

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: June 17, 2024

SUBMITTED BY: Garrett Stevenson, Director, Development and Housing Approvals, 519-741-2200 ext. 7070

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

WARD(S) INVOLVED: Ward 2

DATE OF REPORT: May 24, 2024

REPORT NO.: DSD-2024-251

SUBJECT: 179 Jansen Avenue
Zoning By-law Amendment Application ZBA24/009/J/TS
1000589420 Ontario Inc.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA24/009/J/TS requesting to amend Zoning By-law 2019-051, for 100589420 Ontario Inc. be approved in the form shown in the Proposed 'Proposed By-law' and 'Map No. 1' attached to Report DSD-2024-251 as Attachment 'A'.

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 179 Jansen Avenue.
- 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 residents and 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 May 22, 2024;
 - Notice advertising of the statutory public meeting was circulated to all residents and 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 May 31, 2024.
- This report supports the delivery of core services.

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

- These applications were deemed complete on April 11, 2024. The Applicant can appeal these applications for non-decision after July 10, 2024.

EXECUTIVE SUMMARY:

The owner of the subject lands addressed as 179 Jansen Avenue is proposing to change the zoning from 'RES-4' in Zoning By-law 2019-051 to 'RES-5' with Site Specific Provision 403 to further regulate floor space ratio and prohibit geothermal wells. A holding provision is also requested on the property for Regional documents for approval of a record of site condition and a stationary noise study. Staff are recommending that the application be approved.

BACKGROUND:

The City of Kitchener has received an application for a Zoning By-law Amendment from 1000589420 Ontario Inc. for a development concept that proposes a stacked townhouse multiple dwelling building with fifty-six (56) residential units. The property is currently undeveloped and vacant. There are no existing residential units on this site and it was a former landfill. This development will remediate the site and in advance the applicant has submitted a Phase I and Phase II Environmental Site Assessment which was reviewed by staff.

The subject property is identified as 'Community Area' 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 179 Jansen Avenue. The subject lands are in close proximity to Fairway Road North and has frontage onto Jansen Avenue. The lot area of the subject site is approximately 0.73 hectares, and the lot frontage is 20.1 metres. The lot currently is undeveloped and vacant. The surrounding neighbourhood contains a mix of low-rise residential uses.

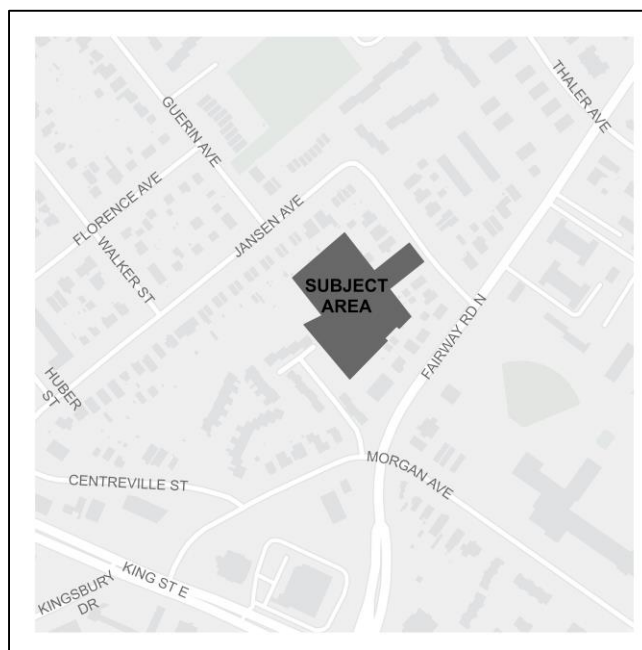


Figure 1 - Location Map: 179 Jansen Avenue



Figure 2 – Entrance at 179 Jansen Avenue



Figure 3 – Vacant lot at 179 Jansen Avenue

REPORT:

The applicant is proposing to develop the property with a 56-unit multiple dwelling in the form of stacked townhouses. Sixty-seven (67) surface parking spaces, including eight (8)

visitor parking spaces, three (3) barrier free parking spaces, and fifteen (15) future EV parking spaces are proposed.

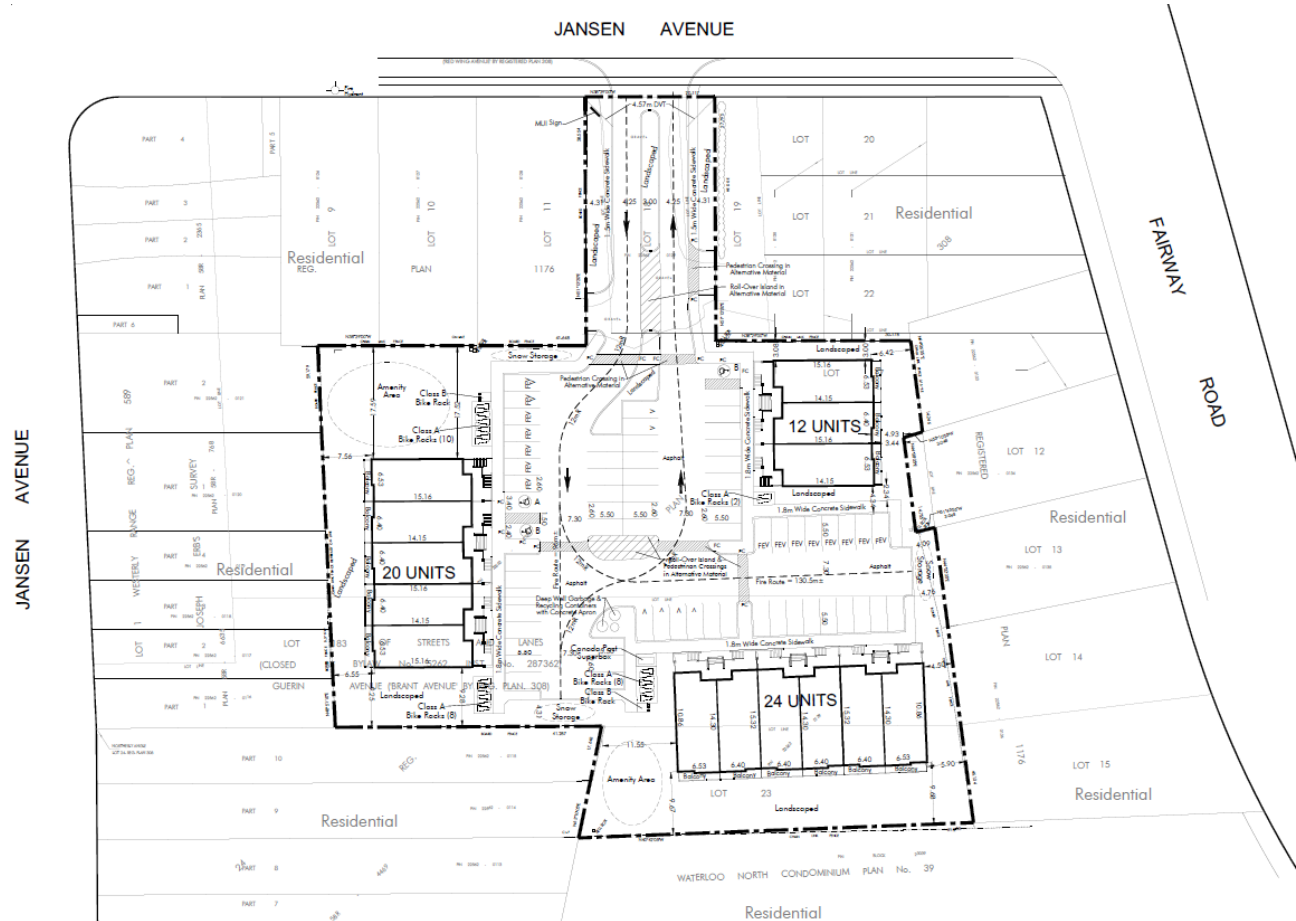


Figure 4 – Development Concept

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.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

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 community 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 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 Map 2 of the Regional Official Plan (ROP) and is designated Low Rise Residential in the City of Kitchener Official Plan.

Section 1.6 of the Regional Official Plan establishes the Regional Planning Framework and Section 2.B.1 and 2.C establish policies for the Urban System. Section 2.F of the Regional Official Plan establishes policies for intensification targets within the Delineated Built-Up Area, which is set at 60% annually for the City of Kitchener. Furthermore, development in the Built Up Area is intended to provide gentle density and other missing middle housing options that are designed in a manner that supports the achievement of

15-minute neighbourhoods. The proposed density will contribute to the achievement of Kitchener's intensification target for the delineated Built Up Area of the City of Kitchener. In addition, the applicant has proposed stacked townhouses throughout the development, which is encouraged as a form of missing middle housing in the Delineated Built-Up Area of the Region.

The Region of Waterloo have indicated they have no objections to the proposed application, subject to the required holding provisions and prohibition of geothermal wells. (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. Site specific increase to allow up to a maximum Floor Space Ratio (FSR) of 0.75 may be permitted without an amendment to the Official Plan, provided the development meets the general intent of Official Plan policies and is compatible (Section 15.D.3.11).

Planning staff is of the opinion that the requested Zoning By-law Amendment will facilitate a low rise housing form that conforms with the Low Rise Residential land use designation in the City's Official Plan. The proposal provides an additional low density housing type within the neighbourhood with a maximum FSR of 0.75.

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, 23 and iXpress Routes 206. It is also within a 15 min walk to the Fairway Station ION stop. 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. Outdoor amenity space will also be provided for the residents, and locations of bicycle spaces will be confirmed.

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 requires 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 3 storey buildings that are oriented appropriately within the existing context of the neighbourhood. Pedestrian connectivity throughout the site is provided through pedestrian walkways from the parking area to the unit entrances. On-site amenity area is achieved through at grade passive amenity space at the side of the building, as well as private unit balconies.

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.

Proposed Zoning By-law Amendment:

The subject lands are currently 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 (403) and Holding Provision (86) 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 (403)

- a) The maximum floor space ratio shall be 0.75.
- b) Geothermal Wells are prohibited on site.

Holding Provision (86) has also been added requiring the owner to complete: A Record of Site Condition and a Stationary Noise study, to the satisfaction of the Region of Waterloo.

Floor Space Ratio:

The Floor Space Ratio (FSR) is to ensure compatibility with the surrounding neighbourhood and to ensure development does not exceed the density presented in the concept plans. The applicant has submitted a concept plan that has been initially reviewed by Staff. Planning staff have no concerns with the increase in floor space ratio, and the proposed development is compatible with the surrounding neighbourhood. A maximum FSR is permitted in the Low Rise Residential land use designation which applied to the subject and surrounding lands.

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 (403), and Holding Provision (86) represents good planning as it will facilitate the redevelopment of the lands with a 56-unit multiple dwelling in the form of stacked townhouses, which is compatible with the existing neighbourhood, and is a good example of gentle intensification within a new infill development. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Attachment 'A'.

Planning staff are of the opinion that the proposed Zoning By-law Amendment application 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.

Department and Agency Comments:

Circulation of the Zoning By-law Amendment was undertaken in April 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: MHBC Planning Ltd., April 2024

Architectural Drawings
Prepared by: MHBC Planning Ltd., April 2024

Traffic Impact Brief and Parking Study
Prepared by: UrbanTrans Engineering Solutions Inc, March 14, 2024

Functional Servicing Report & Stormwater Management Report
Prepared by: MTE Consultants, March 27, 2024

Tree Preservation Plan
Prepared by: MHBC Planning Ltd, April 2018

Stationary Noise Study
Prepared by: Managed Intelligent Infrastructure Inc., March 18, 2024

Salt Management Plan
Prepared by: MHBC Planning Ltd., April 2, 2024

Phase I and Phase II Environmental Site Assessment
Prepared by: A&A Environmental Consultants Inc., March 14, 2024

WHAT WE HEARD



Five (5) persons provided comments



A City-led Neighbourhood Meetings held on May 22, 2024 and eleven (11) different users logged on



691 households (residents and property owners) were circulated and notified

Staff received written responses from 5 residents with respect to the proposed development. This is included in Attachment 'D'. The residents were concerned with the shadow impact, traffic, and garbage pick up for the proposal. A Neighbourhood Meeting was held on May 22, 2024. A summary of what we heard, and staff responses are below.

What We Heard	Staff Comment
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<p>Concerns that not enough parking is provided on site and within the existing neighbourhood.</p>	<p>A Parking Justification Report was not required as part of the application as the proposed development meets the requirements of the Zoning By-law and provides additional parking spaces above the minimum required. The applicant is also proposing Class A and Class B bicycle parking that provides an additional transportation alternative which can reduce the number of motor vehicles demand for residents of the future development.</p>
<p>Concerns the proposed development will cast large shadows</p>	<p>The proposed development does not exceed the maximum height requirement of 11.0 metres (3 storeys), that is within the RES-5 zoning. There will be minimal shadow impacts with this form of development. The maximum permitted height for the surrounding lands is also 11 metres. There are sufficient setbacks around the perimeter of the property, providing further separation and reducing shadow impacts.</p>
<p>Concerns over garbage pickup</p>	<p>The applicant is providing an on-site centralized waste and recycling deep well collection facility. A truck turning template was required to be submitted and was reviewed by City Transportation Staff. There were no concerns with the location of the waste and recycling area. Further, garbage and recycling collection will be private garbage pickup internal to the site.</p>
<p>Concerns with the Grading</p>	<p>A functional servicing and storm water management report was submitted as part of a complete application and was reviewed by City and Regional Engineering staff. Staff have some minor comments which can be revised at the time of the site plan review. There are no concerns with supporting the ZBA at this time. There is currently limited grading on the current vacant site and redevelopment will help prevent the current ponding and issues on the site.</p>

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 an alternative housing form within an existing neighbourhood that addresses a need in our community.

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 - *Bill 109, More Homes for Everyone Act, 2022* introduced a requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe. Decisions on Zoning By-law Amendments, are required within 90 days to retain planning application fees, for applications received after July 1, 2023. A decision must be made by Council prior to July 10, 2024 or the Planning Division must issue an application fee refund of \$13,312.00, being 50% of the \$26,624.00 Major Zoning By-law Amendment Application fee. The Planning Division does not have a funding source or budget for refunding planning application fees.

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 May 31, 2024 (a copy of the Notice may be found in Attachment ‘B’).

CONSULT – The proposed Zoning By-law Amendment was circulated to residents and property owners within 240 metres of the subject lands on April 29, 2024. In response to this circulation, staff received written responses from 5 members of the public, which were summarized as part of this staff report. Planning staff also responded to emails from the resident.

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 – Manager, Development Approvals, Planning Division

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

ATTACHMENTS:

Attachment A – Proposed Zoning By-law Amendment and Map 1

Attachment B – Newspaper Notice

Attachment C – Department and Agency Comments

Attachment D – Public Comments