

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

**DATE OF MEETING:** October 30, 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 9

**DATE OF REPORT:** October 4, 2023

**REPORT NO.:** DSD-2023-299

**SUBJECT:** Official Plan Amendment Application OPA23/007/K/CD  
Zoning By-law Amendment Application ZBA23/011/K/CD  
Address: 417 King Street West  
Owner: Vanmar Developments 417 King GP Corp

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## RECOMMENDATION:

That Official Plan Amendment Application OPA/23/007/K/CD for Vanmar Developments 417 King GP Corp requesting a land use designation change from 'Innovation District' to 'Innovation District with Specific Policy Area No. 8' to permit a 55-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-2023-299 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA23/011/K/CD for Vanmar Developments 417 King GP Corp 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 417 King Street West. 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 two 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 July 11, 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 October 13, 2023.
- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

Planning staff is recommending approval of the requested Official Plan Amendment Application to add Specific Policy Area 8 to Map 4 and Policy 15.D.2.71 to the text in the Official Plan to allow for an increased Floor Space Ratio (FSR) of 23. Planning Staff is recommending approval of the requested Zoning By-law Amendment Application to change the zoning from ‘Warehouse District Zone (D-6) with Special Regulation Provision 122R and Special Use Provision 142U’ to ‘Warehouse District Zone (D-6) with Special Regulation Provision 804R and Special Use Provision 486U’ 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 109H to require an updated Urban Design Brief and an updated noise study prior to final site plan approval. Staff recommends that the applications be approved.

## **BACKGROUND:**

Vanmar Developments (417 King GP Corp) 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 417 King Street West to permit the lands to be developed with a 55 storey mixed use development with 622 residential units and two (2) ground floor commercial units. The proposed development includes parking located underground, and internal to the building in the podium above the ground floor.

The lands are within the Urban Growth Centre, designated ‘Innovation District’ in the City of Kitchener Official Plan and are zoned as ‘Warehouse District Zone (D-6) with Special Regulation Provision 122R and Special Use Provision 142U’ in Zoning By-law 85-1.

Existing Warehouse District Zone (D-6) zoning permissions include:

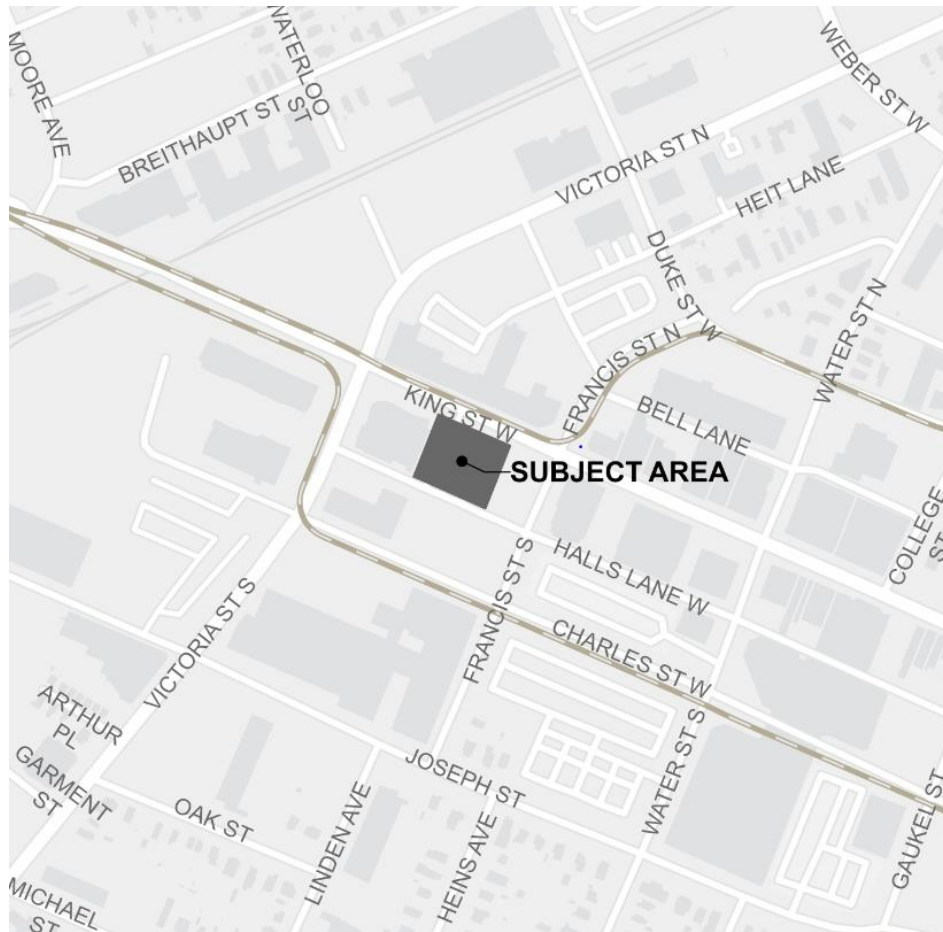
- Commercial and light industrial uses;
- Maximum floor space ratio of 2.0;
- Rear yard setback of 7.5 metres; and
- Maximum front yard setback of 2.0 metres.

Special Regulation Provision 122R exempts parking from existing uses in buildings that existing prior to 1992.

Special Use Provision 142U regulates a maximum gross leasable space of 1,000 square metres.

## Site Context

The subject lands are addressed as 417 King Street West and are situated within the City of Kitchener's Urban Growth Centre (Downtown). The subject lands are located at the southern side of the block bound by King Street West, Francis Green (a City-owned parkette) and Halls Lane. The subject property has a lot area of 0.28 hectares (0.69 acres) with 56 metres of frontage along King Street West and Halls Lane West. 417 King Street West is currently developed with a 1 storey commercial building (former location of Ziggy's Cycle) with a surface parking lot. The subject lands do not contain any residential units and directly abut Francis Green to the southeast and a 19-storey mixed use development located (1 Victoria condominium) to the northwest of the subject lands. The surrounding neighbourhood consists of a variety of uses including mid-rise and high rise mixed-use, commercial uses, and institutional office buildings.



**Figure 1 – Location Map: 417 King Street West**

## REPORT:

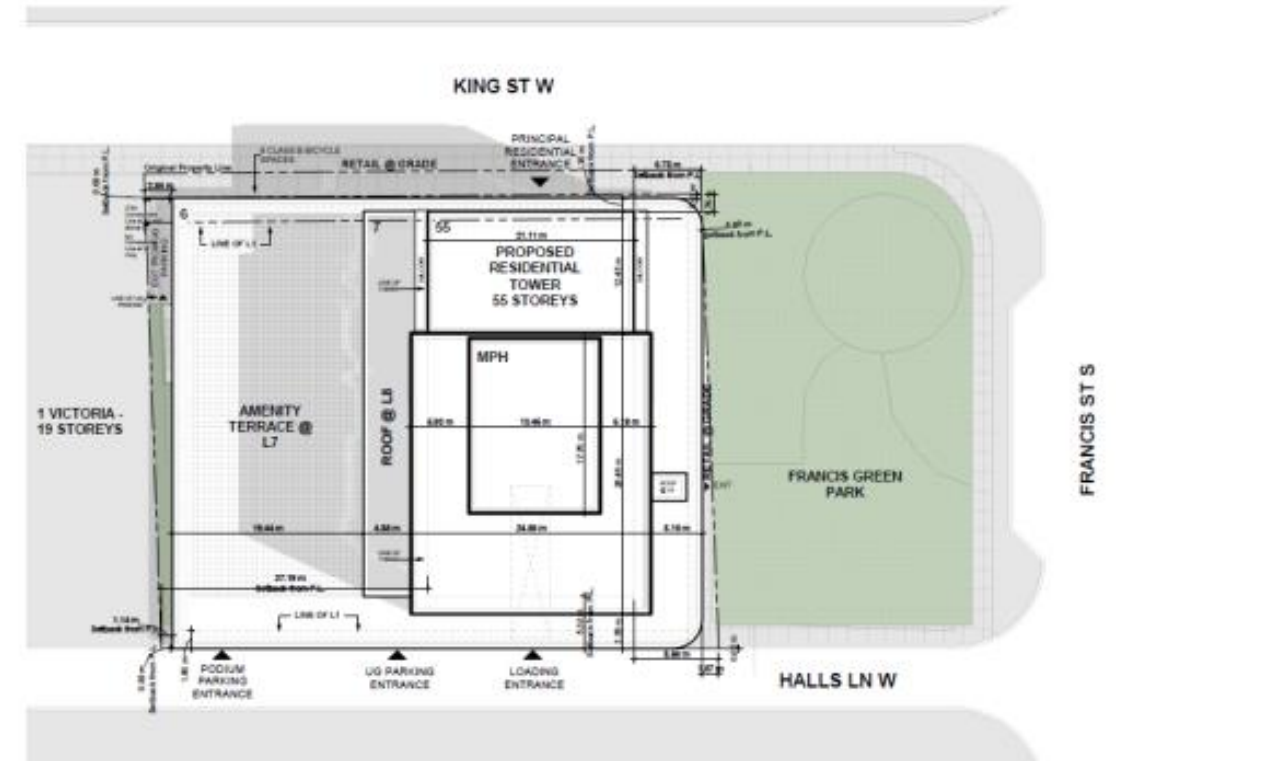
The applicant is proposing to develop the subject lands with a with a 55-storey mixed use development with a proposed Floor Space Ratio (FSR) of 23. The proposed development includes one building with a 49-storey tower on top of a 6-storey podium. The high rise mixed use building proposes a total of 622 residential units with 184 parking spaces located within 1 level of underground parking and 1 level of parking internal to the building. 622 Class A bicycle parking spaces are proposed along with 6 Class B visitor bicycle

spaces. Primary vehicular access is proposed from Hall Lane. One of the ground floor commercial units and the residential lobby is proposed at grade along King Street West and one ground floor commercial unit is proposed facing the Francis Green Parkette.

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
<b>Number of Units</b>	622 residential dwelling units, 2 ground floor commercial units
<b>Parking Spaces</b>	184 parking spaces
<b>Building Height</b>	55 storeys
<b>Class A (indoor secured) Bicycle Parking</b>	1 per unit (622)
<b>Class B (outdoor visitor) Bicycle Parking</b>	6
<b>Electric Vehicle Ready Parking Stalls</b>	36
<b>Floor Space Ratio</b>	23
<b>Unit Types</b>	297 – 1-bedroom units 229 - 1 bedroom plus den units 96 – 2-bedroom units



**Figure 2 – Development Concept Site Plan**

To facilitate the redevelopment of 417 King Street West 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 3.0. The lands are currently designated 'Innovation District' (Map 4, Urban Growth Centre) in the City of Kitchener Official Plan and zoned 'Warehouse District Zone (D-6) with Special Regulation Provision 122R and Special Use Provision 142U' in Zoning By-law 85-1. The current land use designation and zoning have been in place since the early 1990s which do not align with the planned function of the Downtown, to accommodate density appropriate for a central Major Transit Station Areas (MTSAs), and recently approved developments that are newly constructed or under development.

The owner is proposing to add Specific Policy Area 8 to Map 4 and Policy 15.D.2.71 to the text in the Official Plan to allow for an increased Floor Space Ratio (FSR) of 23 and requested to change the zoning from 'Warehouse District Zone (D-6) with Special Regulation Provision 122R and Special Use Provision 142U' to 'Warehouse District Zone (D-6) with Special Regulation Provision 804R and Special Use Provision 486U' in Zoning By-law 85-1, to allow for a FSR of 23; regulate parking and bicycle parking requirements; and to further regulate building setbacks. Holding Provision 109H 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 a revised noise study is completed to the satisfaction of the Region of Waterloo.



**Figure 3 – Proposed Building Rendering: The front elevation along King Street West**

## **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 application will facilitate the intensification of the subject property with a mixed-use multiple dwelling development that is compatible with the planned function of the area and 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 Central Station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved in August 2022. The subject lands are within the Central 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 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 Central Station (MTSA) in the ROP. The minimum density target within the Central 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 Central 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.

Planning staff are of the opinion that the applications conform to the Regional Official Plan.

### Airport Zoning Regulations

The subject lands are located outside of the federally regulated Airport Zoning Regulation (AZR). Prior to construction of any buildings and installation of the stationary crane for construction, the owner is required to submit Land Use Proposal Submission Forms for Land Use and Cranes to NAV CANADA and an Aeronautical Assessment Form to Transport Canada for review of the proposed tower and temporary cranes and to evaluate the impacts to flight paths.

### **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 622 residential units and 730 square metres of non-residential commercial and retail space. Considerable thought for the orientation and placement of the building, podium height, building step backs, and vehicular and pedestrian connections to Francis Green, King Street, and Halls Lane 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. 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 Citywide 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 Central Station Area and within 400 metres of both the Central and Victoria Park ION stops. In accordance with Policy 3.C.2.17 of the OP, the planned function of the MTSA 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 MTSA 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 not only complies with the City's policies for the UGC and MTSA but also contributes to the vision for a sustainable and more environmentally friendly city.

### Land Use

The subject lands are designated 'Innovation District' (Map 4, Urban Growth Centre) in the City of Kitchener Official Plan. The Innovation District is characterized by a mix of high rise and medium residential, mixed use, commercial and office buildings and old large industrial buildings which either have been converted to loft style office, residential and other viable uses or have the potential to do so. This area of the city is expected to evolve and transform into a dense urban contemporary setting with continued growth in the high-tech industry coupled with the research office uses affiliated with the nearby post-secondary institutions. The primary uses permitted in the Innovation District include offices, particularly research and high-tech offices institutional uses and residential uses.

Policies 15.D.2.50 to 15.D.2.52 of the City of Kitchener's Official Plan encourage growth in this area to occur by permitting a full range of complementary commercial uses and encouraging high density residential uses.

The applicant is proposing to add Specific Policy Area 8 to the Urban Growth Centre, (Map 4) to allow a Floor Space Ratio (FSR) of 23 whereas the current Official Plan policies 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 Report 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 direction on a draft approach to growth and change have been drafted by staff and is currently available public for consultation. 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 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 Scorecard was submitted and has been reviewed by City staff. The Urban Design Scorecard outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations. An

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 King Street frontage and side yard abutting Francis Green (city owned parkette) 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. Staff are recommending a Holding Provision apply to the subject land demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes. Through the Site Plan approval process staff will work with the applicant to further enhance the podium design and further active 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 "Compact Slab" as the proposed tower floor plate is less than 850 square metres in area. The tower placement has been oriented towards King Street with a 6 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.

### 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. Shadows for compact slab buildings are longer and narrower, meaning there are further off-site impacts, but the impacts are shorter for all off-site properties.

## 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 is 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 two station stops the Central Station and the Victoria Park 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 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 available in the city. The development is contemplated to include a range of unit types including, one, one plus den 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 4 – Urban Growth Centre in the 2014 Official Plan be changed from 'Innovation District' to 'Innovation District with Specific Policy Area 8'. 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 ‘Warehouse District Zone (D-6)’ in Zoning By-law 85-1. The existing zoning permits a range of commercial and light industrial uses with a maximum permitted Floor Space Ratio (FSR) of 2.0. The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from ‘Warehouse District Zone (D-6)’ to ‘Warehouse District Zone (D-6) with Special Regulation Provision 804R, Special Use Provision 486U and Holding Provision 109H’ 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 804R and Special Use Provision 486U 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 while the proposed special use provision proposes to add multiple dwellings and retail are permitted uses.

Staff offer the following comments with respect to the proposed Special Regulation Provision 804R:

- a) That the maximum Floor Space Ratio shall be 23.

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. The 23 FSR is appropriate in this location and allows for a 55 storey building that meets the tall building guidelines.

- 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 rear yard setback, and side yard setback shall be 0 metres.

The purpose of this regulation is to allow the building's podium to be located right up to the rear and side property lines. The subject lands have frontage on two public right of ways (Halls Lane, and King Street West) which do not have a minimum yard setback when abutting a street. The request to reduce the yard setbacks allows the podium to be built to the property line allows for efficient and effective use of the lands.

d) No maximum gross leasable commercial space for Convenience Retail or retail shall apply.

The purpose of this regulation is to allow for larger ground floor commercial units. Currently two ground floor units 394.44 square metres and 335.23 square metres are proposed however there are options for units to divided up into smaller units.

e) Geothermal Energy Systems shall be prohibited.

The Region of Waterloo has indicated Geothermal Energy Systems shall be prohibited to mitigate the risks associated with contaminants that will remain beneath the site when the property is redeveloped.

Staff offer the following comments with respect to the proposed Special Use Provision 486U:

- a) The following new uses shall be permitted:
- i. multiple dwelling
  - ii. retail

The purpose of this regulation is to allow residential uses and retail uses on the subject land. The current zoning of the property does not align with the subject lands 2014 Official Plan Designation (Innovation District) as the new downtown zoning to implement the 2014 Official Plan has not been completed. The primary uses permitted in the Innovation District include offices, particularly research and high-tech offices institutional uses and residential uses.

Staff offer the following comments with respect to Holding Provision 109H:

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-6' 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 109H

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 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 onsite 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 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 to change the zoning of the subject lands to 'Warehouse District Zone (D-6) with Special Regulation Provision 804R, Special Use Provision 486U and Holding Provision 109H' 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 May 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, April 2023
- Wind Study  
Prepared by: RWDI, April 2023
- Building Elevations and Shadow Study  
Prepared by: Kirkor Architects, April 2023
- Transportation Impact Study  
Prepared by: Paradigm Transportation Solutions, May 2023
- Functional Servicing and Stormwater Management Report  
Prepared by: WalterFedy, March 2023
- Sustainability Statement  
Prepared by: MHBC Planning, May 2023
- Heritage Impact Assessment  
Prepared by: MHBC Planning, March 2023
- Noise Feasibility Study  
Prepared by: HGC Engineering, April 2023
- Arborist Report  
Prepared by: JK Consulting Arborists, March 2023

### **Community Input & Staff Responses**

## **WHAT WE HEARD**



**735 addresses (occupants and property owners) were circulated and notified**



**8 people/households/businesses provided comment**



**A City-led Neighbourhood Meeting was held on July 11, 2023, and 11 users logged on**

Staff received written responses from 8 residents with respect to the proposed development. The comments received are included in Appendix 'E'. A Neighbourhood Meeting was held on July 11, 2023. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Residents support the development and feel it's the appropriate location for a development of this scale.	Staff received numerous emails in support of the proposed development. As noted in the staff report the location is appropriate as the subject lands are located in the heart of the City of Kitchener's Downtown (Urban Growth Centre) which is planned for significant growth and within close proximity to multiple ION station stops and a planned transit hub at King and Victoria Streets.
Three bedroom units should be included in the proposed development.	<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"> <li>▪ We have 99,805 dwelling units in Kitchener 61% are 3+ bedrooms.</li> </ul> <p>We also know household data now as well:</p> <ul style="list-style-type: none"> <li>▪ 58% of households have 1-2 people (26% 1 person, 32% 2 people)</li> <li>▪ 15% of all dwellings are in buildings greater than 5 storeys</li> </ul> <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 implementing a Missing Middle study as part of the Growing Together project which is reviewing how the City can continue to achieve a balance of all housing types of all sizes across the City.</p>
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.

Victoria Park and other nearby city owned parks are at capacity and cannot accommodate additional residents.	In addition to access to multiple parks and urban greens within walking distance, the proposed development includes a 7 <sup>th</sup> floor landscaped 700 square metre (7535 square foot) amenity terrace as well as 900 square metre (9688 square feet) of indoor amenity area. The City's Parkland Dedication Policy will also require Parkland Dedication in the form of cash in lieu at the site plan approval process.
Not enough bicycle parking is being provided.	The design was amended to provide 1 Class A bicycle parking spaces per dwelling unit are required as part of the proposed By-law.
Affordable Units should be provided.	This development is not receiving affordable housing sponsorship. A mix of unit types and unit sizes are proposed. The two (2) bedroom units could offer a more affordable option for future owners/tenants who could share some living costs.
A 55 storey building is too tall.	The Innovation District land use designation does not have a maximum building height. The proposed height and density are justified and appropriate for the subject lands. The subject lands are located in the heart of the City of Kitchener's Urban Growth Centre (Downtown), an area planned for significant intensification, which includes multiple high rises that are similar in height and density which are currently built, under construction or planned. The subject lands are within close proximity to multiple major transit station areas. The location of the proposed development of this height and density is appropriate.
The building should be similar in height to what is built now in the downtown.	<p>The City of Kitchener's Urban Growth Centre consists of numerous high-rises that are built or approved to be built ranging from 10 storeys to 50 storeys. Comparable high-rise buildings in height that are built, under construction or proposed include the following developments:</p> <p>DTK (60 Frederick St) - <u>39 Storeys</u> (built)</p> <p>Charlie West (60 Charles St W) - <u>31 Storeys</u> (built)</p> <p>20 Queen Street - <u>34 Storeys</u> (under review)</p> <p>Station Park (607 King St W), 18 (built), 28 (built), 36 (under construction), 40 and 50 storeys (under review)</p>

	10 Duke Street – <u>45 Storeys (final site plan approval issued)</u> 30 Francis Street – <u>45 Storeys (under construction)</u> 88 Queen Street – <u>45 Storeys (under review)</u> 50 Borden – <u>51 and 57 Storeys (under review)</u>
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## Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit the development of a mixed used development at 417 King Street West. 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 – The recommendation has no impact on the Operating Budget. These applications were received prior to July 1, 2023, and therefore not subject to fee refund provisions in the Planning Act.

## 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 May 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 October 13, 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 May 23, 2023. In response to this circulation, staff received written responses from 10 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:** Tina Malone-Wright – Supervisor of Development Applications  
Garett Stevenson - Manager of Development Review

**APPROVED BY:** Justin Readman - 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