

Staff Report



Development Services Department

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REPORT TO: Committee of the Whole

DATE OF MEETING: January 20, 2025

SUBMITTED BY: Garrett Stevenson, Director of Housing and Development Approvals
519-783-8922

PREPARED BY: Garrett Stevenson, Director of Housing and Development Approvals
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WARD(S) INVOLVED: Ward 9

DATE OF REPORT: January 15, 2025

REPORT NO.: DSD-2024-537

SUBJECT: Revised Phasing Plan 1001 King Street E SP Urban Design Brief

RECOMMENDATION:

That the Phasing Brief for 1001 King Street East attached to Report DSD-2024-537 as Appendix 'A' be adopted; and further,

That staff be directed to report back prior to final site plan approval of any proposed vertical tower phasing projects, excluding podium phasing, received prior to December 31, 2026.

REPORT HIGHLIGHTS:

- The purpose of this report is an update on construction phasing for 1001 King Street East. The full building is 29 storeys with 514 dwelling units. Phase 1 is roughly half of the building, being a podium and tower, that are collectively 29 storeys in height with 267 dwelling units, 3 live work units along Charles Street, and 1 commercial unit.
- Community engagement was undertaken through the Official Plan Amendment and Zoning By-law Amendment applications. This report was posted with the agenda in advance of the Council meeting.
- There are no financial implications with this recommendation.
- This report supports the delivery of core services.

BACKGROUND:

On May 8, 2023, Kitchener City Council approved Official Plan Amendment Application OPA22/001/K/KA for King Charles Properties (Kitchener) Limited which amended the land use designation to 'Mixed Use Corridor with Special Policy Area 10' and approved Zoning By-law Amendment Application ZBA22/001/K/KA to amend the zoning to 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R, Special Regulation Provision 788R and Holding Provision 100H'. The Special Regulation Provisions permit an increased Floor Space Ratio (FSR), further regulate parking, permit reduced

setbacks to the street, allow for dwelling units and commercial uses to both be located on the ground floor, and to apply a Holding Provision to require remediation of site contamination and an updated noise study. Further, Council adopted the Urban Design Brief for staff to ensure implementation through the site plan process.

The applicant has submitted Site Plan Application SP23/075/K/CD which has received conditional Site Plan Approval for a mixed use development with 514 residential dwelling units and ground floor commercial units within one 29-storey Building.

On August 26, 2024, Council issued draft approval of a vacant land plan of condominium for the subject lands.

Vive Development is proposing to construct the building in phases – phase 1 of the building (unit 1 of the vacant land condominium) and phase 2 (unit 2 of the vacant land parcel condominium). Attached as Appendix “A” to this report is a Phasing Brief submitted by Vive Development which outlines the technical approach to the phased construction. Staff are advising Council of the phased construction approach as phase 1 will not fully implement the Council adopted Urban Design Brief.

REPORT:

Vive Development is proposing to construct the proposed building in two phases, where the total build out will largely align with the adopted Urban Design Brief. Phase 2 is proposed to be built as a building addition at a later time.

Staff have been advised that phasing is proposed to improve the financial feasibility of the project as a whole. As a result of the phased approach, Staff have had to split the site plan approval process into two phases. Phase 1 alone does not fully align with or implement the Council adopted Urban Design Brief.

Staff have raised concerns that if phase 2 construction does not advance immediately, or at all, the temporary exterior walls of the podium and tower do not meet architectural standards and expectations required by the Council adopted Urban Design Brief and the City’s Urban Design Manual. While the temporary exterior cladding does match the design of the building and temporary windows have been negotiated for the temporary exterior wall, overall, the temporary exterior wall design is not an acceptable permanent standard as it does not include sufficient architectural details and may appear to be a mostly blank wall. Staff are concerned about the appearance of a 29 storey blank wall that will exist prior to the completion of phase 2 construction.

Staff have raised concerns with Vive Development about the phased construction method, the appearance of the temporary exterior wall, and the technical considerations for ensuring life safety systems and building code compliance is met throughout the project (both phases, and phase 1 alone).

In response, Vive Development has provided building elevations drawings for the temporary exterior wall that feature consistent building materials that match the rest of the building. Temporary windows are shown on all floors where the future hallway extension will extend into the phase 2 portion of the building (phase 2 will be a building addition). Staff recognize

this is an improvement, but the temporary exterior wall lacks sufficient openings, including windows and balconies, that would be typical for this type of building design.

To address staff concerns about the blank façade along the podium and tower, Vive Development is proposing to provide the City with a \$50,000 security for the installation of a mural or other public art installation (the “Public Art Feature”) to be installed along the blank wall. In the event that the Owner fails to complete their obligations (phase 2 construction), the City shall have the right to draw down on the security at any time for the installation of the Public Art Feature to the satisfaction of the City’s Director of Development and Housing Approvals.

Staff are also securing a temporary free and unobstructed right, interest and easement on, over and through the property for the purpose of ingress and egress, and access for constructing, installing, hanging, inspecting, altering, affixing, replacing, reconstructing, maintaining and repairing the Public Art Feature, at the sole cost of Vive Development.

Staff are not familiar with other Canadian examples of vertical phasing for towers (examples exist for phased podium) and have asked for examples from the Applicant’s team. The attached Phasing Brief notes that Vive Development’s Director of Construction, Bassem Saweris, has been involved in other international projects that used vertical phasing. The project architect, Kyle Reinders of Reinders + Law Ltd. has provided a professional opinion letter (as a qualified Architect, Ontario Association of Architects) advising on the approach of the vertical phasing and how life safety systems and building code compliance will be met for both phases.

Staff are concerned with the risk of the appearance of a temporary (and permanent) 29 storey blank wall until phase 2 construction is completed. Staff are also concerned that such an approach may set a precedent for future developments in Kitchener or become permanent if phase 2 is not realized. Staff are not aware of any Canadian examples of vertical phasing of a high rise tower and believe this will be the first of its kind in Canada.

Recent changes to the Planning Act exclude exterior design as a matter that is subject to site plan control. Vive Development has responded to staff requests for consistent cladding materials and some windows on the tower portion of the temporary wall.

Further, construction phasing is not regulated by the Planning Act, and a building could be partially constructed, in phases, and still comply with the Ontario Building Code.

Vive Development has agreed to the City’s requirements of a Public Art Security, easement, and exterior cladding for the temporary wall. While staff would prefer the full construction of the building, life safety and building code compliance can be achieved using this phased approach.

Staff recommend adopting the Phasing Brief. Staff will report back with the progress on this project after construction of Phase 1 and do not recommend any other vertical phasing projects be supported before that time (approximately two years), without specific Council direction.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- *Municipal Act, 2001*
- *Planning Act*
- [DSD-2023-151 OPA22/001/K/KA & ZBA22/001/K/KA](#)
- [Original Urban Design Brief \(MHBC, amended November 2022\)](#)
- [DSD-2024-318 Draft Plan of Condominium Application \(Vacant Land\)](#)

APPROVED BY: Justin Readman, General Manager, Development Services
Department

ATTACHMENTS:

- Attachment A – Phasing Brief
- Attachment B – Site Plan, Phase 1