

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 13, 2022

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

PREPARED BY: Andrew Pinnell, Senior Planner, 519-741-2200 ext. 7668

WARD INVOLVED: 10

DATE OF REPORT: May 31, 2022

REPORT NO.: DSD-2022-213

SUBJECT: Official Plan Amendment OPA20/006/K/AP
Zoning By-law Amendment ZBA20/015/K/AP
276 King Street East
276 King East Inc.

RECOMMENDATION:

- A. That Official Plan Amendment Application OPA20/006/K/AP, for 276 King East Inc., requesting to add Site Specific Policy Area 5 to *Map 4 – Urban Growth Centre (Downtown)* of the Official Plan and to add associated Site Specific Policy 15.D.2.68 to the Official Plan, to permit a mixed use building with a maximum floor space ratio of 4.8, and a maximum building height of 28.5 metres or 7-storeys, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2022-213 as Attachment A, and accordingly forwarded to the Regional Municipality of Waterloo for approval; and,
- B. That Zoning By-law Amendment Application ZBA20/015/K/AP for 276 King East Inc. be approved in the form shown in the “Proposed By-law” and “Map No. 1” attached to Report DSD-2022-213 as Attachment B; and,
- C. That in accordance with Planning Act Section 45 (1.3 & 1.4) that applications for minor variances shall be permitted for lands subject to Zoning By-law Amendment Application ZBA20/015/K/AP; and further,
- D. That the Urban Design Brief for 276 King Street East, prepared by GSP Group, dated May 2022, attached to Report DSD-2022-213 as Attachment C, be endorsed and provide general direction for future site plan development.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide a planning recommendation for an Official Plan Amendment Application OPA20/006/K/AP and Zoning By-law Amendment Application ZBA20/015/K/AP for 276 King Street East.
- Community engagement included:
 - Circulation of a preliminary letter to property owners within 120 metres of the subject lands;
 - Installation of two billboard notice signs on the property, one facing King Street East and one facing Eby Street;
 - A virtual Neighbourhood Meeting held on April 28, 2021;
 - Notice of the statutory public meeting was published in The Record on May 20, 2022;
 - A postcard advising of the statutory public meeting was mailed to all property owners within 120 metres of the subject lands and mailed (and/or emailed where an email address was provided) to all community members that participated in the application process.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

In order to facilitate redevelopment of the subject property, addressed as 276 King Street East, with a mixed-use building comprising ground floor commercial uses and 29 dwelling units within the upper storeys, the owner (276 King East Inc.) is requesting an Official Plan Amendment to add a Site Specific Policy Area to *Map 4 – Urban Growth Centre (Downtown)* and to add an associated Site Specific Policy to the Official Plan, to permit the building to have a maximum floor space ratio of 4.8 and a maximum building height of 28.5 metres or 7-storeys. A Zoning By-law Amendment is also requested to change the zoning of the whole of the property to ‘East Market Zone (D-2)’ with a Special Regulation Provision to permit the above noted permissions for floor space ratio and building height, and to require a rooftop amenity area; to prohibit residential uses on the ground floor; to not require parking for motor vehicles; to require bicycle parking; to regulate front, rear, and side yard setbacks; and to prohibit outdoor storage (excluding display of goods for retail purposes). In addition, a Holding provision is proposed that requires the owner to submit a detailed stationary noise study to the satisfaction of the Region, prior to the establishment of residential or other sensitive land uses. Planning staff recommends that the applications be approved.

BACKGROUND:

The subject property is located at the intersection of King Street East and Eby Street North, in the Market District of the Urban Growth Centre (Downtown), and is addressed as 276 King Street East. The portion of the property closest to King Street is vacant, while the portion of the lands furthest from King Street contains a building originally constructed as a single detached dwelling. Planning staff understands that the dwelling is presently occupied. The surrounding area contains a wide range of land uses and building forms. The Kitchener Market is located immediately across Eby Street, to the east. The Yeti Café is located immediately to the north, on Eby Street. The lands to the west on King Street are occupied with commercial businesses. The subject lands are within a Major Transit Station Area, being located less than 250 metres from the Kitchener Market ION Station. The property has excellent access to LRT, bus transit, cycling and pedestrian infrastructure.

The subject property is currently split zoned under Zoning By-law 85-1, with the portion of the lands closest to King Street zoned East Market Zone (D-2) and the portion furthest from King St is zoned Market Village Zone (D-3). It should be noted that the City’s Comprehensive Review of the Zoning By-law (CRoZBy) does not currently apply to downtown, including to the subject lands. Planning staff notes that the proposed Urban Growth Centre (UGC) zones, drafted as part of CRoZBy, were withdrawn before being tabled at Council because of the Province’s changes to the *Planning Act*, which removed bonusing provisions.

REPORT:

The applicant is requesting approval of an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to change the permissions related to the subject area (see Figure 1) to facilitate their proposed development concept: a 7-storey mixed-use building with ground floor commercial uses and 29 dwelling units within the upper storeys. The development concept does not propose any parking, but does include both long-term (“Class A”) and short-term (“Class B”) bicycle parking. A minimum 100 square metre rooftop amenity space is also proposed.

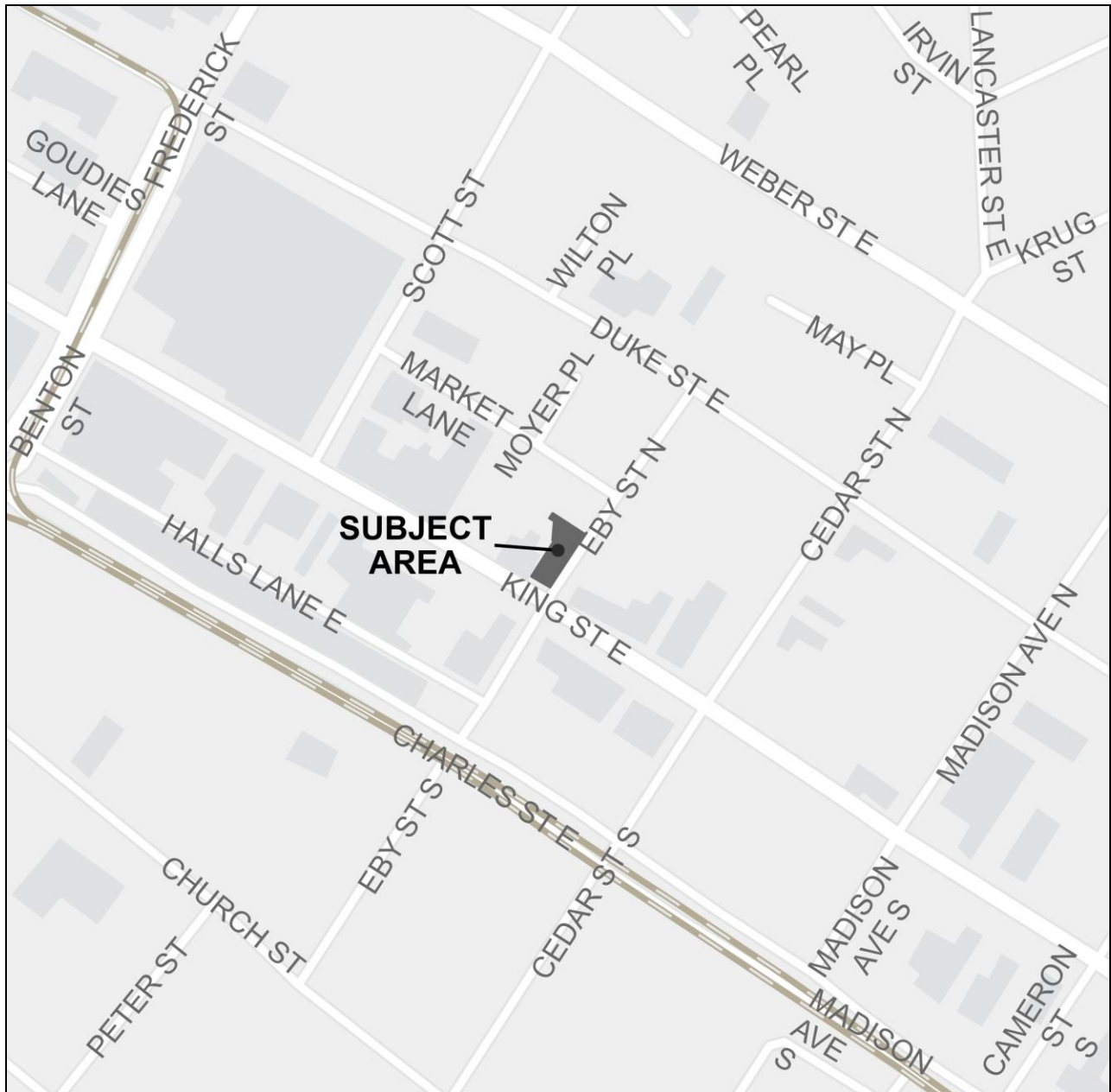


Figure 1: Subject Area: 276 King Street East

Official Plan Amendment

The requested OPA would maintain the Market District land use designation and would establish Site Specific Policy 15.D.2.68 within the Urban Growth Centre (Downtown) policies of the Official Plan. If approved, this policy would correspond to Area/Site 5 on Map 4 - Urban Growth Centre (Downtown). The purpose of the requested OPA is to permit a maximum Floor Space Ratio of 4.8 and a maximum building height of 7-storeys or 28.5 metres. Currently, the Official Plan permits a Floor Space Ratio of 3.0. While there is no height limit specified, the Official Plan states that building and façade heights may be regulated through the Zoning By-law.

Zoning By-law Amendment

The ZBA application requests to rezone the whole of the property to D-2 Zone (from a D-2 / D-3 split) and to add a Special Regulation Provision (SRP) that tailors the zoning to the development concept (see Table 1). The requested zoning would:

- Permit a maximum floor space ratio of 4.8,
- Permit a maximum building height of 28.5 metres or 7-storeys, and
- Require zero parking spaces (note that the current zoning does not require parking for the commercial use, but does require 29 spaces for the residential use – see below Parking section).

In addition, the applicant is amenable to several additional zoning provisions that are recommended by staff that would benefit the residents of the development, for example:

- Outdoor Amenity Area – to ensure that a minimum 100 square metre rooftop outdoor amenity space is provided for the residents of the development.
- Prohibit dwelling units on the ground floor – to ensure that the ground floor is used only for non-residential uses (e.g., commercial uses).
- Require a minimum of 33 secured, long-term bicycle parking spaces – to be used mainly for residents of the development.
- Require a minimum of 12 short-term bicycle parking spaces – to be used mainly for visitors.

Also, a Holding provision is recommended at the request of the Region, with the support of the applicant, that requires the owner to prepare a detailed stationary noise study to the satisfaction of the Region, prior to the establishment of residential or other uses. The Holding provision cannot be removed until such time as the Region of Waterloo has accepted the final noise study and recommended implementation measures.

Parking

As noted above, City's Comprehensive Review of the Zoning By-law (CRoZBy) does not currently apply to the Urban Growth Centre (Downtown) [UGC]. The proposed UGC zones were removed from CRoZBy when the province eliminated bonusing. Notwithstanding, UGC parking rates are included within By-law 2019-051 (the zoning by-law that implements CRoZBy). However, these rates will not apply until new UGC zones are tabled and approved by Council. In the meantime, the UGC parking rates within By-law 2019-051 do provide general guidance for this project and other projects within the city. In this regard, the UGC parking rate is zero parking spaces for both dwelling units and commercial uses. In addition, Transportation Services has commented that it does not have any concerns with the parking reduction request (see Attachment E). Accordingly, Planning staff supports the parking request and recommends this reduction be incorporated into the special regulation provision.

Table 1: High-Level Comparison - Current Official Plan Policy, Current Zoning, and Proposed Zoning

	Current Urban Growth Centre (Downtown) and Market District Official Plan Policies	Current D-2/ D-3 Zone (in Zoning By-law 85-1)	Proposed Zoning
Maximum Floor Space Ratio	3.0 [Policy 15.D.2.59]	2.0 (D-2 Zone) / 0.75 (D-3 Zone)	4.8
Maximum Building Height	The building and façade heights may be regulated through the Zoning By-law [Policy 15.D.2.61]	Not regulated (D-2 Zone) / 9.0 metres (D-3 Zone)	28.5 metres or 7-storeys
Building Elevation (“Angular Plane”)	N/A	No part of a building shall be higher, measured from finished grade level, than the dimension of its horizontal distance from the vertical projection of the street line on the opposite side of King Street (“45-degree angular plane”; D-2 Zone only)	Not regulated through zoning, but the proposed building generally conforms to 45-degree angular plane (addressed within Urban Design Brief)
Location of Dwelling Units / Residential Use	N/A	For lands abutting King Street: Shall not be located on the ground floor, except for access (D-2 Zone only)	Shall not be located on the ground floor
Minimum Outdoor Area	N/A	10 per cent of lot area, but not less than 20.0 square metres (D-2 Zone only)	An outdoor amenity area shall be provided for any building containing residential use. The outdoor amenity area may be located on a rooftop and shall have a minimum area of 100 square metres.
Minimum Bicycle Parking	N/A	N/A	Minimum of 33 secured, long-term bicycle parking spaces. Minimum of 12 short-term bicycle parking spaces.

Minimum Parking Spaces	N/A	D-2 and D-3: <i>Commercial:</i> No parking required <i>Residential:</i> Larger Units (28 units): 1 space / unit Smaller Units (1 unit): 0.165 spaces / unit. Total parking required: 29 spaces	No parking required
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Design Concept and Urban Design Brief

The purpose of the requested Zoning By-law Amendment (ZBA) is to facilitate redevelopment of the subject property with a seven-storey mixed-use building comprised of ground floor commercial uses and residential units within the upper storeys. The proposal has evolved significantly from the pre-submission consultation stage through to the applicant's final iteration of the Urban Design Brief (UDB) submitted in support of the Zoning By-law Amendment, which is now recommended for endorsement. Figure 2 shows the design concept when it was first submitted in February 2020, during the pre-submission consultation stage. In contrast, Figure 3 shows the design concept included in the final UDB (see Attachment C for the full document). Further refinements will be made through the future Site Plan Application process.



Figure 2: Development Concept provided at the pre-submission consultation stage in February 2020.

The final UDB shows the building positioned to continuously line the King Street and Eby Street frontages. Along King Street, the building's ground floor footprint continues the setback pattern of adjacent properties to the northwest. The building wall of the second through fourth storeys project over the ground floor and extend to the property line on King Street. Along Eby Street, the building sits largely at the property line, recognizing the ground recessions created for covered entranceways for the residential and main commercial doors. The upper storeys at the King Street and Eby Street corner recede slightly from the property line for relief. On the western side of the building, adjacent to 270 King Street, there is a 1.2 metre side yard setback containing a gated walkway. The building

is set back 4.2 metres from the rear (eastern) property line shared with 14 Eby Street North (Yeti Café). The proposed building is designed to respond to the slope on which it is built (Eby Street slopes downward from King Street).

The proposed building expresses clear distinction and articulation in massing between the base, middle and top using horizontal and vertical projections along the street-facing building elevations. The scale and massing of the proposed building has been designed to ensure it is compatible with the adjacent properties and respects the overall streetscape by integrating stepbacks at the 6th and 7th storeys, a glass curtain wall from top to bottom to soften the building design, significant glazing on street-facing elevations, and recessed building entrances to reinforce human scale. Note that angular plane is sometimes used as a tool for determining appropriately scaled development in urban contexts. The proposed stepbacks ensure that the building generally maintains a 45-degree angular plane to the sidewalk on the opposite side of King Street (see Figure 4).

Planning staff recommends that the UDB be endorsed, along with the approval of the ZBA and adoption of the OPA, to provide general direction for future site plan development.



Figure 3: Development Concept included in the final Urban Design Brief in May 2022.



Figure 4: Angular Plane Diagram

Planning Analysis:

Provincial Policy Statement, 2020 (PPS):

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Policy 1.1.1 states that “Healthy, liveable and safe communities are sustained by: b) accommodating an appropriate affordable and market-based range and mix of residential types (including ... ***multi-unit housing***...), employment (including industrial and ***commercial***)...” The proposed development is a mixed-use building that comprises multi-unit housing and commercial use.

Also, policy 1.1.3.3 states that “Planning authorities shall identify appropriate locations and promote opportunities for ***transit-supportive development***, accommodating a significant supply and range of housing options through intensification and redevelopment...” It should be noted that the proposed development is considered transit-supportive since it is compact, mixed-use development that comprises high-density residential use, in proximity to several LRT stations and transit routes. The proposed development would assist in making transit viable and it optimizes investments in transit infrastructure.

Policy 1.4.3 states that “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- ...b) permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents...and 2. all types of residential intensification, including.... redevelopment...
- ...c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it

exists or is to be developed; e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations;...

The proposed development would assist the City in achieving the appropriate range and mix of housing options and densities contemplated by the PPS. The proposal represents redevelopment that provides a mix of high-density housing and commercial uses in a location where there are excellent levels of infrastructure and public service facilities. The proposal is considered transit supportive development because it would support the nearby ION and transit services and make use of active transportation opportunities in and near downtown.

Planning staff is of the opinion that the requested OPA and ZBA would facilitate the intensification of the subject property with a mixed-use building that is sensitive to and compatible with the surrounding land uses and would make use of the existing infrastructure. No new public roads or services would be required to permit the proposed development.

Based on the foregoing, staff is of the opinion that this proposal is consistent 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 including the urban growth centre major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.1.2 states that “Forecasted growth to the horizon of this Plan will be allocated based on the following:... c) within settlement areas, growth will be focused in: i. delineated built-up areas; ii. strategic growth areas; iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with existing or planned public service facilities”. In this regard, the subject property is within the built-up area, within a strategic growth area (including the Urban Growth Centre and a Major Transit Station Area), in a location that is very well served by existing transit (including ION service).

In addition, Policy 2.2.1.4 states that “Applying the policies of this Plan will support the achievement of complete communities that: a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;...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”. In this case, the proposed development would assist in achieving a complete community, since it features a mix of residential and commercial (“local stores”) uses. It also helps to diversify the range and mix of housing options, by providing dwelling units in downtown within a mid-rise building form.

Furthermore, Policy 2.2.3.2 states that “Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of:...b) 200 residents and jobs combined per hectare for each of the...Downtown Kitchener urban growth centres...” Also, the City’s Official Plan has a greater minimum target of 225 residents and jobs per hectare by 2031. It must be emphasized that these targets are *minimums* to be reached within *specific timelines*. Indeed, there are good planning reasons to exceed both these targets. According to the 2021 Kitchener Growth Management Strategy Annual Monitoring Report (which uses data up to June 2021), the estimated density of the Urban Growth Centre (UGC) was 212 residents and jobs in 2021. These figures have not been adjusted to account for changes in office and work from home trends brought on by the COVID-19

pandemic. The extent to which pandemic-related changes will continue in the long-term is uncertain. Nevertheless, interest in residential development within the UGC has remained robust during the pandemic period. The Downtown Kitchener UGC is on its way and is expected to achieve the City's Official Plan minimum density target. The requested OPA and ZBA would facilitate the development of 29 dwelling units and ground floor commercial use. These uses will assist in achieving the above noted minimum targets.

Based on the foregoing, Planning staff is of the opinion that this proposal conforms to the Growth Plan.

Regional Official Plan, 2015 (ROP):

Map 3a Urban Area of the ROP shows that the subject property is within the Urban Area. The ROP states that "Within the Urban Area, most of the region's future growth will be directed to Urban Growth Centres, Major Transit Station Areas, Reurbanization Corridors, Major Local Nodes and Urban Designated Greenfield Areas." Specifically, the property is identified as being within an Urban Growth Centre. Policy 2.D.3 states that, "...This designation identifies the region's primary business, civic, commercial and cultural centres that will be planned and developed: (a) to accommodate a significant share of the region's future population and employment growth; (b) as focal points for investment in institutional and regional-scale human services as well as commercial, recreational, cultural and entertainment land uses; (c) to accommodate applicable Major Transit Station Areas..." In this case, the proposed development will assist in fulfilling this policy by providing high density residential use and ground floor commercial use, within a Major Transit Station Area.

Regional staff have indicated that they have no objections to the proposed applications, subject to a Holding provision that requires the owner to prepare a detailed stationary noise study to the satisfaction of the Region, prior to the establishment of residential or other sensitive land uses (see Attachment E for Department and Agency Comments). The Holding provision cannot be removed until such time as the Region of Waterloo has accepted the noise study and recommended implementation measures have been accepted. Planning staff is of the opinion that this proposal conforms to the ROP.

Kitchener Official Plan, 2014 (KOP):

Urban Structure

Within the KOP, subject property is identified as being within two urban structure components: Urban Growth Centre *and* Major Transit Station Area.

Urban Growth Centre

Policy 3.C.2.12. states that "The Urban Growth Centre (Downtown) is the primary Urban Structure Component and Intensification Area. The planned function of the Urban Growth Centre (Downtown) is to accommodate a significant share of the Region's and City's future population and employment growth." Also, Policy 3.C.2.13., states "The Urban Growth Centre (Downtown) is planned to achieve, by 2031 or earlier, a minimum density of 225 residents and jobs combined per hectare and assist in achieving the minimum residential intensification target identified in Policy 3.C.1.6."

It must again be emphasized that this is a *minimum* target to be achieved within a *specific timeline*. As aforementioned, the Downtown Kitchener UGC has an estimated density of 212 residents and jobs per hectare (as of June 2021) and is on its way to achieving the City's Official Plan minimum target of 225 residents and jobs per hectare by 2031. The proposed development would assist in achieving the City's minimum target.

The KOP also states that "3.C.2.14. The Urban Growth Centre (Downtown) is planned to be a vibrant regional and citywide focal point and destination and is intended to be the city's primary focal point

for residential intensification as well as for investment in institutional and region-wide public services, commercial, office, recreational, cultural and entertainment uses.” The proposal represents residential intensification and commercial redevelopment, noting that the site is largely vacant at this time.

Major Transit Station Area

Policy 3.C.2.17. states that “The planned function of Major Transit Station Areas, in order to support transit and rapid transit, is to: a) provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels; b) provide connectivity of various modes of transportation to the transit system; c) achieve a mix of residential, office (including major office), institutional (including major institutional) and commercial development (including retail commercial centres), wherever appropriate; and, d) have streetscapes and a built form that is pedestrian-friendly and transit-oriented.”

In addition, Policy 3.C.2.22. states that development applications that are submitted within MTSAs will be reviewed generally in accordance with the City’s Planning Around Rapid Transit Station Areas (PARTS) Project Plan, until Station Area Plans are completed. For areas that are intended to be the focus for intensification, development applications will support the planned function of MTSAs and consider several factors, for example, the ROP and Transit-Oriented Development Policies, that redevelopment may be required to have appropriate pedestrian and public transit facilities, and that vehicular access points will be controlled to minimize disruption to traffic flow.

In this regard, the proposed development would assist in accommodating the intended growth to support transit and ION service, is well placed to provide connectivity for various modes of transportation, and represents a pedestrian-friendly and transit-oriented, mixed use development that will contribute to the streetscape on King Street and Eby Street.

Planning staff is of the opinion that the requested Official Plan Amendment and Zoning By-law Amendment support redevelopment that conforms to the UGC and MTSA urban structure policies.

Land Use Designation

The subject property is designated Market District on Map 4 – Urban Growth Centre (Downtown). The Market District is located at the eastern entrance to the Downtown and functions as a unique village-like setting anchored by market uses. Policy 15.D.2.57 states that the Market District will permit a broad range of uses, specifically, “a) the predominant use along King Street will be commercial focusing on small retail outlets to provide for the day-to-day shopping needs with residential, restaurants, institutional and some commercial and office uses above. Mixed use buildings will be encouraged.” In this case, the proposal would permit a mixed-use building with ground floor commercial use and residential dwelling units above.

Also, policy 15.D.2.59. states that, “The maximum Floor Space Ratio for all new development and/or redevelopment, except those lands with frontage on Market Lane or Duke Street, will be 3.0” and policy 15.D.2.61. states that, “The building and façade heights may be regulated through the Zoning By-law.” It should also be noted that the subject property is within the *recommended focus area* on Planning Around Rapid Transit Stations (PARTS) Phase 1 (2013) Station Study Area mapping. Moreover, the PARTS Central Plan (2016) suggests a maximum FSR of 3.0 and that “Building Heights on King Street will be limited to maintain the current pedestrian experience”.

In this regard, while the proposal is for 4.8 FSR, which is more than contemplated by the Market District and PARTS, Planning staff has undertaken an extensive review of the design and are of the opinion that it meets the objectives of the King Street streetscape, achieving a 45-degree angular plane through the use of setbacks.

Planning staff is of the opinion that the requested Official Plan Amendment and Zoning By-law Amendment align with the intent of the Market District land use designation policies of the City's Official Plan.

Department and Agency Review:

Circulation of the OPA and ZBA was undertaken February 1, 2021 to applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and necessary revisions and updates to the proposal have been made through the application review process, including updates to the Draft Zoning By-law and Urban Design Brief. The Region is supportive of the proposal, subject to application of the aforementioned holding provision. Department and agency comments are included as Attachment E to this report.

The following reports and studies were considered as part of the subject Official Plan Amendment and Zoning By-law Amendment:

- Arborist Assessment – Existing Trees
Prepared by: GSP Group, November 30, 2020
- Functional Servicing Report
Prepared by: GM BluePlan Engineering, October 2020
- Pedestrian Wind Assessment
Prepared by: SLR, October 6, 2020
- Sustainability Statement
Prepared by: GSP Group, October 16, 2020
- Environmental Noise and Vibration Impact Study
Prepared by: dBA Acoustical Consultants Inc, October 2020
- Parking Review and Justification
Prepared by: Salvini Consulting, September 29, 2020
- Planning Justification and Urban Report Addendum
Prepared by: IBI Group, October 2020
- Urban Design Brief
Prepared by: GSP Group, May 2022
- Vegetation Management Plan
Prepared by: GSP Group, November 25, 2020

Community Input & Staff Responses

Staff received written comments from approximately 27 community members regarding the requested amendments (see Attachment F). The majority of the comments expressed support for the proposal. A petition in opposition to the proposal was also received. The petition contains the names of 9 community members who represent 4 households (including 4 residents of the existing dwelling on the subject property, addressed as 12 Eby Street). A Neighbourhood Meeting was hosted by Planning staff on April 28, 2021 and was attended by approximately 22 community

members. In addition, Planning staff followed up directly with many community members. Table 2 provides a high-level summary of what staff heard from the community, and staff responses.

Table 2: High-level Summary of What Staff Heard from the Community:

What Planning Staff Heard	Planning Staff Comment
Support for development and investment in the Market District	The City's Official Plan encourages intensification within downtown for economic development purposes. Planning staff is of the opinion that the proposed development will help to achieve this goal.
Support for provision of housing	Planning staff agrees that the proposed development supports the creation of housing in downtown.
Support for zero parking	Transportation Services and Planning staff support the requested parking reduction. The proposed development concept is pedestrian-friendly and transit-supportive.
Support for the building design and scale	Planning and Urban Design staff worked with the applicant through numerous iterations of the plan to achieve the design concept shown in the Urban Design Brief, which will contribute to the downtown and ensure compatibility with adjacent uses. Planning staff recommends that Council endorse the Urban Design Brief to provide direction for the future site plan application.
Support for mixed use within the proposed building	Planning staff is of the opinion that the proposed mixed-use building will contribute positively to the Market District through appropriate residential intensification and provision of ground floor commercial use.
Concern about lack of parking and congestion	It should be noted that the new zoning by-law already contains a zero parking requirement. This rate will be put into effect when the new downtown zones are applied. Parking relief is only required in this case because the subject property (and all downtown properties) is under the older zoning by-law. Generally, the rationale for the zero parking rate is that downtown is well served by transit, cycling, and pedestrian facilities and contains numerous public and private parking facilities. It should also be noted that there are already much larger approved projects in downtown that do not propose any parking.
Concern regarding proposed building height, massing, design	Planning and Urban Design staff worked with the applicant through numerous iterations of the plan to achieve the design concept shown in the Urban Design Brief. Staff is of the opinion that the concept will contribute positively to the downtown and will ensure compatibility with adjacent uses. Planning staff recommends that Council endorse the Urban Design Brief to provide direction for the future Site Plan Application.
Concern about construction impacts	Construction impacts are temporary, intrinsic to development, and necessary to achieve progress within a growing municipality. City by-laws and provincial regulations mitigate and/or prevent some potential construction impacts. Transportation Services staff will ensure that any construction traffic is managed with the least interruption / inconvenience possible.

Concern about impact on neighbourhood character	The proposed development concept represents a significant investment in the Market District. While it is greater in height than immediately adjacent development, there are several developments in the area that are of the same height or greater. Also, the proposed building achieves a 45-degree angular plane along the King Street frontage. It should be noted that Heritage Planning staff does not have any concerns with the proposal.
Concern about unit cost and size	The proposed residential units are not considered affordable housing and comprise one-bedroom units only. Staff agrees that it would be beneficial for a mix of unit types to be provided. However, there is no authority for the City to prescribe the unit mix or affordability at this time.
Concern regarding precedent	Planning staff review each development application on its own merits, based on the specific context of the neighbourhood, and in light of applicable legislation, policies, guidelines, etc. Permitting a development of a certain height or massing will not necessarily result in the development of other, similar projects within a given area.
Concern about demolition of the existing dwelling and loss of housing for current tenants	Planning staff is concerned about the loss of the existing dwelling and its effect on the current tenants. The current dwelling is proposed to be demolished to facilitate the subject proposal. Planning staff requests that the developer work with the current residents regarding future accommodation.

Planning Conclusions

Considering the foregoing, Planning staff support the proposed Official Plan Amendment and Zoning By-law Amendment to permit 276 King Street East to be developed with a 7-storey mixed use building. Planning staff is of the opinion that the requested amendments are consistent with policies of the Provincial Policy Statement (2020), conform to the Growth Plan, the Regional Official Plan, and the City of Kitchener Official Plan, and represent good planning. Accordingly, Planning staff recommends that the Official Plan Amendment be adopted, the Zoning By-law Amendment be approved, and the Urban Design Brief be endorsed.

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. Two notice signs were posted on the property – one on each frontage – and information regarding the applications was posted to the City’s website in February 2021. Following the initial circulation, an additional Courtesy Notice of the public meeting was circulated to

all property owners within 120 metres of the subject lands, those who responded to the preliminary circulation, and those who attended the Neighbourhood Meeting on April 28, 2021. In addition, Notice of the Public Meeting was posted in The Record on May 20, 2022 (see Attachment D).

CONSULT – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to property owners within 120 metres of the subject lands on February 1, 2021. In response to this circulation, staff received written responses from 27 households and a 9-person petition, which are summarized as part of this staff report and attached as Attachment F.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan, 2015
- City of Kitchener Official Plan, 2014
- Planning Around Rapid Transit Stations (PARTS)
- City of Kitchener Zoning By-law 2019-051
- Comprehensive Review of the Zoning By-law (CRoZBy), 2022
- City of Kitchener Zoning By-law 85-1

REVIEWED BY: Stevenson, Garrett – Manager of Development Review, Planning Division

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

ATTACHMENTS:

- Attachment A – Draft Official Plan Amendment
- Attachment B – Draft Zoning By-law Amendment
- Attachment C – Urban Design Brief
- Attachment D – Newspaper Notice
- Attachment E – Department and Agency Comments
- Attachment F – Community Comments