

# Staff Report



Development Services Department

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

**DATE OF MEETING:** August 14, 2023

**SUBMITTED BY:** Garrett Stevenson, Interim Director of Planning, 519-741-2200 ext. 7070

**PREPARED BY:** Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

**WARD(S) INVOLVED:** Ward 8

**DATE OF REPORT:** July 17, 2023

**REPORT NO.:** DSD-2023-323

**SUBJECT:** 1154 Queens Boulevard  
Zoning By-law Amendment Application ZBA23/015/Q/ES  
Sunset Hills Estates Corp.

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## RECOMMENDATION:

That Zoning By-law Amendment Application ZBA23/015/Q/ES requesting to amend Zoning By-law 2019-051, for Sunset Hills Estates Corp. be approved in the form shown in the Proposed 'Proposed By-law', and 'Map No. 1' attached to Report DSD-2023-323 as Attachments 'A1' and 'A2'; and,

That in accordance with Planning Act Section 45 (1.3 and 1.4), applications for Minor Variances shall be permitted for lands subject to Zoning By-law Amendment Application ZBA23/015/Q/ES.

## REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding a Zoning By-law Amendment application for the property located at 1154 Queens Blvd
- It is Planning staff's recommendation that the Zoning By-law Amendment application be approved. The proposed application represents an opportunity to provide 'missing middle' housing that addresses a need in our community.
- Community engagement included:
  - circulation of a preliminary notice to property owners within 240 metres of the subject site;
  - installation of a large billboard notice sign on the property;
  - follow up one-on-one correspondence with members of the public who responded to the circulation or saw the billboard sign;
  - Neighbourhood Meeting held on July 13, 2023.

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

- notice advising of the statutory public meeting was circulated to all property owners within 240 metres of the subject site, and those who responded to the preliminary circulation, and
- notice of the public meeting was published in The Record on July 21, 2023.
- This report supports the delivery of core services.

**EXECUTIVE SUMMARY:**

The owner of the subject lands addressed as 1154 Queens Boulevard is proposing to change the zoning from ‘RES-4’ in Zoning By-law 2019-051 to ‘RES-5’ with Site Specific Provision 371 to further regulate yard setbacks and prohibit geothermal wells. Staff are recommending that the application be approved.

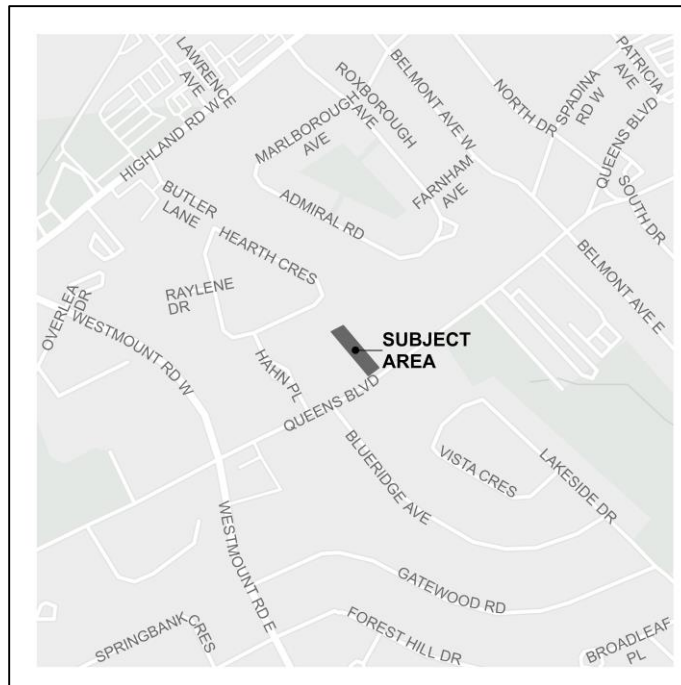
**BACKGROUND:**

The City of Kitchener has received an application for a Zoning By-law Amendment from Sunset Hills Estates Corp. for a development concept that proposes a three-storey multiple dwelling building with ten (10) residential units.

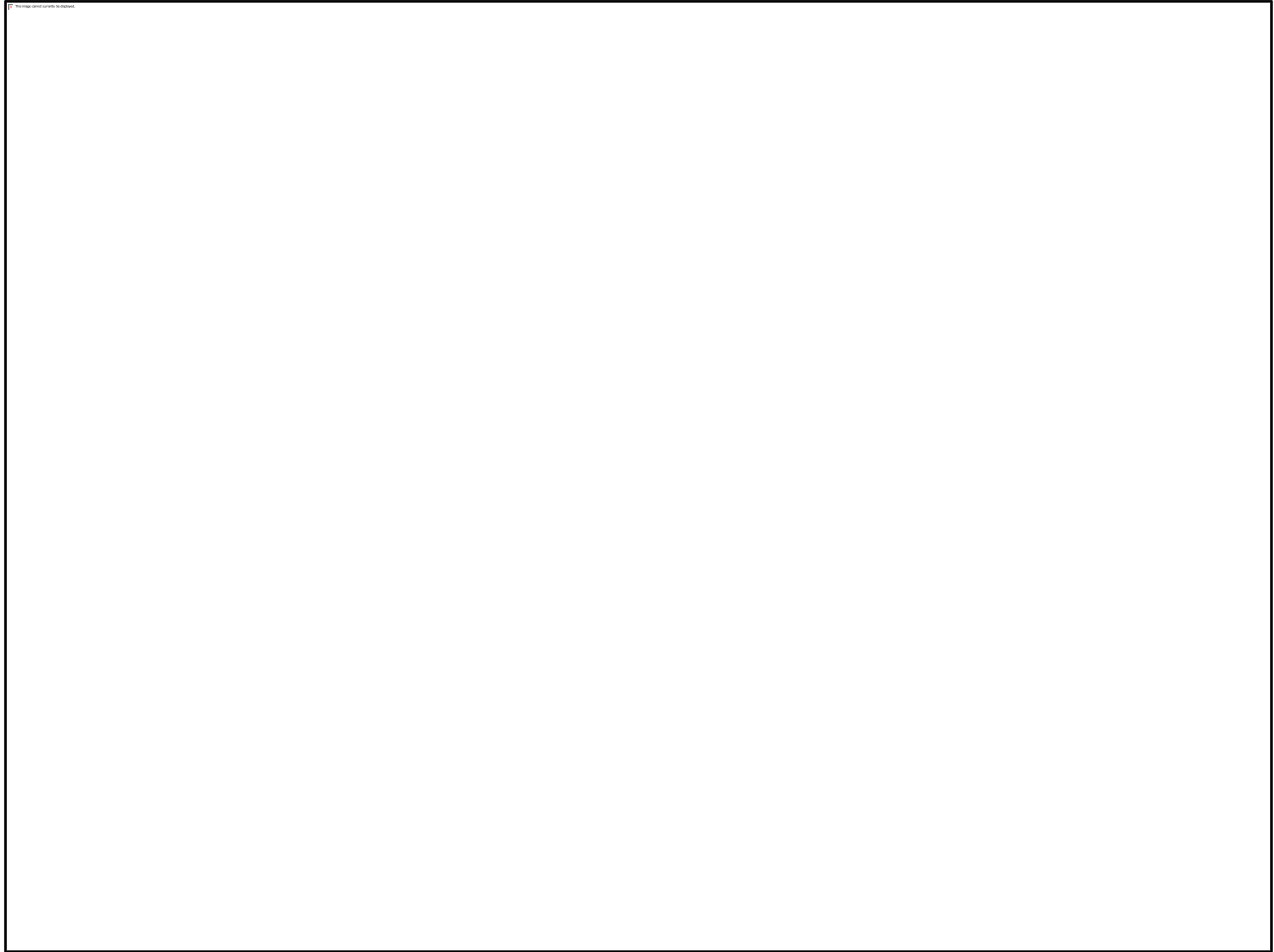
The subject property is identified as ‘Community Areas’ on the City’s Urban Structure (Map 2 - City of Kitchener Official Plan) and designated as ‘Low Rise Residential’ (Map 3 - City of Kitchener Official Plan).

**Site Context**

The subject lands are municipally addressed as 1154 Queens Boulevard. The subject lands are on the north side of Queens Boulevard between Hahn Place and Belmont Avenue. The lot area of the subject site is approximately 0.17 hectares and the lot frontage is 19.8 metres. The lot currently contains a single detached dwelling, which is currently vacant. The surrounding neighbourhood contains a mix of low to high-rise residential, and institutional uses.



**Figure 1 - Location Map: 1154 Queens Boulevard**

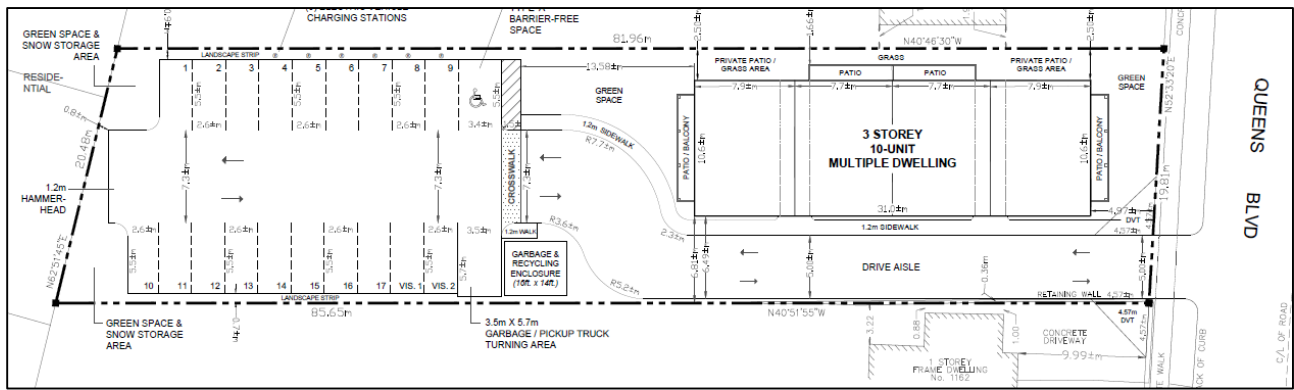


**Figure 2 – Existing Single Detached Dwelling at 1154 Queens Boulevard**

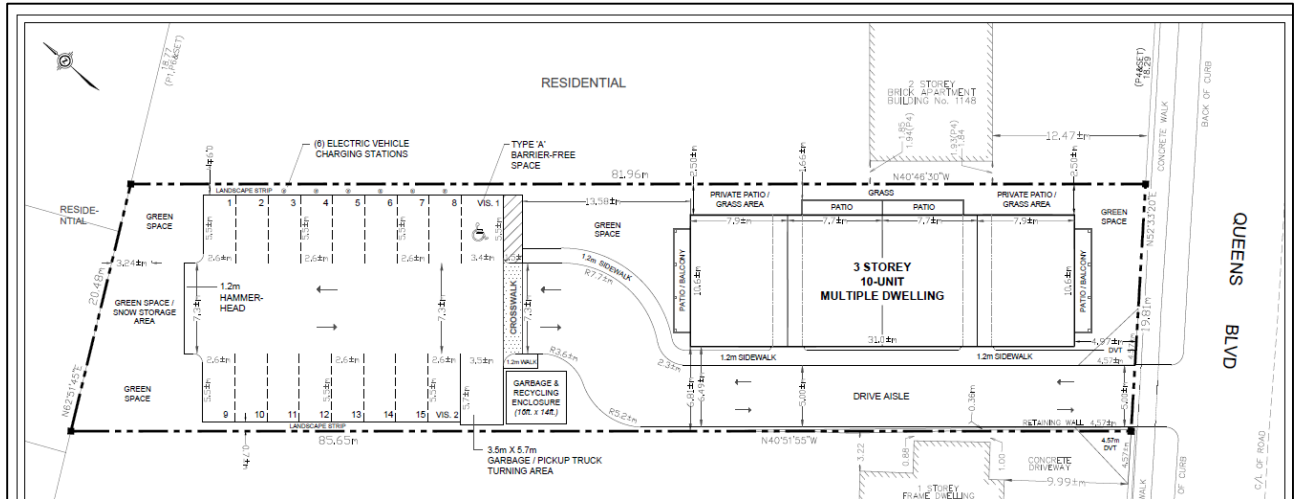
**REPORT:**

The applicant is proposing to demolish the existing building on site and develop the subject property with a 3-storey, 10-unit multiple dwelling building. Seventeen (17) surface parking spaces, including two (2) visitor parking spaces and one (1) barrier free parking space are proposed.

Through the review and evaluation of this application, the development concept was slightly revised from its initial submission. The original concept proposed 20 parking spaces, which resulted in a smaller rear landscaped space. This amount exceeds the maximum of 17 spaces required in the Zoning By-law and therefore 3 spaces were removed. The revised concept removes parking spaces from the rear of the site in order to allow for greater area for landscaped space.



**Figure 3- Original Development Concept**



**Figure 4- Revised Development Concept**

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

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

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

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

**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 zoning facilitates a compact form of development which efficiently uses the lands, is in close proximity to transit options, 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.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a low-rise development that is compatible with the surrounding community, helps manage growth, is transit-supportive 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.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service 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 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;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
  - ii. public service facilities, co-located and integrated in 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;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

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.

Planning staff is of the opinion that the applications conform to the Growth Plan.

#### **Regional Official Plan (ROP):**

The subject lands are designated “Urban Area” and “Built-Up Area” on Schedule 3a of the Regional Official Plan (ROP). Urban Area policies of the ROP identify that the focus of the Region’s future growth will be within the Urban Area and the proposed development conforms to Policy 2.F of the ROP as the proposed development will support the achievement of the minimum intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling. The Region of Waterloo have indicated they have no objections to the proposed application. (Attachment ‘C’). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

#### **City of Kitchener Official Plan (OP)**

##### Urban Structure

The subject lands are identified as a ‘Community Areas’ in the City’s Urban Structure (Map 2). The planned function of Community Areas is to provide residential uses as well as non-

residential supporting uses intended to serve the immediate residential areas. Community Areas may have limited intensification with development being sensitive and compatible with the character, form, and planned function of the surrounding context.

### Land Use Designation

The subject lands are designated 'Low Rise Residential' in the City's Official Plan (Map 3). Low Rise Residential areas are intended to accommodate a full range of low density housing types including single detached, semi-detached, townhouse, and low-rise multiple dwellings. The Low Rise Residential designation states that the City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form. No buildings shall exceed 3 storeys or 11 metres in height. No Official Plan amendment is required to implement the Zoning By-law Amendment application.

Planning staff is of the opinion that the requested Zoning By-law Amendment will facilitate a housing form that conforms with the Low Rise Residential land use designation in the City's Official Plan.

### Transportation

The City's Official Plan contains policies to develop, support, and maintain a complete, convenient, accessible and integrated transportation system that incorporates active transportation, public transit, and accommodates vehicular traffic.

In regard to alternate modes of transportation, objectives of the Official Plan include promoting land use planning and development that is integrated and conducive to the efficient and effective operation of public transit and encourages increased ridership of the public transit system. The City shall promote and encourage walking and cycling as safe and convenient modes of transportation.

The proposed development aims to increase density on an existing site that is served well by public transit, with access to Grand River Transit Routes 1, 2, 12, and iXpress Routes 201 and 204. The proposed development is required to provide safe, secure indoor bicycle storage to encourage active transportation. Staff is of the opinion that the requested Zoning By-law Amendment conforms with the transportation policies of the City's Official Plan.

### Urban Design

The City is committed to achieving a high standard of urban design, architecture and place-making to positively contribute to quality of life, environmental viability and economic vitality. Urban design is a vital component of city planning and goes beyond the visual and aesthetic character of individual buildings and also considers the functionality and compatibility of development as a means of strengthening complete communities.

Urban Design policies in the 2014 Official Plan support creating visually distinctive and identifiable places, structures and spaces that contribute to a strong sense of place and community pride, a distinct character and community focal points that promote and recognize excellence and innovation in architecture, urban design, sustainable building design and landscape design. The City will require high quality urban design in the review

of all development applications through the implementation of the policies of the Official Plan and the City's Urban Design Manual.

The proposed development concept includes a 3 storey building that orients massing and unit entrances towards the street line along Queens Boulevard. Street fronting articulation includes at-grade patios as well as second and third floor balconies. Pedestrian connectivity throughout the site is provided through pedestrian walkways from the rear unit entrances alongside the building leading to the sidewalk on Queens Boulevard. On-site amenity area is achieved through at grade passive amenity space at the rear of the building, as well as private unit balconies and at-grade patios.

### Housing

The City's primary objective with respect to housing in the Official Plan is 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. This low rise multiple dwelling proposal is a "missing middle" housing type and provides an option that bridges the gap between high density residential towers and single detached dwellings. The proposed housing type is an important segment in Kitchener's housing continuum.

Policy 4.C.1.9. 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.

Policy 4.C.1.12. The City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods.

Policy 4.C.1.22: The City will encourage the provision of a range of innovative housing types and tenures such as rental housing, freehold ownership and condominium ownership including common element condominium, phased condominium and vacant land condominium, as a means of increasing housing choice and diversity.

Based on the above housing policies, staff is of the opinion that the application conforms to the Official Plan.

### **Policy Conclusion**

Planning staff are of the opinion that the proposed Zoning By-law amendment is consistent with policies of the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan and the City of Kitchener Official Plan, and represents good planning.

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

The subject lands are zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The applicant has requested to change the zoning to 'Low Rise Residential Five Zone (RES-5)' and add a Site Specific Provision (371) in Zoning By-law 2019-051. The



requested change in zoning category is to permit the proposed use of a “Multiple Dwelling” (greater than 4 units).

#### Site-Specific Provision (371)

- a. Permit a minimum front yard setback of 4.9 metres
- b. Permit a minimum interior side yard setback of 2.5 metres
- c. Permit a parking lot setback of 0.7 metres to the side and rear lot line
- d. Prohibit Geothermal energy systems.

#### Yard Setbacks:

The minimum front yard setback requirement is based on the City’s Residential Intensification within Established Neighbourhoods (RIENS) policies. The RIENS policies intend to maintain consistent front yard setback building lines within established neighbourhoods. On the North side of Queens Boulevard between Hahn Place and Hearth Green, the existing homes contain a wide variety of building types and placement, resulting in front yard building setbacks ranging from 6 metres to 18 metres. This indicates that the area surrounding the subject lands does not have a consistent building line. Further, urban design policies in the City’s Official Plan encourage multiple dwelling buildings to be located close to the street, to animate and address the streetscape with articulation and activity. Planning Staff is supportive of the proposed minimum front yard setback of 4.9 metres.

The interior side yard requirement is intended to provide site functionality and adequate building separation. The proposal for a 2.5 metre setback rather than the required 3 metres is to provide a drive aisle with adequate width for vehicle movements, and a walkway with adequate width for pedestrian movements. The slight reduction in side yard setback maintains an adequate building separation for the building type and maintains access on both sides of the building on site.

#### Parking Lot Setback

This application was deemed complete on June 8<sup>th</sup>, 2023. On June 26<sup>th</sup>, Council approved report #DSD-2023-239 titled “Implementation of Bill 13, Bill 109, and Bill 23”. This created a new regulation for parking lot setback (1.5M) that is now in effect under dual-testing. The plan submitted shows setbacks of 0.7M in order to meet the 7.3M double loaded drive aisle, and 5.5M parking space lengths for the parking configuration. Planning Staff do not have concerns with the proposed layout and parking setback shown on the concept plan.

#### Geothermal Energy Systems Prohibited

The Region of Waterloo has indicated that the site is within a Wellhead Protections Sensitive Area (WPSA 7) and that Geothermal Energy Systems shall be prohibited in accordance with the Regional Council endorsed position on geothermal energy. Planning staff have no concerns with the prohibition and the applicant is not intending to use a geothermal energy system.

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

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to ‘RES-5’ with Site Specific Provision 371 represents good planning as it will facilitate the redevelopment of the lands with a 10-unit multiple dwelling that is

compatible with the existing neighbourhood, which will add visual interest at the street level, and which will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Attachments 'A1' and 'A2'.

**Department and Agency Comments:**

Circulation of the Zoning By-law Amendment was undertaken in June to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and any necessary revisions and updates were made. Copies of the comments are found in Attachment "C" 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 Report

Prepared by: Dryden, Smith and Head Planning Consultants Ltd., May 2023

Urban Design Scorecard

Prepared by: Dryden, Smith and Head Planning Consultants Ltd., May 2023

Elevations, Massing Model

Prepared by: Masri O Architects, March 9, 2023

Tree Management Plan

Prepared by: Hill Design Studio, May 5, 2023

Truck Movement Plan

Prepared by: Dryden, Smith and Head Planning Consultants Ltd., May 2023

Site Servicing Report

Prepared by: Meritech Engineering, April 27, 2023

Geotechnical Report:

Prepared by: Chung & Vander Doelen, July 28, 2022

Sustainability Statement

Prepared by: Dryden, Smith and Head Planning Consultants Ltd., May 2023

Existing Conditions Plan

Prepared by: J.D Barnes Limited., October 11, 2022

Environmental Noise Impact Study

Prepared by: Aerocoustics Engineering Ltd., June 27 2022

## WHAT WE HEARD



Three (3) people provided comments



**A City-led Neighbourhood Meetings held on July 13, 2023 and approximately three (3) different users logged on**



**448 households (occupants and property owners) were circulated and notified**

Staff received written responses from 3 residents with respect to the proposed development. These are included in Attachment 'D'. A Neighbourhood Meeting was held on July 13, 2023. In addition, staff had follow-up one-on-one correspondence with members of the public. A summary of what we heard, and staff responses are noted below.

<b>What We Heard</b>	<b>Staff Comment</b>
There are too many parking spaces	Staff concur. Staff have advised the applicant to reduce the number of spaces to meet the City's maximum parking regulation. The plan has been revised.
Property maintenance should be kept up while the site waits for redevelopment	Staff advised the owner. The lawn maintenance situation has been rectified.
Question as to whether the site was affordable, or rent-geared-to-income	Applicant has advised that the units are intended to be condominiums for market value.

**Planning Conclusions:**

In considering the foregoing, staff are supportive of the Zoning By-law amendment. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Staff recommends that the application be approved. The proposed application represents an opportunity to provide 'missing middle' housing that addresses a need in our community.

**STRATEGIC PLAN ALIGNMENT:**

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

**FINANCIAL IMPLICATIONS:**

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

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

**COMMUNITY ENGAGEMENT:**

**INFORM** – This report has been posted to the City’s website with the agenda in advance of the Council / Committee meeting. A large notice sign was posted on the property and information regarding the application was posted to the City’s website in early June. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, those responding to the preliminary circulation and who attended the Neighbourhood Meetings. Notice of the Statutory Public Meeting was also posted in The Record on July 21, 2023 (a copy of the Notice may be found in Appendix C).

**CONSULT** – The proposed Zoning By-law Amendment was circulated to residents and property owners within 240 metres of the subject lands on June 10, 2023. In response to this circulation, staff received written responses from 3 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

**PREVIOUS REPORTS/AUTHORITIES:**

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051

**REVIEWED BY:** Malone-Wright, Tina – Interim Manager of Development Review, Planning Division

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

**ATTACHMENTS:**

- Attachment A1 – Proposed By-law
- Attachment A2 – Map No. 1
- Attachment B – Newspaper Notice
- Attachment C – Department and Agency Comments
- Attachment D – Neighbourhood Comments
- Attachment E – Concept Plan