

# Staff Report



Development Services Department

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**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** December 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 9

**DATE OF REPORT:** October 31, 2022

**REPORT NO.:** DSD-2022-449

**SUBJECT:** Official Plan Amendment OPA22/007/K/CD  
Zoning By-law Amendment ZBA22/012/K/CD  
1251-1253 King Street East and 16 Sheldon Avenue South  
King Sheldon Kitchener Holdings Inc

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## RECOMMENDATION:

That Official Plan Amendment Application OPA22/007/K/CD for King Sheldon Kitchener Holdings Inc requesting a land use designation change from ‘Mixed Use Corridor with Special Policy Area 1’ to ‘Mixed Use Corridor with Specific Policy Area 9’ 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-2022-449 as Appendix ‘A’, and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA22/012/K/CD for King Sheldon Kitchener Holdings Inc be approved in the form shown in the ‘Proposed By-law’, and ‘Map No. 1’, attached to Report DSD-2022-449 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 ZBA22/012/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 subject lands located 1251-1253 King Street East and 16 Sheldon Avenue South. It is planning staff's recommendation that the Official Plan and Zoning By-law Amendments be approved.
- The proposed Amendments support the creation of a high intensity mixed use development in a Major Transit Station Area.
- Community engagement included:
  - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;
  - installation of a large billboard notice signs on the properties;

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

- follow up one-on-one correspondence with members of the public;
- Neighbourhood Meeting held on August 25, 2022;
- 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 Meetings;
- notice of the public meeting was published in The Record on November 18, 2022.
- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

The property owner of the subject lands addressed as 1251-1253 King Street East and 16 Sheldon Avenue South 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 9' in the King Street East Secondary Plan, and to change the zoning from 'High Intensity Mixed Use Corridor Zone (MU-3) with Special Regulation Provision 544R' in Zoning By-law 85-1 to 'High Intensity Mixed Use Corridor Zone (MU-3)' in Zoning By-law 85-1 with Special Regulation Provisions 544R and 783R and Holding Provision 96H to allow for an increased Floor Space Ratio (FSR); further regulate parking; 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. Staff recommend that the applications be approved.

## **BACKGROUND:**

King Sheldon Kitchener Holdings 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 1251-1253 King Street East and 16 Sheldon Avenue South to permit the lands to be developed with a 27-storey mixed use residential building (Building A) and an 8-storey residential building (Building B) with a shared amenity area and shared structured parking facility with a proposed Floor Space Ratio (FSR) of 8.6. 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) with Special Regulation Provision 544R' in Zoning By-law 85-1.

The existing zoning permissions permit:

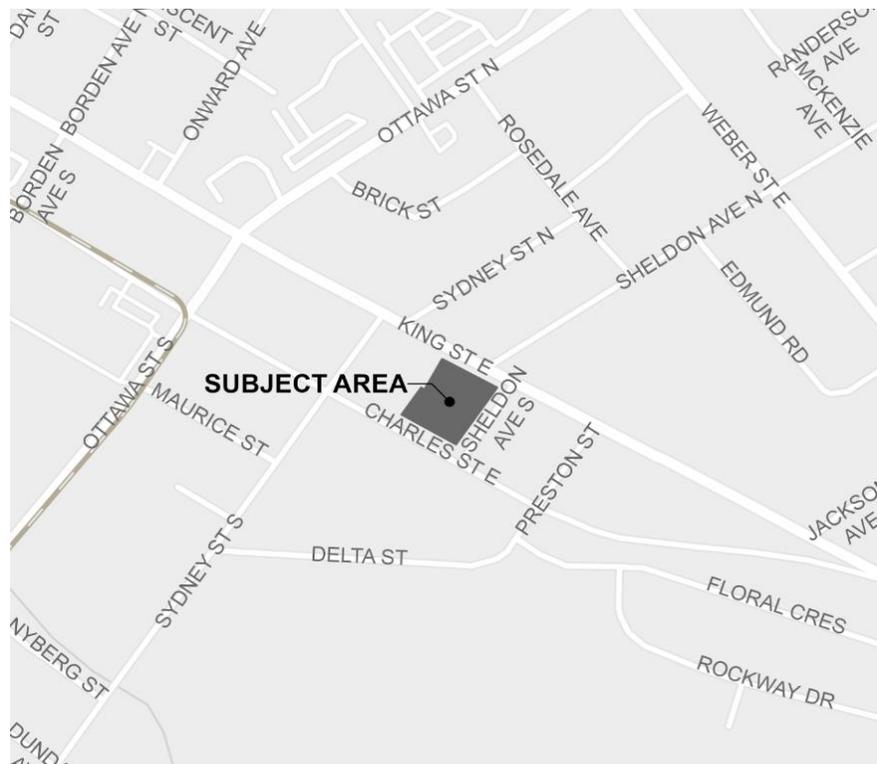
- a range of permitted uses, including Multiple Dwellings and a wide range of commercial and institutional uses,
- a maximum building Floor Space Ratio (FSR) of 4.0,
- buildings with no maximum building height, subject only to the Floor Space Ratio (FSR) maximum requirement,
- an on-site parking rate of 1 parking space for each dwelling unit over 51 square metres of floor area,
- a reduced on-site parking rate of 0.165 parking spaces for dwelling units having a floor area of 51.0 square metres or less (capped at 40% of the units) and,
- Special regulation 544R which allows for an increase Floor Space Ratio (FSR) to 5.0 for a mixed use development with a food store and permits a building setback of 1.5 metres to Charles Street East.

The initial Official Plan Amendment and a Zoning By-law Amendment applications proposed a 24 storey mixed use development with a FSR of 7.94 and a parking rate of 0.5 spaces per unit. Information at the time of the submission of the applications indicated that the airport zoning regulations capped the building height at 24 storeys. Through processing of the application, and review of the airport zoning regulations in consultation with the Region of Waterloo it was determined that 27 storeys is the maximum permitted height of the airport zoning regulations for the subject lands. As such additional density and residential units were added and the proposed Official Plan

Amendment and Zoning By-law Amendment is proposing an FSR of 8.6 and a parking rate of 0.43 spaces per unit to permit a 27 storey mixed use development.

### Site Context

The proposed development includes the consolidation of two properties addressed as 1251-1253 King Street East and 16 Sheldon Avenue South that are located at the intersection of King Street East and Sheldon Avenue South. The consolidated lands form rectangular shape parcel of land with frontage on three streets, King Street East, Sheldon Avenue South and Charles Street East. The subject properties have a combined lot area of 0.4 hectares (0.99 acres) with approximately 61 metres of frontage along King Street East (the front lot line), 69 metres of frontage along Sheldon Avenue South (the side yard abutting a street), and 62 metres of frontage along Charles Street East (the rear yard). The subject lands are currently developed with a commercial plaza and surface parking lot. The surrounding neighbourhood consists of a variety of uses including high-rise, medium-rise, and low-rise multiple dwelling buildings, single detached dwellings, semi-detached dwellings, as well as commercial and institutional buildings. The subject lands are located within 500 metres of the Borden ION station, which is located at the intersection of Charles Street East and Borden Avenue South. Existing bus routes operate along King Street and the subject lands are in close proximity to the downtown cycling grid.



**Figure 1 - 1251-1253 King Street East and 16 Sheldon Avenue South**

### REPORT:

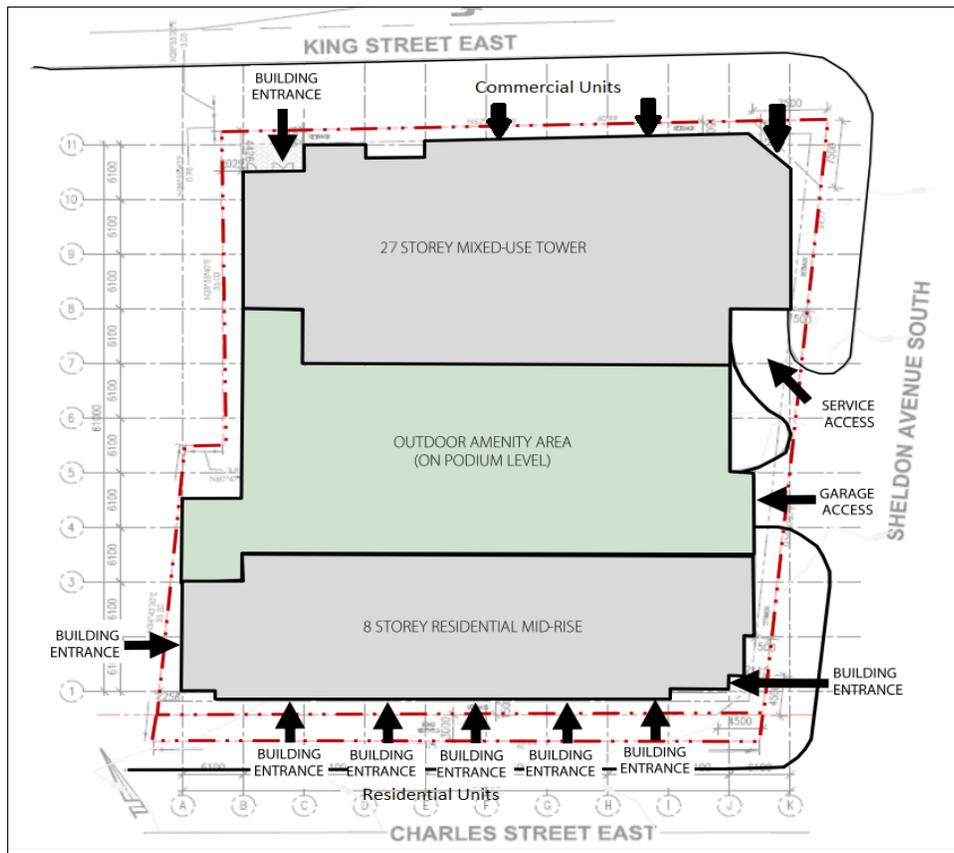
The applicant is proposing to develop the subject lands with a with a 27-storey mixed use residential building (Building A) and an 8-storey residential building (Building B) with a shared amenity area and shared structured parking facility, with a proposed Floor Space Ratio (FSR) of 8.6. The mixed-use building proposes a total of 408 residential units with approximately 484 square metres of commercial/retail space at-grade which wrap around the structured parking component of the building. The commercial units are proposed along the King Street East frontage (providing and active streetscape at a pedestrian scale) and 5 residential units (in the form of townhouse style units

within the building base), are proposed along the Charles Street East frontage. A total of 178 parking spaces are provided in the development, located within one storey of underground parking and two storeys of above-grade structured parking. Building stepbacks are provided at the 8<sup>th</sup> floor podium and the 25<sup>th</sup> floor. Outdoor amenity space is proposed on top of the structure parking on the 3<sup>rd</sup> level of the podium that connects the 27 storey building with the 8 storey building.

Table 1 below highlights the development concept statistics while Figures 2 and 3 show the proposed development concept site plan and renderings of the development proposal.

**Table 1. Proposed Development Concept Statistics**

	<b>Development Concept</b>
<b>Number of Units</b>	408 dwelling units
<b>Commercial Space</b>	484 square metres
<b>Parking Spaces</b>	178 parking spaces
<b>Building Height</b>	27 storeys
<b>Podium Design</b>	8 storeys
<b>Class A (indoor secured) Bicycle Parking</b>	204
<b>Class B (outdoor visitor) Bicycle Parking</b>	6
<b>Electric Vehicle Ready Parking Stalls</b>	82
<b>Floor Space Ratio</b>	8.6
<b>Unit Types</b>	Studio units (21) 1 bedroom units (243) 2 bedroom units (144)



**Figure 2 – Development Concept Site Plan**

To facilitate the redevelopment of 1251-1253 King Street East and 16 Sheldon Avenue South with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are required 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) with Special Regulation Provision 544R' in Zoning By-law 85-1.

The owner is proposing to change the land use designation to 'Mixed Use Corridor with Special Policy 9' in the King Street East Secondary Plan and the zoning to 'High Intensity Mixed Use Corridor Zone' (MU-3) with Special Regulation Provisions 544R, 783R and Holding Provision 96H' in Zoning By-law 85-1, to allow for a FSR of 8.6; reduce the required parking; and allow non-residential (commercial) and residential uses to both be located on the ground floor. 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 Region is in receipt of a Record of Site Condition and a revised noise study is completed to the satisfaction of the Region of Waterloo.



**Figure 3 – Development Rendering: The front elevation along King Street East**

**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 mixed-use development represents an attainable form of market-based housing.

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

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

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

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

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

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:

- i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in community hubs;
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
  - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
  - f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
  - g) integrate green infrastructure and appropriate low impact development.

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

Policy 2.2.4 requires that planning be prioritized for MTSA on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSA on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stations are Major Transit Station Areas (MTSAs) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA boundary for the Kitchener Market ION station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were approved in August 2022. The subject lands are within the Borden Station MTSA. The proposed development provides residential intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the applications conform to the Growth Plan.

### **Regional Official Plan (ROP):**

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to 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 subject lands are within the Major Transit Station Area (MTSA) boundary that was approved in August 2022. The Region of Waterloo have indicated they have no objections to the proposed application or to higher density within the MTSA area. (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 9 to the King Street East Secondary Plan to permit a maximum Floor Space Ratio (FSR) of 8.6 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 FSR is required to accommodate 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, two levels of above grade parking internal to the building are proposed. The parking structure is proposed to be wrapped with commercial units along King Street East, vehicular access and building amenities along Sheldon Avenue, and dwelling units along Charles Street East. The above-grade parking within the building is adequately screened from view, although the building mass still contributes to the total FSR. The parking structure by itself represents an FSR of about 1.7. The amount of floor space occupied by the multiple dwelling units and commercial space represents an FSR of about 6.9, which is a small increase in 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.

Policy 17.E.13.1. of the City of Kitchener Official Plan requires that holding provisions will be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to ensure that certain conditions, studies or requirements related to a proposed Zoning By-law Amendment are met.

### Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Major Transit Station Area. The planned function of the Major Transit Station Areas is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in Major Transit Station Areas give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed

development will help to increase density in an area well served by nearby rapid transit and 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 a Major Transit Station Area but also contributes to the vision for a sustainable and more sustainable city.

### PARTS Rockway Plan

The subject lands are located within the PARTS Rockway Plan which is a guiding document that made recommendations for land uses within and around rapid transit station stops. The PARTS Rockway Plan made recommendation for amendments to the Secondary Plans within the MTSA, which have not yet been implemented. Some of the primary recommendations are to encourage the development of underutilized sites with higher density live-work environments and to increase housing supply with multi-unit residential while protecting existing stable neighbourhoods. The proposed development provides for a range of housing options and the proposed amendment is in keeping with the PARTS Rockway vision for development within and around the ION stops.

### Neighbourhood Planning Review (NPR)

The subject lands are 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 'Mixed Use Three (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 Official Plan. In the opinion of staff, the proposed development meets the intent of these policies, specifically: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design 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 484 square metres of commercial space proposed along the King Street East frontage. Five residential units (in the form of townhouse style units within the building base), are proposed along the Charles Street East frontage activating the street. Principal entrances and lobbies are located at grade with direct access to public sidewalks. The proposed tower includes an 8-storey podium defined bases which enhances 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 building 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 proposed mixed use building includes a well defined 8 storey podiums and building step backs which helps enhance the public realm. Massing is broken up at the 8<sup>th</sup> and 25<sup>th</sup> storeys on the tower which mitigate overlook issues and shadow impacts.

### Tower Design

The proposed 27 storey tower 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 25<sup>th</sup> floor. The tower massing is broken up vertically by variation and the articulation of building materials and balconies.

### 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. Wind control features will be required through the site plan application.

### 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 in close proximity to the Borden ION station stop. The building has excellent access to cycling networks, including existing on and off-

street cycling facilities and is located in close proximity to the downtown cycling grid. 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.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more compact mixed-use development. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

#### Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the range of dwelling units available in the city. The development is contemplated to include a range of unit types including, studio, one and two bedroom units. The wide range of units, in this location, will 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 explored at the site planning stage.

#### Proposed Official Plan Amendment 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 9'. 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) with Special Regulation Provision 544R" to 'High Intensity Mixed Use Corridor Zone (MU-3)' with Special Regulation Provisions 544R, 783R and Holding Provision 96H" 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 783R to Zoning By-law 85-1. The proposed Special Regulation Provision is to permit an increased Floor Space Ratio (FSR), reduce the required parking rate, permit dwelling units on the ground floor with non-residential uses and to prohibit geothermal energy systems.

Staff offer the following comments with respect to the proposed Special Regulation Provision 783R:

a) That the maximum Floor Space Ratio (FSR) shall be 8.6.

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 0.43 parking spaces per dwelling unit. 10% 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 Zoning 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 0.43 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) Dwelling units shall be permitted to be located on the ground floor with non-residential uses.

The purpose of this regulation is to allow for both residential uses and non-residential uses to be located on the ground floors of all the buildings on the subject land. The current zoning of the property does not allow for both. It only allows for dwelling units to be located on the ground floor if the development is entirely residential but does not if there are non-residential uses. The proposed

regulation will allow for commercial uses on the ground floor along King Street East and residential units to be located on the ground floor along Charles Street East.

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 96H:

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 96H

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

- a) 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 (MECP). 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 (MECP) advising that a Record of Site Condition has been completed to their satisfaction.
- b) 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 Provisions 544R, 783R and Holding Provision 96H 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 June 2022 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, May 2022
- Urban Design Brief  
Prepared by: MHBC Planning, May, 2022
- Shadow Study  
Prepared by: Cusimano Architects, October, 2022
- Transportation Impact Study and Parking Study  
Prepared by: Paradigm Transportation Solutions, March, 2022
- Parking Study Addendum Letter  
Prepared by: Paradigm Transportation Solutions, October, 2022
- Wind Study  
Prepared by: Boundary Layer Wind Tunnel Laboratory, February 2022
- Windy Study Addendum Letter  
Prepared by: Boundary Layer Wind Tunnel Laboratory, October, 2022
- Site Servicing Feasibility Study  
Prepared by: SBM, April, 2022
- Geotechnical Report  
Prepared by: Chung & Vander Doelen Engineering LTD, January, 2021
- Sustainability Statement  
Prepared by: MHBC Planning, April, 2022
- Noise Feasibility Study  
Prepared by: HGC Engineering, February, 2022

### **Community Input & Staff Responses**

Staff received written responses from 9 residents with respect to the proposed development. These are included in Appendix ‘D’. A Neighbourhood Meeting was held on September 22, 2022. In

addition, staff had follow-up one-on-one correspondence with members of the public. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
The development should include commercial uses for residents and the neighbourhood.	The proposed mixed-use development includes 484 square metres of commercial space proposed along the King Street East ground floor.
Support for the development	There is support for the redevelopment of the underutilized properties. Residents welcome fresh life and new development to neighbourhood.
Concerns the proposed development will create traffic that existing roads can not handle.	A Traffic Impact Study was submitted and reviewed by Regional and City Transportation staff who did not identify any major traffic concerns as a result of the proposed development.
Onsite green space and amenity space should be provided.	A 1048 square metre (11,288 sq. ft) roof top amenity area sitting on top of the podium/parking structure connecting the two buildings is proposed for the mixed used development.
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 0.43 spaces per dwelling unit. The proposed development includes unbundled parking, is located within 500 metres to the Borden Station ION stop and furthermore 6 Class B and 0.5 Class A bicycle parking spaces per dwelling unit are required by the Zoning By-law as an active transportation measure.

### Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit 1251-1253 King Street East and 16 Sheldon Avenue South to be developed with a 27-storey mixed use development. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended 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 June of 2022. 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 November 18, 2022 (a copy of the Notice may be found in Appendix C).

CONSULT – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 240 metres of the subject lands on June 23, 2022. In response to this circulation, staff received written responses from 8 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

**PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 1994
- City of Kitchener Zoning By-law 85-1

**REVIEWED BY:** Malone-Wright, Tina – Interim Manager of Development Review, Planning Division

**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