

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

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CITY OF KITCHENER

2980 King Street East

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## AMENDMENT NO. XX 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. 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 Specific Policy Area 76 to Map 5 and by adding associated Policy 12.D.12.76 to the text of the Official Plan.

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

The subject lands are designated ‘Mixed Use’ in the City of Kitchener Official Plan.

#### 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 has approved an integrated province-wide land use planning policy document, replacing the current Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which will come into effect October 20, 2024 (after a decision is made on these applications).

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 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 multiple dwelling development includes 436 new dwelling units.

Planning staff is of the opinion that the proposed applications will facilitate the intensification of the subject property with a high-density mixed use development that is compatible with the surrounding community, helps manage growth, is transit-supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range, and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;

- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

#### Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Section 2.F of the ROP as the proposed development supports the achievement of the minimum annual intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

The Region has received and reviewed a copy of the Aeronautical Assessment, prepared by IDS, dated April 25, 2024. The development is located outside the Airport Zoning Regulation limits, but within the obstacle protection area of the Runway 08 approach paths and Runway 26 departure paths. Nav Canada has provided a maximum elevation of 1,350ft ASL at this location before the Runway 08 LNAV is impacted.

The Aeronautical Assessment is based upon a proposed building elevation of 1425.5 feet ASL (which does not include any related structure crane height). The report notes an impact to airport operations at 1,370 feet ASL and proposes mitigation by redesigning the Runway 08 LNAV approach.

In accordance with policy 5.A.20 of the Regional Official Plan, the Region does not support land uses that would be incompatible with airport operations and is not able to support the redesign of the Runway 08 approaches and Runway 26 departures as proposed in the Aeronautical Assessment. As such, the proposed Zoning By-law Amendment for the subject lands must limit the proposed building height (and any

related construction cranes) to a maximum of 420m (1,378 feet) ASL. Required wording is as follows:

*The maximum height of the proposed building and related construction cranes on site shall be 420m (1,378 feet) ASL. Any crane used for the construction of this development (e.g. towers, rooftop HVAC, communication towers/antennas) must be below the maximum height of 420m ASL.*

Planning Staff have revised the proposed Zoning By-law to comply with the height cap proposed by the Region of Waterloo. Therefore, Planning staff are of the opinion that the applications conform to the Regional Official Plan.

#### City of Kitchener Official Plan (OP)

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete, and healthy community.

The subject lands are designated 'Mixed Use' (Map 3) in the City of Kitchener Official Plan. The Mixed Use land use designation permits a wide range of residential and commercial uses, including high density multiple residential, office, retail, and personal services.

The applicant is proposing to add a Specific Policy Area to permit an increased building height and Floor Space Ratio (FSR). The proposed maximum building height is 103 metres, and the proposed FSR is 11.0.

#### Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within an Urban Corridor. The planned function of an Urban Corridor is to provide for a range of retail and commercial uses and intensification opportunities that should be transit supportive. They are also generally linear in form and are located along transit corridors.

The proposed applications include transit supportive elements, including unbundled parking (less than one parking space provided per unit and sold/leased separately from unit cost) provision of Class A bicycle parking in excess of the minimum zoning standards, and the site's location along an existing transit corridor. The proposed applications also represents an intensification opportunity for housing density while maintaining the commercial space as part of a healthy mix of uses. Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will

support a development that not only complies with the City’s policies for a Major Transit Station Area but also contributes to the vision for a sustainable and more sustainable city.

### Urban Design Policies:

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

**Streetscape** – The proposed concept includes a pedestrian plaza along retail storefronts and includes terraced landscaping beds and central staircases facing King Street East. Building entrances and windows on the ground floor articulate the building and provide visual interest at street level.

**Safety** – As with all developments that go through site plan approval, staff will ensure Crime Prevention through Environmental Design (CPTED) principles are achieved and that the site meets emergency services policies.

**Universal Design** – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code. The building entrance on King Street is designed as barrier free with a ramp rising with the grade towards Fairway Road. Barrier Free parking is provided within all levels of underground and above-grade parking.

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a building that will be developed at a scale that is compatible with the existing and planned surroundings. The 32-storey portion (reduced to 27 storeys due to Regional Comments) has been located at the corner, furthest from abutting property lines of abutting lands.

### Shadow Impact Analysis

The applicant has completed a Shadow Impact Analysis in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the requirements outlined in the City of Kitchener Urban Design Manual.

### Tower Design

The proposed 32-storey tower (reduced to 27-storeys due to Regional Comments) is classified as a “Large Point Tower” as the proposed tower floor plate is approximately 1,050 square metres in area, with a less than 1.6 ratio of the building length and width. The tower placement has been oriented towards the intersection of King Street and Fairway Road with a 6-storey podium. The tower massing is broken up vertically by



variation and the articulation of building materials and balconies. The tower includes a 12-storey portion along King Street East as a building step-down.

#### 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.

In Map 11 of the City’s Official Plan, King Street East is identified as an “Adapted Bus Rapid Transit Corridor”. The subject lands are directly adjacent to existing Grand River Transit bus pads on both the King Street and Fairway Road frontages for Routes 1, 8, 23 & 27, providing region wide access and connectivity. The building has sufficient access to cycling networks, including existing off-street cycling facilities, and planned on-street cycling infrastructure. The Dom Cardillo Trail is 500 metres from the subject lands to provide 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 denser residential development. The location of the proposed buildings 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.

#### 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 range of dwelling units available in the city. The development is contemplated to include a range of unit types including, one, two and three bedroom units. The wide range of units, in this location, will appeal to a variety of household needs and directly responds to the need for more housing during the current housing crisis.

### **SECTION 4 – THE AMENDMENT**

The City of Kitchener Official Plan (2014) is hereby amended as follows:

- a) Part C, Section 15.D.12 Area Specific/Site Specific Policy Areas is amended by adding Special Policy 15.D.12.76 thereto as follows:

“76. Notwithstanding the Mmixed Use land use designation and policies, applied to the lands located at 2980 King Street, the maximum Floor Space Ratio shall be 11 and the maximum building height shall be 85 metres.

A Holding Provision shall be applied to residential uses and will not be removed through a by-law amendment until such time as the City of Kitchener is in receipt of an Noise Study and implementation measures have been reviewed and approved by the Region of Waterloo.

- b) Map No. 5 – Specific Policy Areas is amended by designating the lands, municipally addressed as 2980 King Street East, as ‘Mixed Use with Special Policy Area 76’ instead of ‘Mixed Use’, as shown on the attached Schedule ‘A’.

APPENDIX 1

## NOTICE OF PUBLIC MEETING for a development in your neighbourhood 2980 King Street East



Concept Drawing



32  
Storeys



436  
Dwelling  
Units



3 Ground  
Floor  
Commercial  
Units

### Have Your Voice Heard!

#### Planning & Strategic Initiatives Committee

Date: **September 16, 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:

**Eric Schneider, Senior Planner**  
[eric.schneider@kitchener.ca](mailto:eric.schneider@kitchener.ca)  
519.741.2200 x7843

The City of Kitchener will consider applications for an Official Plan Amendment and a Zoning By-law Amendment to facilitate the redevelopment of the site with the removal of the existing commercial building and parking garage and replacing it with a 32-storey mixed use building having a Floor Space Ratio of 11, with ground floor commercial and 436 dwelling units on the floors above and having 339 parking spaces.

APPENDIX 2

Minutes of the Meeting of Planning and Strategic  
Initiatives Committee – September 16, 2024

APPENDIX 3

Minutes of the Meeting of City Council – September 30,  
2024