

AMENDMENT NO. _____ TO THE OFFICIAL PLAN

OF THE CITY OF KITCHENER

135, 139, 147, 153 and 161 Jackson Avenue and 136 Brentwood Avenue

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AMENDMENT NO. TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER

SECTION 1 – TITLE AND COMPONENTS

This amendment shall be referred to as Amendment No. XX to the Official Plan of the City of Kitchener 2014 Official Plan. This amendment is comprised of Sections 1 to 4 inclusive and Schedule 'A'.

SECTION 2 – PURPOSE OF THE AMENDMENT

The purpose of this amendment is to add a Specific Policy Area to the text of the 2014 Official Plan to increase the maximum Floor Space Ratio and maximum building height permitted on the subject lands and to also amend Map 5: Specific Policy Areas.

SECTION 3 – BASIS OF THE AMENDMENT

The subject lands are located at 135, 139, 147, 153 and 161 Jackson Avenue and 136 Brentwood Avenue. The subject lands are located within the Urban Area and Built-Up Area. The Urban Area is intended to accommodate most of the City's Growth. The Built-Up Area is intended to contribute to the Region's 2022-2051 minimum intensification target and minimum total unit development count of 60% and 31,660 units, respectively, for the City of Kitchener.

The subject lands are further identified as being within the 'Community Areas' of the City's Urban Structure. The planned function of Community Areas is to provide for residential uses as well as non-residential supporting uses intended to serve the immediate residential areas. Limited intensification may be permitted within Community Areas in accordance with the applicable land use designation on Map 3 and the Urban Design Policies in Section 11. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.

The subject lands are designated 'Low Rise Residential' in the City's Official Plan (Map 3). Low Rise Residential areas are intended to accommodate a full range of low-density housing types including single detached, semi-detached, townhouse, and low-rise multiple dwellings (i.e., stacked townhouses). The Low-Rise Residential designation states that the City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form. No buildings shall exceed 3 storeys or 11 metres in height. However, policy 15.D.3.12 supports an increase in building height due to unusual slopes providing it is compatible with surrounding lands.

The Low-Rise Residential designation permits a maximum Floor Space Ratio (FSR) of 0.6 with permissions up to a maximum FSR of 0.75, without an Official Plan Amendment, where it can be demonstrated that the increase in FSR is compatible and meets the general intent of the Official Plan policies.

The subject lands are proposed 118 multiple dwelling units with a Floor Space Ratio approximately 0.99, and a height of approximately 12.5 metres at the highest grade elevation. The proposed development will introduce a total of 118 additional residential units, which will contribute towards the growth targets for the Built-Up Area of the City of Kitchener, provide for appropriate intensification, and support transit and active transportation uses in an area well serviced by existing and planned transit. In turn, in order to implement this development an Official Plan Amendment is necessary.

An Official Plan Amendment is required to add a Specific Policy Area to permit a maximum Floor Space Ratio (FSR) of 1.0 and a maximum height of 12.5 metres.

To assess this request, Policy 15.D.3.3 of the Official Plan requires that re-development and/or intensification take into consideration the following:

- a) compatibility of building form with respect to massing, scale, design;
- b) the relationship of housing to adjacent buildings, streets and exterior areas;
- c) adequate and appropriate parking areas are provided on site; and,
- d) adequate and appropriate amenity areas and landscaped areas are provided on site.

Provincial, Regional and City policy support the integration of ‘missing middle’ forms of housing (i.e.. low rise multiples) in established residential areas. In that regard, Kitchener has been a leader by having policies in its Official Plan that encourage integrating various forms of low rise housing within neighbourhood. These policies have been in place since the 1990’s and existing properties pre-zoned in anticipation of future re-development. The subject properties, these lands, are currently zoned ‘RES-5’ which already permits multiple dwellings up to 3 storeys and 11 metres in height. A multiple dwelling is therefore a compatible building form already supported by policy and zoned accordingly. The proposal is for multiple dwellings with a building height of 12.5 metres. Additional height is being requested to raise the basement level above grade so that natural light can penetrate basement units. By raising the height and due to an existing slope, additional above ground building floor area is exposed thus resulting in having to increase the Floor Space Ratio to 1.0 beyond the 0.6 policy threshold. This allows staff the opportunity to assess the proposal for scale, massing and design. To that end, an increased side yard setback along with a step back of the top floor have been proposed. These measures are captured in the Urban Design Brief and implemented by zoning through Site Specific Regulation Provision .

The re-design incorporates two key design elements that improve the scale and design and reduces the impact of height and massing. These are increased side yard setbacks and building step backs. For these reasons, the proposal satisfies the “compatibility” test.

Because this is infill within an established neighbourhood, the relationship of the proposal to existing buildings is important, particularly to existing one to one and half storey detached dwellings situated along Brentwood Avenue. These properties directly interface with the development and are exposed to four storeys due to the slope of land. The owner has proposed a 6.9 metre side yard setback. Staff has assessed this request and has suggested that, given the height and massing proposed adjacent to affected Brentwood properties, the setback should be increased and a step back incorporated as part of the building design. Increasing the setback and incorporating a step back of the 4th floor will result in: 1. Improved building separation to better achieve a 45 degree angular plane which is an accepted design ‘best practice’; 2. Mitigating overlook into back yards and reducing building massing; and 3. Enhanced tree-savings as buildings are further away from root zones of existing trees situated along that edge thereby increasing their survivability. It should be recognized that the as-of-right zoning requires only a 3 metre side yard setback for a building height of 11 metres. Therefore, a 7.5 metre setback is a considerable improvement over the as-of-right condition. Staff is of the opinion a positive building relationship has been achieved with the latest re-design.

The owner is proposing 121 spaces for 118 units in addition to providing 130 Class ‘A’ and ‘B’ bicycle spaces. The area is served by several bus routes. Surface parking is situated internal to the site and away from existing surrounding properties to minimize impact. A minor reduction in parking is proposed but given location and TDM measures, a reduction can be supported. Two vehicular access points are proposed to split the traffic entering/exiting the site and to also allow access for emergency vehicles in event one of the accesses is blocked. For these reasons, staff is of the opinion the “adequate and appropriate” parking test is satisfied.

The subject lands are located within a 5-10 minute walk from the Weber Street East and King Street East Existing Transit Corridors, and are surrounding by a variety of residential uses, including single-unit and multiple-unit dwellings, that range from 1-storey to 3-storeys in height. The proposed development includes a medium intensity residential development at a low-density and with a low parking rate to support transit usage and active transportation modes. The site will include a variety of transportation demand management measures in order to encourage the use of alternative modes of transportation including public transit.

The maximum Floor Space Ratio, building height, rear-yard setbacks for the building, as well as on-site parking will be regulated in the site-specific amending zoning by-law to ensure urban design elements are implemented and on-site constraints are addressed.

As such, Planning staff is of the opinion that the requested Official Plan Amendment proposing an increase in height and FSR will facilitate a housing form that conforms with the Low-Rise Residential land use designation in the City's Official Plan for reasons stated above.

The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan and complies with the Regional Official Plan, as it promotes walkability, is transit-supportive, provides missing middle housing, maximizes the use of existing and new infrastructure, and assists in development of this area as a compact and complete community. The proposed development is compatible and implements the redevelopment vision for the Low-Rise Residential designation and Built-Up Area as prescribed in the Official Plan and is, therefore, good planning.

SECTION 4 – THE AMENDMENT

1. The 2014 City of Kitchener Official Plan is hereby amended as follows:

- a) Section 15.D.12 Area Specific/Site Specific Policy Area is amended by adding new 15.D.12.73 thereto as follows:

“15.D.12.73. 135, 139, 147, 153 and 161 Jackson Avenue and 136 Brentwood Avenue

Notwithstanding the Low Rise Residential land use designation and policies, on lands municipally known as 135, 139, 147, 153 and 161 Jackson Avenue and 136 Brentwood Avenue:

- a) The maximum permitted *Floor Space Ratio* will be 1.0; and,
- b) Generally no building will exceed 12.5 metres and 3.5 storeys in height at the highest grade elevation and 13.7 metres and 4 storeys in height at the lowest grade elevation.
- b) Map 5 – Specific Policy Areas is amended by adding Specific Policy Area No. 73 to the lands municipally known as 135, 139, 147, 153 and 161 Jackson Avenue and 136 Brentwood Avenue, as shown on the attached Schedule 'A'.

NOTICE OF PUBLIC MEETING

for a development in your neighbourhood
135-161 Jackson Ave. & 136 Brentwood Ave.



Concept Drawing



Floor Space Ratio of 1.0



Maximum Building Height
12.5 Metre



Rear Yard Setback of
6.1 Metres

Have Your Voice Heard!

Planning & Strategic Initiatives Committee

Date: **April 22, 2024**

Location: **Council Chambers,
Kitchener City Hall
200 King Street West
or Virtual Zoom Meeting**

Go to kitchener.ca/meetings
and select:

- Current agendas and reports (posted 10 days before meeting)
- Appear as a delegation
- Watch a meeting

To learn more about this project, including information on your appeal rights, visit:

[www.kitchener.ca/
PlanningApplications](http://www.kitchener.ca/PlanningApplications)

or contact:

Brian Bateman, Senior Planner
brian.bateman@kitchener.ca
519.741.2200 x7869

The City of Kitchener will consider applications to amend the City's Official Plan and Zoning By-law that would allow for an increased Floor Space Ratio (FSR), building height, reduced parking requirements and a reduced rear yard setback to allow for the development of 5 stacked townhome buildings, having 118 dwelling units, on lands currently zoned for multiple dwellings.

APPENDIX 2

Minutes of the Meeting of Planning & Strategic
Initiatives Committee – April 22, 2024

