in support of providing a broad range of housing. The proposed development includes the provision of a range of market-based dwelling unit types including 1-, 2-, and 3-bedroom units.

Planning staff is of the opinion that the requested amendments will facilitate the redevelopment of the subject lands with high-intensity, mixed-use development that is compatible with the surrounding area, will contribute towards achieving complete community, 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 has 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 (MTSAs) 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 applying the policies of the Growth Plan will support the achievement of complete communities that:

- feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- 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;
- expand convenient access to:
  - a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - public service facilities, co-located and integrated in community hubs;
  - an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - healthy, local, and affordable food options, including through urban agriculture;
- provide for a more compact built form and a vibrant public realm, including public open spaces;
- mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- 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 accommodate a range of household sizes in locations that provide access to transit and other amenities.

The proposed land use designation and zoning will facilitate a higher density housing option that will help make efficient use of existing infrastructure, roads, and transit along an Urban Corridor. 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 ROP supports a Planned Community Structure based on a system of Nodes, Corridors and other areas that are linked via an integrated transportation system (ROP objective 2.1 and 2.2). Components of the Planned Community Structure include the Urban Area, Nodes, Corridors and other development areas including Urban Growth Centres (UGC's) and Major Transit Station Areas (MTSAs). Accordingly, the Region of Waterloo has indicated it has no objections to the proposed application or to higher density within an Urban Corridor area, subject to the application of holding provisions in the zoning to require a detailed stationary noise study (and appropriate implementation of mitigation measures) and a Record of Site Condition. Planning staff is of the opinion that the requested Official Plan Amendment conforms to the Regional Official Plan.

ROP Amendment 6 sets a region-wide intensification target that requires a minimum of 61 percent of new residential development occur annually within the delineated built-up area. As well, it seeks to achieve transit-supportive development and 15-minute neighbourhoods throughout the Urban Area with a diverse mix of land uses, housing types and open spaces in proximity to each other and a more vibrant Urban Area characterized by more compact development patterns. The proposed development will provide for a more compact built form on the subject lands, is located near within walking distance of several transit stops, commercial/retail areas, and contributes to a diverse mix of housing types in the surrounding neighbourhood.

## **Proposed Official Plan Amendment City of Kitchener Official Plan, 2014:**

### *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* on *Map 3 – Land Use* of the City of Kitchener Official Plan. Lands designated *Commercial* s are intended to serve the day-to-day and weekly commercial needs of the surrounding community. The *Commercial* designation does not impose any maximum height, massing, or density limitations.

Moreover, the lands are identified as *Urban Corridor* on Map 2 – Urban Structure of the Official Plan.

The applicant is proposing to change the land use designation of the subject lands from *Commercial Campus* to *Mixed Use*, along with *Site Specific Policy Area 59*.

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 63 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. 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 are mitigated and fall within acceptable ranges. The applicant is requesting a Site Specific Policy Area to increase the FSR to 4.5, a 0.5 increase over the maximum of 4.0.

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.

Planning staff is of the opinion that application of the *Mixed Use* designation, along with the requested Site Specific Policy Area is supportable in this context.

#### *Kitchener Urban Structure:*

The Official Plan states that the forecasted population and employment growth for the city is to be accommodated within the City's Urban Area, which consists of the Built-up Area and the Designated Greenfield Area. The Built-Up Area is established by the Province. Growth that is directed to the Built-up Area makes efficient use of land, existing physical infrastructure, transit, and community infrastructure. A significant portion of growth is allocated to the Built-up Area. The subject lands are identified within Kitchener's structure as being within the Built-up Area. Policy 3.C.1.10 states that "The majority of residential growth in the Built-up Area will occur within Intensification Areas."

The Official Plan establishes an Urban Structure for the city and provides policies for directing growth and development within this Structure. Intensification Areas are identified throughout the city as key locations to accommodate and receive the majority of development and redevelopment at high densities for a variety of land uses. Urban Corridors are identified as being Primary Intensification Areas on the hierarchy of Intensification Areas, within the same category as the Urban Growth Centre (Downtown).

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.

The Official Plan also requires that development applications on higher frequency transit routes consider the Transit-Oriented Development (TOD) policies contained in Section 13.C.3.12 of the Official Plan. Generally, the TOD policies facilitate a compact urban form that supports walking, cycling and the use of transit, by providing a mix of land uses in proximity to transit, 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.

The proposed development is in an excellent location and represents high-intensity, mixed-use development. The subject lands are located on bus routes 8 and 28 with bus route 8 connecting directly to the Fairway Transit Station Ion stop. The site is situated adjacent to Provincial Highway 8 with an on ramp located just east of the property.



Official Plan goals to increase housing diversity and choice.

Planning staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support redevelopment that conforms to the City's Urban Structure policies and assists in achieving the City's vision of a sustainable and environmentally friendly city.

#### Urban Design Policies:

The City's urban design policies are outlined in Section 11 of the City's Official Plan. Planning staff is of the opinion that the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted by the applicant and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed applications.

**Streetscape** – All Street frontages are activated by at-grade commercial units, with a combined 376 square metres of commercial space proposed along Weber and Franklin Streets. Furthermore, all buildings' principal entrances and lobbies are located at grade with direct access to public sidewalks. The two towers include a 4-storey podium that have defined bases which will enhance the streetscape.

**Skyline** – The proposed building will enhance and further establish a distinctive skyline within the Weber Street East corridor. These buildings with varying building heights will contribute positively to the skyline.

**Safety** – As part of the future site plan approval process, staff will ensure Crime Prevention Through Environmental Design (CPTED) principles are implemented 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 (AODA) and the Ontario Building Code.

**Site Design, Building Design, Massing and Scale** – The proposal is designed to be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The buildings have adequate setbacks, step backs, building heights and massing, considering their context within an Urban Corridor and separation from low rise residential land uses. Through a future site plan process, the building designs will be refined to contribute to a high-quality public realm and sense of place.

Planning staff recommends that the Urban Design Brief be endorsed by Council and that staff be directed to apply the Urban Design Brief through future Site Plan Approval processes.

### 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 a combination of land use designations and urban design initiatives that make a wide range of transportation choices viable. As aforementioned, the subject lands are located on two bus routes and one of those connects directly with the Fairview Transit Station Ion stop at the Fairview Park Mall. The location of the subject lands is well suited to the proposed transit-oriented development. Moreover, the subject proposal will support current and future transit service and build transit ridership.

The location of the subject property and the proposed site specific provisions will result in a compatible built form that encourages walkability within a pedestrian-friendly environment, supporting safe, comfortable, barrier-free walking.

Additionally, over 423 secured bicycle parking stalls will be implemented as well as visitor parking spaces, as required by Zoning By-law 2019-051.

### Housing Policies:

Section 4.1.1 of the City's Official Plan states that it is a City 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. In addition, 4.C.1.12. states that "The City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods." The proposed development will increase the range of dwelling units available in the city. The site development concept includes a mix of 1-, 2- and 3-bedroom dwelling units. The range of unit types in this location will appeal to a variety of household needs. Moreover, the mixed-use nature of the proposed redevelopment as well as the building form will assist in achieving complete community.

### 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 Official Plan and that sustainable development design standards are achieved.

The applicant submitted an initial Sustainability Statement in support of the subject applications. City Environmental Planning staff are satisfied with the Sustainability Statement and will continue to work with the applicant through the future site plan processes to explore additional sustainable development initiatives.

#### Proposed Official Plan Amendment 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 and/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.

#### **SECTION 4 – THE AMENDMENT**

The City of Kitchener Official Plan (2014) is hereby amended as follows:

- a) Amend Map No. 3 – Land Use by designating the lands municipally addressed as 1157 and 1175 Weber Street East as ‘Mixed Use’ instead of ‘Commercial’, as shown on the attached Schedule ‘A’
- b) Amend Map No. 5 – Specific Policy Areas by adding Specific Policy Area No. 63 to the lands municipally addressed as 1157 and 1175 Weber Streer East, as shown on the attached Schedule ‘B’.
- c) Part D, Section 15.D.12 is amended by adding Site Specific Policy 15.D.12.63 as follows:

##### **15.D.12.63.      1157 and 1175 Weber Street East**

Notwithstanding the *Mixed Use* land use designation and the policies on the lands municipally known as 1157 and 1175 Weber Street East:

- a) The maximum *Floor Space Ratio (FSR)* will be 4.5;
- b) No building will exceed 19 storeys or 64.5 metres in height, , on lands designated Mixed Use identified as an Urban Corridor on Map 2;
- c) A Holding provision pursuant to Section 17.E.13 will apply to residential uses and other sensitive uses. The Holding Provision will not be removed until such time as a detailed stationary Noise Study has been provided to the Region, and any mitigation measures have been implemented, and a release has been issued by the Region; and until such time as a Record of Site Condition has been acknowledged by the Province and a release has been issued by the Region.

## NOTICE OF PUBLIC MEETING for a development in your neighbourhood 1157 & 1175 Weber Street East



### Have Your Voice Heard!

Date: **May 15, 2023**

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



Concept Drawing

To view the staff report, agenda,  
meeting details, start time of this item  
or to appear as a delegation, visit:

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or contact:

**Brian Bateman, Senior Planner**  
519.741.2200 x 7869  
[brian.bateman@kitchener.ca](mailto:brian.bateman@kitchener.ca)



Maximum  
Height of  
19 Storeys



Floor Space  
Ratio of 4.5



330 Vehicle &  
423 Bicycle  
Parking Spaces

The City of Kitchener will consider applications to amend the City's Official Plan and Zoning By-law to allow for a Mixed Use development comprised of a 4 storey podium with two residential towers on top that are 17 and 19 storeys in height. In total, 443 residential units, 330 vehicular parking spaces, 423 bicycle spaces and 376 square metres of commercial floor space are proposed.

APPENDIX 2: Minutes of the Planning & Strategic Initiatives Committee Meeting (May 15, 2023)

### APPENDIX 3 - Minutes of the Meeting of City Council (May 29, 2023)