

# Honouring the Affordable Housing Agreement at 200 Victoria

Site-Specific Inclusionary Zoning Request

March 18, 2024



# Approval History

1. Staff-supported OPA, ZBA at PSIC on June 5, 2023:
  - Increase FSR to 7.7
  - Decrease Parking Rate to 0.8 spaces/unit
  - Site-specific yard setbacks
  - Holding provision (RSC, TIS, UDB)
2. PSIC requested staff, applicant negotiate on affordable housing.
3. Council-approved OPA, ZBA on June 26, 2023:
  - **Affordable Housing Agreement**
  - Increase FSR to **8.5**
  - Decrease Parking Rate to **0.6 spaces/unit**
  - Site-specific yard setbacks
  - Holding provision (RSC, TIS, UDB)



# Council-Approved Affordable Housing Agreement

Provision of 30 affordable housing units at 80% of market rate for a period of 25 years

Increase from 7.7 FSR to 8.5 FSR

Decrease to 0.6 parking spaces per unit



# Impact of Proposed Inclusionary Zoning

Introduces new Affordable Housing requirements, offset by additional density and elimination of parking minimums

**Unilaterally overrides existing Council-approved, Staff-negotiated agreements on affordable housing, density, and parking at 200 Victoria**

Unnecessarily puts the development of critically needed housing stock, including affordable housing units and 2- and 3-bedroom units, **at risk**



# Site-Specific Inclusionary Zoning Request

- Honours the existing Council-approved, Staff-negotiated agreement of 30 affordable housing units at 80% of market rate for a period of 25 years
- Provides site-specific inclusionary zoning regulations within the framework of the staff proposed Inclusionary Zoning regime and secured through registered legal agreement(s)
- Includes a definition of “market rate” consistent with the intent of the original agreement

BY-LAW NUMBER XXX  
OF THE  
CORPORATION OF THE CITY OF KITCHENER  
(Being a by-law to amend By-law 85-1, as amended, known as the  
Zoning By-law for the City of Kitchener –  
1928393 Ontario Inc., 2564292 Ontario Inc., Rome Sales  
Inc. and 2592546 Ontario Inc. – 97 and 101 Park Street,  
186, 190, 192 and 194 Victoria Street South)

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;

NOW THEREFORE the Council of the Corporation of the City of Kitchener enacts as follows:

1. Schedule Number 73 of Appendix "A" to By-law Number 85-1 is hereby amended by changing the zoning applicable to the parcel of land specified and illustrated on Map No. 1, in the City of Kitchener, attached hereto, from High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 792R and Holding Provision 104H to High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 792R, Special Regulation Provision XXX and Holding Provision 104H.
2. Appendix "D" to By-law 85-1 is hereby amended by adding Section XXX as follows:

"XXX. Notwithstanding Section 5.3.4 of this By-law within the lands zoned MU-3 and shown as being affected by this subsection on Schedule Number 73 of Appendix 'A' the following special regulations shall apply:

  - a) For the purposes of this Section  
"Affordable Unit" means a dwelling unit where the maximum rent is in accordance with subsection XXX c) of this By-law.  
  
"Market Rate" means the average asking rent for available apartment and condominium units, as published from time to time by a reputable market research provider who shall be determined in accordance with one or more legal agreements with the City and owner of affordable units and registered on title.
  - b) Subsection 5.3.4 d) through 5.3.4 g) shall not apply.
  - c) 30 affordable units shall be provided. Table 5-1 shall not apply.
  - d) The maximum rent that can be charged for affordable units shall be 80% of Market Rent.
  - e) Affordable Units shall not exceed the maximum rent set out in subsection XXX c) for a minimum of 25 years after the date the unit is first occupied.
  - f) Inclusionary Zoning requirements in subsection XXX and related matters outlined in the City's Official Plan and Planning Act shall be secured by one or more legal agreements with the City and owner to the satisfaction of the City Solicitor and registered on title of the lands."
3. This By-law shall become effective only if Official Plan Amendment No. xx (Inclusionary Zoning) and Official Plan Amendment No. 128 (97 and 101 Park Street, 186, 190, 192 and 194 Victoria Street South) come into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended XXX.

PASSED at the Council Chambers in the City of Kitchener this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

# Recommendation

That Council approved the enclosed site-specific amendment to the proposed Inclusionary Zoning regulations for the lands identified as:

97-101 Park Street and 186-194 Victoria Street South, Kitchener.

