

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: August 20, 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: August 7, 2024

REPORT NO.: DSD-2024-357

SUBJECT: Consent Application B2024-021 - 62 Gage Avenue

RECOMMENDATION:

That Consent Application B2024-021 for 62 Gage Avenue requesting consent to sever a parcel of land having a lot width of 15.0 metres along Gage Avenue, a lot depth of 28.5 metres and a lot area of 420 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 obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Director, Development and Housing Approvals.
5. That the Owner obtains a Demolition Permit, for the existing single detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling 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 provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.**
- 7. 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.**
- 8. 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.**
- 9. 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.**
- 10. 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.**
- 11. 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.**
- 12. That the property owner shall convey to the City of Kitchener, without cost and free of encumbrance, an approximate 1.5-metre-wide to 2.7-metre-wide road widening along the entire Gage Avenue frontages (retained and severed), as shown indicated on a reference plan by an Ontario Land Surveyor (OLS), to the satisfaction of the City's Director of Transportation Services.**

Prior to conveyance, the property Owner shall prepare, at their cost, a Phase I and if necessary, a Phase II Environmental Site Assessment (ESA) for the portion of the lands being dedicated for a road widening of Gage Avenue, to the satisfaction of the City's Director of Engineering Services.

13. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.

14. That the Owner shall fulfil one of the following options:

- a) Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title of the severed and retained lands, which shall include the following:
 - i) That the owner shall prepare a Tree Protection and Enhancement Plan, demonstrating protection of the City-owned tree that is located adjacent to the severed and retained lands, to the satisfaction of the City's Director Parks & Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, landscaped area and vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director Parks & Cemeteries.
 - ii) The owner shall implement the Tree Protection and Enhancement Plan, prior to any grading, servicing, tree removal or the issuance of building permits, to the satisfaction of the City's Director Parks & Cemeteries.
 - iii) The owner shall maintain the severed and retained lands, in accordance with the approved Tree Protection and Enhancement Plan, for the life the development.

OR

- b) Make arrangements regarding financial compensation for the trees to be removed, to the satisfaction of the City's Director of Parks & Cemeteries. This will require a basic Tree Protection and Enhancement Plan, Arborist Report and ISA valuation of trees on City lands.

15. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.

REPORT HIGHLIGHTS:

- The purpose of this report is to review a severance application to permit the creation of one new parcel of land.
- 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 Gage Avenue, at the corner portion of the road with itself. The existing property contains a single detached dwelling. The applicant proposes to demolish the single detached dwelling and sever the property to create 2 new semi-detached dwellings. This application is only to create 2 separate lots. Future consent applications are required to be submitted to enable each half of the semi-detached dwellings to be dealt with separately.



Figure 1: Location Map: 62 Gage Avenue

The subject property is identified as 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use in the City's 2014 Official Plan.

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

The purpose of the application is to sever an existing lot to create an additional lot. Both the severed and retained lands will contain a new 2 storey semi-detached dwelling. The existing single detached dwelling is proposed to be demolished.

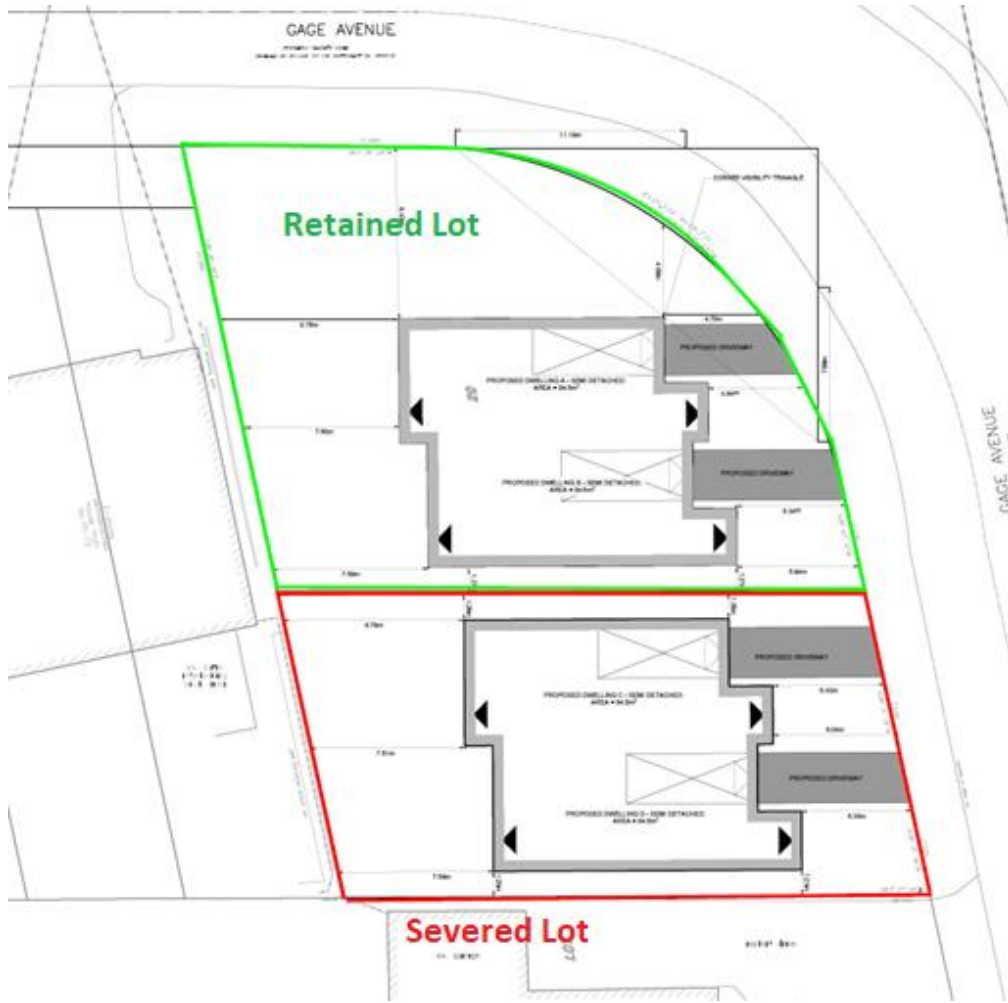


Figure 2: Proposed lot fabrics



Figure 3: Existing single detached dwelling at 62 Gage Avenue to be demolished

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 intensification of the subject property with the creation of a lot that is compatible with the surrounding community and will make use of the existing infrastructure. No new public roads would be required for the proposed development. 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.

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 'Community Area' on Map 2 – Urban Structure and is designated 'Low Rise Residential' on Map 3 – Land Use 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 2019-051

The subject property is zoned as 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051. The lot dimensions will conform to the Zoning By-law regulations and there are no concerns.

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 lot is desirable and appropriate.

Environmental Planning Comments:

Standard condition for consent to enter into an agreement to complete a tree preservation/enhancement plan prior to demolition/building permit/grading/servicing etc. on BOTH severed AND retained parcels.

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 62 Gage Avenue. is located within the Warehouse District The owner and the public will be consulted as the City considers listing CHLs on the Municipal Heritage Register, identifying CHLs in the Official Plan, and preparing action plans for each CHL with specific conservation options.

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 demolition of the existing building, as well as 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 and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to christine.goulet@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 grading and drainage control plan will be required to the satisfaction of the Engineering Division prior to severance approval. Final approval of on-site grading from the Building Division will be required at building permit stage.
- 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:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is \$11,862.00. Park Dedication is calculated at 5% of the new development lots only, with a land valuation calculated by the lineal frontage of 15.05 metres at a land value of \$36,080.00 per frontage metre with a per unit cap of \$11,862.00.

There is considerable existing treed vegetation on the property and some within the Gage Avenue right of way and on the shared front property line.

City-owned trees will be impacted by the proposed development and the owner shall fulfill one of the following options:

1. Enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor and registered on title of the severed and retained lands, which shall include the following:
 - a. That the owner shall prepare a Tree Protection and Enhancement Plan, demonstrating protection of the City-owned tree that is located adjacent to the severed and retained lands, to the satisfaction of the City's Director Parks & Cemeteries. Said plan shall include, among other matters, the identification of a proposed building envelope/work zone, landscaped area and vegetation to be preserved. No changes to the said plan shall be granted except with the prior approval of the City's Director Parks & Cemeteries.
 - b. The owner shall implement the Tree Protection and Enhancement Plan, prior to any grading, servicing, tree removal or the issuance of building permits, to the satisfaction of the City's Director Parks & Cemeteries.
 - c. The owner shall maintain the severed and retained lands, in accordance with the approved Tree Protection and Enhancement Plan, for the life the development.

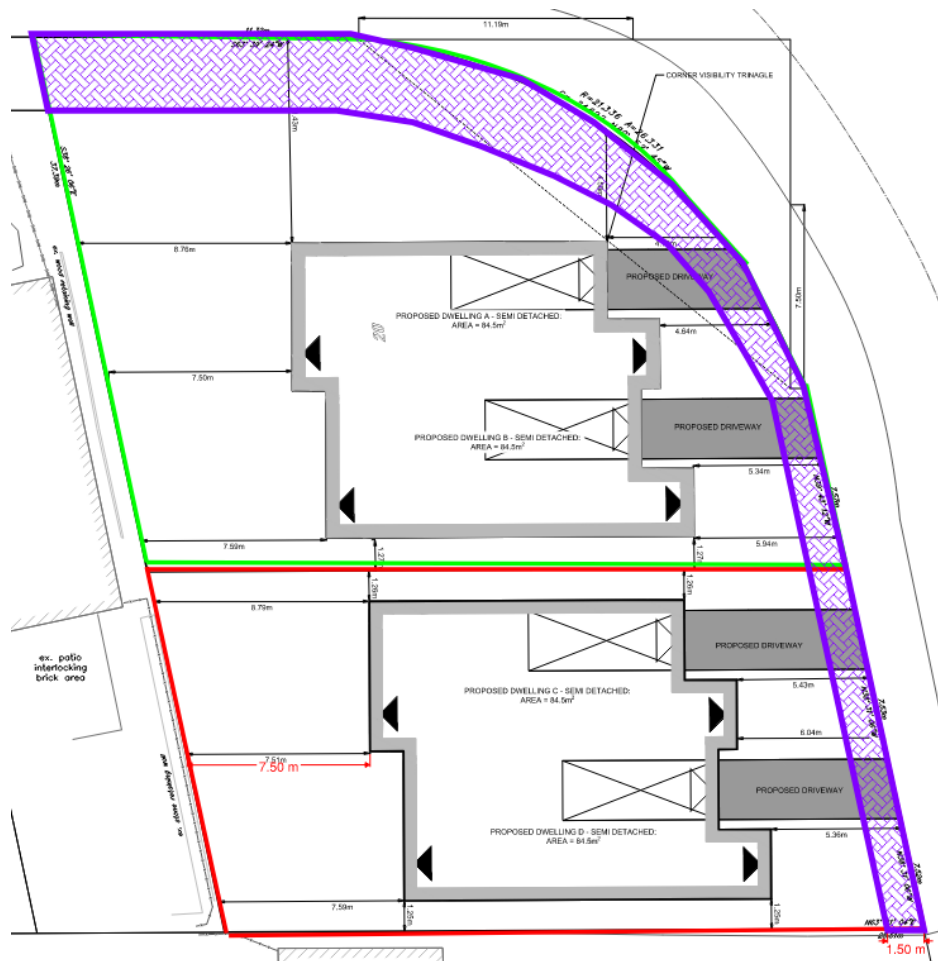
OR

2. Make arrangements regarding financial compensation for the trees to be removed, to the satisfaction of the City's Director of Parks & Cemeteries. This will require a basic Tree Protection and Enhancement Plan, Arborist Report and ISA valuation of trees on City lands.

Transportation Planning Comments:

The City of Kitchener's Official Plan notes Gage Avenue is designated for a road widening with an ultimate road width of 18 metres between Belmont Avenue and Waverly Road. Therefore, a conveyance of approximately 1.5 metres to 2.7 metres along the entire Gage Avenue frontages (retained and severed) is required. A reference plan be submitted by an Ontario Land Surveyor (OLS) illustrating the road widening.

The Owner shall prepare at their cost, a Phase I and if necessary, a Phase II Environmental Site Assessment (ESA) for the portion of the lands being conveyed to the City of Kitchener for a road widening of Gage Avenue to the satisfaction of the City's Engineering Services. See below (purple hatching) a rough estimate of the size and location of the road widening along the Gage Avenue frontages.



Region of Waterloo Comments:

The applicant proposes to sever an existing 602-square metre lot to create a new lot of record and develop both lots with semi-detached two-storey dwellings. The existing single-detached dwelling on the property would be demolished. The severed and retained lands would each be approximately 300 square metres.

Regional Consent Review Fee

Regional staff are not in receipt of the required consent review fee of \$350. This fee is required as a condition of approval for the consent application.

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.

- Cheque or bank draft can be dropped off at Regional Head Office lobby/security (on the main floor), located at 150 Frederick St, Kitchener. 15-minute parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen Street North and Ahrens Street East.
- Cheque or bank draft can be mailed as follows:
 - Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

Regional Staff has no objection to this application, subject to the following condition:

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350.00 to the Regional Municipality of Waterloo.

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 2019-051*