

**REPORT TO:** Planning and Strategic Initiatives Committee

**DATE OF MEETING:** October 4, 2021

**SUBMITTED BY:** Bustamante, Rosa, Director of Planning, 519-741-2200 ext. 7319

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

**WARD(S) INVOLVED:** Ward 10

**DATE OF REPORT:** September 8, 2021

**REPORT NO.:** DSD-2021-165

**SUBJECT:** Official Plan Amendment OPA21/006/R/TS  
Zoning By-law Amendment ZBA21/009/R/TS  
61 & 65 Roy Street  
The Windermere Apartments Inc. & Roy Street Investments Inc.

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## RECOMMENDATION:

That Official Plan Amendment Application OPA21/006/R/TS for The Windermere Apartments Inc. & Roy Street Investments Inc. requesting the addition of Special Policy Area 10 for the lands specified and illustrated as the “Area of Amendment” on Schedule “A”, be adopted in the form shown in the Official Plan Amendment attached to Report DSD-2021-165 as Attachment “A”, and accordingly forwarded to the Region of Waterloo for approval; AND,

That Zoning By-law Amendment Application ZBA21/009/R/TS for The Windermere Apartments Inc. & Roy Street Investments Inc., requesting a change from Residential Five Zone (R-5) with Special Use Provision 164U to Residential Five Zone (R-5) with Special Use Provision 164U and Special Regulation Provision 773R, be approved in the form shown in the “Proposed By-law” dated September 10, 2021 for the lands illustrated on “Map No. 1” attached to Report DSD-2021-165 as Attachment “B”.

## REPORT HIGHLIGHTS:

- The purpose of this report is to provide a professional planning recommendation on Official Plan Amendment and Zoning By-law Amendment applications for the properties located at 61 & 65 Roy Street.
- Community engagement included:
  - Circulation of a notice letter to owners of property within 120 metres of the subject property;
  - Installation of a large notice sign on the property;

- Staff received 2 neighbourhood responses and corresponded directly with the members of the public; and,
- Notice of the public meeting was advertised in The Record on September 10, 2021.
- This report supports the City's Housing For All strategy by aligning policies and processes to facilitate more housing through the creation of 4 additional dwelling units in total.

### **EXECUTIVE SUMMARY:**

The owner of the properties at 61 & 65 Roy Street is proposing to add a Specific Policy Area 10 to the 1994 Official Plan and to amend the Zoning By-law to add a site specific regulation to permit multiple dwellings with up to 5 dwellings units within existing buildings.

Staff is supportive of the proposed 2 additional dwelling units within each of the existing buildings, for a total of 4 new dwelling units, and the subject applications for an Official Plan Amendment and Zoning By-law Amendment to convert the existing buildings into 2 multiple dwellings containing 5 units.

### **BACKGROUND:**

The Windermere Apartments Inc. & Roy Street Investments Inc. have made an application to the City of Kitchener for an Official Plan and Zoning By-law Amendment proposing to allow the use of each of the existing buildings to be a multiple dwelling with 5 units on each property.

The subject sites are approximately 12.5 metres wide, approximately 46 metres deep and have an area of 0.06 hectares. The subject sites each contain an existing mixed-use building containing 3 residential units, and 2 commercial office units. The existing buildings are proposed to remain, and the commercial units will be renovated internally to convert to residential dwelling units. The site is located on the south (east) side of Roy Street between Queen Street North and Young Street.

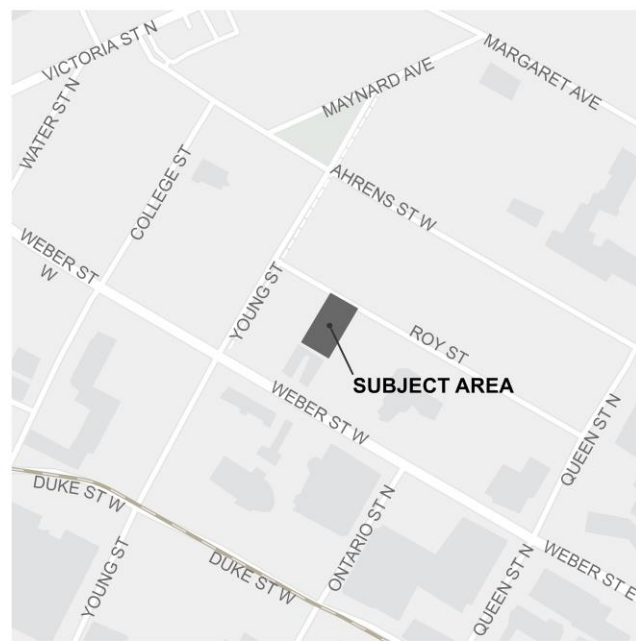


Figure 1 – Location Map: 61 & 65 Roy Street

## **REPORT:**

The Windermere Apartments Inc. & Roy Street Investments Inc. are proposing to convert each of the existing mixed-use buildings on the subject lands containing 3 residential units and 2 commercial office units to a multiple dwelling with 5 units. The applicant intends to renovate the vacant office units to residential units in order to provide additional housing units within the established neighbourhood.

The application was received and circulated for comment in June 2021. Staff is supportive of the proposed additional units with the existing buildings and the subject applications for Zoning By-law Amendment and Official Plan Amendment to allow the 5 unit multiple dwellings use on each property.

## **Planning Analysis:**

### **Provincial Policy Statement, 2020**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets out policies to consider in order to sustain healthy, liveable and safe communities. Section 1.4.3(b)2 of the PPS promotes all types of residential intensification, including additional residential units and redevelopment.

It also promotes 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.

With respect to efficient development, the proposed application represents an opportunity to convert an under-utilized building and site into a productive use for additional residential units. The use of the existing building within a neighbourhood with existing servicing and established transportation, trails, and transit networks aligns with the provincial policies in the PPS related to optimization of infrastructure, transit, and active transportation. The infill nature of this proposal also contributes to the standards of minimizing land consumption and servicing costs.

Based on the above, 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 a range and mix of housing options to serve all sizes, incomes, and ages of households. It also supports the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.

Policy 2.2.6.1(a) states that 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 site is located within the City's delineated built up area. The proposed development represents adaptive reuse of an existing building and is an important component in the range of housing. The proposed designation and zoning will allow the site to be located within an area with existing infrastructure, roads, trails, parks, and transit networks. This type of redevelopment is critical to foster a complete community in built up areas where they are needed. Staff is of the opinion that the applications conform to the Growth Plan.

### **Regional Official Plan (ROP), 2010:**

The subject site is located within the Urban Area in the Regional Official Plan. 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.

Furthermore, policy 2.D.1 states that in reviewing development applications, the Region and area municipalities will ensure that development occurring within the urban area is planned and developed in a manner that:

- is serviced by a municipal; drinking-water system and a municipal wastewater system
- contributes to the creation of complete communities with development patterns, densities and an appropriate mix of land uses that supports walking, cycling and the use of transit
- respects the scale, physical character, and context of established neighbourhoods in areas where reurbanization is to occur.

On April 21, 2021 Regional Council endorsed Major Transit Stations Area (MTSA) boundaries as part of the ongoing Regional Official Plan review, which include these lands. Section 2.D.6(a) & (b) states that MTSA's will be planned and developed to achieve increased densities that support and ensure the viability of existing planned rapid transit service levels, and a mix of residential, office, institutional and commercial development, wherever appropriate.

Regional staff have indicated that they have no objections to the proposed applications (Attachment 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

### **City of Kitchener Official Plan and proposed Official Plan Amendment:**

The subject lands are located within a Major Transit Station Area (MTSA) and are located less than 300 metres (approximately 3 blocks south) from the Young-Duke Street Bus Stop and the Kitchener City Hall LRT station. MTSA's are intended to be developed to achieve a mix of residential, office, institutional and commercial uses. Properties within MTSA's are intended to have a built form that is pedestrian friendly and transit oriented.

The subject lands are designated as Office Residential Conversion in the Civic Centre Secondary Plan.

Section 13.1.2.6 states that the designation of Office Residential Conversion aims to both preserve the existing structures in these areas and serve as a transition area between the higher intensity uses along Weber Street and Queen Street and the Low Rise Residential – Preservation designation of the interior of the neighbourhood. Permitted uses are restricted to single detached dwellings, and the conversion of existing buildings to multiple dwellings up to a maximum of three units and professional offices. Residential and office uses may be permitted to locate within the same building. Conversions will be permitted only where no major structural alterations are required to the exterior of the building. Planning staff view this area as a transitional area, with an opportunity for residential intensification within an established building, where no structural changes to the exterior of the building are proposed on the subject sites. Existing unused commercial floor area will be converted to a compatible residential use.

#### Amendment: Site Specific Policy Area

Planning staff are recommending Site Specific Policy Area 10 for the subject site to permit the use of a Multiple Dwelling with 5 units within the existing buildings.

#### Transit Supportive Development

The Official Plan states that MTSA's are a conceptual representation of the area of a ten-minute walking radius centered around the location of rapid transit station stops. The planned function of MTSA's are to provide a focus for accommodation growth through development to support existing and planned transit and rapid transit service levels; provide connectivity of various modes of transportation to the transit system; achieve a mix of residential, office, institutional, and commercial development wherever appropriate and; have streetscapes and a built form that is pedestrian-friendly and transit oriented.

The Official Plan contains policies that ensure that redevelopment locates the majority of transit supportive uses within a comfortable walking distance of a transit stop.

Planning staff notes that the subject site is approximately 300 metres from an LRT transit stop located on Duke Street that provides connections to the broader Waterloo Region transit system. The adaptive re-use of an existing building that is proximate to a transit corridor helps achieve this objective in the Official Plan.

#### Housing

The Official Plan supports the provision of suitable, affordable and attractive living accommodations for all residents and identifies that housing is a basic necessity and determinant of quality of life. An objective within the housing policies in the Official Plan is to encourage residential intensification and/or redevelopment, including adaptive re-use and infill opportunities to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure.

Planning staff is of the opinion that the proposed re-use of the existing building is a good example of residential intensification and responding to changing housing needs in an expedient manner.

## **Proposed Zoning By-law Amendment:**

The subject property is zoned Residential Five Zone (R-5) with Special Use Provision 164U in Zoning By-law 85-1. The R-5 zone permits multiple dwellings up to a maximum of 3 dwelling units and 164U permits the office and accessory uses only within the buildings existing on January 24, 1994.

The applicant has requested an amendment in the form of adding Special Regulation Provision 77R to permit the use of a multiple dwelling containing 5 units within the existing building.

Staff is of the opinion that the proposed site-specific provision to permit a *“Multiple Dwelling with 5 units”* is in line with policies that allow for residential intensification within existing buildings in MTSA areas. This proposal will provide an opportunity for an adaptive re-use form of redevelopment that will bolster the City’s supply of housing stock. Staff is of the opinion that this proposal represents good planning. Staff recommend that the proposed Zoning By-law amendment be approved as shown in Attachment “B”.

## **Department and Agency Comments:**

Preliminary circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken on June 25, 2021 to applicable City departments and other review authorities. No concerns were identified by any commenting City department or agency. Copies of the comments are found in Attachment “D” 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., March 2021

## **Heritage Considerations**

The properties are located within the Civic Centre Neighbourhood Heritage Conservation District (CCNHCD) and designated under Part V of the Ontario Heritage Act. Both properties are identified as Group ‘C’ properties in the CCNHCD Plan. Heritage staff have reviewed the Planning Justification Report prepared by MHBC Planning, and Heritage staff agree with the conclusion that the proposed development is in conformity with the applicable policies of the CCNHCD and is not likely to result in any adverse impacts to the identified character of the neighbourhood or overall CCNHCD.

## **Community Input and Staff Response:**

Staff mailed out a neighbourhood circulation letter to arrive the week of June 28, 2021 to households within 120 metres of the subject site. As a result of the circulation staff only received 2 community responses. Staff reached out to each respondent individually by telephone/email. The two respondents were satisfied with the individual discussion rather than having a neighbourhood meeting, and both respondents expressed support for the

proposal with some minor concerns about site functionality with respect to garbage pickup and grading of the properties. Staff indicated that the concerns will be dealt with at the Site Plan stage of the development, through a detailed review of the existing conditions and a review of the proposed plan by all applicable staff to ensure the property meets City standards. The applicant will be required to obtain Site Plan approval for each of the five unit multiple dwellings.

### **Planning Conclusions:**

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit a multiple dwelling with 5 units within the existing building on each of the properties located at 61 & 65 Roy Street. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning.

### **STRATEGIC PLAN ALIGNMENT:**

The recommendation of this report supports the achievement of the City's strategic vision through the delivery of core service.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this recommendation.

### **COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the committee meeting. A notice sign was posted on the property and information regarding the application posted to the City's website in June 2021. A notice of the public meeting was placed in the newspaper on September 10, 2021 (Attachment "C").

CONSULT – The circulation letter for the proposed Official Plan Amendment and Zoning By-law Amendment were circulated to property owners within 120 metres of the subject site on June 25, 2021. In response to the circulation, 2 responses were received by email. Both respondents were contacted by phone and email.

### **PREVIOUS REPORTS/AUTHORITIES:**

- Zoning By-law 85-1
- Official Plan, 2014
- Regional Official Plan
- Provincial Policy Statement, 2020
- Planning Act, 1990
- Growth Plan for the Greater Golden Horseshoe, 2020

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

**ATTACHMENTS:**

- Attachment A – Proposed Official Plan Amendment
- Attachment B – Proposed Zoning By-law Amendment
- Attachment C – Newspaper Notice
- Attachment D – Department and Agency Comments
- Appendix E – Public Comments