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# 1.0 INTRODUCTION

MacNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”) has been retained by CANTIRO (the “Owner”) to seek approvals for an Official Plan Amendment and Zoning By-law Amendment to facilitate a mid-rise Multiple residential development (“development”) on the lands municipally addressed as 45-53 Courtland Avenue East in the City of Kitchener (“the subject lands”).

The subject lands are located within the Queen Street Major Transit Station Area, just minutes from the Downtown Core. The subject lands have frontage along Courtland Avenue East, and are located immediately east of Benton Street, as illustrated on **Figure 1 Location Map**. The subject lands are approximately 0.26 ha (0.64 acres) in size.

CANTIRO is proposing to redevelop the subject lands as follows:

- 6 storey multiple residential building;
- 64 residential units as part of a condominium development;
- Vehicular access from Courtland Avenue East to underground parking;
- 52 parking spaces including 3 visitor and 4 barrier free spaces and 28 standard sized and 5 oversized (for E -bikes) bicycle parking space located in one level of underground parking structure; and,
- 20 additional at grade visitor bicycle parking spaces have been provided at the rear of the building. **See Figure 2- Site Plan**

This Planning Report has been prepared for submission to the City of Kitchener and includes the following:

- An introduction and general description of the subject lands, surrounding land uses and existing conditions to provide an understanding of the locational context;
- A description of the overall development concept and proposed Official Plan and Zoning By-law Amendments;
- A review and assessment of the existing and emerging Provincial, Regional and Municipal policy framework in relation to the proposed redevelopment;
- A review and summary of other technical reports prepared in support of the proposed planning applications.

An Official Plan Amendment and Zoning By-law Amendment is required to permit the proposed development. A formal Site Plan Application has also been submitted and is under review.

## 1.1 Complete Application

The required Pre-Submission Consultation meeting with City Staff review agencies was held on January 6, 2022, to review the proposed Official Plan and Zoning By-law Amendments and identify submission requirements to form complete application. Please refer to **Appendix A** for a copy of the Record of Pre-Submission Consultation Minutes.

The Record of Pre-Submission Consultation identified the following documents as a requirement for complete application for Official Plan and Zoning By-law Amendment:

1. Completed Application Form and Fees
2. Existing Conditions Plan
3. Conceptual Site Plan
4. 3D Massing Model
5. Planning Justification Report
6. Urban Design Score Card
7. Sustainability Statement
8. Conceptual Building Elevation Drawings
9. Conceptual Floor Plans
10. Environmental and Noise Report
11. Functional Servicing Report
12. Water Distribution and Storm Water Management Report
13. Parking Justification Brief

All required reports have been prepared and submitted concurrently with the planning applications.

# 2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are located in the City of Kitchener and Region of Waterloo. The subject lands are located within a Major Transit Station Area (MTSA) and have frontage along the Courtland Avenue East Corridor. The subject lands are a prime location for redevelopment given the proximity to an ION stop in a Major Transit Station Area. The subject lands are located east of Victoria Park and just a 10 minute walk to the downtown core. Please refer to **Figure 3** for the **Context Plan** which shows the subject lands, surrounding uses and the transit and active transportation networks in the immediate surrounding area.

The subject lands consist of three properties to be merged together, 45 Courtland Avenue East (the second lot east of the intersection of Benton Street and Courtland Ave. E.), 49 and 53 Courtland Avenue East. All three buildings were former single detached residential uses. The buildings have been vacant for years. There was a recent fire early in January of 2022 and as a result, the buildings are slated for demolition.

The subject lands have the benefit of being located in proximity to Downtown Kitchener meaning the full range of amenities are available within walking or biking distance. This includes:

- Employment uses;
- Food stores (Jasna's European meat & Deli, Roua Halal Food Market, New City Supermarket, Ben Thanh Supermarket);
- Kitchener Market;
- Schools;
- Parks and community services;
- Restaurants;
- Retail; and
- Recreation.

The immediate surrounding area includes a mix of land uses including commercial, mixed use, residential and institutional. The surrounding land uses are illustrated on **Figure 3** and include the following:

**NORTH:** Directly to the north of the subject lands is a 2 storey food and deli store and several single detached residential homes and a 3 storey multiple residential use which front onto Courtland Avenue. Adjacent and to the north of the deli food store includes 2 storey residential uses, a parking lot and vacant developable lands that front onto Benton Street.

**EAST:** To the east of the subject lands along Courtland Avenue a mix of commercial, restaurant and residential uses exist. Further to the east across Courtland Avenue predominantly single detached homes exist.

**SOUTH:** The subject lands front directly onto Courtland Avenue East, along a major transit corridor. Directly to the south of the subject lands is a stable residential neighbourhood along Martin Street. The Courtland Avenue corridor and nearby Benton and Queen Streets also provides for bus transportation including Grand River Transit Bus Routes 1 and 6.

**WEST:** Immediately to the west of the site is a 2 ½ storey residential use situated at the corner of Benton Street and Courtland Avenue. Benton Street south of Courtland Avenue is narrower and contains a stable neighbourhood comprised of single detached, duplexes and street fronting towns.

Further to the northwest are two multiple residential apartment buildings with frontage on Benton; one 16 storeys, the other 8 storeys. Right at the northwest corner of Benton and Courtland are 3 storey walk-up style row houses. Further to the south west is Victoria Park, the largest park in the downtown.

As discussed above, the subject lands are located within a Major Transit Station Area. The station areas within the Region of Waterloo are areas identified to transition from its current form into higher density, mixed use and transit supportive development. The site is located within the MTSA for the Queen Street Station and the Market Station is also proximate the site. Station areas are identified as one of the primary areas for intensification in the Urban Structure policies of the Official Plan, which align with the direction of both the Provincial and Regional policy framework.

The subject lands are located along an existing Transit Corridor (**Figure 4**) which provides a number of public transit options for any resident or patron of the commercial uses to access the Waterloo Region. The subject lands have access to high levels of public transit services which include:

**Light Rail Transit (ION):** An ION transit stop (Queen Station) located within 450 m of the subject lands currently offers service up and down the King Street Corridor to Conestoga Mall and Fairview Park Mall (Route 301). The LRT connects to the ION/iXpress buses. A bus Stop for Route 6 is located at the corner of Benton and Courtland immediately north of the subject lands, The second phase of the ION network is in the planning stages, but will extend the light rail transit further south through Kitchener and into Cambridge, connecting to many commercial/service areas and ending at the Ainslie Street Terminal in Galt.

**Grand River Transit:** Route 6 – Benton Street- Fairview Mall Glasgow. This bus route provides connection from East – West across the City of Kitchener with connections to the Fairway Bus Station to the Boardwalk via iXpress route 201.

Courtland Avenue has barrier free sidewalks up and down the corridor. Cycling routes such as the Iron Horse Trail are just 900 metres away from the site providing east-west access from Downtown Kitchener to Waterloo.

The subject lands are located in a Major Transit Station Area, with direct access to the nearby Queen Street LRT Station and other transit forms makes this site a prime candidate for redevelopment.



**Figure 5-** The image above provides a view of the proposed development looking at the frontage along Courtland Avenue. The proposed 6 storey development includes one, two and three bedroom units which will positively contribute to the evolving Mixed Use corridor along Courtland Avenue.

# 3.0 DESCRIPTION OF PROPOSAL

The proposed purpose built rental development includes a 6 storey multiple residential building. At the base of the building, there are 5 townhouse style units facing Courtland Avenue. The building will contain a mix of 1, 2 and 3 bedroom units for a total of 64 residential units. To support the development one level of structured parking below grade is proposed with a total of 52 parking spaces. In addition, 4 barrier free and 3 visitor parking spaces are located at the rear of the building on a surface parking area.

An indoor amenity area comprising 88 sq, m is provided and is located proximate the outdoor amenity area and a landscaped patio space thereby creating an indoor/outdoor combined amenity area at the rear of the building for the exclusive use of the building's residents. The entire rear yard will be screened from view or the rear yards along Martin Street through a combination of a solid fence and vegetation along the common property line.

The gross floor area of the building is approximately 5,607.5 m<sup>2</sup> with a Floor Space Ratio of 2.4. The site plan is included as **Figure 2** in the report and a copy of the site plan and renderings can be reviewed in **Appendix B** of this report.

The proposed building is rectangular in shape with the building addressing the street along the Courtland Avenue frontage, thereby maintaining a consistent setback of 19.9 metres from the properties along Martin Street to the rear of the proposed building this exceeds the required rear yard setback of 10.25 metres by 9.65 metres. The parking garage will have direct access from Courtland Avenue on the northwest corner of the building without dominating the façade of the building along Courtland Avenue frontage through the innovative cantilevered structure design providing screening of the garage entrance from the street and the neighbouring property to the west.

The front façade of the building presents a combination of materials including brick and glass and top two floors are stepped back away from Courtland which provides an interesting design and reinforces the pedestrian scale of the building. The majority of the building mass has been pushed toward Courtland Avenue and away from the stable neighbourhood behind the site on Martin Street.

Visual cues with respect to materials, fenestration and built form from the surrounding historic industrial architecture such as the Arrow Lofts (former Arrow Shirt Factory), as well as the surrounding residential streets have informed the design of this building. The building also proposes individual balconies that are integrated into the building design, as well as a common amenity area at grade for the residents in the rear of the building.

The current rectangular design has evolved from a number of earlier concepts including an initial 6 storey U-shaped structure with an interior courtyard space. After consultation with the City staff,



the proposed design evolved into an ‘L-shaped’ design and finally, to its current design, which was intended to more closely align with the majority of the planning regulations. The requested amendments to the zoning regulations include side and front yard setback reductions with requests for increase in Floor Space Ratio (FSR), building height and a reduction in the number of required parking spaces. These requests are largely required, as the “in effect” Zoning By-law is 85-1 and the requirements for parking etc. were established in 1985 and no longer reflect current needs post the construction of the LRT. It is important to note that the proposed development more closely aligns with the proposed 2019-51 Zoning by-law proposed for these lands save for a slight increase in height, FSR and a minor parking reduction which will be explained in more detail in Section 7.0.

### **Amenity Space**

The common amenity space for the proposed building is located at the southeast corner of the rear of the building. Its location at grade, creates an alcove for a large landscaped common outdoor amenity space or terrace for the use of the residents which when coupled with the 70 m<sup>2</sup> interior amenity space, also located at this side of the building’s interior ground floor, creates a complete indoor /outdoor amenity area. The proposed development prioritizes shared communal space (indoor and outdoor) which will provide residents with an opportunity to socialize. The amenity area will be screened from the rear yards of the homes along Martin Street that are backing onto the property through a combination of fencing and vegetation in order to ensure privacy for both existing neighbours and the future residents of this building.

### **Parking and Access**

All parking proposed for the site is located within the parking structure. There is one entrance planned to access the parking. A total of 52 parking spaces have been provided for the site including 4 barrier free and 3 visitor surface parking spaces provided at the rear of the building. This area is also shielded from the properties along Martin Street through fencing.

In order to encourage active transportation, 28 standard sized and 5 oversized bicycle parking spaces are located in a secure room for residents, all on the ground level of the building. Additionally, 20 bicycle parking spaces are included at the rear of the property adjacent to the landscaped amenity area for use by visitors and residents alike.

### **Servicing and Infrastructure**

The development will be connected to sanitary, water and storm sewers through Courtland Avenue. For further details about sizing and capacity for the proposed service connections please refer to the Functional Servicing Report prepared by MTE dated June 14, 2022, submitted concurrently with the Official Plan Amendment and Zoning By-law Amendment Applications a summary of the servicing can be reviewed in **Section 9.1** of this Report.

## **3.1 Proposed Official Plan Amendment**

In order to implement the proposed development scheme an Official Plan Amendment (OPA) is required. The purpose of the OPA is to add a special policy area for the subject lands to Map 12 - of the Mill Courtland Woodside Park Neighbourhood Secondary Plan. The Official Plan Amendment relates to policy 13.4.1.7 and 13.4.4.6 of the Mill Courtland Woodside Park Neighbourhood Secondary Plan which limits density to a Floor Space Ratio (FSR) of 1.0 for 43 and 49 Courtland and 1.5 for 53 Courtland Avenue. In addition the Secondary Plan also limits the maximum height on 53 Courtland Avenue to 11.5 m. The OPA is requesting that the subject lands be permitted a maximum Floor Space Ratio of 2.4 for the entirety of the subject lands and a

maximum height of 21 metres for the entire site in order to permit the 6 storey building as proposed. Furthermore, the Secondary Plan also places a maximum of 100 units per hectare per lot so long as the FSR is not exceeded. The site when developed will have an overall density of 251 units per hectare for the entire site.

A comprehensive review of the Official Plan Policies and Secondary Plan Policies can be reviewed in detail in **Section 6.0** of this report. A draft Official Plan Amendment is included as **Appendix C**.

## 3.2 Proposed Zoning By-law Amendment

The subject lands are zoned Commercial Residential One Zone (CR-1) with Special Regulation Provision 130 as per Schedule 85 of Zoning By-law 85-1. In addition to the Official Plan Amendment described in Section 3.1 of this report, the applicant will require a Zoning By-law Amendment. The application for Zoning By-law Amendment is being requested concurrently with the Official Plan Amendment.

To permit the proposed development the applicant is requesting to maintain the Commercial Residential One (CR-1) with Special Regulation Provision 130 and request a number of new site specific provisions to implement the proposed development.

1. Seeking permission to amend Sections 44.3.1 of Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 2.4, whereas an FSR of 1.0 is permitted.
2. Seeking permission to amend Special Regulation Provision 130 in Appendix "D" of Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 2.4, whereas an FSR of 1.5 is permitted.
3. Seeking permission to amend Section 44.3.6 b) of Zoning By-law 85-1 to permit a side yard setback from eastern property line of 2.0 m, whereas 3.0 m is required.
4. Seeking permission to amend Section 44.3.6 of Zoning By-law 85-1 to permit a maximum building height of 21 m, whereas 18 m is permitted.
5. Seeking permission to amend Section 44.3.6 of Zoning By-law 85-1 to permit a maximum density of 251 units per hectare for the entire site.
6. Seeking permission to amend Section 44.3.6 of Zoning By-law 85-1 to permit a front yard setback of 1.5 metres whereas 3.0 m is required.
7. Seeking permission to amend Section 6.2.1 a) to permit parking at a rate of 0.81 per unit for Multiple Dwelling Units, greater than 51.0 sq.m. in size whereas 1.25 spaces per dwelling unit is required for a total of 52 spaces.
8. Seeking permission to amend Section 6.2.1 b) vi) B) to permit Visitor Parking at a rate of 13% of required parking whereas a 20% is required (i.e. 7 Visitor Parking spaces whereas 11 are required).

A detailed review of the applicable Zoning By-law regulations and conformance is discussed in **Section 7.0** of this report. Please refer to **Figure 15** of this report for the proposed Zoning By-law mapping to support the Site Specific Zoning Amendment request. A draft Zoning By-law Amendment is included as **Appendix D**.

# 4.0 PROVINCIAL POLICY ANALYSIS

## 4.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) was issued by the Province of Ontario in accordance with Section 3 of the Planning Act and came into effect on May 1 2020. The PPS provides for policy direction on matters of provincial interest related to land use planning and development. The PPS helps guide the Municipalities and Cities for land use planning decisions and policy making respective to their communities.

The goals of the PPS is to provide a vision for land use planning in Ontario that encourages the efficient use of land, resources and public investment in infrastructure. The provision of a range of housing options through intensification are encouraged to provide choice and diversity. A variety of transportation modes to facilitate pedestrian movement, less reliance on the automobile, and use of public transit is encouraged as a means of creating more sustainable, livable and healthy communities. The PPS encourages development that will provide for long-term prosperity, environmental health and social well-being.

The following is an analysis of the proposed development in the context of the policies of the PPS.

Section 1.1.1 of the PPS provides direction for creating healthy, livable and safe communities.

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting 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;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and

- i) preparing for the regional and local impacts of a changing climate.

The proposed development plans for a development that provides a density and scale of development that support the Queen Street Transit Station Area. The proposed development makes an efficient use of the land by providing an infill development, connecting to existing services and providing a range of multiple unit housing types including one bedroom and two and 3 bedroom units within a multiple residential building. The development has parking and elevators that will accommodate residents who require barrier free movement.

Section 1.1.2 of the PPS states that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet the projected needs for the 25 year time horizon through intensification and redevelopment and, if necessary, designated growth areas.

The definition of Intensification as per the PPS is:

*The development of a property, site or area at a higher density than currently exists through:*

- a) redevelopment, including the reuse of brownfield sites;*
- b) the development of vacant and/or underutilized lots within previously developed areas;*
- c) infill development; and*
- d) the expansion or conversion of existing buildings.*

This site is a prime location for intensification. The site, comprised of three former residential lots, which up until recently contained three detached residences that had been demolished after being vacant for several years, and as such the site had been underutilized. The intensification of these lands for multiple residential use provides the residential densities that support transit usage and contribute to the mix of uses in the transit station area within the designated growth area. The PPS encourages the redevelopment of sites that are currently underutilized within the developed areas.

Section 1.1.3 of the PPS provides that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Policy 1.1.3.3 states that Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment 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.

The proposed development meets the intent of policy 1.1.3.3 as it provides for a multiple residential development which makes use of an underutilized site and provides an intensification and infill project that provides new housing alternatives within the Built Up area of the City of Kitchener that will connect to existing infrastructure on Courtland Avenue and support the operational Light Rail Transit service within a 5 minute walk from the site. Storage and maintenance rooms for active transportation (bicycling) is provided for use by residents on site.

In addition, the provision of a multiple dwelling built form helps minimize land consumption and long-term servicing costs while increasing the mix of housing types, unit sizes and affordability in the neighbourhood at a density that supports nearby transit usage along the LRT. The proposed multiple dwelling offers a housing form and density that does not cause environmental or public health and safety concerns, allows for the intensification of municipally-serviced urban lands along an existing arterial road and facilitates development within the Built-Up Area that will have no impact on existing natural heritage features.

Section 1.4 and Section 1.6 of the PPS directs municipalities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. This includes providing a range of housing forms, and all forms of residential intensification, directing new housing development towards areas with appropriate levels of infrastructure and public service facilities, and promoting densities that efficient use land, resources and infrastructure and support active transportation and transit and also utilize existing infrastructure. Section 1.8.1 of the Provincial Policy Statement promotes development that is compact form along the corridor, encourages and makes use of active transportation and transit facilities

A variety of unit types are proposed within the multiple residential building, including one, two and three bedroom units. This allows for the provision of housing alternatives for a number of incomes with access to existing public services such as the light rail transit system in close proximity to other area amenities which will be accessible by active forms of transportation such as walking or cycling. The multiple residential development will provide alternative housing options at a density that supports transit which contributes to the overall mix of uses along this portion of Courtland Avenue, while making more efficient use of existing infrastructure and land.

**In summary, the proposed Official Plan and Zoning By-law Amendments are consistent with the Provincial Policy Statement.**

## 4.2 Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (A Place to Grow) was approved on May 16, 2019, and amended in August 2020. The Growth Plan represents the long-term framework for implementing Ontario's vision for building strong, prosperous communities and managing growth within the Greater Golden Horseshoe. All land use planning decisions made by any authority that affects a planning matter must conform to the Growth Plan.

The goal of the Growth Plan is continue the progress that has been made to date for the achievement of complete communities which are compact, transit supportive and that make effective use of infrastructure and public service facilities. The plan also aims to protect agricultural areas and natural areas and support climate change mitigation and adaptation as the province moves toward environmentally sustainable communities.

The Growth Plan is guided by the principles of supporting the achievement of complete communities; intensification and higher densities to make efficient use of land and infrastructure and support transit viability; capitalizing on new economic and employment opportunities while providing certainty for traditional industries; supporting a range and mix of housing options; improving the integration of land use planning with investment in infrastructure and public service facilities; managing growth; conserving and promoting cultural heritage; protecting and enhancing natural heritage and agriculture; and integrating climate change considerations into planning and managing growth.

The Growth Plan for the Greater Golden Horseshoe identifies the site as being located within the Built up Area. Section 2.2.2.1 a) of the Growth Plan for the Greater Golden Horseshoe states that a minimum of 50% of all residential development shall be located within the delineated built up area.

Section 2.2.2.3 explains that municipalities must develop a strategy to achieve the minimum intensification targets within the built up area. This includes identifying strategic growth areas for intensification such as Major Transit Station areas; appropriate scale and transition of built form; areas; zoned to achieve complete communities; infrastructure and public service facilities should be planned to support intensification; and, plans should be implemented through official plan policy and designations and updated zoning and other supporting documents.

The proposed development is located within an area planned for intensification. The Growth Plan prioritizes intensification within strategic growth areas including Major Transit Station Areas, which applies to the subject lands. The proposed development meets the criteria of the Places to Grow Policy by planning a multiple residential development for intensification within a Major Transit Station Area that is of an appropriate scale and density to support the transit infrastructure and utilizes existing services more efficiently.

#### **4.2.1 Complete Communities**

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

The proposed development contributes to creating a complete community by providing a multiple residential development within an area comprised of a mix of commercial/retail and residential uses proximate to a major transit station stop and within a 5 minute walk of the Downtown.

This area is still evolving into a mixed use area and may not currently have the maximum densities and /or the full range of a mix of uses that support transit usage within the major transit station area, however, this will set a precedent for other developments in the station area to contribute to

creating a vibrant community, that makes efficient use of existing land and infrastructure and provides many options to service the established neighbourhood through the provision of appropriately scaled residential densities along Courtland Avenue.

#### 4.2.2 *Transit Corridors and Station Areas*

Section 2.2.4 of the Growth Plan for the Greater Golden Horseshoe provides policy to guide development in Transit Corridors and Station Areas.

Policy 2.2.4.2 describes that for major transit station areas and priority transit corridors, that municipalities delineate the boundaries of the major transit station areas in a transit supportive manner that maximizes the size of the area and number of potential transit users within walking distance of the station.

The Region of Waterloo is updating their Official Plan to identify and provide policy for Major Transit Areas. The site is located proximate to the Queen Street Transit Station and is a prime location to provide for a transit supportive development with higher densities to support the station and light rail transit system. See **Figure 6 Map 2 City of Kitchener Urban Structure** showing the lands as being within a Major Transit Station Area.

Policy 2.2.4.3 states that Major Transit Station Areas on priority transit station corridors shall be planned with a minimum density target of 160 residents and jobs combined per hectare for those served by light rail transit. Significant portions of the MTSA's (as currently delineated in the City's Official Plan) are unlikely to achieve the minimum density targets (including lands within stable established neighbourhoods). As such, lands that are planned for intensification, such as lands within Mixed Use Corridors such as the one proposed for Courtland Avenue, provide an opportunity for slightly increased densities to ensure that the MTSA as a whole, responds appropriately to the policy direction of the Province. These lands will contribute towards the achievement of an overall density target as mentioned above, at a modest increase in height and Floor Space Ratio (FSR) to provide the missing middle built form.

The proposed development is also being planned in accordance with 2.2.4.8 which encourages transit supportive development. The plans provide for a medium density development that is in proximity to a transit stop, barrier free sidewalks within the public realm, and cycling facilities on site for private uses, as well as a bike maintenance room.

In accordance with section 2.2.4.9 and 2.2.4.10 the development within a MTSA can be supported if it provides for a mix of uses and housing options which support the planned transit service levels and through provision of reduced parking standards. The proposed multiple residential building offers a variety of unit sizes including one, two and three bedroom units. Reduced parking standards has been requested as part of the Zoning Amendment which aligns with the intent of this policy of the Growth Plan.

Section 2.2.6.2 and 2.2.6.3 encourages the achievement of complete communities by permitting multi-unit residential developments to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. The proposed development offers three unit types of varying sizes including 1 , 2 and 3 bedroom units. The variety of unit types will allow people from several incomes to rent one of the purpose built rentals that accommodates a diverse range of



lifestyle needs and affordability. The three bedroom units are within a townhouse style unit at the base of the building.

Sections 3.2.6 Water and Wastewater Systems and 3.2.7 Stormwater Management outline measures for Water and Wastewater Systems along with Stormwater Management. The proposed development makes more efficient use of existing and appropriately sized infrastructure to service the proposed development. A Functional Servicing Report has been submitted concurrently with the proposed applications.

The policies on Climate Change identified in 4.2.10 of the Growth Plan provide policies to direct Official Plans to identify actions to reduce greenhouse gas emissions and address climate change adaptation goals. The proposed development adheres to a number of these objectives such as supporting the achievement of mixed use communities through the provision of mid-rise multiple residential building that contributes to the densities in the mixed use area along Courtland Avenue. The development provides intensification to support the major transit station area and light rail transit network. The development also promotes active transportation, by reducing parking on site, eliminating any views of automobiles by providing the majority of the parking completely within the structure and providing secure bike storage and maintenance rooms. Being located on a mixed use corridor also promotes healthy forms of transportation as local amenities, services, and public transit are within walking distance to the site.

**In summary, the proposed Official Plan and Zoning By-law Amendments conform to the Growth Plan for the Greater Golden Horseshoe.**

# 5.0 REGION OF WATERLOO OFFICIAL PLAN

The Regional Official Plan (ROP) was approved by the Ministry of Municipal Affairs and Housing (MMAH) with modifications on December 22, 2010, and approved with amendments by the Ontario Municipal Board on June 18, 2015.

The purpose of the Regional Official Plan is to provide guidance at a municipal level for development of complete communities, protecting the natural environment and resources, conserving cultural heritage, and respecting scale, physical character and context of established neighbourhoods.

A review of the Regional Official Plan identifies the subject lands as being defined as following:

Map	Map Title	Designation
Map 3a	Urban Area	Built up Area (please refer to <b>Figure 7</b> )
Map 5a	Regional Transit Network	Located on Existing Transit Corridor (King Street) (please refer to <b>Figure 4</b> )
Map 5b	Existing Planned and Proposed Roads and Corridors	Existing Regional Road (please refer to <b>Figure 8</b> )
Map 6a	Urban Area Source Water Protection Areas	WSPA-4 and WSPA-7 (please refer to <b>Figure 9</b> )

## 5.1 Shaping Waterloo Region's Urban Communities

New development occurring within the built boundary will help the Region achieve their reurbanization target set out in the ROP. Section 2.D of the ROP states that the Urban Area designation contains the physical infrastructure and community infrastructure to support major growth, including transportation networks, municipal drinking water and wastewater systems as well as social and public health systems. It is also well served by existing regional transit systems. The policy states that most of the region's future growth should be directed to Urban Growth, Centres, Major Transit Station Areas, Reurbanization Corridors, Major Local Nodes and Urban Designated Greenfield areas. Generally, these areas should create a more compact urban form.

## 5.1.1

### *Transit Oriented Development/ Major Station Transit Areas*

The Region has set forth policies in Section 2.D that plan for Transit Oriented Development within Major Transit Station Areas.

The proposed development has addressed the policy of Section 2.D.1 of the ROP by promoting intensification within the Urban Area on an existing Transit Corridor (Courtland Avenue East – Regional Road). Courtland Avenue East has immediate connections to walking and transit facilities. Connections to major cycling routes via the Iron Horse Trail are located within proximity of the site. The proposed development is planned at a density and scale to support the Queen Street Transit Station. The nearby station allows for direct access to commercial and employment uses within the downtown. Food Stores are within walking distance of the site. The proposed compact multiple residential development is an efficient design that supports energy conservation.

Section 2.D.6 of the Region Official Plan provides that Major Transit Station Areas apply to those lands located within a 600 to 800 metre radius of a rapid transit station. These areas are not presently identified on Map 3a of the ROP (**Figure 7**), but the Region of Waterloo is currently undertaking a Regional Official Plan Review to identify the Major Transit Station Areas and will be established in their updated Regional Official Plan. Given the location of the site being adjacent to the LRT station, it is assumed that this site will be located within a Major Transit Station Area and has been designed to support the future planning policies to support the station/community.

Section 2.D.2 of the ROP requires developments to conform to additional policies for those that are located in Major Station Transit Areas and planned Transit Oriented Development. As per policy 2.D.10 which describes where an area municipality such as the Region of Waterloo has not established policies for the Major Transit Station areas that development applications and site plans be reviewed in accordance with the Transit Oriented Development Provisions described in 2.D.2. Below is a review of the transit oriented policies relating to the proposed development in accordance with policy 2.D.2 of the ROP.

- (a) creates an interconnected and multi-modal street pattern that encourages walking, cycling or the use of transit and supports mixed-use development;

The proposed development is connected to the existing multi-modal street pattern. Walking is supported through connections to existing sidewalk network along Courtland Avenue East and Benton Street. Cycling is encouraged for residents of the building as secure bicycle storage is located in the building along with a bicycle maintenance room. The Iron horse trail is located within a 5 minute walk and would provide connections beyond this neighbourhood. The transit stop at Queen Street is also located within a 5 minute walk of the subject lands.

Transit is supported as the development provides medium density residential uses that contribute to the overall mix of uses in the area proximate the Queen Street Station.

The design includes parking that is entirely located within the in underground parking structure. The building is designed to remove the focus on the automobile and create a pedestrian environment accessible by active transportation and rapid transit means.

- (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;

The Queen Station is located within a 5 minute walk of the proposed development on the corner of Queen Street and Charles Street. There is a traffic controlled intersection to the platform for safe pedestrian connection.

- (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;

The site is located just outside the downtown core area of Kitchener which offers plenty of food destinations, services and commercial uses.

- (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;

The development proposes 64 residential uses within a mid-rise 6 storey building. These units create a medium density development within a 5 minute walk to the Queen Street Transit Station, which will support the rapid transit system.

- (e) fosters walkability by creating pedestrian-friendly environments that allow walking to be a safe, comfortable, barrier-free and convenient form of urban travel;

The sidewalk infrastructure around the subject lands provide pedestrian connectivity. A nearby signalized intersection at Courland and Benton Streets facilitates safe travel of pedestrians to and from the neighbourhood to the station area platforms. The sidewalk network provides direct connections to Downtown Kitchener and the iron horse trail system and Victoria Park.

- (f) provides access from various transportation modes to the transit facility, including consideration of pedestrian, bicycle parking, and where applicable, passenger transfer and commuter pick-up/drop off areas

As previously noted, the proposed development has been designed to accommodate pedestrians and cyclists and the site is designed to provide comfortable and convenient access to the LRT stop. Indoor secure bicycle parking spaces are proposed as part of the development proposal, along with short-term outdoor bicycle parking along the building frontage for visitors.

**Based on the foregoing, it is concluded that the proposed development conforms to the Transit Oriented Development policies of the Regional Official Plan.**

## 5.2 Liveability in Waterloo Region

Section 3 of the ROP provides direction for creating vibrant urban and rural places. The policy encourages the provision of a range of housing alternatives, walking, cycling and transit as relatively low pollution, energy efficient and provide significant health benefits to a community.

Section 3.A of the ROP affirms that housing is a basic necessity and vital to health and community living. In this regard, the policy encourages the provision of a full and diverse range of housing that is safe, affordable, of adequate size and meets the needs of all residents. Section 3.A.2 directs area

municipalities to plan and provide for an appropriate range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social and economic and personal support needs of current and future residents. This development responds to this policy by providing rental apartment units of varying sizes including 1, Junior 2, 2 and 3 bedrooms, in a mid-rise built form, along a transit route in a location that is walkable to the downtown. The proposed development provides a housing alternative for residents of several income levels and personal needs. The building is equipped with an elevator thereby making the building accessible to all.

Section 3.D of the policy document includes a list of policies to support energy conservation. Relating to the proposed development the development application is consistent with the policies in Section 3.D.1 as it proposes a compact, multiple residential development that is part of a larger mix of uses in the area that promotes walking, cycling and the use of transit and minimizes focus on the automobile. The development will also utilize existing infrastructure to service the property.

As per Section 3.H access to human services such as police, social assistance, employment services, child and health care are located in Downtown Kitchener and is a short walk, bicycle ride or transit ride to the core.

### 5.3 Source Water Protection

Section 8A of the ROP provides policies for sites identified within Source Water Protection Areas. The subject lands are not located within Wellhead Protection Sensitivity Areas.

**In summary, the proposed development conforms to the Region of Waterloo Official Plan by providing for a development within the built up area, and within a Major Transit Area.**

# 6.0 CITY OF KITCHENER OFFICIAL PLAN

The City of Kitchener Official Plan was approved by the Region of Waterloo on November 19, 2014 with appeals considered by LPAT and later approved in decisions dated March 21, and June 24 2019. A number of items were deferred for further consideration, however the majority of the 2014 Official Plan is in full force and effect.

A review of the City of Kitchener Official Plan has identified the subject lands as being part of the following designations:

Map	Map Title	Designation
Map 1:	Urban Area and Country Side	Located within Urban Area Boundary and identified as Built Up Area (please refer to <b>Figure 10</b> )
Map 2:	Urban Structure	Site identified in a Major Transit Station Area, on a Light Rail Transit Corridor; located on an Existing Transit Corridor; and proximate to a Rapid Transit Station (please refer to <b>Figure 6</b> )

## 6.1 Urban Area/Built Up Areas:

The site is located within the Urban Area of the City of Kitchener. Section 3.C.1.1 states that lands with the Urban Area Boundary are intended to accommodate the City's Growth and are already serviced or intended to be serviced. The majority of the residential growth in the built up area is encouraged in the intensification areas.

## 6.2 Major Transit Station Area:

Map 2 – Urban Structure of the Official Plan identifies the site as being within a Major Transit Station Area (please refer to **Figure 6** of this report). The Urban Structure Plan for the City and illustrates areas for intensification which include the Urban Growth Centre (Downtown Kitchener), Major Transit Areas, City Nodes, Community Nodes, Neighbourhood Nodes, Urban Corridors and Arterial Corridors. The various intensification areas are connected by transit corridors and integrated into the transportation system which are key elements in shaping growth and built form and planned densities. The City's Intensification Areas are ranked in order of importance to establish areas that are prioritized for redevelopment and intensification.

Policy 3.C.2.3 states that the City's Primary Intensification Areas include the Urban Growth Centre (Downtown), Major Transit Station Areas, City Nodes, Community Nodes and Urban Corridors. The development is located in proximity to the Queen Street ION Transit Station.

The Major Transit Station Area designation applies to sites that are within a ten minute walking radius centered around Rapid Transit Stations. Policy 3.C.2.17 describes the planned function of the Major Transit Station Areas are to support transit and rapid transit. This includes:

- a. A focus for accommodating growth through development to support existing and planned transit and rapid transit service levels;
- b. Providing connectivity of various modes of transportation to the transit system;
- c. Achieving a mix of residential, office (including major office), institutional (including major institutional) and commercial development (including retail commercial centres), wherever appropriate; and,
- d. Having streetscapes and a built form that is pedestrian-friendly and transit oriented.

The proposed site contemplates a multiple residential development in a compact mid-rise form that will support the rapid transit system. The development provides for a multiple residential building with 64 residential uses with provision for on-site bicycle storage thereby encouraging active transportation and transit usage for both residents and visitors to the site. The proposed development will help support the significant investment made by the Region of Waterloo in the rapid transit system, by providing for an intensification site that provides for alternative active transportation modes all within walking distance of the Queen Street ION Station stop and the downtown. The site is located along an existing transit corridor.

As per policies 3.C.2.18 and 3.C.2.19, the City is currently working on Major Transit Station Areas Plans in collaboration with the Region of Waterloo to provide direction on how the Major Transit Station Areas are to be planned, designed and developed and phased in over time. Currently the City of Kitchener plans are on hold while the Region of Waterloo is updating their Official Plan to plan for the Major Transit Station Areas. It is anticipated that when the City of Kitchener finalizes their plans for the Major Transit Station Areas, that the Mill Courtland Secondary Plan will be replaced with updated policies now proposed in the Cedar Hill and Schneider Creek Secondary Plan which incorporates these lands from the former Mill Courtland Secondary Plan into this new Secondary Plan area to support intensification and transit supportive development within the Queen Street Station Area.

Section 3.C.2.22 allows for Station Areas to be amended during the time that the Station Area Plans are being undertaken. Development applications submitted within Major Transit Station Areas should be reviewed generally and in accordance with the Station Study Areas in the City's Planning Around Rapid Transit and Station Areas (PARTS) Project Plan and Background Report. The PARTS study has been adopted by Council, but has not yet been implemented into the Official Plan. To implement the PARTS Study, the City of Kitchener has developed proposed secondary plan policies and land uses which follow the PARTS Project Plan and Background Report and are currently available for public review. These policies and land uses have not been approved by Council and will not be implemented until after the Regional Official Plan has been updated to ensure the proposed Secondary Plans align with the Regional plans and policies for the Mixed Use Transit Areas. The Proposed Secondary Plan policies and designations will be discussed further below.

The proposed development addresses the Major Transit Station Development Criteria from Section 3.C.2.22 of the City of Kitchener Official Plan as follows:

- The proposed development conforms to the Regional Official Plan as discussed in Section 5.0 of this report.

- The development also meets the intent of the Transit-Oriented Development Policies of Section 13.C.3 as it plans for a development that is a medium density - compact urban form that is within 5 minutes to a transit stop, provides multiple residential use that contributes to the mix of uses in this evolving transit station area along Courtland Avenue.
- A singular vehicular access point off of Courtland Avenue is planned for the site.

Based on the abovementioned site development features, the proposed development is appropriately located within a Major Transit Station area. It provides for the characteristics and form to support the function of a Major Transit Station Area and will provide for an appropriate amount of residential density to support and compliment the mix of uses in the Queen Street Transit Station.

## 6.3 Source Water Protection Area

Map 8 of the Official Plan exhibits the Source Water Protection Areas throughout the City of Kitchener. Source Water Protection areas are identified by the Region and also mapped in the Regional Official Plan. The purpose of the Wellhead Protection Areas is to ensure that land uses proposed do not involve hazardous chemicals and/or substances, disease causing organisms to increase the vulnerability of the groundwater that could increase risks to the municipal drinking-water supply wells. The proposed development is located outside of a wellhead protection area and does not propose any prohibited uses and should therefore not have a negative impact to the Wellhead Protection Areas.

## 6.4 Housing

Section 4 of the City of Kitchener Official Plan supports the provision of suitable, affordable and attractive living accommodations for all its residents. The policies seek to address the characteristics and types of housing that may be required to support the residents' needs as well as the appropriateness and quality of the community settings in which the housing is located to support complete and healthy communities.

Policy 4.C.1.6 encourages residential intensification and/or redevelopment to include infill opportunities, and the provision of additional dwelling units in order to respond to changing housing needs and as a cost effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure. The proposed development provides for a modest intensification which plans for slight increases in height and floor space ratio to provide additional more attainable housing options to respond to the changing housing needs/housing of the current market and to make better use of underutilized lands with existing services. The development is an infill site which utilizes existing services and provides for a combination of unit types comprised of one, junior two, two and three bedroom units. This will minimize the overall servicing costs, make use of underutilized lands, within 5 minutes of a transit station while providing additional density/users for the Light Rail Transit System.

Policy 4.C.1.8 provides direction where special zoning regulation(s) requested, proposed or required to facilitate residential intensification or a redevelopment of lands. The policy describes a list of criteria that should be followed to permit the additional zoning regulations and amendment



to Official Plans. Below is a summary of the criteria that are relevant to the proposed development applications should follow to stand in accordance with Section 4.C.1.8.

- Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood.
- New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.
- The lands can function appropriately and do not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.

Although the proposed development backs onto the rear yards of a stable residential neighbourhood a generous rear yard setback of 19.9 metres (65 feet) has been provided in order to provide a greater separation and create a more compatible interface between the existing and proposed development. The slight increase in height to 6 storeys (from 5) and an increase in FSR (density) to 2.4 continues to maintain the character of the community through elements in its design that draws on architectural and material indications from the neighbourhood including patterns of fenestration, banding of materials and colours, as well as the scale and massing of the building, which is pushed away from the residential homes along Martin Street and towards Courtland Avenue. In addition, the proposed building is a mid-rise building which will not present any adverse shadow impacts on the rear yards of the homes along Martin Street and a fence and landscaped barrier will maintain privacy between the properties and the subject lands.

Given the location of the subject lands, the proposed increase to the Floor Space Ratio is appropriate. This increase in FSR, adds additional density and an increased number of residents within a priority intensification area (MTSA). The building design is sensitive to the rear yards of the Martin Street Residents by containing outdoor amenity areas toward the internal portion of the site and by avoiding overlook of the rear yards to the extent possible through balcony design that does not provide a 180 degree view. Additionally, parking is contained entirely within the below grade parking structure save for 3 visitor and 4 barrier free parking spaces located at the rear of the building adjacent to the amenity area. This parking area will be screened from adjacent rear yards through a combination of fencing and landscaping.

Policies 4.C.1.9 and 4.C.1.13 provide direction for proposed developments planned for intensification to respect the existing character and compatibility of surrounding land uses. Policy 4.C.1.13 also provides additional policies that identify and encourage innovative housing types and designs. Policies 4.C.1.9 and 4.C.1.13 provide that intensification projects should:

- a) be compatible with surrounding land uses;
- b) support the development of complete communities;
- c) provide live/work and home occupation opportunities;
- d) incorporate energy conservation features and the use of alternative energy systems and/or renewable energy systems;
- e) reduce municipal expenditures;
- f) protect natural heritage features;
- g) provide accessible and affordable housing to residents;
- h) conserve and/or enhance our cultural heritage resources;

- i) celebrate the cultural diversity of the community;
- j) be transit-supportive and/or transit-oriented; or,
- k) reflect, add and/or enhance architectural interest and character.

In response to these policies, the subject lands provide an opportunity for intensification within a Major Station Transit Area on lands that are currently underutilized. The proposed purpose built rental building is planned as medium density multiple residential development. The density proposed provides for a transit supportive/transit oriented development. The variety of unit types (one, two and three bedroom(s)) have been planned to provide more attainable housing options to future residents to accommodate various lifestyles within the transit area and along the transit corridor. The proposed built form compliments the existing scale of develop in this area while providing modest intensification without offending the character of the area.

Despite the increase in height and Floor Space Ratio for the proposed development, the six storey height only slightly exceeds the maximum height permitted by the proposed zoning that is being advanced as part of the Neighbourhood Planning Review (NPR) which is recommending 16 m or 5 stories and the proposed building is 6 storeys with a height of 21m. The proposed building is in closer alignment with the regulations and direction as set out in By-law- 2019-5, however, is not in effect yet for these lands as the completion of the Neighbourhood Planning Review is pending. The proposed regulations for implementation in By-law 2019-051 are therefore only a guide, as they do not apply to the lands yet. The current zoning By-law 85-1 did not contemplate intensification corridors as the higher order transit did not exist in 1985, and as such the zoning regulations do not reflect the current direction for height, massing, and density associated with today's intensification objectives along the LRT and within the MTSA's. A more detailed review of applicable zoning regulations will be further discussed in the by-law section below.

The additional density and multiple residential housing will support the development of complete communities by contributing the residential component of a mix of uses that are forming along Courtland Avenue. The density of the units also contributes to energy conservation, using less materials for more housing, and sharing of heating and cooling resources for smaller space. The density will contribute to the ridership which supports municipal infrastructure and also connects to existing municipal services. Lastly, there are no natural heritage or cultural heritage features located on the site.

**In our opinion the proposed development conforms to the 2014 City of Kitchener Official Plan.**

## 6.5 Mill Courtland Woodside Park Neighbourhood Secondary Plan

The subject lands are located within the Mill Courtland Neighbourhood Secondary Plan (please refer to **Figure 12** of this report). Map 12 demonstrates the land uses within the Mill Courtland Neighbourhood Secondary Plan. The subject lands are designated the as a Low Density Commercial Residential.

The intent of the Low Density Commercial Residential designation is to recognize existing areas of small scale commercial and residential development as well as to allow for the low rise, low density redevelopment of such areas with commercial institutional and residential uses. Lands within this designation are intended to create transitional or buffer areas between some industrial

and surrounding residential areas and as such the maximum residential density shall be limit to 100 units per hectare with a Floor Space Ratio (FSR) of 1.0. One of the three properties (53 Courtland ) contained a site specific regulation 130 R that permitted an FSR of 1.5 and an increase in height to 13.5m within 30 m of Martin Street. The proposed development is well beyond 30 metres from Martin Street.

Permitted residential uses include single detached dwellings, semi-detached dwellings, duplex dwellings, multiple dwellings lodging houses, home businesses, private day care and small and large residential care facilities. Commercial uses are restricted to offices, office support service, health office, health clinics, club facilities, funeral homes, financial establishments, education establishments, religious institutions, medical laboratories, studios, day care facilities, tourist homes and limited amount of personal services and small convenience retail. The Secondary Plans were established prior to a final determination of the LRT route and prior to Major Transit Station Areas being established.

Section 13.4.1 of the Secondary Plan provides policies to guide development within the secondary plan area and further establishes that Parts A, B, C, E and F of the Official plan continue to apply to this Mill Courtland Neighbourhood, which include the Urban Structure, MTSA policies and the Mixed Use policies of the Official Plan. Built form should be compatible with low rise residential development that is pedestrian oriented and allows for a balanced distribution outside other commercial nodes.

The proposed 6 storey mid- rise development is at an appropriate density for supporting a Major Transit Station while remaining compatible with the low rise development in this neighbourhood. Mixed Use Corridors should have strong pedestrian linkages with the surrounding residential neighbourhoods and should orient the building mass to the street. The developments should promote alternative forms of transportation such as cycling facilities and take emphasis away from the automobile and focus on facilitating connection to transit facilities such as the light rail transit Queen Street Station stop located along Charles Street.

The development is planned to have a strong street frontage presence along Courtland Avenue East is intended to be constructed as a pedestrian scaled development that promotes public transit usage and /or alternative transportation forms other than the automobile. The main entrance to the building has direct access to the street and is a five minute walk to the Queen Street Station, with bus transit directly on Courtland Avenue and Benton Street. Vehicle parking is predominately located within the confines of the building in underground parking and completely screened from the street frontage and adjacent lands through building design and on-site fencing. A few surface spaces (7) are located at the rear of the building for barrier free and visitors and are shielded through the fence along the rear property line. Bicycle parking will be proposed on site for use by residents with secure bicycle storage is provided internal to the building with outdoor visitor bicycle storage in excess of zoning requirements. A bicycle maintenance room is also proposed in on the ground floor of the building for residents' usage. In addition, spaces have also been provided for cargo and oversized bikes.

The Secondary Plans are currently undergoing review by the City of Kitchener. As the Region of Waterloo and City of Kitchener undergo their review an updates to their respective Official Plans for the Major Transit Station Areas the land use policy is deferred to the existing Secondary Plans for these areas.

**In our opinion the proposed development generally conforms to the Mill Courtland and Woodside Park and the proposed Cedar Hill and Schneider Creek Secondary Plan, save and**

**except for the height and density that is proposed to be amended through the Official Plan Amendment.**

#### 6.5.1.1 Official Plan Amendment Request:

Section 13.4.3.7 of the Secondary Plan current permits a maximum Floor Space Ratio of 1.0 in locations that recognize existing small scale commercial and residential development as well as to allow for the low rise, low density redevelopment with commercial, institutional and residential uses. This designation is also intended to provide a transitional or buffer area between industrial and surrounding residential areas are well separated from low rise residential development and have adequate municipal infrastructure. The maximum residential density shall be 100 units per hectare with a Floor Space Ratio of 1.0. An application for Official Plan Amendment has been submitted with this Planning Justification Report, to request a special policy area for the subject lands on Map 12 of the Mill Courtland Woodside Park Neighbourhood Secondary Plan to permit a maximum Floor Space Ratio of 2.4, a maximum building height of 21 m (6 storeys) and 100units/hectare per lot provided the FSR of 1.0 is not exceeded. Please refer to **Figure 13** for the Secondary Plan mapping identifying the proposed special policy area.

The proposed Official Plan Amendment and associated increase in height and density is fully aligned with Provincial, Regional and local policy direction related to intensification within Major Transit Station Areas.

The proposed development is consistent with the intent of the Official Plan, as it plans for a transit oriented development within a Major Transit Station Area and along a transit corridor. The proposed height and Floor Space Ratio will provide additional density to support the Transit Station and Existing Light Rail Transit Corridor and will contribute toward the residential component of the mix of uses which are appropriate for a Transit Station Area. The transit oriented development promotes active transportation uses and has reduced the focus on the automobile by providing reduced parking and Transit Demand Management (TDM) measures.

The proposed development follows the general intent of the Secondary Plan policies for developments located within a Mixed Use Corridor. The proposed amendment will bring the property into better conformity with Provincial and Regional policy direction.

## 6.6 Proposed Cedar Hill and Schneider Creek Secondary Plan

The City of Kitchener is undergoing a neighbourhood planning review of the Mill Courtland Woodside Park Secondary Plan and adjacent areas within the Kitchener Official Plan around the rapid transit station area. This new area will become the Cedar Hill and Schneider Creek Secondary Plan.

The Region of Waterloo has recently undertaken a review of their Official Plan, including the delineation of Major Transit Station Area boundaries. The Region has delineated the MTSA boundaries and the subject lands continue to be located within a MTSA. The Region's Official Plan review will inform the City of Kitchener Neighbourhood review process, including updates to the Secondary Plans. The City of Kitchener released Draft Secondary Plan policies in 2019. The plans will be further updated following the completion of the Regional Official Plan policies related to MTSAs.

The Draft Cedar Hill and Schneider Creek Secondary Plan proposes a Mixed Use Low Rise designation for the subject lands. It is anticipated that the proposed Special Policy Area contemplated herein would be carried over as part of the neighbourhood planning review process and into the Cedar Hill and Schneider Creek Secondary Plan, if approved by Council.

# 7.0 ZONING BY-LAW 85-1

The subject lands are Zoned CR-1 with Site Specific Regulation Provision 130 as per Schedules 85 and 86 of Zoning By-law 85-1. Please refer to **Figure 14** of the Planning Report which identifies the zoning for both the subject lands and adjacent properties.

The following uses are permitted within the Commercial Residential Zone 1 (CR-1):

Convenience Retail	Private Club or Lodge
Day Care Facility	Private Home Day Care
Duplex Dwelling	Religious Institution
Dwelling Unit	Residential Care Facility
Financial Establishment	Sale, rental or Service of Business Machines and Office Supplies
Funeral Home	Security or Janitorial Services
Health Clinic	Single Detached Dwelling (existing)
Health Office	Semi- Detached Dwelling (existing)
Home Business	Street Townhouse Dwelling
Hospice	Studio
Lodging House	Tourist Home
Medical Laboratory	Veterinary Services
Multiple Dwelling	
Office	
Personal Service	
Printing Establishment	

The uses proposed in the development concept are permitted in the Commercial Residential Zone (CR-1) Zone.

## 7.1 Site Data Table for Zoning Compliance

Below is a detailed analysis of the current zoning regulations as set out in By-law 85-1 for the commercial Residential Zone One (CR-1) Zone, compared to the proposed development. The non-conforming regulations have been identified in the table below. A summary of the Special Provisions required to permit the proposed development can be found in **Section 7.2** of this report.

Provision	Required	Provided	Special Provision Required
Minimum Lot Width	15 m	Courtland Avenue (44 m approx.)	
Minimum Front Yard (Courtland Avenue)	3.0 m	1.5 m	yes
Minimum Side Yard Abutting Street	1.5 m	n/a	
Minimum Rear Yard	7.5 m or half of the building height which ever is greater (max 10.25m)	19.9m	
Maximum Floor Space Ratio	1 ; 1.5 (S Reg 130)	2.4	yes
Maximum Building Height	18m	20.5 (21m)	yes
Minimum Landscaped Area	10% of Lot Area - may include solariums, roof top gardens or similar amenities not at grade	31%	
Maximum Units per Hectare	100 units/ha per lot if FSR of 1.0 is not exceeded	251 units/ha for entire site	yes
Off Street Parking (Multiple Dwelling units)	>51 sq.m. 1.25 X 64units =80 residential spaces required	52	yes
Visitor Parking	20% of required parking	7 (13 % of required residential – based on parking requirement sought through amendment)	yes
Barrier Free	13-100 spaces = 4% of total required parking = 4	4 (included)	
Total Parking	80 Spaces	52 Spaces	yes
Off Street Loading		1 space	

## 7.2 Special Provisions Requested to Commercial Residential Zone One (CR-1)

The following special provisions are being requested as part of the Zoning By-law Amendment to permit the proposed development as shown on the site plan in **Figure 2** of this report.

1. Seeking permission to amend Section 44.3.1 of Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 2.4, whereas an FSR of 1.0 is permitted.
2. Seeking permission to amend Special Regulation Provision 130 in Appendix "D" of Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 2.4, whereas an FSR of 1.5 is permitted.
3. Seeking permission to amend Section 44.3.6 b) of Zoning By-law 85-1 to permit a side yard setback from eastern property line of 2.0 m, whereas 3.0 m is required.
4. Seeking permission to amend Section 44.3.6 of Zoning By-law 85-1 to permit a maximum building height of 21 m, whereas 18 m is permitted.
5. Seeking permission to amend Section 44.3.6 of Zoning By-law 85-1 to permit a maximum density of 251 units per hectare for the entire site.
6. Seeking permission to amend Section 44.3.6 of Zoning By-law 85-1 to permit a front yard setback of 1.5 metres whereas 3.0 m is required.
7. Seeking permission to amend Section 6.2.1 a) to permit parking at a rate of 0.81 per unit for Multiple Dwelling Units, greater than 51.0 sq.m. in size whereas 1.25 spaces per dwelling unit is required for a total of 52 spaces.
8. Seeking permission to amend Section 6.2.1 b) vi) B) to require a minimum of 13% of required parking be provided as Visitor Parking, whereas 20% is required (i.e. 7 Visitor Parking spaces whereas 11 are required).

Please refer to **Figure 15** of this Report to review the Proposed Zoning Map. The detailed draft zoning amendment is included as Appendix D.

## 7.3 Planning Justification for Special Provisions

A Zoning By-law Amendment has been submitted with this report to rezone the subject lands from Commercial Residential One Zone (CR-1) to Commercial Residential One Zone (CR-1) with special regulation provisions to accommodate the proposed development.

1. Seeking permission to amend Section 44.3.1 of Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 2.4, whereas an FSR of 1.0 is permitted.
2. Seeking permission to amend Special Regulation Provision 130 in Appendix "D" of Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 2.4, whereas an FSR of 1.5 is permitted.



The applicant is seeking relief from Section 44.3.1 of the Zoning By-law to permit a Floor Space Ratio of 2.4. The intent of the Floor Space Ratio (FSR) is to regulate the amount of lot coverage by building mass permitted to be developed on the property in order to ensure site development is at an appropriate scale for the neighbourhood. The regulation of By-law 85-1 was established in absence of the rapid transit and the densities that are targeted to support transit within Major Transit Station Areas such as these lands, as the LRT had not yet been developed. The intent is to maintain a relatively lower rise built form in this area. The current bylaw permits an FSR of 1 on a portion of the lands and an FSR of 1.5 on the balance. Although this proposal requires a slight increase in FSR to 2.4 to permit the 6 storey multiple residential building, the built form is mid-rise and does not pose any adverse impacts such as shadows onto the neighbourhood and is situated along the Courtland Avenue frontage with a generous 19.9 m (50 feet) of separation from the common property line with the rear yards of the Martin Street lots. The proposed building massing and location is appropriate for lands within a Major Transit Station Area and along a transit corridor such Courtland Avenue, and is at a density that does not offend the by-law's intent despite the slight increase in FSR.

3. Seeking permission to amend Section 44.3.6 b) of Zoning By-law 85-1 to permit a side yard setback from eastern property line of 2.0 m, whereas 3.0 m is required.

The proposed building on the subject property was positioned as far away from the western property line as this is adjacent to a single detached residential use. This was intentional in the interest of minimizing any potential impacts to these lands from the development of these lands with the 6 storey building. In turn, this resulted in the building being situated 1 metre closer to the eastern side lot line than the required 3.0 m setback. This will result in a minor setback adjustment which continues to be appropriate in light of the industrial/ commercial land uses to the east of the subject property. It was considered more appropriate to reduce the easterly side yard with the commercial interface rather than the westerly side yard with the adjacent residential uses in order to make the development of these lands more compatible.

4. Seeking permission to amend Section 44.3.6 of Zoning By-law 85-1 to permit a maximum building height of 21 m, whereas 18 m is permitted.

The proposal seeks to increase the height to 21 metres in order to permit the 6<sup>th</sup> storey on the proposed mid-rise building. The increase in height from the permitted 5 storeys to the additional 6<sup>th</sup> storey will be negligible from a pedestrian scale and massing perspective. In addition, the increase to 6 storeys does not create any adverse impacts regarding shadow to the neighbourhood or adjacent lands to the west save for the morning hours in the winter months, which is common in the winter solstice for the northern hemisphere and meets the City's guidelines and accepted best practices in this regard.

5. Seeking permission to amend Section 44.3.6 of Zoning By-law 85-1 to permit a front yard setback of 1.5 metres whereas 3.0 m is required.

The front yard is intended to provide appropriate set back from the street. The subject property is located within a Regional transit corridor with a designated road width of 26.213 m and as such, a 3.8 metres widening was requested by the Region. This contributed to the need for a reduced front yard setback. In addition, positioning the building as removed from the rear yards of the properties along Martin Street was intentional, so as to comply with the intent of the existing zoning, which speaks to separation based on proposed building height and to ensure that

potential impacts are minimized between the mixed use corridor and the stable residential neighbourhood. The massing of the building is pushed toward Courtland Avenue which provides for a consistent rear yard of 19.9 metres, which when coupled with the 7.5 metres minimum rear yard required for the lots along Martin Street, can provide a minimum separation of 27.4 metres (69.6 feet) between the houses along Martin and the proposed building. This is a significant increase in setback than what the bylaw currently permits which is half the building height in this case half of 21m would be 11.5 metres (37.7 feet). The proposed building location and the resulting reduction in the front yard setback is appropriate for the subject lands and provides a more compatible transition in height from Courtland Avenue to Martin Street.

6. Seeking permission to amend Section 6.2.1 a) to permit parking at a rate of 0.81 per unit for Multiple Dwelling Units, greater than 51.0 sq.m. in size whereas 1.25 spaces per dwelling unit is required for a total of 52 spaces.
7. Seeking permission to amend Section 6.2.1 b) vi) B) to require that 13% of required parking be in the form of Visitor Parking, whereas 20% is required.

There are parking reductions being requested as noted above from the required 80 spaces to 52 space in total with 7 visitor spaces where 11 would be required based on the requested requirement of 52 spaces. The subject lands are located within a Major Transit Station Area (MTSA) for the Queen Street Station stop. Official Plan policy regarding lands within a MTSA contemplates parking reductions for sites well served by transit. A parking rate of 0.81spaces per unit is being proposed resulting in a total of 52 spaces.

The applicant has also implemented Transportation Demand measures to encourage alternative modes of transportation rather than the automobile and to support the parking reductions further. A TDM checklist has been provided as part of the Parking justification Report. These measures include the provision of 20 bicycle parking stalls in the rear of the building that could be used by residents and visitors to the site alike. In addition, 28 secured bike stalls are located in the interior of the building with 5 additional spaces for oversized bikes and a bicycle maintenance room is provided. It should be noted that the by-law does not require bicycle parking and this is being provided above and beyond the requirements of the by-law. The site is within a 5 minute walk to an LRT station stop, 10 minutes to the downtown and is situated on a regular transit route, which provide the visitors and residents a choice for alternative modes of transportation.

A reduction in the parking ratio will encourage use of alternative modes of transportation while reducing the cost of the overall project, and as a result the end cost (lease rate) for each unit. The provision of underground and structured parking contributes significantly to the overall cost of the project, which result in higher rental rates. By reducing the parking ratio and encouraging alternative transportation forms such as public transit and active transportation, the development will be much more cost effective for renters who otherwise may not afford to live within proximity of a transit station.

In our opinion the parking reductions are justified given the exceptional level of transit available in this location. Notwithstanding, TDM measures are also proposed which further justify the parking reductions. This includes the provision of secured bicycle parking which is not required by Zoning By-law 85-1. The Transportation Demand Management Checklist has been completed and is included in the Parking Justification Report.

A Parking Justification Report has been prepared and submitted to support the Official Plan and Zoning Amendment Applications. A summary of the recommendations of the Parking Study can be found in **Section 9.3** of this report.

It should also be noted that the City of Kitchener has approved multiple developments with a reduced visitor parking rate. The proposed Draft CroZBy regulations for the PARTS areas requires 0.1 space per unit which would result in approximately 7 spaces for this site, which is what is being proposed. 7 visitor spaces is more consistent with the direction in CroZBy despite it not being in effect for these lands. As overall parking is proposed to be reduced, it is appropriate to also consider reductions to visitor parking as visitors will be able to access the site through alternative modes of transportation.

## 7.4 Proposed Zoning as per Neighbourhood Planning Review:

Properties located within Secondary Plans are undergoing Neighbourhood Planning Reviews which includes updates to the Official Plan/Secondary Plans and to the proposed Zoning By-law. The City of Kitchener has recently updated their Zoning By-law (2019-051) but did not include lands within anticipated Major Transit Station Areas or within Secondary Plan areas. As part of the Neighbourhood Planning Review the City has prepared proposed amendments to the Zoning By-law 2019-051, but these **have not yet been** considered by Council and **are subject to change**.

The draft zoning regulations are available on the City of Kitchener website and the proposed development is identified as a proposed MIX-1 with Special Regulation 168 zone: Mixed Use Low Rise – which plans to accommodate a variety of uses within mixed use buildings and mixed use developments at a low rise density with reduced height and density permissions than those that are in effect today under By-law 85-1.

If approved, it is anticipated that the site specific zoning contemplated by this application to amend Zoning By-law Amendment to By-law 85-1, would be carried forward into a future stage of Zoning By-law 2019-051.

# 8.0 URBAN DESIGN

The City of Kitchener Official Plan provides urban design policies to assist in guiding the design of future developments. Policy 11.C.1 of the City of Kitchener Official Plan, 2014, provides policies relating to Site Design. This policy is to ensure that developments are planned to enhance the site, buildings, open spaces and the streetscape.

Policy 11.C.1.30 provides direction for the Site Plan Control process for elements that must be incorporated into the site design. These include a design that provides for a high quality public realm, safe site circulation for all modes of transportation, site servicing components are functional but screened from view from the public realm, landscaping, site signage be integrated into the design, night time visibility and safety.

Policy 11.C.1.31. directs that new buildings are designed to enhance pedestrian usability, respect and reinforce human scale, create attractive streetscapes and contribute to rich and vibrant urban places. Policy 11.C.1.32 states that the City will require special design consideration for buildings located at priority locations.

Policy 11.C.1.33. encourages attractive building forms, compatible with surrounding buildings, infill development that contributes to the neighbourhood character, architectural innovation and a high standard of building designs for buildings located at priority locations.

The proposed development is generally consistent with the above noted policies. The following is a review of the site design policies relative to the proposed development.

The subject lands are in a priority location in the Queen Street Major Transit Station Area. The building has been designed to integrate into the character of the neighbourhood at a modest density increase that would serve to support transit and active transportation uses within the Queen Street Transit Station area and the broader community. The building presents its facade along Courtland Avenue which is a Regional arterial road proximate the intersection with Benton Street to the west of the subject lands.

The front façade of the building is comprised of a combination of building materials including red/brown brick, glass and brass finishes, creating a strong and appealing contrast of materials adding interest to the building. The First floor has 5 townhouse style units facing the street that are articulated to provide private amenity patios for each unit with a canopy to protect from the elements and are clad predominantly with brick. These units are planned with taller ceiling heights and large windows in order to allow for additional loft style living space and have direct private access onto the street. Two additional floors with integrated balconies looking out onto the street complete the bricked portion of the front of the building. As the eye is drawn upwards to the glass portion of the building, the units on the 5<sup>th</sup> and 6<sup>th</sup> floor are stepped back approximately 1.5 m in order to lighten the massing of the building. These units are provided with larger overhanging glass balconies that have 180 degree look out onto the street as their private amenity areas.



**Figure 16**

*The above image illustrates the articulated entrance and the relatively concealed entrance to the parking garage from a pedestrian perspective. The front articulation establishes the public and private areas along the frontage of the building.*

The main entrance to the building is well articulated through a change and contrast of building materials. Contrasting brass finishes enhance the entrance and clearly distinguish it from the balance of the building and create an elegant nod to an almost art deco style feel and enhance the overall streetscape. The entrance is designed to be barrier free and leads to a fully accessible lobby with elevators. The entrance to the garage is located on the west side of the building and is well integrated and screened from the lands to the west through the cantilevered overhang of the building which wraps around and over the driveway leading to the underground garage entrance and the rear of the building. The effect of this is to conceal the driveway and the garage entrance so that it does not dominate the streetscape and focuses on the pedestrian experience rather than the automobile.

Key servicing areas for the development are located at the south part of the site, directly to the rear of the building and away from the public realm, thereby reinforcing the focus on the pedestrian experience along the streetscape. These areas include vehicular access to the small surface parking containing the visitor and barrier free spaces as well as the entrance to the garbage and loading area. All of these servicing areas not visible from the Courtland Avenue façade and are screened from the rear yards of the properties along Martin Street through a combination of fencing and vegetation.

The development directs focus away from the automobile by incorporating the majority of the parking completely underground save for 7 parking spaces in the rear of the building (3 for visitor and 4 for barrier free).

Centered on all four sides of the tower are balconies that extend out from the façade. The balconies also protect the units below from the elements and provide shade to the private outdoor amenity area for the residents to enjoy.

### **Rear:**

The rear of the building is also clad with a variety of building materials including glass brick and brass elements. The architectural banding of the materials creates a pattern of fenestration and brick, brass and glass combinations that represents a classic pattern that compliments larger industrial and residential buildings from eras gone by. These combination of materials reflect the architectural queues from the neighbourhood without offence, but does not replicate the historical architecture in the broader community. The patterning of the different materials breaks up the building mass of the 6 storey building.

The balconies for the residents are integrated into the building design and do not overhang or protrude from the primary façade and therefore mitigates the potential for overlook onto the rear yards. Rather than a balcony that projects outward from the building face (which would offer 180 degree views), the balconies are framed by the building, meaning that views of people sitting on their balconies will be more restrictive and will offer more of a straight-ahead view rather than views looking west towards residential properties.

A privacy fence and landscaping will screen the ground floor of the building from existing houses on Martin Street. This will also provide privacy for the ground floor amenity space at the back of the building.

In addition, the building has been oriented as close to Courtland Avenue as possible so as to capitalize on as much of a rear yard separation as possible. The position of the building as proposed has created a uniform 19.9 metres (50 feet) distance to the common rear property line with the rear lots on Martin Street.



**Figure 17**

*This image shows the rear facade without a fence which shows the amenity area and the visitor and bicycle parking. A fence is proposed where the vegetation is shown to screen the uses from the rear yards along Martin Street. The above image also illustrates how balconies have been designed to be framed by the building, which limits the degree of visibility onto surrounding properties.*

Active transportation is encouraged through the provision of 20 bicycle racks adjacent to the amenity area. The development provides further separation from the “back of house” activities (service/ garbage removal and visitor/ Barrier Free parking) through the provisions of a solid fence and vegetation along the rear property line which also screens the at grade amenity area from the rear yards of the Martin Street properties.

Based on the above, the proposed development has considered and accounted for the urban design elements described in Section 11.C.1 of the Official Plan. The development provides a strong façade that is pedestrian oriented and encourages interaction between the private and public realms. It provides for a design that is balanced and uniform, but includes architectural elements to break up the height and massing in both the front and rear of the building.

The site design is functional and takes the focus off the automobile and encourages active transportation and focusses on the pedestrian. All parking and building services are located internal to the building and generally accessed off Courtland Avenue and out of pedestrian site lines along the Courtland Avenue frontage.

Further detail of the building design including lighting and CPTED will be reviewed through the site plan process.

The proposed development was designed with consideration to the City’s Urban Design Guidelines. A review of the proposed development relative to the guidelines is included as part of this submission (Urban Design Scorecard). The Urban Design Scorecard is a pilot project which

assesses projects based on a checklist of applicable design guidelines. The purpose of the scorecard is to streamline the Urban Design Reports for development applications. The scorecard was provided by the City of Kitchener and completed by the MHBC Urban Design Team. The scorecard was scoped by the Urban Design Group at the City of Kitchener to meet the applicable Urban Policy from the City of Kitchener's Urban Design Guidelines. In our opinion the proposed development has appropriately considered the City's urban design guidelines, including guidelines for Mid-rise Buildings.

### **Shadow Analysis:**

Shadow studies have been prepared in support of the proposed development. The findings of the shadow study are summarized as follows:

#### *Spring / Fall*

The spring/fall shadow studies demonstrate that between 10 am there will be no impact on the rear yards of dwellings along Martin Street. Three properties along Benton Street will experience rear yard shadow impacts from 10 am to 12pm. The property immediately at the intersection of Benton Street and Courtland Avenue will continue to experience some additional shadow at 12 pm due likely in part to its being setback on its property significantly further back from the front lot line than other properties along Benton Street. The shadows from the proposed development will fall on Courtland Avenue and on the properties along this portion of the road after 6: 00 pm. The property at the corner of Benton and Courtland will experience shadow at 6:00pm that is an existing condition from the adjacent homes along Benton and unrelated to the proposed building. The shadows then continue moving to move east and there is no further impact on the Benton Street properties.

In summary, there are a small number of properties on Benton Street that will experience shadows between 10 am and noon. Prior to 10 am, and after 12 pm, shadows from the proposed development will not impact the Benton Street properties save for the corner property identified above.

#### *Summer*

The summer shadow studies demonstrate that there will be a two hour impact on the rear yards of three residential properties along Benton Street from 10 am to 12pm. For the remainder of the day the shadows from the proposed development will fall onto the subject property and will spill onto Courtland Avenue after 6:00 pm, but will not reach the homes across the street along Courtland. After 12 pm the shadows continue moving east along Courtland Avenue.

In summary, during the summer there will be minimal impact to three residential properties as a result of the proposed development.

#### *Winter*

During the winter time shadows are longer and as a result there are additional impacts on surrounding properties. Two properties along Benton at 10 am experience impacts to their properties, while three additional properties on the opposite side of Courtland Avenue are impacted by 2:00pm through shadows cast from this property. Greater impacts are accepted during winter months given people are not using their outdoor space the way they do in the spring/summer/fall months. Given the length of shadows in the winter months, a number of the



properties impacted by the development will already be experiencing shadows from existing dwellings. The properties closest to the proposed development (properties on the east side of Benton Street) are impacted during the morning time periods. In the afternoon, these properties are no longer impacted by the proposed development.

In summary, as with many mid-rise buildings there will be shadows in the winter time periods. However, all properties will continue to experience periods of full sun, and a number of properties impacted already have shadows at the same time period from other existing dwellings.

**Based on the Urban Design policy provided in the Official Plan and the Urban Design Scorecard, the proposed development aligns with the urban design principles and provides for a development that assists in defining a character and that is supportive of the Queen Street Transit Station.**

# 9.0 SUMMARY OF TECHNICAL STUDIES

## 9.1 Preliminary Servicing Letter

A preliminary Servicing letter was prepared by MTE Engineering in support of the proposed development applications for the subject lands and dated June 14, 2022.

The recommendations of the study with respect to the preliminary design are:

### **Sanitary:**

It is proposed that the Site will be serviced by a new 150mm diameter sanitary service complete with new manhole at the municipal sewer on Courtland Avenue. The 150mm diameter sanitary sewer will enter the Site through the driveway entrance. The private sanitary service is to be installed at a slope that provides depth for the servicing of the building while maintaining adequate capacity. The service size and inverts will be confirmed at detailed design.

### **Water:**

A new connection to the existing 150mm diameter municipal watermain along Courtland Avenue will be required in order to service the proposed building. The required private water service size will be confirmed during detailed design, but will likely be 150mm diameter.

The building will be analyzed for fire water supply requirements using the OBC 2012. The analysis will determine if the theoretical pressure of the proposed onsite fire hydrant is acceptable for firefighting. While the building may be sprinklered, this analysis assumes the building will not be sprinklered as a conservative design approach. Should the building be sprinklered, the demands will likely be significantly lower than the OBC requirements.

Therefore, the required minimum water supply flow rate is **9,000 litres/min** for the proposed building. This is the maximum flow rate specified by the Ontario Building Code.

### **Stormwater Management:**

The municipal storm sewer is proposed to be extended from the existing side-inlet catchbasin manhole located north of the Site. The extension will consist of a 300mm diameter storm sewer sloped at 0.5%, which is sufficient to convey the 5-year flow from the Site, and a proposed side-inlet catchbasin manhole located directly fronting the driveway entrance to the Site, which the storm service for the Site will tie into.

Additionally, the existing 600mm and 750mm diameter storm pipes have capacities of 1,122L/s and 1,372L/s, respectively. The 5-year flow from the Site is controlled to 21L/s which is less than 2% of the total capacity of the existing 600mm and 750mm diameter pipes; therefore, the proposed

flow from the Site is not expected to negatively impact the function of the existing storm sewer system.

As the building footprint covers the majority of the Site, area drains are proposed to collect runoff from the parking and driveway and will be serviced internally by mechanical. Runoff collected by the area drains, as well as from the roof, will be directed to a single storm service located in the driveway where it will be treated by an oil-grit separator located within the building footprint before discharging to the municipal storm sewer

#### **Utilities:**

The following utility companies are required to confirm their ability to service the development:

- KW Hydro
- Bell Canada
- Rogers Cable
- Kitchener Utilities

## **9.2 Road Traffic and Stationary Noise Impact Study**

A Road Traffic and Stationary Noise Impact Study was prepared for the subject lands by JJ Acoustic Engineering Ltd (JJA) dated May 5, 2022. It was concluded that the road traffic noise impacts were above the NPC 300 requirements.

The following noise control measures are recommended for the proposed development.

- Noise warning clauses are required for units in the north, east and west facades.
- A minimum of STC 29 is required for all exterior glazing for the North Façade.
- Although Air Conditioning is not required for the units along the South Façade, the entire building will be air conditioned.

The stationary noise impact from the neighbouring buildings to the site were evaluated, and the sound level predictions were determined to be below the noise limits for all façades.

For further detail of the noise analysis, please refer directly to the report noted above and submitted concurrently with the Official Plan and Zoning By-law Amendment Applications.

## **9.3 Parking Justification Study**

A Parking Justification Study has been completed by Salvini Consulting in accordance with City requirements in order to understand the transportation context and infrastructure to support the proposed Official Plan Amendment, Zoning By-law amendment applications for the site.

The conclusions of this study are as follows:

- The proposal includes bicycle parking that exceeds the current guidelines in the City's Urban
- Design Guidelines and also exceeds the requirements in the new Zoning By-law.
- The residential visitor parking meets the requirements in the City's new Zoning By-law, although it does not meet the current requirements.

- The resident parking does not meet the requirements in either the current or new Zoning By-law.
- The parking justification has been provided to support the proposed parking provisions.
- The parking numbers for the proposal were filtered through the City's TDM Checklist to assess the effectiveness of the proposed 52 parking spaces to meet the needs of the building given the proposed transportation demand management (TDM) measures.

**TDM measures for the site include the following:**

- The site is located near a mix of community and commercial amenities meaning that many trips will be short and lend themselves to travel by walking and cycling.
- City cycling facilities are available on nearby Queen Street and the trail to the west of the site.
- The City's Cycling and Trails Master Plan (see attached map) identifies opportunities for additional facilities on Benton Street and Courtland Avenue connecting to the broader cycling network.
- For longer trips, the area is well-served by transit. The ION LRT is located less than 500 metres from the site and stops for bus routes 1, 6, and 204 are within one block of the site. Together these services provide good access to all parts of the Region.
- Bicycle parking is being provide above the levels required in the new Zoning By-law.
- In addition, and at the request of staff, some of the Class A bicycle parking spaces have been designed to accommodate larger bikes (cargo bikes, for example).
- Facilities will be provided in the bike room for charging to make electric bikes more attractive for residents. Charging infrastructure could also be provided for visitors.
- A bike repair and wash station has been incorporated into the bike storage room in the building.
- Parking will be unbundled and sold separately from units.
- The building has been oriented to Courtland Avenue with individual access to the ground floor units and private patios.

In conclusion, the TDM Checklist supports the reduction in parking from 65 total spaces to 56 total spaces including seven (7) for visitors. However, the TDM checklist does not provide reductions for the provision of oversized bike parking facilities, the bike repair and wash station, or for the provision of charging infrastructure for bikes.

Additionally, the City's Urban Growth Centre is located north and east of the Benton/Courtland Intersection which is across the street from the site.

Within the UGC, the parking requirements in the new Zoning By-law (2019-051) would be zero.

In consideration of the above, the proposed provision of 52 vehicular parking spaces for 64 units at this site is appropriate.

# 10 PUBLIC CONSULTATION STRATEGY

As of July 1, 2016, changes to the Planning Act (O. Reg 544/06, amended by O. Reg 178/16) require that applicants submit a proposed strategy for consulting with the public with respect to the application as part of the 'complete' application requirements. This section satisfies this requirement.

We propose that the public consultation process for the proposed Official Plan and Zoning By-law Amendment applications follow the Planning Act statutory requirements and the City's standard practices.

The Ontario Planning Act requires at least one statutory public meeting for each project, which we propose to undertake. The notice for the statutory public meeting will be promoted by:

- Posting a notice on the City's website;
- Advertising in a local newspaper; and
- Mailing a notice to property owners within 120 metres of the proposed development.

At least 20 days in advance of a meeting, the notice of the statutory public meeting which be circulated to discuss the proposed Official Plan and Zoning By-law amendment applications.

A single session of City of Kitchener Council may include more than one statutory public meeting to discuss several applications.

The consultation strategy described herein will ensure that members of the public are given opportunity to review, understand and comment on the proposed development and Official Plan and Zoning By-law Amendment applications, while ensuring the applications are processed in a timely manner in order to secure funding. Additional opportunities for consultation will be considered and may be warranted based on the input received at the Public Meeting.

In addition to the practices outlined above, the applicants and their consultants held an informal meeting with residents on April 26<sup>th</sup>, 2022 as a proactive outreach to the community in order to provide the residents of the neighbourhood an opportunity to engage the neighbourhood for comments on the proposal and to dialogue and exchange views regarding the applicant's intentions regarding these lands. The meeting was attended by 8+- residents, the Ward Councilor, City Staff and the project team. The proposed 6 storey mid-rise development was generally well received. We anticipate that an additional, City led, Neighbourhood meeting will also be held following circulation of the applications.

# 11.0 SUMMARY AND CONCLUSION

As outlined in this report, together with the supporting technical reports, the proposed development of the site represents good planning. This opinion recognizes the following:

- The proposed development is consistent with the Provincial Policy Statement, 2020 and conforms to the policy framework of the Growth Plan for the Greater Golden Horseshoe, 2019, by contributing to the density targets for Major Transit Station Areas on Priority Transit Routes;
- The development conforms to the policies of the Region of Waterloo Official Plan, and contributes to the density of a Major Transit Station Area, as defined by the Region of Waterloo;
- The proposal provides for the redevelopment of an underutilized site within a Major Transit Station Area in the City of Kitchener on lands that are well located with respect to a range of uses and transit infrastructure;
- The proposed development implements the vision and objectives of the draft Cedar Hill and Schneider Creek Secondary Plan;
- The proposed design is compatible with adjacent existing uses and respects the physical character, scale and context of the surrounding neighbourhood;
- The use of available infrastructure within the City is optimized through connections to existing infrastructure;
- The proposed mid-rise multiple residential use provides support for the ION rapid transit network through additional residential density;
- The proposed design provides for improved streetscapes and pedestrian experience, specifically along Courtland Avenue; and

Accordingly, it is our opinion that the proposed mid-rise multiple residential development containing medium density residential uses for a variety of demographic needs and incomes including families, is desirable for the future redevelopment and intensification of the site. The proposed regulations will guide the development to ensure that the site is developed

appropriately and within the context of the Mixed Use Corridor, the MTSA and the Mixed Use designation and Mixed Use One zoning contemplated in the draft Secondary Plan.

**The requested Official Plan and Zoning Bylaw Amendments are consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe and conform to both the Regional Official Plan. The applications for Official Plan Amendment and Zoning By-law Amendment represent good planning.**

Respectfully submitted,  
**MHBC**



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