

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: January 5, 2026

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

PREPARED BY: Andrew Pinnell, Senior Planner, 519-783-8915

WARD INVOLVED: Ward 3

DATE OF REPORT: December 18, 2025

REPORT NO.: DSD-2025-002

SUBJECT: Official Plan Amendment Application OPA24/011/C/AP
Zoning By-law Amendment Application ZBA24/023/C/AP
Address: 808-836 Courtland Avenue East
Owner: 808 Courtland GP Inc.

RECOMMENDATION:

That Official Plan Amendment Application OPA24/011/C/AP for 808-836 Courtland Avenue East, requesting to change the land use designation from 'Commercial' and 'General Industrial Employment' to 'Strategic Growth Area C' and to exempt the proposal from subsections d) and j) of Policy 15.D.12.81, to facilitate a high-density, mixed-use development comprising 977 dwelling units, 532.1 square metres of non-residential use on the ground floor, with a maximum building height of 30 storeys, be approved, in the form shown in the Official Plan Amendment attached to Report DSD-2025-002 as Attachment 'A'; and

That Zoning By-law Amendment Application ZBA24/023/C/AP for 808-836 Courtland Avenue East be approved in the form shown in the Proposed By-law and Map No. 1, attached to Report DSD-2025-002 as Attachment 'B'; and further

That the Urban Design Brief prepared by Zehr Group, dated December 2024 (Revised), attached as Attachment 'C' to report DSD-2025-002 be endorsed and that staff be directed to implement the Urban Design Brief through a future Site Plan Approval process, and at the discretion of the City's Director of Development & Housing Approvals, significant changes to the Urban Design Brief will be to the satisfaction of Council.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment Applications for the subject property, addressed as 808-836 Courtland Avenue East. Development and Housing Approvals staff recommend that the Official Plan and Zoning By-law Amendment Applications be approved.
- The requested amendments would facilitate a development concept comprising a mixed-use development, containing 3 high-rise residential towers (22, 27 and 30 storeys), situated on a shared podium (total of 977 dwelling units, consisting of a mix of 1-, 2-, and 3- bedroom units). The podium would contain commercial uses (total of 532.1 square metres). The subject property currently contains three commercial buildings and surface parking.
- Community engagement included:
 - Circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject property on September 25, 2024;
 - Installation of a notice sign on the property;
 - Follow-up one-on-one correspondence with members of the public;
 - A neighbourhood Meeting with the community held on October 23, 2024;
 - A postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject property, those who responded to the preliminary circulation, and those who attended the Neighbourhood Meeting;
 - Notice of the public meeting was published in The Record on December 12, 2025.
- This report supports the delivery of core services.
- This application was deemed complete on September 17, 2024. The Applicant can appeal this application for non-decision after January 15, 2025. Staff and the Applicant have been working with Canadian National Railway and the Ministry of Transportation for the past year to address land use compatibility issues, including traffic and noise mitigation.

EXECUTIVE SUMMARY:

The owner of the subject lands addressed as 808-836 Courtland Avenue East is requesting Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) Applications to facilitate a development concept comprising a mixed-use development, containing 3 high-rise residential towers (22, 27 and 30 storeys; total of 977 dwelling units, consisting of a mix of 1-, 2-, and 3- bedroom units), situated on a shared podium. The podium would contain commercial uses (total of 532.1 square metres).

The main purpose of the OPA is to change the land use designations from 'Commercial' and 'General Industrial Employment' to 'Strategic Growth Area C'. The ZBA would change the zoning of the developable portions of the subject property from Arterial Commercial Zone (C-6) and General Industrial Zone (M-2), both with site specific provisions, under Zoning By-law 85-1, to Strategic Growth Area Four Zone (SGA-4) with a Site Specific Provision and a Holding Provision, under Zoning By-law 2019-051. The proposed site specific provision would regulate matters such as building height, number of storeys, floor plate area, physical separation, amenity space, building length, and geothermal energy systems. The proposed Holding Provision would prohibit new sensitive land uses until a

Detailed Noise Study has been completed, and implementation measures have been addressed; and a Record of Site Condition (RSC) has been completed.

The ZBA would also change the zoning of small portions of the property that are not developable due to the floodplain *from* Arterial Commercial Zone (C-6) *and* General Industrial Zone (M-2), both with site specific provisions, under Zoning By-law 85-1, *to* Natural Conservation Zone (NHC-1) in Zoning By-law 2019-051.

Development and Housing Approvals staff recommends that the applications be approved.

BACKGROUND:

The City of Kitchener has received Official Plan Amendment and Zoning By-law Amendment Applications from 808 Courtland GP Inc. for the subject lands, addressed as 808-836 Courtland Avenue East. The purpose of the applications is to facilitate a development concept comprising a mixed-use development, containing 3 high-rise residential towers (22, 27 and 30 storeys; total of 977 dwelling units, consisting of a mix of 1-, 2-, and 3- bedroom units), situated on a shared podium. The podium would contain commercial uses (total of 532.1 square metres). Various amenities and shared common areas would be provided throughout the development. Most of the parking would be located within a parking structure, though a small surface parking lot is proposed. A total of 509 parking spaces are proposed. Bicycle parking would be provided in accordance with the requested zoning (e.g., 1 Class A stall per dwelling unit).

The portion of the subject property addressed as 808 Courtland Avenue East is currently designated Commercial in the City's 2014 Official Plan, while the portion of the subject property addressed as 836 Courtland Avenue East is currently designated 'General Industrial Employment' and in the same Official Plan. A small strip of land along the northwest side of the subject property and along Courtland Avenue is designated 'Natural Heritage Conservation'.

Site Context

The subject property is located on the northeast side of Courtland Avenue East, immediately southeast of the on-ramp to Highway 7/8. The subject property has an approximate lot area of 1.3 hectares (3.21 acres), and a frontage of approximately 114 metres on Courtland Avenue East. The subject property contains three buildings:

- 1 one-storey, multi-tenant commercial building,
- 1 multi-tenant building composed of 3 attached Quonset huts, and
- 1 portable building containing a take-out restaurant.

The surrounding lands contain a wide range of land uses, of various heights and densities. The lands immediately to the northwest are owned by the Ministry of Transportation and are used for Highway 7/8 on and off ramps. The property backs onto two apartment buildings that have frontage on Vanier Drive (37 Vanier Drive: 12-storeys; and 49 Vanier Drive: 9-storeys). The lands on the opposite side of Courtland Avenue East are zoned for industrial use and are used for manufacturing and Natural Heritage Conservation purposes. The property to the south is owned by Zevest Development Corporation and is occupied with the SleepEzzz mattress store.

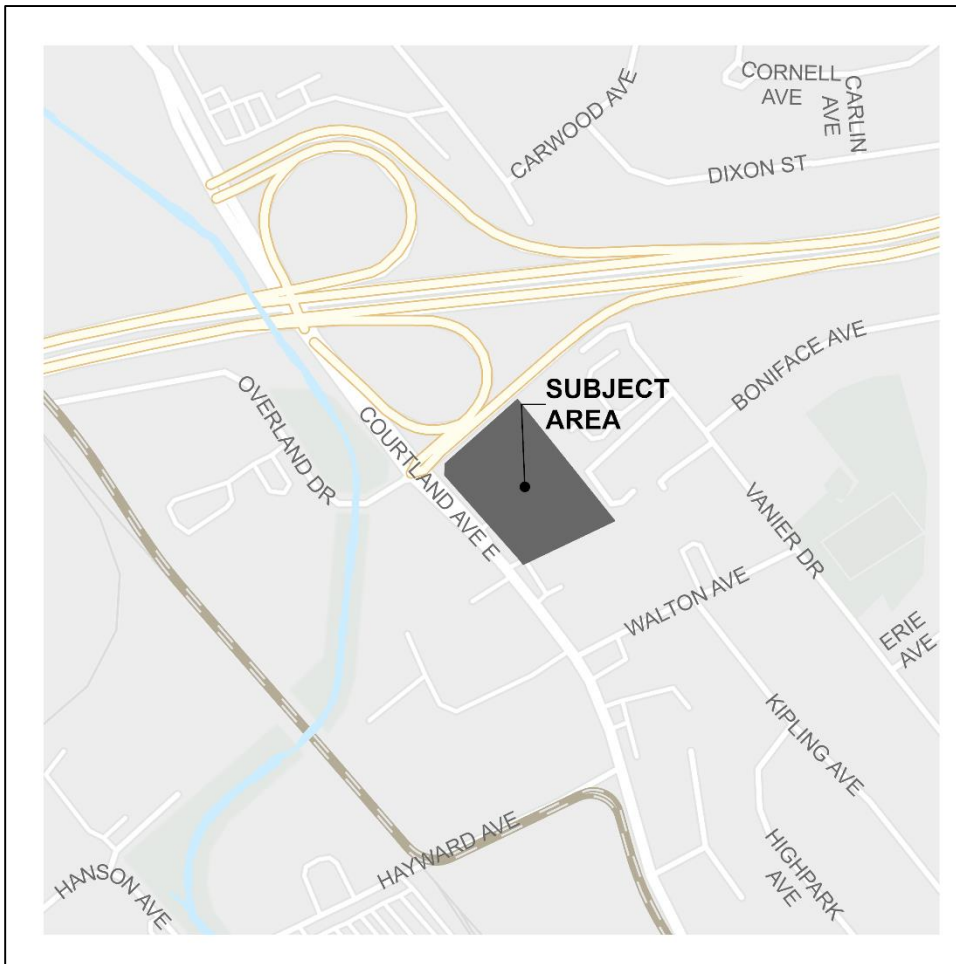


Figure 1 - Map showing the location of the Subject Area, 808-836 Courtland Ave E.

REPORT:

The applicant is proposing to redevelop the subject lands with a mixed-use development containing 3 high-rise residential towers (22, 27 and 30 storeys), situated on a shared 6-storey podium. A total of 977 dwelling units are proposed, consisting of a mix of 1-, 2-, and 3- bedroom units. The ground floor of the podium would contain a total of 532.1 square metres off commercial use. Various amenities and shared common areas would be provided throughout the development, including:

- 6th Storey outdoor terraces: 2,242.7 square metres;
- Indoor amenity spaces: 1,045.5 square metres;
- Courtland Avenue patio: 145.3 square metres;
- Total of 3,433.5 square metres of amenity space or 3.5 square metres per dwelling unit.

Most of the proposed 509 parking spaces would be included within the podium parking structure, which would be wrapped with active use along Courtland Avenue, as well as within one level of underground parking. A small surface parking lot is also proposed (11 parking spaces). Bicycle parking would be provided in accordance with the requested SGA-4 zoning category (e.g., 1 Class A stall per dwelling unit). Access would be achieved via a single driveway leading to Courtland Avenue East, which would be shared with the neighbouring property (844 Courtland Ave E) and located as far as possible from the Highway 7/8 on-ramp.



Figure 2 – Aerial photo showing the Subject Property outlined in red and surrounding context.



Figure 3 – Conceptual Rendering showing the proposed development from the intersection of Overland Drive at Courtland Avenue East, looking East.



Figure 4 – Conceptual Rendering showing the proposed development from Courtland Avenue East, looking North.



Figure 5 – Conceptual Rendering showing the proposed development from Courtland Avenue East, looking North, from above.

Planning Analysis:

Planning Act, R.S.O. 1990, c. P.13 25.

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,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- 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 Policy Statement, 2024 and to ensure Provincial policy is adhered to.

Provincial Planning Statement, 2024:

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.

According to the Province, the PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. It enables municipalities to:

- plan for and support development, and increase the housing supply across the province
- align development with infrastructure to build a strong and competitive economy that is investment-ready
- foster the long-term viability of rural areas
- protect agricultural lands, the environment, public health and safety

Sections 2.1.6 and 2.3.1.3 of the PPS 2024 promote planning for people and homes and support planning authorities to support general intensification and redevelopment while achieving complete communities by, accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

Development and Housing Approvals (DHA) staff advises that the requested amendments will facilitate the intensification of the subject property with a high-density, mixed-use development that is compatible with the surrounding community, is transit-supportive, and will make use of existing infrastructure. No new public roads would be required for the proposed development and Engineering Services staff has confirmed there is capacity in the sanitary sewer to facilitate intensification with the proposed development concept. DHA staff is of the opinion that the requested amendments are consistent with the PPS 2024.

Regional Official Plan (ROP):

The Region of Waterloo is an upper-tier municipality without planning responsibilities. The More Homes Built Faster Act, 2022, amended the Planning Act by transferring planning responsibilities from upper-tier governments across the Province, including the Region of Waterloo to local municipalities. The Region is responsible for commenting on the infrastructure and service delivery that the Region of Waterloo delivers to the community, such as public health and paramedic services, affordable housing, source water protection, water and wastewater infrastructure, transit and transportation, waste management, and the Region of Waterloo International Airport. As a result, the Region no longer has an Official Plan (ROP) as it is now an Official Plan for area municipalities who are responsible for implementation of the ROP until it is repealed through a future Area Municipal planning exercise.

The subject property is located in the Urban Area, Delineated Built-Up Area, and Block Line Major Transit Station Area (MTSA) in the Regional Official Plan (ROP). Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban 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. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

Section 2.D.2 of Regional Official Plan Amendment 6 (ROPA 6) establishes policies for development within Major Transit Station Areas (MTSAs). The policies within this section support the provision of increased mixed-use densities that are transit supportive. The

minimum density target established for the Block Line MTSA is 80 people and jobs/hectare.

The proposed development conforms the ROP, since the proposed development helps to achieve the planned intensification target. Moreover, the proposed built form provides a mix of unit types and is appropriately located along a corridor in which growth can be located close to transit and active transportation services and infrastructure. In addition, Chapter 3 of ROPA 6 establishes policies for housing in the region. The proposed development meets the intent of these policies.

Furthermore, Region staff has advised that they have no objection to approval of the OPA and ZBA Applications, provided:

- A Holding Provision is applied to the property, requiring completion of a detailed Noise Study to confirm recommendations associated with Regional road noise sources prior to Site Plan Approval; and
- The amending by-law includes a geothermal prohibition.

DHA staff advises that the requested detailed Noise Study and geothermal prohibition have been incorporated into the holding provision and site specific provision, included in the recommended Zoning By-law Amendment.

In addition, Region staff has advised that they have reviewed the Transportation Impact Study submitted in support of the applications and accepts it.

DHA staff is of the opinion that the requested amendments conform to the Regional Official Plan.

City of Kitchener Official Plan and Requested Official Plan Amendment:

The City of Kitchener Official Plan (OP) provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The vision and goals of the OP strive to build an innovative, vibrant, attractive, safe, complete, and healthy community.

Urban Structure:

The OP establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built Up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre (Downtown), Protected Major Transit Station Areas, City Nodes, Community Nodes, and Urban Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan.

The subject property is located within the Block Line Protected Major Transit Station Area (PMTSA), as outlined on *Map 2 – Urban Structure* and *Map 4 - Protected Major Transit Station Areas and Urban Growth Centre* of the City's Official Plan. The subject property is

located 660 metres from the station stop. Per Policy 3.C.2.17, the planned function of PMTSAs, 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.

Policy 3.C.2.18h) states that the Block Line Station Protected Major Transit Station Area shall be planned to achieve a *minimum* density of 80 residents and jobs per hectare.

The subject proposal will assist the City in achieving the above noted density target. It is estimated that based on the proposed 977 dwelling units, a total of 532.1 square metres of commercial space, and a net site area of 1.3 hectares, would result in approximately 1,750 residents and 19 jobs. According to Planning and Housing Policy Division staff, this would increase the density of the Block Line PMTSA from approximately 51 residents and jobs per hectare to 66 residents and jobs per hectare. This increased density would assist in supporting rapid transit and local transit within this PMTSA.

The City of Kitchener is growing, and much of this growth is occurring in the areas around the ION LRT system. Policy 3.C.2.19 states, that:

The City, in collaboration with the Region and in accordance with the Regional Official Plan, will prepare Station Area Plans for each Protected Major Transit Station Area... Each Station Area Plan will provide direction on how Protected Major Transit Station Areas are to be planned, designed, developed and phased-in over time.

In this regard, on March 18, 2024, City Council approved the first phase of Station Area Planning for PMTSAs, known as Growing Together West. This included Official Plan Amendments and Zoning By-law amendments to introduce new Strategic Growth Area land uses and zones and apply them within seven of Kitchener's ten Protected Major Transit Station Areas (PMTSAs). However, the first phase of the study excluded the Block Line, Fairway, and Sportsworld MTSA (the subject property is located within the Block Line PMTSA).

The final phase of Station Area Planning, named *Growing Together East* (GTE), will update the planning framework for these three remaining PMTSAs. GTE was approved by Council in May 2025. The Official Plan Amendment associated with GTE has been approved by the Ministry of Municipal Affairs and Housing and is currently in-effect. However, the associated Zoning By-law Amendment was appealed to the Ontario Land Tribunal by a private developer and continues to be under appeal at the date of this report. The subject property was excluded from GTE since the privately- initiated OPA and ZBA Applications had already been submitted and were under review.

The PMTSA policies of the Official Plan continue with Policy 3.C.2.22, which states,

“...a) in areas that are intended to be the focus for intensification, development applications will support the planned function of Protected Major Transit Station Areas and have regard for the following:

- i) the Regional Official Plan and the Transit-Oriented Development Policies included in Section 13.C.3;
- ii) new non-transit-supportive uses such as low density uses and/or auto-oriented uses will be discouraged;
- iii) appropriate pedestrian and public transit facilities may be required with all major development or redevelopment proposals;
- iv) vehicular access points will be controlled to minimize disruption to traffic flow and new development may be required to share common driveways and provide for maneuverability between sites...”

In this regard, DHA staff is of the opinion that the requested applications would facilitate a mixed-use, Transit-Oriented Development with a high-density, compact urban form, that is directly connected to the Regional transit system (e.g., ION, GRT Route 6), with frontage on a street that benefits from a multi-use trail and sidewalk. Grand River Transit (GRT) notes that at the future Site Plan Application stage, the applicant will be required to relocate the nearby Route 6 transit stop adjacent to the subject property and pay for upgrades to the shelter (it is anticipated that the transit stop will be located adjacent to the lobby entrance for the tower closest to Courtland Avenue East). Moreover, the proposed development would maintain the existing shared driveway with the property to the southeast (844 Courtland Ave E), which will minimize disruption to traffic flow.

As detailed in the Land Use Designation section, below, the applications request to convert the portion of the subject property that is designated for industrial uses (the portion of the subject property that is addressed as 836 Courtland Avenue East) from ‘General Industrial Employment’ to ‘Strategic Growth Area C’. Per PMTSA Policy 3.C.2.21., “Development applications proposing the conversion of ...lands designated for industrial uses, to...non-employment uses in Protected Major Transit Station Areas may be considered in advance of the implementation of approved Station Area Plans, subject to the completion of a comprehensive review and provided any proposal is in accordance with the Regional Official Plan and the Transit-Oriented Development Policies in Section 13.C.3.” In this regard, the Regional Official Plan Amendment 6 (ROPA 6) has acted as the prescribed comprehensive review. ROPA 6 determined that the subject property is part of a PMTSA, rather than an ‘Employment Area’ (see Figure 6). Furthermore, DHA staff is satisfied that regard has been had to the Transit-Oriented Development Policies in Section 13.C.3 of the City’s Official Plan (for more information, see Transportation Policies section, below).

Based on the above, DHA staff is of the opinion that the requested amendments conform to the City’s PMTSA policies.

Land Use Designation:

As noted above, the subject property was excluded from GTE, since the subject, OPA and ZBA Applications had already been submitted. However, through GTE, the property located immediately southeast of the subject property (i.e., 844 Courtland Avenue East)

was redesignated to 'Strategic Growth Area C', and SGA-4 zoning was approved by Council, along with a holding provision which limits building height to 120.0 metres. This designation and zoning category permit the greatest opportunity for growth and development of all the SGA designations and zones. The lands immediately to the northeast (fronting onto Vanier Drive) were redesignated to 'Strategic Growth Area B' and rezoned to SGA-3, which permit a maximum building height of 28 storeys.

The owner is requesting to change the land use designation of only those portions of the subject property that are designated 'Commercial' (approximately the northwestern half of the subject property) and 'General Industrial Employment' (approximately the southeastern half of the subject property) to 'Strategic Growth Area C' (i.e., only those developable portions of the subject property). Those small portions of the subject property that are designated 'Natural Heritage Conservation', which are consistent with the floodplain of Schneider Creek, would not be changed (see Figure 8).

It should be mentioned that notification of the subject OPA to City departments, agencies, and the community originally stated the requested change was to the High Rise Residential land use designation with a Site Specific Policy Area to permit a maximum Floor Space Ratio of 7.0. However, through the review period, the option to apply the recently created 'Strategic Growth Area C' land use designation became available (through resolution of the appeal regarding Growing Together West), which represents the most appropriate designation for this context within a PMTSA.

There are several Commercial land use designation policies that relate to the requested OPA, such as:

15.D.5.15. Lands designated as Commercial are intended to provide for a range of retail and service commercial uses that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods.

and

15.D.5.17. In addition to Policy 15.D.5.16, the permitted uses on lands designated Commercial and identified as a Protected Major Transit Station Area, City Node, Community Node or Urban Corridor on Map 2:... b) may include dwelling units, where appropriate, provided that they are located in the same building as compatible commercial uses and are not located on the ground floor to a maximum Floor Space Ratio of 2.0.

The requested OPA to change the land use designation to 'Strategic Growth Area C' would facilitate a development concept that includes 532.1m² (5,727.5 sq.ft) of non-residential (e.g., commercial) space on the ground floor of Tower B (tower closest to Courtland Avenue East – see Figure 7).

Considering the above, DHA staff is not concerned about the change in land use from 'Commercial' to 'Strategic Growth Area C'.

Moreover, there are several industrial employment areas policies that relate to the requested OPA, such as:

15.D.6.5. A conversion of an industrial employment area to a non-employment use, which includes any use not otherwise permitted in the industrial employment area designations of this Plan, may only be permitted through a municipal comprehensive review where it has been demonstrated that...

and

15.D.6.6. For the purposes of Policy 15.D.6.5:

- a) residential, institutional, non-ancillary commercial, non-ancillary retail and major retail will be considered a non-employment use and any conversion to such uses use will require a municipal comprehensive review...

Regarding the above policies, it must be noted that the requested change in land use is not a conversion of an employment area, for the following reasons:

- The PPS defines employment area as - *Employment Area: means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An employment area also includes areas of land described by subsection 1(1.1) of the Planning Act. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above.* Importantly, this definition speaks to "areas that are designated in an Official Plan for cluster of business and economic activities...".
- The City's Official Plan includes *Map 2 - Urban Structure* which identifies "Industrial Employment Areas". Official Plan Policy 5.C.1.3 states, "Industrial Employment areas are *identified on Map 2 and designated on Map 3...*". Further, Official Plan policy 5.C.1.4 states, "Lands designated for Industrial Employment are critical to the local economy, and are anticipated to accommodate a significant share of employment growth to 2031 and beyond..."
- Map 2 of the City's Official Plan does not show any lands within the Protected Major Transit Station Areas as "Industrial Employment Areas". This is because of the City's Comprehensive Review of Employment Lands Study (2010) (CREL) which concluded that employment parcels in the Urban Growth Centre and Major Transit Station Areas (MTSAs) were identified and excluded from the employment lands inventory since they were lands that could help achieve density targets and objectives of MTSAs, identified in Provincial and Regional policy.
- Further, CREL was used to inform the Region's employment study, which informed updates to the Region's Official Plan (ROP) (now Kitchener's Official Plan as of January 1, 2025, in accordance with the transition of Regional planning responsibilities to area municipalities), through Regional Official Plan Amendment 6 (ROPA 6). *Map 3 – Employment Areas* of the ROP continues to not include any lands within Kitchener's PMTSAs as employment areas, nor were any of these lands included as lands needed to accommodate employment forecasts to 2051.
- A municipal comprehensive review (MCR) was completed by the Regional Municipality of Waterloo in 2022 via Regional Official Plan Amendment 6 (ROPA 6),

which identified the subject lands as a Major Transit Station Area (MTSA) (see Figure 6, below). Accordingly, a further MCR is not required.

DHA staff is of the opinion that the portion of the subject property that is proposed to be redesignated from 'General Industrial Employment' to 'Strategic Growth Area C' land use designations *is not employment areas* per the PPS and Planning Act. Accordingly, PPS policy 2.8.2.5, which permits planning authorities to remove lands from employment areas (subject to criteria) *does not apply*. The land use change requested through the subject OPA aligns with the City's Official Plan, Regional Official Plan, and PPS policies related to PMTSAs, including the ability to achieve minimum density targets.

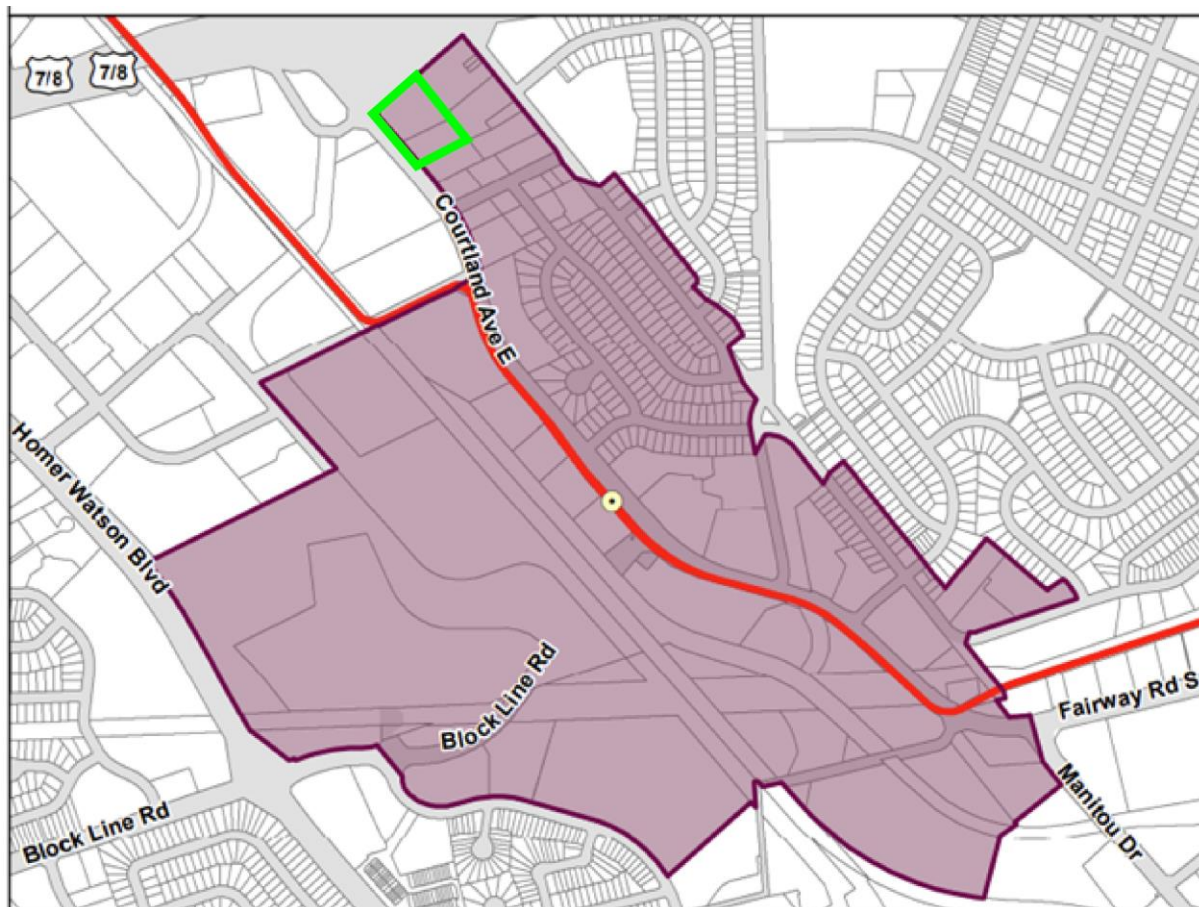


Figure 6 – Excerpt of *Block Line Station - Figure 7c* of ROPA 6, showing that the subject lands (outlined in green) are included within the Block Line Station MTSA.

The applicant is requesting to change the land use designation of the subject property to 'Strategic Growth Area (SGA) C'. There are several SGA policies that relate to the requested OPA, such as:

Strategic Growth Area Policies:

15.D.2.3. The Urban Growth Centre (Downtown) and Protected Major Transit Station Areas will be planned: a) As a focal area for public gatherings, institutions and services, as well as commercial recreational, cultural and entertainment uses; b) To accommodate and support major transit infrastructure; c) To serve as a high density major employment location that will attract provincially, nationally and

internationally significant employment uses; d) To accommodate a significant share of the city's population and employment growth; and, e) To provide services and amenities to attract population growth.

15.D.2.5. Notwithstanding policies 4.C.1.8 and 4.C.1.9, site specific applications which seek relief from the implementing zoning through a minor variance(s) or amendment to the Zoning By-law, and/or seek to amend this Plan 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.

15.D.2.6. The implementing zoning may regulate matters related to built form including, but not limited to, building length, floor plate area, on-site separation between buildings, and off-site separation between buildings.

15.D.2.7. Large scale developments will be expected to provide appropriate landscaping in accordance with the City's Urban Design Manual through the Site Plan Control process.

General Uses:

15.D.2.15. The City recognizes that new sensitive uses will be introduced through development and redevelopment within areas historically designated for industrial employment. The City anticipates the eventual relocation of existing industrial uses. In the interim, new sensitive uses should prioritize sensitivity to existing industrial uses, acknowledging their unique operational requirements. Emphasizing land use compatibility, development applications for new sensitive uses should proactively engage with industrial stakeholders to address potential conflicts and implement measures that enable coexistence until a full land use transition is realized.

Transportation:

15.D.2.26. The Urban Growth Centre (Downtown) and Protected Major Transit Station Areas will be part of an integrated provincial, regional and city transportation system while at the same time provide a transit-oriented, pedestrian-friendly and walkable environment.

15.D.2.28. Where new parking spaces are proposed to be developed in combination with all new development or redevelopment, the City will: a) Consider parking space reductions where warranted where such new development or redevelopment will enhance and contribute to the planned function of the Urban Growth Centre (Downtown); b) Encourage owners/applicants to utilize Transportation Demand Management (TDM) measures; c) Encourage owners/applicants to provide cash-in-lieu of required parking; d) Encourage parking structures that are integrated with other uses as the desired form of parking; e) Encourage required off-street parking to be located away from and/or screened

from the view of the public realm; and, f) Discourage the creation of new surface parking lots and commercial parking facilities.

Urban Design:

15.D.2.32. A high quality of urban design will be expected of the buildings, building elevations, building massing, storefronts, store signs, patios, streetscapes and public spaces to enhance street life and create local pride and interest as well as tourism interest. The City will encourage innovation and architectural excellence in urban development.

Strategic Growth Area C:

15.D.2.66. Permitted uses may include those permitted in the Strategic Growth Area B land use designation.

15.D.2.61. The Strategic Growth Area B land use designation will accommodate 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.

15.D.2.62. Permitted non-residential uses within the Strategic Growth Area B land use designation may include the following:... a) Compatible commercial uses such as, but not limited to, retail, commercial entertainment, restaurants, financial establishments, hotels, and light repair operations;

With respect to the above Strategic Growth Area policies, DHA staff has prepared the following comments:

- The proposed development will help implement the City's policy that PMTSAs will be planned to support major transit infrastructure, accommodate a significant share of the city's population growth, and provide services. The proposal would facilitate high density residential housing, including the types permitted in the High Rise Residential land use designation. As noted above, staff estimates that the proposed 977 dwelling units would result in 1,750 residents. Additionally, the proposed 532.1 square metres of compatible commercial space would provide services to help attract population growth and would result in approximately 19 jobs.
- The proposal, which includes a Site Specific Provision:
 - Would support the planned function of the Block Line PMTSA, since it accommodates significant growth through development and supports existing and planned transit rapid transit, achieves a mix of residential and commercial development, and fosters a streetscape and built form that is pedestrian-friendly, and transit-oriented;
 - Is on a lot that is well-suited for the proposed uses and built form, and which is the result of consolidation of two parcels of land, the specific purpose of which is to facilitate comprehensive redevelopment;
 - Has been thoroughly reviewed by Urban Design staff against the Urban Design Manual (UDM) and Urban Design policies of the Official Plan, including the at-grade interface with Courtland Avenue.

- The requested zoning appropriately modifies certain design-related provisions of the SGA-4 Zone to address site-specific factors and the proposed development concept. Suitable landscaped and amenity areas have been provided to the satisfaction of DHA staff. As noted above, the requested OPA and ZBA Applications, including the development concept, were received and circulated prior to the SGA designations and zones being incorporated into the Official Plan and Zoning By-law;
- The Road/Rail Traffic and Stationary Noise Impact Study submitted in support of the subject applications has been thoroughly reviewed by the City, Region, and CN Rail to ensure land use compatibility between proposed sensitive land uses (e.g., residential uses) and nearby industrial / employment uses. Holding Provisions have been incorporated into the ZBA to ensure that a Detailed Stationary and Transportation (including rail) Noise Study has been completed, and implementation measures have been satisfactorily addressed. Nearby industrial operations were circulated on the subject applications, from whom no concerns were received.
- In accordance with the City's Zoning By-law and the Planning Act, minimum parking for motor vehicles is not required within PMTSAs such as this case. Notwithstanding, all parking that is proposed will be screened from the view of the public realm, behind active uses or located underground within a parking garage.

Moreover, as part of the Growing Together East project, OPA No. 62 was approved by the province on November 19, 2025 and is now in effect. Through this OPA, Policy 15.D.12.81 was added to the Official Plan which applies to the Block Line, Fairway, and Sportsworld PMTSAs, including the subject property (though the regular land use policies do not apply to the subject property).

In the context of the subject property and proposed development, this policy would ensure that the development protects for existing and planned transit system infrastructure and transit vehicle movement and routing. In this regard, the Region has thoroughly reviewed the proposed development as it relates transit and is satisfied.

The policy would also require that development applications demonstrate through a Transportation Demand Management (TDM) Strategy, that the proposal incorporates:

- Measures to increase active transportation and transit use and reduce single occupancy vehicle use;
- Multi-modal transportation assessments and site-related traffic mitigation measures to demonstrate sufficient and safe transportation infrastructure to service the proposed development;
- A range of parking management strategies that minimize the need for auto parking supply and that prioritize facilities and TDM programs; and
- Phasing of TDM measures to support development.

In this regard, the applicant submitted a TDM Letter in support of the proposed development. This letter speaks about a range of TDM measures that will be incorporated into the proposed development (e.g., unbundled parking and bicycle parking, connections to municipal pedestrian facilities). While the policy speaks to more criteria than the letter that was submitted, it must be noted that the subject applications were submitted long before the policy came into effect and Transportation Services is supportive. The

requested Official Plan Amendment incorporates an exemption from the specific requirements of the above noted policy.

The Planning Justification Report states that “the proposed development is intended to be constructed in one phase.” However, if at the Site Plan stage, the development is revised to be phased, a phasing plan would be required to be submitted as part of a complete application, as part of the policy.

The new policy also requires that, where a redevelopment proposes to reduce the existing non-residential gross floor area on a lot, a Retail Impact Study that addresses that future on-site and local populations will be adequately served, is required as part of a complete application. In this case, the proposed development incorporates 532.1 square metres of non-residential use in the base of the building. While this demonstrates a reduction in the amount of non-residential use that currently exists on the site (approximately 2,250 square metres), it must be reiterated that subject applications were submitted long before the policy came into effect. The requested Official Plan Amendment incorporates an exemption from the requirement to provide a Retail Impact Study.

Based on the above, DHA staff is of the opinion that the proposed redevelopment conforms to the City’s Strategic Growth Area land use policies.

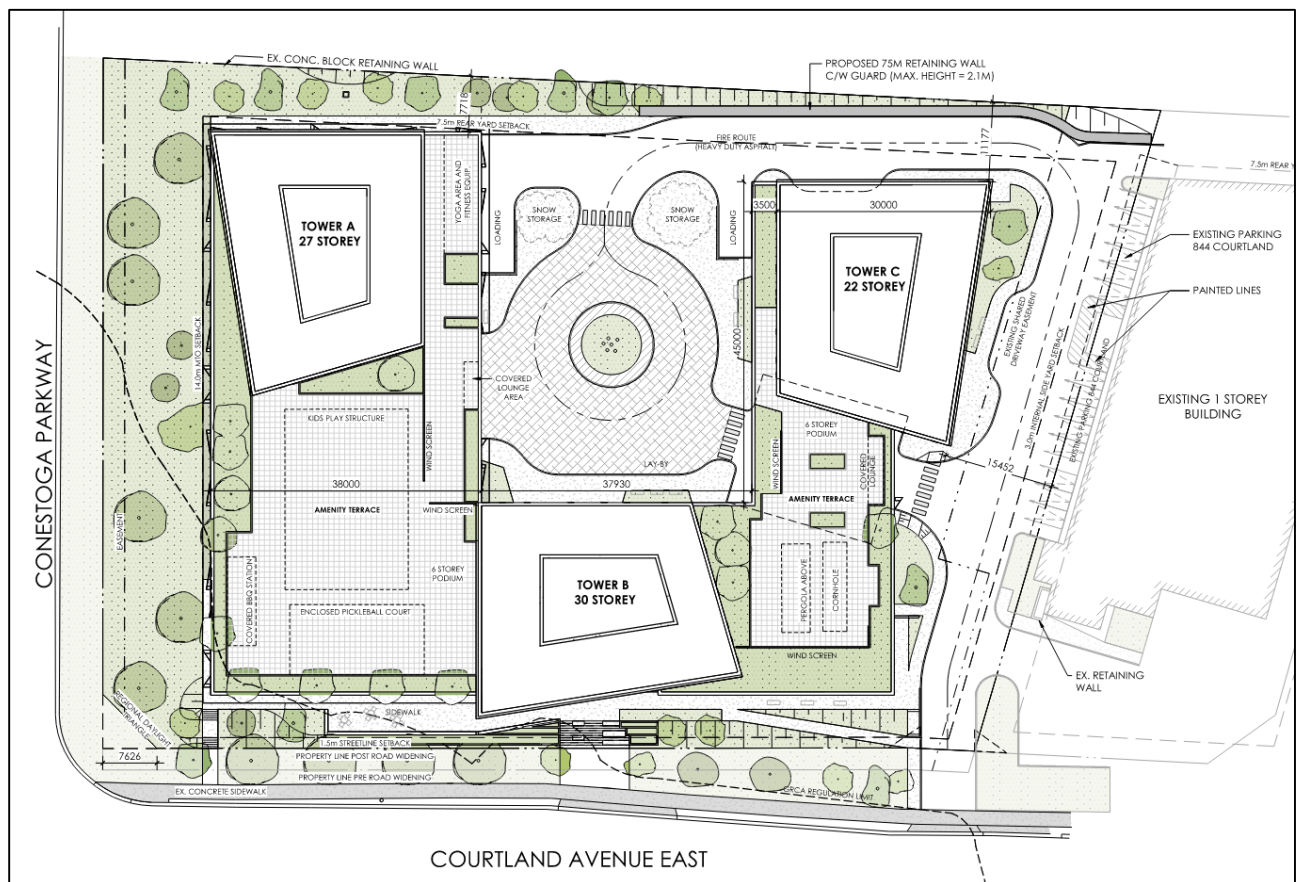


Figure 7 – Aerial Site Plan showing the Proposed Development Concept

Urban Design Policies:

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development satisfies these policies. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief is acceptable and outlines the vision and principles guiding the site design and informs the requested zoning regulations.

Streetscape:

The setback from Courtland Avenue East works with the grades and allows for a generous streetscape realm. A walkway lines the building edge linking to the three pedestrian connections to the Courtland Avenue sidewalk. Trees and plantings are accommodated in the front yard. The 6-storey building base height provides a human-scale streetscape relationship. The tower closest to Courtland Avenue provides an oblique-angled projection past the podium base, which will contribute positively to the streetscape. The ground floor design provides for a fully active and animated edge to the public streetscape of Courtland Avenue East. Along the streetscape, a regular spacing pattern of entrances is set by three individual commercial unit entrances, the residential lobby entrance, and residential amenity rooms. A single, shared driveway access to the street serves the proposed development, minimizing the number of interruptions of the public streetscape.

Skyline:

The proposed design's angular three-tower configuration has a dual purpose of providing visual interest to the building form and tower skyline as well as strategic placement of tower mass to maximize separation between tower footprints. The design also provides a distinguished skyline addition through differing tower heights, angled floorplates, and alternative building elevations.

Safety:

Urban Design staff will address implementation of Crime Prevention through Environmental Design (CPTED) principles through the future Site Plan Application review, and Fire Services will ensure that the site meets the Emergency Services Policy. The Urban Design Brief notes that the proposed design "Provides for 'eyes on the street' and implements other CPTED measures through the podium massing and fenestration."

Universal Design:

The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code. The building entrance on Courtland Avenue is designed to be barrier-free with a ramp. Barrier-free parking is provided within all levels of underground and above-grade parking levels.

Shade:

The proposed design includes a covered canopy near the front entrance to the podium, facing Courtland Avenue East. Also, the amenity terraces at the 7th storey include various shade structures, for example, a pergola, covered lounge, and covered BBQ station.

Site Design, Building Design, Massing and Scale:

The subject proposal is designed to facilitate development that enhances the site, future, and the streetscape. Through the future Site Plan Application process, many design-related matters will be reviewed and addressed, such as:

- improving the quality of development from the public realm, adjacent properties, and on-site;
- ensuring safe, comfortable and functional on and off site circulation for all modes of transportation; and
- ensuring that site servicing components are functional, attractive and appropriately screened from view from the public realm.

Also, the proposed design enhances pedestrian and cycling usability, respects human scale, fosters a streetscape that is accessible, safe, has a functional relationship to the street, and represents an attractive and compatible building form.

Design in Protected Major Transit Station Areas:

Policy 11.C.1.36 states that development will require a high standard of urban design in Protected Major Transit Station Areas and will require 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. In this regard, the applicant has submitted an Urban Design Brief (see Attachment 'C') that has been reviewed and accepted by the assigned City Planner, Urban Designer, and Parks Planning and Development Project Manager. DHA staff recommends that the Urban Design Brief be endorsed by Council and that staff be directed to implement the Urban Design Brief through future Site Plan Approval process (disregarding any references to the previously requested High Rise Residential designation and zoning), and at the discretion of the City's Director of Development & Housing Approvals, significant changes to the Urban Design Brief will be to the satisfaction of Council.

Shadow Impact Analysis:

In support of the subject applications, the applicant has completed a Shadow Impact Analysis as part of the Urban Design Brief. Urban Design staff has reviewed the Analysis and advises that it is acceptable, since it confirms that the proposal maintains access to at least 5 hours of cumulative direct sunlight to nearby sidewalks and open spaces. Due to the low sun angle in December, the shadows cast by buildings are at their longest, which makes it difficult for any new development especially high-rise buildings to meet the target.

Tower Design:

Size and Proportion:

The three proposed towers are best characterized as point towers, each having a tower footprint of 915 square metres. None of the towers have balconies, which slims the building mass, while the angled configuration of the tower footprints lessens the perception of mass from various vantage points. The tower articulation and "cut-outs" on certain

levels, plus other architectural elements, combine to further visually reduce the tower masses.

Placement:

The three towers are purposely arranged on the site in a triangular pattern, with obliquely angled floorplates to optimize the Physical Separation, as regulated through the SGA-4 Zone. To distinguish the skyline and view of the development, the angled tower floor plates are flipped in orientation between each tower. The tower designs share many of the same features, but the flipped orientations create different perspectives and variation.

Tower B is proposed to have an oblique-angled projection past the podium base, which creates a unique architectural expression along the streetscape, together with varied materiality and fenestration patterns.

Relative Height:

The three towers have varied building heights, which will create a desirable built form and skyline:

- Tower A, at the north end of the site, abutting the Highway 7/8 ramp is 27 storeys;
- Tower B, directly abutting Courtland Avenue East, is 30 Storeys; and
- Tower C, at the south end of the site, is 22 storeys.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable.

On Map 11 of the City's Official Plan, Courtland Avenue East is identified as a "Regional Road", along with a "Primary Multi-Use Pathway/Connection (Type 1)". The proposed development has sufficient access to active-transportation networks, noting that the Trans-Canada Trail, which is a Multi-Use Trail along this section, is located directly opposite the subject property, on the southwest side of Courtland Avenue East. A municipal sidewalk is located directly in front of the subject property, on the northeast side of Courtland Avenue. The subject property is very well connected to the public transportation system, being located within 660 metres of the Block Line ION station stop, which provides region-wide access and connectivity. Also, the property is located directly on GRT Local Route 6 (Bridge-Courtland), and within walking distance to iXpress Route 201, and Local Routes 22 (Laurentian West) and 33 (Huron). The proposal will support the City's integrated transportation system and represents pedestrian-friendly and transit-oriented development.

Within PMTSAs such as this, no minimum parking for motor vehicles is required and the applicant is not requesting any parking relief through the subject applications. However, the applicant is choosing to provide a total of 509 parking spaces. It should be noted that if, for example, the subject property was not located within a PMTSA and was zoned High Rise Residential (RES-7), a total of 1,091 spaces would be required for the residential and

commercial uses combined, which represents approximately double the parking that is provided. Visitor, barrier-free, and electric-vehicle-ready parking must still be provided as a percentage of the parking provided, in accordance with the Zoning By-law. As noted above, all parking that is proposed will be screened from the view of the public realm, behind active uses or located underground within a parking garage. Also, the proposed development would maintain the existing shared driveway with the property to the southeast (844 Courtland Ave E), to minimize disruption to traffic flow.

With respect to Transportation Demand Management strategies, the applicant has expressed a willingness to provide unbundled parking, which the City strongly encourages for new developments. Also, Class A bicycle parking will be provided at a rate of 1 stall per dwelling unit. At least 6 Class B bicycle parking stalls will be provided.

Direct and barrier-free walkway connections between the municipal sidewalk and the proposed development, and other pedestrian and cycling facilities, will be planned through the future Site Plan Application.

Official Plan Conclusions:

The OPA Application requests that the land use designation of subject property be changed *from* 'Commercial' *and* 'General Industrial Employment' *to* 'Strategic Growth Area C' and to exempt the proposal from subsections d) and j) of Policy 15.D.12.81. Based on the above-noted policies and planning analysis, DHA staff is of the opinion that the requested OPA represents good planning and recommends that it be approved in the form shown in Attachment 'A'.

In addition, within the Kitchener 2051 Draft Official Plan, the subject property continues to be located within the Built Up Area, a Strategic Growth Area, and within a Protected Major Transit Station Area. Within Strategic Growth Areas, Protected Major Transit Station Areas will be the primary focus for intensification. Primary land uses within PMTSAs include Mixed Use A, Mixed Use B, and Mixed Use C, which are the equivalent to the existing Strategic Growth Area A, B, and C land use designations. The application of a Strategic Growth Area C land use designation to portions of the subject lands meets the general intent of the draft Official Plan.

Zoning By-law and Requested Zoning By-law Amendment:

The subject property is currently split-zoned:

- The portion of the property containing the building addressed as 808 Courtland Avenue East is zoned under By-law 85-1 as Arterial Commercial Zone (C-6), with Special Regulation Provisions 1R and 73R, and Special Use Provision 76U;
- The portion of the property containing the building addressed as 836 Courtland Avenue East is zoned under By-law 85-1 as General Industrial Zone (M-2), with Special Regulation Provision 29R.

The current commercial and industrial zoning are out-of-synch with the current PMTSA Urban Structure of the Official Plan and ought to be updated to be consistent.

As aforementioned, the subject property was excluded from the Growing Together East Study since the subject OPA and ZBA Applications had already been submitted and were under review.

The applicant has requested a ZBA to change the zoning of the developable portions of the subject property to Strategic Growth Area Four Zone (SGA-4) with Site Specific Provision (439) and Holding Provision (115H), under By-law 2019-051.

It should be mentioned that the notification of this ZBA to City departments, agencies, and the community originally stated the requested change was to High Rise Residential (Zone) with site specific provisions. However, through the review period, the option to apply the recently created 'SGA' zones became available, which represents the most appropriate zoning for this context, considering location of the subject property within a PMTSA. DHA staff notes that Council approved the 'SGA-4' Zone for the abutting property addressed as 844 Courtland Avenue East through the Growing Together East Study. Natural continuation of the SGA-4 Zone north to the subject property represents partial justification for the subject ZBA.

In addition, the ZBA requests to change the zoning of the portions of the property that are not developable due to the floodplain of the nearby Scheider Creek, as identified by the GRCA from Arterial Commercial Zone (C-6) with site specific zoning provisions and General Industrial Zone (M-2) with site specific zoning provisions to Natural Conservation Zone (NHC-1). These portions that would be changed are very narrow and include part of the front lot line abutting Courtland Avenue and part of the lot line abutting the Highway 7/8 ramp. This would have the effect of preventing existing natural hazards from being aggravated and/or creating new natural hazards. This aspect of the ZBA is consistent with the current, though much more recent, Official Plan mapping, which already shows this floodplain area designated as 'Natural Heritage Conservation'. In this regard, a corresponding OPA is not necessary.

Site Specific Provision:

The requested Site Specific Provision (439) would establish new development standards for the proposed concept, including maximum building height, maximum number of storeys, maximum floor plate area, minimum physical separation, minimum amenity space, maximum building length, and prohibition on geothermal systems. As noted above, OP Policies 15.D.2.5 and 15.D.2.6 provide guidance / considerations for ZBAs which seek relief from the SGA zones.

DHA staff offers the following comments with respect to the requested Site Specific Provision:

- a) *The maximum Building Height shall be 102.6 metres, which, despite Section 4.13, shall be measured to the top of the building including the mechanical penthouse;*
- b) *The maximum number of Storeys shall be 30;*

While the 'SGA-4' Zone does not have a maximum building height, the Planning Justification Report, Urban Design Brief, Shadow Impact Assessment, and Wind Assessment submitted with the subject applications support a maximum building height of 102.6 metres and 30 storeys to ensure compatibility with adjacent properties. These

requested provisions limit the requirements of the 'SGA-4' Zone. It should also be mentioned that the Region would have concerns with allowing a building height that is significantly taller due to airport requirements.

- c) *The maximum Floor Plate Area shall be 930 square metres for the nineteenth (19th) through thirtieth (30th) Storeys;*

The 'SGA-4' Zone sets maximum floor plate areas for various storey ranges for medium and high rise towers. Generally, the smaller floor plate, the less impact on other on- and off-site land uses. For Storeys 19-26, the SGA-4 Zone sets a maximum floor plate area of 1,000 square metres. This requested provision limits the requirement of the SGA-4 Zone by requesting a reduction of the floor plate area to 930 square metres, which ensures narrower point towers.

- d) *The minimum Physical Separation shall be 10.5 metres for the nineteenth (19th) through thirtieth (30th) Storeys;*
e) *Despite d) above, the minimum Physical Separation with respect to the Rear Lot Line shall be 8.0 metres for the thirteenth (13th) through thirtieth (30th) Storeys;*

The SGA-4 Zone sets minimum Physical Separation requirements for various storey ranges of medium and high rise towers. Physical Separation is defined as, "...the distance from a *building's facade* to its *interior side lot line* and *rear lot lines*. When two or more *buildings* are on the same *lot*, the total distance between each pair of *facades* in any direction is to be calculated as the sum of both individual *physical separations*." In this regard, the towers comply with all Physical Separation scenarios, except for:

- The upper storey range (Storeys 19-30), relative to tower relationships B-A and B-C, where there is a worst case Physical Separation of 10.5 metres, rather than the required minimum 12 metres; and
- Storeys 13-30, relative to the rear lot line, where there is a Physical Separation of 8.0 metres, rather than the required minimum 9.0 to 12 metres.

DHA staff has no concerns with these minor requests for relief, noting that the existing residential tower developments on the properties to the rear are not likely to redevelop, consequently, development compatibility conflicts are unlikely, and otherwise would be minor in terms of impact. Also, the reduced maximum floor plate for the towers (described above) helps to justify the reduced Physical Separation, since narrower towers provide less overlook impact.

- f) *A minimum of 6.5 m² of amenity space is required per dwelling unit;*
g) *Further to subsection f), where private amenity space totals less than 3m² per unit, 3.5m² of common amenity space is required per dwelling unit.*

The 'SGA-4' Zone requires a minimum of 8 m² of amenity space per dwelling unit; and where private amenity space total less than 3 m² per unit, 5 m² of common amenity space is required per dwelling unit. The subject property was excluded from the Growing Together East Study since the subject applications had already been submitted and were under review. When the applications were submitted, the outdoor amenity spaces for the proposed development concept had already been reviewed against the Urban Design Manual (UDM) and determined to be sufficient, providing approximately 2,400 m² of

outdoor amenity space, whereas the UDM, which previously guided minimum amenity areas, targeted approximately the same minimum area. The UDM guideline did not factor the additional 1,050 m² of indoor amenity that is proposed. The Urban Design Brief submitted in support of the subject applications provides further direction for the future amenity spaces. Despite the zoning deficiency of the proposed amenity area provided, DHA staff is of the opinion that request for relief is appropriate and recommends that the UDB be endorsed to provide direction for the amenity spaces through the future Site Plan Application review.

- h) For a building having a maximum height of 12 storeys, the maximum building length shall be 75 metres for the seventh (7th) through twelfth (12th) Storeys;*

The 'SGA-4' Zone allows a maximum building length of 60.0 metres. Building Length is defined as, "the horizontal measurement of any *façade* of a *building*". The applicant is requesting relief to allow 75 metres as a contingency, in case the proposed 3-tower high-rise development becomes unviable due to market conditions. DHA staff does not have concerns with this limited instance to permit relief, in this context. Staff has added a limitation to ensure that such a provision would only be applied in the case of a building with a maximum height of 12 storeys.

- i) Geothermal energy systems shall be prohibited. A geothermal energy system is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems or a horizontal system.*

DHA staff supports the Region's request for a Site Specific provision to prohibit geothermal energy systems. This provision would prohibit geothermal energy systems that might otherwise cause contamination to the region's groundwater resources.

Holding Provision:

Moreover, Holding Provision (115H) is recommended by DHA staff to ensure that no new residential or other sensitive land uses are permitted until the following conditions have been fulfilled to the satisfaction of the City and Region:

- A Detailed Stationary and Transportation (including rail) Noise Study has been completed, and implementation measures have been addressed; and
- A Record of Site Condition (RSC) has been submitted to the Ministry of Conservation and Parks, and the RSC and Ministry Acknowledgement Letter are provided.

Inclusionary Zoning:

Inclusionary Zoning is a tool that allows the City to require affordable housing to be provided in new developments within PMTSAs. Inclusionary Zoning applies to all lands within PMTSAs, including the subject property within the Block Line PMTSA. According to the schedule in Section 4.3, Table 4-1 (Inclusionary Zoning Set-aside Requirements), the Block Line PMTSA is an "Emerging" Market Area. Currently, within this category, the minimum percentage of Gross Leasable Residential Floor Area to be provided for

affordable units is 0 (zero) percent. Table 4-1 further states that “the City intends to amend the Zoning By-law periodically to adjust the rates in this table up to 5% by the year 2031 and according to market conditions as outlined in the Official Plan...” In this regard, while IZ applies, the current set-aside rate is zero and is not expected to change for 2026. If a Building Permit is issued for the proposed redevelopment after 2026, the relevant set-aside rate may apply.

Proposed Zoning By-law Amendment Conclusions:

DHA staff is of the opinion that the requested ZBA to change the zoning of the:

- developable portions of the subject property to Strategic Growth Area Four Zone (SGA-4) with Site Specific Provision (439) and Holding Provision (115H), under By-law 2019-051; and
- undevelopable portions of the property to Natural Conservation Zone (NHC-1);

represents good planning, as it will facilitate the redevelopment of the lands with a high-density mixed-use development that is compatible with the existing neighbourhood, will contribute to the streetscape, and will appropriately accommodate on-site facilities such as parking and amenity areas. DHA staff supports the proposal and recommends that the requested ZBA be approved as shown in Attachment ‘B’.

Department and Agency Comments:

Circulation of the OPA and ZBA Applications was undertaken to all applicable City departments and other review authorities. Issues raised during the review period have been addressed to the satisfaction of City staff.

An issue that was ongoing throughout the review period was CN Rail’s questions and concerns regarding the Noise Study, which greatly extended the application review time. The subject property is 250 metres from CN Rail facilities, including a rail yard and tracks. Initial CN comments were received on September 26, 2024 and back-and-forth discussions ensued between CN Rail, Jade Acoustics (CN’s peer-reviewer), JJ Acoustic Engineering Ltd. (applicant’s noise consultant), the applicant, and City DHA staff, until the latest comments from Jade were received on November 17, 2025. To address Jade’s latest set of comments, DHA staff has added conditions within the Holding Provision to require specific criteria for the preparation of the Detailed Stationary and Transportation Noise Study, which must be completed to the satisfaction of the City.

Also, two sets of comments were received from Six Nations of the Grand River Elected Council (SNGREC) staff. These comments have been forwarded to the applicant for their consideration as part of the future Site Plan Application. Regarding SNGREC’s comment requesting inclusion of a standard archaeological warning clause, DHA staff hereby advises the applicant that:

If an archaeological find is discovered, work at the site must immediately stop to prevent further damage or disturbance. All work must be stopped, the site secured, and the licensed archaeologist, the City of Kitchener, and the Ministry of Tourism, Culture and Sport must be notified. If human remains are found, all work must stop immediately to preserve the site as an archaeological find. The area must be

secured, and the discovery reported to the licensed archaeologist, the City of Kitchener, the Ministry of Tourism, Culture and Sport, the Registrar at the Ministry of Public and Business Service Delivery, and Waterloo Region Police.

This warning clause will also be included in a future registered development agreement.

Copies of City Department and Agency comments are found in Attachment 'E' of this report.

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

Cover Letter

Prepared by: Zehr Development, September 17, 2024

Planning Justification Report

Prepared by: MHBC Planning, August 2024

Urban Design Brief

Prepared by: Zehr Development, December 2024 (Revised)

Architectural Drawings

Prepared by: ABA Architects, June 17, 2024

3D Model (SketchUp)

Prepared by: ABA Architects

Renderings

Prepared by: ABA Architects

Landscape Concept

Prepared by: GSP Group, June 11, 2024

Pedestrian Wind Assessment

Prepared by: SLR Consulting, June 12, 2024

Sustainability Statement

Prepared by: Zehr Development, June 15, 2024

Functional Servicing and Stormwater Management Report

Prepared by: MTE, June 11, 2024

Preliminary Geotechnical Investigation

Prepared by: Chung & Vander Doelen, November 27, 2023

Grading and Servicing Plans

Prepared by: MTE, June 11, 2024

NAV Canada Letter & Obstacle Information for NAV Canada Assessment
Prepared by: NAV Canada, July 19, 2024

Road / Rail and Stationary Noise Impact Study (*plus several response documents*)
Prepared by: JJ Acoustic Engineering Ltd., March 4, 2024, updated May 13, 2025

Risk Management Plan
Signed by: 808 Courtland GP Inc. and Regional Municipality of Waterloo, June 7, 2024

Notice of Source Protection Plan Compliance (Section 59 Notice)
Signed by: 808 Courtland GP Inc. and Regional Municipality of Waterloo, June 7, 2024

Transportation Demand Management Letter
Prepared by: Paradigm Transportation Solutions Limited, August 26, 2024

Transportation Impact Study
Prepared by: Paradigm Transportation Solutions Limited, June 2024

Community Input & Staff Responses:

WHAT WE HEARD



507 households (occupants and property owners) were circulated and notified.



3 people/households provided comments by email or telephone.



A City-led, virtual neighbourhood meeting was held on October 23, 2024 and approximately 10 different users logged on.

Staff received written responses from 3 residents in response to the circulation of the OPA and ZBA applications. Responses are included in Attachment 'F'. A Neighbourhood Meeting was held on October 23, 2024. A summary of what staff heard from the community, along with City staff responses, are noted below (i.e., Table 3).

Table 3 – Community Comments and City Staff Responses

<p>What Staff Heard from the Community</p>	<p>Development & Housing Approvals Staff Response</p>
<p><u>Concerns Regarding Land Use and Proximity to ION:</u></p> <ul style="list-style-type: none"> ○ Concern about changing the land use permissions from currently not allowing residential use to allowing 3 high rise residential buildings. ○ In general, adding more housing is good for the city and community, but this is not the area for more housing. ○ Proximity to the ION does not necessarily mean the subject property is, overall, a good place for residents. 	<p>All lands within the Block Line PMTSA were part of the Growing Together East (GTE) Study (the subject lands were excluded only because the subject applications had already been submitted and were under review). GTE was approved by Council in May 2025. currently, the OPA is in full force and effect, while the ZBA is under appeal. The property located immediately southeast of the subject property is within GTE (i.e., 844 Courtland Ave E), has been redesignated to ‘Strategic Growth Area C’, and SGA-4 zoning was Council-approved. This designation and zoning category represent the greatest opportunity for growth and development of all SGA designations / zones. Had the subject property been included within GTE, the same designation and zoning likely would have been applied.</p> <p>DHA staff is of the opinion that high rise residential uses are beneficial for this area, especially because of the proximity to transit, including the ION. Numerous technical studies have been completed to ensure compatibility of the proposed residential use with adjacent non-residential uses.</p>
<p><u>Concerns Regarding Building Height and Lot Area:</u></p> <ul style="list-style-type: none"> ○ Concern that the proposed development represents the tallest buildings in Region. ○ The subject property is not large enough to support the proposed development. ○ Maybe supportive of 2 lower rise buildings. 	<p>The proposed 22, 27, and 30 storey towers are by no means proposed to be the tallest buildings in the Region. There are many planned and existing developments in Kitchener alone that propose towers that are 30 storeys or greater, and several of these are outside of Downtown.</p> <p>DHA staff is of the opinion that the subject property, which represents a consolidation of 2 large lots, is more than sufficient in area to support the proposed development. It should be noted that the SGA-4 Zone requires a minimum lot width of 30.0 metres and minimum lot area of 1,500 m², whereas the subject property has a lot width of 114 m and lot area of 13,000 m². In addition, while</p>

	<p>reduced Physical Separation is requested through the ZBA, this only applies to the 19th-30th storeys, and to Tower A relative to the rear lot line. As outlined in the above analysis, in their context, these reductions are justified.</p>
<p><u>Concerns Regarding Shadow Impact on and Views from 37 Vanier Drive (abutting 12-storey apartment building) and 49 Vanier Drive (abutting 9-storey apartment building):</u></p> <ul style="list-style-type: none"> ○ Concern that the proposed development would cause shadow impacts. ○ Concern that the proposed development would block current view of the west side of the city and sunrise / sunset. 	<p>City Urban Design staff has reviewed the Shadow Analysis submitted in support of the subject applications and advises that the Shadow Impact Analysis is acceptable, since it confirms that the proposed development will maintain access to at least 5 hours of cumulative direct sunlight to nearby sidewalks and open spaces.</p> <p>While the proposed development would prevent views towards the west from the adjacent apartment buildings, protecting views in this context is not considered a compatibility issue / impact. Urban Design staff notes that ensuring sufficient access to natural light is important and that the towers do not create significant overlook issues. In this case, compact point towers are proposed, which allow shadows to move more quickly and have less impact on sky view compared to large slab towers.</p>
<p><u>Traffic Concerns:</u></p> <ul style="list-style-type: none"> ○ Currently, peak traffic in area is busy: There are 2 nearby schools, and the area is busy with parents dropping off and picking up children. Also, the expressway is backed up from the Fairway cut off to Courtland. Adding 1,000 dwelling units will exacerbate the traffic situation. 	<p>A Transportation Impact Study (TIS) was submitted by the applicant in support of the subject applications. The City's Transportation Services staff has reviewed the TIS and advises that, while there are some delays at the intersections near the subject property, these delays are considered minor, based on Regional/Provincial guidelines, and primarily occur for a short time – during rush hour. The City and Region are supportive of increasing density in areas that are well served by transit, to discourage the need for vehicle ownership, which helps to reduce vehicle delays caused by new developments. The site is located within walking distance of 2 ION stations (Block Line and Mill), bus routes, and multi-use paths, so residents have many non-automobile options for shopping or getting to work. This is reflected in the reduced trip generation, as outlined in the TIS, noting that not all residents take their car</p>

	<p>to work during rush hour – some drive, while others work from home, walk, or take transit.</p> <p>It should be noted that Courtland Avenue is under the jurisdiction of the Region of Waterloo. In this regard, Region Corridor Planning staff has reviewed the TIS and advises that it accepts it for the purposes of the OPA and ZBA. The Region also advises that final determination on the access configuration will be made through the Access Permit process as part of the future Site Plan Application.</p>
<p><u>Parking Concerns</u></p> <ul style="list-style-type: none"> ○ The proposed 500-700 parking spaces for 1,000 dwelling units and commercial space are insufficient, since households have 2 vehicles. 	<p>The Province’s recent changes to the Planning Act have eliminated minimum parking requirements for all uses within PMTSAs, including the Block Line PMTSA (in which the subject property is located). While no parking is required, the applicant is choosing to provide a total of 509 parking spaces. To assist in influencing residents and users of the proposed development away from automobile dependence (and, therefore, parking), the applicant is proposing certain Transportation Demand Management (TDM) strategies, including provision of unbundled parking (i.e., parking spaces are purchased / rented separately from dwelling units, so residents know the number of parking spaces they will have before they move in). Also, bicycle parking will be required per the SGA zoning rate (e.g., 1 Class A stall per dwelling unit).</p> <p>It should also be noted that the City permits 3-hour parking on City streets and nearby private properties may prohibit overnight parking. Nearby residents or business operators can call City By-law Enforcement Division if they notice overnight parking on City streets or on their property.</p>
<p><u>Concern Regarding Natural Heritage Conservation Lands:</u></p> <ul style="list-style-type: none"> ○ Concern that the existing natural heritage areas across from and beside the subject property are not being protected. 	<p>There are narrow portions of the Schneider Creek floodplain that extend onto the northwest and southwest portions of the subject property (see Figure 8, below). These portions include part of the front lot line abutting Courtland Avenue and part of the lot</p>

<ul style="list-style-type: none"> ○ Concern that the natural areas are proposed to be replaced with traffic and people, garbage and pollution 	<p>line abutting the Highway 7/8 ramp. These portions are also identified as an Ecological Restoration Area and are designated Natural Heritage Conservation in the City's Official Plan. It should be clarified that, as part of the requested OPA, no change is proposed to the portions that are designated Natural Heritage Conservation in the Official Plan.</p> <p>Moreover, the requested Zoning By-law Amendment would rezone these portions <i>from</i> Arterial Commercial Zone (C-6) and General Industrial Zone (M-2) <i>to</i> Natural Heritage Conservation Zone (NHC-1), which would have the effect of providing greater protection and preventing existing natural hazards from being aggravated and/or creating new natural hazards.</p> <p>For the above reasons, Environmental Planning staff advises that it supports the requested amendments.</p>
<p><u><i>Construction Timing and Impacts:</i></u></p> <ul style="list-style-type: none"> ○ What is the construction timing of the proposed development? ○ Noise impacts from the construction of the proposed development would be a major inconvenience. 	<p>The applicant advises that the construction timing is not yet known given current market conditions.</p> <p>DHA staff advises that construction is permitted to occur only during construction hours and parameters outlined in City by-laws and Provincial legislation.</p>

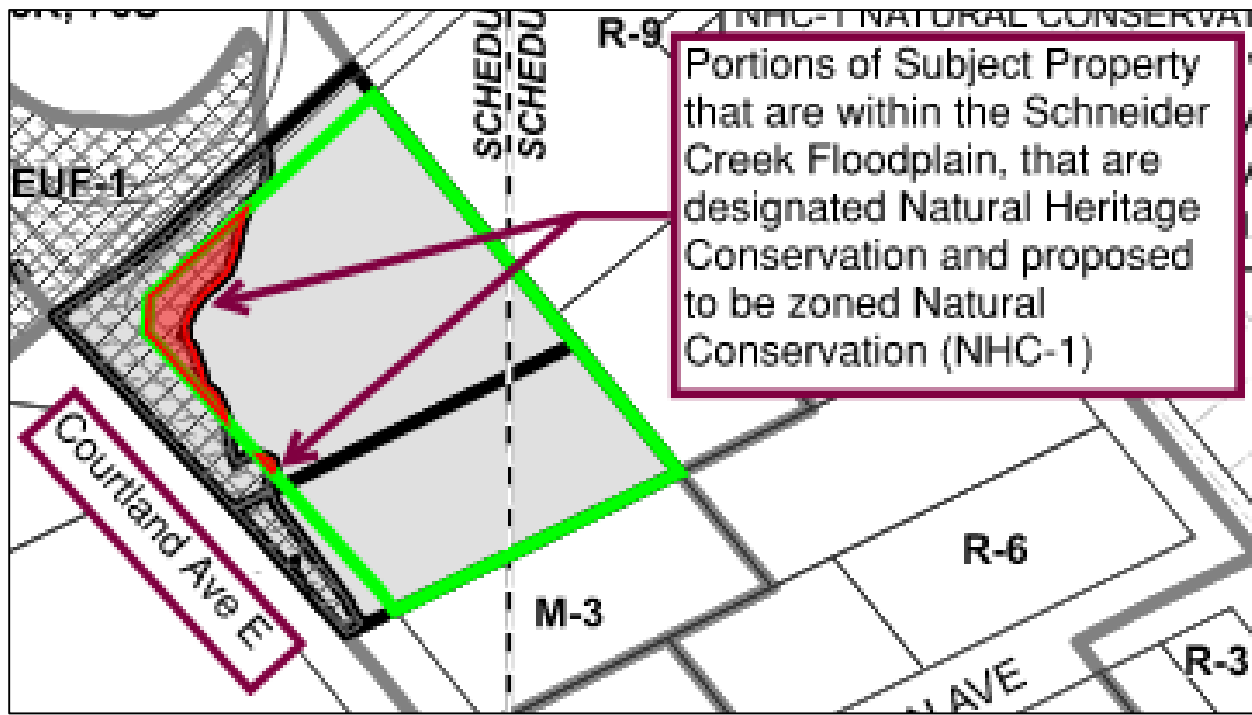


Figure 8 – Diagram showing Portion of the Subject Property within the Floodplain.

Planning Conclusions:

The final phase of Station Area Planning, Growing Together East (GTE), will update the planning framework for the three remaining PMTSAs, including the Block Line PMTSA. GTE was approved by Council in May 2025. The OPA has been approved by the Minister of Municipal Affairs and Housing, and the ZBA is currently under appeal. The subject property was excluded from GTE since the subject applications had already been submitted and were under review. In fact, before the GT study was fully underway, many aspects of the development concept (e.g., building height, building form, amenity areas) had already been reviewed by staff, under previous authoritative documents and guidelines (e.g., Urban Design Manual).

Through GTE, the property located immediately southeast of the subject property (i.e., 844 Courtland Ave E) was redesignated to 'Strategic Growth Area C' and SGA-4 zoning (along with a holding provision limiting height to 120.0 metres) were approved by Council. This designation and zoning category represent the greatest opportunity for growth and development of all SGA designations / zones. Had the subject property been included within GTE, the same designation and zoning would have been applied. *The benefit of the subject applications is that they customize the permissions to the specific site and area context.*

The proposed development will help to support the planned function of the Block Line PMTSA by supporting major transit infrastructure, providing a significant amount of housing, and providing a mix of uses. The proposed development will foster a built form that is both pedestrian-friendly and transit-friendly. The subject property is well-suited for the proposed redevelopment, in terms of land uses and built form. Landscaped and amenity areas have been proposed to the satisfaction of DHA staff. Road and rail noise

matters and confirmation of the environmental condition of the property have been appropriately addressed through the proposed holding provision.

In considering the foregoing, DHA staff supports the requested OPA and ZBA to permit the subject property to be redeveloped as outlined in the above report. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2024), the Regional Official Plan, and the City of Kitchener Official Plan. Moreover, staff is of the opinion that the proposal represents good planning and is in the public interest. In this regard, staff recommends that the OPA and ZBA Applications be approved, as shown in Attachment 'A' and Attachment 'B' and that the Urban Design Brief be endorsed to provide direction for the future Site Plan Application (see Attachment 'C').

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. A notice sign was posted on the property and information regarding the application was posted to the City's website. Following the initial circulation referenced below, an additional notice of the statutory public meeting was circulated to residents and property owners within 240 metres of the subject lands and those who responded to the preliminary circulation. Notice of the Statutory Public Meeting was posted in The Record on December 12, 2025 (a copy of the notice may be found in Attachment 'D').

CONSULT – The requested OPA and ZBA were circulated to residents and property owners within 240 metres of the subject lands on September 25, 2024. In response to the circulation, staff received written responses from 3 residents, which are summarized within this staff report. DHA staff also responded to emails and phone calls from the community.

PREVIOUS REPORTS/AUTHORITIES:

- [Planning Act, R.S.O. 1990, c. P.13](#)
- [Provincial Policy Statement, 2024](#)
- [Regional Municipality of Waterloo Official Plan](#)
- [City of Kitchener Official Plan, 2014](#)
- [City of Kitchener Zoning By-law 85-1](#)
- [City of Kitchener Zoning By-law 2019-051](#)
- [City of Kitchener Growing Together Project](#)

REVIEWED BY: Tina Malone-Wright – Manager, Development Approvals

APPROVED BY: Justin Readman – General Manager, Development Services

ATTACHMENTS:

Attachment 'A' – Proposed Official Plan Amendment

Attachment 'B' – Proposed Zoning By-law Amendment

Attachment 'C' – Urban Design Brief, dated December 2024 (Revised)

Attachment 'D' – Newspaper Notice

Attachment 'E' – Department and Agency Comments

Attachment 'F' – Community Comments