

# Staff Report



Development Services Department

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**REPORT TO:** Special Council

**DATE OF MEETING:** March 18, 2024

**SUBMITTED BY:** Rosa Bustamante, Director of Planning and Housing Policy/City Planner, 519-741-2200 ext. 7319

**PREPARED BY:** Adam Clark, Senior Urban Designer, 519-741-2200 ext. 7027  
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**WARD(S) INVOLVED:** Wards 9 & 10

**DATE OF REPORT:** March 14, 2024

**REPORT NO.:** DSD-2024-128

**SUBJECT:** Supplemental Report to DSD-2024-005: Growing Together – Protected Major Transit Station Area Land Use and Zoning Framework

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## RECOMMENDATION:

That City Initiated Official Plan Amendment OPA23/016/K/JZ, for the purpose of implementing a land use planning framework for seven of the City's Protected Major Transit Station Areas, including amendments to the Urban Structure, Land Use, Specific Policy Areas, and Cultural Heritage Resources mapping and text amendments, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-128 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval;

That City Initiated Official Plan Amendment OPA23/017/K/JZ, for the purpose of adding lands into the 2014 Official Plan and updating the land use planning framework for specific lands currently within Secondary Plans within the 1994 Official Plan, including amendments to the Urban Structure, Land Use, and Specific Policy Areas, inclusive of mapping and text amendments, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-128 as Attachment 'B', and accordingly forwarded to the Region of Waterloo for approval;

That City Initiated Official Plan Amendment OPA23/022/K/JZ, for the purpose of deleting existing secondary plan policies and mapping from the 1994 Official Plan, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-128 as Attachment 'C', and accordingly forwarded to the Region of Waterloo for approval;

That City Initiated Zoning By-law Amendment Application ZBA23/028/K/JZ to amend Zoning By-law 2019-051 for lands within seven of the City's Protected Major Transit

**Station Areas, be approved in the form shown in the “Proposed By-law” attached to Report DSD-2024-128 as Attachment ‘D’; and**

**That City Initiated Zoning By-law Amendment Application ZBA23/029/K/JZ to amend Zoning By-law 2019-051, for lands recommended to be removed from existing Secondary Plans be approved in the form shown in the “Proposed By-law” attached to Report DSD-2024-128 as Attachment ‘E’.**

**Pursuant to Section 35(17) of the Planning Act, R.S.O. C P.13, as amended further notice is not required to be given in respect to the City initiated Zoning By-law Amendments.**

#### **REPORT HIGHLIGHTS:**

- The purpose of this report is to provide an overview of the engagement that occurred between staff, the community, and proponents between the statutory public meeting at Committee of Council on January 29<sup>th</sup> and mid-March.
- In consideration of the above-mentioned engagement, refinements have been made to the proposed Official Plan and Zoning By-law amendments for the Protected Major Transit Station Areas (PMTSAs) within the Growing Together study area.
- It is planning staff’s recommendation that the Official Plan amendments and the Zoning By-law amendments attached to this report be adopted/approved.
- Growing Together is:
  - transformative and builds on Kitchener’s role as a national leader in addressing the housing crisis;
  - bold but balanced;
  - the most ambitious plan for transit-oriented design in Canada; and
  - internationally recognized for its highly collaborative process.
- There are no financial implications associated with this recommendation.
- Community engagement included a supplemental open house held on February 29<sup>th</sup>, attended by approximately 20 community members. Additionally, 14 one-on-one meetings were held with individual property owners/planning consultants.
- This report supports **Building a Connected City Together: Focuses on neighbourhoods; housing and ensuring secure, affordable homes; getting around easily, sustainably and safely to the places and spaces that matter.**

#### **BACKGROUND:**

At Planning and Strategic Initiatives Committee on January 29<sup>th</sup>, 2024, Council deferred a decision on the recommendations in [report DSD-2024-005](#) and directed staff to have additional dialog with the development industry and the community. In the weeks that followed, staff prepared a suite of additional materials to help communicate the principles of Growing Together to various audiences.

An open house was held in the City Hall rotunda on February 29<sup>th</sup> from 3:30pm to 6:30pm, and included stations dedicated to various theme areas raised by members of the community through delegations on January 29<sup>th</sup>. Those theme areas were:

- Cultural heritage
- Lands outside PMTSAs but within the scope of Growing Together
- SGA-1 uses and regulations
- Built form transition

Further, the Conestoga room was booked to facilitate requested conversations with specific community members who desired additional time with specific staff. Approximately 20 community members attended the open house.

Between February 23<sup>rd</sup> and March 1<sup>st</sup>, staff held 14 meetings with landowners, members of the development industry and consultants. At these meetings, staff were able to provide more context on how Growing Together works, and proponents were able to supplement their submissions and further articulate their requests. Staff also accommodated several new site-specific requests. Staff considered all submissions made through end-of-day on March 13<sup>th</sup>. 56 total submissions have been evaluated and are listed in Table 1.

The planning analysis for the recommendations in this report remains as [Attachment F Planning Analysis](#) as appended to report DSD-2024-005. Additional analysis for revisions made as part of this report's recommendations is below. All changes made to the draft materials originally posted on November 3, 2023 as a result of staff's consideration of all submissions made are captured as well, to be as comprehensive as possible.

#### **REPORT:**

**Growing Together is transformative. It builds on Kitchener's role as a national leader in addressing the housing crisis.** Growing Together enables more than 100,000 new homes in all shapes and sizes. This includes as many as 4,500 affordable units secured through inclusionary zoning, and at least 20,000 new homes in "missing middle" forms.

**It is bold, but balanced.** Staff recommends a bold approach that removes floor space ratio maximums and vehicle parking minimums. These fundamental changes to Kitchener's planning framework are game-changing and visionary; they will allow a lot more housing to be built, more affordably, on a lot less land. The built-form regulations that come with this approach provide a critical balance that protects for the health, safety and quality of life of all community members, existing and new.

**Growing Together is the most ambitious plan for transit-oriented design in Canada.** Being a national leader comes with some risk. However, the issues of housing supply, housing affordability and climate change are so critical that the time is now to take the leap and establish a new set of rules for growth and change that will see us build a city for everyone where, together, we take care of the world around us – and each other.

**Growing Together is recognized for its highly collaborative process.** This project's 4-time award-winning community engagement includes two major international awards. Staff have now held community and industry engagements totalling well over 100 hours and have spoken in-person with approximately 1,400 people.

Through workshops, pop-ups and office hours, staff have used industry-leading engagement materials to [directly translate community feedback](#) into the recommendations found in Growing Together. Furthermore, staff have continued to meet with the community and industry collaborators on specific issues and have made more than 30 revisions to the draft materials in response to these discussions.

The name “Growing Together” was chosen for this project with a promise that staff would embody that principle and deliver a plan that was representative of all of Kitchener’s people, ambitions, and ideals. That it would be equitable. That it would be fair to existing, new and future residents alike. That it would enable more housing and more diverse housing to meet the needs of all. **This is that plan.**

### Summary of Submissions

Table 1 summarizes all submissions made about specific properties or other feedback on the draft materials through community and proponent submissions. Where a request was made for a site-specific change to land use or zoning the following submission criteria was required:

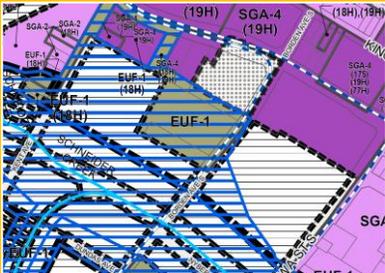
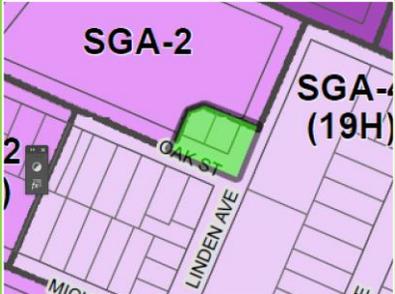
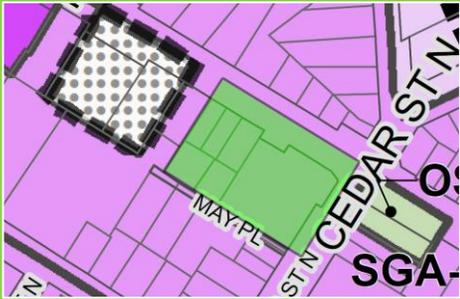
- Proof of lot ownership.
- A conceptual design that **demonstrates compliance with the desired zone**; and
- A scoped planning justification addressing proposed Official Plan policy 15.D.2.5. which requires a demonstration of compatibility with the planned function of the lands and adjacent lands, suitability of the lot for the proposed use/built form; lot consolidation, compliance with Kitchener’s Urban Design Manual and Official Plan urban design policies, consideration of cultural heritage resources.

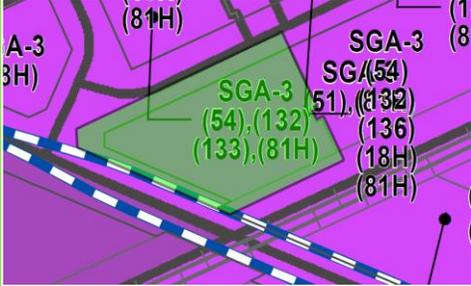
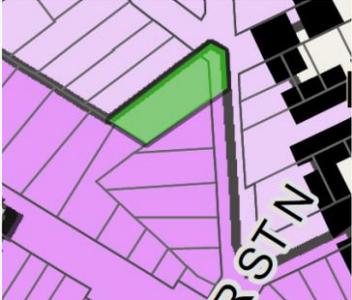
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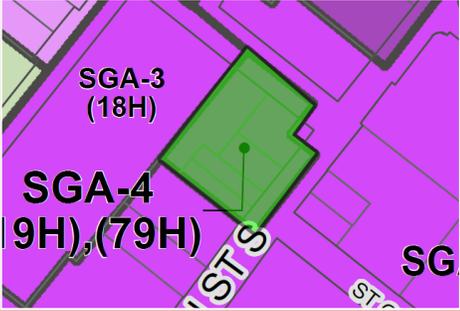
- green indicates that a change has been made in direct response to the request. **55% of all submissions are in this category.**
- Yellow indicates that an indirect change has been made, that a change was not necessary to address the request, or that a change cannot be made legally or because of scope/process limitations. **22% of all submissions are in this category.**
- red indicates where a change has not been made due to insufficient justification. **23% of all submissions are in this category.**
- Despite not being able to support some of the requests, there continues to be multiple pathways that can be explored by property owners for site-specific requests where they meet the intent of the Growing Together planning framework.

**Table 1 – Summary of Growing Together Submission**

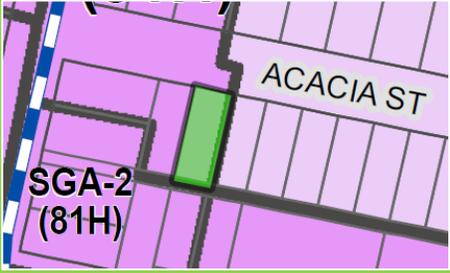
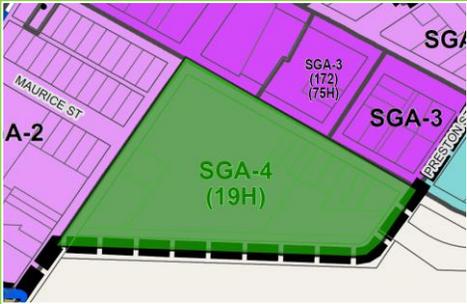
Property	Request	Date	Status
Agnes, various	To apply an SGA-1 zone to the Agnes St. properties between Walter St. and Gruhn St. rather than the proposed SGA-2 zone. This request was made during an in-person meeting in July 2023.	July 20 <sup>th</sup> 2023	Change made. Minor impact to housing capacity, transition to adjacent SGA-4 lands achieved through revised transition regs ( <i>change already reflected in DSD-2024-005</i> ). 
60 Ottawa St. S., 97	To include the subject lands within the Growing	Oct. 5 <sup>th</sup> 2023	These lands are within a floodplain. Floodway portions of floodplains cannot legally permit

Property	Request	Date	Status
Kent St. & 449 Charles St. E.	Together subject area and apply an SGA land use and zoning.		<p>development. These lands are also within the Schneider/Shoemaker Creek EA study area which is ongoing and will ultimately determine changes to the floodplain once the creek restoration is complete. Staff will continue to work collaboratively with the Grand River Conservation Authority on updates to the floodplain as expeditiously as possible and are exploring opportunities to confirm updated floodplain limits later in 2024.</p> 
Oak and Michael, various	To apply an SGA-1 zone to various Oak and Michael St. properties rather than the proposed SGA-2 zone.	Nov. 20 <sup>th</sup> 2023	<p>Change made to 6 Oak and 20 Linden based on conservation of views to heritage smokestack (<i>change already reflected in DSD-2024-005</i>).</p> 
95-109 Weber St. E., 64-74 Cedar St. N. and 14 May Pl.	To apply an SGA-3 zone rather than the recommended SGA-2 zone.	Nov. 24 <sup>th</sup> 2023, Feb. 16 <sup>th</sup> 2024	<p>Change made based on updated February submission with revised proposal that meets submission criteria. Concept design meets the SGA-3 zoning regulations.</p> 
30 Breithaupt St., Revised to 25 Breithaupt St.	Original request, to apply SGA-4 zone to 30 Breithaupt rather than the recommended SGA-3 zone. Revised request, to apply SGA-4 zone to 25 Breithaupt rather than the	Nov. 25 <sup>th</sup> 2023, March 1 <sup>st</sup> 2024	<p>Change made to 25 Breithaupt based on submission meeting criteria. Concept design meets SGA-4 zoning regulations. 30 Breithaupt to remain SGA-3, 25 Breithaupt revised from SGA-3 zone to SGA-4 zone.</p>

Property	Request	Date	Status
	recommended SGA-3 zone.		
217 Lancaster E.	To apply an SGA-2 zone rather than the proposed SGA-1 zone.	Nov. 27 <sup>th</sup> 2023	<p>Change made based on submission demonstrating consolidation of properties (<i>change already reflected in DSD-2024-005</i>).</p> 
39 & 51 Church, 69 & 73 Benton	To apply an SGA-4 zone rather than the proposed SGA-3 zone on the assembly of properties.	Nov. 28 <sup>th</sup> 2023	<p>Change made based on complete submission meeting criteria. Concept design meets SGA-4 zoning regulations (<i>change already reflected in DSD-2024-005</i>).</p> 
455-509 Mill St.	Request to remove site specifics concerning height, density and parking maximums.	Nov. 29 <sup>th</sup> , 2023, Feb. 16 <sup>th</sup> 2024	<p>Through discussions with the owners at an in-person meeting in February, there was agreement that the primary desire was for the removal of the site-specific parking requirement. Throughout the PMTSA geography, staff are recommending no parking minimum. As such staff agrees with this request. To ensure that this is equitably applied across the entire geography, all site-specific parking minimums have been removed.</p>
178 -202 Queen St. S., 15 Joseph St.	To apply an SGA-4 zone rather than the proposed SGA-3 zone on the assembly of properties.	Nov. 30 <sup>th</sup> 2023	<p>On Council's deferral, staff were directed to continue to evaluate submissions. During that additional evaluation, several new submissions were received regarding Heritage Conservation Districts and proposed SGA-3 and SGA-4 zoned lands. While there are several existing buildings in the HCDs that are greater than 8 storeys (SGA-2</p>

Property	Request	Date	Status
			<p>maximum height) and less than 25 storeys (SGA-3 maximum height), there are no existing buildings greater than 25 storeys (permitted in the SGA-4 zone). The Victoria Park Area Heritage Conservation District Plan identifies areas planned for “new high-rise, high density development”. For these specific areas, SGA-3 zoning is recommended to continue to recognize these areas for future higher density growth.</p> <p>The SGA-4 zone was proposed to apply to these properties as part of DSD-2024-005, based on a concept design that met SGA-4 zoning regulations for lands at Charles/Queen. As the lands were not consolidated, a holding provision was put in place requiring the consolidation of the lots in order to proceed with development. As a result of further dialogue and review, the SGA-3 zone is now proposed for these lands to permit a mid or high rise development should consolidation not occur. Any changes beyond the SGA-3 zone could be considered through a site-specific Zoning By-law Amendment process which would require additional supporting documentation such as Heritage Impact Assessments and Conservation Plans to assess heritage impacts, especially if an existing building is proposed to be demolished. Policies within the Victoria Park Area Heritage Conservation District Plan require new buildings to be complementary to the existing massing, scale, and historic character of the area.</p> 
169 to 183 Victoria St. S.	No specific request, letter notes concern with built form transition regulations. Concept as originally submitted requires site-specific ZBA to address numerous variances to existing 85-1 zoning. Concept would also require site-specific application to proceed under Growing Together.	Nov.30 <sup>th</sup> 2023, Jan. 26 <sup>th</sup> 2024 (revised, same concern)	Transition regulation was amended between initial and revised letters to better enable mid-rise. Revised letter reiterates original concern, however. MTSA boundary as applied here creates unique condition where MTSA properties achieve only 30m depth. Site specific application is needed due to these circumstances.

Property	Request	Date	Status
			
924 to 944 King St. W.	To apply an SGA-C land use and SGA-4 zone rather than the recommended SGA-B land use and SGA-2 zone. Revised submission requests either SGA-3 or SGA-4.	Nov. 30 <sup>th</sup> 2023, Jan. 26 <sup>th</sup> 2024	<p>Change not made. Shallow lots in this area make it difficult for a tall building to meet transition regulation. Said regulation has also been revised based on community feedback to add a second 'tier' limiting height to 30m within 30m of low-rise zoned areas. SGA-B land use allows ZBA pathway for SGA-3 zone up to 25 storeys. As such, a site-specific application is the recommended approach.</p> 
98-102 Weber St. E., 217-233 Lancaster St. E.	To apply an SGA-B land use rather than the recommended SGA-A land use on the subject properties.	Nov. 30 <sup>th</sup> , 2023, Feb. 28 <sup>th</sup> 2024	<p>Change made based on submission showing proof of lot ownership and planning justification.</p> 
85 Weber St. W. and 60 & 66 College St.	To apply an SGA-4 zone rather than the recommended SGA-3 zone.	Nov. 30 <sup>th</sup> 2023	<p>Change not made. Through further dialog with the consultants/property owners on March 1<sup>st</sup>, there was a better understanding of the staff recommended land use/zoning and the pathways through which site-specific consideration could proceed in the future.</p>
Various	Staff received a range of feedback on the built-form transition regulation. Housing providers commented that limiting building height to 12m within 12m of a low-rise lot would make it more	Various	<p>Change made. To better enable mid-rise, staff are recommending a change in the regulation to allow up to 20m of height (6 storeys) within 15m of a low-rise lot. This includes a setback requirement of 7.5m Staff are also recommending an additional transition tier where tall buildings are limited to 30m in height within 30m of a low-rise lot. This impacts a small number of properties overall,</p>

Property	Request	Date	Status
	challenging to build mid-rise. Community members commented that the proposed regulation did not provide enough transition to tall buildings.		where SGA-3 or SGA-4 abut an SGA-1 or other low-rise zone ( <i>change already reflected in DSD-2024-005</i> ).
Various	Staff received a range of feedback on the built-form regulations from a number of perspectives. This included requests to increase or decrease a variety of regulations.	Various	Change made. While feedback was split between those wanting smaller buildings with more space between them and those wanting larger buildings with less space between them, staff heard a consistent desire for more purpose-built rental, larger units, units with more bedrooms and greater affordability. Therefore, staff adjusted the built form regulations that apply to storeys 37+ from a maximum floor plate of 850m <sup>2</sup> and a maximum building length of 36m to a maximum floor plate of 900m <sup>2</sup> and a maximum building length of 42m. ( <i>change already reflected in DSD-2024-005</i> )
19 Acacia	To apply an SGA-2 zone rather than the proposed SGA-1 zone to multiple properties on Acacia between Ottawa St. and Sydney St.	Dec. 1 <sup>st</sup> 2023	Change made. 19 Acacia as either SGA-1 or SGA-2 creates equivalent alignment with how the zones are applied along the Ottawa St. corridor, so either option is justified ( <i>change already reflected in DSD-2024-005</i> ). 
75 York St., 81 York St. & 130 Mt. Hope St.	To permit street townhouses in the SGA-3 zone.	Dec. 6 <sup>th</sup> , 2023, March 1 <sup>st</sup> , 2023	Change made to permit street townhouses in the SGA-3 zone, with an additional regulation requiring that they be allowed only on a lot with a multiple dwelling. This is to ensure that lower density uses, like street townhouses, are not the predominate use on SGA-3 zoned lands.
669 Charles St. E., entire block	To apply an SGA-4 zone rather than the proposed SGA-3 zone to the consolidated block known as "Charles Place"	Dec. 12 <sup>th</sup> 2023	Change made based on complete submission meeting criteria. Concept design meets SGA-4 zoning regulations ( <i>change already reflected in DSD-2024-005</i> ). 

Property	Request	Date	Status
23-31 Cedar St. N. and 18-26 Madison Ave. N.	To apply an SGA-2 zone and SGA-B land use to the balance of subject properties where not already applied.	Dec. 13 <sup>th</sup> 2023, Feb. 18 <sup>th</sup> 2024	<p>Change made based on complete submission meeting criteria. Concept design meets SGA-2 zoning regulations.</p> 
49-51 Pine St.	<p>To apply an SGA-3 zone rather than the recommended SGA-2 zone.</p> <p>Revised request to apply SGA-B land use rather than the recommended SGA-A land use.</p>	Dec. 20 <sup>th</sup> 2023	<p>Change made to revise SGA-A land use to SGA-B land use. Zoning to remain SGA-2. At in-person meeting, this option emerged as an avenue for the applicant to proceed with a potential development of more than 8-storeys through a ZBA process rather than OPA/ZBA.</p> 
79-87 Weber St. E.	To apply an SGA-4 zone rather than the recommended SGA-2 zone. Revised request to apply an SGA-C land use rather than the recommended SGA-B land use.	Jan. 4 <sup>th</sup> 2024, Feb 21 <sup>st</sup> 2024, March 4 <sup>th</sup> 2024	<p>Change not made. 79-83 Weber St. E. cannot be changed as the site-specific application on these lands does not yet have final approval as of the preparation of this report. Sites with active applications are not receiving new land use or zoning through Growing Together.</p> <p>Submission includes 87 Weber St. E., which is not part of the active application. However, the submitted concept design and zoning analysis demonstrates non-compliance with nearly all the regulations in the SGA-4 zone.</p> <p>Response to revised request: 79-83 Weber remain in the site-specific application process and are not within the Growing Together project scope.</p> <p>Concept design and zoning analysis has not been revised and demonstrates non-compliance with nearly all the regulations in either the SGA-3 or SGA-4 zones.</p> <p>For example, concept shows a floor plate area of 1,148m<sup>2</sup> with physical separation of as little as 4.4m for a 32 storey tower, whereas the zoning</p>

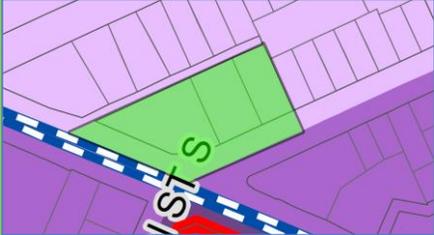
Property	Request	Date	Status
			requires a 900m <sup>2</sup> maximum floor plate area and 12m separation for storeys 19 through 32.
45-56 College St.	To apply an SGA-4 zone rather than the recommended SGA-3 zone.	Jan. 4 <sup>th</sup> 2024, Feb. 21 <sup>st</sup> 2024	Change not made as the concept and zoning analysis provided demonstrated non-compliance with nearly all the regulations in the SGA-4 zone.  For example, concept shows physical separation of as little as 3.03m for a tower of 36 storeys whereas the zoning requires 12m for storeys 19 through 36.
58 Weber St. W.	To apply an SGA-4 zone rather than the recommended SGA-2 zone.	Jan. 4 <sup>th</sup> 2024, Feb. 21 <sup>st</sup> 2024	Change not made as the concept and zoning analysis provided demonstrated non-compliance with nearly all the regulations in the SGA-4 zone.  For example, concept shows physical separation of as little as 4.81m for a tower of 36 storeys whereas the zoning requires 12m for storeys 19 through 36.  Subject properties are within a heritage conservation district.
864 King St. W.	To apply an SGA-4 zone to the property.	Jan. 4 <sup>th</sup> 2024, Feb. 21 <sup>st</sup> 2024, March 7 <sup>th</sup> 2024	No change required. Subject property is already recommended to receive SGA-4 zoning.
10 Charles St. E.	To apply an SGA-4 zone rather than the recommended SGA-3 zone.	Jan. 4 <sup>th</sup> 2024, Feb. 21 <sup>st</sup> 2024	Change not made. However, submitted concept design notes the proposed building height at 20 storeys, which is permitted within the SGA-3 maximum building height of 25 storeys. Therefore no change is necessary.
698-710 Charles St. E.	To apply an SGA-4 zone rather than the recommended SGA-3 zone.	Jan. 11 <sup>th</sup> 2024	Change not made. Proof of ownership not provided. Concept design not provided. Planning justification re: policy 15.D.2.5 not provided. Submission letter notes the need for several site-specific setback reductions (front, rear and side).
1122 King St. E.	Request to withdraw site specific application and to proceed under SGA-3 zoning through Growing Together	Jan. 11 <sup>th</sup> 2024	This property is included in the Growing Together amendments and is proposed to be zoned SGA-3.
n/a	Request to revise amenity space requirements for buildings with no or few balconies.	Jan. 15 <sup>th</sup> 2024, Jan. 29 <sup>th</sup> , 2024	Revision made. Amenity space requirement for SGA-3 and SGA-4 now caps the minimum required amenity space at 5m <sup>2</sup> per unit for common, shared amenity where no or few balconies are provided.
35 Weber	To apply an SGA-3 zone rather than the recommended INS-2 zone. This is to reflect existing office uses not	Jan. 22 <sup>nd</sup> 2024	Revision made to ensure the existing office uses continue to be permitted. The SGA-3 zone is consistent with the zoning on the adjacent property.

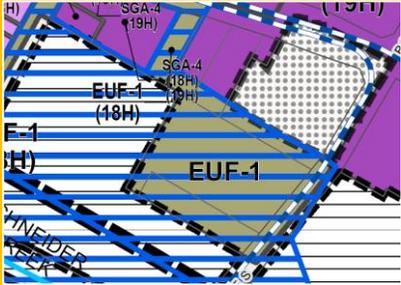
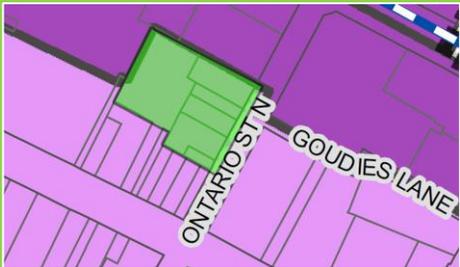
Property	Request	Date	Status
	currently allowed in the INS-2 zone.		
77 Young	To apply an SGA-3 zone rather than the recommended INS-2 zone. This is to reflect existing office uses not currently allowed in the INS-2 zone.	Jan. 22 <sup>nd</sup> 2024	<p>Revision made to ensure the existing uses continue to be permitted. The SGA-3 zone is consistent with the zoning on the adjacent lands.</p> 
150 Strange St.	No request, letter submitted in support of Growing Together	Jan. 24 <sup>th</sup> 2024	Letter is in support of proposed land use, zoning, and inclusionary zoning by-law.
181-197 Frederick St. & 143-147 Lancaster St. E.	To add the properties to section 18.4 of the zoning by-law, "Deemed to Comply"	Jan. 25 <sup>th</sup> 2024	Change not required to address request, properties are at a stage in the site plan approvals process where this extra layer of transition is not needed.
Various	To add permissions for larger office buildings and shorter purpose built rental buildings in the built-form regulations.	Jan. 29 <sup>th</sup> 2024	<p>Change made. Staff have re-evaluated the built-form regulations for storeys 7-12 with a focus on office buildings and creating an appropriate balance of regulations for all permitted uses.</p> <p>Staff have also re-evaluated submissions from purpose-built rental developers who have advocated for shorter buildings with larger footprints, to create greater permissions for slab apartments that are not towers but can provide lower cost units at higher efficiencies.</p> <p>Therefore, staff have added additional regulations applying to buildings up to, but not exceeding, 12 storeys.</p> <p>The maximum building length has been revised from 60m to 70m. This is based on an analysis of existing office buildings, and it also aligns with the</p>

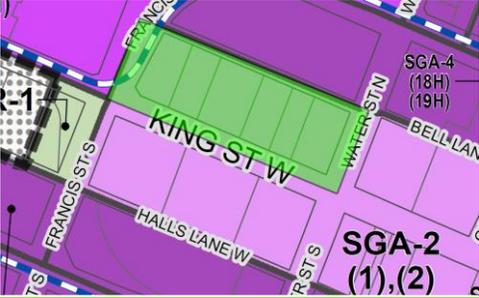
Property	Request	Date	Status
			<p>urban design manual's guideline for maximum building length.</p> <p>The maximum floor-plate area has been revised from 2,000m<sup>2</sup> to 2,800m<sup>2</sup>. This will allow an office building of 70m x 40m.</p> <p>These changes are limited to buildings of 12 storeys or fewer as they could result in very large 12-storey podiums for tower developments that would significantly compromise the ability of such developments to maintain a human-scale.</p> <p>Limited to 12 storeys, those impacts are mitigated while still adding substantial flexibility for both office and residential developers.</p>
Ottawa & Charles	<p>To apply an SGA-4 zone rather than the recommended SGA-3 zone.</p> <p>To limit physical separation to current 12.5m regardless of building height.</p>	Jan. 29 <sup>th</sup> 2024	<p>Change not made. Proof of ownership not provided. Concept plan not provided. Planning justification not provided. Delegate did not follow up with staff on the properties or meet with staff in February/March.</p> <p>Physical separation is not currently 12.5m. It is applied via formula (tower length x tower height/200). The regulations in Growing Together replace the guideline with fixed numbers based on height ranges. The 15m physical separation regulation is applied only to storeys 37+. For storeys 7-12, a 6m physical separation is applied. For storeys 13-18, a 9m physical separation is applied. For storeys 19-36, a 12m physical separation is applied.</p> <p>Additionally, for storeys 37+, Growing Together regulates building length at 42m and tower floor area at 900m<sup>2</sup>. These have both been adjusted (from 36m and 850m<sup>2</sup>) to be more permissive based on industry and community feedback expressing a desire for more purpose-built rental, larger units and more 3+ bedroom units. This makes floor area for tall buildings more permissive than in other cities, and therefore it is critical to maintain the recommended built-form regulations (Toronto, which requires 12.5m separation, also limits tower floor area to 750m<sup>2</sup>, as one example).</p>
n/a	<p>To not permit 0% landscaping and 0m setback on priority streets.</p> <p>To defer rezoning of non-PMTSA lands.</p> <p>To revise sunset clause to 3 years.</p>	Jan. 29 <sup>th</sup> 2024	<p>Change not made. Priority streets are the primary urban streets in Kitchener's PMTSAs and are intended to have the characteristics of successful main streets such as King St. in the downtown, with a continuous built-street wall, active uses on the ground floor, and more.</p> <p>Non-PMTSA lands are being brought into the City's 2014 Official Plan through a direct translation of zoning permissions. This matches what was done through the CRoZBY project.</p>

Property	Request	Date	Status
			The sunset clause was changed from 3 years to 10 years to recognize the challenges of building large, complex, multi-phase developments under challenging market conditions.
n/a	<p>To not limit development through any regulation.</p> <p>To eliminate all development charges.</p> <p>To not require 'wedding cake' building design.</p> <p>To not apply the SGA-1 zone.</p> <p>To not have built-form transition regulations.</p>	Jan. 29 <sup>th</sup> 2024	<p>Growing Together makes the transformative moves of not regulating maximum density through FSR and not requiring minimum vehicle parking. Built-form regulations are critical to ensure that existing and future residents can continue to enjoy a high-quality of life and that residents of Kitchener's PMTSAs can build their lives here.</p> <p>Development charges are not in the project scope.</p> <p>Growing Together does not require 'wedding cake' design. The graphics showing various stepback regulations represent a zoning envelope, not a building design.</p> <p>The SGA-1 zone permits a range of missing middle housing typologies as recommended through the Missing Middle and Affordable Housing study. Staff were directed to implement that study through Growing Together. There is sufficient capacity in Kitchener's PMTSAs to permit a full range of housing types that meet the needs of all who want to live here.</p> <p>Built-form transition regulations ensure that a balanced approach is applied and surrounding context is considered.</p>
n/a	To zone low-rise areas for 'intensified low-rise' on any residential parcel.	Jan. 29 <sup>th</sup> 2024	This is what Growing Together already recommends in the SGA-1 zone.
n/a	<p>To use site plan control to guide development in SGA-1 areas.</p> <p>To develop architectural templates for development.</p> <p>To delay implementation of SGA-1 zones.</p> <p>To implement a policy automatically appealing committee of adjustment applications.</p>	Jan. 29 <sup>th</sup> 2024	<p>Kitchener uses site plan control where it has the authority to do so, city-wide.</p> <p>Templates are not in scope. The City cannot require a developer use a specific template.</p> <p>Staff are not recommending further delay to the implementation of Growing Together.</p> <p>It is not in scope to consider process changes such as the one suggested, nor is it appropriate for the City to appeal its own committee of adjustment decisions.</p>
Parkland	Request to consider parkland through Growing Together	Feb. 9 <sup>th</sup> 2024	Applying parkland land uses and zones is not in the scope of Growing Together. The City's parkland acquisition strategy is being developed through the Places & Spaces project.

Property	Request	Date	Status
			Growing Together has considered the open space needs of residents as we grow. It does this most directly through amenity space requirements within new development for larger buildings. On smaller buildings, removing minimum parking requirements will make more land available for open space.
393-395 Charles St. S.	To apply SGA-4 zone rather than the recommended SGA-3 zone.	Feb. 11 <sup>th</sup> 2024	Change not made. Submission not made. However, staff were able to meet with the landowners at the Feb. 29 <sup>th</sup> open house and gave further context around the SGA-C land use and the flexible pathways to development available once a concept is produced.
51 Benton	To apply SGA-4 zone rather than the recommended SGA-3 zone.	Feb. 22 <sup>nd</sup> 2024	Change not made. However, submitted concept design notes the proposed building height at 16 storeys, which is permitted within the SGA-3 maximum building height of 25 storeys. Therefore, no change is necessary.
Midtown	To request that SGA-4 zoned properties not be permitted adjacent to SGA-1 zoned properties.	Feb. 24 <sup>th</sup> 2024	<p>Growing Together implements transition in 2 ways. First, through the application of the zones, with SGA-1 next to SGA-2, next to SGA-3, next to SGA-4. This is achieved for approximately 85% of all properties in the study area. One of the places where SGA-4 abuts SGA-1 is along Agnes St., however, that was not the draft recommended approach; those properties were proposed as SGA-2 for the purpose of creating more gradual transition over time.</p> <p>However, staff received a submission from several Agnes St. landowners requesting an SGA-1, rather than SGA-2 zone for their properties. Staff evaluated this request, and the change was made.</p> <p>Staff have also responded to concerns of taller buildings being close to low-rise areas, by implementing an additional transition regulation limiting building height to 30m within 30m of low-rise areas.</p> <p>These changes represent a balanced approach to transition that is a best-fit of all viewpoints heard throughout the process.</p>
HCDs	To remove all SGA-2 and 3 zoning from heritage conservation districts.	Feb. 26 <sup>th</sup> 2024	There are two heritage conservation districts within the PMTSA boundaries - the Victoria Park Area Heritage Conservation District and Civic Centre Heritage Conservation District. These conservation districts are legally protected under the Ontario Heritage Act, and each heritage conservation district has a District Plan which includes policies and guidelines related to ongoing conservation work, as well as policies and guidelines that need to be satisfied for new buildings, alterations, building conversation, and demolition.

Property	Request	Date	Status
			<p>As a rule, unless the building is structurally unsafe, demolition is strongly discouraged for designated buildings by the plans and city staff as well. As such, the proposed zoning changes will not threaten these HCDs. The zoning that is being proposed is in keeping with policies and guidelines that have been included in the Heritage Conservation District Plans and are in-fact being re-enforced with the introduction of certain policies within the Official Plan that speak to the HCD Plan prevailing over the zoning-bylaw in case of a conflict.</p>
<p>648 King St. W., 12-16 Wellington St. N.</p>	<p>To apply an SGA-3 zone rather than the recommended SGA-2 zone.</p>	<p>Feb. 26<sup>th</sup> 2024</p>	<p>Revised change made to apply SGA-B land use rather than the recommended SGA-A land use, keeping the zoning as SGA-2. As a concept plan was not provided, this allows increased flexibility for a taller building through a future ZBA application when those supporting materials can be provided. Planning justification re: 15.D.2.5 was provided in support of the submission. Justification notes that the assembly would meet the lot area requirements of the SGA-3 zone. Proximity to multi-modal hub also noted.</p> 
<p>Civic District</p>	<p>A number of requests regarding permitted uses in the SGA-1 zone, regulations for signs, revised height limits for buildings, and site-specific permitted uses.</p>	<p>Feb. 28<sup>th</sup> 2024</p>	<p>Change made, based on submitted letter and follow-up conversations. Pawn Establishment, Payday Loan and Financial Establishment have been removed as permitted uses in the SGA-1 zone. Staff continue to recommend the proposed regulations in the SGA zones as outlined in the January 29 report.</p>
<p>All Areas</p>	<p>A letter in support of a broad range and mix of uses recommended within the SGA-1 zone.</p>	<p>Feb. 29<sup>th</sup> 2024</p>	<p>No change required, letter in support. Letter reflects the strong support for mixed use in the SGA-1 zone heard throughout the community engagement process.</p>
<p>70 Borden</p>	<p>To apply an SGA-C land use and an SGA-4 zone to the subject property.</p>	<p>Feb. 29<sup>th</sup> 2024</p>	<p>These lands are within a floodplain. Floodway portions of floodplains cannot legally permit development. These lands are also within the Schneider/Shoemaker Creek EA study area which is ongoing and will ultimately determine changes to the floodplain once the creek restoration is complete.</p> <p>Staff will continue to work collaboratively with the Grand River Conservation Authority on updates to the floodplain as expeditiously as possible and are</p>

Property	Request	Date	Status
			<p>exploring opportunities to confirm updated floodplain limits later in 2024.</p> 
<p>Agnes St.</p>	<p>To apply an open space zone to the Ontario Seed property rather than the recommended SGA-4 zone. (a letter was submitted, this request was made in person at the open house on February 29<sup>th</sup>)</p>	<p>Feb. 29<sup>th</sup> 2024 March 4, 2024</p>	<p>Change not made. The City's parkland acquisition strategy is being developed through the Places &amp; Spaces project. Applying new open space land uses is not within the scope of Growing Together.</p> <p>Such a change would need to be pursued in collaboration with the landowner (who have submitted in support of their recommended land use and zoning), with Parks staff and with Council, as it may obligate the City to acquire the land at a market-rate price.</p> <p>Further, the Ontario Seed property is a large site that is a 5-minute walk from the ION Central station and the future Multi-Modal Hub.</p>
<p>45-53 Courtland Ave.</p>	<p>To remove site-specific regulations applied to the site and proceed under the recommended SGA-2 zoning.</p>	<p>Feb. 29<sup>th</sup> 2024</p>	<p>Revised. As the intended zoning for the balance of the Courtland Ave. corridor, SGA-2 is appropriate. As noted in the submitted letter, the SGA-2 zone provides necessary permissions to enable housing supply in mid-rise form.</p>
<p>King/ Ontario</p>	<p>To apply an SGA-4 zone to specific properties within a land assembly on the block rather than the recommended SGA-2 zone.</p>	<p>March 1<sup>st</sup> 2024</p>	<p>Change made based on complete submission meeting criteria. Concept design meets SGA-4 zoning regulations and maintains mid-rise condition along King St. frontage.</p> 
<p>84 Frederick St.</p>	<p>To apply an SGA-4 zone rather than the recommended SGA-3 zone.</p>	<p>March 4<sup>th</sup> 2024, March 13<sup>th</sup> 2024</p>	<p>Change not made. Concept does not meet built-form regulation for physical separation. SGA-C land use allows flexible pathways to site-specific development.</p>
<p>659-667 King St. W., 48,</p>	<p>To apply an SGA-C land use and an SGA-4 zone rather than the</p>	<p>March 4<sup>th</sup> 2024</p>	<p>Change made to revise land use to SGA-C and to zone the King St. W. facing properties to SGA-4.</p>

Property	Request	Date	Status
52-54 & 58-60 Walter St.	recommended SGA-B land use and SGA-3 zone.		<p>Walter St. facing properties to remain SGA-3, to support built form transition to nearby low-rise.</p> 
300-400 King St. W.	To apply an SGA-C land use and SGA-4 zone rather than the recommended SGA-B land use and SGA-2 zone.	March 4 <sup>th</sup> 2024	<p>Change made based on complete submission meeting criteria. Concept design meets SGA-4 zoning regulations.</p> 
61 & 65 Roy St.	To remove site-specific regulation for 5 units within an existing building.	March 6 <sup>th</sup> 2024	<p>Change made. Site-specific regulation removed. Any application for additional units will still need to proceed through heritage permit application.</p>
27 Pine St.	To apply an SGA-3 zone rather than the recommended SGA-2 zone.	March 7 <sup>th</sup> 2024	<p>Change not made. Proof of ownership not provided. Planning justification re: policy 15.D.2.5 not provided. Submission email notes the need for site-specific reductions for physical separation. Concept provided demonstrated non-compliance with the regulations in the SGA-3 zone.</p> <p>Property is recommended for SGA-B land use, allowing ZBA process through which site-specific consideration could proceed in the future.</p>
115 Benton St.	To apply an SGA-3 zone rather than the recommended SGA-2 zone.	March 13 <sup>th</sup> 2024	<p>Change not made. Concept design demonstrates non-compliance with the built-form transition regulations in the SGA-3 zone.</p> <p>Property is recommended for SGA-B land use, allowing ZBA process through which site-specific consideration could proceed in the future.</p>

## **STRATEGIC PLAN ALIGNMENT:**

This report supports **Building a Connected City Together: Focuses on neighbourhoods; housing and ensuring secure, affordable homes; getting around easily, sustainably and safely to the places and spaces that matter.**

## **FINANCIAL IMPLICATIONS:**

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

## **PREVIOUS REPORTS/AUTHORITIES:**

- Municipal Act, 2001
- Planning Act, R.S.O. 1990, c. P.13
- Provincial Policy Statement, 2020
- A Place to Grow, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051
- Growing Together – Protected Major Transit Station Area Land Use and Zoning Framework DSD-2024-005
- Growing Together – Engagement Summary Report Overview DSD-2023-251
- Downtown Kitchener (DTK) Vision and Growing Together Workshop DSD-2023-197
- Neighbourhood Specific Urban Design Guidelines DSD-2021-92
- Statutory Public Meeting Neighbourhood Planning Review DSD-19-252
- PARTS Rockway Plan CSD-17-100
- PARTS Midtown Plan CSD-17-090
- PARTS Central Plan CSD-16-015

**REVIEWED BY:** Natalie Goss, Manager, Policy & Research

**APPROVED BY:** Justin Readman, General Manager, Development Services

## **ATTACHMENTS:**

- Attachment A – Proposed Official Plan Amendment (PMTSA lands)
- Attachment B – Proposed Official Plan Amendment (non-PMTSA lands)
- Attachment C – Proposed Official Plan Amendment (removal of secondary plans)
- Attachment D – Proposed Zoning By-law Amendment (PMTSA lands)
- Attachment E – Proposed Zoning By-law Amendment (non-PMTSA lands)
- Attachment F – Public Submissions Received Post-January 29, 2024