

# PLANNING JUSTIFICATION **REPORT**

OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT

417 King Street West  
City of Kitchener

Date:

**May 2023**

Prepared for:

**VANMAR DEVELOPMENTS 417 KING GP CORP**

Prepared by:

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- Appendix B: Site Plan and Renderings prepared by Kirkor Architects
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- Appendix D: Draft Zoning By-law Amendment

# 1.0 INTRODUCTION

MacNaughton Hermsen Britton Clarkson Planning Limited (“MHBC”) has been retained by VANMAR DEVELOPMENTS 417 KING GP CORP (the “Owner”) to seek approvals for an Official Plan Amendment and Zoning By-law Amendment to facilitate the development of a mixed use development (the “development”) on the lands municipally addressed as 417 King Street West in the City of Kitchener (the “site”).

The subject lands are located within the Downtown Core and are located 180 metres from the Central Station light rail transit station. The subject lands have 56.74 m of frontage along King Street West, and are located on the south side of King Street mid-block between Victoria Street and Francis Street. The lands also back onto Hall’s lane at the rear property line as illustrated on **Figure 1 Location Map**. The subject lands are approximately 0.276 ha (0.68 acres) in size.

The Owner is proposing to redevelop the subject lands as follows:

- 55 storey mixed use building with ground floor commercial uses;
- Commercial uses oriented to face King Street West and the adjacent Francis Green Park;
- A residential tower with approximately 622 residential units including a mix of one and two bedroom units;
- 184 parking spaces located underground and within the building podium;
- Vehicular access from Hall’s Lane to underground and podium parking;
- Class A and Class B bicycle parking; and,
- Outdoor amenity space on the roof of level 7.

The proposed development and preliminary site plan is illustrated on **Figure 2**.

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


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

An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) are required to permit the proposed development.



**Figure 1**  
**Location Map**

**LEGEND**

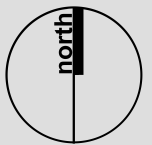
 Subject Lands

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**417 King St W**  
City of Kitchener  
Region of Waterloo



## 1.1 Complete Application

The required Pre-Submission Consultation meeting with City Staff review agencies was held on August 23, 2022, to review the proposed Official Plan and Zoning By-law Amendments and identify submission requirements to form complete application. Please refer to **Appendix A** for a copy of the Record of Pre-Submission Consultation Minutes.

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

1. Completed Application Form and Fees
2. Existing Conditions Plan
3. Conceptual Site Plan
4. 3D Massing Model
5. Planning Justification Report
6. Urban Design Score Card
7. Wind Study as part of UDB
8. Shadow Study as part of UDB
9. Sustainability Statement
10. Conceptual Building Elevation Drawings/ Cross Sections
11. Coloured renderings
12. Conceptual Floor Plans
13. Environmental, Stationary and Vibration (Rail) Noise Report
14. Functional Servicing Report
15. Water Distribution and Storm Water Management Report
16. Parking Justification and TDM Options Report
17. Traffic Impact Statement
18. Preliminary Grading
19. Tree preservation/ Enhancement Plan Arborist Report (re: adjacent City owned lands)
20. Scoped HIA
21. Record of Site Condition (alternatively a Holding Provision may be imposed, or this requirement may be deferred to Building Permit, subject to confirmation from the City's Chief Building Official that an RSC will be required prior to building permit.

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



# 2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are located in the City of Kitchener and Region of Waterloo. The subject lands are located within the City of Kitchener's Urban Growth Centre (UGC), specifically the Downtown Innovation District, within a Major Transit Station Area (MTSA) and have frontage along the King Street West Corridor. The subject lands are a prime location for redevelopment given the location within the UGC and the proximity to the Central Station ION stop. The subject lands are located east of Victoria Street within a five-minute walk from the future Regional Transit Hub. Please refer to **Figure 3** for the **Context Plan**, which shows the subject lands, surrounding uses and the transit and active transportation networks in the immediate surrounding area.

The subject lands consist of 417 King Street West, which include the Ziggy's cycle shop and associated parking lot. The subject lands benefit from their Downtown Kitchener location meaning the full range of amenities are available within walking or biking distance. This includes:

- Employment uses;
- Schools;
- Parks and community services;
- Restaurants;
- Retail; and
- Recreation.

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

**NORTH:** Directly to the north of the subject lands is a 6 storey adaptive reuse of the former Kaufman Footwear Factory as a residential condominium, which extends the entire block from Victoria Street to the intersection of Francis and King Streets. The subject lands front directly onto the LRT corridor along King Street.

**EAST:** To the east of the subject lands along King Street a mix of commercial, restaurant and residential uses exist with a small city park (Francis Green Park) located immediately east of the subject lands. Further to the east is the main commercial core of the downtown.

**SOUTH:** Halls Lane West forms the southern boundary of the subject lands. A proposed high density development was recently approved on the south side of the Lane. Further to the south is the City's Innovation District which includes a collection of

**Figure 3  
Context Map**

**417 King St W**  
City of Kitchener  
Region of Waterloo

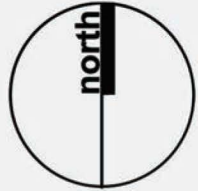
**LEGEND**

-  Subject Lands
-  400m Buffer
-  Parks
-  Trails
-  GRT\_Stops

**GRT Routes**

-  Queen-River Route #1
-  Glasgow-Margaret Route #4
-  Bridge-Courtland Route #6
-  King Route #7
-  Weber Route #8
-  Victoria-Frederick Route #20
-  Bingemans Route #34
-  Highland-Victoria Route #204
-  ION LRT Route #301

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former industrial sites that have been adaptively reused predominantly for employment uses such as Google, the Communi-tech Hub, and Desire 2 Learn. The Victoria Park Neighbourhood and Victoria Park are located further to the south of these lands. Victoria Park is the largest park in the Downtown.

**WEST:** Immediately to the west of the site at the southeast corner of King Street West and Victoria Street South is a 19 storey mixed use building with ground floor retail including a restaurant and a financial institution (1 Victoria Street South). Further to the west are the School of Pharmacy and Health Sciences buildings for the University of Waterloo and Mc Master University respectively.

As discussed above, the subject lands are located in the Urban Growth Centre and within a Major Transit Station Area. The Urban Growth Centre and Major Transit Station Areas are the primary areas for intensification and growth. The MTSAs within the Region of Waterloo are areas identified to transition to higher density, mixed use and transit supportive development.

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

**Light Rail Transit (ION):** An ION transit stop (Central Station) located within 180 m of the subject lands currently offers service up and down the King Street Corridor to Conestoga Mall and Fairview Park Mall (Route 301). The LRT connects to the ION/ixpress buses. A bus Stop for Route 7 (King Street) is located on King Street at the southeast corner of King and Victoria Streets immediately west of the subject lands, with a stop for Route 20 (Victoria/Frederick) on Victoria Street at the southeast corner of Victoria and King Streets. The second phase of the ION network is in the planning stages, but will extend the light rail transit further south through Kitchener and into Cambridge, connecting to many commercial/service areas and ending at the Ainslie Street Terminal in Galt.

**Grand River Transit:** Route 7 –King Street. This bus route provides connection from East – West across the City of Kitchener with connections to the Central Frederick and Victoria Hills neighbourhoods.

King Street has barrier free sidewalks along both sides of the corridor. Cycling routes such as the Iron Horse Trail are just 1500 metres away from the site on the south side of Victoria Park providing access from Downtown Kitchener to Waterloo.

# 3.0 DESCRIPTION OF PROPOSAL

The proposed development includes a 55 storey Mixed Use building. The building contains a six-storey podium with 2 commercial units: one facing King Street; and the second overlooking the Francis Green Park. Patio space is also proposed adjacent to Francis Green Park. The podium also contains the residential lobby with direct access onto King Street as well as vehicular and bicycle parking. The building will contain approximately 622 units including a mix of one bedroom units, one bedroom plus den units, and two bedroom units. To support the development, one level of structured parking below grade and five levels of above grade structured parking is proposed with a total of 184 parking spaces. In addition, 7 barrier free spaces are located throughout the structured parking with barrier free spaces on each level of parking.

An indoor amenity area comprising 900.75 m<sup>2</sup> is provided and is located on the 7th floor of the building for the exclusive use of the building's residents. This is paired with an adjacent 700.2m<sup>2</sup> roof top outdoor patio and amenity space.

The gross floor area of the building is approximately 47,010 m<sup>2</sup> with a Floor Space Ratio of 20.07. The site plan is included as **Figure 2** in the report and a copy of the site plan and renderings can be reviewed in **Appendix B** of this report.

The proposed building has a six storey rectangular podium base with active uses at grade which address the street along the King Street frontage as well as the Francis Green Park. The contemporary design of the base provides for mix of commercial uses and parking within a podium designed to add visual interest to the public realm while reinforcing the pedestrian scale. The parking garage will have direct access from Halls Lane along the rear of the building thereby not frustrating the LRT function or other vehicular movements along King Street.

The front façade of the tower portion of the building presents a combination of materials including brick and glass with an interesting building articulation that draws the eye upward and creates an iconic design that will enhance the city's skyline. Visual cues with respect to materials, fenestration and built form from the surrounding historic industrial architecture such as the Kaufman Lofts (former Kaufman Shoe Factory), has informed the design of this building through the use of brick, glass and metal.

## **Amenity Space**

The common amenity space for the proposed building is located at the 7th floor on the southwest corner of the building. The building also proposes individual balconies that are integrated into the building design, as well as a 894.30m<sup>2</sup> of common amenity area space for the residents that spills out onto a 700.20m<sup>2</sup> outdoor amenity rooftop patio for the residents with views out onto King Street and the surrounding Innovation District.

### **Parking and Access**

All parking proposed for the site is located within the parking structure. There are two entrances planned to access the parking off of Hall's Lane including a separate podium entrance. In addition, a loading space is also located off of Hall's Lane. A total of 184 parking spaces have been provided for the site including 7 barrier free parking spaces.

### **Bicycle Parking**

In order to encourage active transportation, 312 indoor secure bicycle parking spaces are proposed. The indoor bicycle parking will be located on Levels 1 and P2 of the building. Additionally, six outdoor bicycle parking spaces are proposed at the front of the property for short term use. A total of 318 bicycle spaces are provided for the site.

### **Servicing and Infrastructure**

The development will be connected to existing sanitary, water and storm sewers within King Street. Further details about sizing and capacity for the proposed service connections can be found in the Functional Servicing and Stormwater Management Report prepared by Walter Fedy (dated March 28, 2023), as well as **Section 10** of this Report.



**Figure 4-** The adjacent image provides a view of the proposed development looking at the frontage along King Street West. The proposed 55 storey development includes one, two bedroom units and one bedroom with den options which will positively contribute to the evolving Mixed Use corridor along King Street and the Downtown Core.

### 3.1 Proposed Official Plan Amendment

In order to implement the proposed development an Official Plan Amendment (OPA) is required. The purpose of the OPA is to add a "Specific Policy Area" to Maps 4 and 5 of the Official Plan (. An Official Plan Amendment is required to increase the permitted Floor Space Ratio from 3.0 to 21.0. The Official Plan currently contemplates increases in FSR through a Section 37 bonusing agreement. Since Bonusing is no longer permitted through Bill 108 changes to the Planning Act, an Official Plan Amendment is required to increase the density to an FSR of 21.0.

A comprehensive review of the Official Plan Policies and Secondary Plan Policies can be reviewed in detail in **Section 7.0** of this report. A draft Official Plan Amendment is included as **Appendix C**.

### 3.2 Proposed Zoning By-law Amendment

The subject lands are zoned Warehouse District Zone (D-6) with Special Regulation Provision 122 R and Special Use Provision 142 U as per Schedule 84 of Zoning By-law 85-1. In addition to the Official Plan Amendment described in Section 3.1 of this report, the applicant will require a Zoning By-law Amendment. The application for Zoning By-law Amendment is being requested concurrently with the Official Plan Amendment.

To permit the proposed development the applicant is requesting an amendment to the Zoning By-law 85-1 with a number of new site specific provisions to implement the proposed development.

1. Seeking permission to amend Section 17.1 of Zoning By-law 85-1 to permit multiple residential, restaurant and retail uses.
2. Seeking permission to amend Section 17.3 of Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 21, whereas an FSR of 2.0 is permitted.
3. Seeking permission to delete Special Regulation Provision 122 R in Appendix "D" of Zoning By-law 85-1.
4. Seeking permission to delete Special Use Provision 142U in Appendix "C" of Zoning By-law 85-1.
5. Seeking permission to amend Section 17.3 of Zoning By-law 85-1 to permit a side yard setback from the eastern property lines of 0.0 m, whereas 3.0 m is required.
6. Seeking permission to amend Section 17.3 of Zoning By-law 85-1 to permit a side yard setback from the western property lines of 1.14 m, whereas 3.0 m is required.
7. Seeking permission to amend Section 17.3 of Zoning By-law 85-1 to permit a rear yard setback of 0.0 m whereas 7.5m is required;
8. Seeking permission to amend Section 6.1.2 c) to permit parking at a rate of 0.295 spaces per unit for all Multiple Dwelling Units, for a total of 184 spaces.
9. Seeking permission to amend Section 6.1.2 c) to permit 0 required parking spaces for non-residential uses.

**In addition the following site specific regulations are also requested.**

- Class A Bicycle Parking at a rate of 0.5 stalls per unit;
- A total of 6 Class B Bicycle Parking stalls; and

- A total of 20% of required parking be EV ready.

A detailed review of the applicable Zoning By-law regulations and conformance is discussed in **Section 8.0** of this report. A draft Zoning By-law Amendment is included as **Appendix D**.

# 4.0 PROVINCIAL POLICY ANALYSIS

## 4.1 Provincial Policy Statement

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

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

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

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

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



The proposed development plans for a development that provides a density and scale of development that support the achievement of the growth targets for the Urban Growth Area and supports transit. The proposed development makes an efficient use of the land by providing an infill development, connecting to existing services and providing a range of multiple unit housing types including one bedroom , one bedroom plus den and two bedroom units within a multiple residential building. The development has parking and elevators that will accommodate residents who require barrier free movement.

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

The definition of Intensification as per the PPS is:

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

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

This site is located in the Urban Growth Centre and within a Major Transit Station Area, both of which are priority areas for intensification. The site currently used for commercial purposes with a single storey commercial building and surface parking, is underutilized. The intensification of an underutilized site for multiple residential use will provide for area more appropriate form of development that is transit supportive. The PPS encourages the redevelopment of sites that are currently underutilized.

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

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

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

Policy 1.1.3.3 states that Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability

of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

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

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

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

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

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

## 4.2 Growth Plan for the Greater Golden Horseshoe

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

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

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

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

Section 2.2.2 explains that municipalities must develop a strategy to achieve the minimum intensification targets within the built up area. This includes identifying strategic growth areas for intensification such as Urban Growth Centres and Major Transit Station areas; appropriate scale and transition of built form; areas; zoned to achieve complete communities; infrastructure and public service facilities should be planned to support intensification; and, plans should be implemented through official plan policy and designations and updated zoning and other supporting documents.

The proposed development is located within the Urban Growth Centre and a Major Transit Station Area (MTSA) both of which are planned for intensification. The Growth Plan prioritizes intensification within strategic growth areas including Urban Growth Centres and Major Transit Station Areas, which applies to the subject lands. Section 2.2.3.2b) requires that Urban Growth Centres outside of the GTA are planned to achieve a density target of 200 residents and jobs per hectare by 2031.

In a similar manner, Section 2.2.4.3 b) requires that MTSA's are directed to meet a minimum density target of 160 residents and jobs per hectare for those served by light rail transit. The proposed development meets the criteria of the Places to Grow Policy by planning a multiple residential development for intensification within the Urban Growth Centre and the Major Transit Station Area that is of an appropriate scale and density to support the transit infrastructure and utilizes existing services more efficiently.

### 4.2.1 **Complete Communities**

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts. Section 2.2.1.4 supports the achievement of complete communities which provide for a diverse mix of land uses including residential and employment uses with convenient access to local stores, services, and which provide for a range and mix of housing options including additional residential units, affordable housing, to accommodate people at all stages in life and the needs of all households sizes and income levels.

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

This area is still evolving into a mixed use area with the densities that support transit usage within the Urban Growth Centre (UGC) and MTSA. This development will complement the momentum in development occurring within the downtown and station areas and will contribute to creating a vibrant community, that makes efficient use of existing land and infrastructure and provides many options to service the established neighbourhood through the provision of appropriately scaled residential densities along King Street.

### 4.2.2 **Urban Growth Centres**

Section 2.2.3 of the Growth Plan for the Greater Golden Horseshoe provides policy to guide development in the Urban Growth Centres (UGC). UGC's are planned to be the focal areas for investment in regional public service facilities as well as commercial, recreational, cultural and entertainment uses. Additionally, the policy also states that the UGC is intended to accommodate and support transit at regional scale and to serve as a high density major employment centre that will attract significant employment uses and lastly to accommodate a significant population and employment growth.

In this regard UGC's are intended to achieve a density target of 200 persons and jobs by 2031. This development will contribute to the City of Kitchener's density target for the Downtown (UGC) and will support the light rail transit usage within its proximity to the Central Transit Station.

### 4.2.3 **Transit Corridors and Station Areas**

The subject lands are also located within the Central Station area in the City of Kitchener. Section 2.2.4 of the Growth Plan for the Greater Golden Horseshoe provides policy to guide development in Transit Corridors and Station Areas.

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

The Region of Waterloo has updated their Official Plan to identify and provide policy for Major Transit Areas. The site is located proximate the Central Transit Station and is a prime location to

provide for a transit supportive development with higher densities to support the station and light rail transit system.

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

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

In accordance with Sections 2.2.4.9 and 2.2.4.10 the development within a MTSA can be supported if it provides for a mix of uses and housing options, which support the planned transit service levels and through provision of reduced parking standards. The proposed multiple residential building offers a variety of unit sizes including one, 1 bedroom plus den and two bedroom units. Reduced parking standards have been requested as part of the Zoning Amendment which aligns with the intent of this policy of the Growth Plan.

Section 2.2.6.2 and 2.2.6.3 encourages the achievement of complete communities by permitting multi-unit residential developments to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. The proposed development offers three unit types of varying sizes as describe above. The variety of unit types will allow people from several incomes to reside in the Downtown and also accommodates a diverse range of lifestyle needs and affordability.

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

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

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

# 5.0 REGION OF WATERLOO OFFICIAL PLAN

The new Regional Official Plan (OPA6) was approved by the Ministry of Municipal Affairs and Housing (MMAH) and came into effect on April 12, 2023. Official Plan Amendment 6 proposes to establish the planning framework in the Regional Official Plan to accommodate forecasted population and employment growth to the year 2051 and to implement the policies of the Provincial Policy Statement, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow), and the Greenbelt Plan, across the Region. Official Plan Amendment 6 proposes policies addressing land use planning, transportation, public transit, water and wastewater supply and services, public health, economic development, and affordable housing, as well as other growth and development matters.

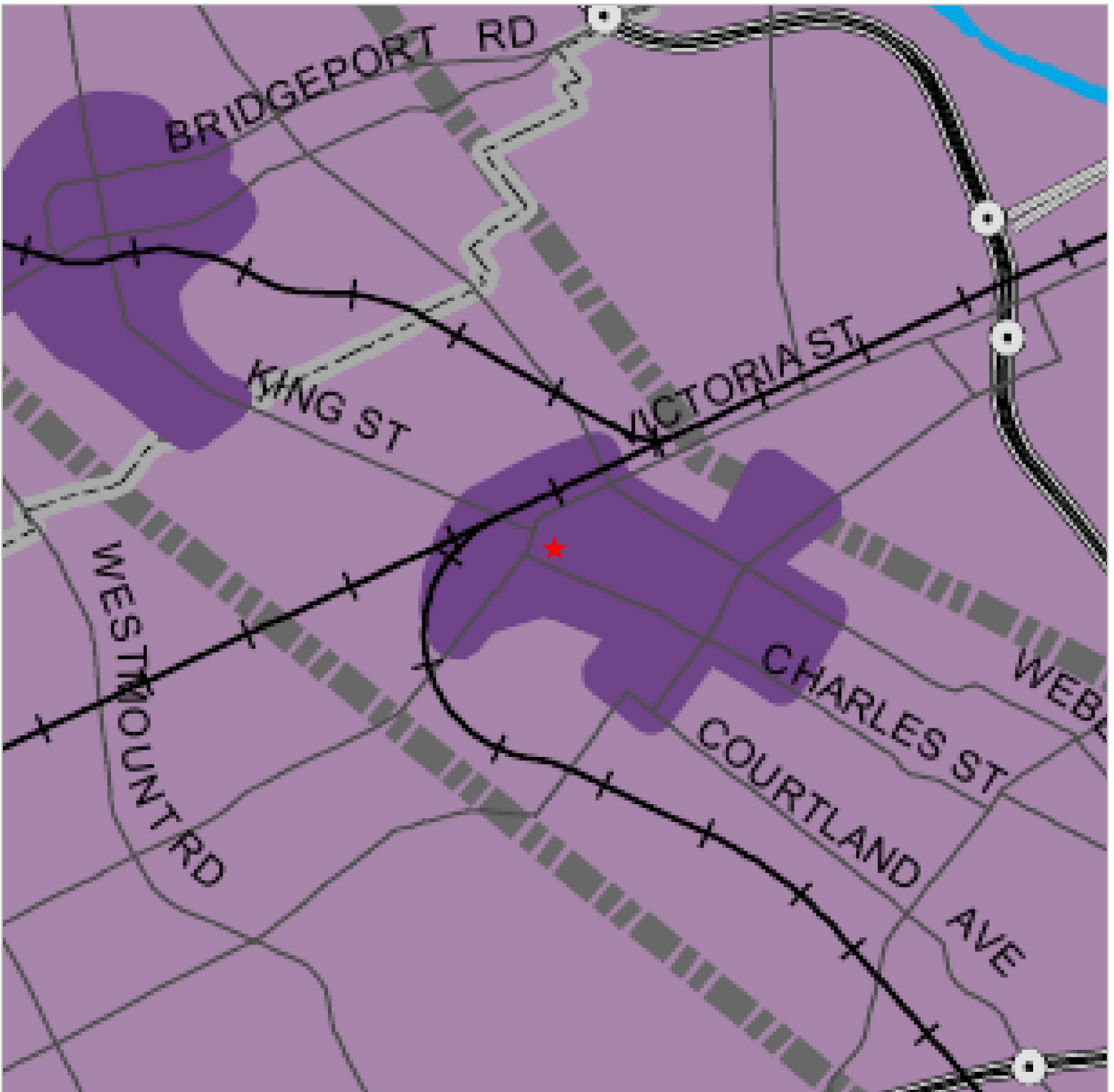
The purpose of the Regional Official Plan is to provide guidance at a municipal level for development of complete communities, protecting the natural environment and resources, conserving cultural heritage, and respecting scale, physical character and context of established neighbourhoods.

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

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

## 5.1 Shaping Waterloo Region’s Urban Communities








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



**Figure 5**  
**Region of Waterloo**  
**Official Plan Map 3a:**  
**Urban Area**

417 King St W  
 City of Kitchener  
 Region of Waterloo

**LEGEND**

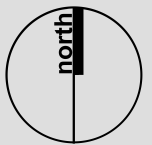
-  Subject Lands
- Urban Area**
  -  Built-Up Area
  -  Urban Designated Greenfield Areas
  -  Prime Industrial/Strategic Reserve (Served)
  -  Urban Growth Centres
-  Reurbanization Corridors
-  Major Transit Station Areas \*\*
-  Central Transit Corridor
-  Environmental Assessment Study Area
-  Planned Highway 7
-  Region of Waterloo International Airport
-  Urban Area Boundary

**Date:** February 2023

**Scale:** 1:25,000

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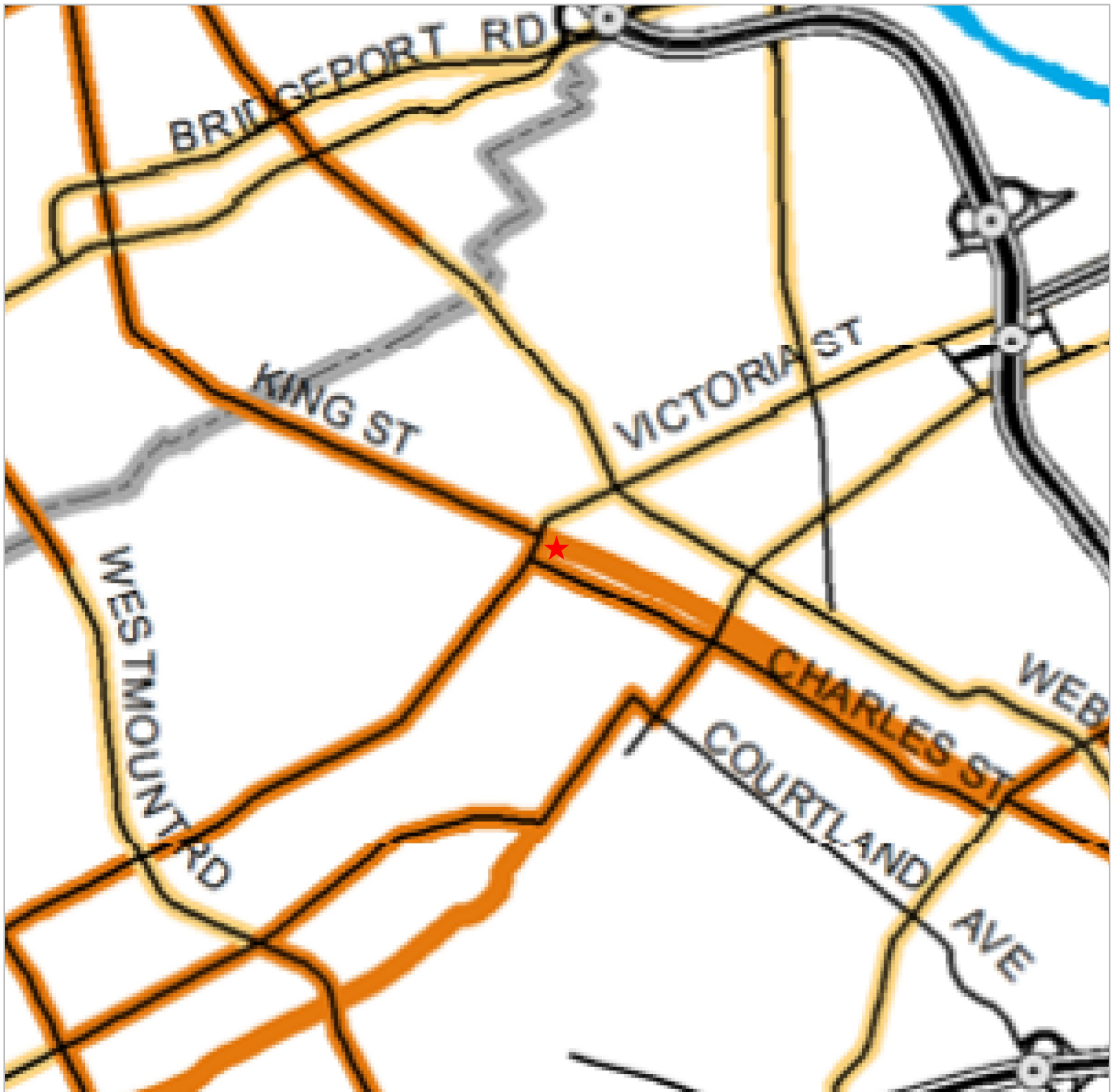


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**Figure 6**  
**Region of Waterloo**  
**Official Plan Map 5a:**  
**Regional Transit**  
**Network**

**LEGEND**

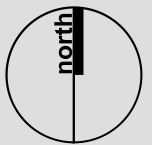
-  Subject Lands
-  Existing Transit Corridors
-  Planned Transit Corridors

**Date:** February 2023

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**File:** 152021

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**Figure 7**  
**Region of Waterloo**  
**Official Plan Map 5b:**  
**Existing, Planned**  
**and Proposed Roads**  
**and Corridors**

**LEGEND**

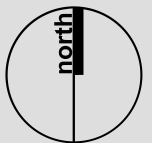
-  Subject Lands
-  Existing Regional Roads
-  Planned Regional Roads
-  Proposed Regional Corridors
-  Planned Provincial Highway

**Date:** February 2023

**Scale:** 1:25,000

**File:** 15202I

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**Figure 8**  
**Region of Waterloo**  
**Official Plan Map 6a:**  
**Urban Area Source**  
**Water Protection**  
**Areas**

417 King St W  
 City of Kitchener  
 Region of Waterloo

**LEGEND**

★ Subject Lands

**Wellhead Protection Areas**

- WPSA-1
- WPSA-2
- WPSA-3
- WPSA-4
- WPSA-5
- WPSA-6
- WPSA-7
- WPSA-8

**Municipal Wellhead**

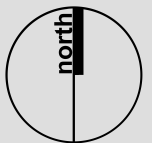
- ⊕ Municipal Wellheads
- ☆ Groundwater Under Direct Influence (GUDI)

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The Urban Area designation broadly identifies where the majority of the region's future growth will occur. This designation contains the physical infrastructure and community infrastructure to support major growth, including transportation networks, municipal drinking-water supply systems and municipal wastewater systems, and a broad range of social and public health services. It is also well-served by the existing Regional transit system, which is intended to be further enhanced through the introduction of rapid transit.

For these reasons, lands within the Urban Area have the greatest capacity to accommodate growth and serve as the primary focus for employment, housing, cultural and recreational opportunities in the region. Within the Urban Area, most of the region's future growth will be directed to Urban Growth Centres, Major Transit Station Areas, Reurbanization Corridors, Major Local Nodes and Urban Designated Greenfield Areas.

Section 2.D.3 of the Regional Official Plan states that designated Urban Growth Centres (UGC) are as shown conceptually on Map 3a (Figure 7). This designation identifies the region's primary business, civic, commercial and cultural centres that will be planned and developed:

- a. to accommodate a significant share of the region's future population and employment growth;
- b. as focal points for investment in institutional and regional-scale human services as well as commercial, recreational, cultural and entertainment land uses;
- c. to accommodate applicable Major Transit Station Areas in accordance with Policies 2.D.6 and 2.D.7;
- d. to serve as high density major employment centres that will attract significant employment-related land uses; and
- e. to achieve, by 2029 or earlier, a minimum gross density of 200 residents and jobs combined per hectare for each of the Downtown Kitchener and Uptown Waterloo Urban Growth Centres,

The subject lands are located in the UGC and the development is proposing a high density mixed use consisting of 622 units, at a mix and density that will contribute positively toward the achievement of the 200 residents and jobs per hectare density targets as established in the Waterloo Regional Official Plan for Urban Growth Centres. The site is located in proximity to two university institutional sites within a 5 minute walk as well as numerous other places of employment, commercial and recreational uses. The density proposed at this site will support LRT transit usage and the considerable investment made by multiple levels of government. The site is well situated to promote both cycling and walking on the nearby trail and sidewalk system through the downtown core with connections throughout the city and broader Region.

## 5.2 Liveability in Waterloo Region

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

Section 3.A of the ROP affirms that housing is a basic necessity and vital to health and community living. In this regard, the policy encourages the provision of a full and diverse range of housing that is safe, affordable, of adequate size and meets the needs of all residents. Section 3.A.2 directs area municipalities to plan and provide for an appropriate range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social and economic and personal support needs of current and future residents. This development responds to this policy by providing apartment units of varying sizes including 1, 1 bedroom plus den and 2 bedrooms, in a high-rise

built form, along a transit route in a location that is walkable and located within the downtown. The proposed development provides a housing alternative for residents of several income levels and personal needs. The building is equipped with an elevator thereby making the building accessible to all.

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

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

### 5.3 Source Water Protection

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

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

# 6.0

# CITY OF KITCHENER OFFICIAL PLAN

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

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

Map	Map Title	Designation
Map 1:	Urban Area and Country Side	Located within Urban Area Boundary and identified as Built Up Area (please refer to <b>Figure 9</b> )
Map 2:	Urban Structure	Site identified in Urban Growth Centre, on a Light Rail Transit Corridor; located on an Existing Transit Corridor; and proximate to a Rapid Transit Station (please refer to <b>Figure 10</b> )
Map 4:	Urban Growth Centre (Downtown)	The site is located within the Urban Growth Centre and is specifically designated "Innovation District" ( <b>Figure 11</b> )

## 6.1 Urban Area/Built Up Areas:

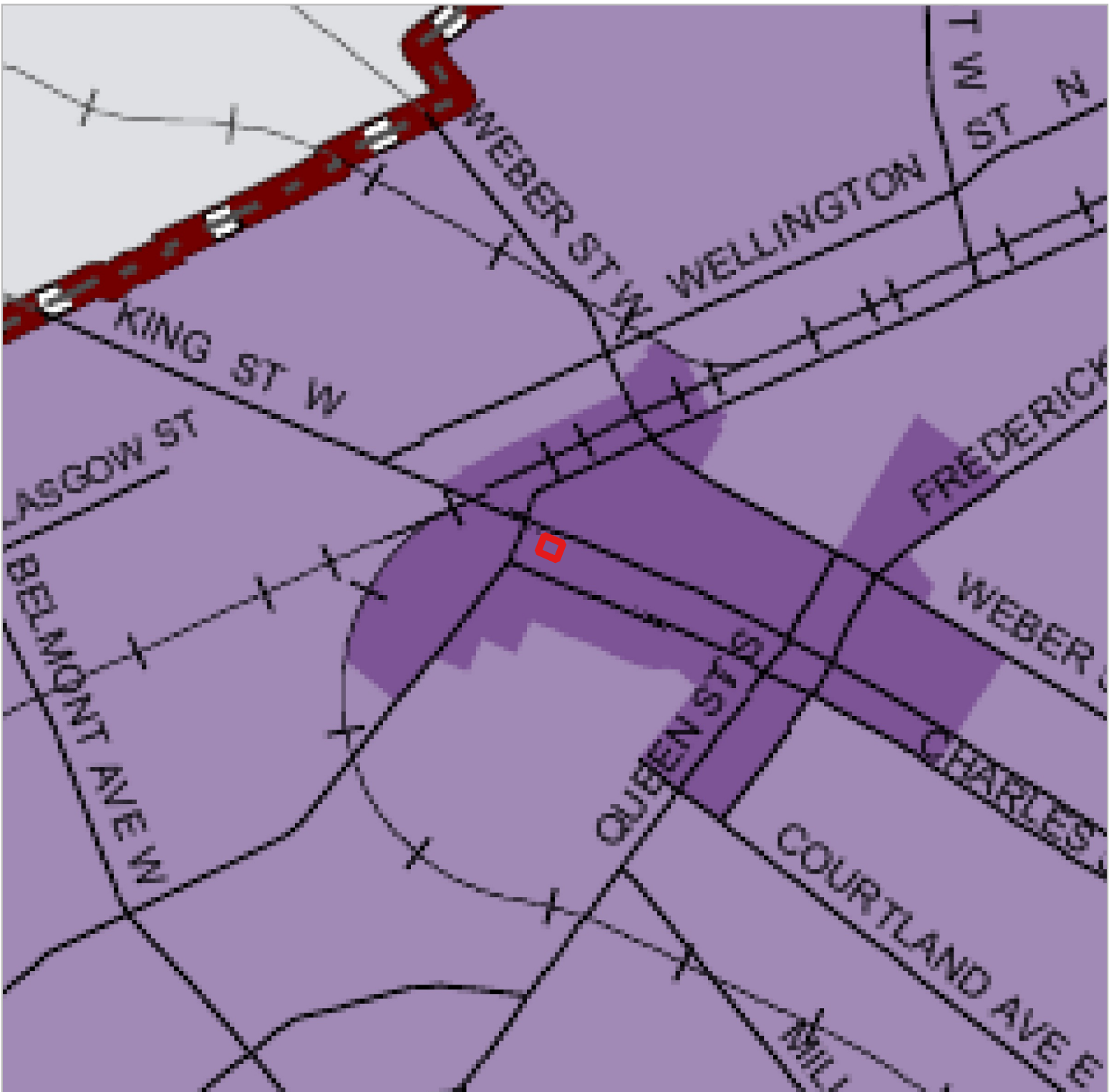
The site is located within the Urban Area of the City of Kitchener. Section 3.C.1.1 states that lands within the Urban Area Boundary are intended to accommodate the City's Growth and are already serviced or intended to be serviced. The majority of the residential growth in the built up area is encouraged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

## 6.2 Urban Growth Centre:

Map 2 – Urban Structure of the Official Plan identifies the site as being within an Urban Growth Centre (please refer to **Figure 10** of this report). The Urban Structure Plan for the City and illustrates areas for intensification which include the Urban Growth Centre (Downtown Kitchener), Major Transit Areas, City Nodes, Community Nodes, Neighbourhood Nodes, Urban Corridors and Arterial Corridors.

As Intensification Areas, these areas are generally intended to provide for a broad range and mix of uses in an area of higher density and activity than surrounding areas. The City's Intensification Areas are identified in a hierarchical manner. The hierarchy is intended to establish priority areas for intensification. These intensification areas serve different city, community and neighbourhood scaled planned functions and may be different in terms of character, scale, function, and potential to accommodate growth.











The various intensification areas are connected by transit corridors and integrated into the transportation system which are key elements in shaping growth and built form and planned



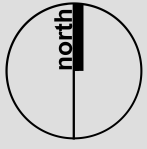
**Figure 9**  
**City of Kitchener**  
**Official Plan Map 1:**  
**City Urban Area and**  
**Countryside**

417 King St W  
 City of Kitchener  
 Region of Waterloo

**LEGEND**

-  Subject Lands
- City Urban Area**
-  Built Up Area
-  Designated Greenfield Area
-  Urban Growth Centre (Downtown)
-  Urban Area Boundary
- Countryside**
-  Protected Countryside
-  Area subject to Policy 3.C.1.22
-  Southwest Kitchener Policy Area
-  Countryside Line
-  Exact location of Countryside Line yet to be determined

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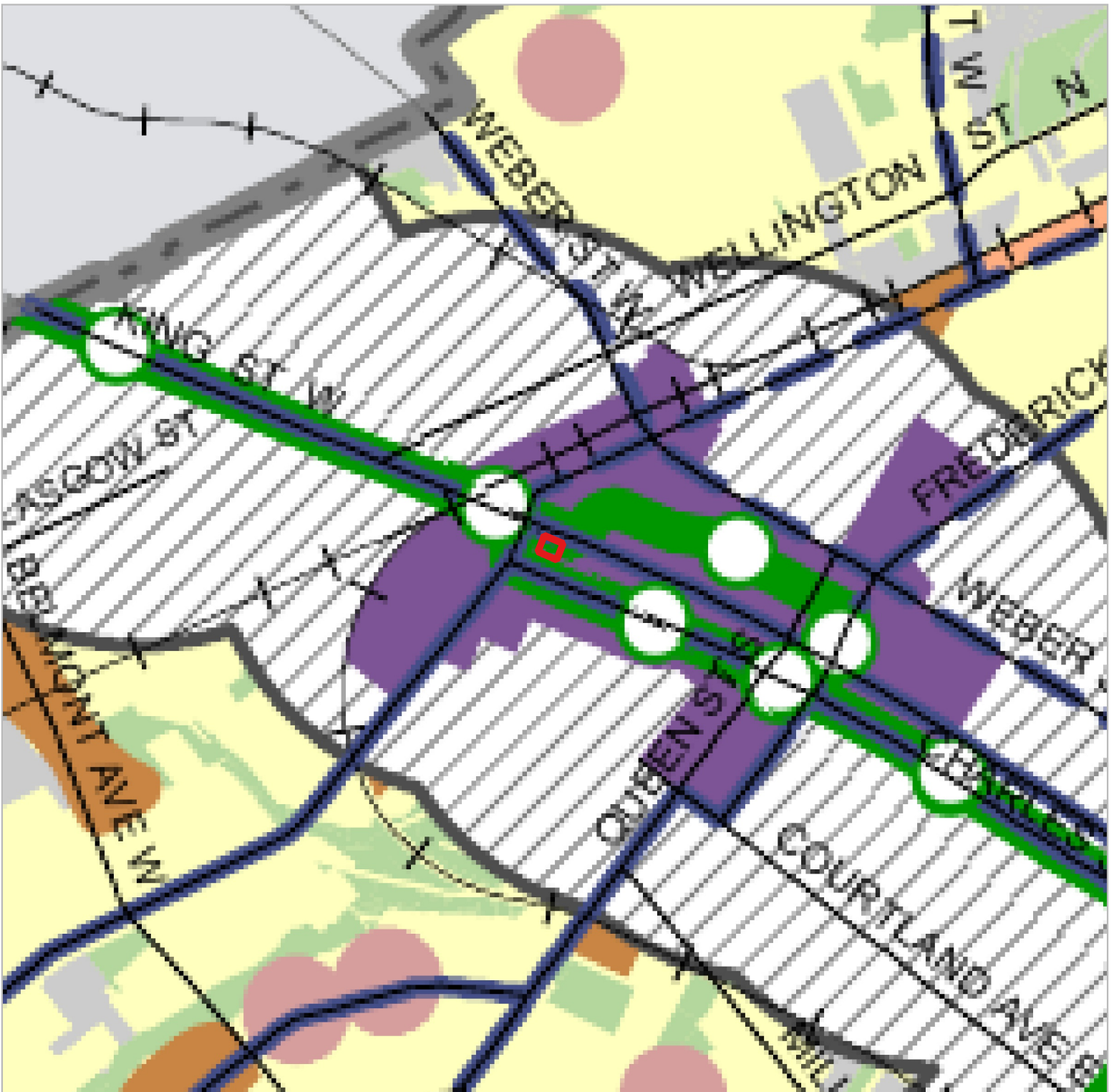


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







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**Figure 10**  
**City of Kitchener**  
**Official Plan Map 2:**  
**Urban Structure**

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 City of Kitchener  
 Region of Waterloo

**LEGEND**

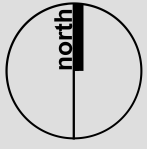
-  Subject Lands
- Intensification Areas**
-  Urban Growth Centre (Downtown)
-  Major Transit Station Area
-  City Node
-  Community Node
-  Neighbourhood Node
-  Urban Corridor
-  Arterial Corridor
- Other Areas**
-  Community Areas
-  Industrial Employment Areas
-  Green Areas
- Transit**
-  Existing Transit Corridor
-  Planned Transit Corridor
-  Light Rail Transit Corridor
-  Adapted Bus Rapid Transit Corridor
-  Rapid Transit Station
-  Area Under Deferral

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densities. The City's Intensification Areas are ranked in order of importance to establish areas that are prioritized for redevelopment and intensification.

Policy 3.C.2.1 directs that the lands within Urban Structure Components will be designated an appropriate land use to achieve their planned function. The policies pertaining to each Urban Structure Component stipulate what the applicable land use designations may include.

Policy 3.C.2.2 goes on to state that the City will generally not support changes in land use designation and zoning within Urban Structure Components that could reduce the planned density and/or compromise the planned function or intended built form of Intensification Areas unless the City is satisfied that the change in land use designation and/or zoning will achieve other goals and objectives of this Plan.

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

To create and maintain an urban structure for the city that will provide the foundation for a complete and healthy community which includes a range and mix of housing, including affordable housing, employment, service, amenity and transportation options distributed and connected in a coherent and efficient manner. A hierarchy of Intensification Areas in which to direct and accommodate population and employment growth and provide for intensification of varying magnitudes and range of uses has been established and the Urban Growth Centre and MTSA's are given the highest priority for intensification. The city's OP directs that the achievement of higher densities in the Intensification Areas is preferred over the surrounding areas and further encourages location of higher densities within walkable proximity of transit stop locations.

### **Urban Growth Centre (Downtown)**

Policy 3.C.2.12 states that the Urban Growth Centre (Downtown) is the primary Urban Structure Component and Intensification Area. Please refer to **Figure 11**.

The planned function of the Urban Growth Centre (Downtown) is to accommodate a significant share of the Region's and City's future population and employment growth.

Policy 3.C.2.13 indicates that the Urban Growth Centre (Downtown) is planned to achieve, by 2031 or earlier, a minimum density of 225 residents and jobs combined per hectare and assist in achieving the minimum residential intensification target identified in Policy 3.C.1.6.

Furthermore, policy 3.C.2.14 stipulates that the Urban Growth Centre (Downtown) is planned to be a vibrant regional and citywide focal point and destination and is intended to be the city's primary focal point for residential intensification as well as for investment in institutional and region-wide public services, commercial, office, recreational, cultural and entertainment uses.

## 6.3 Housing

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

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

Section 4.1.1 to 4.1.6 outline housing objectives of the plan that encourage the provision of an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life and to ensure that new residential areas and the redevelopment of lands for residential uses and residential infill projects reflect a high standard of urban design.

Policy 4.C.1.1 speaks to the supply, development, redevelopment and Intensification of lands and directs that the City will maintain at all times the ability to accommodate residential growth for a minimum of ten years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.

The additional density and multiple residential housing will support the City in achieving the 10 year housing supply as well a mix of housing styles and densities all that support transit uses and the achievement of the density targets in the UGC. The development will provide choice of housing in the Urban Growth Centre that is the primary focus for growth and helps achieve the development of complete communities by contributing the residential component of a mix of uses within the core. The density will contribute to the ridership which supports municipal infrastructure and also connects to existing municipal services.

### **Vision**

Historically, downtown Kitchener has been the focal point of the region. It has been a centre for trade, politics, arts and culture and entertainment. Today, the vision is to establish Downtown Kitchener as one of the best downtowns in North America that offers a complete sense of community while offering unique, vibrant and eclectic experiences. The community envisions this happening by fostering a downtown with lively street activity for all to enjoy, through great shopping, markets, restaurants, outdoor patios and outdoor events. Downtown should have green, pedestrian-friendly streets combined with a creative high quality urban design of buildings, storefronts and public spaces. The future and continued success of the Downtown will depend

heavily on increased residential growth, new employment in the Innovation District, high quality urban design and the provision of a fully integrated transportation system.

The Urban Growth Centre (Downtown) will accommodate a significant portion of the city's new population and employment growth. The city's Urban Growth Centre (Downtown) area includes the following land use designations: City Centre District, Civic District, Innovation District, Market District and Mixed Use.

## **Objectives**

The following key objectives of the Official plan are intended to achieve the vision:

- To create and maintain a lively and liveable Downtown.
- To encourage and support the location of unique and niche retail and commercial uses and those retail and commercial uses that support residential development within the downtown and within adjacent neighbourhoods.
- To support King Street within the City Centre District and the Market District as a primary retail destination.
- To increase residential development within the Urban Growth Centre (Downtown).
- To support and strengthen the Urban Growth Centre (Downtown) as a city, regional and provincial transportation hub with an integrated transportation system.
- To inspire and promote creative, high quality design through the encouragement and support of architectural excellence.
- To facilitate and encourage a mixture of uses that will contribute to a vibrant and safe atmosphere.
- To promote downtown vitalization and effective use of existing infrastructure by attracting and encouraging more residents and jobs to the Urban Growth Centre (Downtown).
- To support and enhance the Urban Growth Centre (Downtown) function as being the region's centre for government, administration, office and commercial activity.
- To support and facilitate the Urban Growth Centre (Downtown) as a centre of arts, cultural and entertainment and a gathering place for events and experiences as a means to encouraging tourism and fostering community and neighbourhood identity and contributing to a vibrant and creative city.
- To create and maintain a cycling and pedestrian-friendly and walkable Urban Growth Centre (Downtown).

The Urban Growth Centre (Downtown), as shown on Map 3 and Map 4, and also known as the City of Kitchener Downtown, will be the primary focus area in the city for intensification.

Policy 15.D.2.2. states that the Urban Growth Centre (Downtown) must achieve by 2031 or earlier, a minimum gross density target of 225 residents and jobs combined per hectare. The City will monitor and encourage a balance of residents and jobs per hectare to support the downtown as a desirable place to live and a major location of employment.

In addition policy 15.D.2.3.describes how the Urban Growth Centre (Downtown) will be planned:

1. as a focal area for investment in institutional and region-wide public services, as well as commercial recreational, cultural and entertainment uses;
2. to accommodate and support major transit infrastructure; to serve as a high density major employment location that will attract provincially, nationally or internationally significant employment uses;
3. to accommodate a significant share of the city's population and employment growth; and,
4. to provide services and amenities to attract population growth.

Policy 15.D.2.4 goes on to state that the Urban Growth Centre (Downtown) will be planned for continued commercial viability and all other land use designations allowing commercial development will have regard for and in no way compromise this planned function of the Urban Growth Centre (Downtown).

The Urban Growth Centre (Downtown) will be part of an integrated provincial, regional and city transportation system while at the same time provide a pedestrian-friendly and walkable environment.

In addition, policy 15.D.2.21 states that the City will give pedestrian, cycling and rapid and public transit modes of transportation the priority over vehicular circulation and accommodation within the overall transportation system. Please refer to **Figure 12**

To support the above noted policy, policy15.D.2.22 states where new parking spaces are proposed to be developed in combination with all new development or redevelopment, the City will:

- a) consider parking space reductions where warranted where such new development or redevelopment
- b) will enhance and contribute to the planned function of the Urban Growth Centre (Downtown);
- c) encourage owners/applicants to utilize Transportation Demand Management (TDM) measures;
- d) encourage owners/applicants to provide cash-in-lieu of required parking;

### **Innovation District**

The subject lands are also located within the Innovation District of the Urban Growth Centre which has the following specific policies.

The Innovation District is situated at the most northwesterly end of the Downtown, centered around the intersection of King Street and Victoria Street. This district is characterized by many large, old industrial buildings which have already been converted or have the potential for conversion to loft style office and residential uses and other viable uses. This area is different from the rest of the Downtown as Victoria Street carries through traffic not necessarily destined for the City Centre. It is anticipated that this district will evolve with the development of a regional transportation hub within the lifetime of this Plan.

The Innovation District is expected to continue to transform into a dense contemporary urban setting. The presence of high-tech and health science related office uses, as well as post-secondary and research related institutional uses, is expected to grow. The policies outlined below are intended to support and encourage this trend to continue.

Policy 15.D.2.49. sets out the primary uses permitted in the Innovation District as follows:

*offices, particularly research and high tech offices and creative industry; institutional; residential; studios; exhibition and/or conference facilities; existing light industrial employment; and, complementary commercial uses such as restaurants and bars, personal services, craftsman shops, commercial entertainment, specific types of retail, and those uses that service the office sector and residential uses.*

Policy 15.D.2.50 states that the full range of retail uses will be permitted on the lots fronting on Victoria Street and lots fronting on King Street to maintain the continuity of retail uses with adjacent areas and to recognize their location at the entrance to the Downtown.

Policy 15.D.2.51 indicates that the City will encourage the development of high density residential uses, however some existing properties and buildings may be subject to Holding provisions in the Zoning By-law due to potential adverse environmental conditions or constraints caused by adjacent industrial uses, transportation corridors and/or site decommissioning requirements.

Section 15.D.2.52 specifies that the maximum Floor Space Ratio for all new development and redevelopment will be 3.0.

### **Summary**

The proposed site is ideally situated in the in the Urban Growth Centre and proposes a development with a density that would help the city achieve its density target for the downtown of 225 persons and jobs per hectare which is greater than the target of the Places to Grow Plan and the Regional Official Plan. This development introduces the residential use to the former warehouse district at a density that will support transit and contribute toward the UGC growth target.

Development at this density will also support transit, while also encouraging active transportation through the provision of on-site bicycle storage. This development meets or helps to meet many of the objectives noted above, as it will increase the number of residential units in the Downtown; will support King Street within the Innovation District through the provision of additional retail uses at grade; and promote the vitalization and more effective use of existing infrastructure by attracting and encouraging more residents to the core.

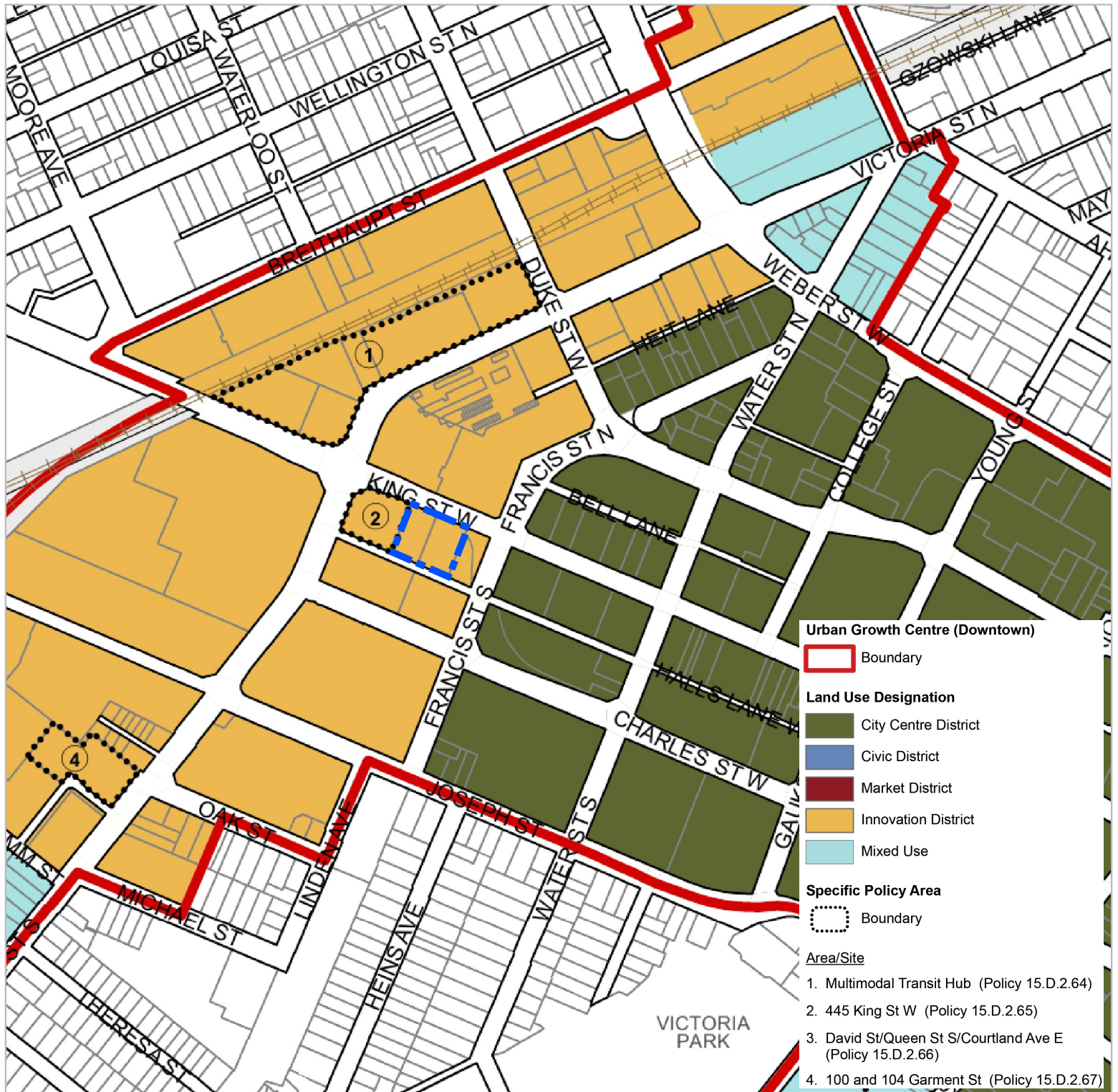
The unique design of this 55 storey building will inspire and promote creative, high quality design through the encouragement and support of architectural excellence through its use of high quality materials and attention to detail particularly along the pedestrian realm. The development is at a density that will support transit use. This is reinforced through its design with reduced parking; and the encouragement of active transportation rather than dependence on the automobile. The city policy encourages the consideration of reductions in parking to achieve the objectives outlined above and this development is seeking a reduction in parking that is supported by its location in the UGC and the TDM measures that have been implemented to promote active forms of transportation. Developments such as this one, will help the city in achieving its goal of attracting new development in this focal area for growth and intensification.

The development has addressed the objective regarding lots fronting on King Street and maintaining the continuity of the retail uses with adjacent areas and recognizes their location at the entrance to the Downtown, through the façade height and human scaled form in its design of the podium of this building. The podium has an interesting combination of brick and glass that both pays homage to the industrial past, with a look to the future while helping to activate the


streetscape. The pedestrian scale of the podium creates the vibrancy that is encouraged and envisioned for the downtown by animating the streetscape. Also, there are appropriate step backs that help reinforce the pedestrian scale along the streetscape, which will provide the continuity of the King Street frontage as per policy 15.D.2.50.

Although the maximum Floor Space Ratio is 3.0 as set out in policy 15.D.2.52, it is important to note that the FSR was kept artificially low in the core in order to encourage bonusing under Section 37 of the Planning Act. Recent changes to the Planning Act have eliminated the bonusing for community benefits in exchange for increased density. The City's policy framework in the Official Plan has not yet been revised to permit additional density as of right, nor has a Community Benefit by-law been passed. In turn, in order to implement this development an Official Plan Amendment is necessary. This will be discussed in more detail in **Section 7.0** below.

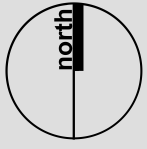
**In our opinion the proposed development conforms to the 2014 City of Kitchener Official Plan.**



**Figure 11**  
**City of Kitchener**  
**Official Plan Map 4:**  
**Urban Growth Centre**  
**(Downtown)**

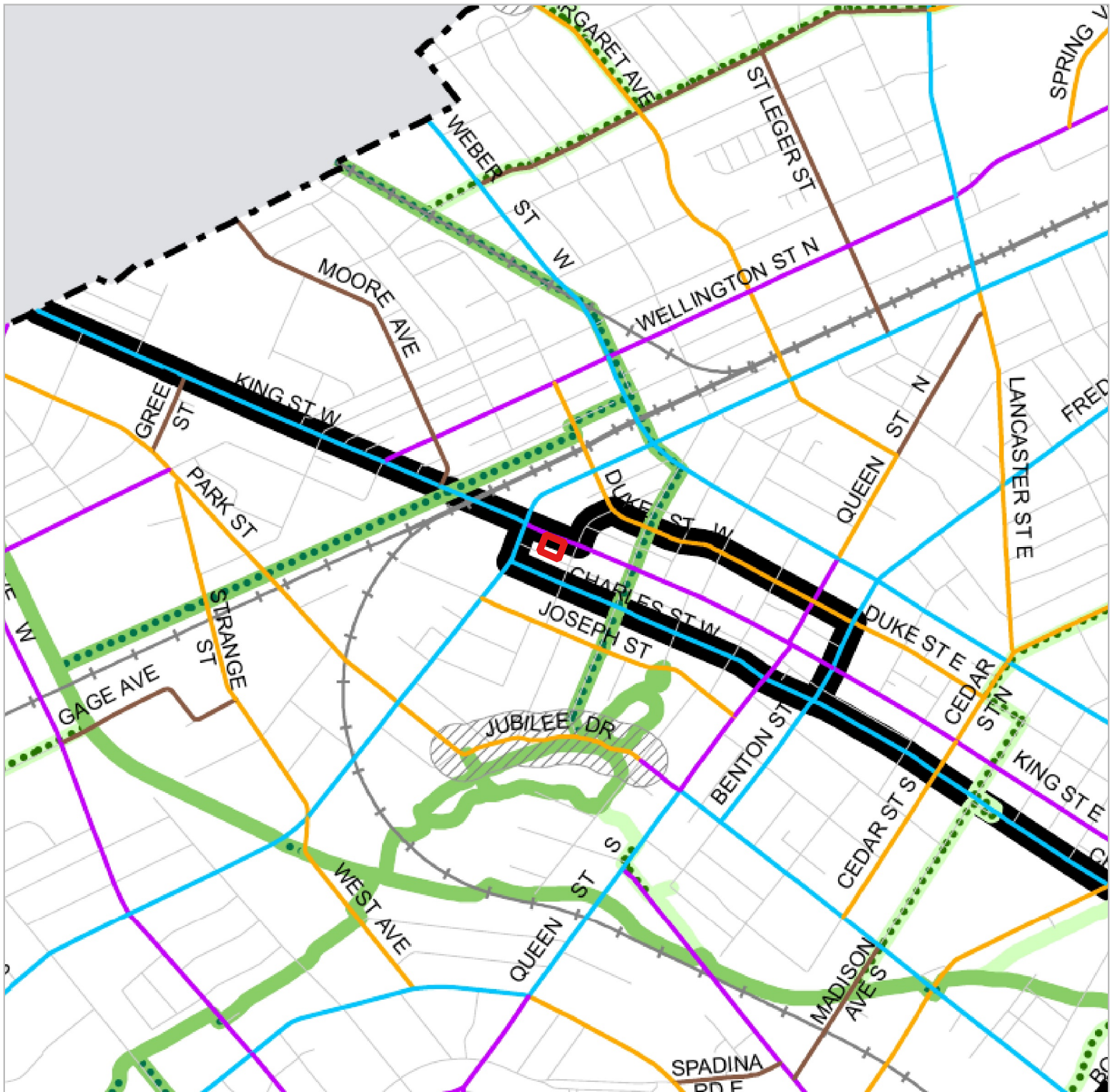
**LEGEND**  
 Subject Lands

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**Drawn:** PL



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417 King St W  
 City of Kitchener  
 Region of Waterloo



**Figure 12**  
**City of Kitchener**  
**Official Plan Map 11:**  
**Integrated**  
**Transportation**  
**System**

417 King St W  
 City of Kitchener  
 Region of Waterloo

**LEGEND**

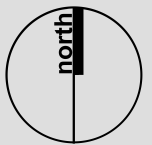
	Subject Lands			
<b>Street Network</b>				
Provincial Highway				Existing
Regional Road				Planned
City Arterial Street				Proposed Corridor
Major Community Collector Street				
Minor Neighbourhood Collector Street				
Local Street				
Heritage Corridor				
<b>Multi-Use Pathway and On Road Connection Network</b>				
Primary Multi-Use Pathway/Connection (Type 1)				
Secondary Multi-Use Pathway/Connection (Type 2)				
<b>Transit Corridor</b>				
Light Rail Transit Corridor Public Transit Right-of-Way				
Adapted Bus Rapid Transit Corridor				

Date: April 2023

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# 7.0 OFFICIAL PLAN AMENDMENT

The subject lands are designated as Innovation District within the Urban Growth Area, which has a maximum Floor Space Ratio of 3.0. As noted herein the Official Plan policies have not yet been revised to reflect the changing provincial planning landscape, including changes to Section 37 of the Planning Act. As a result, there is no longer an opportunity to use bonusing to secure increased density. As such, an Official Plan Amendment is required to increase the floor space ratio.

The development is proposing a Floor Space Ratio of 21, or 21 times the lot coverage in order to permit the proposed 55 storey mixed use development.

The proposed Official Plan Amendment for increased FSR and associated density is fully aligned with Provincial, Regional and local policy direction related to intensification within the UGC and Major Transit Station Areas.

Additionally, the development is consistent with the intent of the Official Plan, as it plans for a transit oriented development within the Urban Growth Centre, Major Transit Station Area and along the King Street transit corridor. The proposed Floor Space Ratio will provide additional density to support the both the growth targets for the Core, as well as the existing Light Rail Transit Corridor. The density proposed by this development will contribute toward the residential and commercial mix of uses, which are appropriate for a Transit Station Area. The transit oriented development promotes the use of transit and active transportation uses and has reduced the focus on the automobile by providing reduced parking and Transit Demand Management (TDM) measures.

The proposed development follows the general intent of the Official Plan policies for developments located within the UGC along the Light Rail Transit Corridor. The proposed amendment will bring the property into better conformity with Provincial and Regional policy direction regarding the intensification of these areas to support transit usage and accommodate growth.

# 8.0 ZONING BY-LAW 85-1

The subject lands are currently Zoned D-6 with Site Specific Regulation Provision 122 and Special Use Provision 142U as per Schedule 84 of Zoning By-law 85-1. Please refer to **Figure 13** of Planning Report, which identifies the zoning for both the subject lands and adjacent properties.

The uses permitted within the Warehouse District Zone 6 (D-6) include industrial, warehousing, sale, repair, contractor’s establishment and wholesaling uses but does not include residential uses.

Below is a detailed analysis of the current zoning regulations as set out in By-law 85-1 for the Warehouse District Zone (D-6), compared to the proposed development. The non-conforming regulations have been identified in the table below and will be addressed through site-specific regulations. A summary of the Special Provisions required to permit the proposed development can be found in **Section 8.2** of this report.

## Zoning By-law 85-1 – Warehouse District Zone (D-6)

Zoning Regulations		
Regulation	Required	Provided
Minimum Lot Width	16 metres	+/- 55 metres
Maximum Yard abutting a Street other than Francis Street	Any setback of the ground floor facade of a building shall be not more than 2.0 metres from a street line.	0 metres
Minimum Side Yard	3.0 metres	0 metres (easterly); 1.14m (westerly)
Minimum Rear Yard	7.5 metres	0 metres
Maximum Floor Space Ratio	2.0	21.0
Minimum Façade Height	6.0 metres	19.25 metres for the podium with tower above.
Maximum Gross Leasable Commercial Space for Convenience Retail	No single outlet shall exceed 225.0 square metres.  (Site Specific 142U permits up to 5,000 square metres of retail).	Two retail areas of 394.44 square metres and 335.23 square metres.

## Existing Special Use/Regulations Provisions

Retail shall also be permitted in accordance with the regulations of Section 17.3 of this by-law, and the following:

- a) The maximum gross leasable commercial space for retail other than a retail use permitted in Section 17.1 of this By-law shall be 5,000 square metres for all lands covered by this subsection, provided, however, that no single establishment shall exceed 1,000 square metres.
- b) No part of a building shall be higher, measured from finished grade level, than the dimension of its horizontal distance from the vertical projection of the street line on the opposite side of King Street

Off-street parking shall be in accordance with the requirements of Section 6.1 of this by-law only for uses located within a building or part thereof constructed after the day of the passing of By-law Number 92-232

### 8.1 Special Provisions Requested to Warehouse District Zone Six (D-6)

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

1. Seeking permission to amend Section 17.1 of Zoning By-law 85-1 to permit multiple residential, restaurant and retail uses.
2. Seeking permission to amend Section 17.3 of Zoning By-law 85-1 to permit a Floor Space Ratio (FSR) of 21, whereas an FSR of 2.0 is permitted.
3. Seeking permission to delete Special Regulation Provision 122 R in Appendix "D" of Zoning By-law 85-1.
4. Seeking permission to delete Special Use Provision 142U in Appendix "C" of Zoning By-law 85-1.
5. Seeking permission to amend Section 17.3 of Zoning By-law 85-1 to permit a side yard setback from the eastern property lines of 0.0 m, whereas 3.0 m is required.
6. Seeking permission to amend Section 17.3 of Zoning By-law 85-1 to permit a side yard setback from the western property lines of 1.14 m, whereas 3.0 m is required.
7. Seeking permission to amend Section 17.3 of Zoning By-law 85-1 to permit a rear yard setback of 0.0 m whereas 7.5m is required;
8. Seeking permission to amend Section 6.1.2 c) to permit parking at a rate of 0.295 spaces per unit for all Multiple Dwelling Units, for a total of 184 spaces.
9. Seeking permission to amend Section 6.1.2 c) to permit 0 required parking spaces for non-residential uses.

**In addition, the following site-specific regulations are also required.**

- Class A Bicycle Parking at a rate of 0.5 stalls per unit;

- A total of 6 Class B Bicycle Parking stalls; and
- A total of 20% of required parking be EV ready.

The detailed draft zoning amendment is included as Appendix D.

## 8.2 Planning Justification for Special Provisions

A draft Zoning By-law Amendment has been submitted with this report to rezone the subject lands from Warehouse District Zone D-6 to Warehouse District Zone D-6 with Special Regulation Provisions to accommodate the proposed development.

***Notwithstanding Sections 17.1 and 17.3, Special Regulation Provision 122 R and Special Use Provision 142 of this By-law, for the lands zoned D-6, as shown on Schedules 84 of Appendix "A", the following additional uses shall be permitted:***

- i) The following new uses shall be permitted:*
  - a) multiple residential;*
  - b) retail; and,*
  - c) commercial uses.*

The applicant is seeking relief from Section 17.1 of the Zoning By-law to permit a multiple residential use and retail uses which are not permitted in the parent D6 Zone. As part of the redevelopment and intensification of the site residential uses are introduced to the zone and commercial uses will help activate the street and will contribute toward a vibrant and lively downtown atmosphere. It is noted that retail uses are already permitted under Site Specific Use regulation 142U which will be removed by this amending by-law. The new proposed zoning seeks to continue this commercial/retail permission.

The following relief from Section 17.3 for performance measures are being sought:

- i) The maximum floor space ratio shall be 21;*
- ii) The minimum side yard setback from the eastern property line shall be 0.0m and 1.14m on the western property line;*
- iii) The minimum rear yard setback shall be 0.0 m;*

A floor space of 21 will permit the 55 storey building, which creates a density that will help support transit and will help the city achieve its density target of 225 persons and jobs per hectare for the Urban Growth Centre. There is currently no maximum height required and the proposed 55 storey building will implement this design, which will add interest to the city's skyline. The reduction in the side yard and rear yard setbacks will facilitate the redevelopment of these lands for the densities needed to achieve the UGC targets. The density will also support transit usage in the Core, making it less desirable to use the automobile.

The regulations of By-law 85-1 were established in absence of the rapid transit and the densities that are targeted to support transit within Major Transit Station Areas such as these lands, as the LRT had not yet been developed. The intent is to maintain a compact high rise built form in this area. The current bylaw permits an FSR of 2. Although this proposal requires an increase in FSR to permit the 55 storey multiple residential building, the built form does not pose any adverse impacts such as shadows onto the neighbourhood and is situated along LRT corridor. The

proposed building massing and location is appropriate for lands within the UGC and the Major Transit Station Area and along a transit corridor such King Street West, and is at a density that does not offend the by-law's intent despite the increase in FSR. The lands will also make more efficient use of infrastructure that exists in the Core.

The following relief from Section 6.0 is being sought:

***"Notwithstanding Section 6, 6.1.2 b)viii) and 6.1.2 c) of this Bylaw, for the lands zoned D-6 as shown on Schedule Number 84 of Appendix "A", the following special regulations shall apply:***

- i. Required off-street parking for all multiple dwellings shall be provided at a rate of 0.295 spaces per unit for a total of 184 spaces;***
- ii. 0 parking spaces shall be required for non-residential use;***
- iii. A minimum of 20% of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment;***

Where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number. "

There are parking reductions being requested as noted above from the required 445 spaces to 184 spaces in total. The site contains 7 Barrier Free spaces and does not propose spaces for the commercial uses. The subject lands are located within the Urban Growth Centre and a Major Transit Station Area (MTSA) for the Central Station stop. Official Plan policy regarding lands within intensification areas such the UGC or MTSA contemplates parking reductions for sites well served by transit. A parking rate of 0.295 spaces per multiple unit is being proposed resulting in a total of 184 spaces.

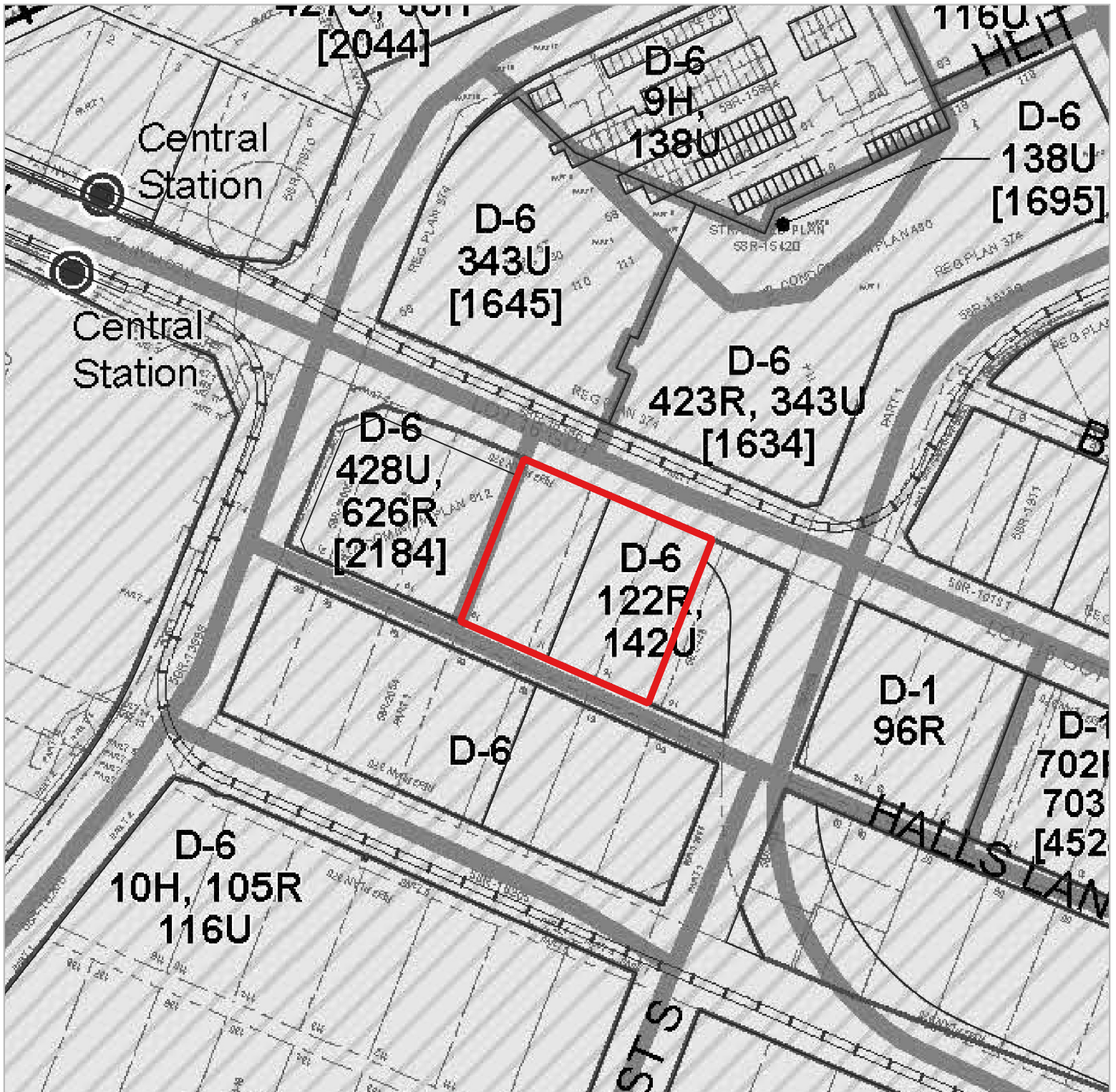
The applicant has also implemented Transportation Demand measures to encourage alternative modes of transportation rather than the automobile and to support the parking reductions further. A TDM checklist has been provided as part of the Parking justification Report. These measures include the provision of 312 bicycle parking stalls in the parking structure of the building that could be used by residents. In addition, 6 stalls at the front of the building are provided for visitors. It should be noted that the by-law does not require bicycle parking and this is being provided above and beyond the requirements of the by-law. The site is within the downtown and a 5 minute walk to an LRT station stop, and is situated on the King Street LRT corridor with regular LRT and Bus transit routes which provide the visitors and residents a choice for alternative modes of transportation.

A reduction in the parking ratio will encourage use of alternative modes of transportation, while reducing the cost of the overall project, and as a result, the end cost for each unit. The provision of underground and structured parking contributes significantly to the overall cost of the project. By reducing the parking ratio and encouraging alternative transportation forms such as public transit and active transportation, the development will be much more cost effective for future residents, who otherwise may not be able to afford to live within the core and the proximity of a transit station. The commitment to provision of spaces for EV vehicle and electric bicycles is also not required, but encourages alternate forms of transportation than the automobile. In this regard,

the site will contain bicycle parking at a rate of 0.5 spaces per unit for a total of 312 Class A stalls and 6 Class B stalls. Additionally, 20% of the required parking will be EV ready.

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

A Parking Justification Report has been prepared and submitted to support the Official Plan and Zoning Amendment Applications. A summary of the recommendations of the Parking Study can be found in **Section 10** of this report.



**Figure 13**  
**City of Kitchener**  
**Zoning By-law 85-1:**  
**Existing Zoning Map**  
**(Schedule 84)**

**LEGEND**

- Subject Lands
- By-Law 2019-051
- By-Laws 85-1 and Other
- Flooding Hazard
- Slope Erosion Hazard
- Ecological Restoration Areas
- ♦
♦
♦
♦
 Significant Wildlife Habitat and Landforms

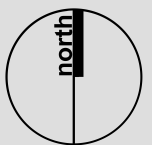
- D-6 Warehouse District Zone
- U Special Use Provisions
- R Special Regulation Provisions

Date: April 2023

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# 9.0 URBAN DESIGN

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

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

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

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

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

The subject lands are in a priority location in the Urban Growth Centre. The building has been designed at a density increase that would serve to support transit and active transportation uses within the UGC and the King Street light rail corridor area and the broader community. The building presents its facade along King Street which is a Regional arterial road proximate the intersection with Francis Street to the east of the subject lands.

The front façade of the building is comprised of a combination of building materials including red/brown brick around the podium with glass finishes, that help activate the streetscape and creates a strong and appealing contrast of materials adding interest to the building, while using some design queues from the surrounding Innovation District context. The first floor of the podium structure contains the residential lobby and two commercial units, one facing the King Street frontage, and the other facing the Francis Green to the east of the site. A patio with a canopy to protect from the elements, is provided for the commercial unit facing the Francis Green. This activates the streetscape during the warmer spring through fall seasons. As the eye is drawn upwards, the glass portion of the building lightens the massing of the building and creates a very distinctive look to the tower. A private roof top amenity area is provided on the 7<sup>th</sup> floor which overlooks King Street. This amenity space is paired with an indoor amenity area directly adjacent for a whole indoor outdoor amenity space for the residents of the building.





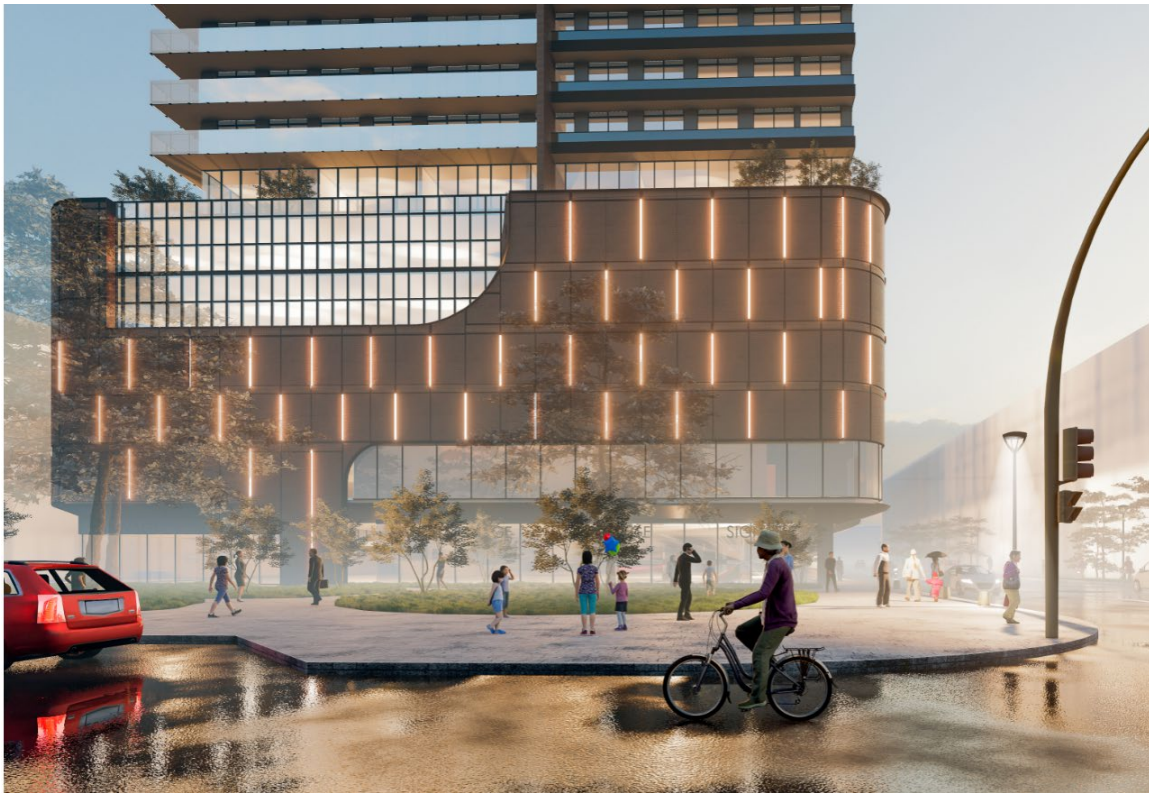
**Figure 14**

*The above image illustrates the building podium and ground floor commercial uses. Parking within the podium has been screened through the façade design.*

The main entrance to the building is well articulated through a change and contrast of building materials. Contrasting finishes enhance the entrance and clearly distinguishes from the balance of the building and creates an iconic and pronounced look at the base of the building. The use of the brown-red brick suggest a nod to the former industrial architecture that dominated this portion of the City and enhances the overall streetscape. The entrance is designed to be barrier free and leads to a fully accessible lobby with elevators.

The entrance to the garage is located on the south side of the building off of Hall's Lane and is not visible from the King Street frontage, and is well integrated into the building design. The effect of this is to conceal the garage entrance so that it does not dominate the streetscape and focusses on the pedestrian experience rather than the automobile. Key servicing areas for the development are also located at the south part of the site, directly to the rear of the building and away from the public realm, thereby reinforcing the focus on the pedestrian experience along the streetscape. These areas include vehicular access to the both the podium parking, the below grade parking containing the visitor and barrier free spaces, as well as the entrance to the garbage and loading area. All service areas of the building are not visible from the King Street façade and are screened from the view along Hall's Lane.

The development directs focus away from the automobile by incorporating all of the parking completely within structured parking.



**Figure 15**

*This image shows the façade that will face the existing park. Large ground floor windows are proposed which will look out over the park. Commercial uses are proposed to wrap around the ground floor façade which will provide an opportunity for patio and seating space facing the public park.*

**Rear:**

The rear of the building is also clad with a variety of building materials including glass and brick elements. The architectural banding of the materials creates a pattern of fenestration and brick, and glass combinations that represents a contemporary pattern that creates an iconic and unique design that enhances the skyline while complimenting the remaining larger industrial buildings from eras gone by. These combination of materials reflect the architectural queues from the district without offence, but does not replicate the historical architecture in the broader community. The patterning of the different materials breaks up the building mass of the 55 storey building.

Active transportation is encouraged through the provision of 312 bicycle racks in the secure bicycle storage areas of the parking garage and the 6 Class B stalls at the front of the building along the King Street frontage.

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

The site design is functional and takes the focus off the automobile and encourages active transportation and focusses on the pedestrian. All parking and building services are located

internal to the building and accessed off of Hall's Lane and out of pedestrian site lines along the King Street frontage.

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

The proposed development was designed with consideration to the City's Urban Design Guidelines. A review of the proposed development relative to the guidelines is included as part of this submission (Urban Design Scorecard). The Urban Design Scorecard is a pilot project which assesses projects based on a checklist of applicable design guidelines. The purpose of the scorecard is to streamline the Urban Design Reports for development applications. The scorecard was provided by the City of Kitchener and completed by the MHBC Urban Design Team. The scorecard was scoped by the Urban Design Group at the City of Kitchener to meet the applicable Urban Policy from the City of Kitchener's Urban Design Guidelines. In our opinion the proposed development has appropriately considered the City's urban design guidelines, including guidelines for Tall Buildings.

#### **Tall Building Analysis:**

The Urban Design scorecard submitted as part of this application provides responses to each of the Tall Building guidelines.

#### **Shadow Analysis:**

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

##### ***Spring / Fall***

The spring/fall shadow studies demonstrate that between 8 am and Noon a long narrow shadow is cast in a westerly direction that moves northward by 2:00 pm and gradually easterly direction over the other side of the downtown by 6 pm. There will be no impact on the rear yards of any dwellings as any dwellings are well removed from this downtown location. As the shadow is long a narrow it will cast a small band of shadow over the Kaufman Lofts building in the evening during the spring fall equinox periods.

##### ***Summer***

In June the shadows are much shorter with the longest periods at 8 am to the west and 8 pm to the east. At noon the shadow, although very short is cast over the 1 Victoria property to the west of the site, but quickly leaves the one Victoria property by 2:00 pm. The shadow moves quickly across the area and never creates a situation of more than 2 consecutive periods without sun, which meets the city's best practices.

##### ***Winter***

The winter shadow continue to be long but narrow and therefore have no significant impact to neighbouring lands. There is some morning shadow cast over One Victoria lands until noon and then the shadow moves quickly eastward toward the other side of the downtown where it ends in long shadows late in the day which are typical at this time of year in the northern hemisphere.

In summary, as with many high rise buildings there will be shadows in the winter time periods. However, all properties will continue to experience periods of full sun, as the shadow is narrow and moves over the sites quickly just like a sundial.

### **Wind Study Analysis:**

RWDI prepared an opinion letter dated August 22, 2022 and revised the study in April 2023 regarding wind conditions to support the proposed Official Plan and Zoning By-law amendments. The full scale wind predictions were compared with RWDI wind criteria for pedestrian comfort and safety evaluations.

Some mitigation for prevailing wind conditions included maintaining the buildings to the west and increasing the step back of the tower from the east in order to minimize the effects of the prevailing wind conditions. Other specific mitigation includes recessing of entrances to the building. Other sidewalk conditions were acceptable and required no additional mitigation and it was recommended that more detailed wind analysis be conducted at the detailed design stage at the site plan approval phase. These findings are discussed in more detail in Chapter 10 below.

### **Tall Building Guidelines**

The City of Kitchener has Urban Design Guidelines specific to tall buildings which consider principles such as tower separation, overlook, built form and design of the base, tower and top of a tall building, tower floor plate size, public open spaces including the streetscape and compatibility.

### **Podium base**

The ground floor at the base of this building is surrounded by glass finishes which creates a transparent feel to the ground floor where pedestrians feel comfortable coming and going. The ground floor uses include two commercial spaces and the residential lobby, as well as areas leading to the structured parking. The lobby is open and wide. The commercial areas once leased and open will help activate the streetscape by creating a seamless transition between the indoor uses and the streetscape space. The east side of the ground floor houses the second commercial space, which overlooks the Francis Green and has an outdoor patio. This combination will contribute toward the activation of the public realm.

The tower although the measurement confirms its form as a compact slab, has a light and airy appearance due to the use of glass materials and the undulating design along the front façade draws the eye up the tower which appears slender and will add interest to the city's Skyline.

### **Separation**

The building has a height of 173.83m with a length of approximately 39.15m. The resulting tall building separation distance amounted to 34.03m for the compact slab format of the tower.

Separation from the adjacent properties from the subject property lines:

North-Kaufman Lofts-23.96m

South – separation from 30 Francis-12.12m

East – Francis Green- 8.56 m

West-1 Victoria separation of 27.19m

While the separation to the adjacent sites are not met, the positioning of the tower on the subject lands parallel to 1 Victoria and kitty corner to the 30 Francis tower will result in little or no overlook impact to either building. The Kaufman Building to the north, is a heritage building and is already developed and not likely to redevelop to a tower in the future. Similarly, the 1 Victoria site is developed with a tower and the 30 Francis site is under construction with a 40 plus storey tower, so neither site is prejudiced against the location of a tower, as a result of the proposed development on the subject lands. The 30 Francis tower is also offset from this site, so that no overlook will result from the development on the subject lands. Lands to the east contain the

Francis Green, which is a City park that will be upgraded in the future and it would be unrealistic to assume development with a tower will occur on the park in the foreseeable future.

The sun shadow is tall and narrow and moves across the lands to the west, north, east and south quickly and does not result in shade conditions beyond 5 hours. Therefore, it is anticipated that this condition meets the City's criteria and does not result in negative shadow impacts to the surrounding lands.

### **Overlook**

The proposed tower will be positioned parallel to the 1 Victoria site. The easterly façade of 1 Victoria has little fenestration on the first 6 storeys of the podium, as it contains structured parking with a large elevator shaft comprising approximately a third of the easterly façade. The balance of the façade contains balconies and fenestration which predominantly looks onto King Street or Hall's Lane. However, with the separation distance of 27.19 m, the overlook is minimized as the balconies are facing King Street and are therefore parallel to the proposed development and the views to the balconies will result in a side view of the balcony and not a direct overlook onto the balcony portion of the facade.

The positioning of the subject building kitty corner to the 30 Francis site and the proposed building at that location, will result in no overlook between the two buildings despite their relative proximity. The separation between this development and the proposed tower on the subject lands will be 12.12 m at the property line.

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

# 10.0 SUMMARY OF TECHNICAL STUDIES

## 10.1 Functional Servicing/ SWM/ Water Distribution

Walter Fedy prepared a Functional Servicing and Stormwater Management report on behalf of Van Mar Developments Inc. dated March 28, 2023, to support the applications for Official Plan and Zoning by-law Amendments.

Based on the analysis presented in the above noted report, it is concluded that:

- The proposed development is expected to contribute a total sanitary flow of approximately 15.33 L/s to the existing King Street West sanitary sewer system.
- Two water service connections will be provided via King Street West. The development of the site is expected to have a maximum daily demand of 4.257 L/s and a peak hourly demand of 11.187 L/s.
- The required fire flow for the development is 267 L/s. Approximately 6600 US gpm (416.4 L/s) is available from the existing infrastructure.
- Stormwater quantity control is not required as there is no change in the level of imperviousness between pre- and post-development conditions.
- A cistern in the building and pervious areas on site will provide a capacity to retain 12.5 mm of runoff across the site.
- Stormwater quality control is not required given there are no external vehicle-trafficked areas within the site; any runoff generated is subsequently clean rooftop runoff.
- Perimeter silt fence, silt fence at the base of all stockpiles, silt sacs in storm structures, and construction entrance mud mats can provide erosion and sediment control. These will be included during detailed design.

## 10.2 TIS/ Parking Justification Study

Paradigm Transportation Solutions prepared a Transportation Impact / Parking Justification and Transportation Demand Management Study report on behalf of Van Mar Developments Inc. dated April 2023 to support the applications for Official Plan and Zoning by-law Amendments for the proposed mixed use development with 622 units, 654 m<sup>2</sup> ground floor commercial space, and 184 parking spaces are proposed to be provided. Vehicle access is proposed via two driveways to Halls Lane West. The following observations and recommendations were presented in the report.

The main conclusions of this study are as follows:

### **Transportation Impact Study:**

- **Existing Traffic Operations:** All observed intersections are observed to operate at an acceptable level under existing conditions;
- **Development Generated Traffic:** The site is forecast to generate a total of 96 AM peak hour trips and 120 PM peak hour trips at full build-out;
- **Background Traffic Operations:** All observed intersections are forecast to operate at an acceptable level under 2028 Background conditions;
- **Total Traffic Operations:** All observed intersections are forecast to operate at an acceptable level under 2028 Total conditions; and,

### **Mitigating Measures:**

- **Left-Turn Lanes:** a southbound left-turn lane is warranted on Victoria Street at Halls Lane W under 2028 Background and Total conditions.

### **Parking Study:**

- The current Zoning By-law 85-1 requires a minimum of 446 parking spaces. The upcoming ZBL 2019-051 has no minimum parking requirement.
- The development plan provides 184 parking spaces (0.295per unit).
- Transportation Demand Management measures and Proxy site data show that parking demand will be less than the current ZBL 85-1 minimums.

### **Transportation Demand Management:**

The development plan includes Transportation Demand Management measures that reduce the need for on-site parking, reduce future automobile traffic generated and its associated impacts, and create a livable community that has a balanced transportation system.

Based on the study findings, it is recommended that:

- the proposed development be approved with no conditions related to off-site transportation network modifications; however, City and Region staff could consider the addition of a southbound left-turn lane on Victoria Street at Halls Lane West, which is warranted regardless of whether the development proceeds;
- the City of Kitchener approve the site-specific Zoning By-law that provides 0.295 parking spaces per unit, and the shared parking regime for visitor parking and commercial parking; and,
- the City and Region work with the site owner to implement the suggested Transportation Demand Management measures.

## **10.3 Scoped HIA**

MHBC Planning prepared a Scoped Heritage Impact Assessment, dated March 2023, for the proposed development to accommodate a 55 storey mixed use tower. The subject property has not been identified by the City as having cultural heritage value or interest (CHVI).

However, the property is adjacent to the Part IV designated *Kaufman Building*, municipally listed *Lang Tanning Building* and within the *Warehouse District Cultural Heritage Landscape*. As such, a Heritage Impact Assessment is required to determine if the proposed redevelopment will adversely impact the surrounding heritage attributes.

The owner of the subject property is proposing to demolish the existing building and construct a new mixed-use tower. This report concludes that the proposed redevelopment will not result in adverse impacts to the Kaufman Building, Lang Tanning Building or the surrounding CHL. The proposed development does involve excavation, which could result in vibrations during construction. It is noted that the Kaufman Building was originally designed for industrial use, which housed large and heavy machinery. The construction and building materials used, including thick concrete floors, walls and steel reinforcement, ensure that the building was built to withstand vibrations or other intensive activities. Therefore, impacts due to vibration during construction are unlikely.

This report concludes that the proposed redevelopment will not adversely impact the surrounding heritage attributes.

## 10.4 Wind Study

RWDI prepared an opinion letter dated August 22, 2022 and revised the study in April 2023 regarding wind conditions to support the proposed Official Plan and Zoning By-law amendments. The full scale wind predictions were compared with RWDI wind criteria for pedestrian comfort and safety evaluations.

The following observations were made:

- It was predicted that at 55 storeys, the proposed tower is taller than its immediate surrounding buildings in the direction of prevailing winds, which exposes it to the prevailing winds.

*To address this concern, it was noted that the surrounding 19-storey and 6-storey existing buildings to the west provide some protection from winds at lower heights. In addition, those buildings as well as the podium on the west side of the proposed tower help to deflect winds accelerating down the west façade away from the ground.*

- The tower will be exposed to the easterly winds as the immediate surrounding buildings in that direction are all low.

*It was recommended that the setback of the tower on the podium on the east side should be increased, to help deflect winds away from the ground. In addition, installing canopies around the perimeter of the east, and wrapping around the north façade will help to reduce wind speeds.*

- Wind speeds along the surrounding sidewalks are expected to be comfortable for active pedestrian use throughout the year, with localized uncomfortable conditions during winter months.

*No specific mitigation for this off site condition was proposed.*

- Wind speeds at the park to the east of the building is also expected to be higher than what is currently experienced there.

*No specific mitigation for this off site condition was proposed.*



- The main entrance along the north façade is situated close to the northeast building corner which will experience wind speeds that are higher than desired for an entrance location.

*It is recommended that recessing this entrance or installing windscreens on two sides of the entrance to provide protection from prevailing winds.*

- As a result of westerly winds accelerating down the west façade and reaching the podium at Level 5, as well as winds channeling between the existing tower to the west and the proposed tower, wind speeds on the podium are expected to be higher than desired for passive activities during the summer.

*It is recommended that mitigation measures such as overhead trellises and canopies close to the tower façade, as well as landscaping and windscreens around area designated for seating activities be included to address this condition.*

It was further recommended that Wind tunnel testing should be conducted at later design stages to quantify the predicted wind conditions and evaluate the effectiveness of the recommended mitigation measures as wind speeds are expected to be higher than desired around the development due to the site exposure and the height of the proposed development.

In addition, it was noted that the podiums and surrounding tall buildings to the west are positive design features for wind control, and it was recommended that they be retained in the final design.

## 10.5 Shadow Study

As part of the Architectural package dated February 2023 which was submitted in support of the applications, Kirkor Architects prepared a sun/ shadow analysis. The analysis modelled conditions for the Spring/ Fall Equinox and the Summer and Winter solstice.

The March and September equinox conditions showed a long narrow shadow to the west of the subject lands which moved quickly in an easterly direction every two hours and became shorter between 12 noon and 4 pm. At 6 pm the shadow during the equinox was facing east and was longer and narrower. There were no two consecutive time periods in shade which meets the City's guidelines.

The summer solstice in June was measured at 2 hour intervals and showed a much shorter shadow cast in a westerly direction in the morning which moved easterly throughout the day. The shadow at noon was predominantly on the subject lands and partially on the 1 Victoria lands, with a really short shadow towards the Kaufman Lofts building at 2 pm. The shadow length increased toward the end of the day and projected south easterly by 8 pm. There were no two consecutive time periods in shade which meets the City's guidelines.

Lastly, the winter solstice shadows were also modelled and as expected for the northern hemisphere, the shadows were long, but also moved quickly from west to east with a long shadow straight up on the site between 12 noon and 2 pm.

## 10.6 Noise Feasibility Study

HGC Engineering prepared a Noise Feasibility Study on behalf of Van Mar Developments Inc. dated March 31, 2023, to support the applications for Official Plan and Zoning by-law Amendments.

Based on the analysis presented in the above noted report, it is concluded and recommended that that the following noise control measures be implemented:

### ***Transportation Noise***

- An alternative means of ventilation to open windows is required for the proposed building. It is proposed that the residential will be provided with Central Air Conditioning Systems which would satisfy this requirement.
- Building constructions meeting the minimum requirements of the Ontario Building Code will provide sufficient acoustical insulation for the indoor spaces for all of the proposed dwelling units.
- Warning clauses are required in the property and tenancy agreements and offers of purchase and of all the residential units in order to inform future owners/tenants of the sound level excesses and proximity to commercial uses.
- Tarion's Builder Bulletin (B19R) requires that the internal design of condominium projects integrates suitable acoustic features to insulate the suites from noise from each other and amenities in accordance with the OBC, and limit the potential intrusions of mechanical and electrical services of the buildings on its residents.
- If B19R certification is needed, an acoustical consultant is required to review the mechanical and electrical drawings and details of demising constructions and mechanical/electrical equipment, when available, to help ensure that the noise impact of the development on itself are maintained within acceptable levels. Outdoor sound emissions should also be checked to ensure compliance with the City's by-law.

### ***Stationary Noise***

Sound level excesses may be present outside some areas of the building façades due to rooftop mechanical equipment from surrounding buildings. Conceptual options are provided, including noise control balcony barriers and/or mitigation at the proposed neighbouring residential tower rooftop. When final detailed elevation drawings are available, an acoustical consultant should verify the noise mitigation measures have been implemented.

To address the potential for audible sound from the neighbouring commercial and residential buildings and nuisance sources, specific noise warning clauses are required as indicated in the Noise report.

When final mechanical selections have been made for the proposed building, the mitigation requirements should be refined.

### ***Implementation***

To ensure that the noise control recommendations outlined above are properly implemented prior to registration, it is recommended that:

- Prior to the issuance of building permits for this development, a Professional Engineer qualified to perform acoustical engineering services in the Province of Ontario should

- review the architectural plans and building elevations ensure noise control measures outlined have been incorporated.
- Prior to the issuance of occupancy permits for this development, the City's building inspector or a Professional Engineer qualified to perform acoustical engineering services in the Province of Ontario should certify that the noise control measures have been properly installed and constructed.

# 11.0 Public Consultation Strategy

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

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

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

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

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

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

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

# 12.0 Summary and Conclusion

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

- The proposed development is consistent with the Provincial Policy Statement, 2020 and conforms to the policy framework of the Growth Plan for the Greater Golden Horseshoe, 2019, by contributing to the density targets for the Urban Growth Centre, Major Transit Station Areas on Priority Transit Routes;
- The development conforms to the policies of the Region of Waterloo Official Plan, and contributes to the density of the Urban Growth Centre, as defined by the Region of Waterloo;
- The proposal provides for the redevelopment of an underutilized site within the Urban Growth Centre in the City of Kitchener on lands that are well located with respect to a range of uses and transit infrastructure;
- The proposed design is compatible with adjacent existing uses and respects the physical character, scale and context of the surrounding Core and Innovation District
- The use of available infrastructure within the City is optimized through connections to existing infrastructure;
- The proposed high-rise mixed tower provides support for the ION rapid transit network through additional residential density and activation of the streetcape;
- The proposed design provides for improved streetscapes and pedestrian experience, specifically along King Street; and

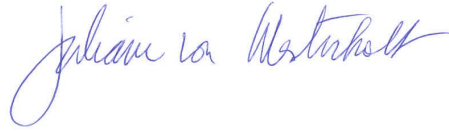
Accordingly, it is our opinion that the proposed high-rise multiple residential development containing high density residential uses for a variety of demographic needs and incomes, is desirable for the future redevelopment and intensification of the site. The proposed regulations will guide the development to ensure that the site is developed appropriately and within the context of the Urban Growth Centre, the MTSA and Mixed Use Corridor.

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

Respectfully submitted,  
**MHBC**

Handwritten signature of Andrea Sinclair in black ink, featuring a stylized 'A' with a horizontal line extending to the right.

Andrea Sinclair, MUDS, BES, MCIP, RPP  
Partner

Handwritten signature of Juliane vonWesterholt in blue ink, written in a cursive style.

Juliane vonWesterholt, BES, MCIP, RPP  
Associate

# Appendix A-Record of Pre-submission

# Record of Consultation

Development Services Department - Planning



Project Address: 417 King St W

Application Types: OPA/ZBA/SP

Date of Pre-Submission Consultation Meeting: August 23, 2022

Applicant: Mauricio Miranda, Vanmar Developments

Agent: MHBC Planning (Dave Aston and Andrea Sinclair)

File Planner: Katie Anderl, 519-741-2200 x7987, [katie.anderl@kitchener.ca](mailto:katie.anderl@kitchener.ca)

Meeting Attendees: Dave Aston, Paul Leveck, Jennifer Voss, Mauricio Miranda, Katie Ander, Pegah Fahimian, Lenore Ross, Tina Malone-Wright, Sandro Bassanese, Eric Reik, Dave Seller, Melissa Mohr, Jason Wigglesworth, Tim Donegani, Deeksha Choudhry, Darren Becks, Brian Bennett

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## CONFIDENTIAL DOCUMENT

The contents of this document are confidential and are not part of a Planning Act Application.

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The purpose of the Pre-Submission Consultation is to review a proposed development and identify the need for, and scope of, the *other information and materials* required as part of a complete application under the Planning Act. The City will not accept an application for a Plan of Subdivision, a Plan of Vacant Land Condominium, an Official Plan Amendment, a Zoning By-law Amendment, a Consent and/or Site Plan for processing unless such development application is considered to be a complete application and in accordance with section 17.E.10.1 of the Official Plan

This Record of Pre-Submission Consultation only applies to the proposal as described and/or as provided for in the attached concept plan (unless otherwise approved by the Director of Planning or his/her delegate), and shall be valid for one year from the date of the Pre-Submission Consultation Meeting.

*If you have any questions or concerns with this Record of Pre-Submission Consultation please contact the File Planner.*

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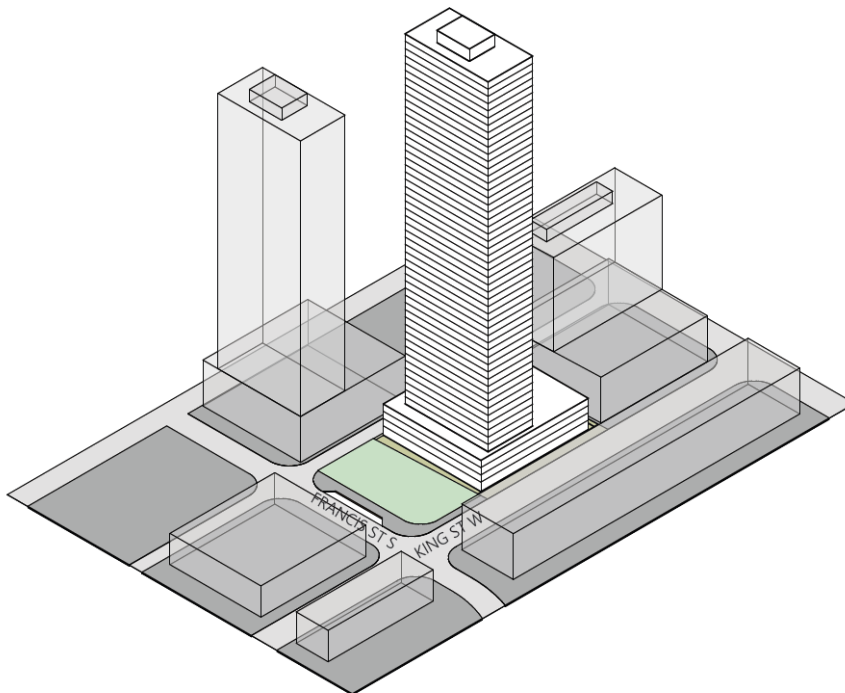
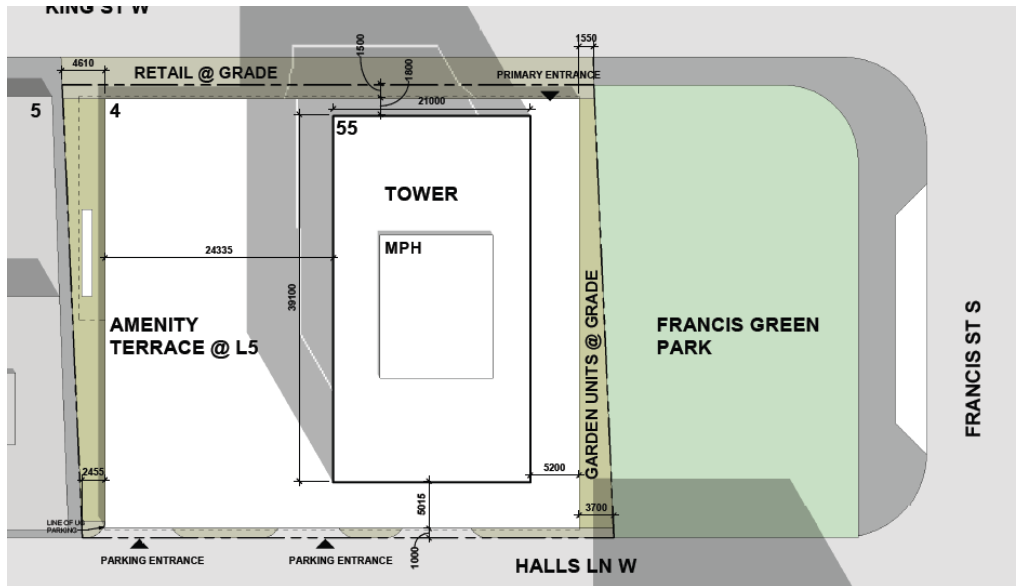
**A City for Everyone**

Working Together – Growing Thoughtfully - Building Community



## PART 1 – DESCRIPTION OF DEVELOPMENT PROPOSAL

The applicant is proposing a mixed use development with parking, retail and residential uses in the podium and a residential tower above. The development is contemplated to have about 655 dwelling units (425,192 m<sup>2</sup>), a 55 storey tower and an FSR of about 15.5.



## **PART 2 – OVERALL COMMENT SUMMARY**

The City expects design excellence for a proposal of this scale and magnitude as well as a strong emphasis on benefits to the community and public realm. The design of both the tower and base of the development must positively contribute to the pedestrian experience along King Street and Francis Green, and to the skyline of the City. Active uses along King Street West and Francis Green are expected, with street and park facing residential units above, rather than parking. Staff recommend that additional floors of below grade parking be incorporated into the building design.

The future form of development on the site, as well as overall tower height and floorplate size must be guided by the Urban Design Guidelines and Tall Building Guidelines which inform tower separation, both on-site, and with regard to future implications for neighbouring and nearby parcels which may also have the potential for future intensification.

Site development will be required to include site amenities and features, including interconnected pedestrian linkages, integrated cycling, pedestrian and vehicular facilities and high quality amenity areas both internal and external to buildings. At grade amenity areas should be visible and accessible to the general public and enhanced landscaping features (such as trees, shrubs) should be used to provide relief to the built environment and should include cultural features such as public art.

The subject lands are located within a Major Transit Station Area and the Urban Growth Centre. The lands are designated Innovation District, which permits residential, and retail uses and a maximum FSR of 3.0. The existing Warehouse District Zone (D-6, 122R, 142U) does not permit residential uses. An OPA and ZBA will be required in order to permit proposed development.

Environmental impacts such as noise, vibration, shadow, wind and snow deposition must be assessed to the satisfaction of the City, Region of Waterloo and the Rail authority. A Record of Site Condition will also be required by the Region.

The Region has also identified the requirement for a 5.0 metre road widening along King Street West – City staff encourage the applicant to discuss the possibility of a stratified dedication with the Region in order to allow for the projection of parking structure below grade and units above street-level and are happy to participate in these discussions.

Please give early consideration to the proposed servicing scheme. Service connections which may need to pass beneath the ION tracks may be restricted by the Region, and it may be difficult to service from Halls Lane given the narrowness of the right of way.

Be advised that other City-led initiatives that may be coming into effect in the coming years which would impact this development, such as Parkland Dedication, new Urban Growth Centre land use designations and zoning regulations, Inclusionary Zoning, and Community Benefit Contributions.

**PART 3 – OTHER INFORMATION AND MATERIALS**

The following is a list of other information and materials that will be required for the subject development application to be considered complete. Please note that following the acceptance of an application as “complete” additional information and materials may be required as a result of the detailed review, due to changes to the proposal, or changes to policy.

*Development applications submitted after January 1, 2023 may be subject to additional complete application requirements. Please contact the Manager of Development Review for additional information.*

Other Information and Materials: OPA/ZBA				
	#	To the Satisfaction of:	Notes:	AODA: (Y/N)
Completed Application Form and Fee(s)	1	Planning		
PDF of all submission materials	1	Planning	Files may be provided through City’s ShareFile or consultant’s file sharing service.	
Planning Justification Report	*	Planning Region Parks	General content requirements may be found in: - Planning comments - Regional comments - Parks comments	Y
Urban Design Scorecard	*	Planning	Contact Urban Designer -impacts to parks should also be considered	Y
Scoped Heritage Impact Assessment	*	Planning	Include Conservation Plan (if applicable)	
Preliminary Site Plan	*	Planning	Show road widening	
Preliminary Building Elevations	*	Planning		
Preliminary Cross-sections	*	Planning		
Preliminary Floor Plans	*	Planning		
3D Massing Model (sketch-up)	*	Planning		
Colour Renderings	*	Planning		
Quantitative Wind Study	*	Planning	Include with Urban Design Brief	
Shadow Impact Analysis	*	Planning	Include with Urban Design Brief	
Energy Conservation Plan or Sustainability Statement	*	Planning		Y
Parking Justification Study and TDM Options Report	*	Transportation		Y
Transportation Impact Study	*	Transportation		
Existing Conditions Plan	*	Planning		
Preliminary Grading Plan	*	Planning Engineering		

		Parks		
Functional Servicing Report (including SWM)	*	Engineering Region		
Water Distribution Report	*	Engineering		
Preliminary Tree Preservation/ Enhancement Plan & Arborist Report	*	Parks	With respect to trees located on City owned property	
Record of Site Condition	*	Region	Please see Regional comments for alternative options	
Environmental Noise (Road & Rail) and Vibration (Rail) Impact Study and Stationary Noise Study	*	Region Metrolinx CN		
Consultant Noise Study Declaration and Owner/Authorized Agent Statement	*	Region		

**NOTE RE: Accessibility for Ontarians with Disabilities Act, 2005 (AODA)**

In order to facilitate the City's compliance with O. Reg. 191/11 *Integrated Accessibility Standards* under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11., the Consultant/Contractor shall provide any final report and any other document identified by the Project Manager/City Representative as intended City/Client website content in an accessible format that complies with the World Wide Web Consortium Web Content Accessibility Guidelines 2.0 AA [other than success criteria 1.2.4. Captions (Live) and success criteria 1.2.5 Audio Descriptions (Pre-Recorded)]. However, this requirement shall not apply to drawings, photos, maps, site plans, or other documents that the Project Manager/City Representative agrees cannot practicably be converted to an accessible format. For detailed information about AODA requirements and to find training resources, visit <https://aoda.ca/>.

Other Information and Materials: Site Plan				
	#	To the Satisfaction of:	Notes:	AODA: (Y/N)
Completed Application Form and Fee(s)	1	Planning		N
Existing Conditions Plan	*	Planning		N
Site Plan	*	Planning	Snow storage areas should be shown Show road widening	N
Underground/Structured Parking Plans	*	Planning		
PDF of all submission materials	1	Planning	Files may be provided through City's ShareFile or consultant's file sharing service.	N
Parkland Dedication Plan	1	Planning		N
Site Plan in accordance with City Digital Submission Standards	1	Planning		N
Urban Design Scorecard	*	Planning		N
Sustainability Statement	*	Planning		N
Building Elevations (in colour, noting materials)	*	Planning		N
3D Massing Model	*	Planning		
Cross-sections	*	Planning		N
Floor Plans	*	Planning		N
Shadow Study	*	Planning		N
Wind Study	*	Planning		N
Tree Management Plan	*	Planning		N
Preliminary Grading Plan	*	Planning Engineering		N
Functional SWM Brief	*	Engineering Region	In accordance with existing report	N
Geotechnical Report	*	Engineering		N
Truck Movement Plan	*	Transportation		N
Salt Management Plan	*	Region		N

**\* unless otherwise noted, only digital plans and studies are required. However, please confirm with File Planner prior to submission to verify that submission standards have not changed.**

**PART 4 – SIGNATURES**

This Record of Pre-Submission Consultation only applies to the proposal as described and/or as provided for in the attached concept plan. This Record of Pre-Submission Consultation documents the required *other information and materials* that must be submitted in support of a complete Application made under the Planning Act.

**If you have any concern with this Record of Pre-Submission Consultation please contact the File Planner immediately.**

Please note that the feedback provided at this Pre-Submission Consultation Meeting does not constitute a detailed review of the development application(s). Following the acceptance of an application as “complete” additional information and materials may be required as a result of the detailed review, or changes to the proposal, City policies, the zoning by-law, or standard City conditions of development.

**OPTION A. Approval of the Record of Pre-Submission Consultation**

These minutes shall be considered valid until 8/23/2023



August 29, 2022

\_\_\_\_\_  
Katie Anderl  
Senior Planner

\_\_\_\_\_  
Date



August 27, 2022

\_\_\_\_\_  
Garrett Stevenson  
Interim Director of Planning

\_\_\_\_\_  
Date

## PART 5 – DETAILED COMMENTS

Notice of this Pre-Submission Consultation Meeting was provided to City Staff and Commenting Agencies. Detailed comments are attached to this Record of Consultation as indicated below.

Commenting Authority	Circulated?	No Concern or Comment	Comments Attached
Kitchener Planning			
Planning	Y		Y
Urban Design	Y		Y
Heritage	Y		Y
Environment	Y		
Sustainability	Y		Y
Engineering Services	Y		Y
Building	Y		Y
Kitchener Utilities	Y		Y
Fire	Y		Y
Transportation Services	Y		Y
Parks	Y		Y
Economic Development	Y		
Region of Waterloo	Y		Y
Grand River Conservation Authority	Y	Y	
Canada Post	Y		
KW Hydro	Y		
Bell	Y		
Rogers	Y		
Hydro One	Y		
Ministry of Transportation	Y		
CN Rail	Y		Y
CP Rail			
Goderich Exeter Rail			
Metrolinx/GO	Y		Y
WRDSB	Y		Y
WCDSB	Y		Y

# Appendix B- Proposed Site plan





# Appendix C- Draft Official Plan Amendment

**AMENDMENT NO. TO THE OFFICIAL PLAN  
OF THE CITY OF KITCHENER  
417 King Street West**

## **INDEX**

SECTION 1	TITLE AND COMPONENTS
SECTION 2	PURPOSE OF THE AMENDMENT
SECTION 3	BASIS OF THE AMENDMENT
SECTION 4	THE AMENDMENT

# AMENDMENT NO. TO THE OFFICIAL PLAN

## OF THE CITY OF KITCHENER

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### **SECTION 1 – TITLE AND COMPONENTS**

This amendment shall be referred to as Amendment No. XX to the Official Plan of the City of Kitchener. This amendment is comprised of Sections 1 to 4 inclusive and Schedule 'A'.

### **SECTION 2 – PURPOSE OF THE AMENDMENT**

The purpose of this amendment is to add a Special Policy to the 1994 Official Plan to increase the maximum permitted density on the subject lands and to amend Map 18 Special Policies.

### **SECTION 3 – BASIS OF THE AMENDMENT**

The subject lands are located at 417 King Street West. The subject lands are designated Innovation District in the Urban Growth Centre (UGC) in the 1994 Official Plan. The Innovation District designation in the 1994 Official Plan directs that the UGC is the primary area of focus for intensification and growth within the City's Urban Structure. The UGC is expected to achieve a growth target of 225 person and jobs per hectare in order to meet Provincial, Regional and local growth targets and to support light rail transit usage. Lands within the Innovation District have a maximum Floor Space Ratio (FSR) of 3.0 or three times the lot coverage.

Although the maximum Floor Space Ratio is 3.0 as set out in policy 15.D.2.52, it is important to note that the FSR was kept artificially low in the core, in order to encourage bonusing under Section 37 of the Planning Act. Recent changes to the Planning Act have eliminated the bonusing for community benefits in exchange for increased density. The City's policy framework in the Official Plan has not yet been revised to permit additional density as of right, nor has a Community Benefit by-law been passed to permit increased density in exchange for community benefits.

The subject lands are proposed with a 55 storey mixed use tower with a Floor Space Ratio of 21. The proposed development will introduce 622 additional residential units and 2 commercial spaces at grade, which will contribute towards the growth targets for the Urban Growth Centre, and support the transit use of the surrounding light rail transit corridor within this primary intensification area. In turn, in order to implement this development an Official Plan Amendment is necessary.

An Official Plan Amendment is required to add a Special Policy to permit a maximum Floor Space Ratio (FSR) of 21 prior to any development occurring on the lands.

The subject lands are also located within a 5 minute walk from the Central Light Rail Transit station and are identified in the 2014 Official Plan as being within a Major Transit Station Area (MTSA) in addition to being within the UGC or downtown core. The proposed development includes a high intensity mixed use development at a density to support both transit usage and active transportation. The site will include a variety of transportation demand management measures in order to encourage the use of alternative modes of transportation including public transit.

The proposed development will implement the vision as set out in the Official Plan for lands within a MTSA as being a compact, dense and transit supportive site. Its prominent location within the core and along the King Street light rail corridor makes it ideal for the density proposed.

The maximum floor space ratio, building height, density, front and side yard setbacks for the building, as well as on-site parking will be regulated in the site-specific amending zoning by-law to ensure urban design elements are implemented and onsite constraints are addressed.

The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan and complies with the Regional Official Plan, as it promotes walkability, is transit-supportive, maximizes the use of existing and new infrastructure, and assists in development of this area as a compact and complete community through the broad range of uses. The proposed development implements the redevelopment vision for the Innovation District as prescribed in the Official Plan and is, therefore, good planning.

#### **SECTION 4 – THE AMENDMENT**

1. The 1994 City of Kitchener Official Plan is hereby amended as follows:
  - a) Part 3, Section 13.4.3.7 Special Policies is amended by adding new 13.4.3.7 XX thereto as follows:

“XX. Notwithstanding the Urban Growth Centre Innovation District land use designation and policies:

    - i. The maximum permitted Floor Space Ratio shall be 21;
  - c) Map 4 – Urban Growth Centre (Downtown) Plan for Land Use is amended by adding Special Policy Area No. XX to the lands

municipally known as 417 King Street West, as shown on the attached Schedule A.

# Appendix D-Draft Zoning by-Law



BY-LAW NUMBER  
OF THE  
CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to amend By-law No. 85-1, as amended, known as the Zoning By-law for the City of Kitchener – Van Mar Developments– 417 King Street West)

WHEREAS it is deemed expedient to amend Zoning By-law 85-1;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. Schedule Number 84 of Appendix “A” to By-law 85-1 are hereby amended by changing the zoning applicable to the parcel of land specified and illustrated as Area 1 on Map No. 1 attached hereto, from Warehouse District Zone (D-6) to Warehouse District Zone (D-6) with Special Regulation Provision XXXR.
2. Appendix “D” to By-law 85-1 is hereby amended by adding Section XXXR thereto as follows:

“XXX.

Notwithstanding Sections 17.1 and 17.3, Special Regulation Provision 122 R and Special Use Provision 142 U of this By-law, for the lands zoned D-6, as shown on Schedules 84 of Appendix “A”, the following additional regulations shall apply:

- i) The following new uses shall be permitted:
  - a) multiple residential;
  - b) commercial;and,
  - c) retail uses.
- ii) The maximum floor space ratio shall be 21;
- iii) The minimum side yard setback from the eastern property line shall be 0.0m;
- iv) The minimum side yard setback from the western property line shall be 1.14 m;
- v) The minimum rear yard setback shall be 0.0 m;
- vi) Special Regulation Provision 122 in Appendix “D” of Zoning By-law 85-1 is hereby deleted;
- vii) Special Use Provision 142 in Appendix “C” of Zoning By-law 85-1 is hereby deleted.”

3. Appendix “D” to By-law 85-1 is hereby amended by adding Section YYYY thereto as follows:

“YYY. Notwithstanding Section 6, 6.1.2 b)viii) and 6.1.2 c) of this Bylaw, for the lands zoned D-6 as shown on Schedule Number 84 of Appendix “A”, the following special regulations shall apply:

- i. Required off-street parking for all multiple dwelling units shall be provided at a rate of 0.295 spaces per unit for a total of 184 spaces;
- ii. 0 parking spaces shall be required for non-residential use;
- iii. A minimum of 20% of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment;
- iv. Where the calculation of the total required electric vehicle parking spaces or parking spaces designed to permit the future installation of electric vehicle supply equipment results in a fraction, then the requirement shall be the next lowest number.”

4. Appendix “D” to By-law 85-1 is hereby amended by adding Section ZZZR thereto as follows:

“ZZZ Notwithstanding Section 6 of this By-law, for the lands zoned D-6 as shown on Schedule Number 84 of Appendix “A”, the following additional regulations shall apply:

- i. For Multiple Residential uses, the minimum requirement for Class A bicycle parking stalls shall be 0.5 Class A Bicycle Stalls per unit for a total of 312 stalls;
- ii. For Multiple Residential uses, a minimum of 6 Class B Bicycle Stalls shall be provided, and these may be shared with non-residential uses.”

5. This By-law shall become effective only if Official Plan Amendment No. \_\_, 417 King Street West comes into effect, pursuant to Section 24(2) of The Planning Act, R.S.O. 1990, c. P.13, as amended.

PASSED by Council this \_\_\_day of\_\_\_  
2023.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk