

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: December 12, 2022

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

PREPARED BY: Eric Schneider, Senior Planner, 519-741-2200 ext. 7843

WARD(S) INVOLVED: Ward 6

DATE OF REPORT: November 15, 2022

REPORT NO.: DSD-2022-461

SUBJECT: 1257-1265 Ottawa Street South
Zoning By-law Amendment Application ZBA22/009/O/ES
Ihor Dotsenko and Yuliya Dotsenko and 9474765 Canada Inc.

RECOMMENDATION:

That Zoning By-law Amendment Application ZBA22/009/O/ES requesting to amend Zoning By-law 85-1, for Ihor Dotsenko and Yuliya Dotsenko and 9474765 Canada Inc. be approved in the form shown in the Proposed 'Proposed By-law', and 'Map No. 1' attached to Report DSD-2022-461 as Attachment 'A'; and

That Zoning By-law Amendment Application ZBA22/009/O/ES requesting to amend Zoning By-law 2019-051, for Ihor Dotsenko and Yuliya Dotsenko and 9474765 Canada Inc. be approved in the form shown in the Proposed 'Proposed By-law', and 'Map No. 1' attached to Report DSD-2022-461 as Attachment 'A'; and,

That the Proposed By-law to amend Zoning By-law 2019-051, as amended shall have no force and effect against the subject lands until the date that all appeals relating to By-law 2022-040 (Comprehensive Review of the Zoning By-law (CRoZBy) Stage 2b – Applying New Residential Zones on Properties) in relation to the subject lands have been withdrawn or decided and any applicable appeal periods have expired; and further

That in accordance with Planning Act Section 45 (1.3 & 1.4), applications for minor variances shall be permitted for lands subject to Zoning By-law Amendment Application ZBA22/009/O/ES.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding a Zoning By-law Amendment application for the property located at 1257-1265 Ottawa Street South.
- 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 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;
 - notice advising of the statutory public meeting was circulated to all 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 November 18, 2022.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

Planning Staff is recommending approval of the requested Zoning By-law Amendment application to:

- Change the zoning in Zoning By-law 85-1 from 'Residential Three Zone (R-3)' to 'Residential Six Zone (R-6)' with Special Regulation Provision 784R;
- Change the zoning in Zoning By-law 2019-051, currently under appeal, from 'Low Rise Residential Two Zone (RES-2)' to 'Low Rise Residential Five Zone (RES-5)' with Site-Specific Provision (354);
- Facilitate the construction of a 20-unit multiple dwelling.

BACKGROUND:

The City of Kitchener has received an application for a Zoning By-law Amendment from Ihor Dotsenko and Yuliya Dotsenko and 9474765 Canada Inc. for a development concept that proposes a three-storey multiple dwelling building with twenty (20) residential units and twenty-three (23) surface parking spaces.

The subject property is identified as 'Community Areas' 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 comprised of two lots addressed as 1257 and 1265 Ottawa Street South. The subject lands are on the south side of Ottawa Street South near the intersection of two Regional roads - Fischer Hallman Road and Ottawa Street South. The lot area of the subject site is approximately 0.2 hectares and the lot frontage is 40.8 metres. Each lot contains a single detached dwelling. The surrounding neighbourhood contains a mix of low-rise multiple dwellings, semi-detached, and single detached dwellings, and institutional uses.

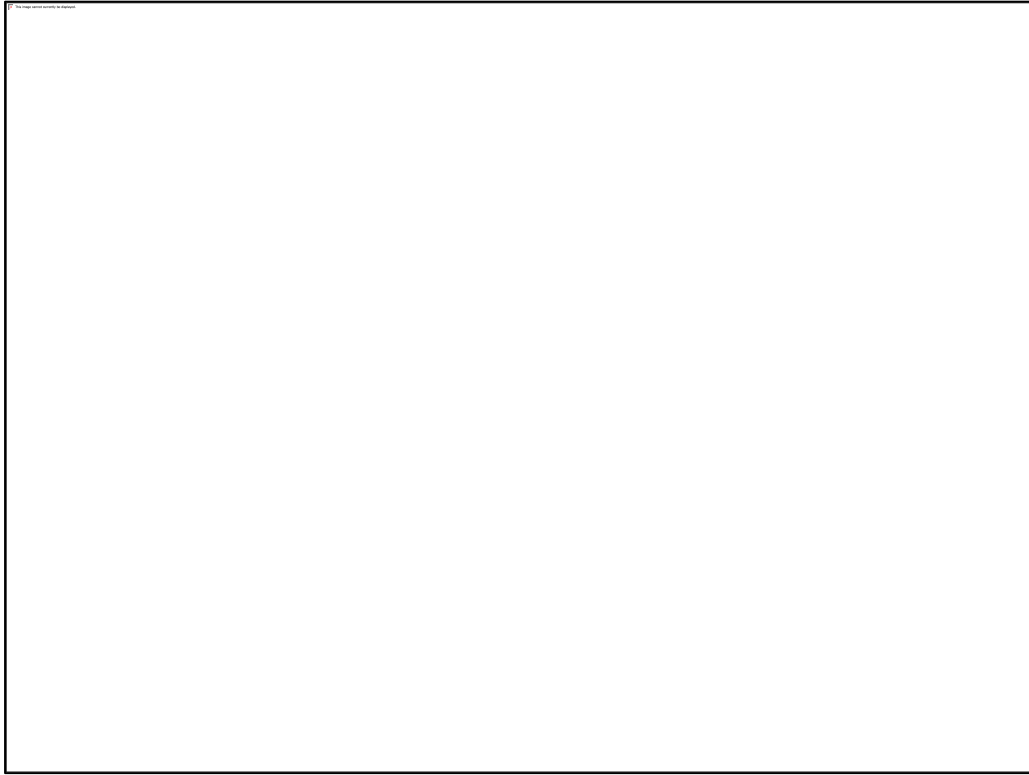


Figure 1 – Existing Single Detached Dwelling at 1257 Ottawa Street South



Figure 2 – Existing Single Detached Dwelling on Site at 1265 Ottawa Street South

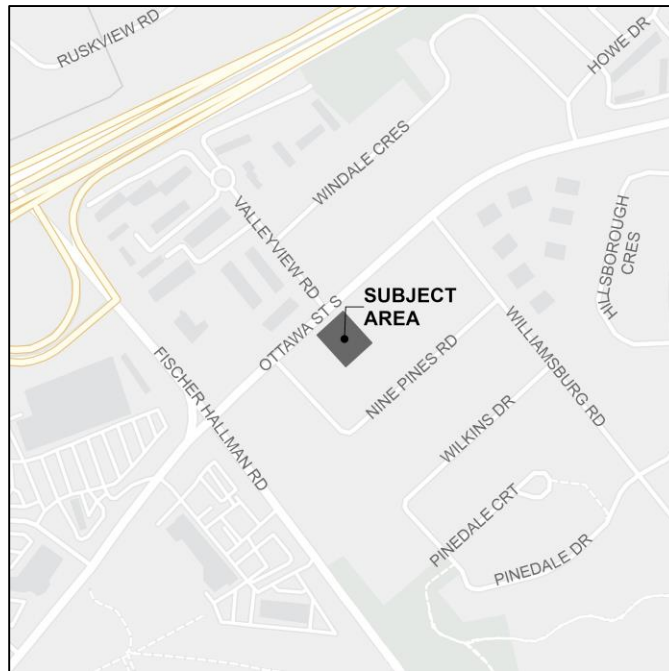


Figure 3 - Location Map: 1257-1265 Ottawa Street South

REPORT:

The applicant is proposing to demolish the existing two (2) buildings on site, consolidate the properties together, and develop the subject property with a 3-storey, 20-unit multiple dwelling building. Twenty-three (23) surface parking spaces, including three visitor parking spaces and one barrier free parking space are proposed. Twenty (20) bicycle parking spaces, including fourteen (14) enclosed and secured spaces for residents, and six (6) short-term spaces on an outdoor bicycle rack, are proposed.

Through the review and evaluation of this application, the development concept was slightly revised from its initial submission. The original concept proposed a smaller amenity space, and the parallel parking closer to the street with limited opportunity for landscape screening. The revised concept shifts the parallel parking spaces further from the street line in order to allow for greater opportunity for landscape screening of parking spaces. The revised concept includes improvements to the garbage truck turnaround area relocates the outdoor bicycle rack and shifts the access aisle for the barrier free space into the existing walkway area to allow for a larger and more functional amenity area.

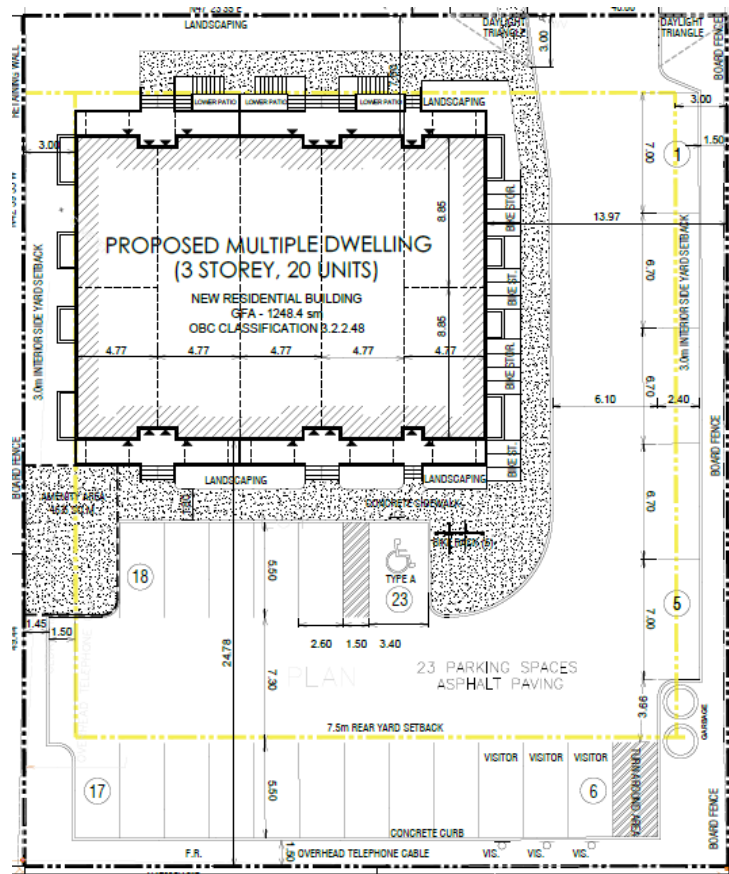


Figure 4- Original Development Concept

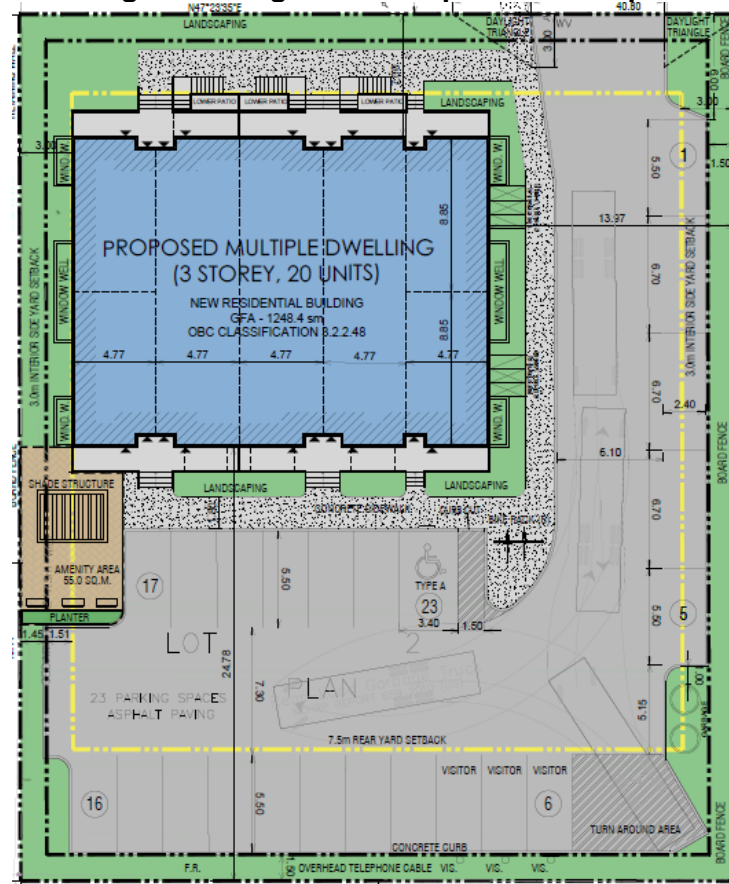


Figure 5- Revised Development Concept

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. Section 1.4.3 (d) of the PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities. The PPS 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 contribute to an appropriate mix of housing types within the context of the surrounding neighbourhood. The subject lands are within an existing neighbourhood with adequate servicing capacity, road network capacity, and other required infrastructure and therefore represents a cost-effective development pattern that minimized 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 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.

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 and affordable housing to meet projected needs of current and future residents.

Policy 2.2.1.4(a) This plan will support the achievement of Complete Communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities.

The proposed development represents multiple dwelling residential, which will contribute to a greater mix of housing types in the neighbourhood. The existing neighbourhood is well served by local stores, services, and public service facilities such as a major commercial plaza (Sunrise Centre) on the corner of Fischer Hallman Road and Ottawa Street South, Windale Park, and the Laurentian Hydro Corridor Trail. Planning staff is of the opinion that the development proposal conforms to the Growth Plan.

Regional Official Plan (ROP), 2010:

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 the City 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. Regional staff have indicated that they have no objections to the proposed applications (Attachment 'C'). Planning staff are of the opinion that the application conforms to the Regional Official Plan.

City of Kitchener Official Plan:

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. No buildings shall exceed 3 storeys or 11 metres in height. No Official Plan amendment is required to implement the Zoning By-law Amendment application.

Planning staff is of the opinion that the requested zoning by-law amendment will facilitate a housing form that conforms with the Low Rise Residential land use designation in the City's Official Plan.

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 2, 3, and iXpress Routes 201 and 205. The proposed development concept includes provision of 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.

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 will require 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 a 3 storey building that orients massing and unit entrances towards the street line along Ottawa Street South. Street fronting articulation includes at grade patios as well as second and third floor balconies. Barrier free connectivity throughout the site is provided through pedestrian walkways from the rear unit entrances alongside the building and in front of the street fronting units, both leading to the sidewalk on Ottawa Street South. On-site amenity area is achieved through at-grade passive amenity space at the rear of the building, as well as private unit balconies and at grade patios.

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.

Policy Conclusion

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

Proposed Zoning By-law Amendment:

The subject lands are currently zoned both in Zoning By-law 85-1 and Zoning By-law 2019-051 (currently under appeal). Changes to both By-laws are necessary as part of this Zoning By-law Amendment and are described separately below.

Zoning By-law 85-1:

The subject lands are currently zoned 'Residential Three Zone (R-3)' in Zoning By-law 85-1. The applicant has requested to change the zoning to 'Residential Six Zone (R-6)' and add a Special Regulation Provision (784R) in Zoning By-law 85-1. The requested change in zoning category is to permit the proposed use of a "Multiple Dwelling".

Special Regulation Provision (784R)

- a. Permit a Floor Space Ratio of 0.63
- b. Establish a Parking rate of 1.15 parking spaces per dwelling unit (1 per dwelling unit and 0.15 visitor parking spaces per dwelling unit)

Zoning By-law 2019-051:

The subject lands are zoned 'Low Rise Residential Two Zone (RES-2)' in Zoning By-law 2019-051 (currently under appeal).

The applicant has requested to change the zoning to 'Low Rise Residential Five Zone (RES-5)' and add a Site Specific Provision (354) in Zoning By-law 2019-051. The requested change in zoning category is to permit the proposed use of a "Multiple Dwelling".

Site-Specific Provision (354)

- a. Permit a Floor Space Ratio of 0.63

Floor Space Ratio

The maximum Floor Space Ratio in both Zoning By-laws is 0.6. Policy 15.D.3.11 of the Official Plan allows for increases up to 0.75 as follows:

"15.D.3.11. A maximum Floor Space Ratio of 0.6 will apply to all development and redevelopment. Site-specific increases to allow up to a maximum Floor Space Ratio of 0.75 may be considered where it can be demonstrated that the increase in the Floor Space Ratio is compatible and meets the general intent of the policies in this Plan. An Official Plan Amendment will be required to consider an increase in the Floor Space Ratio greater than 0.75."

Increases in the Floor Space Ratio (FSR) between 0.6 and 0.75 require demonstration of compatibility and meeting the general intent of the policies of the Official Plan. Compatibility is defined in the Official Plan as:

"Land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area without causing unacceptable adverse effects, adverse environmental impacts or adverse impacts. Compatibility or compatible should not be narrowly interpreted to mean "the same as" or even as "being similar to."

The existing surrounding neighbourhood is made up of a mix of low-rise housing types, including multiple dwellings. Directly across Ottawa Street South (25 Valleyview Road) is a 29-unit townhome multiple dwelling development. The surrounding blocks also contain single and semi-detached dwellings. Most dwellings in the area are 1.5-3 storeys. Therefore, the proposed building at 3 storeys and 20-units is similar to, and compatible with, the surrounding neighbourhood in the opinion of Planning Staff.

Parking (Zoning By-law 85-1)

The proposed parking rate meets the minimum required parking rate in Zoning By-law 2019-051 (1.15 spaces per unit). Therefore, a request for parking reduction is only required for Zoning By-law 85-1. The proposed rate of 1.15 spaces per unit would result in a total of twenty-three (23) parking spaces; twenty (20) spaces for residents and three (3) visitor spaces. In addition to vehicle parking spaces, the applicant is proposing ten (10) secured bicycle parking spaces, and six (6) outdoor short-term bicycle parking spaces. The location of the site is well served by existing public transit. Staff is of the opinion that the proposed complement of vehicle and bicycle storage on site is adequate and a full range of transportation options are available to future residents. Staff is of the opinion that the proposed rate of 1.15 parking spaces per dwelling unit as required in Zoning By-law 2019-051 is appropriate for this site.

Department and Agency Comments:

Preliminary circulation of the Zoning By-law Amendment was undertaken on June 1, 2022 to applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency. 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 Opinion Report
Prepared by Patterson Planning Consultants Inc., April, 2022
- Urban Design Brief
Prepared by Patterson Planning Consultants Inc., April, 2022
- Site Grading, Servicing, and Storm Water Management Report
Prepared by Reinders and Law, January 31, 2022
- Site Concept Plan
Prepared by Reinders and Law, December 5, 2021, Revised: October 21, 2022
- Tree Preservation/Enhancement Plan and Arborist Report
Prepared by OMC Landscape Architecture, July 10, 2022
- Noise Study
Prepared by JPE Engineering, January 28, 2022
- Salt Management Plan
Prepared by Reinders and Law, January 29, 2022

Community Input and Staff Response:

Staff received written responses from 13 residents with respect to the proposed development. These can be found in Attachment ‘D’. A summary of what we heard, and staff responses are noted below.

| What We Heard | Staff Comment |
|---|--|
| Traffic on Ottawa Street is already busy, this development will make it worse | The intersection of Ottawa and Fischer Hallman is one of the busiest in the Region. The number of units for the proposed development is low and does not warrant a detailed traffic study. The addition of 20 units is not expected to have adverse impacts on traffic in the area. The development will result in forward egress onto Ottawa Street South, rather than the existing conditions of vehicle backing out of driveways. |
| This development is too large for this site | The proposed development will remain a low-rise residential use, which is permitted in the Low Rise Residential land use designation in the Official Plan. The scale and massing is compatible with the surrounding neighbourhood and the use is present in the surrounding neighbourhood. |

| | |
|--|--|
| Privacy and rear parking lot | Landscaped areas have been included between the parking area and abutting lands, to provide a buffer between the asphalt area and the property lines. Landscaping and a 1.8 metre (6 foot) high fence will help to screen the parking area. In regards to concerns about privacy, the rear facing balconies are located approximately 25 metres from the rear lot line, whereas the minimum is 7.5 metres. This will help to mitigate overlook concerns as they will be located 25 metres from the rear lot line and provide an approximate building separation of 46 metres from the abutting homes on Nine Pines Road. |
| Garbage storage will become a nuisance for adjacent neighbours | Garbage storage has been detailed on site plan to include deep well units. These units store waste deep underground and in a sealed container, presenting less nuisance issues such as wildlife foraging than traditional dumpster or roll out bins. The deep wells also provide for less frequent pick ups, resulting in less impact to adjacent properties. |
| Water drainage is an issue and backyards on this block get flooded in the spring | The proposed development would be required to install stormwater management infrastructure to collect rainwater and store on-site or discharge to municipal infrastructure. |
| Parking on site and on-street parking | The proposed parking on site meets the 2019 Zoning By-law rates and alternative modes of transportation is available in the area. On-Street parking is subject to City restrictions of 3 hours at a time, making it only viable for short term visits, not residential use. |

Planning Conclusions:

In considering the foregoing, staff are supportive of the Zoning By-law amendment. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. Staff recommends that the application be approved. The proposed application represents an opportunity to provide 'missing middle' housing that addresses a need in our community.

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 Council / Committee meeting. A large billboard notice sign was posted on the property and information regarding the application was posted to the City's website. Following the initial circulation referenced below, an additional courtesy notice of the public meeting was circulated to all property

owners within 240 metres of the subject lands, those responding to the preliminary circulation and Notice of the Public Meeting was posted in the Waterloo Region Record on November 18, 2022 (a copy of the Notice may be found in Attachment 'B').

CONSULT – The proposed Zoning By-law Amendment was originally circulated to property owners within 240 metres of the subject lands on June 1, 2022. In response to this circulation, staff received written responses from 12 residents, which are included in Attachment 'D'. A Neighbourhood Meeting was held on November 8, 2022 and attended by approximately 10 residents.

PREVIOUS REPORTS/AUTHORITIES:

- Zoning By-law 85-1
- Zoning By-law 2019-051
- Official Plan, 2014
- Regional Official Plan, 2010
- Provincial Policy Statement, 2020
- Planning Act, 1990
- A Place to Grow Growth Plan, 2020

REVIEWED BY: Malone-Wright, Tina – Interim Manager of Development Review, Planning Division

APPROVED BY: Justin Readman - General Manager, Development Services

ATTACHMENTS:

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