

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

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: August 21, 2023

REPORT NO.: DSD-2023-300

SUBJECT: Official Plan Amendment Application OPA23/010/C/CD
Zoning By-law Amendment Application ZBA23/016/C/CD
Address: 332 Charles Street East
Owner: 332 Charles GP Inc

RECOMMENDATION:

That Official Plan Amendment Application OPA/23/010/C/CD for 332 Charles GP Inc. requesting a land use designation change from ‘Mixed Use Corridor with Special Policy Area 1’ to ‘Mixed Use Corridor with Special Policy Area 12’ to permit a 17-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-2023-300 as Appendix ‘A’, and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/016/C/CD for 332 Charles GP Inc. be approved in the form shown in the ‘Proposed By-law’, and ‘Map No. 1’, attached to Report DSD-2023-300 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 332 Charles 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;
 - installation of three large billboards notice sign on the property (one facing each street);

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

- follow up one-on-one correspondence with members of the public;
 - Neighbourhood Meeting held on July 20, 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 August 25, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the property addressed as 332 Charles Street East is proposing to change the Official Plan land use designation from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 12' in the King Street East Secondary Plan. The Zoning By-law Amendment application proposes to change the zoning from 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R' in Zoning By-law 85-1 to 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 with a Special Regulation Provision to allow for an increased Floor Space Ratio (FSR); to regulate building setbacks; and to further regulate parking ratios; and to apply a Holding Provision to require an updated urban design brief, site servicing study and an updated noise study. Staff recommend that the applications be approved.

BACKGROUND:

332 Charles GP 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 332 Charles Street East to permit the lands to be developed with a 17-storey mixed use development with 163 residential units and two ground floor commercial units. The proposed development includes parking located underground, and internal to the building. The lands are designated 'Mixed Use Corridor with Special Policy Area 1' in the City of Kitchener King Street East Secondary Plan and zoned 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R' in Zoning By-law 85-1.

The existing zoning permissions permit:

- a range of permitted uses, including Multiple Dwellings and a wide range of commercial and institutional uses;
- a maximum building Floor Space Ratio (FSR) of 4.0;
- buildings with no maximum building height;
- 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); and
- Special regulation 544R which allows for an increase Floor Space Ratio (FSR) to 5.0 for a mixed use development with a food store and permits a building setback of 1.5 metres to Charles Street East.

Site Context

The subject lands include the consolidation of two properties at 332 Charles Street East along with the vacant unaddressed parcel located directly behind 332 Charles Street East. Both properties are in identical ownership and front onto Charles Street East, and Betzner Avenue South. The subject lands are rectangular in shape and have a combined lot area

of 0.189 hectares (0.46 acres) with 36 metres of frontage along Charles Street East 18 metres of frontage along Betzner Avenue South. 332 Charles Street East is currently occupied by a one-storey commercial building and a surface parking area while the unaddressed parcel to the rear of 332 Charles Street East is vacant. The lands do not contain any occupied residential units. The surrounding neighbourhood consists of a variety of uses including commercial buildings, medium-rise and high-rise residential uses (existing and planned), single and semi-detached dwellings, low-rise multiple dwelling buildings, and institutional buildings. Directly to the South of the property is a Secondary School (Cameron Height Collegiate High School), directly to the east and west of the subject lands are surface parking lots to the north of the subject lands are commercial properties with frontage along King Street East

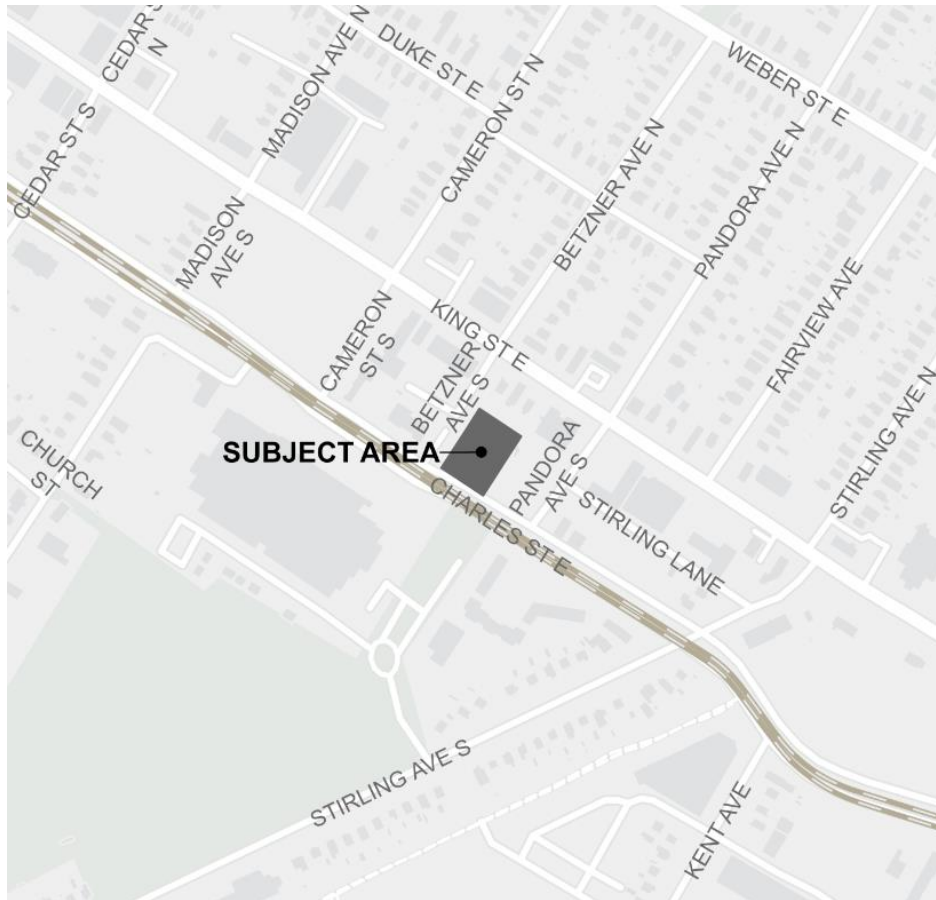


Figure 1 - Location Map: 332 Charles Street East

REPORT:

The applicant is proposing to develop the subject lands with a with a 17-storey mixed use development with a proposed Floor Space Ratio (FSR) 9.8. The proposed development includes one building with a 17-storey structure on top of a 2-storey podium for a total height of 17 storeys. The high-rise mixed-use building proposes a total of 163 residential units with 66 parking spaces located within 1 level of underground parking and 1 level of parking internal to the building. Primary vehicular access is proposed off Betzner Avenue South and ground floor commercial units and the buildings lobby are proposed at grade along Charles 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	163 residential dwelling units, 2 ground floor commercial units
Parking Spaces	66 parking spaces
Building Height	17 storeys
Class A (indoor secured) Bicycle Parking	0.5 per unit (82)
Class B (outdoor visitor) Bicycle Parking	6
Electric Vehicle Ready Parking Stalls	13
Floor Space Ratio	9.8
Unit Types	109 – 1-bedroom units 54 – 2-bedroom units

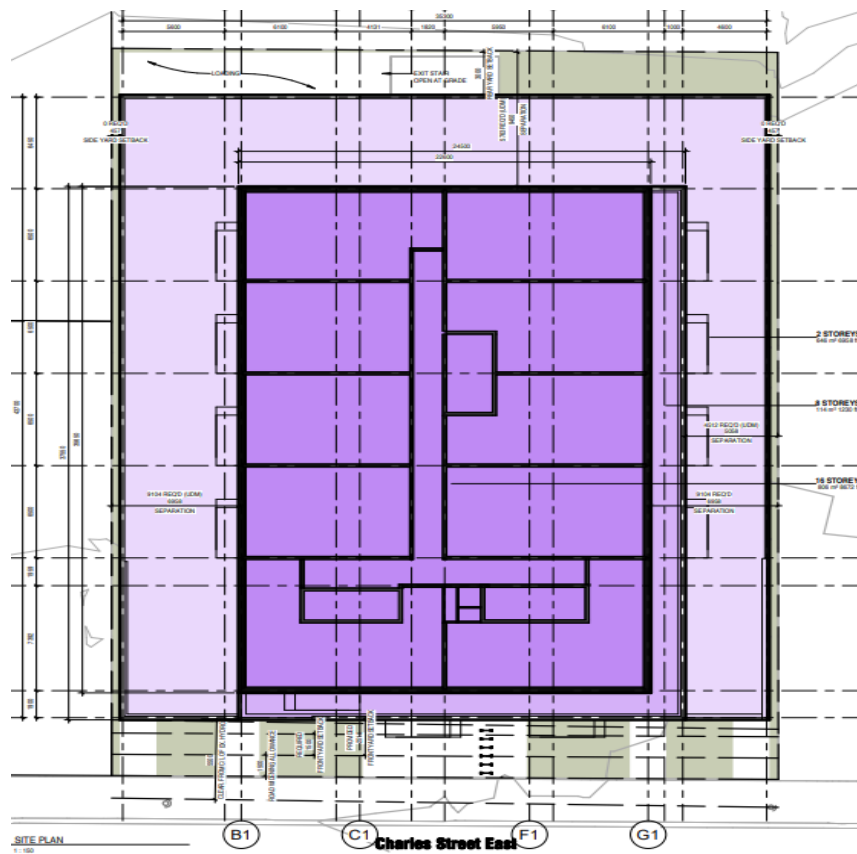


Figure 2 – Development Concept Site Plan

To facilitate the redevelopment of 332 Charles 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 and zoning permit a maximum Floor Space Ratio (FSR) of 4.0. The lands are currently designated 'Mixed Use Corridor with Special Policy Area 1' in the City of Kitchener King Street East Secondary Plan and zoned 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R' in Zoning By-law 85-1.

The owner is proposing to change the land use designation to 'Mixed Use Corridor with Special Policy 12' in the King Street East Secondary Plan and the zoning to 'High Intensity Mixed Use Corridor Zone' (MU-3) with Special Regulation Provision 803R and Holding Provision 108H' in Zoning By-law 85-1, to allow for a FSR of 9.8; reduce the required parking; and to further regulate building setbacks. A Holding Provision is also proposed to be added to the property to require an updated Urban Design Brief demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate onsite 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 an updated site servicing report and a revised noise study is completed to the satisfaction of the Region of Waterloo.



Figure 3 – Proposed Building Rendering: The front elevation along Charles Street East

Planning Analysis:

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

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

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

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

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 applications 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 on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSA 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 station stop areas are Major Transit Station Areas (MTSA) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA boundary for the Kitchener Market ION station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved in August 2022. The subject lands are within the Kitchener Market Station 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 Built-Up Area in the ROP. The proposed development conforms to Section 2.F of the ROP as the proposed development supports the achievement of the minimum annual intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling. The subject lands are located in the Kitchener Market Station Major Transit Station Area (MTSA) in the ROP. The minimum density target within the Market Station 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

Kitchener Market Station 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 Region of Waterloo have indicated they have no objections to the proposed application (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

City of Kitchener Official Plan (OP)

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

Complete Community

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

The applicant is proposing to contribute aspects of a complete community on the subject lands with a 17-storey high-rise, mixed-use development with 163 residential units and 180 square metres of commercial space.

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Major Transit Station Area. The planned function of the Major Transit Station Areas is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

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

high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby rapid transit and 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 not only complies with the City's policies for a Major Transit Station Area but also contributes to the vision for a sustainable and more sustainable city.

Land Use

The subject lands are designated 'Mixed Use Corridor with Special Policy Area 1' (Map 10) in the King Street East Secondary Plan (1994 Official Plan). The Mixed Use Corridor land use designation provides residential redevelopment opportunities together with appropriate commercial and institutional uses that primarily serve adjacent residential neighbourhoods. Over time it is intended that the Mixed Use Corridors shall intensify and provide a balanced distribution of commercial, multiple residential and institutional uses. The policies of Special Policy Area 1 were deleted through OPA 111.

The applicant is proposing to add Special Policy Area 12 to the King Street East Secondary Plan to allow a Floor Space Ratio (FSR) of 9.8 whereas the current Official Plan policies allow for a maximum FSR of 4.0 with an additional 1.0 FSR permitted if a 1,000 square metre or larger food store is located within the mixed-use development.

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 Report and until such time as a Noise Study and updated Site Servicing 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. Proposed Land uses and zoning are currently under reviewed and will be considered by Council in December of 2023.

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 category's have been drafted by staff and are currently available public for consultation. The subject lands, together with surrounding lands are contemplated to be designated and zoned to high intensity land use designations and zoning category with a 25 storey height maximum. 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.

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

Streetscape – The Charles 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. Massing is broken up at the 8th storey on the tower which mitigate overlook issues and shadow impacts.

Tower Design

The tower placement has been oriented towards Charles Street East with a 2 storey podium and building step backs at the 8th floor. The tower massing is broken up vertically by variation and the articulation of building materials. Furthermore, balconies for the residential units are included on the street-facing elevations. The commercial units will have a 4.5 metre tall ground floor which will enhance the streetscape.

Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the Shadow Study meets the City’s requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.

Wind Study

A Wind Study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development are generally suitable. A full Wind Assessment be required and 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 meet the overall intent of the City’s Design for Tall Building Guidelines. More specifically, the proposed development generally meets the offsite 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 Kitchener Market ION Stop. The building has excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the 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

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

At a future site plan approval process, 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 by the proposed 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 available in the city. The development is contemplated to include a range of unit types including, one and two-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 10 – King Street East Secondary Plan be changed from ‘Mixed Use Corridor with Special Policy Area 1’ to ‘Mixed Use Corridor with Special Policy Area 12’. 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 ‘High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R’ in Zoning By-law 85-1. The existing zoning permits Multiple Dwellings and a wide range of Commercial and Institutional uses. The MU-3 zone currently allows for a maximum building Floor Space Ratio (FSR) of 4.0 and there is no maximum building height for the subject lands in the City of Kitchener’s Zoning By-law. The existing zoning also requires 1.0 parking spaces for each dwelling unit over 51 square metres of floor area and 0.165 parking spaces for each dwelling unit having a floor area of 51.0 square metres or less (capped at 40% of the dwelling units). Special regulation 544R allows for a Floor Space Ratio (FSR) of 5.0 for a mixed use development with a food store and permits a building setback of 1.5 metres to Charles Street East.

The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from ‘High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R’ to ‘High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 803R and Holding Provision 108H’ in Zoning By-law 85-1. A Holding Provision is required to ensure matters related to urban design, noise and site servicing are addressed, prior to lifting of the Holding Provision.

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

The applicant is seeking to amend the Zoning By-law to add Special Regulation Provision 803R and Holding Provision 108H to Zoning By-law 85-1.

The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), regulate buildings setbacks, minimum ground floor and podium height, reduce the required parking rate and require bicycle and electric vehicle parking in accordance with Zoning By-law 2019-051.

Staff offer the following comments with respect to the proposed Special Regulation Provision 803R:

a) That the maximum Floor Space Ratio shall be 9.8.

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 parking be provided at a rate of 0.4 parking spaces per dwelling unit. 8% of the required parking spaces shall be shared for visitor parking and non-residential uses. Bicycle and electric vehicle parking are to be provided in accordance with By-law 2019-051.

The purpose of this regulation is to provide for a parking rate which is appropriate for the development as well as require adequate bicycle parking spaces and future electric vehicle charging parking spaces. The proposed ratio results in a parking rate of 0.4 parking spaces per dwelling unit (inclusive of visitor spaces). The subject lands will have adequate access to public transit and pedestrian/cycling networks and adequate bike storage will be provided within the development for residents. Planning and Transportation Services staff is of the opinion that the parking rate is appropriate for the subject lands.

c) The minimum rear yard (opposite Charles Street East) setback shall be 3.0m from the building and a 0 m setback from the stairwell.

The purpose of this regulation is to allow external stairs against the property line whereas the building will be situated 3 metres from property line.

d) The minimum ground floor building height along the Charles Street East street line façade shall be 4.5 metres.

The purpose of this regulation is to ensure the ground floor is activated with commercial units, lobbies, fitness rooms or other active uses that will activate the streetscape and further enhance the public realm.

e) The minimum Side Yard Abutting a Street setback (setback to Betzner Avenue South) shall be 0.0 metres and shall allow the projections into Driveway Visibility Triangles.

The purpose of this regulation is to allow the building to be built closer to the Betzner Avenue property line which is a local street that provides access to the subject lands and two other properties which are also setback 0 metres to the Betzner Avenue property line.

Staff offer the following comments with respect to Holding Provision 108H:

Official Plan policies require that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to facilitate the implementation of the 'MU-3' zone and special regulation provision. The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

Holding Provision 108H

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 implementation measures recommended to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.
- ii. No development on the lands shall occur until a detailed Site Servicing Study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo.
- iii. 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 onsite amenity.

A Noise Study was prepared in support of the proposed Zoning By-law Amendment application 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. Furthermore, a Site Servicing Study was prepared and accepted by the City of Kitchener however the Region of Waterloo requires additional information on the water connection and storm flows which requires an updated Site Servicing Study prior to the 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 onsite amenity for future residents is required to be provided onsite. Detailed design will be reviewed through the site plan design and approvals process and an updated urban design report will be required prior to removal of the Holding Provision.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment application to change the zoning of the subject lands to 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 803R and Holding Provision 108H' 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 June 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, May 2023
- Urban Design Brief, Shadow Study
Prepared by: MHBC Planning, May 2023
- Wind Study
Prepared by: Boundary Layer Wind Tunnel Laboratory, May 2023
- Transportation Impact Study and Parking Study
Prepared by: Paradigm Transportation Solutions, May 2023
- Site Servicing Feasibility Study
Prepared by: SBM, May 2023
- Sustainability Statement
Prepared by: MHBC Planning, May 2023
- Noise Feasibility Study
Prepared by: HGC Engineering, May 2023
- Arborist Report
Prepared by: JK Consulting Arborists, April 2023

WHAT WE HEARD



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



3 people/households/businesses provided comment



A City-led Neighbourhood Meeting was held on July 20, 2023 and 2 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 July 20, 2023. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
<p>Three bedroom units should be included in the proposed development.</p>	<p>The City of Kitchener does not regulate number of bedrooms. While the City does not regulate the number of bedrooms, a mix of unit types is strongly encouraged.</p> <p>In September 2022, we received new housing census data – we know:</p> <ul style="list-style-type: none"> ▪ We have 99805 dwelling units in Kitchener 61% are 3+ bedrooms. <p>We also know household data now as well:</p> <ul style="list-style-type: none"> ▪ 58% of households have 1-2 people (26% 1 person, 32% 2 people) ▪ 15% of all dwellings are in buildings greater than 5 storeys <p>When a comparison is made between the household and housing data, we have 27,000 3+ bedroom homes which are occupied by one or two people. This means that 44% of all large units in Kitchener have more bedrooms than people living in the dwelling</p> <p>The City is currently undertaking a Missing Middle study which is reviewing how the City can continue</p>

	to achieve a balance of all housing types of all sizes across the City. This work will be first implemented as part of the Growing Together project.
Concerns the proposed development will create traffic that existing roads can not handle.	A Traffic Impact Study 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.
Support for bicycle parking	The proposed development is providing more bicycle parking than vehicular parking in an MTSA.
Trees and amenity space should be provided for residents	A landscape plan and street tree plan will be reviewed through the site plan approval process. A Holding Provision is proposed for the subject lands to require adequate on-site amenity space which will be further reviewed through the site plan approval process.

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 332 Charles 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:

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. A large notice sign was posted on the property and information regarding the application was posted to the City's website in June 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 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 June

17, 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, 1994
- King Street East Secondary Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 85-1

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

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

APPENDIXS:

- Appendix A – Proposed Official Plan Amendment
- Appendix B – Proposed Zoning By-law Amendment
- Appendix C – Newspaper Notice
- Appendix D – Department and Agency Comments
- Appendix E – Public Comments