

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 16, 2025

SUBMITTED BY: Garrett Stevenson, Director of Development and Housing Approvals, 519-783-8922

PREPARED BY: Evan Wittmann, Senior Planner, 519-783-8523

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: June 5, 2025

REPORT NO.: DSD-2025-035

SUBJECT: Zoning By-law Amendment Application ZBA25/001/K/EW
924-944 King Street West

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA25/001/K/EW for 924-944 King Street West for 1000100206 Ontario Inc. and 1000187534 Ontario Inc. c/o Dez Capital Corporation be **APPROVED** in the form shown in the 'Proposed By-law', and 'Map No. 1' attached to Report DSD-2025-035 as Attachments 'A1' and 'A2' and further

That Council adopt the Urban Design Brief for 924-944 King Street West attached to Report DSD-2025-035, prepared by GSP group, dated November 2024 as Appendix 'I'.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Zoning By-law Amendment Application for the subject lands located at 924 to 944 King Street West. It is Planning staff's recommendation that the Zoning By-law Amendment be approved.
- Community engagement included:
 - Circulation of a preliminary postcard to property owners and residents within 240 metres (in the City of Kitchener) and 120 metres (in the City of Waterloo) of the subject site;
 - Installation of a large billboard notice sign on the subject site;
 - Virtual Neighborhood Meeting held on February 19, 2025; Follow-up one-on-one correspondence with members of the public;
 - Notice of the public meeting was published in The Record on May 23, 2025; and

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- Postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres (in the City of Kitchener) and 120 metres (in the City of Waterloo), and those who responded to the preliminary circulation;
- This report supports the delivery of core services.
- This application was deemed complete on January 15, 2025. The Applicant can appeal this application for non-decision at any time – (90 days from being deemed complete is April 15, 2025).
 - The applicant was cooperative in addressing staff concerns and revising their concept, which extended the final decision date into June, beyond the appeal date for non-decision.

EXECUTIVE SUMMARY:

GSP Group, applicant on behalf of the owner of 924 through 944 King Street West, Dez Capital Corporation, is proposing to amend Zoning By-law 2019-051 to change the zoning of the properties to the 'High Rise Growth Zone (Limited) (SGA-3) with site-specific provisions'. The application is strictly a Zoning By-law Amendment; no Official Plan Amendment Application is required. A single site-specific amendment is required to address built form transition to adjacent SGA-1 lands. Staff are also recommending additional site-specific provisions to ensure the development maintains its positive built form transition elements.

BACKGROUND:

The City of Kitchener received a Zoning By-law Amendment Application for a development concept of a 28-storey mixed-use building containing 341 dwelling units. The proposal includes a podium/base containing parking and commercial space.

Prior to the submission of ZBA25/001/K/EW, the applicant submitted a request through the implementation of the "Growing Together" and its associated City initiated Zoning By-law Amendment to change the proposed zoning of the subject site to 'SGA-3' or 'SGA-4', which was not brought forward with staff's final recommendation on Growing Together. The staff report (DSD-2024-128) outlined that a site-specific application is the recommended approach for the applicant, as site-specific provisions were not contemplated in this initial implementation of the Growing Together West zoning. On January 15, 2025, the site-specific Zoning By-law Amendment application was deemed complete.

After discussion with the applicant, the proposal was revised, now proposing 329 units with reduced massing at the mid-sections of the development. The proposal remains 28 storeys in height.

The lands are designated 'Strategic Growth Area B' in the City's Official Plan and are zoned 'Mid Rise Growth Zone (SGA-2)' in Zoning By-law 2019-051.

Site Context

The subject site is addressed as 924 through 944 King Street West. The subject site is located on the north side of King Street West, across from the intersection of King Street West and Mt. Hope Street. The subject site has a lot area of approximately 0.31 hectares with a frontage of approximately 83 metres on King Street West and a depth of

approximately 38 metres. Dodds Lane provides access to the rear area of the subject site and abuts the length of the subject site.

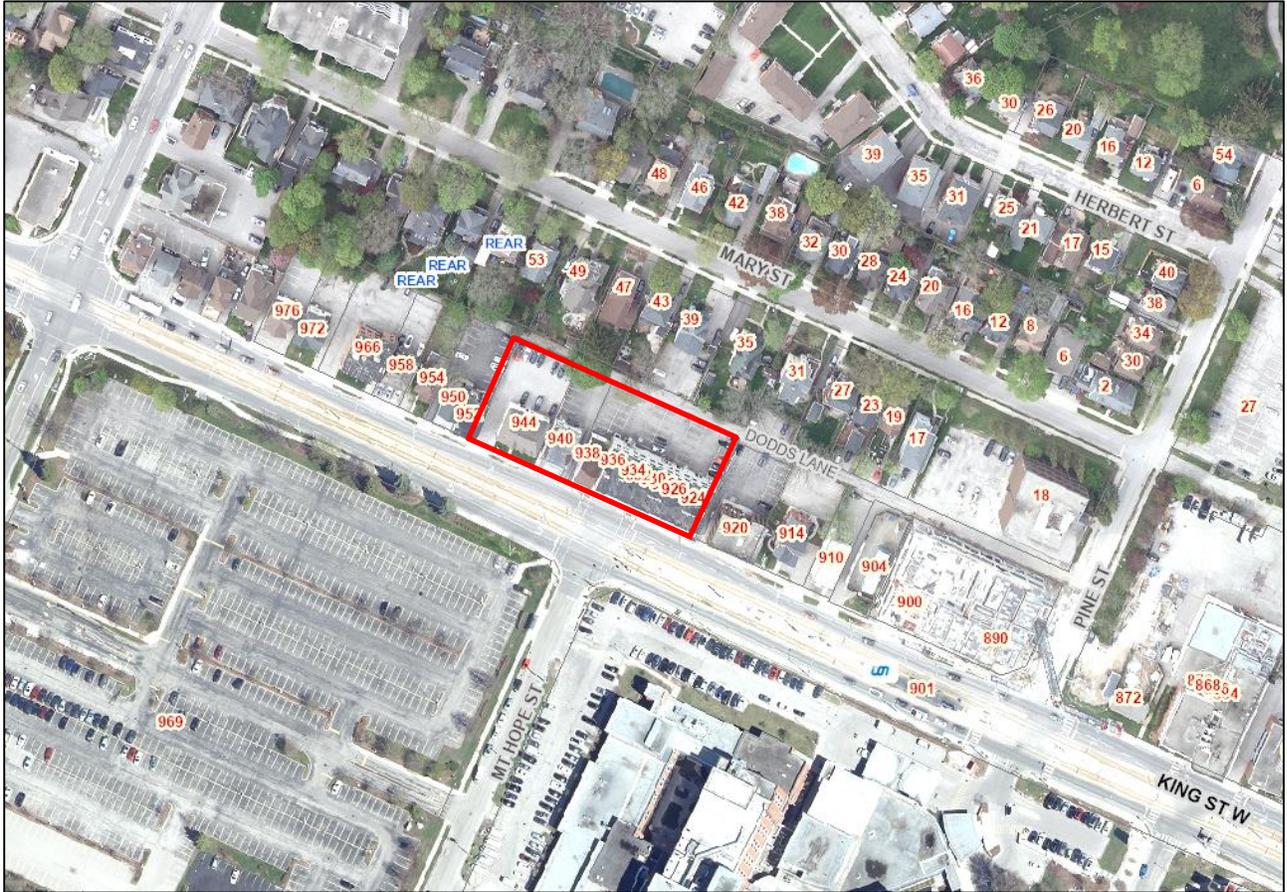


Figure 1: Location Map – 924-944 King Street West

Three buildings currently occupy the subject site. 924-938 King Street West is a three storey, mixed-use building containing 18 residential dwelling units with five commercial tenants. As the existing building contains more than 6 dwelling units, the City's Rental Replacement By-law will apply at demolition. One commercial building is located at 940 and 944 King Street West and is currently occupied by a dental office and pharmacy.

The surrounding area consists of a low-rise residential neighbourhood to the northeast of the subject site, Grand River Hospital to the south, large surface parking areas along King Street West, and new high-rise development at the intersection of Pine Street and King Street West. The Grand River Hospital ION Station Stop is located roughly 100 metres from the subject site.



Figure 2: View 1 of the Subject Site (Intersection of King Street West and Mt. Hope Street)



Figure 3: View 2 of the Subject Site (Intersection of King Street West and Mt. Hope Street)



Figure 4: View of Dodds Lane leading to the Subject Site



Figure 5: Rear view of the Subject Site

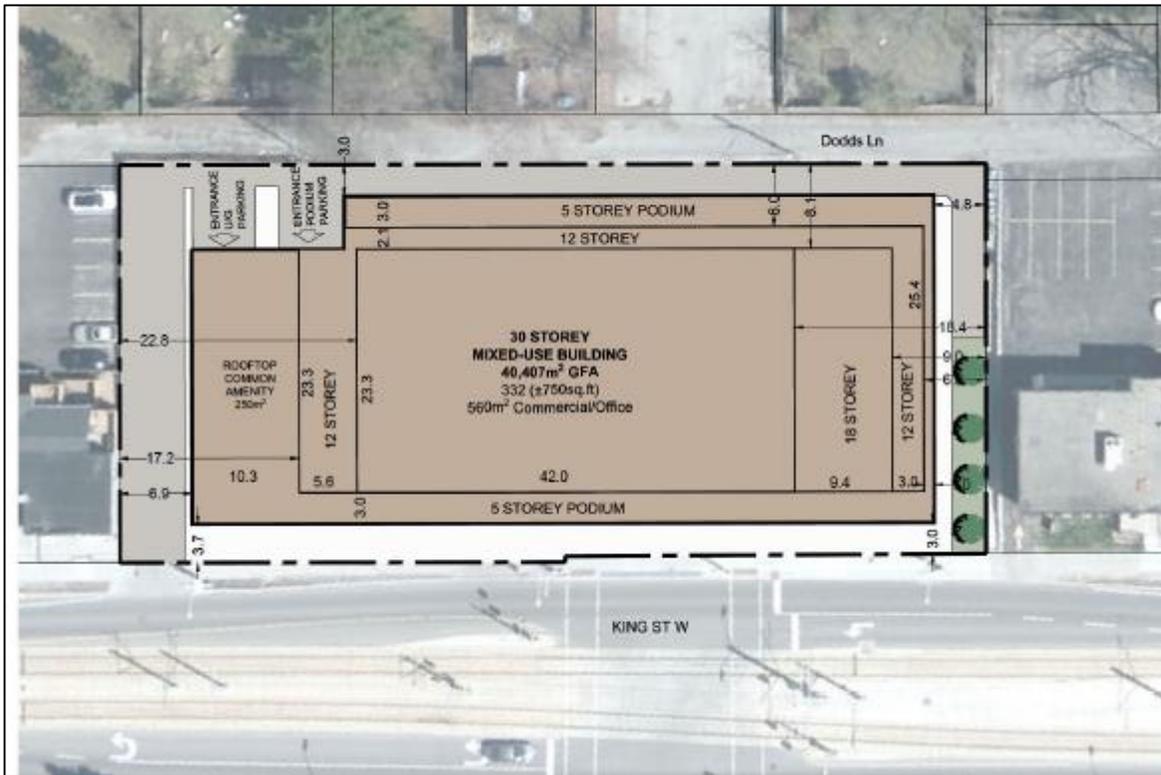


Figure 7: Second proposal, first option, prepared for Growing Together West

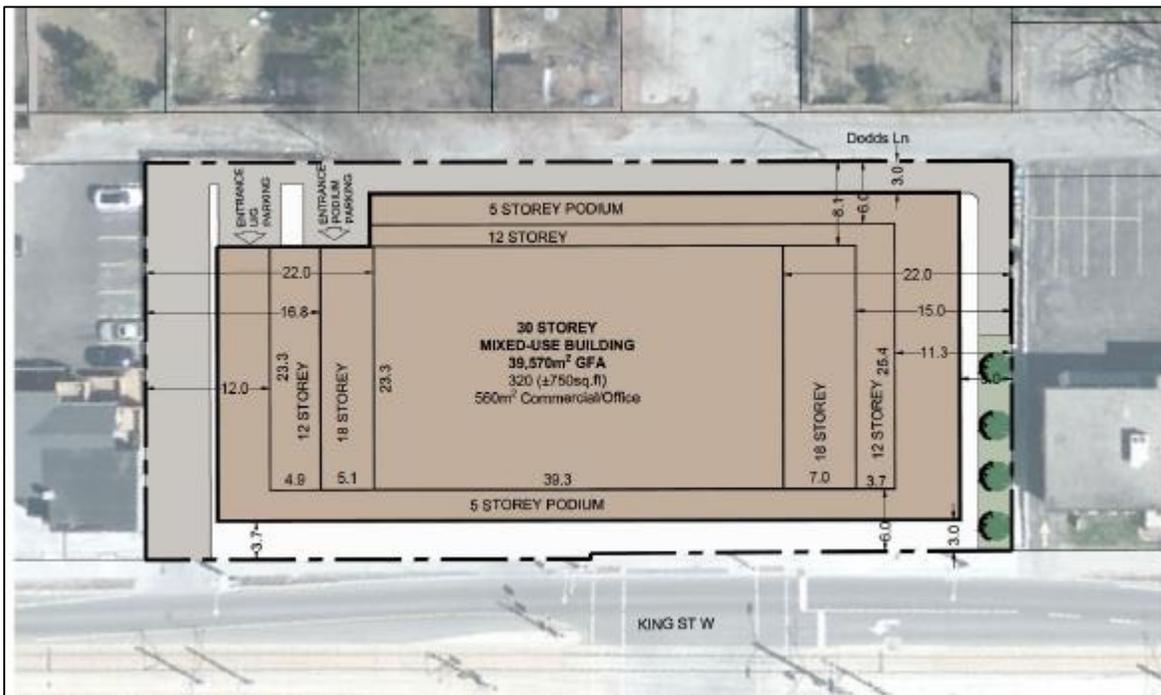


Figure 8: Second proposal, second option, prepared for Growing Together West

January 15th, 2025 (site-specific ZBA Application #1)

Following the Council approval of Growing Together West, without the requested change for these lands, additional revisions were made to the proposal and submitted with the site-specific Zoning By-law Amendment Application. The tower portion set back was increased to 10.2 metres from Dodds Lane, the height was reduced to 28 storeys, and

May 13, 2025 (site-specific ZBA Application #2)

Following the Neighbourhood Meeting on February 19th, 2025, and staff and agency review, additional planning justification was requested from the applicant, and design revisions were also requested. The applicant made revisions, now presenting a development concept of 329 dwelling units, maintaining a similar percentage of unit types. Notably, the number of 3-bedroom units increased from 20 to 23. The focus of this revised proposal is the reduction in height at the mid-sections of the proposed development. Where the proposed development as part of the first site-specific submission had stepping at the 12th and 18th floors, the revised plan now steps at the 10th and 16th floors. This revision decreases the number of units that have a more direct sight-line to the low-rise community and lessens the impacts of both the physical massing of the building and the shadows it casts.

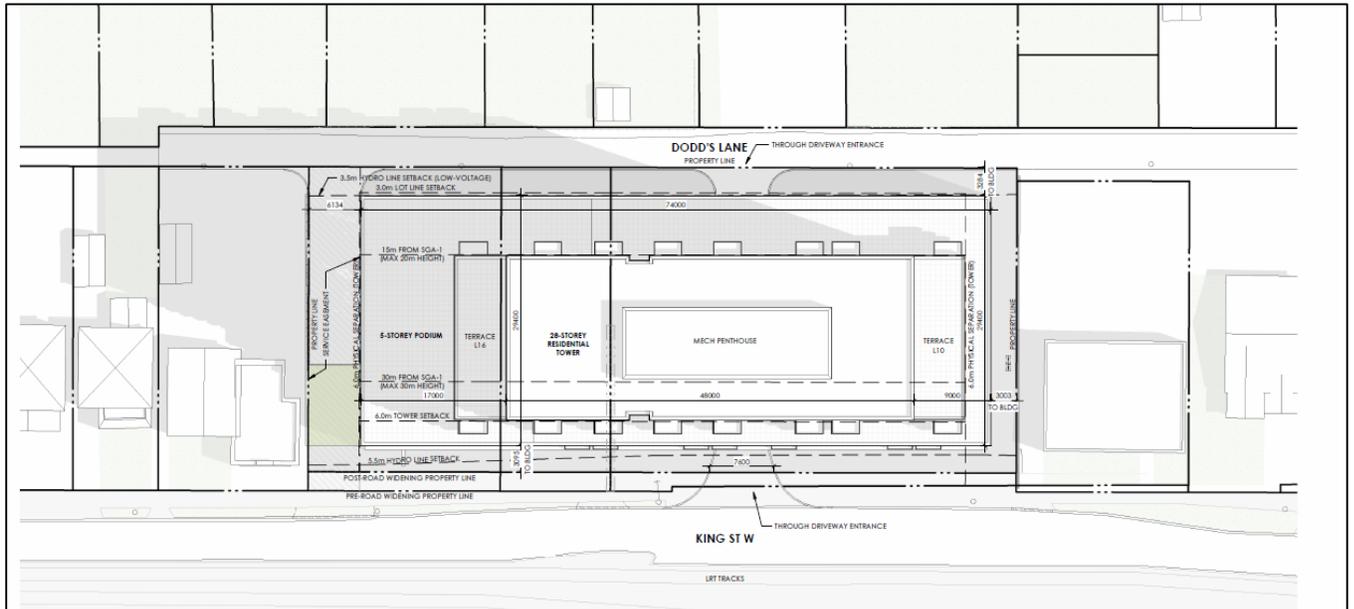


Figure 11: Fourth and final proposal.

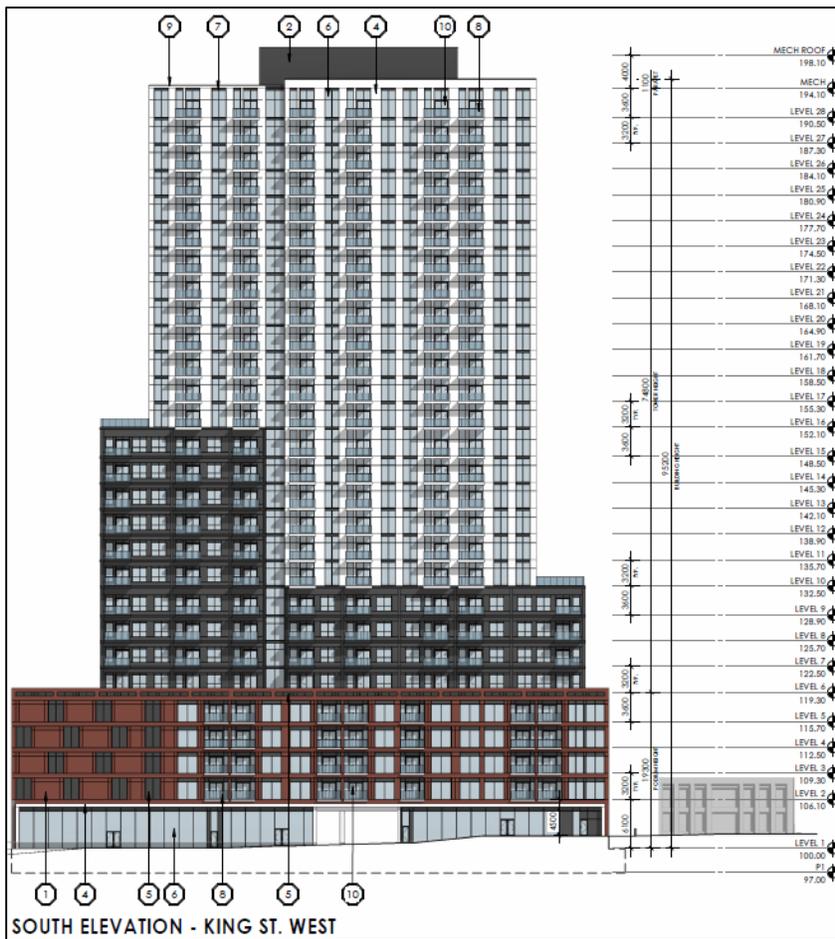


Figure 12: Rendering of the final proposal.

Proposal	SGA-3 request #1 (GT)	SGA-3 request #2 (GT) Option 1	SGA-3 request #2 (GT) Option 2	ZBA Application #1	ZBA Application #2 (final)
Height (storeys)	30	30	30	28	28
Dwelling Units	314	322	320	341	329
3 Bedroom Units	-	-	-	20	23
Setback to Lane (metres)	8.4	8.1	8.1	10.2	10.2
Gross Floor Area (m ²)	36,700	40,407	39,570	34,390	33,691
Stepping	Floors 4 and 16	Floors 5, 12, and 18	Floors 5, 12, and 18	Floors 5, 12, and 18	Floors 5, 10 and 16

Table 1: Summary of Changes

REPORT:

Planning Act

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as:

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - a. Is well-designed,
 - b. Encourages a sense of place, and
 - c. Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Planning Statement, 2024, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Planning Statement, 2024 and to ensure Provincial policy is adhered to.

Provincial Planning Statement

The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS 2024 came into force on October 20, 2024.

The PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. Some examples of what it enables municipalities to do are; plan for and support development and increase the housing supply across the province; and align development with infrastructure to build a strong and competitive economy that is investment ready.

Section 2.1.6 directs planning authorities to support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and

- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

Section 2.3.1.3 directs planning authorities to support general intensification and redevelopment while achieving complete communities by accommodating an appropriate range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Section 2.4 contains the policies for Strategic Growth Areas, which include Major Transit Station Areas. Strategic Growth Areas, in their achievement of complete communities, are to accommodate significant population and employment growth, accommodate and support transit networks, and support affordable, accessible, and equitable housing. Major Transit Station Areas served by Light Rail Transit are to achieve a minimum density of 160 people and jobs per hectare and are to be planned to promote land uses and built form that support the achievement of the minimum density target.

Planning staff are of the opinion that the proposal is in conformity with the PPS. The proposed development contributes a mix of uses as commercial space is provided at grade with residential units above, supports intensification, and provides housing in a Strategic Growth Area contributing to the density targets of the area, and is supportive of transit.

Region of Waterloo Official Plan

Bill 23, More Homes Built Faster Act, 2022, introduced significant changes to the Planning Act to streamline the development process and increase housing supply across the province. Planning responsibilities from the Region of Waterloo have been transferred to the City of Kitchener and other area municipalities as of January 1, 2025. The Region Official Plan (ROP) is now an Official Plan for area municipalities which are responsible for implementation of the ROP until it is repealed or amended through a future Area Municipal planning exercise.

The subject site is designated 'Urban Area' and 'Built-Up Area' on Schedule 3a of the ROP.

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area and the proposed development conforms to Policy 2.F of the ROP as the proposed development will support the achievement of the minimum intensification targets within the delineated Built-Up Area. Growth is directed to the Built-Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community.

Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling. The proposed development also proposes units with a range of bedroom counts and unit sizes, which serve to enhance the mix of unit types in the area and is appropriately located along a corridor well-served by transit. The Region of Waterloo has indicated they have no objections to the proposed application.

Planning staff are of the opinion that the proposal is in conformity with the ROP. The subject site is within both the Urban Area and Built-Up Area, and is therefore appropriately located for redevelopment. The built form is compact, and the mix of uses contributes to 15-minute neighbourhoods.

City of Kitchener Official Plan

In accordance with the provisions of the Planning Act, the City of Kitchener is required to prepare and update its Official Plan. The Official Plan (OP) is a legal document that contains goals, objectives and policies to manage and direct physical and land use change and their effects on the cultural, social, economic and natural environment within the city. This Plan provides a framework for decision-making and plays a number of essential roles in the future planning of the city.

Section 3 of the OP provides the policies for the urban structure of the city, establishing that growth should be contained to the City's Urban Area and in appropriate locations for growth within the Built-Up Area. Further, minimum density targets and residential intensification targets set by the Province and Region are to be exceeded, when feasible. Section 3.C.2 establishes the Urban Structure of the city, which is composed of Intensification Areas including the Urban Growth Centre (Downtown), Protected Major Transit Station Areas, City Nodes, Community Nodes, Neighbourhood Nodes, Urban Corridors, and Arterial Corridors. They are connected by transit corridors and the integrated transportation system which are key elements in shaping growth and built form. As Intensification Areas, these areas are generally intended to provide for a broad range and mix of uses in an area of higher density and activity than surrounding areas. The objectives of Intensification Areas include achieving higher densities than the surrounding areas within proximity of transit stop locations, while maintaining a compatible interface and built form transition to the surrounding area.

The subject site is located within a Protected Major Transit Station Area (PMTSA) as shown on Map – 2 – Urban Structure, and as such is an area intended to achieve higher densities than the surrounding area.

Following the direction of Policy 3.C.2.17, the planned function of Protected Major Transit Station Areas, in order to support transit and rapid transit, is to:

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

The proposed development includes commercial space at-grade, contributing to the mix of uses in an appropriate location, and the density of the development is supportive of transit.

Policies a) through d) above should not be interpreted to mean that every property located within a Protected Major Transit Station Area is necessarily appropriate for major intensification.

As the depth of subject site is roughly 38 metres, the requirement to maintain a distance of 30 metres from 'SGA-1' zoned land cannot feasibly be met (i.e. A tower portion 8 metres wide is not feasible), and effectively limits the height of development on the subject site to 8 storeys.

In assessing the suitability of the subject site for a major intensification, the unique attributes of the property need to be considered. The subject site is at the intersection of Mt. Hope Street and King Street West. With the introduction of the LRT track along King Street, right-in, right-out developments will be and are commonplace along this stretch of King Street. The King Street West and Mt. Hope Street intersection is a full movement intersection, meaning cars travelling in either direction on King Street West or Mt. Hope Street have no turning/travel restrictions. With the primary vehicle entrance to the proposed development being located at this intersection, vehicles coming from Waterloo can turn left into the proposed development, cars leaving the proposed development can turn either left or right onto King Street West, and cars coming to the development from Mt. Hope Street can continue straight through the intersection. While the City of Kitchener is progressive in reducing car reliance and has no minimum parking requirement in SGA zones, the Owner is proposing some parking based on their assessment of market demand. As the subject site has access to a full movement intersection, from a vehicle transportation perspective, the proposed development is appropriate and mitigates concerns regarding how the site is accessed.

An important consideration in the assessment of building height is the impact on the future development potential of neighbouring properties. A frontage of roughly 65 metres across four properties is available along King Street West between the subject site and the 900 King Street West development, leaving sufficient room for physical separation for future development.

Further to the Urban Structure and PMTSA policies, Section 4 of the OP provides the policy framework regarding housing. The impacts of special, or site-specific, zoning regulations are to be reviewed to ensure:

- 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 and will have regard to Section 11 of this Plan, the City's Urban Design Manual, and any site-specific Urban Design Brief or Urban Design Report and Urban Design Scorecard.
- 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.

Notwithstanding the above policies, site-specific applications which seek to amend the Zoning By-law will consider the following factors:

- a) Compatibility with the planned function of the subject lands and adjacent lands;
- b) Suitability of the lot for the proposed use and/or built form;
- c) Lot area and consolidation as further outlined in Policy 3.C.2.11;
- d) Compliance with the City's Urban Design Manual and Policy 11.C.1.34;
- e) Cultural heritage resources, including Policy 15.D.2.8; and
- f) Technical considerations and other contextual or site specific factors

To provide direction regarding the compatibility and impacts of development, Section 11 of the OP establishes Urban Design policies. For new, tall building development, Policy 11.C.1.34 directs for the consideration of design principles including physical separation, overlook, relative height, floor plate area, building length, tower placement, orientation and building proportion, among others. This is to:

- a) Mitigate environmental impacts caused by tall buildings such as shadows, accelerated winds, access to light and sky and more;
- b) Create high-quality design relationships between the built forms of multiple adjacent or nearby towers that account for occupant privacy and quality of life, contribute toward a visually interesting skyline, and ensure good compatibility between buildings in dense, urban environments.
- c) Ensure good compatibility with surrounding low and mid-rise contexts.
- d) Ensure that the development of future, adjacent or nearby tall buildings is not frustrated and can continue to achieve high-quality design principles.

Specific design policies apply for a proposed development in a PMTSA. A high standard of urban design is required, and will be supported by a site-specific urban design brief to demonstrate how the development application exemplifies high quality urban design and will contribute to the public realm and placemaking in the station area and around the station stop. An Urban Design Brief was submitted, along with supplemental commentary, as part of the application.

A key component of built form transition is privacy. Generally, privacy impacts are most prevalent at the lower levels of buildings, as sightlines are more direct than at the taller portions of a building. The residential units provided in the podium of the proposed development, being levels one to five, face King Street West only, and no units face the low-rise neighbourhood to the northeast of the subject site. The rooftop area of the podium is large enough that landscaping could also be added to screen the low-rise properties from view at this level. Additionally, the tower portion of the building is oriented as close as feasible to King Street West, which limits the direct view from the lower levels of the tower. The podium height of five storeys is a compatible height to low rise building. Additionally, while Dodds Lane is generally narrow, it does provide a break in built form and adds to the physical separation from the lot line of the subject site to the low-rise neighbourhood.

The final proposal improves the impact of the massing in the middle and upper portions of the building from earlier iterations. Based on staff feedback, the height was reduced at the mid, stepped back section of the proposed development to lessen the impacts of the massing, shadows, and privacy. The tower portion of the development is located as far as

possible towards King Street West, away from the low-rise community, and is designed with stepped elements to lessen the impact of the tower massing.

Section 15 of the OP provides the Land Use Policies for a Complete and Healthy Kitchener. The land use designation that applies to the subject site is 'Strategic Growth Area B' (SGA-B) as shown on Map 3 – Land Use.

Growing Together West introduced three land use designations for the Protected Major Transit Stations Areas: SGA-A, SGA-B, and SGA-C. However, these three designations implement four zones: SGA-1, SGA-2, SGA-3, and SGA-4. The land use designations were deliberately chosen as a means to provide higher level policy direction, with each designation implementing two zones (i.e. The 'SGA-A' designation implements the SGA-1 and SGA-2 zones, and the 'SGA-B' designation implements the SGA-2 and SGA-3 zones, hence the lack of need for an Official Plan Amendment with this application). The policies are generally constructed to convey that 'SGA-A' designated land may be smaller sites further from the LRT station, and on a local road, and may be more appropriate for lower to mid-rise built form, where larger properties on a major road would be more appropriate for tall built form and are therefore 'SGA-B' or 'SGA-C'.

The 'SGA-B' land use designation is intended to accommodate significant intensification at building heights between those in the 'SGA-A' land use designation and those in the 'SGA-C' land use designation, at both medium and high-density forms. Lands designated 'SGA-B' are also intended to serve as a transition between Low Rise Residential Uses on lands within the 'SGA-A' land use designation, and medium and high density uses within the 'SGA-C' land use designation. Permitted land uses in this designation include a range of medium and high-density residential housing types including those permitted in the Medium Rise Residential and High Rise Residential land use designations, and some compatible non-residential uses such as retail, commercial entertainment, restaurants, financial establishments, hotels, personal services; office; health-related uses such as health offices and health clinics; institutional uses such as hospitals, daycare facilities, religious institutions, community facilities, and educational establishments; social service establishment; and studio and artisan-related uses.

The 'SGA-2' zone was, in some scenarios, implemented on smaller or shallower lots, where an assembly of lots would be required for development, and the exact assembly of properties is unknown. In this scenario, the properties being assembled were known, as the property owner was involved in the implementation of Growing Together West; however, a site-specific provision was needed, which was not included in the final recommendation for Growing Together West. The subject site is designated 'SGA-B', which permits building heights up to 28 storeys. As such, the OP identifies the subject site as a potential location for development taller than the 8 storeys afforded in the 'SGA-2' zone.

Planning staff are of the opinion that the proposal is in conformity with the OP.

Zoning By-law 2019-051

Through the implementation of Growing Together West Project, property owners were invited to make submissions to the City to request revisions the proposed Official Plan

land use designations and Zoning categorization. The subject site was proposed to be the designated 'SGA-B' and zoned 'SGA-2' Zone.

On November 30th, 2023, the applicant submitted a request to change the proposed land use designation to 'SGA-C', and to the zoning to 'SGA-4'. A revised request was submitted January 26th, 2024 indicating support for the 'SGA-B' land use designation as proposed, but maintained the request for either the 'SGA-3' or 'SGA-4' zoning.

In Staff Report DSD-2024-128, staff recommended maintaining the 'SGA-2' zoning, which was approved by Council. The 'SGA-3' zone carries a provision limiting maximum building height to 30 metres within 30 metres of 'SGA-1' zoned (or other low-rise residential zones) properties. The development proposed by the applicant to support their request could not meet this provision, and would require a site-specific provision. During the implementation of Growing Together West, site-specific requirements were not considered, and deferred requests to submit a site-specific application. This would also provide the applicant with the opportunity to prepare supporting technical documents that could address potential concerns with the site-specific requests.

Following the scoping of the ongoing appeal to the implementation of Growing Together West, the subject site is now solely zoned 'Mid Rise Growth Zone (SGA-2)' in Zoning By-law 2019-051 and Council can now consider a site-specific amendment.

Proposed Zoning By-law Amendment

The proposed Zoning By-law Amendment is proposed to change the zoning of the subject site from the 'SGA-2' Zone to the 'SGA-3' Zone, with a site-specific amendment to permit a maximum building height of 96 metres within 30 metres, but no closer than 15 metres of 'SGA-1' zoned properties, where the maximum height is 30 metres within 30 metres of 'SGA-1' zoned properties.

In addition to this site-specific amendment, additional site-specific provisions are added to address built form transition, as well as a Holding Provision. The Holding Provision will be used to ensure transportation noise, stationary noise, and vibration studies are completed and the mitigation measures implemented, as necessary.

The details of the Zoning By-law Amendment are:

- a) The maximum *building height* within 30 metres of a lot with an SGA-1 zone or a lot with a *low-rise residential zone* shall be 96 metres;
- b) The minimum *yard setback* from the *lot line* of Dodds Lane for storeys 6 to 28 shall be 15 metres;
- c) The maximum *building height* for storeys 6 to 10 shall be 32.5 metres;
- d) The maximum *building length* for storeys 6 to 10 shall be 60 metres;
- e) The maximum *building height* for storeys 11 to 16 shall be 52.1 metres;
- f) The maximum *building length* for storeys 11 to 16 shall be 54 metres;
- g) The maximum *building height* for storeys 17 to 28 shall be 96 metres;
- h) The maximum *building length* for storeys 17 to 28 shall be 48 metres;
- i) No *dwelling units* are permitted within 15 metres of the *lot line* of Dodds Lane in a *building base*, being storeys 1 to 5.

Maximum building height and setback in proximity to SGA-1 zoned land

The site-specific provision to permit building height above 30 metres if set back at least 15 metres addresses the 'SGA-3' Zone provision that sets a maximum building height of 30 metres within 30 metres of 'SGA-1' zoned properties. As noted in this report, this is the lone SGA-3 zone provision that requires amendment to facilitate the proposed development. As the subject site is 38 metres in depth, this provision cannot be met by tall buildings. Nonetheless, the subject site is an ideal location for development above the eight storeys that would generally be permitted as-of-right.

The 'SGA-3' zone provides three provisions regarding transition to low rise zones:

1. Maximum building height within 15 metres of a lot with an SGA-1 zone or a lot with a low-rise residential zone: 20 metres.
2. Maximum building height within 30 metres of a lot with an SGA-1 zone or a lot with a low-rise residential zone: 30 metres.
3. Minimum yard setback where the lot abuts a lot with an SGA-1 zone or a low-rise residential zone: 7.5 metres.

The zone provisions to limit building height in proximity of low-rise zones was an outcome of community engagement through the development of Growing Together West as a means of easing transition between the taller built forms permitted in the 'SGA-3' and 'SGA-4' zones and nearby lower-rise areas.

The first and third provisions are maintained by the proposed development. The height of the podium is 19.3 metres and is within 15 metres of the 'SGA-1' zoned properties lot line, meeting the requirement of the zone provision. Dodds Lane separates the subject site from the 'SGA-1' zoned properties, and as such does not "abut". The physical distance from the lot line of the 'SGA-1' zoned properties and the proposed development is approximately 8 metres, meeting the intent of the provision. The height of the podium is an integral component of the proposed development's transition to the low rise neighbourhood. As noted above, the 19.3 metre height of the podium complies with the maximum height restriction within 15 metres of 'SGA-1' zoned land, and the proposed five levels complies with the maximum base height of 6 levels permitted in the 'SGA-3' Zone. The podium is the nearest portion of the proposed development to the low-rise neighbourhood, and at the proposed height, complies with all zone provisions. Five storeys is an appropriate transition to low-rise built forms, such as low rise detached housing.

The resultant zoning provisions are a function of height and transition, which calls for justification regarding if (1) the height of the proposal is appropriate for the location, and (2) is appropriate transition in place that meets the intent of the zone provision? In addition, the introduction of a site-specific provision for built form transition relies on the unique aspects of the subject site. This is necessary to avoid future applicants from simply "designing" their way out of meeting zone provisions and address OP policy 3.C.2.17 stating that not every property located within a PMTSA is necessarily appropriate for major intensification. As indicated in the assessment of the OP above, the proposed development conforms to urban design and transition policies.

Maximum building height and length at select storeys

The site-specific provisions to limit building height at specific floors corresponds to the floor plate provision of the 'SGA-3' Zone. In the SGA-3 (and SGA-4) zone, limits are introduced on the building length and floor plate area at different height ranges so as to ensure tall buildings are managed as they get taller. The specific storey ranges are: 1-6; 7-12; 13-18; 19-36; 37+. In the ZBA submission, the proposed development maximized the building length in each range. As these ranges and limits are used to manage the height of tall buildings, staff are of the opinion that it would be more appropriate to lower these height ranges to assist in the transition to the low rise neighbourhood, as the 30 metre height limit within 30 metres of these properties could not be attained. The applicant was cooperative in making changes, which included lowering the mid-sections of the building.

No dwelling units permitted within 15 metres of Dodds Lane within the podium

The site-specific provision that prohibits dwelling units from being oriented towards the low-rise neighbourhood is implemented to respond to privacy concerns to the community. As noted in the assessment of the OP, privacy impacts are the most prevalent at the low levels of buildings where sightlines are most direct. By prohibiting where dwellings can be located in the base of the building, privacy concerns can be mitigated.

Department and Agency Comments:

Circulation of the Zoning By-law Amendment Application was undertaken to all applicable City departments and other review authorities. The comments are included in Attachment 'C'. Additional justification was requested from the applicant to support the requested site-specific amendment.

The following Reports and Studies were considered as part of this proposed Zoning By-law Amendment:

Planning Justification Report

Prepared by: GSP Group, December 2024

Planning Justification Addendum 1

Prepared by: GSP Group, March 12, 2025

Planning Justification Addendum 2

Prepared by: GSP Group, May 13, 2025

Urban Design Brief:

Prepared by: GSP Group, November 2024

Architectural Package (including site plan, elevations, floor plans, shadow study):

Prepared by: ABA Architects, December 11, 2024

Revised Architectural Package (including site plan, elevations, floor plans, shadow study):

Prepared by: ABA Architects, May 9, 2024

Transportation Impact Study

Prepared by: Paradigm Transportation Solutions Limited, December 2024

Transportation Impact Study Addendum

Prepared by: Paradigm Transportation Solutions Limited, May 7, 2025

Functional Servicing and Stormwater Management Report

Prepared by: Walter Fedy, October 1, 2024

Geotechnical Report

Prepared by: Englobe Corp, October 4, 2024

Noise Study

Prepared by: SLR Consulting, December 9, 2024

Wind Study

Prepared by: SLR Consulting, December 9, 2024

Sustainability Statement

Prepared by: GSP Group, December 18, 2024

Vegetation Management Plan

Prepared by: GSP Group, December 16, 2024

Community Input and Staff Responses:

Staff received written responses from 15 community members with respect to the proposed development. The comments received are included in Attachment 'D'. A Neighbourhood Meeting was held on February 19, 2025. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
The proposed development will cast large shadows over the neighbourhood	The shadow study submitted by the applicant demonstrates the shadow impacts at 2-hour intervals at each solstice/equinox. The summer solstice, where outdoor activity is at its greatest, shows generally minor shadow impacts to the neighbourhood.
An inadequate supply of parking is proposed	The SGA zones do not require a minimum amount of parking be provided. The intent of this provision is supported by the proximity to rapid transit and the walkability of the area. Future tenants will be aware of the number of parking spaces their unit will have, and it is not expected that tenants will purchase/rent an apartment that does not provide a compatible number of parking spaces. Further, the Planning Act prohibits any minimum parking requirements in PMTAs throughout Ontario. As such, Council cannot require a

	<p>minimum parking rate for the proposed development.</p>
<p>The proposed development will generate too much traffic</p>	<p>Transportation staff have reviewed the Traffic Impact Study, and Addendum, prepared by the applicant team and do not have concerns with the level of traffic that would be generated. As noted above, the main vehicle access to the proposed development is from King Street.</p>
<p>The height and density are too great for the site</p>	<p>Based on the above planning analysis, the height and density are consistent with and in conformity to the Provincial Planning Statement, Region of Waterloo Official Plan, and City of Kitchener Official Plan. Stepbacks and setbacks, as recommended by staff, are a standard practice used to regulate building mass and appearance. PMTAs are a strategic growth area that are planned for growth, and properties with frontage along King Street are planned for increased building heights and densities.</p>
<p>The construction of tall buildings will have negatively psychological impacts to those living in the area</p>	<p>Staff evaluate development applications and proposed built-form using applicable legislation and Council-approved documents, including the Official Plan and the Urban Design Manual. These include measures to guide physical separation, setbacks, shadow impact, lighting, wind, noise, and more to create safe and livable communities.</p>
<p>Dodds Lane is inappropriate for access and is not a sufficient buffer to a tall building</p>	<p>All vehicle movements will have access to the full movement access along King Street West. Access to below grade parking is from Dodds Lane only. Access to the podium parking does not require vehicles to travel on Dodds Lane. Vehicles may exit the site using Dodds Lane, which leads to a right turn only onto King Street West. All vehicles may also exit the site using the full movements access along King Street West. As such, it is not anticipated that the majority of traffic will use Dodds Lane for access/egress.</p>

<p>Current business tenants will need to move which could put them out of business</p>	<p>Two commercial units are provided in the proposed development which could serve as the new locations for the existing businesses.</p> <p>The property owner was advised of the potential impacts to their tenants and were encouraged to work with them on their lease agreements and potential relocation.</p>
<p>There is insufficient park land in the area to support the development</p>	<p>As identified in Places and Spaces: An Open Space Strategy for Kitchener, the KW Hospital Planning Community is currently critically underserved. Cash-in-lieu of parkland will be collected at the Site Plan Approval stage, the funds of which can be contributed to improving the provision of parkland and potential land acquisition over time. The development will also include on-site amenity space for residents of the building.</p>
<p>There will be a loss of privacy due to the additional units</p>	<p>Generally, privacy impacts are most prevalent at the lower levels of buildings, as sightlines are more direct than at the taller portions of a building. The dwelling units provided in the podium of the proposed development, being levels one to five, face King Street West only, and no units face the low-rise neighbourhood to the northeast of the subject site. The rooftop area of the podium is large enough that landscaping could also be added to screen the low-rise properties from view at this level. Additionally, the tower portion of the building is oriented as close as feasible to King Street West, which limits the direct view from the lower levels of the tower.</p>
<p>New development should prioritize affordable units</p>	<p>As the subject site is within a PMTSA, inclusionary zoning, or the provision of affordable units, will be a component of the development. Currently, the gross leasable residential floor area to be provided as affordable dwelling units is 1%.</p> <p>The 18 rental dwelling units on the Subject Site are subject to the Rental Replacement By-law. The Rental Replacement By-Law</p>

	<p>requires applicants that are proposing to demolish or convert six or more rental units to offer compensation to existing tenants, and to replace demolished or converted units with affordable rental units for a period of 10 years.</p> <p>The By-Law protects rental units that are subject to a Planning Act application whether or not the units are located in one building, or are located in multiple buildings on multiple lots subject to the same application. Units in buildings subject to an application that have been vacant for less than six months are subject to the By-Law's obligation to provide an equal number of affordable rental units in the proposed development.</p> <p>Tenants are offered the choice of three forms of compensation:</p> <ol style="list-style-type: none">1. A rent payout equal to 10 times the monthly rent of the unit, and an agreement to vacate the unit thereafter.2. A rent exemption for a period of one year, and an agreement to vacate the unit thereafter.3. A temporary replacement unit provided by the applicant and rented at the same rate as their existing unit, and the first right of refusal to accept a permanent replacement unit in the proposed development once complete.
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Planning Conclusions

It is important to ensure that the intent of the SGA Zone regulations, as approved by Council, are maintained and implemented consistently. Policies in the Official Plan provide criteria that must be evaluated where relief is being sought to the SGA zoning regulations.

There may be site-specific reasons and criteria that make amendments to the approved regulations appropriate. In this case, staff worked with the applicant to revise the development proposal to ensure that the intent of the regulations approved by Council is maintained. Staff are satisfied with the site-specific design as revised for the subject site.

Consideration of this site-specific application should not be taken as a precedent for other applications within strategic growth areas. All applications must be reviewed and considered for their own merit and general compliance with the regulations in the zoning By-law and intent of the Official Plan.

Built-form zoning regulations are a critical component of building a healthy, safe environment for all who live, work, and visit Kitchener's PMTSAs, while still allowing for abundant housing supply.

In considering the foregoing, staff are supportive of the Zoning By-law Amendment Application. Staff are of the opinion that the subject application is consistent with policies of the Provincial Planning Statement (2024), conforms to the Regional Official Plan, and the City of Kitchener Official Plan and represents good planning. Staff recommends that the application be approved.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

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

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

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting. One large notice sign was posted on the property and information regarding the application was posted to the City's website in January of 2025. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all Kitchener residents and property owners within 240 metres and Waterloo residents and property owners within 120 metres of the subject site, and those responding to the preliminary circulation. Notice of the Statutory Public Meeting was also posted in The Record on May 23, 2025 (a copy of the Notice may be found in Attachment 'B').

CONSULT – The proposed Zoning By-law Amendment was circulated to Kitchener residents and property owners within 240 metres and Waterloo residents and property owners within 120 metres of the subject site on May 17, 2025. In response to this circulation, staff received written responses from 15 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c.P.13
- Provincial Planning Statement, 2024
- Region of Waterloo Official Plan

- City of Kitchener Official Plan
- City of Kitchener Zoning By-law 2019-051
- Growing Together – Protected Major Transit Station Area Land Use and Zoning Framework DSD-2024-005
- Supplemental Report to DSD-2024-005: Growing Together – Protected Major Transit Station Area Land Use and Zoning Framework DSD-2024-128

**REVIEWED BY: Tina Malone-Wright, Manager, Development Approvals,
Development and Housing Approvals Division**

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

ATTACHMENTS:

Attachment A1 - By-law to amend Zoning By-law 2019-051

Attachment A2 - Map No. 1

Attachment B - Newspaper notice

Attachment C - Department and Agency Comments

Attachment D - Public Comments

Attachment E - Original Proposal - Site Plan

Attachment F1 - Second Proposal – Option 1 Site Plan

Attachment F2 – Second Proposal – Option 2 Site Plan

Attachment G - Third Proposal - Site Plan

Attachment H - Final Proposal - Site Plan

Attachment I – Urban Design Brief, dated November 2024