

# Planning Justification Report

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## 169 to 183 Victoria Street South

Victoria Heights Inc.

City of Kitchener

Zoning By-law Amendment

June 2024



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**Prepared for:**

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169 Victoria Street South  
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# Contents

1.	Introduction.....	1
1.1	Overview .....	1
1.2	Proposed Application.....	1
1.3	Report Context and Structure .....	2
2.	Site Overview and Context .....	3
2.1	Site Location and Description .....	3
2.2	Surrounding Uses and Context.....	3
3.	Proposed Development .....	7
4.	Planning Policy Overview .....	9
4.1	Ontario Planning Act.....	9
4.2	Provincial Policy Statement .....	11
4.3	Places to Grow: Growth Plan for the Greater Golden Horseshoe .....	14
4.4	Regional Official Plan .....	16
4.5	City of Kitchener Official Plan .....	20
4.6	City of Kitchener Zoning By-law.....	30
5.	Proposed Zoning By-law Amendment.....	33
6.	Public Consultation Considerations .....	35
7.	Conclusion.....	36

# 1. Introduction

## 1.1 Overview

GSP Group Inc. has been retained by Victoria Heights Inc. to provide a Planning Justification Report in support of an application for a Zoning By-law Amendment required to permit mixed-use, residential development for the property at 169-183 Victoria Street South, legally described as Lot 1 and 2, Registered Plan 107, and Lots 4 and 5, and Part of Lot 3, Registered Plan 104, City of Kitchener, Region of Waterloo (“Site”).

The Site is located in the southwest corner of Park Street and Victoria Street South. The Site has approximately 30.5 metres of frontage on Henry Street, 25 metres of frontage on Park Street, and 62.4 metres of on Victoria Street South with an overall site area of 0.2 hectares. The Site is comprised of five (5) existing single detached residential properties, all currently occupied by existing residential dwellings.

The five (5) former single detached residential properties are proposed to be redeveloped as a multiple dwelling unit development, which will include an 8-storey medium-density residential building consisting of 120 dwelling units with associated underground parking facility and surrounding landscape areas (“Proposed Development”).

## 1.2 Proposed Application

The Site is designated as Mixed Use Corridor in the Victoria Park Secondary Plan and located within a Major Transit Station Area as identified in the City of Kitchener Official (“Official Plan”), which permits a range and mix of uses, including multiple unit residential development.

It is important to note that the Site is proposed to be located within a Projected Major Transit Station Area and designated as Strategic Growth Area A as part of the City’s recent Growing Together initiative, through the approval of Official Plan Amendment No. 49 (“OPA 49”) by City Council on March 18, 2024. Accordingly, permitted development would include a range and mix of uses, including residential development, with maximum building height of 8 storeys, no minimum parking requirement and no maximum Floor Space Ratio (“FSR”). OPA 49 is still being considered by the Region of Waterloo, and is not yet in force and effect.

The Site currently zoned Low Intensity Mixed Use Corridor (MU-1) in City of Kitchener Zoning By-law 85-1, which permits a range and mix of uses, including residential multiple dwellings, with maximum building height of 13.5 metres and maximum Floor Space Ratio (“FSR”) of 2.0.

It is important to note that the Site is proposed to be zoned Strategic Growth Area Two: Mid Rise Growth Zone (SGA-2) through the approval of By-law No. 2024-065 by City Council on March 18, 2024. Accordingly, permitted development would include a range and mix of uses, including residential development, with maximum building height of 8 storeys, no minimum parking requirement and no maximum Floor Space Ratio (“FSR”). As the associated OPA 49 is still being considered by the Region of Waterloo, the associated By-law No. 2024-065 is not yet in force and effect.

The purpose of the proposed application for Zoning By-law Amendment is to permit the Proposed Development with a maximum building height of 8 storeys as well as an increase in maximum FSR, reduced parking rate and reduced yard setbacks.

### **1.3 Report Context and Structure**

This report has been prepared to provide planning justification in support of the proposed application for By-law Amendment. The objectives of this report are as follows:

- Provide an overview of the Site, including site description as well as a summary of the surrounding uses and community context;
- Provide an overview of the Proposed Development;
- Provide a summary of applicable Provincial, Regional and City of Kitchener policy and regulatory considerations along with planning justification and commentary in support of the Proposed Development; and
- Provide an overview of the proposed application for Zoning By-law Amendment;

This report also includes a summary of the anticipated public consultation strategy associated with the proposed application for Zoning By-law Amendment.

## 2. Site Overview and Context

### 2.1 Site Location and Description

The Site is generally located in Downtown Kitchener, at the southwest corner of Park Street and Victoria Street South in the City of Kitchener (**Figure 1**). The Site is legally described as Lot 1 and 2, Registered Plan 107, and Lots 4 and 5, and Part of Lot 3, Registered Plan 104, City of Kitchener. The Site is 0.2 hectares in area and has 30.5 metres of frontage on Henry Street, 25 metres of frontage on Park Street, and 62.4 metres of on Victoria Street South.

The Site is a combination of five (5) separate residential properties, each property containing a two-storey single detached dwelling with related accessory buildings and parking areas. The construction date of these dwellings are unknown and they do not have any heritage status, being neither listed as a non-designated property of cultural heritage value or interest on the Municipal Heritage Register, designated under the Ontario Heritage Act, or identified on the Kitchener Inventory for Historic Buildings.

Each of the five (5) residential properties each have separate driveway access to Victoria Street South. There is very limited vegetation on the Site, which includes limited landscaping in and around each of the dwellings as well as a few trees on Henry Street and along the Victoria Street South frontage.

### 2.2 Surrounding Uses and Context

As identified on **Figure 2**, the immediately surrounding land uses are as follows:

- |              |  |
|--------------|--|
| <b>North</b> | Existing mixed-use buildings and single-detached residential dwellings on the north and east sides of Victoria Street South. In addition, high-density, mixed use development was recently approved for 97 to 101 Park Street and 186, 190, 192, 194 and 200 Victoria Street South to permit future development with a maximum FSR of 7.7 and maximum building height of 42-storeys.   |
| <b>East</b>  | A mix of low-rise residential and commercial uses on the south side of Victoria Street South and existing commercial uses on the north side of Victoria Street South; existing single detached residential dwellings on Park Street. In addition, a high-density, mixed use development has been approved for 146 to 162 Victoria Street South and 92 to 110 Park Street, to permit future development with a maximum building height of 38-storeys and a maximum FSR of 11.7. |

- South** Existing single-detached residential dwellings on Park Street, Devon Street and Henry Street
- West** Existing low-rise multiple residential uses on the south side of Henry Street (187 to 193 Victoria Street South, and 55 to 57 Henry Street); existing commercial uses and medium-rise residential further west on Victoria Street South.

The Site is within walking distance to several places of worships as well as public schools, including JF Carmichael Public School and King Edward Public School. Additionally, the Site is close to existing parks and recreational facilities, including Victoria Park, Cherry Park and Woodside Park.

The Site is located approximately 700 metres south of the existing iON Light Rail service along King Street West (Central Station). The Site is also proximate to existing Grand River Transit (“GRT”) services on Victoria Street South and is located less than a 10-minute walk to the Iron Horse Trail which runs for approximately 5 km between Kitchener and Waterloo.





Site  
169 to 183 Victoria St South

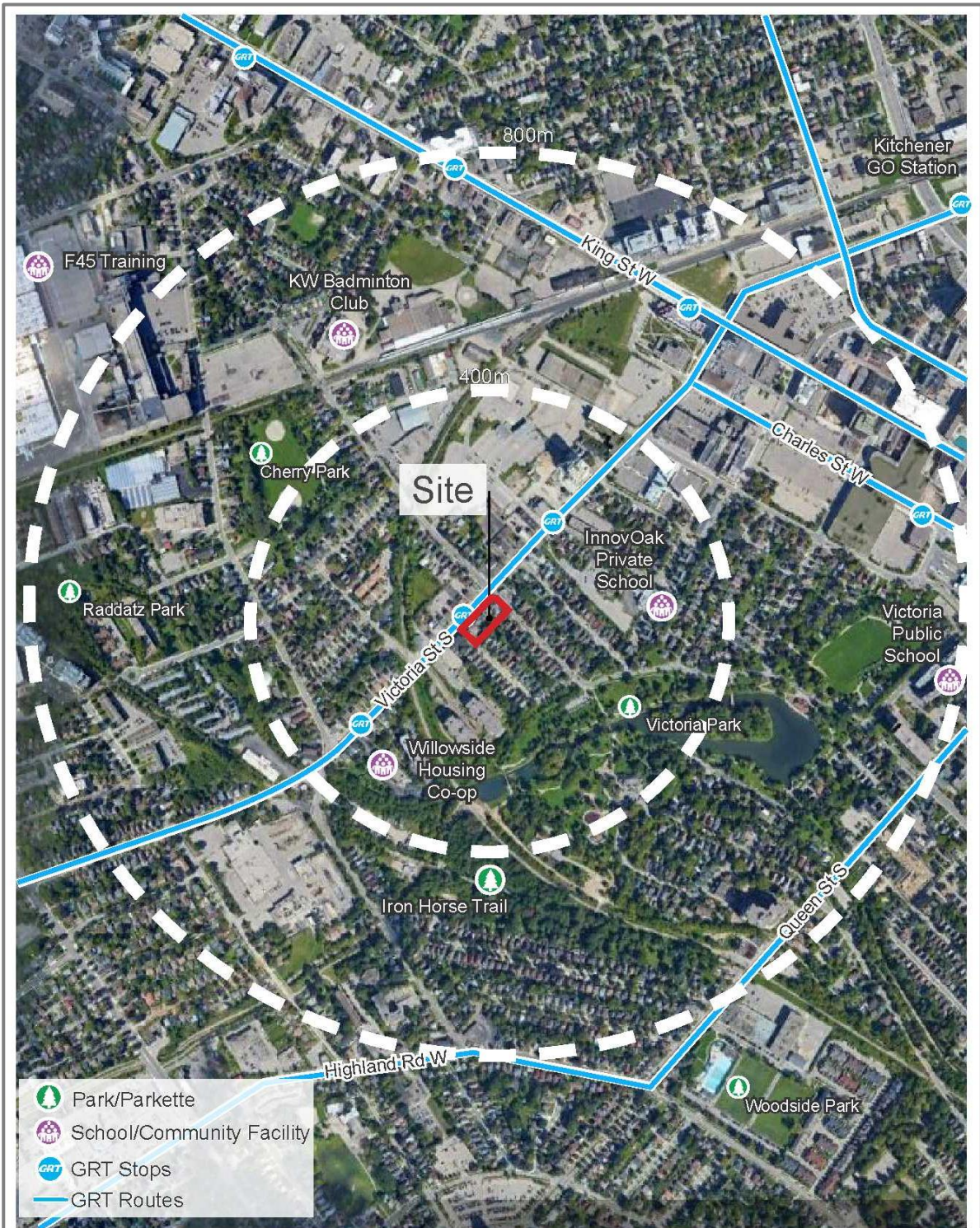


Site Location

Source: Grand River Conservation Authority Maps (2024)

Figure  
**1**





Surrounding Context  
Source: Google Earth (2024)

Figure  
**2**

### 3. Proposed Development

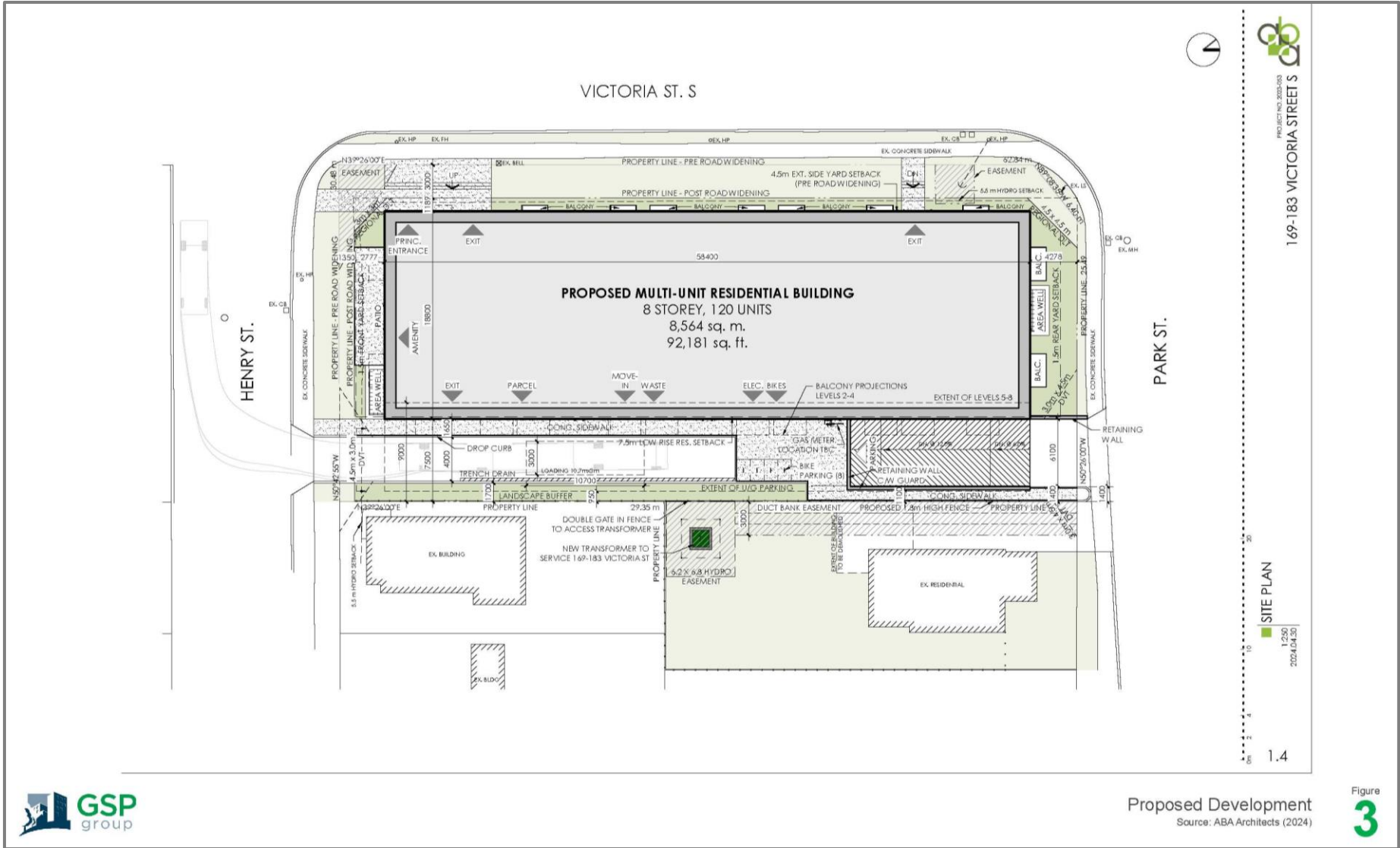
The Site is proposed to be redeveloped with a multiple residential dwelling. The Proposed Development includes a 8-storey residential building consisting of 120 units, with 92 one-bedroom and 28 two-bedroom units. Victoria Heights Inc. is seeking financing through Canada Mortgage and Housing Corporation (CMHC), which requires at least 20% of units to have rents below 30% of the median total income of families and the total residential rental income must be at least 10% below its gross achievable residential income in order to qualify. As a result, approximately 24 dwelling units will be provided as affordable housing.

As illustrated on **Figure 3**, the Proposed Development includes the following:

- Access to underground parking provided off of Park Street
- Principal entrance to building provided from Victoria Street South through private vestibule and lobby
- Level P2 containing 27 underground parking spaces, 58 bicycle parking spaces two stairwells and the elevator shaft
- Level P1 containing 26 underground parking spaces, two stairwells and the elevator shaft
- Ground floor containing a total of 9 residential dwelling units with internal hallway and lobby, indoor amenity area with access to a shared patio, mail room, move-in facilities, internal garbage room, electric/mechanical room and a bike storage room with storage available for up to 62 bicycles
- Floors 2 to 4 each containing 17 residential dwelling units with internal hallway, two stairwells, elevator, garbage chute and electrical room. Each unit includes a private balcony.
- Floors 5 to 10 each containing 13 residential dwelling units with internal hallway, two stairwells, elevator, garbage chute and electrical room. Each unit includes a private balcony.
- Mechanical penthouse containing a vestibule, one stairwell, elevator shaft and an outdoor amenity terrace
- One loading space, waste removal and move-in space accessed from Henry Street

Details of the Proposed Development, including floor plans, coloured renderings and elevations have been included as **Appendix A**.





## 4. Planning Policy Overview

### 4.1 Ontario Planning Act

The *Planning Act R.S.O. 1990, c. P.13* (“Planning Act”) establishes the framework for land use planning in Ontario. The Planning Act provides for the integration of provincial matters in planning decisions; details a planning process that is fair, accessible, timely and efficient; encourages cooperation and coordination amongst various interest groups; and recognizes the decision-making authority and accountability of municipal councils in the planning process.

The Planning Act requires that all planning decisions shall have regard to matters of Provincial interests as identified in Section 2. The following table provides an analysis of the Proposed Development in response to the prescribed Provincial interest of Section 2 of the Planning Act.

Section	Provincial Interest	Response
a)	The protection of ecological systems, including natural areas, features, and functions;	Not applicable.
b)	The protection of agricultural resources in the Province;	Not applicable.
c)	The conservation and management of natural resources and mineral resource base;	Not applicable.
d)	The conservation of significant architectural, cultural, historical, archaeological, or scientific interests	The Site is located adjacent to the Victoria Park Heritage Conservation District and an existing designated heritage resource at 59 Park Street, which is also owned by Victoria Heights Inc. As demonstrated through the completion of a Heritage Impact Assessment, the Proposed Development will have no impact on the adjacent heritage features/resources.
e)	The supply, efficient use and conservation of energy and water;	The Grand River Source Protection policies do not apply to the activities proposed for the Site.  Water efficiency and conservation will be applied as part of building construction, development, and occupancy (please refer to the Sustainability Statement).
f)	The adequate provision and efficient use of communications, transportation, sewage and water services and wastewater systems;	The Proposed Development to be serviced by existing sewage, water, wastewater services on Victoria Street South, Park Street and Henry Street.
g)	The minimization of waste;	The Proposed Development is required to adhere to the <i>Resource Recovery and Circular Economy Act, S.O. 2016, Chapter 12, Schedule 1</i> and the requirements contained

		therein with respect to waste diversion and management.
h)	The orderly development of safe and healthy communities;	The Site is located within walking distance of shopping areas, civic buildings, parks, and places of employment. The Proposed Development will be required to demonstrate compliance with the Ontario Building Code, which includes barrier-free design provisions through the building permit process.
h.1)	The accessibility of persons with disabilities to all facilities, services and matters to which this Act applies;	The Proposed Development will be designed and constructed in accordance with the <i>Access for Ontarians with Disability Act, 2005, S.O. 2005, c. 11</i> .
i)	The adequate provision and distribution of educational, health, social, cultural, and recreational facilities;	The Site is proximate to a broad range of health, social, cultural, and educational facilities; the Proposed Development will contribute to the continued, efficient use of these existing services.
j)	The adequate provision of a full range of housing, including affordable housing;	<p>The Proposed Development contemplates the addition of 120 residential dwelling units, adding to the quantity and range of the City's housing stock. The proposed building will include one and two-bedroom units.</p> <p>Victoria Heights Inc. is seeking financing through CMHC (Canada Mortgage and Housing Corporation), which requires at least 20% of units to have rents below 30% of the median total income of families and the total residential rental income must be at least 10% below its gross achievable residential income in order to qualify. As a result, approximately 24 dwelling units will be provided as affordable housing.</p>
k)	The adequate provision of employment opportunities;	The Proposed Development will likely have 1 to 2-year construction program, creating short-term employment opportunities for those in the construction industry.
l)	The protection of the financial and economic well-being of the Province and its municipalities;	The Proposed Development does not require any financial investment from the City with regards to municipal infrastructure and public/community services.
m)	The coordination of planning activities of public bodies;	The application for Zoning By-law Amendment will be circulated to all commenting agencies and public bodies by the City.
n)	The resolution of planning conflicts involving public and private interests;	Resolution of planning conflicts, will be addressed as part of circulation and review process and public consultation process.
o)	The protection of public health and safety;	Not applicable.
p)	The appropriate location of growth and development; and	The Proposed Development represents residential infill and intensification of an

		underutilizes property in the Major Transit Station Area.
q)	The promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians;	The Site is adjacent to existing GRT services along Victoria Street South and within walking distance to the Central Station iON station. The Site is also within close proximity to the Iron Horse Trail and has access to
r)	The promotion of built form that: <ul style="list-style-type: none"> <li>i) is well designed;</li> <li>ii) encourages a sense of place; and</li> <li>iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.</li> </ul>	The proposed development is professionally-designed to provide future residents with a safe, pleasant, attractive, and vibrant place to live. The inclusion of soft landscaped areas contributes to an attractive, pedestrian-friendly public realm, further encouraging a sense of place.
s)	The mitigation of greenhouse gas emissions, and adaption to a changing climate.	The Site is within walking distance to several community amenities (i.e., parks, schools) and daily destinations (i.e. banks, and restaurants). The proximity of the existing GRT services to the Site may encourage future residents to use public transit for daily trips. In addition, the proximity of the Site to places of employment, commercial/retail uses and community services is walkable, thereby mitigating greenhouse gas emissions.

Based on the above-noted analysis, the Proposed Development conforms to the Planning Act.

## 4.2 Provincial Policy Statement

The Provincial Policy Statement (“PPS”) provides policy direction on matters of provincial interest, and guides growth and development in Ontario. The PPS supports land use planning that contributes to effective and efficient growth and development, long-term economic prosperity, and the well-being of residents.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020, replacing the PPS issued on April 30, 2014. The following provides a summary of the key PPS policy consideration for the site as well as justification for the proposed development in terms of these policies.

The PPS encourages efficient land use and development patterns that support sustainability and promote strong, resilient communities. Policy 1.1.1 states that healthy, liveable and safe communities are sustained by:



- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investment, and standards to minimize land consumption and servicing costs; and
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and project needs.

*Response: The Site is located at the southern edge of Downtown Kitchener and is part of an established community comprised of a mix of commercial, retail, office, community, and residential uses. The Proposed Development introduces new investment in this area of Downtown Kitchener to contribute to a liveable and strong community in accordance with Policy 1.1.1 as follows:*

- a) *The Proposed Development represents the efficient redevelopment of five (5) underutilized properties, taking into consideration the surrounding land use pattern and creating an opportunity for further rejuvenation in the Downtown core;*
- b) *The Proposed Development introduces a medium-density development to an area that is predominated by existing low density residential, commercial and office uses, broadening the range and mix of residential uses within this established community. In accordance with funding Victoria Heights Inc. is securing through CMHC, approximately 24 dwelling units will be provided as affordable housing;*
- e) *The Proposed Development represents intensification and redevelopment with Downtown Kitchener, increasing the number of residents that may use the LRT services at Central Station, as well as the existing GRT services on Victoria Street South and the Iron Horse Trail. Furthermore, the Proposed Development does not represent any further land consumption and does not require any further investment in municipal infrastructure;*
- g) *The Proposed Development will be serviced by existing municipal water, sanitary and wastewater services on Victoria Street South, Park Street and*

*Henry Street, and is close to existing bus and rail service on Victoria Street South and King Street West as well as a range of existing community, social and commercial services.*

The PPS states that settlement areas should contain opportunities for intensification and redevelopment where it can be accommodated taking into account the availability of suitable existing or planned infrastructure (1.1.3.3).

*Response: The Proposed Development represents a significant intensification of five (5) underutilized properties within the built-up area of the City and can be serviced by existing municipal infrastructure and public services. The Proposed Development will efficiently use existing, available municipal infrastructure and hard services, will provide for increased densities within proximity to existing transit services and is within comfortable walking distance to a number of existing community, park and public services, including Victoria Park, Cherry Park, King Edward Public School and JF Carmichael Public School.*

Policy 1.4.3 of PPS encourages municipalities to provide for a range and mix of housing options and densities through the following:

- b) facilitating all housing options to meet the social, health, economic and well-being requirements of residents and permitting all types of residential intensification and redevelopment
- c) directing new housing towards locations where appropriate levels of infrastructure and public service facilities
- d) promoting densities for new housing which efficiently uses land, resources, infrastructure, and public services

*Response: The Proposed Development is consistent with the range and mix of housing encouraged by the PPS, and satisfies the considerations of Policy 1.4.3 as follows:*

- b) *The surrounding community is predominated by single detached residential dwellings. The Proposed Development represents residential intensification at a scale and density that is compatible with surrounding uses and will broaden housing options available to residents in terms of type, size, and tenure.*
- c) *The Proposed Development will be serviced by existing municipal infrastructure available to the Site and is surrounded by a range of existing public services and community uses, including but not limited to parks, trails, and schools.*
- d) *The Proposed Development will provide new housing that is denser than the surrounding low rise residential community, making efficient use of municipal*

*infrastructure and increasing the use of existing public services, including transit, trails, schools, and community uses with no new land consumption.*

The PPS requires growth and development promote the efficient use of existing municipal sewage and water services (1.6.6.1(a)).

*Response: The Site is located within an existing mature residential neighbourhood well serviced by existing municipal infrastructure and services; it will make efficient uses of existing water, sanitary and stormwater services.*

In summary, the Proposed Development is consistent with the PPS as it represents residential intensification within a built-up area that will make efficient use of existing municipal infrastructure and community services, provide for increased density proximate to existing transit services and a future light rail transit station, and broadens the housing options available to residents of the City.

#### **4.3 Places to Grow: Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides policy direction on land use planning matters, including promoting mixed-use, compact urban form, redevelopment and intensification, and the efficient use of community infrastructure.

The Growth Plan derives its authority from the *Places to Grow Act, 2005, S.O. 2005, c. 13*, and guides municipal decisions regarding growth and development. The following provides a summary of the key Growth Plan policies that apply to the Proposed Development and how the Proposed Development meets those policies.

The Growth Plan directs new growth and development to built-up areas that have existing municipal water and wastewater systems and can support the achievement of complete communities that fulfill the following policy directives (Policy 2.2.1.4):

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public services facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:

- i. a range of transportation options, including options for the sale, comfortable and convenience use of active transportation;
- ii. public services facilities, co-located and integrated into community hubs;
- iii. an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities; and
- iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces.

*Response: The Site is located within the built-up area of the City, and existing urban municipal services and infrastructure are readily available. In respect of the above-noted policies, the Proposed Development contributes to the creation of a complete community as follows:*

- a) *Represents a medium-density use located in a community with a broad range and mix of existing open space and parks, commercial, community, public, and institutional uses;*
- b) *Introduces a modern, compact, and well-designed medium-density residential development that will appeal to a broader range of future residents in terms of age, ability, and income;*
- c) *Has dwelling units that range in size and number of bedrooms, one and two bedroom units, appealing to different household and family sizes and incomes. In accordance with a portion of funding being secured through CHMC, approximately 24 dwelling units will be provided as affordable housing;*
- d) *Is advantageously located within walking distance to seven (7) existing GRT routes along Victoria Street South and King Street West, it is approximately 700 metres south of the existing Central Station iON Station and located in close proximity to the Iron Horse Trail. The Site is close to existing open space amenities and parks, community and commercial services as well as institutional uses and places of worship. The Site is within walking or cycling distance to a number of these existing amenities and uses, and can take advantage of the various active transportation opportunities providing connectivity to the broader City of Kitchener and Region of Waterloo;*
- e) *Provides for a significantly denser use of an underutilized Site and introduces a more intensified form of development within an existing built-up area that has been designed with an appropriate pedestrian scale along the Victoria Street South frontage.*

The Growth Plan specifically requires that a minimum of 50% of all residential development occurring annually be located within existing built-up areas (2.2.2.1(a)).

Additionally, the Growth Plan requires that Major Transit Station Areas be planned for a minimum density target of 160 residents and jobs per hectare for those areas serviced by light rail transit or rapid bus transit (2.2.4.3(b)). Policy 2.2.4.9 further states that development in Major Transit Station Areas will be supported by planning for a diverse mix of uses, providing for alternative development standards, such as reduced parking, and prohibiting land uses and built forms that would adversely affect the achievement of transit-supportive densities.

*Response: The Proposed Development will assist the Region and City in achieving the specific intensification targets as established in the Growth Plan for the existing built-up area. With 120 dwelling units, the Proposed Development equates to an approximate total population of 212.4 people (based on an assumed density of 1.77 persons per multiple dwelling unit). The resulting density is approximately 1,180 residents per hectare (based on net site area), thereby assisting the Region and City in achieving transit-supportive densities within the iON Station area.*

Policy 2.2.6.3 states that, “to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes”.

*Response: The Proposed Development features a range and mix of unit sizes and typologies, including 1- and 2-bedroom units of varied sizes and amenities, including balconies and patio space. These units will attract families of varied sizes and incomes.*

In summary, the Proposed Development conforms with the Growth Plan as it contributes to the creation of a complete community within the existing built-up area by making efficient use of existing municipal infrastructure and public transit, community facilities, and by broadening the range and mix of housing options, and significantly contributing to the achievement of transit-supportive densities.

#### **4.4 Regional Official Plan**

The Regional Official Plan (“ROP”) was adopted by the Region of Waterloo in June 2009 and received final approval from the Ontario Municipal Board (“OMB”) on June 18, 2016. The ROP provides policy direction on planning matters for the Region and includes all policy changes and amendments since the adoption of the Regional Official Policies Plan

(“ROPP”) in 1995. On August 18, 2022, Regional Official Plan Amendment No. 6 was adopted, and accommodates Waterloo Region’s forecasted population growth to 2051, in conformity with the Growth Plan. This recent amendment is reflected and considered in this Report.

The following provides a summary of the key ROP policies that apply to the Site and the Proposed Development, as well as providing justification in response to those applicable policies. The Site is located within the Built-Up Area of the City of Kitchener, which is classified as an “urban area”.

Policy 2.C.2.1 states that the Urban Area designation primarily pertains the Cities of Cambridge, Kitchener and Waterloo, and that lands within the urban area are intended to accommodate a large portion of the Region’s population and employment growth within the planning horizon of this Plan.

*Response: The Proposed Development will add 120 residential dwelling units to the City as an apartment building infill development and will contribute to the Region’s goal of accommodating 90 percent of the population and employment growth within the existing urban area.*

Policy 2.C.2.2 states requires that area municipalities develop official plan policies and implementing zoning by-laws to ensure that development occurring within the Urban Area is planned and developed in a manner that:

- b) Advances the community’s transition into an energy-efficient, resilient, low-carbon community by:
  - i. promoting a more compact built form that enables a modal shift to most trips being made by walking, cycling, and rolling;
- e) provides a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes, in accordance with all the applicable policies of this Plan;
- h) improves accessibility for persons of all ages and abilities and at all times of year by addressing built form barriers which restrict their full participation in society;
- j) expands residents’ convenient access to:
  - i. a range of transportation options, including to a mobility network that is safe, comfortable and convenient for walking, cycling, and rolling for people of all ages and abilities and at all times of year;”



*Response: As noted previously, the Proposed Development will result in the addition of 120 residential dwelling units within the local market, which are located in close proximity to GRT transit stops, the Iron Horse Trail and Central Station. A range and mix of unit typologies are provided, accommodating the needs of all household sizes and incomes. In addition, the Proposed Development will include approximately 24 affordable housing units. The Proposed Development is designed to provide access to the building at grade, there are nine units located on the main floor, as well as two elevators for the building which will provide easy access for those with accessibility concerns.*

Policy 2.D.1 of the ROP identifies policy objectives that are to be considered when reviewing development applications within the Urban Area.

*Response: The following provides a summary of Policy 2.D.1 of the ROP as well as commentary as to how each of the policy objectives will be addressed:*

<i>In preparing or reviewing planning studies, or in reviewing development applications or site plans, the Region and/or Area Municipalities will ensure that development occurring within the urban Area is planned and development in a manner that:</i>		
<i>a)</i>	<i>Supports the Planned Community Structure described in this Plan;</i>	<i>The Site is located within the City Urban Area, which is anticipated to be the focus of growth and development.  The Proposed Development is also located within a future Major Transit Station Area, contributing to the achievement of transit-supportive densities in major transit station areas.</i>
<i>b)</i>	<i>Is serviced by a municipal drinking-water supply system and a municipal wastewater system;</i>	<i>The Proposed Development will be serviced by existing water and wastewater services currently available to the Site.</i>
<i>c)</i>	<i>Contributes to the creation of complete communities with development patterns, densities and an appropriate mix of land uses that supports walking, cycling and use of transit;</i>	<i>The Proposed Development results in the addition of mid-rise residential use within the community that supports existing and future walking, cycling and transit services.</i>
<i>d)</i>	<i>Protects the natural environment, and surface water and groundwater resources;</i>	<i>Not applicable</i>
<i>e)</i>	<i>Conserves cultural heritage resources and supports the adaptive reuse of historic buildings;</i>	<i>The Site is located adjacent to the Victoria Park Heritage Conservation District and an existing designated heritage resource at 59 Park Street, which is also owned by Victoria Heights Inc. A Heritage Impact Assessment (“HIA”) has been prepared in support of the Proposed Development and has concluded that the Proposed Development has the opportunity to provide for new development</i>

		<i>that is sympathetic to the surrounding heritage resources and broader cultural heritage landscape context. Please refer to the HIA for additional details, commentary and analysis.</i>
f)	<i>Respects the scale, physical character, and context of established neighbourhoods in areas where reurbanization is planned to occur;</i>	<i>The Site is located on the periphery of an existing low-rise residential community but is proximate existing and approved mid-rise and high-rise uses along Victoria Street South. The Proposed Development has been designed to provide for an appropriate transition between mid-rise/high-rise uses and low-rise uses.</i>
g)	<i>Facilitates resident's access to locally grown and other healthy foods in neighbourhoods; and</i>	<i>Not applicable</i>
h)	<i>Promotes building designs and orientations that incorporate energy conservation features and the use of alternative and/or renewable energy systems.</i>	<i>Not applicable</i>

Policy 2.D.2.2 requires area municipalities to establish official plan policies and zoning by-laws to ensure that Major Transit Station Areas are planned and designed in a manner that:

- a) achieves the minimum density targets set out in Table 2;
- b) is transit -supportive, supports planned transit service levels, and prioritizes access to the station area and connections to the station area and connections to any nearby major trip generators by providing:
  - i. connections to regional and provincial transit services to support transit service integration; and
  - ii. mobility networks for walking, cycling, and rolling, including sidewalks, bicycle lanes, and secured bicycle parking;
- e) provides alternative development standards, such as reducing or eliminating minimum automobile parking standards, or providing maximum parking standards, for uses near transit routes, to maximize intensification opportunities and minimize surface parking areas;
- f) prohibits land uses and built form that would adversely affect the achievement of the minimum density targets set out in Table 2;
- h) supports the implementation of inclusionary zoning by identifying:
  - i. the authorized uses of land in the station area and of buildings or structures on lands in the area; and
  - ii. the minimum densities that are authorized with respect to the buildings and structures on lands in the station area; and

- i) is consistent with the relevant *transit-supportive* development policies of Section 2.D.6.

*Response: The Proposed Development meets requirements of the above-noted policies for Major Station Areas by:*

- a) *providing a site density of approximately 1,180 residents per hectare;*
- b) *being located close to existing GRT bust stops, the Iron Horse Trail and within walking distance to Central Station;*
- e) *reducing the minimum parking standard within the MU-1 Zone, with the intent of encouraging alternative forms of transportation;*
- f) *proposing a development which does not adversely affect the achievement of the minimum density targets set out in Table 2;*
- h) *Not applicable at the time of application*
- i) *refer to response b)*

Policy 3.A.2 requires that area municipalities plan to provide for a diverse range and mix of housing, with an overall target of 30 percent of new ownership being affordable. The range and mix of housing options should include different form, tenure, density, and number of bedrooms to accommodate a range of income sizes and needs.

*Response: Victoria Heights Inc. is seeking financing through CMHC (Canada Mortgage and Housing Corporation), which requires at least 20% of units to have rents below 30% of the median total income of families and the total residential rental income must be at least 10% below its gross achievable residential income in order to qualify. As a result, approximately 24 dwelling units will be provided as affordable housing.*

In summary, the Proposed Development conforms with the ROP as it is consistent with the type of development directed to existing built-up areas and the types of mid-to high-rise mixed use forms of development needed in major transit station areas to support transit ridership. The Proposed Development will make efficient use of existing municipal infrastructure and community services, such as school, parks and open space, and religious uses, and will broaden the range of housing options available within the community.

#### **4.5 City of Kitchener Official Plan**

The City Official Plan (“Official Plan”) was adopted by City Council on June 30, 2014 and originally approved by Regional Council on November 19, 2014. The Official Plan was

appealed in its entirety to the Local Planning Appeal Tribunal and received final approval by LPAT Decision in March and July 2019.

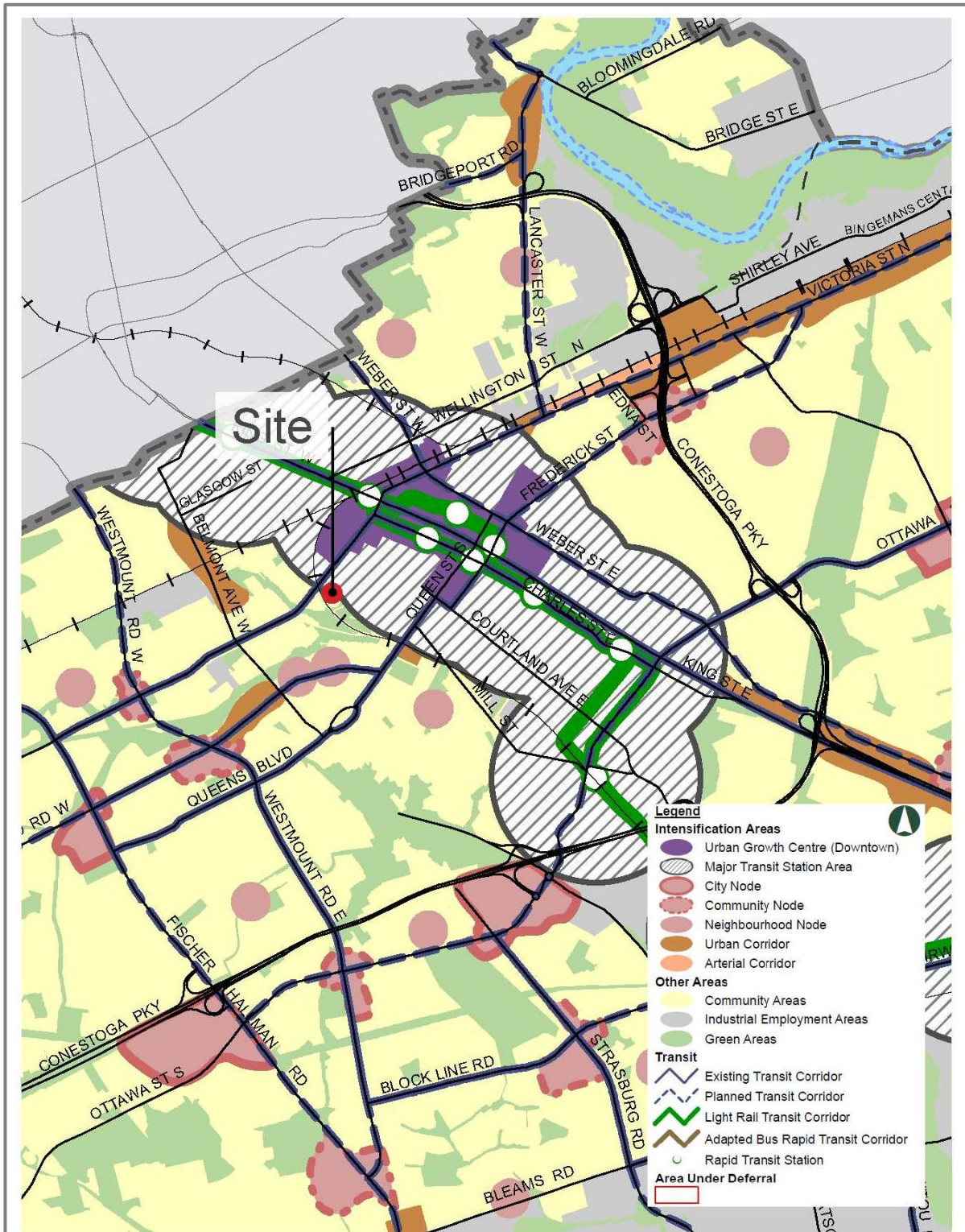
The Official Plan conforms to Provincial and Regional plans, policies, statements, and guidelines and contains goals, objectives, and policies to manage and direct growth and development to the year 2031. The following provides a summary of the key Official Plan policy consideration for the Site as well as justification for the proposed development in terms of these policies.

The Site is located within the Major Transit Station Area as identified in the Official Plan **(Figure 4)**.

Policy 3.C.1.5 of the Official Plan requires that 40% of all new residential development occurring annually be directed to existing Built-Up Areas.

*Response: The Proposed Development will assist the Region and City in achieving their required intensification targets for new residential development within the existing built-up area.*





City of Kitchener, Urban Structure  
 Source: City of Kitchener Official Plan Urban Structure Map 2 (2021)

Figure  
**4**

The Site is within 700 metres of Central Station Area. In accordance with Policy 3.C.2.17 of the Official Plan, the planned function of Major Transit Station Areas is to:

- a) provide a focus for accommodating growth through development to support the existing and planned transit and rapid transit service levels
- b) provide connectivity to various modes of transportation to the transit system
- c) achieve a mix of residential, office, institutional and commercial development wherever appropriate;
- d) have a streetscape and building form that is pedestrian friend and transit oriented.

*Response: The Proposed Development is within comfortable walking distance of one (1) iON station as well as existing GRT bus services and the Iron Horse Trail. In respect of Policy 3.C.2.17, the Proposed Development:*

- a) *provides for medium-density residential growth within a Major Transit Station Area that will make efficient use of existing transit and rapid transit services;*
- b) *is easily accessed by various modes of transportation, including walking, cycling and transit services;*
- c) *Not applicable; the Proposed Development includes only residential dwelling units;*
- d) *has been appropriately scaled and designed to maintain a strong pedestrian environment along Victoria Street (please refer to Urban Design Brief for further details).*

Policy 4.C.1.5 states that the City will encourage residential intensification and redevelopment to respond to changing housing needs as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure.

Policy 4.C.1.6 further states the City will encourage residential intensification and/or redevelopment, including adaptive re-use and infill opportunities, including additional dwelling units, attached and detached, in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure.

*Response: The Proposed Development represents residential intensification of five (5) underutilized properties that will avoid costs associated with extending municipal services,*



*minimize land consumption, and make efficient use of existing community infrastructure; it requires no further land consumption of infrastructure costs.*

Policy 4.C.1.8 of the Official Plan outlines considerations that should be assessed when reviewing development applications that would facilitate residential intensification and/or redevelopment.

Response: *The following provides a summary of the applicable requirements of Policy 4.C.1.8 as well as commentary regarding how each requirement has been considered:*

<p><i>Where special zoning regulation(s) or minor variance(s) is/are requested, proposed, or required to facilitate residential intensification or a redevelopment la lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:</i></p>		
<p>a)</p>	<p><i>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 community character of the established neighbourhood</i></p>	<p><i>The building massing and height situated close to the Victoria Street South frontage to maximize the separation from the adjacent low rise residential building. The Proposed Development, with a maximum building height of 8 storeys, is considered mid-size and has been designed to create a comfortable and engaging pedestrian environmental along Victoria Street South. Finally, the Proposed Development includes a 1.5 metre building setback at the 5<sup>th</sup> floor, providing for further separation from the adjacent low rise residential uses.</i></p> <p><i>The Proposed Development includes different building materials between the bottom portion of the building (Floor 1 to 4) and top portion of the building (Floor 5 to 8), which harmonizes with the historic industrial character of this area of Downtown Kitchener.</i></p> <p><i>Please refer to the Urban Design Brief for further details regarding massing, scale and compatibility.</i></p>
<p>b)</p>	<p><i>Where front yard setback reductions are proposed for new buildings in established neighbourhoods, the requested front yard setback should be similar to adjacent properties and supports and maintain the character of the streetscape</i></p>	<p><i>The proposed reduction to yard setbacks firstly reflects the required road widenings along Victoria Street South and Henry Street.</i></p> <p><i>The reduced setbacks along Victoria Street south are consistent with the existing building setbacks on the north side of the right of way as well as existing development and approved redevelopment projects on the south side of Victoria Street South, east of Park Street.</i></p> <p><i>The reduced yard setbacks along Henry Street and Park Street are consistent with the existing building</i></p>

		<i>setbacks along these local streets and will maintain the existing low-rise nature of the surrounding neighbourhood.</i>
d)	<i>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 adverse impacts, particularly with respect to privacy</i>	<i>The Proposed Development has been designed to be sensitive to exterior areas on the adjacent residential properties, including a 7.5 metre interior side yard setback from the proposed lower 4 levels to the neighbouring property lines and a 9.0 metre setback from level 5 and above.</i>  <i>The facades along Henry Street and Park Street are set back to be comparable to the existing block face on the above mentioned streets.</i>
e)	<i>The lands can function appropriately and not create unacceptable adverse impacts for adjacent properties by provide both an appropriate number of parking spaces and appropriate landscape area on the site</i>	<i>The Proposed Development has been designed with the primary parking area located underground, reducing the potential impacts on of conflicts with surrounding land uses.</i>  <i>The site is located within a 5-minute walk of Victoria, a large municipal park as well as a 10-minute walk to Cherry Park, combined they provide sufficient outdoor amenity opportunities for future residents.</i>
f)	<i>The impact of each special zoning regulation or variance will be reviewed prior to formulating a recommendation to ensure that a deficiency in the one zoning requirements does not compromise the site in achieving objectives of compatible and appropriate site and neighbourhood design and does not create further zoning deficiencies.</i>	<i>Overall, the site-specific regulations regarding yard setbacks, Floor Space Ratio, and building height will facilitate development that will enhance the character of the community and be compatible with the surrounding neighbourhood.</i>

Policy 4.C.1.9 of the Official Plan states that residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.

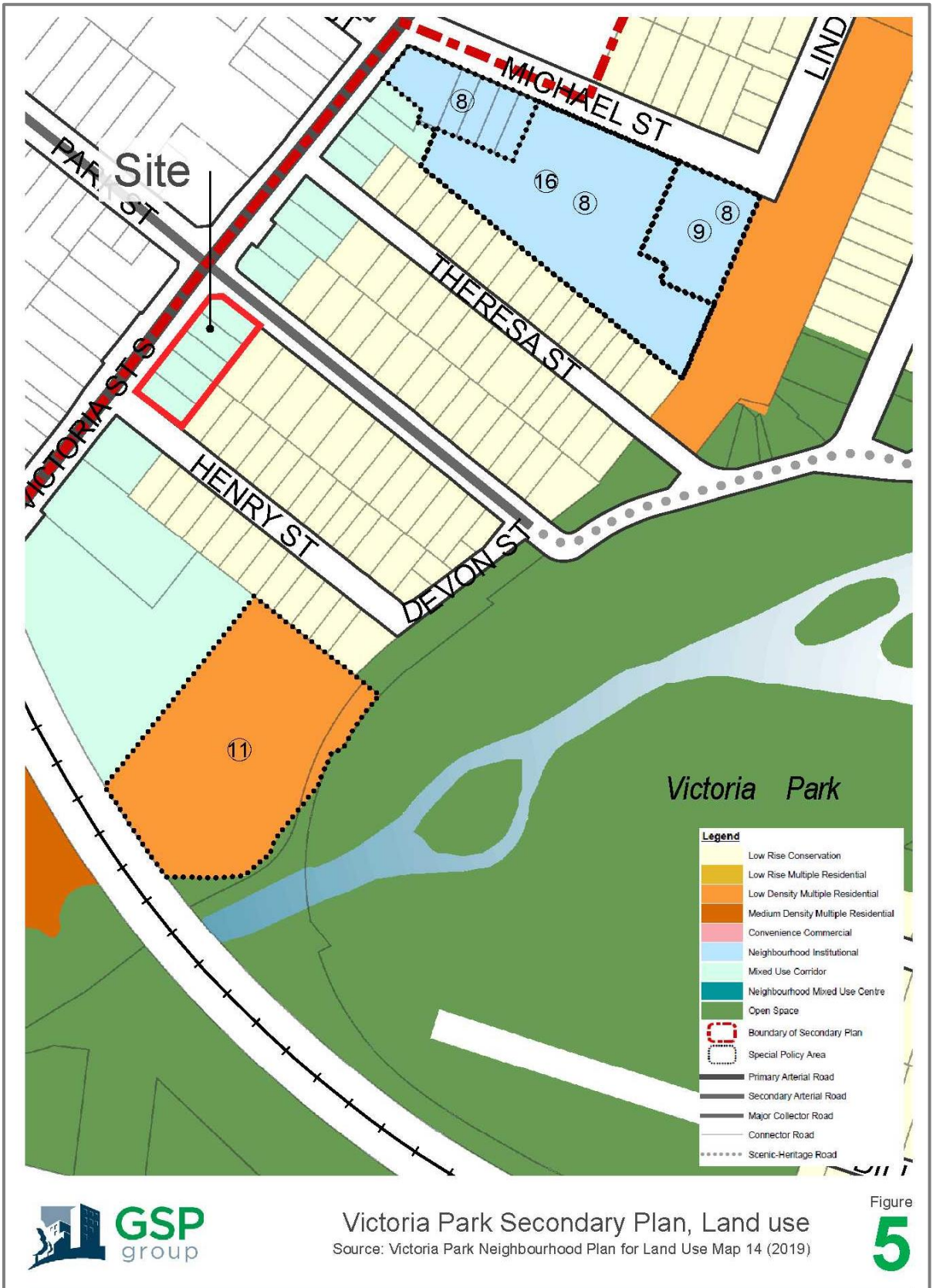
*Response: The Urban Design Brief demonstrates that the Proposed Development will respect the existing neighbourhood character and will be sensitive to the surrounding context. Please refer to the Urban Design Brief for further details and commentary.*

The Site is further designated Mixed Use Corridor in the Victoria Park Secondary Plan (“Secondary Plan”) (**Figure 5**). Permitted uses in the Mixed Use Corridor include a mix of

residential, commercial and institutional uses, with the intent of Mixed Use Corridor's to intensify over time.

Policy 13.5.3.6 of the Victoria Park Secondary Plan states for lands designated as Mixed Use Corridor that immediately abut low rise residential land uses, new development shall be permitted having a minimum Floor Space Ratio of 0.6 and a maximum Floor Space Ratio of 2.0. However, new development may be permitted to exceed this maximum FSR in locations which abut arterial or major collector roads, are well separated from low rise residential development and have adequate municipal infrastructure.

*Response: The Proposed Development represents mid-rise residential development, which is consistent with the range and types of uses permitted within the Mixed Use Corridor designation of the Secondary Plan. The Proposed Development abuts a major collector road (Regional Road), is located on the periphery of an existing low-rise residential neighbourhood and can be serviced by existing municipal infrastructure, which adheres to the policy considerations for development that includes increased development density and height.*



The Site is adjacent to the Victoria Park Heritage Conservation District. The adjacent property at 59 Park Street, which is also owned by Victoria Heights, is located within the Victoria Park Heritage Conservation District and designated under Part V of the Ontario Heritage Act. In accordance with Policy 12.C.1.23, a Heritage Impact Assessment (HIA”) has been prepared to assess the potential impacts of the Proposed Development on the adjacent Victoria Park Heritage Conservation District and heritage feature at 59 Park Street. The HIA concluded that the Proposed Development has the opportunity to provide for new development that is sympathetic to the surrounding heritage resources and broader cultural heritage landscape context. Please refer to the HIA for additional details, commentary and analysis.

In summary, the Proposed Development conforms with the Official Plan as it is consistent with the limited types of residential intensification contemplated within a Major Transit Station Area, satisfies the criteria to be considered when reviewing applications for new development that represents intensification, and is consistent with the vision and objectives of the Mixed-Use Use designation of the Secondary Plan.

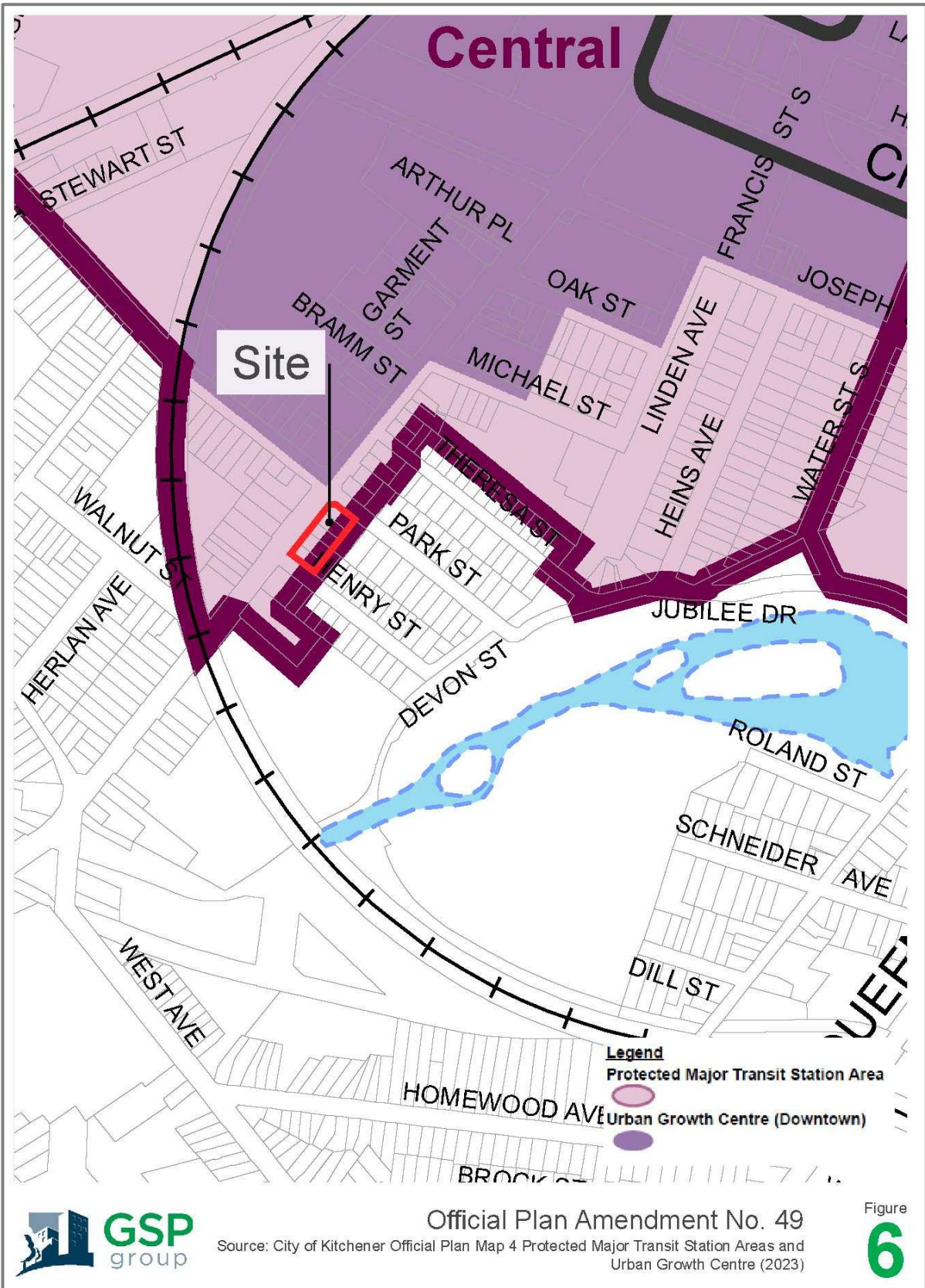
#### **4.5.1 Growing Together (Official Plan Amendment)**

In early 2023, the City initiated a new policy and regulatory framework to guide growth and development within Major Transit Station Areas. Named “Growing Together”, it established new Official Plan policies and zoning regulations for properties within 7 of the 10 Protected Major Transit Station Areas throughout the City, including the Central Station. The objectives of Growing Together included establishing new planning and zoning methods to address the complex challenges of station area planning, ensuring compatible and appropriate intensification within station areas, plan for more affordable housing and sustainable development, and plan for greater equity for all.

Official Plan Amendment No. 49, which applied to land within Protected Major Transit Station Areas (“OPA 49”), was considered and endorsed by City council on March 19, 2024. While OPA 49 is with the Region for final consideration and not in force and effect, it is important to summarize the policies of OPA 49 applicable to the Site and future development.

The Site is located within a Protected Major Transit Station Area in OPA 49 (**Figure 6**), which are areas intended to support transit through accommodating future growth and development through a mix of residential, office, institutional and commercial uses that provide for connectivity to various modes of transportation and have streetscapes and built forms that are pedestrian and transit friendly.







The Site is designated as Strategic Growth A in OPA 49, which permits all forms of residential development as well as a range of non-residential uses that will support complete communities. Development within a Strategic Growth Area A will have a maximum building height of 8 storeys, a minimum FSR of 0.6 and no maximum FSR.

The Proposed Development conforms with the applicable designations and policies of OPA 49.

## **4.6 City of Kitchener Zoning By-law**

The Site is currently zoned Low Intensity Mixed Use Corridor (MU-1) in City of Kitchener Zoning By-law 85-1 (**Figure 7**), which permits a range and mix of uses, including residential multiple dwellings, with maximum building height of 13.5 metres and maximum FSR of 2.0.

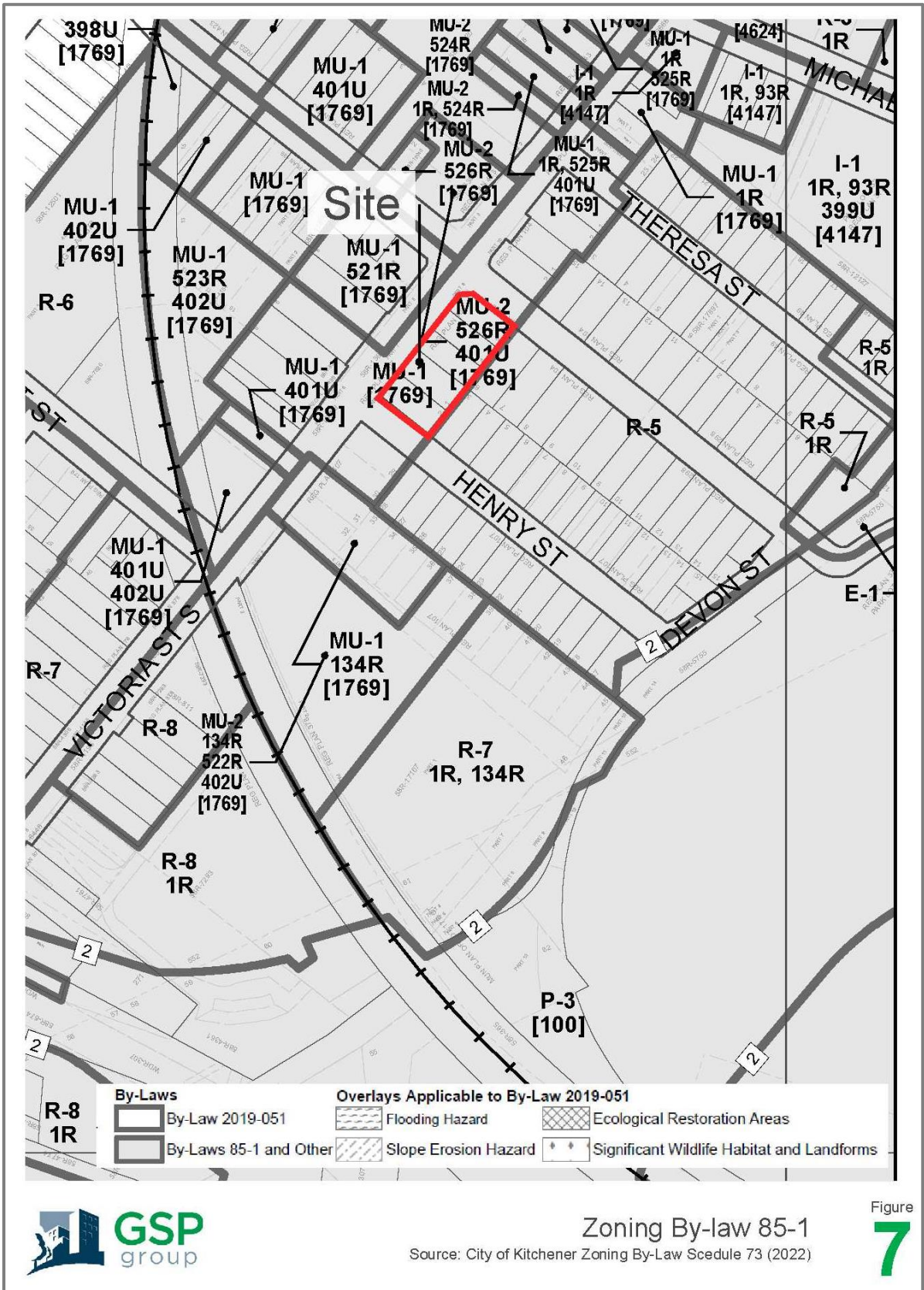
### **4.6.1 Growing Together (Zoning By-law Amendment)**

The Growing Together initiative also included a new zoning and regulatory framework for development within Projected Major Transit Station Area.

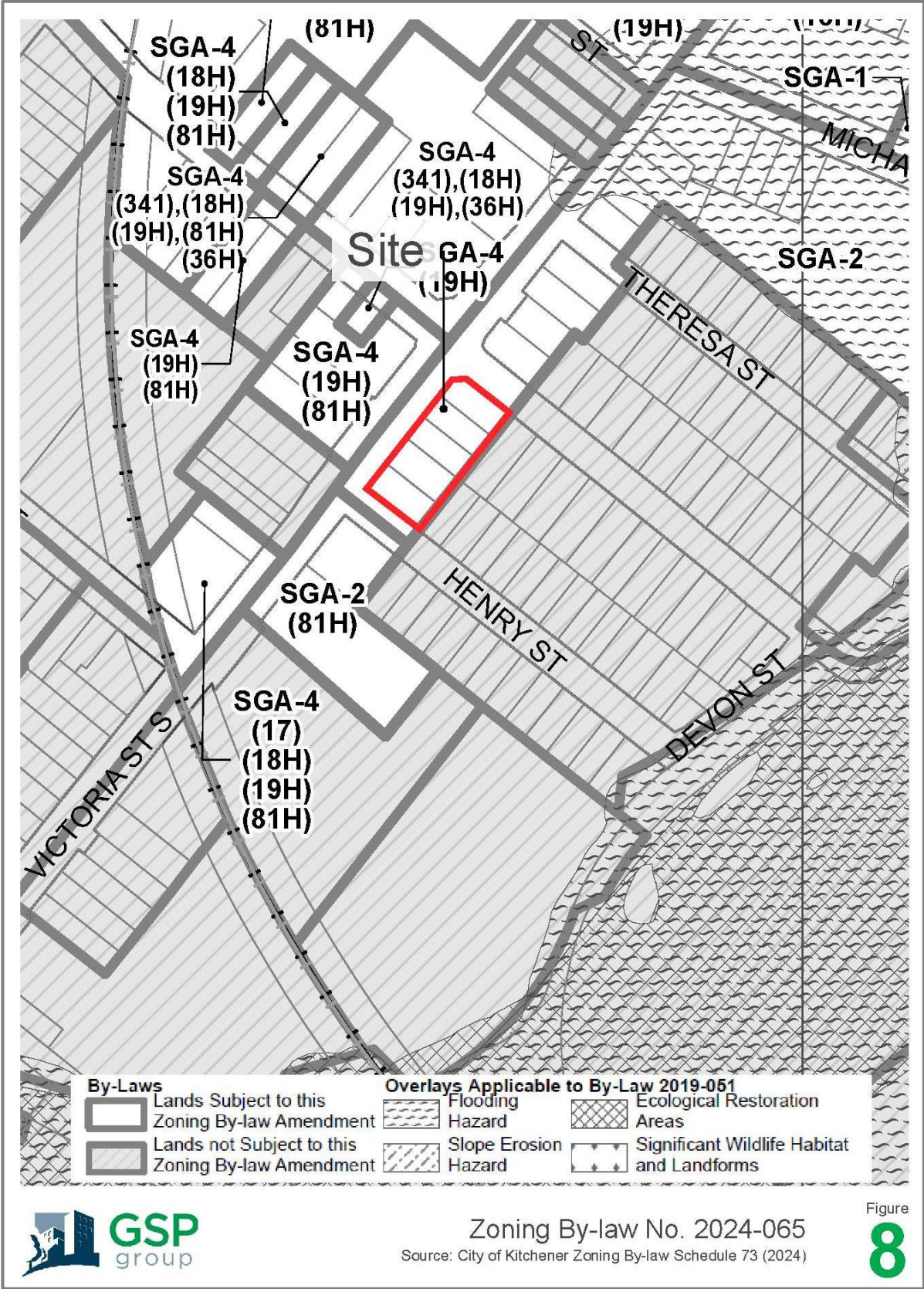
Zoning By-law No. 2024-065 applied to land within Protected Major Transit Station Areas, and was endorsed by City council on March 19, 2024, along with OPA 49. While Zoning By-law No. 2024-065 cannot come into effect until final approval of OPA 49, it is important to summarize the regulations of By-law No. 2024-065 applicable to the Site and future development.

The Site is zoned SGA-2: Mid Rise Growth Zone as part of By-law 2024-065, which permits a range of low and medium-rise residential uses with a maximum building height of 8 storeys, a minimum FSR of 1.0, no maximum FSR and no minimum parking requirement (**Figure 8**).

The SGA-2 Zone includes a number of regulations aimed at influencing building design, massing and scale adjacent to existing low rise residential uses. Section 6.4.3 (b) of By-law 2024-065 requires a maximum building height of 20 metres within 15 metres of a lot within an SGA-1 Zone or low rise residential zone, and a minimum yard setback of 7.5 metres where the lot abuts an SGA-1 Zone or low rise residential zone.







## 5. Proposed Zoning By-law Amendment

The following provides a summary of the proposed Zoning By-law Amendments. Assessment and justification for the proposed applications per the applicable Provincial, Regional and City planning framework is provided in Section 4.0 of this Report.

The proposed Zoning By-law Amendment would rezone the Site from Low Intensity Mixed Use Corridor (MU-1) to Medium Intensity Mixed Use Corridor Zone (MU-2) in Zoning By-law 85-1 with the following Special Regulation Provisions:

XXXX. Within the lands zoned MU-2 and shown as effected by this provision on Zoning Grid 73 of Appendix A, the following shall apply:

- a) Minimum side yard setback abutting a street of 1.1 metres (*Victoria Street South, reflecting post road widening property boundary and Proposed Development*)
- b) Minimum rear yard setback of 4.2 metres (*Park Street, which is considered the rear yard*)
- c) Maximum building height of 28.8 metres (8-storeys)
- d) Maximum Floor Space Ratio of 4.2
- e) Dwelling units shall be permitted on the ground floor
- f) Minimum residential parking rate of 0.44 spaces per each dwelling unit

### **By-law 2024-065**

*In the event that OPA 49 is approved by the Region, and Zoning By-law 2024-065 comes into effect, an Amendment to By-law 2019-51 would be required. The purpose of the proposed Zoning By-law Amendment would be maintain the proposed SGA-2: Mid Rise Growth Zone for the Site and establish the following Site Specific Provisions:*

(XXX) *Within the lands zoned SGA-2: Mid Rise Growth Zone and shown as effected by this provision on Zoning Grid 73 of Appendix A, the following shall apply:*

- a) *Minimum lot width of 27.5 metres (Henry Street, reflecting post road widening on Victoria Street South)*
- b) *Minimum yard setback of 1.1 metres (Victoria Street South, reflecting post road widening property boundary and Proposed Development)*

- c) For 7-storeys and Above – A minimum yard setback of 1.1 metres (Victoria Street South, reflecting post road widening property boundary and Proposed Development)*
- d) Maximum building height of 28.8 metres (8-storeys) within 15 metres of a lot with an SGA-1 Zone or a lot with a low-rise residential zone*

The details of the proposed Zoning By-law Amendment will be revised and refined through further discussions with and review of the application by the City.



## 6. Public Consultation Considerations

Upon acceptance and circulation of the application package in support of the Proposed Development, the City requires the posting of Notice of Application sign(s) to inform surrounding property owners of the Proposed Development. GSP Group and Victoria Heights Inc. commit to post the required signage promptly with a clear, unobstructed view from the street, and agree to maintain the sign throughout the duration of processing of the applications by the City.

GSP Group and Victoria Heights Inc. are agreeable to the scheduling of an Neighbourhood Information Meeting or open house, if required by the City, as well as any additional informal public meeting(s), open house meeting(s) and/or neighborhood meetings required by the City.

The proposed Zoning By-law Amendments require a Statutory Public Meeting in accordance with the *Planning Act* R.S.O. 1990, c. P.13. GSP Group and Victoria Heights Inc. will attend the public meeting as scheduled by the City and give a formal presentation regarding the Proposed Development and associated applications, as well as answer questions from residents, staff, and Councillors. During the public meeting, contact information for GSP Group will be provided to the public to address any follow up questions or concerns.

Finally, GSP Group will provide direct written responses to comments raised throughout the public consultation process to City and Regional staff for their review and consideration prior to the preparation of a final staff report and recommendation on the Zoning By-law Amendment.

## 7. Conclusion

GSP Group Inc. was retained by Victoria Heights Inc. to assist with an application for a Zoning By-law Amendment to permit mixed-use, residential development for the property at 169-183 Victoria Street South.

Located at the southwest corner of Park Street and Victoria Street South, the Site is currently comprised of five (5) existing single detached residential properties. The Proposed Development of the Site includes demolition of the residential dwellings and the construction of a mixed-use, multiple dwelling unit development, which will include an 8-storey medium-density residential building consisting of 120 dwelling units with associated underground parking facility.

The purpose of the proposed application for Zoning By-law Amendment is to permit the Proposed Development with a maximum building height of 8 storeys as well as an increase in maximum FSR, reduced parking rate and reduced yard setbacks.

The Proposed Development is consistent with the PPS and conforms with the Growth Plan as it represents residential intensification within a built-up area that makes efficient use of existing municipal infrastructure and community services, provides for increased density close to transit and light rail services, and broadens the housing options available to residents of the City.

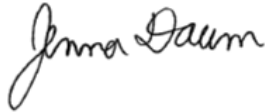
The Proposed Development conforms with the ROP as it is consistent with the type of development encouraged in the built-up area and in major transit station areas, makes efficient use of existing municipal infrastructure and community services, and will broaden the range of housing options available within the community.

Finally, the Proposed Development conforms with the Official Plan as it is consistent with the types of intensification contemplated within a Major Transit Station Area, satisfies the criteria to be considered when reviewing applications for new, intensified development and is consistent with the vision of the Mixed-Use designation of the Secondary Plan.

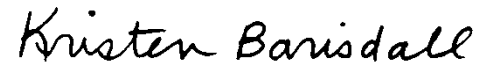
It is my opinion that the Proposed Development is appropriate at this urban location within a Major Transit Station area and represents good planning.

Prepared by:

**GSP Group Inc.**



Jenna Wenzel, CPT  
Planner



Kristen Barisdale, MCIP, RPP  
Vice-President, Planning