

**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:** Dumart, Craig – Senior Planner, 519-741-2200 ext. 7073

**WARD(S) INVOLVED:** Ward 10

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

**REPORT NO.:** DSD-2023-163

**SUBJECT:** Official Plan Amendment Application OPA23/002/K/CD  
Zoning By-law Amendment Application ZBA23/005/K/CD  
Address: 1770 King Street East, 815 and 825 Weber Street East  
Owner: King Weber Kitchener Holdings Inc.

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## RECOMMENDATION:

That Official Plan Amendment Application OPA/23/002/K/CD for King Weber Kitchener Holdings Inc. requesting a land use designation change from “Mixed Use Corridor with Special Policy Area 1” to ‘Mixed Use Corridor with Special Policy Area 11’ to permit a 27 storey multiple dwelling 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-2023-163 as Appendix ‘A’, and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/005/K/CD for King Weber Kitchener Holdings Inc. be approved in the form shown in the ‘Proposed By-law’, and ‘Map No. 1’, attached to Report DSD-2023-163 as Appendix ‘B’.

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment applications for the properties located at 1770 King Street East, 815 and 825 Weber Street East. It is planning staff's recommendation that the 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 three large billboards notice sign on the property (one facing each street);
  - follow up one-on-one correspondence with members of the public;
  - Neighbourhood Meeting held on April 13, 2023;
  - postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site and those who responded to the preliminary circulation;

- notice of the public meeting was published in The Record on April 21, 2023.
- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

The owner of the properties addressed as 1770 King Street East, 815 and 825 Weber Street East is proposing to change the Official Plan land use designation from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 11' in the King Street East Secondary Plan. The Zoning By-law Amendment application proposes to change the zoning from 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Use Provision 401U' (1770 King Street East) and 'High Intensity Mixed Use Corridor Zone (MU-3)' (815 and 825 Weber Street East) in Zoning By-law 85-1 to 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 with a Special Regulation Provision to allow for an increased Floor Space Ratio (FSR); to further regulate parking locations and ratios; and to apply a Holding Provision to require an updated urban design brief, remediation of site contamination and an updated noise study. Staff recommend that the applications be approved.

## **BACKGROUND:**

King Weber Kitchener Holdings Inc. has made applications to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to change the land use designation and zoning of the lands at 1770 King Street East, 815 and 825 Weber Street East to permit the lands to be developed with a 27 storey, 503 residential unit multiple dwelling with a 8 storey podium. The proposed development includes parking located underground, and on the surface. The lands are 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 Use Provision 401U' (1770 King Street East) and 'High Intensity Mixed Use Corridor Zone (MU-3)' (815 and 825 Weber Street East) in Zoning By-law 85-1.

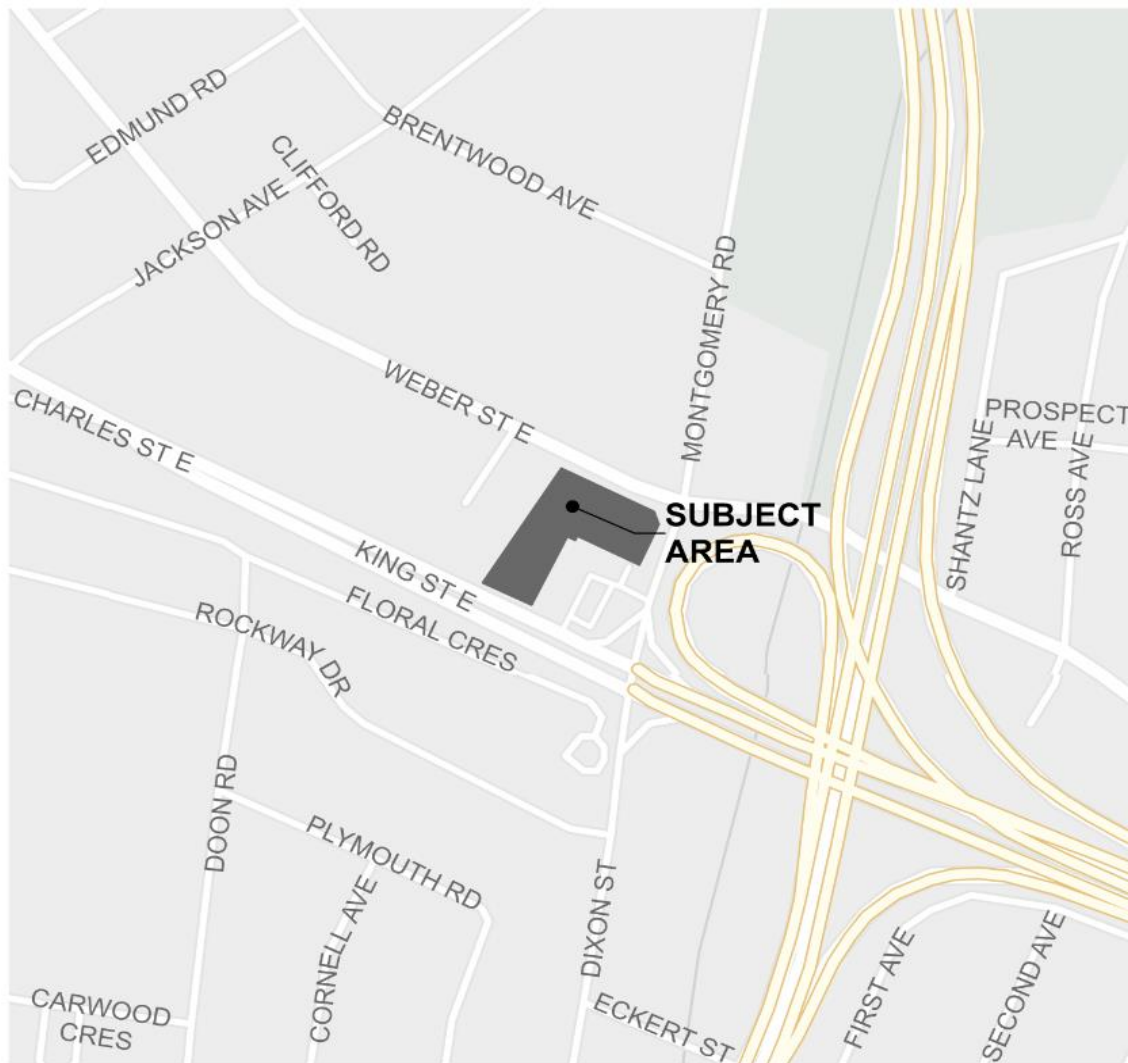
The existing zoning permissions permit:

- a range of permitted uses, including Multiple Dwellings and a wide range of commercial and institutional uses,
- a maximum building Floor Space Ratio (FSR) of 4.0,
- buildings with no maximum building height,
- 1 parking space for each dwelling unit over 51 square metres of floor area and,
- 0.165 parking spaces for dwelling units having a floor area of 51.0 square metres or less (capped at 40% of the dwelling units).
- Special Use Provision 401U prohibits the development of sensitive uses at 1770 King Street East until a record of site condition has been completed in accordance with the relevant Ontario legislation.

## **Site Context**

The subject lands include the consolidation of three properties at 1770 King Street East, 815 and 825 Weber Street East. The consolidate parcel fronts onto King Street East, Weber Street East and Montgomery Road. As the subject lands front multiple streets, this is defined by the City's Zoning By-law as a through lot with King Street East considered as the front yard and Weber Street East considered the rear yard. The subject property is irregular in shape and has a lot area of 0.64 hectares (1.58 acres) with 42 metres of frontage along King Street East 87 metres of frontage along Weber Street East and 43 metres of frontage along Montgomery Road. All three properties are currently occupied by commercial buildings and large surface parking areas. The surrounding neighbourhood consists of a variety of uses including commercial buildings, medium-rise and high-rise residential uses (existing and planned), single and semi-detached dwellings, low-rise multiple dwelling buildings, and institutional buildings. Directly to the north of the property is a Secondary

School (Eastwood Collegiate High School) and Montgomery Park, to the east of the subject lands are highways 7 and 8, directly to the west of the subject lands are commercial properties and to the south across the street of King Street East is landscaped open space located between King Street East and Floral Crescent. The commercial property abutting the subject lands located at the corner of King Street East and Montgomery Road is not part of this proposed development application.



**Figure 1 - Location Map: 1770 King Street East, 815 and 825 Weber Street East**

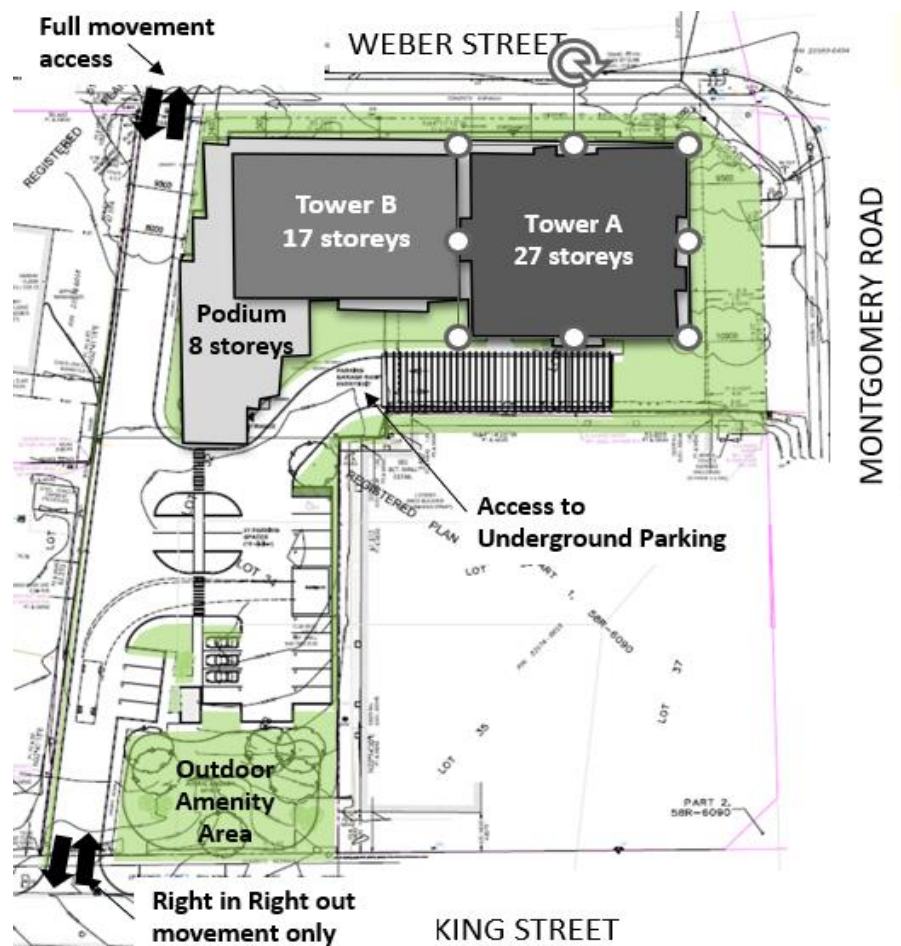
## **REPORT:**

The applicant is proposing to develop the subject lands with a with a 27-storey multiple dwelling with a proposed Floor Space Ratio (FSR) of 6.0. The proposed development includes one building with a 27-storey structure and a 17-storey structure on top of a 8-storey podium with 2 levels of underground parking being provided. The high rise multiple dwelling building proposes a total of 503 residential units with 270 parking spaces located within two levels of underground parking and 21 surface visitor parking spaces. Outdoor amenity space is proposed on top of the 8th floor podium and active outdoor amenity space is also provided along the King Street East frontage which will screen surface parking and activate the frontage along King Street. Primary vehicular access is proposed off Weber Street East with a secondary access, right in and right out only proposed off of King Street East.

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

**Table 1. Proposed Development Concept Statistics**

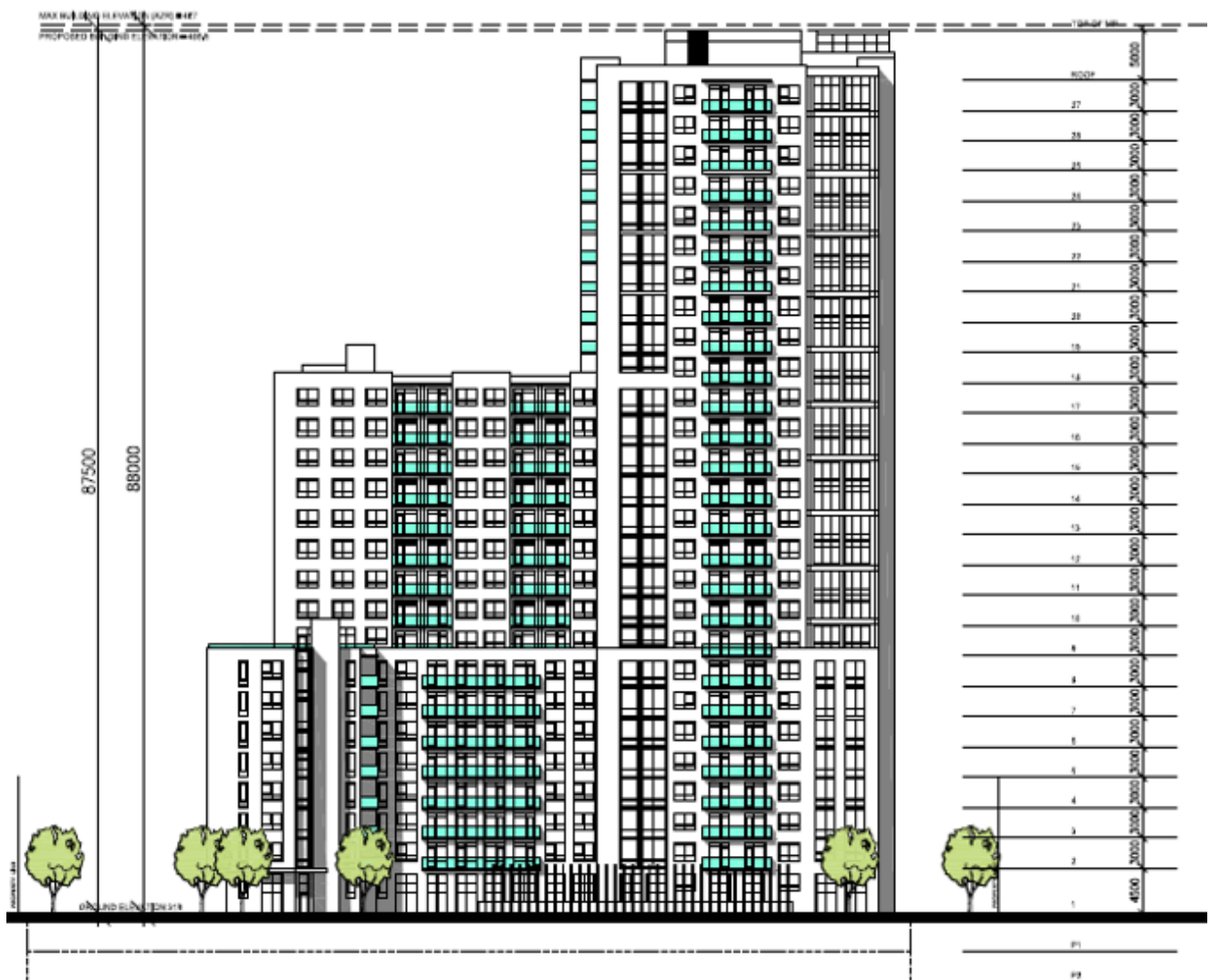
	Development Concept
<b>Number of Units</b>	503 dwelling units
<b>Parking Spaces</b>	291 parking spaces
<b>Building Height</b>	27 storeys
<b>Podium Design</b>	8 storeys
<b>Class A (indoor secured) Bicycle Parking</b>	406
<b>Class B (outdoor visitor) Bicycle Parking</b>	10
<b>Electric Vehicle Ready Parking Stalls</b>	58
<b>Floor Space Ratio</b>	6.0
<b>Unit Types</b>	335 – 1-bedroom units 168 – 2-bedroom units



**Figure 2 – Development Concept Site Plan**

To facilitate the redevelopment of 1770 King Street East, 815 and 825 Weber Street East with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are required to change the land use designation and zoning of the subject lands as the existing Official Plan policies and zoning permit a maximum Floor Space Ratio (FSR) of 4.0. 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 Use Provision 401U' (1770 King Street East) and 'High Intensity Mixed Use Corridor Zone (MU-3)' (815 and 825 Weber Street East) in Zoning By-law 85-1.

The owner is proposing to change the land use designation to 'Mixed Use Corridor with Special Policy 11' in the King Street East Secondary Plan and the zoning to 'High Intensity Mixed Use Corridor Zone' (MU-3) with Special Regulation Provision 790R and Holding Provision 102H' in Zoning By-law 85-1, to allow for a FSR of 6.0; reduce the required parking; and to further regulate the location of surface parking. A Holding Provision is also proposed to be added to the property to require an updated urban design brief demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate onsite amenity to the satisfaction of the City of Kitchener's Director of Planning. The holding provision will also prevent the development of the site with sensitive uses, including residential uses, until the Region is in receipt of a Record of Site Condition and a revised noise study is completed to the satisfaction of the Region of Waterloo.



**Figure 3 – Proposed Building Elevations: The front elevation along King Street East**

## **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 transit options including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed multiple dwelling 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. The subject lands are in close proximity to transit and parks.

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.

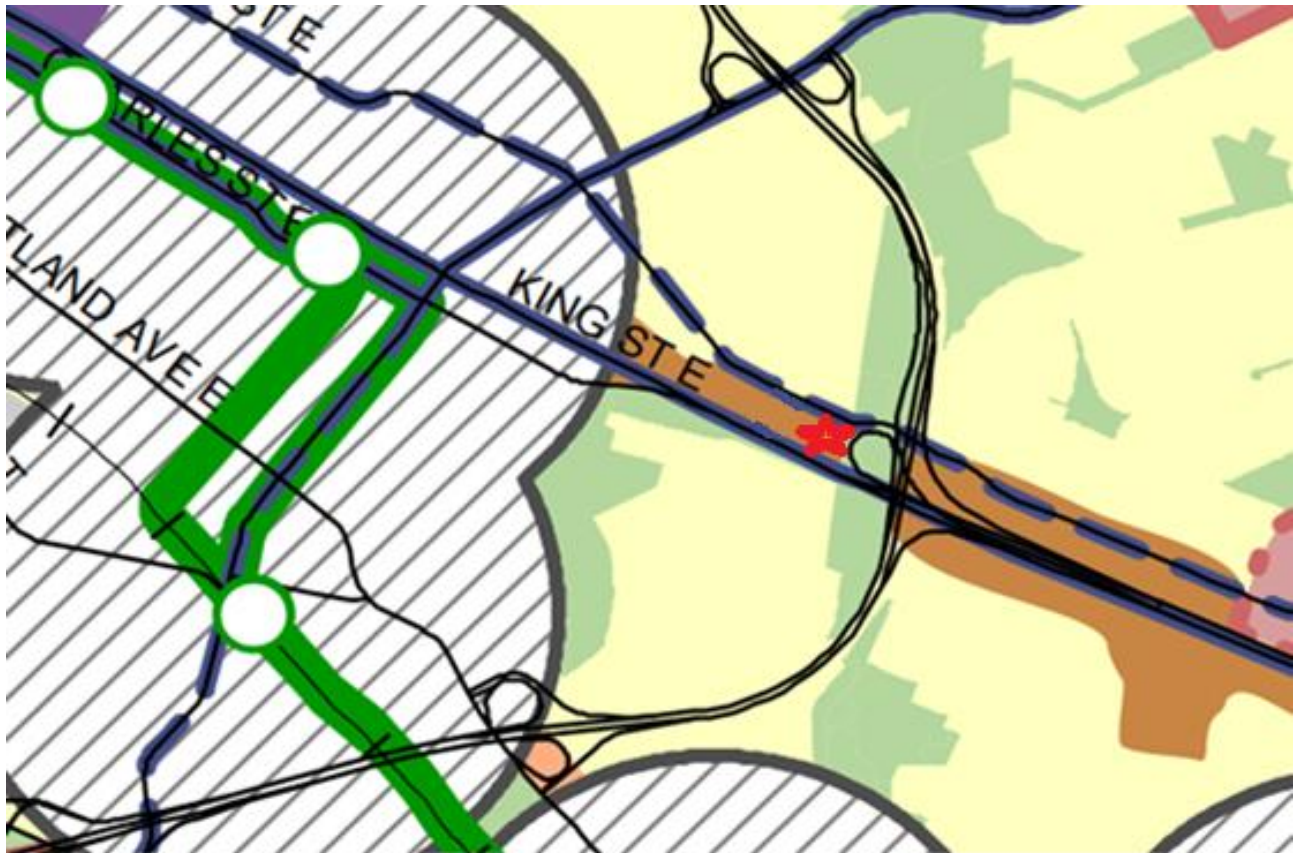
Policies 2.2.1.4 states that complete communities will:

- 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 in the 2014 Kitchener Official Plan. Urban Corridors are identified as a Primary Intensification Area in the City of Kitchener's Official Plan on Map 2. 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. The proposed development is also proposing to include several unit types, increasing the variety of housing options for future residents. Planning staff is of the opinion that the applications conform to the Growth Plan.





**Figure 6 – Subject lands are located within an Urban Corridor in the City of Kitchener's Official Plan on Map-2**

#### **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 Region of Waterloo have indicated they have no objections to the proposed application (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

#### **Region of Waterloo Airport Restrictions**

The subject lands are located within the federally regulated Airport Zoning Regulation (AZR). The existing AZR height limit is 430.50m ASL with a maximum height restriction of 111.5m. The applicant has completed an aeronautical assessment which has been accepted by the Region of Waterloo. The assessment justifies a maximum elevation of 457m ASL for the subject lands and the concept plans submitted with the application show a maximum elevation of the building of 406.5m ASL. Sufficient space for the operation of a future crane without reaching the maximum elevation of 457m ASL can be provided for and comply with the federally regulated Airport Zoning Regulations.



## 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.

The applicant is proposing to add Special Policy Area 11 to the King Street East Secondary Plan to allow a Floor Space Ratio (FSR) of 6.0 whereas the current Official Plan policies allow for a maximum FSR of 4.0 with an additional 1.0 FSR permitted if a 1,000 square metre or larger food store is located within the mixed-use development.

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

### 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 in 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' in the 2014 Kitchener Official Plan. Urban Corridors are identified as a Primary Intensification Area in the City of Kitchener's Official Plan on Map-2.

Urban Corridors are generally linear in form and are located along existing or planned transit corridors. They are intended to have strong pedestrian linkages and be integrated with neighbouring residential and employment uses. The subject lands have direct access to two regional transit corridors which have multiple bus routes, access to Highway 8 and Highway 7.

According to policy 3.C.2.38 of the Official Plan, 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 proposed development is planned for a multiple

dwelling with at grade units and active frontages along all street frontages and provides for 503 purpose-built rental units.

Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that 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.

### 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.

### Neighbourhood Planning Review

1770 King Street East, 815 and 825 Weber Street East are within the King East Neighbourhood Planning Review (NPR) area. A statutory public meeting was held on December 9, 2019 regarding draft amendments to the King Street Secondary plan. The proposed Official Plan designation for the site is 'Mixed Use' and the proposed zoning is 'Medium to High Rise Mixed Use Three Zone (MIX-3)'. The Growing Together project is under review and updated draft land use designations and zoning will be considered in late 2023.

### 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 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. An updated urban design report will be required and secured through a Holding Provision. The subject lands are one of the primary gateways to the City and Downtown. Extra attention to high quality urban design that contributes positively to the public realm and streetscapes is expected for the subject lands with adequate onsite amenity for future residents. Detailed design will be reviewed through the site plan design and approvals process and an updated urban design report will be required prior to removal of the Holding Provision.

**Streetscape** – The Weber Street East and Montgomery Road frontages are activated by at-grade residential units and the building's lobby. At grade residential units and the building lobby have direct access to public sidewalks. The tower podium has a defined base which will enhance the streetscape.

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

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

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

Site Design, Building Design, Massing and Scale – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The tower has a well defined podium and building step backs which helps enhance the public realm. Massing is broken up at the 8<sup>th</sup> and 17<sup>th</sup> storeys on the tower which mitigate overlook issues and shadow impacts.

### Tower Design

The tower placement has been oriented towards the corner of Weber Street and Montgomery Road with an 8 storey podium and building step backs at the 17th floor. The tower massing is broken up vertically by variation and the articulation of building materials. Furthermore, balconies for the residential units are included on the street-facing elevations. 4.5 metre tall ground floor units are proposed which will enhance the streetscape and will also allow for easy conversion of future non-residential uses.

### 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 City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.

### Wind Study

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

### Tall Building Guidelines

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

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

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed towers are generally consistent with and meet 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 Design for 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 along King Street and Weber Street both which have multiple bus routes (GRT Routes 7 and 8) and stops located within walking distance. The building has excellent 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 will support a more intensive multiple residential development in a location that is supported by the transportation network. The location of the proposed building, 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 future site plan approval processes, the design of the building 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 will be required the Zoning By-law.

### Housing Policies:

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

### Sustainable Development

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

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

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

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

## **Proposed Official Plan Amendment Conclusions**

The Official Plan Amendment application requests that the land use designation as shown on Map 10 – King Street East Secondary Plan be changed from ‘Mixed Use Corridor with Special Policy Area 1’ to ‘Mixed Use Corridor with Special Policy Area 11’. Based on the above-noted policies and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved in the form shown in Appendix “A”.

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

The subject lands are zoned “High Intensity Mixed Use Corridor Zone (MU-3) with Special Use Provision 401U” (1770 King Street East) and “High Intensity Mixed Use Corridor Zone (MU-3)” (815 and 825 Weber Street East) in Zoning By-law 85-1. The existing zoning permits Multiple Dwellings and a wide range of Commercial and Institutional uses. The MU-3 zone currently allows for a maximum building Floor Space Ratio (FSR) of 4.0 and there is no maximum building height for the subject lands in the City of Kitchener’s Zoning By-law. The existing zoning also requires 1.0 parking spaces for each dwelling unit over 51 square metres of floor area and 0.165 parking spaces for each dwelling unit having a floor area of 51.0 square metres or less (capped at 40% of the dwelling units). Special Use Provision 401U prohibits the development of sensitive uses at 1770 King Street East until a record of site condition has been completed in accordance with the relevant Ontario legislation.

The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from “High Intensity Mixed Use Corridor Zone (MU-3) with Special Use Provision 401U” (1770 King Street East) and “High Intensity Mixed Use Corridor Zone (MU-3)” (815 and 825 Weber Street East) to ‘High Intensity Mixed Use Corridor Zone (MU-3)’ in Zoning By-law 85-1 with Special Regulation Provision 790R and Holding Provision 102H” in Zoning By-law 85-1. Due to review timeline refunds required by Bill 109, a Holding Provision is required to ensure matters related to urban design, noise and site remediation are addressed, prior to lifting of the Holding Provision.

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

The applicant is seeking to amend the Zoning By-law to add Special Regulation Provision 790R to Zoning By-law 85-1. The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), regulate parking setbacks to the street, and reduce the required parking rate.

Staff offer the following comments with respect to the proposed Special Regulation Provision 790R:

- a) That the maximum Floor Space Ratio shall be 6.0.

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.

- b) That parking be provided at a rate of 0.58 parking spaces per dwelling unit. 7% of the required parking spaces shall be shared for visitor parking and non-residential uses. Bicycle and electric vehicle parking are to be provided in accordance with By-law 2019-051.



The purpose of this regulation is to provide for a parking rate which is appropriate for the development as well as require adequate bicycle parking spaces and future electric vehicle charging parking spaces. The proposed ratio results in a parking rate of 0.58 parking spaces per dwelling unit (inclusive of visitor spaces). The subject lands will have adequate access to public transit and pedestrian/cycling networks and adequate bike storage will be provided within the development for residents. Planning and Transportation Services staff is of the opinion that the parking rate is appropriate for the subject lands.

- c) In no case shall any parking be located within 16.0 metres of the street line unless located underground or internal to a building.

The purpose of this regulation is to ensure surface parking is adequately setback from the street and effectively screened with landscaping and amenity space.

- d) Geothermal Energy Systems shall be prohibited.

The Region of Waterloo has indicated Geothermal Energy Systems shall be prohibited to mitigate the risks associated with contaminants that will remain beneath the site when the property is redeveloped.

Staff offer the following comments with respect to Holding Provision 102H:

Official Plan policies require that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to facilitate the implementation of the 'MU-3' zone and special regulation provision. The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

#### Holding Provision 102H

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

- i. No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks (MOECP). This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks (MOECP) advising that a Record of Site Condition has been completed to their satisfaction.
- ii. No residential use shall be permitted until such time as a Road Traffic and Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.
- iii. No development on the lands shall occur until such time as an Urban Design Brief is approved by the City's Director of Planning demonstrating a high quality of urban design that

contributes positively to the public realm and streetscapes with adequate onsite amenity.

There is an environmental threat located on and adjacent to the subject lands in accordance with the Region's Threats Inventory Database (TID) due to past and current land uses. A Record of Site Condition (RSC) and Ministry Acknowledgement Letter shall be required in accordance with the Region's Implementation Guidelines. Until such time that the RSC and Ministry Acknowledgement letter have been received by the Region, residential redevelopment of the site is not permitted.

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

The subject lands are one of the primary gateways to the City and Downtown. Extra attention to high quality urban design that contributes positively to the public realm and streetscapes is expected for the subject lands with adequate onsite amenity for future residents. Detailed design will be reviewed through the site plan design and approvals process and an updated urban design report will be required prior to removal of the Holding Provision.

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

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to 'High Intensity Mixed Use Corridor Zone (MU-3)' with Special Regulation Provision 790R and Holding Provision 102H represents good planning as it will facilitate the redevelopment of the lands with multiple dwelling development that is compatible with the existing neighbourhood, which will add visual interest at the street level and skyline, and will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Appendix "B".

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

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

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

- Planning Justification Report  
Prepared by: MHBC Planning, March 2023
- Urban Design Brief, Windy Study, Shadow Study  
Prepared by: MHBC Planning, March 2023
- Transportation Impact Study and Parking Study  
Prepared by: Paradigm Transportation Solutions, February 2023
- Site Servicing Feasibility Study  
Prepared by: SBM, January 2023
- Sustainability Statement  
Prepared by: MHBC Planning, March 2023

- Noise Feasibility Study  
Prepared by: HGC Engineering, February 2023

### Community Input & Staff Responses

# WHAT WE HEARD



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



**Approximately 6 people/households/businesses provided comment**



**A City-led Neighbourhood Meeting was held on April 13, 2023 and 8 different users logged on**

Staff received written responses from 6 residents with respect to the proposed development. These are included in Appendix 'E'. A Neighbourhood Meeting was held on April 13, 2023. 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
Three bedroom units should be included in the proposed development.	<p>The City of Kitchener does not regulate number of bedrooms. While the City does not regulate the number of bedrooms, a mix of unit types is strongly encouraged.</p> <p>In September 2022, we received new housing census data – we know;</p> <ul style="list-style-type: none"> <li>▪ We have 99805 dwelling units in Kitchener 61% are 3+ bedrooms.</li> </ul> <p>We also know household data now as well:</p> <ul style="list-style-type: none"> <li>▪ 58% of households have 1-2 people (26% 1 person, 32% 2 people)</li> <li>▪ 15% of all dwellings are in buildings greater than 5 storeys</li> </ul> <p>When a comparison is made between the household and housing data, we have 27,000 3+ bedroom homes which are occupied by one or two people. This means that 44% of all large units in Kitchener have more bedrooms than people living in the dwelling</p> <p>The City is currently undertaking a Missing Middle study that is looking at root causes of these results and how the City can get housing types of all sizes across the City.</p>

Concerns the proposed development will create traffic that existing roads can not handle.	A Traffic Impact Study was submitted and reviewed by City MTO and Regional Transportation staff who did not identify any major traffic concerns as a result of the proposed development.
Tall buildings should not be allowed.	The existing zoning currently permits a Floor Space Ratio of 4.0 and there is no maximum building height. The proposed amendments allow for increased density to be developed on site (6.0 FSR instead of the maximum permitted 4.0). The applicant has demonstrated that a tower can be accommodated in accordance with the City's design for Tall Building Guidelines, which is the Council approved guiding document for tall building developments. The subject lands are located within the Airport Zoning Regulation area which is federally regulated. The proposed tower is in compliance with the Airport Zoning Regulations.
The building is too tall and residents have concerns with privacy into their yards.	The proposed tower is located approximately 130 metres to the nearest residential dwelling on Floral Crescent and is separated by a 4 lane road (King Street East) with a landscaped median. A City-owned open space with existing mature trees separates and screens King Street East to Floral Crescent.
Not enough parking is being provided.	A Parking Justification Study was submitted and reviewed by Transportation Services staff who support the proposed parking rate of 0.58 parking spaces per dwelling unit. Unbundled parking is proposed as well as a minimum of 0.5 Class A bicycle parking spaces per dwelling unit are required as a Transportation Demand Management (TDM) measure.
Affordable Units should be provided.	This development is not receiving affordable housing sponsorship. Rather the development proposes 503 purpose-built rental units which is an alternative housing option for those who are not in a position to purchase a dwelling unit.

## Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit the development of a multiple dwelling building at 1770 King Street East, 815 and 825 Weber Street East. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Planning staff are recommending that the applications be approved.

## ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

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

## **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this recommendation.

*Bill 109, More Homes for Everyone Act, 2022* introduced a requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe. Decisions on Zoning By-law Amendments, when combined with an Official Plan Amendment, are required within 120 days to retain planning application fees, effective January 1, 2023. A decision must be made by Council prior to July 15, 2023 or the Planning Division must issue an application fee refund of \$12,800.00, being 50% of the \$25,600.00 Major Zoning By-law Amendment Application fee. The Planning Division does not have a funding source or budget for refunding planning application fees.

## **COMMUNITY ENGAGEMENT:**

**INFORM** – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting. A large notice sign was posted on the property and information regarding the application was posted to the City's website in March of 2023. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, and those responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on April 23, 2023 (a copy of the Notice may be found in Appendix C).

**CONSULT** – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 240 metres of the subject lands on March 21, 2023. In response to this circulation, staff received written responses from 6 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

## **PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 1994
- City of Kitchener Zoning By-law 85-1

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

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

## **APPENDIXS:**

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