

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: September 12, 2022

SUBMITTED BY: Stevenson, Garrett - Interim Director of Planning, 519-741-2200 ext. 7070

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

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: August 9, 2022

REPORT NO.: DSD-2022-405

SUBJECT: Official Plan Amendment OPA21/008/K/CD
Zoning By-law Amendment ZBA21/013/K/CD
1668 King Street East
2806399 Ontario Inc.

RECOMMENDATION:

That Official Plan Amendment Application OPA/21/008/O/CD for 2806399 Ontario Inc. requesting a land use designation change from “Mixed Use Corridor with Special Policy Area 1” to ‘Mixed Use Corridor with Specific Policy Area 7’ to permit a mixed use development on the lands specified and illustrated on Schedule ‘A’, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2022-405 as Appendix ‘A’, and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA21/013/K/CD for 2806399 Ontario Inc. be approved in the form shown in the ‘Proposed By-law’, and ‘Map No. 1’, attached to Report DSD-2022-405 as Appendix ‘A’; and further

That in accordance with Planning Act Section 45 (1.3 & 1.4), applications for minor variances shall be permitted for lands subject to Zoning By-law Amendment Application ZBA21/013/K/CD.

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 1668 King Street East. It is planning staff’s recommendation that the Official Plan and Zoning By-law Amendments be approved.
- Community engagement included:
 - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;
 - installation of two large billboards notice sign on the property;
 - follow up one-on-one correspondence with members of the public;
 - Neighbourhood Meeting held on October 21, 2021;

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

- postcard advising of the statutory public meeting was circulated to all property owners within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meeting;
- notice of the public meeting was published in The Record on August 19, 2022.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The owner of the property addressed as 1668 King Street East is proposing to change the Official Plan land use designation from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 7' in the King Street East Secondary Plan, and to change the zoning from 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 to 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 with a Special Regulation Provision to allow for an increased Floor Space Ratio (FSR); further regulate parking; regulate building setbacks and to apply a Holding Provision to require remediation of site contamination and an updated noise study. Staff recommend that the applications be approved.

BACKGROUND:

2806399 Ontario 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 1668 King Street East to permit the lands to be developed with a mixed use development consisting of two (2) towers, 22 and 23 storeys in height, each with a 8 storey podium. The proposed development includes parking located underground, internal to the buildings and on the surface of a parking deck. The lands are designated 'Mixed Use Corridor with Special Policy Area 1' in the City of Kitchener King Street East Secondary Plan and zoned 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1.

The existing zoning permissions permit:

- a range of permitted uses, including Multiple Dwellings and a wide range of commercial and institutional uses,
- a maximum building Floor Space Ratio (FSR) of 4.0,
- buildings with no maximum building height,
- 1 parking space for each dwelling unit over 51 square metres of floor area and,
- 0.165 parking spaces for dwelling units having a floor area of 51.0 square metres or less (capped at 40% of the units).

Site Context

The subject lands at 1668 King Street East are defined as a through lot and have frontages on King Street East and Weber Street East. The property is located near the intersection of King Street East and Montgomery Road. The subject property is irregular in shape and has a lot area of 0.7 hectares (1.74 acres) with 72 metres of frontage along King Street East and 36 metres of frontage along Weber Street East. 1668 King Street East is currently occupied by a commercial building and a large surface parking area which was formerly used by the Schwaben Club. The surrounding neighbourhood consists of a variety of uses including commercial buildings, medium-rise and high-rise residential uses, single and semi-detached dwellings, low-rise multiple dwelling buildings, and institutional buildings. Directly to the north of the property is a Secondary School (Eastwood Collegiate High School), directly to the east and west of the subject lands are commercial properties and to the south across the street of King Street East is the Rockway Gardens and landscaped open space located between King Street East and Floral Crescent.

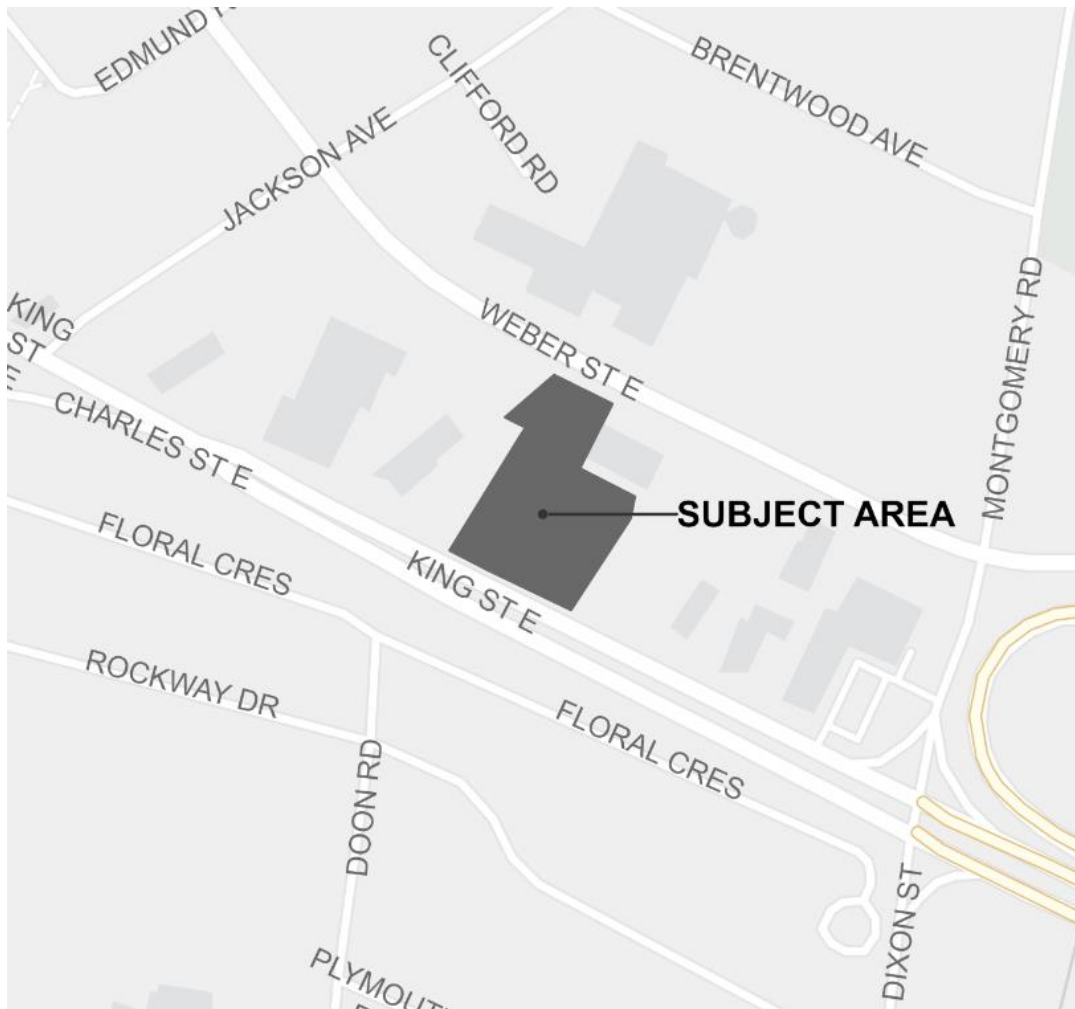


Figure 1 - Location Map: 1668 King Street East

REPORT:

The applicant is proposing to develop the subject lands with a mixed-use development consisting of two (2) towers, 22 and 23 storeys in height, each with a 8 storey podium. The proposed development consists of 616 residential units, 184.4 square metres of commercial/retail space located at grade, a roof top terrace on the fourth level, and 403 parking spaces located underground, internal to the building and on a surface parking deck. The proposed development includes two buildings, one of which is a 22 storey tower with an 8 storey podium located along King Street East. This building contains 313 resident units and 184.4 square metres of commercial space is proposed along King Street East on the first level. The second tower is 23 storeys in height with an 8 storey podium located along Weber Street East and contains 303 residential units. Both buildings have building stepbacks at the 8th floor and the 12th floors and are connected by the parking structure and 4th level outdoor amenity space.

Through the processing of the applications, a revised development proposal was prepared to address staff and public comments.

Table 1 below provides a comparison of the development concepts, figures 2 and 3 show the comparisons between the original concept site plan and the revised development concept site plan, and Figures 4 and 5 show comparison renderings of the original development proposal and the revised development proposal.

Table 1. Development Concept Comparison Table

	Original Development Concept	Revised Development Concept
Number of Units	616 residential units	616 residential units
Parking Spaces	371 parking spaces	403 parking spaces
Building Heights	Two, 23 storey slab towers	One 22 storey compact slab tower One 23 storey point tower
Floor Space Ratio	7.2	7.2
Complies with Tall Building Guidelines	No	Yes
Class A Bicycle Parking (indoor secure parking)	124 Class A Bicycle Parking Spaces	307 Class A Bicycle Parking Spaces
Electric Vehicle Ready Parking Stalls	0 proposed.	123 EV ready parking stalls
Podium Design	3 storey podium.	8 storey podium



Figure 2 – Original Development Concept Site Plan

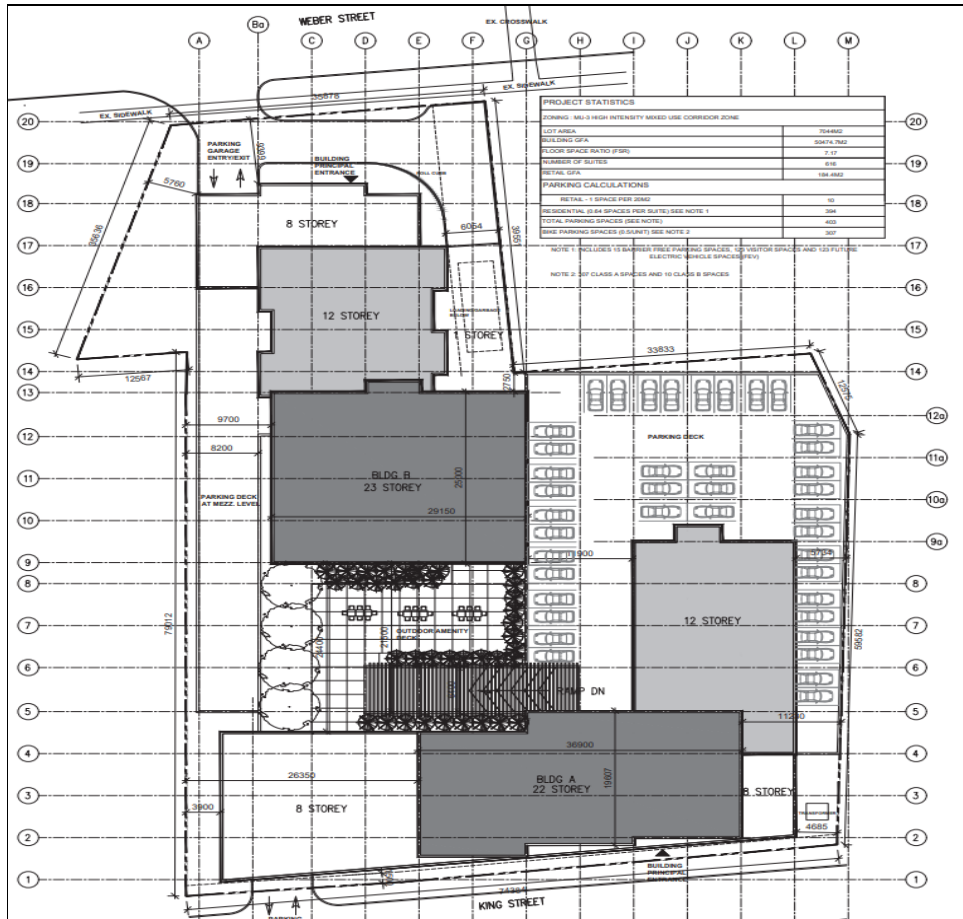


Figure 3 – Revised Development Concept Site Plan



Figure 4 – Original Development Rendering



Figure 5 – Revised Development Rendering

The revised development concept includes changes in direct response to community and staff comments. The revised proposed development includes a redesign of the two towers that now complies with the City of Kitchener Design for Tall Building Guidelines, which are Council approved guidelines in the Urban Design Manual that guide and inform development applications for proposed buildings 9 storeys and greater. The original development application did not meet off site separation and had 100 percent overlook between the two towers. The revised development concept has addressed both and complies with the Design for Tall Building Guidelines. In addition to meeting the Design for Tall Building Guidelines, an 8-storey podium is provided which is well defined and enhances the streetscape. Massing has been broken up on the towers with building setbacks provided at the 8th floor and 12th floor which helps address shadow impacts and enhances the public realm. The revised development concept has also increased the number of onsite parking from 371 parking spaces to 403 parking spaces, increased the number of Class A bicycle parking spaces (indoor secured bicycle parking) from 124 Class A bicycle parking spaces to 307 Class A bicycle parking spaces and have added 10 Class B visitor bicycle spaces. Furthermore, 20% of the provided parking (123 spaces) will be designed as Electric Vehicle Ready car parking stalls.

To facilitate the redevelopment of 1668 King Street East with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are proposed to change the land use designation and zoning of the subject lands as the existing Official Plan policies and zoning permit a maximum Floor Space Ratio (FSR) of 4.0. The lands are currently designated 'Mixed Use Corridor with Special Policy Area 1' in the City of Kitchener King Street East Secondary Plan and zoned 'High Intensity Mixed Use Corridor Zone' (MU-3) in Zoning By-law 85-1.

The owner is proposing to change the land use designation to 'Mixed Use Corridor with Special Policy 7' in the King Street East Secondary Plan and the zoning to 'High Intensity Mixed Use Corridor Zone' (MU-3) with Special Regulation Provision 780R and Holding Provision 94H' in Zoning By-law 85-1, to allow for a FSR of 7.2; reduce the required parking; and regulate rear yard building setbacks. A Holding Provision is also proposed to be added to the property to prevent the development of the site with sensitive uses, including residential uses, until the site contamination has been remediated and a revised noise study is completed to the satisfaction of the Region of Waterloo.

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.

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 multiple dwelling 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 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 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.

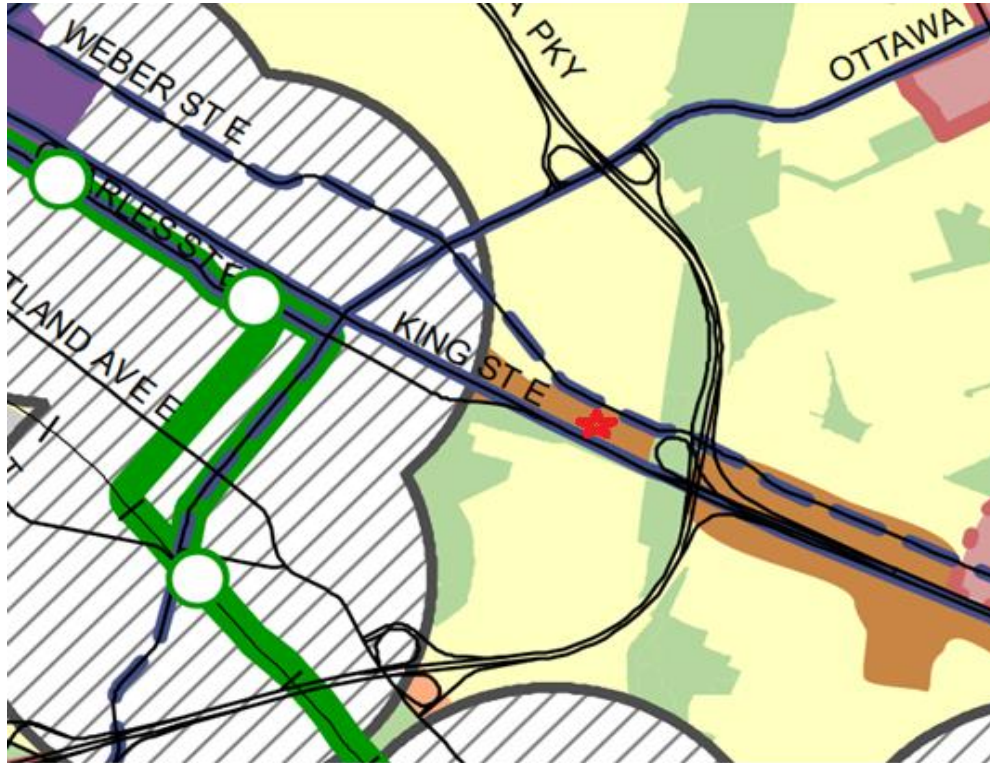


Figure 6 – Subject lands are located within an Urban Corridor in the City of Kitchener’s Official Plan on Map-2

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 Policy 2.D.1 of the ROP as 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.

The Region of Waterloo have indicated they have no objections to the proposed application (Appendix ‘D’). 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 Corridor with Special Policy Area 1" (Map 10) in the King Street East Secondary Plan (1994 Official Plan). The Mixed Use Corridor land use designation provides residential redevelopment opportunities together with appropriate commercial and institutional uses that primarily serve adjacent residential neighbourhoods. Over time it is intended that the Mixed Use Corridors shall intensify and provide a balanced distribution of commercial, multiple residential and institutional uses. The policies of Special Policy Area 1 were deleted through OPA 111.

The applicant is proposing to add Special Policy Area 7 to the King Street East Secondary Plan to allow a Floor Space Ratio (FSR) of 7.2 whereas the current Official Plan policies allow for a maximum FSR of 4.0 with an additional 1.0 FSR permitted if a 1000 square metre or larger food store is located within the mixed-use development. The proposed increase to the Floor Space Ratio (FSR) is also required to support the proposed built form, which includes above grade structured parking internal to the building. Due to the significant grade change on site, underground site contamination and a high water table only one level of below-grade parking structure is feasible. As such, 3 levels of above grade parking internal to the building with one level of above grade deck parking are proposed. The parking structure is proposed to be wrapped with dwelling units along King Street East and Weber Street East and therefore screened from view although still contributing to FSR. The parking structure by itself represents an FSR of about 1.6. The amount of floor space occupied by the multiple dwelling units and commercial space represents an FSR of about 5.6, which is only slightly above the allowable FSR. City policies support the construction of structured parking in order to maximize intensification opportunities and minimize surface parking. Staff is of the opinion that the proposed increase to the FSR is appropriate.

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 mixed-use which provides 184.4 square metres of retail/commercial along the King Street East frontage and provides for 616 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.

Neighbourhood Planning Review (NPR)

1668 King Street East is within the King East Neighbourhood Planning Review (NPR) area. A statutory public meeting was held on December 9, 2019 regarding draft amendments to the King Street Secondary plan. The proposed Official Plan designation for the site is 'Mixed Use' and the proposed zoning is 'Medium to High Rise Mixed Use Three Zone (MIX-3)'. The NPR project is under review and updated draft land use designations and zoning will be considered in 2023.

Urban Design

The City's urban design policies are outlined in Section 11 of the City's OP. 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 Brief and Design Report was submitted and has been reviewed by City staff. The Urban Design Brief outlines the vision and principles guiding the site design and informs the proposed zoning by-law regulations.

Streetscape – The King Street East frontage is activated by at-grade commercial units, with 184.4 square metres of commercial space proposed along the King Street East frontage. Furthermore, both buildings' principal entrances and lobbies are located at grade with direct access to public sidewalks. Both towers include podiums that have defined bases which will enhance the streetscape.

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 two towers have well defined podiums and building step backs which helps enhance the public realm. Massing is broken up at the 8th and 12th storeys on both towers which mitigate overlook issues and shadow impacts.

Tower Design

The proposed building tower A (building located along King Street East) is classified as a "Compact Slab" as the proposed tower floor plate is less than 850 square metres in area. The tower placement has been oriented towards King Street with an 8 storey podium and building step backs at the 12th floor. The tower massing is broken up vertically by variation and the articulation of building materials. Furthermore, balconies for the residential units are included on the street-facing elevations.

The proposed building tower B (building located along Weber Street East) is classified as a "Compact Point". Building B has well defined 8 storey podium along Weber Street which increases to 12 floors and then 23 floors. Like building A, the massing of building B is broken up vertically by variation and

the articulation of building materials. Furthermore, balconies for the residential units are included on the street-facing elevations.

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. The submitted Preliminary Wind Study indicates less than ideal wind conditions for the on-site amenity area. Wind control features will be required through the site plan application staff as will a full Wind Assessment be required and reviewed at the site plan application stage.

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 generally consistent with and meet the overall intent of the City's Design for Tall Building Guidelines. More specifically, the proposed development meets the onsite and offsite separation distance requirements of the Design for Tall Building Guidelines.

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 King Street and Weber Street both which have multiple bus routes (GRT Routes 7 and 8) and stops located within walking distance. The building has excellent access to 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 will support a more intensive mixed-use residential development in a location that is supported by the transportation network. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a 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 will be required 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 stage through the detailed design of the buildings.

Official Plan Conclusions

The Official Plan Amendment application requests that the land use designation as shown on Map 10 – King Street East Secondary Plan be changed from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 7'. 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 Appendix "A".

Proposed Zoning By-law Amendment:

The subject lands are zoned 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1. The existing zoning permits Multiple Dwellings and a wide range of Commercial and Institutional uses. The MU-3 zone currently allows for a maximum building Floor Space Ratio (FSR) of 4.0 and there is no maximum building height. The existing zoning also requires 1.0 parking spaces for each dwelling unit over 51 square metres of floor area and 0.165 parking spaces for each dwelling unit having a floor area of 51.0 square metres or less (capped at 40% of the units).

The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from “High Intensity Mixed Use Corridor Zone (MU-3)’ to ‘High Intensity Mixed Use Corridor Zone (MU-3)’ in Zoning By-law 85-1 with Special Regulation Provision 780R and Holding Provision 94H” in Zoning By-law 85-1.

Official Plan policies indicate that where special 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 the Zoning By-law to add Special Regulation Provision 780R to Zoning By-law 85-1. The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), regulate the rear yard setback and reduce the required parking rate.

Staff offer the following comments with respect to the proposed Special Regulation Provision 780R:

a) That the maximum Floor Space Ratio shall be 7.2.

The purpose of this regulation is to cap the Floor Space Ratio and ensure development does not exceed the density presented in the concept plans.

b) That parking be provided at a rate of 0.64 parking spaces per dwelling unit. 7% of the required parking spaces shall be shared for visitor parking and non-residential uses. Bicycle and electric vehicle parking are to be provided in accordance with By-law 2019-051.

The purpose of this regulation is to provide for a parking rate which is appropriate for the development as well as require adequate bicycle parking spaces and future electric vehicle charging parking spaces. The proposed ratio results in a parking rate of 0.64 parking spaces per dwelling unit (inclusive of visitor spaces). 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. Planning and Transportation Services staff is of the opinion that the parking rate is appropriate for the subject lands.

c) The minimum rear yard setback shall be 9.4 metres.

The purpose of this regulation is to allow the building to be setback 9.4 metres to Weber Street East. The subject lands are a through lot and the building setback to Weber Street is regulated as a rear yard. Through lot rear yards function as front yards and the 9.4 metre rear yard setback to Weber Street allows for adequate site access off of Weber Street into the subject lands.

d) 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.

Staff offer the following comments with respect to Holding Provision 94H:

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 'MU-3' zone and special regulation provision. 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.

Holding Provision 94H

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. No residential use shall be permitted until such time as a Road Traffic and Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures

There is an environmental threat located on and adjacent to the subject lands in accordance with the Region's Threats Inventory Database (TID) due to past and current land uses. A Record of Site Condition (RSC) and Ministry Acknowledgement Letter shall be required in accordance with the Region's Implementation Guidelines. Until such time that the RSC and Ministry Acknowledgement letter have been received by the Region, residential redevelopment of the site is not permitted. A noise study was prepared in support of the proposed Zoning By-law and reviewed by the Region of Waterloo. Additional building noise mitigation measures will be reviewed through the site plan design and approvals process and an addendum to the noise study will be required prior to removal of the Holding Provision.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to 'High Intensity Mixed Use Corridor Zone (MU-3)' with Special Regulation Provision 780R and Holding Provision 94H 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. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Appendix "A".

Department and Agency Comments:

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken in September 2021 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 Appendix "C" 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, July, 2021
- Planning Justification Report Addendum
Prepared by: MHBC Planning, May, 2022
- Urban Design Brief
Prepared by: MHBC Planning, May, 2022
- Shadow Study
Prepared by: Cusimano Architects, May, 2022
- Transportation Impact Study and Parking Study
Prepared by: Paradigm Transportation Solutions, July, 2021
- Transportation Impact Study and Parking Study Response Letter
Prepared by: Paradigm Transportation Solutions, May, 2022
- Wind Study
Prepared by: Boundary Layer Wind Tunnel Laboratory, May 2021
- Wind Study Response
Prepared by: Boundary Layer Wind Tunnel Laboratory, May, 2022
- Water Flow Test Report
Prepared by: FCFP, September 2020
- Site Servicing Feasibility Study
Prepared by: SBM, May, 2021
- Hydrogeological Investigation and Dewatering Report
Prepared by: MTE, September, 2021
- Geotechnical Report
Prepared by: Chung & Vander Doelen Engineering LTD, December ,2020
- Sustainability Statement
Prepared by: MHBC Planning, July, 2021
- Noise Feasibility Study
Prepared by: HGC Engineering, July, 2021

Community Input & Staff Responses

Staff received written responses from 18 residents with respect to the proposed development. These are included in Appendix 'D'. A Neighbourhood Meeting was held on October 21, 2021. In addition, staff had follow up one-on-one correspondence with members of the public and held a small group site walk with residents. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
Concerns the proposed development will create traffic that existing roads can not handle.	A Traffic Impact Study was submitted and reviewed by City and Regional Transportation staff who did not identify any major traffic concerns as a result of the proposed development.
Tall buildings should not be allowed.	The existing zoning currently permits a floor space ratio of 4.0 and there is no maximum building height. The proposed amendments to allow for increase density allows for two towers to be developed on site. The applicant has demonstrated that two towers can be accommodated in accordance with the City's design for tall building guidelines, which is the Council approved guiding document for tall building developments.
Loss of day light for residents on Floral Crescent and Jackson Avenue. Concerns Tall buildings will block the sun on the Rockway Gardens.	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 impacts on residential properties and the Rockway Gardens.
The building is too tall and residents have concerns with privacy into their yards.	The proposed development is located 80 metres to the nearest residential dwelling on Floral Crescent and is separated by a 4 lane road (King Street East) with a landscaped median. A City-owned open space (Rockway Gardens) with existing mature trees separates and screens King Street East to Floral Crescent. Furthermore, building setbacks are proposed in the buildings at the 8 th floor and 12 th floors to further mitigate privacy concerns.
Too many units are being proposed and not enough on-site parking which will result in cars parking on the street.	The original development proposal included 371 parking spaces and 124 Class A bicycle parking spaces. The revised development concept includes 403 parking spaces, 307 Class A bicycle spaces, and 10 Class B visitor bicycle spaces. In direct response to public and staff comments additional parking was provided along with more bicycle parking for residents and visitors.
Not enough parking is being provided.	A Parking Justification Study was submitted and reviewed by Transportation Services staff who support the proposed parking rate of 0.64 parking spaces per dwelling unit. Unbundled parking is proposed as well as 0.5 Class A bicycle parking spaces per dwelling unit are required as a Transportation Demand Management (TDM) measure.
Affordable Units should be provided.	This development is not receiving affordable housing sponsorship. Rather the development proposes 616 purpose-built rental units which is an alternative housing option for those who are not in a position to purchase a dwelling unit.

Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit 1668 King Street East to be developed with a mixed-use

development. 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 – 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. A large notice sign was posted on the property and information regarding the application was posted to the City's website in September of 2021. 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, those responding to the preliminary circulation and who attended the Neighbourhood Meetings. Notice of the Statutory Public Meeting was also posted in The Record on August 19, 2022 (a copy of the Notice may be found in Appendix B).

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 September 21, 2021. In response to this circulation, staff received written responses from 18 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 and held a small group site walk with residents.

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, 1994
- City of Kitchener Zoning By-law 85-1

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

APPENDIXS:

- Appendix A – Proposed Official Plan Amendment
- Appendix B – Proposed Zoning By-law Amendment
- Appendix C – Newspaper Notice
- Appendix D – Department and Agency Comments
- Appendix E – Public Comments