

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

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CITY OF KITCHENER  
97-101 Park Street and 186-194 Victoria Street South

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**SECTION 1 – TITLE AND COMPONENTS**

This amendment shall be referred to as Amendment No. xxx to the Official Plan of the City of Kitchener (1994). This amendment is comprised of Sections 1 to 4 inclusive.

**SECTION 2 – PURPOSE OF THE AMENDMENT**

The purpose of the Official Plan Amendment is to amend:

- Map 16 – Secondary Plan – Victoria Street Neighbourhood Plan for Land Use by redesignating lands, municipally addressed 97-101 Park Street and 186-194 Victoria Street South from Mixed Use Corridor’ to ‘Mixed Use Corridor’ with Special Policy Area 2”
- Adding Policy 13.6.4.2 to Section 13.6.4 to permit a maximum Floor Space Ratio (FSR) of 7.7.

**SECTION 3 – BASIS OF THE AMENDMENT**

**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 mixed use development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed applications will facilitate the intensification of the subject property with a high intensity mixed-use development that is compatible with the surrounding community, helps manage growth, will contribute towards a 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 have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

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

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

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

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

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and

- iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

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

Policy 2.2.4 requires that planning be prioritized for MTSA's on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSA's on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stations are Major Transit Station Areas (MTSA's) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA boundary for the Central station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved in August 2022 and these lands are within the Central Station MTSA. The proposed development represents intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

The Ministry of Municipal Affairs and Housing is currently consulting on proposed policies for an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not currently in effect.

### **Regional Official Plan (ROP):**

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

The subject lands are within the Major Transit Station Area (MTSA). MTSA's are intensification corridors within the Regional Official Plan and are an appropriate location for intensification. The Region of Waterloo have indicated they have no objections to the proposed applications or to higher density within the MTSA area. (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

## **City of Kitchener Official Plan (OP)**

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

### Complete Community

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community.

The applicant is proposing to contribute aspects of a complete community on the subject lands with a 42 storey high-rise, mixed-use development with 436 residential units and 807 square metres of commercial space. Considerable thought for the orientation and placement of the building, podium heights, building step backs, and vehicular and pedestrian connections to Victoria and Park Street have been incorporated into the design for this high intensity mixed use development.

The proposed development includes a public amenity space in the form of Privately-Owned Publicly Accessible Space (POPS) proposed along Park Street with enhanced landscaping which will activate the frontage along Park Street and enhance the public realm.

Staff will review the proposed POPs as part of the site plan review process.

### 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 a Major Transit Station Area. The planned function of Major Transit Station Areas is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in Major Transit Station Areas give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe

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

The proposed development is located in a prime location for high intensity mixed use development. The subject lands are located in close proximity to the Central Station ION stop. The proposed development introduces additional housing with a mix of unit types. Housing diversity is needed to provide a greater housing choice and meet the needs of increasingly diverse residents and households. Diverse housing types for this MTSA will be further planned through Growing Together later this year. This application is in advance of that work and can be considered based on urban structure and future planned function of the community. As such, 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 a Major Transit Station Area but also will contribute to the vision for a sustainable and more environmentally-friendly city.

### Land Use

The subject lands are designated 'Mixed Use Corridor' (Map 16) in the Victoria Street 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 applicant is proposing to add Special Policy Area 2 to the Victoria Street Secondary Plan to allow a maximum Floor Space Ratio (FSR) of 7.7 whereas the current Official Plan policies allow for a maximum FSR of 4.0 in locations which abut arterial or major collector roads, are well separated from low rise residential and have adequate municipal infrastructure.

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. A Holding provision may be used in order to implement the Official Plan to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met. A Holding Provision is proposed to 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 updated Noise Study and Traffic Impact Study has been reviewed and approved by the Region of Waterloo.

### Parkland

The Proposed Development includes privately-owned publicly-accessible open spaces (POPS) to meet the needs of residents and the surrounding community. Additional private amenity spaces will be provided for residents of the proposed development on the building rooftops and indoors to relief additional pressures on nearby city owned parks. Additional parkland dedication in the form of cash-in-lieu will be taken through the Site Plan Application process.

## PARTS Central Plan

The subject lands are located within the PARTS Central Plan which is a guiding document that made recommendations for land uses within and around rapid transit station stops. The PARTS Central Plan made recommendation for amendments to the Secondary Plans within this MTSA, which have not yet been implemented. Some of the primary recommendations are to encourage the development of underutilized sites with higher density to support transit and to increase housing supply while protecting existing stable neighbourhoods. The proposed development provides for a range of housing options and commercial space and the proposed amendment is in keeping with the PARTS Central vision for development within and around the ION stops.

## Neighbourhood Planning Review

The subject lands are within the Victoria Park Planning Review (NPR) area. A statutory public meeting was held on December 9, 2019 regarding draft amendments to the Secondary Plans. The proposed Official Plan designation for the site is 'Mixed Use' and the proposed zoning is 'High Rise Mixed Use Four Zone'. The Growing Together project, which is the continuation of the NPR project, is under review and updated draft land use designations and zoning will be considered in late 2023.

## 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-building priorities.

## 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 tower separation and on-site 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 Victoria Street frontage is activated by at-grade non-residential commercial units and the building's lobby. The commercial units and the building lobby have direct access to public sidewalks. A publicly accessible parkette is situated along Park Street which includes enhanced landscape features and further enhances the pedestrian realm. 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 6<sup>th</sup>, 11<sup>th</sup> and 14<sup>th</sup> and 41<sup>st</sup> storeys on the tower which mitigate overlook issues and shadow impacts.

#### Tower Design

The tower placement has been oriented towards Victoria Street with a 6 storey podium and building step backs at the 11<sup>th</sup>, 14<sup>th</sup>, and 41<sup>st</sup> floors. The tower massing is broken up vertically by variation and the articulation of building materials. Furthermore, balconies for the residential units are included on all elevations. Ground floor commercial units, 4.8 metre in height, are proposed which will further enhance and activate the streetscape.

#### 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 further reviewed at the site plan application stage based on the final design and wind control features will be required through the site plan approval, as 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. A Holding Provision will require an updated Urban Design Brief demonstrating that adequate off-site tower separation and adequate on-site amenity space are provided to the satisfaction of the City of Kitchener.

#### 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 in close proximity to the Central ION stop. The building has excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the Iron Horse Trail. 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.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more-dense residential development. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible 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 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, two and three-bedroom units. The wide range of units, in this location, will appeal to a variety of household needs.

#### Sustainable Development

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

- a) compact development and efficient built form;
- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,

- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

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

Sustainable development initiatives will be further explored at the Site Plan Application stage.

### **Proposed Official Plan Amendment Conclusions**

The Official Plan Amendment proposes that the land use designation as shown on Map 16 – Victoria Street Secondary Plan be changed from ‘Mixed Use Corridor’ to ‘Mixed Use Corridor with Special Policy Area 2’. Based on the above-noted policies and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved.

### **SECTION 4 – THE AMENDMENT**

The City of Kitchener Official Plan (1994) is hereby amended as follows:

- a) Part 3, Section 13.6.4 Special Policies is amended by adding Special Policy 13.6.4.2 thereto as follows:
  - “2. Notwithstanding the Mixed Use Corridor land use designation and policies, applied to the lands located at 97 and 101 Park Street, 186-194 Victoria Street South, the maximum Floor Space Ratio shall be 7.7.
  
- b) Map No. 16 – Secondary Plan – Victoria Street Neighbourhood Plan for Land Use is amended by designating the lands, municipally addressed as 97 and 101 Park Street, 186-194 Victoria Street South, as ‘Mixed Use Corridor with Special Policy Area 2’ instead of ‘Mixed Use Corridor’, as shown on the attached Schedule ‘A’.

## NOTICE OF PUBLIC MEETING for a development in your neighbourhood 97-101 Park St. & 186 -194 Victoria St. S.



Concept Drawing

### Have Your Voice Heard!

#### Planning & Strategic Initiatives Committee

Date: **June 5, 2023**

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

To view the staff report, agenda, meeting details & start time of this item (to be posted 10 days prior to meeting), or to appear as a delegation, visit:

**[kitchener.ca/meetings](http://kitchener.ca/meetings)**

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

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

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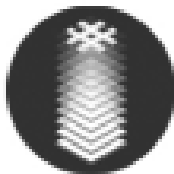
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Mixed Use



42 Storeys,  
436 Dwelling  
Units



Floor Space  
Ratio of 7.7

The City of Kitchener will consider applications to amend the Official Plan and Zoning By-law to facilitate the redevelopment of the lands with a 42-storey mixed use building with a Floor Space Ratio of 7.7 having 436 residential units and 3 ground floor commercial units. A total of 353 vehicle parking spaces and 296 bicycle parking spaces are proposed for the development.

APPENDIX 2: Minutes of the Planning & Strategic Initiatives Committee Meeting (June 5, 2023)

APPENDIX 3 - Minutes of the Meeting of City Council (June 26, 2023)