

FINAL

Planning Justification Report 200 Victoria Street South, Kitchener

Official Plan and Zoning By-Law Amendment Application



Prepared for 1928393 Ontario Inc.
by Arcadis IBI Group

IBI GROUP

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1 Introduction

On behalf of our client, 1928393 Ontario Inc., please accept this Planning Justification Report (“Report”) prepared by Arcadis IBI Group with regards to the proposed development of the subject lands municipally known as 200 Victoria Street South in the City of Kitchener (“Subject Property”, “Site” or “Subject Lands”).

Our client is proposing to develop the subject property to accommodate a 42-storey, mixed use development consisting of 436 residential units and three (3) commercial units on the ground floor. In order to permit the proposed development, a Site-Specific Official Plan Amendment/Victoria Street Secondary Plan Amendment and a Site-Specific Zoning By-Law Amendment are required. This Report has been prepared as part of the complete Official Plan Amendment and Zoning By-Law Amendment applications required to advance the proposed development.

This Planning Justification Report provides an overview of our client’s property, the surrounding area, the current applicable planning controls, and the proposed Official Plan and Zoning By-Law Amendment applications. Land use planning rationale/justification and recommendations regarding the subject application are also provided.

This Report provides an analysis of the land use planning framework applicable to the subject property, including Provincial legislation, plans and policy, the Regional Official Plan, and the City’s planning framework. Based on our assessment of this planning framework, it is our opinion that the proposed development has regard for the “Matters of Provincial Interest” set out by the Planning Act, is consistent with the Provincial Policy Statement, and conforms to the Places to Grow – Growth Plan for the Greater Golden Horseshoe and Regional Official Plan.

It is our opinion that the proposed development represents context-appropriate intensification of an underutilized property within close proximity to multiple ION Light Rail Transit Station stops, and if aligned with the Regional and City planned vision for the area.

2 Background

The subject lands consist of 194, 192, 190, 186, and 200 Victoria Street South, as well as 97 and 101 Park Street. For the purposes of this Report and Application, the lands are addressed as “200 Victoria Street South”. The following legal descriptions apply to the subject lands:

- **194 Victoria Street South** - PT LT 3 PL 439 KITCHENER AS IN 150550; KITCHENER.
- **192 Victoria Street South** - PT LT 3 PL 439 KITCHENER AS IN 269457; KITCHENER.
- **190 Victoria Street South** - PART LOT 4, PLAN 439 KITCHENER, AS IN 1268700, SAVE & EXCEPT PART 7 ON58R-13899 ; KITCHENER.
- **186 Victoria Street South** - LT 5 PL 439 KITCHENER EXCEPT PT 3 ON LT111837; KITCHENER.
- **200 Victoria Street South** – PT LT 1-4, 10-14 PL 439 KITCHENER PT 1, 58R4104; T/W 775292; KITCHENER.
- **97 Park Street** - PT LT 10 PL 439 KITCHENER PT 1, 58R11473; KITCHENER TOGETHER WITH AN EASEMENT OVER PT LT 10, PL 439 BEING PT 1 ON 58R17667 AS IN WR747975 SUBJECT TO AN EASEMENT OVER PT 2 ON 58R17667

IN FAVOUR OF PT LT 10-11, PL 439 BEING PTS 2 & 3 ON 58R11473 AS IN WR747976.

- **101 Park Street** - PT LT 10-11 PL 439 BEING PARTS 2 & 3, 58R 11473 SUBJECT TO AN EASEMENT OVER PART 1 ON 58R17667 IN FAVOUR OF PT LT 10, PL 439 BEING PT 1 ON 58R11473 AS IN WR747975 TOGETHER WITH AN EASEMENT OVER PT LT 10, PL 439 BEING PT 2 ON 58R17667 AS IN WR747976 CITY OF CAMBRIDGE.

The subject lands are located west of the Victoria Street South and Park Street intersection. The subject lands abut both Victoria Street South and Park Street, with primary frontage along Victoria Street.

The subject lands have an approximate total area of 6,680.6 square metres (0.668 hectares) and an estimated frontage of 48.6 metres along Victoria Street South. Flankage along Park Street is approximately 24.5 metres. An aerial image of the subject lands is shown in Figure 1 below.

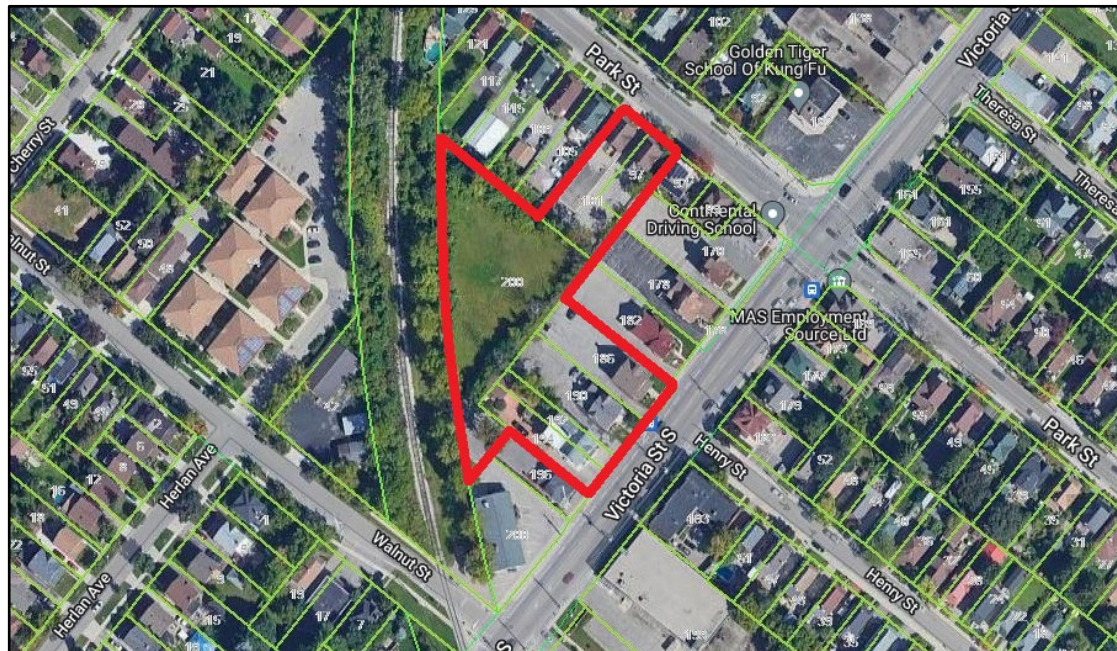


Figure 1: Aerial View of the Subject Property (Source: GeoWarehouse)

2.1 Site Location and Existing Conditions

The Victoria Street South frontage of the property includes three existing structures and associated parking, as seen in the figures below. The current uses of these buildings are primarily commercial and office space, as well as an existing semi-detached residential dwelling.

The site contains a row of trees / vegetation along the rail corridor as well as within central areas of the site. In advance of this application, the applicant has advanced the soil and groundwater remediation of the property which has involved the removal of sodded areas and soil as needed to support the environmental cleanup of the property.

It is noted that remaining vegetation will be removed in order to accommodate the redevelopment which will be replaced with extensive on-site landscaping.

Figures 2 and 3 below provide Streetview images of the Victoria Street South frontage of the subject lands.



Figure 2: Streetview of Victoria Street South Frontage (Source: Google Maps)



Figure 3: Streetview of Victoria Street South Frontage Cont. (Source: Google Maps)

As shown in Figure 4 below, the Park Street frontage of the subject property includes two existing structures whose primary uses are a single detached residential dwelling, and a commercial and retail use known as Friko's Upholstery. The latter use includes an associated paved parking lot to the rear of the building. The rear of the subject property includes a grassed open space and several trees.



Figure 4: Streetview of the Park Street Frontage (Source: Google Maps)

2.2 Neighbourhood Context

The subject lands are located within the Built-Up Area of the City of Kitchener and are adjacent to the City's Urban Growth Centre to the north-east. As such, the subject lands are surrounded by a range of uses including residential, retail, commercial, open spaces, and other such amenities. The subject lands are bounded by Victoria Street South to the south, a CN Huron Park spur line to the west and north, and by Park Street which includes retail, commercial, and residential uses to the east.

The lands designated as the City's Urban Growth Centre are directly to the east of the subject property and include a range of commercial, retail, institutional and residential uses. A number of notable institutional uses and large employers are situated within the neighbourhood context of the subject lands including Google, KPMG, University of Waterloo School of Pharmacy, and various businesses within the Tannery Building.

South of the subject lands along Victoria Street South consists of higher density residential development, including Victoria Park Place apartments. Low-rise residential housing is also south of the subject lands along Henry Street and Park Street.

A number of green and amenity spaces are found to the north and south of the subject property. To the north, Cherry Park is within walkable distance of the proposed development. To the south, Victoria Park, which is the largest urban park in the City and has various trail connections including the Iron Horse trail.

West of the subject lands includes low-rise residential uses that are buffered by natural vegetation and the existing CN Huron Park spur line. Employment lands are also located west and north-west of the subject lands, which include Catalyst137 and various businesses throughout.

Further, a number of high-density projects have also been proposed or approved in the vicinity of the subject property. For example, 130-142 Victoria Street South is currently under review, pursuing a 25 storey mixed-use development with an FSR of 12.73. A multi-tower, mixed-use development on 92-110 Park Street and 146-162 Victoria Street South proposed an FSR of 11.6 that is currently at the Ontario Land Tribunal. In addition, 100, 104, 108 Garment Street and 120 Victoria Street South (the Garment Street Condos) is a multi-tower, mixed-use development that was approved and constructed, permitting a maximum FSR of 8.2 through bonusing and a Section 37 Agreement (Special Regulation 656).

The proposed development has consideration for the proposed and approved development occurring in the immediate area. The proposed development would act as a logical extension of high-density development occurring along Victoria Street South, both in and adjacent to the Urban Growth Centre. The proposed mixed-use development would certainly reflect the size and scale of similar development occurring in a transitioning area of the City.

The proposed development is well connected to a number of transit stops. Most notably, the ION’s Central Station is located to the northeast of the subject property and is within walking/cycling distance. Further, to the southeast is the ION’s Victoria Park Station as well as the future Regional Transit Hub at the intersection of Victoria Street North and King Street West to the east. A number of GRT bus stops pertaining to Route 20 (Victoria-Frederick) are also located along Victoria Street South and would be easily accessible to future residents. Given the site’s proximity to public transit facilities, this will provide future residents greater mobility and access to goods and services throughout the Region.

The following table highlights a number of the notable land uses in proximity to the proposed development. This table is to be read in conjunction with the Neighbourhood Context Map, or Figure 3 below.

No.	Description
1	92-110 Park Street and 146-162 Victoria Street South
2	130-142 Victoria Street South
3	100, 104, 108 Garment Street and 120 Victoria Street South (the Garment Street Condos)
4	Victoria Park Place Apartments
5	Victoria Park
6	Iron Horse Trail
7	Cherry Park
8	Employment Uses
9	Commercial and Retail Uses
10	Future Regional Transit Hub

11	ION's Central Station
12	City of Kitchener Downtown Core
13	ION's Victoria Park Station

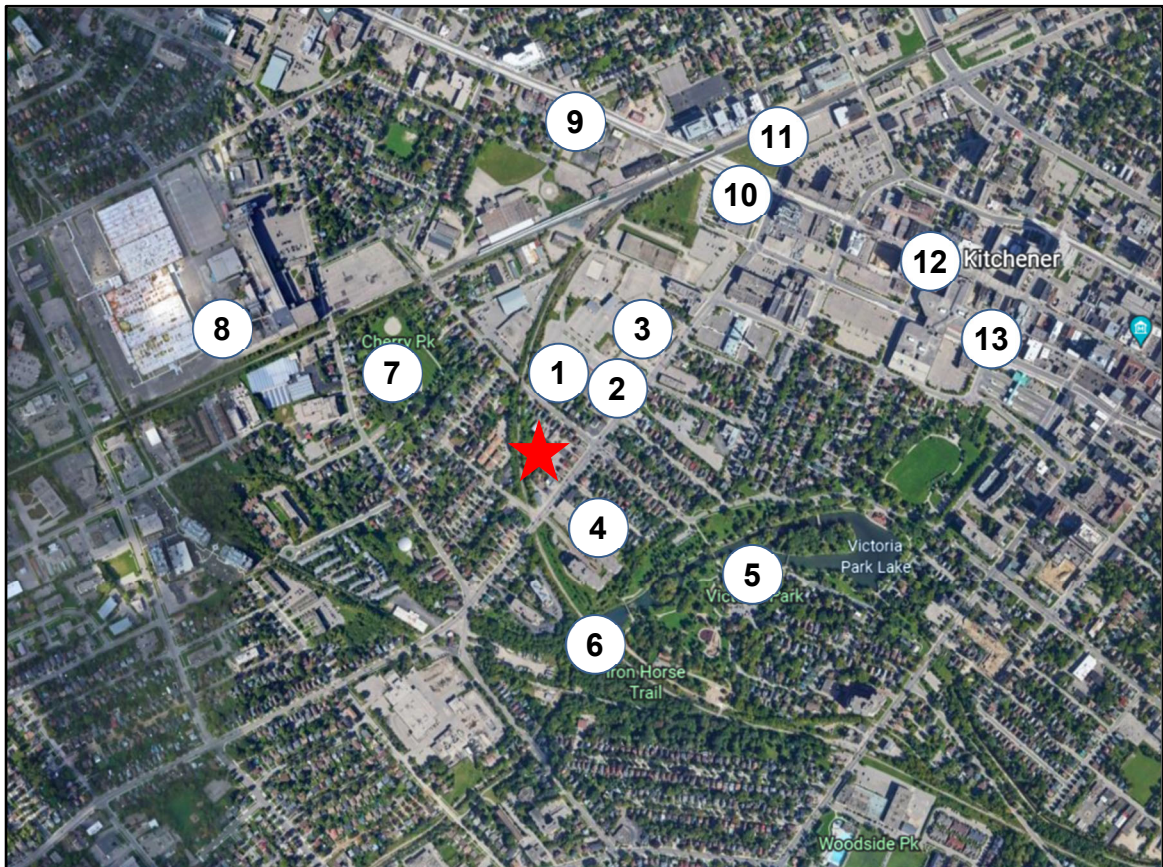


Figure 5: Neighbourhood Context (Source: Google Earth)

3 Proposed Development

Our client is proposing to develop the subject property to accommodate a 42-storey, mixed use development consisting of 436 dwelling units and three (3) commercial units on the ground floor. The proposed development will feature a five (5) storey podium, an eight (8) storey high base, and a 28-storey tower.

The proposed 436 dwelling units will be located above the ground floor, with unit sizes ranging from 64.57 square metres to 206.92 square metres. The proposed development will include a range of unit types, including 40 bachelor, 87 one-bedroom, 137 one-bedroom plus den, 74 two-bedroom, 36 two-bedroom plus den, and 62 three-bedroom.

The three (3) proposed commercial units range in size from 241.66 square metres to 460.99 square metres and are all located on the ground floor. One of the ground floor commercial units is oriented toward Victoria Street South, while the remaining two commercial units are centrally located within the site.

The proposed development will include a number of outdoor amenity spaces on the site and throughout the building. The proposed amenity spaces include a privately owned, publicly accessible plaza at the east entrance of the site off of Park Street, rooftop terraces on the 11th and 14th floors, and a public terrace on the 33rd floor. The site further includes ample landscaped areas surrounding the proposed building. This will provide opportunity for social gatherings and interaction among future residents, as well as members of the public utilizing the publicly accessible plaza to the east, as well as the public terrace. Extensive landscaping is also featured on the site, most notably the perimeter and northern portion of the site. This is intended to maintain a visually appealing buffer between the railway line and adjacent uses.

The proposed development will feature three (3) levels of underground parking, containing a total of 353 parking spaces. Of these, 305 spaces have been allocated to the residential use, 44 allocated to visitor, four (4) to commercial uses, and eight (8) barrier-free accessible parking spaces. Limited surface parking is contemplated to the east of the proposed building, which includes five (5) parking spaces and two (2) barrier-free, Type A and Type B, parking spaces. Access to the underground parking is located toward the northern end of the proposed building from the eastern façade. Additionally, a total of 296 bicycle parking spaces have been contemplated, with both indoor and outdoor storage spaces being provided. The proposed development features one (1) loading spaces located at the eastern façade, accessible via the driveway.

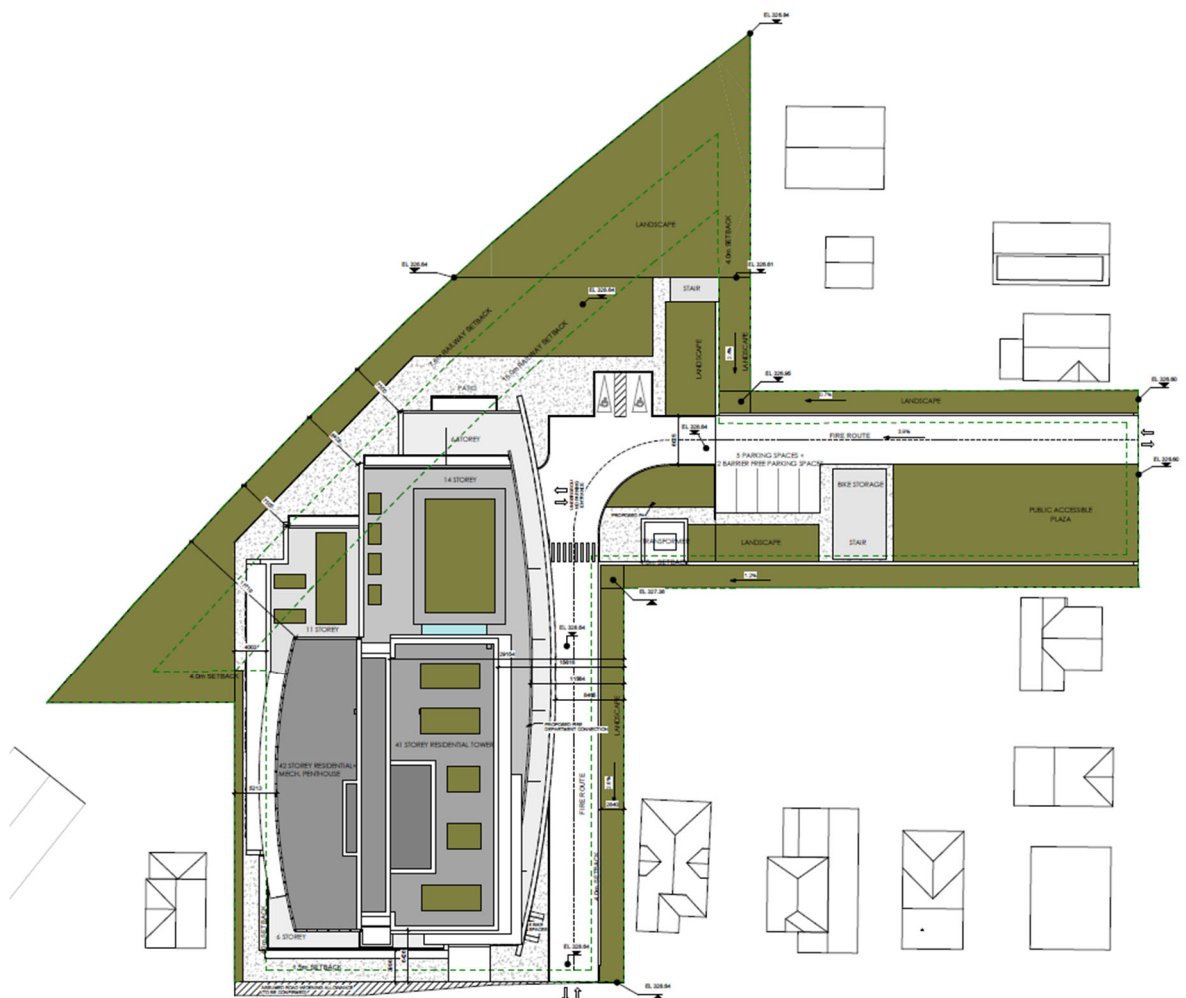


Figure 6: Site Plan prepared by Arcadis IBI Group

3.1 Proposed Land Use Planning Applications

This section of the Report discusses the land use planning approvals required to accommodate the proposed development. The subject lands require an Official Plan Amendment/Secondary Plan Amendment and Zoning By-Law Amendment to advance the proposed development. A future Site Plan application is also required to advance the proposed development.

3.1.1 Official Plan Amendment – Victoria Street Secondary Plan

The subject lands are currently designated 'Mixed-Use Corridor' in the Victoria Street Secondary Plan. The current lands use designation permits the proposed mixed-use development, however, the applicant's proposal exceeds the maximum permitted Floor Space Ratio (FSR) of 4.0. Therefore, the applicant requests that the following Site-Specific Official Plan Amendment policy apply to the subject lands:

- Notwithstanding the provision of policy 13.6.3.5 (Part 3, Section 13 – Secondary Plans), the maximum Floor Space Ratio permitted shall not exceed 7.68.

3.1.2 Zoning By-Law Amendment (85-1)

The subject lands are currently zoned MU-1 (Mixed Use Zone 1) and subject to Special Use Provision 402U and Special Regulation Provision 523R in Zoning By-Law 85-1. In order to accommodate the proposed development, the applicant is proposing to re-zone the subject property High Intensity Mixed Use Corridor (MU-3) and implement the following site-specific regulations:

- To permit a maximum Floor Space Ratio of 7.68, whereas the Zoning By-Law permits a maximum FSR of 4.0;
- To permit an off-street residential parking rate for *multiple dwellings* at 0.7 spaces per dwelling unit, whereas the Zoning By-Law requires 1.0 spaces per dwelling unit;
- To permit an off-street visitor parking rate at 0.1 spaces per unit, whereas the Zoning By-Law requires 0.2 spaces per unit;
- To permit an off-street commercial parking rate of 1.0 spaces per 202 m² of gross floor area, whereas the Zoning By-Law requires 1.0 space per 40 m² of gross floor area and to allow for the shared use of visitor parking spaces for the commercial use;
- To permit a Rear Yard (rail) setback of 7.5 metres, whereas the Zoning By-Law requires a minimum of 14 metres; and,
- To permit a Maximum Side Yard Abutting a Street of 32 metres, whereas the Zoning By-Law requires 10 metres.

3.1.3 Site Plan Application

The proposed development will be subject to Site Plan review and approval by the City of Kitchener. It is anticipated that the formal Site Plan application process will be initiated following the initial review of the Official Plan and Zoning By-Law Amendment application by City, technical agencies, consultation with City Council and area residents.

3.1.4 Condominium Application

Following the approval of the above noted applications, the applicant intends to advance a condominium application to allow for the sale of individual units and the condominium maintenance of the building and premises.

4 Existing Planning Controls

The development of the subject property is guided by a range of Provincial legislation, policies and plans, the Region of Waterloo Official Plan, City of Kitchener Official Plan and Zoning By-Law. This section of the Report discusses the application and how it adheres and responds to the applicable land use planning framework.

4.1 Planning Act

The Planning Act, R.S.O. 1990 sets out the legislative framework for land use planning in Ontario and provides the authority for the Minister of Municipal Affairs and Housing to issue policy statements and plans to guide land use planning and development in the province. The Act also sets out the legislative framework for local land use planning tools and plans, including Official Plans, Zoning By-Laws and Site Plan Approvals.

4.1.1 Matters of Provincial Interest

The Planning Act stipulates that decision-makers shall have regard to “Matters of Provincial Interest” in carrying out their responsibilities. These Matters are outlined in Section 2 of the Act and have been assessed in the table below:

Provincial Interest	Demonstration of Regard
a) The protection of ecological systems, including natural areas, features, and functions;	<ul style="list-style-type: none"> The subject lands are not designated as ‘Natural Heritage’ in the Regional or City Official Plans, nor do they contain any identified significant natural heritage features
b) The protection of agricultural resources of the Province;	<ul style="list-style-type: none"> The subject lands are not identified as prime agricultural lands.
c) The conservation and management of natural resources and the mineral resource base;	<ul style="list-style-type: none"> No natural resources or mineral resources are anticipated to be impacted by the proposed development.
d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	<ul style="list-style-type: none"> No features of significant architectural, cultural, historical, archaeological or scientific interest are anticipated to be impacted by the proposed development.
e) The supply, efficient use, and conservation of energy and water;	<ul style="list-style-type: none"> The proposed development will connect to existing municipal servicing networks.
f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	<ul style="list-style-type: none"> It is anticipated that the proposed development will connect to existing communication infrastructure, which will be confirmed through the Site Plan approvals process. The subject property is located in a Major Transit Station Area and will be connected to a number of transportation networks. The proposed development will also connect to existing municipal servicing.
g) The minimization of waste;	<ul style="list-style-type: none"> The proposed infill development is located within the existing Built-Up area of the City of Kitchener and is

Provincial Interest	Demonstration of Regard
	<p>proposed to be connected to existing municipal servicing. It does not propose the expansion of infrastructure or the loss of greenfield land.</p>
<p>h) The orderly development of safe and healthy communities;</p>	<ul style="list-style-type: none"> The proposed development aims to intensify underutilized lands within the existing Built-Up area and Major Transit Station Area as intended in the Regional and City Official Plans. The subject lands are also located within walking/cycling distance of services and amenities within the Kitchener downtown core.
<p>h.1) The accessibility for persons with disabilities to all facilities, services, and matters to which this Act applies;</p>	<ul style="list-style-type: none"> The proposed development will conform to the minimum requirements of the Ontario Building Code to ensure that accessibility for persons with disabilities is provided.
<p>i) The adequate provision and distribution of educational, health, social, cultural, and recreational facilities;</p>	<ul style="list-style-type: none"> This matter of provincial interest is not considered applicable to this application.
<p>j) The adequate provision of a full range of housing, including affordable housing;</p>	<ul style="list-style-type: none"> The proposed development will introduce residential uses within the City’s Major Transit Station Areas intended for high-density, transit-supportive, mixed-use uses.
<p>k) The adequate provision of employment opportunities;</p>	<ul style="list-style-type: none"> The proposed development will contain commercial units on the ground floor thus providing employment opportunities in the City of Kitchener.
<p>l) The protection of the financial and economic well-being of the Province and its municipalities;</p>	<ul style="list-style-type: none"> The commercial ground floor units will provide employment opportunities associated with the overall development.
<p>m) The co-ordination of planning activities of public bodies;</p>	<ul style="list-style-type: none"> The proposed development applications will be subject to municipal and agency review to ensure the coordination of development activities and the adherence of public policy.
<p>n) The resolution of planning conflicts involving public and private interests;</p>	<ul style="list-style-type: none"> The proposed development implements and considers the applicable Provincial and local planning framework as discussed throughout this Report.
<p>o) The protection of public health and safety;</p>	<ul style="list-style-type: none"> The proposed development will promote the protection of public health and safety by conforming to the requirements of the Ontario Building Code.
<p>p) The appropriate location of growth and development;</p>	<ul style="list-style-type: none"> The proposed development is located within the existing Built-Up Area of the City as directed by the Regional and City Official Plans, making efficient use of underutilized lands.
<p>q) The promotion of development that is designed to be sustainable, to support public transit and</p>	<ul style="list-style-type: none"> The subject property is located within proximity of municipal transit services, including the ION’s Central Station to the east, and Victoria Park Station to the southeast.

Provincial Interest	Demonstration of Regard
to be oriented to pedestrians;	<ul style="list-style-type: none"> The Region’s future Transit Hub at the intersection of Victoria Street North and King Street West will also provide future residents access to a range of public transit services.
<p>r) The promotion of built form that,</p> <p>i) is well-designed,</p> <p>ii) encourages a sense of place, and</p> <p>iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.</p>	<ul style="list-style-type: none"> The proposed development has been designed in accordance with the planned vision for the area as set out in the City’s Official Plan and PARTS Central Stations Plan. The proposed development aims to achieve a high level of urban design to create a unique sense of place for future residents and surrounding land uses. The proposed development has primary frontage along Victoria Street South with a commercial unit facing the Victoria Street South frontage. This will enhance the environment for pedestrians and create an inviting streetscape.
s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.	<ul style="list-style-type: none"> Various energy saving, and environmental design considerations will be implemented into the development which will be confirmed through the site plan approval process.

Based on the information presented in the table above, it is our opinion that the proposed development has regard for the ‘Matters of Provincial Interest’ set out by Section 2 of the Planning Act.

4.1.2 Official Plan and Zoning By-Law Amendments, and Site Plan Applications

The Planning Act establishes the legislative basis for Official Plan and Zoning By-Law Amendment applications, as well as Site Plan applications. The proposed applications are being requested pursuant to:

- Section 16 of the Planning Act, which establishes the legislative basis for privately initiated Official Plan Amendments;
- Section 34 of the Planning Act, which establishes the legislative basis for Zoning By-Law Amendments; and
- Section 41 of the Planning Act, which establishes the legislative basis for Site Plan applications.

4.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy framework for efficient land use and development patterns that support sustainability by promoting strong, livable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. The applicable policies have been summarized and addressed in the table below:

Policy No.	Policy	Discussion of Consistency
1.1	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	
1.1.1	<p>Healthy, livable and safe communities are sustained by:</p> <ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> a) The proposed development facilitates intensification within the City’s Built-Up Area using existing municipal services, promoting the efficient use of land and infrastructure. b) The proposed development contains a mix of unit types and sizes, contributing to the overall range and mix of housing within the City. c) It is not anticipated that the proposed development will cause an environmental or public health and safety concern. d) The proposed development will not prevent the efficient expansion of settlement areas, as it is located within the existing Built-Up area. e) The proposed development facilitates intensification within the City’s Built-Up Area. Existing services will accommodate this intensification, promoting a cost-effective development pattern and minimizing land consumption and servicing costs. The proposed development is also well-served by the Regions ION LRT system. f) The proposed development will conform to or exceed the minimum

	<p>older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>	<p>requirements of the Ontario Building Code. Extensive barrier free units will be provided and common areas will be designed as barrier free / accessible.</p> <p>g) It is anticipated that the necessary infrastructure, electricity generation facilities and distribution systems, and public service systems are available to meet the projected needs of the proposed development, which will be confirmed through the site plan review process with applicable utilities</p> <p>h) No negative impacts to designated environmental features are anticipated.</p> <p>i) Various energy saving, and environmental design elements will be incorporated into the project, which will be confirmed through the site plan approvals process.</p>
1.1.3 Settlement Areas		
<p>1.1.3.1</p>	<p>Settlement areas shall be the focus of growth and development.</p>	<p>a) The proposed development will facilitate intensification within the City's Built-Up Area.</p>
<p>1.1.3.2</p>	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>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;</p> <p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p>	<p>a) The proposed infill development will include the redevelopment of underutilized lands within the City's Major Transit Station Areas, the utilization of existing municipal infrastructure, and is transit supportive.</p> <p>b) It is anticipated that the proposed development will make use of existing municipal services and will not require their unjustified expansion.</p> <p>c) Various energy saving, and environmental design elements will be incorporated into the project, which will be confirmed through the site plan approvals process.</p> <p>d) Various energy saving, and environmental design elements will</p>

	<p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p>	<p>be incorporated into the project, which will be confirmed through the site plan approvals process.</p> <p>e) The proposed development will introduce residential uses within walking/cycling distance to surrounding commercial, retail, and greenspace uses.</p> <p>f) The proposed development is also within walking / cycling distance of the GRT bus route 20 (Victoria-Frederick) and the ION's Central and Victoria Park Stations, thus providing greater mobility for future residents.</p> <p>g) Not applicable.</p>
1.1.3.3	<p>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.</p>	<p>The subject property represents an appropriate location for transit-supportive development given its placement within a designated Major Transit Station Area and its proximity to various existing and planned transit stations. The proposed development represents appropriate residential intensification and would be connected to existing municipal services.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The proposed development represents appropriate residential intensification and does not increase risks to public health and safety.</p>
1.1.3.6	<p>New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<p>The proposed development is located adjacent to the City's Urban Growth Centre and within the Built-Up Area.</p>
1.4 Housing		
1.4.1	<p>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</p>	

	<p>regional market area, planning authorities shall:</p> <ul style="list-style-type: none"> a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. 	<ul style="list-style-type: none"> a) The proposed development will provide for an opportunity to achieve infill development with a density that will contribute to the City’s housing stock. b) The proposed development is located in the City’s Major Transit Station Area which is intended for residential and commercial development and will connect to existing municipal services.
1.6.6 Sewage, Water and Stormwater		
1.6.6.2	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	<ul style="list-style-type: none"> • The proposed development facilitates intensification within the City’s Built-Up Area on lands that are underutilized. Existing municipal sewage and water services will support the proposed development.
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, 	<ul style="list-style-type: none"> • Stormwater management principles and best practices have been incorporated into the development.

	including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.	
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As demonstrated in the above table, it is our opinion that the proposed development is consistent with the applicable policies of the Provincial Policy Statement (2020).

4.3 Growth Plan for the Greater Golden Horseshoe

The subject property is located within the Growth Plan for the Greater Golden Horseshoe Area, any related planning decisions must conform to the applicable provisions of this Plan. The Growth Plan sets out a long-term plan for growth and development within the Greater Golden Horseshoe Area of Ontario. The current Growth Plan came into effect on August 28, 2020.

4.3.1 Guiding Principles

Section 1.2.1 of the Growth Plan sets out its guiding principles, which include:

- Supporting the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime;
- Prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability;
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors;
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government;
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households;
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH;
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions;
- Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network;

- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities; and
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving toward environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

In our opinion, the proposed development conforms to the guiding principles noted above for the following reasons:

- The proposed development facilitates intensification on an underutilized property within the City of Kitchener's Built-Up Area
- Represents context appropriate intensification aligned with the objectives of the local planning policies and direction for the City's Victoria Street Secondary Plan area;
- The proposed development will be supported by existing municipal services, promoting the efficient use of this infrastructure;
- The subject property is located within walking/cycling distance to GRT bus stops, an LRT Station, and the future Regional Transit Hub at the corner of Victoria Street N and King Street W. The proposed development may support the viability of these routes;
- The proposed development will add 436 residential dwellings to the City of Kitchener's housing stock, as well as commercial space for employment opportunities;
- The proposed development contemplates apartment dwellings intended for residential use, which will add to the mix and range of housing options in the City of Kitchener;
- The proposed development is not anticipated to impact natural heritage, hydrologic, and landform systems, features, and functions;
- The proposed development is not anticipated to impact the Province's agricultural resources;
- The proposed development is not anticipated to impact the Province's cultural heritage resources, as specifically considered and demonstrated by the Heritage Impact Assessment, and;
- The proposed development will achieve a high standard of urban design and have consideration for the surrounding lands.

Based on the foregoing, it is our opinion that the proposed development conforms to the guiding principles outlined in the Growth Plan.

4.3.2 Transit Corridors and Station Areas

The Growth Plan also outlines a number of policies that direct future growth and development around Major Transit Station Areas (MTSAs). The Province has defined MTSAs as, "the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10 minute walk."

Given that the proposed development is within a 500 to 800 metre radius (or 10 minute walk) of the ION's Central Station MTSA to the north, the following policies in Section 2.2.4 of the Growth Plan apply:

Policy (2.2.4)	Discussion of Conformity
<p>3. Major transit station areas on priority transit corridors or subway lines will be planned for a minimum density target of:</p> <p>b) 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit.</p>	<p>The proposed development will contribute to the minimum density targets prescribed by the Growth Plan, by providing a high-density development within a MTSA.</p>
<p>6. Within major transit station areas on priority transit corridors or subway lines, land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited.</p>	<p>The use and built-form of the proposed development will not adversely affect the achievement of the minimum density targets, as the applicant's proposal aims to achieve a high-density development that provides a mix of residential, retail and office uses within an MTSA.</p>
<p>8. All major transit station areas will be planned and designed to be transit supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where appropriate:</p> <p>a) connections to local and regional transit services to support transit service integration;</p> <p>b) infrastructure to support active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and</p> <p>c) commuter pick-up/drop-off areas.</p>	<p>a) The ION's Central and Victoria Park Stations are also connected to existing Grand River Transit bus stops. This will provide future residents and employees of the proposed development with well-connected modes of public transit in the neighbourhood and broader Region.</p> <p>b) The proposed development is connected to the existing municipal sidewalk, which will provide access to the ION's Conestoga Station. Bicycle parking is also being provided on-site. This will promote active transportation within the existing MTSA.</p> <p>c) Not applicable.</p>
<p>9. Within all major transit station areas, development will be supported, where appropriate, by:</p> <p>a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels;</p> <p>b) fostering collaboration between public and private sectors, such as joint development projects;</p>	<p>a) The proposed development will contain a mix of residential and commercial uses which will support the access to and use of existing transit services.</p> <p>b) As part of the overall development concept the applicant has proposed a privately owned, publicly accessible parkette on its Park Street frontage, which will provide passive recreation</p>

<p>c) providing alternative development standards, such as reduced parking standards; and</p> <p>d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.</p>	<p>opportunities to residents of the project and broader area.</p> <p>c) The applicant is proposing a reduced parking rate, which will promote alternative methods of transportation such as walking, cycling, or the use of public transit.</p> <p>d) The proposed development will not prohibit land uses and built-form that would adversely affect achievement of transit-supportive densities. The proposed development aims to achieve a density and built-form that is transit-oriented.</p>
<p>10. Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.</p>	<p>The proposed mixed-use development represents context-sensitive intensification that is both transit and pedestrian oriented. The mix of residential, retail and office units are within walking / cycling distance of the ION's Central Station.</p>

Based on the above, it is our opinion that the proposed development conforms to the MTSA policies outlined in the Growth Plan.

4.4 Region of Waterloo Official Plan

The Regional Official Plan (ROP) sets out the policy direction of land use planning in the Region of Waterloo over a 20 year planning horizon. The Ministry of Municipal Affairs and Housing approved a new ROP in 2010. The decision was subsequently appealed to the Ontario Municipal Board (OMB), who issued a decision in June 2015, allowing the ROP to come into full force and effect. All planning decisions within the Region of Waterloo must conform to the ROP, including the subject Zoning By-Law Amendment application.

The ROP determines areas for growth and development, sets out population and employment forecasts and density targets, establishes an Urban Boundary, promotes multi-modal transportation options, and sets out policies to protect the Region's valuable environmental and agricultural resources.

4.4.1 Urban Area – General and Transit Oriented Development Policies

The subject property is designated as being within the Urban Area and Built-Up Area as per Map 3a – Urban Area of the ROP. This designation is intended to support major growth and these areas will be planned to create a more compact urban form with a greater mix of employment, housing and services in close proximity to each other.

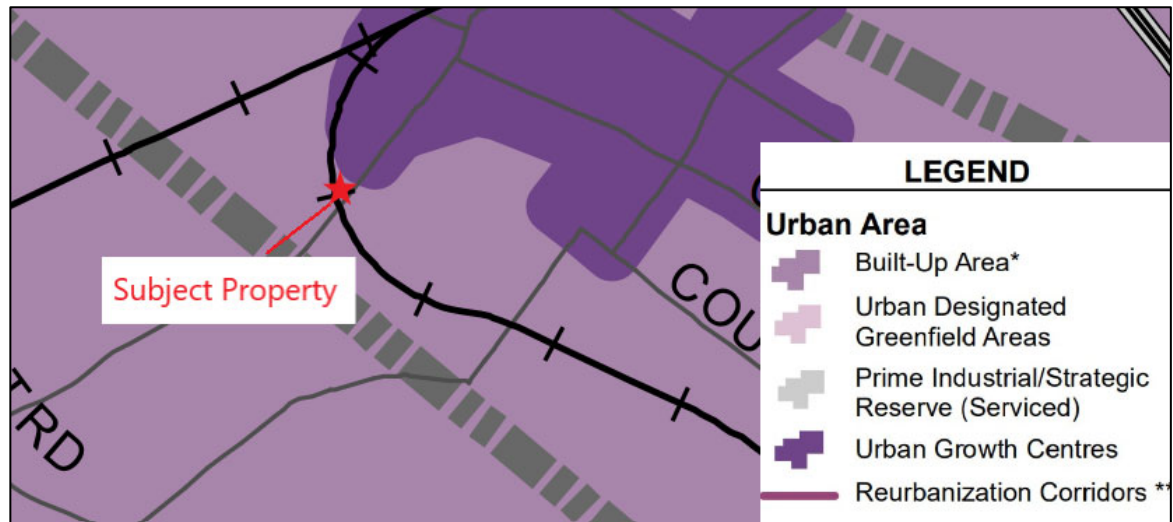


Figure 7: Region of Waterloo Official Plan – Map 3a

Development within the Urban Area is subject to the policies of Section 2.D.1 of the Official Plan, which have been discussed in the table below:

Policy	Discussion of Conformity
In preparing or reviewing planning studies, or in reviewing development applications or site plans, the Region and/or Area Municipalities will ensure that development occurring within the Urban Area is planned and developed in a manner that:	
a) supports the Planned Community Structure described in this Plan;	The proposed development provides intensification within the Regional and City Built-Up Area.
b) is serviced by a municipal drinking-water supply system and a municipal wastewater system;	The proposed development will be serviced by existing municipal water and wastewater services.
c) contributes to the creation of complete communities with development patterns, densities and an appropriate mix of land uses that supports walking, cycling and the use of transit;	<p>The proposed development will replace the existing low-density commercial use on the subject property with a high-density mixed-use development that is appropriately situated in proximity to the City's Urban Growth Centre.</p> <p>The subject property is located within walking or cycling distance to key amenities including commercial uses, institutional uses, and green spaces.</p> <p>The subject property is also within walking distance to a number of GRT stops and the Central Station LRT stop.</p>

Policy	Discussion of Conformity
d) protects the natural environment, and surface water and groundwater resources;	It is not anticipated that the natural environment, surface water and groundwater resources will be negatively impacted by the proposed development. It is noted that the applicant has undertaken extensive environmental remediation to date, improving the environmental conditions of the land.
e) conserves cultural heritage resources and supports the adaptive reuse of historic buildings;	It is not anticipated that the proposed development will have any impact on cultural heritage resources or historic buildings. The development will not require the removal or repurposing of any identified/designated heritage resource.
f) respects the scale, physical character and context of established neighbourhoods in areas where reurbanization is planned to occur;	The proposed development will provide a high-density, mixed-use development that is in keeping with the existing neighbourhood.
g) facilitates residents' access to locally grown and other healthy foods in neighbourhoods; and	The subject property is located in close proximity to a range of restaurants and food stores, including multiple grocery stores along Highland Road. Further, the site's proximity to the LRT line provides residents access to other areas in the City or Region with locally grown and healthy foods.
h) promotes building designs and orientations that incorporate energy conservation features and the use of alternative and/or renewable energy systems.	The proposed development considers a number of sustainable and energy conservation features within the design of the building, which will be confirmed through the site plan approvals process for the development.

Further to the General Development Policies outlined in the foregoing table, the proposed development is also subject to Policy 2.D.2 of the Regional Official Plan, relating to Transit Oriented Development Polices. The conformity of the development to these policies has been discussed in the table below:

Policy	Discussion of Conformity
<p>In addition to the general development provisions described in Policy 2.D.1, the Region and Area Municipalities will apply the following Transit Oriented Development provisions in reviewing development applications or site plans, on or near sites that are served by existing or planned rapid transit, or higher frequency transit to ensure that development:</p>	
<p>a) creates an interconnected and multi-modal street pattern that encourages walking, cycling or the use of transit and supports mixed-use development;</p>	<p>The proposed mixed-use development includes a number of features that support multi-modal forms of transit including walking, cycling and the use of transit.</p> <p>The proposed development is designed to be connected to the municipal sidewalk system to provide easy access for residents to surrounding amenities by foot. The ample provision of bicycle parking in the proposed development will also encourage active transportation.</p> <p>The proposed development would support the use of existing transit in the area, given the close proximity to the Central Station and Victoria Park Station.</p>
<p>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;</p>	<p>The proposed development represents context-sensitive intensification on underutilized lands that makes efficient use of the parcel.</p> <p>The proposed urban form is compact and will include three (3) levels of underground parking to eliminate the need for surface parking and prioritize outdoor amenity space.</p> <p>The proposed development is within 5 to 10 minute walking distance of the LRT line, thus making it a comfortable walk for future residents and employees.</p>
<p>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;</p>	<p>The proposed development will include a mix of residential, and commercial uses that are in close proximity to a broad range of services and amenities in the neighbourhood. Given the site's proximity to the ION's Central Station, this may also encourage residents to take public transit to local services and amenities.</p>
<p>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;</p>	<p>The applicant's proposal provides a high density, mixed-use development that is within walking/cycling distance of the ION's Central Station, as well as numerous GRT bus stops. The close proximity to public transit will incentivize future residents or employees to utilize the Region's transit services and contribute to the viability of these services.</p>

<p>e) fosters walkability by creating pedestrian-friendly environments that allow walking to be a safe, comfortable, barrier-free and convenient form of urban travel;</p>	<p>The proposed development will connect to the municipal sidewalk, thus ensuring the proposal is pedestrian oriented. The proposed development is also within walking distance of numerous goods and services in the City's downtown core.</p>
<p>f) supports a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities; and</p>	<p>The proposed development will feature a number of indoor and outdoor amenity spaces, including a terrace on the 35th floor, extensive at-grade landscaping and a publicly accessible plaza at grade. These spaces are catered to future residents in order to encourage social interaction and community gatherings.</p>
<p>g) 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.</p>	<p>The proposed development provides access to a number of transportation modes, as the proposal is connected to the municipal sidewalk, provides secured bicycle parking, and has access to public transit.</p>

Based on the tables above, it is our opinion that the proposed development conforms to the General Development and Transit oriented Development Policies outlined in the ROP.

4.4.2 Major Transit Station Areas

As mentioned throughout the above sections of the report, the subject property is located within a Major Transit Station Area (MTSA) identified as Central Station. Although Map 3a of the Regional Official Plan currently does not contain an illustration of the MTSA's in the Region, it is understood that the ROP will eventually be amended to designate MTSA's following the completion of the Rapid Transit Environmental Assessment.

As outlined in Chapter 2 of the ROP, there are a number of MTSA policies that apply to the proposed development and are discussed in the following table:

Policy	Discussion of Conformity
<p>2.D.6 Major Transit Station Areas are lands typically located within a 600 to 800 metre radius of a rapid transit station. Following the completion of the Rapid Transit Environmental Assessment, the Region will designate these station areas conceptually on Map 3a through a future amendment to this Plan. Major Transit Station Areas will be planned and developed to achieve:</p> <p>(a) increased densities that support and ensure the viability of existing and planned rapid transit service levels; and</p>	<p>(a) The proposed development will achieve a high-density development containing 436 residential units and three (3) commercial units, which will support the existing MTSA.</p> <p>(b) The proposed development provides a mix of residential</p>

Policy		Discussion of Conformity
	(b) a mix of residential, office, institutional and commercial development, wherever appropriate.	and commercial uses within the existing MSTAs, thus providing a range of uses in one comprehensive development.
2.D.7	<p>Area Municipalities, in collaboration with the Region, will prepare a Station Area Plan for each Major Transit Station Area located outside of an Urban Growth Centre. Each Station Area Plan will provide direction on how the Major Transit Station Area is to be developed and phased-in over time. Station Area Plans will include, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) a comprehensive land use plan that defines the station area’s boundaries, development concept, unique characteristics and minimum density requirements; (b) design guidelines and development standards to implement Transit Oriented Development; (c) a parking management strategy for land uses within the station area to maximize reurbanization opportunities, minimize surface parking areas and discourage auto-oriented land uses; and (d) a description of the future actions required to implement the Station Area Plan, which may include Regional and/or Area Municipal Community Improvement Plans and associated financial incentive programs, and other appropriate implementation tools. 	<p>The City of Kitchener Official Plan policies and Schedules relating to the applicable MTSA are discussed in Section 4.6 of this Report. It is our opinion that the proposed development addresses the policies outlined in the City of Kitchener Official Plan and Central Station Plan by providing a mix of uses and density within an MTSA.</p>
2.D.8	<p>Area Municipalities will designate Major Transit Station Areas and establish associated policies for these areas in their official plans in conformity with the policies in this Plan. Following the completion of a Station Area Plan required under Policy 2.D.7, Area Municipalities will establish additional policies, as required, to incorporate the minimum density requirements, the land use mix and other key elements of the Station Area Plan into their official plans.</p>	<p>The City of Kitchener Official Plan policies and Schedules relating to the applicable MTSA are discussed in Section 4.6 of this Report.</p>
2.D.9	<p>Existing developments within Major Transit Station Areas that do not meet the policies for Major Transit Station Areas outlined in this Chapter will be encouraged to redevelop in a manner consistent with those policies. Area Municipalities are encouraged to apply flexible zoning regulations, reduced parking requirements and other incentives as necessary and</p>	<p>Not applicable.</p>

Policy		Discussion of Conformity
	appropriate to assist in facilitating redevelopment of such areas to support Transit Oriented Development.	
2.D.10	Until such time as an Area Municipality has established policies for its respective Major Transit Station Areas in accordance with Policies 2.D.3 (c) and 2.D.8, any development applications or site plans submitted within a Major Transit Station Area will be reviewed in accordance with the Transit Oriented Development provisions described in Policy 2.D.2. Any such applications that do not fully meet the Transit Oriented Development provisions may be permitted, provided the owner/applicant demonstrates, to the satisfaction of the Region and the Area Municipality, that the proposed development is designed in such a way that subsequent phases or infilling would meet the Transit Oriented Development provisions.	The City of Kitchener has developed MTSA policies within their current Official Plan, which are discussed in Section 4.6 of this Report. It should also be noted that a discussion of Policy 2.D.2 in the ROP was addressed in Section 4.4.2 of this Report.

Based on the analysis provided above, it is our opinion that the proposed development is in conformity with the MTSA policies outlined in the ROP.

4.5 Region of Waterloo Official Plan Review – ROP Amendment No. 6

Amendment No. 6 to the Regional Official Plan is an amendment to establish the planning framework for accommodating Waterloo Region’s forecasted population and employment growth to 2051, in conformity with the Growth Plan. The amendment will help guide strategic decisions regarding land use planning and a range of Regional services, including transportation, public transit, water and wastewater supply and services, public health, economic development, affordable housing and others.

Amendment No. 6 was adopted by Regional Council on August 18, 2022 and is currently under review by the Ministry of Municipal Affairs and Housing. While not yet in full force and effect, the policy framework set out in ROP Amendment No 6 has been considered and discussed in the following subsections.

4.5.1 Amendment No.6 - Urban Area – General Policies

The Regional Official Plan Amendment No. 6 continues to designate the subject property as being within the Urban Area. As such, the proposed development would be subject to the updated policies pertaining to the Urban Area land use designation.

Policy 2.C.2.2 of the ROP Amendment No. 6 regarding the general policies for development within the Urban Area has been discussed in the table below:

Policy	Discussion of Conformity
<p>Area municipalities will develop official plan policies and implementing zoning by-laws, and other planning documents or programs to ensure that development occurring within the Urban Area is planned and developed in a manner that:</p>	
<p>a) implements the Regional urban system described in this Plan;</p>	<p>The proposed development provides intensification within the Regional and City Built-Up Area.</p>
<p>b) advances the community's transition into an energy-efficient, resilient, low-carbon community by:</p> <ul style="list-style-type: none"> (i) promoting a more compact built form that enables a modal shift to most trips being made by walking, cycling, and rolling; (ii) contributing to the creation of 15 minute neighbourhoods; (iii) reducing air pollution and achieving the greenhouse gas emission reduction targets of this Plan; (iv) improving resilience to extreme heat, increased precipitation, increased frequency of extreme weather events and other impacts of a changing climate; (v) integrating green infrastructure and appropriate low impact development; (vi) promoting building designs and orientations that maximize renewable energy generation and conservation, including the use of alternative and/or renewable energy systems, and the creation of net-zero operational carbon buildings; (vii) ensuring that any new development requiring site plan or plan of subdivision approval under 	<ul style="list-style-type: none"> i) The proposed development would represent a compact, high density built-form that provides ample bike parking and connectivity to the municipal sidewalk system to encourage multi-modal trips. ii) The proposed mixed-use development would contribute to the creation of 15 minute neighbourhoods by increasing the range of residential and commercial offerings within the general area. iii) The proposed development would encourage the use of transit, thereby contributing to the reduction of air pollution. iv) The design of the proposed building takes the impacts of a changing climate into consideration. A number of proposed sustainability measures have been outlined in the Preliminary Sustainability Statement. v) The design of the proposed building includes a number of green design elements as discussed in the Preliminary Sustainability Statement, including proposed green roofs in outdoor terraces. vi) Through the site plan approvals and detailed design stages of the project the applicant will consider the integration energy generation and conservation systems as possible. vii) The municipality's High Performance Development

Policy	Discussion of Conformity
<p>the Planning Act meets the requirements of the area municipality’s High Performance Development Standards adopted in accordance with Policy 2.B.1.2 of this Plan;</p> <p>(viii) maximizing tree canopy for shaded areas and community greening within delineated built-up areas and designated greenfield areas; and</p> <p>(ix) supporting, and, where enabled, requiring all new buildings to be built to achieve net-zero operational carbon, and to implement measures to minimize embodied carbon and building energy needs, support the energy transition off fossil fuels, and increase energy resiliency;</p>	<p>Standards will be addressed during the Site Plan process.</p> <p>viii) The landscaping plan developed for the proposed development contributes to community greening within the delineated built-up area. Further details regarding the Landscape Plan will be provided during the Site Plan Application stage.</p> <p>ix) The design of the proposed development takes into consideration the minimization of building energy needs and increased energy resiliency.</p>
<p>c) is serviced by a municipal water and wastewater system, except where specified in accordance with Policy 2.J.8;</p>	<p>The proposed development will be serviced by existing municipal water and wastewater services.</p>
<p>d) protects the natural environment, including the Grand River and its tributaries, and surface water and groundwater resources in accordance with the policies in Chapter 7 and 8;</p>	<p>It is not anticipated that the natural environment, including the Grand River and its tributaries, surface water and groundwater resources will be negatively impacted by the proposed development. The site is not located within a GRCA regulated area.</p>
<p>e) provides a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes, in accordance with all the applicable policies of this Plan;</p>	<p>The proposed development includes a variety of unit size and types that are intended to accommodate the needs of a range of household sizes.</p> <p>The proposed high density mixed-use development also represents appropriate intensification and an increase in available housing in the Region.</p>
<p>f) conserves cultural heritage resources and supports the adaptive reuse of built heritage resources in accordance with the policies in Chapter 3;</p>	<p>The proposed development is not anticipated to have an impact on cultural heritage resources nor on built heritage resources. The development will not require the removal or</p>

Policy	Discussion of Conformity
	alteration of listed or designated heritage resources.
g) avoids development and land use patterns that may pose a risk to public health, safety and the environment;	It is not anticipated that the proposed development will cause an environmental or public health and safety concern.
h) improves accessibility for persons of all ages and abilities and at all times of year by addressing built form barriers which restrict their full participation in society;	The proposed development will conform or exceed the minimum requirements set out in AODA and the OBC.
i) ensures the development of high quality urban form through site design and urban design standards that create an attractive and vibrant public realm;	The design of the proposed development and site is intended to contribute to an attractive and vibrant public realm aligned with the urban design goals for the area as expressed in the City’s Official Plan and PARTS Central Plan.
j) considers the wellbeing and belonging of all children and youth; and	The proposed development is intended to provide housing to a range of age demographics, including children and youth.
<p>k) expands residents’ convenient access to:</p> <p>(i) a range of transportation options, including to a mobility network that is safe, comfortable and convenient for walking, cycling, and rolling for people of all ages and abilities and at all times of year;</p> <p>(ii) public service facilities, co-located and integrated in community hubs;</p> <p>(iii) an appropriate supply of safe, publicly-accessible urban greenlands, open spaces, parks, trails, and other opportunities for recreation in accordance with the policies in Chapter 3; and</p> <p>(iv) healthy, local, and affordable food options in neighbourhoods, supported through urban agriculture and a thriving food system built on local farming, and food production and processing that feeds much of the community in accordance with the policies in Chapter 3;</p>	<p>i) The proposed development is designed to provide ample connectivity to existing and proposed active transportation and mobility networks through the inclusion of bike parking and an interactive and pedestrian-friendly façade.</p> <p>ii) The proposed development is located in close proximity to several public service facilities, including those north in the downtown area.</p> <p>iii) The subject property is within walkable/cycling distance of Victoria Park, the Iron Horse Trail, and several other urban greenlands and open spaces.</p> <p>iv) The proposed development is located in a neighbourhood with ample existing healthy, local, and affordable food options.</p>

Based on the analysis summarized in the foregoing table, it is our opinion that the proposed development is in conformity with the General policies for the Urban Area of the ROP Amendment No.6.

4.5.2 Amendment No. 6 - Major Transit Station Areas

The Amendment No. 6 to the Regional Official Plan continues to identify the subject property as being within the Central Station Major Transit Station Area (MTSA) as seen in the figure below.

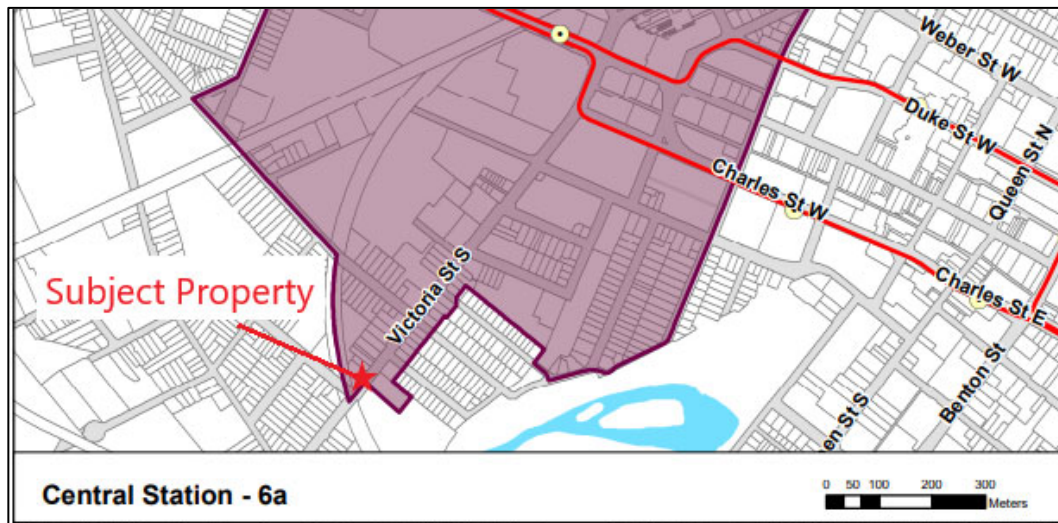


Figure 8: Amendment No.6 to the ROP – Central Station Area Map

Policy 2.D.2.2 of the Amendment to the ROP sets out the standards for the planning and design of areas identified as MTSA's within the Region. Key policies applicable to the proposed development include that an MTSA:

- (a) achieves the minimum density targets set out in Table 2;
- (b) is transit-supportive, supports planned transit service levels, and prioritizes access to the station area and connections to any nearby major trip generators by providing:
 - (i) connections to regional and provincial transit services to support transit service integration; and
 - (ii) mobility networks for walking, cycling, and rolling, including sidewalks, bicycle lanes, and secured bicycle parking;
- (c) provides for a diverse mix of uses, including additional residential units and affordable housing, where residential uses are permitted, to support existing and planned transit service levels;
- (d) fosters collaboration between public and private sectors, such as joint development projects;
- (e) provides alternative development standards, such as reducing or eliminating minimum automobile parking standards, or providing maximum parking standards, for uses near transit routes, to maximize intensification opportunities and minimize surface parking areas;

The proposed development represents a high-density, mixed-use development within an MTSA that would contribute to the achievement of the minimum density target of 160 people and jobs per hectare for the Central Station MTSA. Being a mixed-use development, containing both

residential and commercial units, the proposed development would be supporting the existing and planned transit service levels.

The proposed development is planned to be transit-supportive, as discussed in the sections below and is designed to promote multi-modal transport. Surface parking is minimized through the design of the site and ample bicycle parking has been included.

4.5.3 Amendment No.6 - Transit-Supportive Development Policies

Section 2.D.6 of the ROP Amendment No. 6 pertaining to Transit-Supportive Development sets out the policies applicable to all development within strategic growth areas, including MTSAs. The policies of Section 2.D.6 have been discussed with relation to the proposed development in the table below:

Policy	Discussion of Conformity
<p>In addition to the general development policies described in this Chapter, the Region and the area municipalities will apply the following transit-supportive development criteria in reviewing and evaluating development applications or site plans, within strategic growth areas and other intensification areas identified by the area municipality:</p>	
<p>a) creates an interconnected, multimodal street pattern that prioritizes walking, cycling, and rolling, and taking transit over automobile trips, and supports vibrant mixed-use developments;</p>	<p>The proposed mixed-use development includes a number of features that support multi-modal forms of transit including walking, cycling and the use of transit.</p> <p>The proposed development is designed to be connected to the municipal sidewalk system to provide easy access for residents to surrounding amenities by foot. The ample provision of bicycle parking in the proposed development will also encourage active transportation.</p> <p>Most notably, the proposed development would support the existing transit in the area, given the close proximity to the Central Station.</p>
<p>b) supports a more compact built form that locates the majority of transit-supportive uses within a comfortable walking distance of a transit stop or Major Transit Station Area;</p>	<p>The proposed development represents context-sensitive intensification on underutilized lands that makes efficient use of the parcel.</p> <p>The proposed urban form is compact and will include three (3) levels of underground parking to eliminate the need for surface parking and prioritize outdoor amenity space.</p> <p>The proposed development is within 5 to 10 minute walking distance of the LRT line, thus making it a comfortable walk for future residents and employees.</p>
<p>c) provides an appropriate mix of land uses, including a range of food destinations, local services and amenities to meet peoples' daily needs for living;</p>	<p>The proposed development will include a mix of residential, and commercial uses that are in close proximity to a broad range of services and amenities in the neighbourhood. Given the site's proximity to the ION's Central Station, this will</p>

	support the use of public transit to local services and amenities.
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 subject lands are in close proximity to public transit and multiple ION LRT stops which will support the viability of existing and expanded transit services.
e) supports a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities; and	The proposed development will feature a number of amenity spaces, including a public terrace on the 8 th , 14 th and 35 th floor, extensive at grade landscaping at the rear of the site and a public accessible plaza at grade. These spaces are catered to future residents in order to encourage social interaction and community gatherings.
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.	The proposed development provides access to a number of transportation modes, as the proposal is connected to the municipal sidewalk, provides secured bicycle parking, and has access to public transit.

Based on the table above, it is our opinion that the proposed development conforms to the policies outlined in Section 2.D.6 of the ROP Amendment No. 6.

4.6 City of Kitchener Official Plan

The City of Kitchener Official Plan sets out policies and land use designations to support the long-term growth and development of the community. The Official Plan was approved on November 19, 2014.

4.6.1 Major Transit Station Area

The subject property is located within a Major Transit Station Area (MTSA) as per Map 2 – Urban Structure of the City’s Official Plan. Policy 3.C.2.16 of the City’s Official Plan states that:

Major Transit Station Areas are designated in the Regional Official Plan, are identified on Map 2 and are a conceptual representation of the area of a ten minute walking radius centered around the location of Rapid Transit Station Stops.

Policy 3.C.2.17 further states that the planned function of Major Transit Station Areas, in order to support transit and rapid transit, is to:

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

It is our opinion that the proposed development is in line with the stated planned function of MTSAs as per the above-noted policies of the Official Plan. Given the proposed mix of land uses within the building, including residential and commercial uses, and its proximity to Central Station and Victoria Park Station, residents of the building as well as employees and patrons of the commercial uses will be able to utilize existing and planned transit services. Furthermore, the commercial uses proposed within the building are located at the ground level which will achieve a built form that is pedestrian-friendly and transit-oriented.

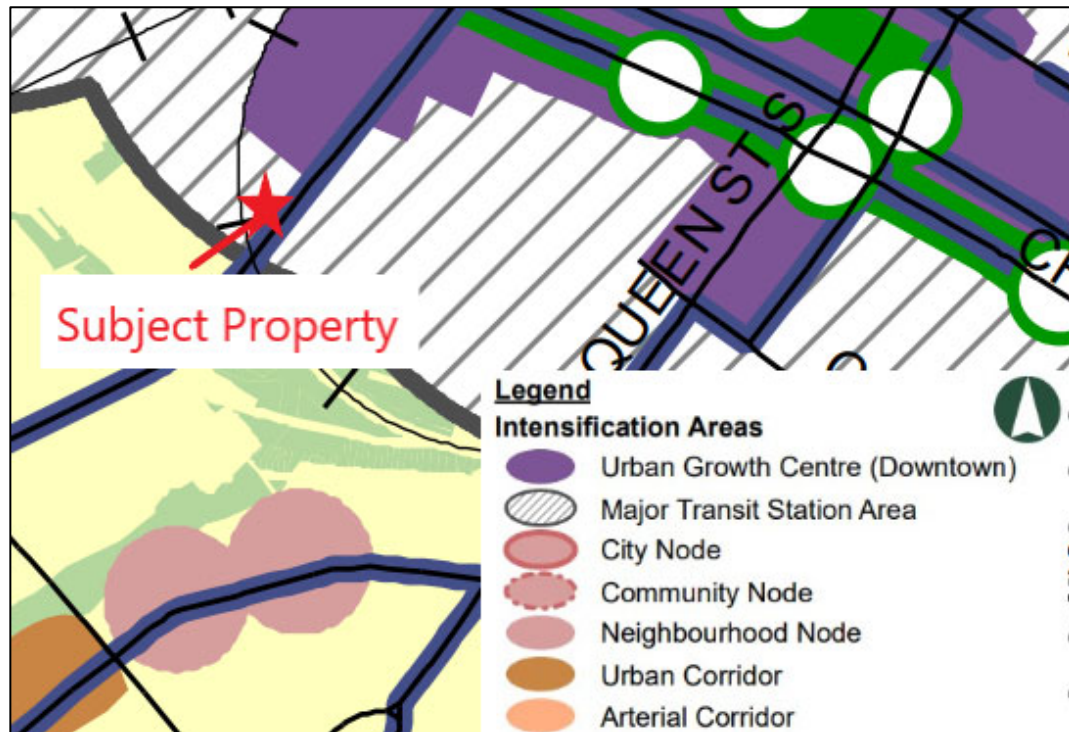


Figure 9: City of Kitchener Official Plan – Map 2 (Urban Structure)

4.6.2 Housing

Policy 4.C.1.8 of the Official Plan states that the overall impact of special zoning regulation(s) will be evaluated by the City when reviewing applications to facilitate residential intensification or the redevelopment of lands. The following table lists the criteria will be considered during this review and discusses how the proposed development conforms.

Criteria	Discussion of Conformity
<p>a) 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.</p>	<p>The proposed development is in close proximity to a number of existing and planned developments that are similar in scale and massing. For example, extensive existing high-rise residential development is located to the east of the subject property. Further, lands along Victoria Street South going north are planned for high-density, mixed-use development as contemplated by the City's Official Plan and Zoning By-Law. The proposed land uses are compatible</p>

	and desirable in the context of the neighbourhood character.
b) Where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape and the neighbourhood.	No front yard setback reduction is proposed, and the proposed front yard setback exceeds the minimum requirements of the zoning regulations.
c) New additions and modifications to existing buildings are to be directed to the rear yard and are to be discouraged in the front yard and side yard abutting a street, except where it can be demonstrated that the addition and/or modification is compatible in scale, massing, design and character of adjacent properties and is in keeping with the character of the streetscape.	Not applicable, as the existing buildings/structures will be demolished.
d) 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 proposed development has been designed in accordance with the planned vision for the site, and broader area, as set out in the PARTS Central Plan which contemplates the high density mixed use redevelopment of lands bound by Victoria Street, Park Street and the CN rail spur line at the rear of the site. It is anticipated that the built form of this block will continue to evolve in accordance with the station area planning exercises of the City.
e) The lands can function appropriately and 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.	An appropriate number of parking spaces and multiple landscaped/amenity areas have been planned for the subject site. It is our opinion that the proposed development provides a balance between parking and landscaped area on the site in order to create a development that is visually appealing. The site contains extensive at grade landscaping and amenity space for residents of the development as well as a privately owned, publicly accessible parkette off of Park Street.
f) The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement	The proposed special zoning regulation does not compromise the site in achieving objectives of compatible and appropriate site and

<p>does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.</p>	<p>neighbourhood design and does not create further zoning deficiencies.</p>
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It is our opinion that the proposed rezoning application takes into context the surrounding land uses and neighbourhood and demonstrates an appropriate level of sensitivity. The proposed development is in keeping with the objectives of compatible and appropriate site and neighbourhood design and increases the amount of new housing units available in the City.

4.6.3 Victoria Street Secondary Plan

The subject property is located within the Victoria Street Secondary Plan area as seen in the Figure below and is therefore subject to the applicable Secondary Plan land use designations and policies.

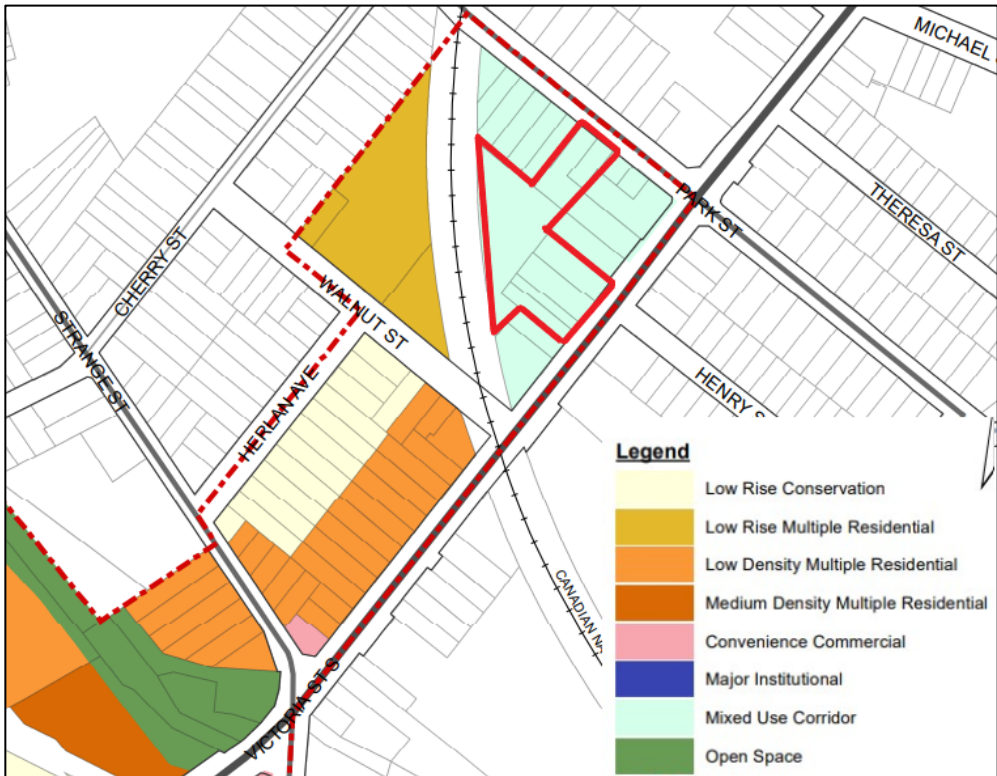


Figure 10: City of Kitchener Official Plan - Map 16 (Victoria Street Secondary Plan)

The subject property is designated as a ‘Mixed Use Corridor’ as per Map 16 – Secondary Plan of the City’s Official Plan. This designation is primarily intended to serve the adjacent residential neighbourhoods and employment areas and allow for intensive, transit supportive development. The proposed development represents transit-supportive intensification of the subject lands and includes both residential and commercial uses as is intended by the applicable land use policies of the Secondary Plan.

The Secondary Plan policies further states that:

To strengthen these linkages, new development may be required to orient a portion of the building mass to the street, provide for integration of cycling facilities, provide on-site pedestrian facilities, and provide pedestrian connections to abutting developments or offsite transit facilities. To achieve this objective, the City of Kitchener may also impose

maximum front yard setbacks, limit vehicular parking between the building façade and the street, and will require specific façade treatments such as window or door openings and minimization of blank walls.

The proposed development is oriented toward Victoria Street South and provides an interactive street face that allows ample pedestrian connections to other destinations including transit facilities. The proposed development does not include any vehicular parking between the building façade and the street but does include multiple bike parking facilities. As such, it is our opinion that the proposed development is aligned with the overarching policy direction of the Victoria Street Secondary Plan.

The Secondary Plan also states that in cases where the new development abuts an arterial or major collector road, is well separated from low rise residential developments and has adequate municipal infrastructure, the Floor Space Ratio (FSR) permitted, as per Section 13.6.3 (5), will be a maximum of 4.0. Given that the proposed development will feature an FSR of 7.68, this means the proposal will exceed the maximum FSR limit of 4.0. In order to permit the proposed FSR of 7.68, the applicant is requesting a Site-Specific Amendment to the Victoria Street Secondary Plan.

It is our opinion that the proposed density is appropriate for the subject lands, as growth and intensification should be directed within the planned function of the MTSA. As directed by the Province, Regional Official Plan, and City Official Plan, it is our understanding that high-density, mixed-use is highly encouraged on lands in MTSA's, such as the development being proposed. Further, the proposed development is within walking distance of numerous goods and services, being located on the fringe of the Urban Growth Centre and a focal point to the downtown. Therefore, it is our opinion that the proposed density or FSR of 7.68 is appropriate and represents good planning principles.

4.7 City of Kitchener – PARTS Central Plan

The subject property is located within the Planning Around Rapid Transit Stations (PARTS) Central Plan. The intent of PARTS was to review lands within 800 metres of the ION transit stations and recommend new planning policies that could be implemented in the Official Plan, Zoning By-Law and other supporting documents. Based on the policies outlined in the Central PARTS Plan, it was recommended that development within this 800 metre radius should support a mix of land uses that are transit-oriented.

Based on the 'Preferred Land Use Plan' in the Central PARTS Plan, the subject property is designated 'High Density Mixed Use'. It is understood that this designation is intended to permit a broad range and mix of commercial, retail, institutional and residential uses on the subject lands. More specifically, permitted uses may include retail, office, and high-rise residential uses, such as the development being proposed by the applicant. This designation suggests a minimum FSR of 1.0 and a maximum FSR 4.0 with no maximum height restriction.

It is our opinion that the proposed development is in keeping with the general direction and intent of the PARTS Central Plan, as the development provides a mix of uses within walking/cycling distance ION transit stations. While the proposed development would exceed the suggested maximum FSR of 4.0, it is our opinion that the proposed FSR of 7.68 is appropriate for the subject lands being a focal point leading to the City's Urban Growth Centre.

It is understood that the planned function of the subject lands is to accommodate high-density development that can provide both residential and non-residential uses within walking/cycling distance of surrounding goods and services. As previously mentioned, the PARTS Central Plan is simply a guiding document that could be implemented in the Official Plan, Zoning By-Law and other supporting documents, however, the applicant still acknowledges the 'Preferred Land Use Plan' and direction of the PARTS Central Plan.



Figure 11: PARTS Plan – Preferred Land Use Plan

4.8 City of Kitchener Zoning By-Law 85-1

The City of Kitchener is currently in the process of updating its zoning by-law. As a result, the subject property is currently subject to Zoning By-Law No. 85-1 and is referred to as the current zoning in this Report. Stage 2 of the Zoning By-Law N. 2019-051 is currently under appeal and will come into full force and effect once the appeal is no longer applicable, this is referred to as the proposed zoning in this Report. Until such time, the proposed development must have consideration for the regulations of Zoning By-Law No. 85-1.

As per the approved Zoning By-Law 85-1, the subject property is currently zoned as Low Intensity Mixed Use Corridor Zone (MU-1) with Special Use Provision 402U and Special Regulation Provision 523R.

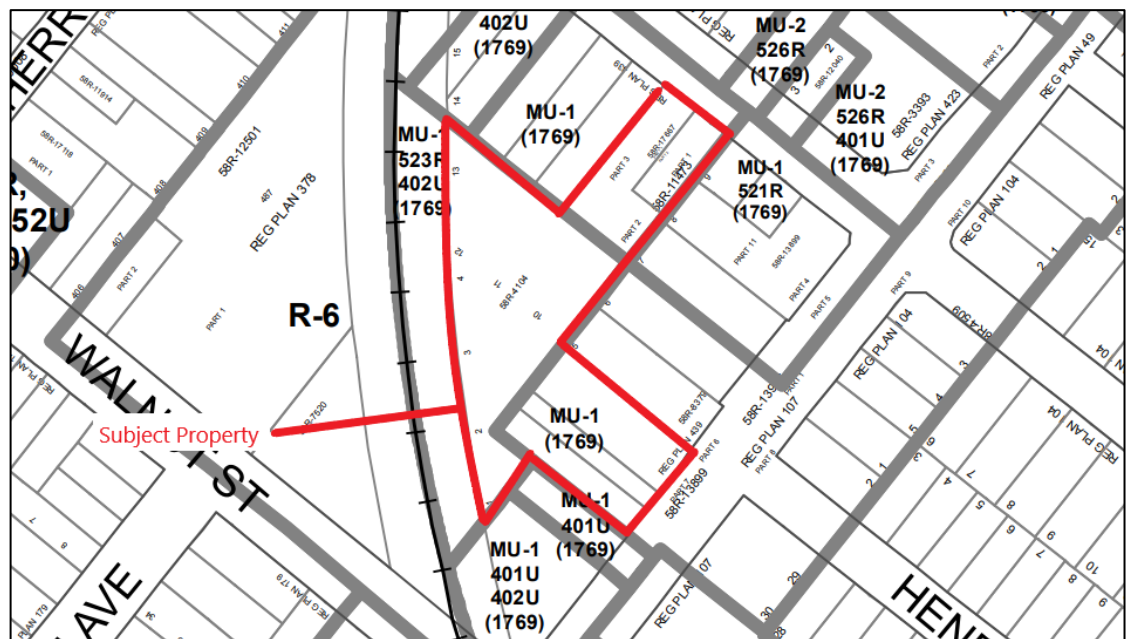


Figure 12: City of Kitchener Zoning By-Law – Schedule 73

As per Section 53.1 of the Zoning By-Law, the following uses are permitted in the MU-1 zone:

- Artisan’s Establishment
- Canine or Feline Grooming
- Commercial Recreation
- Community Centre
- Craftsman Shop
- Day Care Facility
- Duplex Dwelling
- Dwelling Unit
- Educational Establishment
- Financial Establishment
- Health Clinic
- Health Office
- Home Business
- Hospice
- Lodging House
- Medical Laboratory
- **Multiple Dwelling**
- Museum
- Office
- Personal Services
- Printing Establishment
- Private Club or Lodge
- Religious Institution
- Repair Service
- Residential Care Facility
- Restaurant
- Retail
- Security or Janitorial Services
- Scientific, Technological or Communications Establishment
- Single Detached Dwelling
- Street Townhouse Dwelling
- Studio
- Tourist Home
- Veterinary Services

The proposed Multiple Residential Use and a number of Commercial uses are permitted in the existing MU-1 Zone.

As previously noted, the applicant is proposing a Zoning By-Law Amendment to zone the subject property MU-3 which is the City’s current High Density Mixed Use Zone subject to site-specific regulations. The following table summarizes the regulations applicable to the proposed development in Section 55.2.1 of the MU-3 Zone and identifies whether the proposed development conforms:

Regulation	Required	Provided
Minimum Lot Width	15.0 metres	136.4 metres
Minimum Front Yard Abutting a Street and Minimum Side Yard Abutting a Street	1.5 metres	2.86 metres
Maximum Front Yard and Maximum Side Yard Abutting a Street	10 metres	3.25 metre (front) 32 metres (side)
Minimum Width of Primary Ground Floor Façade for Buildings constructed after the date that the MU-3 Zone was applied to the land	50% of the length of abutting street lines	Conforms.
Minimum Rear Yard	14 metres	7.5 metres
Minimum Façade Height for Buildings constructed after the date that the MU-3 Zone was applied to the land	6.0 metres	Conforms
Minimum Floor Space Ratio for Buildings constructed after the date that the MU-3 Zone was applied to the land.	1	Conforms

Regulation	Required	Provided
Maximum Floor Space Ratio for Buildings constructed after the date that the MU-3 Zone was applied to the land.	4	7.68
Minimum Landscaped Area (Section 55.2.2.2 for Multiple Dwelling)	10 percent of the lot area, which may include solariums, roof top gardens and similar landscape amenities not at grade.	Conforms.
Location of Dwelling Unit	Shall not be located on the ground floor unless located within a building used only as a multiple dwelling.	Conforms.
Façade Openings for Buildings constructed after the date that the of the area of a primary ground floor façade shall MU-3 Zone was applied to the land	For non-residential uses, not less than 40 percent be devoted to display windows or entrances to the building; the horizontal distance between display windows or entrances shall not exceed 4.0 metres.	74.8%
Outdoor Storage	No outdoor storage of goods, materials or equipment shall be permitted in any front yard or in a side yard abutting a street. This shall not, however, prevent the display of goods or materials for retail purposes.	Conforms.
Off-street Parking – Residential	1.0 spaces per unit (436 units x 1.0 = 436 spaces)	0.7 spaces per unit (436 x 0.7 = 305 spaces)
Off-street Parking – Visitor	20% of total residential parking (0.20 x 436 = 88 spaces)	10% of total residential parking (0.10 x 436 = 44 spaces)
Off-street Parking – Commercial	1.0 space / 40 m ² of gross floor area 806.64 m ² / 40 m ² = 21 spaces	1.0 space / 202 m ² of gross floor area (806.64 m ² / 202 m ² = 4 spaces)
Barrier Free Parking	2 + 2% of 436 = 11 spaces Type A: 5 spaces Type B: 6 spaces	Conforms.
Bicycle Parking	10% of the total required (436 units x 0.1 = 44 spaces)	296 spaces
Off-street Loading	Over 0 up to and including 2,320.0 m ² = 1 loading space	1 loading space

Based on the foregoing table, the applicant is requesting the following Site-Specific Regulations by way of a Zoning By-Law Amendment to the proposed MU-3 Zone:

- To permit a maximum Floor Space Ratio of 7.68, whereas the Zoning By-Law permits a maximum FSR of 4.0;
- To permit an off-street residential parking rate for *multiple dwellings* at 0.7 spaces per dwelling unit, whereas the Zoning By-Law requires 1.0 spaces per dwelling unit;
- To permit an off-street visitor parking rate at 0.1 spaces per unit, whereas the Zoning By-Law requires 0.2 spaces per unit;
- To permit an off-street commercial parking rate of 1.0 spaces per 202 m² of gross floor area, whereas the Zoning By-Law requires 1.0 space per 40 m² of gross floor area and to allow for the shared use of visitor parking spaces for the commercial use;
- To permit a Rear Yard (rail) setback of 7.5 metres, whereas the Zoning By-Law requires a minimum of 14 metres; and,
- To permit a Maximum Side Yard Abutting a Street of 32 metres, whereas the Zoning By-Law requires 10 metres.

4.8.1 Existing Special Use and Regulatory Provisions

As previously mentioned, the lands are subject to various land use and regulatory provisions in the existing Zoning By-Law 85-1. The following provides an analysis of these provisions in the context of the proposed development.

4.8.1.1 Special Use Provision 402 (402U)

The subject property is also subject to Special Use Provision 402 (402U). This provision requires that any new residential development must satisfy the Region's requirements with regard to the submission of a noise study addressing railway noise and vibration impacts, as well as any noise mitigation measures. The regulation also requires a 15 metre setback from the lot line abutting the rail right-of-way.

4.8.1.2 Special Regulation 523 (523R)

The subject property is further subject to Special Regulation 523, which stipulates that for lands zoned as MU-2, the minimum side yard setback requirement shall be 7.5 metres. However, this regulation does not apply as the site is currently zoned MU-1.

4.9 Neighbourhood Planning Review (Ongoing)

The City of Kitchener has been undertaking a review of its Secondary Plans, and it is our understanding that the City is proposing to merge the subject lands from the existing Victoria Street Secondary Plan to the proposed Victoria Park Secondary Plan. Due to the changes in the Provincial Growth Plan and the Region's Official Plan Review, we understand the City's timeline for consideration of the Secondary Plans has changed, and the earliest that Official Plan and Zoning By-Law Amendments, to implement the Neighbourhood Planning Review work, can be considered is early 2023.

Although the neighbourhood planning review process is ongoing and the proposed amendments are not in-force and effect at this time, it is still important to discuss the City's proposed function of the site. As per the 2019 iteration of the proposed Victoria Park Secondary Plan - Land Use Map and Zoning Map, the subject lands are to be designated 'Mixed Use' and zoned 'MIX-4'.

Both the proposed designation and zoning would permit the proposed mixed-use development on subject lands. Further, the proposed 'Mixed Use' designation (Section 15.D.4.17.d) and MIX-4 Zone (Table 8-2) propose a maximum FSR of 5.0 on the site. In comparison, the existing maximum permitted FSR on the subject property is 4.0 as set out in the current Secondary Plan.

While the applicant is requesting a Site-Specific Regulation for an FSR of 7.68 that still exceeds the proposed FSR of 5.0, it is our opinion that the proposed density would meet the general intent of the proposed land use designation and zoning. It is understood that the proposed designation and zoning are intended to support High Rise Mixed Use development and accommodate a range of uses at a high density.

We will continue to monitor updates regarding the proposed Victoria Park Secondary Plan in relation to the subject lands and proposed development.

5 Planning Justification

The following section of this Report summarizes the rationale in support of the proposed Official Plan and Zoning By-Law Amendment applications.

5.1 Alignment with Overarching Planning Framework

Based on the analysis provided in Section 4 of this Report, it is our opinion that the proposed development demonstrates regard for the "Matters of Provincial Interest" set out by the Planning Act and is consistent with the PPS. We further believe that the proposed development conforms to the applicable policies of the Growth Plan for the Greater Golden Horseshoe, and the Region of Waterloo Official Plan.

In our opinion the proposed mixed-use development will provide context appropriate intensification of underutilized lands within the City's Built-Up Area consistent with the planning direction applicable to the site. The proposed development will support the planned function of the site within an MTSA and provide transit-supportive densities.

5.2 Efficient Use of Infrastructure and Municipal Services

As mentioned throughout this Report, the proposed development is anticipated to make efficient use of existing infrastructure and municipal servicing. Being located within the City's Built-Up Area along Victoria Street South, the proposed development has access to full municipal services.

In addition, the proposed development is located within walking / cycling distance of major GRT stops, most notably the ION's Central Station which may incentivize future residents to make use of existing transit services in the City. The high density, mixed use redevelopment of this property is responsive to its location in close proximity of the LRT stations and will support the use and viability of transit in the area.

5.3 Range and Mix of Housing Options

The Province of Ontario (as expressed through the Provincial Policy Statement and Growth Plan) and the City of Kitchener (as expressed through its Official Plan) place a strong emphasis on the provisions of a range and mix of housing options to meet the needs of their residents. The proposed mixed-use development encourages the intensification of underutilized lands in order to provide high-density residential units in the form of mixed-use development. The proposed development will include a range of unit types, including 40 bachelor, 87 one-bedroom, 137 one-bedroom plus den, 74 two-bedroom, 36 two-bedroom plus den, and 62 three-bedroom. This

application supports the provision of a broader range of housing types and mix of housing options in the City of Kitchener.

5.4 Promotes the Health and Livability of the Local Community

The proposed development is located within walking/cycling distance to a broad range of commercial uses, institutional uses, and greenspace uses. The vibrancy of the neighbourhood and nearby greenspace may be supported by the proposed development. Further, given the subject lands are within an MTSA, this may encourage the use of public transit and minimize dependency on independent motor vehicles. By encouraging or incentivizing active forms of transportation, this may improve the health and well-being of future residents. As a result, it is our opinion that the proposed development supports the development of a healthy and livable community within the City of Kitchener.

5.5 Rationale for Increased Density

It is our opinion that the proposed FSR of 7.68 represents an increased density that is appropriate and supported by Provincial policy and plans, the Region of Waterloo Official Plan and intent of the City of Kitchener Official Plan. Given the lands are located within the existing Built-Up Area, an MTSA, and designated for mixed-use development, it is our opinion that the proposed density is strongly encouraged.

Further, a number of high-density projects have also been proposed or approved in the vicinity of the subject property. For example, 130-142 Victoria Street South is currently under review, pursuing a 25 storey mixed-use development with an FSR of 12.73. A multi-tower, mixed-use development on 92-110 Park Street and 146-162 Victoria Street South proposed an FSR of 11.6 that is currently at the Ontario Land Tribunal. In addition, 100, 104, 108 Garment Street and 120 Victoria Street South (the Garment Street Condos) is a multi-tower, mixed-use development that was approved and constructed, permitting a maximum FSR of 8.2 through bonusing and a Section 37 Agreement (Special Regulation 656).

Based on the above, it is our opinion that the proposed density would act as a logical extension of high-density development occurring along Victoria Street South, both in and adjacent to the Urban Growth Centre. The proposed development reflects the scale of projects occurring in the immediate area. Therefore, it is our opinion that the proposed density is appropriate for the subject lands, has consideration for the adjacent uses, and is strongly encouraged by planning controls applicable to the site.

5.6 Appropriateness of Massing and Built Form

The proposed development has regard for the surrounding uses based on the proposed massing and built-form of the mixed-use building. The proposed development focusses massing toward the Victoria Street South frontage, and steps-down to the north in order to address the street frontage and minimize impact to existing residential development to the rear.

Further, the subject property is within the existing Built-Up Area and designated for Mixed-Use development which both support infill and intensification on existing urbanized lands. It is our opinion that the proposed development is in keeping with the existing Official Plan policies and is consistent with the planned form and function of the surrounding area.

Additionally, it is our opinion that the proposed design ensures that the development does not impose over the adjacent uses and minimizes privacy and shadowing concerns. Arcadis IBI Group prepared a Shadow Study capturing the shadow impacts for the Spring, Summer, Autumn and Winter timeframes. Based on the results, the proposed development will have acceptable levels of shadowing.

Based on the above and rationale discussed throughout this Report, it is our opinion that the proposed massing and built form is appropriate.

5.7 Reduced Rear Yard / Rail Setback

It is our opinion that the proposed reduced rear yard setback (abutting the CN Spur Line) is appropriate based on the supporting Rail Vibration Assessment (Letter) prepared by Dillon Consulting Limited. It was determined, in correspondence with CN's proximity team (WSP), that a vibration assessment is not required for the proposed "sensitive use" adjacent to a spur line. CN did not have concerns, as spur lines generally consist of short trains with slower speeds and have less frequent pass-bys than non-spur lines. The proposed rear yard will also consist of landscaping in order to provide a buffer between the proposed development and the spur line. As such, it is our opinion that the proposed rear yard setback of 7.5 metres (abutting the CN Spur Line) is appropriate.

Please see Section 6.4 of this Report below and the Rail Vibration Assessment (Letter) submitted as part of a complete submission package regarding the adjacent spur line.

5.8 Site Specific Parking Rates

As mentioned throughout, the proposed development requires parking reductions for the Residential, Visitor, and Commercial components of the site. A Parking Analysis was completed as part of the Transportation Impact Study prepared by Arcadis IBI Group to assess the proposed parking reduction and anticipated demand. Based on the work completed, the proposed parking spaces are expected to be sufficient to accommodate anticipated demand, as the proposed development is well-served by Grand River Transit bus and ION LRT routes, proximity of the downtown core, and 296-bicycle parking / storage space are provided on-site. As such, based on the work completed by Arcadis IBI Group, it is our opinion that proposed site-specific parking rates are justified and should be supported.

Please see Section 6.3 of this Report below and the TIS submitted as part of a complete submission package regarding the parking reduction justification.

6 Supporting Studies

The following section provides an overview of the studies undertaken and professional opinions obtained in support of this combined Official Plan and Zoning By-Law Amendment application. For specific detail, the enclosed studies should be considered.

6.1 Urban Design Brief

An Urban Design Brief was prepared by Arcadis IBI Group as part of the complete application package. This study provided an overview of the urban design framework applicable to the site, the existing conditions of the property and its neighbourhood context and summarized how the design of the proposed development reflects the urban design objectives of the City.

6.2 Functional Servicing Report

A Functional Servicing Report ("FSR") was prepared by Arcadis IBI Group as part of the complete application package. The purpose of the FSR is to review the opportunities and constraints for the subject property with regard to servicing, and grading; reviewing the requirements of the reviewing agencies; describing the development concept; and

demonstrating the functional serviceability of the property. The following provides a summary of the findings and conclusions from the FSR:

- *The site grading will achieve gentle gradients between 0.5% to 5% for all vehicular and pedestrian areas, with the exception of the parking garage ramp which will have a maximum slope of 15%. Landscaped areas will have gradients between 2% and 33%;*
- *The existing 250mm diameter municipal sanitary sewer infrastructure on Victoria Street will provide sanitary service to the site;*
- *The existing 300mm diameter watermain on Victoria Street will provide potable water and fire protection for the site; and,*
- *The existing fire hydrants on Victoria Street on the southeast will provide water for fire protection.*

Based on the findings of the FSR, the proposed development can be designed and constructed in accordance with municipal standards. A detailed design regarding site servicing will be submitted as part of the future Site Plan Application.

6.3 Transportation Impact Study and Parking Analysis

A Transportation Impact Study was prepared by Arcadis IBI Group assessing the transportation impacts of the proposed development and its impacts on the surrounding transportation network. The Study found that the proposed development is expected to generate 106 net new vehicle trips during the Weekday AM Peak hour (21 inbound trips and 85 outbound trips), 126 net new vehicle trips during the Weekday PM Peak hour (77 inbound trips and 49 outbound trips). When compared to the 2027 Future Background Conditions and 2027 Future Total Conditions scenario, impacts to traffic operations are anticipated to be minimal with the addition of development site traffic. Further, traffic mitigation measures within regards to signal timing plan changes of Victoria Street South and Strange Street/West Avenue, as well as Victoria Street South and Park Street, can minimize traffic impacts.

The study also included a Parking Analysis to assess the proposed parking and determine if the supply is appropriate to accommodate the anticipated demand from the proposed development. Based on the findings and analysis, the proposed parking spaces are expected to be sufficient to accommodate anticipated demand. The proposed development is well-served by Grand River Transit routes, proximity of the downtown core, as well as bicycle parking / storage is provided on-site (296 bicycle spaces) to accommodate anticipated demand.

6.4 Rail Vibration Assessment (Letter)

A Rail Vibration Assessment (Letter) was prepared Dillon Consulting Limited (Dillon) to review potential rail vibration concerns with regard to impacts from the adjacent rail line west of the subject property. It is understood that a vibration assessment is required for proposed sensitive uses within 75 metres of the right-of-way of a railway corridor or a railyard, as per the *Guidelines for New Development in Proximity to Railway Operations* (FCM/RAC, 2013) (the Guide).

Based on Dillon's review of the Railway Association of Canadian Rail Atlas, and correspondence with CN's proximity team, the adjacent rail line to the proposed development is classified as a spur line. It is understood that spur lines generally consist of short trains with slower speeds and have less frequent pass-bys (typically on demand basis only) than non-spur lines.

As such, it was concluded that the Guide does not require a vibration study for a proposed sensitive land use development in proximity to spur lines. This was also confirmed by CN's proximity team. Please refer to the Rail Vibration Assessment prepared as part of a complete submission package for further details.

6.5 Preliminary Environmental Noise Study

A Preliminary Environmental Noise Study (Noise Study) was prepared by Arcadis IBI Group to examine the impacts of traffic noise, rail noise, and stationary source noise for the proposed development on the subject property. The primary noise sources that may impact the proposed residential sensitive receivers included, (1) Traffic Noise from Victoria Street South and Park Street; (2) Rail Noise from the CNR main line approximately 330m to the north; and (3) Stationary Noise. It was noted that at the time of the preparation of the Noise Study report, on-site stationary noise sources (i.e., HVAC equipment, emergency generators, etc.) have not been established. Further, on review of the surrounding areas, offsite stationary noise sources were identified and will require further assessment.

Based on the results of the Noise Study, the following conclusions and recommendations were determined:

Recommendation #1 (All Units)

Due to the exceedance of the MECP noise criteria for daytime and nighttime acoustical levels from road traffic and rail traffic, all units are to be fitted with forced air heating with provision for air conditioning. Further, these residential units shall include Warning Clause Type 'C':

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."

Recommendation #2 (Rooftop Outdoor Amenity Areas)

Due to the exceedance of the MECP noise criteria for the Outdoor Living Areas due to road traffic and rail traffic a Warning Clause Type 'A' should be placed on title reading:

"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."

Parapet walls and barriers proposed for the rooftop Outdoor Living Areas will be required to break line of sight between the receiver and source and have a minimum density of 20 kg/m².

Recommendation #3

That the assumptions, results, and recommendations of this Noise Report be verified and updated at the Final Design stage.

It was concluded that the subject property can be designed appropriately to address noise impacts based on the recommendations and comments provided above.

7 Conclusions and Recommendations

This Planning Justification Report provides an overview of the proposed development of the subject lands known municipally as 200 Victoria Street South, as well as the surrounding context and the applicable land use planning policy. It also describes the required planning applications

to permit the proposed development on the subject lands, which include an Official Plan Amendment and Zoning By-Law Amendment, followed by Site Plan Approval.

Based on the rationale provided in this Report, it is our opinion that both the proposed Official Plan Amendment and Zoning By-Law Amendment are justified, have regard to the “Matters of Provincial Interest” set out in the Planning Act and are consistent with the PPS. The proposed development also conforms to the general intent of the Growth Plan for the Greater Golden Horseshoe and the Region of Waterloo Official Plan. It is further our opinion that this application serves the public interest and overall facilitates good planning.

It is, therefore, our recommendation that the City of Kitchener:

- Together with the completed application forms and fees, deem the Official Plan Amendment and Zoning By-Law Amendment application complete and process the application in accordance with the municipal process;
- Schedule a Public Meeting to obtain comments from neighbouring residents, applicable commenting agencies and Council; and
- That City staff Circulate the application materials, including this Report, to the City of Kitchener Council, technical review agencies, and the community as appropriate.

Respectfully Submitted,

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