

O.L.T. Lead Case No.: OLT-22-002377

Ontario Land Tribunal

PROCEEDING COMMENCED subsection 17(40) of the Planning Act, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: 30 Duke Street Limited
Subject: Failure of the City of Kitchener to announce a decision respecting a Proposed Official Plan Amendment
Property Address/Description: 22 Weber Street W.
Municipality: City of Kitchener
Municipality File No.: OPA 20/005W/JVW
OLT Case No.: PL210104
OLT Lead Case No.: PL210104
OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 30 Duke Street Limited
Subject: Application to amend Zoning By-law No. 85-1 - Refusal or neglect of the City of Kitchener to make a decision
Existing Zoning: Commercial Residential Three Zone
Proposed Zoning: Site Specific (To be determined)
Purpose: To permit a 19 storey residential building
Property Address/Description: 22 Weber Street W.
Municipality: City of Kitchener
Municipality File No.: 20/013/W/JVW
OLT Case No.: PL210104
OLT Lead Case No.: PL210105
OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

PROCEEDING COMMENCED UNDER subsection 42(6) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18

Applicant and Appellant: 30 Duke Street Limited
Subject: Heritage Conservation Act Appeal
Reference Number: HPA-2022-V-015
Property Address: 22 Weber Street W.
Municipality: Kitchener/Waterloo
OLT Case No.: OLT-22-004383
OLT Lead Case No.: OLT-22-002377
Legacy Lead Case No.: PL210104
OLT Case Name: 30 Duke Street Limited v. Kitchener (City)

WITNESS STATEMENT OF
ANDREA L. SINCLAIR, MUDES, BES, MCIP, RPP

February 26, 2025

1.0 SUMMARY OF QUALIFICATIONS AND EXPERIENCE

1. I am a Registered Professional Planner (“RPP”) in the Province of Ontario and a full member of the Canadian Institute of Planners.
2. I am a Partner at MacNaughton, Hermsen, Britton, Clarkson Planning Limited (“MHBC”), a consulting firm specializing in land use planning, urban design, cultural heritage planning and landscape architecture. I have been a practicing land use planner and urban designer for 19 years.
3. I have a Masters of Urban Design Studies from the University of Toronto, 2005. I also hold a Bachelor of Environmental Studies from the University of Waterloo (Urban Design Specialization), 2004. I have practised in the fields of land use planning and urban design since 2006. My work has included a range of planning and urban design experience on behalf of private and public sector clients, including municipalities.
4. My professional planning experience has included extensive land development experience, primarily focused in Waterloo Region, and in particular, the Cities of Kitchener, Waterloo and Cambridge, and the Township of Woolwich. I have been involved in a variety of residential, commercial and employment type projects

throughout my career ranging in scale in either a greenfield or reurbanization/infill context. In addition to my private sector experience, I have also been engaged in numerous public sector projects such as Official Plan Reviews, Zoning By-law Updates, Secondary Plans and the preparation of municipal Urban Design Guidelines.

5. With respect to urban design, I have prepared urban design briefs and guidelines for new and existing communities and developments. I have provided placement and design input to a number of infill development projects. I have also prepared urban design guidelines on behalf of municipalities including the Town of Grimsby (Grimsby Beach), Huron County, Town of Orangeville, Town of Niagara-on-the-Lake, Town of Saugeen Shores, City of Woodstock and the Township of East-Zorra Tavistock.
6. I have appeared at and been qualified as an expert witness on land use planning and urban design matters by the Ontario Land Tribunal ("OLT"), as well as its predecessors, the Local Planning Appeals Tribunal ("LPAT") and the Ontario Municipal Board ("OMB"). I understand and acknowledge my duty as an expert witness in this proceeding before the OLT.
7. My *curriculum vita* along with my signed Acknowledgement of Expert's Duty Form are attached to this Witness Statement as **Appendices "A"** and **"B"**.
8. Throughout my involvement in this matter and in preparing my evidence:
 - I visited the lands and surrounding area on a number of occasions.
 - I have reviewed aerial photos, photo documentation, property fabric and other data sources for the lands and surrounding area.

- I reviewed relevant background material for the Applications including surrounding development activity and approvals.
 - I reviewed the Planning Act, Provincial Planning Statement, Region of Waterloo Official Plan policies, City of Kitchener Official Plan policies, City of Kitchener Urban Design Guidelines, and the City of Kitchener Zoning By-law against which the Applications would be evaluated.
9. The reports and materials which are most relevant will be included in the document book as well as visual materials and other documentation to be filed with the Tribunal and include:
- i. Planning Act, R.S.O. 1990, c. P.13 ("Planning Act");
 - ii. Provincial Planning Statement, 2024 ("PPS");
 - iii. Region of Waterloo Official Plan, December 22, 2010 ("ROP");
 - iv. Region of Waterloo Official Plan Amendment No. 6, August 18, 2022 ("ROPA 6");
 - v. City of Kitchener Official Plan, November 19, 2014 ("City OP");
 - vi. City of Kitchener Zoning By-law 85-1, September 2018 ("By-law 85-1");
 - vii. City of Kitchener Urban Design Manual ("UDM");
 - viii. City of Kitchener Civic Centre Neighbourhood Heritage Conservation District Plan ("CCNHCD")
 - ix. Documents submitted to the Region of Waterloo and City of Kitchener constituting the Applications; and,
 - x. Correspondence received from departments and agencies as part of the review of the Applications.
10. I have reviewed and relied upon the Witness Statement of Mr. Dan Currie for issues relating to heritage in this matter.

2.0 RETAINER

11. MHBC was first retained by 30 Duke Street Limited ("30 Duke") in February 2019 to review and provide input to the City of Kitchener's "Neighbourhood Planning Review" process, including proposed changes to the Civic Centre Secondary Plan and implementing by-law.
12. Following, MHBC assisted in preparing materials to submit a pre-consultation application to obtain preliminary feedback from the City on a proposed multiple residential development concept for the Subject Lands, in advance of submitting the formal planning applications for Official Plan ("OPA") and Zoning By-law ("ZBA") Amendments (the "Applications"). Prior to preparing the Applications, I conducted a site investigation of the lands and surrounding land uses and evaluated the development proposal to confirm that I can it them from a land use planning and urban design perspective.
13. I was responsible for, amongst other matters:
 - i. Conducting a site visit;
 - ii. Reviewing all documents submitted in support of the Applications, including the Official Plan Amendment (the "OPA"), the Zoning By-law Amendment (the "ZBA"), and preparing the Planning Justification Report and Urban Design Brief (as well as subsequent revisions);
 - iii. Presenting the proposed development to the public at two separate Neighbourhood Information Meetings ("NIM"); and
 - iv. Reviewing agency and department comments as part of the circulation process and liaising with Staff as required.

I have had responsibility for the above noted activities for MHBC, and as such, I am familiar with the site, area context and the Applications before the OLT.

14. The OPA and ZBA Applications were formally submitted in July 2020 for a 15-storey development concept. MHBC prepared a Planning Justification Report ("2020 PJR"), Urban Design Brief ("2020 UDB"), and Heritage Impact Assessment (HIA) all dated July 2020, in support of the Applications. The original application also included the following reports /plans:
 - Preliminary Site Plan;
 - Stage 1 Archaeological Assessment;
 - Functional Servicing and Stormwater Management Report;
 - Heritage Impact Assessment (HIA);
 - Shadow Study;
 - Sketch Up 3D Model; and
 - Pedestrian Wind Study

15. In response to on-going changes in the market and increased Provincial emphasis on encouraging intensification within Major Transit Station Areas, the proposal was revised to increase the building height to 19 storeys. An updated site plan concept and updated technical reports, including a revised Planning Justification Report and Urban Design Brief, dated December 2021 ("2021 PJR" and "2021 UDB"), were prepared and submitted as part of a comprehensive resubmission. These reports are included as **Appendix "C"** and **"Appendix "D"** to this Witness Statement. The following reports/plans were also updated in 2021:
 - Preliminary Site Plan;
 - Functional Servicing and Stormwater Management Report;
 - Heritage Impact Assessment (HIA);
 - Shadow Study;
 - Sketch Up 3D Model;

- Pedestrian Wind Study.

16. Although the site plan has been updated and revised since the 2021 PJR and 2021 UDB were produced, the opinions in these reports continue to apply, except as modified or elaborated on herein.

3.0 DESCRIPTION OF SUBJECT LANDS AND SURROUNDING AREA

17. The lands are located on the north side of Weber Street West, between Queen Street North and Young Street, in the City of Kitchener (the "Subject Lands"). They are municipally known as 22 Weber Street West and are legally described as Plan 390 Lot 5.



Left: Aerial image of the Subject Lands

18. The Subject Lands are approximately 1,392 square metres (0.346 acres) in area and have a frontage of approximately 27 metres along Weber Street West.

19. The Subject Lands are located within a Major Transit Station Area (“MTSA”), a Strategic Growth Area.
20. The Subject Lands are located at the edge of the Civic Centre Neighbourhood Secondary Plan Area and have an immediate interface with the City of Kitchener’s downtown.
21. The interior portions of the Civic Centre Neighbourhood contain attractive and consistent streetscapes lined by mature trees, grassed boulevards and laneways. Hibner Park, Kitchener’s second oldest city park, is located in the centre of the District and is in proximity to the Subject Lands.
22. Unlike the interior of the neighbourhood, Weber Street has a variety of built forms, setbacks and building heights recognizing the change and redevelopment that has occurred over time.
23. The Subject Lands represent one of the only vacant properties in the Civic Centre Neighbourhood and are designated as High Density Commercial Residential, allowing for multiple residential and non-residential uses with a maximum Floor Space Ratio (“FSR”) of 4.0.
24. The Subject Lands are currently utilized as a commercial parking lot and are vacant. The Subject Lands are relatively flat.
25. Surrounding uses include:
 - North: Immediately north of the Subject Lands are properties, that at the time the OPA and ZBA applications were filed, were designated and zoned to permit the conversion of residential to commercial and office uses. Two properties immediately abut the rear yard of the Subject Lands, one of which was previously converted to non-residential use and is now

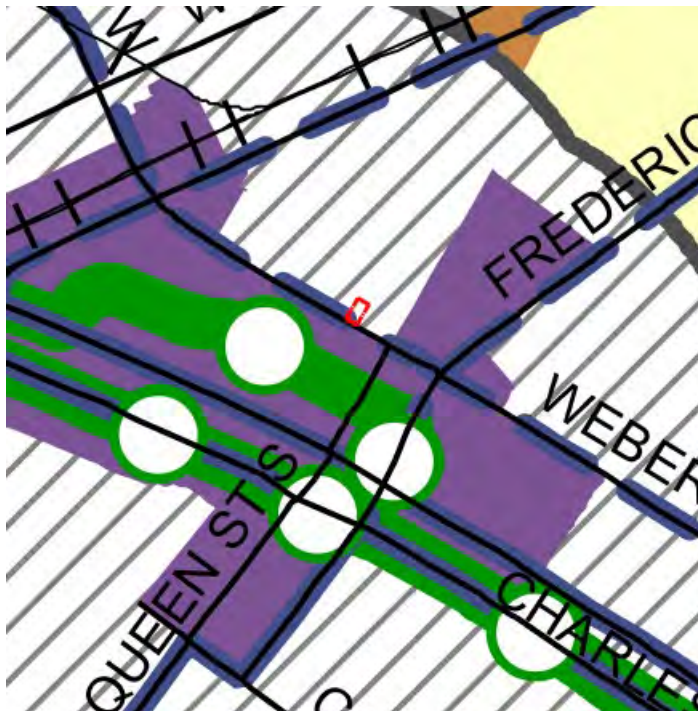
developed as a multiple-residential property. The designated Low Rise Residential Preservation Area in the Civic Centre Secondary Plan is located further to the north on the north side of Roy Street.

- East: An office building (converted dwelling) is located immediately east of the Subject Lands. St. Andrew's Presbyterian Church, the Region of Waterloo offices and the Provincial Offences Court are all located further to the east.
- South: Weber Street West runs along the southern property limit, beyond which is the northern limit of the City's Urban Growth Centre (downtown). Buildings within the downtown on the south side of Weber Street West are primarily used for non-residential purposes and include an 11-storey office tower. The properties on the south side of Weber Street are permitted to develop with unlimited height and density (subject to any airport restrictions). A 27-storey tower has been approved on the opposite side of Weber Street across from the Subject Lands at the intersection of Weber Street and Ontario Street. The commercial core of Downtown is located further to the south.
- West: Two properties abut the western property line including a church and a law office (converted dwelling). Apartments are located further west along Weber Street including a proposed mid-rise apartment building at the northeast corner of Weber Street West and Young Street.

4.0 EXISTING LAND USE PLANNING FRAMEWORK

26. The Subject Lands are located within a "settlement area", "strategic growth area" and "major transit station area" as defined by the PPS.

27. The Subject Lands are within the designated Built-Up Area and the Urban Area in the ROP.
28. A detailed analysis of the proposed development relative to the ROP is included in the 2021 PJR (Appendix C), starting at page 21.
29. At the time the applications were filed the Subject Lands were identified as being within a Major Transit Station Area (Map 2- Urban Structure of the City of Kitchener Official Plan). Map 2 has since been amended to refine the limits of the MTSA to align with Regional Official Plan Amendment 6 (“ROPA 6”). The Subject Lands continue to be located within an MTSA and are now identified as “Protected Major Transit Station Area” on Map 2.



Except from Map 2 of the City of Kitchener Official Plan (at the time the applications were filed) showing the Subject Lands within an MTSA and adjacent to the Urban Growth Centre.

- 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

30. The Subject Lands are designated “High Density Commercial Residential” designated in the Civic Centre Secondary Plan (Map 9).

31. A detailed analysis of the proposed development relative to the City of Kitchener Official Plan is included in Section 8 of the 2021 PJR (Appendix C), starting at page 26.
32. As previously noted, the Subject Lands are designated High Density Commercial Residential in the Civic Centre Secondary Plan, adopted as part of the 1994 City of Kitchener Official Plan.
33. The High Density Commercial Residential designation is intended to permit higher density uses with access from Weber Street. The designation recognizes the proximity of the Civic Centre Neighbourhood to the higher intensity land uses of the Downtown, and the location of the Weber Street properties on a Primary Road.
34. The Subject Lands are permitted to develop with a maximum FSR of 4.0. There is no maximum height specified in the Secondary Plan. Permitted uses include multiple dwellings in standalone buildings. Properties located immediately west of and immediately east of the Subject Lands were also designated High Density Commercial Residential at the time the applications were filed.
35. At the time the applications were filed, an Office-Residential Conversion designation applied to properties immediately north of the Subject Lands (located along the south side of Roy Street). The intent of the Office Residential Conversion designation is to serve as the transition and buffer between the higher density uses anticipated along Weber Street and Queen Street and the interior of the neighbourhood which is intended to be preserved.



Excerpt from Map 9 of the Civic Centre Secondary Plan illustrating the High Density Commercial Residential designation of the Subject Lands.



36. The Office Residential Conversion designation was implemented as an effective buffer to the low-rise residential designation to the north and in preference to the High Density Commercial Residential designation extending from Weber Street to the south side of Roy Street.
37. The City of Kitchener Zoning By-law 2019-051 zones the lands as Commercial Residential Three (CR-3), in accordance with the Official Plan designation. The CR-3 Zone Permits a maximum FSR of 4.0 with no maximum height restriction.

5.0 APPLICATION PROCESS AND THE PROPOSED DEVELOPMENT

38. An initial concept plan was prepared and submitted as part of the OPA and ZBA submissions. The concept was supported by a Planning Justification Report and Urban Design Brief, both identified as complete application requirements in the City's Pre-Consultation Meeting Record (dated December 13, 2019).
39. The OPA and ZBA were appealed to the OLT for the City's failure to make a decision on January 26, 2021. The related refusal of a heritage permit application

was appealed to the OLT on August 24, 2022. The heritage permit appeal was consolidated with the appeal of the Applications and will be considered at a second phase of the hearing.

40. In response to on-going changes in the market and increased Provincial support for intensification within Major Transit Station Areas, a revised concept plan was prepared and resubmitted with revised reports, the 2021 PJR and 2021 UDB. Revisions to the concept plan primarily included an increase in building height from 15 to 19 storeys.

41. The overall vision for the redevelopment of the Subject Lands is to ensure a high quality, carefully designed residential development, which will contribute positively to the Weber Street West streetscape while ensuring compatibility with the surrounding residential neighbourhood. The following goals and objectives have been identified in the 2021 UDB for the purposes of achieving the vision for the redevelopment:
 - Create a strong visually appealing street edge through the provision of a building, which addresses the street in terms of architectural detailing;

 - Provide for development that will be supportive of transit and alternative transit modes, and will encourage future residents to walk to and from nearby residential, commercial office and retail uses, services and public amenities and cultural facilities;

 - Provide a development that, through the combination of massing, orientation, pedestrian entrances, architectural elements, detailing, and material selection, will result in a positive pedestrian experience along the adjacent street frontage;

- Design the site to minimize impacts on the Low Rise Residential-Preservation Area. Provide a 14-metre setback to allow for further transition between the proposed development and the residential enclave on the north side of Roy Street; and
 - Introduce additional building height within an MTSA in a manner that is sympathetic to surrounding uses and cultural heritage context while still providing for an appropriate level of intensification within an MTSA. The proposed height is permitted under the current zoning and the site serves as a transition between the downtown and the low-rise residential enclave on the north side of Roy Street.
42. The proposal contemplates the redevelopment of the Subject Lands with a multiple residential development (the “Proposed Development”). 30 Duke’s primary objective is to develop the site with an attractive and cost-efficient building to provide rental housing at a more attainable price point within an MTSA.
43. The current proposal includes 168 one-bedroom rental units, located within a compact residential tower. The building has been located close to the street with the lobby and indoor common amenity space located at the front of the building, overlooking Weber Street. The ground floor has an increased floor-to-ceiling height and features large windows overlooking Weber Street. The proposal includes indoor secure bicycle parking, with a bike room proposed to be located on the ground floor.
44. The building has been designed with the balconies located on the east, west and south elevations. The building has been purposely designed to exclude balconies on the north elevation in order to minimize overlook onto residential properties located within the interior of the Civic Centre Neighbourhood.

45. The building features a contemporary design using traditional building materials. The proposed building includes a defined podium base reflective of the two-storey building height of adjacent buildings on Weber Street. The face of the tower steps back above the podium base.



Preliminary rendering from 2021 resubmission illustrating the base of the proposed building and preliminary stone and brick building materials.

46. Non-residential uses are not contemplated as part of the revised concept plan. However, the ground floor has been designed to have a minimum height of 4.5 metres to provide the flexibility to accommodate a commercial use in the future.
47. Amenity space will be provided for future residents in the form of private amenity (balconies) and common indoor amenity space. Additional opportunities for amenity space, including the potential of rooftop amenity space can be further explored through the detailed site plan review process).
48. Following the passing of Bill 185 in 2024, Municipalities can no longer require minimum parking standards within MTSAs. The 2021 concept plan was more recently revised to remove all vehicular parking spaces, and to add a bicycle storage room at the ground floor at the rear of the proposed building. The current concept plan is included as **Appendix "E"** to this Witness Statement.

49. The proposed planning instruments were updated to reflect the revised site plan concept. The proposed Official Plan Amendment (“OPA”) is included as **Appendix “F”** of this Witness Statement. The proposed Zoning By-law Amendment (“ZBA”) is included as **Appendix “G”**, (collectively, the “Planning Instruments”). A summary of the recent changes is also included as **Appendix “H”**.
50. The purpose of the OPA is to reflect the increased FSR from 4.0 to 8.0 that is proposed. As previously noted, there are no height restrictions within the current land use designation and freestanding multiple residential developments are already permitted.
51. The proposed ZBA (Appendix “G”) includes provisions that will ultimately inform and regulate the final built form including:
- Maximum floor space ratio;
 - Maximum building heights;
 - Minimum front yard;
 - Minimum rear yard (measured from portions of building up to 5 metres in height, and over 5 metres in height);
 - Minimum side yard;
 - Minimum landscaped area;
 - Minimum ground floor height;
 - Permitted location of dwelling units within a mixed-use or multiple dwelling building;
 - Exclusive use patio areas are not required for ground floor units;
 - Rear yard access requirements do not apply;
 - Minimum provision of Class A and Class B bicycle parking spaces;
 - Minimum residential and visitor parking requirements;

- Minimum amenity area provisions.
52. The proposed Zoning By-law Amendment also includes a detailed Holding provision that, among other matters, requires the preparation and approval of a detailed transportation (road) and stationary noise study to the satisfaction of the Region of Waterloo and the City of Kitchener. This has been agreed to by the Region, City and 30 Duke Street Limited in Statement 15 of the Agreed Statement of Facts between the land use planning and urban design witnesses (included as **Appendix "I"**).
53. The Holding Provision is an appropriate mechanism for addressing noise impacts, and is a common approach used within the City of Kitchener/ Region of Waterloo. This approach allows the noise study to be completed once certain detailed design details (including HVAC systems) have been determined. The Holding Provision would need to be lifted prior to final site plan approval.
54. The above noted Zoning regulations will provide sufficient direction to inform the future development and the implementation of the vision and design principles set out herein.

6.0 SUMMARY OF OPINION AND RESPONSE TO ISSUES

55. In my evidence I will provide a summary evaluation of the Applicant's proposal relative to the applicable planning policies. This will be followed by a more detailed analysis relative to the land use planning and urban design issues as identified in the Issues List contained within the Procedural Order.
56. My evidence considers the Agreed Statement of Facts prepared by and signed by the land use planning and urban design witnesses in this matter (see Appendix I).

57. This section of my witness statement will generally address all issues on the Issues List except where an issue has since been removed. In response to Heritage related issues, I defer to the evidence of Mr. Dan Currie. It is noted that Issues 41 and 42 relate to the Phase 2 hearing and as such, are not considered within this Witness Statement.
58. With respect to Issues 4-6, I note that the policies referenced in these issues relate to ROP policies in effect at the time the applications were submitted. Similarly, with respect to Issues 9-18, the policies referenced refer to policies within the City of Kitchener Official Plan that were in effect at the time the applications were filed.

ISSUE 1: Do the proposed Official Plan and Zoning By-law Amendment applications (the “proposed applications”) have sufficient regard to the matters of provincial interest listed in section 2(d), (n), (p) and (r)?

59. In my opinion the Proposed Development has regard for the relevant matters of provincial interest that are set out in Section 2 of the *Planning Act* R.S.O. 1990 including (d), (n), (p) and (r). The matters applicable to the Applications are listed below with my opinion of each following.
60. The Proposed Development has had regard for matters of provincial interest as follows:
- (a) the protection of ecological systems, including natural areas, features and functions;*

The Subject Lands do not contain any ecological systems, natural areas or features.

(b) the protection of the agricultural resources of the Province;

The Subject Lands do not contain any agricultural resources.

(c) the conservation and management of natural resources and the mineral resource base;

The Subject Lands do not contain any natural resources or mineral resources.

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

An Archaeological Assessment was completed as part of a complete application and recommended that no further assessment be required. Matters related to the conservation of features of cultural or historical interest are legislated under the Ontario Heritage Act. The Subject Lands and adjacent lands are protected under Part V of the Ontario Heritage Act as they are included within the CCNHCD. Due regard has been given to cultural heritage resources through the Heritage Impact Assessment which was undertaken by MHBC and submitted in support of required Planning applications. The HIA has demonstrated that the Proposed Development is a) consistent with the objectives of the CCNHCD Plan, and b) does not result in adverse impacts to cultural heritage resources located within the CCNHCD.

(e) the supply, efficient use and conservation of energy and water;

The Subject Lands will be developed with full municipal services. Detailed building design will consider energy efficient appliances and heating and cooling systems.

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

As noted, the Subject Lands will be developed with full municipal services and are located along a Regional Road and existing transit route.

(g) the minimization of waste;

The Subject Lands are currently used as a parking lot. The Proposed Development represents a more efficient use of land within a Strategic Growth Area.

(h) the orderly development of safe and healthy communities;

The Subject Lands do not contain any hazard lands and development of the Subject Lands does not pose any risk to the health and safety of the surrounding community.

(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

The Subject Lands will be developed in accordance with all AODA requirements and related Building Code requirements, including the provision of accessible units.

(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

The Subject Lands are located within an urban area and are in close proximity to existing educational, health, social, cultural and recreational facilities.

(j) the adequate provision of a full range of housing, including affordable housing;

The Proposed Development will contribute to a full range of housing, including attainable rental housing. Within the Heritage Conservation District the primary form of housing is single detached dwellings. The Proposed Development of the Subject Lands will provide an opportunity for smaller rental units within a Strategic Growth Area.

(k) the adequate provision of employment opportunities;

Development of the Subject Lands will not result in the removal of employment uses. Non-residential uses will continue to be permitted in the zoning to allow for potential ground floor commercial in the future. The Proposed Development will provide for an increased residential population to support existing employment uses in Kitchener's downtown area.

(l) the protection of the financial and economic well-being of the Province and its municipalities;

The Proposed Development will contribute to the financial and economic well-being of the City of Kitchener through the payment of Development Charges and increased tax revenue in the future.

(m) the co-ordination of planning activities of public bodies;

A Pre-Consultation Meeting was held and identified complete application requirement including requirements of the Region of Waterloo, City of Kitchener and any other public bodies (i.e. Conservation Authority). The applications were appropriately circulated and considered by all applicable public bodies.

(n) the resolution of planning conflicts involving public and private interests;

In my opinion the proposed applications represent the public interest by providing much needed rental housing within a Strategic Growth Area, on a property that is currently underutilized.

(o) the protection of public health and safety;

As previously noted, the Subject Lands do not contain any hazard lands. There are no public health or safety risks associated with the Proposed Development. Through the detailed site plan review process additional technical studies including noise and wind studies will be completed and reviewed by the City of Kitchener.

(p) the appropriate location of growth and development;

The Subject Lands are located within an MTSA and within a Strategic Growth Area as defined by the Provincial Planning Statement. The Subject Lands are currently used as a parking lot, representing an underutilized site. The Subject Lands are appropriately located for growth and development.

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

The Proposed Development represents a compact form of development that is sustainable, supports public transit and is oriented to pedestrians.

(r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The Proposed Development is well-designed, encourages a sense of place and will positively contribute to the Weber Street streetscape. The development has been designed with the entrance and lobby area facing Weber Street. The orientation of the tower has been designed to minimize overlook onto the residential neighbourhood to the north. The preliminary building design incorporates traditional building materials in a contemporary style.

(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate

The Proposed Development relies on active transportation and public transit for future residents. No vehicle parking spaces are proposed. This represents a positive shift away from the vehicle parking lot that exists today. The form of development provides for compact development at a density that supports the existing transit and rapid transit that is readily available.

61. In summary, the Subject Lands are currently underutilized and do not represent a sustainable use of land. The Proposed Development provides a compact urban development that will provide for a transit-supportive density and support existing public transit. Regard for coordination among all public bodies, including agencies

and various levels of government has occurred, and any outstanding technical matters (such as noise) can be adequately addressed with the proposed Holding Provision.

62. Based on this analysis, it is my opinion that the Proposed Development and Planning Instruments have regard for the relevant matters of provincial interest that are set out in Section 2 of the *Planning Act* R.S.O. 1990.

ISSUE 2a: Are the proposed Official Plan Amendment and Zoning By-law Amendment applications (the proposed applications) consistent with the PPS 2024, including but not limited to, sections 2.1.3, 2.1.4, 2.1.6 a), 2.2.1, 2.3.1, 2.4.1, 2.4.2.3, 4.6.1, 4.6.3, 6.1.1, 6.1.5, 6.1.6, 6.1.7, 6.1.11, and 6.1.12?

63. The Provincial Planning Statement, 2024 (“PPS”) took effect on October 20th, 2024. The PPS integrates the Provincial Policy Statement 2020 (PPS 2020) and Growth Plan into a single planning document that applies province-wide. Although the original planning applications were submitted prior to the release of the PPS , the PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.
64. The PPS promotes healthy living and safe communities, which are sustained by promoting efficient development and land use patterns, and accommodating an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs.
65. The vision for the PPS emphasizes the building of more homes for all Ontarians and the Province’s Goal for 1.5 million homes to be built by 2031.

66. **Policy 2.1.3** of the PPS states that when creating a new official plan and at each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years.
67. The Proposed Development assists in achieving projected needs over the 20-to-30-year horizon and appropriately places density within a priority intensification area (an MTSA).
68. **Policies 2.1.4 and 2.2.1** of the PPS both speak to the provision of an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area.
69. The Proposed Development will support a development that will provide for an appropriate range and mix of housing forms and transit-supportive densities within a MTSA, including the provision of rental units.
70. The Proposed Development will contribute to a range of residential unit types by introducing multi-unit housing to the Subject Lands while optimizing transit investment, minimizing land consumption and servicing costs. The Proposed Development will be fully accessible and will include accessible (barrier-free) units.
71. Section 2.2 provides policy direction for housing. Specifically, **Policy 2.2.1** states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:
 - a) *establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

72. The Proposed Development will contribute to the full range of housing options, including rental units. The Proposed Development will efficiently use land, resources, infrastructure and public service facilities, by redeveloping an underutilized vacant surface parking lot, and will support the use of active transportation, and have a transit-supportive density and design.

73. The Proposed Development prioritizes intensification in proximity to transit and results in a net increase in residential units.

74. **Policy 2.1.6 a)** states that planning authorities should support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment,

public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.

75. The Proposed Development will contribute to a complete community by providing housing units within a Strategic Growth Area where future residents will be well served by existing transit and transportation options, employment, public service facilities, places of worship, entertainment, parks and open space and other community serving uses.
76. **Policy 2.3.1** of the PPS states that settlement areas shall be the focus of growth and development, and that within settlement areas, growth should be focused in, where applicable, Strategic Growth Areas, including MTSA.
77. The Subject Lands are within the Built-Up Area. The Proposed Development provides an opportunity for both redevelopment and intensification of an underutilized parcel of land in the City of Kitchener Settlement Area. The redevelopment of the vacant surface parking lot with a 19-storey multiple residential development represents a more efficient use of land, resources and existing infrastructure.
78. The Proposed Development supports active transportation and transit, including the Region's LRT system. The Proposed Development is in a location that has been identified by Planning Authorities as an appropriate location for transit supportive development (an MTSA).
79. **Section 2.4.1** of the PPS provides general policies for Strategic Growth Areas. The policies of this section state that planning authorities are encouraged to identify and focus growth and development within Strategic Growth Areas.

80. Policy 2.4.1.2 details various ways in which Strategic Growth Areas should be planned to support the achievement of complete communities, the provision of a range and mix of housing options, intensification and more mixed-use development.
81. Policy 2.4.1.3 identifies the various ways in which planning authorities should act to support the objectives identified in Policy 2.4.1.2.
82. The Subject Lands are located within a Strategic Growth Area. The PPS directs growth and intensification to Strategic Growth Areas as a priority. The Subject Lands also represent a rare opportunity within an MTSA as the lands are currently vacant of any development. The redevelopment of a surface parking lot for multiple residential use represents a more efficient and transit supportive use of the property.
83. **Section 2.4.2.3** of the PPS states that planning authorities are encouraged to promote development and intensification within MTSAs, where appropriate, by:
 - a) planning for land uses and built form that supports the achievement of minimum density targets; and*
 - b) supporting the redevelopment of surface parking lots within major transit station areas, including commuter parking lots, to be transit-supportive and promote complete communities.*
84. The Proposed Development is in alignment with Section 2.4.2.3 of the PPS which supports the redevelopment of surface parking lots with transit-supportive development.
85. **Section 4.6.1** of the PPS states that protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.

86. **Section 4.6.3** of the PPS states that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.
87. With respect to heritage related policies of the PPS, I defer largely to the evidence of Mr. Dan Currie.
88. The Subject Lands are captured by the definition of “protected heritage property” within, PPS given that they are within a CCNHDC that has been designated under Part V of the Ontario Heritage Act. The conservation of identified heritage attributes which contribute to any Heritage Conservation District are managed by way of the Heritage Conservation District Plan which has been adopted by the Council of the Municipality. The CCNHCD Plan provides policies and guidelines for the management of cultural heritage resources within its boundary. This includes policies for change management.
89. The CCNHDC plan was prepared in 2007 and generally extends from the north side of Queen Street to the south side of Victoria Street, and from the east side of Weber Street to Lancaster Street, incorporating both sides of Lancaster. The CCNHCD Plan provides policies and guidelines for the management of cultural heritage resources within its boundary. This includes policies for change management.
90. According to the HIA prepared by MHBC, the Proposed Development is consistent with the objectives of PPS, the CCNHCD Plan. The Proposed Development was also evaluated in terms of potential adverse impacts to the adjacent properties located within the context of the CCNHCD. I accept and defer to the evidence of Mr. Dan Currie that the Proposed Development does not result in impacts to adjacent cultural heritage resources with the exception of potential impacts related to land disturbances which can be avoided through vibration monitoring.

91. Section 6.1 of the PPS includes the general policies for Implementation and Interpretation. Section 6.1.1 confirms that the PPS is to be read in its entirety. Sections 6.1.5 and 6.1.6 require municipalities to update Official Plans and Zoning By-laws to reflect matters of Provincial Interest. In my opinion there is no clear issue with Section 6.1 of the PPS. The PPS will be appropriately considered by the Tribunal in reviewing the applications.

ISSUE 3: This issue has been removed per the most recent procedural order.

ISSUE 4: Do the proposed applications conform to the Region of Waterloo Official Plan Objective 3.8?

92. Issue 4 refers to the ROP as was in effect at the time the applications were submitted (i.e. prior to the more recently approved ROPA 6).

93. Objective 3.8 is to: "*Support the conservation of cultural heritage resources*".

94. I have reviewed the evidence provided by Mr. Dan Currie in regard to the Application's conformity with ROP Objective 3.8 and agree with his analysis and opinions. As such, I have nothing further to add in this regard.

ISSUE 5: Do the proposed applications conform to the Urban Area Development policies in chapter 2.D (2.D.1, 2.D.2, 2.D.6, 2.D.10)?

95. The ROP outlines a vision for growth and development within the Region and establishes a number of general policies to plan and manage growth and implement provincial land use policy. An overarching goal of the ROP is to promote balanced growth by directing a larger share of new growth to the Built-Up Area.

96. The Subject Lands are designated Built-Up Area in the ROP. Lands within the Urban Area are intended to accommodate the majority of growth within the Region to the year 2051. A substantial portion of growth in the Urban Area is to be accommodated within the Built- Up Area.
97. The Urban Area Development Policies contained within Section 2.D of the ROP reconfirm that the Urban Area designation broadly identifies where the majority of the Region's future growth will occur. The Subject Lands are located within the Urban Area and as such are subject to the policies of chapter 2.D.
98. Section 2.D directs that 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. The policies in Section 2.D are grounded in the principles of Transit Oriented Development, and more specifically a greater mix of medium to high density land uses located within an easy walk of an MTSA.
99. Section 2.D.1 of the ROP contains general development policies. The proposed OPA conforms to these policies as it provides for development that:
- Encourages significant residential growth within the Urban Area, and more specifically the Built-Up Area of the City of Kitchener;
 - Re-urbanizes a surface parking lot within an MTSA, which are planned to accommodate higher density uses for future population and employment growth;
 - Encourages active transportation and contributes to a pedestrian friendly environment by locating the building close to Weber Street West;
 - Is transit supportive, and supports the use of transit being within walking distance to two ION LRT stations, in addition to multiple bus routes in the area;
 - Will be serviced by existing municipal water, sanitary and storm water services appropriately sized to accommodate the Proposed Development;

- Contributes to the creation of complete communities by adding to a range and mix of housing types;
- Is well serviced by community services including commercial uses and schools;
- Does not negatively affect any existing natural or cultural heritage resources; and,
- Respects the scale, physical character and context of the surrounding area (both existing and planned).

100. Section 2.D.2 of the ROP sets out specific Transit Oriented Development (“TOD”) provisions to be considered in the review of a development application on or near existing or planned rapid transit, and establishes the following objectives:

- a) Creates an interconnected and multi-modal street pattern that encourages walking, cycling or the use of transit and supports mixed-use development;*
- b) Supports a more compact urban form that locates the majority of transit supportive uses within a comfortable walking distance of the transit stop or Major Transit Station Area;*
- c) Provides an appropriate mix of land uses that allows people to walk or take transit to work and provides for a variety of services and amenities that foster vibrant transit supportive neighbourhoods;*
- d) Promotes medium and higher density development as close as possible to the transit stop to support higher frequency transit service and optimize transit rider convenience*
- e) Fosters walkability by creating pedestrian-friendly environments that allow walking to be safe, comfortable, barrier-free and convenient form of urban travel;*
- f) Supports a high-quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities; and*

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

101. The Proposed Development will result in more residential uses in proximity to existing transit routes, including higher order transit (Kitchener City Hall ION Station and Frederick ION Station). The Proposed Development will have convenient pedestrian connections to the existing sidewalk infrastructure and existing/planned cycling routes within proximity of the site. Further, the Subject Lands are located in a mixed-use area of the City so future users of the development will have the option to walk or cycle to a range of destinations, including commercial, employment and institutional uses.

102. Policies 2.D.6 and 2.D.10 provide policy direction MTSA's, which have now been fully delineated the ROP through the approval of ROPA 6.

103. The Subject Lands are within the boundaries of the Kitchener City Hall MTSA, as shown on Map 3a of ROPA 6.

104. Policy 2.D.6 speaks to MTSA's, and that they will be planned and developed to achieve:

a) increased densities that support and ensure the viability of existing and planned rapid transit service levels; and

b) a mix of residential, office, institutional and commercial development, wherever appropriate.

105. The Proposed Development would provide residential units and density within lands currently used for surface parking. The current use of the lands does not currently contribute any density to support the existing ION LRT rapid transit services.

106. Policy 2.D.10 states that until an area municipality has established policies for its respective MTSAs, that any development applications or site plans submitted within an MTSA will be reviewed in accordance with the Transit Oriented Development provision described in Policy 2.D.2. In my opinion the Applications conform to and support the Transit Oriented Development policies identified in Section 2.D.2 of the ROP.

107. In my professional opinion the proposed planning applications conform with the Urban Area Development policies in Chapter 2.D (including 2.D.1, 2.D.2, 2.D.6, 2.D10).

ISSUE 6: Do the proposed applications conform to the Liveability in Waterloo Region policies in chapter 3 (3.A, 3.B, 3.C, 3.G.1, 3.G.6)?

108. Chapter 3 of the ROP addresses Liveability in Waterloo Region and contains policies related to cultural, environmental, social and economic elements.

109. **Section 3.A** provides policies related to the provision of a range and mix of housing and requires Area Municipalities to plan for an appropriate range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents (3.A.2).

110. The Proposed Development will contribute to the range and mix of housing units within the Civic Centre community by providing for new rental housing. Smaller units are proposed to ensure more attainable rental costs for future units.

111. **Section 3.B** contains policies related to walking and cycling and encourages the provision of facilities to encourage walking and cycling.

112. The Proposed Development relies completely on transit and active transportation and as such no vehicle parking is provided. The Subject Lands are located within an MTSA and are adjacent to Downtown Kitchener, where a full range of services and land uses are available. As such public transit is a viable option for future residents of the Proposed Development. Further, removing the cost associated with the construction of structured parking, assists in the provision of attainable rental units.
113. **Section 3.C** contains policies related to Transportation Demand Management. These policies were prepared prior to Bill 185 and generally encourage reductions in parking where transportation demand management strategies have been implemented.
114. As previously noted, municipalities can no longer require minimum parking requirements within MTSA's. It is noted that while no vehicular parking is provided, the proposed ZBA incorporates minimum bicycle parking requirements to ensure that 1.0 bicycle parking space per unit is provided (either within a designated bicycle parking area or within the units themselves).
115. **Sections 3.G.1 and 3.G.6** contain policies related to Cultural Heritage. I have reviewed the evidence provided by Mr. Dan Currie in regard to the Proposed Development's conformity with these sections of the ROP and agree with his analysis and opinions. As such, I have nothing further to add in this regard.
116. In my professional opinion the proposed planning applications conform with the Liveability in Waterloo Region policies in Chapter 3 (including 3.A, 3.B, 3.C, 3.G.1, and 3.G.6).

ISSUE 7: This issue has been removed per the most recent procedural order.

ISSUE 8: What consideration, if any, should be given to the following policies of ROPA 6:

117. On August 18, 2022, Regional Council passed By-law No. 22-038, to adopt ROPA 6. The purpose of ROPA 6 is to accommodate Waterloo Region's forecasted population and employment growth to 2051 and implement the Growth Plan (2020), the Provincial Policy Statement (2020), and the Planning Act. ROPA 6 was approved by the Ministry of Municipal Affairs and Housing on April 11, 2023.
118. Since ROPA 6 was not in effect at the time the applications were submitted, its policies are relevant but not determinative. It is my opinion that the Proposed Development continue to conform to the ROP, including those amendments made through ROPA 6.

Issue 8 a) Do the proposed applications conform to Policy 2.C.2.2.(f) and general objective bullet #8 (Chapter 2, page 3) regarding cultural heritage conservation?

119. I have reviewed the evidence provided by Mr. Dan Currie in regard to the Proposed Development's conformity with these sections of ROPA 6 and agree with his analysis and opinions. As such, I have nothing further to add in this regard.

Issue 8 b) Do the proposed applications conform to Policy 2.D.2.8, regarding the appropriate location of major intensification?

120. Policy 2.D.2.8 is a Major Transit Station Area Policy that reads as follows:

None of the policies in Section 2.D should be interpreted to mean that every property located within a Major Transit Station Area identified in this Plan is

necessarily appropriate for major intensification. The appropriate scale and form of any development on lands within the boundaries of these areas will be subject to the relevant area municipal planning policies and approval processes.

121. While I agree that not every property within a MTSA will necessarily be appropriate for major intensification, the Subject Lands are appropriate. They are already designated and zoned for high density development. There are multiple areas within the City of Kitchener MTSA's where much more significant intensification has been permitted and approved, including development of up to more than 50 storeys. In my opinion the Subject Lands provide an opportunity to intensify an existing parking lot at a height that allows a transition from the unlimited height permitted on the opposite side of Weber Street to the lower heights established within the Civic Centre neighbourhood enclave, without any unacceptable adverse impacts. The location of the Subject Lands on a Regional Road, the existing vacant condition of the Subject Lands, the current zoning (which does not contain a maximum height permission), and the ability to provide for an appropriate rear yard setback from those lower density buildings on Roy Street, all in my opinion, support the level of intensification on the Subject Lands that is being proposed.

Issue 8 c): Do the proposed applications conform to Policy 2.F.3, regarding intensification on properties designated under the OHA?

122. I have reviewed the evidence provided by Mr. Dan Currie in regard to the Proposed Development's conformity with Policy 2.F.3 and agree with his analysis and opinions. As such, I have nothing further to add in this regard.

Issue 8 d) Do the proposed applications conform to Policy 2.I.5.1, regarding exceeding intensification and density targets?

123. Section 2.1.5 of ROPA 6 contains policies related to the implementation of Intensification and Density Targets. Policy 2.1.5.1 states that minimum intensification and density targets are minimum standards and area municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this plan.

124. Intensification and Density Targets are set on an area basis as opposed to being measured on individual properties. With the exception of the Block Line MTSA area, all MTSA's in Kitchener have a minimum density target of 160 people and jobs combined per gross hectare measured over the entire station area. ROPA 6 also establishes a minimum annual intensification target of 60% within the Built-Up Area of Kitchener. Exceeding these density targets is encouraged both within ROPA 6 and the PPS.

Issue 8 e): Do the proposed applications have sufficient regard to Objective 3.A., bullet 1, regarding supporting a range of housing?

125. The preamble for Section 3.A speaks to the need for a diverse range and mix of housing options that are safe, affordable, of adequate size and meet the accessibility requirements of all residents. The preamble goes on to support the maintenance of a healthy supply of rental housing, especially at affordable and mid-range rents. Mechanisms to secure affordable housing, including inclusionary zoning, are also discussed within the preamble.

126. Bullet 1 under Objective 3.A reads:

Support a diverse range and mix of housing options and densities, including

additional residential units, affordable, and missing middle housing, to serve all sizes, incomes, and ages of households.

127. The Proposed Development supports a diverse range and mix of housing options by providing rental units intended at an attainable rental price. Barrier free units will be incorporated into the design. The City of Kitchener has recently approved an Inclusionary Zoning framework, which, if in effect at the time the Subject Lands develop, would require the inclusion of affordable units within the Proposed Development.
128. In summary, it is my opinion that the Proposed Development and related planning applications conform with the policies of ROPA 6 as outlined in Issues 8 a-e.

ISSUE 9: Do the proposed applications conform to the Urban Structure policies in Part C (3.C.2.9, 3.C.2.10, 3.C.2.17, 3.C.2.20, and 3.C.2.22)? (City of Kitchener Official Plan)

129. The Subject Lands are within a “Major Transit Station Area” as depicted on Map 2 (Urban Structure) of the OP, which was modified following the approval of ROPA 6 to “Protected Major Transit Station Area”. As such, the land use and urban design policies for MTSA’s contained within the Official Plan apply.
130. **Policy 3.C.2.9** requires a high level of urban design for all new development and redevelopment within all primary Intensification Areas. Policy 3.C.2.9 notes that the City may impose appropriate urban design requirements affecting, but not limited to, site landscaping, the massing and placement of buildings and the provision of cycling and pedestrian facilities.
131. With respect to landscaping, Weber Street is a Regional Road and any landscaping or streetscape improvements within the Region’s right-of-way will be determined

during the detailed site plan approval process. The placement of the building maximizes the rear yard setback to lower density uses along Roy Street and also improves the pedestrian realm by bringing the building to the street. The proposed site plan concept includes the provision of indoor secure bicycle parking.

132. **Policy 3.C.2.10** states that, *The intensification and development of mixed use and commercial lands within Intensification Areas will be the primary means of accommodating additional commercial development to meet future growth needs.*"
133. As stated previously in my Witness Statement, freestanding multiple residential uses are permitted on the Subject Lands. While commercial uses are not contemplated as part of the redevelopment, the building has been designed with a minimum ground floor that would allow for a ground floor commercial use in the future. The proposed ZBA would continue to permit the full range of non-residential uses that are currently permitted.
134. **Policy 3.C.2.17** provides direction regarding the planned function of MTSA's. This includes providing growth through development to support existing and planned transit (a); providing connectivity of various modes of transportation to the transit system (b); achieving a mix of uses within the MTSA areas (c); and having streetscapes and a built form that is pedestrian-friendly and transit-oriented (d).
135. Policy 3.C.2.17 goes on to state that MTSA's may include lands within stable residential neighbourhoods which are not the primary focus for intensification. The Subject Lands are, in my opinion, located outside of a stable residential neighbourhood.
136. **Policy 3.C.2.20** references the City's previous "PARTS" project and notes that not all lands within a possible influence area of a ten-minute walking radius centred around the location of a proposed Rapid Transit Station Stop should be the focus of intensification. The Station Stops have now been constructed and the Subject

Lands remain located within a MTSA as identified in ROPA 6. The Subject Lands have historically been designed for higher density development, unlike the interior of the Civic Centre neighbourhood.

137. **Policy 3.C.2.22** provides criteria under which development applications submitted within a MTSA will be reviewed against. This policy was addressed in the 2021 PJR. In my opinion the development addresses the development criteria as follows:

- The development supports the planned function of the MTSA through the proposed residential development, providing for new residential units that support existing transit facilities.
- Appropriate pedestrian and cycling facilities will be incorporated into the development including a sidewalk connection and indoor bicycle storage spaces.
- Public transit facilities are located within a convenient and comfortable walking distance of the development.
- One vehicular access point is provided to the site, off of Weber Street West which diverts any vehicle movements away from the stable residential neighbourhood to the north.

138. In summary, it is my professional opinion that the Proposed Development conforms to the Urban Structure policies in Part C of the City of Kitchener Official Plan.

ISSUE 10: Do the proposed applications conform to the Housing policies in Section 4 (4.C.1.7, 4.C.1.8, 4.C.1.9, 4.C.1.13, and 4.C.1.19)? (City of Kitchener Official Plan)

139. **Policy 4.C.1.7** identifies items that the City may require in order to address compatibility of a development application. A number of the plans/drawings identified within this policy were provided as part of a complete application.
140. **Policy 4.C.1.8** applies where special zoning regulation(s) or minor variance(s) are requested to facilitate residential intensification or a redevelopment proposal. A number of the criteria contained within this policy speak to development within established neighbourhoods and maintaining the character of the streetscape and neighbourhood. As previously noted, the Subject Lands are located at the periphery of the Civic Centre Neighbourhood on Weber Street where the character varies significantly compared the established residential areas at the interior of the neighbourhood.
141. **Policy 4.C.1.9** states, *Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility."*
142. In considering Policy 4.C.1.9 it is important to consider the Subject Lands' location along a Regional Road, at the periphery of the Civic Centre Neighbourhood and immediately adjacent to Downtown Kitchener. The current designation was put in place to recognize anticipated intensification along Weber Street corridor with the north side of Roy Street intended to provide a buffer to the stable residential neighbourhood internal to the Civic Centre Neighbourhood. The existing character along Weber Street and within the MTSA is varied and will continue to evolve as a focused area for intensification.
143. **Policy 4.C.1.13** encourages innovative housing types and designs that are compatible with surrounding land uses (a); that support the development of complete communities (b); provide live/work and home occupation opportunities (c); incorporate energy conservation features and the use of alternative energy

systems and/or renewable energy systems (d); reduce municipal expenditures (e); protect natural heritage features (f); provide accessible and affordable housing to residents (g); conserve and/or enhance our cultural heritage resources (h); celebrate the cultural diversity of the community (i); be transit-supportive and/or transit-oriented (j); or, reflect, add and/or enhance architectural interest and character (k).

144. The wording of Policy 4.C.1.13 suggests that it is not the intent that all items identified on the list are expected to be achieved with each proposal. Notwithstanding this, the proposed rental housing development will reduce municipal expenditures given the location along an existing public street with full municipal services, it will result in the provision of affordable housing (once Inclusionary Zoning is implemented), and is transit-supportive and transit oriented. There are no natural heritage features contained within the Subject lands that would be impacted by the Proposed Development. Notwithstanding the Subject Lands' location within the CCHCDP, the Subject Lands themselves and adjacent lands do not contain any cultural heritage resources that would be impacted by the Proposed Development.
145. **Policy 4.C.1.19** encourages affordable housing in close proximity to public transit, commercial uses and other compatible non-residential land uses, parks and community facilities with convenient access to community, social and health services.
146. As previously noted, the City of Kitchener has recently approved an Inclusionary Zoning framework that, once implemented, will apply within the MTSA areas. It is anticipated that the Inclusionary Zoning requirements for affordable units will apply to all building permits after January 1, 2026, and once implemented would apply to the Subject Lands, requiring that a minimum percentage of units be included as affordable rental units for a minimum period of 25 years.

147. In my opinion the Proposed Development conforms to the Housing policies of the City's Official Plan, including those referenced in Issue 10.

ISSUE 11: Do the proposed applications conform to the Private Greenspace and Facilities policies in Section 8 (8.C.1.21 and 8.C.1.23)?

148. **Policy 8.C.1.21** states that *The City will require the development of on-site recreation facilities and usable greenspace areas in multiple housing developments and affordable housing developments, in particular, multiple dwellings and cluster townhouse developments.*

149. This policy needs to be read in conjunction with Policy 8.C.1.22 which reads *The City may consider other forms of parkland provision for intensification and redevelopment projects in accordance with Parks Strategic Plan and the City's Parkland Dedication Policy.*

150. In my opinion Policy 8.C.1.21 is intended to apply to lower density multiple residential developments which would typically be designed with greenspace areas. Intensification and tower sites within the MTSA's typically provide amenity in the form of balconies, podium amenity areas, and/or rooftop amenity areas, along with cash-in-lieu of parkland. The Proposed Development will be subject to a cash-in-lieu parkland payment at the site plan approval stage.

151. **Policy 8.C.1.23** states *The City will encourage, wherever reasonable and possible, the provision of useable and accessible semi-public spaces in private developments that provide linkages and/or support arts, culture, recreation and leisure opportunities for its residents. Using applicable planning tools as outlined in Section 17, the City may encourage the provision of public spaces including but not limited to, indoor amenity areas such as community rooms, fitness areas, change rooms*

and other supporting amenities, and outdoor amenity or landscaped areas such as courtyards, rooftop landscaped areas or green roofs, walking and cycling linkages.”

152. There are no amenity space requirements within the current zoning framework that apply to the Subject Lands. Notwithstanding this, amenity space is proposed in the form of private balconies as well as shared indoor amenity space. Opportunities for a shared rooftop amenity area can be explored during the site plan review stage. The Proposed Development includes indoor secure bicycle parking for residents.

153. In my opinion the Proposed Development conforms to the Private Greenspace and Facilities policies of the City's Official Plan.

ISSUE 12: Do the proposed applications conform to the Urban Design objectives in Section 11 (11.1.1 through 11.1.8)? (City of Kitchener Official Plan).

154. The 2021 UDB prepared by MHBC provides a summary of how the Proposed Development meets the relevant policies from Section 11 of the City's Official Plan. Objectives 11.1.1 through 11.1.8 provide more general and high-level urban design guidance when compared to the policies.

155. In my opinion the Proposed Development has appropriately considered Objectives 11.1.1 through 11.1.8. The Proposed Development will create a visually distinctive and identifiable place; will enhance the Weber Street streetscape; will encourages pedestrian activity; and has considered compatibility with surrounding land uses.

ISSUE 13: Do the proposed applications conform to the Urban Design policies in Section 11 (11.C.1.4, 11.C.1.11, 11.C.1.12, 11.C.1.21, 11.C.1.29, 11.C.1.30, 11.C.1.31, 11.C.1.32, and 11.C.1.33)?

156. **Policy 11.C.1.4** provides direction as to how the policies in Section 11 may be used to evaluate certain matters. This includes evaluating potential adverse impacts to the urban fabric, the community and infrastructure.
157. **Policies 11.C.1.11, 11.C.1.30, 11.C.1.31, 11.C.1.32 and 11.C.1.33** are addressed in the 2021 UDB. My response to these policies remains consistent with the conclusions made in the UDB. My response to the remaining policies referenced in Issue 13 are provided herein.
158. **Policy 11.C.12** directs that, "*The City will have regard for the city's skyline when considering development applications and infrastructure projects and in the formulation of urban design guidelines and/or urban design briefs.*"
159. The Proposed Development includes a compact tower form of development that will contribute to the changing City skyline within the Downtown and MTSA's. The proposed height is lower than heights approved and contemplated on the opposite side of Weber Street, ensuring that there will be variety in the skyline along the Weber Street corridor.
160. **Policy 11.C.1.21** speaks to a high standard of urban design for sites located at strategic or prominent locations in the City. This includes sites located along major arterial streets.
161. The Proposed Development has considered this policy and represents an improved condition for the Subject Lands when compared to the existing surface parking lot. The preliminary building design is oriented towards Weber Street with large windows and the main entrance oriented to the street. The building design includes consideration of final building materials/colours and will continue to evolve through the detailed site plan approval process.

162. **Policy 11.C.1.29** speaks to the enhancement of sites, buildings, open space and the streetscape. Policy 11.C.1.29 is a Site Design Policy and this policy, along with Policy 11.C.1.30 are considered by the City through the site plan control process.

163. The Proposed Development represents an enhancement to the existing site as well as an enhancement to the Weber Street streetscape. The Proposed Development will reduce the number of vehicular accesses to Weber Street from three to one, resulting in a safer and more pedestrian friendly streetscape along the frontage of the Subject Lands.

164. In my opinion the proposed applications conform to the Urban Design policies of the City's Official Plan.

ISSUE 14: Do the proposed applications conform to the Cultural Heritage Resources objectives in Section 12 (12.1.2)?

165. I have reviewed the evidence provided by Mr. Dan Currie in regard to the Cultural Heritage Resources objectives in Section 12 of the City of Kitchener Official Plan and agree with his analysis and opinions. I have nothing further to add in this regard.

ISSUE 15: Do the proposed applications conform to the Cultural Heritage Resources policies in Section 12 (12.C.1.1, 12.C.1.10, 12.C.1.14, 12.C.1.19, 12.C.1.21, 12.C.1.23, 12.C.1.26, 12.C.1.27, and 12.C.1.29)?

166. I have reviewed the evidence provided by Mr. Dan Currie in regard to the Cultural Heritage Resources policies in Section 12 of the City of Kitchener Official Plan and agree with his analysis and opinions. I have nothing further to add in this regard.

ISSUE 16: Do the proposed applications conform to the Active Transportation objectives in Section 13 (13.1.1 and 13.1.3)? (City of Kitchener Official Plan).

167. It was agreed by all planning and urban design witnesses in Statement 16 of the Agreed Statement of Facts (Appendix "I") that Issue 16 can be scoped and no witness statement shall provide evidence on Policy 13.1.7 subject to continued inclusion of the bicycle parking regulation in the ZBA requiring 1 Class A bicycle parking stall per unit and 6 Class B Bicycle Parking Stalls.
168. The proposed Zoning By-law Amendment (found in **Appendix "G"**) continues to include the minimum bicycle parking regulations requiring 1 Class A bicycle parking stall per unit and 6 Class B Bicycle Parking Stalls. The revised Procedural Order addressed the removal of Policy 13.1.7 from Issue 16.
169. It is noted that the Official Plan policies in effect at the time the applications were filed do not contain
170. **Active Transportation Objective 13.1.1** speaks to enhancing the pedestrian realm in order to increase levels of convenience, comfort and safety, and encourage more pedestrian movement and trips.
171. The Subject Lands are located along an existing Regional Road and transit route. The Subject Lands are located within an MTSA and will have a direct connection to the public sidewalk system that runs along Weber Street. Active space including the lobby area and common amenity are located adjacent to the Weber Street frontage. The building has designed close to the street and with a defined base, above which the tower face is stepped back. Pedestrian safety will be improved as a result of the Proposed Development which reduces the number of vehicular accesses from three to one. In my opinion, the pedestrian realm along the Subject Lands will be significantly improved as a result of the Proposed Development.

172. **Active Transportation Objective 13.1.3** states the City's objective to ensure universally accessible pedestrian elements are planned for in the development of buildings, sites, public spaces and transportation facilities.
173. The Proposed Development will be designed in accordance with AODA requirements and includes accessible units as required by the Ontario Building Code. Barrier free access from the proposed building to the public sidewalk will be provided.
174. In my opinion the proposed applications have appropriately considered and conform with the City's active transportation objectives noted in Issue 16.

ISSUE 17: Do the proposed applications conform to the Transportation policies in Section 13 (13.C.1.4.d, 13.C.1.6, 13.C.1.13, 13.C.3.12, 13.C.7.3 and 13.C.8.4)?

175. It is agreed by all land use and urban design experts in Statement 16 of the Agreed Statement of Facts (Appendix "I") that Issue 17 can be scoped and no witness statement shall provide evidence on Policies 13.C.7.4 and 13.C.8.2 subject to continued inclusion of the bicycle parking regulation in the Zoning By-law Amendment requiring 1 Class A bicycle parking stall per unit and 6 Class B Bicycle Parking Stalls.
176. As previously noted, the proposed ZBA continues to include the minimum bicycle parking regulations requiring 1 Class A bicycle parking stall per unit and 6 Class B Bicycle Parking Stalls.
177. **Policy 13.C.1.4.d)** states that the City will design pedestrian-friendly streets by providing more visually appealing, comfortable and safe streetscapes through such

means as: implementing a high standard of urban design for the scale and siting of buildings (i); implementing a high standard of urban design for the façades and the signage addressing the street (ii); installing street furniture and incorporating public art at priority locations (iii); coordinating site, building and landscape design on and between individual sites (iv); providing shade as an essential component of streetscape design (v); and, installing adequate lighting (vi).

178. The majority of matters identified in Policy 13.C.1.4 d) including building façades, signage, street furniture, landscape design and lighting are all matters to be considered during the detailed site plan review stage. The Proposed Development has considered the siting of the tower towards Weber Street (in order to maximize the rear yard setback) and will result in a safer streetscape by reducing the number of accesses to Weber Street from three to one, and by significantly reducing the number of vehicles that will be entering and existing the site.
179. **Policy 13.C.1.6** encourages a mix of land uses to ensure that residents' access to basic community infrastructure, amenities and services does not depend on car ownership or public transit use.
180. The Subject Lands are located within a mixed-use area of the City and future residents will have access to the full range of land uses offered by the City's Downtown. The multiple residential use proposed is permitted under the current land use designation.
181. **Policy 13.C.3.12** contains the City's Transit Oriented Development policies. This policy encourages walking, cycling and the use of transit. The policy supports a more compact urban form that located the majority of transit-supportive uses within a comfortable walking distance of a MTSA. The policy promotes medium and higher density development as close as possible to the transit stop to support higher frequency transit service and fosters walkability.

182. In my opinion the Proposed Development is conforms to the City's Transit Oriented Development policy as contained in Section 13.C.3.12.
183. **Policy 13.C.1.13** requires the provision of secure bicycle parking and has been addressed through the requirement for minimum Class A and Class B parking stalls within the proposed Zoning By-law Amendment.
184. **Policy 13.C.7.3** notes that the City may require the incorporation of Transportation Demand Management ("TDM") measures.
185. TDM measures are typically required when a reduction in required parking is proposed. TDM measures can include a requirement for bicycle parking, as one example. As a result of Bill 185, the City can no longer impose minimum parking within an MTSA. The Proposed Development has removed vehicle parking in favour of transit and active transportation.
186. **Policy 13.C.8.4** speaks to the design and construction of parking areas and facilities and is no longer applicable to the Proposed Development.
187. In my opinion the proposed applications conform with the transportation policies identified in Issue 17.

ISSUE 18: Do the proposed applications conform to the City of Kitchener Official Plan objective 3.2.5?

188. **Urban Structure Objective 3.2.5** speaks to maintaining "*a compatible interface between Intensification Areas and surrounding areas and achieve an appropriate transition of built form*".

189. The City of Kitchener Official Plan identifies Primary Intensification Areas which include MTSA's. The Subject Lands, and all immediate surrounding properties are located within an MTSA and as such, are all within an intensification area. In my opinion Objective 3.2.5 is intended to apply to instances where an Intensification Area is adjacent to an area that is outside of an Intensification Area.
190. The Civic Centre Secondary Plan policy framework confirms that the Office-Residential Conversion designation that applies to properties along the rear of the Subject Lands was intended to provide a transition in intensity of built form. Specifically, the Office-Residential Conversion policies state: *"The aim of this designation is both to preserve the existing structures in these areas and to serve as a transition area between the higher intensity uses along Weber Street and Queen Street and the Low Rise Residential – Preservation designation of the interior of the neighbourhood."*
191. In my opinion the intent of the Secondary Plan policies is clear. Higher intensity uses were contemplated along Weber Street with the north side of Roy Street providing a transition to the stable interior of the Civic Centre Neighbourhood. The Proposed Development also allows for height transition from greater building heights contemplated and approved on the opposite side of Weber Street.
192. The position and orientation of the proposed building maximizes the rear yard setback from the Roy Street properties. The orientation of the tower positions balconies to face the side yards in order to minimize overlook onto the residential interior of the neighbourhood.
193. In my opinion the Proposed Development achieves an appropriate transition of built form.

ISSUE 19: Do the proposed applications conform to the General Policies in Section 13.1.1 (13.1.1.1, and 13.1.1.7)? (Civic Centre Secondary Plan)

194. Section 13.1.1 contains general policies for the Civic Centre Secondary Plan with **Policy 13.1.1.1** speaking specifically to requirement for Site Plan approval for any development. The Proposed Development will be subject to site plan approval.
195. Policy 13.1.1.1 further states the importance of compatibility with the single detached dwellings in the interior of the neighbourhood.
196. The proposed building height has considered shadow impacts to the interior of the neighbourhood and limits height to that which will have minimal impact on the Low-Density designated portion of the Civic Centre neighbourhood.
197. As previously noted, there is a transition designation (Residential Office Conversion) between the Subject Lands and the Low-Density designation intended to provide a buffer from the more intense uses anticipated along Weber Street.
198. **Policy 13.1.1.7** requires that all development proposals will be evaluated to determine their ability to provide parkland dedication or cash payment for park purposes. Cash-in-lieu of parkland will be required prior to site plan approval in accordance with the City's parkland dedication policy and/or applicable Provincial legislation.
199. In my opinion the Proposed Development has appropriately considered and conforms to the General Policies of the Civic Centre Secondary Plan, including policies 1 and 7 identified in Issue 19.

ISSUE 20: Do the proposed applications conform to the Land Use Designation policies in Section 13.1.2 (13.1.2.8)?

200. Section 13.1.2 of the Civic Centre Secondary Plan includes policies related to the Land use designations, including policies for the High Density Commercial Residential designation that applies to the Subject Lands. The High Density Commercial Residential designation policies are contained in Section 13.1.2.8.
201. The aim of this designation is to recognize the proximity of the Civic Centre Neighbourhood to the higher intensity land uses of the Downtown, and the location of the properties on Primary Roads. It is noted that the Civic Centre Secondary Plan predates the construction of Light Rail Transit and the identification of MTSA areas by the Region and City.
202. Permitted uses in the designation include multiple dwellings which may exceed a density of 200 units per hectare. Standalone residential buildings are permitted. The maximum FSR is 4.0. There is no maximum height restriction within this designation.
203. Redevelopment within this designation is required to obtain access from Weber Street only.
204. An Official Plan Amendment is required to increase the density within the designation from an FSR of 4 to an FSR of 8.0. With the exception of the density provision, the Proposed Development otherwise conforms to the High Density Commercial Residential designation. In my opinion the increase in density is appropriate given the Subject Lands are currently vacant are now located within a MTSA, and are buffered from the interior of the neighbourhood by the Office-Residential Conversion designation, and will be compatible with and have no adverse impacts on surrounding lands.

ISSUE 21: This issue has been removed per the most recent procedural order.

ISSUE 22: Do the requested site specific zoning regulations address compatibility between the proposed development, the existing community, and the planned function of the immediate area, including: adequate setbacks from existing low density uses, maximum building heights and step backs regulations to regulate built form, setbacks for surface parking facilities from the public realm, as well as setbacks and step backs from other properties? Do the requested site specific zoning regulations address adequate setbacks and driveway visibility triangles?

205. This issue previously referred to Regional access requirements. It is agreed by all planning and urban design experts in Statement 20 of the Agreed Statement of Facts (Appendix "H"), and 30 Duke's settlement with the Region, that that Regional access requirements referenced in this issue are a site plan matter and are not addressed through the City of Kitchener Zoning By-law. It is further agreed that no evidence will be provided in any witness statement on this issue regarding Regional Requirements for Access By-law and policy.

206. With respect to setbacks for surface parking from the public realm, the Proposed Development no longer contains vehicle parking.

207. With respect to building setbacks, it is my opinion that the proposed zoning by-law amendment addresses adequate setbacks. The table on the following page identifies the current required setbacks and the setbacks proposed through the planning applications.

Setback	Required	Proposed
Min. Front Yard	3.0 metres	0.0 metres
Min Side Yard	1.2 metres	2.5 metres
Min. Rear Yard	7.5 metres or one half the building height (29.5 m)	8.0 metres for portions of the building up to 5.0 metres in height. 14 metres for portions of the building greater than 5.0 metres in height.

208. With respect to the front yard setback, the Region has requested a 3.0 metre road widening, and as such the front yard setback has been reduced to 0.0 metres. There remain several metres between the proposed building and the edge of curb. It is further noted that an actual widening of the vehicular portion of Weber Street West is unlikely to occur, instead the widening will allow for future improvements to the public realm (e.g. wider sidewalks).

209. With respect to the side yard setbacks, the proposed ZBA includes increased side yard setbacks when compared to the existing minimum requirement (an increase from 1.5 metres to 2.5 metres).

210. A minimum 8.0 metre rear yard setback to portions of the building up to 5.0 metres in height has been included in the Zoning By-law to allow for the single-storey bicycle parking room. This exceeds the current by-law requirement of 7.5 metres.

211. A minimum setback of 14.0 metres is proposed for any portion of the building that exceeds 5.0 metres in height (i.e. the tower). In my opinion this is an appropriate setback for the Proposed Development and is similar to setbacks for other existing tall buildings within the Civic Centre Neighbourhood.
212. In my opinion the requested site-specific zoning regulations address compatibility between the Proposed Development, the existing community, and the planned function of the immediate area, including the planned function for properties on the opposite side of Weber Street.
213. The proposed ZBA includes a maximum height permission, whereas the current zoning does not limit height, as well as a minimum rear yard setback of 14.0 metres to the tower portion of the building.
214. As previously noted, all surrounding properties are within a Strategic Growth Area and within an MTSA. It is anticipated that the interior of the Civic Centre neighbourhood will remain stable with intensification directed towards the periphery (including Weber Street). The proposed ZBA creates certainty as to the height and density that is proposed and establishes a generous rear yard setback to the more sensitive interface to the north.
215. Driveway visibility triangles are a matter addressed during the site plan review process and will be reviewed by City and Regional staff.

ISSUE 23: What weight should be given to the Kitchener Urban Design Manual?

216. The City's Urban Design Manual contains a series of urban design guidelines that are considered as part of a development application. The guidelines contained within the manual are not policy and are to be treated with a level of flexibility.

217. The 2021 UDB considered the proposed application relative to the Design Manual with a focus on the City-Wide, Major Transit Station Area and Design for Tall Building Guidelines.
218. Substantial portions of the Urban Design Manual address detailed site plan related matters and will be further considered by the City during the site plan review process. In that regard, the City's Implementation policies for Site Plan Control state that *"To a large extent, Site Plan Control is one of the key tools for implementing the City's policies for Urban Design and the Urban Design Manual"*.
219. In my opinion, consideration should be given to the City's Urban Design Manual. However, these guidelines should not be treated as policies or zoning regulations, for which conformity/compliance is required.

ISSUE 24: Does the proposed development complement adjacent built form through compatible height, scale, massing, and materials?

220. The Subject Lands are located within an MTSA and just outside the previously delineated Urban Growth Centre of Kitchener.
221. The Subject Lands are designated High Density Commercial Residential in the Civic Centre Neighbourhood Secondary Plan, a different designation than that which applies to properties to the north.
222. The High Density Commercial Residential designation is intended to permit higher density uses with access from Weber Street. At the time the applications were submitted, an Office-Residential Conversion designation applied to the south side of Roy Street (immediately abutting the Subject Lands) serving as the transition

between the higher density uses along Weber Street and the Low Rise Residential-Preservation area.

223. Under current policies and regulations, the Subject Lands are permitted to develop with a maximum FSR of 4.0. There is no maximum height specified in the Secondary Plan or Zoning By-law.

224. With the exception of the requirement for access to be from Weber Street, the Secondary Plan does not otherwise provide policy direction related to compatibility. As previously stated, the Office-Residential Conversion designation was introduced as a transition area between higher density uses permitted on Weber Street and the residential enclave in the interior neighbourhood.

225. Additional analysis was completed as part of the complete OPA and ZBA applications to ensure no unacceptable adverse impacts on the interior neighbourhood and in particular areas designated Low Rise Residential-Preservation.

226. The Proposed Development has been designed with consideration of the following:

- The proposal is for a multiple residential building, which is a use currently permitted by the Secondary Plan and Zoning By-law;
- The Proposed Development will not result in the demolition of any buildings;
- The Proposed Development is located on a site with no maximum height restriction;
- Access to the Proposed Development will be from Weber Street West only;
- A 14-metre rear yard setback is proposed to increase separation of the proposed tower from the Low Rise Residential-Preservation area on the north side of Roy Street;
- Shadow studies were completed which demonstrated that the proposed building height will not result in unacceptable shadow impacts on the properties within the Low Rise Residential-Preservation area to the north;

- An angular plane analysis has been completed, measured from the Low Rise Residential-Preservation area, demonstrating that the proposed building height falls within the 45-degree angular plane; and
- The Subject Lands are located outside of an established neighbourhood and are instead located along a Regional Road in an area designated for high-density development. The character along Weber Street West varies in terms of use, scale, height and overall massing.

227. The Proposed Development includes a narrow tower footprint that has been oriented to Weber Street, allowing for a 14-metre rear yard from the tower component of the development. In my opinion, the rear yard, combined with the Office-Residential Conversion area, provides for sufficient separation between the Proposed Development and the Low Rise Residential-Preservation area (i.e. the established neighbourhood).

228. It is unclear what is meant by the Proposed Development “complementing” adjacent built form through compatible height, scale, massing, and materials. The Civic Centre policies recognize that higher intensity development is anticipated along Weber Street and as such, it is my opinion that is appropriate for the height, scale and massing to be different than surrounding properties. In my opinion appropriate regard has been made with respect to compatibility.

ISSUE 25: Does the base of the proposed development meet the built form guidelines for a Tall Building?

229. The 2021 UDB reviewed the Proposed Development relative to the City’s built form guidelines for tall buildings. I continue to support the conclusions and statements made in the 2021 UDB including the general assessment of the Proposed Development relative to the various sections of the Tall Building Guidelines.

230. It is noted that multiple tall buildings approved and supported within Kitchener's downtown and MTSA's do not fully comply with the tall building guidelines, illustrating the importance of flexibility when considering the application of these guidelines.

ISSUE 26: Does the proposed development achieve sufficient transition to the adjacent existing and planned built form of the adjacent properties? Is there a suitable transition in scale, massing, building height, building length and intensity through setbacks, step backs, landscaping, and compatible architectural design/material selection?

231. I have addressed this Issue when responding to Issues 22 and 24.

ISSUE 27: Does the proposed development meet the tower separation guidelines for a Tall Building?

232. The Proposed Development does not meet the tower separation guidelines for a tall building.

233. The City's guidelines include formulas for calculating physical separation between towers (Tower Length x Tower Height divided by 200). Physical Separation is the measured setback in metres from the tower face of a tall building to its side and rear property lines and to the mid-point of an abutting street. For the Proposed Development, physical separation for the building (based on the City's formula) was calculated to be 9.6 metres. Rather than prescribe a fixed number for physical separation, the City recognizes that tall buildings come in all shapes and sizes, and that a dynamic, scalable approach to separation is key to providing towers that are responsive to their specific contexts.

234. For the Subject Lands, the critical separation is the separation from the rear property line. The proposed rear yard setback of 14 metres to the tower exceeds the physical separation recommended through the application of the guidelines for tall buildings. The tower face is separated from the side lot lines by 2.8 and 5.0 metres respectively, exceeding the minimum by-law requirement of a 1.2 metre side yard.
235. The design guidelines emphasize towers that are responsive to their specific context. The context within which the Subject Lands are located is such that towers are unlikely to be permitted on lands abutting the northern property line of the Subject Lands. Properties on the south side of Roy Street have limited height and density permissions.
236. Any future tower within the Urban Growth Centre would be separated from the Subject Lands by Weber Street West, measuring tower separation to the centre of the Weber right of way would exceed the recommended tower separation.
237. Properties immediately abutting the east and west property lines are also designated High Density Commercial Residential and as such are permitted to be developed with a tall building. However, from a planning perspective there are barriers to the abutting properties being developed with tall buildings in the future.
238. 18 Weber Street West, located directly east of the Subject Lands, is a narrow lot with a total site area of 1,384.6 sq m. The frontage of this property is approximately 12 metres which is not physically wide enough to accommodate a useable footprint for a tall building. As such, the development of a tall building east of the Subject Lands could occur only through the consolidation of 18 Weber Street West with 54 Queen Street North (St. Andrews Presbyterian). St. Andrew's Presbyterian is designated Community Institutional in the Civic Centre Secondary Plan and does not contemplate high density development. It is also classified as a Group A Building in the Heritage Conservation District Plan. Group A buildings are classified as 'very fine' architectural examples within the District and is the highest ranking of heritage

value in the Plan. 18 Weber Street West has a Category B ranking which is the second highest category in the Plan. The redevelopment of 18 Weber Street with a tower would require lot assembly and subsequent demolition of two buildings with identified heritage value. Policies within the Heritage Conservation District Plan strongly discourage demolition of buildings with heritage value. Further, there is a shared access between this property and the Subject Lands which would require any future development to be a minimum of 7.0 metres from the proposed tower on the Subject Lands in order to maintain the shared access driveway.

239. 28 Weber Street West located directly west of the Subject Lands is a shallow lot with a total site area of only 577.0 sq m. The size of this lot would restrict the ability to design and build a tall building, even if designed with 0.0 metre setbacks to all property lines. As such, the redevelopment of this parcel with a tall building could likely only occur through the consolidation with 32 Weber Street West (Zion United Church). These properties are both classified as Group B buildings within the Heritage Conservation District Plan (the second highest category of heritage value). As such, the redevelopment of 28 Weber Street with a tower would require lot assembly and subsequent demolition of two buildings with identified heritage value, which is strongly discouraged in the Heritage Conservation District Plan.

240. There are multiple tower developments that have been approved within the City of Kitchener that do not meet the recommended tower separation of the guidelines. In my opinion, the appropriate justification has been provided the proposed tower separation, which meet the intent of the guideline.

ISSUE 28: Does the proposed development exceed the target overlook guidelines for a Tall Building?

241. The City's guidelines for tall buildings define overlook as, "the overlap that exists between two neighbouring towers." The guidelines set maximum overlook targets between abutting towers. The Subject Lands do not abut any other towers, and as such it is my opinion that the overlook guidelines do not apply to the Proposed Development.

ISSUE 29: Does the proposed development provide a sufficient step back from the base to mitigate the potential wind impact on the public realm?

242. It has been agreed by the land use planners and urban design experts representing the Region, City and 30 Duke Street Limited that a detailed wind study will be required as part of a complete site plan application and that any wind impacts and related mitigation measures will be reviewed and implemented through the site plan approval process. In my opinion, the site plan approval process is the appropriate and typical stage of development for addressing any required wind mitigation.

ISSUE 30: Does the proposed development include a sufficient shared outdoor amenity area?

243. The existing Commercial Residential Three Zone (CR-3) does not contain any regulations requiring shared outdoor amenity space. Private amenity space in the form of balconies will be provided for the majority of units. Indoor shared amenity space is also provided for on the ground floor of the Proposed Development. Through the detailed site plan review process the opportunity for rooftop amenity space can be explored.

ISSUE 31: Is the proposed building height compatible and aligned with adjacent neighbouring properties?

244. The Proposed Development reflects the Subject Lands location within an MTSA and the unique opportunity provided as a result of the property being vacant. Given Provincial, Regional and local policies that prioritize intensification within Strategic Growth Areas, it would be an underutilization of the site to develop the Subject Lands with a building height that aligns with neighbouring properties.
245. The current zoning and current land use designations do not impose a maximum height restriction.
246. The current Secondary Plan policies recognize that higher intensity development is anticipated along Weber Street.
247. Properties on the opposite side of Weber Street are expected to redevelop over time with building heights that far exceed the height proposed within the Subject Lands.
248. In my opinion, the proposed height is compatible with surrounding properties, will not result in any adverse impacts, and provides for an appropriate transition from much higher development on the opposite side of Weber to the stable residential enclave within the centre of the Civic Centre neighbourhood.
249. The proposed building height is in keeping with other tall buildings that currently exist within the Civic Centre neighbourhood, all of which have existed in harmony with surrounding low-rise residential uses.

ISSUE 32: Does the proposed development appropriately mitigate the unwanted microclimate impact on surrounding properties, such as wind and shadow impacts?

250. It has been agreed by the land use planning and urban design experts representing the Region, City and 30 Duke Street Limited that a detailed wind study will be

required as part of a complete site plan application and that any wind impacts and related mitigation measures will be reviewed and implemented through the site plan approval process. As such, it was agreed that Issue 32 can be revised to remove reference to wind impacts.

251. Shadow Studies were prepared in support of the planning applications and illustrate potential shadow impacts on surrounding properties, in particular impacts on the “Low Rise Residential Preservation” designation in the Civic Centre Secondary Plan.

252. A summary of the sun shadow study was provided in the 2021 UDB and is further summarized as follows:

- During the Spring /Fall time periods shadows fall, for the most part, within the Subject Lands and within non-residential properties. The residential property immediately north of the Subject Lands will experience some shadows during the mid-afternoon but maintains full sun during the morning and late afternoon time periods. For the most, part the shadows do not impact any of the Low Rise Residential-Preservation area on the north side of Roy Street, save an except two residential properties which will experience shadows for one of the time periods tested (4 pm). These properties will be not otherwise be impacted.
- During the summer time periods the shadows fall within the site or within surrounding non-residential properties and associated parking areas. Residential homes on the north side of Roy Street are not impacted by the Proposed Development, nor is the residential property directly abutting the Subject Lands.
- The majority of residential properties on the north side of Roy Street will continue to experience full sun in the rear yards during the morning time

periods on December 21. Partial shadows from the Proposed Development will occur on a limited number of properties during the December time periods. Generally winter shadows are considered more acceptable as people are less likely to use their backyards during this time of year, and shadows from existing dwellings likely already impact these areas.

In my opinion, the shadow study diagrams demonstrate that the height and location of the building will not generate unacceptable amounts of shadows on adjacent lands, and on lands within the Low-Rise Residential Preservation Area.

ISSUE 33: Do the proposed applications respect the Major Transit Station Area guidelines, including but not limited to the following guidelines?

- a) Compatibility (section 02.2.6, p. 5, items 2 and 4)**
- b) Cultural and Natural Heritage (section 02.2.7, p. 5, item 1)**
- c) Built Form (section 02.3.1, p. 6, items 2 and 4)**
- d) PARTS Central (section 02.4.2, p. 12, item 7)**

253. The following provides my detailed analysis in response to each of the Major Transit Station Area guidelines referenced in Issue 33.

254. **Compatibility guideline (item 2)** states: *Higher density development adjacent to established neighbourhood areas is to provide a suitable transition in scale, massing, building height, building length and intensity through setbacks, stepbacks, landscaping and compatible architectural design/material selection.*

255. **Compatibility guideline (item 4)** states: *Transition in height, density and mass between the station stop and low-rise established neighbourhoods to preserve compatibility, privacy and access to sunlight.*

256. As previously noted, the Subject Lands, as well as all immediate surrounding properties, are located within a Strategic Growth Area and within an MTSA, and as such varying levels of intensification are supported and anticipated on abutting properties.
257. Adjacent properties on Weber Street were also designated High Density Commercial Residential in the Civic Centre Secondary Plan.
258. The Civic Centre Secondary Plan made a distinction between the low-rise residential area in the interior of the neighbourhood and the low-rise residential area along the south side of Roy Street (abutting the Subject Lands). The interior of the neighbourhood was designated Low Rise Residential – Preservation. This designation aimed to retain the existing single detached residential character of the neighbourhood. In contrast, the Office-Residential Conversion area was intended to serve as a transition area between the higher intensity uses along Weber Street and the Low Rise Residential-Preservation designation of the interior of the neighbourhood.
259. In my opinion the Proposed Development provides a suitable transition in scale, massing, building height, building length and intensity. This considers both the planned function of properties on the opposite side of Weber Street and the existing transition area along the south side of Roy Street.
260. **The Cultural and Natural Heritage (section 02.2.7, p. 5, item 1) guideline** within the Urban Design Manual States: "*Conserve and retain built forms that are representative of the established neighbourhood fabric and/or make positive contributions to the neighbourhood identity.*"
261. This guideline references the conservation of built forms within established neighbourhoods. Given that the Subject Lands are vacant and does not include any

cultural heritage resources identified in the CCNHCD Plan, the Proposed Development meets the intent of this guideline in the Urban Design Manual.

262. **Built Form guideline 2 (section 02.3.1, p. 6)** states that: *Regardless of building height, create, maintain and enhance a human-scaled public realm.*

263. Preliminary renderings illustrate a human-scaped public realm along the Weber Street frontage of the property. This has been achieved through the creation of a clear and defined building base, the provision of large ground floor units and the location of active uses at grade, including the proposed interior amenity space.

264. **Built Form guideline 4 (section 02.3.1, p. 6)** speaks to the provision of stepbacks for upper levels to mitigate impacts and create street-facing shared amenity spaces.

265. The proposed tower footprint is compact (less than 600 square metres) and as such any significant stepbacks at the upper levels would have a considerable impact on the internal layout of the tower. Notwithstanding this, a portion of the front façade does stepback above the building base creating an opportunity for a terrace overlooking Weber Street.

266. **PARTS Central guideline 7 (section 02.4.2, p. 12)** speaks to conserving and celebrating the area's cultural heritage assets, including listed and designated properties, Cultural Heritage Landscapes and transportation corridors.

267. Given that the Subject Lands are vacant and do not include any cultural heritage resources identified in the CCNHCD Plan, the Proposed Development meets the intent of this guideline in the Urban Design Manual.

ISSUE 34: Do the proposed applications respect the Tall Buildings guidelines, including but not limited to the following guidelines?

- a) Relative Height, For towers adjacent to low-rise surrounding areas (p. 6)**
- b) Compatibility (p. 15)**
- c) Heritage, when a tall building is adjacent to a built heritage resource (p. 16, items 1, 3 and 4)**

268. For towers adjacent to lower-rise surrounding areas, the guidelines direct that towers must demonstrate compatibility with their surroundings and transition in height and scale through appropriate design of the project's built form.

269. As previously noted, the adjacent properties along Weber Street are also zoned and designated to permit higher density development. Both abutting properties on Weber have been converted to commercial uses.

270. In my opinion, the more sensitive interface is the rear yard abutting lower rise buildings on Roy Street. As previously noted, the tower setback from the rear yard exceeds the recommended tower separation established by applying the City's calculations and the current required rear yard setback in the parent zoning by-law (for portions of the building up to 5.0 metres in height).

271. Height and scale has been transitioned from the higher density and taller building heights planned on the opposite side of Weber Street, through the transition area on the south side of Roy Street, minimizing impacts on the residential enclave central to the Civic Centre neighbourhood.

272. Compatibility was addressed in both the Planning Justification Report and the Urban Design Brief and has been further discussed herein. In my opinion the compatibility guidelines have been appropriately considered. The Civic Centre Neighbourhood contains existing tall buildings adjacent to lower-density residential properties.

273. With respect to the heritage related guidelines, I defer to the evidence of Mr. Dan Currie, though I note that there is a difference between guidelines and policy and the policies are what prevail. A guideline is a guideline and should not be treated as a policy or zoning regulation, for which conformity/compliance is required.

ISSUE 35: Do the proposed applications respect the City-Wide guidelines, including but not limited to the following guidelines?

- a) **Focal Points & Gateways (section 01.2.5, p. 15, item 4),**
- b) **Cultural & Natural Heritage (section 01.2.8, p. 18, item 7)**
- c) **Built Form (section 01.3.1, p. 19, item 9)**
- d) **Site Function (section 01.3.3, p. 23, items 8 and 9)**

274. **The Focal Points & Gateways guideline** speaks to the protection of existing views and vistas to and from existing and planned built and natural landmarks.

275. The CCNHCD Plan does not identify significant views or visual relationships within the Weber Street area which warrant conservation. However, the HIA prepared by MHBC addresses impacts related to obstruction and views of buildings along Weber Street West. Given that the proposed new building will not obstruct views of any building along the street, no adverse impacts are identified.

276. **The Cultural & Natural Heritage guideline** identified in Issue 35 speaks to new development near cultural heritage resources. The HIA completed in support of the applications has concluded that the Proposed Development is appropriate.

277. **The Built Form guideline referenced in Issue 35** speaks to designing the built form with regard for adjacent properties to create coherent streetscapes.

278. The Weber Street block within which the Subject Lands are located features varied front yard setbacks, resulting in an inconsistent street edge. The proposed front yard setback is similar to other buildings along this block of Weber Street.
279. A distinct building base has been proposed at a height that is similar to surrounding buildings, providing a visual link between the Proposed Development and other buildings along this block of Weber Street.
280. **The Site Function guidelines** referenced in Issue 35 relate to parking areas and are in my opinion no longer relevant given the current site plan concept and removal of vehicular parking.
281. In my opinion appropriate consideration has been given to the City-Wide Guidelines including those guidelines referenced in Issue 35.

ISSUE 36: Are the proposed applications consistent with the Heritage District Objective, Principles, and Policies in the HCD Plan (Section 3.1, 3.2, 3.3.3, and 3.3.5.2, Recommendation 4.2.1 on “High Density Commercial Residential Designation” and Bullets 2 and 7 of Guideline 6.9.4)?

282. I have reviewed the evidence provided by Mr. Dan Currie in regard to the Heritage District Objective, Principles and Policies of the Heritage Conservation District Plan and agree with his analysis and opinions. I have nothing further to add in this regard.

ISSUE 37: Are the proposed applications consistent with the Architectural Design Guidelines in the HCD Plan (Section 6.6 and 6.9.4)?

283. I have reviewed the evidence provided by Mr. Dan Currie in regard to the Architectural Design Guidelines in the Heritage Conservation District Plan and agree with his analysis and opinions. I have nothing further to add in this regard.

ISSUE 38: Does the proposed development provide a 45 degree angular plane measured from the rear property line to provide transition in scale from proposed development down to adjacent lands?

284. I have reviewed the evidence provided by Mr. Dan Currie in regard to the 45 degree angular plane measured from the rear property line and agree with his analysis and opinions. As such, I have nothing further to add in this regard.

ISSUE 39: This issue has been removed per the most recent Procedural Order.

ISSUE 40: Do the proposed applications represent good planning and are they in the public interest?

285. In my opinion the Proposed Development and Planning Instruments represent good planning and are in the public interest. This opinion is elaborated on within the conclusion section of this Witness Statement.

7.0 CONCLUSION AND RECOMMENDATIONS

123. If approved, the Proposed Development will:

- Provide for transit-supportive development on a vacant site within an MTSA;
- Provide attainable rental housing in a Strategic Growth Area;
- Support existing transit and municipal infrastructure;
- Provide for an improved streetscape along Weber Street;

- Reduce the number of vehicular accesses to Weber Street from three to one;
- Assist the City in meeting intensification targets including minimum intensification targets within MTAs;
- Provide for a transition in height from the unlimited height permitted on the south side of Weber Street to the lower-density uses internal to the Civic Centre Neighbourhood;
- Be compatible with surrounding land uses and will not have any unacceptable adverse impacts; and
- Will allow for intensification within the Civic Centre Neighbourhood without the removal of any heritage attributes and while ensuring the conservation of all existing heritage attributes on adjacent properties.

124. In my opinion the Planning Instruments that implement the Proposed Development are consistent with the 2024 Provincial Planning Statement.

125. In my opinion, the Planning Instruments that implement the Proposed Development conform to the Region of Waterloo Official Plan, including ROPA 6.

126. In my opinion, the Planning Instruments that implement the Proposed Development conform to the City of Kitchener Official Plan and the Civic Centre Secondary Plan.

127. In my opinion, appropriate consideration has been given to the City of Kitchener Urban Design Manual.

128. It is my opinion that the Proposed Development represents good planning, is appropriate for this location, and will contribute positively to the City of Kitchener.

129. It is my recommendation that the Tribunal approve the Planning Instruments found in Appendix "F" and Appendix "G". In my opinion these documents appropriately address land use planning and urban design matters.

Dated at the City of Kitchener, February 26, 2025

A handwritten signature in black ink, appearing to read "Andrea Sinclair", with a long horizontal stroke extending to the right.

Andrea Sinclair, MUDS, BES, MCIP, RPP
Partner, MHBC

Appendix A

Curriculum Vitae - Andrea Sinclair

Education

University of Toronto
Master of Urban Design Studies
2005

University of Waterloo
Bachelor of Environmental Studies,
Honours Planning,
Urban Design Specialization
2004

Professional Associations

Full Member, Canadian Institute of
Planners (CIP)

Full Member, Ontario Professional
Planners Institute (OPPI)

Member, Congress for New Urbanism

Registered Professional Planner (RPP)

Past Member, WRHBA NextGEN
Committee

Founding Member, Ladies in Planning
and Development (LPAD), Waterloo
Region

Past Member, OPPI Community Design
Working Group

Previous Chair, OPPI Southwest
District Program Committee

Past Member, WRHBA Sub-Committee
related to Tall Building Guidelines

Past Member, City of Waterloo Urban
Design Sub-Committee

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Andrea Sinclair

MUDS, BES, MCIP, RPP

Andrea Sinclair, a Partner at MHBC, joined the firm as a Planner and Urban Designer in February 2006 after graduating from the University of Toronto with a Masters of Urban Design Studies and the University of Waterloo with a Bachelor's Degree in Environmental Studies (Honours Planning with an Urban Design Specialization).

Ms. Sinclair provides urban and regional planning, analysis and research support for all aspects of the firm's activities. She has experience in providing planning consulting services to municipalities and private sector clients. She also has experience related to the approval and registration of plans of subdivision and plans of vacant condominium, as well as experience in developing design guidelines for residential, commercial, and mixed use developments. Ms. Sinclair leads the urban design group in MHBC's Kitchener office and has provided urban design advice to a number of municipalities throughout Ontario.

To continue her education in Urban Design related matters, Ms. Sinclair completed the Level II CPTED (Crime Prevention through Environmental Design) course in 2011. Since completing this course she has prepared a number of CPTED reports and CPTED summaries on behalf of various clients. In 2014 Ms. Sinclair co-led an OPPI Event in which basic CPTED principles were taught and CPTED audits were completed. This event was attended by primarily by planners, landscape architects and students.

Ms. Sinclair is a Registered Professional Planner and is actively involved in the planning profession, including the Ontario Professional Planners Institute as a past member of the Community Design Working Group and as past Chair of the Southwest District Program Committee. Ms. Sinclair continues to participate in the OPPI mentoring and sponsoring program.

Professional History

Partner, MacNaughton Hermsen Britton Clarkson Planning Limited
(2019 – Present)

Associate, MacNaughton Hermsen Britton Clarkson Planning Limited
(2011 – 2019)

Planner, MacNaughton Hermsen Britton Clarkson Planning Limited
(2006 – 2010)



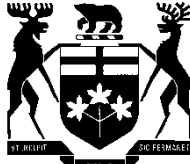
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

Selected Urban Design Experience

- Qualified Urban Design Expert- Ontario Land Tribunal (and its predecessors)
- Preparation of design guidelines for private sector clients, including but not limited to design briefs for developments in London, Kitchener, Waterloo, Cambridge, Burlington, and Hamilton.
- Provision of planning and urban design services for several large scale mixed use/redevelopment projects including Station Park in Kitchener and the Gaslight District in Cambridge.
- Completion of design guidelines for heritage sites.
- Completion of Crime Prevention through Environmental Design (CPTED) reports and analysis in support of residential development.
- Completion of Neighbourhood Character Statements.
- Preparation of urban design guidelines for multiple municipalities including Huron County, Saugeen Shores, Orangeville, City of Woodstock and County of Oxford.
- Completion of multiple Urban Design Charrettes and community visioning sessions including Charrette's for the Town of Niagara-on-the-Lake, City of Woodstock and Town of Collingwood.
- Retained as part of a multi-disciplinary team to provide urban design advice to Haldimand County as part of a peer review for a proposed large scale residential development in Caledonia.
- Retained as part of a multi-disciplinary team to provide urban design advice to the City of Thorold as part of a peer review for a proposed large scale residential development in Thorold.
- Completion of Residential Intensification Guidelines.
- Preparation of design guidelines for the Town of Grimsby for the Grimsby Beach area.
- Preparation of design guidelines for Halton Hills.
- Project lead for the City of Woodstock Streetscape Master Plan project.
- On-going planning and urban design services for the City of Thorold.

Appendix B

Acknowledgement of Expert Duty - Andrea Sinclair



Ontario
Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

Acknowledgment Of Expert's Duty

OLT Case Number	Municipality
OLT-22-002377	City of Kitchener

1. My name is Andrea Sinclair
I live at the City of Guelph
in the Province of Ontario

2. I have been engaged by or on behalf of **30 Duke Street Limited** (*name of party/ parties*) to provide evidence in relation to the above-noted Ontario Land Tribunal ('Tribunal') proceeding.

3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise;
 - c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: February 26, 2025

Signature

Appendix C

2021 Planning Justification Report, MHBC

PLANNING JUSTIFICATION **REPORT**

ZONING BY-LAW AMENDMENT

30 DUKE STREET LIMITED

22 Weber Street West
City of Kitchener

Date:

July 2020, Revised December 2021

Prepared for:

30 Duke Street Limited

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

540 Bingham Centre Drive, Suite 200

Kitchener, Ontario

T: 519.576.3650

F: 519.576.0121

Our File 1961A

CONTENTS

1. INTRODUCTION.....	1
1.1 Complete Application.....	2
2. SITE DESCRIPTION & SURROUNDING LAND USES.....	3
3. CIVIC CENTRE DISTRICT & NEIGHBOURHOOD CHARACTER STUDY	5
4. DEVELOPMENT PROPOSAL	8
5. PROPOSED AMENDMENTS.....	10
5.1 Proposed Official Plan Amendment.....	10
5.2 Proposed Zoning By-law Amendment	11
6. PROVINCIAL POLICY ANALYSIS.....	13
6.1 Provincial Policy Statement, 2020.....	13
6.2 A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019.....	17
6.2.1 Complete Communities.....	18
6.2.2 Transit Corridors and Station Areas.....	19
6.2.3 Housing	21
7. REGION OF WATERLOO OFFICIAL PLAN	21
7.1 Major Transit Station Areas and Transit Oriented Development.....	22
7.2 Transportation	25
7.3 ROP Summary.....	25
8. CITY OF KITCHENER OFFICIAL PLAN	26
8.1 Major Transit Station Areas	26
8.2 Civic Centre Secondary Plan	28
8.3 Energy, Air Quality & Waste	30
8.4 Urban Design	30
8.5 Transportation	32
8.6 Cultural Heritage	33
9. PARTS Central Plan.....	34
10. PUBLIC CONSULTATION	35
11. ZONING BY-LAW 85-1 & CROZBY.....	36
11.1 Zoning By-law 85-1.....	36
11.2 CRoZBy Zoning By-law Review	38
12. PARKING REDUCTION.....	39
12.1 Provincial Planning Considerations.....	39
12.2 Regional Considerations.....	40
12.3 City of Kitchener Official Plan	41
12.3.1 Adequate Alternative.....	42
12.3.2 Transportation Demand Measures.....	43
12.3.3 Sufficient Transit.....	43
12.4 Application of Zoning By-law 85-1	44
13. SUMMARY OF SUPPORTING TECHNICAL STUDIES	45
13.1 Functional Servicing and Stormwater Management Report.....	45
13.2 Pedestrian Wind Study.....	46
13.3 Archeological Assessment	46
13.4 Urban Design Brief	47

LIST OF APPENDICES

Appendix A	Record of Pre-Submission Consultation
Appendix B	Ministry of Heritage, Sport, Tourism and Culture Industries Acknowledgement Letter Regarding Stage 1 Archaeological Assessment
Appendix C	Neighbourhood Character Study
Appendix D	Draft Official Plan Amendment
Appendix E	Draft Zoning By-law
Appendix F	TDM Checklist

LIST OF FIGURES

1. Aerial Photo
2. Neighbourhood Overview
3. Existing Land Uses
4. Preliminary Site Plan
5. City of Kitchener Official Plan Map 2 – Urban Structure
6. City of Kitchener Municipal Plan Map 9 – Civic Centre Neighbourhood
7. City of Kitchener Zoning By-law 85-1
8. Region of Waterloo Official Plan Map 3a- Urban Area
9. Region of Waterloo Official Plan Map 5a – Regional Transit Network
10. Region of Waterloo Official Plan Map 5b – Existing, Planned and Proposed Roads
11. Region of Waterloo Official Plan Map 5c – Regional Cycling Routes
12. City of Kitchener Official Plan Map 11 – Integrated Transportation System

1. INTRODUCTION

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) has been retained by 30 Duke Street Limited to provide planning advice in support of the redevelopment of their lands municipally known as 22 Weber Street West, in the City of Kitchener (hereinafter referred to as 22 Weber Street West, the 'subject lands' or the 'site'). In order to permit the proposed redevelopment, amendments to the City of Kitchener Official Plan and Zoning By-law are required.

The subject lands are located adjacent to the boundary of the Urban Growth Centre (Downtown Kitchener) on the north side of Weber Street West. The subject lands are an interior lot located between Young Street and Queen Street North, as illustrated on **Figure 1**. The subject lands are approximately 0.14 hectares in area, are vacant of any buildings and are presently being used as a commercial parking lot.

It is proposed that the subject lands be redeveloped with a 19-storey multiple residential building with 162 units, including 25 barrier free units. A total of 24 parking spaces are proposed and will be located at grade. The building is oriented towards Weber Street West. Pedestrian and vehicular access to the development is proposed from Weber Street West with a direct pedestrian connection from the building to the public sidewalk system.

This revised Planning Report has been prepared for resubmission 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 Neighbourhood Character study;
- A description of the overall development concept and proposed Official Plan and Zoning By-law amendments;
- A revised public consultation strategy;
- A review and assessment of the existing and emerging Provincial, Regional and Municipal policy framework in relation to the proposed redevelopment;
- A parking reduction justification summary; and
- A review and summary of other technical reports prepared in support of the proposed planning application.

Implementation of the redevelopment requires approval of Official Plan and Zoning By-law Amendment applications (OPA and ZBA). A future Site Plan application and Draft Plan of Condominium application will also be submitted in support of this application. This report supports the planning applications and assesses the proposal in the context of the applicable planning framework.



Aerial Photo
22 Weber Street West,
Kitchener, Ontario

LEGEND

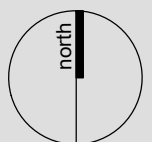
 Subject Lands

DATE: February 27, 2019

SCALE 1 : 5,000

FILE: 1961A

DRN: LHB



K:\1961A-22 WEBER ST\REPORT\AERIAL PHOTO 2018.DWG

Source: City of Kitchener 2018

1.1 Complete Application

The required Pre-consultation meeting with City Staff and review agencies was held on November 14, 2019. **Appendix A** to this report includes the Record of Pre-submission Consultation, issued by the City on December 13, 2019. The Record of Pre-submission Consultation identifies the reports and plans that are required to form a complete application for both the OPA/ZBA and the future Site Plan Application.

Applications were initially submitted on July 21, 2020, were deemed complete by the City of Kitchener and were subsequently circulated. The purpose of this report is to outline changes that have occurred since the original submission (primarily an increase in height and density). The following reports/plans have also been updated to reflect the changes to the application:

- Site Plan Concept
- Urban Design Brief including Tall Building Guideline Analysis
- Shadow Study
- Pedestrian Wind Study
- Heritage Impact Assessment
- Functional Servicing Report including Water Distribution
- Colour Renderings

The required Archaeological Assessment was completed and submitted and was recently acknowledged by the Ministry. Copy of the Ministry's acknowledgement is attached as **Appendix B**.

In addition to the above, the Region requested a Noise Study which will be completed as part of a future Draft Plan of Condominium Application and/or Site Plan Application. A holding provision is proposed until such time as the Noise Assessment is provided to the Region's satisfaction. A General Vegetation Overview and Tree Management Plan was also requested and completed. There are no changes to this plan as a result of the increased height/density.

All required reports have been prepared and submitted concurrently with the planning applications. Note, the Pedestrian Wind Study and the Shadow Impact Study form part of the Urban Design Brief.

2. SITE DESCRIPTION & SURROUNDING LAND USES

The subject lands are located within the Civic Centre Neighbourhood, on the north side of Weber Street West. Weber Street West is classified as a Regional Road. Generally, the function of Regional Roads is to provide safe, direct, accessible and multi-modal transportation links for moving people and goods throughout Waterloo Region, and to adjacent municipalities. Existing sidewalks are located on both sides of the street, providing direct access for pedestrians to north/south streets and the downtown. The subject lands are located proximate to existing and planned cycling routes. The subject lands are located between Queen Street North (a collector street) and Young Street (a local road).



The subject lands are located within a Major Transit Station Area (MTSA) given their proximity to the Region's Light Rail Transit (LRT) system and specifically their proximity to the Kitchener City Hall Station which is located one block south of the subject lands. MTSA's are intended to be developed to achieve a mix of residential, office, institutional and commercial uses. Properties within MTSA's are also intended to have a built form that is pedestrian friendly and transit oriented.

There are several Grand River Transit bus stops in proximity to the subject lands and existing transit stops are located at Weber and Queen Street and at Queen Street and Ahrens. Kitchener Station is located approximately 700 metres to the west of the subject lands and provides connections to trains and busses that provide service to other municipalities within and outside of the Region of Waterloo. The Region's planned Multi-Modal Transit Hub is located approximately 1 kilometer southwest of the subject lands.

The subject lands are within a short walking distance to the commercial core of Downtown Kitchener as well as a number of cultural uses including the downtown library and Centre in the Square. A Neighbourhood Overview plan is included as **Figure 2** and illustrates nearby cultural facilities, parks, recreation and employment; amenities within 5 and 10 minute walking distances from the subject lands and the location of VIA, GO and rapid transit stations in relation to the subject lands. **Figure 3** illustrates existing land uses in the immediate vicinity of the subject lands.

Uses that immediately surround the subject lands include the following:

NORTH: Immediately north of the subject lands are properties designated and zoned to permit the conversion of residential to office uses. Two properties immediately abut the rear yard of the subject lands, one of which has already been converted to non-residential use. The designated Low Rise Residential Preservation Area is located further to the north on the north side of Roy Street.

EAST: An office building is located immediately east of the subject lands. St. Andrew's Presbyterian Church, the Region of Waterloo offices and the Provincial Offences Court are all located further to the east.

SOUTH: Weber Street West runs along the southern property limit, beyond which is the northern limit of the City's Urban Growth Centre (downtown). Buildings within the downtown on the south side of Weber Street West are primarily used for non-residential purposes and include an 11 storey office tower. The commercial core of Downtown is located further to the south.

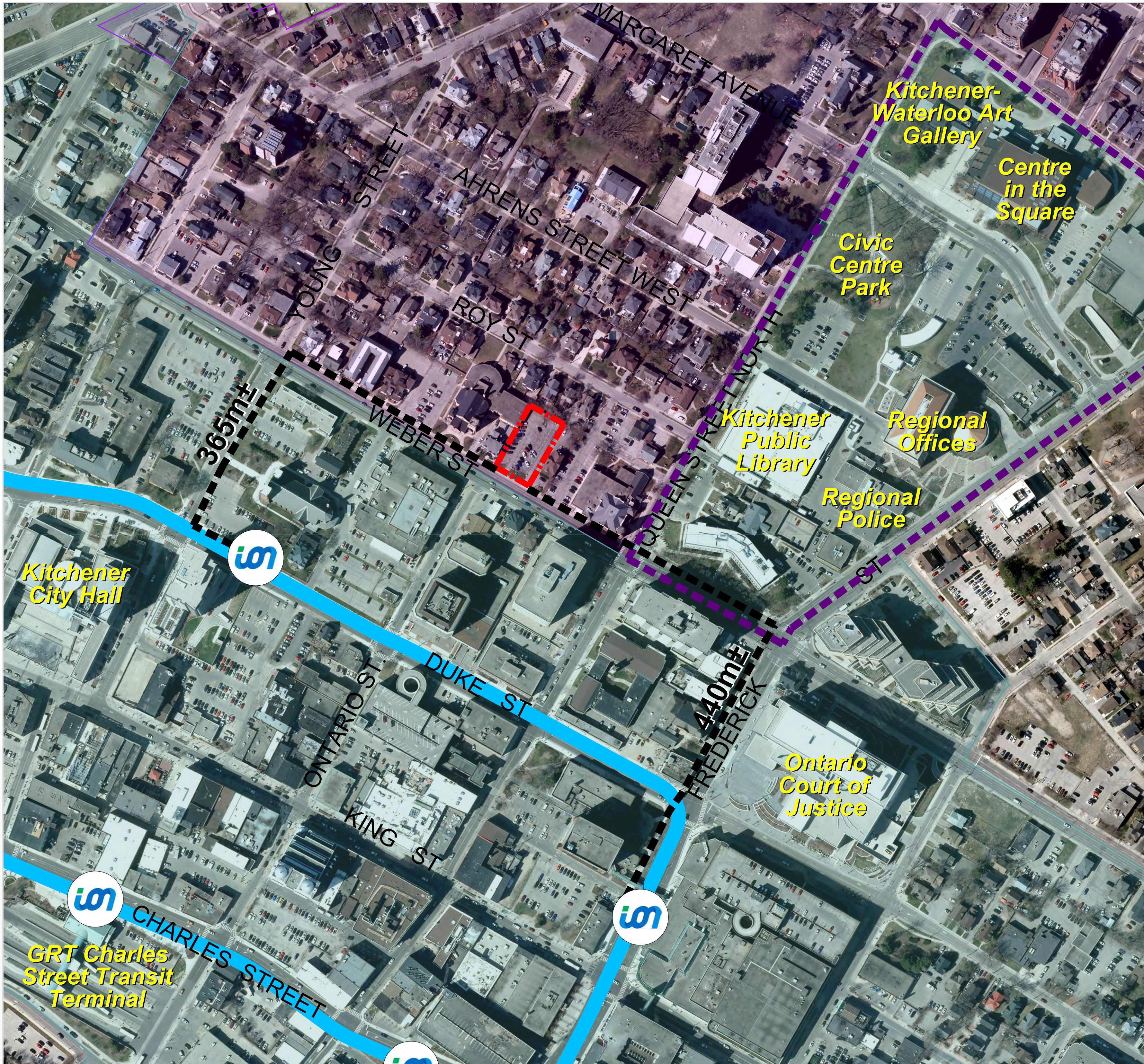
WEST: Two properties abut the western property line including a vacant church and a Counselling Centre. Apartments are located further west along Weber Street.

In summary, the subject lands are well-located in a mixed-use area of Kitchener, immediately north of the Downtown and are well served by the existing arterial and collector road networks, existing and planned public transit and active transportation routes.

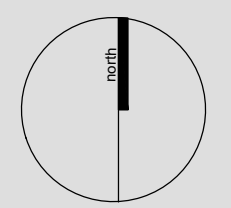
Neighbourhood Overview
22 Weber Street West,
Kitchener, Ontario
Figure 2

LEGEND

-  Subject Lands - 22 Weber Street West
-  Downtown
-  Heritage Conservation District
-  Civic District
-  ION Route & Transit Stop
-  Walking Route & Approximate Distance



DATE:	August 15, 2019
SCALE:	Not to Scale
FILE:	1961A
DRN:	L.H.B.




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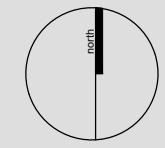
Existing Land Uses
22 Weber Street West,
Kitchener, Ontario

Figure 3

LEGEND

 Subject Lands - 22 Weber Street West

DATE:	July 11, 2019
SCALE:	1:1,000
FILE:	1961A
DRN:	L.H.B.



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3. CIVIC CENTRE DISTRICT & NEIGHBOURHOOD CHARACTER STUDY

The subject lands are located at the edge of the Civic Centre Neighbourhood Secondary Plan Area and have an immediate interface with the downtown core of the City of Kitchener. The Civic Centre area helps to tell the story of Kitchener's phenomenal growth at the turn of the 19th century and of the development of its extensive industrial sector. Almost two-thirds of the existing houses in this area were built between 1880 and 1917 and in most cases were occupied by owners, managers or workers for some of the key industries that defined the community at the turn of the century. The Lang and Breithaupt families for example, whose enterprises and extensive public service did so much to promote and develop the City, are represented by surviving homes in the district. Other businessmen, industrialists and public servants including the City's first reeve, Dr. Scott, Mayors Eden and Greb, and Engineer and County Clerk Herbert Bowman also came to the neighbourhood.

The Civic Centre neighbourhood is one of Kitchener's oldest neighbourhoods and retains a large number of original buildings that are well crafted and maintained. In addition to the residential building stock, there are a number of other prominent and well preserved buildings within the Civic Centre neighbourhood including churches and early commercial buildings. While the majority of the neighbourhood was constructed for, and remains as residential, conversions to commercial and office uses have occurred with little negative impact on the quality of the streetscape.

The Neighbourhood Character Study included as **Appendix C** of this report illustrate that the interior portions of the Civic Centre Neighbourhood contain attractive and consistent streetscapes linked by mature trees, grassed boulevards and laneways. Hibner Park, Kitchener's second oldest city park, is located in the centre of the District and in close proximity to the subject lands. Unlike the interior of the neighbourhood, Weber Street has a variety of built forms, setbacks and building heights recognizing the change and redevelopment that has occurred over time.

The subject lands represent one of the only vacant properties in the Civic Centre Neighbourhood and are designated as High Density Commercial Residential, allowing for multiple residential and non-residential uses with a maximum Floor Space Ratio (FSR) of 4.0. The site represents an unutilized parcel of land that can redevelop without demolition/disruption to existing built form and without displacing affordable housing or other uses. The Secondary Plan policies balance the protection of internal lower density

residential enclaves with redevelopment opportunities along Weber Street West and Queen Street through the introduction of the Office-Residential Conversion which serves as the transition between the higher intensity uses along Weber Street and Queen Street and the Low Rise Residential Preservation designated of the interior of the neighbourhood. The subject lands about this transition area and as such are sufficiently separated from the interior of the neighbourhood.

Heritage Considerations

The subject lands are also located within Civic Centre Heritage Conservation District (CCHCD) and therefore, are designated under Part V of the Ontario Heritage Act (OHA). The CCHCD Plan includes specific policies and guidelines that apply to the subject lands and recognizes that Weber Street is different from the interior of the district and sets forth policies for new development which are specific to this area. The Plan recognizes that Weber Street West is designated High Density Commercial Residential and is supportive of higher density developments provided that it does not result in the demolition of significant cultural heritage resources and is compatible with the character of the streetscape. An HIA has been completed (and updated) to evaluate the development relative to the specific design direction provided within the CCHCD. The HIA concluded that the development will not result in any adverse impacts related to obstruction, isolation, change in land use, or shadows. The development is considered a neutral impact to adjacent heritage resources within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD) located along Weber Street West and Roy Street.

Evolution of the Civic Centre Neighbourhood

The City of Kitchener is currently reviewing the Civic Centre Neighbourhood. The first step in the review was the preparation of the Parts Central Plan. The Parts Plan was approved by Council resolution only and predates the in effect Growth Plan as well as the Regional requirement to delineate Major Transit Station Areas. This is relevant given Growth Plan policies which speak to maximizing the population in walking distances to transit and the limited opportunities to do so recognizing the intent to continue to protect the interior portions of the Civic Centre Secondary Plan from redevelopment.

The on-going Civic Centre Review involves the area containing the existing Civic Centre Secondary Plan and a portion of the Central Frederick Street Secondary Plan. This area is proposed to become the new Civic Centre Secondary Plan. The subject lands continue to be located within the Civic Centre Neighbourhood. The development of the subject lands represents an opportunity for a transit-supportive, carefully designed residential development as has always been intended by the Civic Centre Secondary Plan.

The original Civic Centre Secondary Plan was approved in the 1980's and represents one of the first inner-city Secondary Plans that was subject to extensive neighbourhood consultation. The major issue at the time was planning to accommodate intensification and higher density development in support of the downtown and future mass transit within

an area identified as Settlement Policy Area “B” in the former Regional Official Policies Plan (ROPP). It was resolved that higher density commercial and residential redevelopment opportunities would be provided along the periphery of the community (i.e. Weber Street and Victoria Street) and to a lesser extent Queen Street North and Margaret Avenue. The Civic Centre Secondary Plan has contemplated high density redevelopment of the subject property for a considerable period of time. Since the Secondary Plan has first been approved mass transit is now a reality in the form of LRT and planning policy has continued to evolve and change with increased emphasis on support for transit particularly higher order transit such as LRT which is now recognized on Schedule 5 of A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2019 (Office Consolidation 2020).

4. DEVELOPMENT PROPOSAL

The proposal provides for the development of the subject lands with a 19-storey multiple residential building. While the Owner plans on submitting a Draft Plan of Condominium application in the future, the tenure is still to be determined. Regardless of tenure, an important aspect of the project is to provide housing at an attainable price. As such, the development has been designed to be as cost-effective as possible, while still providing a high level of urban design and attractive architecture.

The development will have a gross floor area of approximately 11,112.37 square metres and 162 units, including 25 barrier free units. The preliminary site plan is included as **Figure 4** and is described as follows:

Ground Floor / Building Base

Indoor amenity, office and lobby space is proposed within the front half of the ground floor. Large windows are proposed facing Weber Street West and the ground floor has been designed at a height of 4.5 metres. The back half of the ground floor contains parking, bicycle storage and the internal stairwell.

The main building entrance is oriented to Weber Street West. The main entrance will connect directly with the public sidewalk system. A secondary entrance is located at the back of the building providing access to the building from the parking area.

The base of the building has been designed to be visually distinct from the floors above. This has been achieved through the use of different building materials and colours; the inclusion of large ground floor windows and the provision of a stepback above the base.



As illustrated in preliminary renderings, the base of the building is visually distinct from the floors above.

This has been achieved through the use of different building materials and colours; the inclusion of large windows on the ground floor windows and the provision of a stepback above the base.

Amenity Space

Balconies are proposed for all residential units providing outdoor amenity. An interior amenity room is also proposed on the ground floor with large windows facing the street. Indoor secure bicycle parking will also be provided and will be contained within the ground floor storage area.

Residents of the development will also have access to all the amenities associated with living in the Civic Centre District and close to downtown. There are multiple parks within a 10 minute walk from the site, including Victoria Park, a major outdoor recreation area.

Parking and Access

The development is proposed to have a mix of surface and structured parking. Where possible parking has been incorporated into the proposed building structure as illustrated on the conceptual site plan. A total of 24 parking spaces are proposed. One vehicular access to the parking area is proposed via a driveway from Weber Street West. This driveway is shared by the adjacent property owner via the existing shared access easement. Bicycle parking will also be provided.

Servicing and Infrastructure

Existing municipal water, sanitary and storm infrastructure is available along Weber Street West. The development will connect to the existing services. For further details refer to the Functional Servicing Brief prepared by MTE dated July 10, 2020 (revised October 1, 2021).

5. PROPOSED AMENDMENTS

The development proposal as currently contemplated requires the approval of Official Plan and Zoning By-law Amendments as described within the following sub-sections.

5.1 Proposed Official Plan Amendment

The City of Kitchener Official Plan was adopted in 2014 through the approval of Official Plan Amendment No. 103. The 2014 Official Plan establishes a community structure and identifies the subject lands as being within a Major Transit Station Area (**Figure 5**).

The land use designation for the site is set out in the Civic Centre Secondary Plan. The Civic Centre Secondary Plan was adopted under the 1994 Official Plan. Secondary Plans were deferred as part of the review and approval of Official Plan Amendment No. 103 and therefore do not form part of the new 2014 Official Plan. It is intended that after the City-led Neighbourhood Review planning process is completed, that the Secondary Plans will be reviewed and brought into the 2014 Official Plan. Until that time, reference should be had to the 1994 Official Plan for lands located within the Secondary Plans (including 22 Weber Street).

The subject site is designated 'High Density Commercial Residential' in the Civic Centre Secondary Plan as shown on **Figure 6**. The High Density Commercial Residential designation permits a range of uses including free standing multiple residential buildings at a maximum Floor Space Ratio of 4.0. The Official Plan amendment proposes to retain the existing designation but with an increased FSR permission of 7.8.

The increase in FSR from 4.0 to 7.8 recognizes in part that when the Floor Space Ratio concept was first developed the relationship between FSR and building height was not thoroughly analyzed from a design perspective. For example a larger site can achieve significantly more massing and building height than a smaller site that is rectangular in shape such as the one that is under consideration. Furthermore, the Official Plan does not stipulate a minimum or maximum building height. The proposal introduces a maximum building height of 19 storeys which is appropriate under the circumstances and in recognition of the Roy Street buffer that is now in place. An increase in the floor space ratio from 4.0 to 7.8 achieves an appropriate built form within a Major Transit Station Area, and represents an appropriate location for additional density, redevelopment and intensification.

The site represents an underutilized parcel of land that can redevelop without demolition/disruption to existing built form and without displacing affordable housing or other uses. The Secondary Plan policies balance the protection of internal lower density residential enclaves with redevelopment opportunities along Weber Street West and Queen Street through the introduction of the Office-Residential Conversion which serves as the transition between the higher intensity uses along Weber Street and Queen Street and the Low Rise Residential Preservation designation of the interior of the neighbourhood. The subject lands abut this transition area and as such are sufficiently separated from the interior of the neighbourhood.

It is important to note that elsewhere within the High Density Commercial Residential designation redevelopment for high density use will be challenging given the presence of buildings that have been identified in the Heritage District Plan as having heritage value. The site represents an unutilized parcel of land that can redevelop without demolition/disruption to existing built form and without displacing affordable housing or other uses. This will help the City of Kitchener in achieving Provincial policy direction related to maximizing populations within walking distance of major transit.

A proposed draft Official Plan Amendment is included in this Report as **Appendix D**.

5.2 Proposed Zoning By-law Amendment

The City of Kitchener Zoning By-law 85-1 (the “Zoning By-law”) was approved on February 11, 1985 and has since been amended. The following amendment is proposed for the in-force Zoning By-law for the City of Kitchener.

The subject lands are zoned Commercial Residential Three Zone (CR-3) as illustrated on **Figure 7**. The Zoning By-law Amendment application requests the subject lands be rezoned Commercial Residential Three Zone with Site Specific Provisions in order to permit the development as proposed. The following site specific zoning regulations are requested:

Special Regulation XXXR to permit the following:

- A minimum front yard setback of 0.8 metres from Weber Street West, whereas a minimum front yard of 3.0 metres is required. The purpose of this special regulation is to orient the development to Weber Street West while maximizing the rear yard setback. Setbacks along this portion of Weber Street West vary significantly between properties. The proposed setback is consistent with a number of buildings along this portion of Weber Street West that are setback at or just beyond the property line.
- A minimum rear yard setback of 15.0 metres is proposed, whereas a minimum setback of one half the building height is required. It is noted that this regulation is

consistent with the 'Transition to Low-Rise Residential' regulation proposed through Phase 2 of the City's Comprehensive Review of the Zoning By-law (CRoZBy) which proposes a 15 metre setback to any properties with a low-rise residential zone.

- A maximum Floor Space Ratio of 7.8 is proposed, whereas a maximum Floor Space Index of 4.0 is permitted. The proposed increase in the FSR will allow for the appropriate form and scale of development on lands located in a Major Transit Station Area. As previously stated, the site represents an unutilized parcel of land that can redevelop without demolition/disruption to existing built form and without displacing affordable housing or other uses.
- A minimum landscape area of 8% whereas a minimum area of 10% is required.
- A minimum ground floor height of 4.5 metres whereas no minimum ground floor height is required. This is to provide the opportunity for the conversion of ground floor space to non-residential uses in the future.
- A total of 24 parking spaces, whereas the zoning by-law allows a blended parking rate of 0.165 spaces for smaller studio units (to a maximum of 40% of units that are less than 51 square metres in size) and 1.25 spaces per unit units larger than 51 square metres. The significantly reduced parking rate recognizes that the majority of units are proposed to be 55 square metres or smaller and that the development is located within a block of LRT. The development will be marketed towards those who choose not to have a car given the cost of owning a vehicle, and the range of other transportation opportunities that are available in the area. For those residents who do own a car, there are ample opportunities for monthly parking elsewhere in the downtown. The proposed parking reduction recognizes the location of the subject lands in a Major Transit Station Area and is discussed in further detail in the Parking Justification Section (Section 12) of this report.
- Of the 24 parking spaces, a total of 8 visitor parking spaces will be provided.

Holding Provision XXXH to require the following:

- No residential uses shall be permitted until such time as The City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region's requirements have been satisfied with respect to the submission of a detailed noise impact assessment for traffic noise, based on the proposed site plan, to address compatibility; and this holding provision has been removed by By-law."

A proposed draft zoning by-law is included in this Report as **Appendix E**.




**City of Kitchener,
Official Plan,
Map 2,
Urban Structure**
(Approved by the Region of
Waterloo, November 4, 2014,
Last Revised: June 24, 2019,
Revised by Amendments - OPA 3,
LPAT PL150200)








Figure 5

22 Weber Street
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

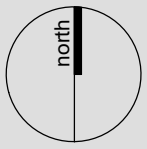
Transit

-  Existing Transit Corridor
-  Planned Transit Corridor
-  Light Rail Transit Corridor
-  Adapted Bus Rapid Transit Corridor
-  Rapid Transit Station

Area Under Deferral

-  Area Under Deferral

DATE:	June 2, 2020
SCALE:	1 : 15,000
FILE:	1961A
DRN:	LHB

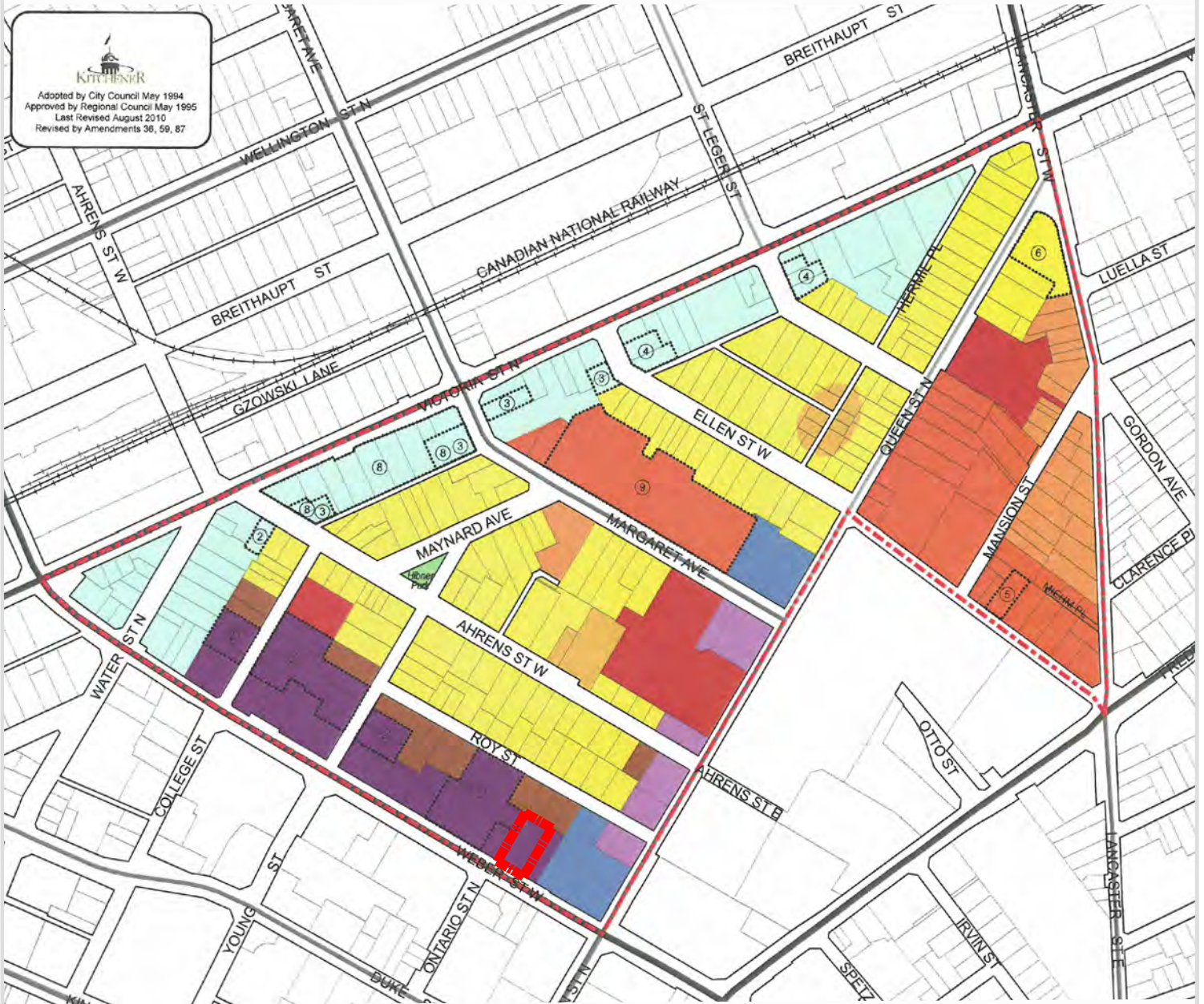


K:\1961A-22 WEBER ST\REPORT\OFFICIAL PLAN JUNE 2 2020.DWG

MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON. N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM



 Adopted by City Council May 1994
 Approved by Regional Council May 1995
 Last Revised August 2010
 Revised by Amendments 36, 59, 87



City of Kitchener,
Municipal Plan,
Map 9,
Civic Centre
Neighbourhood
 (Last Revised: August 2010)

Figure 6

LEGEND

 Subject Lands

Civic Centre Neighbourhood

-  Low Rise Residential Preservation
-  Low Rise Multiple Residential
-  Low Density Multiple Residential
-  Medium Density Multiple Residential
-  High Density Multiple Residential
-  Office Residential Conversion
-  Medium Density Commercial Residential
-  High Density Commercial Residential
-  Community Institutional
-  Mixed Use Corridor
-  Neighbourhood Park

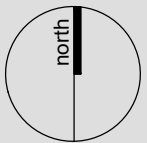
-  Boundary of Secondary Plan
-  Special Policy Area
-  Primary Arterial Road
-  Secondary Arterial Road
-  Major Collector Road
-  Minor Collector Road

DATE: June 2, 2020

SCALE: 1 : 20,000

FILE: 1961A

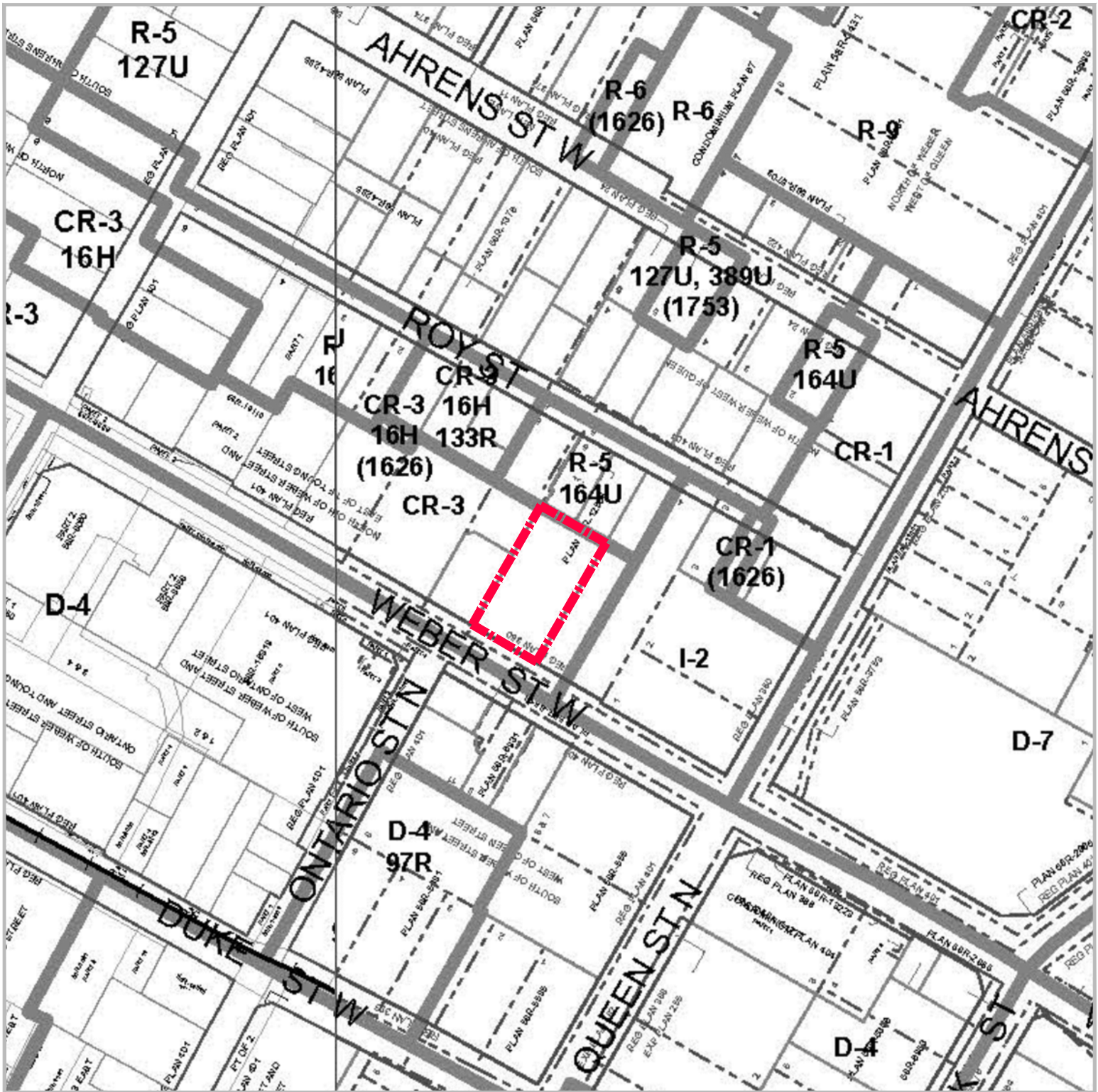
DRN: LHB



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PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

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**City of Kitchener
Zoning By-law 85-1**
(Schedules 84 & 121)

LEGEND

 Subject Lands

EXISTING ZONING

- R-5 RESIDENTIAL FIVE ZONE
- R-6 RESIDENTIAL SIX ZONE
- R-9 RESIDENTIAL NINE ZONE
- I-2 COMMUNITY INSTITUTIONAL ZONE
- CR-1 COMMERCIAL RESIDENTIAL ONE ZONE
- CR-2 COMMERCIAL RESIDENTIAL TWO ZONE
- CR-3 COMMERCIAL RESIDENTIAL THREE ZONE
- D-4 OFFICE DISTRICT ZONE
- D-7 MACKENZIE KING SQUARE ZONE

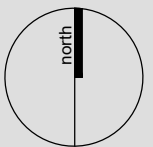
- R Special Regulation Provision for Specific Lands
- U Special Use Provision for Specific Lands

DATE: June 8, 2020

SCALE: Not to Scale

FILE: 1961A

DRAWN: LHB



K\1961A-22 WEBER ST REPORT ZONING 85-1 JUNE 2020.DWG

Figure 7

22 Weber Street,
City of Kitchener
Region of Waterloo



200-540 BINGEMANS CENTRE DR. KITCHENER, ON. N2B 3X9
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6. PROVINCIAL POLICY ANALYSIS

6.1 Provincial Policy Statement, 2020

The 2020 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 policy direction on matters of Provincial interest related to land use planning and development and applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020. Part II of the PPS requires that decisions affecting planning matters shall be “*consistent with*” the PPS.

The PPS provides a vision for land use planning in Ontario that encourages the efficient use of land, resources and public investment in infrastructure. A mix of land uses is encouraged to provide choice and diversity. A variety of transportation modes to facilitate pedestrian movement, with a focus on public transit 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 development in the context of the policies of the PPS.

Section 1.1.1 of the PPS provides that healthy, livable and safe communities are sustained by:

- promoting efficient development and land use patterns;
- accommodating an appropriate range and mix of land uses including affordable and market-based residential types including multi-unit housing;
- avoiding development which may cause environmental or public health and safety concerns;
- avoiding development and land use patterns that would prevent the efficient expansion of settlement areas;
- promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns and optimization of transit investment in order to minimize land consumption and servicing costs;
- improving accessibility for persons with disabilities and older persons;
- ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

- promoting development and land use patterns that conserve biodiversity; and
- preparing for the impacts of a changing climate.

The proposed development implements Section 1.1.1 by promoting the efficient use of an underutilized and vacant parcel. The proposed development will contribute to a range of residential unit types by introducing multi-unit housing to the property while optimizing transit investment, minimizing land consumption and servicing costs. The proposed building will be fully accessible and will have twenty five barrier free units. The parking reduction and preference towards other forms of transportation assists in preparing for the impacts of a changing climate.

Section 1.1.2 requires that within settlement areas, sufficient land shall be made available through intensification, redevelopment and, if necessary, designated growth areas, to accommodate an appropriate range and mix of land use to meet projected needs for a time horizon of up to 25 years.

The PPS defines intensification as:

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.*

The proposed development assists in achieving projected needs over the 25 year horizon and appropriately places density within a priority intensification area (Major Transit Station Area).

Section 1.1.3.2 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:

- efficiently use land and resources;
- 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;
- minimize negative impacts to air quality and climate change, and promote energy efficiency;
- prepare for the impacts of a changing climate;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed; and
- are freight supportive.

Further, Section 1.1.3.3 requires Planning Authorities to 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 done taking into account existing building stock, the availability of suitable infrastructure and public service facilities.

As previously stated, the proposed development efficiently uses land and resources. The proposed development and related reductions in parking minimize negative impacts to air quality and climate change. The proposed development supports active transportation and transit, including the Region's LRT system. The proposed development is in a location that has been identified by Planning Authorities as an appropriate location for transit-supportive development.

Section 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The existing local policy and zoning framework was established prior to the Growth Plan and prior to higher order transit being established within the Region. The recommended density, reduced parking standards and unit types will establish development standards that facilitate the redevelopment and intensification of the site while ensuring no risks to public health or safety.

Section 1.4 of the PPS identifies the need for providing an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. 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.

The proposed development implements Section 1.4 and provides a density that efficiently uses land, resources and infrastructure while supporting active transportation and transit.

Section 1.6 of the PPS identifies the need to provide infrastructure and public service facilities in an efficient manner that prepares for the impacts of a changing climate. Infrastructure and public service facilities are to be coordinated and integrated with land use planning and growth management.

Provincial Policy prioritizes development on full municipal services. The subject lands are fully serviced and are located in a priority location for intensification.

Section 1.8 of the PPS promotes lands use and development patterns that prepare for the impacts of a changing climate, including compact form, the use of active transportation and transit and the provision of transit-supportive development and intensification. As previously stated the proposed development achieves all of these objectives.

Section 2.6 of the PPS provides policies related to Cultural Heritage and Archaeology. Section 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Further, Section 2.6.3 states that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The subject lands are considered a protected heritage property under the Provincial Policy Statement as all lands within the boundary of the Civic Centre Neighbourhood Heritage Conservation District are designated under Part V of the Ontario Heritage Act and are considered significant cultural heritage resources. As such a detailed Heritage Impact Assessment has been completed to evaluate the impact of the proposed development within the context of the Civic Centre Heritage Conservation District.

Section 2.6.2 and 2.6.4 provide policies related to archaeological resources. An Archaeological Assessment has been completed and accepted by the Ministry. The assessment confirmed that there are no archaeological resources on the property and no further assessment is required.

Section 4.6 confirms that the Official Plan is the most important vehicle for implementation of the Provincial Policy Statement and that Official Plans should set out appropriate land use designations and policies. In this regard the current Official Plan designation promotes high density development. Section 4.6 does not preclude an applicant from amending the Official Plan, and in this regard the proposed Amendment has been prepared in part, to recognize the changing policy framework, the introduction of LRT and the inclusion of the property within a MTSA.

In summary, the development will intensify and result in the efficient use of the site through the replacement of vacant parcel in a settlement area, with a residential building. The development will have a compact urban form in order to optimize the use of the lands, services and infrastructure.

The development will contribute to the mix of uses within the area through the addition of new development, comprised of residential units contributing to the range and mix of housing options within the neighbourhood. The proposal will add a high density development to the area as intended in the existing planning framework.

The development is well located in an area of City which is comprised of commercial, residential and institutional uses at a range of densities. Further, the development is well-located with respect to existing rapid transit (ION) and supports active transportation through the location of the subject land in proximity to the downtown area which can be conveniently accessed from a range of destinations, including the commercial core of downtown Kitchener. Appropriate connections to pedestrian infrastructure will be provided and facilities to support cycling will be integrated in the building design.

The development supports the energy conservation, air quality and climate change policies of the PPS encouraged in Section 1.8. The development represents the efficient use of land within a settlement area and appropriate intensification in a location that is well serviced by transit. The development is transit-supportive and has been designed to promote transit and active transportation as the primary modes of travel.

The development will optimize the use of available infrastructure, in accordance with Section 1.6 of the PPS. A Functional Servicing Report was prepared by MTE dated July 10, 2020 (revised October 2021), in support of the development which confirms the adequacy of services, confirms that capacity is available within existing services and identifies a servicing strategy for the development.

From a transportation perspective, the development will support the ION light rail transit system and is located one block north of an existing transit station. The development will be well located to provide a variety of transportation options to minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

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

6.2 A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019

The Minister of Municipal Affairs and Housing issued a new Growth Plan for the Greater Golden Horseshoe (the Growth Plan), effective on May 16, 2019. The 2019 Growth Plan replaces the previous version of the Growth Plan for the Greater Golden Horseshoe issued in 2017. The Growth Plan, 2019 represents the long-term framework for implementing Ontario's vision for building strong, prosperous communities and managing growth within the Greater Golden Horseshoe. Amendment 1 to the Growth Plan was approved by the Lieutenant Governor and took effect on August 28, 2020.

The subject lands are identified as being located within the Delineated Built-up Area of the City of Kitchener, on Schedule 2 of the Growth Plan. All land use planning decisions made by any authority that affects a planning matter must conform to the Growth Plan.

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 following is an analysis of the development in the context of the Growth Plan.

6.2.1 Guiding Principles

The Growth Plan provides policies on how land is to be developed, how resources are to be managed and protected and how public dollars are invested based on a number of guiding principles. The proposed development is consistent with these guiding principles where applicable by:

- Supporting the achievement of complete communities by contributing to the range of housing types found within the Civic Centre neighbourhood;
- Proving intensification and higher density in a strategic growth area to ensure efficient use of land and infrastructure and support of transit viability;
- Protecting natural heritage and prime agricultural areas by directing growth to an area where no such features exist;
- Conserving cultural heritage resources by directing development to a vacant lot within the Conservation District Plan along a corridor where higher density development is contemplated and where there are no archeological resources; and
- By integrating climate change considerations into the proposed development, most significantly, by reducing the parking and instead placing emphasis on the alternative forms of transportation that are available in this location.

6.2.2 Complete Communities

The Growth Plan emphasizes the establishment of “complete communities”. Complete communities are defined as:

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 2.1 of the Growth Plan describes that complete communities are well designed to meet the needs for daily living throughout a lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities and housing. Complete communities support transit, active transportation and provide high quality open space and support climate change mitigation.

The development contributes to the overarching direction of the Growth Plan towards the achievement of complete communities through the addition of residential uses within the Built-up Area in the City of Kitchener. The development represents an intensification opportunity and will contribute to the range and mix of housing opportunities available within the City and in close proximity to downtown.

The Growth Plan promotes the development of a diverse range and mix of housing options, including affordable housing, to accommodate people at all stages of life, of all household sizes and incomes. The development will contain 162 units, which will contribute to the mix of housing options in the area. The objective of the development is to provide residential housing at a more attainable price point than other developments in the area (regardless of the ultimate tenure).

The development will be of a high quality built form and will enhance the public realm through an upgraded streetscape.

The development contributes to the creation of a compact community through its built form which includes a 19-storey multiple residential building with minimal parking.

Based on the foregoing, the development will contribute to the development of the Weber Street West Corridor and the City as a whole, as a complete community.

6.2.3 Transit Corridors and Station Areas

The development will benefit from convenient access to a range of transportation options, including public transit, active transportation and vehicular travel. The development will be located within a Major Transit Station Area (MTSA), and will provide a transit-supportive development.

The Growth Plan recognizes transit as the first priority for major transportation investment and seeks to align transit with growth and land use planning by directing growth to Urban Growth Centres and Major Transit Station Areas.

Major Transit Station Areas are defined as:

“The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a ten-minute walk.”

The Region has recently approved MTSA boundaries and the subject lands are located within a defined MTSA. The subject lands are within proximity to several ION stations, the closest of which is approximately 280 metres from the site. Further, Schedule 5 of the Growth Plan identifies the ION Transit network as a Priority Transit Corridor. Section 2.2.4 of the Growth Plan identifies that Major Transit Station Areas on Priority Transit Corridors will

be planned for a minimum of density of 160 residents and jobs combined per hectare for those areas served by light rail transit.

Section 2.2.4.2 directs that upper-tier municipalities (in this instance the Region), in consultation with lower tier municipalities (City of Kitchener) will delineate the boundaries of major transit station areas in a manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station. The Regional Official Plan Review process is currently underway however Regional Council has approved the limits of the MTSAs. The approved MTSAs boundaries continue to recognize the subject lands as being within a MTSA. The development provides an opportunity to increase the population within walking distance of the station.

In accordance with Section 2.2.4.9, within all MTSAs, development will be transit-supportive, with a mix of land uses, to support existing and planned transit service levels; fostering collaboration between public and private sectors; providing alternative development standards, such as reduced parking standards; and prohibiting development that would adversely affect the achievement of transit supportive densities. MTSAs will also be planned to achieve multimodal access to stations, and be supportive of active transportation.

The development will be located in close proximity to a number of station stops including the Kitchener City Hall station. Convenient and comfortable pedestrian access will be provided from the development to the station by way of the existing public sidewalk system. The development will also provide cycling facilities, including indoor secure bicycle parking spaces.

The development has an estimated density of 2,075 people and jobs per hectare, as demonstrated in the table below:

DENSITY - PEOPLE AND JOBS PER HECTARE		
RESIDENTIAL	Units	Total
1.78 persons per unit*	162	288.36 people
LOT AREA	0.139 ha	
Estimated Density	2,075 People and Jobs per Hectare	

* City of Kitchener DC Background Study, 2019

This density will contribute to achieving the density target established by the Growth Plan for Major Transit Station Areas on Priority Transit Corridors. The development will contribute to the mix of uses within the MTSA and will provide support for the transit service. The Major Transit Station Area in which the subject lands are located is constrained, in part, from redevelopment opportunities given the extent of Low Rise Residential Preservation designated lands and the designation of a Cultural Heritage District over significant portions of the MTSA. The subject lands offer an opportunity for redevelopment on lands that are vacant and are located outside the established residential enclave.

The development will contribute to the evolution of this Major Transit Station Area and the adjacent Urban Growth Centre through the development of a residential tower with a total of 162 units along a Regional corridor.

In summary, the development will provide support for the significant investment that has been made in the Priority Transit Corridor, the ION light rail transit line. Further, the development features reduced parking in order to prioritize alternative modes of travel including transit and active transportation.

6.2.4 Housing

The development will contribute to a range and mix of housing options and densities by offering attainable housing in an area served by the Priority Transit Corridor. In providing for a three-year supply of residential units, the Growth Plan directs that the supply may exclusively consist of lands suitably zoned for intensification and redevelopment. The subject lands have historically been, and continue to be designated and zoned for intensification and redevelopment.

6.2.5 Cultural Heritage Resources

As previously stated, the subject lands are considered a significant cultural heritage resources given their location within the Civic Centre Heritage Conservation District. The Growth Plan requires that cultural heritage resources be conserved. The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a heritage impact assessment. In that regard a detailed Heritage Impact Assessment has been completed and its recommendations will be implemented through the future site plan process. An Archaeological Assessment has also been completed and acknowledged by the Ministry. The assessment confirmed that there are no archaeological resources on the property and no further assessment is required.

In summary, the proposed Official Plan and Zoning By-law Amendments conform to the 2019 Growth Plan.

7. REGION OF WATERLOO OFFICIAL PLAN

A new Regional Official Plan (ROP) was approved by the Ministry of Municipal Affairs and Housing (MMAH) with modifications on December 22, 2010, and approved, with

amendments, by the Ontario Municipal Board on June 14, 2015. The ROP was processed as a municipal comprehensive review and represents the Region's conformity exercise with respect to the 2006 Growth Plan for the Greater Golden Horseshoe.

The ROP general development policies are aligned with the PPS and 2006 Growth Plan policies for development, including promoting the development of complete communities, protecting the natural environment and resources, conserving cultural heritage, and respecting the scale, physical character and context of established neighbourhoods.

7.1 General Development Policies

Section 2.D.1 of the Region Official Plan provides general policies to be considered when reviewing development applications. This section is intended to ensure that development occurring within the Urban Area is planned and developed in a manner that: supports the Planned Community Structure (in this case the Subject Lands are located within the Urban Area and within a MTSA); are municipality serviced; contribute to a complete community (in the case of the development by providing densities that support walking, cycling and the use of transit); by protecting the natural environment (there are no natural features on the property); conserving cultural heritage resources (an HIA has been completed in support of the development); by respecting the scale, physical character and context of established neighbourhoods where reurbanization is planned to occur and by promoting building designs that incorporate energy conservation features.

7.2 Major Transit Station Areas and Transit Oriented Development

Section 2.D.2 provides policies that are to be applied in the review of development applications for sites that are located on or near rapid transit. In those areas that are served by rapid transit, including the subject lands, these policies support: development that encourages walking, cycling or the use of transit; more compact urban form that locates the majority of transit supportive uses within a comfortable walking distance of the transit stop or MTSA; the provision of medium and higher density development as close as possible to the transit stop to support higher frequency transit; and through the provision of high quality public realms and pedestrian-friendly environments.

Section 2.D.6 of the Region Official Plan provides that Major Transit Station Areas are those lands located within a 600 to 800 metre radius of a rapid transit station. These areas are not presently identified on Map 3a of the ROP (**Figure 8**), but will include future ION LRT stations within the Region of Waterloo.

Major Transit Station Areas will be planned and developed to achieve increased densities that will support and ensure the viability of existing and planned rapid transit service levels as well as a mix of residential, office, institutional and commercial developments, where appropriate.

Section 2.D.7 of the ROP requires area municipalities to prepare a Station Area Plan for each Major Transit Station located outside of an Urban Growth Centre. A Station Area Plan has been prepared by City of Kitchener, known as The PARTS Central Plan, which has been approved by City of Kitchener Council but the implementing Official Plan Amendments or Secondary Plan have not been completed and approved at this time.

Given that these emerging policies have not been adopted, the development has been analyzed in the context of the Transit Oriented Development (TOD) provisions of the ROP. Table 2 of this report demonstrates that the development conforms to the ROP TOD policies, in Section 2.D.2 of the ROP.

Table 2 – Transit Oriented Development Analysis		
a.	creates an interconnected and multi-modal street pattern that encourages walking, cycling or the use of transit and supports mixed-use development	<p>The development is connected to the existing multi-modal street pattern. Walking is supported through a direct connection to existing sidewalk network along Weber Street West. Cycling will be encouraged through the inclusion of indoor bicycle spaces.</p> <p>The existing transit network is supported through the redevelopment of a vacant parcel with a residential development that is within walking distance to multiple light rail transit station stops, Kitchener Station and the Region’s future Multi-Modal Transit Hub.</p>
b.	supports a more compact urban form that locates the majority of transit supportive uses within a comfortable walking distance of the transit stop or Major Transit Station Area;	The subject lands are located within 280 metres of the Kitchener City Hall ION stop; in proximity to several additional stops; are adjacent to a planned transit corridor and are within walking distance to several bus transit stops in the vicinity of the area. The development is of a compact urban form with an FSR of 7.8, and a compact 19-storey residential tower.
c.	provides an appropriate mix of land uses, including a range of food	The development will provide new residential units that will support the

	destinations, that allows people to walk or take transit to work, and also provides for a variety of services and amenities that foster vibrant, transit supportive neighbourhoods;	existing services and amenities in the area, including the commercial core of Downtown Kitchener. The subject lands are within a Major Transit Station Area and are located in an area with a wide range of uses including cultural uses associated with the Civic Centre District. Accordingly, future residents will be able to walk, cycle and to take transit to their destinations, including work. An increased ground floor height is provided which provides an opportunity for future conversion to non-residential use.
d.	Promotes medium and higher density development as close as possible to the transit stop to support higher frequency transit service and optimize transit rider convenience;	The existing land use designation provides for high density development such as the development that is proposed and is within 280 metres of a transit station. Convenient pedestrian connections are provided and a building entrance will be located on Weber Street West providing direct access to the existing public sidewalk system.
e.	fosters walkability by creating pedestrian-friendly environments that allow walking to be a safe, comfortable, barrier-free and convenient form of urban travel;	The pedestrian connection to the building will be well-lit and barrier free with a direct connection to the existing municipal sidewalk network. The Pedestrian Wind Study has assessed the conditions, and confirms the main entrance is well designed for wind and expected to have appropriate wind conditions. Sidewalks along Weber Street are also expected to have appropriate wind conditions.
f.	supports a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities; and	A high quality public realm is supported through the inclusion of a well-defined building base and large ground floor windows. While no retail is proposed, the ground floor has been designed at a height of 4.5 metres which would allow for future conversion of the ground floor to non-residential use. Planters along Weber Street West will improve the public realm and streetscape.

g.	provides access from various transportation modes to the transit facility, including consideration of pedestrian, bicycle parking, and where applicable, passenger transfer and commuter pick-up/drop off areas.	As previously noted, the development has been designed to accommodate pedestrians and cyclists and the site is designed to provide comfortable and convenient access to the LRT stop.
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Based on the foregoing, it is concluded that the development conforms to the Transit Oriented Development policies of the ROP.

7.3 Transportation

With respect to transportation systems, Policy 5.1 provides that an integrated, accessible and safe multi-modal transportation system that provides transportation choice, and promotes sustainability, a healthy population and the effective movement of goods. The subject lands has access to existing and planned transit routes, regional roads, the provincial highway network, and pedestrian and cycling routes.

- King Street East and Charles Street East, south of the subject lands, are identified as an Existing Transit Corridor on Map 5a of the ROP (**Figure 9**). The Charles Street East Corridor represents the ION LRT network. Weber Street West is identified as a Planned Transit Corridor. Weber Street West is identified as a Regional Road on Map 5b (**Figure 10**).
- The subject lands are located proximate to planned cycling routes as shown on Map 5c the ROP as shown on **Figure 11** (refer also to **Figure 12** for the City of Kitchener’s Integrated Transportation System). These cycling routes form part of an integrated cycling network, including the Trans-Canada trail located further south of the subject lands in proximity to Courtland Avenue East.
- Pedestrian connections (sidewalks) are available along the site frontage providing easy pedestrian access to area amenities.

The subject lands are well located with respect to the existing and planned transportation infrastructure. The development has been designed to integrate with the existing transportation system.

7.4 ROP Summary

The development represents an example of intensification within a Major Transit Station Area, within a location that contains the physical and community infrastructure required to support growth. The development will exceed the density target for Light Rail Transit networks and will provide support for the emerging transit system. It will contribute to maintaining a vibrant urban community through the provision of new residential units. The development will improve the overall public realm of the area. The development conforms to the policies of the ROP.



**Region of Waterloo
Regional Official Plan
Map 3a,
Urban Area**
(June 18, 2015)

Figure 8

22 Weber Street,
City of Kitchener,
Region of Waterloo

LEGEND

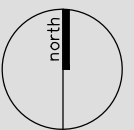
-  Subject Lands
-  Built-Up Area*
-  Urban Designated Greenfield Areas
-  Prime Industrial/Strategic Reserve (Served)
-  Urban Growth Centres
-  Reurbanization Corridors **
-  Major Transit Station Areas **
-  Central Transit Corridor Environmental Assessment Study Area
-  Planned Highway 7
-  Region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

DATE: June 2, 2020

SCALE: 1:50,000

FILE: 1961A

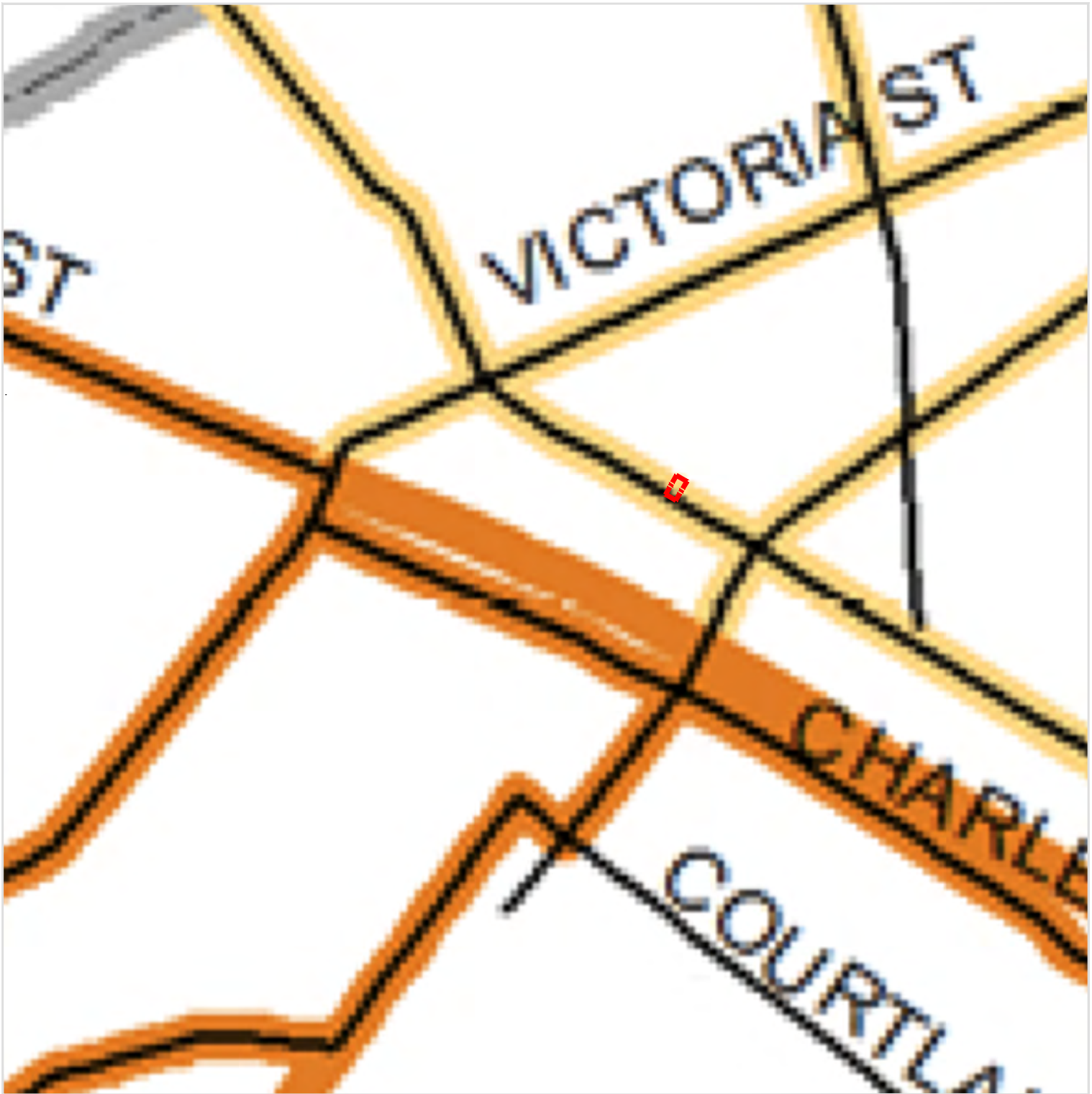
DRN: LHB



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MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

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**Region of Waterloo
Regional Official Plan
Map 5a,
Regional Transit
Network**
(June 18, 2015)

Figure 9

22 Weber Street,
City of Kitchener,
Region of Waterloo

LEGEND

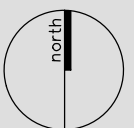
-  Subject Lands
-  Existing Transit Corridors
-  Planned Transit Corridors

DATE: June 2, 2020

SCALE: 1:50,000

FILE: 1961A

DRN: LHB



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**Region of Waterloo
Regional Official Plan
Map 5b,
Existing, Planned and
Proposed Roads and
Corridors**
(June 18, 2015)

Figure 10

22 Weber Street,
City of Kitchener,
Region of Waterloo

LEGEND

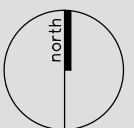
-  Subject Lands
-  Existing Regional Roads
-  Planned Regional Roads
-  Proposed Regional Corridors
-  Planned Provincial Highway

DATE: March 18, 2019

SCALE: 1:20,000

FILE: Y202C

DRN: LHB



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**Region of Waterloo
Regional Official Plan
Map 5c,
Regional Cycling
Routes**
(June 18, 2015)

Figure 11

22 Weber Street,
City of Kitchener,
Region of Waterloo

LEGEND

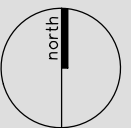
-  Subject Lands
-  Existing Cycling Routes*
-  Planned Cycling Routes*

DATE: June 2, 2020

SCALE: 1:50,000

FILE: 1961A

DRN: LHB



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8. CITY OF KITCHENER OFFICIAL PLAN

The City of Kitchener Official Plan was approved by the Region of Waterloo on November 19, 2014 with modifications and deferrals. A Notice of Decision was issued by the Region on January 18, 2017 with respect to some previously deferred sections of the Official Plan. With the exception of deferrals the 2014 Official Plan is in full force and effect, including those policies related to Intensification Areas and Major Transit Station Areas.

The subject lands are located within a *Major Transit Station Area* (MTSA), on Map 2 – Urban Structure of the 2014 Official Plan, as previously illustrated on Figure 5 of this report. Map 3 – Land Use refers to the Secondary Plan for detail.

The subject lands are designated *High Density Commercial Residential* in the Civic Centre Secondary Plan, adopted as part of the 1994 City of Kitchener Official Plan, as previously illustrated on Figure 6. The proposed multiple residential use is permitted in the current Secondary Plan land use designation.

The proposed Official Plan Amendment is required to permit an increase in the permitted Floor Space Ratio (FSR) from 4.0 to 7.8 in the Official Plan and the Civic Centre Secondary Plan to permit the development as detailed in Section 5 of this report.

8.1 Major Transit Station Areas

The Official Plan sets out an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are identified throughout the Built-up Area as key locations to accommodate the majority of development or redevelopment for a variety of land uses. Section 3.C.2.3 of the Official Plan provides that Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy. Intensification Areas are connected by transit corridors and an integrated transportation system and are intended to provide for a broad range and mix of uses in an area of higher density and activity than surrounding areas.

The subject lands are located within a Major Transit Station Area on Map 2 – Urban Structure of the 2014 Official Plan. Major Transit Station Areas are generally within a ten minute walking radius around the location of a Rapid Transit Station Stop. As noted previously, the subject lands are located within proximity of LRT stops, specifically:

- Approximately 280 metres northeast of the Kitchener City Hall ION stop, which provides northbound service and bus connections to routes 204, 1, 4 and 8 with service to The Boardwalk, Conestoga Station and Ottawa/Lackner;
- Approximately 450 metres northwest of the Frederick ION stop which provides northbound service to Conestoga Station and is opposite the GRT's future customer service centre. The Frederick Station, and by extension the subject lands, is within walking distance to the Kitchener Public Library's main branch, Waterloo Region Courthouse, Market Square, and the Kitchener Waterloo Art Gallery. The Frederick Station has bus connections to The Boardwalk, Ottawa/Lackner, Conestoga Station and Sunrise Centre.
- Approximately 550 metres northwest of the Queen Street ION stop, providing southbound service to Fairway Station and provides access to a variety of events and activities in the city with bus connections to Conestoga Station, Frederic Station, The Boardwalk, Ottawa/Lackner and Sunrise Centre.
- Approximately 600 metres northeast of the Victoria Park ION stop, which provides service to southbound passengers and bus connections to route 6, GO Transit and intercity buses. Bus connections to Conestoga Station and Fairway Station are also provided.

Therefore the site is appropriately identified as being within a Major Transit Station Area, as it has four stations within a 600 metre distance, as shown on **Figure 2**.

Section 3.C.2.17 of the Official Plan provides that MTSAs should have a planned function to support transit and rapid transit. Their planned function is to provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels; provide connectivity of various modes of transportation to the transit system; achieve a mix of residential, office and commercial development, where appropriate; and have streetscapes and a built form that is pedestrian-friendly and transit-oriented. Major Transit Station Areas may include lands within stable residential neighbourhoods which are not the primary focus for intensification and the planned function of these areas is to be confirmed through the Station Area Planning process. The subject lands are located outside of the stable residential neighbourhood and have been designated and zoned to facilitate high density development.

The development supports the planned function of the Major Transit Station Area through the development of a compact high density residential development. The development will result in intensification of a currently vacant parcel of land proximate to a range of transit options, including multiple rapid transit stations. Further, the development has been designed to be pedestrian and cyclist-friendly. The area along the north side of Weber Street West has been identified for intensification and the site represents an opportunity to intensify what is currently a vacant site.

Section 3.C.2.19 provides that Station Area Plans are required to be prepared for each MTA. The City has prepared a Station Area Plan for the Central Transit Station (the PARTS Central Plan). This plan has been adopted by Council but has not been implemented through an Official Plan Amendment. Accordingly, the development is required to be reviewed in the

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

- The development supports the planned function of the Major Transit Station Area through the proposed residential development, with a total of 162 units.
- Appropriate pedestrian and cycling facilities will be incorporated into the development including a sidewalk connection, a covered building entrance for pedestrians, and indoor bicycle storage spaces.
- Public transit facilities are located within a convenient and comfortable walking distance of the development.
- One vehicular access point is provided to the site, off of Weber Street West which diverts traffic away from the stable residential neighbourhood to the north.

Based on the foregoing, the development is appropriately located within a Major Transit Station Area. It represents an appropriate form of development which will support the function of the Major Transit Station Area and will provide a significant amount of residential density in close proximity to an ION LRT Station.

8.2 Civic Centre Secondary Plan

The City of Kitchener has 10 Secondary Plans which were deferred as part of the review and approval of Official Plan Amendment No. 103 (OPA 103), and do not form part of the new 2014 Official Plan. It is intended that after the City-led neighbourhood planning review process, that these Secondary Plans will be updated and brought into the 2014 Official Plan. Until that time, reference to the 1994 Municipal Plan for Secondary Plans is required.

The Civic Centre Secondary Plan was adopted as part of the 1994 City of Kitchener Municipal Plan. The subject lands are designated *High Density Commercial Residential* on the Land Use Plan as illustrated on **Figure 5**.

The *High Density Commercial Residential* designation is intended to permit higher density uses with access from Weber Street. The designation recognizes the proximity of the Civic Centre Neighbourhood to the higher intensity land uses of the Downtown, and the location of the Weber Street properties on a Primary Road. The subject lands are permitted to develop with a maximum Floor Space Ratio (FSR) of 4.0. There is no maximum height specified in the Secondary Plan. Permitted uses include multiple dwellings in standalone buildings. Properties located immediately west of and immediately east of the subject lands are also designated *High Density Commercial Residential*.

An *Office-Residential Conversion* designation applies to properties immediately north of the subject lands (located along the south side of Roy Street). The intent of the *Office Residential Conversion* designation is to serve as the transition and buffer between the higher density uses anticipated along Weber Street and Queen Street and the interior of the neighbourhood which is intended to be preserved. The Office Residential Conversion

designation was implemented as an effective buffer to the low rise residential designation to the north and in preference to the High Density Commercial Residential designation extending from Weber Street to the south side of Roy Street.

Properties immediately south of the subject lands (on the south side of Weber Street West) are located within the Urban Growth Centre (downtown) and are designated *City Centre District*. The intent of this designation is to maintain the pedestrian appeal while evolving into a compact, contemporary urban setting, with taller buildings, lively street activity and a stylish mix of shops, restaurants and bars and cultural and entertainment uses

The development is consistent with the intent of the High Density Commercial Residential designation and has been designed with consideration to compatibility with the residential enclave to the north by:

- orienting the building closer to Weber Street West allowing for a 15 metre rear yard setback;
- by orienting the narrower portion of the building to face Roy Street, resulting in less overlook on residential dwellings north of the property. No balconies are proposed on the building face that will be visible from Roy Street;
- by providing a compact tower footprint which minimizes shadow impacts; and
- by introducing a building height that minimizes shadow impacts and meets the angular plane analysis as measured from the north side of Roy Street.

Compatibility is discussed in further detail in the Urban Design Brief that has been submitted as part of this application.

The increase in FSR from 4.0 to 7.8 recognizes when the Floor Space Ratio concept was first developed the relationship between FSR and building height was not thoroughly analyzed from a design perspective. For example a larger site can achieve significantly more massing and building height than a smaller site that is rectangular in shape such as the one that is under consideration. Furthermore, there is no maximum building height limitation. The proposal introduces a maximum building height of 19 storeys which is appropriate under the circumstances and in recognition of the Roy Street buffer that is now in place. An increase in the floor space ratio from 4.0 to 7.8 achieves an appropriate built form for the reasons noted elsewhere in this report.

This includes the ground floor of the building which is comprised primarily of parking and lobby area. The height of the building allows for an efficient use of the property at a density that allows for units to be provided at reasonable and attainable price points. The increase in FSR is appropriate given the location of the subject lands within a Major Transit Station Area, and represents an appropriate location for additional density, redevelopment and intensification. It is important to note that elsewhere within the High Density Commercial Residential designation redevelopment for high density use will be challenging given the presence of buildings that have been identified in the Heritage District Plan as having heritage value. The site represents an unutilized parcel of land that can redevelop without demolition/disruption to existing built form and without displacing affordable housing or other uses.

Based on the foregoing, the development is appropriate on the subject site and conforms to the policies of the High Density Commercial Residential designation, save and accept for the density which is proposed to be increased by amendment to the Official Plan.

8.3 Energy, Air Quality & Waste

The development supports the energy conservation policies and supports the City's intentions to minimize energy consumption set out at Section 7.C.6.1 of the Official Plan. The development is a high density, transit supportive residential development with minimal parking. This form of development, proximate to an LRT stop promotes a compact urban form in an Intensification Area (Major Transit Station Area). The development can be serviced through connections to existing municipal water and sewage lines which will maximize the use of existing infrastructure.

With respect to air quality, the development will contribute to a built form that minimizes adverse effects to air quality, in accordance with Section 7.C.7 of the Official Plan. Specifically, the compact, transit-supportive and pedestrian-friendly form of the development will minimize contributions to air pollution through reduced reliance on private automobiles and will support the ION rapid transit system.

As a general planning and design principle, higher density development in proximity to the amenities associated with downtowns and in support of higher-order transit is considered to be sustainable development.

8.4 Urban Design

Chapter 11 of the Official Plan details policies which generally encourage a high standard of urban design. The urban design policies apply to all development within the City. An Urban Design Brief has been prepared in support of the development and includes an assessment of the proposal in the context of the City of Kitchener's Official Plan. The development will be designed to create a distinctive and identifiable place within adjacent downtown Kitchener. The development will also:

- Create a strong visually appealing street edge through the provision of a building, which addresses the street in terms of architectural detailing;
- Provide for development that will be supportive of transit and alternative transportation modes, and will encourage future residents to walk to and from nearby residential, commercial office and retail uses, services and public amenities and cultural facilities;
- Provide a development that, through the combination of massing, orientation, pedestrian entrances, architectural elements, detailing, and material selection, will result in a positive pedestrian experience along the adjacent street frontage;

- Minimize impacts on the Low Rise Residential-Preservation Area. Provide a 15 metre setback to allow for further transition between the development and the residential enclave on the north side of Roy Street; and
- Introduce additional building height within a major transit station area in a manner that is sympathetic to surrounding uses and cultural heritage context. The proposed height is permitted under the current zoning and the site serves as a transition between the downtown and the low rise residential enclave on the north side of Roy Street.

Overall, the proposed redevelopment represents a significant investment along the Weber Street West corridor in the City of Kitchener. It will create a substantial amount of new residential units to support major transit and the downtown.

For detailed Urban Design analysis, please refer to the associated Urban Design Brief, prepared by MHBC Planning dated July, 2020.

8.5 Housing

The Official Plan supports the provision of suitable, affordable and attractive living accommodations for all its residents as housing is a basic necessity and determinant of quality of life. The housing policies confirm that the majority of new residential growth within the Built-Up Area will occur within Intensification Areas, which includes MTSA's.

Policy 4.C.1.8 provides direction for the review of development applications that facilitate residential intensification in order to ensure the following:

- a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood.
- b) Where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape and the neighbourhood.
- c) New additions and modifications to existing buildings are to be directed to the rear yard and are to be discouraged in the front yard and side yard abutting a street, except where it can be demonstrated that the addition and/or modification is compatible in scale, massing, design and character of adjacent properties and is in keeping with the character of the streetscape.
- d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.

- e) The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.

In response to these policies it is noted that the subject land are located at the periphery of the neighbourhood and are buffered from the interior stable neighbourhood by the Office-Residential Conversion designation that has been applied to the south side of Roy Street. In terms of the setbacks, there is not a consistent setback applied along Weber Street and as such, a reduced front yard setback is proposed in order to maximize the rear yard setback. To address privacy the building has been designed so that there are no balconies on the north side of the building. Instead balconies will face the properties along Weber Street which are, for the most part, used for commercial and institutional purposes. It is noted that Policy 4.C.1.8 applies broadly throughout the City, and is not specific to development within a MTSA. As such, the parking reduction is appropriate given the location relative to transit and alternative locations for parking in the area.

8.6 Transportation

The Official Plan provides for an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The location of the subject lands in the context of the City's integrated transportation system is illustrated on **Figure 12**.

Road Network

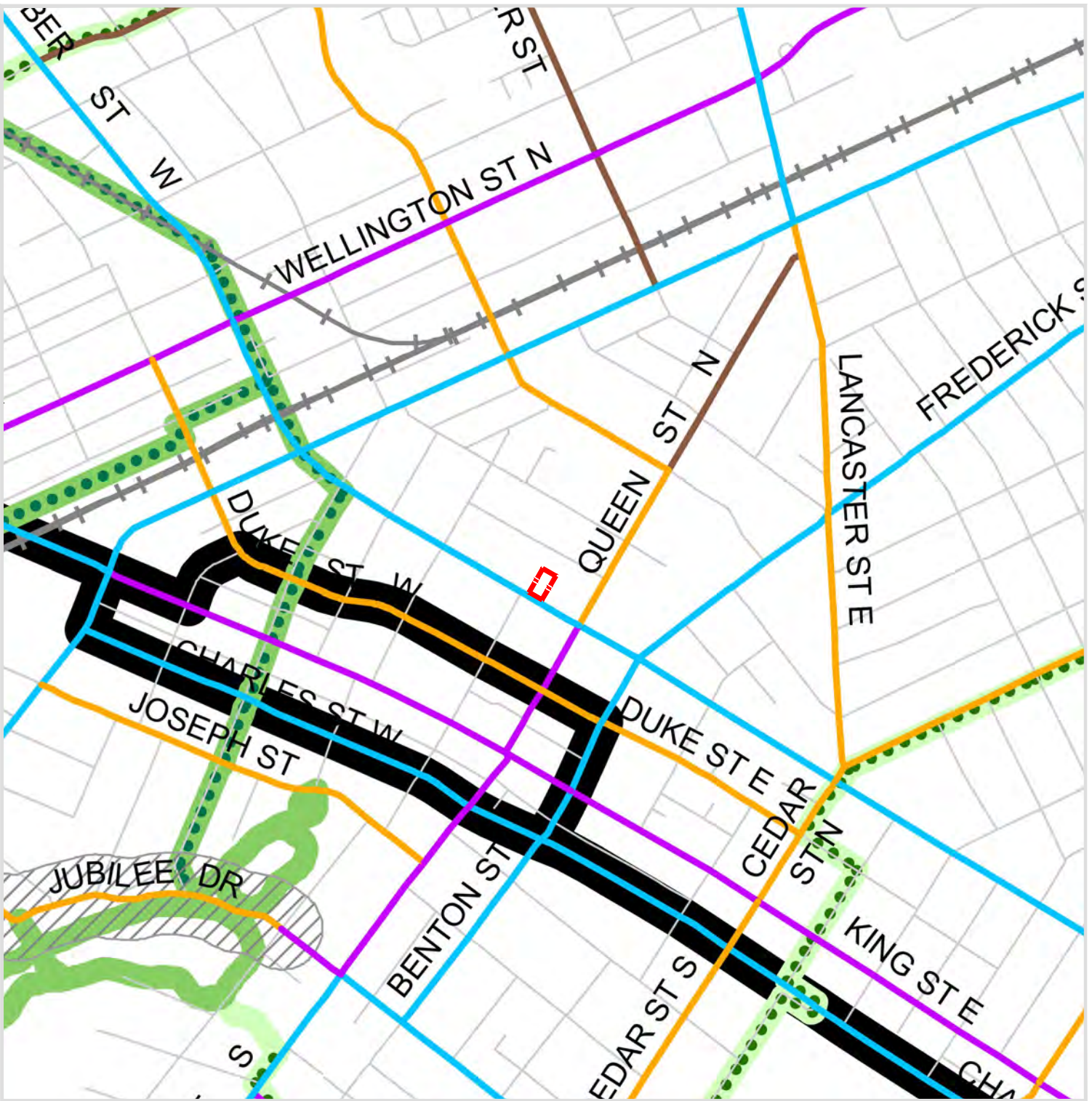
The subject lands are located immediately adjacent to Weber Street West, a Regional Road. The subject lands have convenient access to the Regional Road network, King Street, and Charles Street, and the Provincial Highway Network, Highways 7 and 8 and Highway 401.

Transit and Active Transportation

As previously noted, the subject lands are located approximately 280 metres from the Kitchener City Hall ION stop. Several other Transit Stops are also in proximity to the site including rapid transit and bus transit stops. The Region's future Multi-Modal Transit Hub and the existing Kitchener Station on Victoria Street are both located within walking distance from the subject lands.

Sidewalks will be maintained along the street frontages with an appropriate connection through the development to allow for safe and convenient pedestrian access to surrounding land uses and the existing and planned public transit network in the area.

In summary, the development represents an appropriate high-density built form for the location of the subject lands in the context of the City's integrated pedestrian network. Further, the development will support the ION rapid transit system and result in streetscape improvements which will enhance the public realm thereby creating a more visually appealing, comfortable and safe streetscape.




**City of Kitchener
Official Plan,
Map 11,
Integrated
Transportation
System**

(Approved by the Region of Waterloo, November 4, 2014, Last Revised: March 21, 2019, Revised by Amendments - LPAT PL 150200)

Figure 12
22 Weber Street,
City of Kitchener,
Region of Waterloo

LEGEND

 Subject Lands

Street Network

- Provincial Highway
- Regional Road
- City Arterial Street
- Major Community Collector Street
- Minor Neighbourhood Collector Street
- Local Street
- Heritage Corridor

Existing Planned Proposed Corridor

Multi-Use Pathway and On Road Connection Network

- Primary Multi-Use Pathway/Connection (Type 1)
- Secondary Multi-Use Pathway/Connection (Type 2)

Transit Corridor

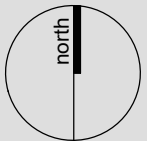
- Light Rail Transit Corridor Public Transit Right-of-Way
- Adapted Bus Rapid Transit Corridor

DATE: June 2, 2020

SCALE 1 : 15,000

FILE: 1961A

DRN: LHB



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MHBC PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
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8.7 Cultural Heritage

The subject lands are located within the Civic Centre Neighbourhood Heritage Conservation District, designated under Part V of the Ontario Heritage Act. As such, any new development is subject to the policies of the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD) Plan.

A Heritage Impact Assessment (HIA) has been completed (and updated) to evaluate the development in terms of potential impacts to cultural heritage resources. The proposed new building does not include the demolition or alteration of any cultural heritage resources located on-site or adjacent.

The CCNHCD Plan recognizes that Weber Street is different from the interior of the district and sets forth policies for new development which are specific to this area. The Plan recognizes that Weber Street West is designated High Density Commercial Residential and is supportive of higher density developments provided that it does not result in the demolition of significant cultural heritage resources and is compatible with the character of the streetscape.

The HIA concludes that the development will not result in any adverse impacts related to obstruction, isolation, change in land use, or shadows. The development is considered a neutral impact to adjacent heritage resources within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD) located along Weber Street West and Roy Street.

In summary, the proposed Official Plan Amendment conforms to the general intent of the Official Plan and implements the Major Transit Station Area and Intensification Area policies. The development will result in intensification of an underutilized parcel of land immediately adjacent to the Downtown Area, which will result in the addition of a transit-supportive residential development.

It will support a diversified economy contributing and assist in achieving the City's proposed intensification and density targets. The development has been designed in consideration of the surrounding context and will be compatible with adjacent uses, including existing low-rise residential uses, which are separated from the site, by the Office Residential Conversion area along the south side of Roy Street.

9. PARTS Central Plan

The Planning Around Rapid Transit Stations (PARTS) project was introduced in 2012 in order to provide direction for future development and stability within rapid transit station areas. PARTS also prepared recommendations to ensure these area develop in a transit-supportive way that adds value and economic prosperity to the community and Region as a whole.

The PARTS Central Plan area was the first PARTS plan to be completed. The Plan contains six ION stops and all lands within the plan area are generally within 800 metres of a transit stop. The subject lands are located approximately 280 metres from the Kitchener City Hall stop, located along Duke Street.

The PARTS Central Plan was completed on April 13, 2016 and was approved by the Planning & Strategic Initiatives Committee and City Council. The PARTS Central Plan predates the 2019 Growth Plan and the Region's delineation of Major Transit Station Areas and was a high level plan that did not analyze or conclude on redevelopment opportunities that support Growth Plan direction for maximizing population in proximity to priority transit routes.

10. PUBLIC CONSULTATION

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 an application as part of the 'complete' application requirements.

The original applications were submitted on July 21, 2020. The applications were circulated and a number of public comments were received. The appeals were filed in January 2021 prior to an informal or formal neighbourhood meeting being scheduled.

Given the active appeals, it is anticipated that public consultation will primarily occur through the Ontario Land Tribunal Process. Notwithstanding, the City held an informal Neighbourhood Meeting on September 8, 2021 in order to present the applications and hear feedback.

The OLT process and the City's recirculation of revised reports will continue to provide members of the public with opportunities to review, understand, and comment on the proposed Official Plan Amendment and Zoning By-law Amendment applications.

11. ZONING BY-LAW 85-1 & CROZBY

The City of Kitchener Zoning By-law 85-1 was originally passed in 1985, and has since been amended.

11.1 Zoning By-law 85-1

The subject lands are zoned Commercial Residential Three Zone (CR-3), as shown on **Figure 7**. The CR-3 zone permits the following uses:

PERMITTED USES	
<ul style="list-style-type: none">• Convenience Retail• Day Care Facility• Dwelling Unit• Educational Establishment• Financial Establishment• Funeral Home• Health Clinic• Health Office• Home Business• Hospice• Lodging House• Medical Laboratory• Multiple Dwelling• Office	<ul style="list-style-type: none">• Personal Services• Printing Establishment• Private Club or Lodge• Private Home Day Care• Religious Institution• Residential Care Facility• Sale, Rental, or Service of Business Machines and Office Supplies• Security or Janitorial Services• Street Townhouse Dwelling• Studio• Tourist Home• Veterinary Services

As noted in the above list of permitted uses, Multiple Residential (as proposed) is currently permitted within a free standing residential building with no commercial requirement. The site specific zoning proposed as part of this application includes a minimum ground floor height regulation that would allow for the future conversion of ground floor space to non-residential use.

The following table summarizes the CR-3 zoning regulations and identifies any special provisions that are required as part of the Zoning By-law Amendment application.

REGULATION	REQUIRED	PROPOSED
MINIMUM LOT WIDTH	15.0 m	+/- 27 m
MINIMUM FRONT YARD / SIDE YARD ABUTTING A STREET	3.0 m	0.08 m *
MINIMUM REAR YARD	7.5 m or one half the building height, whichever is greater (23 m)	15.0 m *
MINIMUM SIDE YARD	1.2 m	2.8 m (west side yard) 5.0 m (east side yard)
MINIMUM GROUND FLOOR HEIGHT	No requirement	4.5 metres**
MAXIMUM FLOOR SPACE RATIO	4.0	7.8
MINIMUM LANDSCAPED AREA	10%	8%
OFF – STREET PARKING (RESIDENTIAL)		
RESIDENTIAL RATE (Units larger than 51.0 m ²)	1.25 spaces per unit (144 units x 1.25 = 180)	A total of 24 spaces including 8 visitor spaces.
RESIDENTIAL RATE (Units 51.0 m ² or less)	0.165 spaces per unit (can be applied to a maximum of 40% of units) (18 units x 0.165 = 3)	
TOTAL REQUIRED RESIDENTIAL PARKING	183 spaces	
VISITOR PARKING	20% of required parking (160 x 20% = 32)	
BARRIER FREE PARKING	1 + 3% of required parking = 6 spaces	1 + 3% of required parking = 1 space (2 provided)

* relief required

** additional regulation not currently required

In support of the relief required to the existing zoning we offer the following:

- The proposed minimum front yard setback is consistent with other existing developments along this section of Weber Street West, including St. Andrew's Presbyterian Church which has been developed with a 0 m setback. By minimizing the front yard setback the development is oriented towards to Weber Street, allowing for a 15 metre rear yard setback from low rise properties to the north.

- The proposed rear yard setback is consistent with the Low Rise Residential Transition regulation introduced through CRoZBy and provides sufficient separation, especially given the office conversion area immediately adjacent the subject lands.
- An increase to the maximum Floor Space Ratio is proposed by way of Amendment to the Official Plan and in recognition of the site's proximity to major transit and relative separation from the Low Rise Residential Preservation area of the Civic Centre neighbourhood.
- The minimum landscape area of 8% reflects the current site plan concept. The property is currently developed with an asphalt parking lot and minimal landscaped area save and except for a small grassed area along Weber Street West. New landscaping is proposed along the streetscape, along the western edge of the proposed building and at the rear of the site.
- The reduced parking rate recognizes that the majority of units will be 55 square metres or smaller in size. The development will be marketed towards those who utilize transit and active transportation as their primary modes of transportation. The inclusion of additional structured or underground parking would significantly increase the cost efficiencies of the development and would no longer allow for units to be sold and/or rented at an attainable price point. A further review of the parking reduction is included in Section 12 of this report.
- It is noted that residential development on the opposite side of Weber Street is permitted at a rate of 0.165 spaces per unit for all units' 51 square metres or smaller. The subject lands enjoy the same access and proximity to transit and public parking facilities as lands on the south side of Weber Street West. The slightly larger unit sizes allow for the inclusion of barrier free units, which require more internal floor area.

In addition to the site specific regulations, a Holding Provision is proposed related to the future completion of a Noise Study.

11.2 CRoZBy Zoning By-law Review

The City of Kitchener is currently undertaking a Comprehensive Review of their Zoning By-law, known as CRoZBy. On April 29, 2019 council passed Stage 1 of the city's new zoning by-law for Kitchener. Stage 1 is currently under appeal, and as such until appeals are resolved, the City cannot proceed to adopt subsequent phases. The subject lands were not included within Stage 1.

While draft zoning has been prepared for lands within a Major Transit Station Area, such zoning has not yet been considered by Council. Further review and analysis of the Draft Zoning By-law may be required through the processing of the Zoning By-law Amendment application in order to determine the appropriate zoning should the new Zoning By-law come into force, this may include site specific provisions on the new zoning by-law to recognize the development concept.

12. PARKING REDUCTION

The purpose of this Section is to support the Zoning By-law Amendment application for the subject land which includes, alternative parking standards that result in a reduced parking requirement for the proposed redevelopment of this site.

12.1 Provincial Planning Considerations

The 2020 Provincial Policy Statement (PPS) prioritizes transit-supportive development and intensification within areas where transit is available or planned. Section IV of the PPS sets out the Vision for Ontario's land use Planning System and includes the following statement:

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. (Emphasis added)

Section 1.1.1 of the PPS promotes transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Section 1.1.3.3 of the PPS requires municipalities to identify appropriate locations and to promote opportunities for transit-oriented development, accommodating a significant supply and range of housing options through intensification and redevelopment.

Housing policies in Section 1.4 of the PPS prioritize intensification in proximity to transit and promote densities for new housing which support the use of active transportation and transit in areas where it exists or is to be developed.

Transportation Systems Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicles trips and supports current and future use of transit and active transportation. Transportation Systems Policy 1.6.7.2 directs efficient use of infrastructure through the use of transportation demand management strategies.

The promotion of active transportation and transit use is also included in PPS policies related to Energy Conservation, Air Quality and Climate Change.

The site is located within a Major Transit Station Area, a primary intensification area. The proposed development provides an opportunity for residential intensification along a

Regional Road and a planned transit route. The proposed development prioritizes transit and active transportation above other modes of transportation (i.e. single occupancy vehicles) which is consistent with the PPS Vision for Ontario's land use planning system. The site is well located in terms of active transportation opportunities including cycling and walking.

The 2019 Growth Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario.

Section 2.2.4 of the Growth Plan includes policies for Station Areas which would apply to the subject site. The policies direct that within all major transit station areas, development will be supported that provides alternative development standards, such as reduced parking standards (Policy 2.2.4.8). Policies also confirm that major transit station areas are intended to be delineated to maximize the number of potential transit users within walking distance of the station.

Climate Change policies in Section 4.2.10 require municipalities to develop policies in their Official Plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals including policies that reduce dependence on the automobile support existing and planned transit and active transportation.

The Site is located within a Major Transit Station Area, an area prioritized for intensification and transit use. The proposed parking reduction is consistent with Station Area policies in the Growth Plan which encourage reduced parking standards where major transit is available. The parking reduction is also aligned with climate change policies that speak to reducing dependence on the automobile.

In our opinion the proposed development and related parking reduction is consistent with transit related policies of the 2020 Provincial Policy Statement and conforms to the 2019 Growth Plan.

12.2 Regional Considerations

The current Region Official Plan (ROP) includes a number of high-level policies related to intensification and transit-oriented development.

Transit Oriented Development policies contained within Section 2.D.2 of the ROP require area municipalities to apply transit oriented development provisions in the review of development applications on sites that are served by rapid transit to ensure that development encourages walking, cycling or the use of transit and supports mixed-use development. These policies promote a more compact urban form that locates the majority of transit supportive uses within a comfortable distance of transit stops.

Major Transit Station Area policy 2.D.7 provides direction towards the development of Station Area Plans including a parking management strategy to maximize reurbanization opportunities, minimize surface parking areas and discourage auto-oriented land uses. Policy 2.D.9 encourages area municipalities to apply flexible zoning and reduced parking requirements to facilitate redevelopment to support Transit Oriented development.

Section 3.B (Walking and Cycling) recognizes that *"a substantial portion of the community does not, or will not, have access to private automobiles either by choice or due to financial, age or physical limitations."* (Emphasis added). Section 3.B also states:

Walking, cycling and transit are forms of transportation that are low cost, relatively low polluting, energy efficient and provide significant health benefits. Walking and cycling can either be a form of recreation or an individual's primary or secondary means of transportation. Additional benefits of walking, cycling and transit use include reduced requirements for roadway capacity and parking spaces per traveler, reduced traffic congestion, improved air quality and reduced car dependency.

The Transportation Demand Management section of the ROP (Section 3.C) contains policies directed at the reduction in total number of automobile trips by influencing people to adopt more sustainable travel choices when it comes to types of travel. These policies encourage reduced parking standards for development applications where the owner/applicant agrees to incorporate transportation demand strategies as part of the proposed development.

Energy Conservation policies (3.D.1) support energy conservation through the promotion of compact mixed-use development and the promotion of walking, cycling and the use of transit. The Region supports initiatives that reduce car dependence.

The proposed development conforms with the ROP including policies related to transit-oriented development. The proposed development focuses on walking, cycling and transit as the primary modes of transportation, which supports the sustainability vision for the development.

12.3 City of Kitchener Official Plan

Section 13.C.8 of the 2014 City of Kitchener Official Plan provides the City's policy direction towards the design of off-street parking facilities. Section 13.8.2 states that one objective of parking areas is to: "Reduce parking space demand in support of active transportation and potential redevelopment of surface lots especially in intensification areas".

The development addresses the objective of Section 13.8.2 of the Official Plan in that it will facilitate intensification within a Major Transit Station on lands currently occupied by a surface parking lot. The development also supports the use of active transportation and transit through the provision of secure bicycle parking facilities and a direct pedestrian

connection to the public sidewalk system, connecting the site with all the uses and amenities associated with the Civic Centre District and the downtown.

Policy 13.C.8.2 of the Official Plan provides that the City “may consider adjustments to parking requirements for properties within an area or areas, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt transportation demand management (TDM) measures or where sufficient transit exists or is to be provided.

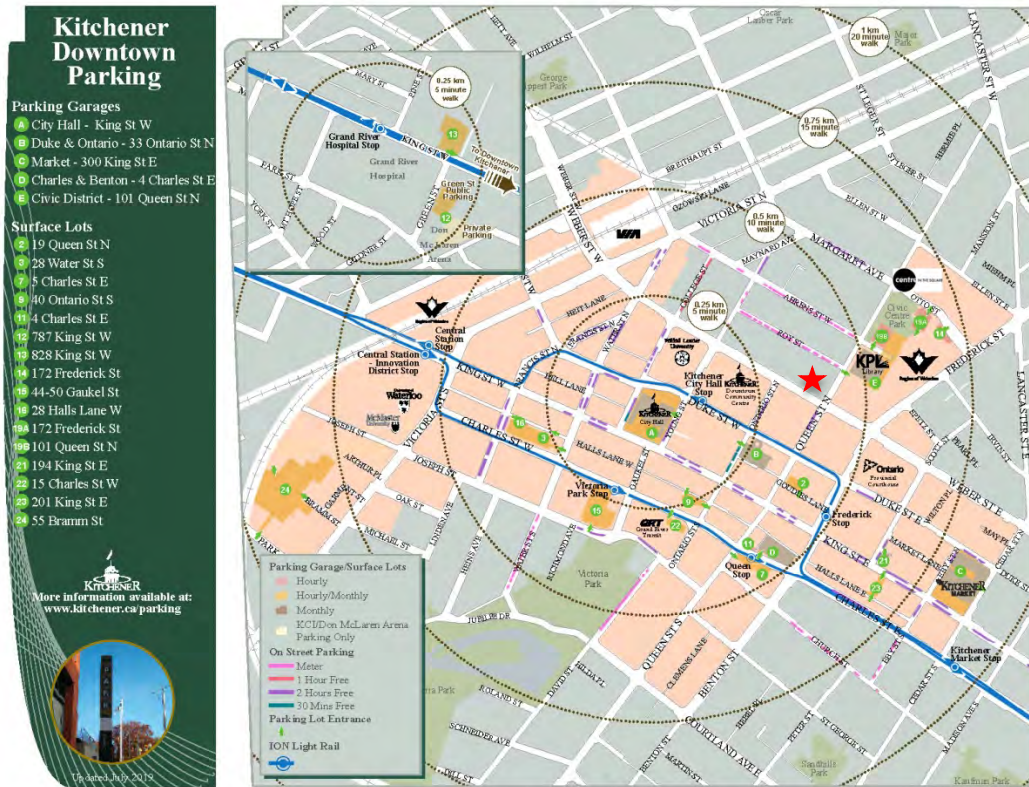
It is noted that the above policy uses the word “or” indicating that the City can consider adjustments to parking when any of the above criteria is met. The following sub-sections analyze the development in the context of alternative parking facilities; transportation demand management measures and the availability of sufficient transit.

12.3.1 Adequate Alternative

In response to part a) of Policy 13.C.8.2, adequate alternative short, medium and long-term parking facilities are available in close proximity to the subject lands for residents and visitors.

The Kitchener Downtown Parking map, included on the following page, identifies multiple City parking lots and garages within walking distance of the subject lands. This includes the following City owned parking garages:

- Civic District Parking Garage located approximately 800 metres from the subject lands and offering hourly, daily and monthly parking options;
- Duke and Ontario Parking Garage located approximately 290 metres from the subject lands) and offering hourly, daily and monthly parking.
- City Hall Parking Garage located approximately 400 metres from the subject lands) offering hourly, daily and monthly parking.



★ 22 Weber Street West

12.3.2 Transportation Demand Measures

The primary justification for the reduced parking is the availability of transit and the proximity of the lands to a priority transit corridor. Notwithstanding, the development has also adopted transportation demand management measures including the provision unbundled parking costs, and secured bicycle parking. A copy of the City’s TDM checklist is attached as **Appendix F** to this report.

12.3.3 Sufficient Transit

As stated throughout this report, the subject lands are located within a Major Transit Station Area and are less than 650 metres from several station stops. The subject lands are also located in close proximity to Kitchener Station, several GRT bus routes and the Region’s future multi-modal hub. Sufficient transit exists and continues to be improved in close proximity to the subject lands. This includes planned improvements to both transit and active transportation (i.e. cycling routes and trails).

In addition to satisfying the considerations in Policy 13.C.8.2 of the Official Plan, which allow the City to adjust parking requirements, the proposed parking rate is similar to the rate that

applies to lands on the south side of Weber Street (which for smaller units require parking at a rate of 0.165 spaces per unit). While the unit sizes in 22 Weber Street are slightly larger (55 m² vs 51 m²), all units are proposed as one bedroom units and all will be marketed towards those who chose to rely on transit and active transportation. Larger units are still proposed as 1 bedroom units, with the increase size relating to building code requirements for barrier free units.

12.4 Application of Zoning By-law 85-1

The City of Kitchener Zoning By-law 85-1 was enacted prior to the approval of the Provincial Policy Statement (2020), the 2019 Growth Plan for the Greater Golden Horseshoe, Region of Waterloo Official Plan and the Council Adopted Official Plan. Together, these documents promote intensification and redevelopment opportunities throughout the City to make the most efficient use of the land, services and infrastructure, including alternative forms of transportation to private automobile. The parking requirements established in the Zoning By-law do not account for the following:

- The implementation of approximately 19 kilometers of Light Rail Transit (LRT) from Conestoga Mall through to Fairview Park Mall. The subject lands are located less than 300 metres from the Kitchener City Hall Station and less than 800 m from a number of other stations.
- Barrier free accessible parking spaces will continue to be provided in accordance with Section 6.7.1 of the City of Kitchener Zoning By-law.
- The unit mix is proposed to be primarily compact, one which tend to result in a lesser dependence on the automobile and lower household auto ownership rates.
- The subject lands are located within a designated Major Transit Station area and are immediately adjacent Kitchener's Urban Growth Centre (downtown). The grid-like urban fabric of the downtown core of Kitchener is walkable and mixed use, providing a variety of employment, shopping, recreational and institutional uses proximate to the subject lands.
- The development will provide secured bicycle storage, which provides an incentive for residents and visitors to use alternative modes of transportation to the private auto.
- That parking for the proposed building is to be 'unbundled' from the cost of the unit. Spaces will be purchased based on owner needs as opposed to being allocated to specific units. Therefore, the maximum number of parking spaces required will be controlled by the owner and the actual cost of parking is made apparent to the tenant.

13. SUMMARY OF SUPPORTING TECHNICAL STUDIES

The following sections summarize the supporting studies submitted in support of the Official Plan Amendment and Zoning By-law Amendment applications.

13.1 Functional Servicing and Stormwater Management Report

MTE was retained to complete a Functional Servicing Report and Stormwater Management Report (FSR), dated July 10, 2020 (revised October 1, 2021), in support of the proposed redevelopment. The purpose of this report is to document servicing, grading and stormwater management opportunities and constraints for the subject lands. Key findings and conclusions from the FSR are summarized as follows:

- The proposed grading design will respect the natural topography of the Site to achieve a reasonable cut/fill balance where possible and match into existing grades along all property boundaries;
- Existing municipal infrastructure for water, sanitary and storm is available along Weber Street West;
- The SWM criteria can be satisfied with the implementation of on-site controls for water quantity and water quality; and
- The volume retention target can be achieved by infiltrating the runoff generated on the building rooftop via an infiltration gallery on the Site, assuming the existing soil conditions are suitable. The condition of the existing soils will be confirmed upon completion of the geotechnical investigation.

The conclusions of the FSR confirm that the development can be adequately serviced by municipal infrastructure and that there is capacity within existing services. The proposed servicing strategy promotes the efficient use and optimization of existing municipal services and is feasible and financially viable. The proposed servicing strategy is consistent with the policies of the PPS and conforms to the policies of the Growth Plan, the ROP and the Kitchener Official Plan. The original report was accepted by City Engineering.

13.2 Pedestrian Wind Study

RWDI was retained to prepare a Pedestrian Wind Study, dated July 10, 2020 (updated to assess the pedestrian experience of the development.

The Study concluded the following:

- The proposed project is not expected to have significant impacts on the existing wind conditions off-site.
- No exceedances of the wind safety criterion are anticipated.
- The main entrance off Weber Street East includes an external enclosure that will provide good wind protection. This design feature should be preserved as it will provide appropriate wind conditions (i.e. comfortable for sitting / standing on an annual basis) at these doors.
- The sidewalk along Weber Street East is expected to be comfortable for strolling during the summer and walking in the winter. These conditions are appropriate.
- Within the parking area it is anticipated that uncomfortable wind conditions can be mitigated.

13.3 Archeological Assessment

A Stage 1 Archaeological Assessment was conducted in June 2020 by Archaeological Research Associates Ltd. (ARA). The investigation encompassed the entirety of the application boundary.

The Stage 1 assessment determined that the entire study area is extensively disturbed. Specifically, deep land alterations associated with the demolition of the earlier structure(s), the laying of fill, the regrading of the area and the establishment of the parking lot have resulted in the removal of archaeological potential from all surficial and deeply buried contexts. It is recommended that no further assessment be required within the subject property.

The report has since been accepted by the Ministry of Heritage, Sport, Tourism and Culture Industries and no further study is required.

13.4 Urban Design Brief

The Urban Design Brief, prepared by MHBC, dated July, 2020 (updated December 2021) provides an overview of the development and outlines the vision and principles of the design. The Urban Design Brief includes an assessment of the proposal in the context of the urban design policies of the City of Kitchener Official Plan and the City's Urban Design Manual.

The development provides a design and plan for a building that aligns with the Vision and Objectives described in Part 2 of the Urban Design Report. The development also meets the general intent of all related policy documents discussed in Part 4 of the Urban Design Report.

The development will:

- Provide for intensification within a Major Transit Station Area;
- Accommodate dwelling units utilizing existing infrastructure;
- Provide support for existing and planned transit services, thereby minimizing future residents' reliance on the automobile.
- Provide a pedestrian friendly streetscape by connecting proposed identifiable pedestrian entrances to the existing sidewalk system and large ground floor windows fronting onto Weber Street West.
- Provide a development that directs density away from the interior residential neighbourhood.
- Encourage active transportation by providing secure indoor bicycle parking and building entrances in close proximity to existing transit routes/stops.

In our opinion the proposed redevelopment is appropriate for this location and will contribute positively to the character and built form along the Weber Street Corridor.

14. SUMMARY & CONCLUSIONS

As outlined in this report, together with the supporting technical reports, the development of the subject lands represents good and sustainable planning. This opinion recognizes the following:

- I. The development is consistent with the Provincial Policy Statement, 2020 and conforms to the policy framework of the Growth Plan for the Greater Golden Horseshoe, 2019 by contributing to the density targets for Major Transit Station Areas on Priority Transit Routes;
- II. The development conforms to the policies of the Region of Waterloo Official Plan, and contributes to the density of a Major Transit Station Area;
- III. The proposal provides for the redevelopment of an underutilized site within a Major Transit Station Area in the City of Kitchener on lands that are well located with respect to a range of uses and transit infrastructure;
- IV. The proposed design is to be compatible with adjacent existing uses and respects the physical character, scale and context of the surrounding neighbourhood;
- V. The proposed design does not include the demolition or alteration of any cultural heritage resources located on-site or adjacent;
- VI. The development does not result in the removal of natural heritage features;
- VII. The site is clear of archaeological resources;
- VIII. The use of available infrastructure and servicing within the City is optimized through connections to existing municipal services;
- IX. The development contributes to the range and mix of uses within the Civic Centre Neighbourhood and adjacent to Downtown Kitchener and supports general economic development objectives;
- X. The proposed high density residential use provides support for the ION rapid transit network through additional residential density; and

- XI. The proposed design provides for an improved streetscape and pedestrian experience along Weber Street West.

Accordingly, it is concluded that the development is appropriate and represents good planning. The requested Official Plan Amendment and Zoning By-law Amendment applications should be accepted for processing and deemed complete. Details associated with site development will be addressed at the site plan control stage.

Yours Truly,

MHBC



Andrea Sinclair, MUDES, MCIP, RPP
Partner



Appendix **A**



RECORD OF PRE-SUBMISSION CONSULTATION
City of Kitchener
Development Services Department
Planning Division, 6th Floor
200 King Street West
Kitchener, Ontario N2G 4G7
Phone: 519-741-2426
Fax: 519-741-2624

CONFIDENTIAL

This document contains confidential information that is not part of a Planning Act application.

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.

Date of Pre-Submission Consultation Meeting: November 14th, 2019

Address: 22 Weber Street West

Planning Staff on File: Juliane vonWesterholt

Meeting Attendees: Juliane vonWesterholt, Adam Clark, Steven Ryder, Pegah Fahimian, Victoria Grohn, Denny Cybalski (applicant/owner), Paul Britton (MHBC Planning), Andrea Sinclair (MHBC Planning)

Applicant/ Owner: Denny Cybalski

Type of Application(s): Official Plan Amendment, Zoning By-law Amendment and Site Plan

Pre-Submission Fee in the amount of \$1839.00 has been paid in full. Receipts # 212273 & 212274

PART I. SUMMARY OF PROPOSAL

The applicant is proposing a 15 storey, 104 unit residential building with a Floor Space Ratio of 6.0.

PART II. DEPARTMENT / AGENCY COMMENTS

The following constitutes the minutes of Pre-Submission Consultation Meeting and provides a summary of the comments and concerns raised by City staff and commenting agencies.

A. City Planning Division Comments provided by: Juliane von Westerholt 571-2200 x 7157

Summary of the proposal

- 15 storeys
- 104 units
- FSR of 6
- Backs onto 3 storey Heritage Conservation District and Civic District Secondary Plan
- Transitioning important
- Tall Building Guidelines apply to projects over 8 storeys
- Shadow and overlook potential concerns

Policy Framework

Existing Civic Centre Secondary Plan

- The subject lands are located within the Civic Centre Secondary Plan and are designated High Density Commercial Residential. The aim of this designation is to recognize the proximity of the Civic Centre Neighbourhood to the higher intensity land uses of the Downtown and the location of these lands along a Primary Road. This designation also provides for higher intensity uses adjacent to the Downtown.
- Permitted uses include multiple residential dwelling units that exceed 200 units per hectare and a number of other commercial uses not proposed for this development.
- The maximum FSR for the subject lands in the current designation is 4.0.
- Any redevelopment of these lands must obtain access from Weber Street.
- The policies of the Secondary Plan are currently under review and are subject to change. These will be discussed below.

PARTS Central Plan

The PARTS Central Plan recommended that these lands be redesignated to Medium Density Mixed Use with an FSR ranging from 1.0 to 2.0 through the Secondary Plan Review process.

Proposed Civic Centre Secondary Plan

- The Secondary Plan is also under review and will be going to Council soon with revisions and new policies anticipated in December 2019-early 2020.
- The subject property is proposed to have a new designation of "Medium Density Mixed Use".
- Initially the proposed FSR for these lands was to implement the PARTS recommendation of a maximum FSR of 2.0. However, much discussion and modelling of the potential

densities envisioned for the area has occurred and the City is now proposing an FSR of a maximum of 4.0 as these lands are also located in a Major Transit Station Area (MTSA).

- Generally, the maximum proposed building height is proposed to be 8 storeys or 26 metres.
- Section 16.D.9.4 states that the planned function of lands within an MTSA in Secondary Plans is to provide for a range and mix of uses and identify intensification opportunities in appropriate and compatible locations to support ION, while protecting the established character of the existing neighbourhoods.
- Despite the location of the subject lands in an MTSA, Section 16.D.9.6 of the Official Plan states that notwithstanding the identification of land in a MTSA, the policies and regulations of the applicable land use designation and implementing zoning by-law may be more restrictive to ensure appropriate and compatible development and/or redevelopment adjacent to and within established neighbourhoods.
- In light of this policy direction, the review of the Secondary Plan will be recommending an FSR of 4 and recommending a zoning of MIX 3, which will also have a cap at 4.0 FSR, due to its location within the Cultural Heritage Landscape.
- In regards to the OP policies cited, appropriate transition in height will be important to achieve the compatibility with the adjacent Cultural Heritage Neighbourhood within the Civic Centre Secondary Plan area (which permits a maximum height of 3 storeys) and to maintain the pedestrian scale of the development
- ***The developer is encouraged to submit a design for the site that conforms with the OP with respect to the height and density permissions moving forward, namely with a maximum FSR of 4 and building height with a maximum of 8 storeys or 26 metres.***
- ***The proposed FSR of 4 is the same as current OP permissions.***

Zoning

- The subject lands at 22 Weber Street West are currently zoned CR-3 in the 85-1 Zoning By-law, which permits multiple residential uses subject to a range in FSR from 1.0 to 4.0 and there are currently no height restrictions in the zoning.
- However, this property backs onto lands that are zoned R-5, and 164 U which also allows multiple residential uses, but are restricted to a max of 3 units and height of 10.5 m.
- The City will be going to committee and council with the new zoning by-law to implement the new Secondary Plan policies, which is the result of the Secondary Plan review in December or early next year 2020.
- A decision on the proposed zoning is expected to align and be concurrent with the Secondary Plan (December 2019/or early 2020)
- ***The proposed zoning for the subject lands is "MIX-3" zone which would permit mixed uses of a medium density within the Major Transit Station Area and a maximum height of 8 storeys and an FSR range of 0.6 to 4.0.***

Tall Building Guidelines

- The Tall building guidelines (TBG) will apply to all buildings should the proposal exceed 8 storeys. The applicant is encouraged to review the TBG and to have these inform the redevelopment of this site with the appropriate setbacks both on site and off site, as well as give consideration to shadow and overlook impacts to neighbouring properties, and

provide appropriate transitions in height in order to meet the intent of the guidelines. An analysis of the TBG and how they have been applied to this development should form part of the Planning Justification Report and Urban Design Brief.

High level comments:

- The proposed density is 1 ½ times higher than that which is envisioned in the Secondary Plan and an Official Plan amendment to the new Secondary Plan policies may not be supportable, so soon after the adoption of the new policies.
- The height of the proposed building is almost 2 times the height of the maximum height in the proposed Secondary Plan and the MIX -3 zone.
- The owner is encouraged to work with the City through the design process to develop a design for the site that is consistent with the direction in the OP and meets the height and FSR envisioned for this area.
- The existing residential neighbourhood in behind this development is restricted to 3 stories and any development of these lands would have to be compatible therewith and provide for appropriate transitions to these lands through appropriately scaled building design.
- A Planning Justification Report is required for this development. This should include any rationale to support the increase in density and height and should provide an evaluation of the design proposal and how it achieves the expectations of the TBG as well as other relevant sections of the Urban Design Manual as well as the policy objectives of the Secondary Plan.

a. **Urban Design Comments** provided by: Pegah Fahimian x 7342

General information

Within the City's approved Official Plan there are numerous sections that are relevant including Part C, Section 11 Urban Design.

www.kitchener.ca/officialplan

A link to the City of Kitchener Urban Design Manual – UDM - is provided. Please be aware that over the next year this document will be updated to reflect Official Plan policies and new standards of best practice. www.kitchener.ca/udm

Part A of the Manual provides further urban design and built form objectives. **Part B** of the Manual contains Design Briefs which outline specific requirements related to particular geographic areas or land uses. **Part C** of the Manual contains City standards for many site development requirements and these should be accurately reflected in the proposal: parking stall dimensions; aisle widths; sidewalk dimensions; planting rates; landscape plan details; dark-sky luminaire compliance and photometric details.

The following sections of the Urban Design Manual must be considered when doing the detailed design of the site:

Contents

City-Wide Design

Residential Infill in Central Neighbourhoods

Structured Parking

Tall Building Urban Design Guidelines

Urban Design Comments:

- Tower will need to meet tall building guidelines, specifically with regard to separation. Tower separation distance is estimated 7.2 m from the side property lines and the tower should step back from its base a minimum of 3m along any street-facing elevation. Proposal will need to respond by reducing building length and/or height until the resulting built form meets its corresponding separation target.
- The proposed residential units are located too close to the side property lines which may lead to overlook and privacy concerns from adjacent properties
- Provide transition to the surrounding low rise building through stepbacks and massing. The massing may be subdivided into smaller, compatible pieces.
- Underground parking is preferred to reduce the massing of the proposal includes above grade structure. Integrate above ground structured parking into the base design and place it behind active uses along street edges. Where visible, screen/clad above-grade structured parking using high quality materials consistent with and complementary to the overall building design.
- Provide floor plans which show access to the structured parking levels from ground level
- Provide materiality and texture shifts at the podium and across the towers and incorporate variations in tower setbacks from the base distinguish the tower form from the podium. Provide natural surveillance by employing high percentages of glazing, active uses at ground level and incorporate more units with windows and balconies on the main facade with views onto the street
- Use of natural or built canopies /cantilever to enhance pedestrian refuge and define public realm is encouraged
- Roof top and podium amenity is to be noted and provided. Place amenity spaces in locations with good natural surveillance from units, public spaces
- Wind assessment and Noise feasibility study required for outdoor amenity and the pedestrian realm on Weber street
- Provide clear, continuous and highly visible pedestrian circulation that connects building entrances, parking areas, and shared spaces to the sidewalk and street.

The following items are to be provided as part of the Zoning By Law/ Official Plan amendment

- Urban design brief
- Win and Noise study
- 3D Massing model

The following items are to be provided as part a full site plan application:

- Preliminary floor plans and 3D massing model (update if required)
- Building elevations (color)
- Urban Design Report that addresses compliance with the Urban Design Manual, Including the Tall Building Design Guidelines (update as needed) (e.g., confirmation of how tower separation and overlook conformity has been achieved and justification if has not been met, as per TBDG),
- Landscape plan in combination with a tree management plan,

- Grading plan
- Wind study (update as needed)
- Truck turn template

The following items are to be provided and approved after Approval in Principle to clear conditions of site plan approval

- Building elevations
- Lighting plan
- CPTED report will be required
- Sustainability statement
- Cost estimate
- Letter of credit
- 5% plan review fee

Urban Design Brief:

An Urban Design Brief should be submitted as part of a complete application. An Urban Design Brief should address how the site achieves the objectives detailed in the City's Official Plan as well as the design direction and standards outlined in the City's Urban Design Manual including the City-wide design, Residential infill in Central neighbourhoods, structured parking and City's Tall Building Guidelines. *A Detailed Terms of Reference will be provided upon request*

Generally, this Brief will include:

- A full Wind Study and sun/shadow analysis is required to demonstrate development is designed to mitigate unwanted microclimate impact
- A Tall Building Analysis
- A 3D massing model including preliminary building elevations and anticipated building materials
- A discussion and assessment of compatibility and contextual fit of the proposal into the existing and planned neighbourhood including a discussion of overlook/privacy concerns, transition to low rise buildings, contribution to city skyline and impacts to views and sightlines;
- A discussion of the proposed massing, scale, design and character including distinction of the base/middle/top portions of the building, articulation, stepbacks/projections and property setbacks;
- Assessment of functional considerations such as private and common amenity space, pedestrian connectivity, vehicle movement, fire access and garbage collection
- A neighbourhood character analysis including: architectural style and building features such as cornices, gable heights, porch elevations and roof pitches, building materials, Lot fabric and dimensions, the placement of the dwelling on the lot as it relates to the lot lines
- Functional considerations such as private and common amenity space, pedestrian connectivity, fire access, garbage and on street parking should be included

A Tree Management is required – please see UDM Part C, Section 13 and www.kitchener.ca/treemanagement

- The tree management plan should identify all existing trees to be retained, relocated and removed and the tree management methods to be employed to protect any existing trees

during construction in accordance with the City's Tree Management Policy. This plan should also identify all trees located on adjacent properties, where the dripline encroaches on to the subject property, in order to ensure that these trees are not directly impacted by any proposed grading

- The tree management plan should accurately show the driplines of the trees; identify the species, condition of the tree, impact of development on the tree and show the existing and proposed grades.
- Written permission for removal of or impact to trees in joint ownership along property lines is required

A Landscape Plan is required - please see UDM Part C, Section 15

- Landscape plantings to City standards are required along all property lines, surrounding the Building and in parking lot islands
- Provide minimum 1.5m landscape buffer between parking areas and side and rear property lines
- A visual barrier of 1.8m will be required where parking is adjacent to residential land uses
- Pedestrian crossings of drive aisles should be in an alternate material. Painted lines are not acceptable
- Advice on how the garbage and loading space will be handled on the site and adequate on-site truck circulation should be provided for garbage pick-up. A full, roofed enclosure or deep well storage system is required
- Demonstrate how snow storage will be handled across sites.
- Required bicycle parking should be shown. Indoor/Outdoor bicycle parking should be provided on a hard surface and in an area with good oversight. Floor plans demonstrating adequate indoor, secure bike parking should be provided.
- Please show all fencing, bollards, access control gates and site furniture on the landscape plan and provide appropriate details
- Please see City of Kitchener fence and sign bylaws for requirements

A copy of the Grading Plan must be submitted with the Landscape Plan

A Lighting Plan is required - please see UDM Part C, Section 4

- provide site lighting, scoped to the surface parking areas, to the standard in Part C of Urban Design Manual
- All site lighting must be full cut-off and dark-sky compliant
- In accordance with current best practices, all fixtures should have a CCT of 3000K or less
- Information regarding timing controls, lighting/dimming schedule as well as any motion detection sensors should be included
- The garage interior shall be painted white.
- The standard City of Kitchener Lighting Designer declaration should be included on final submission.

Building Elevations and a 3D Model are required

- Please provide materials specifications indicating manufacturer, product, and colour specifications.

- Please ensure that all publically visible facades are well articulated and detailed
- All Utilities, building-mounted or ground-based AC units should be should be located away from public view and fully screened.

Cost Estimate and Letter of Credit (LOC)

- A cost estimate for all required on-site development works will be required in standard City format
- A Letter of Credit for 50% of the approved Cost Estimate will be required
- The developer should contact City Legal Services 519.741.2200 x 7858 **in advance of obtaining their Letter of Credit**, in order to have the DBRS rating checked and pre-cleared.
- Certification of the completed site works will be required

Plan Review Fees

- Plan review fees will be required at the rate of 5% of the approved cost estimate.

A Fire Route Plan may be required

Contact Jeff Wildfang jeff.wildfang@kitchener.ca 519.741.2200 x 5515 or Greg Reitzel for information and approval greg.reitzel@kitchener.ca 519.741.2200 x 5510

b. Cultural Heritage Comments Provided by: Victoria Grohn x 7839

Heritage Planning staff provides the following comments in relation to the proposed development of a 15 storey, multiple residential building on the parcel of land located at 22 Weber Street West, to be discussed at a Pre-Submission Consultation meeting on November 14, 2019.

The subject property at 22 Weber Street West is located within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD). As such, it is designated under Part V of the Ontario Heritage Act and is subject to the policies and guidelines contained within the CCNHCD Plan. A copy of the CCNHCD Plan is available on the City's website.

Section 2 of the Planning Act identifies matters of provincial interest, which includes the conservation of significant features of architectural, cultural, historical, archaeological or scientific interest. Section 3 of the Planning Act requires that decisions of Council be consistent with the Provincial Policy Statement (PPS). Policy 2.6.1 of the PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Section 2.6.3 of the PPS states that Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Regional and municipal policies and guidelines also address the conservation of cultural heritage resources. The Regional Official Plan contains policies that require the conservation of cultural heritage resources. These policies also establish the requirement for the submission of studies, such as Heritage Impact Assessments (HIA), as part of complete planning applications.

The CCNHCD Plan contains area specific policies to guide development on Weber Street West and establishes that a Heritage Impact Assessment may be required for any redevelopment proposals within or adjacent to the CCNHCD. The CCNHCD Plan also contains area specific design guidelines for Weber Street West.

Heritage Planning staff will require that **a scoped HIA be submitted as part of complete Planning applications**. The scoped HIA will need to assess the potential impact of the subject applications (OPA/ZBA and Site Plan) and the proposed development, and if an impact is identified, then recommend mitigative measures to avoid or reduce those impacts.

The scoped HIA will need to address the potential impact of height, built form, setbacks and massing of the proposed development on the Weber Street West streetscape and on the integrity of the CCNHCD in general. As part of this assessment, staff will expect an angular plane analysis and a 3D massing model, to scale, showing the front and side elevations from both approaches on Weber Street West. The HIA will also need to speak to how the details of the proposed design (architecture, materials, colours, etc.) address the CCNHCD Plan guidelines for New Buildings, and in particular the guidelines contained in the CCNHCD Plan for infill development on Weber Street West.

Heritage Planning staff note that the proposed new construction will also require the submission and approval of a Heritage Permit Application. The final approval of a Heritage Permit Application rests with City Council. Heritage Planning staff encourage the applicant to submit a complete Heritage Permit Application following consideration of the Site Plan for Approval in Principle. Issuance of a Heritage Permit will be made a condition of final Site Plan approval.

Approval of the scoped HIA will be required prior to the Site Plan being considered for Approval in Principle. The terms of reference for the scoped HIA will be provided as part of the Record of the Pre-Submission Consultation meeting.

In summary, Heritage Planning staff will require the following information to be submitted as part of complete OPA/ZBA and Site Plan applications:

- Three (3) hard copies and one (1) electronic copy of the scoped Heritage Impact Assessment (with a "DRAFT" watermark background). Following the review of the HIA by City staff, five (5) hard copies and one (1) electronic copy of the final scoped HIA (with "DRAFT" watermark background removed) will be required.
- c. **Environmental Planning Comment** provided by: Barabara Steiner x 7293
 - There are no natural heritage features or functions of local, Regional, Provincial or national significance on, or adjacent to, the subject property.
 - **However**, trees subject to the City's *Tree Management Policy* exist on the property, particularly at the property boundaries, and in shared ownership with adjacent lands. As required by the City's Council-adopted *Tree Management Policy* (rev. 2001), a study that fulfils the requirements for **BOTH** a General Vegetation Overview (Section 3.2, Appendix A) **AND** a Tree Preservation / Enhancement Plan (Section 3.4, Appendix C) must be submitted **as part of a complete application (OPA / ZBA). This study will be circulated**

to, and reviewed and approved by, both Environmental Planning and Urban Design staff.

- The reason for this level of detail (survey, inventory of individual trees) is to assist in evaluating the appropriateness of the OPA / ZBA and the potential impact on trees subject to the policy. The study will also assist in answering questions from citizens during both Neighbourhood Information (NIM) and Statutory Public Meetings.
- **Advice:** No portion of the subject property is regulated by the GRCA.

B. City Department Comments

- a. **Transportation Services Comments** provided by: Steven Ryder x 7152

Zoning By-law Amendment comments:

1. NOTE: If any changes to the design occur that would increase the required parking (ie. unit size), and if there is a reduction in parking sought, a parking justification study would be required as part of the complete zoning by-law amendment application.
 - a. The property falls within the PARTS study area and is eligible for parking reductions through the TDM checklist process. I can provide more details, if desired.

Site Plan Comments:

- a. Adequate on-site truck circulation is to be provided for garbage removal and loading spaces. As part of a complete site plan application, separate plans are to be submitted illustrating truck movements on the proposed site plan (This can be done using AutoTURN software). Note that trucks are to enter and exit in a forward motion.
- b. The applicant is to confirm whether there are any existing shared access agreements and or easements with the adjacent property for the main drive aisle.
 - a. The existing concept plan is not clear enough regarding the layout and width of the main drive aisle. For proper two-way ingress and egress from the site, the applicant must demonstrate that the proper width of the drive aisle can be achieved, and whether or not a shared access agreement is required (if one does not currently exist).
- c. The parking area is to be paved and curbed as per City of Kitchener standards.
- d. More detailed dimensions are to be shown on the site plan, including:
 - a. Drive aisle widths
 - b. Typical parking space
 - c. Hammerheads
 - d. Barrier-free spaces, if provided.
- e. Non-parking areas are to be hatched with pavement markings to discourage vehicles from parking in these areas.
- f. Parking spaces cannot overlap between two properties.
- g. Bicycle storage is required.
- h. Garbage and snow storage will need to be addressed.

a. **Engineering Comments** provided by: Niall Melanson x7133

Zoning By-law Amendment Specific Comments:

A Functional Servicing plan showing outlets to the municipal servicing system along with the storm and sanitary design sheets are required to the satisfaction of Engineering Services. The sanitary zoned and actual peak flow must also be submitted to run the sanitary capacity modeling. The City of Kitchener will use this information to determine if there are any downstream issues. If the capacity analysis determines that the pipes will need to be upgraded to support the development, then these upgrades will be rolled into the development costs. Further studies will be required at the time of development to determine the approximate amount of sanitary sewers that will need to be upgraded to accommodate the above developments.

A Water Distribution Report is required to the satisfaction of Engineering Services in consultation with Kitchener Utilities and the Region of Waterloo.

b. **Site Plan Specific Comments:**

- Stormwater Management: To address Stormwater **quantity** concerns, the post-development flows are to be attenuated to the 5 and 100 year pre-development levels. A Stormwater Management Scheme is required for quantity control prior to site plan approval.
- Stormwater Management: To address Stormwater **quality** concerns, the owner may either contribute payment in accordance with the City's Master Stormwater Management Policy in the amount of **\$100,575.00/ha** (2019 rate) for that part of the cost of the City's stormwater quality management system attributable to the site in accordance with the aforementioned policy **OR** provide Enhanced level (formerly Level 1) water quality control to the satisfaction of Engineering Services prior to site plan approval.
- Stormwater Management: Based on the SWM Policy (MUN-UTI-2003) approved by Council, the SWM design must allow for retention of the runoff that is generated from the first 12.5mm of rainfall from all surfaces on the entire site. If the full retention cannot be achieved a fee would be implemented in the amount of \$100,575.00/ha for the difference. **As part of a complete application, a functional SWM Brief and a Geotechnical Report are required to illustrate how retention will be accomplished within the site.**
- Stormwater Management: The City of Kitchener has implemented a Stormwater Management Credit Program. Property owners must enroll in the credit program prior to certification sign off. Approved credits are applied to the stormwater portion of the property's utility bill. To learn more about the approved stormwater best management practices and the information you need for the application, visit www.kitchener.ca/stormwatercredits. Any further enquiries in this regard should be directed to Chris Nechacov, Stormwater Utility – Engineering (519-741-2200, ext. 7148).
- Servicing: A Site Servicing plan showing the existing and proposed services on the property as well as the outlets to the municipal servicing system along with the sanitary and storm sewer design sheets will be required to the satisfaction of Engineering Services prior to site

plan approval. Sanitary peak flows are also required to ensure sanitary capacity within the municipal sanitary sewers.

- Servicing: The owner is required to make satisfactory financial arrangements with Engineering Services for the removal of any redundant service connections and the installation of new ones that may be required to service this property, all prior to site plan approval. Our records indicate municipal services are currently available to service this property.
- Servicing - Off-Site Works Soil Condition: If Off-Site servicing works are required it is recommended that the owner take the necessary steps to determine if soils in the right-of-way where proposed servicing is to take place will be suitable to be re-used as trench backfill.
- Development Asset Drawing: A Development Asset Drawing (digital AutoCAD) is required for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services.
- Erosion and Sedimentation Control: An Erosion and Sedimentation Control plan is required to the satisfaction of Engineering Services prior to site plan approval.
- Grading: A Grading and Drainage control plan is required to the satisfaction of Engineering Services prior to site plan approval.
- Design Coordination: Please note that the Grading Control Plan and the Erosion and Sedimentation Control Plan for site plan developments require coordination between the engineering consultant and the landscaping consultant. Accordingly, prior to acceptance of the Grading Control Plan and the Erosion and Sedimentation Control Plan please ensure that each of the respective design professionals have duly signed these plans.
- Letter of Permission: If it is shown on the plans that construction activity as a result of site servicing or grading works will encroach onto neighbouring lands, the City of Kitchener will require a letter of permission from each property owner affected by the proposed works. The letters of permission must be received by Engineering Services prior to acceptance of grading control plan, erosion and sedimentation control plan, site servicing plan, stormwater management plan and the stormwater management report.
- Driveways: Any redundant driveways are to be closed with new curb and gutter and boulevard landscaping, all to City of Kitchener standards and any new driveways are to be built to City of Kitchener standards at grade with the existing sidewalk. All works are at the owner's expense.
- Snow Storage: Snow storage areas are to be shown on the Site Plan and Grading Plan. If snow is to be hauled off site, this will form part of the development agreement conditions.

b. Building, Fire & Utilities Comments provided by: Jasmina Catana x7831

Contacts:

Building: Jasmina Catana (519-741-2200 ext. 7831)

Fire Prevention: Greg Reitzel (519-741-2200 ext. 5510); Richard Brooks (519-741-2200 ext. 5516)

Utilities: Angela Mick (519-741-2600 ext. 4408)

Specific Site Comments:			
Fire Route Design (OBC Division B - 3.2.5.)	Yes	No	N/A
Fire Hydrant	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Flow Demand Analysis to be approved by Utilities (see link below for details) https://www.kitchener.ca/en/building-and-development/development-manual.aspx#	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Access Route to be approved by Fire Prevention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle entrance; Siamese and/or FACP to be shown on plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emergency Turn around, if required	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Multiple Unit Identification Sign	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
General Comments			
Demolition Permit(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Record of Site Condition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15% of the Residential units are required to be barrier free accessible	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City of Kitchener Engineering Division approved site servicing/grading plans to be submitted prior to building permit issuance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unit numbering	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No comments/concerns regarding this application			
Number of Res Units: 104	Number of Storeys: 15	Total Floor Area: 88,863SF	Approx. start Date: unknown

Addition of floor area &/or dwelling units may be subject to development charges. For more information visit www.kitchener.ca/developmentcharges

Disclaimer:

These comments are provided on the site plan submitted October 17, 2019. Comments are subject to change dependent on discussions/comments arising at the Site Plan Review Committee meeting.

For more specific Building Code comments/concerns please contact Building to set up a pre-application meeting.

c. Community Services Comments provided by: Karen Leasa x 4176

1.0 Parkland Dedication

- .1 Parkland dedication will be required for the proposed development at the time of Site Plan Application in the form of cash-in-lieu.
- .2 Should any further revisions be made to the site plan, a revised parkland dedication may be required.
- .3 Dedication requirements are subject to the Parkland Dedication Policy current at the time of application.
- .4 In the event of a discrepancy between the parkland dedication calculation form and this memo, contact the above-noted Parks & Cemeteries staff for clarification.

Multiple Residential (Apartment)

- .1 Parkland dedication will be required for the application taken as cash-in-lieu of land at the policy standard rate of 1ha per 500 units, at a value of \$1,359,000.00 per hectare as per the Multiple Residential (Apartment) land class.
- .2 With its proposed residential unit count of 104, the estimated parkland dedication cash-in-lieu of land amount is calculated at **\$282,672.**
Calculation: $([104] / 500 \text{ units}) \times \$1,359,000.00 = \$282,672.00$

2.0 Street Trees

1. As 22 Weber St. W. is situated along a Regional Right-of-Way, the City defers to the Region of Waterloo for comment on any street tree plantings.

C. Other Agency Comments

a. Grand River Conservation Authority Comments provided by: Andrew Herreman 519-621-2763 x2228

There are no features regulated by the GRCA therefore the GRCA will not be commenting.

b. Region of Waterloo Comments provided by: David Welwood (519-575-4400 x3120)

Summary:

The owner/applicant is proposing a zoning by-law amendment to allow for a 15-storey residential building (rental) with 104 residential units. The purpose of the official plan amendment is to request additional density (floor space ratio) for the subject lands. The subject lands are currently used as a surface parking lot.

The subject lands are located in the Built-Up area as shown on Map 3a of the Regional Official Plan (ROP) and are within a Major Transit Station Area (MTSA).

Regional Municipality of Waterloo

Community Planning

Fee

Pursuant to Region Fee By-law 19-016, the applicant will be required to submit the following fees:

- Zoning By-Law Amendment Fee: \$1,500.00
- Official Plan Amendment Fee: \$5,750 (upon adoption)
- Noise Study Review Fee: \$250
- Site Plan Review Fee: \$850
- Region Access Permit Fee: \$230

Planning Justification Report

A Planning Justification Report (PJR) will be required and must be submitted as part of a complete application. The Report must address the policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe (P2G) 2019, the Regional Official Plan (ROP) and the City of Kitchener Official Plan.

Affordable Housing

The Region supports the provision of a full range of housing including affordable housing. Staff recommends that the applicant consider providing a variety of bedroom types, as well as increasing the number of affordable housing units proposed and dispersing them throughout the building. Staff further recommends that the applicant meet with Housing Services to discuss the proposal in more detail and to explore opportunities for providing a range of affordable units through partnerships or programs.

The development proposes 104 residential units and 29 parking spaces. For the purposes of evaluating the affordability of an ownership unit, based on the definition in the Regional Official Plan, the purchase price is compared to the least expensive of:

Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households	\$448,679
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$306,094

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$306,094.

For the purposes of evaluating the affordability of a rental unit, based on the definition of affordable housing in the ROP, the average rent is compared to the least expensive of:

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low and moderate income households	\$1,310
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$796 1-Bedroom: \$1,021 2-Bedroom: \$1,210 3-Bedroom: \$1,247 4+ Bedroom: \$1,254

In order for a unit to be deemed affordable, the average unit rent for the property must be at or under the average market rent in the regional market area, as listed above.

Corridor Planning

Dedicated Road Widening:

At the site plan stage, a dedicated road widening of approximately 3.0m will be required along entire property frontage on Regional Road 8 (Weber Street West) to comply with the Regional Official Plan (ROP) designated road width of 26.213m. An Ontario Land surveyor (OLA) would determine the exact amount of widening to be conveyed.

The draft reference plan, prepared by an OLS must be submitted for review and approval prior to submitting the site plan to Lands Registry office.

All costs associated with the road widening would be owner's responsibility and the lands must be dedicated to the Region free of any contamination and encumbrances.

Access Permit / Access Regulation:

The access should be located at the easterly property limits to keep it farthest possible from the intersection. The access must be 7.6m-9.0m throat width at the future property line with a 6.0m minimum curb radii. An Access Permit with applicable fee (currently \$230) will be required for any access on Weber Street West. Any redundant access will be closed and will also require an access permit for closure (no application fee). Application permit application is available at: [https://www.regionofwaterloo.ca/en/resources/Access Permits-access.pdf](https://www.regionofwaterloo.ca/en/resources/Access_Permits-access.pdf)

It should also be confirmed if there is an existing shared access with the adjacent property owner to the southeast; and/or if there is a desire to do so with the proposed development.

Stormwater Management Report:

Storm sewers within the Regional road right-of-way are generally sized and designed to only accommodate stormwater from the right-of-way and in some instances off road surface drainage under existing conditions. A private stormwater connection to any storm sewer on Weber Street West will be discouraged where an alternate stormwater connection is available, including infiltration, or if it is determined that the Weber Street storm sewer does not have the sufficiency (condition and capacity) to accommodate private stormwater flows from this site. It is the responsibility of the applicant's engineering consultant to determine an appropriate stormwater outlet from this site and the sufficiency of the receiving storm system if there is no other option available and to include this information in the stormwater management report.

The applicant or their consultant should contact Mr. Malcolm Lister, manager, Technical Services for the Region of Waterloo at 519-575-4432 or MLister@regionofwaterloo.ca to determine if any engineering plans and/or further technical information for Weber Street West is available which may be of assistance.

At the site plan stage, the applicant must submit electronic copies of detailed Site Grading & Drainage Control Plan(s) and Site Servicing Plan(s) along with a Stormwater Management (SWM) report for Regional review and approval. This should include drainage details for the subject property, abutting properties and the public road allowance so as to ensure compatible drainage and to show thereon all existing and proposed connections to the municipal storm sewers, sanitary sewers and water mains and all detailed erosion and siltation control features, all to the satisfaction of the Regional Municipality of Waterloo.

The site must be graded in accordance with the approved plan and the Regional Road allowance must be restored to the satisfaction of the Regional Municipality of Waterloo

Transit Planning:

There is not any existing or planned transit route along this section of Weber Street and the development is located within walking distance of Kitchener City Hall Station as well as bus stops at Weber/Queen.

If a TDM report is required by the City of Kitchener, a copy of the report should be provided to Regional staff at site plan stage. There is no transit requirement for the proposed development.

Site Servicing / Work Permit / Municipal Consent:

No servicing plan has been received with the above application.

A Municipal Consent will be required at site plan control for the installation of any proposed/required service connections. Also, a Region of Waterloo Work Permit must be obtained from the Region of Waterloo prior to commencing construction within the Region's right of way. In this regard, please visit <https://rmowroadpermits.mirasan.ca/> for further guidance.

Environmental Noise:

The proposed residential development will be impacted by environmental noise from traffic on Weber Street West. Although, an environmental noise study would normally not be a Regional condition for a Site Plan application, it is strongly recommended that the proponent undertake a detailed Environmental Noise Study to assess the impacts of environmental noise, well in advance of the planning stage; to avoid any retrofit to the building at a future application stage, keeping in view the following comments. At minimum, a noise feasibility report will be required as part of a complete application for the zone change to assess the impacts of road noise on Weber Street West and to demonstrate that the proposed residential development can feasibly be constructed.

No noise attenuation barriers will be allowed within Weber Street right-of-way. Any Outdoor Living Areas (OLAs) or amenity space should be located accordingly.

The noise level criteria and guidelines for the preparation of the study are included in the Region of Waterloo Implementation Guideline for Noise Policies.

The implementation of a more detailed environmental noise study through a registered agreement with the Region of Waterloo would be a condition for a future Plan of Condominium/Consent application(s) for the proposed development.

The noise consultant must be pre-approved by the Region of Waterloo. The noise consultant is responsible for obtaining current information, applying professional expertise in performing calculations, making detailed and justified recommendations, submitting the Consultant Noise

Study Declaration and Owner/Authorized Agent Statement along with one electronic copy of the report to the Region of Waterloo.

The noise consultant preparing the Environmental Noise Study must contact Region of Waterloo staff for transportation data including traffic forecasts and truck percentages for Regional roads. The application for Noise Assessment Application is available at:

<https://www.regionofwaterloo.ca/en/living-here/resources/Design-Standards/Noise-Assessment-Application--Fee-Form.pdf>

Stationary Noise

Regional Staff advises that the noise study must also address any potential stationary noise impacts. The Assessment must address the possible impact generated by the proposed development on all noise-sensitive uses in the vicinity and on the development itself, as well as any off-site noise sources identified by the noise consultant that may have an impact on the proposed development.

Please ensure that a signed Owner/Authorized Agent Statement and Consultant Statutory Declaration accompanies the noise assessment(s) submitted to the Region.

Water Services:

The Region's Water Services staff has no concerns regarding the proposed development.

Archaeological:

The subject property is located within the Civic Centre Neighbourhood Heritage Conservation District and is adjacent to several built cultural heritage resources; 18 Weber St. W. (c. 1895), 28 Weber St. W. (c. 1911), Zion United Church – 32 Weber St. W. (C. 1915), 31 Roy St. (c. 1902) and 27 Roy St. (c. 1898). The subject property is in very close proximity and may have impacts on several other built cultural heritage resources including; St. Andrews Presbyterian Church – 54 Queen St. N. (c. 1907).

The subject property retains the potential for the recovery of archaeological resources due to its location within an historic core and on a land form associated with the habitation of early peoples as well as its proximity to known archaeological resources, a historic road and historically mapped structures.

Therefore, and as per ROP policy 3.G.9, the applicant is required to have a licensed Archaeologist complete an Archeological Assessment for the entire property, and any adverse impacts to significant archaeological resources found shall be mitigated, through preservation or resource removal and documentation, at the expense of the owner.

The applicant must submit the Archaeological Assessment report to the Ministry of Culture, Tourism and Sport, and once reviewed and accepted, provide a copy of the Acknowledgement letter and Assessment report to the Region of Waterloo's Planning, Development and Legislative Services Department.

The completed Archaeological Assessment and Ministry Acknowledgement will be required prior to final approval of the Zoning By-law Amendment and the applicant should be made aware that if mitigation or conservation measures are recommended as part of the Ministry accepted Archeological Assessment, these recommendations will also need to be implemented, to the satisfaction of the Region of Waterloo, prior to final approval of the Zoning By-law Amendment.

Application Requirements

- Zoning By-law Amendment Fee - \$1,150.00
- Archaeological Assessment and Ministry Acknowledgement
- Environmental/Stationary Noise Assessment
- Planning Justification Report

Regional Development Charges

Any future development on the subject lands will be subject to provisions of Regional Development Charges By-law 19-037 or any successor thereof.

Contact

Community Planning

David Welwood
Principal Planner
519-575-4500 ext.3120
DWelwood@regionofwaterloo.ca

Corridor Planning

Joginder Bhatia
Corridor Planner
519-575-4500 ext.3867
JBhatia@regionofwaterloo.ca

Please note: Comments and requirements are based on the information provided by the applicant during the pre-submission process. Should new details and/or information become available through the application process, the above-noted requirements are subject to change.

- c. Other Comments-** Kitchener Utilities comments attached in Appendix "B"

PART IV – SIGNATURES

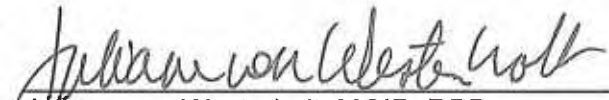
This Record of Pre-Submission Consultation only applies to the proposal as described and/or as provided for in the attached concept plan. This Record of Pre-Submission Consultation documents the required *other information and materials* that must be submitted in support of a complete Application made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

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

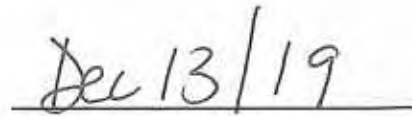
Please note that the feedback provided at this Pre-Submission Consultation Meeting does not constitute a detailed review of the development application(s). Following the acceptance of an application as “complete” additional information and materials may be required as a result of the detailed review, 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 11/16/2020



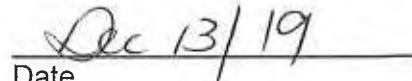
Juliane von Westerholt, MCIP, RPP
Senior Planner



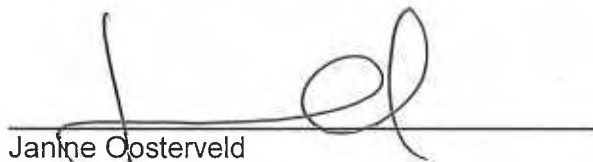
Date



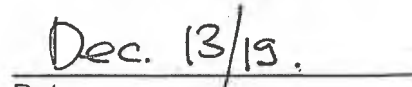
Della Ross
Manager of Development Review



Date



Janine Oosterveld
Manager of Site Development



Date

Appendix 'A'

The following is a list of likely conditions of approval. The plans, studies and reported noted below should **not** be submitted with the application.

Plans, Studies, Reports and other likely Conditions for Site Plan Approval	
<input checked="" type="checkbox"/>	Zone Change
<input checked="" type="checkbox"/>	Official Plan Amendment
<input checked="" type="checkbox"/>	CPTED Report
<input checked="" type="checkbox"/>	Landscape Plan
<input checked="" type="checkbox"/>	Pavement Markings
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Parking and Stall delineation
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Traffic control Signs
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Truck Access and Circulation
<input checked="" type="checkbox"/>	Interior / Outdoor Garbage Storage Facilities
<input checked="" type="checkbox"/>	Final Shadow and Wind Analysis
<input checked="" type="checkbox"/>	Streetscape works
<input checked="" type="checkbox"/>	Site Lighting (including underground/structured parking if applicable)
<input checked="" type="checkbox"/>	Cost Estimate
<input checked="" type="checkbox"/>	Site securities (e.g. Letter of Credit)
<input checked="" type="checkbox"/>	Elevation Drawings (Including HVAC)
<input checked="" type="checkbox"/>	Tree Management
<input type="checkbox"/>	Road Widening for City right-of-way
<input checked="" type="checkbox"/>	Traffic Control Signs
<input type="checkbox"/>	Cash-in-lieu of Parking
<input checked="" type="checkbox"/>	Erosion and Siltation Control Plan
<input type="checkbox"/>	Utility Easements
<input checked="" type="checkbox"/>	Grading and Drainage Control
<input checked="" type="checkbox"/>	Storm Water Management Design
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Retention
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Quantity
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Quality
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Fee
<input checked="" type="checkbox"/>	On Site Servicing Approvals
<input checked="" type="checkbox"/>	Off Site Works by City
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Removal of redundant service connections and installation of new ones
<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> • Closure of redundant driveways and installation of new ones
<input type="checkbox"/>	<ul style="list-style-type: none"> • City sidewalk installation
<input type="checkbox"/>	<ul style="list-style-type: none"> • Installation of new curb and gutter
<input checked="" type="checkbox"/>	Record of Site Condition
<input checked="" type="checkbox"/>	Composite Utilities Plan
<input checked="" type="checkbox"/>	Fire Hydrant
<input checked="" type="checkbox"/>	Fire Flow Demand Analysis
<input checked="" type="checkbox"/>	Emergency turn around
<input checked="" type="checkbox"/>	Emergency/Fire Route Plan
<input checked="" type="checkbox"/>	Multiple Unit Identification Sign
<input checked="" type="checkbox"/>	Cash-in-lieu of Park or Park Dedication
<input checked="" type="checkbox"/>	Road Widening for Regional right-of-way
<input checked="" type="checkbox"/>	Regional Access Permit
<input checked="" type="checkbox"/>	Water Distribution Report

PART III. OTHER INFORMATION AND MATERIALS

The following is a list of other information and materials that will be required in order to process the subject applications. 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.

For complete OPA/ZBA submission:

Other Information and Materials	# of Copies	To the Satisfaction Of:	Notes:
Planning			
Completed Application Form and Fee(s)	1	Planning	OPA/ZBA
Urban Design Brief including Wind Study / Tall Building Guidelines (TBG) analysis	5	Planning	OPA/ZBA
Planning Justification Report	5	Planning/ Region	OPA/ZBA
Parking Justification Study	5	Transportation	OPA/ZBA
Digital Plans			
3D Massing Model	1	Planning	OPA/ZBA
Cultural/Heritage			
Archaeological Assessment	5	Region	
Heritage Impact Assessment (scoped)	5	Planning	OP/ZBA
Environmental/Natural Heritage/Natural Hazards			
Studies and/or Plans required by Kitchener’s Tree Management Policy (General Vegetation Overview, Tree Preservation)	5	Planning	OPA/ZBA
Environmental/Servicing and Infrastructure			
Functional Servicing Study/ Plan	5	Engineering	OPA/ZBA copies to Region
Water Distribution Report	5	Engineering	OPA/ZBA
Building Elevation Drawings (colour)	5	Planning	SPA
Noise Study	5	Region	OPA/ZBA
Wind Study	1	Planning	OPA/ZBA
Transportation			
Parking analysis	5	Transportation	OPA/ZBA

Site Plan Complete Application

Other Information and Materials	# of Copies	To the Satisfaction of:	Notes:
Standard Requirements			
Completed Application Form and Fee(s)	1	Planning	
Existing Conditions Plan (including documentation regarding easements/rights of way)	5	Planning	
Site Plan (including structured parking)	30	Planning	
Digital Plans			
Site Plan in accordance with City Digital Submission Standards	1	Planning	AutoCAD and pdf
Parkland Dedication Plan	1	Planning	
PDF of all submission material	1	Planning	
3D Massing Model in SketchUp	1	Planning	
Other Required Plans and Studies			
Urban Design Report (updated)	5	Planning	Updated as required
HIA (updated)	5	Planning	
Preliminary Floor Plans	5	Planning	
Sustainability Statement	5	Planning	
Wind Study (updated)	3	Planning	
Noise study (updated)	5	Region	
Preliminary Grading Plan	5	Planning	
Building Elevation Drawings (colour)	5	Planning	
Truck Movement Plan	5	Transportation	
Functional SWM Brief and Geotechnical Report	5	Engineering	
Preliminary Floor Plans	5	Planning	

Appendix B- Utilities Comments



PRE-SUBMISSION APPLICATION COMMENTS – 22 WEBER ST W

The process to design and install gas piping, meters and related appurtenances can take several months, especially if the installation is not standard. To accommodate a smoother installation process we encourage the proponent for the development to contact Kitchener Utilities (KU) as early as possible. Please note a design fee will be required for this development. In addition since the service will be required off a Regional Road, the municipal consent (if required) process can take up to 6 months to receive approval for gas servicing. The Region does not allow road cuts on Regional roads between December and April.

Information related to gas infrastructure in the area must be requested from the City of Kitchener via this online form at <https://form.kitchener.ca/INS/KU/Gas-Mapping-Request>. A copy of our Conditions of Service for gas servicing is provided at https://www.kitchenerutilities.ca/en/resources/1551896169-INS_KU_6Mar19_ConditionsOfService_Final.pdf. Please review this document to understand the requirements for servicing as well as any costs that may apply. Once, ready for gas servicing, an application can be submitted at <https://www.kitchenerutilities.ca/en/programsservices/Builder-s-Corner.asp>

The property will be serviced with only one water service and one gas service. There is currently no existing gas service to this property.

This property will be serviced from the 100mm steel gas main located within the roadway of Weber St W. The property cannot be serviced from Charles. The new gas service line needs at least 0.9m of

cover. The gas service piping can't go in an area that will impede access to our gas service pipe, for example, below retaining walls or concrete structures such as stairs, retaining walls etc. In addition, the service line needs 10m clearance from other utilities (including shallow utilities) and structures.

The owner needs to determine the number of meters required and as such ensure adequate space for the meters and the required clearances from the regulator are met. If the total load of the gas appliances on one regulator is greater than 500 cfh, then greater clearances from the regulator will be required. If the meter set(s) is within 1.2m of a driven path, bollards will be required, at the expense of the developer. Since it is likely that this development will require a 5 lb meter set, a cage is required to be built around the meter set. The cage as well as the meter set are to be all on private property. Generally, a 5 lb set with one meter requires the cage to be approximately 1.2m x 2.5m. If the load requirements are not met for the 5lb meter set there will be charge for the meter set. There will also be a charge for the cage.

Since, the service will be required off of a Regional Road a Composite Utility Plan will be required for this development showing all existing and proposed utility locations including shallow utilities.

Additional information related to servicing requirements is provided below.

Design

1. Architectural and landscape plans in AutoCad and PDF will be required to design the running line.
2. In order to determine if the site is suitable for natural gas distribution, a site servicing plan in AutoCad will be required, including but not limited to:
 - a. Water Main distribution layout
 - i. Water shut off locations
 - ii. Hydrant locations
 - b. Storm and Sanitary distribution layout
 - i. Manhole locations
 - c. Hydro distribution layout
 - i. Transformer locations
 - ii. Pole location including down guys
 - d. Molok or other waste deposal systems
 - e. Excessive grade changes and retaining walls
 - f. Any other underground feature that may impede the installation of the gas piping.
3. Mechanical drawing and building elevations to evaluate meter clearances.
4. All existing gas services will have to abandon at the main, at the owner's expense.

5. The site will be allocated one gas service and one water service per property.
6. It is Kitchener Utilities' recent experience that boulevards with a width of 3.75m (16m Right-of-way) or more in width can accommodate installation of the shallow utilities, and minimize potential for field changes and redesign of the proposed network, during installation.
7. Landscape features that may limit the ability of access the gas piping in the future, should be avoided over the proposed gas layout locations.
8. The owner will ensure that all required legal agreements are produced and signed for house piping (internal or external gas piping downstream of the meter) which crosses or goes through one unit to get to another.
9. Prior to construction commencing, sign-off on the proposed gas installation design is required and a Kitchener Utilities agreement must be completed and signed.
10. The proponent shall contact Kitchener Utilities with additional gas flow requirements to determine if the meter set and service are adequately sized.
11. If the additional natural gas flow is sufficient to require an increase in regulator size, then clearance from vents, building opening, etc. will have to be re-evaluated and the meter location may have to be modified to meet current requirements. If the total load is less than 500 cfh, 1m clearance is required from all building openings and sources of ignition (including hydro boxes)

Gas Meter Locations

12. If more than 1 meter is requested, all meter location shall comply with TSSA's code adoption document for the CSA - Oil and Gas Pipeline Standard - Z662 and the CSA B149.1.
13. Meters will not be allowed to be installed on the roof tops. Alternate grade level locations are required.
14. The preference is to have a single meter for the building. If it is determined that multiple meters are allowed, they are to be built into a manifold together in one location.
15. Meter shall not be located under any balconies, overhangs, etc.... that are less than 2.1m (7 ft) high, above final grade.
16. Housing gas meter in niches is not preferred, any proposed niche location will have to be reviewed and approved for adequate size and configuration to accommodate the gas meter and equipment, and provides adequate protection to the meter set.
17. If any portion of the meter set is to be within 1.2m of a surface where vehicle may travel, then impact barriers will be required to be installed, at the owner's expense.
18. The installation of the gas meters cannot proceed unless proper access to the meter location is provided, this means that scaffolding and bricking activities have to be completed and removed from the area prior to the meters being installed.

Gas Pipe Installation

19. Construction of the underground gas pipelines cannot commence for 2-3 weeks following the completion of the Hydro installation to allow for locates to be completed, and when the final grade is within 150mm (6") of final grade.
20. The underground gas header mains shall be no closer than 1.0m from Hydro and/or other shallow utilities such as Bell, Rogers, etc... and 1.0m from water shutoffs.
21. The gas header mains shall be no closer than 2.5m from any proposed building foundation. If a suitable clearance cannot be established then foundation must be installed prior to the installation of the gas main.
22. Any asphalt or concrete removed to facilitate the installation of the gas pipe will be the owner's responsibility to restore. Any proposed gas main road crossings shall be installed, when the road is in a granular state, before asphalt and concrete is installed. If the crossing cannot be placed before the asphalt or concrete is installed, it will be the owner's responsibility to restore.
23. If it is determined that an underground valve is required at the property line for the gas or water service, the builder/developer/owner is required to ensure that the valve(s) are accessible at all times and that the valve(s) and road box(s) are free from damage during the development of the site. Failure to do so will result in costs to be paid by the owner for re-instatement of the valve.
24. It is expected that the development proponent (developer/builder) will instruct all subcontractor doing work on the premise are to take care working around any of the gas piping, meters or appurtenances. Once these facilities have been installed they are activated and contain natural gas. Therefore for the safety of the worker and property, extreme care is necessary.

Comments Prepared By:

Parmi Takk, P.Eng

Utilities Engineer | Kitchener Utilities | City of Kitchener

519-741-2600 x 4245 | TTY 1-866-969-9994 | parmi.takk@kitchener.ca

Appendix **B**

**Ministry of Heritage, Sport, Tourism, and
Culture Industries**

Archaeology Program Unit
Programs and Services Branch
Heritage, Tourism and Culture Division
5th Floor, 400 University Ave.
Toronto ON M7A 2R9
Tel.: (416) 414-7787
Email: Jessica.Marr@ontario.ca

**Ministère des Industries du patrimoine, du sport, du
tourisme et de la culture**

Unité des programme d'archéologie
Direction des programmes et des services
Division du patrimoine, du tourisme et de la culture
5e étage, 400 ave. University
Toronto ON M7A 2R9
Tél. : (416) 414-7787
Email: Jessica.Marr@ontario.ca



Dec 6, 2021

Paul Racher (P007)

Archaeological Research Associates Ltd.
219 - 900 Guelph Kitchener ON N2H 5Z6

RE: Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 1 Archaeological Assessment, Proposed Multi-Residential Development, 22 Weber Street West, Part of Lot 5, Registered Plan 360, City of Kitchener, Regional Municipality of Waterloo, Part of Lot 3, German Company Tract, Geographic Township of Waterloo, Waterloo County, Ontario", Dated Jul 10, 2020, Filed with MHSTCI Toronto Office on Jul 21, 2020, MHSTCI Project Information Form Number P007-1100-2020, MHSTCI File Number 0012463

Dear Mr. Racher:

The above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports without technical review.¹

Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require further information, please do not hesitate to send your inquiry to Archaeology@Ontario.ca

cc. Archaeology Licensing Officer
Andrea Sinclair, MHBC Planning
Denny Cybalski, 30 Duke Street Ltd.
Juliane von Westerholt, City of Kitchener

¹In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

Appendix C

22 WEBER STREET WEST



NEIGHBOURHOOD CHARACTER STUDY

22 WEBER STREET WEST

CITY OF KITCHENER

30 DUKE STREET LIMITED

PREPARED BY:

MHBC PLANNING

July 2020

1. INTRODUCTION

The subject lands are located at the edge of the Civic Centre Neighbourhood Secondary Plan Area and have an immediate interface with the downtown core of the City of Kitchener. The Civic Centre area helps to tell the story of Kitchener's phenomenal growth at the turn of the 19th century and of the development of its extensive industrial sector. Almost two-thirds of the existing houses in this area were built between 1880 and 1917 and in most cases were occupied by owners, managers or workers for some of the key industries that defined the community at the turn of the century. The Lang and Breithaupt families for example, whose enterprises and extensive public service did so much to promote and develop the City, are represented by surviving homes in the district. Other businessmen, industrialists and public servants including the City's first reeve, Dr. Scott, Mayors Eden and Greb, and Engineer and County Clerk Herbert Bowman also came to the neighbourhood.

The Civic Centre neighbourhood is one of Kitchener's oldest neighbourhoods and retains a large number of original buildings that are well crafted and maintained. In addition to the residential building stock, there are a number of other prominent and well preserved buildings within the Civic Centre neighbourhood including churches and early commercial buildings. While the majority of the neighbourhood was constructed for, and remains as residential, conversions to commercial and office uses have occurred with little negative impact on the quality of the streetscape.

This Neighbourhood Character Study illustrates the existing character throughout the Civic Centre Neighbourhood including the interior portions of the Civic Centre Neighbourhood and the edges of the Neighbourhood, including Weber Street West with consideration given to streetscapes, road right-of-ways, built form and planned function.

2. INTERIOR RESIDENTIAL NEIGHBOURHOOD

The Civic Centre Secondary Plan and the Civic Centre Neighbourhood Heritage Conservation District Plan recognize that the Civic Centre Neighbourhood is made-up of different areas which have their own unique character.

The interior portions of the Civic Centre Neighbourhood contain attractive and consistent streetscapes linked by mature trees, grassed boulevards and laneways. Hibner Park, Kitchener's second oldest city park, is located in the interior of the Civic Centre Neighbourhood and in close proximity to the subject lands.

The residential interiors are designated Low Rise Residential Preservation in the Civic Centre Secondary Plan in order to retain the existing single detached residential character of the Neighbourhood. Within this designation existing houses and streetscapes are to be preserved wherever possible.

Streets within the interior neighbourhood generally have narrower road right-of-ways and are characterized by mature trees along boulevards and linear streets with consistent building setbacks. Laneways are found also found throughout the Neighbourhood, which reflect the historic pattern of movement. Yards are well maintained and often display plantings, trees, fences, and hedges.

The interior neighbourhood contains a range of architectural styles, reflecting the development of the area beginning in the mid. 19th century. The neighbourhood includes buildings in the vernacular style of architecture, reflecting local influences and materials.

The following images illustrate the character of the interior residential enclaves that are intended to remain stable:



The following images along Ahrens Street illustrate the narrower road width, mature trees, grassed boulevards and consistent building setbacks found within the interior of the neighbourhood.



The north side of Roy Street (illustrated in the four images above) also exhibits the typical characteristics of the interior residential neighbourhood including similar building setbacks, mature trees and single detached residential dwellings.



Looking north on Young Street at the intersection of Roy Street and Young.

3. OFFICE RESIDENTIAL CONVERSION AREA

Section 2 of this report illustrated the residential character along the north side of Roy Street and within the interior of the Civic Centre District. The south side of Roy Street (including lands immediately adjacent the subject lands) differs in character and land use with a number of buildings having been converted to non-residential use.

Properties along the south side of Roy Street between Young Street and Queen Street North are generally designated *Office Residential Conversion* (with the exception of a few properties which are designated *Medium Density Commercial Residential*, *High Density Commercial Residential* and *Community Institutional*).

The intent of the Office Residential Conversion designation was to preserve the existing structures in this while providing a transition area between the higher intensity uses along Weber Street and Queen Street and the Low Rise Residential – Preservation designation of the interior of the neighbourhood. The following images illustrate the character of the south side of Roy Street.



A number of properties along the south side of Roy Street have been converted to non-residential uses resulting in a character that differs greatly from the residential streetscape on the opposite side of Roy.



The Zion Church property is a thru lot extending from Weber Street West to Roy Street. The massing and style of the church contributes further to the variety along this side of Roy Street.



There are two properties located immediately north of the subject lands, one of which has already been converted to non-residential use. The other dwelling remains residential in use but has office permissions.

4. WEBER STREET WEST

The existing built form of Weber Street West (within proximity to the subject lands) is a result of its evolution over time. Weber Street West includes 19th century residential buildings as well as 20th century developments. The 19th century buildings were formerly surrounded by landscaped open space, which has, in some cases, been converted to large areas of surface parking. Weber Street has been widened and as a result, does not reflect the same intimate streetscape as that of the residential streets at the interior of the district. The addition of 20th century buildings with a range of uses from residential, institutional and commercial transformed this area from primarily residential to that of mixed-use. As a result, the existing built form of Weber Street West includes a range of architectural styles, materials, colours, and setbacks and there is no consistent built form.

The south side of Weber Street West is designated as part of Downtown Kitchener and as a result, includes higher density contemporary developments. The north side of Weber Street (along which the subject lands are located) is recognized in both the Civic Centre Secondary Plan and the Civic Centre Neighbourhood Heritage Conservation District Plan as being distinctly different than that of the interior of the neighbourhood. While the subject lands are located within the Civic Centre Neighbourhood, it is important to note that the lands directly interface with the Weber Street West corridor and the boundary of downtown Kitchener as opposed to the interior residential area.



The south side of Weber Street West is located within the Downtown and features a mix of uses in buildings generally set close to the street. Landscaping is minimal across this side of the street.



The north side of Weber Street West features a range of uses including non-residential uses and apartments. Setbacks vary but typically buildings are located close to the street. Street trees are limited along the Weber Street corridor in stark contrast to the interior of the neighbourhood.



Parking for non-residential uses along Weber Street West is typically accommodated through surface parking lots, such as the parking lots pictured above which are located west and east of the subject lands respectively.



The Zion Church (left) and St. Andrew's Presbyterian (right) contribute to the range of uses within this block of Weber Street and the variety of built form. These images also illustrate the range of setbacks along this corridor with St. Andrew's Presbyterian located at the property line and Zion Church setback.



The above image, looking east along Weber Street North illustrates the streetscape of this corridor which is in contrast to the residential enclaves internal to the neighbourhood. Weber Street West has been widened to four lanes, and is generally developed with buildings that are constructed at the front property line. The streetscape is varied with a range of land uses, buliding heights and massing. (Photo taken standing just west of the subject lands).

5. CONCLUSIONS

The Civic Centre neighbourhood is one of Kitchener’s oldest neighbourhoods and retains a large number of original buildings that are well crafted and maintained. In addition to the residential building stock, there are a number of other prominent and well preserved buildings within the Civic Centre neighbourhood including churches and early commercial buildings. While the majority of the neighbourhood was constructed for, and remains as residential, conversions to commercial and office uses have occurred with little negative impact on the quality of the interior streetscapes.

Further, certain areas of the neighbourhood have been recognized as having a different character altogether and have been designated and zoned to allow for intensification. This Study illustrates that unlike the interior of the neighbourhood, Weber Street West has a variety of built forms, setbacks and building heights recognizing the change and redevelopment that has occurred over time. The subject lands have been identified as an intensification area given their location within a Major Transit Station Area and are buffered from the interior neighbourhood by the Office Residential conversion area.



Looking south towards downtown Kitchener it is clear that the Weber Street West Corridor is far more consistent with the character of the Downtown than the residential enclaves of the Civic Centre Neighbourhood.

Roy Street serves as the transition between the higher density uses permitted along Weber and the stable residential area internal to the neighbourhood.

★ SUBJECT LANDS

🚇 KITCHENER CITY HALL LRT STATION

The subject lands represent one of the only vacant properties in the Civic Centre Neighbourhood and are designated as High Density Commercial Residential, allowing for multiple residential and non-residential uses with a maximum Floor Space Ratio (FSR) of 4.0. The Secondary Plan policies balance the protection of internal lower density residential enclaves with redevelopment opportunities along Weber Street West and Queen Street through the introduction of the Office-Residential Conversion which serves as the transition between the higher intensity uses along Weber Street and Queen Street and the Low Rise Residential Preservation designated of the interior of the neighbourhood. The subject lands abut this transition area and as such are sufficiently separated from the interior of the neighbourhood and are appropriately located for higher density development.

The development of the subject lands represents an opportunity for a transit-supportive, high density residential development consistent with the planned function as designated in the Civic Centre Secondary Plan.

Appendix **D**

**AMENDMENT NO. TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER**

**CITY OF KITCHENER
22 Weber Street West**

**AMENDMENT NO. TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER
22 Weber 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

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 9 to add a Special Policy Area.

SECTION 3 – BASIS OF THE AMENDMENT

The subject lands are located at 22 Weber Street West. The subject lands are designated High Density Commercial Residential in the Civic Centre Neighbourhood Secondary Plan, which forms part of the 1994 Official Plan. The High Density Commercial Residential designation in the Civic Centre Secondary Plan permits multiple dwellings and recognizes the proximity of the Civic Centre Neighbourhood to the higher intensity land uses of the Downtown and the location of the property on a primary road. The subject lands are also located within a Major Transit Station Area (MTSA) which is considered a primary intensification area.

An Official Plan Amendment is required to add a Special Policy to permit a maximum Floor Space Ratio (FSR) of 7.8 prior to any development occurring on the lands.

This will bring this site into conformity with the Regional Official Plan as well as the City of Kitchener Official Plan which directs intensification to Major Transit Station Areas.

The subject lands are located in close proximity to multiple LRT Stops and are identified in the 2014 Official Plan as being within a Major Transit Station Area (MTSA). The proposed development includes multiple residential development at a density that supports both transit and active transportation.

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. The subject lands are strategically located at the periphery of the Civic Centre Neighbourhood, immediately adjacent to the downtown and is buffered from the stable residential area at the interior of the neighbourhood by the Office Residential Conversion designation. Its prominent location makes it ideal for the density proposed.

The maximum floor space ratio, 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 Major Transit Station Area as prescribed in both the current and newly adopted 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 13.1.3 Special Policies is amended by adding new 13.1.3.XX thereto as follows:

“XX. Notwithstanding the High Density Commercial Residential land use designation and policies:

 - i. The maximum permitted Floor Space Ratio shall be 7.8.
 - c) Map 9– Civic Centre Neighbourhood Plan for Land Use is amended by adding a Special Policy Area to the lands municipally known as 22 Weber Street West.

Appendix **E**

PROPOSED BY – LAW
XXXXX, 2022
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 85-1, as amended, known as
the Zoning By-law for the City of Kitchener)
22 Weber Street West

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;

NOW THEREFORE the Ontario Land Tribunal enacts as follows:

1. Schedule Number 121 of Appendix “A” to By-law Number 85-1 are hereby amended by changing the zoning applicable to 22 Weber Street West, in the City of Kitchener, from Commercial Residential Three Zone (CR-3) to Commercial Residential Three Zone (CR-3) with Special Regulation Provision XXXR and Holding Provision XXXH.
2. Appendix “D” to By-law 85-1 is hereby amended by adding Section XXXR thereto as follows:

XXXR

Notwithstanding Section 46.3, Section 6.1.2a), and 6.1.2b)vi) of this By-law, within the lands zoned Commercial Residential Three Zone (CR-3), shown as affected by this subsection, on Schedule 121 of Appendix “A”, a Multiple Dwelling shall be permitted in accordance with the following:

Design Standards & Parking

- a. The maximum Floor Space Ratio shall be 7.8.
 - b. The minimum front yard shall be 0.8 metres.
 - c. The minimum rear yard shall be 15 metres.
 - d. The minimum ground floor height shall be 4.5 metres.
 - e. A total of 24 parking spaces shall be provided including 8 visitor parking spaces.
3. Appendix “F” to By-law 85-1 is hereby amended by adding Section XXXH as follows:

XXXH

Notwithstanding Section 46.1 of this By-law, within the lands zoned CR-3 and shown as affected by this subsection on Schedule Numbers 84 and 121 of Appendix "A":

No residential uses or private day care facility shall be permitted until such time as The City of Kitchener is in receipt of a letter from the Regional Municipality of Waterloo, advising that the Region's requirements have been satisfied with respect to the submission of a detailed

noise impact assessment for traffic noise, based on the proposed site plan, to address compatibility; and this holding provision has been removed by By-law."

4. This By-law shall come into effect only upon approval of Official Plan Amendment No. XX, for 22 Weber Street West, but upon such approval, the provisions hereof affecting such lands shall be deemed to have come into force on the date of passing hereof.

DRAFT

Appendix **F**



PARTS TDM: City of Kitchener TDM Checklist

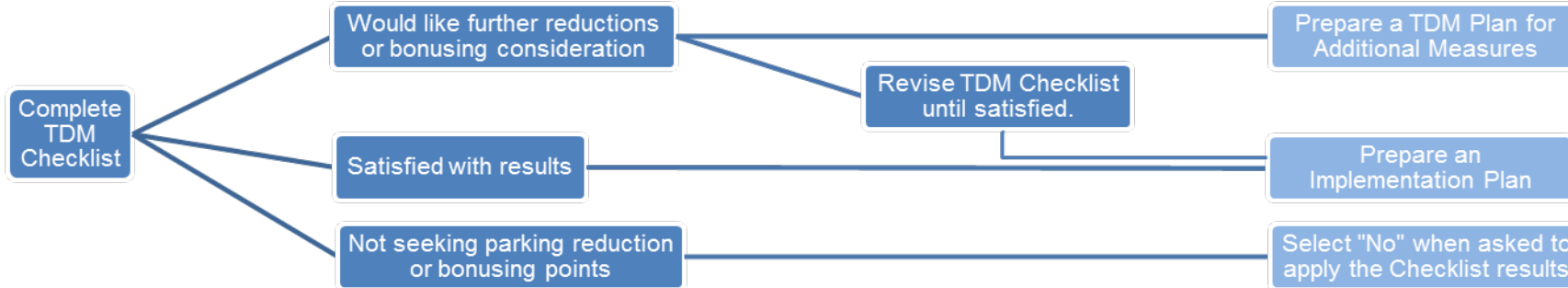
Applicant Name: 30 Duke Street Limited **Date of Application (YY-MM-DD):** _____
Site Location: 22 Weber Street West **Landowner / Developer Name:** 30 Duke Street Limited
Zone: CR-3 **TDM Checklist No. (filled by staff):** _____

Using the TDM Report Checklist

The TDM Checklist is one component of submitting a TDM Report, and a tool intended for Developers' use when determining potential parking reductions in exchange for certain TDM measures. Derived from the Region of Waterloo's TDM Checklist and Parking Management Worksheet, this City of Kitchener TDM Checklist is required to be completed for all developments within Station Areas with the exception of residential developments with 6 units or less. Currently, this Checklist applies to lands located within the Station Study Areas identified in PARTS Phase 1, and supersedes the Region's Checklist and Parking Management Worksheet for any developments within those defined areas.

TDM Report Reference Guide

A Reference Guide has been prepared for submission of a TDM Report, and can be found appended to the PARTS Phase 2: TDM Strategy. The general process behind completing a TDM Report is depicted by the diagram below.



* Specific requirements for an Implementation Plan or TDM Plan are included within the Reference Guide.

Instructions to Complete the TDM Checklist

To complete the TDM Checklist, fill out Table A and Table B. Once completed, review the Summary Results in Table C and Table D.

Table A is broken down into two sections. Please complete Table A1 with any applicable parking and bicycle parking requirements from Schedule 6 of the Zoning By-law for your site. Mixed-use developments may also be eligible for shared parking space reductions where the development will use unassigned parking spaces; if in Table A1 you specify parking requirements for multiple land uses, Table A2 will automatically calculate shared parking rates and a percent parking reduction.

Table B indicates optional TDM measures that can be included by the developer in exchange for potential parking reductions. Complete Table B for a potential parking reduction.

TABLE A SHARED PARKING REQUIREMENTS										
Mixed-use developments may be eligible for parking space reductions based on shared parking ratios between uses. Please fill out the yellow boxes in the table below based on the Zoning By-Law requirements for parking and bicycle parking for your land use(s). Orange boxes will automatically show your results.										
TABLE A1. Zoning By-law Requirements			TABLE A2. Shared Parking Rate Breakdown							
Land Use	Parking	Class A Bike Parking	Morning		Noon		Afternoon		Evening	
			Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	Weekday	Weekend
Office	0	0	0	0	0	0	0	0	0	0
Medical	0	0	0	0	0	0	0	0	0	0
Real Estate	0	0	0	0	0	0	0	0	0	0
Financial Institution	0	0	0	0	0	0	0	0	0	0
Retail	0	0	0	0	0	0	0	0	0	0
Personal Services	0	0								
Art Gallery	0	0								
Museum	0	0								
Repair Establishment	0	0								
Restaurant/Take-out Restaurant	0	0	0	0	0	0	0	0	0	0
Hotel (rooms)	0	0	0	0	0	0	0	0	0	0
Hotel (Function Space)	0	0	0	0	0	0	0	0	0	0
Residential - Resident	146	0	132	132	95	95	132	132	146	146
Residential - Visitor	37	0	8	8	8	8	19	23	37	37
Total Required Parking	183	0	140	140	103	103	151	155	183	183
Shared / Unassigned Required Parking	183		Parking Space Reduction	0	% Reduction Over Unshared Parking		0.0			

Shared Parking Summary	Yes or No ?	Resultant Parking Required
Would you like to apply Table A shared rates for a parking reduction?	No	183.0 Spaces

*Note: to apply these rates, 100% of parking must be shared between uses and unassigned. If you would like to use shared parking rates for only a portion of the required parking spaces, you must provide the proposed shared parking rates and applicable reductions in an Implementation Plan or TDM Plan within the TDM Report.



PARTS TDM: City of Kitchener TDM Checklist

TABLE B		OPTIONAL TDM MEASURES						
Certain TDM measures are required by the Zoning By-Law. Exceeding these minimum requirements is optional and can lead to parking reductions based on the discretion of the City of Kitchener. To complete this form, please fill out the yellow boxes in the table below with details about your development proposal. Please refer to the Urban Design Manual for feature design standards.								
Measure	Features	Parking Reduction Available	To a Maximum Reduction of		Developer Proposes Provision of		Maximum Reduction Allowable	Bonusing Points (TBD)
			Amount	Unit	Amount	Unit		
B1	Provision of bicycle parking spaces beyond the minimum amount required by the Zoning By-law.	1 car space reduction per 5 bicycle spaces beyond minimum Zoning By-law requirement.	10%	of total parking required	18	Bicycle Spaces beyond minimum required	3	
B2	Non-residential uses: provision of shower and change facilities at an amount of not less than 13m2 in equal proportion of male and female facilities (Note: maximum reduction amount calculated based on required bicycle parking).	2 car space reduction for each additional shower facility provided at (13m2).	0	parking space(s)	0	m2 of shower / change facilities	0	
B3*	Non-residential (office) uses: Provision of 1 car share vehicle and dedicated parking space in a priority location that is publically accessible for a development with at least 25 required parking spaces, and 1 additional car share vehicle and dedicated parking space for every 50 additional required parking spaces. (Note: maximum reduction amount calculated based on required parking).	4 car space reduction for each car share vehicle and dedicated parking space provided	0	parking space(s)	0	Non-residential car share vehicle(s) and Space(s)	0	
	Residential uses: Provision of 1 car share vehicle and dedicated parking space in a priority location that is publically accessible unless it is a private shared vehicle for every 75 dwelling units. (Note: maximum reduction amount calculated based on required parking).	4 car space reduction for each car share vehicle and dedicated parking space provided	8	parking space(s)	0	Residential car share vehicle(s) and Space(s)	0	
B4	Non-residential uses: Provision of ride share parking spaces in a priority location.	3 car space reduction for each ride share space	5%	of total parking required	0	Priority Car Pool Spaces	0	
B5	Provision of active uses at-grade along street frontages.	1% car space reduction	1%	of total parking required	<input checked="" type="checkbox"/> Yes	Check "Yes" (left) if you will provide	1	
B6*	The building owner/occupant will provide subsidized transit passes for all occupants for a period of two years.	10% car space reduction	10%	of total parking required	<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B7	Building owner/occupant agrees to charge for parking as a separate cost to occupants.	10% car space reduction	10%	of total parking required	<input checked="" type="checkbox"/> Yes	Check "Yes" (left) if you will provide	18	
B8*	Building owner/occupant agrees to join Travelwise (TMA) that provides ride matching services for car/vanpooling and emergency ride home options.	10% car space reduction	10%	of total parking required	<input checked="" type="checkbox"/> Yes	Check "Yes" (left) if you will provide	18	
B9	Enhanced bus shelters with seating are provided at the transit stop immediately adjacent to the development in consultation with the City of Kitchener and the Region of Waterloo.	Not Applicable for parking reduction	Can only be applied to bonusing consideration		<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B10	Provide television monitors in visible and accessible locations on site and in adjacent transit stops to allow to City of Kitchener and the Region of Waterloo to display information regarding public transportation.	Not Applicable for parking reduction	Can only be applied to bonusing consideration		<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B11	Provision of bicycle self-service station equipped with tools necessary to perform basic repairs and maintenance	Not Applicable for parking reduction	Can only be applied to bonusing consideration		<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B12	25% to 49% of required parking is located underground or in a structure	Not Applicable for parking reduction	Can only be applied to bonusing consideration		<input checked="" type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
	50% - 74% of required parking is located underground or in a structure				<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
	A minimum of 75% of required parking is located underground or in a structure				<input type="checkbox"/> Yes	Check "Yes" (left) if you will provide	0	
B13	Non-residential use: Implements paid parking system, where price is set greater than the cost of a monthly transit pass, on all or part of the site (e.g. parking permits, paid parking near main entrances, enabled by gate and transponder access, or Pay & Display stations).	1% car space reduction for every 10% of parking spaces under a paid parking system	10%	of total parking required	0%	% of total parking spaces under paid parking system	0	

* If you have selected Measures B3, B6 or B8 for a parking reduction, you must demonstrate to the satisfaction of the Director of Transportation Services that you will be able to achieve the proposed TDM measure, including any ongoing programming or management that may be required for program success.

TABLE C POTENTIAL PARKING REDUCTION SUMMARY	
Displayed below are the potential reductions to required parking spaces available based on the amounts entered into Table A and Table B above.	
Original # Parking Spaces Required:	183
Shared Parking Reduction:	0
Parking Reduction for TDM Measures B1-B12:	40
Total Parking Reduction:	40
Resultant Parking Requirement:	143
PERCENT REDUCTION	22

TABLE D BONUSING POINT SCORE SUMMARY *	
If you achieved a Bonusing Points score greater than X, you may be eligible for bonusing. Please contact City of Kitchener staff for more details.	
Total Bonusing Points Achieved	0
Eligible for Bonusing Consideration?	No

*Approach to bonusing to be determined by City staff

NEXT STEPS
Thank you for completing the TDM Checklist. Please select whether you would like to apply for a potential parking reduction at the bottom of this page. Refer to the TDM Report Reference Guide for submission requirements to City of Kitchener Staff. If you would like to achieve a greater parking reduction than may be considered through the TDM Checklist, you may develop a TDM Plan as set out in the TDM Report Reference Guide.

Would you like to apply Table C rates for a parking reduction?

If you selected No, please submit your completed Checklist to City staff for review.

If you selected Yes, please refer to the TDM Report Reference Guide for submission requirements of an Implementation Plan or TDM Plan.

Select an Option
Yes

Appendix D
2021 Urban Design Brief, MHBC

22 WEBER STREET WEST



URBAN DESIGN BRIEF

22 WEBER STREET WEST
CITY OF KITCHENER
30 DUKE STREET LIMITED

PREPARED BY:
MHBC PLANNING
(with additional graphics provided by
+VG Architects)

July 2020 (Revised December 2021)


MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

URBAN DESIGN **BRIEF**

Contents

PART ONE: SPATIAL AND CONTEXTUAL ANALYSIS

- 1.1 INTRODUCTION
- 1.2 SITE DESCRIPTION AND CONTEXTUAL ANALYSIS
- 1.3 CIVIC CENTRE NEIGHBOURHOOD
- 1.4 URBAN PATTERN
- 1.5 ACTIVE TRANSPORTATION AND TRANSIT

PART TWO: DESIGN VISION AND OBJECTIVES

- 2.1 VISION AND DESIGN OBJECTIVES

PART THREE: PROPOSED DEVELOPMENT

- 3.1 CONCEPTUAL DESIGN
- 3.2 TRANSIT-SUPPORTIVE DESIGN
- 3.3 SUSTAINABLE DESIGN

PART FOUR: RESPONSE TO CITY POLICIES AND GUIDELINE AND DESIGN ANALYSIS

- 4.1 DESIGN RESPONSE TO CITY OF KITCHENER POLICIES AND GUIDELINES
- 4.2 COMPATIBILITY ANALYSIS
- 4.3 ANALYSIS OF MICROCLIMATE IMPACTS
- 4.4 CPTED CONSIDERATIONS
- 4.5 CONCLUSIONS

APPENDICES

- A: SUN/SHADOW ANALYSIS
- B: PEDESTRIAN WIND STUDY



PART 1

Spatial and Contextual Analysis

1.1 Introduction

MHBC has been retained by 30 Duke Street Limited to prepare an Urban Design Brief for a proposed development located at 22 Weber Street West, City of Kitchener, referred to herein as the subject lands. This Report has been prepared based on the City of Kitchener Terms of Reference for Urban Design Reports and has been updated to reflect the revised development proposal.

The subject lands are located within the Civic Centre Neighbourhood Secondary Plan and are immediately adjacent the Urban Growth Centre (downtown). The subject lands are currently vacant of buildings and are being used as a surface parking lot.

The purpose of this Report is to ensure that a comprehensive urban design plan will be implemented to promote an attractive development that is appropriate for, and well integrated with, the surrounding community. This Report has been prepared in support of an Official Plan Amendment and Zoning By-law Amendment required the development of the subject lands.

1.2 Contextual Analysis and SITE DESCRIPTION

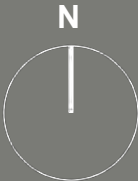
The subject lands are located within the Civic Centre Neighbourhood, on the northerly side of Weber Street West, a Regional Road and a planned transit corridor. The subject lands are located between Queen Street North (a collector street) and Young Street (a local road). The subject lands are also located within a Major Transit Station Area (MTSA) and are in proximity to multiple rapid transit stations. The subject lands are approximately 1,392 square metres in size and have approximately 27 metres of frontage along Weber Street West. The subject lands are within a short walking distance to the commercial core of Downtown Kitchener as well as a number of cultural uses including the downtown library and Centre in the Square.

Weber Street West is located within the Civic Centre district, one of the oldest parts of the City of Kitchener, formerly Berlin. The Civic Centre Neighbourhood was developed in the 19th and 20th centuries as a residential area adjacent to Kitchener's former industrial core located south of the railway, providing homes for those who owned or work for businesses/factories in the area. The earliest residential buildings in this area date from the 1850s, with the majority constructed between 1880 and 1915. The area developed slowly, experiencing significant infill in the late 1920s. The context of the subject lands has changed considerably since the residential construction of the 1880-1915 time period with the demolition of many original buildings along the north side of Weber Street.

While a number of the existing Secondary Plan policies aim to retain the existing single detached residential character of the Civic Centre Neighbourhood, certain sites, including the subject lands, have been designated High Density Commercial Residential. This designation recognizes lands that are in proximity to higher intensity land uses of the Downtown. The High Density Commercial Residential designation also recognizes the proximity to a transit corridor that was identified in the Regional Official Policies Plan (ROPP). This transit corridor has now been replaced by a defined LRT route located one block to the south.

SITE LOCATION

22 Weber Street West
Kitchener, ON



Uses that immediately surround the subject lands include the following:

- NORTH:** Immediately north of the subject lands are properties designated and zoned to permit the conversion of residential to office uses. Two properties immediately abut the rear yard of the subject lands, one of which has already been converted to non-residential use. The designated Low Rise Residential Preservation Area is located further to the north on the north side of Roy Street.
- EAST:** An office building is located immediately east of the subject lands. St. Andrews Presbyterian church, the Region of Waterloo offices and the Provincial Offences Court are all located further to the east.
- SOUTH:** Weber Street West runs along the southern property limit, beyond which is the northern limit of the City's Urban Growth Centre (downtown). Buildings within the downtown on the south side of Weber Street West are primarily used for non-residential purposes and include an 11 storey office tower.
- WEST:** Two properties abut the western property line including a vacant church and a Counselling centre. Apartments are located further west along Weber Street.

The adjacent images illustrate the subject lands and immediate surroundings. The graphics on pages 5 and 6 illustrate the broader surrounding context including:

- Nearby cultural facilities, parks, recreation, and employment uses;
- Amenities within 5 and 10 minute walking distances from the subject lands;
- The location of VIA, GO and rapid transit stations in relation to the subject lands; and
- The location of the Urban Growth Centre (downtown) relative to the subject lands.



VIEW OF THE SUBJECT LANDS LOOKING NORTH



28 WEBER STREET WEST LOCATED IMMEDIATELY WEST OF THE SUBJECT LANDS IS USED AS AN OFFICE.



TOP: ST. ANDREWS PRESBYTERIAN
MIDDLE: 18 WEBER STREET WEST
(IMMEDIATELY ADJACENT THE SUBJECT LANDS)
BOTTOM: RESIDENTIAL DWELLING ABUTTING
THE NORTH SIDE OF ALONG ELLEN STREET
(NORTH OF THE SUBJECT LANDS).

Community Amenities



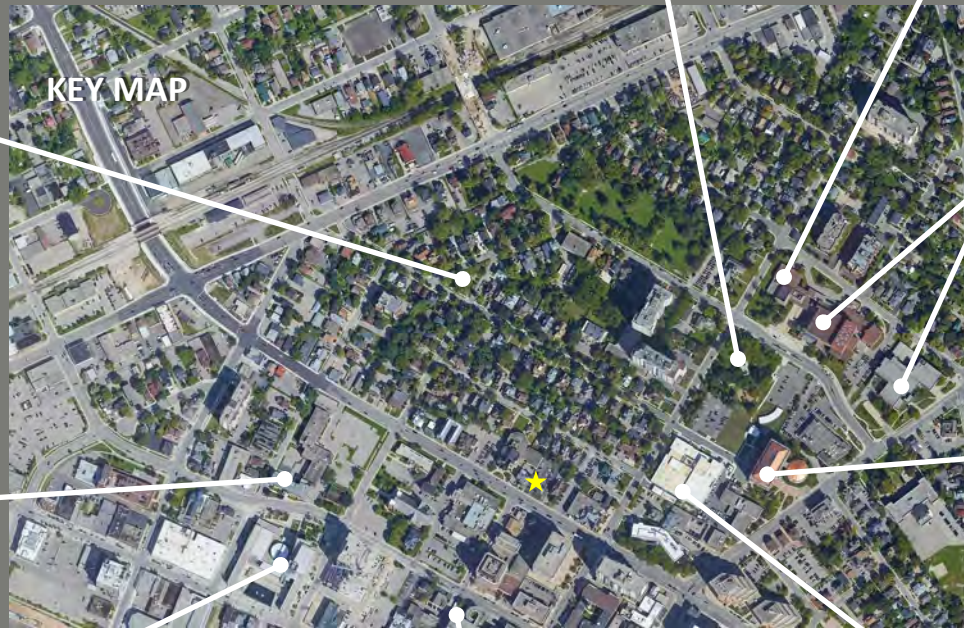
Civic Centre Park



Kitchener-Waterloo Art Gallery



Hibner Park



KEY MAP



Centre in the Square



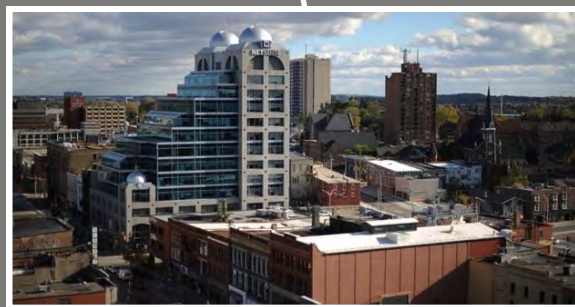
Laurier Faculty of Social Work



Region of Waterloo offices



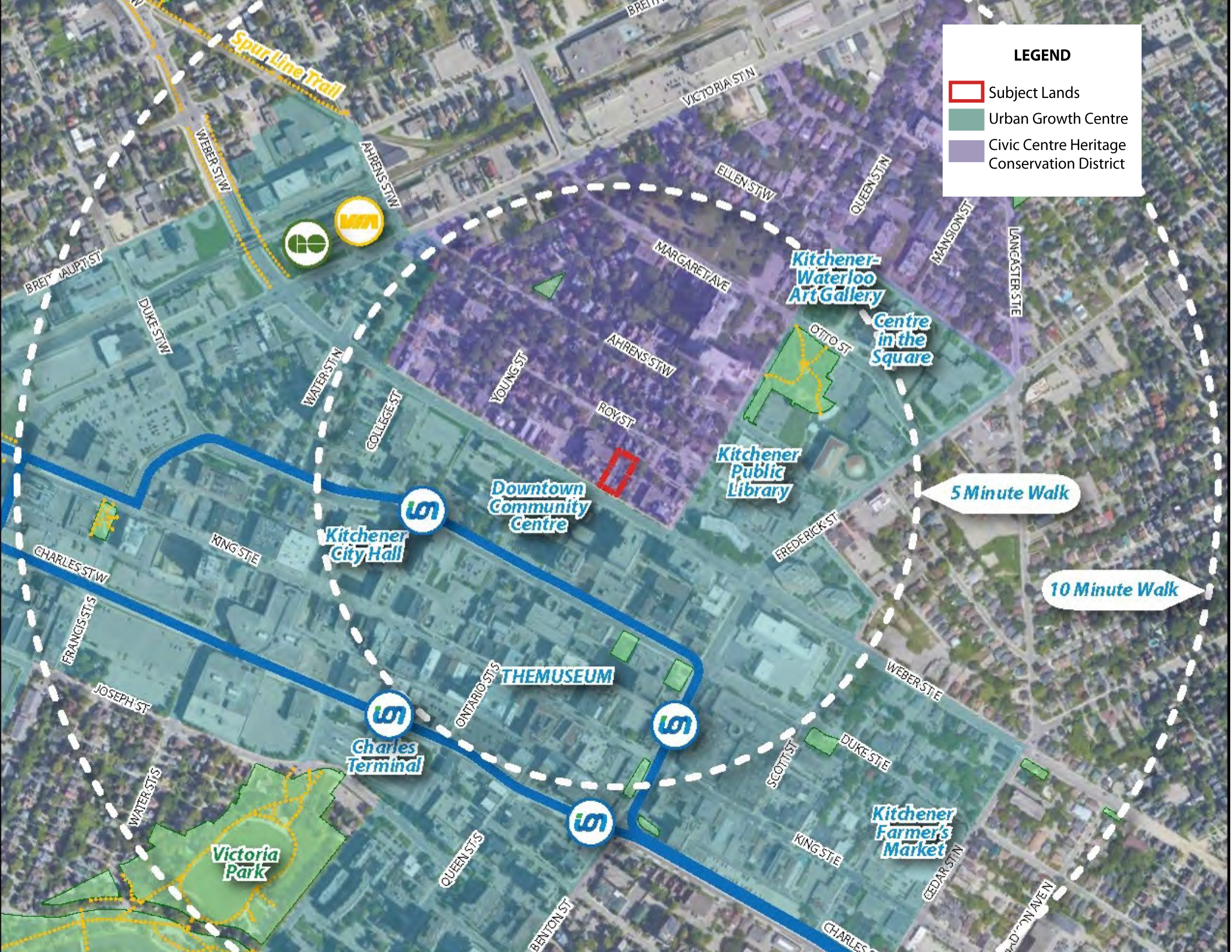
Kitchener City Hall



Downtown Kitchener Commercial Core



Kitchener Public Library



LEGEND

- Subject Lands
- Urban Growth Centre
- Civic Centre Heritage Conservation District

5 Minute Walk

10 Minute Walk



Kitchener-Waterloo Art Gallery

Centre in the Square

Kitchener Public Library

Downtown Community Centre

Kitchener City Hall

THEMUSEUM

Charles Terminal

Kitchener Farmer's Market

BREITENBURG ST

DUKE ST

WEBER ST

WATER ST

COLLEGE ST

YOUNG ST

ROY ST

AHRENS ST

ELLEN ST

VICTORIA ST

QUEEN ST

MANSON ST

LANGASTER ST

OTTO ST

FREDERICK ST

KING ST

CHARLES ST

FRANCIS ST

JOSEPH ST

WATER ST

ONTARIO ST

QUEEN ST

BENTON ST

SCOTT ST

WEBER ST

DUKE ST

KING ST

CHARLES ST

CEDAR ST

WINDY AVENUE

1.3 Civic Centre NEIGHBOURHOOD

The subject lands are located at the edge of the Civic Centre Neighbourhood Secondary Plan Area and have an immediate interface with the downtown core of the City of Kitchener. The Civic Centre area helps to tell the story of Kitchener's phenomenal growth at the turn of the 19th century and of the development of its extensive industrial sector. Almost two-thirds of the existing houses in this area were built between 1880 and 1917 and in most cases were occupied by owners, managers or workers for some of the key industries that defined the community at the turn of the century. The Lang and Breithaupt families for example, whose enterprises and extensive public service did so much to promote and develop the City, are represented by surviving homes in the district. Other businessmen, industrialists and public servants including the City's first reeve, Dr. Scott, Mayors Eden and Greb, and Engineer and County Clerk Herbert Bowman also came to the neighbourhood.

The Civic Centre neighbourhood is one of Kitchener's oldest neighbourhoods and retains a large number of original buildings that are well crafted and maintained. In addition to the residential building stock, there are a number of other prominent and well preserved buildings within the Civic Centre neighbourhood including churches and early commercial buildings. While the majority of the neighbourhood was constructed for, and remains as residential, conversions to commercial and office uses have occurred with little negative impact on the quality of the streetscape.

The interior portions of the Civic Centre Neighbourhood contain attractive and consistent streetscapes linked by mature trees, grassed boulevards and laneways. Hibner Park, Kitchener's second oldest city park, is located in the centre of the District and in close proximity to the subject lands. Unlike the interior of the neighbourhood, Weber Street has a variety of built forms, setbacks and building heights recognizing the change and redevelopment that has occurred over time.



THE WEBER STREET CORRIDOR HAS EVOLVED OVER TIME AND HAS A STREETScape THAT DIFFERS SUBSTANTIALLY FROM THE STREETScapeS WITHIN THE RESIDENTIAL ENCLAVE.



IN CONTRAST WITH WEBER STREET WEST, THE INTERIOR PORTIONS OF THE CIVIC CENTRE NEIGHBOURHOOD CONTAIN NARROWER ROAD RIGHT-OF-WAYS AND ATTRACTIVE AND CONSISTENT STREETSCAPES LINKED BY MATURE TREES AND GRASSED BOULEVARDS.



THE OFFICE RESIDENTIAL CONVERSION AREA ALONG THE SOUTH SIDE OF ROY STREET (DIRECTLY ABUTTING THE SUBJECT LANDS) WAS INTENDED TO PROVIDE THE TRANSITION AND BUFFER BETWEEN THE PLANNED HIGH DENSITY DEVELOPMENT ON WEBER STREET AND THE PRESERVATION OF THE INTERIOR NEIGHBOURHOOD.

The subject lands represent one of the only vacant properties in the Civic Centre Neighbourhood and are designated as High Density Commercial Residential, allowing for multiple residential and non-residential uses with a maximum Floor Space Ratio (FSR) of 4.0. The Secondary Plan policies balance the protection of internal lower density residential enclaves with redevelopment opportunities along Weber Street West and Queen Street through the introduction of the Office-Residential Conversion which serves as the transition between the higher intensity uses along Weber Street and Queen Street and the Low Rise Residential Preservation designated of the interior of the neighbourhood. The subject lands abut this transition area and as such are sufficiently separated from the interior of the neighbourhood.

Heritage Considerations

The subject lands are also located within Civic Centre Heritage Conservation District (CCHCD) and therefore, are designated under Part V of the Ontario Heritage Act (OHA). The CCHCD Plan includes specific policies and guidelines that apply to the subject lands and recognizes that Weber Street is different from the interior of the district and sets forth policies for new development which are specific to this area. The Plan recognizes that Weber Street West is designated High Density Commercial Residential and is supportive of higher density developments provided that it does not result in the demolition of significant cultural heritage resources and is compatible with the character of the streetscape. An HIA has been completed (and updated) to evaluate the proposed development relative to the specific design direction provided within the CCHCD. The HIA concluded that the proposed development The proposed development will not result in any adverse impacts related to obstruction, isolation, change in land use, or shadows. The proposed development is considered a neutral impact to adjacent heritage resources within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD) located along Weber Street West and Roy Street.

Evolution of the Civic Centre Neighbourhood

The City of Kitchener is currently reviewing the Civic Centre Neighbourhood. The Civic Centre Review involves the area containing the existing Civic Centre Secondary Plan and a portion of the Central Frederick Street Secondary Plan. This area is proposed to become the new Civic Centre Secondary Plan. The subject lands continue to be located within the Civic Centre Neighbourhood. The development of the subject lands represents an opportunity for a transit-supportive, carefully designed residential development as has always been intended by the Civic Centre Secondary Plan.

1.4 Urban PATTERN

As illustrated in the adjacent Figure Ground Diagram, the current urban fabric of the subject lands and surrounding area is, for the most part lots and blocks laid out within a grid pattern of streets which run north/south and east/west. Within the downtown (south of the subject lands) blocks are generally smaller and regularly spaced resulting in a more “fine grained” urban pattern.

The subject lands represent a vacant parcel along a Regional Road. As such, the subject lands have tremendous redevelopment opportunity and are well positioned within a MTSA with access to the existing sidewalk system, connecting the lands to the downtown and other cultural and civic uses.

The existing urban pattern promotes walkability and provides easy and convenient walking routes to transit, the downtown and nearby amenities. No new streets or lanes are proposed as part of the development that would alter the existing urban pattern. The proposed development would further encourage pedestrian activity along Weber Street West.



Figure Ground Diagram



FIGURE GROUND
The visual relationship between
built and unbuilt space



FINE GRAIN
A pattern of street blocks and
building footprints that characterize
an urban environment



URBAN FABRIC
The pattern of lots and
blocks in a place

*Concepts that are
considered when
analyzing the existing
urban pattern.*

1.5 Active Transportation AND TRANSIT

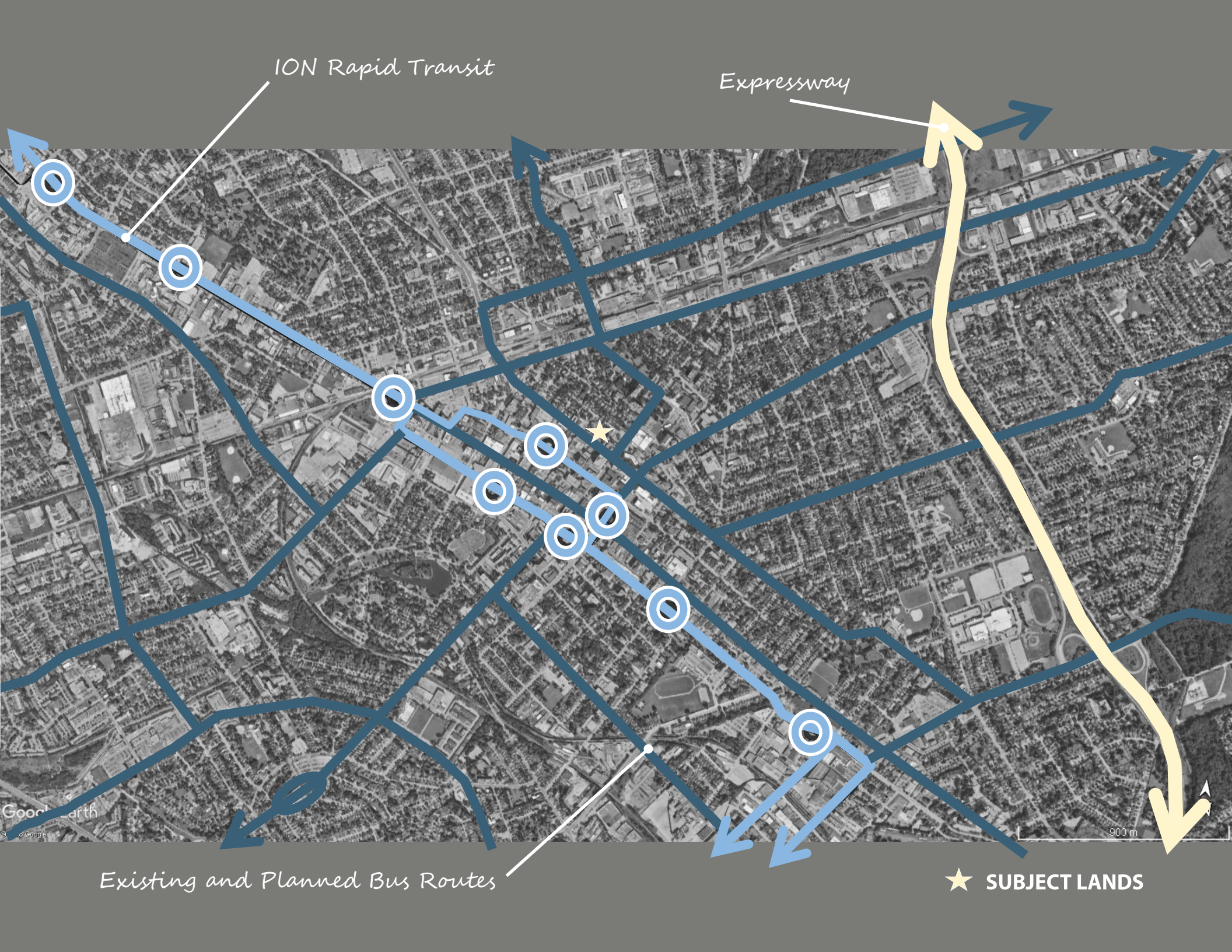
The subject lands are located on an east/west Regional Road. Generally, the function of Regional Roads is to provide safe, direct, accessible and multi-modal transportation links for moving people and goods throughout Waterloo Region, and to adjacent municipalities. Existing sidewalks are located on both sides of the street, providing direct access for pedestrians to north/south streets and the downtown. The subject lands are located proximate to existing and planned cycling routes.

The subject lands are located within a Major Transit Station Area (MTSA) given their proximity to the Region's Light Rail Transit (LRT) system and specifically their proximity to the Kitchener City Hall Station which is located one block south of the subject lands. MTSA's are intended to be developed to achieve a mix of residential, office, institutional and commercial uses. Properties within MTSA area also intended to have a built form that is pedestrian friendly and transit oriented.

There are several Grand River Transit bus in proximity to the subject lands and existing transit stops are located along at Weber and Queen Street and at Queen Street and Ahrens.



THE SUBJECT LANDS ARE WITHIN WALKING DISTANCE OF SEVERAL ION STATIONS, THE CLOSEST BEING THE KITCHENER CITY HALL STATION.



ION Rapid Transit

Expressway

Existing and Planned Bus Routes

★ SUBJECT LANDS

900 m

Good Earth
© Google

PART 2

Design Vision and Objectives

2.1 *Vision and* DESIGN OBJECTIVES

The overall vision for the redevelopment of the subject lands is to ensure a high quality, carefully designed residential development, which will contribute positively to the Weber Street West streetscape while ensuring compatibility with the surrounding residential neighbourhood.

The following goals and objectives have been identified for the purposes of achieving the vision for the redevelopment:

1. Create a strong visually appealing street edge through the provision of a building, which addresses the street in terms of architectural detailing.
2. Provide for development that will be supportive of transit and alternative transit modes, and will encourage future residents to walk to and from nearby residential, commercial office and retail uses, services and public amenities and cultural facilities.
3. Provide a development that, through the combination of massing, orientation, pedestrian entrances, architectural elements, detailing, and material selection, will result in a positive pedestrian experience along the adjacent street frontage.
4. Design the site to minimize impacts on the Low Rise Residential-Preservation Area. Provide a 15 metre setbacks to allow for further transition between the proposed development and the residential enclave on the north side of Roy Street.
5. Introduce additional building height within a major transit station area in a manner that is sympathetic to surrounding uses and cultural heritage context. The proposed height is permitted under the current zoning and the site serves as a transition between the downtown and the low rise residential enclave on the north side of Roy Street.

Preliminary rendering of proposed development



PART 3

Proposed Development

3.1 Conceptual DESIGN

The proposed development for the site is a high quality multiple-residential development that will provide new residential units near the downtown and within a Major Transit Station Area. The current proposed development integrates the following principle elements:

- A 19 storey multiple residential building oriented to maximize passive solar orientation benefits.
- A well defined building base and prominent building entrance which will provide for an attractive streetscape along Weber Street West.
- A ground floor height of 4.5 metres which could accommodate non-residential uses in the future.
- Balconies for units located in upper storeys.
- A rear yard setback of 15 metres to achieve appropriate separation between the proposed building and low-rise uses to the north.
- At-grade parking , primarily incorporated into the ground floor of the building for future residents of the development.
- Indoor secure bicycle parking.
- Large windows to provide eyes on the street.
- A mix of building materials and colours.
- One vehicular access point and a direct pedestrian connection from the public sidewalk along Weber Street West.

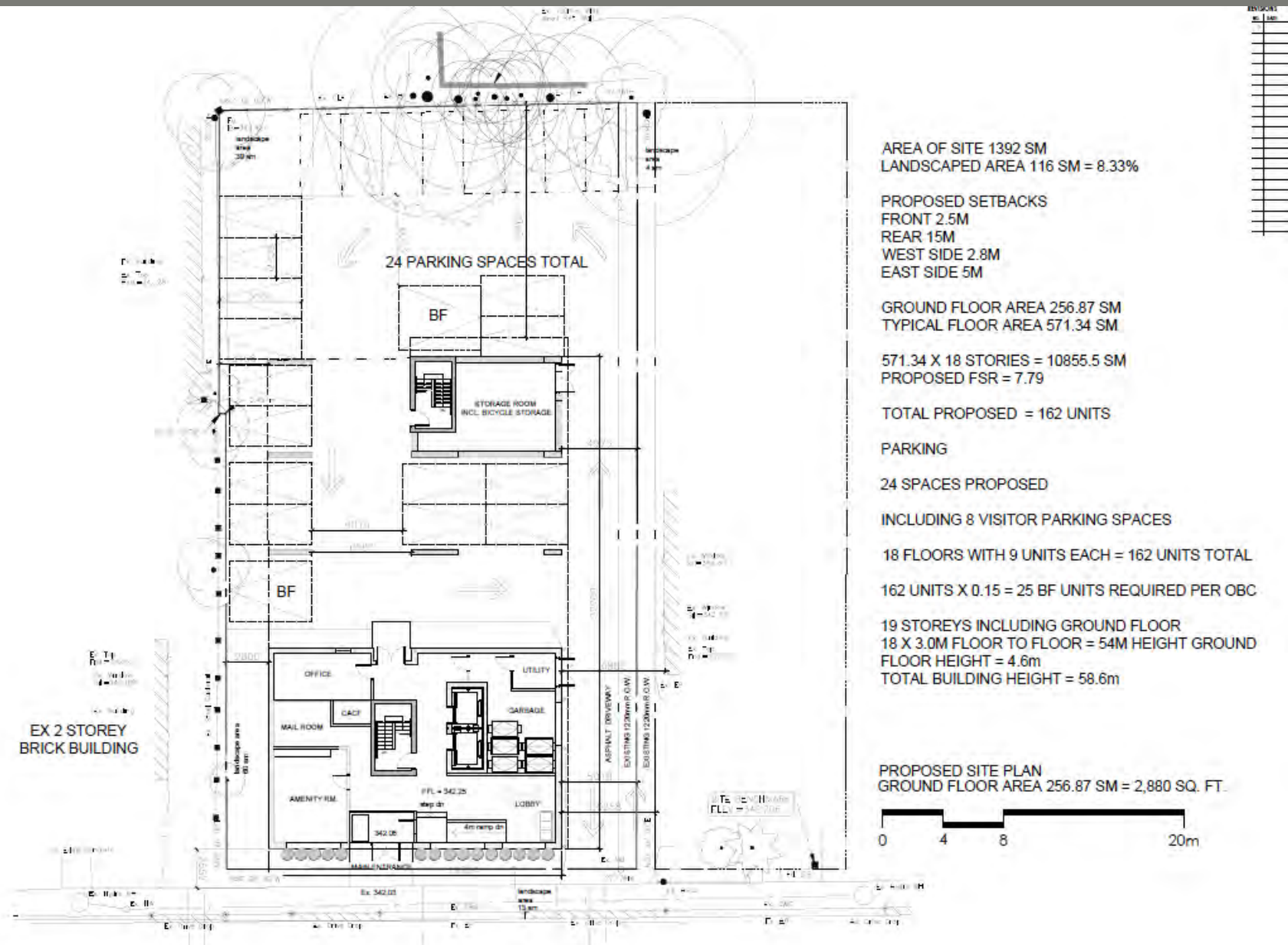
It is anticipated that a future draft plan of condominium will be submitted for the development with the ultimate tenure of units to be determined. The Owner's primary objective is to develop the site with a an attractive and cost-efficient building to provide for housing at a more attainable price point within a Major Transit Station Area.

Site Design

The proposed building is oriented toward Weber Street West with one vehicular access point from the street. The vehicular access, located at the eastern edge of the property connects to the parking area at the rear of the site. Emergency services will access the building via Weber Street West.

Natural weather mitigation strategies have been incorporated including a covered building entrances. A portion of the proposed parking is accommodated within the ground floor of the building reducing heat island effect and providing shaded areas for parking.

The main access to the proposed residential building will connect directly to the surrounding public sidewalk system. The building lobby will be accessible to pedestrians from the public sidewalk system and the parking area. A wood privacy fence will be provided along the entire rear property line.



AREA OF SITE 1392 SM
 LANDSCAPED AREA 116 SM = 8.33%

PROPOSED SETBACKS
 FRONT 2.5M
 REAR 15M
 WEST SIDE 2.8M
 EAST SIDE 5M

GROUND FLOOR AREA 256.87 SM
 TYPICAL FLOOR AREA 571.34 SM

571.34 X 18 STORIES = 10855.5 SM
 PROPOSED FSR = 7.79

TOTAL PROPOSED = 162 UNITS

PARKING

24 SPACES PROPOSED

INCLUDING 8 VISITOR PARKING SPACES

18 FLOORS WITH 9 UNITS EACH = 162 UNITS TOTAL

162 UNITS X 0.15 = 25 BF UNITS REQUIRED PER OBC

19 STOREYS INCLUDING GROUND FLOOR
 18 X 3.0M FLOOR TO FLOOR = 54M HEIGHT GROUND
 FLOOR HEIGHT = 4.6m
 TOTAL BUILDING HEIGHT = 58.6m

PROPOSED SITE PLAN
 GROUND FLOOR AREA 256.87 SM = 2,880 SQ. FT.



Preliminary Site Plan Concept



Massing Techniques

- 1 PROJECTION
- 2 RECESSION
- 3 CHANGES IN BUILDING MATERIALS
- 4 STEPBACK
- 5 VARYING WINDOW SIZES

Built Form, Massing and Articulation

The massing of the proposed building is broken up using a number of techniques including changes in building materials/colours; projections; recessions; and varying window sizes. The 19 storey building has been designed with a clearly defined base, middle and top. A compact building footprint is proposed with the narrowest side of the building facing the street and the residential area to the north, helping to minimize the visual intrusion into the interior of the neighbourhood. By facing the narrowest side of the building to the street it also minimize the bulk of the building as viewed from the public realm (i.e. Weber Street West).

A stepback above the building base helps to ensure a human scale of development. Projections above the base provide visual interest within the tower portion of the building.

The proposed development has been designed with consideration to the existing and planned built form context, including high rise permissions associated with the downtown and the Low-Rise Residential Preservation area on the north side of Roy Street. The subject lands, combined with the Office Residential Conversion area provide for an appropriate height transition between Weber Street West and the residential enclave to the north.

Character and Architectural Treatment

The proposed development will assist in the continued intensification and development of a major transit station area through the addition of a residential building along a Regional Road. The building design demonstrates a contemporary architectural expression while incorporating traditional architectural design elements. The development will be constructed of high quality materials and provides attractive design that will be reasonably priced.

A well defined base, selective use of building materials and colours and the incorporation of architectural articulation all add to the visual interest of the development and will result in an attractive streetscape. The front building entrance is well defined and highly visible from Weber Street West and the public realm. High quality materials including a large amount of glass will be incorporated into the facades, resulting in an attractive design. Repetition of lines and windows through both vertical and horizontal articulations and break up building mass.



AS ILLUSTRATED ABOVE, THE 19-STOREY BUILDING HAS BEEN DESIGNED WITH A CLEARLY DEFINED BASE, MIDDLE AND TOP.



3.2 *Transit Supportive DESIGN*

The proposed development has been designed to prioritize active transit and public transit. The building is located with the principle entrance oriented towards Weber Street West, a planned transit corridor. The development is within a ten minute walk of multiple ION stops, the closest of which (Kitchener City Hall Station) is approximately 280 metres southwest of the site (approximately a 2 minute walk). Existing GRT bus stops are located a block east of the property. The development has been designed to encourage active transit through safe and comfortable pedestrian connections through the site and on-site cycling storage areas.

The subject lands are well connected to the City and Region's arterial road network. A number of existing bus routes, operated by Grand River Transit, are located in proximity to the subject lands. In addition, the subject lands are located within walking distance to the commercial core of Downtown Kitchener and the existing Kitchener Station on Victoria Street.

With respect to active transit, sidewalk infrastructure exists along the street adjacent to the subject lands. In addition, the subject lands are located just north of planned/existing cycling routes.

3.4 *Sustainable DESIGN*

As a general planning and design principle, higher density development in proximity to the amenities associated with downtowns and in support of higher-order transit is considered to be sustainable development.

Future occupants wishing to seek alternative forms of transportation will have options for walking, biking, or public transit available. This will be facilitated by the provision of indoor bicycle parking, as well as the provision of future pedestrian connections to both the existing sidewalk system and surrounding uses. The proposed development is located in close proximity to a number of transit stops, including future ION stops, making public transit a viable option. The provision of reduced parking minimizes land consumption.

A sustainability statement will be submitted in support of a future Site Plan application and will summarize sustainable building design elements as required by Official Plan policies.

PART 4

*Response to City Policies and Guideline and
Design Analysis*

4.1 Design Response to City of Kitchener POLICIES AND GUIDELINES

CITY OF KITCHENER OFFICIAL PLAN (2014)

The subject lands are located within the Civic Centre Secondary Plan Area in the City of Kitchener. The subject lands are currently designated High Density Commercial Residential and are located within a Major Transit Station Area. The subject lands are located adjacent to the Urban Growth Centre boundary.

The Urban Growth Centre is the primary Urban Structure Component and Intensification Area within the City, followed by Major Transit Station Areas. The planned function of Major Transit Station Areas is to provide a focus for accommodating growth through development to support existing and planned transit and rapid transit service levels.

Section 11 of the City of Kitchener Official Plan contains Urban Design Policies. It is intended that the Urban Design Policies will provide guidance and direction as the City grows, develops and evolves. The following is a summary of how the proposal meets the relevant policies from Section 11 (Urban Design) of the current Official Plan:

11.C.1.11 Streetscape: The City will support the character of streets through the coordination of site, building and landscape design on and between individual sites with the design of the street.

Design Response: *The proposed building and the primary building entrance has been oriented to the street. The proposed development will have direct access to the public sidewalk system.. The proposed building façade includes a defined building base which further enhances the streetscape.*

11.C.1.13, 14 & 15 Safety: The City will apply Crime Prevention through Environmental Design principles in the review of new developments, redevelopments and infrastructure projects to implement crime prevention strategies that will enhance the effective use of the space. Where feasible, and in compliance with the other policies of this Plan, the City will ensure that the efficiency of emergency medical, fire, and police services be considered in the design of communities, neighbours and individual sites. Development applications will be reviewed to ensure that they are designed to accommodate fire prevention and timely emergency response.

Design Response: *General CPTED considerations are analyzed in this Brief. The subject lands are located in a central area within close proximity to emergency services. Emergency services vehicles will be able to access the development from the surrounding road network and the building will be designed in compliance with the Ontario Building Code including aspects related to fire prevention suppression. The proposed development is located in a highly visible location with sufficient eyes on the property from surrounding buildings.*

11.C.1.30 Site Design: Policy 11.C.1.30 includes a number of factors to be considered through the Site Plan Control Process.

Design Response: *The various considerations included in Policy 11.C.1.30 have been addressed through the proposed design of the site. This includes: improvements to the aesthetic quality of the site from the public realm; the provision of safe, comfortable and function site circulation; and the incorporation of mitigating techniques to minimize adverse impacts onto adjacent properties.*

11.C.1.31 - 11.C.1.33 Building Design, Massing and Scale Design: The Official Plan contains three policies related to Building Design, Massing and Scale Design. These policies encourage redevelopment projects to create attractive streetscapes and to contribute to rich and vibrant urban places. These policies encourage attractive building forms, facades and roof designs which are compatible with surrounding buildings. For infill development, the policies encourage development which complement existing buildings and contribute to neighbourhood character, particularly if located within close proximity of a recognized cultural heritage resource. Architectural innovation and expression is also encouraged.

Design Response: *The proposed development will provide a unique built form in the neighbourhood. The building is proposed to be a contemporary building that uses traditional materials and will be a positive addition to an area that has a wide range of building forms and architectural styles. The proposed development will improve the streetscape and will also enhance the surrounding public realm. The proposed development has been designed to complement existing buildings while still providing an intensification of the site. The massing of the building has been designed with a well designed base that helps to promote a human scale along the street.*

In addition to the Urban Design policies contained within Section 11 of the Official Plan, there are design related policies related to Transit-Oriented Development. The following is our design response to Official Plan Policy 13.C.3.12, which provides guidance for development near planned rapid transit. As previously noted, the subject lands are located within a Major Transit Station Area and are located one block north from a transit stop.

13.C.3.12. Transit-Oriented Development

The City will apply the following Transit-Oriented Development provisions as contained in the Regional Official Plan in reviewing development and/or redevelopment applications on or near sites that are served by existing or planned rapid transit, or higher frequency transit to ensure that development and/or redevelopment:

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

- also provides for a variety of services and amenities that foster vibrant, transit supportive neighbourhoods;
- d) promotes medium and higher density development as close as possible to the transit stop to support higher frequency transit service and optimize transit rider convenience;
 - e) fosters walkability by creating pedestrian-friendly environments that allow walking to be a safe, comfortable, barrier-free and convenient form of urban travel;
 - f) supports a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities; and,
 - g) provides access from various transportation modes to the transit facility, including consideration of pedestrians, bicycle parking, and where applicable, passenger transfer and commuter pick-up/drop off areas.

Design Response: *The proposed development is located in an area which has been primarily developed in a modified grid-pattern. The development is located within a central and highly walkable area. The proposed development is a compact urban form (a 19 storey building with minimal parking (a portion of which is continued within the ground floor of the building) as opposed to a low rise development with more dispersed surface parking). The proposed development is located in proximity to existing transit routes.*

The proposed development contributes to the range of uses in the neighbourhood by providing additional residential uses that will help to support transit and downtown Kitchener. The development will allow people to walk or to take transit to work, and access central amenities and services. The proposed development will result in a more pedestrian friendly environment, with comfortable barrier free walkways along the frontage, and by redeveloping a vacant underutilized site.



THE SUBJECT LANDS ARE WITHIN A 10 MINUTE WALK OF FOUR OF THE DOWNTOWN KITCHENER LRT STATIONS. PROXIMITY TO THE LRT STATIONS SUPPORTS ACTIVE AND PUBLIC TRANSPORTATION TO AND FROM THE PROPOSED DEVELOPMENT.



CITY OF KITCHENER URBAN DESIGN MANUAL

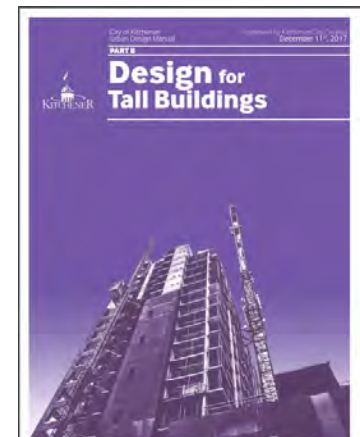
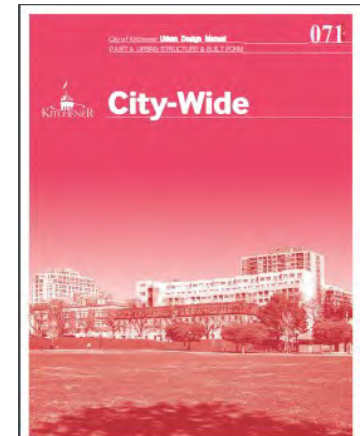
The City's Urban Design Manual contains detailed guidelines that apply to all development within the City. The Urban Design Guidelines contained within the Manual represent a framework for establishing Kitchener's future urban form. It sets out a number of positive design principles, which should be followed in the design of new communities, sites and buildings. These guidelines are to be reviewed and evaluated with all planning processes and approvals. The purpose of the Guidelines is to ensure that new development is consistent with the City's Vision for urban design. Below is an analysis of how the proposed development considers applicable guidelines within Part A of the Manual. For the purpose of this application we have focused on the City-Wide guidelines, Major Transit Station Area guidelines and the guidelines for Design of Tall Buildings.

City-Wide Design Guidelines

The purpose of the City-Wide Design section of the Urban Design Manual is to set forth the universal design expectations which apply to all of Kitchener. This Section includes urban design objectives that are relevant to all geographies and building typologies and is divided into two sections: Community Design and Site Design. For the purpose of this brief we have focused on the Site Design guidelines which includes guidelines related to Built Form, Shared Spaces and Site Function with sub-categories within each of these two sections.

The proposed development has appropriately considered the City-Wide guidelines as follows:

- The proposed development focuses height and mass where it provides the best public realm opportunities while minimizing impacts on surrounding lands.
- Massing techniques have been incorporated into the building design including projections, recesses, variation in colour, materials and texture, all of which help to reduce and diversify the massing of the building.
- The building is designed with a defined podium to enhance the public realm along Weber Street.
- The primary building entrance has been located visible from and directly accessible from the public street.



- All building elevations have been designed to provide transparency, architectural continuity and visual interest. No blank walls are proposed. As a result of proposed windows and balconies there will be sufficient natural surveillance onto the surrounding public street.
- The proposed buildings feature a contemporary design, meaning the buildings have been designed with a present-day building style, with varied architectural details, materials, colours and textures. Notwithstanding, materials selected reflect more traditional materials used in the surrounding area.
- The design of the building provides for pedestrian weather protection including covered building entrances.
- Lighting will be designed according to City standards and will be designed to minimize glare and light spilling onto surrounding areas.
- Energy-efficient lamps will be used and over lighting will be avoided.
- The site has been designed with reductions in parking to reduce the demand of private automobiles.
- The driveway access to the proposed development is located off of Weber Street West and provides direct access from the street to the parking area. The parking area will be adequately buffered by landscaping and/or fencing. The approach to access will minimize traffic on Roy Street in conformity with the original intent of the Secondary Plan.

Other sections of the City-Wide guidelines including Servicing and Utilities, Waste and Recycling and Snow Storage will be considered through the detailed site plan review process and prior to final site plan approval.

Major Transit Station Areas

The Major Transit Station Area guidelines apply only to intensification lands within station areas that are not covered by other sections in this manual (such as Downtown and Central Neighbourhoods). They also do not apply to areas that are intended to be conserved as low-rise stable neighbourhoods (Residential Infill in Established Neighbourhoods). The subject lands have been identified as an intensification area within the Civic Centre Secondary Plan area and therefore are subject to the Major Transit Station Area guidelines.

The proposed development has appropriately considered the **Major Transit Station Area** guidelines as follows:

- The proposed development is consistent with the vision for Major Transit Station Areas by proposing a compact, dense, transit-and people-focused development. The higher density proposed places a greater number of people in proximity to a greater variety of places, housing options, workplaces shops, open spaces and events.
- The proposed development is consistent with general guidelines related to safety, universal design and age and family friendly design.

This includes the provision of barrier free site access and barrier free units.

- Wind and Shadow Studies have been prepared to demonstrate microclimate impacts.
- The site is located within an intensification area, is designated for multiple residential development and does not propose any development within the established residential area.
- The subject lands do not directly abut the established neighbourhood as all surrounding parcels designated either High Density Commercial Residential or Office Residential Conversion. Notwithstanding, a suitable transition has been provided between the building and the low rise buildings on the north side of Roy Street. This transition has been provided through the provision of a 15 metres setback and a height that falls within the angular plane and results in minimal shadow impacts on the low-rise residential area.
- The proposed development has been designed with high levels of natural surveillance and optimal pedestrian visibility. This includes open walls within the structured parking and large ground floor windows.
- The proposed development provides a more efficient use for the property which is currently being used as a surface parking lot.
- The proposed development concentrates height and density closest to LRT stops.
- The proposed development does not result in the loss of any cultural or natural heritage features.
- A human-scaled public realm is created through the provision of a well defined podium and large ground floor windows.
- The primary building entrance has been located to maximize pedestrian access to the public sidewalk system and to ensure comfort and safety.
- Structured parking is wrapped with active uses along the street frontage.
- The proposed development limits the number of driveways limiting conflict between vehicular traffic and pedestrians.

Design for Tall Buildings

Kitchener City Council approved the Design for Tall Buildings guidelines on December 11, 2017. The guidelines apply to all development proposals that are nine or more storeys in height. The following is a general assessment of the proposal relative to the various sections within the Tall Building Guidelines.

- The proposed development includes one tall building with a well defined building base. The building base has been designed to prioritize pedestrian utility, comfort and safety.
- The base of the proposed building has been designed to engage pedestrians and contribute to an active experience, including large

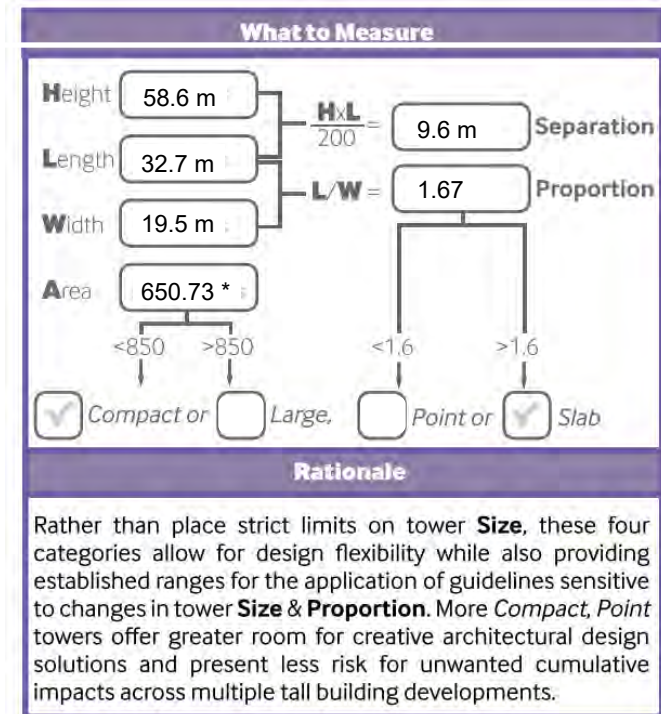
- windows along Weber Street West and a ground floor height that could support the inclusion of non-residential uses in the future.
- Visual variety has been provided through well-articulated massing and high quality materials.
- Based on the criteria established in the Tall Building Guidelines– the proposed buildings would be classified as a compact building which is slightly larger than a point tower.
- Building mass has been broken up through vertical and horizontal articulation, changes in materials, and architectural features.
- Balconies are provided for residential units along street-facing elevations allowing for natural surveillance.
- The building has been designed with a minimum ground floor height of 4.5 metres.
- There are no neighbouring towers surrounding the proposed development to achieve relative height with.

PHYSICAL SEPARATION

The City’s guidelines include formulas for calculating physical separation between towers. Physical Separation is the measured setback in metres from a tall building tower’s faces to its side and rear property lines. For the proposed development physical separation for the building (based on the City’s formula) is calculated to be 9.6 metres as illustrated in the adjacent calculations. Rather than prescribe a fixed number for physical separation, the City recognizes that tall buildings come in all shapes and sizes, and that a dynamic, scalable approach to Separation is key to providing towers that are *responsive to their specific contexts*.

For the subject lands the critical separation is the separation from the rear property line. The proposed rear yard setback of 15 metres exceeds the physical separation recommended through the application of the guidelines for tall buildings. The tower face is separated from the side lot lines by 2.8 and 5.0 metres respectively, exceeding the minimum by-law requirement of a 1.2 metre side yard.

The design guidelines emphasize towers that are responsive to their specific context. The context within which the subject lands are located is such that no towers would be permitted on lands abutting the northern property line of the subject lands. The Office Residential area has limited height and density



* Typical floor area is 571.34 square metres.

permissions and has been designed as a transition area. Any future tower within the Urban Growth Centre would be separated from the subject lands by Weber Street West which would provide sufficient separation.

Properties immediately abutting the east and west property lines are also designated High Density Commercial Residential and as such are permitted to be developed with a tall building. However, practically speaking it is very unlikely that the abutting properties would or could be developed in the future with tall buildings.

18 Weber Street West, located directly east of the subject lands, is a narrow lot with a total site area of 1,384.6 sq m. The frontage of this property is approximately 12 metres which is not physically wide enough to accommodate useable footprint for a tall building. As such, the development of a tall building east of the subject lands could occur only through the consolidation of 18 Weber Street West with 54 Queen Street North (St. Andrews Presbyterian). St. Andrew's Presbyterian is designated Community Institutional and does not contemplate high density development. It is also classified as a Group A Building in the Heritage Conservation District Plan. Group A buildings are classified as 'very fine' architectural examples within the District and is the highest ranking of heritage value in the Plan. 18 Weber Street West has a Category B ranking (fine example) which is the second highest category in the Plan. The redevelopment of 18 Weber Street with a tower would require lot assembly and subsequent demolition of two buildings with identified heritage value. Policies within the Heritage Conservation District Plan strongly discourage demolition of buildings with heritage value.

28 Weber Street West located directly west of the subject lands is a shallow lot with a total site area of only 577.0 sq m. The size of this lot would restrict the ability to design and build a tall building, even if designed with 0.0 metre setbacks to all property lines. As such, the redevelopment of this parcel with a tall building could only occur through the consolidation of 28 Weber Street West with 32 Weber Street West (Zion United Church). 18 Weber Street West and 32 Weber Street West are both classified as Group B buildings within the Heritage District Plan (the second highest category of heritage value). As such, the redevelopment of 28 Weber Street with a tower would require lot assembly and subsequent demolition of two buildings with identified heritage value, which is strongly discouraged in the Heritage Conservation District Plan.



18 WEBER STREET WEST (GROUP B)



28 WEBER STREET WEST (GROUP B)

THE PHYSICAL SEPARATION GUIDELINES ARE, IN PART, INTENDED TO ENSURE THAT ONE TALL BUILDING DOES NOT RESTRICT THE ABILITY FOR AN ABUTTING PROPERTY OWNER TO ALSO CONSTRUCT A TALL BUILDING ON THEIR PROPERTY. THE GUIDELINES ALSO RECOGNIZE THE IMPORTANCE OF THE EXISTING CONTEXT. IN THIS CASE IT IS UNLIKELY THAT A TALL BUILDING WILL BE CONSTRUCTED ON EITHER ABUTTING PROPERTY GIVEN PROPERTY SIZE CONSTRAINTS AND KNOWN HERITAGE VALUE.



32 WEBER STREET WEST (GROUP B)



54 QUEEN STREET NORTH (GROUP A)

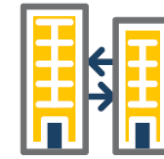
4.2 Compatibility ANALYSIS

The subject lands are located just outside the Urban Growth Centre of Kitchener and are designated High Density Commercial Residential in the Civic Centre Neighbourhood Secondary Plan. The High Density Commercial Residential designation is intended to permit higher density uses with access from Weber Street. An Office-Residential Conversion designation applies to the south side of Roy Street (immediately abutting the subject lands) serving as the transition between the higher density uses along Weber Street and the Low Rise Residential-Preservation area. The subject lands are permitted to develop with a maximum Floor Space Ratio (FSR) of 4.0. There is no maximum height specified in the Secondary Plan or Zoning By-law. With the exception of the requirement for access to be from Weber Street, the Secondary Plan does not otherwise provide policy direction related to compatibility. As previously stated the Office-Residential Conversion designation was introduced as a transition area between higher density uses permitted on Weber Street and the residential enclave in the interior neighbourhood.

Notwithstanding, additional analysis has been completed to ensure minimal impacts on the interior neighbourhood and in particular areas designated Low Rise Residential-Preservation.

The proposed development has been designed with consideration of the following:

- The proposal is for a multiple residential building, which is a use currently permitted by the Secondary Plan and Zoning By-law;
- The proposed development will not result in the demolition of any buildings;
- The proposed development is located on a site with no maximum height restriction;
- Access to the proposed development will be from Weber Street West only;
- A 15 metre rear yard setback is proposed to increase separation of the proposed building from the Low Rise Residential-Preservation area (which complies with the recent regulation introduced through Crozby related to low-rise residential transition).
- Shadow studies have been completed which demonstrate that the proposed building height will not result in unacceptable shadow impacts on the properties within the Low Rise Residential-Preservation area to the north; and
- An angular plane analysis has been completed, measured from the Low Rise Residential-Preservation area, demonstrating that the proposed building height falls within the 45 degree angular plane.



COMPATIBILITY

Similar size, form and character of a building relative to others around it



HEIGHT TRANSITION

The gradual change in height between buildings within a community



ANGULAR PLANE

A geometric measurement that maintains solar access and height transition

The above concepts have been considered in evaluating the appropriateness of the proposed development. These concepts are to be weighted against other planning objectives including intensification and transit supportive design

The 2014 City of Kitchener Official Plan contains general policies related to compatible development. Where a special zoning regulation or minor variance is requested, proposed or required to facilitate residential intensification or a redevelopment of lands, Policy 4.C.1.8 of the 2014 City of Kitchener Official Plan directs that the overall impact of the special zoning regulation or minor variance will be reviewed, to ensure a number of compatibility criteria are satisfied. A zoning by-law amendment is required to facilitate the proposed development and as such, Policy 4.C.1.8 applies and must be considered. It is noted that Policy 4.C.1.8 applies in large part to development within established neighbourhoods. The subject lands are located along a Regional Road, are located outside of the Low Rise Residential area that forms the established neighbourhood, and are designed and zoned for high density development. Notwithstanding, the following is a response to the criteria set forth in 4.C.18:

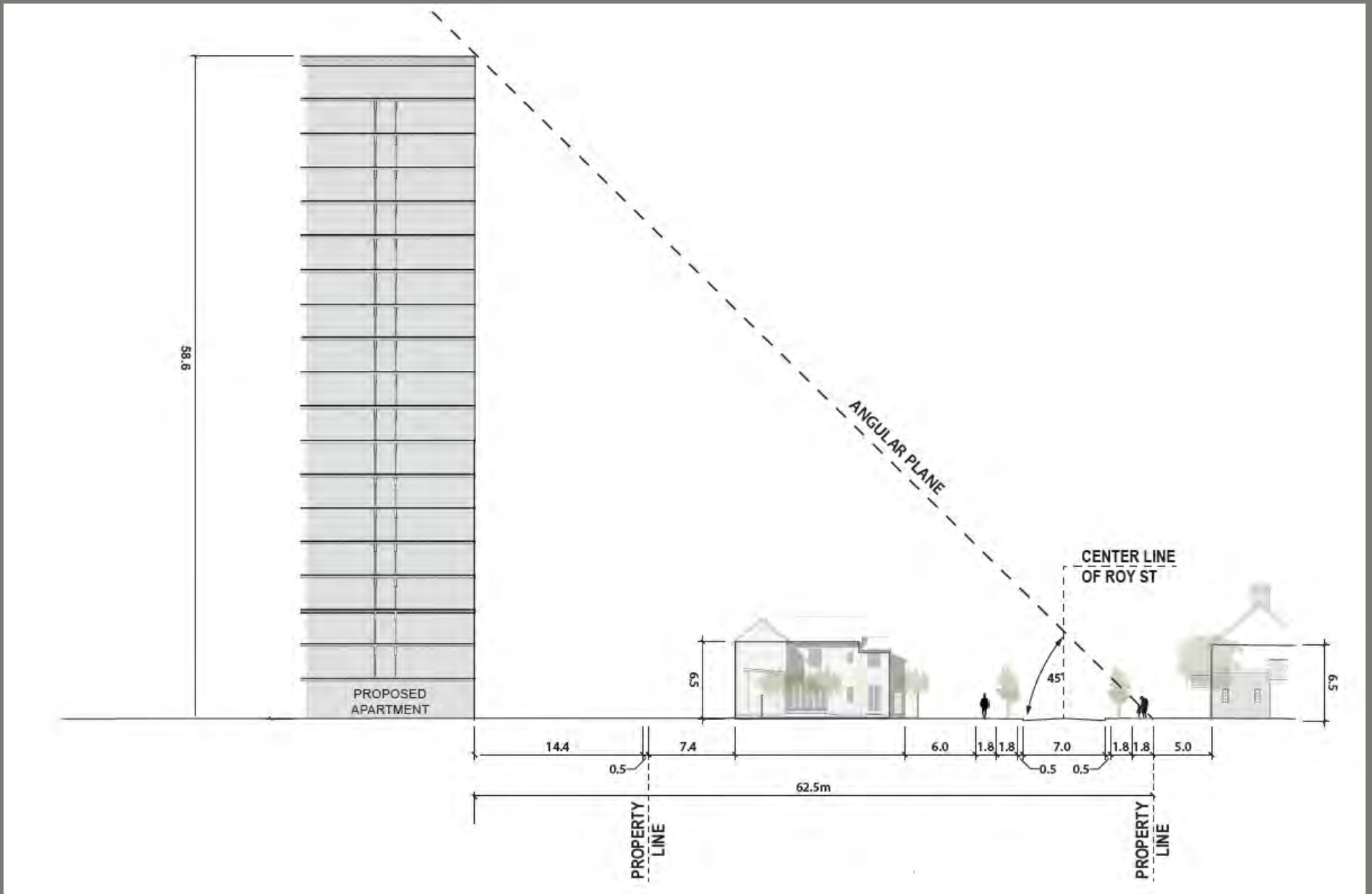
- a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood.

Design Response: The subject lands are located outside of an established neighbourhood and are instead located along a Regional Road in an area designated for high-density development. The character along Weber Street West varies in terms of use, scale, height and overall massing.

The proposed development includes a narrow tower footprint that has been oriented to Weber Street, allowing for a 15 metre rear yard. The rear yard combined with the Office-Residential Conversion area provides for sufficient separation between the proposed development and the Low Rise Residential-Preservation area (i.e. the established neighbourhood).

One of the techniques to relate appropriate building height to existing development is through the use of angular planes. With respect to an angular plane analysis, a 45-degree angular plane rule is often applied. An angular plane analysis has been prepared in support of the proposed development demonstrating that the proposed building falls within the ideal 45-degrees. This analysis is pictured on the adjacent page. The angular plane has been measured from the Low Rise Residential Preservation Area which forms the established neighbourhood. The approach to the angular plane analysis recognizes the Office Conversion Residential designation was intended to be the built form buffer between high rise development fronting Weber Street and the low rise residential enclaves located in the interior of the Civic Centre neighbourhood. Overlook will be lessened by the presence of existing mature trees and buildings located on the south side of Roy Street (within the Office-Residential Conversion area).

- b) Where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape and the neighbourhood.



Angular Plane

Design Response: The development is located outside of the established neighbourhood. Notwithstanding, the subject lands are located within an area with a wide range of front yard setbacks. The proposed building is set close to the property line (consistent with other existing development, including the church at Weber Street West and Queen Street North), which allows for an increased rear yard setback.

c) N/A

d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy.

Design Response: As previously noted a rear yard setback of 15 metres is proposed between the new building and existing buildings to the rear. One of the surrounding buildings is currently used for residential use. Privacy fencing will be provided along the rear yard of the proposed development and mature trees in the adjacent lots to the north will continue to provide privacy. It is noted that while one abutting lot is currently used for residential purposes, the lot is located within the office-residential conversion area and as such could convert to non-residential use at any time in the future.

e) The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by providing both an appropriate number of parking spaces and an appropriate landscaped/amenity area on the site.

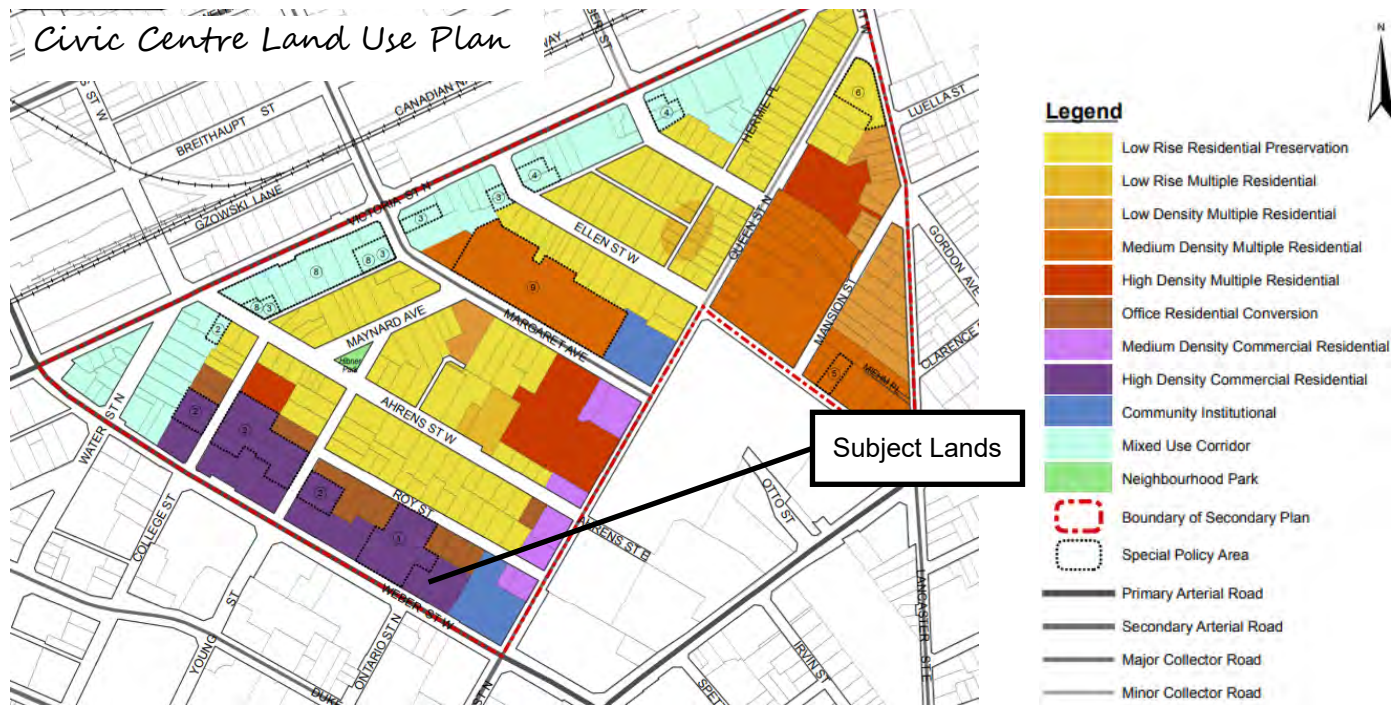
Design Response: The landscaped area is slightly less than the minimum requirement of the zoning by-law. A Planning Justification has been prepared which supports the proposed parking reduction. The property is located in proximity to several public parking lots allowing for additional parking opportunities for short term visitors. It is noted that the City's Official Plan makes provision for reductions in parking where sufficient transit exists or is to be provided (Policy 13.C.8.2). In that regard, the subject lands are located within a Major Transit Station Area.

f) The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirement does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.

Design Response: The proposed zone change application will be reviewed by Planning staff prior to approval. It is our opinion that the proposed zoning will result in a development that achieves appropriate site design.

When considering compatibility, it must be weighted against other planning objectives. The subject lands are located within a Major Transit Station Area (MTSA) which are key intensification areas within the Region and City. The planned function for Major Transit Station Areas is development that is pedestrian friendly and transit supportive. The subject lands represent a vacant parcel within the Civic Centre Neighbourhood representing a unique development opportunity. The lands immediately surrounding the site are also located within a Major Transit Station Area and are designated either High Density Commercial Residential or Office Residential Conversion. Lands on the opposite side of Weber Street South are located within the Urban Growth Centre and are designated City Centre District.

When reviewing the land use plan for the Civic Centre Neighbourhood it is clear that Weber Street West is intended to be developed at a higher intensity than the Low Rise Residential Preservation Areas to the north. The proposed development represents an opportunity to develop the site in a manner which is compatible with residential properties to the north. The Office Residential Conversion area allows for a transition in height and height and density between Weber Street and the north side of Roy Street. A shadow analysis has been completed for the proposed development (**Appendix A**) to analyze the potential impact of the proposed development on surrounding properties, in particular the residential properties along the north side of Roy Street, north of the subject lands. As confirmed in Section 4.3 of this Brief, the shadow analysis demonstrates that the height and location of the building will not generate unacceptable amounts of shadows over the Low Rise Residential Preservation area.



4.3 Analysis of Microclimate IMPACTS

SUN SHADOW STUDY

A shadow impact analysis was requested to allow staff to better understand the net impact the proposed massing will have on adjacent properties and in particular the residential properties within the Low Rise Residential Preservation designation. The shadow study diagrams are included as **Appendix A**. The following is a short summary of the shadow study findings:

March/September 21: During the Spring /Fall time periods shadows fall, for the most part, within the subject lands and within non-residential properties. The residential property immediately north of the subject lands experiences some shadows during the mid-afternoon but maintains full sun during the morning and late afternoon time periods. For the most part the shadows do not impact any of the Low Rise Residential-Preservation area on the north side of Roy Street, save an except two residential properties which will experience shadows for one of the time periods tested (4 pm). These properties will be not otherwise be impacted.

June 21: During the summer time periods the shadows fall within the site or within surrounding non-residential properties and associated parking areas. Residential homes on the north side of Roy Street are not impacted by the proposed development, nor is the residential property directly abutting the subject lands.

December 21: The majority of residential properties on the north side of Roy Street will continue to experience full sun in the rear yards during the morning time periods on December 21. Partial shadows from the proposed development will occur on a limited number of properties during the December time periods. Generally winter shadows are considered more acceptable as people are less likely to use their backyards during this time of year, and shadows from existing dwellings likely already impact these areas.

The shadow study diagrams demonstrate that the height and location of the building will not generate unacceptable amounts of shadows on adjacent lands, and on lands within the Low-Rise Residential Preservation Area.

PEDESTRIAN WIND STUDY

A pedestrian wind study has been completed by Rowan Williams Davies & Irwin Inc. (RWDI). The purpose of this study was to conduct a qualitative desktop wind assessment for the proposed development. The study, attached as **Appendix B**, concludes that the proposed project is not expected to have significant impacts on the existing wind conditions off-site. No exceedances of the wind safety criterion are anticipated. Uncomfortable wind within the proposed parking structure is expected to be mitigated through detailed design.

4.4 CPTED Considerations

The proposed development has been designed with consideration of the basic concepts of Crime Prevention Through Environmental Design (CPTED).

ACCESS CONTROL

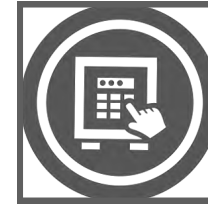
Access control is achieved by clearly differentiating between public space and private space. The principle of access control is directed at decreasing crime opportunity. The overall goal with this CPTED principle is not necessarily to keep intruders out, but to direct the flow of people while decreasing the opportunity for crime. The proposed development achieves access control by:

- Providing clearly identifiable, point(s) of entry into the building.
- Creating well-defined site entrances for vehicular access.

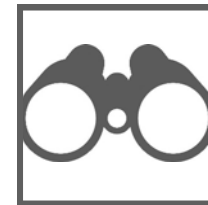
NATURAL SURVEILLANCE

Natural surveillance occurs by designing the placement of physical features, activities and people in such a way as to maximize visibility and foster positive social interaction among legitimate users of private and public space. It is directed at keeping intruders under observation based on the theory that a person inclined to engage in criminality will be less likely to act on their impulse if he or she can be seen. The proposed development achieves natural surveillance by:

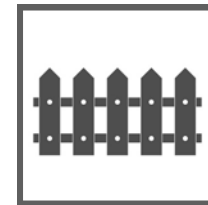
- Maximizing the number of "eyes" watching the site by creating a visual connection and maintaining unobstructed views from within the building to the exterior, as well as, between the street, the sidewalk, and the building.
- Proposing spaces and uses that are capable of generating activity (at-grade lobby/amenity areas).
- Placing windows along all sides of the building that overlook public sidewalk and parking areas.
- Designing lighting plans that avoid creating blind spots and ensuring potential problem areas are well lit (pedestrian walkways, stairs, entrances/exits, parking areas, recycling areas, etc.).



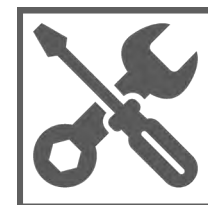
1
Access Control



2
Natural Surveillance



3
Territorial Reinforcement



4
Maintenance

THE PROPOSED DEVELOPMENT HAS BEEN DESIGNED WITH CONSIDERATION OF THE FOUR BASIC CONCEPTS OF CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED).

TERRITORIAL REINFORCEMENT

Territorial Reinforcement is the intentional design of the site to create a “border” between private and public property. These measures are not meant to prevent anyone from physically entering, but to create a feeling of territoriality and send a message to offenders that the property belongs to someone. The proposed development achieves the principle of territorial reinforcement by:

- Clearly delineating private from public property via: pavement treatments, entry treatments, landscaping, fencing, signage, etc.
- Delineating desired pedestrian and vehicular circulation.

MAINTENANCE

The other key aspect of CPTED is property maintenance; on the premise that good maintenance practices and upkeep send the message that the property is cared for on a regular basis. Following construction of the development, property management and/or management by a condominium corporation will ensure that the buildings interiors and exteriors are well maintained.

The proposed development will be also be subject to site plan approval including requirements to maintain the property for the life of the development.

4.5 CONCLUSION

The proposed development presented in this Urban Design Brief will contribute positively to the City of Kitchener's Official Plan policies and urban design objectives as well as the site specific goals and objectives identified herein. Overall, the proposed redevelopment represents a significant investment in Kitchener and will create new residential units in a high-quality development, all of which contribute positively to the Civic Centre neighbourhood. In summary, the proposed development will:

- Capitalize on the existing location of the subject lands just outside Downtown Kitchener within a Major Transit Station Area;
- Provide for intensification that is sensitive to the surrounding context;
- Result in a pedestrian friendly development that supports active transportation while supporting existing and planned transit services, thereby minimizing future occupants' reliance on the automobile.
- Create strong visually appealing street edges.
- Result in a more efficient and sustainable use of the property
- Increase the variety of unit types within the Civic Centre Neighbourhood by offering smaller multiple residential units at an attainable price point.
- Define the Weber Street West street edge by incorporating high quality architectural detailing.

The proposed redevelopment is appropriate for this location and will contribute positively to the character and built form of the Weber Street corridor adjacent to Downtown Kitchener.



APPENDIX A

Shadow Study Diagram

Shadow Study

Spring Shadows - March 21

LEGEND

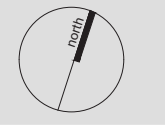


Sources: Trimble Sketch-Up 2018

OCTOBER 13, 2021

SCALE: N.T.S

K:\1961A-22 Weber St



Shadow Study

Summer Shadows - June 21

LEGEND



Sources: Trimble Sketch-Up 2018

OCTOBER 13, 2021

SCALE: N.T.S

K:\1961A-22 Weber St



Shadow Study

Autumn Shadows - September 21

LEGEND

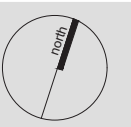


Sources: Trimble Sketch-Up 2018

OCTOBER 13, 2021

SCALE: N.T.S

K:\1961A-22 Weber St

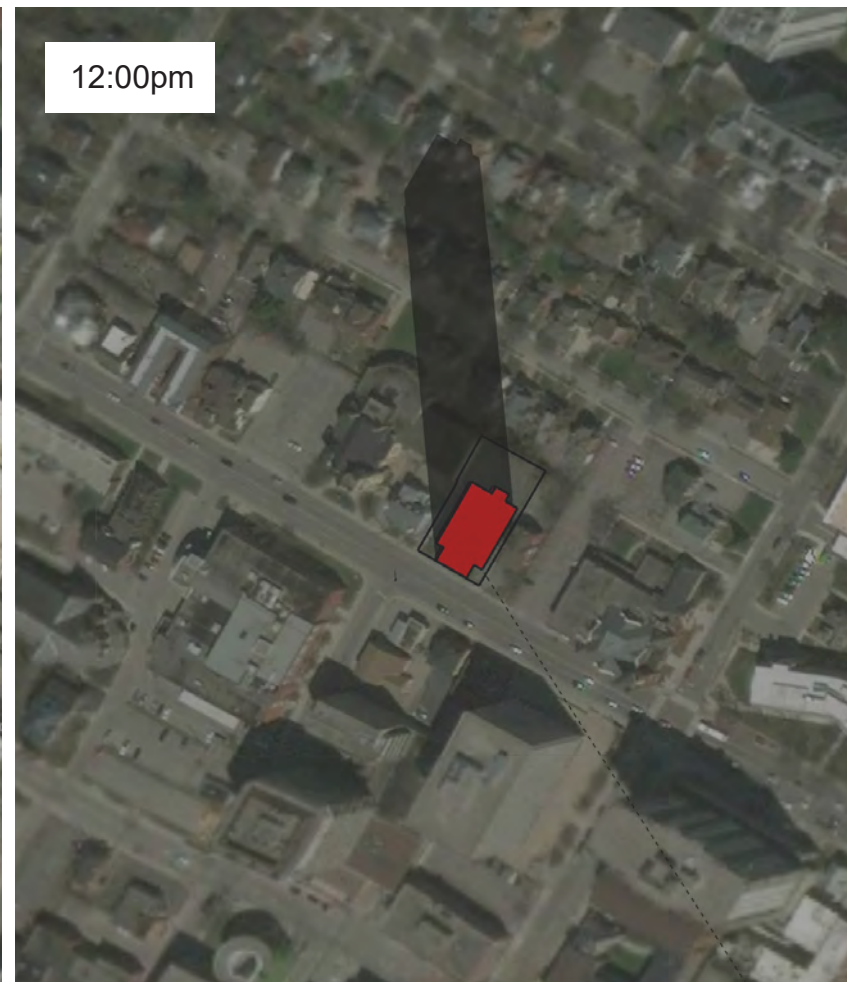


Shadow Study
Winter Shadows - December 21

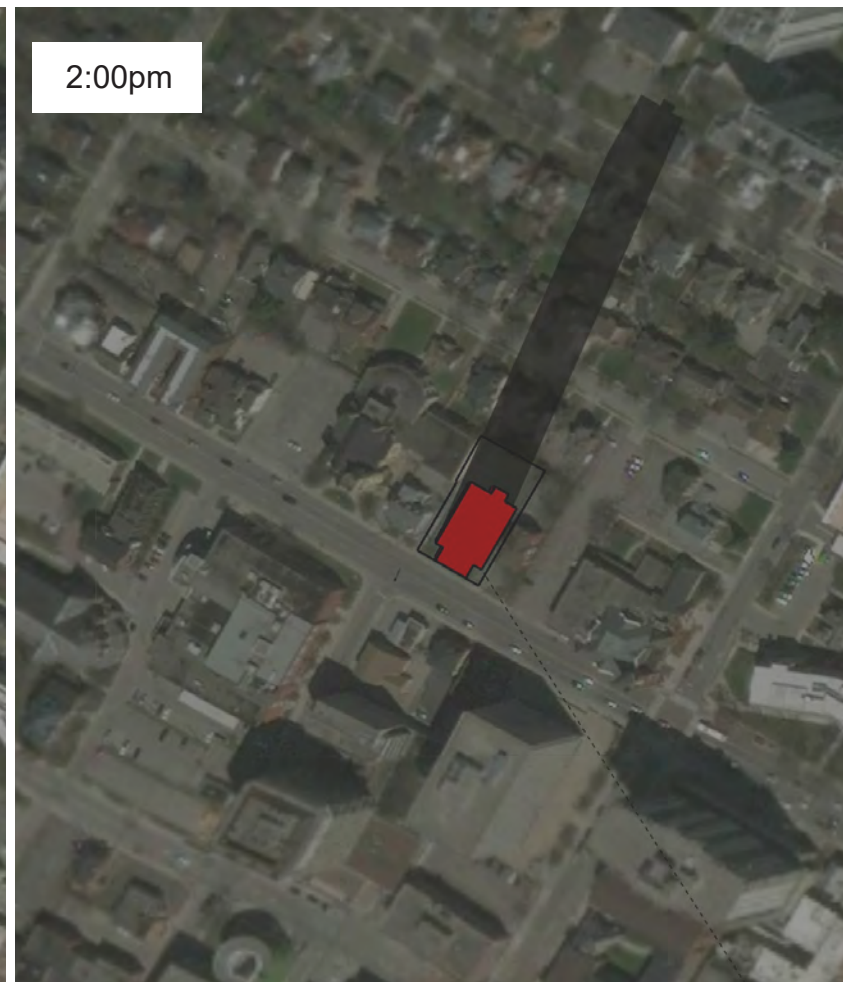
LEGEND



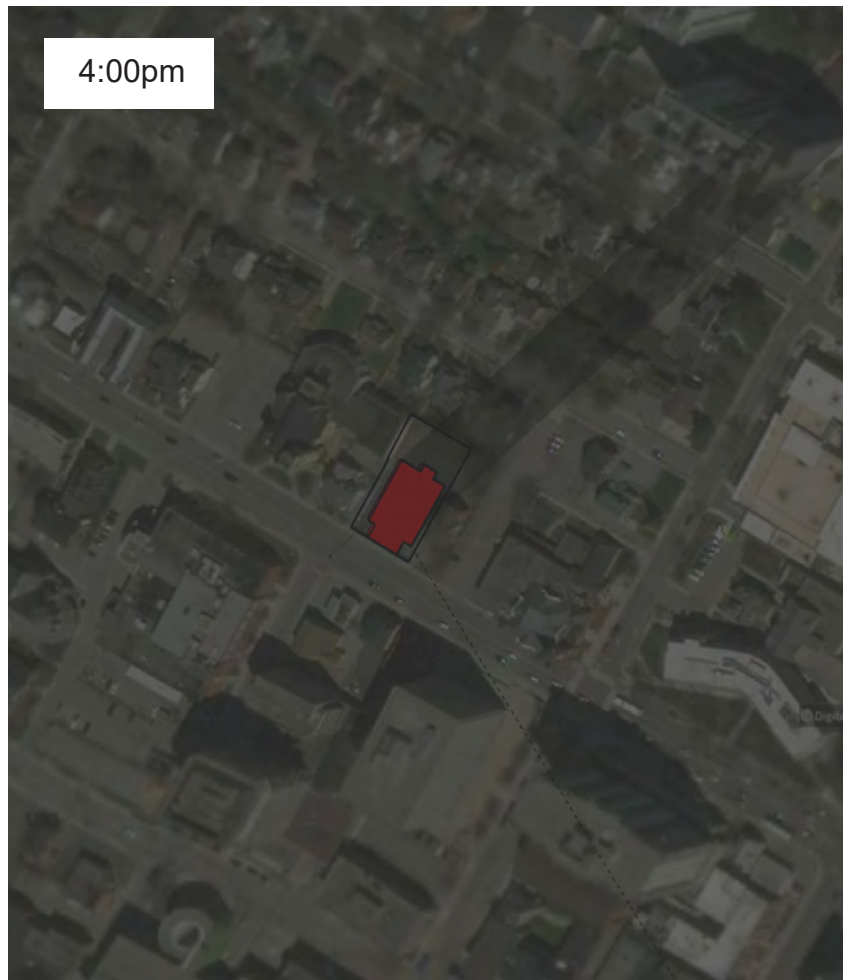
10:00am



12:00pm



2:00pm



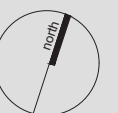
4:00pm

Sources: Trimble Sketch-Up 2018

OCTOBER 13, 2021

SCALE: N.T.S

K:\1961A-22 Weber St



APPENDIX B

Pedestrian Wind Study

REPORT

22 WEBER STREET WEST

KITCHENER, ON

PEDESTRIAN WIND ASSESSMENT

PROJECT #2002752

OCTOBER 8, 2021



SUBMITTED TO

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1. INTRODUCTION



Rowan Williams Davies & Irwin Inc. (RWDI) was retained by MHBC Planning, Urban Design & Landscape Architecture to conduct a qualitative desktop wind assessment for a proposed development at 22 Weber Street East in Kitchener, Ontario (see **Image 1**). This assessment is in support of the Rezoning Application as required by the City of Kitchener.

This assessment was based on the following:

- a review of regional long-term meteorological data from the Region of Waterloo International Airport;
- design information received from The Ventin Group Ltd. up to September 28, 2021;
- wind-tunnel studies undertaken by RWDI for similar projects in the Kitchener Waterloo area;
- our engineering judgement and knowledge of wind flows around buildings¹⁻³; and,
- The use of 3D software developed by RWDI (*WindEstimator*²) for estimating the potential wind conditions around generalized building forms

This approach provides a screening-level estimation of potential wind conditions. Conceptual wind control measures to improve wind comfort are recommended, where necessary. To quantify these wind conditions or refine any conceptual mitigation measures presented herein, physical scale-model tests in a boundary-layer wind tunnel would be required.

Note that other wind issues, such as those related to wind loads, stack effect, air quality, snow accumulations, door operability, etc., were not considered in the scope of this assessment.

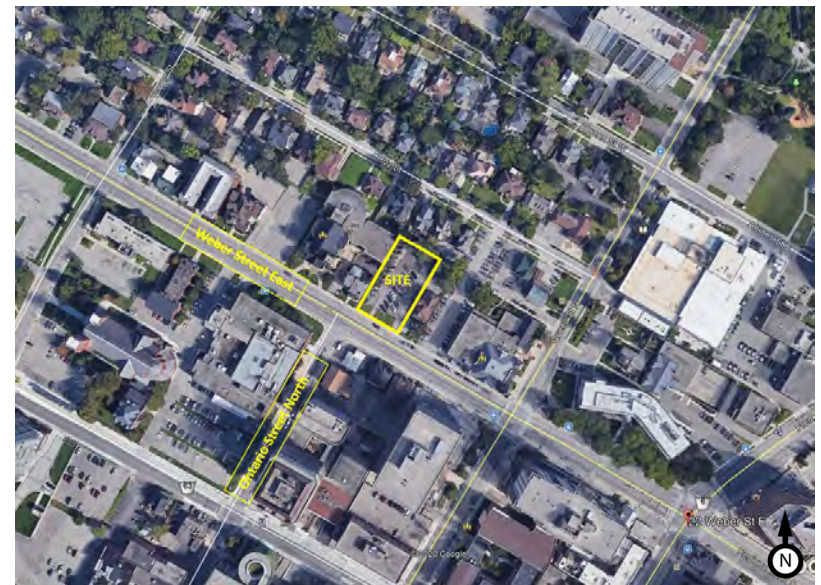


Image 1: Aerial View of Existing Site and Surrounding (courtesy of Google™ Earth)

1. H. Wu and F. Kriksic (2012). "Designing for Pedestrian Comfort in Response to Local Climate", *Journal of Wind Engineering and Industrial Aerodynamics*, vol.104-106, pp.397-407.
2. H. Wu, C.J. Williams, H.A. Baker and W.F. Waechter (2004), "Knowledge-based Desk-Top Analysis of Pedestrian Wind Conditions", *ASCE Structure Congress 2004*, Nashville, Tennessee.
3. C.J. Williams, H. Wu, W.F. Waechter and H.A. Baker (1999), "Experience with Remedial Solutions to Control Pedestrian Wind Problems", *10th International Conference on Wind Engineering*, Copenhagen, Denmark.

2. BUILDING AND SITE INFORMATION



The proposed development is located on the north side of Weber Street East near the intersection with Ontario Street North.

The project involves building a 19-storey residential building with 27 surface parking spaces. Pedestrian areas of interest include the main building entrances, adjacent sidewalk, parking area and a roof terrace.

Image 2 shows a rendering view of the proposed project looking northeast.

The immediate surroundings are single family homes to the northwest through northeast and mid-rise buildings to the west, south and east. Downtown Kitchener is located 300m to the south and southwest. The Region of Waterloo International Airport is approximately eight kilometers to the east.



Image 2: Rendering of Project – Looking Northeast across Weber Street East
(courtesy of The Ventin Group Ltd.)

3. WIND DATA



Meteorological data from the Region of Waterloo International Airport recorded between 1987 and 2017 were used as reference for wind conditions. This is the nearest station to the project site with long-term wind data.

The distributions of wind frequency and directionality for summer (May through October) and winter (November through April) seasons are shown by the wind roses in **Image 3**.

When all winds are considered (regardless of speed), winds from the south-southwest, through northwest and east directions are predominant during both summer and winter.

Strong winds of a mean speed greater than 30 km/h measured at the airport (at an anemometer height of 10m) occur more often in the winter than in the summer.

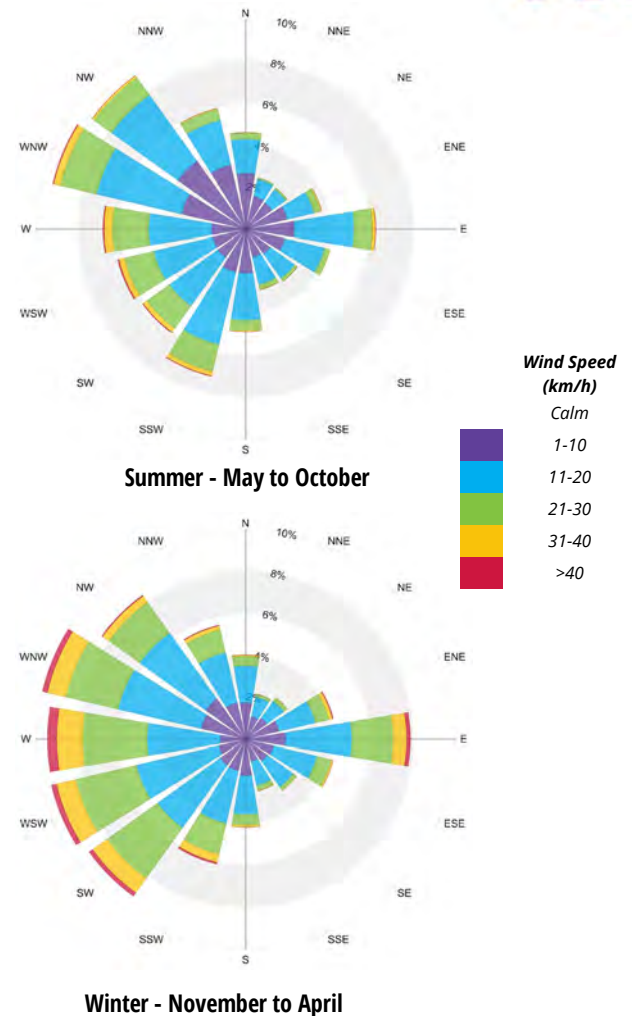


Image 3: Directional Distribution of Winds Approaching Region of Waterloo International Airport (1987 – 2017)

4. CRITERIA



The RWDI pedestrian wind criteria are used in the current study. These criteria have been developed by RWDI through research and consulting practice since 1974. They have also been widely accepted by municipal authorities and by the building design and city planning community including the City of Waterloo. The criteria are as follows:

4.1 Pedestrian Safety

Pedestrian safety is associated with excessive gust wind speeds that can adversely affect a pedestrian's balance and footing. If strong winds that can affect a person's balance (**90 km/h**) occur more than 0.1% of the time or 9 hours per year, the wind conditions are considered severe.

4.2 Pedestrian Comfort

Wind comfort can be categorized by typical pedestrian activities:

Sitting (≤ 10 km/h): Calm or light breezes desired for outdoor seating areas where one can read a paper without having it blown away.

Standing (≤ 14 km/h): Gentle breezes suitable for main building entrances and bus stops.

Strolling (≤ 17 km/h): Moderate winds that would be appropriate for window shopping and strolling along a downtown street, plaza or park.

Walking (≤ 20 km/h): Relatively high speeds that can be tolerated if one's objective is to walk, run or cycle without lingering.

Uncomfortable: None of the comfort categories are met.

Wind conditions are considered suitable for *sitting, standing, strolling* or *walking* if the associated mean wind speeds are expected for at least four out of five days (80% of the time). Wind control measures are typically required at locations where winds are rated as *uncomfortable* or if they exceed the wind safety criterion.

Note that these wind speeds are assessed at the pedestrian height (i.e., 1.5 m above grade or the concerned floor level), typically lower than those recorded in the airport (10 m height and open terrain).

These criteria for wind forces represent average wind tolerance. They are sometimes subjective and regional differences in wind climate and thermal conditions as well as variations in age, health, clothing, etc. can also affect people's perception of the wind climate.

For the current development, wind speeds comfortable for *walking* or *strolling* are appropriate for the parking lot and sidewalks; and lower wind speeds comfortable for *standing* are required for building entrances where pedestrians may linger. *Sitting / standing* conditions are preferable for outdoor amenity spaces.

5. PEDESTRIAN WIND CONDITIONS



5.1 Background

Predicting wind speeds and occurrence frequencies is complicated. It involves building geometry, orientation, position and height of surrounding buildings, upstream terrain and the local wind climate. Over the years, RWDI has conducted thousands of wind-tunnel model studies regarding pedestrian wind conditions around buildings, yielding a broad knowledge base. This knowledge has been incorporated into RWDI's proprietary 3D software that allows, in many situations, for a qualitative, screening-level numerical estimation of pedestrian wind conditions without wind tunnel testing.

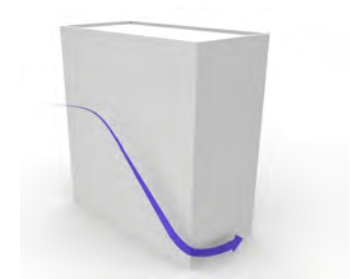
The proposed development is exposed to the prevailing winds. Tall buildings tend to intercept the stronger winds at higher elevations and redirect them to the ground level. Such as *Downwashing Flow* (see **Image 4a**) is the main cause for increased wind activity around tall buildings at the grade level. When oblique winds are deflected down by a building, a localized increase in the wind activity or *Corner Acceleration* can be expected around the downwind building corner at pedestrian level (see **Image 4b**).

When two buildings are situated side by side, wind flow tends to accelerate through the space between the buildings due to *Channelling Effect* caused by the narrow gap (see **Image 4c**). If these building/wind combinations occur for prevailing winds, there is a greater potential for increased wind activity at pedestrian level.

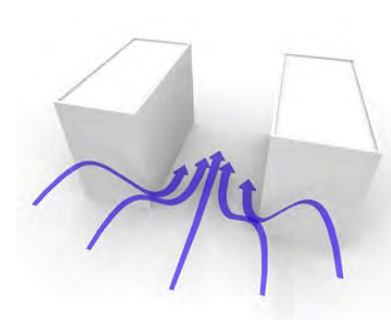
Building setbacks and podiums will reduce the direct impact of downwashing wind flows at grade (see **Image 4d**); however, higher wind activities are expected on the podium itself. The strategic use of landscaping also aids in reducing pedestrian level wind impacts.



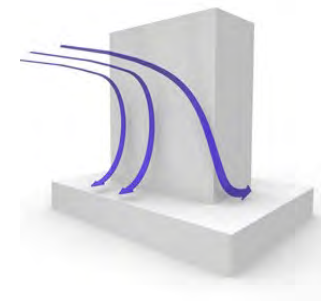
a) Downwashing Flow



b) Corner Acceleration



c) Channeling Effect



d) Podium Reduces Impact of Downwashing

Image 4: Generalized Wind Flow Patterns



5. PEDESTRIAN WIND CONDITIONS

5.2 Existing Conditions

The wind conditions around the existing site are most likely comfortable for *standing* in summer and *strolling / walking* in winter. No exceedances of the wind safety criterion are likely to exist.

5.3 Proposed Conditions

With the introduction of the proposed project winds will increase along the Weber Street sidewalk, however conditions there are expected to remain appropriate. The proposed project is not expected to have significant impacts on the existing wind conditions off-site. No exceedances of the wind safety criterion are anticipated. The predicted summer and winter wind conditions are presented in **Images 5 and 6** respectively.

5.3.1 Building Entrances

The main entrance off Weber Street East includes an external enclosure that will provide good wind protection. This design feature should be preserved as it will provide appropriate wind conditions (i.e., comfortable for *sitting / standing* on an annual basis) at these doors.

The entry doors from the parking garage will be vulnerable to westerly winds downwashing from the building façade and then channeling through the large opening on the west side of the parking area (as per the generic examples shown in **Image 4** and the flow arrows in **Images 5 and 6**). This is expected to create conditions suitable for *walking* in

summer and *uncomfortable* in winter. The entry doors are well designed given that they are recessed into the façade (which will protect them from damage) however, pedestrians walking to/from these doors are likely to find the wind conditions unacceptable. To mitigate this situation would require enclosing the western opening on the parking area to prevent westerly winds from channeling through the parking area. This enclosure should be 50% to 100% solid (i.e., up to 50% porosity as long as the openings are small (i.e., less than 30 cm). **Image 7** shows some examples of wind screens.

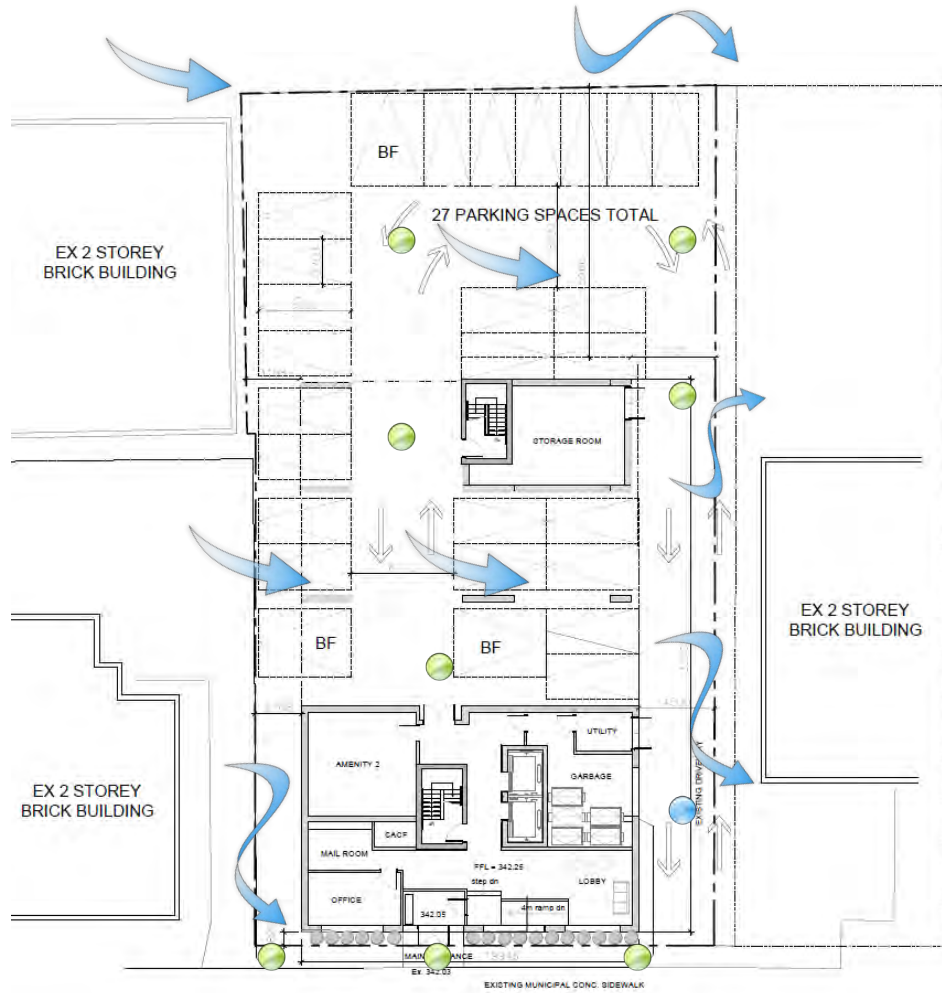
5.3.2 Sidewalks

The sidewalk along Weber Street East is expected to be comfortable for *strolling* during the summer and *walking* in the winter. These conditions are appropriate.

5.3.3 Parking Area

The channeling wind flows described for the parking area entry doors will persist through much of the parking area creating conditions that are likely be **uncomfortable** in the winter. The wind control strategy already described for the parking area entry doors would improve conditions throughout this parking area.

5. PEDESTRIAN WIND CONDITIONS



Predicted *SUMMER* Wind Conditions

- Sitting / Standing
- Strolling / Walking
- Uncomfortable

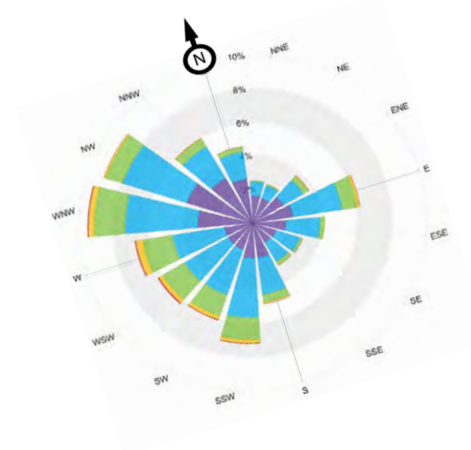


Image 5: Predicted *SUMMER* Wind Conditions (Ground Level)

5. PEDESTRIAN WIND CONDITIONS



Predicted *WINTER* Wind Conditions

- Sitting / Standing
- Strolling / Walking
- Uncomfortable

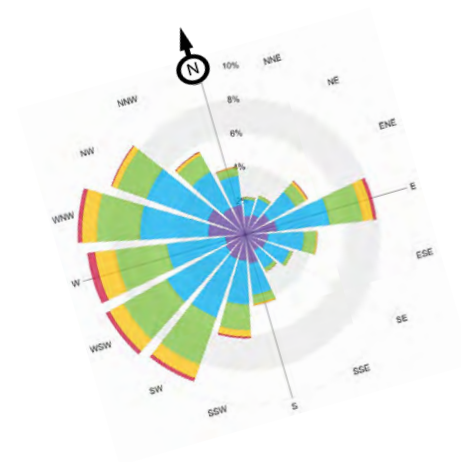


Image 6: Predicted *WINTER* Wind Conditions (Ground Level)

5. PEDESTRIAN WIND CONDITIONS



5.3.4 Roof Terrace

In the event that the project will include an amenity space at the roof level it would require some consideration for wind comfort. This results from the fact that wind speeds naturally increase in strength with elevation making a roof terrace exposed to stronger winds than those being experienced at grade level. Having said this, the eastern half of the roof would be protected by the taller building element to the west.

Depending on the intended use and the locations, some architectural interventions such as tall vertical wind screens and/or overhead trellises may be required. RWDI can be available to advise should this be in consideration.

5. PEDESTRIAN WIND CONDITIONS

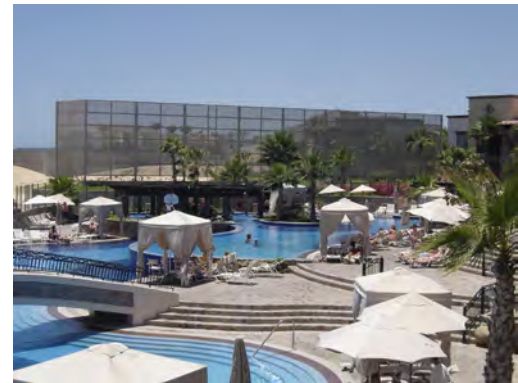


Image 7: Examples of Vertical Wind Screens

6. SUMMARY

Wind conditions on and around the proposed 22 Weber Street East project in Kitchener, Ontario are discussed in this report, based on information on the local wind climate, surrounding buildings, our past experience with wind tunnel testing, and screening-level wind flow modelling. This assessment is not based on wind tunnel testing of a scale model.

The main entrance is well designed for wind and is expected to have appropriate wind conditions.

The parking area entrance and the parking area itself will be vulnerable to westerly winds channeling through the large opening on the west side of the parking area. Recommendation is made to enclose this opening.

Sidewalk along Weber Street is expected to have appropriate wind conditions.

In the event that a roof top terrace is being considered some conceptual suggestions for wind control are provided.

To quantify these wind conditions or refine any conceptual mitigation measures presented herein, physical scale-model tests in a boundary-layer wind tunnel would be required.

7. APPLICABILITY OF RESULTS



The assessment presented in this report is for proposed 22 Weber Street and is based on the design drawings and documents received from The Ventin Group Ltd. up to September 28, 2021.

In the event of any significant changes to the design, construction or operation of the building or addition of surroundings in the future, RWDI could provide an assessment of their impact on the pedestrian wind conditions discussed in this report. It is the responsibility of others to contact RWDI to initiate this process.

Appendix E
Site Plan Concept

Appendix F
Proposed Official Plan Amendment

**AMENDMENT NO. TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER**

**CITY OF KITCHENER
22 Weber Street West**

**AMENDMENT NO. TO THE OFFICIAL PLAN
OF THE CITY OF KITCHENER
22 Weber 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

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 9 to add a Special Policy Area.

SECTION 3 – BASIS OF THE AMENDMENT

The subject lands are located at 22 Weber Street West. The subject lands are designated High Density Commercial Residential in the Civic Centre Neighbourhood Secondary Plan, which forms part of the 1994 Official Plan. The High Density Commercial Residential designation in the Civic Centre Secondary Plan permits multiple dwellings and recognizes the proximity of the Civic Centre Neighbourhood to the higher intensity land uses of the Downtown and the location of the property on a primary road. The subject lands are also located within a Protected Major Transit Station Area (PMTSA) which is considered a primary intensification area.

An Official Plan Amendment is required to add a Special Policy to permit a maximum Floor Space Ratio (FSR) of 7.95 prior to any development occurring on the lands.

This will bring this site into conformity with the Regional Official Plan as well as the City of Kitchener Official Plan which directs intensification to Major Transit Station Areas.

The subject lands are located in close proximity to multiple LRT Stops and are identified in the Regional Official Plan and the City of Kitchener 2014 Official Plan as being within a Major Transit Station Area (MTSA). The proposed development includes multiple residential development at a density that supports both transit and active transportation.

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. The subject lands are a vacant parcel, strategically located at the periphery of the Civic Centre Neighbourhood, immediately adjacent to the downtown and is buffered from the stable residential area at the interior of the neighbourhood by the Office Residential Conversion designation. Its prominent location makes it ideal for the density proposed.

The maximum floor space ratio, setbacks for the building, minimum amenity space, as well as bicycle 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 2024 Provincial Planning Statement and conforms to 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 Major Transit Station Area as prescribed in both the current and newly adopted 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 13.1.3 Special Policies is amended by adding new 13.1.3.XX thereto as follows:

“XX. Notwithstanding the High Density Commercial Residential land use designation and policies:

 - i. The maximum permitted Floor Space Ratio shall be 7.95.
 - c) Map 9– Civic Centre Neighbourhood Plan for Land Use is amended by adding a Special Policy Area to the lands municipally known as 22 Weber Street West.

Appendix G

Proposed Zoning By-law Amendment

PROPOSED BY – LAW
XXXXX, 2022
BY-LAW NUMBER ____
OF THE
CORPORATION OF THE CITY OF KITCHENER
(Being a by-law to amend By-law 85-1, as amended, known as
the Zoning By-law for the City of Kitchener)
22 Weber Street West

WHEREAS it is deemed expedient to amend By-law 85-1 for the lands specified above;

NOW THEREFORE the Ontario Land Tribunal enacts as follows:

1. Schedule Number 121 of Appendix “A” to By-law Number 85-1 are hereby amended by changing the zoning applicable to 22 Weber Street West, in the City of Kitchener, from Commercial Residential Three Zone (CR-3) to Commercial Residential Three Zone (CR-3) with Special Regulation Provision XXXR and Holding Provision XXXH.
2. Appendix “D” to By-law 85-1 is hereby amended by adding Section XXXR thereto as follows:

XXXR

Notwithstanding Section 46.3, Section 6.1.2a), and 6.1.2b)vi) of this By-law, within the lands zoned Commercial Residential Three Zone (CR-3), shown as affected by this subsection, on Schedule 121 of Appendix “A”, a Multiple Dwelling shall be permitted in accordance with the following:

Design Standards & Parking

- a. The maximum Floor Space Ratio shall be 7.95.
- b. The maximum Building Height shall be 19 storeys and 59 metres.
- c. The minimum Front Yard shall be 0.0 metres.
- d. For portions of the building up to 5.0 metres in height, the minimum Rear Yard shall be 8.0 metres.
- e. For portions of the building greater than 5.0 metres in height, the minimum Rear Yard shall be 14 metres.
- f. The minimum Side Yard shall be 2.5 metres.
- g. The minimum landscape area shall be 5%.
- h. Dwelling Units shall be permitted on the ground floor within either a mixed-use or multiple dwelling building.

- i. Exclusive use patio areas are not required for ground floor units.
- j. Rear Yard Access requirements do not apply.
- k. The minimum ground floor height shall be 4.5 metres.
- l. The minimum Class A Bicycle Parking Stall requirement shall be 1 per dwelling unit, located within the unit or within a secure bicycle storage room.
- m. The minimum Class B Bicycle Parking Stall requirement shall be 6.
- n. The minimum parking requirement shall be 0 spaces per unit.
- o. The minimum visitor parking requirement shall be 0 spaces per unit.
- p. A minimum amenity area of 1,500 square metres shall be provided and shall include balconies and shared amenity space.
- q. Geothermal Energy Systems shall be prohibited.

3. Appendix "F" to By-law 85-1 is hereby amended by adding Section XXXH as follows:

XXXH

Notwithstanding Section 46.1 of this By-law, within the lands zoned CR-3 and shown as affected by this subsection on Schedule Numbers 84 and 121 of Appendix "A":

No residential use shall be permitted until a detailed transportation (road) and stationary noise study has been completed and implementation measures recommended to the satisfaction of the Regional Municipality of Waterloo or the City of Kitchener. The detailed stationary noise study shall review stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

4. This By-law shall come into effect only upon approval of Official Plan Amendment No. XX, for 22 Weber Street West, but upon such approval, the provisions hereof affecting such lands shall be deemed to have come into force on the date of passing hereof.

Appendix H

Summary of Changes



December 16, 2024

Jennifer Meader
TMA Law
25 Main Street West, Suite 2010
Hamilton, ON L8P 1H1

Dear Ms. Meader:

RE: OLT-22-002377 / 22 Weber Street West, Kitchener / Revised Site Plan, Updated Wind Study and Draft Planning Instruments
OUR FILE 1961A

We are writing to provide you with updated materials as it relates to OLT file number OLT-22-00237 including:

- Modified site plan concept;
- Summary of site plan changes (contained within this letter);
- Revised draft Official Plan Amendment (tracked changes and clean versions)
- Revised draft Zoning By-law Amendment (tracked changes and clean versions)
- Pedestrian Wind Study Addendum Letter (RWDI, December 4, 2024)

Revised Site Plan Concept

In December 2021, a revised submission package was filed with the Tribunal. This included a revised site plan, dated September 23, 2021 (included as **Attachment A** to this letter). The September 2021 site plan reflected the 19 storey proposal.

The revised site plan concept is included as **Attachment B** to this letter and has been further updated as follows:

- The Regional road widening is now shown on the site plan concept;
- As a result of the widening, the rear yard setback has been slightly reduced. A minimum rear yard setback of at least 14 metres will be provided to the tower portion of the building.
- The front entry has been designed to ensure that doors do not open into the Regional ROW;
- Conceptual landscaping within the Regional ROW has been removed. Any landscaping will be determined through the detailed site plan approval process in consultation with the Region.
- All vehicular parking has been removed. This was in part in response to Bill 185 which removed minimum parking standards within MTSA areas.
- Ground floor units have now been incorporated.

- A single-storey bicycle storage room has been added at the rear of the building.
- The FSR has increased slightly as a result of the bicycle parking area that was added.
- Site statistics have been updated to show the total amenity area.

Overall the modifications to the conceptual site plan are minor, and do not require updated reports. The total building height, building orientation and placement, and access arrangement remain consistent with the previous concept. The modest increase in units (from 162 to 168) does not warrant updates to the technical support reports. Notwithstanding, an addendum letter was prepared by RWDI as it relates to wind. In the previous concept the ground floor had open areas associated with the ground floor parking. The Addendum letter concluded that wind conditions are expected to be similar to those presented in the October 2021 report, but that there may be higher than desired wind conditions at the north-west and south-west building corners. This will be further explored through the future site plan process, including implementation of any recommended wind mitigation measures.

This includes a revised site plan concept reflecting the following changes when compared to the September 2021 version:

Revised Planning Instruments

Minor edits were made to the draft Official Plan Amendment to reflect the revised FSR that is now proposed. Both redline and clean versions of the revised OPA are enclosed. The draft Zoning By-law Amendment has also been revised, with redline and clean versions enclosed as part of this submission. The following summarizes some of the key changes to the draft ZBA:

- In response to Region of Waterloo concerns:
 - A prohibition has been added with respect to Geothermal Energy Systems;
 - A holding provision is included with respect to the completion of a detailed transportation and stationary noise study.
- The maximum FSR permission has been revised to reflect the current site plan concept;
- A maximum building height has been added where no such restriction currently exists;
- The minimum front yard has been reduced as a result of the Regional road widening;
- Separate rear yard requirements have been added to the bicycle storage room and residential tower;
- Permission has been added for dwelling units on the ground floor of a mixed-use building (should commercial uses ever be incorporated in the future);
- Relief from ground floor patio requirements is requested;
- Minimum bicycle parking requirements have been added, whereas no such requirement currently exists in Zoning By-law 85-1;
- A minimum amenity area requirement has been added whereas no such minimum requirement currently exists.
- Minimum parking requirements have been removed.

OLT Issue List

MHBC looks forward to further discussions with all parties to determine if the current Issue List before the Tribunal can be scoped, particularly for issues related to parking, amenity space and Regional issues.

Yours truly,

MHBC

A handwritten signature in black ink, appearing to read "Andrea Sinclair", with a long horizontal stroke extending to the right.

Andrea Sinclair, MUDES, BES, MCIP, RPP
Partner

A



Attachment A: Site Plan Concept 2021

B

Attachment B: Revised Site Plan Concept (2024)

Appendix I

Agreed Statement of Fact (Planning and Urban Design)

Agreed Statement of Facts
January 30, 2025

Meeting Date: January 14, 2025
22 Weber Street West
City of Kitchener
Case No.: OLT-22-002377 (Formerly PL210104)

Meeting Attendees: Alyssa Bridge (Region of Waterloo)
Garett Stevenson (City of Kitchener)
Eric Schneider (City of Kitchener)
Pegah Fahimian (City of Kitchener)
Michael Bartan (MB1- representing FOBT)
Andrea Sinclair (MHBC for 30 Duke Street Limited)

The Land Use Planning Professionals and Urban Design Professionals that may be called as expert witnesses in the above hearing met on January 14, 2025 to discuss the Official Plan Amendment and Zoning By-law Amendment. As a result of the meeting and subsequent discussions, the following areas of agreement were reached:

1. The subject property is located within the Civic Centre Neighbourhood Heritage Conservation District and is designated under Part V of the Ontario Heritage Act.
2. The Subject Land is municipally known as 22 Weber Street West, Lot 5, Plan 390, in the City of Kitchener
3. The subject property is currently used as a surface parking lot.
4. The City received Zoning By-law Amendment and Official Plan Amendment applications for the proposed development, which were deemed complete on August 7, 2020.
5. The Subject Land is designated High Density Commercial Residential in the Civic Centre Secondary Plan. The High Density Commercial Residential designation permits a range of uses, including free standing multiple residential buildings at a maximum Floor Space Ratio ("FSR") of 4.0. The Official Plan Amendment proposes to retain the existing designation but with an increased FSR permission of 8.0.

6. The Zoning By-law Amendment application now requests the Subject land be rezoned Commercial Residential Three (CR-3) Zone with Site Specific Provisions in order to permit the development as proposed:
 - a. A minimum front yard setback of 0.0 metres is proposed along Weber Street West, whereas a minimum front yard of 3.0 metres is required.
 - b. For portions of the building up to 5.0 metres in height, a minimum rear yard setback of 8.0 metres is proposed. For portions of the building greater than 5.0 metres in height, a minimum rear yard setback of 14 metres is proposed. , whereas a minimum setback of one half the building height is required.
 - c. A maximum Floor Space Ratio of 8.0 whereas a maximum Floor Space Ratio of 4.0 is permitted.
 - d. A minimum landscape area of 5% whereas a minimum area of 10% is required.

7. Section 16 (22) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, states that “no official plan may contain any policy that has the effect of requiring an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, on land that is not part of a highway and that is located within,
 - a. a protected major transit station area identified in accordance with subsection (15) or (16);
 - b. an area delineated in the official plan of the municipality surrounding and including an existing or planned higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1); or
 - c. any other area prescribed for the purposes of this clause.”

8. Section 34 (1.1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, states that “despite paragraph 6 of subsection (1), a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, on land that is not part of a highway and that is located within,
 - a. a protected major transit station identified in accordance with subsection 16 (15) or (16);
 - b. an area delineated in the official plan of the municipality surrounding and including an existing or planned higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a

provincial plan or be consistent with a policy statement issued under subsection 3 (1); or

- c. any other area prescribed for the purposes of clause 16 (22) (c).”
9. A formal Site Plan Application has not been submitted to the City for consideration.
 10. These Agreed Statement of Facts are based on the proposed planning instruments and updated Pedestrian Wind Assessment – Addendum Letter that were filed with the Ontario Land Tribunal on December 24, 2024; the concept plan and typical floor plans attached to this Agreed Statement of Fact; and technical reports previously filed with the Tribunal in December 2021, including:
 - a. Revised Planning Justification Report, prepared by MHBC, dated December 2021.
 - b. Revised Urban Design Brief, prepared by MHBC, dated December 2021.
 - c. Revised Heritage Impact Assessment Report, prepared by MHBC, dated November 2021.
 - d. Revised Functional Servicing and Stormwater Management Report, prepared by MTE, dated October 1, 2021.
 - e. Revised Pedestrian Wind Assessment, prepared by RWDI, dated October 2021 (as well as further update filed in 2024).
 - f. Preliminary Renderings and 3D Model, prepared by +VG Architects.
 11. It is Agreed that the above noted reports reflect the current proposed height but have not been updated to illustrate the more recent site plan concept (January 22, 2025) showing a different interior ground floor configuration, increase in residential units, decrease in vehicle parking, increase in bicycle parking, and decreased rear yard setback for the base and tower.
 12. It is agreed that Issue 2a (consistency with Provincial Policy Statement, 2020) no longer applies as this document has been replaced by the Provincial Planning Statement 2024 (PPS 2024).
 13. It is agreed that Issue 3 (conformity with Growth Plan for Greater Golden Horseshoe 2020) no longer applies as this document has been replaced by the Provincial Planning Statement 2024 (PPS 2024).
 14. It is agreed that the Witness Statements will review the Regional Official Plan (ROP) that was in effect at the time the applications were made, as well as ROPA 6, but that with respect to Issues 4-7, for greater clarity, the policy numbering referenced are from the ROP prior to the more recent ROPA 6 amendments.

15. It is agreed that a Holding Provision is an appropriate mechanism to address noise issues. It is agreed that the draft zoning by-law amendment includes a Holding Provision related to the completion of a noise study prior to final site plan approval or building permit issuance.
16. It is agreed that Issues 16-17 can be scoped and no witness statement shall provide evidence on Policies 13.1.7, 13.C.7.4, 13.C.8.2 subject to continued inclusion of the bicycle parking regulation in the Zoning By-law Amendment requiring 1 Class A bicycle parking stall per unit and 6 Class B Bicycle Parking Stalls.
17. It is agreed that no witness statement shall provide evidence on Issue 21 as bicycle parking will be provided in accordance with Zoning By-law 85-1.
18. It is agreed that no witness statement shall provide evidence on Issue 39 (PARTS Central Plan).
19. It is agreed that a detailed wind study will be required as part of a complete site plan application and that any wind impacts and related mitigation measures will be reviewed and implemented through the site plan approval process. As such, it is agreed that no evidence will be provided in any witness statement on Issue 29 and Issue 32 can be revised to remove reference to wind impacts.
20. It is agreed that Regional Access requirements referenced in Issue 22 are a site plan matter and are not addressed through the City of Kitchener Zoning By-law and it is agreed that no evidence will be provided in any witness statement on Issue 22 regarding Regional Requirements for Access By-law and policy.
21. It is Agreed that that all experts will review any applicable draft planning instruments prior to the final order.

I am in agreement with Facts 1-21 as included herein.

Signed,



Alyssa Bridge, Manager, Regional Development Services
Region of Waterloo

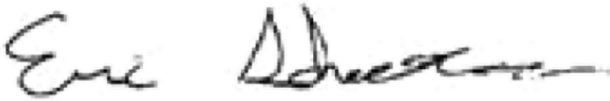
Date **January 30, 2025**



Jan 30, 2025

Garett Stevenson, Director
City of Kitchener

Date



Jan 30, 2025

Eric Schneider, Senior Planner
City of Kitchener

Date



Jan 30, 2025

Pegah Fahimian, Senior Urban Designer
City of Kitchener

Date



Andrea Sinclair, Partner
MHBC Planning (representing 30 Duke Street Limited)

Date January 30, 2025

I am in agreement with Facts 1-14, 16-18 and 20-21 as included herein. I do not agree with Facts 15 and 19 as worded.



January 31, 2025

Michael Barton, President
MB1 (representing FOBT)

Date

