

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: September 18, 2023

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

PREPARED BY: Anderl, Katie – Project Manager (Planning), 519-741-2200 ext. 7987

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: August 14, 2023

REPORT NO.: DSD-2023-365

SUBJECT: Official Plan Amendment Application OPA22/004/V/KA – Zoning By-law Amendment Application ZBA22/006/V/KA – 130-142 Victoria Street South – 1936026 Ontario Inc.

RECOMMENDATION:

That Official Plan Amendment Application OPA/22/004/V/KA for 1936026 ONTARIO INC. requesting a land use designation change from 'Mixed Use' to 'Mixed Use with 'Specific Policy Area 7' to permit a 25-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-2023-365 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA22/006/V/KA for 1936026 ONTARIO INC. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2023-365 as Appendix 'B'; and further

That the Development Concept as provided in the 'Addendum to Urban Design Brief dated December 23, 2021, 130-142 Victoria Street South, Kitchener' (prepared by Arcadis Professional Services (Canada) Inc., and dated June 14, 2023), attached to Report DSD-2023-365 as Appendix 'F' be endorsed.

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 132-140 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 July 18, 2022;
 - 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; and
 - Notice of the public meeting was published in The Record on August 23, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Planning staff is recommending approval of the requested Official Plan Amendment Application to add Site Specific Policy Area 7 to Map 4 and Policy 15.D.2.70 to the text in the Official Plan to allow for an increased Floor Space Ratio (FSR) of 13.7. Planning Staff is recommending approval of the requested Zoning By-law Amendment Application to change the zoning from 'Low Intensity Mixed use Corridor Zone (MU-1) with Special Use and Regulation Provisions 401U, 1R and 525R' in Zoning By-law 85-1 to 'Mixed-Use Three Zone (MIX-3) with Site-Specific Regulation 374 and a new Holding Provision 70H' in Zoning By-law 2019-051 to permit a 25-storey mixed use building with an increased Floor Space Ratio (FSR), reduced setbacks, a reduction in parking, and a Holding Provision to require remediation of the site contamination and completion of a noise study. Staff further recommend that the Development Concept be endorsed by Council.

BACKGROUND:

1936026 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 130-142 Victoria Street South to permit the lands to be developed with a 25-storey, mixed-use development with 249 residential units and 1,190 square metres of non-residential commercial and office space.

The lands are located within the 'Urban Growth Centre' and designated 'Mixed-Use' in the City of Kitchener Official Plan, and are currently zoned 'Low-Intensity Mixed Use Corridor Zone (MU-1)' 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.
- Allow a maximum building Floor Space Ratio (FSR) of 2.0.
- Permit a maximum building height of 13.5 metres.
- Require 1 parking space for each dwelling unit over 51 square metres of floor area and, 0.165 parking spaces for dwelling units having a floor area of 51.0 square metres or less (capped at 40% of the dwelling units).
- Special Use Provision 401U prohibits the development of sensitive uses until a Record of Site Condition has been completed.
- Special Regional Provision 1R identifies that the lands are regulated by the Grand River Conservation Authority.

- Special Regulation Provision 525R permits a reduced lot width, and reduced building setback for existing buildings.

Site Context

The subject lands include three properties 130, 138 and 142 Victoria Street South, which together have an area of 0.178 hectares with 37.7 metres of frontage on Victoria Street South and 47.3 metres of frontage along Bramm Street. Lands would be required to consolidate prior to development. The subject lands currently contain 3 buildings. 130 Victoria Street South currently contains a former industrial style building which has historically been used as a dry cleaner, and most currently as a pharmacy, 138 Victoria Street South currently contains a duplex dwelling, and 142 Victoria Street South contains a small multiple dwelling with 11 units currently rented to tenants at market rates.

The subject lands are located at the corner of Victoria Street South and Bramm Street. There are several high intensity mixed use developments that are at various stages of development in close proximity to the subject lands including existing towers up to 27 storeys to the east, and zoning approved for towers up to 38 storeys to the west. Lands south of Victoria Street South contain a mix of institutional, commercial and low-rise residential buildings. The subject lands are situated in prime area for redevelopment and intensification in the City of Kitchener. They are within the Urban Growth Centre, in close proximity to rapid transit, and have good access to the downtown cycling grid. Lands to the north are the former Bramm Street Yards and are currently used as a surface parking lot.

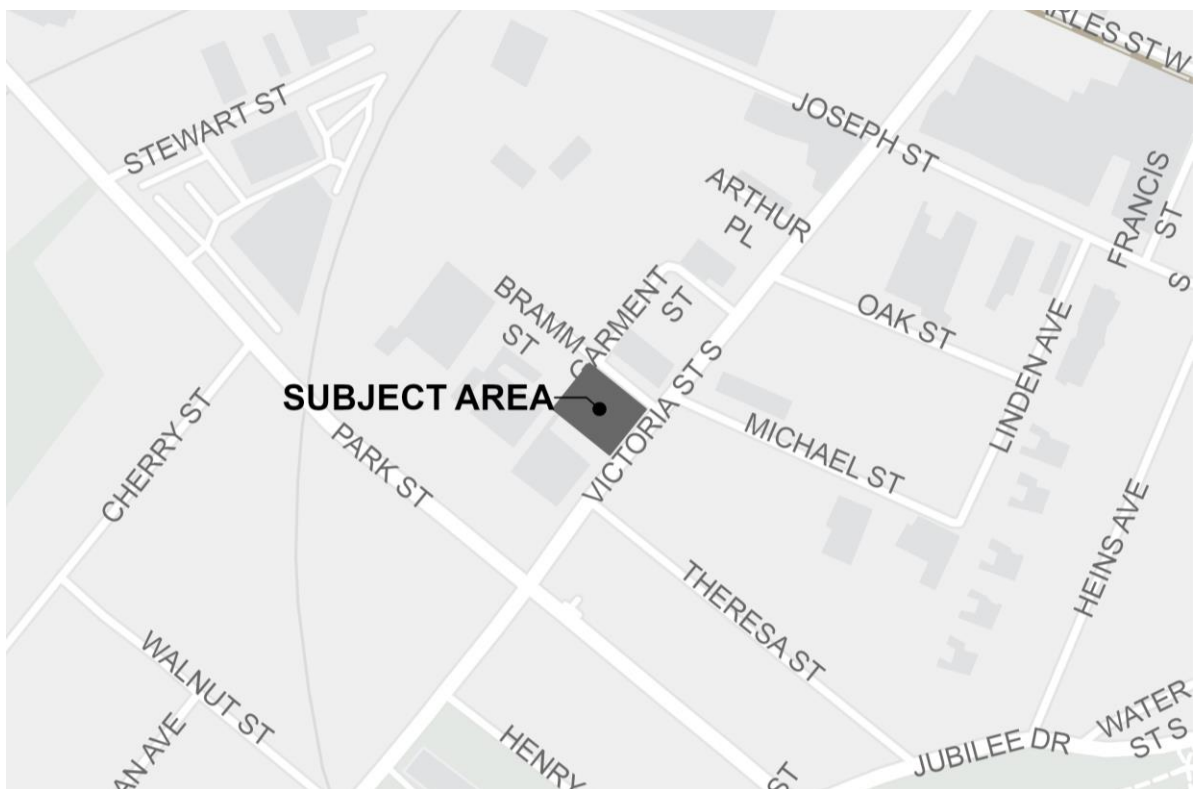


Figure 1 - Location Map: 130 - 142 Victoria Street South

REPORT:

The applicant is proposing to develop the subject lands with a with a 249-unit, mixed-use development including a 25-storey tower located on top of a 6 storey podium (25 storeys above ground in total) and having a floor space ratio (FSR) of 13.7. Two levels of below-ground parking are proposed to accommodate 27 parking spaces, and 249 Class A bicycle spaces. Two short term service/delivery spaces, and one garbage/loading space is provided with access from the private rear lane which serves the subject lands and the development to the west. A shared rooftop amenity space is provided on the 7th floor, and enhanced streetscaping will be provided beneath a weather protected overhang along Bramm Street to enhance the public realm and streetscape. Active uses front onto both adjacent public streets. Detailed plans and elevations may be found in the Addendum to Urban Design Brief attached as Appendix 'F'.

Table 1 below highlights the development concept statistics while Figure 2 shows the proposed development concept in the context of the existing towers on Garment Street and the recently approved towers (conceptual) at the corner of Victoria Street and Park Street.

Table 1. Proposed Development Concept Statistics

	Development Concept
Number of Units	249 dwelling units
Parking Spaces	27 parking spaces (3 barrier free)
Commercial (ground floor)	4 units, 575 square metres
Office (second floor)	576 square metres
Live-work (second floor)	9 units
Total Building Height	25 storeys (80 metres)
Podium Height	6 storeys
Class A (indoor secured) Bicycle Parking	249 spaces
Class B (outdoor visitor) Bicycle Parking	6
Electric Vehicle Ready Parking Stalls	20%
Floor Space Ratio	13.7
Unit Types	61 - bachelor units (24%) 79 – one-bedroom units (32%) 12 - one-bedroom plus den units (5%) 28 – two-bedroom units (11%) 44 – two-bedroom plus den units (18%) 25 – three-bedroom units (10%)



Figure 2 – Development Concept Rendering

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. The lands are currently designated 'Mixed Use' in the City of Kitchener Official Plan (2014) and zoned 'Low Intensity Mixed Use Corridor Zone (MU-1)' in Zoning By-law 85-1. The existing zoning has not been updated to reflect the current Official Plan designation. This work was considered through the Planning Around Rapid Transit Stations (Parts Central) and is now being incorporated into the Growing Together Project.

The existing Official Plan policies permit a maximum Floor Space Ratio (FSR) of 5.0 where a development includes a below-grade parking structure. The proposed Official Plan Amendment is to add a Site Specific Policy 15.D.2.70 to increase the Floor Space Ratio to 13.7.

The proposed Zoning By-law Amendment would remove the subject lands from Zoning By-law 85-1 and move the lands into the new Zoning By-law 2019-051. The lands are currently zoned 'Low-Intensity Mixed Use Corridor Zone (MU-1)', which permits a maximum FSR of 2.0, and are proposed to be rezoned to 'Mixed Use Three Zone (MIX-3)' with Site Specific Provision 374 and Holding Provision 50H'. Site Specific Provision 374 includes regulations for setbacks, step-backs, building height in metres, an increased Floor Space Ratio (FSR), a minimum non-residential floor area, a reduced parking rate, and prohibition of geothermal wells. Holding Provision 50H is proposing to prohibit residential uses until a Record of Site Condition (RSC) and updated Noise and Vibration Studies have been completed to the satisfaction of the Region of Waterloo and CN Rail.

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,

- d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- 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. 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.

The Ministry of Municipal Affairs and Housing is proposing 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 in effect at the time this report was prepared.

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 and 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 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 to 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 2.2.1.4 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.

Policy 2.2.3 requires that Urban Growth Centres be planned to accommodate significant population growth with a minimum density target of 200 residents and jobs per hectare.

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.

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.

The subject lands are located within the delineated built up area, and within the Urban Growth Centre and Central Station Major Transit Station Area. The proposed development represents intensification and will help the City achieve density targets in the UGC and 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.

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 and are within the Central Station Major Transit Station Area (MTSA) and the Urban Growth Centre (UGC). MTSA's and UGC's are appropriate locations for intensification. The proposed development conforms to Policy 2.D.1 and 2.D.2 of the ROP as this development provides for the physical infrastructure and community infrastructure to support the proposed mixed use development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

The Region of Waterloo have indicated they have no objections to the proposed applications or to higher density on the subject lands (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 to a complete community with 249 residential units and 1,150 square metres of non-residential commercial and office space. Considerable thought for the orientation and placement of the building, podium heights, building step backs, and vehicular and pedestrian connections to Victoria Street South and Bramm Street have been incorporated into the design for this high intensity mixed use development.

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 the Urban Growth Centre (UGC), which is the city's primary focal point for intensification. Staff is of the opinion that the proposed Official Plan Amendment will support a development that complies with the City's policies of the UGC and also contributes to the vision for a complete and healthy city.

Land Use Designation – Urban Growth Centre - Mixed Use

The subject lands are designated 'Urban Growth Centre - Mixed Use' (Map 4) of the Official Plan (2014). The Urban Growth Centre is planned to achieve a minimum density of 225 residents and jobs per hectare and is planned to accommodate a significant share of the city's population growth. Policies of the Urban Growth Centre support reduced parking rates where they are supported by Transportation Demand Management (TDM) measures, and parking designs that locate/screen parking from view of the public realm and discourage new surface parking lots. Priority is given to pedestrian, cycling and transit over vehicular circulation and accommodation. Development is required to have regard for and contribute to the public realm, and high quality urban design is expected.

The Mixed Use land use designation permits a broad range of uses at different scales and intensities. Policies of the Mixed Use designation encourage developments to achieve a high standard of urban design, and to be pedestrian-oriented and human-scaled in order to positively contribute to the public realm. Developments are required to be compatible

with surrounding areas, be transit-supportive and cycling and pedestrian-friendly. Over time it is intended that the Mixed Use areas shall intensify and provide a balanced distribution of commercial, multiple residential and institutional uses.

Consideration of the policies of the Urban Growth Centre- Mixed Use designation are provided below. The applicant is proposing to add Site Specific Policy 15.D.2.70 to allow a maximum Floor Space Ratio (FSR) of 13.7 whereas the current Official Plan policies allow for a maximum FSR of 5.0 for developments which provide for below-grade parking.

PARTS Central Plan

The subject lands are located within the PARTS Central Plan which is a guiding document for land uses within and around rapid transit station stops. The PARTS Central Plan made recommendations for amendments to the Official Plan designations within MTSAs, which have not yet been implemented. Some of the primary recommendations are to encourage the development of underutilized sites with higher density live-work environments and to increase housing supply with multi-unit residential while protecting existing stable neighbourhoods. The subject lands were identified as High Density Mixed Use in the PARTS Central Plan. The proposed development provides for a higher density housing option and the proposed amendment is in keeping with the PARTS Central vision for development.

Neighbourhood Planning Review (NPR)

The subject lands are not within an NPR area as they are located within the designated Urban Growth Centre.

Growing Together

The Growing Together project is the continuation of the City's ongoing planning review process that began with Planning Around Rapid Transit Station Areas and advanced through the Neighbourhood Planning Review (NPR) project, while also responding to new direction from the province, implementing the updated Regional Official Plan, and addressing new and emerging city priorities. The subject lands have been identified in the Growing Together: Draft Approach to Growth and Change as Strategic Growth Area - Four (SGA4) Zone which is contemplated to have no height or density limits, and no parking requirement. The proposed development aligns with the direction of Growing Together.

Parkland

The Proposed Development includes private indoor and outdoor rooftop amenity spaces for residents of the proposed development. The parkland dedication requirement for this submission and will be assessed at the time of Site Plan Approval and will be subject to the Parkland Dedication Policy in effect.

Urban Design

Policies of the Urban Growth Centre require high quality urban design for buildings, signage, and streetscapes to enhance street life and create local pride and interest and the City encourages innovation and architectural excellence in urban development. Further direction on contributing to high quality design for particular areas of the Urban Growth Centre (Downtown) is contained in the Urban Design Policies 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.

Streetscape – Both the Victoria Street South and Bramm Street frontages are 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, and the building design incorporates a recessed ground floor along the Bramm Street frontage which enhances the pedestrian realm and provides a weather protected sidewalk along Bramm Street. This area will be secured as publicly accessible enhancement to the public street through the future site plan process.

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 6th, 21st, and 25th floors which mitigate overlook issues and shadow impacts.

The tower placement has been oriented towards Victoria Street with massing broken up vertically by articulation and variation in building materials. Furthermore, balconies for the residential units are included on all elevations. Ground floor commercial units and residential lobby space are proposed which will further enhance and activate the streetscape.

Tall Building Guidelines - The proposed development has 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.

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.

Staff is supportive of the development concept as provided for in the Addendum to Urban Design Brief (see Appendix 'F') and recommend that Council endorse the Development Concept for implementation through the Site Plan review process.

Public Health and Safety

Official Plan policies seek to minimize and mitigate land use conflicts between sensitive land uses and natural hazards, sources of noise and vibration, potential contamination, and aviation safety hazards.

- A portion of the subject properties are in the flood fringe portion of a Two-Zone Floodplain policy area. Lands located in the flood fringe are developable, subject to a permit being issued by the Grand River Conservation Authority (GRCA). The GRCA has reviewed the subject applications and have no objections to the development proposal.
- A Record of Site Condition is required prior to residential uses being permitted and a Holding Provision is recommended in this regard.
- An Environmental Noise Feasibility Assessment was submitted in support of the applications to evaluate traffic, rail and stationary noise sources as well as rail vibration. The Region and CN Rail have reviewed the report and have requested that Holding Provisions be applied to the lands through the site-specific zoning to require completion of a detailed stationary noise study and updated rail noise and vibration assessment report prior to residential uses being permitted.
- The subject lands are located outside of lands regulated by Transport Canada's Region of Waterloo International Airport Zoning Regulations (AZR). The owner may be required to submit Land Use Proposal Submission Forms to NAV CANADA and an Aeronautical Assessment Forms to Transport Canada to notify them of the location of the new tall building and any temporary cranes.

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. Policy 3.C.2.22 states that until such time as Station Area Plans are completed and the Official Plan is amended, 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. These 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.

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a high-density mixed-use development. The proposed building will result in a built form that fosters walkability within a pedestrian-friendly environment that allows walking and cycling to be safe, comfortable, barrier-free and a convenient form of urban travel. A Streetscape Plan has been prepared demonstrating that the design of the buildings will feature a high quality public realm which will contribute to the pedestrian experience along Bramm Street and Victoria Street South. This plan will be further implemented through the Site Plan review process.

The subject lands are located in close proximity to the Central ION stop and the multi-modal transit hub. Bus transit is easily accessible with a stop for GRT Route 20 available on Victoria Street South. The subject site has excellent access to walking and cycling trails, such as the Iron Horse Trail, Cherry Park Trail and the downtown cycling grid. 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. Secure and weather protected bicycle parking is required as part of the Zoning By-law and is proposed to be located in several bike rooms within the building.

The Official Plan also includes policies which support reduced parking rates in support of active transportation and transit in intensification areas. The subject lands are located in the Urban Growth Centre which is the City's primary intensification area, and has good access to transit, the cycling network. The subject building has been designed with a below-grade parking structure to accommodate 27 parking spaces, including 3 barrier free spaces, and at grade short term loading/delivery spaces are provided off of the private laneway. The proposed development provides 1 secure and weather protected bike parking space per unit, and the proposed built form will contribute positively to the streetscape and enhance the pedestrian experience. Other TDM measures including unbundled parking, and transit information packages are also proposed. Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit and rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

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 development is contemplated to include a range of unit types including one, two and three bedroom units, and live-work units, which 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.

A Preliminary Sustainability Statement and Energy Report were submitted in support of the applications. Staff have reviewed the reports and find that the Official Plan and Zoning Bylaw Amendments can be supported as a number of sustainable measures have been proposed or are being considered for the development. These measures will be further detailed through the Site Plan Approval stage.

Cultural Heritage

Policies of the Official Plan seek to conserve cultural heritage resources. The property municipally addressed as 142 Victoria Street South (and located within the subject lands) is listed as a non-designated property of cultural heritage value or interest on the City's Municipal Heritage Register. The buildings at 130 and 138 Victoria are not considered to have heritage value. The subject lands are also located within the Warehouse District Cultural Heritage Landscape, a significant cultural heritage landscape as per the Kitchener Cultural Heritage Landscape Study (CHLS) which was prepared by The Landplan Collaborative Ltd and approved by Council in 2015.

A Heritage Impact Assessment (HIA) was prepared and recommends demolition of the existing listed structure at 142 Victoria Street South. The HIA was considered by the Heritage Kitchener Committee at its June 7, 2022, meeting and does not require further consideration. The final approval of the HIA and the Salvage and Documentation Plan will be made conditions of Site Plan Approval.

The HIA assessed the three buildings and found that only 142 Victoria Street South had heritage value, meeting 1 out of 9 criteria of *Ontario Regulation 9/06*, used to evaluate the cultural heritage value of the buildings. However, due to the recent changes brought about by Bill 23 to the *Ontario Heritage Act*, 142 Victoria Street South would not be a candidate for designation, as any property must now meet two or more criteria to be considered for designation. The building could remain listed as a non-designated property of cultural heritage value on the City's Municipal Heritage Register until January 1, 2025, after which it will be de-listed and cannot be put back on the Register for the next five (5) years, i.e. - January 1, 2030. Due to the conclusions of the cultural heritage evaluation of all three buildings, and with 142 Victoria Street South not meeting the criteria needed for designation under Part IV of the Ontario Heritage Act, the HIA recommends demolition as

the preferred option, with conservation through documentation including measured drawings, photographic documentation, and reuse/salvage of materials and elements including the date stone and front entrance and other building materials such as bricks in interior common spaces, and documenting with plaquing and signage. In addition, a photographic curtain wall is proposed to represent 142 Victoria Street South in the building elevation of the new development as a commemorative feature.

Through the review process, the applicant worked with planning and heritage staff to improve the built form. Through this process staff and the applicant explored options which would have resulted in retention of the façade in situ, however this solution did not support the overall design of the podium, and desired ability to activate the street line façade. Heritage Planning staff are supportive of the revised development plans and note that comments provided by staff have been incorporated into the overall design. The option included in the Addendum to the Urban Design Brief (Appendix 'F') is the preferred option from a heritage commemoration perspective.

Holding Provisions

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 and will not be removed through a by-law amendment until such time as a Record of Site Condition has been acknowledged by the Province, an updated Stationary Noise Study has been reviewed and approved by the Region of Waterloo, and an updated noise and vibration report has been reviewed and approved to the satisfaction of CN.

Proposed Official Plan Amendment and Conclusions

The proposed high-rise, high-density mixed-use development is appropriate in the Urban Growth Centre. Policies support a compact urban form that encourages 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 rapid transit. The building and development will contribute to a high quality public realm. Through the Site Plan Approval process, the applicant will be required to make parkland dedication.

The Official Plan Amendment proposes that the land use designation be changed from 'Mixed Use' to 'Mixed Use with Site Specific Policy Area 7' to permit a Floor Space Ratio (FSR) of 13.7. 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 and 2019-051):

The subject lands are zoned 'Low Intensity Mixed Use Corridor Zone (MU-1) with Special Regulation Provisions 1R and 525R' (130 and 142 Victoria Street South, and 'Low Intensity Mixed Use Corridor Zone (MU-1) with Special Regulation Provisions 1R and 525R and Special Use Provisions 401U' (138 Victoria Street South) 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.
- Allow a maximum building Floor Space Ratio (FSR) of 2.0.
- Permit a maximum building height of 13.5 metres.
- Require 1 parking space for each dwelling unit over 51 square metres of floor area and 0.165 parking spaces for dwelling units having a floor area of 51.0 square metres or less (capped at 40% of the dwelling units).
- Special Use Provision 401U prohibits the development of sensitive uses until a Record of Site Condition has been completed.
- Special Regional Provision 1R identifies that the lands are regulated by the Grand River Conservation Authority.
- Special Regulation Provision 525R permits a reduced lot width, and reduced building setback for existing buildings.

The applicant has requested an amendment to remove the lands from Zoning By-law 85-1 and to zone them to 'Mixed-Use Three Zone (MIX-3) with Site Specific Provision 374 and Holding Provision 50H' in Zoning By-law 2019-051. The proposed Site-Specific Provision is to permit an increased Floor Space Ratio (FSR), regulate building setbacks and to permit parking to be provided in accordance with the rates of the Urban Growth Centre.

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 establish a new Site-Specific Provision (374) in Zoning By-law 2019-051 to provide site-specific development standards for the proposed development. Proposed regulations are below:

- a) the minimum setback to Bramm Street shall be:
 - i. 2.75 metres for the ground floor.
 - ii. 0.0 metres for storeys above the ground floor.
- b) the minimum setback to Victoria Street South shall be 0 metres.
- c) the minimum street line stepback from Bramm Street shall be 2.5 metres.

The 'MIX-3' zone typically requires a 1.5 metre setback and that towers be stepped back 3.0 metres from the base. Regulation a) implements an increased ground floor setback along

Bramm Street to provide for a pedestrian space at grade, and permits a reduced setback for upper floors to 0.0 metres. Regulation b) permits a 0.0 metre setback to Victoria Street South for the podium. Regulation c) would permit the tower along Bramm Street to stepback 2.5 metres rather than 3.0 metres. Based on the proposed development concept staff is satisfied that the proposed setbacks and stepbacks are appropriate. The setbacks to Bramm Street provide an appropriate pedestrian realm and streetscape, with the building providing a weather protected overhang. This design and public access will be further secured and articulated through the site plan approval process.

A road widening of about 3.0 metres will be dedicated to the Region of Waterloo for Victoria Street South at the Site Plan stage and will increase the width of right-of-way, which will provide wider sidewalks than those that exist today. The Region of Waterloo has not scheduled expansions or reconstruction of this section of Victoria Street South in the near term. The Region of Waterloo will also require a corner visibility triangle on the corner of the site to ensure adequate visibility for vehicles, cyclists, and pedestrians. Further, the corner of the site is designed to accommodate for the residential lobby. The ground floor is setback to accommodate for corner visibility and provides a weather protected overhang along the street which will enhance the streetscape. Staff are of the opinion that the requested regulations are appropriate.

d) the minimum interior side yard setback shall be:

- i. 0 metres for any part of the building not exceeding 11 metres in height
- ii. 4.0 metres for any part of the building exceeding 11 metres in height.

The purpose of regulation d) is to permit the base of the building, proposed to contain commercial and office uses to be constructed to the property line, with units on upper floors to be setback a minimum of 4.0 metres to allow for terraces and stepback for residential floors. The developer of the subject lands and the adjacent lands have coordinated their developments in order to provide for a continuous commercial street edge at grade. Air rights have been negotiated between the property owners for upper stories to provide to minimum distance separations and tower setbacks to ensure the intent of the City's Tall Building Guidelines is maintained.

e) the minimum rear yard setback shall be 0 metres.

The purpose of regulation e) is to permit the building to be setback 0 metres to the private rear lane. This lane is part of adjacent lands, and a legal right-of-way has been approved by the Committee of Adjustment providing for access. Staff is of the opinion that no purpose is served by maintaining a 7.5 metre setback to the laneway, and that a 0.0 metre setback will allow for efficient and effective use of the lands.

f) the maximum building height shall be 80.0 metres.

g) the maximum Floor Space Ratio (FSR) shall be 13.7.

The purpose of regulations f) and g) is to establish a maximum height and density standards based on the proposed development concept to permit a maximum building height of 80 metres (approximately 25 storeys) and a maximum Floor Space Ratio of 13.7.

This represents a requested increase from the typical maximum of 10 storeys and 32 metres and maximum Floor Space Ratio of 5.0 permitted in the proposed base 'MIX-3' zone.

Staff is of the opinion that the development concept is an appropriate built form for the subject lands, and that the proposed tower meets the intent of the City's Tall Building Guidelines. As discussed in the OPA, staff are of the opinion that the proposed density and building height are appropriate for the use of the subject lands.

h) the minimum amount of non-residential gross floor area shall be 5%.

The purpose of regulation h) is to establish a required minimum for non-residential (retail/commercial) space for the development. This represents a decrease from the typical minimum of 20% of floor area required to be non-residential in the base 'MIX-3' zone. Staff acknowledge that viability for non-residential space is typically along the street front on the ground floor level where it is visible to foot traffic. Staff are of the opinion that the proposed 1,150 square metres of non-residential space on the ground and second floors will achieve the City's objective in promoting a compatible mix of uses within the same building and provide commercial, office and service opportunities to the surrounding neighbourhood.

i) parking and bicycle parking shall be provided in accordance with the required rates as provided for UGC Zones in Table 5-5.

The purpose of regulation i) is to provide for a parking rate which is appropriate for the development. The lands are designated Urban Growth Centre - Mixed Use. Urban Growth Centre (UGC) zones have not yet been created in Zoning By-law 2019-051, however Parking Regulations contained in Section 5 provide a specific Urban Growth Centre (UGC) parking ratio, which permits zero parking be provided for most uses including multiple residential dwellings. This parking ratio implements Official Plan policies that provide for reduced parking rates in support of, and in recognition, of active transportation and transit availability in intensification areas.

The UGC parking rates also require 1 Class A bicycle parking space (long-term secure and weather protected e.g. bike room) per unit as well as Class B bicycle parking (short-term secure (outdoor bike rack)). This rate exceeds the 0.5 bicycle parking spaces per dwelling unit required in a Mixed Use Zone. In addition, 20% of the parking which is provided must be electric vehicle ready. The subject building has been designed with a below grade parking structure to accommodate 27 parking spaces, including 3 barrier free spaces which exceeds minimum requirements in order to enhance access for those attending the site with barrier free parking needs. In addition, three short-term loading and delivery spaces are provided off of the private laneway, including one which can accommodate a garbage truck/moving vehicle, and two which can accommodate delivery vans and contractor's vehicles. Further, there are several short and longer term pay parking options available in various parking lots and garages throughout the downtown.

Planning and Transportation Services staff is of the opinion that given the location in the UGC it is appropriate to apply the UGC parking rate to the subject lands.

- j) geothermal wells are prohibited on site. A geothermal well is a well defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five metres unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.”

The purpose of regulation j) is to prohibit a geothermal well on site. This regulation was requested by the Region of Waterloo to acknowledge potential contamination on site and to ensure no adverse effects are caused by a geothermal well on site. City staff do not have concerns with the requested prohibition on geothermal wells on site.

Holding Provision 50H

Official Plan policies permit holding provisions to 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. 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.

Planning staff is recommending that a Holding Provision, in accordance with Regional comments and requirements, be applied to the zoning of the subject lands. The proposed Holding Provision will restrict residential uses until:

- a Record of Site Condition has been completed; and
- a detailed transportation (road & rail), vibration and stationary noise study has been completed and mitigation measures have been implemented to the satisfaction of the Region of Waterloo and CN.

Staff note that the Holding Provision will replace Special Use Provision 401U and applies to the entirety of the subject lands.

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 'Mixed-Use Three Zone 'MIX-3 with Site Specific Provision 374 and a new Holding Provision 50H' in Zoning By-law 2019-051 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 activate the street, increase the supply of housing, and provides an appropriate parking rate. 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 April 2022 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 to plans and supporting documentation 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 (December 21, 2021, updated June 14, 2023)
- Urban Design Brief
Prepared by: Arcadis/IBI Group (December 23, 2021, updated June 14, 2023)
- Shadow Study
Prepared by: Core Architects (December 17, 2021)
- Architectural Package
Prepared by Core Architects (December 17, 2021, updated June 30, 2023)
- Transportation Impact Study, Parking Study & Transportation Demand Management Plan
Prepared by: Paradigm Transportation Solutions Limited (Dec 2021, updated May 2023)
- Phase II Environmental Site Assessment
Prepared by JFM Environmental Limited (March 30, 2022)
- Environmental Noise Feasibility Assessment
Prepared by: Gradient Wind Engineers & Scientists (March 23, 2022)
- Functional Grading and Servicing Plans
Prepared by: Walter Fedy (November 30, 2021, updated May 24, 2023)
- Preliminary Geotechnical and Hydrogeological Investigation
Prepared by: Chung & Vander Doelen (January 24, 2022)
- Functional Servicing and Stormwater Management Report
Prepared by: Walter Fedy (November 30, 2021, updated May 31, 2023)
- Heritage Impact Assessment
Prepared by: LHC Heritage Planning & Archaeology (Dec 2021, updated May 31, 2023)
- Energy Strategy Report
Prepared by: Design Works Engineering (December 10, 2021)
- Preliminary Sustainability Statement
Prepared by: IBI Group (December 20, 2021)
- Pedestrian Level Wind Study
Prepared by: Gradient Wind Engineers & Scientists (November 30, 2021)
- Topographic Survey

Prepared By: J.D. Barnes Limited (June 12, 2021)

- Landscape and Streetscape Plan
Prepared by: Studio TLA (October 27, 2021, updated May 12, 2023)

Community Input & Staff Responses

WHAT WE HEARD



725 addresses (occupants and property owners) were circulated and notified



14 people/households/businesses provided comments



A City-led Neighbourhood Meeting was held on July 18, 2022 and 25 different users logged on

Staff received written responses from 14 residents and businesses and the Victoria Park Neighbourhood Association with respect to the proposed development. These are included in Appendix 'E'. A Neighbourhood Meeting was held on July 18, 2022. 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
Concern that units are not sized to accommodate for larger household sizes.	<p>The City of Kitchener does not regulate number of bedrooms; however, based on feedback the applicant has increased the range of units to include a mix as follows:</p> <p>61 - bachelor units (24%) 79 – one-bedroom units (32%) 12 - one-bedroom plus den units (5%) 28 – two-bedroom units (11%) 44 – two-bedroom plus den units (18%) 25 – three-bedroom units (10%)</p> <p>Staff note that more than 25% of units are proposed to be two-bedroom plus den or three-bedroom, which is a substantial increase from only 5% in the original proposal of 13 two-bedroom plus den and 0 three-bedroom).</p>

<p>Concerns the proposed development will create traffic that existing roads can not handle.</p>	<p>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. Given that only about 27 parking spaces and 3 loading/delivery spaces are proposed very little traffic will be generated by the subject development.</p>
<p>Tall buildings should not be allowed outside of the downtown and is not appropriate in the neighbourhood.</p>	<p>The proposed building height of 25 storeys is consistent with other tower developments that have been constructed or approved along 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.</p>
<p>The tall building will cast shadows on nearby homes.</p>	<p>A Shadow Study has been submitted and demonstrates that most shadows associated with the proposal are cast towards the Bramm Street Yards, the railway corridor and towards existing high-rise towers. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements as related to shadow impacts and will have minimal impacts on low-rise residential properties south of Victoria Street South.</p>
<p>Victoria Park and other nearby city owned parks are very busy and cannot accommodate additional residents.</p>	<p>The subject site is located in proximity to City parks including Victoria Park and Cherry Park which have capacity for additional residents. In addition, the applicant is proposing to provide private amenity space on rooftop terraces on the podium. This space will include areas for socializing and dining and will include landscaping. In addition, the applicant is proposing streetscape enhancements along both Victoria Street South and Bramm Street which will be further determined through a future site plan process. The parkland dedication requirement for this submission and will be assessed at the time of Site Plan Approval and will be subject to the Parkland Dedication Policy in effect.</p>
<p>Not enough parking is being provided, with a particular lack of barrier free parking and short term deliveries and drop-offs.</p>	<p>The subject site is located in the Downtown or Urban Growth Centre (UGC) and policies prioritize transit, cycling and walking, rather than provision for private vehicles. This is reflected in the existing UGC parking regulations which require no minimum parking. Staff recommend that the UGC parking rate be applied to the subject lands. The applicant is</p>

	proposing to provide 27 parking spaces and 3 of which are proposed to be reserved as Barrier Free Spaces (which is about 3x more than minimum requirement). In addition, 2 short-term delivery spaces and 1 full size loading space are provided with at grade access via a private laneway, which will reduce the need for such vehicles to stop on adjacent streets.
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- and three- bedroom units could offer a more affordable rent option for future tenants who could share the cost-of-living accommodations.
What are the future plans for the Bramm Yards?	At this time, specific development plans for the Bramm Yards, which is currently used as a surface parking facility, have not been developed.

Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment Applications to permit the development of a mixed-use development at 130-142 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.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting. Large billboard signs were posted on the property and information regarding the application was posted to the City's website in April of 2022. 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 August 25, 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 April

21, 2022. In response to this circulation, staff received written responses from 14 members of the public, which are summarized as part of this staff report and attached in Appendix 'E'. 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: Justin Readman – General Manager, Development Services

ATTACHMENTS:

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

Appendix F – Addendum to Urban Design Brief dated December 23, 2021, 130-142 Victoria Street South, Kitchener