

# 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 10

**DATE OF REPORT:** October 24, 2022

**REPORT NO.:** DSD-2022-448

**SUBJECT:** Official Plan Amendment OPA22/011/D/CD  
Zoning By-law Amendment ZBA22/018/D/CD  
206 and 210 Duke Street East and 46 and 50 Madison Avenue North  
The Knossos Housing Corporation of Waterloo Region

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## RECOMMENDATION:

That Official Plan Amendment Application OPA22/011/D/CD for The Knossos Housing Corporation of Waterloo Region requesting a change in land use designation from 'Medium Density Multiple Residential' to 'Medium Density Multiple Residential' with Special Policy Area 8 to permit a multiple residential dwelling 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-2022-448 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA22/018/D/CD for The Knossos Housing Corporation of Waterloo Region be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2022-448 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 ZBA22/018/D/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 at 206 and 210 Duke Street East and 46 and 50 Madison Avenue North. It is planning staff's recommendation that the Official Plan and Zoning By-law Amendments be approved.
- The proposed Amendments support the creation of 100 dwelling units including 40 deepy affordable dwelling units and the development of 'missing middle' housing in a Major Transit Station Area and directly responds to the need for more affordable housing during the current housing crisis.

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

- 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 sign on the properties;
  - follow up one-on-one correspondence with members of the public;
  - Neighbourhood Meeting held on September 22, 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 owner of the subject lands addressed as 206 and 210 Duke Street East and 46 and 50 Madison Avenue North is proposing to change the Official Plan designation from 'Medium Density Multiple Residential' to 'Medium Density Multiple Residential' with Special Policy Area 8 in the City of Kitchener King Street East Secondary Plan, and to change the zoning from 'Residential Seven Zone (R-7)' (46 and 50 Madison Avenue North) and 'Residential Seven Zone (R-7) with Special Use Provision 480U and Special Regulation Provision 755R' (206 and 210 Duke Street) in Zoning By-law 85-1 to 'Residential Seven Zone (R-7) with modified Special Regulation Provision 755R and Holding Provision 95H to further regulate parking; to increase the Floor Space Ratio (FSR); to reduce the rear yard setback and to apply a Holding Provision to require a noise study to the satisfaction of the Region of Waterloo. Staff are recommending that the applications be approved.

## **BACKGROUND:**

The Knossos Housing Corporation of Waterloo Region (Owner) have 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 206 and 210 Duke Street East and 46 and 50 Madison Avenue North to permit the lands to be developed with an 8-storey, multiple residential dwelling building with 100 dwelling units.

The initial application proposed all of the 100 dwelling units to be deeply affordable units. On November 28, 2022, staff received correspondence from the applicant (Appendix F) informing staff that the distribution of affordable units for the proposed development has changed. Based on costing for construction, the applicant is now proposing 40 deeply affordable dwelling units and 60 units at market rate rent.

Deeply affordable dwelling units are rented at a minimum of 40% below the average market rate. The proposed development includes 51 parking spaces proposed to be provided underground, internal to the building, and within a rear surface parking area. The lands are designated 'Medium Density Multiple Residential' in the City of Kitchener King Street East Secondary Plan and zoned 'Residential Seven Zone (R-7)' (46 and 50 Madison Avenue North) and 'Residential Seven Zone (R-7) with Special Use Provision 480U and Special Regulation Provision 755R' (206 and 210 Duke Street) in Zoning By-law 85-1.

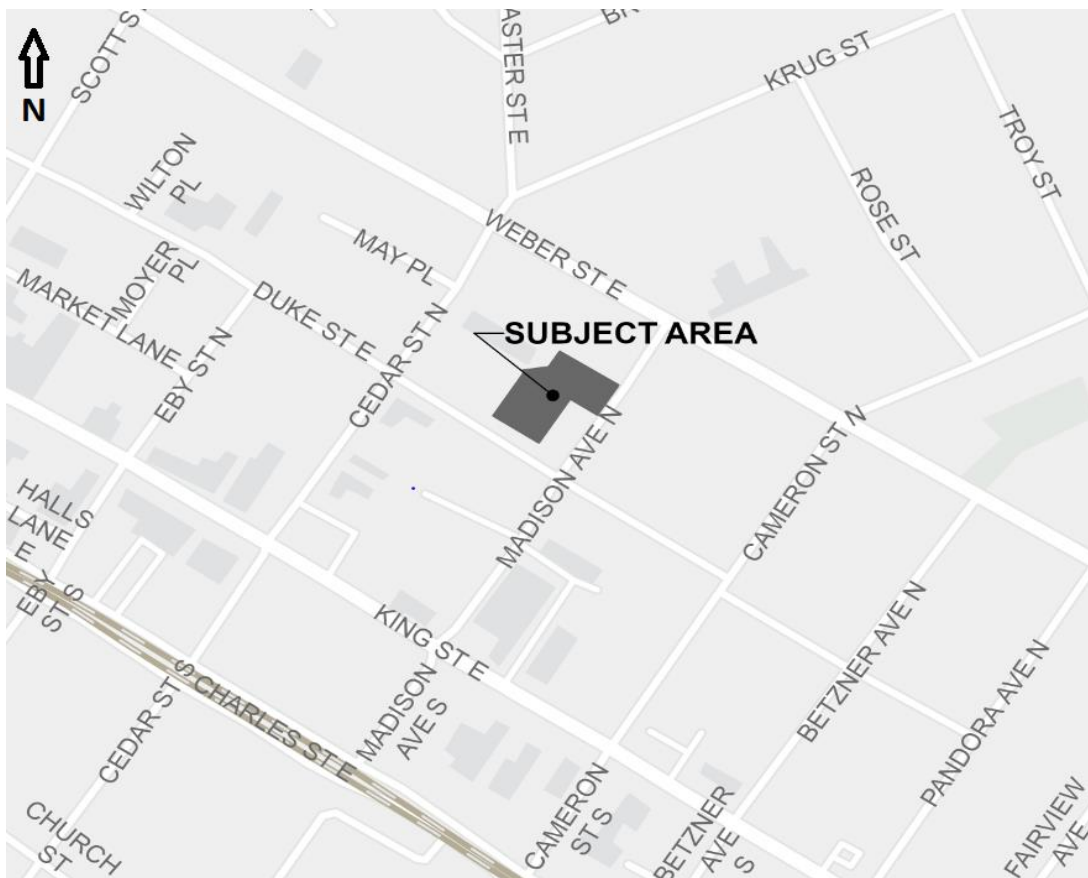
The existing zoning permissions permit medium rise built from dwellings including multiple dwellings (up to 8 storeys in height), semi-detached dwellings, single detached and duplex dwellings and detached additional dwelling units.

DSD Report -20-069 - ZBA20/001/D/GS was approved by Council August 2020 which changed the Zoning of 206 and 210 Duke Street East from Neighbourhood Institutional Zone (I-1) to Residential Seven (R-7) with Special Regulation Provision 755R and Special Use Regulation 480U. Special

Regulation Provision 755R further regulates building height, side yard, front yard setbacks and parking regulations. Special Use Regulation 480U allows for institutional uses and prohibits single detached, semi detached, duplexes, private home daycares and street townhouse uses.

### Site Context

The proposed development includes the consolidation of four properties addressed as 206 and 210 Duke Street East and 46 and 50 Madison Avenue North that are located at the intersection of Duke Street East and Madison Avenue North. The consolidated lands form an irregular shape parcel of land with frontage on both Duke Street East and Madison Avenue North. The subject properties have a combined lot area of 0.22 hectares (0.54 acres) with approximately 39 metres of frontage along Duke Street East and 24.26 metres of frontage along Madison Avenue North. The subject lands are currently vacant. The surrounding neighbourhood consists of a variety of uses including medium-rise residential uses, low-rise multiple dwelling buildings, single detached dwellings, semi detached dwelling, commercial and institutional buildings. The subject lands are located within 250 metres of the Kitchener Market ION LRT station stop, which is located at the intersection of Charles Street East and Cedar Street South. Existing bus routes operate along Weber Street and King and the subject lands are in close proximity to the downtown cycling grid.



**Figure 1 - 206 and 210 Duke Street East and 46 and 50 Madison Avenue North**

### REPORT:

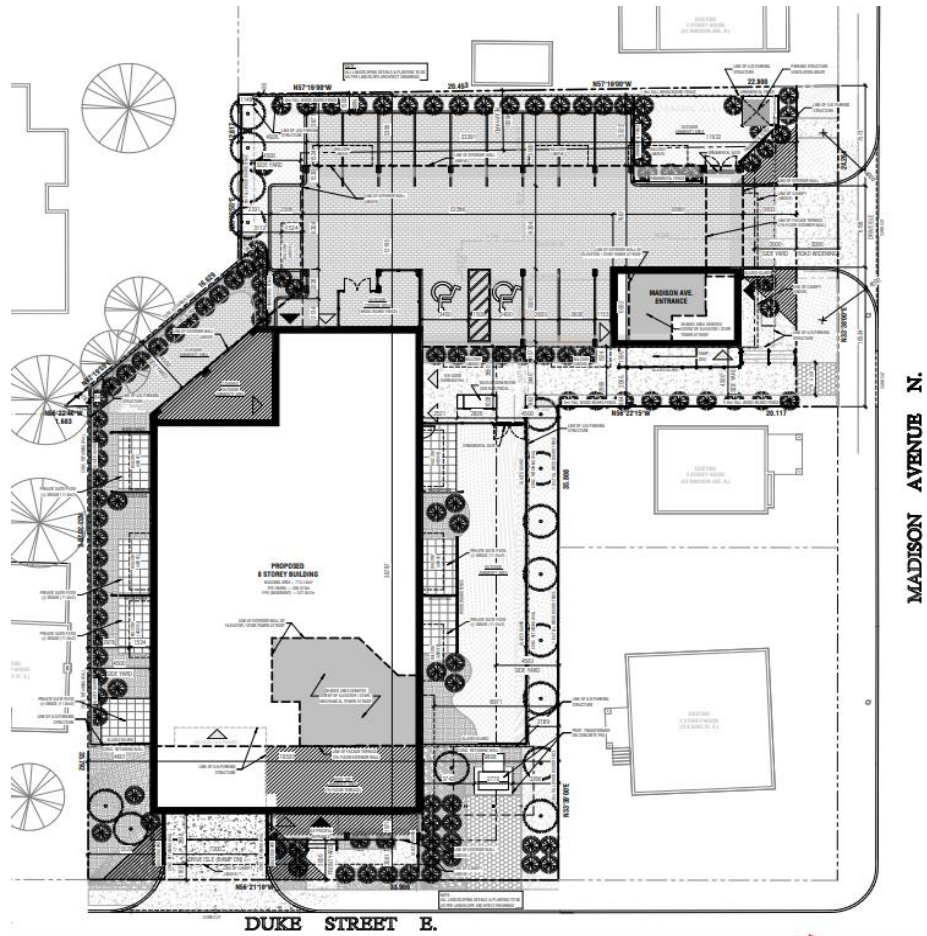
The applicant is proposing to develop the subject lands with an 8-storey multiple residential dwelling. The proposed development consists of 100 residential units (40 deeply affordable units), including 18 bachelor units, 54 one-bedroom units, and 28 two-bedroom units, with 51 parking spaces to be provided underground, internal to the building, and within a rear surface parking area. Two principal

entrances and two vehicular access to the development are proposed, one of each from Madison Avenue North and one of each from Duke Street East.

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>	<u>100 units:</u> 60 units at market rate 40 deeply affordable dwelling units rented at a minimum of 40% below the average mark rent.
<b>Deeply Affordable Unit Rental Rates</b>	(3) Bachelor Unit <b>\$570.00 per month</b> (5) Bachelor Unit <b>\$589.00 per month</b> (2) one bedroom <b>\$680.00 per month</b> (25) one bedroom <b>\$758.00 per month</b> (5) two bedroom <b>\$875.00 per month</b>
<b>Parking Spaces</b>	51 parking spaces
<b>Building Height</b>	25 metres, 8 storeys
<b>Class A (indoor secured) Bicycle Parking</b>	50
<b>Class B (outdoor visitor) Bicycle Parking</b>	6
<b>Floor Space Ratio</b>	3.6
<b>Underground parking spaces</b>	40 Parking Spaces
<b>Surface Parking Spaces/internal to the building</b>	11 Parking Spaces
<b>Unit Types</b>	Bachelor units (18) One bedroom units (54) Two bedroom units (28)



**Figure 2 – Development Concept Site Plan**



**Figure 3 –Development Rendering: The front elevation along Madison Avenue North**

To facilitate the redevelopment of the subject lands 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. The lands are currently designated 'Medium Density Multiple Residential' in the City of Kitchener King Street East Secondary Plan and zoned 'Residential Seven Zone (R-7)' (46 and 50 Madison Avenue North) and 'Residential Seven Zone (R-7) with Special Use Provision 480U and Special Regulation Provision 755R' (206 and 210 Duke Street) in Zoning By-law 85-1.

The owner is proposing to change the land use designation to 'Medium Rise Residential with Special Policy Area 8' in the City of Kitchener Official Plan to allow for a Floor Space Ratio (FSR) of 3.6, and to change the zoning to 'Residential Seven Zone (R-7) with modified Special Regulation Provision 755R and Holding Provision 95H' to further regulate parking; to increase the Floor Space Ratio (FSR); reduce the rear yard setback; and to apply a Holding Provision to require a noise study 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 ION rapid transit, bus, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed multiple dwelling development includes 100 dwelling units, 40 of which are deeply affordable units.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with an affordable housing 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's on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSA's 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 (MTSA's) 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 conceptual boundary for the Kitchener Market 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. These lands are within the Kitchener Market Station MTSA. The proposed development represents 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 'Medium Density Multiple Residential' (Map 10) in the King Street East Secondary Plan (1994 Official Plan). The Medium Density Multiple Residential designation permits medium density housing types including townhouse dwellings, multiple dwellings and special needs housing.



The applicant is proposing to add a Special Policy Area to the existing 'Medium Density Multiple Residential' land use designation of the subject lands. Applying Special Policy Area 8 to the subject lands will allow for a maximum Floor Space Ratio (FSR) of 3.6 whereas the Medium Density Multiple Residential policies permit a maximum Floor Space Ratio of 2.0.

Policy 17.E.13.1. of the City of Kitchener Official Plan require 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.

### 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 'Medium Rise Residential' and the proposed zoning is 'Medium Rise Residential Six Zone (RES-6)'. The NPR project is under review and updated draft land use designations and zoning will be considered in 2023.

### Urban Design Policies:

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

acceptable and outlines the vision and principles guiding the site design and informs the proposed zoning regulations.

**Streetscape** – The proposed building has been oriented with frontage onto Duke Street East and Madison Street North to define the street edge. The two (2) principal building entrances connect the development to the public realm and enhanced landscaping plantings will further enhance the streetscape.

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

**Universal Design** – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a building that will be developed at a scale that is compatible with the existing and planned surroundings. A six storey podium is proposed along the Duke Street East frontage, with an additional two storeys stepped back from the façade. A six storey podium is also planned along the Madison Avenue North frontage, with the additional two storeys above stepped back from the façade. Enhanced screening such as landscaping and a visual barrier are required where the surface parking is adjacent to low-rise residential uses and public spaces.

#### 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 requirements outlined in the City of Kitchener Urban Design Manual.

#### 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 Kitchener Market 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 dense residential 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 all of which are proposed as deeply affordable dwelling units. The proposed mid-rise development represents the 'missing middle' that bridges the gap between low rise, low intensity dwellings, and high-rise towers. The development is contemplated to include a range of unit types including, bachelor, one and two bedroom units. The wide range of units, in this location, will appeal to a variety of household needs and directly responds to the need for more affordable housing during the current housing crisis.

#### Official Plan Conclusions

The Official Plan Amendment application requests that the 'Medium Density Multiple Residential' land use designation as shown on Map 10 – King Street East Secondary Plan be amended from to add 'Special Policy Area 8'. 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 currently split zoned. 206 and 210 Duke Street are currently zoned Residential Seven Zone (R-7) with Special Regulation 755R and 480U in Zoning By-law 85-1. Existing zoning permissions allow for medium rise built form housing options which includes multiple dwellings, single detached, and semi detached dwellings up to 25 metres in height or 8 storeys with a Floor Space Ratio (FSR) of 2.0. 46 and 50 Madison Avenue North are zoned Residential Seven Zone (R-7) in Zoning By-law 85-1. Existing zoning permissions allow for medium rise built form housing options which includes multiple dwellings, single detached, and semi detached dwellings up to 24 metres in height with a Floor Space Ratio (FSR) of 1.0.

The applicant has requested an amendment to change the zoning from 'Residential Seven Zone (R-7)' (46 and 50 Madison Avenue North) and 'Residential Seven Zone (R-7) with Special Use Provision 480U and Special Regulation Provision 755R' (206 and 210 Duke Street) in Zoning By-law 85-1 to 'Residential Seven Zone (R-7) with modified Special Regulation Provision 755R and Holding Provision 95H' 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 Zoning By-law 85-1 to modify Special Regulation Provision 755R. The proposed modified Special Regulation Provision will apply to the entirety of the consolidated lands and will permit an increase in the maximum permitted Floor Space Ratio (FSR), allow for a decreased parking rate, allow for a reduced rear yard setback; and to apply a Holding Provision to require a noise study to the satisfaction of the Region of Waterloo.

Staff offer the following comments with respect to modified Special Regulation Provision 755R:

- a) That the maximum Floor Space Ratio (FSR) shall be 3.6.

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

- b) That parking be provided at a rate of 0.18 parking spaces per dwelling unit plus 0.02 visitor parking spaces per dwelling unit.

The purpose of this regulation is to provide for a parking rate which is appropriate for the development. The proposed ratio results in a parking rate of 0.2 parking spaces per dwelling unit (inclusive of visitor spaces). The concept plans show 0.51 spaces per unit however staff are recommending a parking rate of 0.2 to allow for the option for parking spaces to be converted into dwelling units in the future as the demand for additional affordable housing is likely to remain. The subject lands 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 of 0.2 (inclusive of visitor parking) is appropriate for the subject lands.

- c) The minimum rear yard setback shall be 5.0 metres.

The purpose of this regulation is to regulate the building setback to adjacent properties and provide for an adequate building setback for landscaping and amenity areas.

Staff offer the following comments with respect to Holding Provision 95H:

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 'R-7' 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 95H

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

“No residential use shall be permitted until such time as a 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.”

Building noise mitigation measures will be reviewed through the site plan design and approvals process. Approval of the noise study by the Region of Waterloo 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 'Residential Seven Zone (R-7)' with modified Special Regulation Provision 755R and Holding Provision 95H represents good planning as it will facilitate the redevelopment of the lands with a multiple dwelling providing affordable dwelling units that is compatible with the existing neighbourhood, which will add visual interest at the street level, provide enhanced landscaping that will contribute to the streetscape, and which 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 August 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, July 2022

Urban Design Brief  
Prepared by: MHBC Planning, July 2022

Elevations, Massing Model and Shadow Study  
Prepared by: J.L Cortes Architect Corporation, February 2022

Tree Management Plan  
Prepared by: MHBC Planning, July 2022

Traffic Impact Study:  
Prepared by: Paradigm Transportation Solutions, January 2022

Parking Justification Study:  
Prepared by: Paradigm Transportation Solutions, June 2022

Site Servicing Report  
Prepared by: Strik Baldinelli Moniz, April 2022

Geotechnical Report:  
Prepared by: Chung & Vander Doelen Engineering, January 2022

Sustainability Statement  
Prepared by: MHBC Planning, June 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
Support for the development	There was extensive support for the proposed affordable housing project. Residents support the provision of affordable housing units and the infill development/redevelopment of the subject lands. There was also support to further increase the height and density above 8 storeys (for an affordable housing project).
Loss of day light on adjacent properties	A Shadow Study has been submitted. Staff have reviewed the study and are satisfied the shadow study meets the minimum requirements, as related to shadow impacts and will have minimal impacts on adjacent properties.
The building should provide a variety of unit types and sizes – i.e. accessible units, bachelor, 1, 2 and 3 bedrooms	The proposed building will include bachelor, one, and two bedroom units. 40 of the units are deeply affordable dwelling units rented at a minimum of 40% below average market rate. 15% of the units will be barrier free accessible.
An 8 storey building is too tall for the neighbourhood.	Existing zoning permissions allow for medium rise built form housing on the subject lands and adjacent lands up to 24 and 25 metres in height (8 storeys). This area of the neighbourhood is planned for medium rise built form up to 8 storeys in height and there is another medium rise building within the same block.
More green space/amenity space should be provided.	In direct response to staff and public comments the applicant removed surface parking spaces and replaced them with outdoor at grade amenity space. Furthermore, an outdoor roof top amenity space has also been added.
The building is too close to the property line.	A 5.0 metre rear yard setback and 4.5 metre side yard setback are proposed which provide an adequate separation distance to adjacent properties and provides for sufficient landscaping and amenity areas. The original application proposed a 4.5 metre rear yard setback which has been increased to 5.0 metres to provide a greater setback for separation and landscaping.
Not enough parking is being provided.	A Parking Justification opinion letter was submitted and reviewed by Transportation Services staff who support a parking rate of 0.2 per dwelling spaces per dwelling unit (inclusive of visitor parking). Long-term publicly accessible parking is available in close proximity at City-owned parking garages. The proposed development includes unbundled parking, is located within 250 metres to the Kitchener Market Station LRT station. Six 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 and will be provided on site

## **Planning Conclusions**

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit 206 and 210 Duke and 46 and 50 Madison Avenue North to be developed with an 8-storey multiple residential dwelling. 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 August 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 August 15, 2022. In response to this circulation, staff received written responses from 9 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:**

- DSD Report -20-069 - ZBA20/001/D/GS
- 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  
Appendix F – Affordable Unit Distribution Correspondence