

**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** February 7, 2022

**SUBMITTED BY:** Bustamante, Rosa - Director of Planning, 519-741-2200 ext. 7319

**PREPARED BY:** Dumart, Craig – Senior Planner, 519-741-2200 ext. 7073

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** January 5, 2022

**REPORT NO.:** DSD-2022-033

**SUBJECT:** Official Plan Amendment OPA/21/002/S/JVW  
Zoning By-law Amendment ZBA/21/004/S/JVW  
134 and 152 Shanley Street  
2701098 Ontario Inc.

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## RECOMMENDATION:

That Official Plan Amendment Application OPA/21/002/S/JVW for 2701098 Ontario Inc. requesting a change in designation from Low Rise Residential (134 Shanley Street) and Low Rise Residential with Specific Policy Area No. 18 (152 Shanley Street) to Medium Rise Residential with Specific Policy Area No. 18 to permit an eight (8) storey multiple dwelling on the lands specified and illustrated on Schedule 'A' and Schedule 'B', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2022-033 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA21/004/S/JVW for 2701098 Ontario Inc. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2022-033 as Appendix 'B'; and further

That in accordance with Planning Act Section 45 (1.3 & 1.4), applications for minor variances shall be permitted for lands subject to Zoning By-law Amendment Application ZBA 21/004/S/JVW.

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation to approve the Official Plan Amendment and Zoning By-law Amendment applications for properties located at 134 and 152 Shanley Street.
- Community engagement included:
  - circulation of a preliminary notice letter to owners of property within 120m of the subject site;
  - installation of notice signage on the property;
  - follow up one-on-one correspondence with members of the public;
  - a Neighbourhood Information Meeting (June 17, 2021);

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

- Public site walk of the subject lands followed by small group engagement sessions (August 17, 2021);
- notice letter advising of the public meeting was circulated to all property owners within 240 metres of the subject site, 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 January 14, 2022.
- This report supports the delivery of core services.

## **EXECUTIVE SUMMARY:**

The owner of the properties addressed as 134 and 152 Shanley Street is proposing to change the Official Plan designation from Low Rise Residential (134 Shanley Street) and Low Rise Residential with Specific Policy Area No. 18 (152 Shanley Street) to Medium Rise Residential with Specific Policy Area No. 18 and the zoning from Residential Five Zone (R-5) with Special Regulation Provision 129U (134 Shanley Street) and Residential Six Zone (R-6) with Special Regulation Provision 128R (152 Shanley Street) in Zoning By-law 85-1 to Medium Rise Residential Six Zone (RES-6) in Zoning By-law 2019-051 with a Site Specific Provision to further regulate parking, permit an increased floor space ratio, building heights, setbacks and a Holding Provision to regulate site contamination. Staff recommend that the applications be approved.

## **BACKGROUND:**

2701098 Ontario Inc. has made an application to the City of Kitchener for an Official Plan Amendment and Zoning By-law Amendment proposing to change the designation and zoning of the lands at 134 and 152 Shanley Street to permit the lands to be developed with an 8 storey multiple residential building with surface and underground parking. The lands are designated Low Rise Residential (134 Shanley Street) and Low Rise Residential with Site Specific Policy Area No. 18 (154 Shanley Street) in the City of Kitchener Official Plan and zoned Residential Five Zone (R-5) with Special Regulation Provision 129U (134 Shanley Street) and Residential Six Zone (R-6) with Special Regulation Provision 128R (152 Shanley Street) in Zoning By-law 85-1.

Existing zoning permissions include:

- Residential Six Zone (R-6): Permits single detached, semi-detached and multiple dwellings
- Residential Five Zone (R-5): Permits single detached, semi-detached and multiple dwellings
- 129U: Prohibits multiple dwellings having a maximum of 3 dwelling units (triplexes) on lots with less the 15.0 metre in lot width.
- Special Regulation Provision 128R: Permits a maximum building height of 14.0 metres and a maximum Floor Space Ratio (FSR) of 2.0

## **Site Context**

The subject lands at 134 and 152 Shanley Street are located at the corner of Duke Street West and Shanley Street and have a combined lot area of 4,252 square metres with 79.5 metres of frontage along Shanley Street and 54.2 metres of frontage along Duke Street West. 134 Shanley Street contains a single detached dwelling and 152 Shanley Street is currently vacant which was formerly occupied by the four (4) storey Electrohome facility, which was recently demolished in 2020 due to health and safety concerns. The surrounding neighbourhood consists of existing low-rise residential uses including single detached dwellings, semi-detached dwellings, and multiple dwelling buildings as well as small commercial/industrial uses.



**Figure 1 - Location Map: 134 and 152 Shanley Street**

### **152 Shanley Street Vision Statement**

On April 28, 2018 the City held a design charette with 66 members of the public in attendance to engage with the community about the vision for the future redevelopment of the 152 Shanley Street. People were asked the following questions; What is great about your neighbourhood?; What if anything is missing in your neighbourhood?; What is the most important feature of the site? And then people were asked to develop a design for the redevelopment of the site. At the end of the session there were some agreed upon basic design principles that the community had come up with that then formed the vision statement for the redevelopment of 152 Shanley Street. The design principles and vision statement for future development on the site were presented to the Planning and Strategic Initiatives Committee for approval on November 5, 2018. The Council endorsed vision statement includes the following principles:

- The New Building will be predominantly residential and encourage non-residential ground floor retail, service, and community uses;
- A six (6) storey building height (approximately 22 metres);
- Cultural Heritage will be respected (noted that the structure will likely not be retained but some components could be incorporated into the new design);
- Underground parking with limited surface parking directed to the rear of property and on west side of lot;
- Two vehicular access points on Shanley and Duke with clear demarcation with decorative entrance feature;
- Enhanced public realm, including landscaping, lighting, street furniture, public art, building step backs and active streetscapes; and
- Outdoor amenity area to be provided which may include patios, roof top amenities and highly landscaped streetscape to promote walkability.

While the proposed eight (8) storey building is taller than the six (6) storey building that was envisioned for the site during the charette, the massing is comparable. The six (6) storey vision

statement building was approximately 22.0 metres from the ground to the ceiling of the 6<sup>th</sup> floor and approximately 25 metres from the ground to the ceiling of the mechanical penthouse. In comparison, the proposed development includes both residential units and mechanical uses on the 8<sup>th</sup> floor with a height of 27.5 metres. Furthermore, the proposed building includes step backs on both the western and northern façade to provide transition to the adjacent areas. To demonstrate that the massing of the six (6) storey building in the vision statement and the proposed eight (8) storey building are similar, the applicant prepared shadow studies comparing the two buildings which show there are minimal impacts from the marginal increase in height. Staff is of the opinion that the proposed eight (8) storey, 27.5 metre tall building aligns with the vision statement as the massing is similar in height to the community’s vision, provides adequate amenity space, respects the cultural heritage of the site and includes a high-level of urban design with parking screened by the building and located underground.

**REPORT:**

The applicant is proposing to develop the subject lands identified in Figure 1 with an eight (8) storey, 166 unit multiple dwelling building with 133 surface and underground parking spaces. The building is proposed to be an ‘L-shaped’ building that has been oriented along both Shanley Street and Duke Street West, with the majority of the proposed massing located along Shanley Street. The principal entrance to the building is located in the southeast corner of the building at the intersection of Duke and Shanley. The development proposes ground floor residential units facing both Shanley and Duke, with each unit having a dedicated entrance from the street. These units will also contain private outdoor amenity areas and covered/canopied entryways which reflect the existing character of the street and surrounding single detached dwellings.

The original development concept included 172 units (1 and 2 bedrooms only) with 128 parking spaces. In response to comments provided by Planning staff and the public, the applicant has amended the proposed development to achieve a development with a mix of unit types that is compatible with the existing neighbourhood and further aligns with the Council endorsed Vision Statement for 152 Shanley Street.

Tables 1 provides a comparison of the development concepts, while Table 2 highlights how the proposed development aligns with the Council endorsed vision statement.

**Table 1. Development Concept Comparison Table**

	<b>Original Development Concept</b>	<b>Revised Development Concept</b>
<b>Number of Units</b>	172 residential units	166 residential units
<b>Parking Spaces</b>	128 (0.74 spaces per unit)	133 (0.8 spaces per unit)
<b>Unit Types</b>	1 bedroom units 2 bedroom units	1 bedroom units 2 bedroom units (7) 3 bedroom units
<b>Ground Floor Unit Design</b>	Units provided at grade. No raised outdoor amenity or covered entries.	Units provided at grade (‘townhouse-style’) include covered entries (located below balconies above) and raised outdoor patio areas for outdoor amenity.

<b>Non-residential uses</b>	Not included in the proposed zoning by-law amendment.	The proposed Site Specific Provision allows non-residential uses at grade to allow for flexibility for ground level commercial units in the future
<b>Visual Barrier to screen parking to adjacent single detached homes.</b>	1.8 metre visual barrier (6 feet)	2.44 metre visual barrier (8 feet)



**Figure 2 – Revised Development Rendering**

The revised development concept includes 6 fewer dwelling units than originally proposed, includes additional on-site parking for residents and visitors, a broader mix of unit types (including, seven 3 bedroom units), and ground floor townhouse style units designed to activate the street and enhance the public realm. Furthermore, a 2.44 metre (8 foot) visual barrier will be provided to screen the parking and vehicular access to adjacent single detached dwellings. Staff is supportive of the proposed revised development concept.

**Table 2. Vision Statement/Development Concept Comparison Table**

<b>152 Shanley Vision Statement</b>	<b>Proposed Development</b>	<b>Aligns with Vision Statement</b>
Building will be predominantly residential and encourage non-residential ground floor	The Zoning By-law allows for non-residential uses at grade. 4.5 metre tall ground floor units are proposed to allow for flexibility for ground level commercial units in the future.	Yes

retail, service, and community uses		
Six (6) storey building height (approximately 22 metres)	The six (6) storey vision statement building was approximately 22.0 metres to the ceiling of the 6 <sup>th</sup> floor and approximately 25 metres to the ceiling of the mechanical penthouse. In comparison, the proposed development includes residential units and mechanical uses on the 8 <sup>th</sup> floor. The building heights and massing are comparable.	Similar massing is proposed. Yes
Cultural Heritage will be respected (noted that the structure will likely not be retained but some components could be incorporated into the new design)	A Salvage, Reuse and Commemoration Plan is required through the site plan process which requires the applicant to incorporate materials from the original Electrohome building.	Yes
Underground parking with limited surface parking directed to the rear of property and on west side of lot.	Majority of the parking is located underground (113 spaces), with the surface parking screened from the street by the building and adjacent single detached dwellings screened by a 2.44 metre (8 foot) visual barrier.	Yes
Enhanced public realm, including landscaping, lighting, street furniture, public art, building step backs and active streetscapes.	Townhouse-style units with covered entries are provided at grade and include raised outdoor patio areas with enhanced landscaping. The principal entrance to the building is located in the southeast corner of the building at the intersection of Duke and Shanley with a large landscaped/hardscaped entrance. Numerous building stepbacks are provided at various building heights.	Yes
Outdoor amenity area to be provided which may include patios, roof top amenities and highly landscaped streetscape to promote walkability.	All residential units will have balconies, terraces or patio areas. Ground floor patios are raised with enhanced landscaping. A common outdoor amenity area/rooftop patio area is proposed on the eighth floor which will also have a green roof component.	Yes
Two vehicular access points on Shanley and Duke with clear demarcation with decorative entrance feature	Consideration was given to having a second access point to the site. Ultimately this entrance location was not advanced for many reasons: 1. There is a bend in Duke Street just north of the property, which could create issues maneuvering into the site. 2. The northern portion of the property does not align with Wilhelm Street meaning the entrance would not be aligned either. This would create maneuvering issues for those entering or leaving the site to/from Wilhelm.	Not Feasible

	3. An entrance from the north end of Duke Street is higher grade which would create challenges in accessing the underground parking.	
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Staff is of the opinion that the proposed development aligns with the vision statement as the building massing is similar in height, the development provides adequate amenity space, respects the cultural heritage significance of the site, includes a high level of urban design, and the surface parking will be screened by the building with the majority of the required parking located underground.

To facilitate the redevelopment of 134 and 152 Shanley Street with the proposed concept, the owner has made an application to the City of Kitchener for an Official Plan Amendment and Zoning By-law Amendment proposing to change the designation and zoning of the subject lands. The lands are currently designated Low Rise Residential (134 Shanley Street) and Low Rise Residential with Specific Policy Area No, 18 (152 Shanley Street) in the City of Kitchener Official Plan and zoned Residential Five Zone (R-5) with Special Regulation Provision 129U (134 Shanley Street) and Residential Six Zone (R-6) with Special Regulation Provision 128R (152 Shanley Street) in Zoning By-law 85-1.

The owner is proposing to change the Official Plan designation of both 134 and 152 Shanley Street to Medium Rise Residential with amended Specific Policy Area No. 18 to apply to both properties with a permitted building height of 27.75 metres and an FSR of 3.0. Whereas Specific Policy Area No. 18 now permits a building height of 14.0 metres and a FSR of 2.0.

The owner is proposing to change the zoning to Medium Rise Residential Six Zone (RES-6) with Site Specific Provision (189) and Holding Provision (24H) in Zoning By-law 2019-051, to permit a reduced parking rate, an increase in the maximum permitted Floor Space Ratio (FSR), an increase in the maximum permitted building height, alternate building setbacks, require a visual barrier with a height of 2.44 metres (8 feet) and add a Holding Provision to the zone to prevent the development of the site with sensitive uses, including residential uses, until the site contamination can be remediated.

Tables 3 and 4 below provide a comparison of land use designation and zoning permissions for the proposed Official Plan Amendment and Zoning By-law Amendment.

**Table 3. Official Plan Designation Comparison Table**

	<b>In Effect 2014 Official Plan Designation</b>	<b>Proposed Official Plan Amendment</b>
<b>Land Use Designation</b>	Low Rise Residential (134 Shanley Street) Low Rise Residential with Specific Policy Area No. 18 (152 Shanley Street)	Medium Rise Residential with Specific Policy Area No. 18
<b>Maximum FSR</b>	2.0	3.0
<b>Maximum Building Height</b>	14.0 metres	27.75 metres

**Table 4. Zoning By-law Comparison Table**

	<b>Existing Zoning Permissions (Zoning By-law 85-1)</b>	<b>Proposed Zoning Permissions (Zoning By-law 2019-051)</b>
<b>Zone Category</b>	R-6 with 128R R-5 with 129U	RES-6 (189), (24H)
<b>Maximum Floor Space Ratio (FSR)</b>	2.0	3.0
<b>Maximum Building Height of multiple dwellings</b>	14 metres (4 storeys)	27.75 metres (8 storeys)
<b>Minimum Front Yard Setback (Duke Street)</b>	4.5 metres	4.1 metres (Duke Street)
<b>Minimum Exterior Side Yard Setback (Shanley Street)</b>	4.5 metres	5.8 metres (Shanley Street)
<b>Minimum Side yard setback</b>	1.2 metres	3.0 metres for buildings up to 5 storeys. 9.0 metres for any portion of the building 6 or more storeys.
<b>Minimum Rear Yard Setback</b>	7.5 metres	9.0 metres for buildings up to 2 storeys. 12.0 metres for any portion of the building 3 or more storeys.
<b>Required parking</b>	1.25 spaces per unit 0.165 spaces for each dwelling less than 51 square metres	0.8 spaces per unit (0.7 spaces per unit plus 0.1 visitor parking)
<b>Bicycle parking</b>	Not required by the By-law	0.5 Class A (internal) bicycle spaces per unit 6 Class B Bicycle Parking Stalls
<b>Electric Vehicle Parking</b>	Not required by the By-law	A minimum of 20 percent of the parking spaces required for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment.
<b>Minimum and Maximum Visual Barrier Height</b>	1.8 metres (6 feet)	2.44 metres (8 feet)
<b>Non-residential uses</b>	Not permitted.	<ul style="list-style-type: none"> <li>• artisans' establishment, studio and craftsman shop;</li> <li>• convenience commercial;</li> <li>• day care facilities;</li> <li>• health offices;</li> <li>• personal services;</li> </ul>

		<ul style="list-style-type: none"> <li>• offices;</li> <li>• restaurants/cafés;</li> <li>• social service establishments</li> </ul>
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While the proposed medium density land use designation and RES-6 zoning will allow for a taller, denser development than what the current land use designation and zoning allows for, the proposed designation and zoning will result in a development that is compatible with the neighbourhood and sympathetic to adjacent single detached dwellings as the proposed zoning includes increased building setbacks and building steps back, requires a taller visual barrier and requires that electric vehicle ready parking spaces and adequate bicycle parking are provided. The proposed zoning will also facilitate non-residential ground floor retail, service, and community uses.

**Planning Analysis:**

**Provincial Policy Statement, 2020:**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed multiple dwelling development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a multiple dwelling development that is compatible with the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):**

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas including major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of

housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

The Growth Plan supports planning for a range and mix of housing options and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA circle for the Central station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were endorsed by Regional Council and these lands are within the MTSA. The proposed development represents intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. The multiple dwelling development is also proposed to include several unit types with direct access to Duke Street and Shanley Street, increasing the variety of housing options for future residents. Planning staff is of the opinion that the applications conform to the Growth Plan.

### **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. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. 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.

Regional staff have indicated that they have no objections to the proposed applications (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

### **City of Kitchener Official Plan and proposed Official Plan Amendment:**

The subject lands are designated 'Low Rise Residential' (Map 3) in the 2014 Official Plan with Specific Policy Area No. 18 applying to 152 Shanley Street. The existing Low Rise Residential land use designation permits a full range of low-density housing types which may include single detached dwellings, semi-detached dwellings, street townhouse dwellings, and low-rise multiple. Specific Policy Area No. 18 applies to 152 Shanley street and allows for a maximum building height of 14.0 metres, and a maximum Floor Space Ratio (FSR) of 2.0.

The applicant is proposing to change the land use designation to Medium Rise Residential and to amend Specific Area Policy No. 18. The Medium Rise Residential designation permits medium density housing types including townhouse dwellings in a cluster development, multiple dwellings and special needs housing. The applicant is proposing to apply Site Specific Policy Area No. 18 to both 134 and 152 Shanley Street and to amend Policy 15.D.12.18 to allow for a maximum Floor Space Ratio (FSR) of 3.0 and a maximum building height of 27.75 metres whereas the Medium Rise Residential policies permit a maximum Floor Space Ratio of 2.0 and a maximum building height of 8 storeys or 25 metres. The increase in building height is to accommodate taller 4.5 metre ground floor units that could be converted into non-residential uses in the future.

## Urban Structure

The Official Plan 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, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Major Transit Station Area. The planned function of the Major Transit Station Areas is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in Major Transit Station Areas give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit and rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for a Major Transit Station Area but also contributes to the vision for a sustainable and more environmentally friendly city.

### 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 including: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. 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 proposed zoning regulations.

**Streetscape** – A key design feature of the proposed development are street fronting townhouse style units fronting onto Duke Street and Shanley Street. The ground floor units are proposed to incorporate balconies, porches and raised patio areas along Duke and Shanley Street. The raised patios included enhanced landscaping plantings. These units will have direct pedestrian connections to the sidewalk to animate both streets.

**Safety** – As with all developments that go through site plan approval, staff will ensure Crime Prevention through Environmental Design (CPTED) principles are achieved and that the site meets emergency services policies.

**Universal Design** – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

**Site Design, Building Design, Massing and Scale** – The subject site is designed to have a building that will be developed at a scale that is compatible with the existing and planned surroundings. The front yard setbacks of the proposed building are compatible with existing adjacent properties. Building setbacks are provided to mitigate overlook issues with adjacent residential properties. Townhouse-style units with covered porches (below upper unit balconies) and raised patios are

proposed in the front and exterior side yards of the site to enhance the human scale within the development along Shanley Street and Duke Street. Enhanced screening such as landscaping and a 2.44 metre tall fence (8 foot visual barrier) will be required where the surface parking is adjacent to low-rise residential uses and public spaces.

#### Transportation Policies:

The Official Plan provides for 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. The subject lands are located close to public transit routes, and within 800 metres (about a 10-minute walk) of a rapid transit station. The building has excellent access to cycling networks, including existing on and off-street cycling facilities, including the Spur Line Trail. The location of the subject lands in the context of the City's integrated transportation system supports the proposal for transit-oriented development on the subject lands.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12

The proposed Official Plan Amendment and Zone Change applications supports a more dense residential development. The location of the proposed building, secured through the proposed site specific provisions, will result in a built form that fosters walkability with pedestrian-friendly environments that allow walking to be a safe, comfortable, barrier-free and convenient form of urban travel.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction, community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

#### Cultural Heritage

The subject property is not listed or designated under the Ontario Heritage Act (OHA) but is identified on the Heritage Kitchener Inventory of Historic Buildings as a property of interest and is located within the Mt. Hope/Breithaupt/Gruhn/Gildner Green Neighbourhood, a Cultural Heritage Landscape (CHL), as described in appendix 5 of the 2014 Cultural Heritage Landscape Study approved by Council in 2015. The CHL Study identifies the neighbourhood as a Cultural Heritage Landscape of Considerable Value and Significance. Phase 2 of the City's CHL Study has not been completed for this CHL, so appropriate conservation tools (e.g. designation under the OHA) have not yet been identified. As a result, based on definitions in the Planning Act and PPS, the CHL does not meet the definition of a protected heritage property. But it is still a significant CHL.

A Salvage, Reuse and Commemoration Plan is required through the site plan process which requires the applicant to incorporate materials from the original Electrohome building. The applicant has retained original building materials from the former Electrohome building which will be incorporated into the new building.

#### Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed

development increases the range of dwelling units available in the city. The development is contemplated to include a range of unit types including, one, two and three bedroom units. Furthermore 'townhouse-style' ground floor units will be designed to have direct access to the sidewalks along Duke and Shanley street, and the range of units will appeal to a variety of households.

### Conclusion

The subject applications request that the land use designation as shown on Map 3 of the 2014 Official Plan be changed from Low Rise Residential (134 Shanley Street) and Low Rise Residential with Specific Policy Area No. 18 (152 Shanley Street) to Medium Rise Residential with amended Specific Policy Area No.18. Based on the above policy and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommend that the proposed Official Plan Amendment be approved in the form shown in Appendix "A".

### **Proposed Zoning By-law Amendment:**

The subject lands are zoned Residential Five Zone (R-5) with Special Regulation Provision 129U (134 Shanley Street) and Residential Six Zone (R-6) with Special Regulation Provision 128R (152 Shanley Street) in Zoning By-law 85-1. The existing zoning permits a range of residential uses including multiple dwellings up to 14.0 metres in height with a maximum permitted Floor Space Ratio (FSR) of 2.0.

The applicant has requested an amendment to Zoning By-law 85-1 to change the zoning from Residential Five Zone R-5 with Special Regulation Provision 129U (134 Shanley Street) and Residential Six Zone R-6 with Special Regulation Provision 128R (152 Shanley Street) in Zoning By-law 85-1 to Medium Rise Residential Six Zone RES-6 with Site Specific Provision (189) and Holding Provision (24) in Zoning By-law 2019-051.

Official Plan policies indicate that where special zoning regulations are requested for residential intensification or a redevelopment of lands, the overall impact of the site specific zoning regulations will consider compatibility with existing built form; appropriate massing and setbacks that support and maintain streetscape and community character; appropriate buffering to mitigate adverse impacts, particularly with respect to privacy; avoidance of unacceptable adverse impacts by providing appropriate number of parking spaces and an appropriate landscaped/amenity area.

Staff offer the following comments with respect to the proposed site-specific Provision (189):

- a) On-site Parking shall be provided as follows:
  - i) Parking for multiple dwellings shall be provided at a rate of 0.7 spaces per unit plus 0.1 visitor spaces per unit.

The purpose of this regulation is to provide a parking rate which is appropriate for the development. Zoning By-law 2019-051 requires a parking rate of 1.1 spaces per unit (inclusive of visitor spaces). The applicant has provided a parking justification report in support of the proposed parking rates. The subject lands are in an MTSA, have good access to public transit and rapid transit, pedestrian and cycling facilities. Planning and Transportation Services staff is of the opinion that the parking rate is appropriate for the subject lands.

- b) That the minimum and maximum height of the required visual barrier shall be 2.44 metres.

The purpose of this regulation is to increase the required visual barrier height to screen the surface parking lot from adjacent low rise residential properties and reduce visual impacts of the proposed development on adjacent properties.

- c) The maximum building height shall be 27.75 metres.

The purpose of this regulation is to ensure the building does not exceed 8 storeys in height. The base RES-6 zone permits a building height of 25 metres. The additional 2.75 metres is required to allow for 4.5 metre tall ground floor units to allow for flexibility for ground level commercial units in the future.

- d) That the maximum Floor Space Ratio shall be 3.0

The purpose of this regulation is to cap the Floor Space Ratio and ensure development does not exceed the density presented in the concept plans.

- e) The minimum front yard setback (Duke Street frontage) shall be 4.1 metres.

The purpose of this regulation is to ensure the building setback is consistent with adjacent low rise residential dwellings on Duke Street.

- f) The minimum exterior side yard setback (Shanley Street frontage) shall be 5.8 metres.

The purpose of this regulation is to ensure the buildings setback is consistent with the adjacent low-rise residential dwellings on Shanley Street.

- g) The minimum side yard setback shall be:

- i. 3.0 metres for buildings up to 5 storeys.
- ii. 9.0 metres for any portion of the building 6 or more storeys.

The purpose of this regulation is to regulate the building step backs and to ensure that there is an appropriate transition in height to the adjacent low rise residential properties.

- h) The minimum rear yard setback shall be:

- i. 9.0 metres for buildings up to 2 storeys.
- ii. 12.0 metres for any portion of the building 3 or more storeys.

The purpose of this regulation is to regulate the building step backs and to ensure that there is an appropriate transition in height to the adjacent low rise residential properties. Furthermore, this regulation ensures there is adequate site access that can accommodate the drive aisle and landscaping.

- i) The following uses shall also be permitted on the ground floor.

- artisans' establishment, studio and craftsman shop;
- convenience retail;
- day care facilities;
- health offices;
- personal services;
- offices;
- restaurants/cafés; and
- social service establishments.

The purpose of this regulation is to permit small scale commercial uses for residents and the neighbourhood that are compatible with the surrounding residential dwellings and community.

The proposed limited non-residential uses are in conformity with Section 15.D.3.27 of the Official Plan which provides that limited non-residential uses can be provided within a residential land use designation so long as they are “complementary and serve the needs of residents, at appropriate locations in the residential land use designations to support the development of a walkable and complete community”. Given the extent of non-residential uses adheres to the uses set out in the Official Plan, no relief from the Official Plan is required to permit the additional non-residential uses.

j) Geothermal Energy Systems shall be prohibited.

The Region of Waterloo has indicated Geothermal Energy Systems shall be prohibited to mitigate the risks associated with contaminants that will remain beneath the site when the property is redeveloped.

Staff offer the following comments with respect to the Holding Provision (24H):

Official Plan policies indicate that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to implement this Plan. The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

Holding Provision (24H): No redevelopment shall be permitted until such time as a Record of Site Condition is submitted and approved to the satisfaction of the Ministry of the Environment and Climate Change. This Holding Provision shall not be removed until the Region of Waterloo is in receipt of a letter from the MOECC advising that a Record of Site Condition has been completed to the satisfaction of the Ministry of the Environment and Climate Change.

The Region of Waterloo has identified that there are known and high environmental threats located on the subject lands due to past land uses in accordance with the Region’s Threats Inventory Database (TID). A Record of Site Condition (RSC) and Ministry Acknowledgement Letter shall be required in accordance with the Region’s Implementation Guidelines. Until such time that the RSC and Ministry Acknowledgement letter have been received by the Region, redevelopment of the site is not permitted.

Staff is of the opinion that the proposed RES-6 Zone together with Site Specific Provision 189 will provide for a form of development that is compatible with the neighbourhood, which will add visual interest and enhanced landscaping that will contribute to the streetscape, which will appropriately accommodate on-site parking needs, and which represents good planning. Staff recommend that the proposed Zoning By-law amendment be approved as shown in Appendix “B”.

#### **Department and Agency Comments:**

Circulation of the OPA and ZBA was undertaken April 2021 to applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and necessary revisions and updated were made. Copies of comments are found in Appendix “D” of this report.

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

- Planning Justification and Urban Design Report

Prepared by: IBI Group, March 22, 2021

- Planning Justification and Urban Report Addendum  
Prepared by: IBI Group, October 14, 2021
- Functional Servicing and Preliminary Stormwater Management Report  
Prepared by: Walter Fedy, October 1, 2021
- Transportation Impact, Transportation Demand Management and Parking Justification Study  
Prepared by: Salvini Consulting March, 2021
- Pedestrian Wind Assessment  
Prepared by: SLR, March 23, 2021
- Stationary Noise Impact Study  
Prepared by: Acoustic Engineering Ltd, March 9, 2021
- Vegetation Management Plan  
Prepared by: GSP Group, January 2021

### **Community Input & Staff Responses**

Staff received written responses from 34 residents with respect to the proposed development. These may be found in Appendix 'E'. A Neighbourhood Information Meeting was held on June 17, 2021 and was attended by 64 residents. In addition, staff had follow up one-on-one correspondence with members of the public and led a group site walk/engagement session of the subject lands. A summary of what we heard, and staff responses are noted below.

<b>What We Heard</b>	<b>Staff Comment</b>
Three (3) bedroom units should be provided rather than just one (1) and two (2) bedroom units.	In direct response to public comments, the applicant has revised the development to include seven, 3 bedroom units.
Concerns that 8 storey building and surface parking will impact privacy to adjacent properties.	The location of the buildings have been revised and are now situated to have minimal overlook into adjacent properties. In addition, the site-specific regulation is required for an 8ft high (2.44 metre) visual barrier (fence) to screen the surface parking lot from adjacent properties.
Too many units are being proposed and not enough on-site parking which will result in cars parking on the street.	The original development proposal included 172 residential units and 128 parking spaces. The revised development concept includes 166 residential units and 133 parking spaces. The number of units was decreased and the number of parking spaces has increased.
Electric Vehicle Parking should be required.	The proposed zoning by-law requires 20% of the required parking to be electric vehicle ready parking spaces
An eight (8) storey building is too tall and does not fit in the neighbourhood with single detached dwellings. The building needs to fit the neighbourhood character.	Building step backs are provided to mitigate overlook issues with adjacent residential properties. Townhouse-style units with covered porches are provided along Shanley Street and Duke Street with setbacks that are consistent with adjacent low-rise residential properties.

<p>Concerns that 134 Shanley is a designated heritage house that will be demolished.</p>	<p>134 Shanley Street is not a designated heritage property nor does the property or building have any cultural heritage significances or features that would support designation.</p> <p>The subject property is located within the Mt. Hope/Breithaupt/Gruhn/Gildner Green Neighbourhood, a Cultural Heritage Landscape (CHL), as described in Appendix 5 of the 2014 Cultural Heritage Landscape Study approved by Council in 2015. The CHL Study identifies the neighbourhood as a Cultural Heritage Landscape of Considerable Value and Significance. Phase 2 of the City's CHL Study has not been completed for this CHL, so appropriate conservation tools (e.g. designation under the OHA) have not yet been identified. As a result, based on definitions in the Planning Act and PPS, the CHL does not meet the definition of a protected heritage property.</p>
<p>The development will result in traffic congestion on local streets and at intersections. The development will result in a significant increase in traffic resulting in unsafe conditions for drivers and residents</p>	<p>Shanley Street and Duke Street have current volumes below, or on the low end on what is expected on a minor collector street. Based on the Salvini Consulting Transportation Study, trip generation estimates this site will add approximately 62 trips in the AM peak and 76 trips in the PM peak (or approximately one additional every 52 seconds). This increase is not expected to result in roadway capacity issues for the roads in this neighbourhood. Given the low traffic volumes currently seen on adjacent roads.</p>
<p>Commercial uses, such as a pub or restaurant should be permitted.</p>	<p>The proposed zoning will permit non-residential uses at grade by requiring 4.5 metre tall ground floor units to allow for flexibility for ground level commercial units in the future.</p>

### **Planning Conclusions**

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit 134–152 Shanley Street to be developed with an eight (8) storey multiple dwelling building. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

### **ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:**

The recommendation of this report supports the achievement of the City's strategic vision through the delivery of core service.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this recommendation.

### **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. Notice signs were posted on the property and information regarding the application posted to the City’s website in the spring of 2021. Following the initial circulation referenced below, an additional Courtesy Notice of the public meeting was circulated to all property owners within 240 metres of the subject lands, those responding to the preliminary circulation and who attended the Neighbourhood Information Meeting, and Notice of the Public Meeting was posted in The Record on January 14, 2022 (a copy of the Notice may be found in Appendix C).

CONSULT – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to property owners within 120 metres of the subject lands on May 10, 2021. In response to this circulation, staff received written responses from 34 households, which were summarized as part of this staff report.

## **PREVIOUS REPORTS/AUTHORITIES:**

- DSD-18-143 Vision Statement for 152 Shanley Street
- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Regional Official Plan, 2015
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 85-1
- City of Kitchener Zoning By-law 2019-051

**REVIEWED BY:** Stevenson, Garrett – Manager of Development Review, Planning Division

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

## **APPENDIXS:**

- Appendix A – Proposed Official Plan Amendment
- Appendix B – Proposed Zoning By-law Amendment
- Appendix C – Newspaper Notice
- Appendix D – Department and Agency Comments
- Appendix E – Public Comments