

Planning Justification Report

**92-110 Park Street & 146-162
Victoria Street South**

Mixed-Use Redevelopment

**Innovations Developments
Kitchener Limited**

City of Kitchener
Official Plan Amendment
Zoning By-law Amendment

August 2021



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1. Introduction

1.1 Background

GSP Group was retained as the land use planning consultant for planning approvals for an assembled group of property at the northeast corner of the Victoria Street South and Park Street in Kitchener (referenced collectively as “**the Subject Site**”). Different properties or property groups forming the Subject Site are owned by individual corporations (Innovation Park Kitchener Limited, Innovations Developments Kitchener Limited, 1936026 Ontario Inc., and 162 Victoria Limited), all of which has a single beneficial owner (referred to as “**the Owner**”). The Owner is proposing an Official Plan Amendment and Zoning By-law Amendment for the Subject Site that would allow its redevelopment for a multi-tower, mixed-use development.

The proposed building form is a multi-tower development (25 storeys, 36 storeys and 38 storey towers) sitting atop a mid-rise podium (4 to 6 storeys). The development has approximately 1,750 square metres of commercial and community space on the podium’s ground floor along Victoria Street South. The podium contains a multiple indoor amenity room co-located with a large outdoor rooftop amenity terrace for residents. Throughout the podium and towers, the development has 1,150 residential units in a mix of one-bedroom and two-bedroom units. The development includes an integrated parking garage including multiple underground and above-grade podium parking levels, altogether containing 667 parking spaces.

The proposed development was initially discussed with the City of Kitchener Development Review Committee at a December 2019 pre-submission consultation meeting at which the submission requirements were identified. This pre-submission consultation was extended through further subsequent discussions with City of Kitchener and Region of Waterloo in 2020 and 2021 leading to the applications submission.

1.2 Proposed Applications

The Subject Site is currently designated “Mixed Use” in the Kitchener Official Plan as part of the Downtown Urban Growth Centre, which permits higher intensity residential uses as well as range of office, community, retail and other non-residential uses. For the Subject Site, the Mixed Use designation contemplates a maximum Floor Space Ratio of 5.0 and does not set a specific maximum building height. The designation sets a maximum cap of 7,500 square metres of non-residential floor space on a property. The proposed Official Plan Amendment for the development will establish a new site-specific policy within the Mixed Use designation of the Urban Growth Centre that will increase the maximum floor space ratio on the Subject Site.

The different parcels of the Subject Site are currently zoned either “Low Intensity Mixed Use Corridor Zone (MU-1)” or “Medium Intensity Mixed Use Corridor Zone (MU-2)”, the latter zone applying to the majority of the land. There are existing Special Use and Special Regulations on the different parcels regarding environmental clearances, building setbacks, and building heights. The

maximum building height is currently 13.5 metres (MU-1) or 24.0 metres (MU-2) while the maximum floor space ratio is currently 2.0 (MU-1) or 4.0 metres (MU-2). The proposed Zoning By-law Amendment will rezone the entire Subject Site to a “High Intensity Mixed Use Corridor Zone (MIX-3)” in By-law 2019-051 with special regulations reflecting the density, height, form and parking of the proposed development, including retaining existing special regulations regarding floodplain and site condition matters.

1.3 Contents

This Planning Justification Report assesses the policy framework and provides justification for the proposed development concept and the Amendments that would allow the development. This Report:

- Provides a description of the Subject Site and its context within the surrounding community (Section 2),
- Outlines the proposed development plan for the Subject Site (Section 3),
- Outlines the proposed Official Plan Amendment and Zoning By-law Amendment (Section 4)
- Summarizes the supporting technical studies and their findings (Section 5),
- Assesses the proposed applications per the relevant planning policy (Section 6), and
- Summarizes the planning opinion concerning the proposed Amendments (Section 7).



IMAGES: Renderings of proposed development looking from southwest, left, and from south long Park Street, right; the latter removes buildings in the foreground for visibility purposes (source: IBI Group)

2. Site Conditions & Context

2.1 Location and Description

The Subject Site sits at the northeastern corner of Victoria Street South and Park in Kitchener (for ease of reference in this Report, Victoria Street South is referenced as running east-west and Park Street as north-south), which is the western entrance to the Downtown Kitchener (**see Figure 1**). It is 8,999 square metres (0.89 hectares) in area in total area, prior to the required road widening of 250 square metres along Victoria Street South. It is generally square in configuration with 70.9 metres of frontage along Victoria Street South and 94.6 metres along Park Street. It includes an operating laneway extending to Bramm Street providing 7.62 metres of frontage along that street. The Subject Site is an assembly of four parcels owned by individual corporations under a common beneficial owner:

- Parcel 1: 162 Victoria Street South and 92 Park Street owned by 162 Victoria Limited.
- Parcel 2: 100 Park and 150 and 154 Victoria Street South owned by Innovations Developments Kitchener Limited.
- Parcel 3: 102, 106 and 110 Victoria Street South owned by Innovation Park Kitchener Limited.
- Parcel 4: 146 Victoria Street South owned by 1936026 Ontario Inc.

2.2 Existing Site Conditions

The Subject Site is an existing developed property (**see Figure 2**). It is a brownfield property given past industrial and commercial uses that requires a Record of Site Condition for the proposed residential uses. Parcel 1 contains a 1-storey purpose built commercial building (162 Victoria) on the corner parcel with surface parking area and driveway accesses to Victoria Street South and Park Street, as well as a 2-storey detached dwelling (92 Park) with a driveway access to Park Street. Parcel 2 contains two 2-storey commercial buildings, one along Victoria Street South (150/154 Victoria) and one to the interior, connected by an asphalt driveway and laneway leading through the parcel between Park Street and Bramm Street. Parcel 3 contains three 2-storey detached dwellings with driveway accesses to Park Street. Parcel 4 contains a 2-storey detached dwelling with a driveway from Victoria Street South.

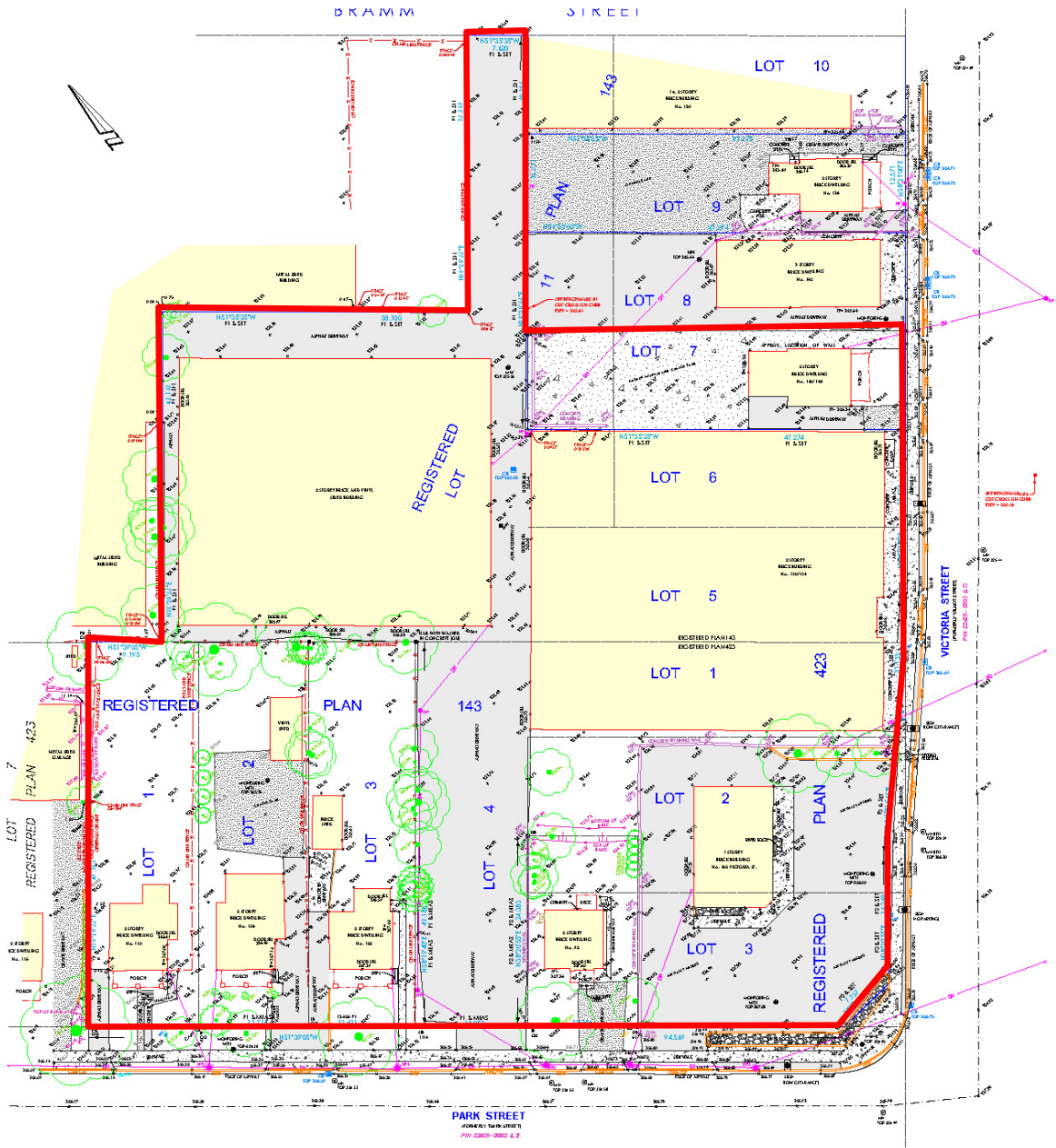
The Subject Site has a minimal, gentle grade change across its boundaries. From the high point of the southwestern corner at the Victoria/Park intersection, the grades drop approximately 1 metre moving to the northwestern corner along Park Street and approximately 2 metres moving to the southeastern corner along Victoria Street. The Subject Site's Victoria properties appear to drain overland directly to the right-of-way with no controls while the Park Street properties appear to drain to a catch-basin.

There are 51 trees inventoried on the Subject Site, principally coinciding with the front, side and rear yards of the different properties that make up the site assembly. Approximately half of the trees are in good condition per arborist reports. Nearly all trees would have to be removed for the purposes of the proposed development footprint.



Subject Site Location
Source: Region of Waterloo Online Mapping (2020)

Figure
1



Subject Site Existing Conditions
 Source: Van Harten Surveying Inc. (September 2020)

Figure
2

The Subject Site has multiple service connections to the abutting public street per the preliminary engineering investigations, owing to the nature of the individual properties comprising the Subject Site assembly. Individual sanitary connections for the different properties of the Subject Site assembly connect to the 300mm sanitary sewers on Park Street and Victoria Street, except for 100 Park Street that connects to the municipal sewer on Bramm Street. Individual water connections for the different properties of the Subject Site assembly connect to the 200mm watermain on Park Street and 300mm watermain on Victoria Street, except for 100 Park Street that connects to the 300mm watermain on Bramm Street. There is a 375mm diameter storm sewer running from Park Street through the Subject Site that appears to serve the larger parcels; smaller properties on Victoria Road South appear to drain uncontrolled to the street. Existing hydro, telecommunication, and gas services connect to Park Street and Victoria Street infrastructure.

IMAGE: View of Subject Site (146 to 162 Victoria) looking from Victoria Street South



IMAGE: View of Subject Site (146 Victoria, 92 to 106 Park) looking from Park Street



2.3 Downtown Context

Downtown is the planned focal point for intensification within Kitchener and is intended to accommodate a significant portion of its growth in a compact, dense and transit-supportive form. The Subject Site forms part of the “Mixed Use” district of the Downtown planning fabric, generally small pockets of land at the periphery of the Downtown boundaries; in the case of this western edge, the Mixed Use district extends between Bramm Street and Park Street only. This area is an extension of the much larger “Innovation District” of Downtown Kitchener extending on both sides of the Victoria Street between Bramm Street and Weber Street. This Innovation District is characterized by large former industrial buildings that are gradually being repurposed for office space and loft residential units. Recent institutional, office, and high-rise residential developments in the area have a modern aesthetic.

Downtown has a concentration of higher order transportation infrastructure. Downtown is at the heart of the Region’s ION light rail transit system with four stations in in the westbound and eastbound directions within Downtown. The Subject Site is approximately 650 metres (8 minute walk) to the northbound/southbound ION Central Station at Victoria and King and 900 metres (11 minute walk) to the southbound ION Victoria Park Station. There are several principal bus transit routes running through the Downtown, either the iExpress 204 route running east-west with stops at King and Victoria or local routes 7 and 20, running through north-south and east-west, respectively, through the Downtown with multiple frequent stops in the area.

2.4 Site Interface

The Subject Site sits within a mixed corridor and area of Downtown Kitchener, both in terms of land use activities and built form (see **Figure 3** and **Figure 4**). The Victoria Street corridor is planned to transition to different intensities of mixed-use development, currently seen to the east with the above referenced projects. The Subject Site’s immediately abutting and surrounding properties are as follows.

North

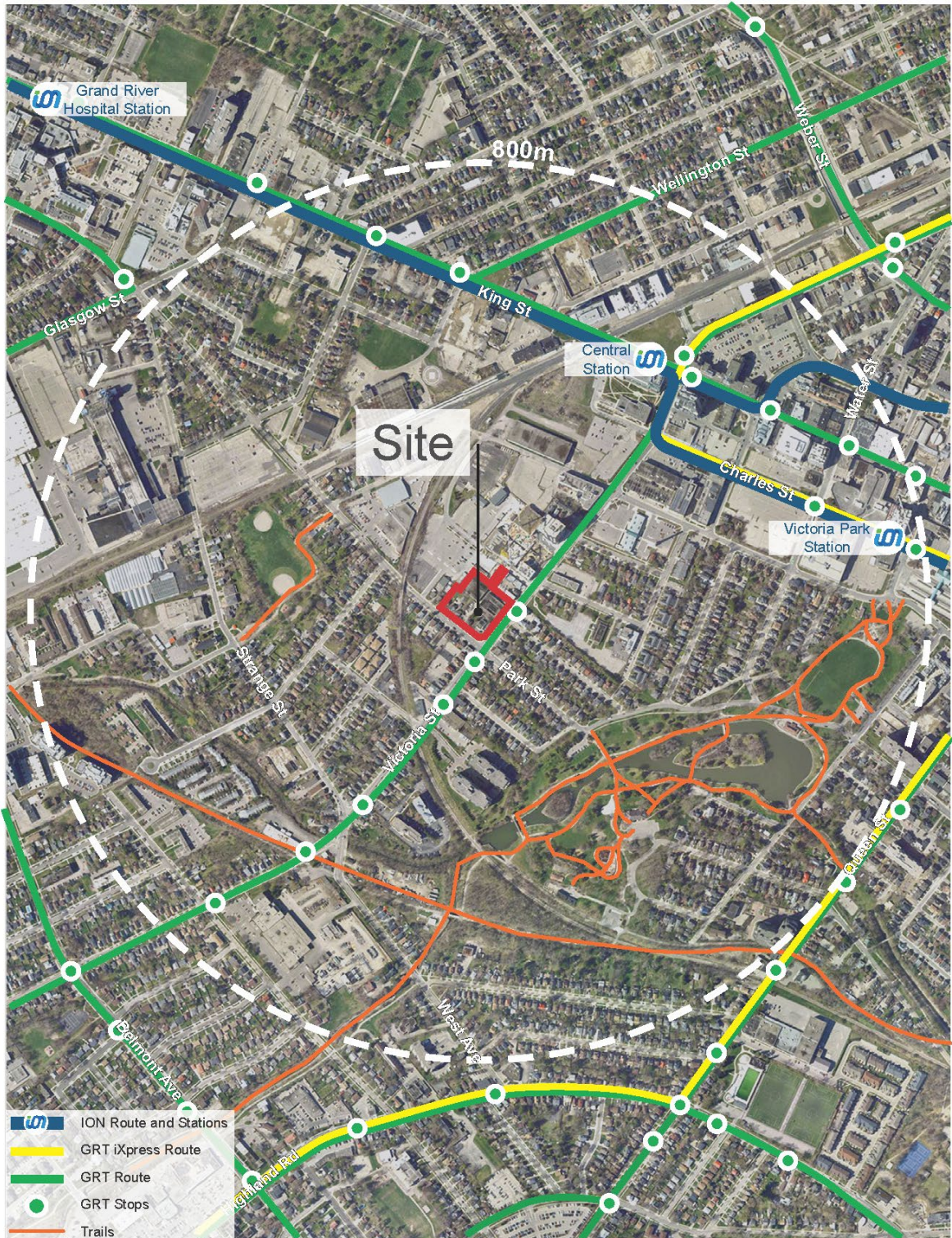
The “Bramm Yards” (55 Bramm) abut most of the Subject Site’s northern property line, coinciding with the jogs in the property line. This land is owned by the City of Kitchener and are extensive in area spanning between Park Street, Joseph Street, and the railway in the area to rear from Victoria Street South. The Bramm Yards are intended for a higher intensity mixed-use development with employment and residential components per the Urban Growth Centre (Innovation District) designation that applies to the land. Currently, the Bramm Yards property is comprised of a large municipal parking lot and remaining outbuildings associated with previous public works activities.

The remainder of the Subject Site’s northern property line is shared with a property containing a 2-storey detached dwelling (116 Park) that appears to be used for commercial purposes. The property immediately to the north (120 Park) contains a 2-storey detached dwelling that has been converted to an automobile service business. These properties contain side yard driveways leading to rear parking



Surrounding Land Use Context
 Source: Region of Waterloo Online Mapping (2020)

Figure
3



Surrounding Transportation Context

Source: Region of Waterloo Online Mapping (2020)

Figure
4

areas for most of the rear yard and large garages. Both properties are also within the Urban Growth Centre (Mixed Use) designation and are zoned for mixed-use development (MU-1 and MU-2).



IMAGES: View of Park Street entrance to Bramm Yards (left) and 116 and 120 Park (right).

West

Eight buildings directly face the Subject Site from the west side of Park Street. Seven are 2 or 2.5-storey detached dwelling forms (89 to 115 Park) and the eighth is a 2.5-storey purpose-built commercial building (170 Victoria) at the corner of Victoria Street South and Park Street. Several of the properties have been converted to commercial uses or multiple residential uses. These properties have individual side yard driveways leading to rear parking area, most of the rear yards being converted to principally paved areas. The balance of the block west of Park Street to the railway and Walnut Street has a similar character and pattern, including converted detached dwellings and paved rear yard areas. This block is zoned for mixed-use development (MU-1 and MU-2), including a contemplated higher intensity mixed use zone (MIX-4) from the City of Kitchener's ongoing Neighbourhood Planning Review.



IMAGE: View of properties on the west side of Park Street facing the Subject Site.

South

Six buildings (141-165 Victoria) directly face the Subject Site from the south side of Victoria Street South, all of which are 1-storey or 2-storey detached residential forms. Four buildings have been converted to commercial uses. Each property has an individual driveway access to Victoria Street South (or Park Street for 164 Victoria) to rear or side parking areas, which occupy most of the property rear areas. The corridor including these properties is zoned mixed use (MU-1).



IMAGE: View of properties on the south side of Victoria Street South facing the Subject Site.

East

A group of three properties forms the balance of the subject block to Bramm Street. The immediately abutting property (142 Victoria) contains a 3-storey multiple residential building with a single driveway to a rear parking area. The next property (138 Victoria) contains a 2-storey detached dwelling converted to multiple residential uses with a single driveway to a rear parking area. The last property flanking Bramm Street (130 Victoria) contains a single-storey commercial building that is currently being renovated for medical uses. These properties have a similar Mixed Use designation and mixed-use zoning and are anticipated to be redeveloped under its common beneficial ownership.

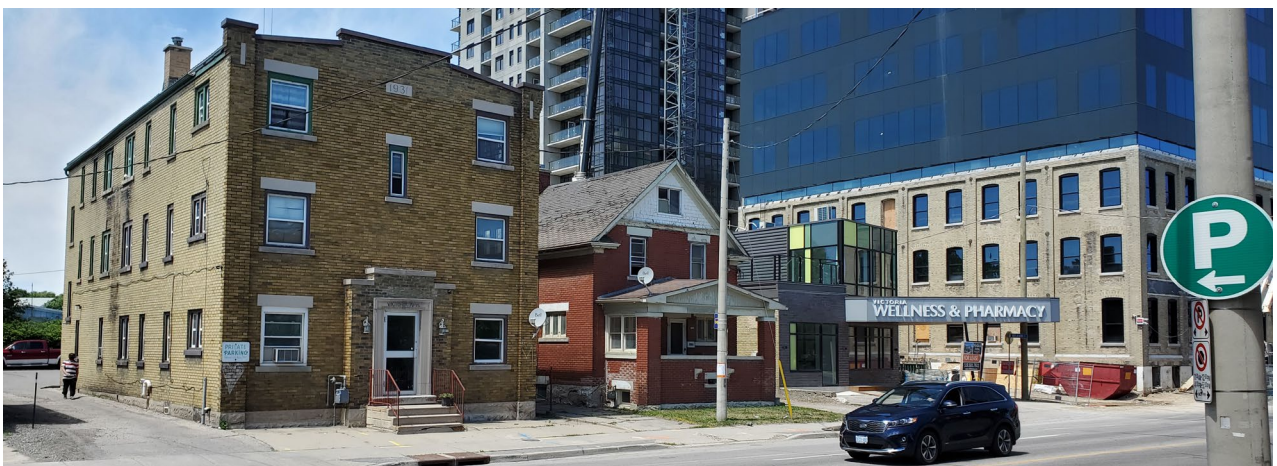


IMAGE: View of properties on the east side of Subject Site to Bramm Street.

3. Development Overview

The proposed development is a multi-tower, mixed-use redevelopment with ground floor residential lobby, service, and commercial floor space (see Figures 5 through 11). The development form consists of a shared mid-rise podium that is principally 6 storeys in height that stepbacks from the lower storeys abutting the public streets. Atop this podium, three residential towers are arranged around the site's perimeter with heights between 25 to 38 storeys in total height. Tower A is a 25-storey tower along the Subject Site's eastern edge, mid-site from the Victoria Street South frontage. Tower B is a 36-storey tower at the Subject Site's northwestern corner along the Park Street frontage. Tower C is a 38-storey tower at the Subject Site's southwestern corner surrounding the Victoria Street South and Park Street intersection. The below summarizes the development details of the proposed development plans.

Residential Units

The proposed development plans contain a total of 1,150 residential units throughout the mid-rise podium and into the towers. Tower A contains 275 residential units, Tower B contains 455 residential units, and Tower C contains 420 residential units (63 podium, 264 tower). The preliminary unit mix is approximately two-thirds as one-bedroom and one-third as two-bedroom apartment units. Units generally range from 40 to 56 square metres (430 to 600 square feet) for one-bedroom units and 60 to 93 square metres (640 to 1,000 square feet) for two-bedroom units.

Commercial Units

The ground floors of Tower A and Tower C on the proposed development plans are predominately commercial floor space along their lengths facing the public streets of Victoria Street South and/or Park Street. Tower A contains approximately 1,770 square metres of commercial floor space along the Victoria Street South and. Tower A shows 1,296 square metres of commercial floor space on the front portion along Victoria Street South extending into the building accessed from the internal driveway. Tower C shows 474 square metres of the commercial floor space lining the Victoria Street South and Park Street sides of the building podium. These spaces are expected to accommodate different uses and activities, such as retail, restaurant, personal service, office flex space, and community space.

Vehicular Access and Circulation

The proposed development plans have a driveway access from each of Victoria Street South, Park Street, and Bramm Street. The new driveway accesses from Victoria Street South and Park Street are meant as principal accesses to residential lobby drop-off locations and to the parking garage internalized on the Subject Site. The existing laneway access from Bramm Street is meant generally to provide access to the garbage collection and service locations with Tower A, but it also provides access to the parking garage ramps. All three accesses are proposed as all-moves intersections.

Pedestrian Entrances and Circulation

Entrances to the residential lobbies are internalized on the Subject Site rather than directly facing the municipal sidewalks. The lobby entrance to Tower A is mid-building on the western side of the building.



IMAGES: Renderings of proposed development looking from west along Victoria Street South from southwest, top, and from the Victoria and Park intersection, bottom (source: IBI Group).



The lobby entrances for Tower B and C are situated mid-building on the south and north sides, respectively, with the Tower B lobby lining a portion of the Park Street frontage given this building does not contain ground floor commercial space. Site walkways lining the driveway/building lead from the public sidewalks on Park Street and Victoria Street South to the lobby entrances, ranging from 2.1 metres to 6.0 metres in width depending on the context. There are no pedestrian connections proposed along the laneway from Bramm Street.

Parking

The proposed development plans contain a total of 667 parking spaces within an integrated parking garage. The parking garage is contained on two underground levels (P1 and P2) spanning the Subject Site's boundaries and six above-ground levels (ground through six floor) in the podium portion connecting Towers A and B. Of the total supply, 617 parking spaces are dedicated for residential units through the full garage and 50 parking spaces dedicated for shared commercial users and residential visitors on the P1, ground floor and mezzanine levels. The parking supply includes 16 barrier-free spaces generally distributed throughout all garage levels.

Bicycle Parking

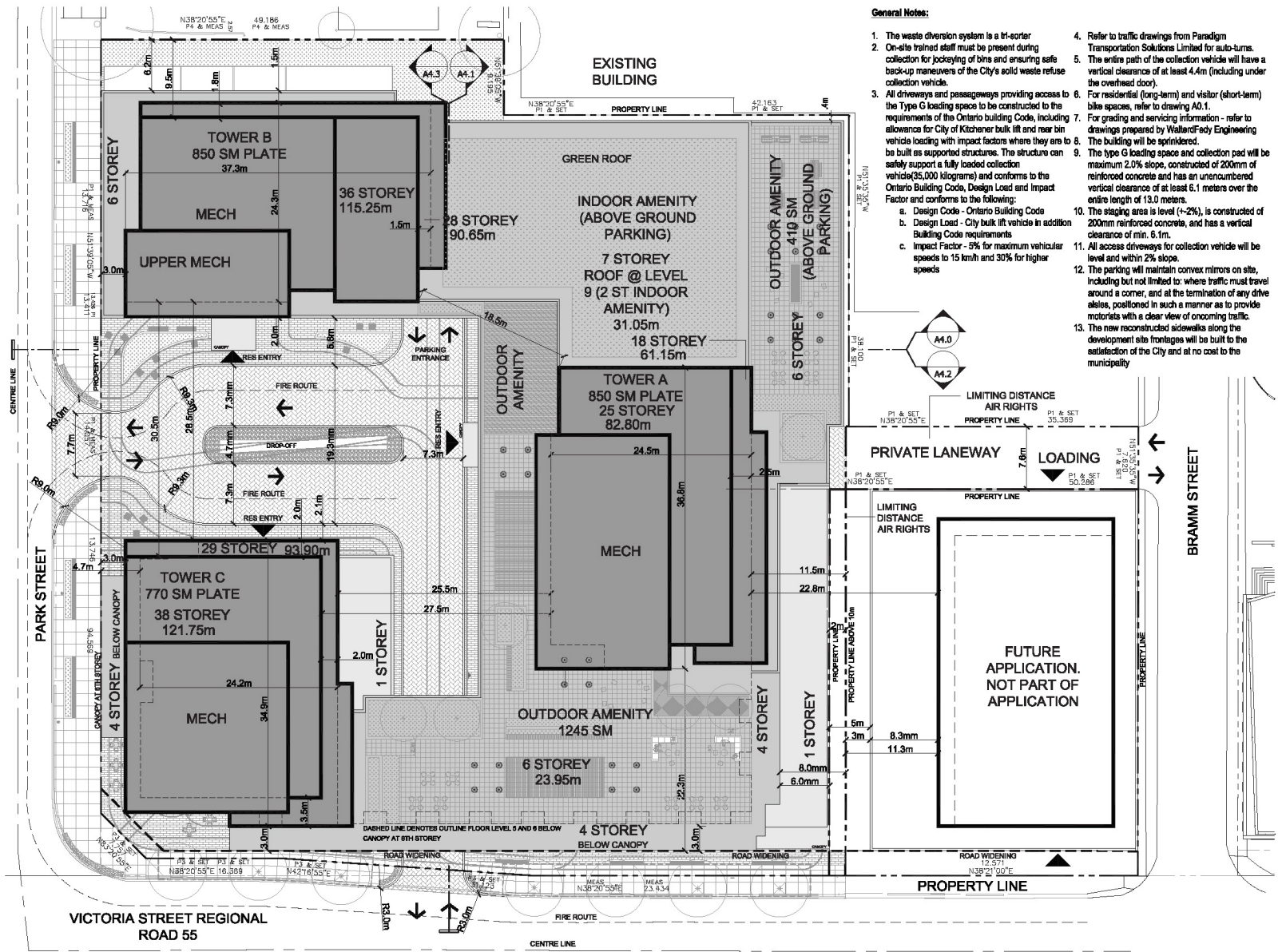
The proposed development plans contain a total of 592 bicycling parking spaces throughout the site and buildings. There are 579 "Class A" indoor parking spaces (575 residential, 4 commercial) provided in secure storage rooms throughout smaller areas on the ground floor and second floor and a large central area on the mezzanine level. The remainder are 13 "Class B" parking spaces in secure outdoor locations surrounding building entrances and along the streetscapes.

Amenity Spaces

The proposed development plan contains a suite of different indoor and outdoor amenity spaces for residents. A second floor indoor amenity room (150 square metres) at the base of Tower C sits overtop and overlooking the at-grade commercial plaza at the Victoria Street South and Park Street corner. This outdoor plaza is intended to contain furnishings and elements supporting the abutting commercial units. A large indoor amenity area on the sixth floor, situated principally in the northeast corner of the Subject Site, connects the three towers with a substantial space (1,530 square metres) for a multitude of social and amenity functions for residents. Coordinated with and complementing these indoor spaces, the podium rooftops between Towers A and B and between Towers B and C both have large outdoor amenity areas for residents (1,582 square metres in total).

Service Areas

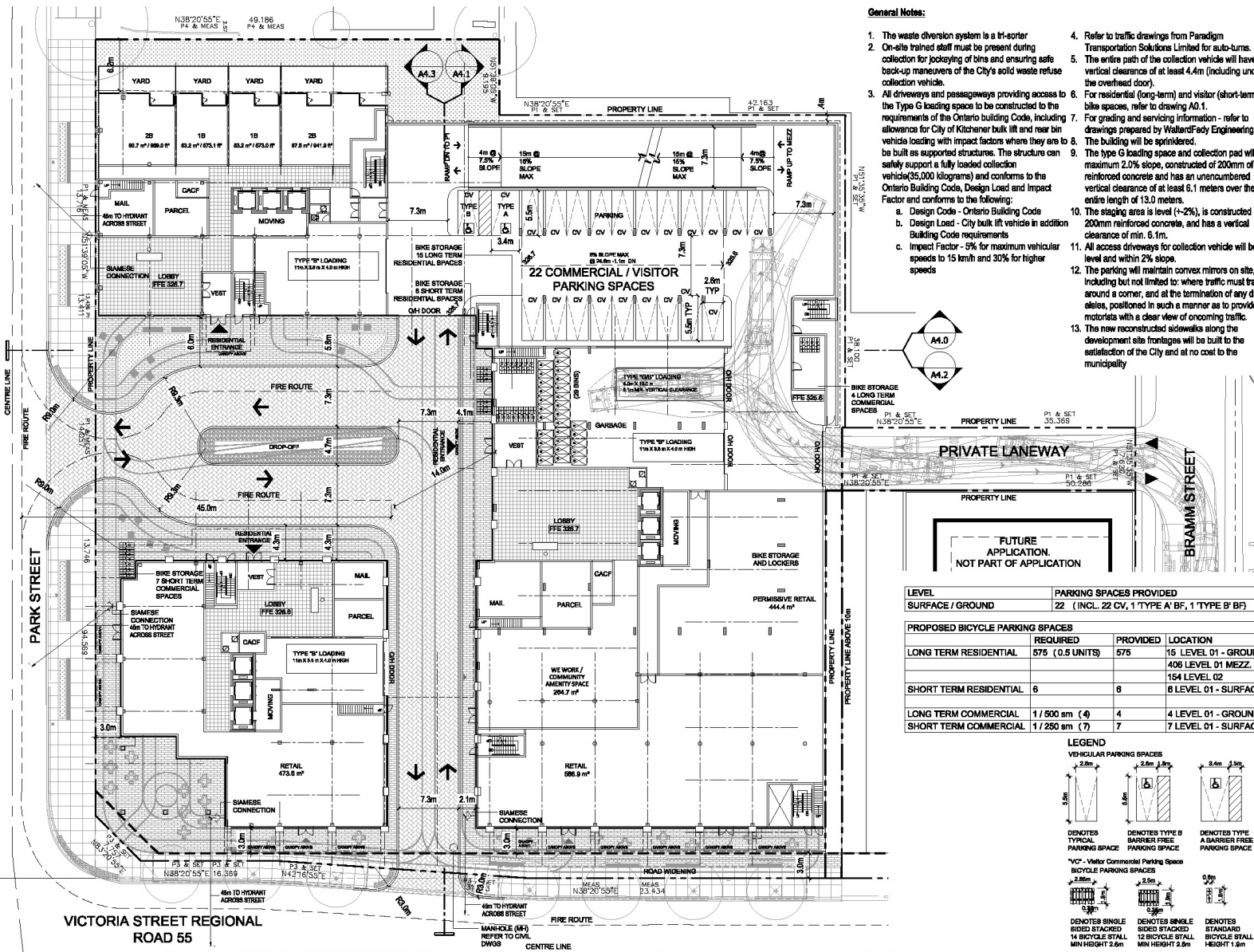
The proposed development internalizes service areas within the building away from public streets, including loading and garbage functions. Each tower has a loading area at its base. The Tower A and Tower B loading areas are accessed from inside the parking garage while the Tower C loading area is accessed from the site driveway from Victoria Street South. A consolidated garbage storage and collection room is situated at the base of Tower A to service the entire development. The garbage storage room and is accessed directly from the private laneway from Bramm Street.



- General Notes:**
- The waste diversion system is a tri-sorter
 - On-site trained staff must be present during collection for jockeying of bins and ensuring safe back-up maneuvers of the City's solid waste refuse collection vehicles
 - All driveways and passageways providing access to the Type G loading space to be constructed to the requirements of the Ontario building Code, including allowances for City of Kitchener bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures. The structure can safely support a fully loaded collection vehicle (35,000 kilograms) and conforms to the Ontario Building Code, Design Load and Impact Factor and conforms to the following:
 - Design Code - Ontario Building Code
 - Design Load - City bulk lift vehicle in addition Building Code requirements
 - Impact Factor - 5% for maximum vehicular speeds to 15 km/h and 30% for higher speeds
 - Refer to traffic drawings from Paradigm Transportation Solutions Limited for auto-turns.
 - The entire path of the collection vehicle will have a vertical clearance of at least 4.4m (including under the overhead door).
 - For residential (long-term) and visitor (short-term) bike spaces, refer to drawing A0.1.
 - For grading and servicing information - refer to drawings prepared by WalterFedy Engineering
 - The building will be sprinklered.
 - The type G loading space and collection pad will be maximum 2.0% slope, constructed of 200mm of reinforced concrete and has an unnumbered vertical clearance of at least 6.1 meters over the entire length of 13.0 meters.
 - The staging area is level (+/-2%), is constructed of 200mm reinforced concrete, and has a vertical clearance of min. 6.1m.
 - All access driveways for collection vehicle will be level and within 2% slope.
 - The parking will maintain convex mirrors on site, including but not limited to: where traffic must travel around a corner, and at the termination of any drive aisles, positioned in such a manner as to provide motorists with a clear view of oncoming traffic.
 - The new reconstructed sidewalks along the development site frontages will be built to the satisfaction of the City and at no cost to the municipality

Proposed Site Plan
Source: IBI (August 2021)

Figure
5



LEVEL	PARKING SPACES PROVIDED
SURFACE / GROUND	22 (INCL. 22 CV, 1 TYPE A BF, 1 TYPE B BF)

PROPOSED BICYCLE PARKING SPACES			
	REQUIRED	PROVIDED	LOCATION
LONG TERM RESIDENTIAL	575 (0.5 UNITS)	575	15 LEVEL 01 - GROUND 406 LEVEL 01 MEZZ.
SHORT TERM RESIDENTIAL	6	6	154 LEVEL 02
LONG TERM COMMERCIAL	1 / 500 sm (4)	4	4 LEVEL 01 - GROUND
SHORT TERM COMMERCIAL	1 / 250 sm (7)	7	7 LEVEL 01 - SURFACE

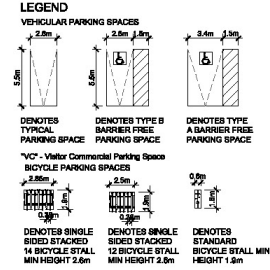
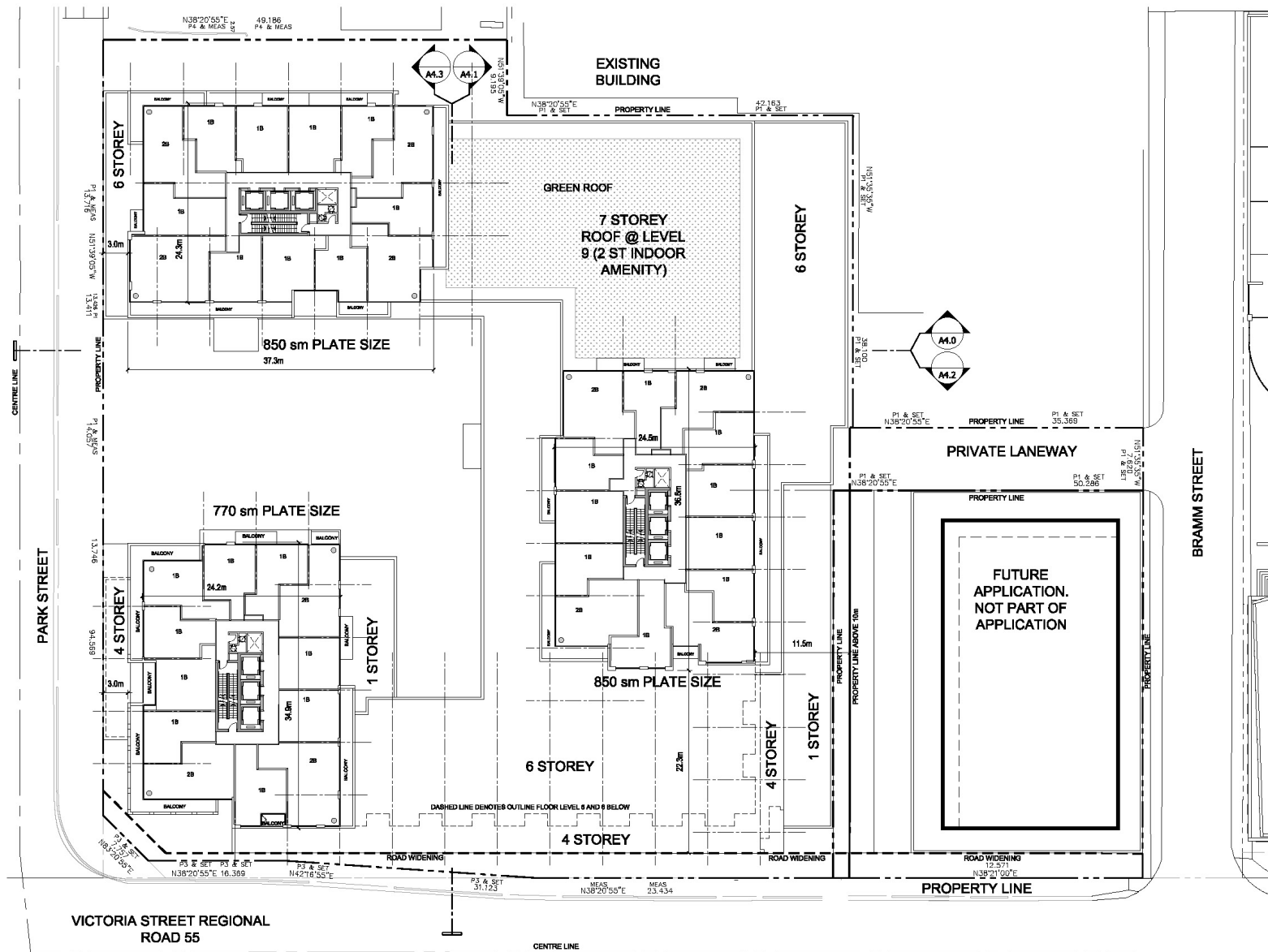
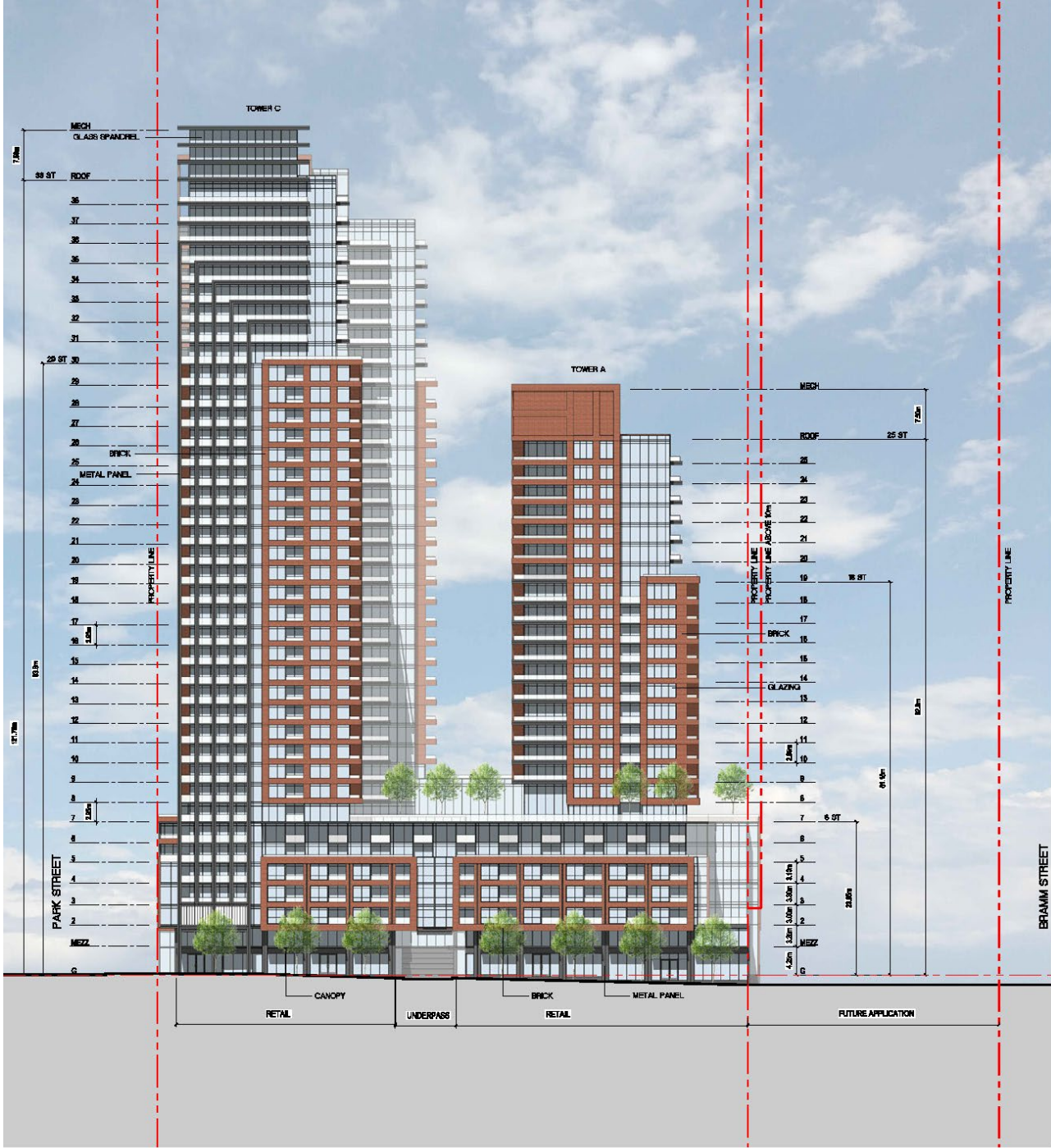


Figure 6
 Proposed Ground Floor Plan
 Source: IBI (August 2021)



Proposed Tower Floor Plan
Source: IBI (August 2021)

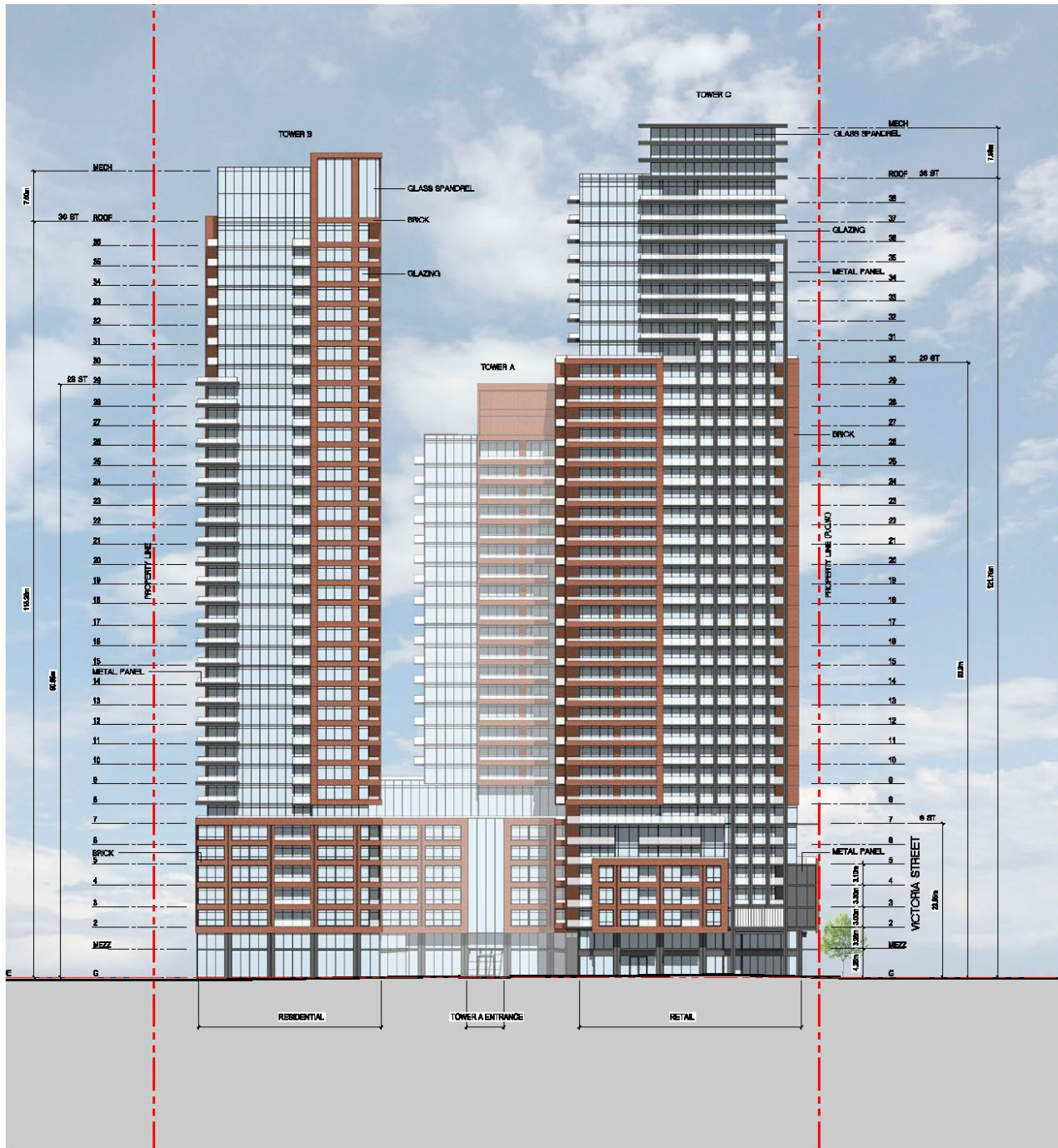
Figure
7



Preliminary Building Elevations - South

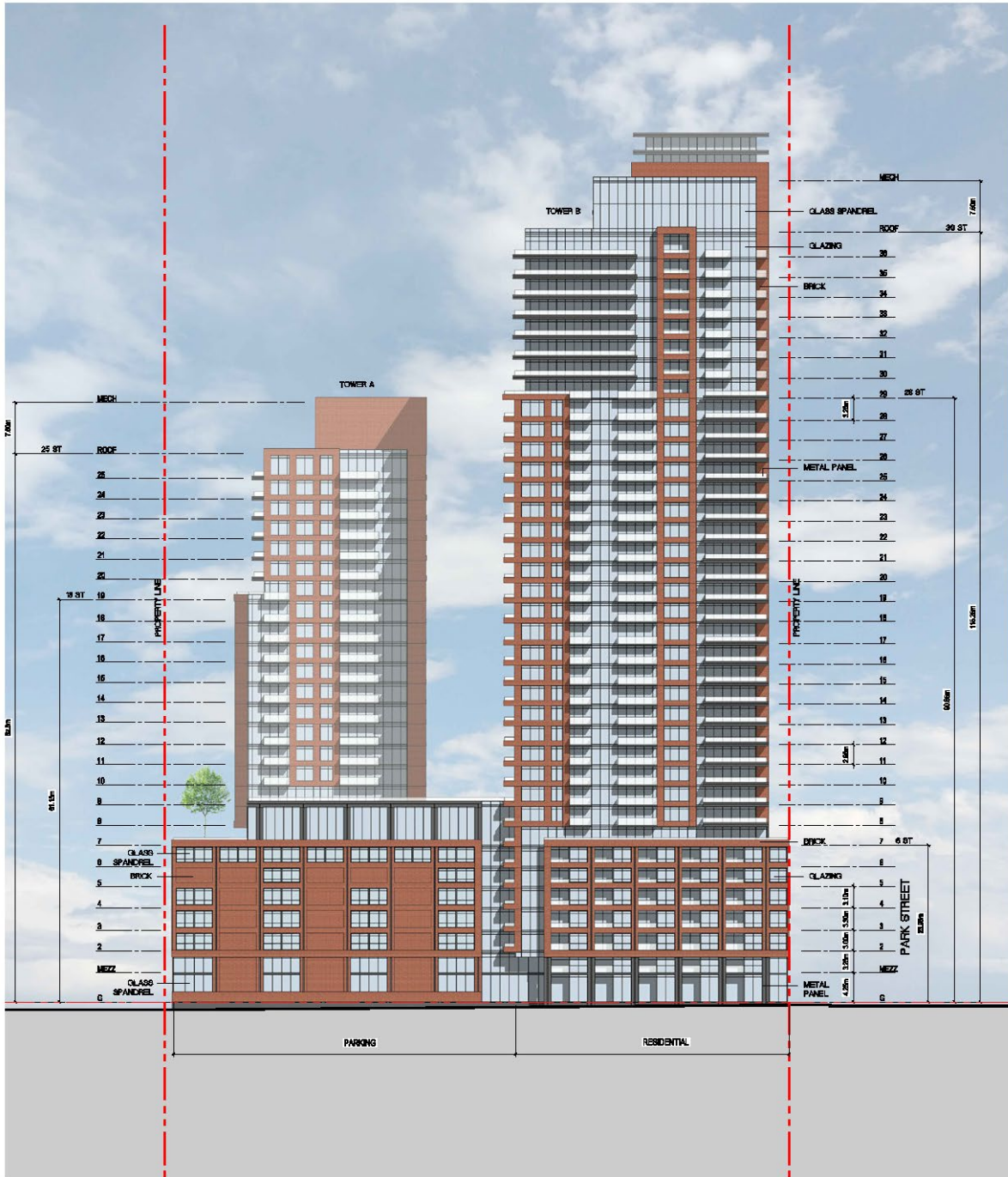
Source: IBI (August 2021)

Figure 8



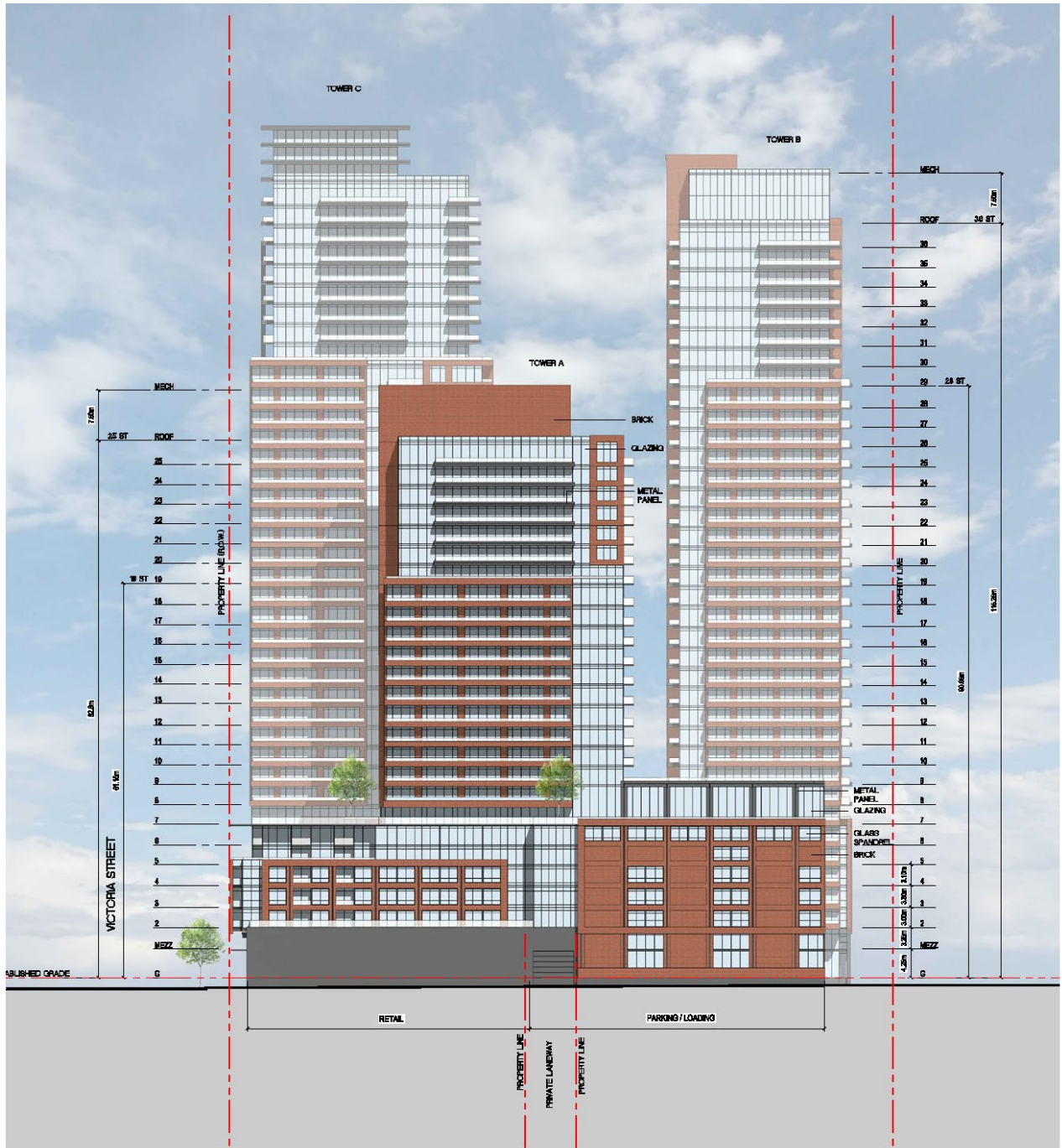
Preliminary Building Elevations - West
Source: IBI (August 2021)

Figure
9



Preliminary Building Elevations - South
Source: IBI (August 2021)

Figure
10



Preliminary Building Elevations - East
Source: IBI (August 2021)

Figure
11

4. Proposed Amendments

4.1 Proposed Official Plan Amendment

The proposed Official Plan Amendment will maintain the existing Mixed Use designation in the Urban Growth Centre on the Subject Site and add a Special Policy Area to reflect the increased maximum development intensity of the proposed development plan (**see Figure 12**). The proposed Amendment builds from the existing maximum Floor Space Ratio contemplated for the Subject Site is 5.0, per Policy 15.D.4.20 given the accommodation of a below-grade parking structure. The proposed Special Policy Area for the Subject Site reads as follows:

15.D.12.X 92-110 Park Street & 146-162 Victoria Street South

Notwithstanding the Mixed Use land use designation and policies on the land at the southeastern corner of Victoria Road South and Park Street known municipally as 92-110 Park Street & 146-162 Victoria Street South, the maximum Floor Space Ratio is 11.6.

The proposed increase in Floor Space Ratio is consistent with other approved applications and developments throughout the Kitchener Urban Growth Centre in recent years. The increase is supported by a series of community benefits for the uplift from the maximum of 5.0 in the existing policies to the proposed 11.6 for the development form. The committed community benefits include the following elements and measures:

1. Affordable housing units:

The Owner commits to 50 residential units on-site as part of the development that meet the definition as affordable housing per the 2020 PPS and Regional and Kitchener Official Plans (ownership units at most \$368,000). These are one-bedroom units distributed throughout different floors of the podium and/or towers.

2. Affordable housing contribution:

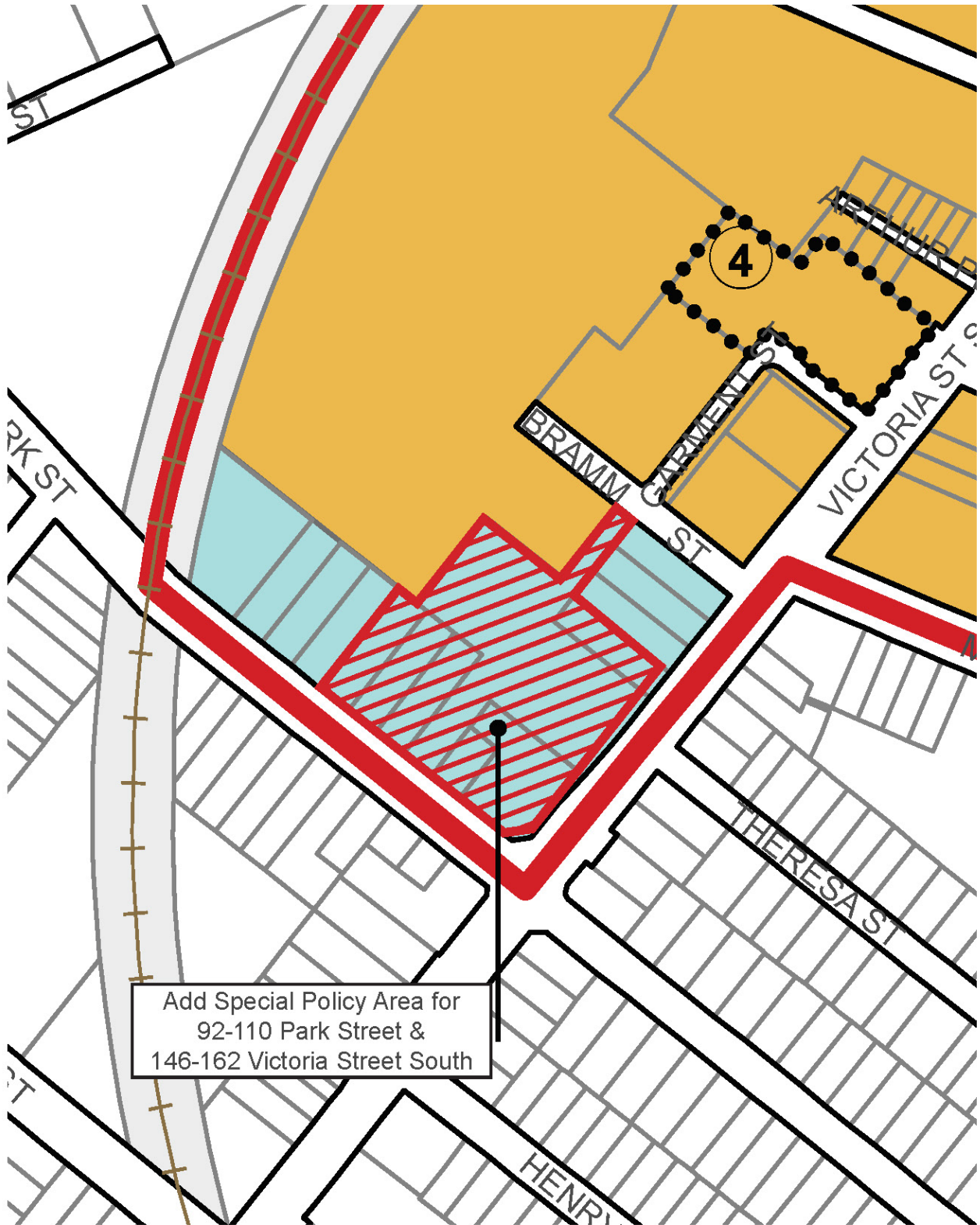
The Owner is committing to a financial contribution to a non-profit affordable housing provider to support the development of an off-site affordable housing project in Kitchener. This contribution is meant to complement the above on-site affordable units by supporting the provision of targeted “deeper” affordable units in the city. Details of the provider or contribution has not been finalized at this time.

3. Public Amenity Space:

The Owner is providing a ground floor space at the base of Tower A that is available for use by the public for different functions. The ground floor design shows this area in the order of 265 square metres in size accessed directly from the internal private walkways from Victoria Street South or Park Street. The use or design of this space has not been explored at this time.

4. Public Amenity Space Contribution:

The Owner is committing to a contribution for the fit-out of the ground floor public amenity area. Details of the contribution or fit-up has not been explored at this time.



Add Special Policy Area for
92-110 Park Street &
146-162 Victoria Street South



Proposed Official Plan Amendment

Source: City of Kitchener New Official Plan Urban Growth Center Map 4 (June 2014)

Figure

12

4.2 Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment will remove the Subject Site from Zoning By-law 85-1 and add it to Zoning By-law 2019-051 as a “Mixed Use Three (MIX-3) Zone” with Special Regulations and Special Use Provisions (**see Figure 13**). The Proposed Zoning By-law Amendment has four general effects regarding the MIX-3 Zone and Special Uses and Regulations affecting the Subject Site:

1. It retains the existing 1R Special Regulation on the existing affected portion regarding GRCA permit requirements.
2. It will extend the existing 401U Special Use Provision across the entirety of the Subject Site for the requirement for a Record of Site Condition acknowledgement.
3. It removes the existing 524R, 525R and 526R Special Regulations given they are no longer relevant with the Subject Site’s lot assembly.
4. It adds a new Special Regulation “#ABC” for the proposed development form, including adjusted setbacks, increased building height, increased development intensity, and reduced parking requirement. Special Regulation #ABC tailors the MIX-3 Zone to the Kitchener Urban Growth Centre context, informed by the directions of the draft UGC-3 Zone and the contemplated MIX-4 Zone. This includes additionally increasing regulations (or higher performance requirements) for design measures such as minimum ground floor façade width and openings per those draft zoning directions.

The proposed new “ABC” Special Regulation reads as follows:

- (#ABC)** *Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 73 of Appendix A:*
- a) the minimum front yard setback to Park Street shall be 0.*
 - b) the minimum exterior side yard setback to Victoria Street South shall be 0.*
 - b) the maximum building height shall be 122 metres.*
 - b) the maximum number of storeys shall be 38 storeys.*
 - c) the maximum floor space ratio shall be 11.6.*
 - d) the minimum amount of non-residential gross floor area shall be 1,500 square metres.*
 - e) The minimum ground floor street line façade width as a percent of the width of the abutting street line shall be 70%.*
 - f) The minimum percent street line façade openings shall be 70%.*
 - g) The minimum required rate of parking spaces for Multiple Dwellings shall be 0.54 spaces per dwelling unit.*

Table 1 below provides a summary of zoning compliance of the proposed development and required Special Regulations.

**Table 1:
Proposed Development - Zoning Compliance Summary**





Section 8.3 Regulations (MIX-3 ZONE)

Regulation	Requirement	Proposed Plan	Compliance
MIN lot width	15 m	94.5 m	Yes
MIN front yard setback	1.5 m	0 (Park)	No
MIN exterior side yard setback	1.5 m	0 (Victoria, post-widening)	No
MIN rear yard setback	7.5 m	52.3 m	Yes
MIN interior side yard setback	0	1.1 m	Yes
MIN yard setback abutting a residential zone	7.5 m	N/A	Yes
MIN ground floor building height for street line façade	4.5 m	4.25 m (Ground Floor + 3.25 m (Mezzanine))	Yes
MIN building height	11 m	82.8 m, 115.25 m, and 121.75 m	Yes
MAX building height	32 m	82.8 m, 115.25 m, and 121.75 m	No
MAX number of storeys	10 storeys	25, 36 and 38 storeys	No
MIN number of storeys in the base of a mid-rise or tall building	3 storeys	Shortest portion at 4 storeys (Small eastern portion of building base is single storey in height to provide for limiting distance)	Yes
MAX number of storeys in the base of a mid-rise or tall building	6 storeys	Tallest portion at 6 storeys	Yes
MIN street line stepback for mid-rise and tall buildings	3 m	3.0 m (Victoria, post-widening) 3.0 m or 4.8 m (Park)	Yes Yes
MIN stepback for mid-rise and tall buildings abutting low-rise residential zone	3 m	N/A	Yes
MIN floor space ratio	0.6	11.53	Yes
MAX floor space ratio	2.0	11.53	No
MAX total retail gross floor area within mixed-use building	10,000 sq.m.	1,566 sq.m. (not expected as all retail)	Yes
MIN percent of non-residential gross floor area	20%	1.7% (Excludes above-grade parking garage at 17.3%)	No
MIN percent of residential gross floor area	20%	81% (Excludes above-grade parking garage at 17.3%)	Yes

MIN ground floor street line façade width	50%	≈ 90% (Victoria) ≈ 90% (Park)	Yes Yes
MIN percent street line façade openings	50%	> 50% (Victoria) > 50% (Park)	Yes Yes
MIN landscaped area	15%	18.3%	Yes

Section 5.6 Regulations (PARKING)

MIN Parking – Residential	1,035 spaces (0.9 space / unit)	617 spaces (0.54 spaces / unit)	No
MIN Parking – Visitor	(0.1 space / unit)	Combined with Multi-Unit Parking Rate below per Section 5.7	Yes
MIN Parking – Commercial (Multi-Unit)	50 spaces (1 space / 35 sq.m.)	50 spaces (1 space / 35 sq.m.)	Yes
MIN Class A Bicycle Parking - Residential	575 stalls (0.5 stall / unit)	575 stalls (0.5 stall / unit)	Yes
MIN Class A Bicycle Parking - Commercial	4 stalls (1 stall / 500 sq. m.)	4 stalls (1 stall / 500 sq. m.)	Yes
MIN Class B Bicycle Parking	7 stalls (6 stalls + 1 stall / 333 sq.m.)	7 stalls (6 stalls + 1 stall / 333 sq.m.)	Yes

-  Special regulations for street yard setbacks and commercial floor space minimums reflecting D-6 / UGC-3 Zone directions.
-  Special regulations for increased height and density per Official Plan Amendment and supported by community benefits discussion.
-  Special regulation requirements increased to reflect greater minimum standards of draft UGC-3 Zone directions.
-  Special regulations for parking reflected parking justification study.

5. Supporting Studies

5.1 Functional Servicing and Stormwater Management Report

WalterFedy prepared the Functional Servicing and Stormwater Management Report (May 11, 2021) as part of the complete application requirements for the proposed development. The Report identifies how the development will be serviced, including water, sanitary and storm connections to the existing municipal infrastructure. It outlines the availability of the municipal system to accommodate the development and how the stormwater management design meets City criteria. The Report makes the following conclusions for the proposed development:

- *The sanitary sewer on Victoria has sufficient capacity to accommodate sanitary drainage from the proposed development. A 200 mm service at 1.0% can service the proposed development.*
- *Two water connections to the municipal watermain will be required as stipulated by the OBC since the towers will be taller than 84 m. Pressure and velocity requirements can be met with 300-mm-diameter services.*
- *Pre-development peak flow rates are expected to be met through the use of flow control roof drains or an underground storage tank. Rooftop ponding along with the underground tank will also provide required on-site retention.*
- *An OGS unit will provide Enhanced level stormwater quality control for the proposed development.*
- *Site grading will allow for a major overland flow path to Victoria Street, and ensure surface ponding does not exceed 30 cm.*
- *Perimeter silt fence, silt fence at the base of all stockpiles, silt sacs in catchbasins, and construction entrance mud mats can provide erosion and sediment control. These will be included in detailed design in coordination with the proposed construction staging plan.*

5.2 Transportation Impact Assessment, TDM and Parking Study

Paradigm Transportation Solutions Limited prepared the Transportation Impact Assessment, Parking Study, and Transportation Demand Management Plan (August 2021) as part of the complete application requirements for the proposed development. The report analyzes the traffic forecasts and impacts at full build-out of the development, provides the parking supply analysis and justification. and outlines strategies for transportation demand management. In summary, the report makes the following conclusions regarding traffic and parking for the proposed development:

- The proposed development is forecasted to generated 297 (AM) and 387 (PM) peak hour trips.
- The 2030 Total Traffic condition including the proposed development is forecast to continue to operate at acceptable levels of service.
- The proposed site driveways to Victoria Street South and Bramm Street are forecast to operate at acceptable levels.
- The proposed site driveway to Park Street is forecast to operate with delays but the excess capacity for these movements.

- A left turn lane on Park Street at the site driveway is not warranted.
- Left turn lanes on Victoria Street South and Bramm Street are warranted but not recommended given existing right-of-way constraints.
- The proposed parking supply meets the demands of the site based on proxy surveys, ITE rates, and auto ownership patterns.
- Monitoring of future traffic patterns along Victoria Street South and optimizing of traffic signals is recommended (needed either with or without proposed development).
- Coordination with Region and City regarding the development and implementation of a comprehensive TDM program is recommended, including unbundled parking, long term bicycle parking, and transit-supportive information materials that is required to support the proposed parking reduction.

5.3 Noise and Vibration Impact Study

RWDI prepared the Noise and Vibration Impact Study (August 24, 2021) as part of the complete application requirements for the proposed development. The noise study portion assessed the potential noise impacts from road traffic of Victoria Road South and Park Street, rail traffic on surrounding CN main lines and spur lines, idling noise from surrounding GO and CN layovers, and stationary noise sources from surrounding facilities. The vibration study portion assessed the potential vibration impacts from the rail line operations. The Study ultimately concludes that *“the proposed development is recommended to be approved from the noise and vibration impact aspect”*, based on the following findings:

- Noise control measures for the proposed development are required to address indoor noise criteria. Recommendations include the installation of central air-conditioning, the inclusion of noise warning clauses related to transportation sound levels at the building façade, the design of suite bedroom window glazing with minimum sound isolation performance of STC 29 for the southwest 6-storey podium façade, and the design of suite balcony doors with minimum sound isolation performance of STC 28.
- The predicted sound level meets the Region of Waterloo criterion for OLAs and noise control measures are not required.
- The daytime-evening and nighttime continuous sound levels due to existing stationary sources are predicted to meet the applicable NPC-300 Class 1 sound level criteria.
- The continuous sound levels at the façade due to nearby CN/GO layover sites are predicted to meet the applicable NPC-300 sound level criteria.
- The potential noise impacts of the proposed development on itself and its surroundings is expected to be feasible to meet the applicable criteria.
- Calculated vibration levels on the Subject Site due to the nearby CN spur line were below the applicable limits and no mitigation measures for vibration are recommended.

5.4 Pedestrian Wind Study

RWDI prepared the Pedestrian Wind Study (August 23, 2021) as part of the complete application requirements for the proposed development. The Study assessed the potential wind comfort and safety conditions on and surrounding the Subject Site resulting from the proposed development, based on computer-based modelling of the proposed development under existing and proposed conditions, and recommends mitigation measures as necessary. The Study finds the following in respect to proposed wind conditions:

- *Wind conditions are satisfactory for intended use at all areas around the Existing site.*
- *With the introduction of Proposed development, conditions at grade level areas, including all major entrances, sidewalks, and the plaza, are predicted to be suitable for the intended use in the summer.*
- *Due to strong seasonal winds and the effect of corner acceleration, wind conditions are expected to be less than ideal near building corners during the winter.*
- *In the summer, wind conditions at most above-grade amenity areas are expected to be suitable for strolling or better, which is less ideal for passive pedestrian activities. Increased wind speeds are predicted near certain edges and corners on Level 7 outdoor amenity areas, resulting in undesired comfort conditions.*
- *Wind speeds at all locations are predicted to meet the criterion used to assess pedestrian wind safety with two exceptions of the northern and western corners on Level 7 outdoor amenity areas*
- *Wind control features are recommended in the report to improve pedestrian comfort for above-mentioned areas with undesired wind conditions.*
- *If desired, wind tunnel testing can be conducted at a later design stage to quantify these wind conditions and, if necessary, to develop and validate wind control solutions.*

5.5 Urban Design Brief

GSP Group prepared the Urban Design Report (August 2021) as part of the complete application requirements for the proposed development. It assesses the design of the proposed development per the relevant design-related policies of the Kitchener Official Plan and the Kitchener Urban Design Manual, particularly regarding the Tall Building Guidelines. It makes the following general conclusion:

Based on the preceding assessment, the conclusion of this Urban Design Brief is that proposed design is appropriate and reflects good urban design. It respects the design policy and guideline direction of the Kitchener Official Plan and the multiple layers of the Kitchener Urban Design Manual. Specifically, the proposed building massing and tower arrangement was iteratively designed to satisfy the intent and objectives of the Tall Building Guidelines.

6. Planning Policy Assessment

This section outlines the relevant planning policy framework (Section 5.1) and outlines and assesses the core policy themes within this policy framework (Sections 5.2 through 5.8).

6.1 Policy Framework

Planning Act

The *Planning Act* R.S.O. 1990, c. P.13 (“*Planning Act*”) establishes the policy-led land use planning system for Ontario that outlines matters of provincial interest for municipal planning decisions and processes. Section 2 of the *Planning Act* identifies the breadth of matters considered as being provincial interest which a municipality must “have regard to” in carrying out its responsibility under the *Planning Act*. These matters are general in nature and are captured in more detail through the policy statements and provincial plans issued under the Section 3 of the *Planning Act* as well as municipal official plans.

2020 Provincial Policy Statement

The 2020 Provincial Policy Statement (the “**2020 PPS**”) came into effect on May 1, 2020. The principal modifications in the 2020 PPS policies from those of the 2014 PPS resulted from the review process emanating from Ontario’s Housing Supply Action Plan (“More Homes, More Choices”) passed by the Ontario government in 2019. Section 3(5) of the *Planning Act* specifically requires that once approved, all decisions of the municipality’s council respecting the exercise of any authority regarding a planning matter, shall be consistent with the 2020 PPS.

2019 Growth Plan

The Growth Plan for the Greater Golden Horseshoe (the “**Growth Plan**”) is the Province’s growth strategy for the Greater Golden Horseshoe region. The 2019 Growth Plan came into effect on May 16, 2019, replacing the previous 2017 Growth Plan. The Growth Plan builds on the PPS with more specific land use planning policies as “*a framework for implementing the Government of Ontario’s vision for building stronger, more prosperous communities by managing growth in the region to 2031*”. Section 3(5) of the *Planning Act* specifically requires that municipal council decisions regarding the exercise of authority concerning planning matters “*shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be*”.

Region of Waterloo Official Plan

The Region of Waterloo Official Plan (the “**Regional Official Plan**”) was passed by Regional Council in June 2009, replacing the previously 1995 plan, and was approved by the Ministry of Municipal Affairs and Housing in December 2010. The Regional Official Plan came into effect in June 2015 further to OMB orders regarding appeals, except for certain sections and policies that remain deferred. The *Planning Act* requires that all local official plans, local land use related by-laws, and all future development must conform to the Regional Official Plan.

City of Kitchener Official Plan

The City of Kitchener Official Plan (the “**Kitchener Official Plan**”) was adopted by Kitchener City Council in 2014 and was approved with modifications by the Region in November 2014 and came into effect in September 2015. Site-specific applications for an Official Plan Amendment and Zoning By-law Amendment are to conform with the 2014 Official Plan. Section 17.E.2.16 indicates that Amendments to the 2014 Official Plan are evaluated, in part, on their “*conformity to the vision, goals, objectives and policies of this Plan*”. Section 17.E.12.5 that until the existing zoning by-law is amended or a new by-law is adopted to implement the 2014 Official Plan, any amendment to the existing Zoning By-law must “*be in conformity with this Plan and any Provincial legislation*”.

6.2 Land Use Patterns and Intensification

The **2020 PPS** strives for building strong communities that have efficient land use development patterns, are mixed in nature, and have a compact built form. Section 1.1.1 calls for several elements as part of “*healthy, livable and safe communities*”, including efficient development and land use patterns; an appropriate range and mix of different land uses, including residential and employment uses; cost-effective development patterns and standards that minimize land consumption and costs of servicing; and development and land use patterns that consider the impacts of climate change. Section 1.1.3.2a) directs that land use patterns in settlement areas are to be based on densities and a mix of land uses which, among other matters, efficiently use land and resources, appropriately and efficiently use planned or further community infrastructure and facilities, minimize negative impacts to air quality and climate change, and support active transportation and transit.

The 2020 PPS specifically directs intensification within built-up areas. Section 1.1.3.1 directs that settlement areas are to be “*the focus of growth and development, and their vitality and regeneration shall be promoted*”. Section 1.1.3.2b) directs that land use patterns are to accommodate “*a range of uses and opportunities for intensification and redevelopment*”. Further to this, Section 1.1.3.3 requires that municipalities “*identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs*”. Section 1.1.3.4 supports this focus for intensification by directing the promotion of that appropriate development standards “*which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety*”.

The **2019 Growth Plan** focuses growth inwards with the desire for complete communities, echoing the direction of the 2020 PPS. Section 2.2.1.2 directs that growth within settlement areas will be focused in delineated built-up areas; strategic growth areas; locations with existing or planned transit, particularly those with a priority on higher order transit where it exists or is planned; and areas with existing or planned public service facilities. Section 2.2.1.4 seeks the achievement of complete communities that, among other matters, include a diverse mix of land uses including residential, employment and shopping, provide a diverse mix of housing options including affordable housing and accommodating different needs, and provide for a compact building form.

Downtown Kitchener is a “Urban Growth Centre” on Schedule 2 of the 2019 Growth Plan (see **Figure 14**). Section 2.2.3.1 directs that Urban Growth Centres are to be planned as a focal area for investment for regionally-servicing uses, accommodating and supporting regional scale transit, serving as high-density major employment centre, and accommodate significant population and employment growth. Section 2.2.3.2c) directs that the Downtown Guelph Urban Growth Centre is to be planned to achieve, by no later than 2031, a minimum density target of 150 residents and jobs combined per hectare.

Further to these general growth directions, the 2019 Growth Plan provides specific targets for intensification for municipalities. For Kitchener, Section 2.2.2 identifies that the minimum target is 50 per cent of all residential development within the delineated built-up area by the time the next municipal comprehensive review is approved and in effect, and for each year thereafter; until that time, however, the annual minimum intensification target in the approved official plan in effect as July 1, 2017 applies. Section 2.2.3 directs that municipalities are to develop a strategy to achieve this target, which will include identifying strategic growth areas as key development focus areas, identifying appropriate scales of development in such areas and built form transition to adjacent areas, encouraging intensification generally throughout the delineated built-up area, and ensuring lands are zoned and development designed to support complete communities.

In the **Regional Official Plan**, the Subject Site is part of the Urban Area on Map 3a, which per Section 2.B.2 is meant to accommodate most of the Region’s growth over the Plan’s horizon (see **Figure 15**). Section 3.C.2 directs that area municipalities are to establish official plan policies that “*ensure that by 2015 and each year thereafter a minimum of 45 per cent of all new residential development occurring annually within the region as a whole will be constructed within the Built-Up Area*”.

Section 2.D.1 identifies general development policies for reviewing development applications. These policies seek to ensure that development in the Urban Area is “*planned and developed in a manner that:*

- (a) *supports the Planned Community Structure described in this Plan;*
- (b) *is serviced by a municipal drinking-water supply system and a municipal wastewater system;*
- (c) *contributes to the creation of complete communities with development patterns, densities and an appropriate mix of land uses that supports walking, cycling and the use of transit;*
- (d) *protects the natural environment, and surface water and groundwater resources;*
- (e) *conserves cultural heritage resources and supports the adaptive reuse of historic buildings;*
- (f) *respects the scale, physical character and context of established neighbourhoods in areas where reurbanization is planned to occur;*
- (g) *facilitates residents’ access to locally grown and other healthy foods in neighbourhoods; and*
- (h) *promotes building designs and orientations that incorporate energy conservation features and the use of alternative and/or renewable energy systems.”*

In the **Kitchener Official Plan**, the Subject Site is part of the “Built Up Area” on Map 1 (see **Figure 5**). Furthering the Regional Official Plan, the Built Up Area is meant as a focus for residential development and intensification. Section 3.C.1.6 establishes five-year average residential intensification targets of 50% from 2016-2021 and increasing to 55% for 2021-2026 and 60% from 2026-2031; however, this policy is deferred per the revised wording of the LPAT Order, pending the Region’s Municipal

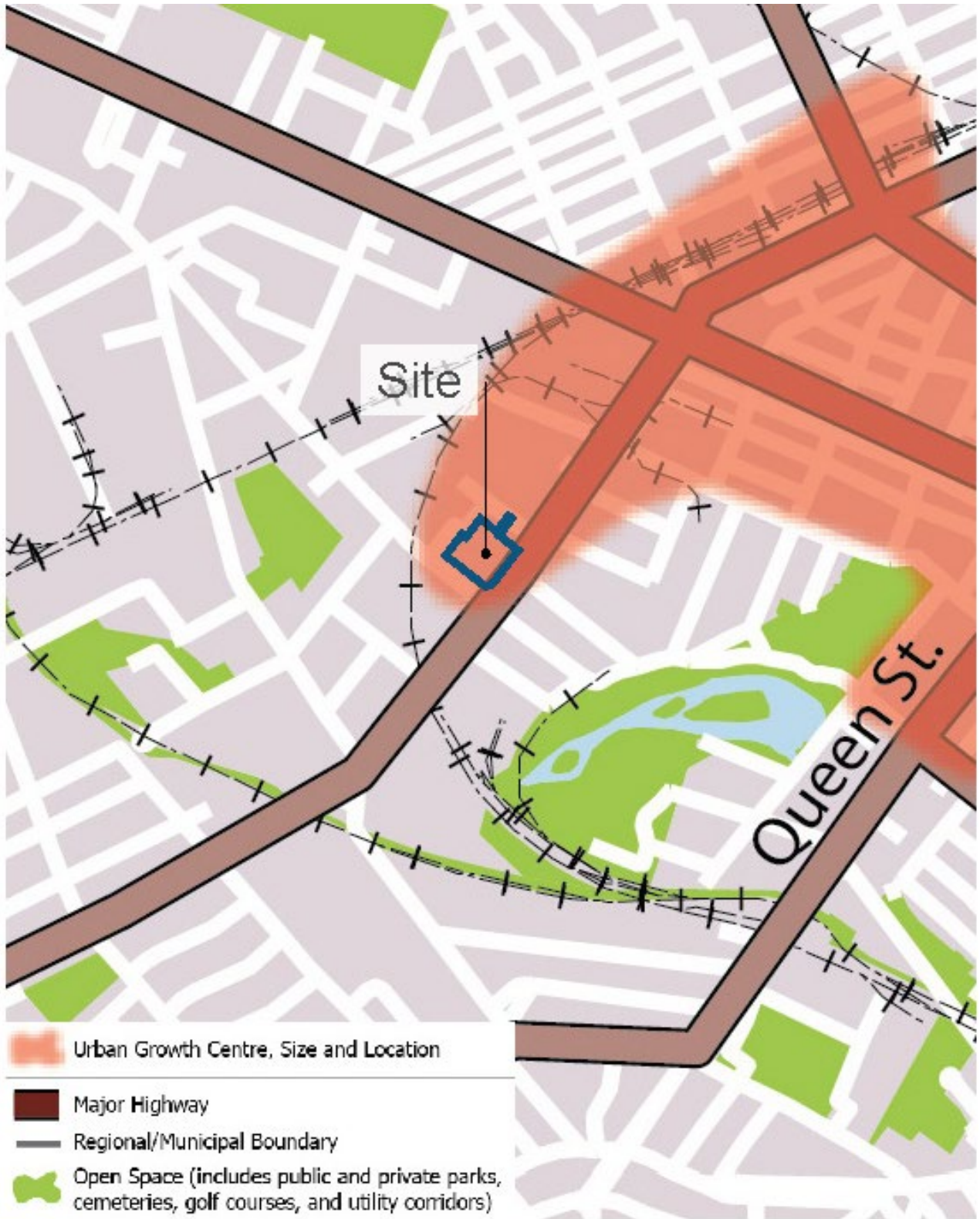
Comprehensive Review. Section 3.C.1.10 identifies that the “majority of residential growth in the Built-Up Area will occur within Intensification Areas”, which includes Major Transit Station Areas.

The Subject Site is in the Urban Growth Centre structural element in the 2014 Kitchener Official Plan (see **Figure 16**). As a principal area for intensification in Kitchener, the Urban Growth Centre is meant to accommodate a significant share of the region’s future population and employment growth (3.C.2.12). It is planned to “be a vibrant regional and citywide focal point and destination and is intended to be the city’s primary focal point for residential intensification as well as for investment in institutional and region-wide public services, commercial, office, recreational, cultural and entertainment uses” (3.C.2.12). Furthering the minimum targets of the Growth Plan and Regional Official Plan, the Urban Growth Centre is planned to achieve a minimum density of 225 residents and jobs combined per hectare by at least 2031.

Within the Downtown Urban Growth Centre, the Subject Site is part of the Mixed Use district situated at Downtown’s western and eastern edges (see **Figure 17**). The following policies of the Mixed Use designation are relevant for the Subject Site and proposed development:

- Section 15.D.4.2 and 15.D.4.3 permits compatible commercial uses, offices, personal services, and mid-rise and high-rise residential uses, among others.
- Section 15.D.4.6 directs that the range of scale of uses for the site’s zoning is dependent on the planned function of the urban structure designation that applies to the site and compatibility with surrounding uses and other site-specific contextual factors.
- Section 15.D.4.10 identifies that the implementing zoning may impose minimum and/or maximum amount of commercial floor area and residential floor area on sites.
- Section 15.D.4.11 encourages a mixture of permitted uses within a building.
- Section 15.D.4.17d) identifies a maximum Floor Space Ratio of 4.0 on lands within the Urban Growth Centre.
- Section 15.D.4.20 contemplates a maximum Floor Space Ratio of 5.0, provided that all the applicable policies within this Plan are satisfied, consider a maximum Floor Space Ratio up to 5.0 if the development or redevelopment: a) is designed to LEED certification standard or equivalent building rating system; b) incorporates a below-grade parking structure, public amenity area, cultural heritage resource and/or public art; and/or, c) contains a food store located internal to a mixed use development
- Section 15.D.4.21 identifies that maximum building heights may be regulated through zoning for land within the Urban Growth Centre.

The Urban Growth Centre is surrounded by the boundaries of the Major Transit Station Area in the 2014 Official Plan (see **Figure 17**), per the direction of the Regional Official Plan, reflecting a 10-minute walk conceptually to ION stops. The intent and function of these areas follows the Regional Official Plan direction for areas that are a focus for growth to support transit service, are to be well-connected for multiple modes of travel, are mixed in land use nature, and have pedestrian-friendly and transit-oriented built form and streetscapes (3.C.2.17). The Official Plan provides direction for the preparation of Station



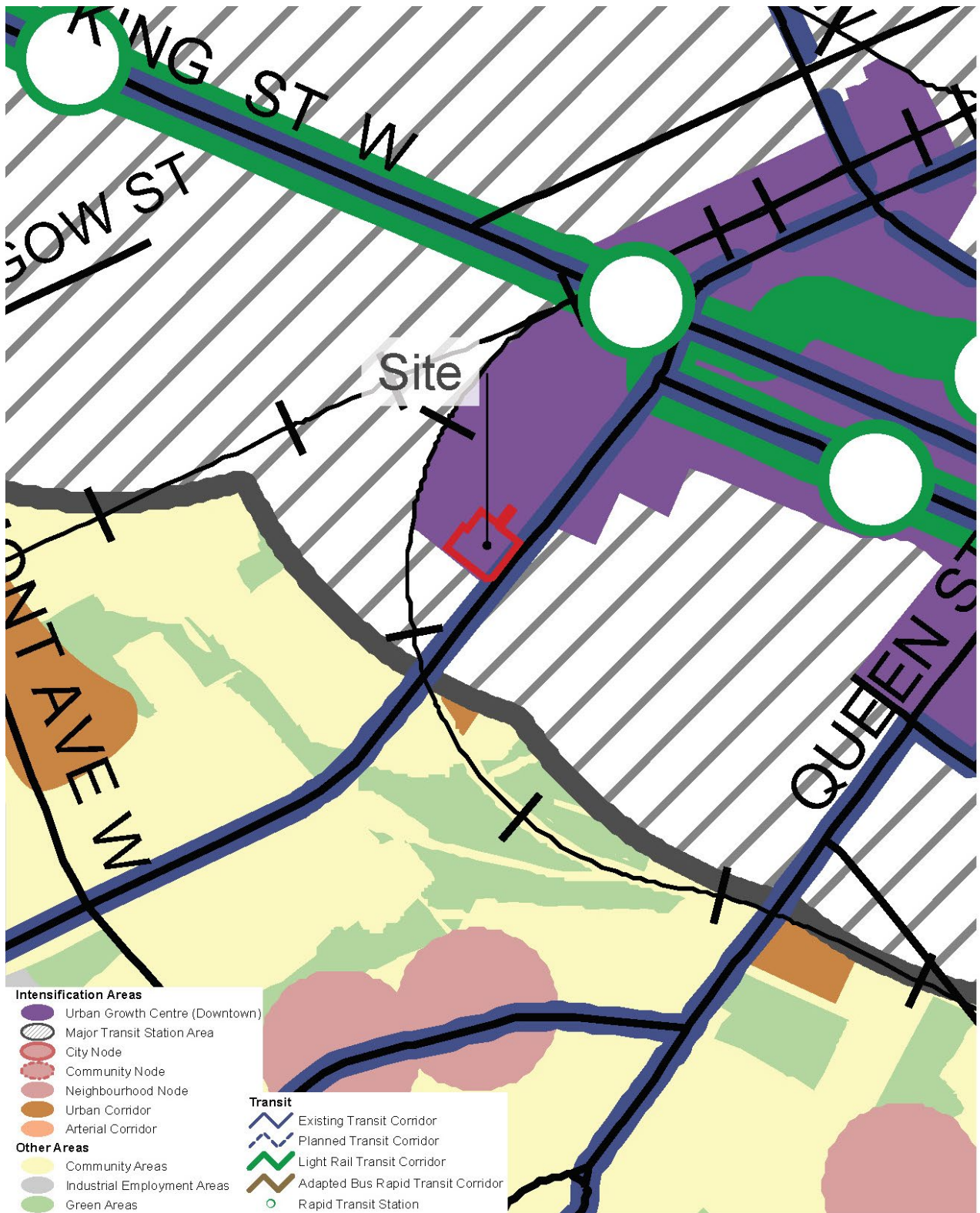
Growth Plan: Urban Growth Centre
 Source: Places to Grow Growth Plan Section 3 - Downtown Kitchener
 Urban Growth Plan (2008)

Figure
14



Region of Waterloo Official Plan - Urban Areas
 Source: Region of Waterloo Official Plan Map 3a (2015)

Figure
15



Kitchener Official Plan: Urban Structure

Source: City of Kitchener Official Plan Map 2 (June 2014)

Figure

16

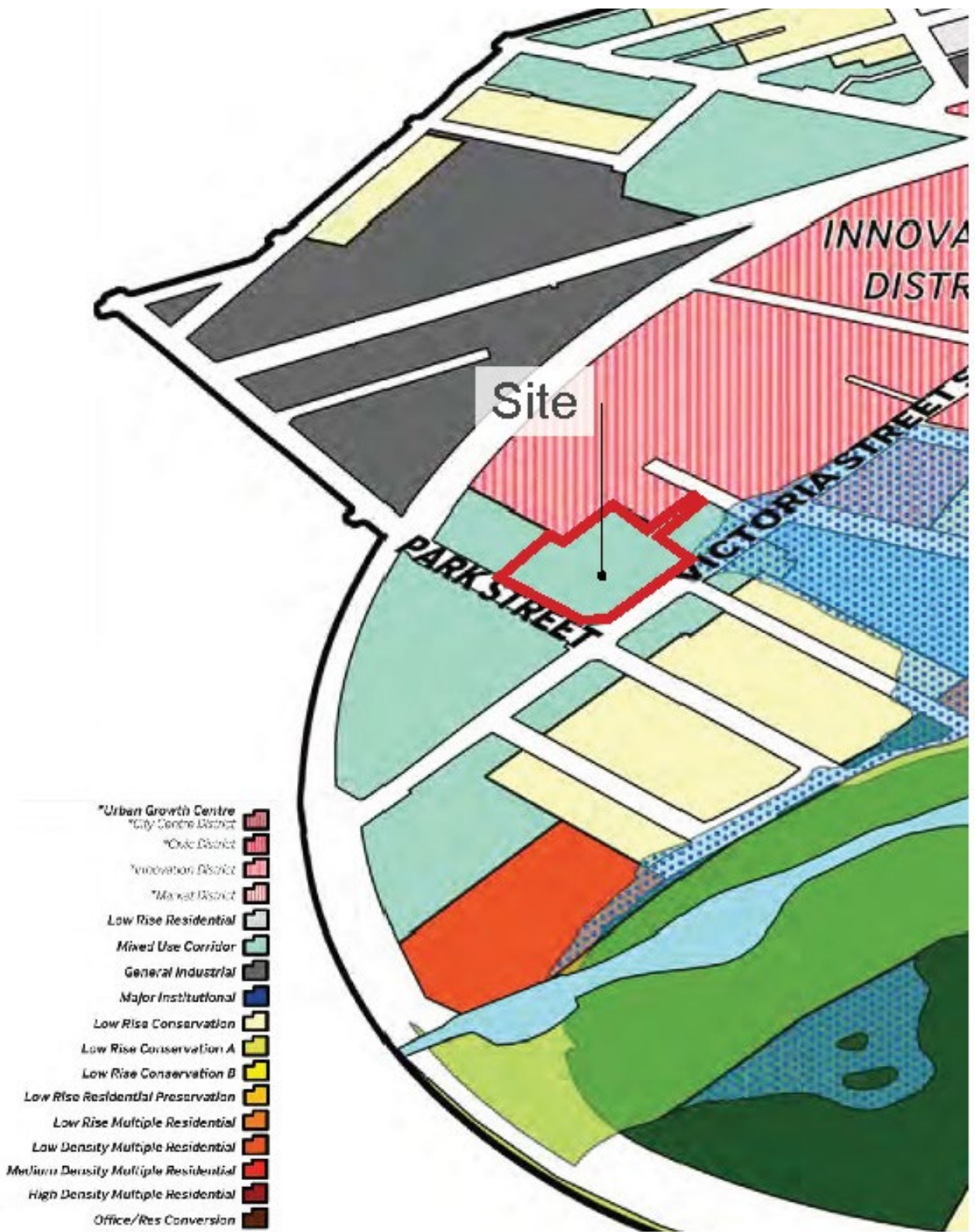


Kitchener Official Plan: Land Use

Source: City of Kitchener New Official Plan Urban Growth Center Map 4 (June 2014)

Figure

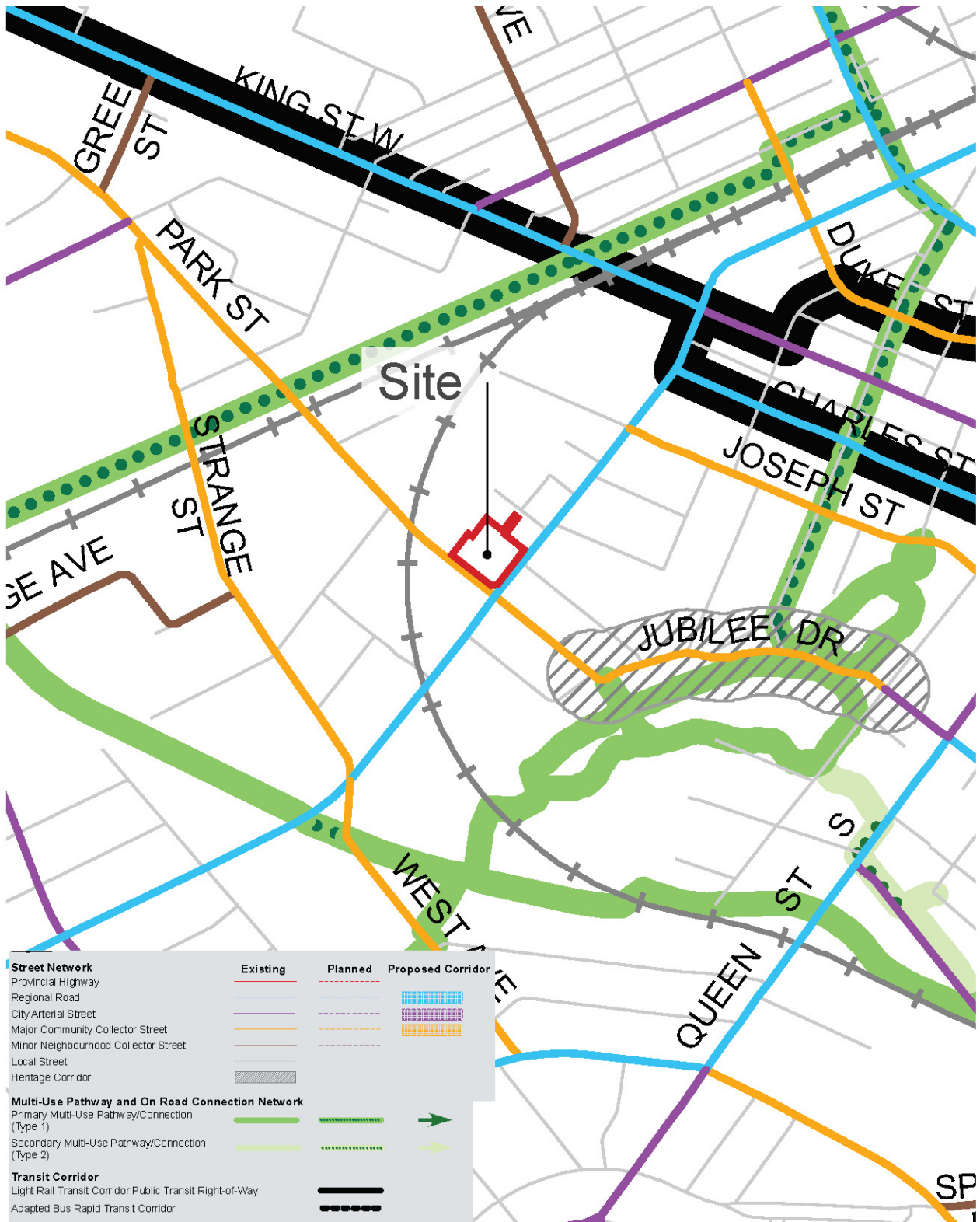
17



PARTS Central Plan: Preferred Land Use
 Source: PARTS Central Plan (April 2016)

Figure
18





Kitchener Official Plan:
Integrated Transportation System

Source: City of Kitchener Official Plan Map 11 (June 2014)

Figure
19



Area Plans which provides direction for the future design and development within the Station Areas (3.C.2.18 and 3.C.2.19), outlined in Section 4.5 below. The Official Plan provides direction regarding the review of development applications in instances where a Station Area Plan has not been completed and the Official Plan has not been updated accordingly to reflect the Station Area Plan (3.C.2.22).

The **PARTS Central Plan** was approved in 2015 per the directing policies of the Regional Official Plan and Kitchener Official Plan. Although not implemented through an Official Plan Amendment and Zoning By-law Amendment yet, it does provide insights regarding future development. Generally, the Central PARTS Plan supports mixed use intensification with commercial at grade and residential use above, emphasizes the importance of providing transportation choice and connectivity for all modes, and emphasizes the importance of designing spaces and streetscapes as inclusive, people-friendly spaces. The Subject Site is shown within the “High Density Mixed Use” category on the Land Use Map (Section 5) in the Central PARTS Plan (**see Figure 18**). To the Subject Site’s west across Park Street and to the north across the railway the areas are categorized also “High Density Mixed Use”; to the south the facing properties on the other side of Victoria Street South are categorized “Medium Density Mixed Use”; and to the east/northeast the areas is categorized as “Innovation District”. The identified intensity and scale of development for the High Density Mixed Use category follows the land use direction of the 2014 Official Plan, namely a maximum FSR of 4 and no maximum on building height. The PARTS Central Plan includes direction for implementing the design guidelines for Victoria Street South as it relates to private streetscaping efforts, but there are no other identified initiatives or improvements that relate to the site or its abutting context.

Assessment

In my opinion, the scale, intensity and mix of the proposed development as implemented through the proposed applications is consistent with the 2020 PPS and conforms to the 2019 Growth Plan, Regional Official Plan, and Kitchener Official Plan regarding urban structure, land use patterns and intensification.

The proposed redevelopment supports the inward-focused growth direction in the policy framework. The Site is located within Kitchener’s built-up area, specifically within the confines of the highest order urban structure elements of the Kitchener Urban Growth Centre and Kitchener’s Major Transit Station Area. Downtown Kitchener and specifically the areas surrounding the ION Stations, satisfy all four locational attributes of Section 2.2.1.2 of the 2019 Growth Plan concerning the focus of growth within settlement areas: it is within a built-up area, a strategic growth area, an area with existing transit including higher order transit, and an area with existing public facilities.

The Subject Site is suited for intensification. The proposed redevelopment efficiently uses the Subject Site and contributes to an efficient land use pattern in Downtown Kitchener. It will be served by both higher order transit and local transit services at and near the ION Central Station as well the intra-regional GO Rail and Bus connections further to the east along Victoria Road. The Site is an existing fully serviced property and the proposed redevelopment does not require the extension of services nor

necessitate infrastructure upgrades. The Site is close to shops, restaurants, public facilities services throughout Downtown Kitchener.

The proposed redevelopment will contribute to the intensification targets of the 2019 Growth Plan as implemented through the Regional Official Plan and Kitchener Official Plan in respect to built-up area of Kitchener. The intensity of the proposed redevelopment furthers the minimum target of 40% of residential development within the built-up area in the existing Kitchener Official Plan and the minimum of 50% required for the next comprehensive review per the 2019 Growth Plan. Furthermore, the proposed redevelopment provides an intensity of use and form that contributes to Downtown Kitchener achieving its density targets per Section 2.2.3.2c) of the 2019 Growth Plan. The density of the proposed redevelopment at approximately 1,225 people and jobs per hectare substantially contributes to the minimum target of 150 per these policies.

The proposed redevelopment contributes to the establishment and maintenance of a complete community within Downtown Kitchener. The proposed building has a mix of ground floor commercial and residential uses integrated within the building and has a compact form and development intensity that efficiently supports existing public facilities as well as transit. These proposed uses will support and be supported by existing residential, commercial, employment, institutional and recreation activities throughout Downtown Kitchener.

Given the above considerations, the proposed intensity and scale of development as implemented through the Official Plan Amendment and Zoning By-law Amendment is appropriate. The proposed intensity and scale of the proposed development through the Amendments better optimizes the use of land, infrastructure and facilities in Downtown Kitchener per Provincial policy. The proposed increased maximum floor space of 5.0 (given the structured parking inclusion) to 10.25 within the existing Mixed Use designation is supported by community benefits of affordable housing and community space, as outlined above and the influences of the Major Transit Station Area. The proposed building height and scale can be achieved without creating unacceptable impacts on the surrounding neighbourhood resulting from the taller building form; the appropriateness of the form and scale is further addressed through heritage conservation and compatibility sections below.

The regulations of the proposed Zoning By-law Amendment are appropriate standards that promote intensification in a core area, per Provincial Policy. Although By-law 2019-051 does not identify a MIX Zone for the Urban Growth Centre, the MIX-3 is the most appropriate zone of the three MIX Zones as the base zone. Tailoring the MIX-3 Zone to the Subject Site and proposed development form, the Special Regulations references the previous drafts of the deferred Innovation District (UGC-3) Zone that would be applicable to east of Bramm Street and the draft new MIX-4 Zone advanced through the Neighbourhood Planning Review process that is contemplated on the other side of Park Street facing the Subject Site. These Zones are a better reflection of a mixed-use property within the Urban Growth Centre boundaries.

6.3 Transit-supportive Development

The **2020 PPS** supports public transit use and transit-oriented development patterns. A key change in the 2020 PPS is the strengthening of the emphasis on transit-supportive development from that of the 2014 PPS, beginning with the definition of “transit-supportive development” employed in the PPS. The definition in the PPS 2020 represents a core change from making transit just ‘viable’ in the 2014 PPS to ‘optimizing’ transit investment. Using a normal definition of optimize, this means to “make the best or most effective use” of transit infrastructure such as rapid transit stations. Transit-supportive development is further elevated in the definition with the added recognition of “*proximity to transit stations, corridors and associated elements within the transportation system*” as part of the higher density compact, mixed-use development.

Section 1.1.3.2a) supports transit-supportive densities and land use mixes within settlement areas where “*transit is planned, exists or may be developed*”. Section 1.6.7.1 seeks transportation systems that are “*safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs*” and Section 1.6.7.2 directs the efficient use of existing and planned infrastructure, including through TDM strategies. Section 1.6.7.4 promotes land use patterns, densities and mixes of uses that “*minimize the length and number of vehicle trips and support current and future use of transit and active transportation*”.

Section 1.1.1 g) reinforces transit-supportive development optimization of transit investments: “*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”. Section 1.1.3.1 further supports transit-supportive development by requiring municipalities to identify appropriate locations and promote opportunities for “*transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment*”. Section 1.1.1 e) is an added policy that requires transit-supportive development and the prioritization of intensification in locations close to transit.

Section 1.6.7.1 seeks transportation systems that are “*safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs*”. Section 1.6.7.2 directs the efficient use of existing and planned infrastructure, including through TDM strategies. Section 1.6.7.4 promotes land use patterns, densities and mixes of uses that “*minimize the length and number of vehicle trips and support current and future use of transit and active transportation*”.

The **2019 Growth Plan** furthers the 2020 PPS regarding support for public transit use as a basis for transit-supportive planning and development. Section 3.3.2 directs that transportation within the Greater Golden Horseshoe will be planned and managed to achieve several objectives, including providing connectivity among transportation modes, offering a balance of transportation choices that reduces reliance upon the automobile and promotes transit and active transportation, and offering multi-modal access to jobs, housing and shopping. Section 3.2.3 directs that public transit will be the first priority for transportation infrastructure planning and major transportation investments.

The 2019 Growth Plan contains specific policies concerning planning and development around significant transit station areas. It defines a “Major Transit Station Area” as an “*area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core*”, and which are “*generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk*”. In such areas, Section 2.2.4.9 directs that development will be supported, where appropriate, by planning for a diverse mix of uses to support transit, providing alternative development standards such as reduced parking standards, and prohibiting land uses and built form that would constrain the achievement of transit-supportive densities. Section 2.2.4.10 encourages adjacent or surrounding sites to existing and planned frequent transit be “*planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities*”.

The 2019 Growth Plan also supports complementary transportation demand management (TDM) practices as part of supporting non-automobile models of travel. Section 3.2.2.4 directs that municipalities are to develop and implement TDM policies in their official plan or other documents to reduce trip distance and time, increase the modal share of non-automobile modes, prioritize active transportation and transit over single-occupant automobiles and expand infrastructure to support active transportation.

Section 2.D.6 through 2.D.13 of the **Regional Official Plan** provides additional policy direction for Major Transit Station Areas, defined as those “*typically located within a 600 to 800 metre radius of a rapid transit station*”. Section 2.D.6 directs that Major Transit Station Areas are meant to be planned and developed to achieve increased rapid transit-supportive densities and a mix of residential and non-residential development as appropriate. Section 2.D.7 directs that area municipalities are to prepare a Station Area Plan for each Major Transit Station Area outside of downtowns. Station Area Plans are meant to include more defined station area boundaries, design guidance and development standards, parking management strategies, and implementation plans. Further to these policies, Section 2.D.10 of the Regional Official Plan identifies that planning applications for such areas will be reviewed in accordance with the general transit-oriented development policies of Section 2.D.2 where policies for Major Transit Stations Areas are not in place.

Further to the general development policies of Section 2.D.1, Section 2.D.2 of the Regional Official Plan provides transit-oriented development considerations for sites that are served by existing or planned rapid transit or higher frequency bus transit. These polices seek to ensure development on such sites:

- (a) *creates an interconnected and multi-modal street pattern that encourages walking, cycling or the use of transit and supports mixed-use development;*
- (b) *supports a more compact urban form that locates the majority of transit supportive uses within a comfortable walking distance of the transit stop or Major Transit Station Area;*
- (c) *provides an appropriate mix of land uses, including a range of food destinations, that allows people to walk or take transit to work, and also provides for a variety of services and amenities that foster vibrant, transit supportive neighbourhoods;*

- (d) *promotes medium and higher density development as close as possible to the transit stop to support higher frequency transit service and optimize transit rider convenience;*
- (e) *fosters walkability by creating pedestrian-friendly environments that allow walking to be a safe, comfortable, barrier-free and convenient form of urban travel;*
- (f) *supports a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities; and ...*

Policy 3.C.4 encourages area municipalities to provide reduced parking standards for development applications where transportation demand management strategies are incorporated in the proposed development.

The **Kitchener Official Plan** identifies the Subject Site part of the “Major Transit Station Area” on Map 2 following the direction of the Regional Official Plan (see **Figure 17**). Section 3.C.2.17 identifies the planned function of Major Transit Station Areas are to be reviewed through Station Area Planning exercises. Generally, Major Transit Station Areas are to provide a focus for growth and development to support transit service levels, provide connections for various transportation modes to the transit system, achieve a mixture of uses where appropriate, and have pedestrian-friendly and transit-oriented streetscapes and buildings.

Sections 3.C.2.18 and 3.C.2.19 identify that the City will prepare Station Area plans, similar in contents with those identified in the corresponding Regional policies. Of note, Section 3.C.2.19c) expands on the parking management transportation management strategy from that of the Regional policies specifying specific strategies “*may include reduced parking requirements, shared parking, development of structured or underground parking facilities, parking pricing and other appropriate strategies*”. Section 3.C.2.20 notes that Phase 1 of the Planning Around Rapid Transit Station Areas (PARTS) Project to identify Major Transit Station Study Areas is meant to inform applications for development and redevelopment in advance of the completion of Station Area Plan, recognizing that “*not all lands within a possible influence area of a ten minute walking radius centered around the location of a proposed Rapid Transit Station Stop should be the focus for intensification and development*”.

Section 3.C.2.22 provides transitional policies for evaluating planning applications submitted between the time that Station Area Plans are completed and the Official Plan is amended to implement the direction. In such circumstances, such applications “*will be reviewed generally in accordance with the Station Study Areas contained in the City’s Planning Around Rapid Transit Station Areas (PARTS) Project Plan and Background Report*” and that such areas are “*intended to be the focus for intensification, development applications will support the planned function of Major Transit Station Areas and have regard for the following:*

- i) *the Regional Official Plan and the Transit-Oriented Development Policies included in Section 13.C.3;*
- ii) *new non-transit-supportive uses such as low density uses and/or auto oriented uses will be discouraged;*

- iii) *appropriate pedestrian and public transit facilities may be required with all major development or redevelopment proposals;*
- iv) *vehicular access points will be controlled to minimize disruption to traffic flow and new development may be required to share common driveways and provide for maneuverability between sites.”*

Section 13.C.3.1 directs that the City “*will ensure that all development and/or redevelopment proposals in areas serviced or planned to be serviced by public transit support the provision of an efficient, convenient and safe public transit service*”. Section 13.C.3.2 directs that the City strive to “*ensure an arrangement of development and streets whereby the maximum walking distance to a planned or existing transit stop will not exceed 450 metres for 95 percent of residences, places of employment and community facilities*”. Section 13.C.3.12 identifies that the City will apply the relevant TOD provisions of the Regional Official Plan for the consideration of development and redevelopment applications for sites served by rapid or higher frequency transit.

Map 16 of the Kitchener Official Plan identifies that Subject Site is situated on higher order streets of Victoria Street (Regional Road) and Park Street (Major Collector Street) providing principal movements for pedestrians and is nearby multiple trails in the surrounding active transportation system (see **Figure 19**). Section 13.C.1.2 supports pedestrian and cycling environments that provide “*opportunities to walk and cycle for convenient travel, recreational, health, environmental and economic reasons*” through such means as “*integrating pedestrian and cycling facilities into existing, expanded and new development areas*” and “*providing pedestrian and cyclist connections to transit stops*”. Section 13.C.1.13 requires “*new, multi-unit residential, commercial, industrial, office and institutional developments*” to provide secure bicycle parking and encourages the provision of shower and change facilities for commuters. Section 13.C.1.6 encourages a mix of land uses to accommodate opportunities for walking to work and services without the need for driving or transit. Section 13.C.1.4 identifies that pedestrian-friendly streets will be designed by providing sufficiently wide sidewalks, minimizing conflicts with vehicular traffic through street design, and providing for more attractive, comfortable and safe streetscapes.

Section 13.C.7.1 establishes the City’s support for the Region’s TDM policies and initiatives. Specifically, Section 13.C.7.3 identifies “*the incorporation of Transportation Demand Management measures*” may be required and Section 13.C.7.4 contemplates “*reduced parking requirements for development and/or redevelopment in accordance with Policy 13.C.8.2 where a comprehensive Transportation Demand Management Report is submitted to the satisfaction of the City*”. Section 13.C.8.6 specifically identifies that the City will develop a parking reduction strategy for land within Major Transit Station Areas to recognize and encourage rapid transit use.

Assessment

In my opinion, the proposed applications are consistent with the 2020 PPS and conform to the 2019 Growth Plan, the Regional Official Plan, and the Kitchener Official Plan in providing a transit-oriented development form and intensity that supports existing higher order transit and active transportation opportunities.

The Subject Site is an appropriate location for intensification and redevelopment and presents a significant opportunity for transit-supportive development; prioritizing intensification in such locations and accommodating a significant share of housing options in such locations is a principal policy direction of the 2020 PPS. The Subject Site is prominently located within Kitchener's broader public transit system. It is well-positioned to take advantage of regional higher frequency transit, including ION rail and iExpress bus service centred around the King and Victoria intersection (650 metres or 8 minute walk) and a multitude of local bus routes throughout and surrounding Downtown Kitchener, including those on Victoria Street and Park Street more immediately. Additionally, the Subject Site is within a reasonable walking distance (approximately 1,200 metres or a 15-minute walk) to the Kitchener Train Station that currently provides intra-regional GO Rail and Bus connections to other cities and municipalities in the Greater Golden Horseshoe (this access will move closer in the future to the ION Central Station with the Region's intended Multi-Modal Transit Hub at the corner of King Street and Victoria Street). These transit services are easily accessed by existing sidewalks on Victoria Street and Park Street lead through the surrounding area.

The proposed amendments to the Kitchener Official Plan and Kitchener Zoning By-law more effectively uses a site within walking distance of transit infrastructure and investment with a transit-supportive development form and intensity, per the 2020 PPS direction. The proposed residential density (1,122 units per hectare or approximately 1,225 people per hectare) optimizes transit investments in keeping with provincial guidelines for transit support. This proposed intensity and compact form on the Subject Site and together with the mix of employment and commercial uses in the surrounding context promote opportunities for minimizing car trips and maximizing transit use, walking and cycling per Provincial, Region and City policy direction. This compact form and intensity naturally supports the other broader growth and intensification directives of the Provincial and City planning policy outlined above regarding locations within downtowns and supporting other community assets and infrastructure.

The proposed redevelopment is planned and designed in conformity to the more specific policy considerations for transit-supportive development forms identified in the 2019 Growth Plan, Regional Official Plan, and Kitchener Official Plan. The proposed development's intensity puts in the order of 2,000 new residents and 60 new employees within 650 metres of a major transit location within the broader context of Waterloo Region. The mixture of residential and retail space (including opportunities for a food store) within the proposed building will support getting to and from the Subject Site by public transit, whether the origin and destination is within Kitchener or the broader region. The mid-rise building podium form scaled to the abutting streets and situated intimately to municipal sidewalks, together with ground floors with high proportions of transparent glass and active commercial uses, will create a comfortable urban environment for walking and transit access. The proposed streetscape enhancements and outdoor commercial plaza space at Victoria and Park corner further accentuates this comfortable pedestrian environment with an attractive public realm addition. Vehicular access to the Subject Site's assembly of multiple parcels reduces the multiple existing entrances from both Victoria Street South and Park Street to a single consolidated access from each of Victoria Street South, Park Street, and Bramm Street.

Further to its transit-supportive location and development form, the proposed development incorporates a comprehensive Transportation Demand Management (TDM) program designed to support travel by transit and active transportation over automobiles, furthering Provincial, Regional and City policy directions, as well as outlined in the PARTS Central Plan. The proposed TDM measures identified in Paradigm’s TDM Study include an unbundled parking supply, reduced parking requirements, carshare parking, secure bicycle parking, transit information, availability of transit passes, and an assigned TDM coordinator within the building. The proposed minimum parking reduction in the Zoning By-law Amendment is a core component of the TDM program, supported by the 2019 Growth Plan and contemplated by Regional Official Plan and Kitchener Official Plan for Major Transit Station Areas. Paradigm’s Parking Study regarding the proposed parking reduction concluded that the reduction was appropriate with the implementation of the proposed TDM measures. The proposed design does satisfy the minimum bicycle parking requirements established in the proposed MIX-3 Zone, which are not subject to a site-specific modification for the Subject Site.

6.4 Housing Stock and Diversity

The **2020 PPS** strives for a diversity of housing options and housing affordability. Section 1.1.1b) indicates that an appropriate range and mix of residential uses, including affordable housing, is part of sustaining “[h]ealthy, liveable and safe communities”, the 2020 PPS now emphasizing the accommodation of a “market-based” range and mix of residential types To this end, Section 1.4.1 identifies that to meet the needs of current and future residents, municipalities are to “*maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development*”. Section 1.4.3 further directs municipalities to accommodate housing “options and densities” to meet market-based needs permit and facilitate all forms of residential intensification and redevelopment, to direct new housing to locations served by appropriate infrastructure, promote efficient densities that support active transportation and transit use, and establish development standards that minimize housing costs and facilitate a compact form.

The **2019 Growth Plan** stresses a diverse housing stock, including affordable housing opportunities. Section 2.2.6.1 directs that municipalities are to support housing choice and achieve minimum intensification and density targets by such means as identifying a diverse range and mix of housing options and densities and establishing targets for affordable housing, both ownership and rental. This is to be implemented through official plan policies and designations and zoning by-laws per Section 2.2.6.1d). Section 2.2.6.2 directs that municipalities are to support the achievement of complete communities by planning to accommodate the Growth Plan’s forecasted growth, achieve the Growth’s Plan minimum and density targets, consider the range, mix and densities of existing housing stock, and diversity the housing stock across the city. Additionally, Section 2.2.6.3 identifies that municipalities are to consider requirements for multi-unit residential developments to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes, as part of the achievement of complete communities.

Policy 3.A.2 of the **Regional Official Plan** directs area municipalities “to provide an appropriate 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”. Policy 3.A.6 encourages area municipalities to “offer density bonuses, property tax exemptions and other incentives to help support the creation of affordable housing and special needs housing”.

Section 4 of the **Kitchener Official Plan** emphasizes intensification and redevelopment throughout the city as part of its housing policy. Section 4.C.1.3 directs that the most residential growth within the Built-Up Area is to be within “Intensification Areas” such as Major Transit Station Areas. Section 4.C.1.12 identifies the City’s preference for mixed land use patterns that disperse “a full range of housing types and styles both across the city as a whole and within neighbourhoods”.

Concerning affordability, Section 4.C.1.16 identifies that “the City will require, wherever appropriate, a minimum of 30 percent of new residential dwelling units to be planned in forms other than single detached and semi-detached dwellings, and may include housing forms such as street or cluster townhouses and multiple residential buildings”. Further, Section 4.C.1.17 identifies that the City may require “the allocation of lands for a minimum number of units of affordable housing when considering applications for new residential development” to satisfy PPS requirements. Section 4.C.1.16 is in effect, however, Section 4.C.1.17 was deferred by the LPAT Order pending a City-initiated Amendment to bring other policies or plans related to affordable housing into effect.

Assessment

In my opinion, the proposed applications contribute to the broad housing objectives and policies of the 2020 PPS, 2019 Growth Plan, Regional Official and Kitchener Official Plan with contributions to a diverse housing supply in Downtown Kitchener including commitments to units meeting affordable housing definitions.

Locationally, the Subject Site is well-situated on a site within an Urban Growth Centre and a Major Transit Station Area that is supported by existing servicing infrastructure and a multitude of surrounding community, employment and recreation activities throughout and surrounding Downtown Kitchener. The proposed residential density (1,122 units per hectare or approximately 1,225 people per hectare) aligns with the growth targets for Urban Growth Centres in the provincial, regional and city policies. Highlighted above for transit-supportive development patterns, the Subject Site’s location is appropriate for transit-supportive development that accommodates “a significant supply and range of housing options” per the 2020 PPS.

From a housing diversity perspective, the proposed redevelopment further diversifies Downtown Kitchener’s housing stock with options in unit types and sizes. It contains a mix of one-bedroom and two-bedroom units through the base podium and towers of various floor sizes. This includes a significant proportion of smaller one-bedroom units (such as 450 to 500 square feet) and two-bedroom units (such as 650 to 725 square feet) that provide for attainable, more compact options in prominent, transit-accessible locations in the broader Kitchener market. The proposed units are sized and designed for a

specific target market, targeted to residents looking for more compact and contemporary accommodations within a downtown lifestyle offering proximity to a range of shops, restaurants and services. They cater to residents looking for opportunities for car-free or car-reduced living. They will appeal to residents seeking strong connections to jobs, whether in Downtown by active transportation, elsewhere in Kitchener by active transportation or transit options, or in other municipalities by higher order GO Transit nearby on Victoria Street.

Further to these housing supply objectives, the proposed development contributes to the affordable housing stock in Downtown Kitchener. Of the total unit count, at least 50 residential units will meet the definition as affordable housing per the 2020 PPS and Regional and Kitchener Official Plans (ownership at \$368,000). Complementing these on-site affordable units, the Owner is committing to a contribution to a non-profit affordable housing provider to support the development of targeted “deeper” affordability units off-site in Kitchener.

6.5 Economy and Employment

The **2020 PPS** seeks to promote and protect employment and economic development opportunities. Section 1.3.1 directs that municipalities are to promote economic development and competitiveness by, among other matters, providing for an appropriate range and mix of employment uses, maintaining a supply of sites that provide for a range of employment activities and ancillary uses, and encouraging compact, mixed-use development form as part of a liveable and resilient community. Section 1.7.1 furthers this direction by encouraging long-term prosperity through such means as “c) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets*” as well as “d) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes*”.

The **2019 Growth Plan** supports economic development competitiveness within the Greater Golden Horseshoe. Section 2.2.5.1 directs that this is to be promoted by more efficiently using existing employment areas, ensuring the availability of sufficient appropriately located land for various employment uses to accommodate forecasted employment growth, and better connecting denser employment areas to public transit. Section 2.2.5.3 directs that retail and office uses be directed to locations “*that support active transportation and have existing or planned transit*” while Section 2.2.5.4 directs that planning for employment will minimize surface parking and encourage active transportation and transit-supportive built form.

The **Regional Official Plan** supports similar goals of a healthy business environment. Section 4.3 calls for a “*broad range of accessible employment opportunities*” throughout the Region and maintaining “*a competitive advantage in attracting and retaining people, jobs and investment*”.

Section 5 of the **Kitchener Official Plan** provides policy direction for establishing and maintaining a strong and robust economy as part of a complete and healthy community. Section 5.C.1.1 identifies that such an economy will be supported by “*encouraging a mix of uses within Intensification Areas*”,

which includes Major Transit Station Areas, and “*supporting options to work from home by planning for an appropriate range of home-based occupations within land use designations that permit residential uses*”. Section 5.C.1.8, although currently under appeal, identifies that the City “*will continue to diversify its economic base by supporting its Urban Growth Centre (Downtown), Major Transit Station Areas, City Nodes, Community Nodes, Neighbourhood Nodes, Urban Corridors and Arterial Corridors to be developed with an appropriate range of economic uses, including office, institutional, commercial activity and technology based businesses*”.

Assessment

In my opinion, the proposed applications are consistent with the 2020 PPS and conform to the 2019 Growth Plan, the Regional Official Plan and Kitchener Official Plan regarding the above economy and employment policies in positively contributing to Kitchener’s employment base and economic vitality.

Ground floor commercial units within the podium portions lining Victoria Street South and extending around Park Street continue patterns in Downtown Kitchener and support the surrounding major employment cluster of the Innovation District. The provision of urban living opportunities supports this emerging employment cluster as well as supporting the vitality of Downtown main street uses and activities, particularly with the significant share of one-bedroom units that naturally cater to a younger demographic characteristic of the emerging tech cluster and downtown living emerging in Kitchener’s core.

6.6 Heritage conservation

Section 2.6.1 of the **PPS 2014** requires the conservation of significant built heritage resources. Built heritage resources are defined by the PPS as “*a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community*”, which are “*generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers*”. In respect to built heritage resources, the PPS defines “significant” as “*resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people*”. It defines “conserved” to mean “*the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act*”, which “*may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment*”.

Section 4.2.7 of the **2019 Growth Plan** directs the conservation of cultural heritage resources for the purposes of fostering a sense of place and benefitting communities, particularly in strategic growth areas. The 2019 Growth Plan defines cultural heritage resources as “*[b]uilt heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage*

value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people”.

Section 12 of the **Kitchener Official Plan** has objectives related to heritage conservation, including conserving cultural heritage resources “in such a way that their heritage values, attributes and integrity are retained” and ensuring development and site alteration is “sensitive to and respects cultural heritage resources and that cultural heritage resources are conserved”. Policy 12.C.1.3 identifies the City will maintain a list of cultural heritage resources, including non-designated properties and designated properties under Part IV and V of the Ontario Heritage Act as well as cultural heritage landscapes. Policy 12.C.1.21 directs that all development “will conserve Kitchener’s significant cultural heritage resources” as a requirement of planning applications. Policy 12.C.1.23 requires the submission of heritage impact assessment for planning applications per the following:

The City will require the submission of a Heritage Impact Assessment and/or a Heritage Conservation Plan for development, redevelopment and site alteration that has the potential to impact a cultural heritage resource and is proposed:

- a) on or adjacent to a protected heritage property;*
- b) on or adjacent to a heritage corridor in accordance with Policies 13.C.4.6 through 13.C.4.18 inclusive;*
- c) on properties listed as non-designated properties of cultural heritage value or interest on the Municipal Heritage Register;*
- d) on properties listed on the Heritage Kitchener Inventory of Historic Buildings; and/or,*
- e) on or adjacent to an identified cultural heritage landscape.*

Assessment

In my opinion, the proposed applications are consistent with the 2020 PPS and conform to the 2019 Growth Plan and the Kitchener Official Plan with respect to the above heritage conservation policies given there are no cultural heritage resources on the Subject Site or adjacent to the Subject Site.

None of the properties comprising the Subject Site currently are designated under the *Ontario Heritage Act* or on the City of Kitchener’s Municipal Heritage Register. Off-site, the Subject Site is not adjacent to a property or district designed under the parts IV and V, respectively, of the *Ontario Heritage Act*. The adjacent property at 142 Victoria Street South is listed on the City of Kitchener’s Municipal Heritage Register as a Non-Designated Property of Heritage Value or Interest. Given the above a heritage impact assessment is not a requirement of a complete application given it does not satisfy any of the criteria of Section 12.C.1.23 for such a study.

Heritage Planning staff requested consideration of the commentary regarding how the proposed development is compatible within the surrounding context and how any negative impacts have been mitigated, although not required from a heritage impact perspective. This request included consideration of potential impacts on the heritage attributes in the Subject Site’s surrounding context, including 142

Victoria Street South, 163-165 Victoria Street South, the unapproved Warehouse District Cultural Heritage Landscape, and the Victoria Park Area Heritage Conservation District. This commentary is provided in Section 5.8 of the submitted Urban Design Report, which generally concludes that the building base scale and massing and the general material palette with red brick refers to the surrounding Warehouse District and surrounding residential fabric.

6.7 Compatibility

The **2020 PPS** speaks to matters of compatibility with major facilities. Section 1.2.6.1 indicates that “[m]ajor facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities”. Major facilities are defined by the 2020 PPS as those that “may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities”. The PPS defines sensitive land uses as “[b]uildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by nearby major facilities”.

The **2019 Growth Plan** seeks to minimize impacts of certain uses, like residential, on industrial uses or similar affected uses similar to the 2020 PPS. Section 2.2.5.8 directs that the “development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment”. The 2019 Growth Plan uses the same definition for sensitive land uses as found in the 2020 PPS.

The **Regional Official Plan** establishes policy direction for area municipalities regarding potential incompatibilities and sensitive land uses. Section 2.G.10 directs that area municipalities are to establish official plan policies “to prevent or minimize potential adverse effects due to the encroachment of sensitive land uses and potentially incompatible uses on one another”, such as assessments and attenuation measures.

The **Kitchener Official Plan** provides policy direction concerning two aspects of compatibility: compatibility of use and functions and compatibility of building form and design. The Kitchener Official Plan defines “Compatibility/Compatible”:

Land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area without causing unacceptable adverse effects, adverse environmental impacts or adverse impacts”. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

Regarding land use compatibility, Section 6.C.3.1 directs that “the City will have regard for the Provincial Land Use Compatibility Guidelines relating to noise, vibration, odour and particulate matter when

considering the siting of sensitive land uses". Regarding building form compatibility, Section 15.D.4.6 identifies that permitted uses and scale in the Mixed Use designation *"will be dependent upon the Urban Structure Component the site is within and its planned function and density, compatibility with surrounding areas, technical considerations and other contextual or site specific factors"*. Section 15.D.4.23 directs that *"increases to the permitted building height of up to 50 percent of the permitted building height" may be considered "where a development or redevelopment provides a mixed use building containing residential units" and where it is demonstrated "that a pedestrian scale base, appropriate massing along the streetscape and compatibility with adjacent lands is achieved and that all the applicable policies within this Plan are satisfied"*.

Section 6 provides policies related to compatibility and safety concerning noise and railways. Section 6.C.3.9 identifies that City *"will encourage the minimization of noise levels in the urban environment, particularly where sites are located adjacent or near sensitive land uses, by supporting the use of mitigation techniques such as building orientation, location of open spaces relative to noise sources and other internal or external noise attenuation measures"*. Section 6.C.3.14 identifies that required noise studies are to *"recommend design solutions that avoid or minimize noise barriers along with addressing any other noise attenuation measures which may be needed, to the satisfaction of the City, Region and the Province"*. Further to Section 6.C.3.18 requires that *"proposed development or redevelopment adjacent to railways will ensure that appropriate safety measures such as setbacks, berms and security fencing are approved to the satisfaction of the City in consultation with the appropriate railways"*.

Regarding compatibility of form and design, Section 11 of the Kitchener Official Plan contains the general urban design policy direction for the city. At the neighbourhood level, Section 11.C.1.28 directs that development or redevelopment within the City's Central Neighbourhoods is to be compatible with the existing neighbourhood. At the site level, Section 11.C.1.29 intends that the City will ensure that existing sites are redeveloped and community infrastructure is *"planned to enhance the site, buildings, open spaces and the streetscape"*. Section 11.C.1.31 intends that new buildings are designed and existing buildings are reworked to *"enhance pedestrian usability, respects and reinforce human scale, create attractive streetscapes and contribute to rich and vibrant urban places"*.

Further to these general urban design policies, Section 4.C.1.9 directs that residential intensification and redevelopment within existing neighbourhoods is to be designed to respect existing character with a *"high degree of sensitivity to surrounding context"*. Further, Section 4.C.1.8 identifies considerations for the evaluation of requested special zoning regulations to ensure that new buildings are appropriate in massing and scale, compatible with the character of established neighbourhoods, sensitive to exterior areas of adjacent properties, and function appropriately without creating unacceptable adverse impacts on adjacent properties concerning parking, landscaping and amenity areas.

Assessment

In my opinion, the proposed applications are consistent with the 2020 PPS and conform to the 2019 Growth Plan, the Regional Official Plan, and the Kitchener Official Plan with respect to the above policies for compatibility in providing a land use that can co-exist with surrounding rail

line and road corridors and a built form pattern that fits with the surrounding transition context of Downtown Kitchener.

From the perspective of compatibility of land use, there are no expected compatibility concerns between industrial and transportation facilities to the sensitive residential uses. There are no surrounding industrial activities or uses surrounding the Subject Site (nor is the area planned for such uses) to be affected by the proposed residential uses as sensitive uses (which are currently permitted by the existing MU-1 and MU-2 Zones on the Subject Site). There are no adjacencies or immediate interface with the existing operating CNR rail line to the north of the Subject Site; at its very closest, the Subject Site is 65 metres from the rail line (110 Park to rail line) up to 130 metres at its furthest. The submitted Noise and Vibration Study demonstrates the proposed development meets criteria and requirements regarding surrounding rail and road impacts through mitigation measures of building façade design as part of the detailed building design.

From the perspective of compatibility of built form, the building height and intensity of development is appropriate for the Subject Site. The Urban Design Brief submitted for the applications concludes that the proposed design conforms to the design intent of Section 11 of the Kitchener Official Plan and, specifically, the Tall Building Guidelines of the Kitchener Urban Design Manual. Notably, the Urban Design Brief concludes that a compatible urban form is achieved through a mid-rise building podium that is scaled and defined to the pedestrian through the ground floor-to-floor height and its building positioning as well as supported by glazing and architectural treatment; tower massing that steps back from the podium from the front edge along Victoria Street South and Park Street; and tower placement and staggering that minimizes visual and scale impacts. The submitted Pedestrian Wind Study demonstrates that at-grade and above-grade conditions post-development are generally suitable, recognizing design measures and refinements are recommended to improve certain corner conditions. The submitted Shadow Impact Analysis concludes that there are no unreasonable shading impacts on surrounding streets, open spaces, and residential areas from the proposed development.

We note that Section 4.C.1.8 of the Kitchener Official Plan regarding policy considerations for proposed Special Regulations in zoning to facilitate intensification or redevelopment is targeted more to such development in established neighbourhoods; the Subject Site is not within such an established neighbourhood, rather at the western entrance to the transitioning Innovation District along Victoria Street South. For the potentially relevant policies, the proposed development does provide an appropriate building massing and scale that is compatible with the transitioning end of Downtown Kitchener along Victoria Street South and within the Innovation District, as outlined in the Urban Design Brief per the Tall Building Guidelines. There are adverse impacts of shading, wind, privacy and parking are demonstrated by the relevant supporting studies for the complete application.

The **Central PARTS Plan** categorizes the areas immediately surrounding the Subject Site in similar land use categories (**see Figure 14**). To the Subject Site's west across Park Street and to the north across the railway the areas are categorized also "High Density Mixed Use"; to the south the facing properties on the other side of Victoria Street South are categorized "Medium Density Mixed Use"; and to the east/northeast the areas is categorized as "Innovation District". Section 5 of the regarding the

Mixed Use category identifies that transition is built into the different intensities of the Mixed Use category: *“By having different intensities of mixed use, it will aid in facilitating the transition between high and low intensity uses, particularly where mixed use abuts a low rise residential neighbourhood”*. The Subject Site is separated from such low rise residential fabric by the above intervening land use categories.

The Owner has engaged with the owner of these properties regarding development interests and coordination. Agreements between the parties include a swapping of two properties (146 Victoria to the Owner, 138 Victoria to the other owner) and development agreements regarding the construction of tall buildings. A Consent application was approved by the Committee of Adjustment regarding easements for these three properties over the laneway to the rear owned by the Owner as part of 100 Park Street.

6.8 Sustainability

The **2020 PPS** promotes sustainability and sustainable considerations throughout its policies, including those concerning land use patterns, built form, and transportation. Section 1.8.1 specifically provides direction for environmental sustainability through land use and development patterns, which strives to:

- a) *promote compact form and a structure of nodes and corridors;*
- b) *promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- e) *improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
- f) *promote design and orientation which: 1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and 2. maximizes opportunities for the use of renewable energy systems and alternative energy systems;*

The **2019 Growth Plan** includes sustainable development as part of its direction for complete communities and land use patterns. Its policies concerning land use patterns, growth and intensification have inherent tones of sustainability in respect to compact development patterns utilizing existing facilities, infrastructure and transit. More specifically, Section 2.2.1 includes mitigation and adaption to climate change impacts, improvement to resiliency, reduction of greenhouse emissions, and integration of green infrastructure and low impact development. Section 3.2.2.2c) directs that transportations systems are to be planned and managed to be *“sustainable and reduce greenhouse gas emissions by encouraging the most financially and environmentally appropriate mode for tripmaking and supporting the use of zero- and low-emission vehicles”*.

Section 7.C of the **Kitchener Official Plan** contains several broad sections of policies related to promoting and encouraging supporting sustainable development matters, including water conservation, energy conservation and efficiency, alternative energy systems, waste reduction and management, and air quality. Regarding sustainable development matters, Section 7.C.4.1 indicates that the City *“will ensure that development and redevelopment strives to be increasingly 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.*

Assessment

In my opinion, the proposed applications are consistent with the 2020 PPS and conform to the 2019 Growth Plan, the Regional Official Plan, and the Kitchener Official Plan with respect to the above sustainability-related policies in providing a compact urban form in the core of Kitchener that offers multiple sustainable transportation options for residents and workers.

The Subject Site's location provides contextual benefits in terms of existing services, infrastructure and land use mixes that contribute to sustainable urban living. The proposed development provides a compact intensification of an existing developed and serviced site within an area that is served by existing public service facilities, public transit, and commercial and community uses. The mix of commercial with apartment units above provides an opportunity to live and work in the same building and offers proximity to a concentration of employment and residential opportunities in Downtown Kitchener within walking distance.

The proposed redevelopment provides for a multitude of sustainable transportation options for residents and employees. Situated in the immediate walkshed of the ION Central Station, the Subject Site is connected to employment, residential and institutional locations throughout Kitchener by local public transit services; as well it is connected to surrounding cities and region through intra-regional GO Train and Bus service situated further east at the Kitchener Train Station along Victoria Street North. Sidewalks on both sides of Victoria Street South and Park Street immediately surrounding the Subject Site lead to the broader pedestrian system in Downtown Kitchener and through Victoria Park. The Iron Horse Trail, a major corridor for walking and cycling between Waterloo and Kitchener, is situated approximately 600 metres to the west of the Subject Site.

The proposed reduced parking standards and unbundled residential parking provide opportunities for car-free living, given the Subject Site's proximity to the above-noted higher order transit service and Downtown employment. The mixed-use nature of the redevelopment, including residential and retail spaces, provides for parking efficiencies including opportunities for shared-use parking. Other TDM measures are suggested for consideration as part of comprehensive TDM program in Paradigm's report, including car sharing spaces and transit promotion or education materials. The proposed development includes the required allowance for future EV Charging stations within the parking garage at the outset for 20% of parking spaces.

Site landscaping and infrastructure will emphasize sustainable options. Planting plans, either for the rooftop terraces or the significant boulevard areas along the street, will use durable, low irrigation species. Rainwater harvesting, LID measures and alternative roofing approaches will be explored for the podium rooftop through detailed design. Also, cool roofs on the podium and tower will be explored contribute to reducing the heat island effects.

Durable, high quality exterior cladding materials and finishes will be particularly important. The proposed podium design uses stone cladding and curtain wall glazing surrounding the re-used existing façade, while the tower design uses highly insulated concrete-based cladding accented with metal composite panels. The tower's exterior design employs a lower window-to-wall ratio to optimize heat loss and gain, energy efficiency and thermal comfort. Double glazed Low-E windows will be used on the exterior of the building to reduce loss of heat while allowing visible light to penetrate through the windows.

7. Conclusions

The Owner is proposing an Official Plan Amendment and Zoning By-law Amendment for an assembly of properties located at the northeast corner of the Victoria Street South and Park Street in Kitchener. The proposed development is multi-tower, mixed-use development with ground floor commercial space, underground and above-ground parking levels, and residential units in the podium and tower above. The proposed Amendments will add a new site-specific policy within the Mixed Use designation of the Urban Growth Centre and rezone the entirety to a MIX-3 Zone with special regulations.

The assessment in this Planning Justification Report concludes that the proposed development:

- Has a scale, intensity and mix on an appropriately located site within Downtown Kitchener that better utilizes the infrastructure, facilities and businesses within the core.
- Provides a transit-oriented development form and intensity that supports existing higher order transit and active transportation opportunities.
- Contributes to broad housing objectives and policies including adding to a diverse housing supply in Downtown Kitchener, including commitments for affordable housing units.
- Positively contributes to Kitchener's employment base and economic vitality.
- Is not on a property that has any cultural heritage resources or adjacencies to such resources.
- Provides a land use that can co-exist with surrounding rail line and road corridors and a built form pattern that fits with the surrounding transition context of Downtown Kitchener.
- Provides compact urban form in the core of Kitchener that offers multiple sustainable transportation options for residents and workers.

It is my opinion that the proposed Amendments implementing the proposed development are appropriate, desirable and represent good planning. The Amendments appropriately consider and address the matters of provincial interest in Section 2 of the *Planning Act* that municipalities must have regard to in making decisions. They are consistent with the 2020 Provincial Policy Statement and conform to and do not conflict with the 2019 Growth Plan for the Greater Golden Horseshoe. They conform to the intent and general policies of the Region of Waterloo Official Plan and the City of Kitchener Official Plan. The proposed changes to the Kitchener Official Plan and By-law 2019-051 for the Subject Site provide a development form that optimizes the use of land and infrastructure on a site with a mix of use and intensity of form that better reflects Provincial policies requiring transit-supportive land use patterns.

Respectfully submitted,



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