

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: September 12, 2022

SUBMITTED BY: Garett Stevenson, Interim Director of Planning, 519-741-2200 ext. 7070

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

WARD(S) INVOLVED: Ward 10

DATE OF REPORT: August 10, 2022

REPORT NO.: DSD-2022-407

SUBJECT: Official Plan Amendment OPA22/006/R/TS
Zoning By-law Amendment ZBA22/010/R/TS
27 Roy Street
RFB Developments

RECOMMENDATION:

That Official Plan Amendment Application OPA22/006/R/TS for RFB Developments requesting the addition of Special Policy Area 11 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-2022-407 as Attachment “A”, and accordingly forwarded to the Region of Waterloo for approval; AND,

That Zoning By-law Amendment Application ZBA22/010/R/TS for RFB Developments, - 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 781R, be approved in the form shown in the “Proposed By-law” dated September 12, 2022 for the lands illustrated on “Map No. 1” attached to Report DSD-2022-407 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 property located at 27 Roy Street.
- Community engagement included:
 - Circulation of a notice letter to residents and owners of property within 240 metres of the subject property;
 - Installation of a large billboard 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 August 19, 2022.
- 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.

EXECUTIVE SUMMARY:

The owner of the property at 27 Roy Street is proposing to add Special Policy Area 11 to the Official Plan (Civic Centre Secondary Plan) and to amend Zoning By-law 85-1 to add a special regulation provision to add an artisan's establishment and restaurant as permitted uses in the same building as residential uses.

Planning staff are supportive of the subject applications for an Official Plan Amendment and Zoning By-law Amendment to permit the uses of artisan's establishment and restaurant in the same building as residential uses, as well as the requested site specific regulations for lot area, lot width and reduced parking requirement for the commercial uses.

BACKGROUND:

RFB Developments has made an application to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to allow an artisan's establishment and restaurant use within the same building as residential uses.

The subject site is approximately 13.72 metres wide, approximately 30.48 metres deep and has an area of 0.04 hectares. The subject site currently contains a single detached dwelling. The existing building is proposed to remain, and the interior is to be renovated to accommodate three dwelling units, as well as an additional unit for an artisan's establishment and restaurant. The site is located on the south (east) side of Roy Street between Queen Street North and Young Street.

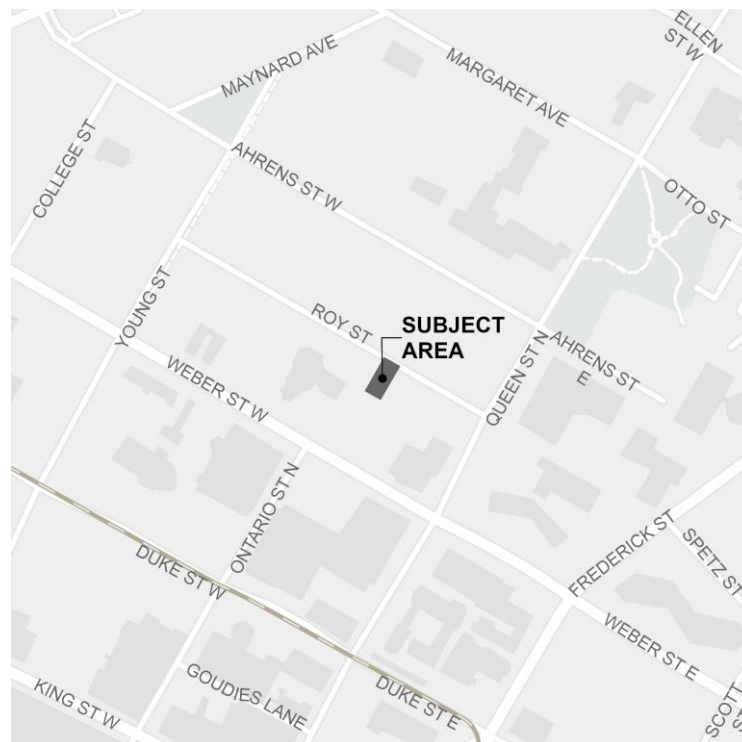


Figure 1 – Location Map: 27 Roy Street

REPORT:

RFB Developments are proposing to convert the existing single detached dwelling to a mixed use building containing three dwelling units, and 1 commercial unit for an artisan's establishment and restaurant use. A small rear addition is also proposed. Site specific zoning is also requested to legalize the lot width, lot area and to provide a reduced parking rate for the commercial uses.

The application was received and circulated for comment in June 2022. Planning Staff are supportive of the proposed mixed-use building containing three dwelling units and one commercial unit and are

supportive of the requested Zoning By-law Amendment and Official Plan Amendment applications to permit an artisan's establishment and a restaurant as permitted uses. The artisan's establishment and restaurant use will be within the main floor unit, which will be approximately 103m². The intent of the artisan's establishment use is to provide studio, workshop and a multi-functional community space at a small scale for neighbourhood use. The restaurant space will be a small-scale café used as an accessory to the artisan's establishment.

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 applications represent an opportunity to convert an under-utilized building with a mix of uses including two additional dwelling units and an artisan's establishment and restaurant. The property is 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 intensification of this site will minimize 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 with a greater intensification of residential uses by adding two residential units and adding one unit for commercial purposes. The proposed Special Policy Area and site-specific zoning will allow for additional dwelling units and new uses within an area that has existing servicing 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):

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 re-urbanization 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 includes 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. The MTSA boundaries were part of the amendment to the Regional Official Plan which was approved on August 18, 2022.

Planning staff is of the opinion that the proposed development conforms to the Regional Official Plan and is appropriate for a built up area.

Regional staff have indicated that they have no objections to the proposed application (Appendix 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 transit 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 are of the opinion that these lands are in a transition area and are an opportunity for residential intensification within an established building, where the only structural changes to the exterior of the building are in the form of a rear yard addition.

Amendment: Special Policy Area

Planning staff are recommending Special Policy Area 11 for the subject site to permit the uses of artisan's establishment and restaurant within the same building as residential uses.

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. Section 3.C.2.22 a) i) states that until such time as Station Area Plans are completed, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Station Study Areas contained in the City's Planning Around Rapid Transit Station Areas (PARTS) Project Plan and Background Report. In areas that are intended to be the focus for intensification, development applications will support the planned function of Major Transit Station Areas and have regard for the Regional Official Plan and the Transit Oriented Development Policies included in Section 13.C.3.

Specifically policy 13.C.3.12 c) states that the City will apply Transit-Oriented Development provisions when reviewing development and/or redevelopment applications on or near sites that are served by existing or planned rapid transit to ensure that a redevelopment provides an appropriate mix of land uses, including a range of food destinations that allow people to walk or take transit to work, and provides a variety of services and amenities that foster vibrant, transit-supportive neighbourhoods.

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.

Urban Structure

The City's Urban Structure is composed of Intensification Areas which include the Urban Growth Centre (Downtown), Major Transit Station Areas (MTSA), City Nodes, Community Nodes, Neighbourhood Nodes, Urban Corridors and Arterial Corridors. They are connected by transit corridors and the integrated transportation system which are key elements in shaping growth and built form in the city.

Policy 3.C.2.1 states that lands within Urban Structure Components will be designated an appropriate land use to achieve their planned function. The policies pertaining to each Urban Structure component stipulate what the applicable land use designations may include.

The lands are identified as an MTSA in the 2014 Official Plan. In the Official Plan on Map 2 – Urban Structure the lands appear within the MTSA circle for the Kitchener City Hall Station. Section 3.C.2.16 of the Official Plan indicates that MTSA's are designated in the Regional Official Plan and are identified in the City's Official Plan as a conceptual representation of the area of a ten minute walking radius centred around the location of the Rapid Transit Stops. In Section 3.C.2.18 it states that the City, in collaboration with the Region and in accordance with Regional Official Plan, will prepare Station Area Plans for each MTSA area located outside the UGC.

The Official Plan provides direction for detailed station area planning exercises, which have been completed for Central, Midtown and Rockway stations areas. The subject lands are located within the PARTS Central Plan. In December 2019 a statutory public meeting for the Neighbourhood Planning Review project was held. No decisions were made at this meeting. Since then, the Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, the Region proposed MTSA boundaries which were endorsed by Regional Council. Due to the changes in the Provincial Growth Plan and the Region's Official Plan Review, the timeline for consideration of the Secondary Plans has changed and the earliest implementation of the Neighbourhood Planning Review work can be considered is early 2023.

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 efficient 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 office and accessory uses only within the buildings existing on January 24, 1994.

The applicant has requested to add an artisan's establishment and restaurant as permitted uses within the same building as residential units. Furthermore, site-specific zoning regulations for lot width, lot area and parking have also been requested to legalize the existing size of the lot, and to permit a reduced parking rate for the commercial uses of artisan's establishment and restaurant. The minimum lot width and lot area required within the Zoning By-law is 15 metres and 495 square metres respectively. The request will legalize the existing lot width and lot area, which will have minimal impacts on the surrounding neighbourhood. The requested parking reduction of 1 parking space per 167 square meters for commercial use, requires only 1 parking space for the commercial uses whereas the required parking calculation of 1 space per 40 square metres for artisan's establishment and 1 space per 7.5 square metres for restaurant use, which would require a substantial increase in parking spaces that the development would not be able to provide. Staff support the parking reduction as there are adequate alternative modes of transportation available due to the proximity of the LRT and bus stops. Furthermore, the applicant is proposing 4 Class A, and 6 Class B bicycle parking spaces.

Staff is of the opinion that the proposed site specific provision to permit an artisan's establishment and restaurant within the same building as residential uses conforms to Official Plan policies that allow for residential intensification within existing buildings in a MTSA. This proposal will provide an opportunity for an adaptive re-use form of redevelopment that will offer a slight increase to the City's supply of housing stock, and allow for a small scaled non-residential uses. Staff is of the opinion that the requested zoning by-law amendment 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 3, 2022 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 GSP Group Inc., March 2022

- Heritage Conservation Plan
Prepared by RFB Development, October 2021
- Functional Servicing and SWM Brief
Prepared by MTE Consultants, March 2022
- Transportation Impact Study
Prepared by Paradigm Transportation Solutions Ltd., March 2022
- Tree Management Plan
Prepared by GSP Group Inc., February 2022

Heritage Considerations

The property municipally addressed as 27 Roy Street is located within the Civic Centre Neighborhood Heritage Conservation District (CCNHCD) and is designated under Part V of the Ontario Heritage Act. The property is identified as a Group 'B' in the CCNHCD Plan. Heritage staff have reviewed the Planning Justification Report and Conservation Plan submitted, and Heritage staff have the following comments:

- The proposed development will preserve the existing building, and repair and restore the identified heritage attributes of the existing building. Furthermore, the two additions that have been proposed for the development are located on the rear elevation of the property and are not anticipated to detract from the cultural heritage value of the property. No adverse impacts to the building, the streetscape or the district are anticipated because of the OPA and ZBA. As such, heritage planning staff have no concerns with the proposed ZBA and OPA.
- However, Heritage Planning staff require that an updated Conservation Plan be submitted at the Site Plan Application stage demonstrating conformity with the policies for alterations and additions included within the CCNHCD as neither the Conservation Plan nor the Planning Justification Report include those currently.
- A heritage permit will be required to undertake the proposed work included within the Conservation Plan.
- Staff will be providing additional comments at the Site Plan Application stage.

Community Input and Staff Response:

Staff mailed postcards advising of the applications the week of June 3, 2022 to residents and property owners within 240 metres of the subject site. As a result of the circulation, staff only received two responses. Staff reached out to each respondent individually by email rather than having a neighbourhood meeting. One respondent expressed support for the proposal, and the other requested further information on specific zoning requirements, definitions of artisan's establishment, and timing on when Zoning By-law 2019 would come into effect, which was subsequently provided. Neither respondent had expressed any concerns with the applications.

Planning Conclusions:

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment applications to permit an artisan's establishment and restaurant uses within the same building as a residential use. 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:

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 meeting. A billboard notice sign was posted on the property and information regarding the application posted to the City's website in June 2022. A notice of the public meeting was placed in the newspaper on August 19, 2022 (Attachment "C").

CONSULT – The notice of application postcard for the proposed Official Plan Amendment and Zoning By-law Amendment was circulated to property owners and residents within 240 metres of the subject site on June 3, 2022. In response to the circulation, 2 responses were received by email. Both respondents were contacted by email. There are no outstanding community comments.

PREVIOUS REPORTS/AUTHORITIES:

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

APPROVED BY: Justin Readman – General Manager, Development Services

ATTACHMENTS:

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