

Staff Report



Development Services Department

www.kitchener.ca

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: April 8, 2024

SUBMITTED BY: Garett Stevenson, Director and Development and Housing Approvals, 519-741-2200 ext. 7070

PREPARED BY: Craig Dumart, Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: March 11, 2024

REPORT NO.: DSD-2024-132

SUBJECT: Official Plan Amendment Application OPA24/001/V/CD
Zoning By-law Amendment Application ZBA24/001/V/CD
Address: 236-264 Victoria Street North
Owner: Vicner Inc.

RECOMMENDATION:

That Official Plan Amendment Application OPA/24/001/V/CD for Vicner Inc. be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-132 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA24/001/V/CD for Vicner Inc. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2024-132 as Attachment 'B'; and

That the Urban Design Report, dated December 2023, and attached to Report DSD-2024-132 as Attachment 'F', be adopted, and that staff be directed to apply the Urban Design Report through the Site Plan Approval process.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment Applications for the property located at 236-264 Victoria Street North. It is Planning staff's recommendation that the Official Plan and Zoning By-law Amendment Applications be approved.
- Community engagement included:
 - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- installation of two large billboards notice sign on the property (one facing each street);
- follow up one-on-one correspondence with members of the public;
- Neighbourhood Meeting held on February 13, 2024;
- postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject site and those who responded to the preliminary circulation;
- notice of the public meeting was published in The Record on March 15, 2024.
- This report supports the delivery of core services.
- These applications were deemed complete on December 21, 2023. The Applicant can appeal these applications for non-decision after April 19, 2024.

EXECUTIVE SUMMARY:

Planning staff is recommending approval of the requested Official Plan Amendment Application to add Specific Policy Area 72 to Map 5 and Policy 15.D.12.72 to the text in the Official Plan to allow a maximum building height of 40 Storeys or 160.2 metres in height with a maximum floor space ratio of 10.5. Planning Staff is recommending approval of the requested Zoning By-law Amendment Application to change the zoning from 'MIX-2 with Site Specific Provisions (49) (126) (138)' to 'MIX-2 with Site Specific Provision (392)' to allow for an increased maximum building height of 40 storeys and 160.2 metres; to regulate the required number of parking spaces; and to allow for a reduced rear yard and front yard setback; and to apply a Holding Provision (83H) to require an updated Noise Study and remediation of site contamination prior to final site plan approval. Staff recommends that the applications be approved.

BACKGROUND:

The Owner, Vicner Inc., has made applications to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to change the land use designation and zoning of the lands at 236-264 Victoria Street North to permit the lands to be developed with two towers, 35 and 40 storeys in height with 1,076 residential units and commercial uses located along Victoria Street. The proposed development includes parking located underground, and internal to the building in the podium above the ground floor.

The subject lands are located within the City's delineated built up area, within an Urban Corridor, and are designated 'Mixed Use' in the City of Kitchener Official Plan and are zoned as 'MIX-2 zone with Site Specific Provisions (49) (126) 138)' in Zoning By-law 2019-051

Existing zoning permissions include:

- Commercial uses;
- Maximum building height of 8 storeys or 25 metres;
- Site Specific Provision (49) allows for a maximum Floor Space Ratio of 4.0;
- Site Specific Provision (126) restricts certain sensitive uses due to the proximity of the rail corridor; and
- Site Specific provision (138) allows for reduced building setbacks for existing buildings.

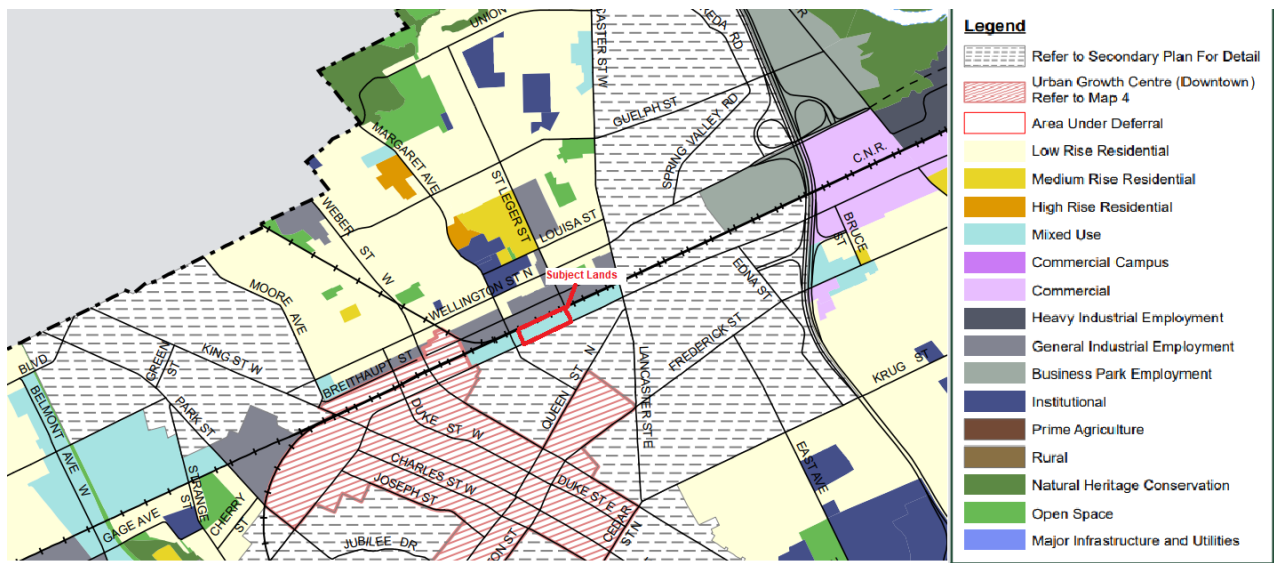


Figure 1: Existing Planning Landuse

Site Context

The subject lands are addressed as 236-264 Victoria Street North Road and are situated within an 'Urban Corridor' as identified on the City's Urban Structure map in the Official Plan. The subject lands are comprised of two parcels of lands municipally known as 236 and 264 Victoria Street North. The consolidated parcels form large rectangular parcel of land 1.18 hectares (2.92 acres) that have frontage both on Victoria Street North and St. Leger Street and directly abuts the Metrolinx rail line to the north of the subject lands. The subject lands are currently developed with a commercial office building at 236 Victoria Street and a fitness centre (formally LA Fitness and now Grand River Rocks climbing gym) at 264 Victoria Street North with large surface parking lots in front on the existing buildings. The surrounding neighbourhood is developed with a range of commercial, industrial and institutional uses along with a mix of high, medium and low density residential dwellings. The site is well buffered from existing low rise residential uses and does not currently contain any residential dwellings.

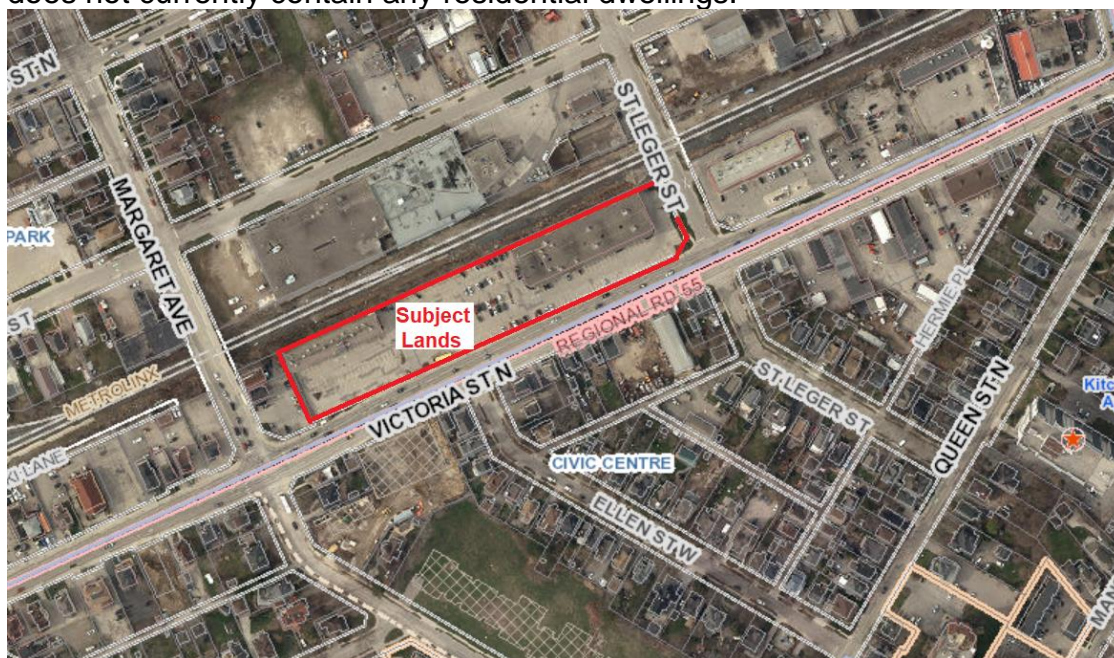


Figure 2 – Location Map: 236-264 Victoria Street North

REPORT:

The applicant is proposing to develop the subject lands with a mixed-use development consisting of two towers, 35 and 40 storeys in height with 1,076 residential units and commercial uses located along Victoria Street North. The proposed development includes parking located underground, and internal to the building in the podium above the ground floor.

The proposed mixed use development includes one building with two towers of 35 and 40 storeys, separated by an adjoining middle tower that is 18 storeys. The proposed development includes a 4 to 6 storey podium built with minimal setbacks along Victoria Street North to create an urban, street-oriented form. Tower A (shown in Figure 3) is 40 storeys in height and is located along the eastern portion of the site (closest to intersection of St. Leger Street and Victoria Street North) while Tower B is situated on the western portion of the site. All Parking is located internal to the building with two vehicular connections proposed; one off of Victoria Street North and one off St. Leger Street.

The proposed mixed use development will include 1,114 sq. metres of commercial floor area, a range of residential unit types including 1 and 2 bedroom units with substantial on-site amenity spaces (14,182 sq. metres or 152,654. sq feet), both internal and external to the buildings.

Table 1 below highlights the development concept statistics while Figures 3 and 4 show the proposed site plan and building elevations of the development proposal.

Table 1. Proposed Development Concept Statistics

	Development Concept
Number of Units	1,076 residential dwelling units. 573 1-bedroom dwelling units (53%) 503 2-bedroom dwelling units (47%)
Parking Spaces	916 vehicle parking spaces
Building Heights	18, 35 and 40 storeys
Class A (indoor secured) Bicycle Parking	1,574
Amenity Area	14,182 sq. metres
Commercial Area	1,114 sq. metres
Class B (outdoor visitor) Bicycle Parking	6
Electric Vehicle Ready Parking Stalls	183
Floor Space Ratio	10.5

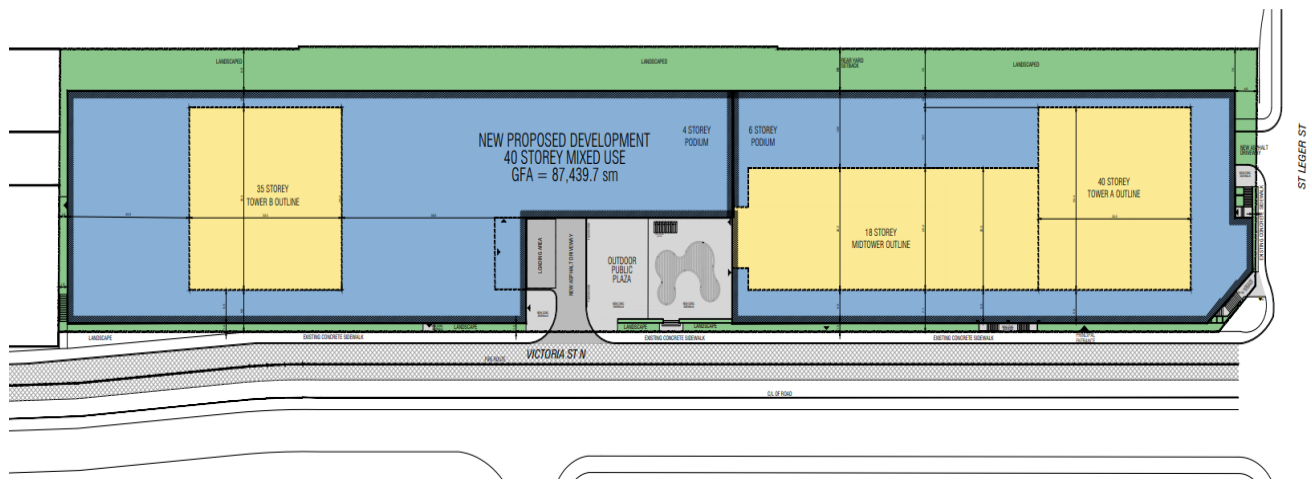


Figure 3 – Development Concept Site Plan

To facilitate the development of the subject lands with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are required to amend the land use policies and zoning regulations of the subject lands as the existing Official Plan policies permit a maximum building height of 15 storeys and the zoning permits a maximum building height of 10 storeys or 32 metres with a maximum floor space ratio of 4.0.

The lands are located within an 'Urban Corridor' (Map 2 – City of Kitchener Official Plan) and designated 'Mixed Use' in the City of Kitchener Official Plan and are zoned as 'MIX-2 zone with Site Specific Provisions (49) (126) 138)' in Zoning By-law 2019-051.

The owner is proposing to add Specific Policy Area 72 to Map 5 and Policy 15.D.12.72 to the text in the Official Plan to allow a maximum building height of 40 Storeys or 160.2 metres in height with a maximum Floor Space Ratio (FSR) of 10.5 and proposing to change the zoning from 'MIX-2 with Site Specific Provisions (49) (126) 138)' to 'MIX-2 with Site Specific Provision (392)' to allow for an increased maximum building height of 40 storeys and 160.2 metres; to regulate the required number of parking spaces; and to allow for a reduced rear yard and front yard setback.

Holding Provision (83H) is also proposed to be added to the property to prevent the development of the site with sensitive uses, including residential uses, until the Region is in receipt of a Record of Site Condition and a revised Noise Study, completed to the satisfaction of the Region of Waterloo.



Figures 4 and 5 – Proposed Building Renderings

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 activate 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 in the form shown in Attachment "A".

Proposed Zoning By-law Amendment (Zoning By-law 2019-051)

The property addressed as 236-264 Victoria Street North is currently zoned as 'MIX-2 zone with Site Specific Provisions (49) (126) 138)' in Zoning By-law 2019-051. The existing zoning permits a high intensity mixed use development with a maximum permitted Floor Space Ratio (FSR) of 4.0 and maximum building height of 8 storeys and 25 metres. The applicant has requested an amendment to Zoning By-law 2019-051 to add Site Specific Provision (392) and Holding Provision (83H) in Zoning By-law 2019-051.

Official Plan policies indicate that where site-specific zoning regulations are requested for residential intensification or a redevelopment of lands, the overall impact of the site-specific zoning regulations will consider compatibility with existing built form; appropriate massing and setbacks that support and maintain streetscape and community character; appropriate buffering to mitigate adverse impacts, particularly with respect to privacy; avoidance of unacceptable adverse impacts by providing appropriate number of parking spaces and an appropriate landscaped/amenity area.

The applicant is seeking to amend Zoning By-law 2019-051 to add Site Specific Provision (392). The proposed new regulations are to permit an increased maximum building height and Floor Space Ratio (FSR), regulate the location of parking spaces, reduce yard setbacks and further regulate residential use setbacks to railways.

Staff offer the following comments with respect to add Site Specific Provision (392):

- a) The minimum rear yard setback shall be 0 metres.

The purpose of this regulation is to allow the building's podium to be located right up to the rear line which functions as an interior side yard (an interior side yard setback of 0 metre is permitted). The request to reduce the rear yard setback allows the podium to be built to the property line which allows for efficient and effective use of the lands.

- b) The minimum front yard setback shall be 0.7 metres.

The purpose of this regulation is to allow a portion of the building's podium to be located 0.7 metres to the front lot. The request to reduce the front yard setback along St. Leger Street (the front yard) will accommodate the unique design at the corner of Victoria Street North and St. Leger Street which addresses a significant grade change.

- c) That parking be provided at a rate of 0.75 spaces per dwelling unit plus 0.1 spaces per dwelling unit which shall be shared for visitor parking and non-residential uses.

The purpose of this regulation is to permit a parking rate which is appropriate for the proposed development. The proposed on-site parking ratio is 0.85 parking spaces per dwelling unit (inclusive of visitor spaces and non residential uses). The subject lands will have adequate access to public transit and pedestrian/cycling networks and adequate bike storage will be provided within the development for residents. Visitor spaces are shareable with non-residential uses and staff is of the opinion that the parking rate is appropriate for the subject lands.

- d) The maximum building height shall be 40 storeys and 160.2 metres (including mechanical penthouses and architectural features) and the maximum Floor Space Ratio shall be 10.5.

The purpose of this new regulation is to cap the building height and FSR and ensure development does not generally exceed the density presented in the concept plans or the approved NAV Canada height of 160.2 metres. The existing planning framework allows for the subject lands to be developed with 15 storey buildings with a Floor Space Ratio (FSR) of 4.0. Increasing the building height to a maximum of 40 storeys with a Floor Space (FSR) of 10.5 will allow for a range of tower heights, 18-40 storeys in height that meet the tall building guidelines.

- e) i. The setback from the railway to any building or part thereof used for residential dwellings shall be a minimum of 30 metres. The setback may be measured as the sum total of the following two measurements provided that a crash wall, or combination berm and fence are provided within the horizontal setback between the residential use and the lot line abutting the Rail right-of-way;
- ii. The horizontal setback to the residential use from the lot line abutting the Rail right of-way; and
- iii. The vertical distance from the finished elevation of the railway line at the centerline of the tracks to the finished elevation of the residential use.

The purpose of this regulation is to allow for the residential portion of the building to be safely located within the 30 metre setback to a railway line.

- f) Geothermal Energy Systems shall be prohibited.

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

Holding Provision (83H)

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 MIX-2 zone and site specific provisions. 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.

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

- i. No residential use shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment, Conservation and Parks (MOECP). This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks (MOECP) advising that a Record of Site Condition has been completed to their satisfaction.
- ii. Development and redevelopment shall not be permitted until such time as a detailed Noise and Vibration Assessment, to assess both potential off-site and on-site transportation and stationary noise sources, has been completed to the satisfaction of the Region and any necessary agreement has been entered into, between the City of Kitchener and the owner of the property, providing for the implementation of any recommended noise mitigation measures and the holding symbol affecting these lands has been removed by by-law.

A noise study was prepared in support of the proposed Zoning By-law amendment application and reviewed by the Region of Waterloo. At this time, the Region of Waterloo is not satisfied with the final report and provided peer review comments, as such staff are comfortable with recommending a holding provision where additional building noise mitigation measures will be reviewed through the site plan design and approvals process. Prior to removing the Holding Provision an addendum to the Noise Study will be required to satisfaction of the Region of Waterloo.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning from 'MIX-2 with Site Specific Provisions (49) (126) 138' to 'MIX-2 with Site Specific Provision (392) and add Holding Provision (81H)' 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 and skyline and will appropriately accommodate on-site parking needs. The proposed amendment will allow for residential uses, an increase in height and FSR and will allow for with a more modern planning framework. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law Amendment Application 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 in December 2023 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or

agency and any necessary revisions and updates were made. Copies of the comments are found in 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, December 2023
- Wind Study
Prepared by: RWDI, November 2023
- Urban Design Report
Prepared by: MHBC Planning December 2023
- Shadow Study
Prepared by: Reinders and Law Architecture and Engineering, December 2023
- Transportation Impact Study
Prepared by: Paradigm Transportation Solutions, December 2023
- Functional Servicing and Stormwater Management Report
Prepared by: Reinders and Law Architecture and Engineering, December 2023
- Sustainability Statement
Prepared by: MHBC Planning, December 2023
- Heritage Impact Assessment
Prepared by: MHBC Planning, December 2023
- Noise Vibration Feasibility Study
Prepared by: HGC Engineering, December 2023
- Rail Study – Development Viability Report
Prepared by: Dillon Consulting, December 2023,

Community Input & Staff Responses

WHAT WE HEARD



797 addresses (occupants and property owners) were circulated and notified



30 people/households/businesses provided comment



A City-led Neighbourhood Meeting was held on February 13, 2024, and 79 users logged on

Staff received written responses from 30 residents with respect to the proposed development. The comments received are included in Attachment 'E'. A Neighbourhood Meeting was held on February 13, 2024. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Residents support the development and feel it's the appropriate location for residential and future commercial uses.	Staff received emails and phone calls in support of the proposed development. As noted in the staff report the location is appropriate as the subject lands are located in an Urban Corridor which provide for commercial uses with a mix of residential and institutional uses necessary to support and complete surrounding residential communities.
Concerns that the fitness centre will lose their new place of business.	The existing land use designation and zoning permits a fitness centre and the proposed land use designation and zoning will continue to permit a fitness centre. Staff understand that Grand River Rocks has recently relocated from 50 Borden Avenue South (which is also subject to a development application) and understand the concern of the business operator and members. The owner of the subject lands has not disclosed a timeline for reconstruction and staff understand that they have communicated to the current tenants that they do not plan on ending the current 5 year lease early, regardless of the outcome of any decision on these applications. Staff understand that Grand River Rocks has a five year lease for the former LA Fitness building. No new commercial tenants or leases have been identified at this time for the mixed used development. The Official Plan Amendment and Zoning By-law Amendment applications propose new residential permissions. All matters regarding the current commercial lease are between the Owner and Grand River Rocks. Lease arrangements are outside of the jurisdiction of the City of Kitchener. The proposed land use designation and zoning would continue to permit a fitness centre as a permitted use and would not impact current operations or lease arrangements.
Concerns the proposed development will create traffic	A Traffic Impact Study was submitted and reviewed by City and Regional Transportation staff who did

<p>that existing roads can not handle.</p>	<p>not identify any major traffic concerns as a result of the proposed development nor were any new traffic signals warranted as a result of the proposed development.</p>
<p>Affordable Units should be provided and the development should be subject to Inclusionary Zoning</p>	<p>This development is not receiving affordable housing sponsorship. A mix of dwelling unit types and unit sizes are proposed. The two (2) bedroom dwelling units could offer a more affordable option for future owners/tenants who could share some living costs. The subjects are located just outside an PMTSA (Protected Major Transit Station Areas) and the City's Inclusionary Zoning cannot be applied to these lands under the current Planning Act requirements.</p>
<p>The buildings are too tall for Kitchener</p>	<p>The City of Kitchener's Urban Growth Centre and PMTSA's consists of numerous high-rises that are built or approved to be built ranging from 10 storeys to 50 storeys. Comparable high-rise buildings in height that are built, under construction or proposed include the following developments:</p> <p>DTK (60 Frederick St) - <u>39 Storeys</u> (built)</p> <p>Charlie West (60 Charles St W) - <u>31 Storeys</u> (built)</p> <p>20 Queen Street - <u>34 Storeys</u> (planned)</p> <p>Station Park (607 King St W), 18 (built), 28 (built), 36 (under construction), 40 and 50 storeys (planned)</p> <p>417 King Street West – 55 Storeys (planned, construction starting in 2024)</p> <p>10 Duke Street – <u>45 Storeys</u> (final site plan approval issued, construction starting in 2024)</p> <p>30 Francis Street – <u>45 Storeys</u> (under construction)</p> <p>88 Queen Street – <u>45 Storeys</u> (planned)</p> <p>50 Borden – <u>51 and 57 Storeys</u> (under review)</p>
<p>Loss of day light for residents. Concerns Tall buildings will block the sun on their back yards.</p>	<p>A Shadow Study has been submitted. Staff have reviewed the study and are satisfied the shadow study meets the City's requirements, as related to shadow impacts and will have minimal to no impacts on residential properties. The majority of shadows created from the proposed development cast on the</p>

	<p>railway and nearby industrial and commercial properties and meet the City's requirements, with respect to shadow impacts, as noted in the City of Kitchener Urban Design Manual.</p>
<p>Three bedroom units should be included in the proposed development.</p>	<p>The City of Kitchener does not regulate number of bedrooms. While the City does not regulate the number of bedrooms, a mix of unit types is strongly encouraged.</p> <p>In September 2022, we received new housing census data – we know;</p> <ul style="list-style-type: none"> ▪ We have 99,805 dwelling units in Kitchener 61% are 3+ bedrooms. <p>We also know household data now as well:</p> <ul style="list-style-type: none"> ▪ 58% of households have 1-2 people (26% 1 person, 32% 2 people). ▪ 15% of all dwellings are in buildings greater than 5 storeys. <p>When a comparison is made between the household and housing data, we have 27,000 3+ bedroom homes which are occupied by one or two people. This means that 44% of all large units in Kitchener have more bedrooms than people living in the dwelling.</p> <p>The City is currently implementing a Missing Middle study as part of the Growing Together project which is reviewing how the City can continue to achieve a balance of all housing types of all sizes across the City.</p>

Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment Applications to permit the development of a mixed used development at 236-264 Victoria Street North. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Planning staff are recommending that the applications be approved.

ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

The recommendation of this report supports the achievement of the City's strategic vision through the delivery of core service.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget - *Bill 109, More Homes for Everyone Act, 2022* introduced a requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe. Decisions on Zoning By-law Amendments, when combined with an Official Plan Amendment, are required within 120 days to retain planning application fees, for applications received after July 1, 2023. A decision must be made by Council prior to April 19, 2024 or the Planning Division must issue an application fee refund of \$12,800.00, being 50% of the \$25,600.00 Major Zoning By-law Amendment Application fee. The Development and Housing Approvals Division does not have a funding source or budget for refunding planning application fees.

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 December of 2023. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, and those responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on March 15, 2024 (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 December 30, 2023. In response to this circulation, staff received written responses from 20 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051

REVIEWED BY: Tina Malone-Wright, Manager, Development Approvals

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

Attachment A – Proposed Official Plan Amendment and Map. No 5

Attachment B – Proposed By-law and Map. No 1

Attachment C – Newspaper Notice
Attachment D – Department and Agency Comments
Attachment E – Public Comments
Attachment F – Urban Design Report