

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: September 9, 2023

SUBMITTED BY: Tina Malone-Wright, Supervisor, Development Applications
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WARD(S) INVOLVED: Ward 9

DATE OF REPORT: September 6, 2023

REPORT NO.: DSD-2023-406

SUBJECT: Consent Application B2023-035 – 100 St. George Street

RECOMMENDATION:

That Consent Application B2023-035 requesting consent to sever a parcel of land at 100 St. George Street having a lot width of 16.8 metres, a lot depth of 35.3 metres and a lot area of 564 square metres, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
5. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.

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

6. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.
7. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.
8. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.
9. That at the sole option of the City's Director of Planning, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director of Planning, which shall include the following:
 - a) That the owner shall prepare a Tree Preservation Plan for the severed and retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Supervisor, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
 - b) The owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Supervisor, Site Plans.
10. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00. If the owner can demonstrate suitable non-profit housing provider status to the satisfaction of the Director of Parks and Cemeteries, parkland dedication fees may be waived.
11. That prior to final approval, a licensed Archaeologist prepares an Archaeological Assessment on the severed and retained lands and a copy of the Ministry of Citizenship and Multiculturalism Acknowledgement letter(s) and the Assessment Report(s) must be provided to Regional Staff to the satisfaction of the Region's Planning, Development and Legislative Services Department.

REPORT HIGHLIGHTS:

- The purpose of this report is to review an application for consent to create a new lot in order to construct a semi-detached dwelling. A new semi-detached dwelling is also proposed to be constructed on the lands to be retained.

- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is located on the North side of St. George Street between Peter Street and Cedar Street South. The site formerly contained a regional water tower that has been demolished. The site is currently vacant.



Figure 1: Location of Subject Property

The subject property is identified as a 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 11 – Cedar Hill Neighbourhood Land Use Plan in the City's Official Plan.

The property is zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1.

The purpose of the application is to separate the lot into two roughly equal size lots in order to be developed with a semi-detached dwelling on both resulting lots. A further severance application would be required in the future after construction of the dwellings to allow separate ownership of each half of each semi-detached dwelling. This would result

in a total of 4 residential units. Habitat for Humanity is intending to provide the units as affordable home ownership.



Figure 2: View of Vacant Site (August 28, 2023)

REPORT:

Planning Comments:

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

Provincial Policy Statement (PPS 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.

Planning staff is of the opinion that the proposed application will facilitate a form of gentle intensification of the subject property with the creation of two new lots for future semi-detached dwellings that are compatible with the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development. Planning staff is of the opinion that this proposal is consistent with the PPS.

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

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. The subject lands are in close proximity to transit and the subject lands are in closer proximity to trails and parks.

Policy 2.2.6.1(a) Municipalities will support housing choice through the achievement of the minimum intensification and 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 subject lands are located within the City's delineated built up area. The proposed development represents intensification and will contribute towards achieving the City's intensification density targets. The severance application will help make efficient use of existing infrastructure, parks, roads, trails and transit. Planning staff is of the opinion that the development proposal conforms 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. Planning staff are of the opinion that the severance application conforms to the Regional Official Plan.

City's Official Plan (2014)

The subject property is identified as 'Major Transit Station Area' on Map 2 – Urban Structure and is designated 'Low Rise Conservation' on Map 11 – Cedar Hill Neighbourhood Land Use Plan in the City's Official Plan.

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

“17.E.20.5 Applications for consent to create new lots will only be granted where:

- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
- b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;
- c) all of the criteria for plan of subdivision are given due consideration;
- d) the lot will have frontage on a public street;
- e) municipal water services are available;
- f) municipal sanitary services are available except in accordance with Policy 14.C.1.19;
- g) a Plan of Subdivision or Condominium has been deemed not to be necessary for proper and orderly development; and,
- h) the lot(s) will not restrict the ultimate development of adjacent properties.”

Zoning By-law 85-1

The property is zoned ‘Residential Five Zone (R-5)’ in Zoning By-law 85-1. The ‘R-5’ zone permits a range of low density dwelling types such as semi-detached dwellings. The proposed lot sizes meet and exceed the minimum lot width and lot area requirements in the R-5 Zone.

Planning Conclusions/Comments:

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the creation of the severed lots are desirable and appropriate. Planning staff is of the opinion that the size, dimension and shape of the proposed lots are suitable for the use of the lands and compatible with the surrounding community. There are existing schools within the neighbourhood. Staff is further of the opinion that the proposal is consistent with the Region of Waterloo Official Plan, the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and is good planning and in the public interest.



Figure 3: Severance Sketch

Environmental Planning Comments:

The standard condition for Tree Protection/Enhancement Plan shall be applied.

Heritage Planning Comments:

The Kitchener Cultural Heritage Landscape Study (CHLS) dated December 2014 and prepared by The Landplan Collaborative Ltd. was approved by Council in 2015. The CHLS serves to establish an inventory and was the first step of a phased Cultural Heritage Landscape (CHL) conservation process. The property municipally addressed as 100 St. George Street is located within the Cedar Hill Neighbourhood CHL. The City has undertaken additional work on examining the CHL significance of the CHL area through its work on drafting a new Secondary Plan for the Cedar Hill area. For more information on the outcome of this CHL analysis and the specific recommendations which may impact properties located within the Cedar Hill Neighbourhood CHL, please visit the following link:

www.kitchener.ca/npr

Building Division Comments:

The Building Division has no objections to the proposed consent. Region of Waterloo and Area Municipalities' Design Guidelines and Supplemental Specifications for Municipal Services (DGSSMS) allows only one service per lot. Separate building permit(s) will be required for the construction of the new residential buildings.

Engineering Division Comments:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to Jason Brule (jason.brule@kitchener.ca).
- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the street sewers. If this is not the case, then the owner would have to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street.

Parks/Operations Division Comments:

There are four existing City-owned street trees located on St George Street that will be impacted by future construction. If these trees cannot be protected to City standards throughout construction as per Chapter 690 of the current Property Maintenance By-law, full compensation and/or replacement is expected. A Tree Protection and Enhancement Plan (TPEP) will be required as part of a Building Permit application, please see Urban Design Manual Part C, Section 13 and www.kitchener.ca/treemanagement.

A cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot is created. The cash-in-lieu dedication required is \$11,862. If the owner can demonstrate suitable non-profit housing provider status, parkland dedication fees may be waived.

Transportation Planning Comments:

Transportation Services does not have any concerns with the proposed application.

GRCA Comments:

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application. GRCA has no objection to the approval of the above applications. The subject properties do not contain any natural hazards such as watercourses, floodplains, shorelines, wetlands, or valley slopes. The properties are not subject to Ontario Regulation 150/06 and, therefore, a permission from GRCA is not required.

Hydro One Comments:

We are in receipt of your Application for Consent, B-2023-035 dated August 25th, 2023. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

Region of Waterloo Comments:

The applicant is proposing to sever a parcel of land for residential purposes. The severed parcel will have frontage on St. George Street of 16.8 metres with an approximate area of 564 square metres. The lands to be retained will have a frontage of 16.8 metres on St. George Street with an approximate area of 563 square metres. The owner (Habitat for Humanity) is proposing two semi-detached dwellings on each lot for a total of four (4) dwelling units.

Regional Cultural Heritage:

The subject lands have the potential for the recovery of archaeological resources due to the location of the subject lands within a historic core area, its proximity to historic buildings and the location upon a landform associated with the habitation of early peoples in this Region. As a result, an Archaeological Assessment is required as a condition of approval for the proposed severed and retained lands.

As per Regional Official Plan policy 3.G.9, the applicant is required to have a licensed Archaeologist complete an Archeological Assessment of the subject property. The applicant must submit the Archaeological Assessment report(s) to the Ministry of Heritage, Sport, Tourism and Culture Industries and once reviewed and accepted, provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

The completed Archaeological Assessment(s) and Ministry Acknowledgement(s) will be required as a condition of approval for the proposed severed lands.

Regional Fee:

This project has committed government funding and therefore the consent fee is not required in accordance with Region of Waterloo Fees and Charges By-law 23-009.

The Region has no objection to the proposed application, subject to the following conditions:

1. THAT prior to final approval, a licensed Archaeologist prepares an Archaeological Assessment on the severed and retained lands and a copy of the Ministry of Citizenship and Multiculturalism Acknowledgement letter(s) and the Assessment

Report(s) must be provided to Regional Staff to the satisfaction of the Region's Planning, Development and Legislative Services Department.

General Comments

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

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 Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

CONSULT – Staff communicated by email with a community resident. The resident expressed that they are welcoming development on the vacant parcel in the proposed housing form.

PREVIOUS REPORTS/AUTHORITIES:

- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Cedar Hill Secondary Plan*
- *Official Plan (2014)*
- *Zoning By-law 85-1*

ATTACHMENTS:

No attachments.