

# Staff Report



Development Services Department

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

**DATE OF MEETING:** June 5, 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 9

**DATE OF REPORT:** May 8, 2023

**REPORT NO.:** DSD-2023-236

**SUBJECT:** Official Plan Amendment Application OPA23/003/V/CD  
Zoning By-law Amendment Application ZBA23/007/MV/CD  
97-101 Park Street and 186-194 Victoria Street South  
1928393 ONTARIO INC.

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## RECOMMENDATION:

That Official Plan Amendment Application OPA/23/003/V/CD for 1928393 ONTARIO INC. requesting a land use designation change from 'Mixed Use Corridor' to 'Mixed Use Corridor with Special Policy Area 2' to permit a 42 storey mixed-use development on the lands specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-236 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/007/V/CD for 1928393 ONTARIO INC. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2023-236 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 97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South. 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 postcard to property owners and residents within 240 metres of the subject site;
  - installation of two large billboard notice signs on the property (one facing each street);
  - follow up one-on-one correspondence with members of the public;
  - Neighbourhood Meeting held on April 27, 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 May 12, 2023.

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

- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

The owner of the properties addressed as 97 and 101 Park Street, 186 - 194 Victoria Street South is proposing to change the Official Plan land use designation from 'Mixed Use Corridor' to 'Mixed Use Corridor with Special Policy Area 2' in the Victoria Street Secondary Plan. The Zoning By-law Amendment application proposes to change the zoning from 'Low Intensity Mixed Use Corridor Zone (MU-1)' (97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South) and 'Low Intensity Mixed Use Corridor Zone (MU-1) with Special Use Provision 402U and Special Regulation Provision 523R' (vacant, unaddressed parcel at the rear of the subject lands) 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 ratios, and building setbacks; and to apply a Holding Provision to require an updated Urban Design Brief, remediation of site contamination, an updated Noise Study, and Traffic Impact Study (TIS). Staff recommends that the applications be approved.

## **BACKGROUND:**

1928393 ONTARIO 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 97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South to permit the lands to be developed with a 42 storey, mixed use development with 436 residential units and 807 square metres of commercial space. The proposed development includes 353 parking space located underground, and on the surface. The lands are designated 'Mixed Use Corridor' in the City of Kitchener Victoria Street Secondary Plan and zoned 'Low Intensity Mixed Use Corridor Zone (MU-1)' (97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South) and 'Low Intensity Mixed Use Corridor Zone (MU-1) with Special Use Provision 402U and Special Regulation Provision 523R' (vacant, unaddressed parcel at the rear of the subject lands) 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 2.0,
- a maximum building height of 13.5 metres
- 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 402U prohibits the development of sensitive uses until a noise and vibration study has been reviewed and approved by the Region of Waterloo.

## **Site Context**

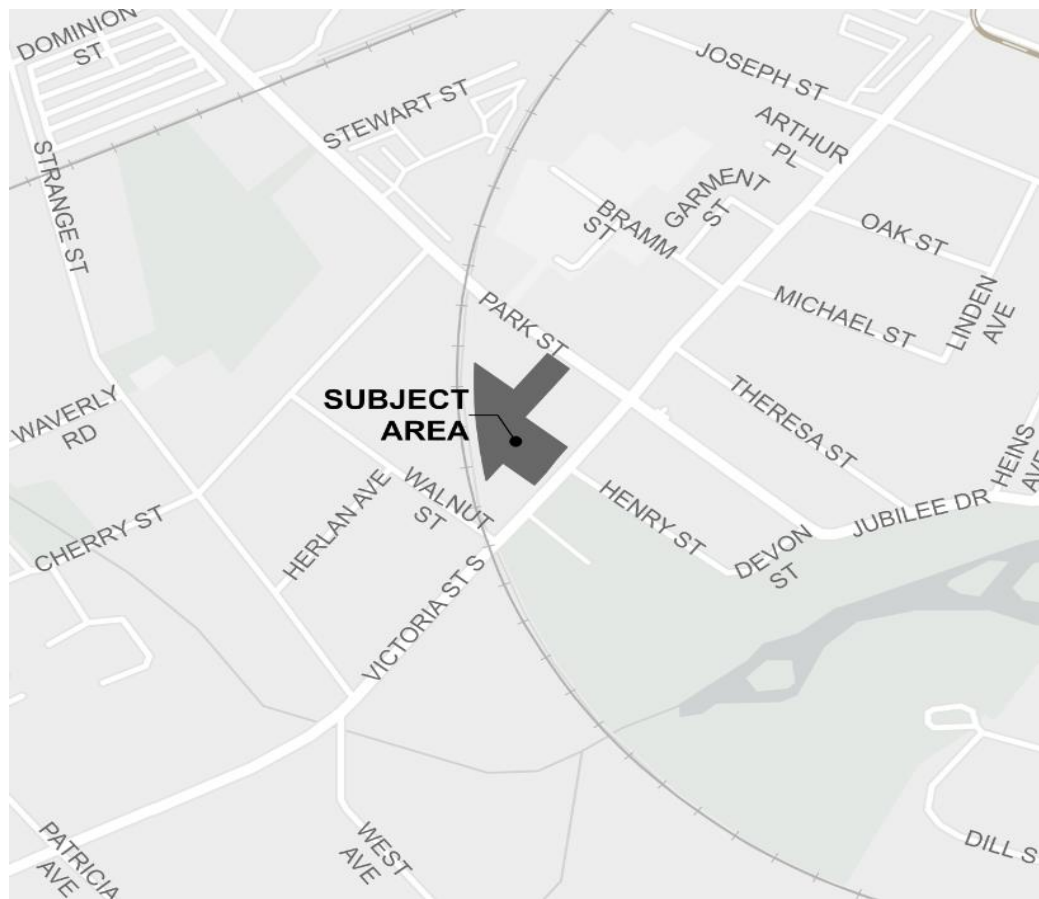
The subject lands include the consolidation of seven properties, 97 and 101 Park street, 186, 190, 192 and 194 Victoria Street as well as the large vacant unaddressed triangle portion at the rear of these properties that was previously part of 200 Victoria Street. The subject property is irregular in shape and has a lot area of 0.668 hectares (1.65 acres) with 24.5 metres of frontage along Park Street and 48.6 metres of frontage along Victoria Street South. 97 and 101 Park street, are currently developed with single detached dwellings, 186, 190, Victoria Street South are currently developed with detached two storey buildings while 192 and 194 Victoria Street South contains a semi-detached dwelling.

The current use of each the properties is:

- 97 Park Street and 101 Park Street are residential units currently rented to tenants at market rate.
- 186 and 190 Victoria Street are commercial buildings occupied by developer's offices.
- 192 and 194 Victoria Street are residential units currently rented to tenants at market rate.

In total there are 7 residential units that are currently rented to tenants at market rate. The owner has several other rental properties in the City of Kitchener and has committed to arranging for relocation to new market rate units for the tenants and will be assisting and supporting in the relocation.

The subject lands directly abut the CN railway to the rear of the property and surrounding neighbourhood consist of a mix of low, medium and high rise as well as commercial and institutional uses. There are several high intensity mixed use developments that are at various stages of development approvals in the neighbourhood as the neighbourhood is situated in prime area for redevelopment and intensification in the City of Kitchener. The subject lands are defined as a through lot in the City of Kitchener's Zoning By-law as they have frontage on two streets, with Park Street being the front yard, and Victoria Street South a side yard abutting a street. The lands abutting the railway are considered the rear yard of the subject lands and all other property lines are side yards.



**Figure 1 - Location Map: 97 and 101 Park street, 186, 190, 192 and 194 Victoria Street**

## REPORT:

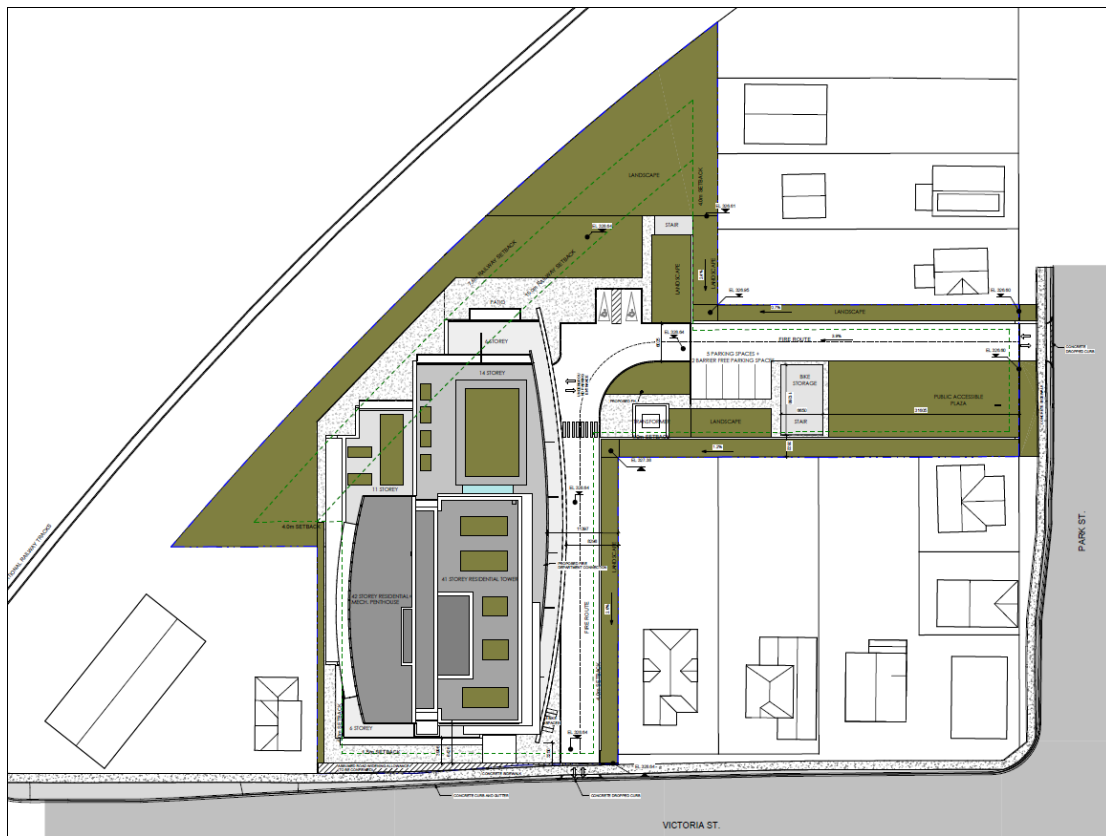
The applicant is proposing to develop the subject lands with a with a 42-storey mixed use development with a Floor Space Ratio (FSR) of 7.7. The proposed development includes one building at 42-storeys with step backs at the 41<sup>st</sup> floor, the 14<sup>th</sup> floor, and 11<sup>th</sup> floor. The tower is 36

storeys in height, and it located on top of a 6-storey podium (42 storeys above ground in total) with 3 levels of underground parking being provided. The high rise mixed use development proposes a total of 436 residential units, 807 square metres of commercial space with 346 parking spaces located within three levels of underground parking and 7 surface visitor parking spaces. An outdoor landscaped areas is proposed at grade at the rear of the subject land and outdoor amenity areas are proposed on 11<sup>th</sup> floor, 14<sup>th</sup> floor and 41<sup>st</sup> floor and a privately-owned publicly-accessible amenity space (POPs) is also provided along the Park Street frontage, with enhanced landscaping, which will activate the frontage along Park Street and enhance the public realm. Primary vehicular access is proposed off of Park Stret with a secondary access proposed off of Victoria Street South.

Table 1 below highlights the development concept statistics while Figures 2, 3 and 4 show the proposed development concept site plan and building elevations of the development proposal.

**Table 1. Proposed Development Concept Statistics**

|  | <b>Development Concept</b>   |
|--|--|
| <b>Number of Units</b>                           | 436 dwelling units   |
| <b>Parking Spaces</b>                            | 353 parking spaces   |
| <b>Commercial Space</b>                          | 3 units, 807 square metres in total  |
| <b>Total Building Height</b>                     | 42 storeys   |
| <b>Podium Height</b>                             | 6 storeys  |
| <b>Class A (indoor secured) Bicycle Parking</b>  | 296  |
| <b>Class B (outdoor visitor) Bicycle Parking</b> | 6  |
| <b>Electric Vehicle Ready Parking Stalls</b>     | 70   |
| <b>Floor Space Ratio</b>                         | 7.7  |
| <b>Unit Types</b>                                | 40 - bachelor units (9.2%)<br>87 – one-bedroom units (20.0%)<br>137 - one-bedroom plus den units (31.4%)<br>74 – two-bedroom units (16.9%)<br>36 – two-bedroom plus den units (8.3%)<br>62 – three-bedroom units (14.2%) |
| <b>Landscaped Area</b>                           | 3600 square metres   |
| <b>Public Amenities</b>                          | 3 ground floor commercial units.<br>Privately-owned, publicly-accessible space (POPs) on Park Street   |



**Figure 2 – Development Concept Site Plan**

To facilitate the proposed development, 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 permit a maximum Floor Space Ratio (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 and the existing zoning permits a maximum Floor Space Ratio 2.0. The lands are currently designated 'Mixed Use Corridor' in the City of Kitchener Victoria Street Secondary Plan and zoned 'Low Intensity Mixed Use Corridor Zone (MU-1)' (97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South) and 'Low Intensity Mixed Use Corridor Zone (MU-1) with Special Use Provision 402U and Special Regulation Provision 523R' (the vacant, unaddressed parcel at the rear of the subject lands) in Zoning By-law 85-1.

The owner is proposing to change the land use designation to 'Mixed Use Corridor with Special Policy 2' in the Victoria Street Secondary Plan and to change the zoning to 'High Intensity Mixed Use Corridor Zone' (MU-3) with Special Regulation Provision 792R and Holding Provision 104H' in Zoning By-law 85-1, to allow for a FSR of 7.7; reduce the required parking; and to further regulate the location of the building. 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 tower separation and on-site 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 of Waterloo is in receipt of a Record of Site Condition and a revised Noise Study and Traffic Impact Study (TIS) is completed to the satisfaction of the Region of Waterloo.



**Figure 3 – Proposed Building Rendering along Victoria Street South**



**Figure 4 – Proposed Building Rendering at the rear of the subject lands.**

## **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 in the form shown in Appendix "A".

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

The subject lands are zoned 'Low Intensity Mixed Use Corridor Zone (MU-1)' (97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South) and 'Low Intensity Mixed Use Corridor Zone (MU-1) with Special Use Provision 402U and Special Regulation Provision 523R' (vacant, unaddressed parcel at the rear of the subject lands) in Zoning By-law 85-1. The existing zoning permits Multiple Dwellings and a wide range of Commercial and Institutional uses. The MU-1 zone currently allows for a maximum building Floor Space Ratio (FSR) of 2.0 and a maximum building height of 13.5 metres. 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 402U prohibits the development of sensitive uses until noise and vibration study has been reviewed and approved by the Region of Waterloo.

The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from 'Low Intensity Mixed Use Corridor Zone (MU-1)' (97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South) and 'Low Intensity Mixed Use Corridor Zone (MU-1) with Special Use Provision 402U and Special Regulation Provision 523R' (vacant, unaddressed parcel at the rear of the subject lands) to 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 with Special Regulation Provision 792R and Holding Provision 104H" 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, traffic

access on Victoria Street, 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 792R to Zoning By-law 85-1. The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), regulate building setbacks and reduce the required parking rate.

Staff offer the following comments with respect to the proposed Special Regulation Provision 792R:

a) That the maximum Floor Space Ratio shall be 7.7.

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 0.8 parking spaces per dwelling unit. 10% 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 0.8 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) The Maximum Front Yard Abutting a Street shall be 32 metres.

The purpose of this regulation is to allow the building to be setback from Park Street to accommodate the publicly accessible space.

d) A 7.5 metre setback from the lot line abutting the rail right-of-way is provided with a crash wall and signed and stamped affidavit from a qualified Professional Engineer licensed to practice in the Province of Ontario demonstrating that the proposed development has been designed in accordance with the Federation of Canadian Municipalities and Railway Association of Canada guidelines.

The purpose of this regulation is to allow the building to be setback 7.5 metres with a crash wall once the detail design has been signed off by a qualified Professional Engineer rather than providing a 15.0 metre setback with a berm and fence which is require by the Zoning By-law.

f) 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 104H:

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 104H

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, Vibration 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. Vehicular access is prohibited off of Victoria Street South until a satisfactory Transportation Impact Study (TIS) that includes a sensitivity analysis has been submitted and approved to the satisfaction of the Regional Municipality of Waterloo.
- iv. 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 tower separation and 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.

Regional staff have reviewed the Transportation Impact Study (TIS) and require an updated TIS for review and approval by the Region of Waterloo for sensitivity analysis of "Close to Rail Transit" access and a sensitivity analysis to test out the need for the proposed Victoria Street access.



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 Brief 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 792R and Holding Provision 104H represents good planning as it will facilitate the redevelopment of the lands with mixed use development that is compatible with the existing neighbourhood, which will add visual interest at the street level and skyline, and will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Appendix "B".

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

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken in 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: Arcadis, IBI Group, March 2023
- Urban Design Brief  
Prepared by: Arcadis, IBI Group, March 2023
- Shadow Study  
Prepared by: Arcadis, IBI Group, March 2023
- Pedestrian Windy Study  
Prepared by: SLR, March 2023
- Transportation Impact Study and Parking Study  
Prepared by: Arcadis, IBI Group, December 2022
- Rail Vibration Assessment  
Prepared by: Dillon Consulting, February 2023
- Functional Servicing Report  
Prepared by: Arcadis, IBI Group, December 2022
- Sustainability Statement  
Prepared by: Arcadis, IBI Group, March 2023
- Noise Study  
Prepared by: Arcadis, IBI Group, January 2023

# WHAT WE HEARD



**1,439 addresses (occupants and property owners) were circulated and notified**



**Approximately 21 people/households/businesses provided comments**



**A City-led Neighbourhood Meeting was held on April 27, 2023 and 30 different users logged on**

Staff received written responses from 21 residents with respect to the proposed development. These are included in Appendix 'E'. A Neighbourhood Meeting was held on April 27, 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  |
|--|--|
| Support for the large number of Three-bedroom units that are proposed for this development.            | <p>The City of Kitchener does not regulate number of bedrooms; However, City staff strongly support the mix of unit types proposed for this development. The following unit types are proposed:</p> <ul style="list-style-type: none"> <li>40 - bachelor units (9.2%)</li> <li>87 – one-bedroom units (20.0%)</li> <li>137 - one-bedroom plus den units (31.4%)</li> <li>74 – two-bedroom units (16.9%)</li> <li>36 – two-bedroom plus den units (8.3%)</li> <li>62 – three-bedroom units (14.2%)</li> </ul> |
| Concerns the proposed development will create traffic that existing roads can not handle.              | A Traffic Impact Study (TIS) was submitted and reviewed by City and Regional Transportation staff who did not identify any major traffic concerns as a result of the proposed development. A Holding Provision is proposed to apply to the subject lands requiring an updated TIS for review and approval by the Region of Waterloo for sensitivity analysis of “Close to Rail Transit” access and a sensitivity analysis to test out the need for the proposed Victoria Street access.                      |
| Tall buildings should not be allowed outside of the downtown and is not appropriate the neighbourhood. | The proposed building height of 42 storeys is consistent with other proposed tower developments that have been constructed, are approved or are proposed along this corridor of Victoria Street South. Staff have evaluated the  |

|  |   |
|--|---|
|  | impacts of building height such as shadow impacts, wind, and transition to low rise residential lands and consider them to be acceptable for a development of this type.  |
| The tall building will create a shadow for the entire day on nearby homes.                                   | A Shadow Study has been submitted. Staff have reviewed the study and are satisfied the shadow study meets the minimum requirements, as related to shadow impacts and will have minimal impacts on adjacent properties.  |
| Victoria Park and other nearby city owned parks are at capacity and cannot accommodate additional residents. | The applicant is proposing to provide 3,600 square metres of outdoor landscaped and amenity space at grade and on rooftop terraces on the podium. This space will include active and passive areas for socializing and dining outdoors and will include landscape areas containing large planters as well as a privately-owned publicly accessible space (POPs) along Park Street. The proposed outdoor amenity spaces on site will help to reduce any increased demand on nearby existing park infrastructure. |
| 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 0.8 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) measures.  |
| Affordable Units should be provided.   | This development is not receiving affordable housing sponsorship. A mix of unit types and unit sizes are proposed. The two (2)- and three (3)- bedroom units could offer a more affordable rent option for future tenants who could share the cost-of-living accommodations.  |

## 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 mixed-use development at 97-101 Park Street and 186-194 Victoria Street South. 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 25, 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 billboard 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 May 12, 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 31, 2023. In response to this circulation, staff received written responses from 21 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