

AMENDMENT NO. 51 TO THE OFFICIAL PLAN  
OF THE CITY OF KITCHENER

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CITY OF KITCHENER  
236-264 Victoria Street North

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## AMENDMENT NO. 51 TO THE OFFICIAL PLAN OF THE CITY OF KITCHENER

### **SECTION 1 – TITLE AND COMPONENTS**

This amendment shall be referred to as Amendment No. 51 to the Official Plan of the City of Kitchener (2014). This amendment is comprised of Sections 1 to 4 inclusive.

### **SECTION 2 – PURPOSE OF THE AMENDMENT**

The purpose of the Official Plan Amendment is to amend the Official Plan by adding Site Specific Policy Area No. 72 to Map 5 - and by adding associated Site Specific Policy Area 15.D.2.72 to the text of the Official Plan.

### **SECTION 3 – BASIS OF THE AMENDMENT**

#### **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. The subject lands are in close proximity to transit, trails, and parks.

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.

The subject lands are located within the City's delineated built up area, and within an Urban Corridor in the 2014 Kitchener Official Plan. Urban Corridors are identified as a Primary Intensification Area in the City of Kitchener's Official Plan on Map 2. 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. The proposed development is also proposing to include several unit types, increasing the variety of housing options for future residents. 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. This neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. 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 Regulations (AZR). NAV Canada has reviewed the proposed development and has no objections to the proposed development and will require, prior to construction of any buildings and installation of the stationary crane for construction, that the owner submit and updated 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 1,076 residential units and future commercial uses on the subject lands. Considerable thought for the orientation and placement of the buildings, podium height, building step backs, and vehicular and pedestrian connections to Victoria Street and St. Leger Street have been incorporated into the design for this high intensity mixed use development.

### 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 in 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 an 'Urban Corridor' in the 2014 Kitchener Official Plan. Urban Corridors are identified as a Primary Intensification Area in the City of Kitchener's Official Plan on Map-2.

Urban Corridors are generally linear in form and are located along existing or planned transit corridors. They are intended to have strong pedestrian linkages and be integrated with neighbouring residential and employment uses. The subject lands have direct access to two regional transit corridors which have multiple bus routes, access to Highway 8 and Highway 7.

According to policy 3.C.2.38 of the Official Plan, the planned function of Urban Corridors is to provide for a range of retail and commercial uses and intensification opportunities that should be transit-supportive. Urban Corridors function as the spine of a community as well as a destination for surrounding neighbourhoods. Strengthening linkages and establishing compatible interfaces between the Urban Corridors and surrounding Community Areas and Industrial Employment areas are priorities for development in these areas. The proposed development is planned for a multiple dwelling with at grade units and active frontages along all street frontages and provides for 503 purpose-built rental units.

Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby 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 an Urban Corridor but also contributes to the vision for a sustainable and more environmentally-friendly city.

### Land Use

The subject lands are designated 'Mixed Use' on Map 3 – Land Use in the City of Kitchener's Official Plan.

The Mixed Use land use designation is intended to be flexible and responsive to land use pattern changes and demands and permit a broad range of uses at different scales and intensities depending on the lands' geographic location and identification at the urban structure level. As such, an appropriate and compatible mix and range of commercial, retail, institutional and residential uses, at different scales and intensities will be encouraged and supported within lands designated Mixed Use depending on their location within the City's Urban Structure. The implementing zoning will be applied to allow for and promote a compatible mix of uses within the same building or on the same site. A mix of uses within the same building is preferred. The implementing zoning will also recognize and facilitate those lands which are intended and expected to evolve over time to achieve an optimum built form and mix of uses.

A minimum Floor Space Ratio of 1.0 and a maximum Floor Space Ratio of up to 4.0 will apply to individual properties where higher density development or redevelopment is desirable and appropriate. The following criteria will be considered as the basis for the implementing zoning:

- a) the property abuts or has direct access to an arterial or collector road;
- b) the property is adequately buffered from lands designated Low Rise Residential; and,
- c) there is adequate existing or planned infrastructure. (15.D.4.19.)

The City may consider increases to the permitted building height of up to 50 per cent of the permitted building height where a development or redevelopment provides a mixed use building containing residential units. It must be demonstrated that a pedestrian scale base, appropriate massing along the streetscape and compatibility with adjacent lands is achieved and that all the applicable policies within this Plan are satisfied. (15.D.4.23)

The City may impose minimum façade and building height regulations in the Zoning By-law. (15.D.4.23)

Policy 17.E.13.1. of the City of Kitchener Official Plan requires 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 a Noise Study has been reviewed and approved by the Region of Waterloo.

### Urban Design

The City's urban design policies are outlined in Section 11 of the City's Official Plan. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Report was submitted and has been reviewed by City staff. The Urban Design Report outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations Detailed design will be reviewed through the site plan design and approvals process.

Streetscape – Landscaping and amenity spaces are proposed along the Victoria Street North frontage. The buildings' podium is oriented along Victoria Street North and includes a 4.5 metre tall ground floor for commercial units, building amenity areas, and a lobby area which will enhance the streetscape. Through the Site Plan approval process staff will work with the applicant to further enhance the podium design and further active the streetscapes where possible with landscaping and commercial uses.



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 buildings will provide a new feature on the City’s skyline. The proposed buildings 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 towers have well defined podiums and building step backs along the public right of way which helps enhance the public realm.

### Tower Design

The proposed development includes two large point towers and a slab-form middle tower. Both towers, 35 and 40 storeys in height along with the 18 storey middle tower connected tower ‘A’ have massing that is broken up vertically by variation and the articulation of building materials. Both towers include step backs on top of 4 and 6 storey podiums. Furthermore, balconies for the residential units are included and 4.5 metre tall ground commercial units, building amenity areas, and lobby are proposed which will enhance the streetscape and pedestrian realm.

### Shadow Impact Study

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

### Wind Study

A wind study was prepared for the consideration of this development proposal and reviewed by staff. The wind conditions surrounding the proposed development are generally suitable. A full Wind Assessment be required and reviewed at the site plan application stage and wind control features will be required through the site plan application 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 towers are consistent with and fully meet the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development fully meets the onsite and offsite separation distance requirements of the Design for Tall Building Guidelines and will be further reviewed through the site plan approval process.

#### 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 along Victoria Street North which has multiple bus routes (GRT Routes 34 and 204 iXpress) and stops located within walking distance. The subject lands are in close proximity to existing (400 metres away) and planned (800 metres away) transit hubs and LRT station stops. The building has excellent access to trails, and cycling networks, including existing on and off-street cycling facilities. 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.

The proposed Official Plan Amendment and Zoning By-law Amendment Applications support a more compact mixed-use development in an Urban Corridor. 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, 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 Map 5 of the 2014 Official Plan is amended by adding Specific Policy Area 72 to the lands municipally known as 236-264 Victoria Street North. Policy 15.D.12.72 is proposed to be added to Section 15.D.12. Based on the above-noted policies and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved.

### **SECTION 4 – THE AMENDMENT**

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

- a) Part D, Section 15.D.2. is amended by adding Site Specific Policy 15.D.2.72 as follows:

**“15.D.12.72. 236-264 Victoria Street North**

Notwithstanding the Mixed Use land use designation and policies on lands municipally known as 236-264 Victoria Street North, a maximum building height of 40 Storeys or 160.2 metres in height with a maximum Floor Space Ratio (FSR) of 10.5 will be permitted.

- b) Amend Map No. 5 – by adding Specific Policy Area “72. 236-264 Victoria Street North (Policy 15.D.2.72)” to the ‘Area of Amendment’, as shown on the attached Schedule ‘A’.

# NOTICE OF PUBLIC MEETING

## for a development in your neighbourhood

### 236-264 Victoria Street North



Concept Drawing

### Have Your Voice Heard!

#### Planning & Strategic Initiatives Committee

Date: **April 8, 2024**

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

Go to [kitchener.ca/meetings](http://kitchener.ca/meetings)  
and select:

- Current agendas and reports (posted 10 days before meeting)
- Appear as a delegation
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To learn more about this project, including information on your appeal rights, visit:

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

or contact:

**Craig Dumart, Senior Planner**  
[craig.dumart@kitchener.ca](mailto:craig.dumart@kitchener.ca)  
519.741.2200 x7073



Mixed Use  
Development



Floor Space  
Ratio of 10.5



18-40  
Storeys

The City of Kitchener will consider applications to amend the Official Plan and Zoning By-law for the subject lands located at 234-264 Victoria Street North to allow a mixed use development with 3 Towers 18 to 40 storeys in height. The mixed use development proposes a total of 1076 residential units and with ground floor commercial units located along Victoria Street North.

APPENDIX 2

Minutes of the Meeting of Planning and Strategic Initiatives  
Committee – April 8, 2024

