

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: October 2, 2023

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

PREPARED BY: Craig Dumart, Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: September 1, 2023

REPORT NO.: DSD-2023-322

SUBJECT: Official Plan Amendment Application OPA23/012/W/CD
Zoning By-law Amendment Application ZBA23/022/W/CD
Address: 83-87 Weber Street East
Owner: Brigade Holdings Corporation

RECOMMENDATION:

That Official Plan Amendment Application OPA/23/012/W/CD for Brigade Holdings Corporation requesting a land use designation change from 'Market District' to 'Market District with Specific Policy Area 9' 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-2023-322 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/022/W/CD for Brigade Holdings Corporation be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2023-299 as Appendix 'B'.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment applications for the property located at 83-87 Weber Street East. It is Planning staff's recommendation that the Official Plan and Zoning By-law Amendment applications be approved.
- Community engagement included:
 - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;

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

- installation of three large billboards notice sign on the property (one facing each street);
 - follow up one-on-one correspondence with members of the public;
 - Neighbourhood Meeting held on August 3, 2023;
 - postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site and those who responded to the preliminary circulation;
 - notice of the public meeting was published in The Record on September 8, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Planning staff is recommending approval of the requested Official Plan Amendment to add Specific Policy Area 9 to Map 4 and Policy 15.D.2.72 to the text in the Official Plan to allow for an increased Floor Space Ratio (FSR) of 14. Planning Staff is recommending approval of the requested Zoning By-law Amendment application to change the zoning from 'Commercial Residential Zone (D-5)' to 'Commercial Residential Zone (D-5) with Special Regulation Provision 805R' in Zoning By-law 85-1 to allow for an increased Floor Space Ratio (FSR); to regulate building setbacks; and to regulate parking and bicycle parking requirements and to apply a Holding Provision 110H to require an updated Urban Design Brief, and an updated Noise Study. Staff recommends that the applications be approved.

BACKGROUND:

Brigade Holdings Corporation 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 83-87 Weber Street East to permit the lands to be developed with a 25-storey mixed use development with 336 residential dwelling units and three ground floor commercial units and 14 parking spaces located internal to the building.

The lands are located within the Urban Growth Centre, designated 'Market District' in the City of Kitchener Official Plan (2014) and are zoned as 'Commercial Residential Zone (D-5)' in Zoning By-law 85-1.

Existing Commercial Residential Zone (D-5) zoning permissions include:

- Commercial and residential uses;
- Maximum Floor Space Ratio (FSR) of 4.5 (3.0 for residential and 1.5 for all other uses);
- Rear yard setback of 3.0 metres; and
- Minimum front yard setback of 3.0 metres.

Site Context

The subject lands include the consolidation of two properties, municipally known as 83 and 87 Weber Street East, which are situated within the City of Kitchener's Downtown. The subject lands are located at the southwest side of the Weber Street East near the intersection of Weber Street East and Scott Street. The consolidated property has a lot area of 0.20 hectares (0.49 acres) with 52 metres of frontage along Weber Street East.

The surrounding neighbourhood consists of a variety of uses including high rise mixed-use, commercial, buildings, medium rise and low rise residential, institutional and office buildings. 83 Weber Street East is currently developed with a 2-storey mixed use building with 2 ground floor commercial units and a residential dwelling unit located on the upper floor, while 87 Weber Street East is currently developed with a 2-storey multiple dwelling building. In total, there are 4 residential dwelling units within the existing multiple dwelling at 87 Weber Street East, 3 that are currently rented to tenants at market rate while 1 dwelling unit is vacant and requires extensive renovations. The owner has several other rental properties in the City of Kitchener and staff have been advised that the Owner has committed to arranging for relocation of the existing tenants to new market rate units and will be assisting and supporting in the relocation efforts.

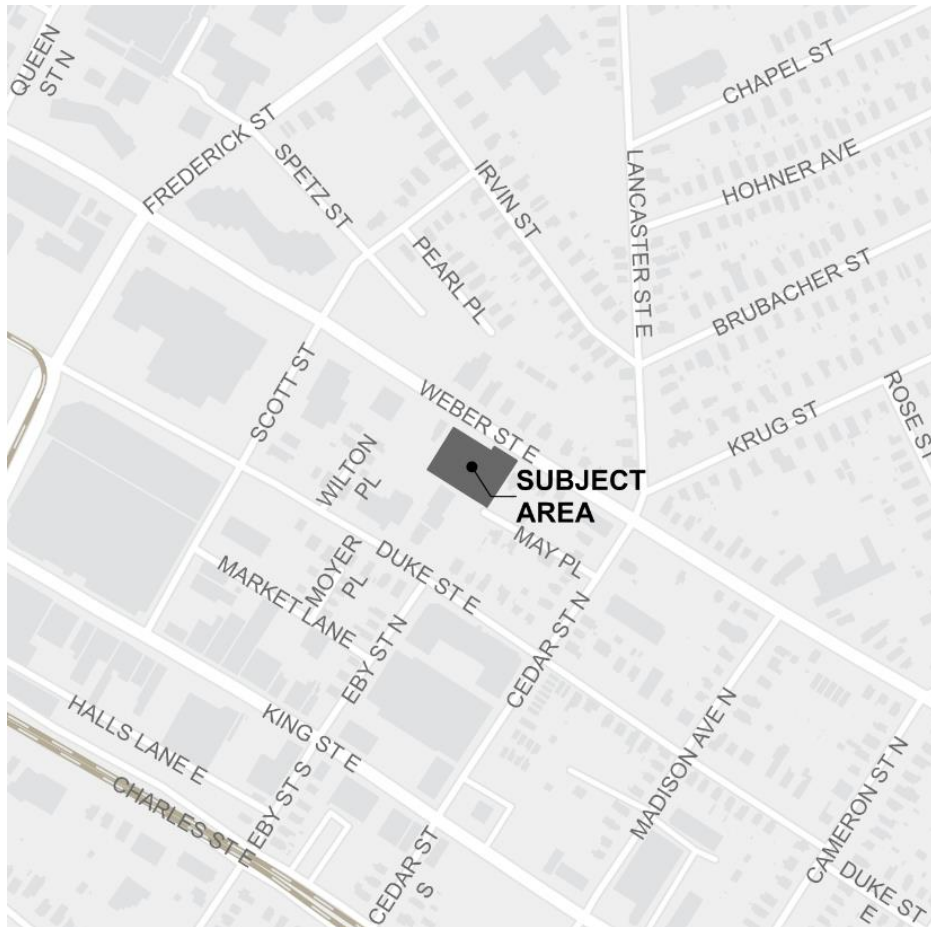


Figure 1 – Location Map: 83-87 Weber Street East

REPORT:

The applicant is proposing to develop the subject lands with a 25-storey mixed use development with a proposed Floor Space Ratio (FSR) 14. The proposed development includes one building with an 18 storey tower on top of a 7-storey podium, for a total height of 25 storeys. The high rise mixed use building proposes a total of 336 residential dwelling units with 14 parking spaces located internal to the building. Four hundred and eight (408) Class A (secured indoor) bicycle parking spaces are proposed along with 6 Class B visitor bicycle spaces. Vehicular access, three (3) ground floor commercial units and the building's lobby are proposed at grade along Weber Street East.

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

Table 1. Proposed Development Concept Statistics

	Development Concept
Number of Units	336 residential dwelling units, 3 ground floor commercial units
Parking Spaces	14 parking spaces
Total Building Height	25 storeys
Class A (indoor secured) Bicycle Parking	Minimum of 1 per unit (408 provided)
Class B (outdoor visitor) Bicycle Parking	6
Floor Space Ratio	14
Unit Types	241 – One Bedroom Units 68 - Two Bedroom units 27 - Three Bedroom Units

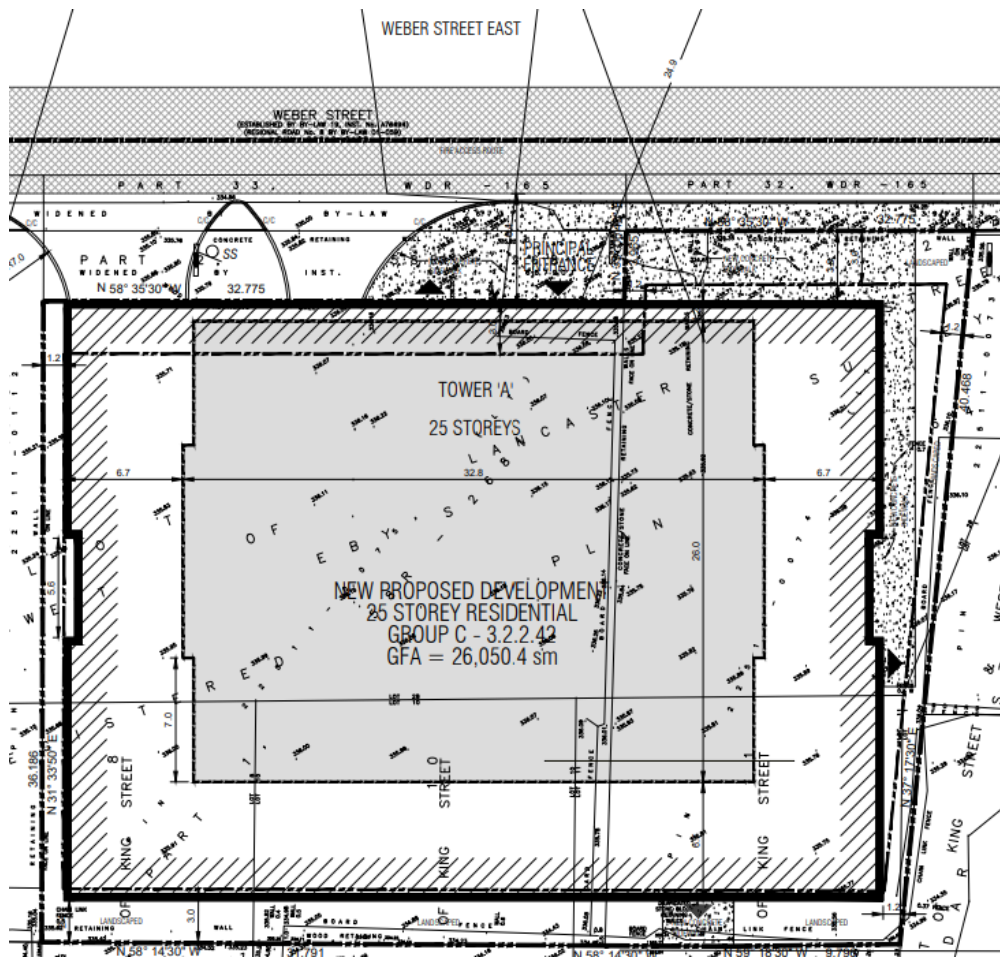


Figure 2 – Development Concept Site Plan



Figure 3 – Proposed Building Rendering: Front elevation along Weber Street East

To facilitate the redevelopment of 83-87 Weber Street East with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are required to change the land use designation and zoning of the subject lands as the existing Official Plan policies only permit a maximum Floor Space Ratio of 3.0 and the zoning only permits a maximum Floor Space Ratio (FSR) of 4.5. The lands are currently designated 'Market District' (Map 4, Urban Growth Centre) in the City of Kitchener Official Plan (2014) and zoned 'Commercial Residential Zone (D-5)' in Zoning By-law 85-1.

The owner is proposing to add Specific Policy Area 9 to Map 4 and Policy 15.D.2.72 to the text in the Official Plan to allow for an increased Floor Space Ratio (FSR) of 14 and requesting to change the zoning from 'Commercial Residential Zone (D-5)' to 'Commercial Residential Zone (D-5) with Special Regulation Provision 805R' in Zoning By-law 85-1, to allow for a FSR of 14; regulate parking and bicycle parking requirements; and to further regulate building setbacks. Holding Provision 110H is also proposed to be added to the property to require an updated Urban Design Brief demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate on-site amenity to the satisfaction of the City of Kitchener's Director of Planning. The Holding

Provision will also prevent the development of the site with sensitive uses, including residential uses, until the Region is in receipt of a revised Noise Study, completed to the satisfaction of the Region of Waterloo.

Planning Analysis:

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, which directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

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, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed mixed-use development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a mixed-use multiple dwelling development that is compatible with the surrounding community, helps manage growth, is transit supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

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

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

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

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

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:

- i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
 - f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
 - g) integrate green infrastructure and appropriate low impact development.

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

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

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

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 Urban Growth Centre in the ROP. Development within the Urban Growth Centre is intended to achieve by 2031 or earlier a minimum density target of 200 residents and jobs combined per hectare. In addition, development within Urban Growth Centres are to accommodate significant population and employment growth that supports the transit network at the regional scale. The development concept proposes a higher density mixed use development that contributes to the achievement of the minimum intensification target established for the Urban Growth Centre Area of 200 people and jobs per hectare.

The subject lands are located in the Frederick Major Transit Station Area (MTSA) in the ROP. The minimum density target within the Frederick MTSA is 160 people and jobs/ha. The density proposed through this application exceeds the density target of 160 people and jobs/ha on a site-specific basis and the proposed development will contribute to the achievement of the overall density target for the Frederick MTSA. 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 Frederick MTSA includes lands which are not anticipated to redevelop with high density residential uses, including smaller fragmented parcels and non-residential buildings such as the new courthouse and other civic buildings.

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 336 residential dwelling units and 327 square metres of non-residential commercial and retail space. Considerable thought for the orientation and placement of the building, podium height, and building step backs, have been incorporated into the design for this high intensity mixed use development.

Urban Structure

The OP 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 (UGC), Major Transit Station Areas (MTSA), Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within the UGC. The UGC (Downtown) is the primary Urban Structure

Component and Intensification Area in the city. The planned function of the UGC is to accommodate a significant share of the Region's and City's future population and employment growth. Section 3.C.2.13 of the OP indicates that the UGC is planned to achieve, by 2031 or earlier, a minimum density of 225 residents and jobs combined per hectare and assist in achieving the minimum residential intensification target identified in Policy 3.C.1.6. The UGC is planned to be a vibrant Regional and City-wide focal point and destination and is intended to be the City's primary focal point for residential intensification as well as for investment in institutional and Region-wide public services, commercial, office, recreational, cultural and entertainment uses.

The site is also within the Frederick MTSA and within 300 metres of both the Frederick and Kitchener Market ION stops. In accordance with Policy 3.C.2.17 of the OP, the planned function of the MTSAs is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in MTSAs give consideration to the Transit-Oriented Development (TOD) policies contained in Section 13.C.3.12 of the OP. Generally, the TOD policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well-served by nearby transit and rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that implements the City's policy direction for the UGC and MTSA and also contributes to the vision for a sustainable and more environmentally-friendly city.

Land Use

The subject lands are designated 'Market District' (Map 4, Urban Growth Centre) in the City of Kitchener Official Plan. The Market District is located at the eastern entrance to the Downtown and functions as a unique village-like setting anchored by market uses. Many of the properties which were originally developed as single detached residential dwellings have been converted to commercial uses given their proximity to the City Centre District. The collection of buildings on Market Lane and others on Eby Street have been converted or redeveloped with a similar design theme creating a unique and attractive environment. The primary uses permitted in the Market District include residential, commercial, and institutional uses.

Policies 15.D.2.59 to 15.D.2.60 of the City of Kitchener's Official Plan encourage redevelopment and higher density developments along the arterial roads of the Market district (in this case, Weber Street E) and restricted higher density redevelopments internal to the district restricting density for properties that front Market Lane or Duke Street.

The applicant is proposing to add Specific Policy Area 9 to the Urban Growth Centre,(Map 4) to allow a Floor Space Ratio (FSR) of 14 whereas the current Official Plan policies only allow for a maximum FSR of 3.0.

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

Growing Together

The Growing Together project is the continuation of the City's ongoing planning review process that began with PARTS and advanced through the Neighbourhood Planning Review (NPR) project, while also responding to new direction from the Province, implementing the updated Regional Official Plan, and addressing new and emerging City priorities.

Preliminary designations and zoning categories have been drafted by staff and are currently available public for consultation. The subject lands, together with surrounding lands are contemplated to be designated to allow for high-rise form developments where lot consolidation occurs such as the proposed development of the consolidated properties at 83-87 Weber Street East. The approach to zoning and policies of Growing Together differs from the current zoning regime which makes strong use of numerical metrics such as building height and floor space ratio. These metrics are useful in many contexts, however become somewhat problematic in considering high-density and high-rise developments where site sizes and building heights can vary significantly. Staff are recommending a form based zoning approach as part of the Growing Together project, which will place a greater emphasis on the pedestrian experience and design of buildings at grade and as experienced on the street, as well as appropriate tower floor plate sizes, separations and setbacks which protect from tower overlook within and between sites, which preserve access to sunlight and mitigates shadow impacts, and which provides for an interesting skyline which is also the goal of the City's Tall Building Guidelines.

At the time of this report, Staff are drafting the recommended site-specific policy and zoning regulations for the subject lands in consideration of the direction of the Growing Together project. Staff are of the opinion that the subject lands are appropriate for high-rise, high-density development, subject to demonstration that the proposed built form achieves the objectives of the Urban Design Manual and the Tall Building Guidelines.

Urban Design

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations. An updated urban design brief will be required and secured through a Holding Provision. Extra attention to high quality urban design that contributes positively to the public realm and streetscapes is expected for the subject lands with adequate on-site amenity for future residents. Detailed design will be reviewed through the site plan design and approvals process and an updated urban design brief will be required prior to removal of the Holding Provision.

Streetscape – The Weber Street frontage is activated by at-grade commercial units and the building's lobby. At-grade commercial units and the building lobby have direct access to public sidewalks. The tower podium has a defined base which will enhance the streetscape.

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

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

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

Site Design, Building Design, Massing and Scale – The subject site is designed to have a development that will be developed at a scale that is compatible with the existing and planned built form for the surrounding neighbourhood. The tower has a well-defined podium and building step backs which helps enhance the public realm.

Tower Design

The proposed building tower is classified as a "Large Point" as the proposed tower floor plate is 852.8 square metres in area. The tower placement has been oriented along Weber Street with a 7-storey podium. The tower massing is broken up vertically by variation and the articulation of building materials and step backs. Furthermore, balconies for the residential units are included and 4.5 metre tall ground floor commercial units are proposed which will enhance the streetscape with an active use.

Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Brief 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. Further review of the Shadow Impact Study will be undertaken through the detailed site planning process.

Wind Study

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

Tall Building Guidelines

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

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

The proposed development concept has been reviewed with these objectives in mind. City staff has confirmed that the proposed tower is generally consistent with and meets the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development generally meets the off-site separation distance requirements of the Design for Tall Building Guidelines and will be further reviewed through the site plan approval process prior to removal of the Holding Provision.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located in close proximity to the two ION stations; Frederick and Kitchener Market. The building has excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to 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.

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

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more compact mixed-use development in the City of Kitchener's primary intensification area (UGC). The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

At future site plan approval processes, the design of the buildings will have to feature a high-quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

Housing Policies:

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

Sustainable Development

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

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

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

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

Proposed Official Plan Amendment Conclusions

The Official Plan Amendment application requests that the land use designation as shown on Map 4 – Urban Growth Centre in the 2014 Official Plan be changed from ‘Market District’ to ‘Market District with Specific Policy Area 9’. Based on the above-noted policies and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved in the form shown in Appendix ‘A’.

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

The subject lands are zoned ‘Commercial Residential Zone (D-5)’ in Zoning By-law 85-1. The existing zoning permits a range of commercial, institutional and residential uses with a maximum permitted Floor Space Ratio (FSR) of 4.5 (3.0 for residential and 1.5 for all other use). The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from ‘Commercial Residential (D-5)’ to ‘Commercial Residential Zone (D-5) with Special Regulation Provision 805R and Holding Provision 110H’ in Zoning By-law 85-1.

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

The applicant is seeking to amend the Zoning By-law to add Special Regulation Provision 805R to Zoning By-law 85-1. The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), regulate buildings setbacks, and regulate vehicular and bicycle parking requirements.

Staff offer the following comments with respect to the proposed Special Regulation Provision 805R:

a) That the maximum Floor Space Ratio (FSR) shall be 14.

The purpose of this regulation is to cap the Floor Space Ratio and ensure development does not generally exceed the density presented in the concept plans.

b) That electric vehicle parking and bicycle parking shall be provided in accordance with Section 5 of Zoning By-law 2019-051 and the required parking rates shall be provided in accordance UGC Zones in Table 5-5 of Zoning By-law 2019-051.

The purpose of regulation b) is to provide for a parking rate which is appropriate for the development. The lands are designated Urban Growth Centre – Innovation District. While Urban Growth Centre (UGC) zones have not been created in Zoning By-law 2019-051, 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. New UGC/MTSA zones will be established as part of the Growing Together project later this year.

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)). In addition, 20% of the parking which is provided must be electric vehicle ready. The subject lands have adequate access to public transit and pedestrian/cycling networks and adequate bike storage will be provided within the development for residents. Planning and Transportation Services staff is of the opinion that the parking rate is appropriate for the subject lands.

c) The minimum front yard setback shall be 0 metres.

The purpose of this regulation is to allow the building to be located right up to front property line as a 3.0 road widening is required along 87 Weber Street East.

d) The minimum rear yard setback shall be 2.4 metres.

The purpose of this regulation is to allow the building's podium to be located 2.4 metres from the rear property line. The request to reduce the yard setback from 3.0 metres to 2.4 metres allows the podium to be built closer to the property line and allows for the efficient and effective use of the lands.

Staff offer the following comments with respect to Holding Provision 110H:

Official Plan policies require that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to facilitate the implementation of the 'D-5' zone and special regulation provision. The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

Holding Provision 110H

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

- i. No residential use shall be permitted until a detailed Transportation (road) and Stationary Noise Study has been completed and any recommended mitigation measures have been implemented to the satisfaction of the Regional Municipality of Waterloo. The detailed Stationary Noise Study shall review stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g., HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.
- ii. No development on the lands shall occur until such time as an Urban Design Brief is approved by the City's Director of Planning demonstrating a high quality of urban

design that contributes positively to the public realm and streetscapes with adequate on-site amenity.

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

High quality urban design is expected for the subject lands and extra attention to high quality urban design that contributes positively to the public realm and with adequate on-site amenity for future residents is required to be provided on-site. Detailed design will be reviewed through the site plan design and approvals process and an updated Urban Design Brief, approved by the Director of Planning, will be required prior to removal of the Holding Provision.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to 'Commercial Residential Zone (D-5) with Special Regulation Provision 805R, and Holding Provision 110H' represents good planning as it will facilitate the redevelopment of the lands with a mixed use dwelling development that is compatible with the existing neighbourhood, which will add visual interest at the street level and skyline, and will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law Amendment be approved as shown in Appendix 'B'.

Department and Agency Comments:

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

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

- Planning Justification Report
Prepared by: MHBC Planning, July 2023
- Urban Design Brief
Prepared by: MHBC Planning, June 2023
- Shadow Study
Prepared by: Reinders and Law, 2023
- Building Elevations, Renders and Floor Plans.
Prepared by: Reinders and Law, 2023

- Wind Study
Prepared by: Boundary Layer Wind Tunnel Laboratory, June 2023
- Parking Study and Access Circulation Review
Prepared by: Paradigm Transportation Solutions, June 2023
- Site Servicing Feasibility Study
Prepared by: SBM, June 2023
- Sustainability Statement
Prepared by: MHBC Planning, July 2023
- Noise Feasibility Study
Prepared by: HGC Engineering, June 2023
- Arborist Report
Prepared by: JK Consulting Arborists, April 2023

Community Input & Staff Responses

WHAT WE HEARD



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



3 people/households/businesses provided comment



A City-led Neighbourhood Meeting was held on August 3, 2023 and 9 users logged on

Staff received written responses from 3 residents with respect to the proposed development. The comments received are included in Appendix 'E'. A Neighbourhood Meeting was held on August 3, 2023. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Support for the number of bicycle parking spaces.	There was support for the number of bicycle parking spaces provided for this development (414 bicycle parking spaces proposed for 336 residential dwelling units)
Concerns that there are no bike lanes on Weber Street	Weber Street is a Regional Road and there are no short-term plans to add bike lanes to Weber street

	<p>however the subject lands are located in close proximity to the downtown cycling grid and other cycling facilities.</p>
<p>On-site Parking - Some residents support the reduced parking proposed while others did not think enough parking was provided.</p>	<p>A Parking Justification Study was submitted and reviewed by Transportation Services staff who support a proposed parking rate of 0 parking spaces per dwelling unit. The lands are designated Urban Growth Centre – Market District. Urban Growth Centre (UGC) zones have not yet been established in By-law 2019-051, however parking regulations were created in Section 5 to provide direction for the Urban Growth Centre (UGC). In the UGC, no minimum parking is proposed for most uses including multiple residential dwellings.</p>
<p>Support for redeveloping this area of the downtown and increasing the density as long as there is a plan for the overall neighbourhood.</p>	<p>The subject lands and surrounding neighbourhood land uses and zoning are being reviewed and updated through the Growing Together project. The Growing Together project is the continuation of the City's ongoing planning review process that began with PARTS and advanced through the Neighbourhood Planning Review (NPR) project, while also responding to new direction from the province, implementing the updated Regional Official Plan, and addressing new and emerging city priorities.</p> <p>At the time of this report, Staff are drafting the recommended site-specific policy and zoning regulations for the subject lands in consideration of the direction of the Growing Together project.</p>
<p>Affordable Units should be provided.</p>	<p>This development is not proposing affordable housing units and staff are not aware of any sponsorship or incentives from other levels of government at this time. The Planning Act does not allow the City to require affordable housing at this time. Inclusionary Zoning will be implemented as part of the Growing Together project. A mix of unit types and unit sizes are proposed. The two (2) and three (3) bedroom units could offer a more affordable rent option for future tenants who could share the cost-of-living accommodations.</p>
<p>Existing tenants concerned with finding new homes at similar affordable rates.</p>	<p>The owner has several other rental properties in the City of Kitchener and staff have been advised that the Owner has committed to arranging for relocation of the existing tenants to new market rate units and will be assisting and supporting in the relocation.</p>

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 used development at 83-87 Weber Street East. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Planning staff are recommending that the applications be approved.

ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

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

FINANCIAL IMPLICATIONS:

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

Operating Budget - *Bill 109, More Homes for Everyone Act, 2022* introduced a requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe. Decisions on Zoning By-law Amendments, when combined with an Official Plan Amendment, are required within 120 days to retain planning application fees, for applications received after July 1, 2023. A decision must be made by Council prior to October 30, 2023 or the Planning Division must issue an application fee refund of \$12,800.00, being 50% of the \$25,600.00 Major Zoning By-law Amendment Application fee. The Planning Division does not have a funding source or budget for refunding planning application fees.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting. A large notice sign was posted on the property and information regarding the application was posted to the City's website in July of 2023. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, and those responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on September 8, 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 July 9, 2023. In response to this circulation, staff received written responses from 3 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 85-1

REVIEWED BY:

Garett Stevenson - Manager of Development Review, Planning Division

Tina Malone-Wright - Supervisor Development Applications, Planning Division

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

APPENDIXS:

Appendix A – Proposed Official Plan Amendment

Appendix B – Proposed Zoning By-law Amendment

Appendix C – Newspaper Notice

Appendix D – Department and Agency Comments

Appendix E – Public Comments