

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: October 7, 2024

SUBMITTED BY: Garrett Stevenson, Director of Development and Housing Approvals, 519-741-2200 ext. 7860

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

WARD(S) INVOLVED: Ward 1

DATE OF REPORT: September 9, 2024

REPORT NO.: DSD-2024-415

SUBJECT: 9-27 Turner Avenue
Zoning By-law Amendment Application ZBA24/018/T/TS
1000918377 Ontario Inc.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA24/018/T/TS requesting to amend Zoning By-law 2019-051, for 100918377 Ontario Inc. be approved in the form shown in the Proposed 'Proposed By-law' and 'Map No. 1' attached to Report DSD-2024-415 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 properties located at 9-27 Turner 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 September 5, 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 September 20, 2024.

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

- This report supports the delivery of core services.
- These applications were deemed complete on July 24, 2024. The Applicant can appeal these applications for non-decision after October 25, 2024.

EXECUTIVE SUMMARY:

The owner of the subject lands addressed as 9-27 Turner Avenue is proposing to change the zoning from 'RES-4' in Zoning By-law 2019-051 to 'RES-5' with Site Specific Provision (410), to further regulate the Floor Space Ratio (FSR) and the rear yard setback. A Holding Provision is also requested to be applied to the property by the Region for approval for 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 1000918377 Ontario Inc. for a development concept that proposes a stacked townhouse multiple dwelling building with thirty (30) residential units. The properties currently consist of a single detached dwelling, and 2 single detached dwellings with 2 Additional Dwelling Units (ADU) (Attached), 2 triplexes, for a total of 7 units on all the properties.

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 9, 15, and 27 Turner Avenue. The subject lands are in close proximity to Victoria Street North and have frontage onto Turner Avenue. The lot area of the subject site is approximately 0.33 hectares, and the lot frontage is approximately 55.0 metres. The lot currently contains a single detached dwelling, and 2 single detached dwellings with 2 Additional Dwelling Units (ADU) (Attached), 2 triplexes, for a total of 7 units on the properties. The surrounding neighbourhood contains a mix of low-rise residential uses, medium rise residential uses, and commercial uses, including an adjacent Arby's restaurant.

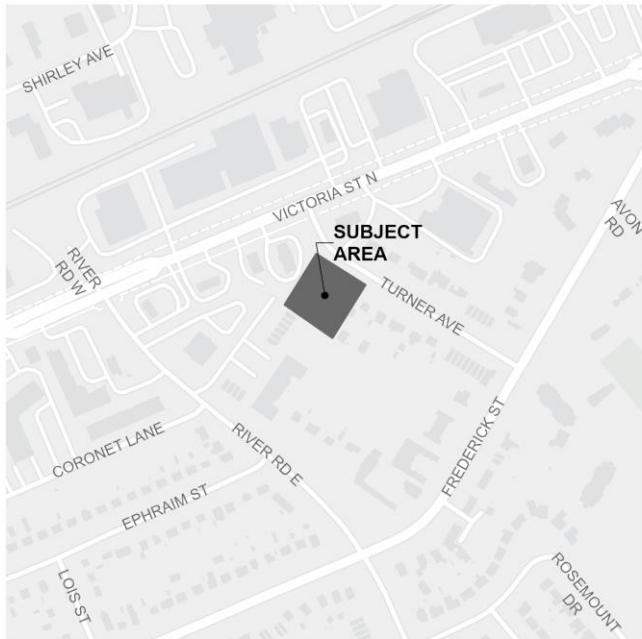


Figure 1 - Location Map: 9-27 Turner Avenue



Figure 2 – Existing buildings at 9-27 Turner Avenue

The proposal will be subject to the City of Kitchener’s Rental Replacement By-Law 2024-132, which was passed by Council on June 24, 2024. The Rental Replacement By-Law requires applicants that are proposing to demolish or convert six or more rental units to provide compensation to existing tenants, and to replace demolished or converted units with affordable rental units for a period of 10 years. This zoning by-law application relates to three properties which contain a combined seven rental units. In advance of the next stages of the planning process (i.e. site plan and demolition control), Staff will be working with the applicant and any tenants to determine what form of tenant compensation is required, and the number of rental replacement units required in the proposed redevelopment.

The By-Law protects rental units that are subject to a Planning Act application whether or not the units are located in one building, or are located in multiple buildings on multiple lots subject to the same application. Additionally, Units in buildings that have been vacant for less than six months are subject to the By-Law's obligation to provide an equal number of affordable rental units in the proposed development.

REPORT:

The applicant is proposing to develop the property with a 30-unit multiple dwelling in the form of stacked townhouses. Thirty-six (36) surface parking spaces, including five (5) visitor parking spaces, and two (2) barrier free parking spaces are proposed.

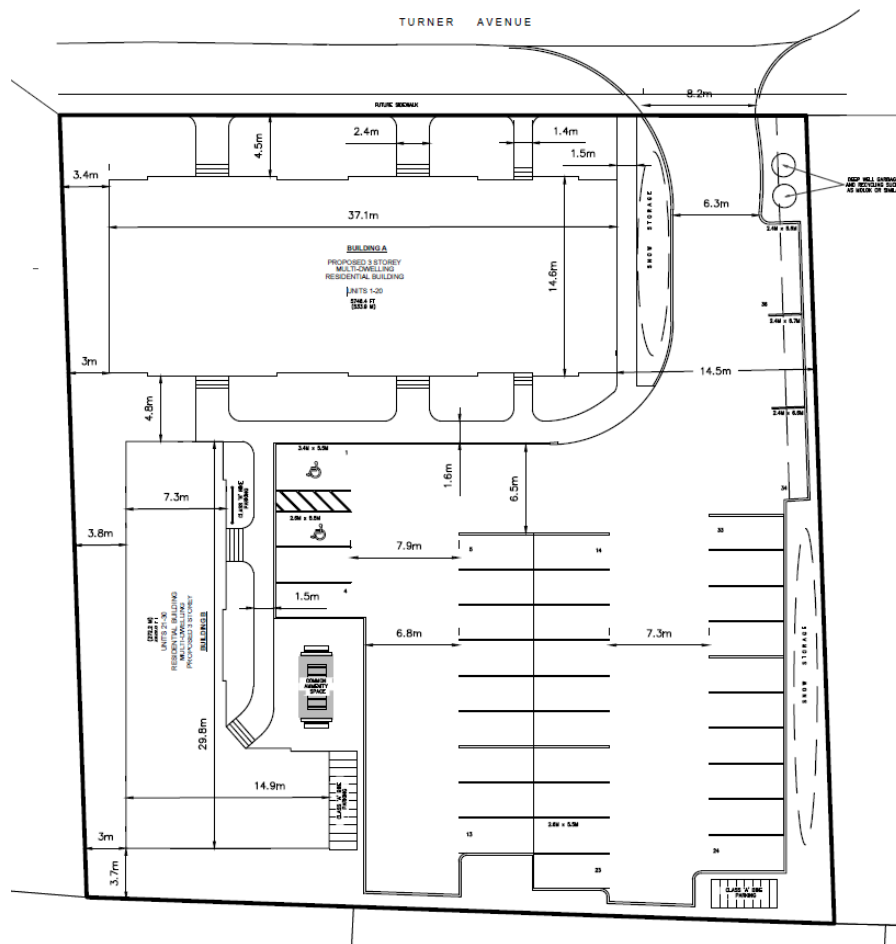


Figure 4 – Development Concept

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 has approved an integrated province-wide land use planning policy document, replacing the current Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which will come into effect October 20, 2024 (after a decision is made on this application).

The Ministry of Municipal Affairs and Housing is currently consulting on transition provisions for the 2024 PPS. A final decision on this matter is currently scheduled for Council on October 21, 2024, after the 2024 PPS will come into effect. In anticipation of Council's decision on or after October 20, 2024, staff have also evaluated this application for conformity with the proposed 2024 PPS as well.

The Ministry of Municipal Affairs and Housing is currently consulting on transition provisions for the 2024 PPS. A final decision on this matter is currently scheduled for Council on October 21, 2024, after the 2024 PPS will come into effect. In anticipation of Council's decision on or after October 20, 2024, staff have also evaluated this application for conformity with the proposed 2024 PPS as well.

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.

Provincial Policy Statement, 2024:

The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS 2024 came into force on October 20, 2024.

The PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. Some examples of what it enables municipalities to do are; plan for and support development and increase the housing supply across the province; and align development with infrastructure to build a strong and competitive economy that is investment-ready.

Sections 2.1.6 and 2.3.1.3 of the PPS 2024 promotes planning for people and homes and supports planning authorities to support general intensification and redevelopment while achieving complete communities by, accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs. Policies further promote, improving accessibility and social equity, and efficiently using land, resources, and existing infrastructure.

According to the Province, the PPS 2024 provides municipalities with the tools and flexibility they need to build more homes. Some examples of what it enables municipalities to do are; plan for and support development and increase the housing supply across the province; and align development with infrastructure to build a strong and competitive economy that is investment-ready.

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Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS 2024.

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 application conforms to the Growth Plan.

Regional Official Plan (ROP):

The subject lands are designated “Urban Area” and “Built-Up Area” on Map 3a of the Regional Official Plan (ROP). 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 Provision. (Attachment 'C'). Planning staff are of the opinion that the application conforms 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 20 and iXpress Route 204. The proposed development is required to provide safe, secure indoor bicycle storage to encourage active transportation. Staff is of the opinion that the requested Zoning By-law Amendment conforms with the transportation policies of the City's Official Plan. 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 two 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 (410) 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 (410) is proposing:

- a) The maximum Floor Space Ratio shall be 0.75.
- b) The minimum rear yard setback shall be 3.6 metres

Holding Provision (92) has also been added requiring the owner to complete 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.

Rear yard setback:

The rear yard setback requirement is to ensure adequate separation from surrounding lands and to ensure appropriate amenity space for future tenants. The lands adjacent to the rear lot line are also occupied with a multiple dwelling that is approximately the same height as the proposed development. Only a small portion of the development is located 3.6 metres from the rear lot line, as the rest of the space is occupied by required parking. Accordingly, adequate separation from the adjacent existing low rise residential development has been achieved and will be maintained. An amenity space is also proposed on the property, in an alternate location, which will be refined through the site plan process.

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 (410), and Holding Provision (92) represents good planning as it will facilitate the redevelopment of the lands with a 30-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 Zoning By-law Amendment:

Planning Justification Report

Prepared by: K. Smart Associates Limited, July 9, 2024

Architectural Drawings

Prepared by: Gerrards Design and Drafting Inc., June 18, 2024

Urban Design Brief

Prepared by: K. Smart Associates Limited, July 9, 2024

Functional Servicing Brief, Grading Plan & Stormwater Management Report

Prepared by: JPE Engineering, July 10, 2024

Tree Preservation and Enhancement Plan Report

Prepared by: Jackson Arboriculture Inc, May 1, 2024

Environmental Noise Study

Prepared by: JPE Engineering, July 10, 2024

Sustainability Statement

Prepared by: K. Smart Associates Limited, May 24, 2024

WHAT WE HEARD



Two (2) persons provided comments



A City-led Neighbourhood Meetings held on September 5, 2024 and five (5) different users logged on



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

Staff received written responses from 3 residents with respect to the proposed development. These are included in Attachment 'D'. The residents were concerned with the traffic, and site specific questions such as height of the buildings, parking location and tree protection. A Neighbourhood Meeting was held on September 5, 2024. A summary of what we heard, and staff responses are below.

What We Heard	Staff Comment
Concerns that not enough parking is provided on site, within the existing neighbourhood, and with overflow street parking from the neighbouring religious institution at specific times of the day	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. The religious institution is aware of the situation and has been working internally to provide services at different times of the day in order to limit the amount of people at specific times of the day. On-street parking is permitted for a limit of 3 hours at a time and if there are concerns By-law staff can be contacted.
Concerns over existing and neighbouring trees on site	A tree preservation and protection plan has been reviewed by City Environmental Staff, there is no concerns with the provided plan, and a landscape plan will be required as part of a Site Plan application. Tree protection fencing will be a requirement around all on site and neighbouring trees to ensure that trees experience no negative impacts.
Site specific concerns about location of access aisle and building dimensions including height	Proposed elevations and site plan were provided as part of a complete Zoning By-law application. A detailed review will be undertaken at site plan stage taking these comments into account.

Planning Conclusions:

In considering the foregoing, staff are supportive of the Zoning By-law Amendment. Staff is of the opinion that the subject application is consistent with policies of the 2020 and 2024 Provincial Policy Statements, conforms to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represents 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 – The recommendation has no impact on the Operating Budget.

The requirement for a municipality to refund planning application fees if a decision is not made within a prescribed timeframe, introduced by *Bill 109, More Homes for Everyone Act, 2022*, has been rescinded. Decisions on Zoning By-law Amendment applications are still required within 90 days to avoid potential appeals to the Ontario Land Tribunal for non-decision.

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 September 20, 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 July 30, 2024. In response to this circulation, staff received written responses from 3 members of the public, which were summarized as part of this staff report. Planning staff also responded to emails from the residents.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Proposed Provincial Policy Statement, 2024
- 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, Development and Housing Approvals Division

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

ATTACHMENTS:

- Attachment A – Proposed By-law and Map 1
- Attachment B – Newspaper Notice
- Attachment C – Department and Agency Comments
- Attachment D – Public Comments