

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: June 18, 2024

SUBMITTED BY: Tina Malone-Wright, Manager, Development Approvals
519-741-2200 ext. 7765

PREPARED BY: Tim Seyler, Senior Planner, 519-741-2200 ext. 7860

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: June 5, 2024

REPORT NO.: DSD-2024-283

SUBJECT: Minor Variance Application A2024-050 - 51 Charles St. E.
Minor Variance Application A2024-051 - 75 Charles St. E.
Consent Applications B2024-011 to B2024-012 -
47-75 Charles Street East and 40-50 Eby Street South

RECOMMENDATION:

Minor Variance Application A2024-050 – 51 Charles Street East

A. That Minor Variance Application A2024-050 for 51 Charles Street East requesting relief from Section 6.1.2 a) of Zoning By-law 85-1, to permit 0 parking spaces per dwelling unit instead of the minimum required 0.2 parking spaces per dwelling unit, in accordance with Site Plan Application SP24/013/C/TS, BE APPROVED.

Consent Application B2024-011 – 51 Charles Street East

B. That Consent Application B2024-011 requesting consent to sever a parcel of land having a lot width of 73.5 metres, a lot depth of 38.1, metres and a lot area of 2,790 square metres, and to create an irregular shaped easement over the severed lands, in favour of 75 Charles Street East, for access and servicing, generally in accordance with the Severance Sketch, prepared by JD Barnes Limited, dated June 6, 2024, BE APPROVED subject to the following conditions:

1. That Minor Variance Application A2024-050 receive final approval.
2. 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.
3. 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.

4. 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.
5. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.
6. 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.
7. 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.
8. 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.
9. 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.
10. The owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the City's Director of Engineering Services.
11. That the Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Manager, Development Approvals:
 - a) a clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and
 - b) a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.

12. That a satisfactory Solicitor's Undertaking to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor be provided to the City Solicitor.
13. That a qualified designer is retained to complete a Building Code Assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall address such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.
14. That a Building Permit shall be obtained and closed for any remedial work/upgrades that may be required by the Building Code Assessment.
15. That prior to approval the Owner/Applicant submit the consent review fee of \$350 per application for current and prior consent applications for a total of \$700 to the Regional Municipality of Waterloo.
16. That prior to approval, the Owner/Applicant submit a Record of Site Condition (RSC) and Ministry Acknowledgement letter to the Regional Municipality of Waterloo for both severed and retained parcels, unless otherwise waived by the Region's Commissioner of Planning and Development.
17. That prior to approval, the Owner/Applicant enter into a development agreement with the Regional Municipality of Waterloo, to be registered on title for the severed lands, to the satisfaction of the Regional Municipality of Waterloo as follows:
 - a) That the owner agrees to construct all residential units with forced air-ducted heating system suitably sized and designed and installed with air conditioning system prior to occupancy.
 - b) The following noise warning clauses be included in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations for the building units/noise sensitive land uses e.g., daycare, medical building etc.:
 - i) **Noise Warning Type D: *"This building unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."***
 - ii) **Noise Warning Type B: *"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic, rail transit, or stationary sources in proximity may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the***

Environment.”

Minor Variance Application A2024-051 – 75 Charles Street East

C. Minor Variance Application A2024-051 for 75 Charles Street East requesting relief from Section 6.1.2 a) of Zoning By-law 85-1, to permit 0 parking spaces per dwelling unit instead of the minimum required 0.2 parking spaces per dwelling unit and to permit a parking rate of 1 parking space per 140 square metres of Gross Floor Area (GFA) for office use instead of the minimum required 1 parking space per 90 square metres of Gross Floor Area (GFA) for office use, in accordance with Site Plan Application SP24/023/C/TS, BE APPROVED.

Consent Application B2024-012 – 75 Charles Street East

D. That Consent Application B2024-012 requesting consent to sever a parcel of land having a lot width of 31.8 metres, a lot depth of 43.5, metres and a lot area of 1,680 square metres, and to create an irregular shaped easement over the severed lands, in favour of 51 Charles Street East, for access and servicing, generally in accordance with the Severance Sketch, prepared by JD Barnes Limited, dated June 6, 2024, BE APPROVED subject to the following conditions:

- 1. That Minor Variance Application A2024-051 receive final approval.**
- 2. 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.**
- 3. 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.**
- 4. 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.**
- 5. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.**
- 6. 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.**
- 7. 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.**

- 8. 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.**
- 9. 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.**
- 10. The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the City's Director of Engineering Services**
- 11. That the Transfer Easement document(s) required to create the Easement(s) being approved herein shall include the following, and shall be approved by the City Solicitor in consultation with the City's Manager, Development Approvals:**
 - a) clear and specific description of the purpose of the Easement(s) and of the rights and privileges being granted therein (including detailed terms and/or conditions of any required maintenance, liability and/or cost sharing provisions related thereto); and**
 - b) a clause/statement/wording confirming that the Easement(s) being granted shall be maintained and registered on title in perpetuity and shall not be amended, released or otherwise dealt with without the express written consent of the City.**
- 12. That a satisfactory Solicitor's Undertaking to register the approved Transfer Easement(s) and to immediately thereafter provide copies thereof to the City Solicitor be provided to the City Solicitor.**
- 13. That a qualified designer is retained to complete a Building Code Assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall address such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.**
- 14. That a Building Permit shall be obtained and closed for any remedial work/upgrades that may be required by the Building Code Assessment.**
- 15. That prior to approval the Owner/Applicant submit the consent review fee of \$350 per application for current and prior consent applications for a total of \$700 to the Regional Municipality of Waterloo.**
- 16. That prior to approval, the Owner/Applicant submit a Record of Site Condition (RSC) and Ministry Acknowledgement letter to the Regional Municipality of Waterloo for both severed and retained parcels, unless otherwise waived by the**

Region's Commissioner of Planning and Development.

17. That prior to approval, the Owner/Applicant enter into a development agreement with the Regional Municipality of Waterloo, to be registered on title for the severed lands, to the satisfaction of the Regional Municipality of Waterloo, as follows:

- a) That the owner agrees to construct all residential units with forced air-ducted heating system suitably sized and designed and installed with air conditioning system prior to occupancy.**
- b) The following noise warning clauses be included in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations for the building units/noise sensitive land uses e.g., daycare, medical building etc.:**
 - i) Noise Warning Type D: *“This building unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”***
 - ii) Noise Warning Type B: *“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic, rail transit, or stationary sources in proximity may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment.”***

REPORT HIGHLIGHTS:

- The purpose of this report is to review minor variance applications to reduce parking requirements for both new parcels, and to permit severances to create 2 new parcels, and the creation of an easement.
- 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 properties are located along Charles Street East and Eby Street South. The existing properties contain multiple buildings on the subject lands. The applicant proposes to demolish the existing structures on 47-63 Charles St. E. (Severed lands 1) in order to redevelop the properties for a new mixed use development, consisting of affordable residential units, office space and health office space. Severed lands 2 consisting of 75 Charles St. E. will also be redeveloped into a new mixed-use building consisting of

residential units and office space, while 40-42 Eby Street will be demolished in order to provide access for parking for each of the severed lands. The retained parcel (50 Eby St. S) will remain a multiple dwelling building and the severance effectively reinstates the lot lines as they existed prior to merging on title. Lot sizes vary in width, depth, and area in this neighbourhood.

Severance applications and minor variance applications were approved by the Committee of Adjustment in 2021. The severance applications have lapsed, and the applicant is reapplying for the same lot configurations that were previously approved. The minor variances that were approved are also still in effect for the new development, however the requests for a further reduced parking rates have been made.

It should also be noted that the applications for the Site Plans were deemed complete prior to the new SGA zoning being approved by Council. No variances are required in relation to the SGA zoning and only the regulations of Zoning By-law 85-1 are required to be considered.

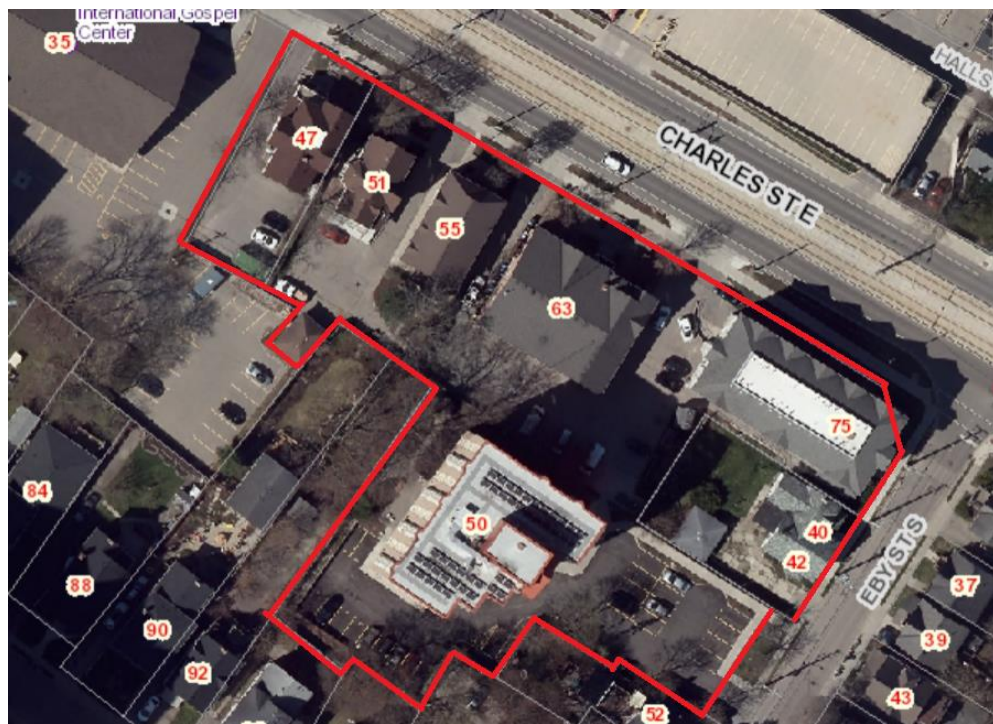


Figure 1: Location Map: 47-75 Charles Street East and 40-42, 50 Eby Street South.

applications are also required for each of the severed parcels. Both severed parcels require a parking reduction, further than what was previously reduced and approved by the Committee of Adjustment in 2021. It also should be noted that the proposed new zoning of 'SGA-3' would reduce the requirements for parking, however the zoning is currently waiting the approval of the corresponding Official Plan Amendment and is not yet in effect at this time.



Figure 3: Existing site conditions of 47-63 Charles Street East and 75 Charles Street East.



Figure 4: Existing site conditions 75 Charles Street East.



Figure 5: Existing site conditions of 40-42 Eby Street South and 50 Eby Street South.

REPORT:

In considering the four tests for the minor variances as outlined in Section 45(1) of the Planning Act, R.S.O, 1990 Chap. P 13, as amended, Planning staff offers the following comments:

Planning Comments Minor Variance Application A2024-050 (51 Charles St. E.):

General Intent of the Official Plan

The requested variance meets the general intent of the Official Plan. The subject property is designated 'High Density Commercial Residential' in the Cedar Hill Neighbourhood Secondary Plan. The designation permits multiple dwelling building types as well as a range of uses which includes offices, office support services, and health office/clinics. The requested variance to permit a reduced parking requirement is appropriate. The Official Plan permits adjustments to parking requirements for properties within an area, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt Transportation Demand Management (TDM) measures, or where sufficient transit exists or is to be provided (OP 13.C.8.3). The requested minor variance for parking conforms to the direction of the Official Plan as there is alternative parking facilities located within 200 metres of the subject site, as well as the proximity to a light rail transit station. The proposed new building also incorporates enhanced TDM measures by including a large indoor secured bike storage area for building residents and employees.

General Intent of the Zoning By-law

The requested variance to permit the reduction in parking for the proposed new development meets the general intent of the Zoning By-law. The intent of the Zoning By-law parking rates is to ensure there is sufficient parking available for residents, visitors, employees and patrons within the development. The intended use of the new development

is for supportive housing and it is the intent of the development to not require as many parking spaces because it is not expected for every resident to own or use a personal vehicle. The reduced parking rate is appropriate for the lands and is also supported by transportation staff. Further the proposed new zoning parking requirements in the new 'SGA' zoning also reduce the parking requirement down to 0 within a Major Transit Station Area. Staff are supportive of the residential parking rate to be reduced to 0.

Staff is of the opinion that the requested variance meets the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The reduction of the parking is considered minor. Staff are of the opinion that the requested variance will permit a new development that will be able to integrate within the established neighbourhood and will not negatively affect the surrounding area. The proposed parking rate is deemed to meet the needs of the proposed new use for the development and appropriate other modes of transportation are in close proximity for daily use.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The proposed variance is appropriate for the development. The proposed development will provide affordable, supportive dwelling units, and the supportive services that residents will require. The development is in line with provincial, regional and City planning policies that support redevelopment and intensification of properties located close to the downtown core as well as a mix of housing types including affordable and supportive housing. The reduction in parking is appropriate and will not negatively impact the character of the subject property or surrounding neighbourhood.

Planning Comments Minor Variance Application A2024-051 (75 Charles St. E.):

General Intent of the Official Plan

The requested variances meet the general intent of the Official Plan. The subject property is designated 'High Density Commercial Residential' in the Cedar Hill Neighbourhood Secondary Plan. The designation permits multiple dwelling building types as well as a range of uses which includes offices, office support services, and health office/clinics. The requested variances to permit reduced parking requirements are appropriate. The Official Plan permits adjustments to parking requirements for properties within an area, where the City is satisfied that adequate alternative parking facilities are available, where developments adopt Transportation Demand Management (TDM) measures, or where sufficient transit exists or is to be provided (OP 13.C.8.3). The requested minor variances for parking conform to the direction of the Official Plan as there is alternative parking facilities located within 200 metres of the subject site, as well as the proximity to a light rail transit station.

General Intent of the Zoning By-law

The requested variances to permit the reduction in parking, meet the general intent of the Zoning By-law. The requested variances to permit the reduction in parking for the proposed new development meets the general intent of the Zoning By-law. The intent of the Zoning By-law parking rates is to ensure there is sufficient parking available for residents, visitors, employees and patrons within the development. The intended use of the new development is

for supportive housing, and it is the intent of the development to not require as many parking spaces because it is not expected for every resident to own or use a personal vehicle. The reduced parking rates are appropriate for the lands and is also supported by transportation staff. Further the proposed new zoning parking requirements in the new 'SGA' zoning also reduce the parking requirement down to 0 within a Major Transit Station Area. Staff are supportive of the residential parking rate to be reduced to 0, and the reduction in parking for the office use.

Staff is of the opinion that the requested variances meet the general intent of the Zoning By-law.

Is/Are the Effects of the Variance(s) Minor?

The reduction of the parking is considered minor. Staff are of the opinion that the requested variances will permit a new development that will be able to integrate within the established neighbourhood and will not negatively affect the surrounding area. The proposed parking rates are deemed to meet the needs of the proposed new uses for the development and appropriate other modes of transportation are in close proximity for daily use.

Is/Are the Variance(s) Desirable For The Appropriate Development or Use of the Land, Building and/or Structure?

The proposed variances are appropriate for the development. The proposed development will provide affordable, supportive dwelling units, and the supportive services that residents will require. The development is in line with provincial, regional and City planning policies that support redevelopment and intensification of properties located close to the downtown core as well as a mix of housing types including affordable and supportive housing. The reduction in parking is appropriate and will not negatively impact the character of the subject property or surrounding neighbourhood.

Planning Comments Consent Applications B2024-011 and B2024-012:

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

Provincial Policy Statement (PPS 2014)

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 applications will facilitate a form of intensification of the subject property with the creation of lots and a mix of uses 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 close 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 applications 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 'High Density Commercial Residential' in the Cedar Hill Neighbourhood Secondary 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.”

Furthermore Section 17.E.20.4 states:

17.E.20.4. Consents may be permitted for the creation of a new lot, boundary adjustments, rights of-way, easements, long-term leases and to convey additional lands to an abutting lot provided an undersized lot is not created.

The proposed lot widths and lot areas of the proposed severed and retained lots exceed the minimum ‘CR-3’ zone lot size requirements and minor variances are not required for the creation of the lots themselves. 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 neighbourhood which is developed with a variety of uses including residential, commercial and office with lots sizes that vary in width, depth, and area. The lands front onto a public street and full services are available. There are no natural heritage features that would be impacted by the proposed consent application.

The proposed easement provides flexibility for the applicant to develop servicing and access that connects to and utilizes the existing infrastructure and creates a parking layout that is functional and accessible to both proposed developments.

Planning staff is of the opinion that the proposed severances conform with the City of Kitchener Official Plan.

Zoning By-law 85-1

47-55, 75 Charles St. E and 40-42 Eby St. S, area are zoned ‘Commercial Residential Three Zone (CR-3)’ with Special Regulation Provision 136R. 63 Charles St. E. is also zoned ‘CR-3’. 50 Eby St. S. is zoned ‘Residential Nine Zone (R-9)’ in Zoning By-law 85-1.

The proposed zoning for the properties in Zoning By-law 2019-051 is 'SGA-3', however the zoning is currently waiting the approval of the corresponding Official Plan Amendment and is not yet in effect at this time.

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. The uses of both the severed and retained parcels are in conformity with the City's Official Plan and Zoning By-law. 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. Staff is satisfied that the creation of the easement is desirable and appropriate. 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.

Environmental Planning Comments:

Tree Management Policy requirements to be addressed by the urban designer at Site Plan.

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 properties municipally addressed as 47-75 Charles Street East & 40-50 Eby Street South 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 and Schneider Creek Secondary Plan 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 variances.

The Building Division has no objections to the proposed consent provided for the retained land:

1. A qualified designer is retained to complete a building code assessment as it relates to the new proposed property line and any of the building adjacent to this new property line shall address such items as: Spatial separation of existing buildings' wall face to the satisfaction of the Chief Building Official. Closing in of openings may be required, pending spatial separation calculation results.
2. A building permit shall be obtained for any remedial work/ upgrades that may be required by the building code assessment.

Engineering Division Comments:

A2024-050 – 51 Charles Street East

- No comment

A2024-051 – 75 Charles Street East

- No comment

B2024-011 – 51 Charles Street East

- 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 any new service connections that may be required to service this property, all prior to severance approval. Our records indicate municipal services are currently available to service this property. Any further enquiries in this regard should be directed to 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 municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.

B2024-012 – 75 Charles Street East

- 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 any new service connections that may be required to service this property, all prior to severance approval. Our records indicate municipal services are currently available to service this property. Any further enquiries in this regard should be directed to 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 municipal sanitary sewer. If basement finished floor elevations do not allow for gravity drainage to the existing municipal sanitary system, the owner will have to pump the sewage to achieve gravity drainage from the property line to the municipal sanitary sewer in the right of way.
- The Owner shall implement a suitable design solution for a sump pump outlet to the satisfaction of the Director of Engineering.

Parks/Operations Division Comments:

A2024-050 – 51 Charles Street East

Parks and Cemeteries concerns and requirements have been addressed through Site Plan Application SP24/013/C/TS.

A2024-051 – 75 Charles Street East

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B2024-011 – 51 Charles Street East

Parks and Cemeteries concerns and requirements have been addressed through Site Plan Application SP24/013/C/TS.

B2024-012 – 75 Charles Street East

Parks and Cemeteries concerns and requirements have been addressed through Site Plan Application SP24/013/C/TS.

Transportation Planning Comments:

As this development is within the new 'SGA' Zone, the proposed parking supply of zero (0) parking spaces per dwelling unit will be permitted and therefore, the applicant's proposal of zero (0) parking spaces per dwelling unit is acceptable.

Region of Waterloo Comments:

A2024-050 – 51 Charles Street East – No concerns.

A2024-051 – 75 Charles Street East – No concerns.

B 2024-011 and B 2024-012

51 Charles St E/ 75 Charles St E

PLAN 367 PT LOTS 2 to 5, PLAN 393 PT LOT 18

Owner: House of Friendship c/o Jackie Keller

Agent: MHBC c/o Rachel Wolff

The owner/applicant is proposing to sever the subject lands comprised of multiple parcels held in common ownership (Friendship House) into three distinct parcels, being Parcel 1 (merger of 47-63 Charles St E), Parcel 2 (lot addition of 40-42 Eby St to 75 Charles St E), and Parcel 3 (50 Eby St retained).

The purpose of the consent applications is to facilitate the development of the subject lands: construction of 7-storey building with 103 supportive/affordable housing units and

integrated HUB office space (Parcel 1); construction of 10-storey building with 69 supportive/affordable housing units and commercial/office use at grade; retention of existing 2-storey supportive housing building with no changes to site plan (Parcel 3); and establishment of shared access easement for pedestrian/vehicle movement and parking (Parcel 1 / 2).

As a requirement of the previous site plan application, B2021-067 and B2021-068 were conditionally approved and lapsed on December 24, 2022. A2021-142 and A2021-143 were conditionally approved and an extension was granted to fulfill those conditions. I.e. relating to required parking, setbacks, podium height, and tower separation distance, as the proposal does not confirm to in-force ZBL 85-1 or proposed Growing Together ZBL.

Archaeological Assessment (Advisory)

The subject lands have archaeological potentials due to location within a historic landform, proximity to historic buildings and location within a historic core area. A few properties to note would be 47 Charles St E is a potential resource of interest circa 1897, 51 Charles St E is a potential resource of interest circa 1900, 67 Charles St E as known as the House of Friendship is considered to be a potential resource of interest and 75 Charles St E is considered to be a potential resource of interest. All of these properties are located within a potential heritage area of interest – the Cedar Hill Neighbourhood. Please note that 90 Church St is a recognized heritage resource that is OHA Designated Part IV circa 1870 and must have minimal impacts to this site when demolition occurs, and development begins.

Staff do not require the submission of an archaeological assessment due to the extensive disturbance that has occurred to these properties, however, the applicant should be made aware of the following:

- If archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or;
- If human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

Regional Staff request a copy of any Heritage Impact Assessment required by the City

Record of Site Condition

The subject lands at 50 Eby Street South are identified in the Region's Threats Inventory Database as a Medium Threat. In accordance with the *Region's Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites*, a Record of Site Condition (RSC) is required.

The Region requires the following condition on approval of consent:

1. That as condition of approval, the Owner/Applicant submit a Record of Site Condition (RSC) and Ministry Acknowledgement letter to the Regional Municipality of Waterloo for both severed and retained parcels, unless otherwise waived by the Region's Commissioner of Planning and Development.

Environmental Noise Impacts

Conditions for Consent Applications:

The proposed development may encounter environmental noise sources at this location due to traffic on Charles Street East (RR #64) and potential stationary noise sources in the vicinity. It is the responsibility of the applicant to ensure the proposed noise-sensitive development is not adversely affected by anticipated noise impacts. In lieu of a detailed noise study, the Region will require as a condition of consent approval that the applicant enter into a Development Agreement with the Region of Waterloo, to be registered on title for the severed lands, to the satisfaction of the Regional Municipality of Waterloo, as follows:

1. All dwellings and any noise sensitive units will be fitted with forced air-ducted heating system suitably sized and designed and installed with air conditioning system prior to occupancy.
2. The following noise warning clauses be included in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations for the dwelling units/noise sensitive land uses e.g. daycare, medical building etc.:
 - 1) Noise Warning Type D: *"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."*
 - 2) Noise Warning Type B: *"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic, rail transit, or stationary sources in proximity may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."*

Conditions for Site Plan Stage (Advisory Comments):

Regional staff advise that other requirements i.e. Dedicated Road Widening, Functional Servicing, SWM Report etc. which will be made conditions of the related Site Plan applications concurrently received and under review by the staff, for the subject development.

Although, the requirement of a detailed noise study is not a Regional condition of a standalone Site Plan application, the proponents are strongly advised to undertake a detailed environmental noise study and develop the Site accordingly. This would avoid any retrofit to the building/site/units at a later stage.

Water Services (Advisory)

The applicant should be made aware that no connection to the 300mm Charles Street E regional watermain will be permitted in accordance with Section B.2.1.4.1 of the Design Guidelines and Supplemental Specifications for Municipal Services for February 2023.

Housing Services (Advisory)

The following Regional policies and initiatives support the development and maintenance of affordable housing:

- Regional Strategic Plan
 - Objective 4.2 requires the Region to make affordable housing more available to individuals and families.
- 10-Year Housing and Homelessness Plan
 - contains an affordable housing target which is that 30% of all new residential development between 2019 and 2041 in Waterloo Region is to be affordable to low and moderate income households.
- Building Better Futures Framework
 - shows how the Region plans to create 2,500 units of housing affordable to people with low to moderate incomes by 2025.
- Region of Waterloo Official Plan
 - Section 3.A (range and mix of Housing) contains land use policies that ensure the provision of a full and diverse range and mix of permanent housing that is safe, affordable, of adequate size, and meets the accessibility requirements of all residents.

The Region supports the provision of a full range of housing options, including supportive housing. Housing Services has no concerns about the consent requests and supports this proposal.

Regional Consent Review Fee

Regional Staff are not in receipt of the required consent review fee of \$700 for the current consent applications, or \$700 for the prior consent applications which lapsed (B2021-067/B2021-068). The balance of fees outstanding (\$1400) is required as a condition of final approval for the consent application.

Regional Staff has no objection to this application subject to the following condition(s):

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 per application for current and prior consent applications for a total of \$700 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant submit a Record of Site Condition (RSC) and Ministry Acknowledgement letter to the Regional Municipality of Waterloo for both severed and retained parcels, unless otherwise waived by the Region's Commissioner of Planning and Development.

3. That prior to approval, the Owner/Applicant enter into a registered development agreement with the Regional Municipality of Waterloo, to be registered on title for the severed lands, to the satisfaction of the Regional Municipality of Waterloo, as follows:
 1. That the owner agrees to constructure all residential units with forced air-ducted heating system suitably sized and designed and installed with air conditioning system prior to occupancy.
 2. The following noise warning clauses be included in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations for the building units/noise sensitive land uses e.g. daycare, medical building etc.:
 - a) Noise Warning Type D: *"This building unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."*
 - b) Noise Warning Type B: *"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic, rail transit, or stationary sources in proximity may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."*

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.

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)*
- *Official Plan (2014)*
- *Zoning By-law 85-1*
- *Growing Together Amendment, By-law 2024-065*
- *DSD-2021-235*

ATTACHMENTS:

Attachment A – Proposed Draft Reference Plan