

Staff Report

Development Services Department



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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 19, 2023

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

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

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: May 25, 2023

REPORT NO.: DSD-2023-260

SUBJECT: 130-140 Highland Road East
Official Plan Amendment Application OPA22/016/H/BB
Zoning By-law Amendment Application ZBA22/028/H/BB
Owner: 270 Development Inc.

RECOMMENDATION:

That Official Plan Amendment Application OPA22/016/H/BB for 270 Development Inc. be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-260 as Attachments A, and, accordingly, forwarded to the Regional Municipality of Waterloo for approval; and,

That Zoning By-law Amendment Application ZBA22/028/H/BB for 270 Development Inc. be approved in the form shown in the Proposed By-law and Map No. 1, attached to Report DSD-2023-260 as Attachments 'B'; and further,

That the Urban Design Brief prepared by MHBC Planning, (Revised dated April 2023), attached as Attachment 'C' to report DSD-2023-260 be endorsed, and that staff be directed to implement the Urban Design Brief through future Site Plan Approval processes.

REPORT HIGHLIGHTS:

The purpose of this report is to evaluate and provide planning recommendations regarding the Official Plan Amendment and Zoning By-law Amendment applications requested by 270 Spadina Inc. for the subject lands, addressed as. 130-140 Highland Road West and 270 Spadina Avenue. It is Planning staff's recommendation that the Official Plan Amendment be adopted and the Zoning By-law Amendment be approved.

The proposed amendments will support the creation of a high-rise residential development with a building height of 17 storeys, 211 dwelling units, commercial space and ground floor live/work units, within a Neighbourhood Node. As a Neighbourhood Node, this site is planned for intensification. Additionally, 130 Highland Road West is a former gas station and through the re-development, the lands will be cleaned up and remediated.

Community engagement included:

- Circulation of a preliminary notice postcard to property owners and occupants within 240 metres of each of the subject lands;

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

- Installation of billboard notice signs;
 - Virtual neighbourhood meeting held on February 9, 2023;
 - Postcard advising of the statutory public meeting was circulated to all property owners and occupants within 240 metres of the subject lands, those who responded to the preliminary circulation, and those who attended the neighbourhood meeting;
 - Notice of the public meeting was published in The Record on May 26, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Official Plan and Zoning By-law Amendment applications have been submitted for the redevelopment of properties municipally known as 130 and 140 Highland Road East. The site includes the recently refurbished Phase 1 building and Phase included a 6-storey addition to the existing 6-storey multiple dwelling, which is currently under construction, on the portion of the subject lands known as 270 Spadina Road East. Phase III of the redevelopment (the subject of this report) will include the development of the portion of the lands known as 130-140 Highland Road East with a 17-storey purpose built rental multiple residential building located at the corner of Highland Road West and Spadina Avenue. The subject lands are legally described as Part Lot 366 Subdivision of Lot 17 German Company Tract German Company Tract Part Lot 2 of Plan 183 in Kitchener. Planning staff is recommending that the Official Plan Amendment be adopted, and the Zoning By-law Amendment be approved.

REPORT:

The subject lands are located on the northwest corner of the intersection of Highland Road East and Spadina Road East and are bounded by residential lots to the west, a mix of commercial and residential lands to the south, residential lands to the east, and parkland to the north.

The subject lands have a total land area of approximately 0.92 hectares (2.26 acres). A portion of the subject lands have been vacant (140 Highland Road East) for several years and is the site of a former gas station. The portion of the subject land currently occupied by a single storey chiropractor's office (130 Highland Road East), is proposed to be demolished. Phase III is illustrated on Figure 2 below.

Phase III of the proposal includes the re-development of the subject lands to a medium to high density residential use consisting of a seventeen (17)-storey (51.2 metres in height) rental apartment building with 211 dwelling units comprised of 1 and 2 bedroom units, as well as 1 and 2 bedroom with optional dens, 4 live/work units and 98 square metres of commercial floor space. A Floor Space Ratio (FSR) of 5.17 is proposed for the site. The FSR has changed from what was originally submitted and advertised at 3.17. The development proposal has not changed, however.

The initial proposal had included the 270 Spadina Avenue property, and it has been determined the owner is unable to consolidate 270 Spadina Avenue with 130 and 140 Highland as first proposed. This reduces the lot area resulting in an increase in FSR. As a result, only 130 and 140 Highland Road East are now included in the applications to amend the Official Plan and Zoning By-law. 270 Spadina Avenue will retain its existing land use designation and zoning.

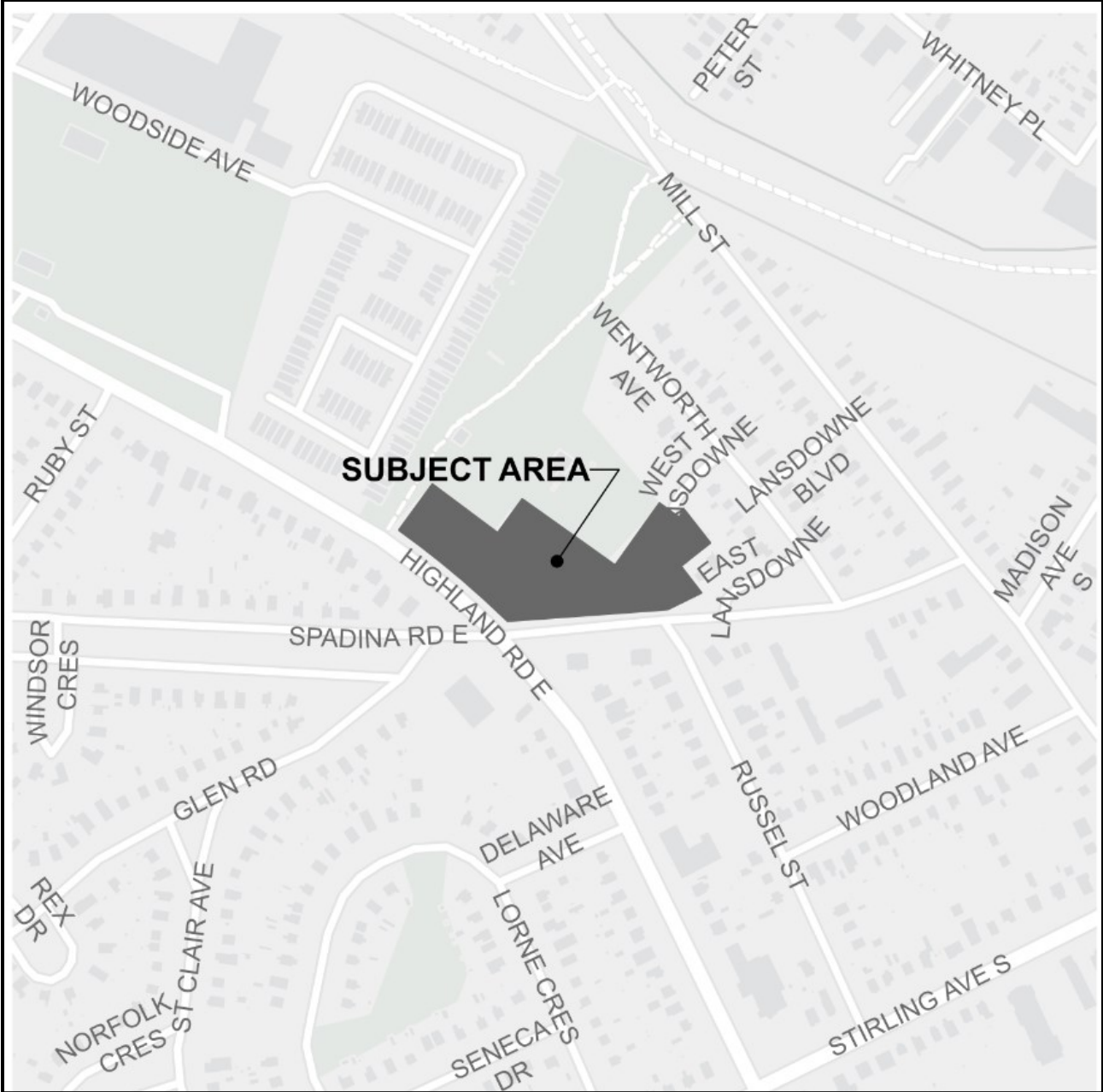


Figure 1 – Subject Property

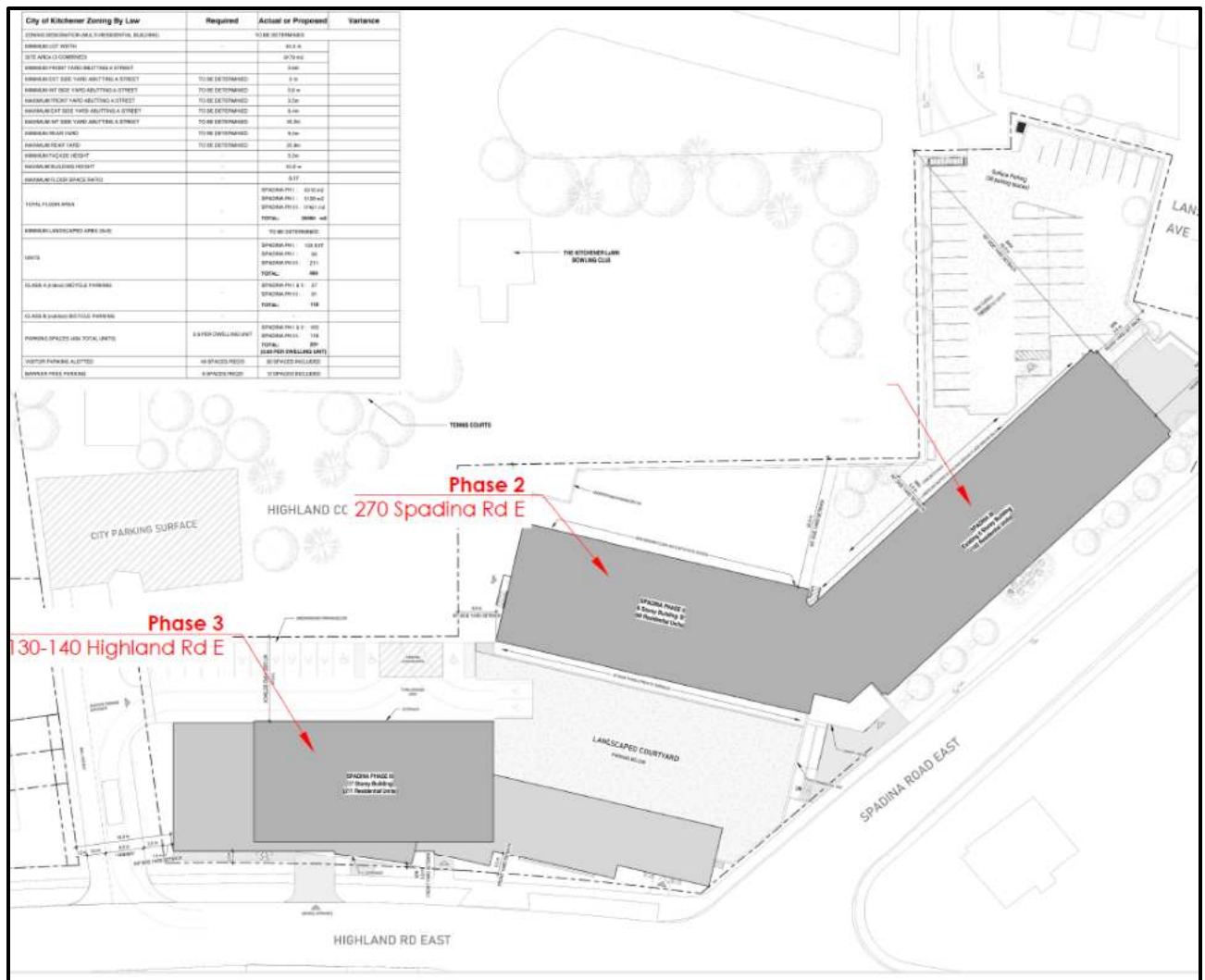


Figure 2 – Proposed Development Concept (MHBC/Vive)

Parking will consist of structured parking with access off Highland Road East in approximately the same location as the existing access. A total of 281 parking spaces are proposed for the 404 dwelling units for the entire site. Additionally, the owner is requesting to utilize the existing vehicular park access to Highland Courts Park to provide access to surface visitor parking spaces on the subject lands located in behind the proposed building. This request is under review and is subject to a recommended Holding Provision. The lifting of the Holding Provision is subject to a future zoning by-law amendment application to lift the holding provision.



Figure 3 – Conceptual renderings showing: 1. Top view - the proposed development looking from the intersection of Highland and Spadina; 2. Bottom view (left) - rear view of building (note the large step back at 11-storeys) and 3. Bottom view (right) - is a side view of the building looking from Highland Road nearest the In-Town development to the west of the subject property. (Vive Developments)

Through the pre-application process, the owner worked to address the concerns of staff regarding compatibility and activation of uses at the corner and along Spadina Avenue. In the opinion of staff, the conceptual plan has effectively addressed these matters. Height and massing have been pulled

away from low-rise residential lands to the west with the introduction of a significant step back of the building at 11 storeys. This design feature concentrates height and massing to the middle of the site. This is evident on Figure 3. Also, there are no balconies facing the adjacent low rise residential use, in response to concerns of overlook into rear yards. Spadina Avenue has been activated with commercial and live/work type units along the frontage.

To facilitate the redevelopment of the subject lands, the applicant is requesting an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBA). The purpose of the OPA is to re-designate the subject lands from 'Low Density Commercial Residential to 'High Density Commercial Residential with Special Policy Area 16' in the Mill-Courtland Woodside Park Neighbourhood Secondary Plan. The redevelopment of this site proposes the construction of a building having a height of 17 storeys (51.2 metres) not including roof top mechanicals; a FSR of 5.17 and parking at a ratio of 0.59 parking spaces per dwelling unit to facilitate the proposed development. As mentioned previously, 270 Spadina Avenue has now been excluded which has resulted in revised FSR and parking figures. The proposed development remains unchanged so therefore the revisions to the OPA and ZBA are technical in nature.

The purpose of the ZBA is to change the zoning from "Commercial Residential One (CR-1)" to Commercial Residential Three (CR-3) with Special Regulation 791R and Holding Provision 103H. The new zoning will implement the proposed development such as an increased Floor Space Ratio (FSR), reduced side yard and side yard abutting a street, and reduced parking/visitor parking. Details of the proposed zoning will be discussed in a later section of the report.

Provincial Policy Statement, 2020:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3 (b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed land use designation and zoning for the subject facilitate a compact form of development which efficiently uses the subject lands. Also, the lands are within close proximity to transit, including three local bus routes (Route 1 and 16 and iXpress 204).

Additionally, the lands are within proximity to the Iron Horse Trail and several local parks including Highland Courts Park, Veterans Green and Woodside Park, the ION and the Mill-Courtland Community Centre. The proposed development would make efficient use of existing services and adjacent arterial roadway, Highland Road, and nearby Queen Street.

Provincial policies support the provision of a broad range of housing, noting that the applicant advises the development would be a purpose-built rental project, consisting of one- and two-bedroom units with or without dens.

Planning staff is of the opinion that the requested amendments will facilitate the redevelopment of the subject lands on Highland Road East with high-density development that is compatible with the surrounding area, will contribute towards achieving 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 has confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that the requested amendments conform to 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.

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

Policies 2.2.1.4 states that applying the policies of the Growth Plan will support the achievement of complete communities that:

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

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

The subject lands are within proximity to transit, parks, trails, and a community centre. Therefore, the proposed development will provide a diversity of housing, will utilize existing servicing and infrastructure more efficiently and effectively thereby achieving a complete and compact community.

Planning staff is of the opinion that the requested amendments conform to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP since this area provides for the physical infrastructure and community infrastructure to support the proposed 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.

ROP Amendment 6 was recently approved by the Province that sets a new region-wide intensification target of a minimum of 60 percent of new residential development to occur annually within the delineated built-up area. As well, it seeks to achieve transit-supportive development throughout the Urban Area with a diverse mix of land uses, housing types and open spaces in proximity to each other and a more vibrant Urban Area characterized by more compact development patterns. The proposed development will provide for a more compact built form on the subject lands, is located near within walking distance of several transit stops and recreational open space areas and contributes to a diverse mix of housing types in the surrounding neighbourhood.

The requested amendments would facilitate development that is well supported by hard and soft infrastructure and services. The proposed developments would provide rental housing at a higher density along with commercial use via live/work units.

Regional staff supports the request and has indicated it has no objections to the proposed applications and have requested a holding provision to require detailed transportation and stationary noise study and a Record of Site Condition Geothermal wells are not permitted.

Planning staff is of the opinion that the requested amendments conform to the Regional Official Plan.

City of Kitchener Official Plan

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 (Downtown), Major Transit Station Areas, City Nodes, Community Nodes, and Urban Corridors, per Policy 3.C.2.3 of the Official Plan. As per policy 3.C.2.4, Secondary Intensification Areas are Neighbourhood Nodes and Arterial Corridors. These areas may experience intensification at a smaller scale. Such intensification may be permitted provided that the planned function of the structure component is not compromised.

The portion of the subject lands that are addressed as 130-140 Highland Road West are located within a Neighbourhood Node in the 2014 Kitchener Official Plan, while 270 Spadina Avenue is located within the Community Area.

Neighbourhood Nodes are identified as a Secondary Intensification Areas in the City of Kitchener's Official Plan on Map 2 – Urban Structure. As per 3.C.2.4, Secondary Intensification Areas may experience intensification at a smaller-scale and include Neighbourhood Nodes, Arterial Corridors and other site-specific opportunities. Such intensification may be permitted provided that the planned function of the structure component is not compromised.

The planned function of Neighbourhood Nodes is to serve the day-to-day commercial needs of surrounding residential areas and are encouraged to be cycling and pedestrian friendly. Within an area identified as a Neighbourhood Node the applicable land use designations may include Mixed Use and/or Commercial. The implementing zoning may impose a minimum and/or maximum percentage or amount of floor space for residential and/or non-residential uses to ensure an appropriate combination of uses and to achieve the planned function of Neighbourhood Nodes. The proposed development is planned for mixed use, providing 4 live/work units, 97 square metres of commercial floor space and 211 purpose-built rental dwelling units through Phase III re-development plans.

Planning staff is of the opinion that the proposal will help to increase density in an area well served by nearby transit while ensuring development directly fronting Highland Road West is pedestrian- and transit- friendly. The development proposal has been designed so that height and massing are located within the middle of the site further away from Low Rise Residential located west of Highland Court Park and across Highland Road from a gas station and nearby commercial plaza. In this way, the proposal is context sensitive to surrounding lands. The proposal also provides for live/work units and 97 square metres of commercial floor space that not only activates the Spadina Avenue streetscape but also supports the planned function of the node.

Planning staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that complies with the City's Neighbourhood Node policies and contributes to the vision for a sustainable and more environmentally friendly city.

Housing Policies

Section 4.1.1 of the City's Official Plan states that it is a City objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of the Kitchener community through all stages of life. In addition, 4.C.1.12. states that "The City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods." The development proposed for the subject lands will increase the range of dwelling units available in the city, and within the neighbourhood. The site development concept includes a mix of 1-, and 2- bedroom, with or without dens, rental units. The range of unit types in this location will appeal to a variety of household needs. The mixed-use nature of the proposed redevelopment as well as the building form will assist in achieving complete community.

Housing policies in Section 4 of the Official Plan also support infill redevelopment to make better use of the City's existing infrastructure, to provide a variety and integration of different forms of housing while ensuring compatibility and mitigation of impacts are achieved with existing surrounding development. Given location on a Major Community Collector Road, surrounding context, Provincial, Regional and City policy direction, and design considerations that incorporate building step backs, staff is of the opinion that the proposed Official Plan Amendment from "Low Density Commercial Residential" and "Medium Density Multiple Residential" to "High Density Commercial Residential" is appropriate and in the public interest.

Existing and Proposed Land Use Designation – Mill Courtland Woodside Park Secondary Plan (MCWPSP)

According to the Official Plan, eight of the City's ten Secondary Plans contain lands that are located within the Major Transit Station Areas as shown on Map 2 and are proposed to be reviewed as part of the City's Station Area Planning exercise outlined in Policy 3.C.2.18. Policy 16.D.1.2. states that it is intended that the land use polices and land use designations in the secondary plans that contain Rapid Transit Station Stops will be reviewed and revised upon the completion of Station Area Plans wherein it will be determined what changes, if any, need to happen to implement the planned function of Major Transit Station Areas. Through the Neighbourhood Planning Review, and now the Growing Together Project, this work is underway but has been on hold pending the update to the Region's Official Plan and several Provincial directives. The proposed plan is to remove the subject lands from the Secondary Plan and designate it Mixed Use. However, until that process is finalized these lands remain as part of the MCWPSP.

According to the Mill Courtland-Woodside Park Secondary Plan the subject lands are designated "Low Density Commercial Residential". "Low Density Commercial Residential" permits multiple residential uses to a maximum density of 100 units per hectare with a Floor Space Ratio of 1.0 or one times the lot area coverage in above ground building floor area. The intent of this designation is to recognize existing areas of small scale commercial and residential development and to allow for

low rise, low density residential redevelopment of such areas with commercial, institutional, and residential uses. Commercial and residential uses may be located within one building or as separate buildings.

The proposed OPA will redesignate the subject lands from “Low Density Commercial Residential” to “High Density Commercial Residential”. The proposed “High Density Commercial Residential” will permit a maximum Floor Space Ratio of 5.17 rather than the 4.0 that is permitted by the land use designation. This is reflected in the proposed Special Policy for these lands.

The intent of the “High Density Residential Commercial” designation is to allow for higher density redevelopment to a mix of uses including multiple residential, office, institutional, and limited commercial uses on Arterial and Collector roads which lead to and from the Downtown. Residential densities are permitted to exceed 200 units per hectare provided the FSR of 4.0 is not exceeded. The addition of the proposed Phase III building, the overall density of the site of 5.17 FSR does exceed the maximum permitted FSR of 4.0. An increase in FSR over 4.0 is appropriate at this location because it is within a Neighbourhood Node and is within walking distance to many amenities and public transportation. The proposed third phase of the development proposes a mix of 211 residential units, 97 square metres of commercial floor space and 4 live work units on the ground floor and first storeys of the 5 storeys podium for the 17-storey building. The live work units will activate the streetscape, provide neighbourhood scaled commercial uses, and they meet the criteria in Sections 4.C.1.37- 4.C.3.40 of the Official plan as they are of an appropriate massing and scale that is in keeping with the character with the neighbourhood.

Urban Design

The City’s Urban Design policies are outlined in Section 11 of the City’s OP. In the opinion of staff, the development proposed for the subject lands on Highland Road East meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations.

Streetscape – The proposed building and primary building entrances will be oriented towards the street and will support the character of the surrounding area. The proposed development will have direct access to the public sidewalk, landscaping along street frontages, and a visually appealing building façade that enhances the public realm experience. Active uses at grade will activate the streetscape. The building design will be compatible with the surrounding streetscape, with regard to scale, placement, materials, and landscape and architectural features.

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 tower will provide a new feature on the City’s skyline within the area. 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 buildings that are developed at a scale that is compatible with the existing and planned built form for the surrounding area. The building has been designed so that height and massing are concentrated in the center of the site and away from the low rise built form. It is corner site and commercial uses activate on Highland Road East? (N Node) Spadina Avenue. The primary vehicular access is on

Highland Road, which is a major roadway. Parking is both surface (for visitor) and underground for residents.

Tall Building Guidelines

The has also been reviewed for compliance with the City's Design for Tall Buildings Guidelines (part of the City's Urban Design Manual). 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.

Shadow Impact Study

A Shadow Analysis was provided within the Urban Design Brief. According to the Design for Tall Building Guidelines, a shadow analysis is meant "to demonstrate how a proposed development is designed to mitigate unwanted microclimatic impacts" and directs that daily access to at least 5 hours of cumulative direct sunlight to nearby sidewalks and open spaces should be maintained under equinox conditions.

Overall, the study demonstrates there are significant continuous periods of no shadowing impact from the proposed building on surrounding properties; over 5 hours of cumulative direct sunlight are provided to nearby sidewalks and open space. Staff is satisfied with the findings of the analysis.

Wind Study

The owner completed a pedestrian level wind preliminary impact assessment for the subject lands on Highland Road East. This assessment was reviewed by Urban Design staff. The assessment concludes the development is not expected to have significant wind influence on neighbouring properties. Wind control features will be required through the future site plan application and a full Wind Assessment will be required and reviewed at this future stage. Any mitigation measures to address pedestrian level wind impacts will be implemented through the site and building design through the site plan approval process.

Planning staff recommends endorsement of the Urban Design Brief for the subject lands and directly staff to implement the design brief at the site planning stage.

Transportation and Parking Policies

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using a combination of land use designations and urban design initiatives that make a wide range of transportation choices viable. As aforementioned, the subject lands are located at the corner of Highland Road East (Major Community Collector Street) and Spadina Avenue (Minor Community Collector Street) and adjacent to three bus routes. It is also within walking distance to the Iron Horse Trail, the downtown and ION. The subject proposal will support current and future transit service and build transit ridership.

Parking policies in Section 13 of the Official Plan are to ensure adequate parking standards and regulations are in place and enforced and to reduce parking space demand in support of active

transportation and transit and potential redevelopment of surface parking lots especially in intensification areas. The City may however consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management (TDM) measures or where sufficient transit exists or is to be provided. In that regard, a TDM assessment was submitted as part of the Traffic Impact and Parking Study by the applicant in support of a request to have a lowered parking rate with the proposed development. This report was reviewed by Transportation Planning staff and the proposed parking rate is supported. Residents or visitors to this development have several different alternative modes of transportation available to them, therefore reducing dependency on a private motor vehicle. Below is a list of those alternative modes of transportation.

- Cycling - access to the Iron Horse Trail less than 400m from the site
- Pedestrian walkability - concrete sidewalks are both sides of roadways in the surrounding area and provides access to the downtown and St. Mary's hospital.
- Grand River Transit Route #1 and #16, and iXpress route 204 are less than 200 metres from the site, providing access within the Region of Waterloo to major destinations including Uptown Waterloo, Conestoga Mall and Fairway Park Mall.

Transportation Demand Management (TDM) strategies include unbundled parking and that a total of 91 bicycle parking spaces are being provided and should be allocated as follows:

- 85 Class A bicycle parking spaces.
- 6 Class B bicycle parking spaces.

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.

The applicant submitted a Sustainability Statement in support of the development proposed for the subject lands on Highland Road West. Environmental Planning staff reviewed this statement and supports the proposals since several sustainable measures have been proposed or are being considered for the development. As part of a future site plan application, a Sustainability Statement will be required which will further explore and/or confirm additional sustainability measures that are best suited to the development.

Official Plan Amendment Conclusions

Based on the above noted policy analysis, Planning staff is of the opinion that the requested Official Plan Amendment represents good planning and recommends that the requested Official Plan Amendment be adopted.

Proposed Zoning By-law Amendment to Zoning By-law 85-1:

The 'Commercial-Residential Three Zone (CR-3)' with Special Regulation Provision 791R and Holding Provision 103H is proposed for the entire subject lands. The proposed CR-3 zone with

Special Regulation 791R will permit a maximum height of 17 storeys or 51.2 metres (not including roof top mechanicals), a Floor Space Ratio (FSR) of 5.17 for the entire site, a parking reduction of 0.59 parking spaces per dwelling unit, a minimum building step back above the 11th storey of 3.0 metres and front yard, side yard and exterior side yard setback reductions are proposed given the irregular lot configuration and layout of development. These are detailed below in Table 1. The numbers in red note deficiencies in zoning and where a site-specific request has been made.

Table 1- Zoning Compliance Review

Regulation	Proposed	Proposed CR-3 with Special Regulation Provision	Complies	Justification
Minimum Floor Space Ratio	5.17	1.0	Y	
Maximum Floor Space Ratio	5.17	4.0	N	The Neighbourhood Node designation along with other policies support additional density.
Minimum Lot Width	84.2 m	15 m	Y	
Minimum Front Yard	0.0 m	3.0 m	N	As a corner property within an urban in context, the setback allows the building to be closer to the street edge to create a pedestrian oriented streetscape.
Minimum Side Yard Abutting a Street	0 m	3.0 m	N	The building setback varies along the Highland Road street edge to create visual interest. As a corner property within an urban in context, the setback allows the building to be closer to the street edge to create a pedestrian oriented streetscape.
Minimum Side Yard	5.8 m	1.2 m	Y	
Minimum Rear Yard	9.5 m	7.5 metres or one half the building height, whichever is greater shall be required.	Y	
Height	Max. 17 storeys or 52 m	No height limit	Y	
Minimum Landscaped Area	**	10 percent of lot area	TBD	Will be determined at the site planning stage – no

				reduction is being sought.
Maximum total gross leasable commercial space for personal services and convenience retail	97 sq. m	Not in excess of 20 percent of the gross floor area and in no case in excess of 550.0 sq. metres of gross leasable commercial space	Y	
Parking & Visitor Parking	0.59 parking spaces/dwelling unit and .089 visitor parking spaces/dwelling unit	1.25 parking spaces/dwelling unit inclusive of a .20 visitor parking spaces/dwelling unit	N	Transportation policy in the OP supports parking reductions in key areas of the City using TDM measures given proximity to transit and trails. Furthermore, a Parking Study was submitted to justify reduced parking rates at this location that has been supported by Transportation Planning.

Based on the above, the requested Zoning By-law Amendment is appropriate, permits residential intensification on an underutilized lot, and aligns with the proposed Official Plan Amendment.

Holding Provision (103H)

The Region has requested that a holding provision be included in the zoning by-law amendment until such time as a detailed noise study has been submitted and that a Record of Site Condition be acknowledged by the Province. In addition, staff is recommending that a Holding Provision (103H) be applied to address a request by the owner to use Highland Courts Park entrance off Highland Road to access visitor parking spaces located to the rear of the proposed building. No decision has been made. This request will be evaluated through a separate City process but is subject to a Holding Provision. The intent of the Holding Provision is to ensure adequate terms are established for the requested property right, to the satisfaction of Council, prior to the holding provisions being lifted. Should access not be granted by the City, the owner will have to re-configure the surface parking component accordingly. This would not alter the proposed land use designation being sought and the applications can be considered in advance of the final determination of the access.

Department and Agency Comments:

Circulation of the OPA and ZBA was undertaken in January 2023 to all applicable City departments and other review authorities. All concerns have been addressed through changes to the proposal through the application review or through recommended holding provisions. Copies of the comments are found in Attachment 'E' of this report.

The following list represents a summary of primary reports and studies that were considered as part of the requested OPA and ZBA:

- A Planning Justification Report, prepared by MHBC Planning, dated November 2022;
- An Urban Design Brief, prepared by MHBC Planning, dated November 2022;

- An Architectural package, including the Site Plan, truck movement plan, elevations, and floor plan drawings, prepared by NEO Architecture Inc., dated November 22nd 2022;
- An Existing Conditions, Removals, and Sediment & Erosion Control Plan, prepared by Strik Baldinelli, & Moniz, dated October 2022;
- A Servicing Feasibility Study, prepared by Strik, Baldinelli & Moniz, dated October 24th, 2022;
- A Wind Study, prepared by the Boundary Layer Wind Tunnel Laboratory at Western University, dated October 14th 2022;
- A Shadow Study, prepared by NEO Architecture Inc., dated October 2022;
- A Noise Feasibility Study, prepared by HGC Engineering and dated October 18th, 2022;
- A Traffic Impact Study and Parking Justification Study, prepared by Paradigm, dated October 2022; and,
- A Tree Preservation Plan, prepared by Aboud & Associates Inc., dated October 20

Community Input & Staff Responses

WHAT WE HEARD

- 
693 households (occupants and property owners) were circulated and notified
- 
Approximately 32 people/households provided written comments
- 
A City-led Neighbourhood Meeting was held on February 9, 2023 and approximately 40 different users logged on

In response to community circulation related to the subject lands, staff received written responses from 32 households, which are included as Attachment ‘F’. Most of the comments received expressed concerns with the development proposal although there were several comments in support. A Virtual Neighbourhood Meeting was held on February 9, 2023. In addition, staff had follow-up one-on-one correspondence with members of the public.

A high-level summary of what staff heard from the community regarding the proposal for the subject lands on Lancaster, along with staff responses, are noted below:

What Staff Heard from the Community	Staff Response
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<p><u>Transportation Concerns:</u></p> <ul style="list-style-type: none"> • Road systems already overwhelmed, especially intersection of Highland/Spadina • Limited transit and pedestrian options • Pedestrian conflicts with residents and visitor wanting to use Highland Courts Park's access • Increased traffic and pollution on Highland Road E. 	<p>A Transportation Impact Study (TIS) was submitted and reviewed and supported by the City's Transportation staff. It notes that the intersection of Highland Road and Spadina Road is forecast to operate under capacity with the proposed development in place. The TIS indicates that the southbound queues on Highland Road extend beyond the proposed access location under existing conditions but queues disperse quickly during each signal cycle. The proposed development is anticipated to make up approximately 6% of the southbound forecast volumes on Highland Road between the proposed access and signalized intersection at Spadina Avenue.</p> <p>The subject lands are served by transit, noting that the lands are located on three local bus routes (Routes #1, 16, and iXpress 204).</p> <p>The City will take into consideration potential pedestrian conflicts with vehicles in its assessment of the owners request to use the park access and in the design of all vehicles accesses through the site planning process.</p> <p>The development is seeking a reduction in parking so fewer vehicles will be coming to the site. In addition, the parking will be unbundled from the units. That means not every unit will have parking</p> <p>It is anticipated that the traffic generated by the proposed development will form approximately 5% of total traffic on Highland Road and less than 2% on Spadina Road. Highland Road and Spadina Road are forecast to operate under capacity.</p>
<p><u>Built Form & Character Concerns:</u></p> <ul style="list-style-type: none"> • The proposal is incompatible in terms of scale, height, and density • The existing character and charm of the area will be impacted negatively. • This is not compatible with the surrounding area. • This will be precedent setting • Will block views into the Park • Shadow/Wind Impacts 	<p>The Official Plan currently allows for the possibility of building heights up to 3 storeys and an increased Floor Space Ratio through an OPA/ZBA. The applicant is seeking to increase these permissions to allow a building height of 17 storeys and an FSR of 5.17. The proposal therefore represents an increase to height and massing permissions. The subject lands are also one of the largest redevelopment sites within the area and are identified as a 'Neighbourhood Node' in the Official Plan. Generally, nodes are identified as strategic locations within the City where densification is encouraged at varying intensities depending on geography and criteria.</p> <p>An Official Plan and Zoning By-law are not fixed documents. They evolve and change though time as society changes and preferences evolve. The Planning Act is established with provisions for municipalities to consider changes to the Official Plan and Zoning By-law. As outlined in the above Planning Analysis, Planning staff is</p>

	<p>of the opinion that the requested height and massing increases are appropriate.</p> <p>Compatibility/Compatible is defined in the OP as land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area without causing unacceptable adverse effects, adverse environmental impacts or adverse impacts. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”. This is to say that taller buildings can exist within a context of lower building forms providing they can exist in harmony and without adverse impacts. Supporting documentation has demonstrated that the proposal is compatible with the neighbourhood and impacts associated with the proposed height and massing are mitigated through design (building step backs), location (corner property on arterial roadway and adjacent land use) distance separation and gradation of building heights (17 to 6 to 2 storeys).</p> <p>Applications for development are reviewed on their own merits, not on the basis of precedent.</p> <p>Views into the park are already constrained by the existing one storey commercial building. The as-of-right zoning would allow for up to 3 storeys, further constraining views.</p> <p>Shadow and Wind Impact assessments were undertaken by the owner as part of his application submission. These have been reviewed and accepted by staff.</p>
<p><u>Parking Concerns:</u></p> <ul style="list-style-type: none"> • Insufficient parking is proposed for the site • Parking will overflow onto streets within the nearby low rise residential area 	<p>As part of the application submission, the applicant provided a Parking Study that was prepared by Paradigm Transportation Solutions and reviewed by City Transportation Services staff. Transportation Services staff advise that to assist in reducing vehicle dependency, there are Transportation Demand Management strategies being employed for this development, which include unbundled parking, provision of Class A bicycle parking spaces, connectivity to existing pedestrian facilities, existing Grand River Transit routes and future cycling facilities, that support a parking reduction. Transportation Services staff advise that they have no concerns with the parking rates ultimately outlined in the draft Zoning By-law Amendment.</p> <p>The City has an on-street parking by-law along with a process to deal with complaints related to on-street parking concerns. Residents are encouraged to check out the City’s website for more information related to this matter: Parking bylaws - City of Kitchener.</p> <p>City sanctioned parking on Spadina presently allows for residents to park on Spadina during the construction of the Phase 2 building addition and underground parking, which</p>

	is nearing completion. This should dissipate once the underground parking garage is operational for Phase 2. Additional underground and surface parking is proposed for Phase 3.
<p><u>Construction Impacts:</u></p> <ul style="list-style-type: none"> • Tired of on-going construction • Noise and dust • Impact on adjacent housing 	<p>Staff acknowledge that the new development will continue construction on site and it can be disruptive to the neighbourhood. The City will work with the developer to ensure noise and dust are minimized as much as possible.</p> <p>It is staff's understanding that pre-and post-construction surveys of adjacent properties will be undertaken by the developer as due diligence to the potential construction impacts on neighbouring foundations or other structural components.</p>
<p><u>Property Values</u></p> <ul style="list-style-type: none"> • Development will lower property values • Rental means low income • This area is an Exclusive/Prestigious area 	<p>Planning staff are not able to predict the impact of a new development on property values. For assessment purposes, which is used to calculate taxes, MPAC assesses property based on up to 200 different factors including the size of lot and house, the quality of construction, as well as many others. The assessed value usually differs from the market value of a property, and market value is influenced by numerous factors as well.</p> <p>The City favours a mix of all housing forms in all tenures in all communities to support a continuum of housing.</p> <p>Rental housing can be a more affordable housing option for residents in our community - this neighbourhood has many City-owned community amenities to serve a growing community within walking distance to downtown, trails, parks and transit station areas.</p> <p>The City plans for inclusiveness and housing for all people for all stages of their lives in all neighbourhoods. This community is a proven example that growing communities, with a variety of housing forms, especially on underutilized contaminated parcels, adds new life and vibrancy to a neighbourhood. The adjacent <i>In Towns</i> redevelopment built on a former foundry site is an example of this.</p>
<p><u>Heritage Concerns:</u></p> <ul style="list-style-type: none"> • The development is not in keeping with the St. Mary's Heritage District 	<p>This property does not fall within the St. Mary's Heritage District and therefore a Heritage Impact Assessment was not required nor does the proposal conflict with any Heritage policies.</p>

Planning Conclusions

In considering the foregoing, Planning staff is supportive of the requested Official Plan Amendment (OPA) and Zoning By-law Amendments (ZBAs) to permit 130-140 Highland Road West to be developed with a high-density residential development, including 4 live/work units and 97 square metres of commercial floor space. 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 recommends that the OPA be adopted and the ZBA be approved

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the Council / Committee meeting. A large billboard notice sign was posted on the subject properties and information regarding the application and neighbourhood meeting was posted to the City’s website in January 2023. A Neighborhood Meeting was held on February 9, 2023. A postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, Notice of the Statutory Public Meeting was also posted in The Record on May 26, 2023 (see Attachment D).

CONSULT – The requested Official Plan Amendment and Zoning By-law Amendment was circulated to residents and property owners within 240 metres of the subject lands in January 2023. In response to this circulation, staff received written responses from 32 households / residences, which are 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
- ROP Amendment 6
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 85-1

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

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

ATTACHMENTS:

- Attachment A & A1 – Proposed Official Plan Amendment & Map
- Attachment B & B1 – Proposed Zoning By-law Amendment & Map 1
- Attachment C – Urban Design Brief
- Attachment D – Newspaper Notice
- Attachment E – Department and Agency Comments
- Attachment F – Community Comments