

Report To: Development and Technical Services Committee

Date of Meeting: October 2, 2006

Submitted By: Jeff Willmer, Director of Planning 741-2325

Prepared By: Cory Bluhm, Planner, 741-2776

Ward(s) Involved: 1 & 6

Date of Report: September 27, 2006

Report No.: DTS-06-142

Subject: MP06/07/TC/CB
New Downtown Design Policies

RECOMMENDATIONS:

- 1a) That Municipal Plan Amendment Number 64 (MP06/07/TC/CB) be tabled, in the form shown in the attached "Proposed Municipal Plan Amendment" to introduce new general urban design policies for Downtown Kitchener, and be considered for adoption at the October 23rd DTS Committee Meeting.
- b) That staff be directed to develop "Design Brief DB-5 - Downtown Design Districts", for consideration at the October 23rd meeting of Council, so that it may be adopted and included in the City's Urban Design Manual. The purpose of the Design Brief is to provide a graphical version of the Downtown Design District policies, contained in section 9.3, including photographs, renderings, etc.
2. That the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD) consulting team be asked, through the City's Heritage Planner, to comment, during the work plan phase of the CCNHCD study, on the original proposal that no height limit be applied to new buildings within the Civic District, so that they may assess whether any impact may occur on the heritage resources of the Civic Centre neighbourhood.



This computer generated model shows what Downtown could evolve to under the proposed policies.

BACKGROUND:

The new policies and design brief are directly reflective of the results of the 'Help Design Downtown Kitchener' public consultation process, and are consistent with the Downtown Strategic Plan, Regional Growth Management Strategy and Growth Plan for the Greater Golden Horseshoe.

Draft policies were presented to Council in August, and the public were invited to comment throughout the month of September. The attached policies have been modified, where appropriate, to reflect the feedback received.

The attached policies will replace existing Downtown policies in sections 6.2 (Downtown Urban Design) and 9.0 (Downtown) of the Municipal Plan. Current policies determined still to be necessary have been retained and reworked in the policy.

The purpose of these policies are as follows:

- ◆ To establish a design-based approach to planning Downtown Kitchener;
- ◆ To crystalize the vision and objectives of the community, as they relate to the future form, function and feel of Downtown Kitchener;
- ◆ To enable and coordinate public sector investment (financial incentives, engineering standards, economic development initiatives, etc.);
- ◆ To provide guidance to private sector development; and,
- ◆ To enable staff to develop amending bylaws (zoning, sign, etc.), guidelines and standards to regulate and encourage improved design of private sector development.

REPORT:

This report marks a potential landmark moment for Downtown Kitchener. For the first time since 1965, the City of Kitchener, thanks to wonderful participation from community residents and stakeholders, has been able to develop an exciting vision for Downtown's built form.

The policies provide a direction for Downtown's urban evolution which is entrenched in the fundamental values of this community, and embrace the spirit and soul of what defines Kitchener. Through the Help Design Downtown survey, lively streets, a livable core, design excellence, cultural heritage, arts and multi-culturalism were identified as the fundamental values that should be celebrated in every new development.

This amendment aims to guide new development by articulating these fundamental values through design-based policies, in hopes that developers, merchants, and design professionals (including City and Regional staff) will embrace this community-based vision.

Consolidating the viewpoints, perspectives and ideals of a community our size into a vision and policy that addresses the interests and aspirations of all is no simple task. For instance, survey results indicated that a large portion of our community wish to see a bustling urban core, while others prefer to see a small-town, laid back core. In true community-based fashion, the policies attempt to create unique urban settings within each district, each appealing to a distinct set of values and interests, so that collectively, we may all celebrate in a downtown that reflects all facets of our community.

Over the past 5 years, various City staff have visited urban centres across Europe and North America, to understand the designs, principles and directions that are allowing downtowns to

thrive locally and also compete in a global economy. This has included an examination some of the world's most historic downtowns, such as in Paris, Madrid and Montreal, some of the most progressive downtowns, such as in Vancouver, Portland, New York City, and Barcelona, as well as some of the most thriving downtowns of mid-sized cities, such as Edinburgh, Nice, Victoria and Santa Monica.

Planning staff are confident that the proposed design policies will allow Downtown Kitchener to evolve in the same direction that has allowed these great downtowns to thrive and become icons of dynamic street life, civic beauty and design excellence.

SUMMARY OF MAJOR ISSUES:

Considerable discussion and comments were generated through the presentation of the proposed policies to the Downtown Advisory Committee, Heritage Kitchener, the Arts and Culture Advisory Committee, the Public Art Working Group, and the Culture Plan 2 implementation team. In addition, all property owners and 'Help Design Downtown' survey respondents were invited to provide their feedback, although limited written feedback was received.

The following summarizes the major issues that developed from these discussions:

1) Strengthening the Heritage Policies

Heritage Kitchener gave clear direction to staff that the heritage conservation policies needed strengthening. As such, new policies have been included, and the language has been strengthened to reflect the intent of the new Provincial Policy Statement. Concerns were also raised that unlimited building heights in the Civic District may impact the heritage resources of the Civic Centre Neighbourhood. As such, any mention of building height has been deleted, so that it may be reviewed by the Civic Centre Neighbourhood Heritage Conservation District consulting team, to be properly addressed when considering new zoning to implement these policies.

2) Rethinking Cultural Districts

Cultural advisory groups suggested that the policies should not present the notion that the City is forcing certain types of culture into certain districts. Rather, they feel that culture should grow organically. As such, planning staff have revised the wording of the policies, simply to characterize each district based on the types of cultural activities which appear to be emerging.

3) On-street Parking

Two businesses have noted concern over the lack of direction on parking, specifically on-street parking. The community identified on-street parking being of limited importance, with a preference for parking structures. However, as members of the KDBA board have disagreed with this finding, staff chose not to include parking policies. It is our opinion that parking issues are better suited for strategic planning exercises, rather than official plan policy, so that the City can adapt to changing trends in consumer shopping and parking habits.

4) Appropriateness of having design district “policies”, rather than “guidelines”

Two respondents, who work in urban design professions, have questioned the appropriateness of the City introducing policies that identify preferred styles, streetscapes, storefronts, etc. They have suggested that most municipalities would incorporate such elements as guidelines, rather than introducing “heavy handed” policies. They have also suggested that a design guideline allows the opportunity to include graphics to better explain the intent of the policies.

After considerable review by Planning staff, it is staff’s opinion that the policies are not worded to be “heavy handed”, but rather, give strong guidance towards the preferred vision the community has articulated through the design survey. They provide a reasonable framework and parameters for designers to work within, allowing them to express their own creativity while ensuring that a certain level of quality and consistency is achieved. The policies are not meant to read like zoning bylaws, but are open to creative interpretation. As such, staff have adjusted the wording of the policies to be less prescriptive in nature, and more directive.

While it may be standard practice in the past (particularly amongst Ontario municipalities) to use design guidelines rather than design policies, North American communities are increasing moving towards design-based planning and form-based policies. It is the opinion of staff that the strength and longevity provided by a Municipal Plan is the appropriate format to express this community’s long term desires, values and objectives for the evolution of Downtown’s form.

Ironically, the growth of Busy Berlin, in the 1880s, was founded by a non-standard approach of the Town Council and Board of Trade. As industrial growth was considered essential to the progress of our community, Berlin was one of the few towns that offered tax incentives and local capital investments for new industry. The approach resulted in our community outperforming every other Ontario town in recruiting new industrial manufacturing.

Today our community has told us that beautification and good design is important to the progress of our community and the evolution of Downtown. As such staff believe it merits a new approach.

Staff do agree, however, that the use of photographs, renderings and images would help to further everyone’s understanding of the intent of the design policies. As such, staff are recommending that a design brief be prepared, for inclusion in the Urban Design Manual, which provides a graphical version of these policies.

SUMMARY OF CHANGES TO THE POLICIES:

The following is a summary of the major changes made to the initial draft policies, based on feedback received in September:

Objectives

- ◆ The requirements of the primary objectives has been strengthened to read – “must demonstrate a *direct contribution* to each of the following primary objectives”;
- ◆ The requirements of the secondary objectives has been strengthened to read – “must demonstrate a *reasonable contribution* to each of the following secondary objectives”;

- ◆ For both primary and secondary objectives, the phrase “where deemed applicable by the City of Kitchener” has been added, giving staff and Council the discretion of which objectives apply to individual projects;
- ◆ “A wide range of residential housing options” was added to secondary objective (i);
- ◆ “The City encourages innovation and architectural excellence in urban development” and “...building elevations, building massing” has been added to secondary objective (i);
- ◆ Secondary objective (ii) has been revised, based on Heritage Kitchener feedback, to read “significant cultural heritage resources...*shall be conserved*” to be consistent with the Provincial Policy Statement; and,
- ◆ Secondary objective (iii) has been split in two. The Culture Plan Implementation team felt multi-culturalism deserved its own distinction.

Downtown Policy #1 – Lively Commercial Streets

- ◆ The title of the policy has been modified from “King Street” to “Lively Commercial Streets” as these policies should be applied to all streets, and the title better reflects the primary objective;
- ◆ Policy (i) has been added as follows: “Ensure a high quality streetscape and public realm”;
- ◆ Policy (ii) and (iv) have been modified to say “required” rather than “encouraged”; and,
- ◆ “Informal gathering spaces” has been added to policy (v) for the use of sidewalk width;
- ◆ “Decorative lighting and appropriate building materials should reinforce the character of the street” has been added to policy (vi);
- ◆ Policy (ix) has been added as follows: “encourage the incorporation of water features and public art into new site designs”.

Downtown Policy #2 – A Livable, Green Downtown

- ◆ The title of is policy has been changed from “Green the Downtown” to “A Livable, Green Downtown” to better reflect the primary objectives;
- ◆ Policy (ii) has been added as follows, the City shall “continue to enhance and soften parkettes (such as Vogelsang Green, Market Green, etc.) along greenscape corridors, and shall seek out opportunities to develop new parkettes”;
- ◆ Policy (iii) has been changed to “develop engineering standards *and specifications*” as requested by Engineering staff;
- ◆ “Minor building setbacks may be considered, subject to providing enhanced landscaping and street tree plantings” has been added to policy (v); and,
- ◆ Policy (vii) has been changed by deleting the ambiguous term of “sustainable building designs” as suggested by the City’s Environmental Planner.

Downtown Policy #3 – Downtown Design Districts

- ◆ Map 7a has been added to identify the 4 districts;

- ◆ “The City shall promote innovation, architectural excellence...” has been added to the introduction;
- ◆ For each district, the term “*shall have regard for* the following general design principles” has been replaced with “*shall be consistent with* the following general design principles” to align with the wording of the Provincial Policy Statement;

Downtown Policy #3 – Downtown Design District – City Centre District

- ◆ Policy 1b, entitled “Style (historic buildings)”, was added to encourage contemporary design elements that are respectful of cultural heritage resources, as per suggestions from Heritage Kitchener;
- ◆ Policy 2a has been modified slightly by adding “additional storeys may be permitted provided they are located at street intersections...”
- ◆ Policy 2b was revised to reduce the minimum setback of the fourth and successive floors from 10 metres to 3 metres. This will still achieve pedestrian comfort along the street level, while accommodating additional density on upper floors;
- ◆ “The City may require articulation of building facades and rooftops” has been added to policies 2a and 2b;
- ◆ “Patio fencing” was added to Policy 3, as a streetscape component that should have a contemporary design style.

Downtown Policy #3 – Downtown Design District – Market District

- ◆ Policy 2b entitled “Building Height & Form (Weber Street, between Scott Street and Cedar Street)”, was added to clarify the differences between a preference for redevelopment along this section of Weber Street, versus the retention of the built form on all other streets.
- ◆ “The City may require articulation of building facades and rooftops” has been added to policies 2a, 2b and 2c;
- ◆ Policy 3 was expanded to also recognize the importance of intimate restaurant and seating areas, such as Market Village.

Downtown Policy #3 – Downtown Design District – Warehouse District

- ◆ “The City may require articulation of building facades and rooftops” has been added to policy 2a;
- ◆ Policy 2a was added on to by recommending a maximum facade height of 3 storeys along existing residential streets (Linden, Oak, Michael, Breithaupt), and “where possible, access points, service areas and mechanical equipment should be located away from adjacent residential areas.
- ◆ Policy 2a was also added on to by allowing reduced or additional building heights for lands not abutting Victoria Street, to allow greater flexibility for the UW Health Sciences campus and buildings located closer to existing residential areas.
- ◆ Policy 2b entitled “Building Height & Form (Adaptive Reuse)” was added to establish design policies specific to former industrial buildings.

Downtown Policy #3 – Downtown Design District – Civic District

- ◆ The statement “no maximum building height shall be imposed” has been deleted from Policy 2, so that the consultants for the Civic Centre Heritage Conservation District may assess the appropriateness of such a policy on the potential HCD. Staff will revisit the appropriate building height during a review of the zoning bylaw, to implement these policies.
- ◆ Policy 2 was also expanded to reference historically significant buildings in and adjacent to the District.

Downtown Policy #4 – Downtown Design District – Cultural Heritage

- ◆ Policies (i) and (ii) have been revised according to suggestions from Heritage Kitchener, to better articulate heritage conservation matters.
- ◆ Policy (iii) was added to reference the Royal Crossroads.
- ◆ Policy (v) was modified to add Queen Street (from Ellen to Weber) as a vista worth preserving, as suggested by a member of Heritage Kitchener.
- ◆ Policy (vi) was added to encourage better public appreciation of cultural heritage resources, as recommended by the City’s Heritage Planner.

Downtown Policy #5 – Public Art, Culture & Multi-Culturalism

- ◆ The preamble and policy (i) have been revised, based on feedback from all arts advisory groups, to read as characteristics of culture within each district, and not to read as if the City will try to force certain types of culture into a specific district.
- ◆ Policy (ii) was revised to include streetscape master plans as a second tool for identifying public art locations. Also, potential funding mechanisms, such as a private sector percent-for-art policy, were added.
- ◆ Policy (iii) was revised by adding “through flexible zoning provisions and consideration of financial incentives” as the method to which the City would support live-work developments. It should be noted that the inclusion of the term “financial incentives” does not require the us to do so, but simply enables the City to develop a CIP for live-work, should we chose to do so in the future.

Strategies for Implementation

- ◆ Strategy 2 (i) was modified by adding “...and develop a strategy for implementing new tree plantings” to ensure that new standards for tree planting translates into action.
- ◆ Strategy 4 was revised slightly to suggest that a Frederick-Benton Corridor could be designed to celebrate the community’s German roots, as suggested by two different respondents.
- ◆ Strategy 5 was added to identify priorities for heritage conservation, as recommended by the City’s Heritage Planner.
- ◆ Strategy 6 was added to recommend site specific design briefs for major redevelopments.

FINANCIAL IMPLICATIONS:

There are no capital budget implications at this time.

COMMUNICATIONS:

A page on the City’s website was developed which includes all relevant information pertaining to the proposed policies and public meeting.

A user’s guide was developed and published on the website, to allow community members to easily understand the intent of the policies (see attachment).

Notice of the public meeting was advertised in The Record on September 8, 2006.

Notice of the proposed policies and public meeting was sent to all property owners within Downtown Kitchener, as well as to all applicable agencies.

Staff invited respondents of the Help Design Downtown consultation (approximately 300) to provide input on the proposed policies.

Staff met with the KDBA Board on August 15th to allow them to help shape the draft policies.

Staff met with the following groups in September – DAC, Heritage Kitchener, ACAC, Culture Plan 2 Implementation Team, and the Public Art Working Group.

Staff invited neighbourhood feedback through emails to Neighbourhood Association representatives within the Central Neighbourhoods.

CONCLUSION:

Based on the foregoing, Planning staff believe the proposed municipal plan amendment is reflective of the desires and values of our community, adequately reflects the concerns of the respondents, is reflective of recent and ongoing strategic investments, is reflective of Regional and Provincial policy changes, provides a fresh and exciting designed-based approach to downtown planning, and will guide Downtown Kitchener in the right direction towards becoming a thriving urban core that can compete in a global marketplace.

Cory Bluhm RPP MCIP
Planner

Jeff Willmer RPP MCIP
Director of Planning

Attachments

Proposed Municipal Plan Amendment & Map No. 7a

Current Downtown Policies

Your Guide to Understanding the Proposed Downtown Design Policies

Appendix A – Agency Responses

Appendix B – Public Responses