

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: December 4, 2023

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

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: November 14, 2023

REPORT NO.: DSD-2023-514

SUBJECT: Official Plan Amendment Application OPA23/008/B/ES
Zoning By-law Amendment Application ZBA23/012/B/ES
93-99 Benton Street & 39-43 St. George Street

RECOMMENDATION:

That Official Plan Amendment Application OPA/23/008/B/ES for Ideal Capital Limited requesting to add Special Policy Area 9 to Map 11 – Cedar Hill Secondary Plan in the Official Plan and to add Policy 13.3.4.9 to the Cedar Hill Secondary Plan to facilitate a mixed use development having 96 residential units and 53 square metres of commercial space with a Floor Space Ratio (FSR) of 5.1, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-514 as Attachment 'A', and accordingly forwarded to the Regional Municipality of Waterloo for approval, and

That Zoning By-law Amendment Application ZBA23/012/B/ES for Ideal Capital Limited be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2023-514 as Attachment 'B'

- The purpose of this report is to evaluate and provide a planning recommendation regarding Official Plan Amendment and Zoning By-law Amendment Applications for the lands located at 93-99 Benton Street & 39-43 St. George Street. It is Planning staff's recommendation that the Official Plan Amendment and Zoning By-law Amendment Applications be approved.
- Community engagement included:
 - circulation of a preliminary notice to property owners and residents within 240 metres of the subject site;
 - installation of a large billboard notice sign on the property;
 - Neighbourhood Meeting held on August 29, 2023;

- in person meeting with Cedar Hill Neighbourhood Group representatives, the applicant, and ward councillor, facilitated and hosted at City Hall on September 27, 2023;
 - in person meeting with Cedar Hill Neighbourhood Group representatives and other residents on site on November 3, 2023;
 - notice advising of the statutory public meeting was circulated to all property owners and residents within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meeting;
 - notice of the public meeting was published in The Record on November 17, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Planning staff is recommending approval of the requested Official Plan Amendment to add Special Policy Area 9 to Map 11 and Policy 13.3.4.9 to the text in the Cedar Hill Secondary Plan to allow for an increased Floor Space Ratio (FSR) of 5.1. Planning Staff is recommending approval of the requested Zoning By-law Amendment Application to add Special Regulation Provision (807R) and a new Holding Provision 112H to the existing Commercial Residential Two (CR-2) zone in Zoning By-law 85-1 to permit a thirteen (13) storey mixed-use development, having 53 square metres of commercial floor area, with an increased Floor Space Ratio (FSR), reduced yard setbacks, an reduction in the number of required parking spaces, prohibition on geothermal wells, and a Holding Provision to implement a Detailed Transportation and Stationary Noise Study. The applicant has made revisions to the architectural design of the building to respond to staff and community comments. Staff are recommending that the applications be approved.

BACKGROUND:

The City of Kitchener has received applications for Official Plan Amendment and Zoning By-law Amendment from Ideal Capital Limited for a development concept of a 13-storey mixed-use building containing 96 dwelling units and 1 commercial unit containing 53 square metres of commercial floor space.

The lands are designated 'Medium Density Commercial Residential' in the Cedar Hill Secondary Plan in the City's Official Plan.

Site Context

The subject lands are addressed as 93-99 Benton Street, and 39-43 St. George Street, consisting of two former lots consolidated into one parcel. The parcel is an irregular shaped lot with frontage onto 2 streets: Benton Street (Regional Road 6) and St. George Street. The subject lands have a lot area of 0.13 hectares with a frontage of approximately 35 metres on Benton Street and 30 metres on St. George Street. The subject lands are currently developed with a townhouse building facing Benton Street (7 units), and an apartment building facing St. George Street (6 units), for a total of 13 dwelling units. The surrounding neighbourhood includes a mix of low, medium, and high-rise residential buildings, including 64 Benton Street, The Bow Building and Arrow Lofts on Benton Street, and Wellington Place on Church Street.

The 13 existing dwelling units on site are currently occupied with tenants, some of which have contacted the City and the Owner as part of the engagement following the circulation of this application. Subjects discussed focused on timing of construction, what is being done to accommodate impacted residents, and if the Owner is offering any supports to aid in transition to different housing. The Owner has responded that they would follow the requirements of the Residential Tenancies Act (2006). Staff have facilitated meetings and discussion between the tenant groups, area resident groups and the applicant in order to further this discussion and request a plan for the existing tenants be put in place. The City of Kitchener does not regulate the provincial legislation in the Residential Tenancies Act; it is the Landlord Tenant Board that acts as the provincial tribunal for matters related to tenancies.

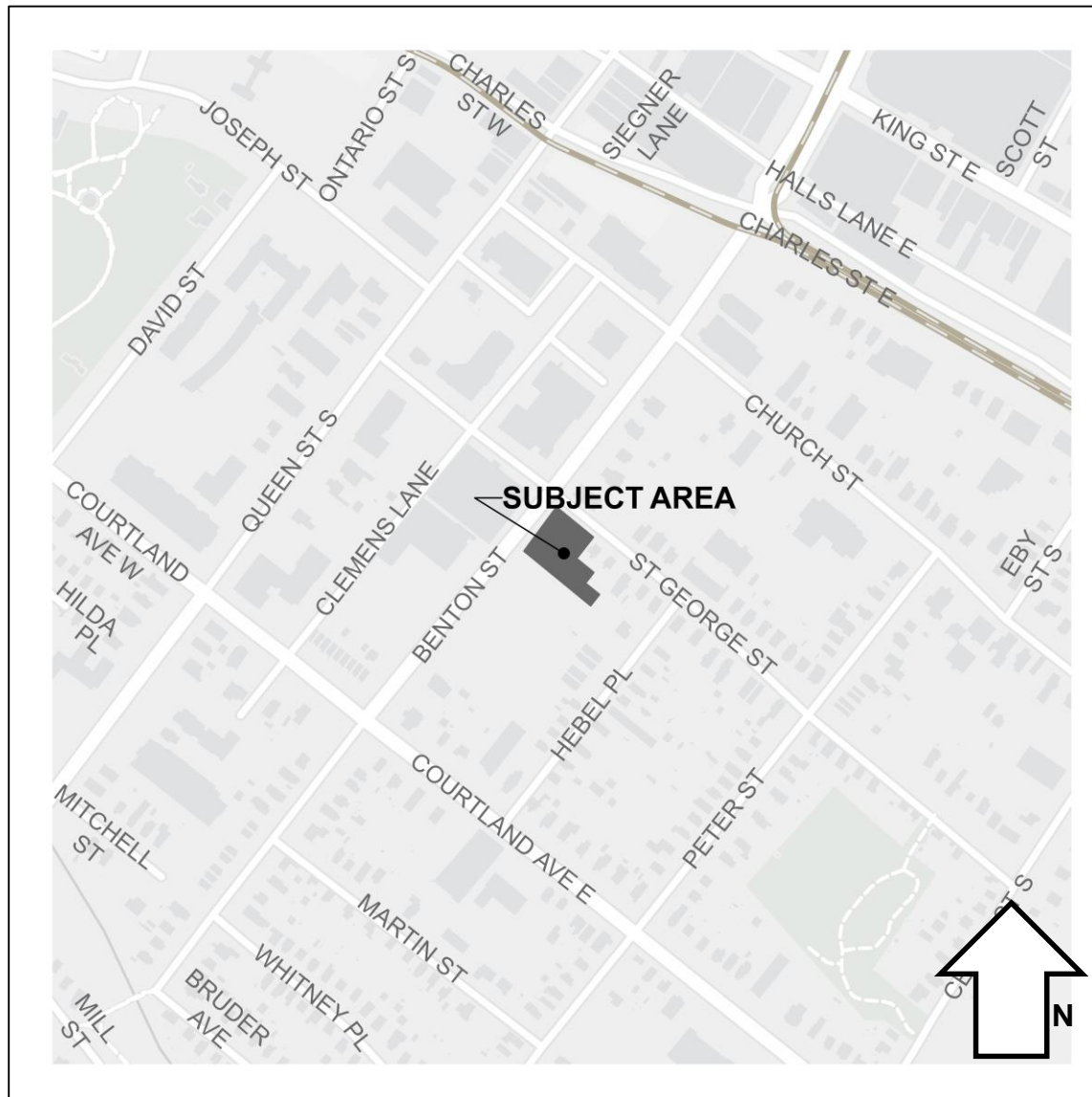


Figure 1 - Location Map: 93-99 Benton Street & 39-43 St. George Street

REPORT:

The applicant is proposing to redevelop the subject lands with a 13-storey mixed use building containing 96 dwelling units, 53 square metres of commercial space on the ground floor, surface parking partially under the building on the ground floor, and two

levels of underground parking. The proposed building is classified as a “Compact Slab Tower” in the City’s Tall Building Guidelines. Vehicular access is proposed on Benton Street for the entrance to the underground garage for residents, and on St. George Street for surface parking for visitors and for loading/drop off areas. Fourteen (14) surface parking spaces are proposed partially under the building cantilever and 29 parking spaces within the two underground levels, for a total of 43 vehicular parking spaces. Bicycle parking is proposed to be provided in secure bicycle storage rooms in the underground parking garage (92 spaces) and outdoor bicycle rack for short term and visitor use (6 spaces) for a total of 98 bicycle parking spaces.



**Figure 2 – View of Subject Lands
(7-unit Townhouse Building facing Benton Street)**



**Figure 3 – View of Subject Lands
(Rear of site at St. George Street)**



**Figure 4 – View of Subject Lands
(6-unit Apartment Building facing St. George Street)**

The proposed development includes 73 one-bedroom and 23 two-bedroom units. Two indoor amenity areas are proposed on the ground floor and 13th floor. A rooftop amenity area is proposed on the 13th floor. An at grade outdoor amenity area is proposed at the rear of the site. Private balconies are proposed for each unit.

Revisions in response to comments during application process:

The applicant has responded to staff and neighbourhood comments regarding the architectural design of the proposed building, by adding a 1.5M building stepback, a distinction between base and tower, updated materials and colours to better respond to the existing Cedar Hill/St. George Street neighbourhood, and better pedestrian scaled base at street level. Changes to design resulted in other revisions, highlighted below:

- Units reduced from 99 to 96
- Floor Space Ratio (FSR) increased from 5.0 to 5.1 to incorporate building stepback.
- Height increased from 12-storeys to 13-storeys. The 13th floor is half of the floorplate size of the rest of the tower and includes additional indoor and outdoor amenity space:
 - 49.3 square metres of additional indoor amenity space on the 13th floor (total of 91.5 square metres within building)
 - 225 square metres of additional outdoor amenity area on a rooftop terrace on the 13th floor
- Vehicular parking reduced from 52 spaces to 43 spaces
- Bicycle parking increased from 94 to 98 spaces



Figure 5 –
First Submission Rendering of Proposed Building (left)
Updated Rendering based on Staff and Resident Comments (right)
[Perspective view of intersection of Benton Street and St. George Street]

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.

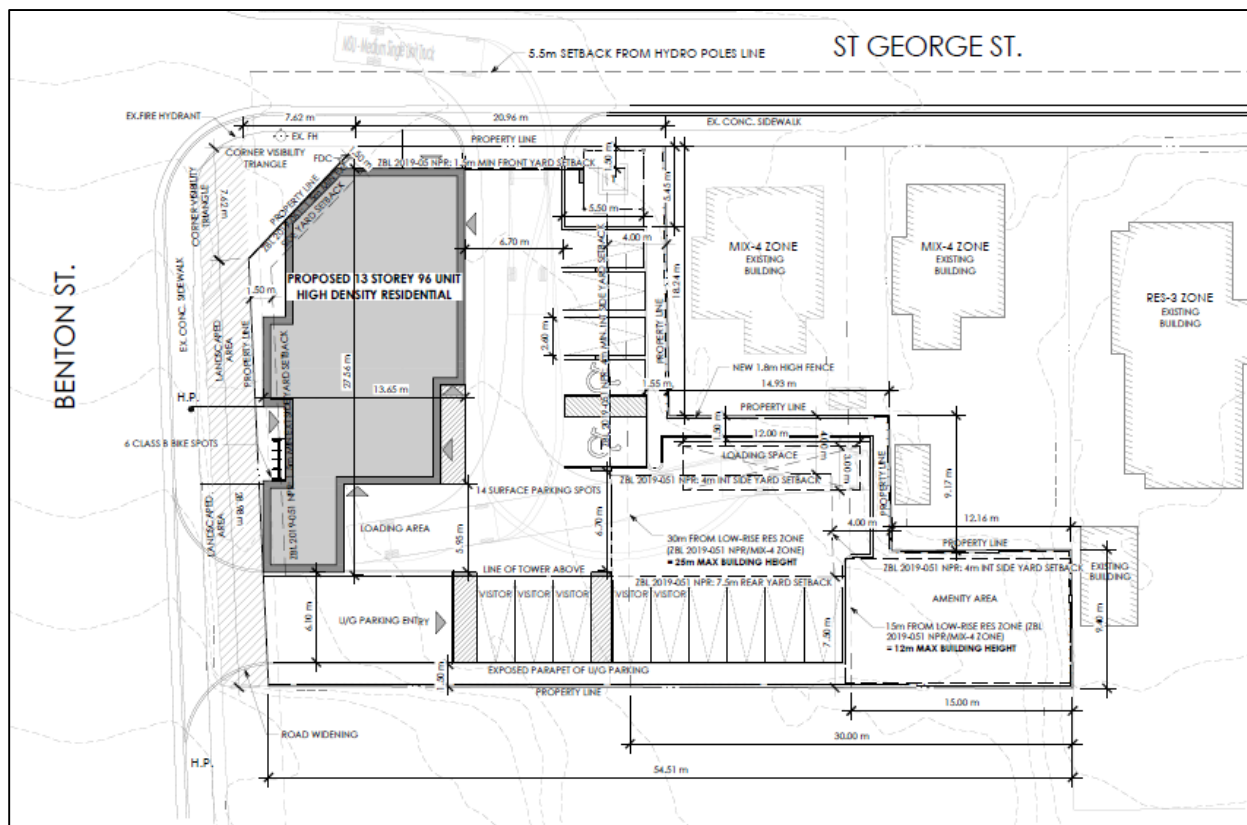


Figure 6: Concept Plan

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 ION rapid transit, bus, 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 includes one and two-bedroom units.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a high-density mixed-use 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 Major Transit Station Areas (MTSAs) on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSAs 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 (MTSAs) 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 conceptual boundary for the Queen Street station. The Minister approved Regional Official Plan Amendment Number 6 (ROPA 6) in August 2022 which included mapping which defines the boundaries of all MTSAs in the Region. These lands are within the Queen Street MTSA. The proposed development represents 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 Queen Street 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 Queen Street 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 (Attachment '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.

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 (MTSA). The planned function of the MTSA is to ensure that sites will be planned and redeveloped at 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's give consideration to the Transit-Oriented Development (TOD) policies contained in Section 13.C.3.12 of the Official Plan. 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 rapid transit (300 metres to Queen ION station) 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 'Medium Density Commercial Residential' in the Cedar Hill Secondary Plan (Map 11) in the City of Kitchener Official Plan. The Medium Density Commercial Residential designation permits a variety of commercial and residential uses up to a maximum FSR (Floor Space Ratio) of 2.0.

The applicant is proposing to add a Special Policy Area to the Cedar Hill Secondary Plan to permit an increase in the FSR to 5.1.

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 ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met.

A Holding Provision to ensure an Environmental Noise Study is implemented is being proposed.

Neighbourhood Planning Review (NPR) / Growing Together

The subject lands are within the Cedar Hill Neighbourhood Planning Review (NPR) area. A statutory public meeting was held on December 9, 2019 regarding draft amendments to the Cedar Hill Secondary plan. The NPR project within the Major Transit Station Areas (MTSA) has been incorporated into the City's Growing Together Planning framework expected to be presented to Council in early 2024.

Draft land use designations and zoning regulations have been prepared in November 2023 as part of the Growing Together project. These lands are proposed to be designated Strategic Growth Area B and zoned Strategic Growth Area 2. This proposed application exceeds the maximum height of 8 storeys in the draft regulations. The proposed application would not meet some of the proposed regulations such as yard setbacks, but would meet the lot area and size requirements, as well as the transition to low rise residential zone regulations.

Urban Design Policies:

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development satisfies these policies including: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief is acceptable and outlines the vision and principles guiding the site design and informs the proposed zoning regulations.

Streetscape – The proposed tower portion of the building has been oriented to the corner of Benton Street and St. George Street to address the streetscape and provide a prominent treatment of the corner of the site. Ground floor glazing of the commercial unit and lobby area provides visual interest and activation at the pedestrian scale.

Safety – As with all developments that go through site plan approval, staff will ensure Crime Prevention through Environmental Design (CPTED) principles are achieved and that the site meets emergency services policies. Lighting of outdoor spaces and underground parking areas is required to meet standards for safety and security.

Universal Design – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code. Barrier free parking will be provided at the ground floor with access to elevator for floors above.

Site Design, Building Design, Massing and Scale – The proposed building is designed to be developed at a scale that is compatible with the existing and planned surroundings. Through feedback from the neighbourhood, the building design was changed to provide building material, color, and articulation that takes cues from the existing Cedar Hill neighbourhood. The stepback on the 7th floor and half-storey on the 13th floor respond to

the neighbourhood by reducing the massing and impact of the tall building on the surrounding lands.

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 requirements outlined in the City of Kitchener Urban Design Manual. A final shadow study will be required at the site plan application stage to ensure compliance with the City's Urban Design manual.

Tower Design

The proposed 13-storey tower is classified as a "Compact Slab" as the proposed tower floor plate is 617 square metres in area. The tower placement has been oriented towards the corner of Benton Street and St. George with a 7-storey podium articulation and building step backs at the 7th floor. The tower massing is broken up vertically by the variation and the articulation of building materials and balconies. Additionally, step backs and the half size floorplate on the 13th floor provide the building design with further articulation and reduced impacts of the height.

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. The proposed development is expected to increase winds locally on Benton Street, and localized speed increases are most noticeable near the building corners. Mitigation measures and wind control features will be required through the site plan application through the final building design.

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. The North and West property lines face the street, so staff evaluated the South and East sides for separation to abutting private lands. City staff has confirmed that the proposed tower exceeds the offsite separation requirement on the South side and meets 80% compliance on the East side. The proposed development is acceptable for offsite separation distance requirements of the Design for Tall Building Guidelines.

For the draft separation policies contained in the proposed Growing Together zoning by-law, the proposed application meets the maximum floor plate and maximum building length, but does not meet the yard setback of 6 metres for Storey 7 and above.

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 Queen Street ION station 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 residential development at a transit supportive density. 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.

Through 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, the applicant is proposing to provide secure, indoor bicycle storage to encourage active transportation.

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.

Policy 4.C.1.12 states that the City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods. The proposed development increases the range and supply of dwelling

units available in the city and is proposed in a primary intensification area. The development is contemplated to include one- and two-bedroom units in a high rise setting. This will provide additional housing choices and options in the Cedar Hill neighbourhood.

Official Plan Conclusions

The Official Plan Amendment application requests to add 'Special Policy Area 9' to the Cedar Hill Secondary Plan. 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 Attachment "A".

Proposed Zoning By-law Amendment:

The subject lands are currently zoned Commercial Residential Two Zone (CR-2) in Zoning By-law 85-1. This zone permits multiple dwellings, as well as a range of commercial uses. There is no maximum building height, but the maximum Floor Space Ratio (FSR) is 2.0

The applicant has requested an amendment to add a Special Regulation Provision to the CR-2 Zone on the subject lands. The special regulation provision would facilitate the proposed development concept through special regulations for FSR, yard setbacks, parking, bike parking, building height, prohibiting geothermal wells,

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.

Staff offer the following comments with respect to proposed Special Regulation Provision 807R

- a) That the maximum Floor Space Ratio (FSR) shall be 5.1.

The purpose of this regulation is to regulate the Floor Space Ratio (FSR) and ensure development does not exceed the density evaluated in the concept plans. The increase in Floor Space Ratio from 2.0 to 5.1 represents a change from medium density to high density development. The location of the subject lands within a Major Transit Station Area and located along Benton Street (a Regional Road) and across from existing buildings with a similar scale and typology makes the lands a good candidate for increased density for redevelopment. The lands have adequate separation from designated low-rise residential lands, with the tower portion of the building set back 30 metres from the closest lot line of low-rise residential zoned land. This represents a doubling of the 15M transition distance required in Zoning By-law 2019-051. The applicant has provided a development concept that demonstrates adequate separation, transition, scale and orientation to justify a requested increase in Floor Space Ratio to 5.1. Further, the applicant has provided a concept plan demonstrating functional access, loading, parking, on site circulation, and

robust amenity to demonstrate that a building of this typology with the proposed density and Floor Space Ratio of 5.1 can function appropriately on the lands.

b) That maximum building height shall be 45 metres and 13 storeys.

The purpose of this regulation is to regulate the maximum building height for the proposed development. The current CR-2 zone does not contain a maximum building height, as height is regulated through the maximum FSR of 2.0. The proposed height is based upon similar scaled high-density developments within the existing neighbourhood, such as Wellington Place (20 storeys), Arrow Lofts (8 storeys) The Bow (15 storeys), 64 Benton Street (15 storeys). The proposed building height is generally in accordance with the City's Tall Building Guidelines and has been reviewed and deemed appropriate by Urban Design staff.

c) That parking for dwelling units be provided at a rate of 0.4 parking spaces per dwelling unit.

The purpose of this regulation is to provide for a parking rate which is appropriate for the development. The proposed ratio results in a parking rate of 0.4 parking spaces per dwelling unit (inclusive of visitor spaces). The subject lands have excellent 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 of 0.4 spaces per dwelling unit (inclusive of visitor parking) is appropriate for the subject lands.

d) That visitor parking be provided at a rate of 12% of parking required for dwelling units.

The purpose of this regulation is to provide an adequate amount of visitor parking spaces on site to accommodate the visitor parking needs of the proposed development. Transportation Services staff have worked with the applicant to determine an appropriate rate of visitor parking for the proposed development, which results in a total of 5 visitor parking spaces. It is acknowledged that the subject lands are within a Major Transit Station Area and the development concept is a transit-oriented development, which can justify a reduced parking and visitor parking demand as transit and active transportation options are available for the subject lands.

e) The minimum parking rate for non-residential uses (ground floor commercial unit) shall be one space per 60 metres.

The purpose of this regulation is to provide an adequate parking supply for the proposed ground floor commercial unit. The proposed commercial unit size of 53 square metres will result in a smaller scale commercial use like a small café or retail space and will likely mostly serve residents of the proposed building and the immediate surrounding neighbourhood, rather than a commercial business that operates as a 'destination' that would warrant significant vehicle parking. Therefore, the one parking space allotted for the small ground floor commercial space is adequate to provide vehicle storage and/or loading for the proposed unit in the opinion of Planning and Transportation Services staff.

f) The minimum front yard setback (St. George Street) shall be 1.5 metres.

The purpose of this regulation is to establish a front yard setback for the proposed building facing St. George Street. The location of the tower portion of the building has been situated as far to the corner of Benton Street and St. George Street as possible. This is to address the street with a prominent and active use, and to ensure adequate separation to the low-rise residential lands to the East.

g) The minimum side yard abutting a street (Benton Street) shall be 0 metres.

The purpose of this regulation is to establish a side yard setback abutting Benton Street. It is important to note that the Region of Waterloo is taking a 3 metre road widening on Benton Street as part of a future site plan application. Therefore, the building is proposed to be setback 3 metres from the current property line. Another notable point is that the property line along Benton is angled, meaning that only one corner of the building near the parking garage entrance is located 0 metres from the new property line, and as the building gets closer to St. George Street it gets further from the new property line. Planning staff will work with Regional Transportation staff to ensure landscaping can be provided between the sidewalk and the building. The building has been situated as close to Benton Street as possible in order to address the street and to provide an adequate buffer from the low-rise residential lands to the East.

h) The minimum rear yard setback shall be 7.5 metres for a portion of a building above 6 metres in building in height and 1.5 metres for a portion of a building below 6 metres in building height.

The purpose of this regulation is to establish a minimum rear yard setback. The rear yard of the subject lands abuts a lot facing Benton Street that has been vacant for several years. In order to protect the development potential of those lands, a setback from the tower portion of the building of 7.5 metres is proposed to provide adequate separation of buildings should the adjacent lands be developed in the future. The one-storey parking garage is proposed between the tower portion of the building and the rear lot line, resulting in a 1.5 metre setback that can be used for landscaping.

i) The minimum street line stepback for tall buildings shall be 1.5 metres.

The purpose of this regulation is to require the building to step back beyond the podium articulation to provide visual interest and high-quality urban design. The stepback will ensure that taller portions of the building are located further from the street lines, minimizing the massing, shadow, and wind impacts that would exist without the stepback.

j) Geothermal energy systems shall be prohibited.

The purpose of this regulation is to protect sensitive groundwater areas. The Region of Waterloo requires a prohibition on geothermal energy on the subject lands.

Staff offer the following comments with respect to Holding Provision 112H.

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 special regulation provision 807R. 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 112H

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

No residential use shall be permitted until such time as a Road Traffic and Stationary Noise Study is submitted and approved and implementation measures addressed to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.

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.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to Commercial Residential Two Zone (CR-2) with Special Regulation Provision 807R and Holding Provision 112H represents good planning as it will facilitate the redevelopment of the lands with a mixed-use development that is compatible with the existing neighbourhood, which will add visual interest at the street level, provide enhanced landscaping that will contribute to the streetscape, and which 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 Attachment "B".

Department and Agency Comments:

Circulation of the Official Plan Amendment and Zoning By-law Amendment Applications was undertaken 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 Attachment '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

Prepared by: MHBC Planning, May 2023

Architectural Package

Prepared by: ABA Architects, March 10, 2023

Environmental Noise Assessment

Prepared by: SLR Consulting, September 15, 2023

Geotechnical Report:

Prepared by: MTE Consultants Inc, February 7, 2023

Functional Servicing and Stormwater Management Report

Prepared by: MTE Consultants Inc, March 6, 2023

Functional Site Grading and Servicing Plan

Prepared by: MTE Consultants Inc, February 9, 2023

Existing Conditions Plan

Prepared by: MTE Consultants Inc, November 11, 2022

Pedestrian Wind Assessment

Prepared by: The Boundary Layer Wind Tunnel Laboratory, April 17, 2023

Sustainability Statement

Prepared by: MHBC Planning, May 1, 2023

Parking Study

Prepared by: Paradigm Transportation Solutions Limited, February 2023

General Vegetation Overview

Prepared by: JK Consulting Arborists, June 29, 2023

Community Input & Staff Responses

Staff received written responses from 16 residents with respect to the proposed development, including residents representing the Cedar Hill Neighbourhood Group. These are included in Attachment 'D'. A virtual Neighbourhood Meeting was held on August 29, 2023. Following the virtual meeting, Staff facilitated a meeting between members of the community and the applicant, taking place at City Hall on September 7, 2023. Ward 9 Councillor Debbie Chapman was present at the meeting as well. The applicant presented the updated design concept with architectural plans, and high-level discussions about other topics such as building height, type of units, privacy, existing tenants on site, etc. An on-site meeting was held with residents of the Cedar Hill Neighbourhood Group on November 3, 2023. Discussion was mostly focused on the issue of displacement of current tenants, with other discussions regarding one-way traffic on St. George Street and the building setback to Benton Street.

Resident groups both from the Cedar Hill Neighbourhood Group as well as a group representing the existing tenants of the subject lands have sent letters and corresponded directly with the owners of the lands, representatives for Ideal Capital Limited.

Displacement of Current Tenants

The issue of displacement of the current tenants is a significant point of emphasis for the surrounding neighbourhood and especially for the tenants themselves. The circulation and public notice of this application is how most tenants found out about the owners' plans for redevelopment. It has been noted by current tenants that the current rental prices are significantly lower than the average market rental prices in the Region and that if they were to be displaced that many would struggle or be unable to afford rent at average monthly market rental prices in the area.

City Staff has encouraged the applicant/owner to prepare a plan for transition of existing tenants to housing elsewhere given their intent to demolish the existing buildings on site. Staff has been included on discussions between the applicant and tenant/resident groups in the form of in person meetings, letters, and emails. The discussion is ongoing and staff will continue to assist in a facilitator role. Staff continue to advocate for the provision of a transition package that goes above and beyond the minimum requirements of the Residential Tenancies Act in order to proceed with development in a responsible and community-focused manner.

WHAT WE HEARD



16 people provided comments



A City-led Neighbourhood Meetings held on August 29 and 46 different users logged on



992 households (occupants and property owners) were circulated and notified

Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment Applications to permit 93-99 Benton Street and 39-43 St. George Street to be developed with a mixed-use building. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

STRATEGIC PLAN ALIGNMENT:

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. Two large notice signs were posted on the property and information regarding the application was posted to the City's website in July 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, those responding to the preliminary circulation and who attended the Neighbourhood Meeting. Notice of the Statutory Public Meeting was also posted in The Record on November 17, 2023 (a copy of the Notice may be found in Attachment '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 July 12, 2023. In response to this circulation, staff received written responses from 16 members of the public.

COLLABORATE– Staff facilitated a meeting between members of the community and the applicant, taking place at City Hall on September 7, 2023. A second meeting on-site was held with residents of the Cedar Hill Neighbourhood Group on November 3, 2023 to discuss the application further.

PREVIOUS REPORTS/AUTHORITIES:

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

REVIEWED BY: Stevenson, Garrett – Manager of Development Review, Planning Division

APPROVED BY: Chapman, Dan – Chief Administrative Officer

ATTACHMENTS:

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