



Council Meeting Agenda

Monday, September 25, 2023, 7:00 p.m.

Council Chambers - Hybrid

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

People interested in participating in this meeting can register online using the delegation registration form at www.kitchener.ca/delegation or via email at delegation@kitchener.ca. Please refer to the delegation section on the agenda below for registration in-person and electronic participation deadlines. Written comments received will be circulated prior to the meeting and will form part of the public record.

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Accessible formats and communication supports are available upon request. If you require assistance to take part in a city meeting or event, please call 519-741-2345 or TTY 1-866-969-9994.

Pages

1. COMMENCEMENT

The electronic meeting will begin with a Land Acknowledgement given by the Mayor and the singing of “O Canada.”

2. MINUTES FOR APPROVAL

Minutes to be accepted as circulated to the Mayor and Councillors (regular meeting held August 28, 2023, and special meetings held August 28 and September 18, 2023) - Councillor B. Ioannidis.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

4. COMMUNICATIONS REFERRED TO FILE

4.1 Flag Request Under Policy MUN-FAC-442

4.1.a Association des Francophones de Kitchener-Waterloo - September 25, 2023

4.1.b ARTA The Romanian Association - December 1, 2023

4.1.c Ink-stained Wretches - May 3, 2024

5. PRESENTATIONS

5.1 REEP Green Solutions - Impact Report

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- 5.1.a Mary Jane Patterson, Executive Director and Patrick Gilbride, Associate Director/Manager of Green Infrastructure Programs, REEP Green Solutions.

6. DELEGATIONS

Pursuant to Council's Procedural By-law, delegations are permitted to address the Committee for a maximum of five (5) minutes. All Delegations where possible are encouraged to register prior to the start of the meeting. For Delegates who are attending in-person, registration is permitted up to the start of the meeting. Delegates who are interested in attending virtually must register by 5:00 p.m. on September 25, 2023, in order to participate electronically.

6.1 Official Plan Amendment Application OPA22/004/V/KA, Zoning By-law Amendment Application ZBA22/006/V/KA, 130-142 Victoria Street South, 1936026 Ontario Inc., DSD-2023-365, listed as item 7.2.i

- 6.1.a Victor Labreche, Arcadis Professional Services (Canada) Inc.

6.2 Blue Community

- 6.2.a Robyn Hamlyn

6.3 Notice of Motion - J. Deneault - Ontario Disability Support Program and Ontario Works Program Rate Increase Advocacy, listed as item 9.3

- 6.3.a Allan Mills, Extend-A-Family Waterloo Region, and Mary Tindale and Curtis Harjn

6.4 Notice of Motion - D. Chapman - Guaranteed Basic Income, listed as item 9.4

- 6.4.a Caterina Lindman, Ontario Basic Income Network
- 6.4.b Beatrice Henry, Basic Income Waterloo Region

6.5 Official Plan Amendment Application OPA23/010/C/CD, Zoning By-law Amendment Application ZBA23/016/C/CD, 332 Charles Street East, 332 Charles GP Inc., DSD-2023-300, listed as item 7.2.j

- 6.5.a Pierre Chauvin, MHBC Planning and Stephen Litt, Vive Development

7. REPORTS OF COMMITTEES

7.1 HERITAGE KITCHENER - SEPTEMBER 5, 2023

- 7.1.a Heritage Permit Application HPA-2023-V-015, 30-40 Margaret Avenue, New Building - Townhome Development, DSD-2023-367

"That pursuant to Section 42 of the Ontario Heritage Act, Heritage

Permit Application HPA-2023-V-015 be approved, as outlined in Development Services Department report DSD-2023-367, to permit the construction of eight blocks of townhome dwellings, an amenity space, and an internal roadway system with two access points onto Margaret Avenue, on the property municipally addressed as 30-40 Margaret Avenue, in accordance with the plans and supplementary information submitted with the application and subject to the following conditions:

1. That the final Heritage Impact Assessment and Cultural Heritage Protection Plan (Brief) be submitted and approved by the Director of Planning prior to the issuance of a Heritage Permit;
2. That final samples of the building materials and colours be submitted for review by Heritage Planning staff in conjunction with Urban Design prior to the issuance of a building permit; and
3. That the final building permit drawings be reviewed, and heritage clearance provided by Heritage Planning staff prior to the issuance of a building permit."

7.1.b Notice of Intention to Designate, 35 & 43 Sheldon Avenue North Under Part IV of the Ontario Heritage Act, DSD-2023-362

"That pursuant to Section 29 of the Ontario Heritage Act, the Clerk be directed to publish a Notice of Intention to Designate the property municipally addressed as 35 & 43 Sheldon Avenue North as being of cultural heritage value or interest, as outlined in Development Services Department report DSD-2023-362."

7.1.c Notice of Intention to Designate, 90-92 Queen Street South Under Part IV of the Ontario Heritage Act, DSD-2023-358

That pursuant to Section 29 of the Ontario Heritage Act, the Clerk be directed to publish a Notice of Intention to Designate the front façade of the property municipally addressed as 90-92 Queen Street South as being of cultural heritage value or interest, as outlined in Development Services Department DSD-2023-358.

**7.2 PLANNING AND STRATEGIC INITIATIVES COMMITTEE -
SEPTEMBER 18, 2023**

- 7.2.a Zoning By-law Amendment Application ZBA23/013/S/CD, Lifting of Holding Provision 24H, 134-154 Shanley Street, 2701098 Ontario Inc., DSD-2023-263

That Zoning By-law Amendment Application ZBA23/013/S/CD for 2701098 Ontario Inc., for the property municipally addressed as 134-154 Shanley Street, for the purpose of removing Holding Provision 24H from the lands specified in the attached 'Map No.1', in the form shown in the 'Proposed By-law' attached to the Development Services Department report DSD-2023-263 as Appendix 'A', be approved.

- 7.2.b Zoning By-law Amendment Application ZBA23/032/V/CD, Lifting of Holding Provision 43H, 120 Victoria Street South, Glovebox (2019) Inc, DSD-2023-400

That Zoning By-law Amendment Application ZBA23/032/V/CD for Glovebox (2019) Inc., for the property municipally addressed as 120 Victoria Street South, for the purpose of removing Holding Provision 43H from the lands specified in the attached 'Map No.1', in the form shown in the 'Proposed By-law' attached to Development Services Department report DSD-2023-400 as Appendix 'A', be approved.

- 7.2.c Uncollectable Miscellaneous Receivable Accounts Write-Off, FIN-2023-293

That uncollectable Miscellaneous Receivable Accounts amounting to \$19,485 be written off against the Allowance for Doubtful Receivables, as outlined in Financial Services Department report FIN-2023-293.

- 7.2.d Uncollectable Utility Receivable Write-Off, FIN-2023-294

That uncollectable utility accounts amounting to \$109,658 be written off against the allowance for doubtful utility receivables, as outlined in Financial Services Department report FIN-2023-294.

- 7.2.e Applications for Cancellation, Refund, Reduction of Taxes, FIN-2023-354

That the applications to City Council for write-off, cancellation, reduction, or refund of taxes totalling \$656,395.31 as attached to Financial Services Department report FIN-2023-354, be approved, pursuant to Sections 354 and 357 of the Municipal Act, S.O. 2001, c. 25 ("the Act").

- 7.2.f Kitchener Public Library, Southwest Public Artwork Commission, DSD-2023-368

That the commission and installation of a new artwork, "Wintertime Stories" by Isaac Murdoch and Nyle Miigizi Johnston, at the Kitchener

Public Library's new southwest community facility, be approved, as outlined in Development Services Department report DSD-2023-368; and further,

That the Mayor and Clerk be authorized to implement an agreement, satisfactory to the City Solicitor, with the artists' representative, Highness Global Inc., outlining the obligations of the library public art commission.

7.2.g Active Transportation Progress Report, DSD-2023-007

That Development Services Department report DSD-2023-007 be received as the first progress report for the Cycling and Trails Master Plan.

7.2.h Zoning By-law Amendment Application ZBA23/019/W/TS, 229 Wellington Street North, Peter Markin, DSD-2023-382

That Zoning By-law Amendment Application ZBA23/019/W/TS requesting to amend Zoning By-law 2019-051, for Peter Markin, for the property municipally addressed as 229 Wellington Street North, be approved in the form shown in the 'Proposed By-law' and 'Map No. 1' attached to Development Services Department report DSD-2023-382 as Attachments 'A1' and 'A2'.

7.2.i Official Plan Amendment Application OPA22/004/V/KA, Zoning By-law Amendment Application ZBA22/006/V/KA, 130-142 Victoria Street South, 1936026 Ontario Inc., DSD-2023-365

That Official Plan Amendment Application OPA/22/004/V/KA for 1936026 ONTARIO INC. requesting a land use designation change from 'Mixed Use' to 'Mixed Use with 'Specific Policy Area 7' to permit a 25-storey mixed-use development on the lands specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Development Services Department report DSD-2023-365 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and,

That Zoning By-law Amendment Application ZBA22/006/V/KA for 1936026 ONTARIO INC., for the property municipally addressed as 130-142 Victoria Street South, be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Development Services Department report DSD-2023-365 as Appendix 'B'; and further,

That the Development Concept as provided in the 'Addendum to Urban Design Brief dated December 23, 2021, 130-142 Victoria Street South, Kitchener', prepared by Arcadis Professional Services

(Canada) Inc., and dated June 14, 2023, attached to Development Services Department report DSD-2023-365 as Appendix 'F' be endorsed.

- 7.2.j Official Plan Amendment Application OPA23/010/C/CD, Zoning By-law Amendment Application ZBA23/016/C/CD, 332 Charles Street East, 332 Charles GP Inc., DSD-2023-300

That Official Plan Amendment Application OPA/23/010/C/CD for 332 Charles GP Inc., for the property municipally addressed as 332 Charles Street East, requesting a land use designation change from 'Mixed Use Corridor with Special Policy Area 1' to 'Mixed Use Corridor with Special Policy Area 12' to permit a 17-storey mixed use development on the lands specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Development Services Department report DSD-2023-300 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and further,

That Zoning By-law Amendment Application ZBA23/016/C/CD for 332 Charles GP Inc. be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Development Services Department report DSD-2023-300 as Appendix 'B'; and,

That staff be directed to engage with the applicant to assess the potential for additional density commensurate with community benefits that prioritize, but are not limited to, affordability, and/or environmental considerations; and further,

That staff bring forward any viable options for additional density to Council on September 25, 2023.

8. UNFINISHED BUSINESS

- 8.1 Lived Expertise Working Group - First Year Review, DSD-2023-295, DSD-2023-366 AND Follow-up Report DSD-2023-422

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"That the following motion be deferred to the September 25, 2023 Council meeting, to allow for an opportunity to further discuss the partnership with the Lived Expertise Working Group (LEWG) and Social Development Centre Waterloo Region (SDCWR) about the preferred approach to establish a City driven Lived Experience Working Group, and during this two month deferral, the City will continue to provide funding to the SDCWR in accordance with the previously approved agreement for the month of September 2023:

"That the \$30,000 already committed to the operation of the Lived Expertise Working Group (LEWG) for year 2 from Kitchener's

operating budget be allocated as outlined in DSD-2023-295; and,

That the City transfer \$23,600 to the SDCWR (Social Development Centre Waterloo Region) for year 2 costs in accordance with the Purchase of Services Agreement signed June 13, 2022; and further,

That staff, together with the facilitator of the Lived Expertise Working Group, report back to Council at the conclusion of the pilot program in 2024 on next steps for the LEWG."

Note: An addendum report, Development Services Department report DSD-2023-422 on this matter has been provided for consideration, which was deferred to the Council meeting this date.

9. NEW BUSINESS

9.1 MAYORAL BUSINESS AND UPDATES - MAYOR B. VRBANOVIC

9.2 Notice of Motion - P. Singh - Boulevard Signage

Councillor P. Singh has given notice to introduce the following motion for consideration this date:

"WHEREAS excessive boulevard signs contribute to visual clutter within our community and pose a safety hazard; and,

WHEREAS the current bylaw provision of allowing a 30-day sign hold after removal is ineffective in deterring the proliferation of boulevard signs; and,

WHEREAS utilizing digital innovation could provide an effective solution to monitor and regulate the placement of signs on boulevards; and,

WHEREAS providing clearer information of scheduled dates on real estate open houses would benefit residents and deter misuse; and,

WHEREAS increasing the fee for infractions would serve as a deterrent for violators of the sign bylaw,

THEREFORE be it resolved that the Kitchener Council direct staff take the following actions:

- a. Work with the Kitchener digital innovation team to investigate the feasibility of developing an app that allows residents to easily report the geo location of boulevard signs.

- b. Review and amend the Sign Bylaw to require realtors to prominently display either the date or the name of the day of the week for scheduled open houses.
- c. Remove the provision in the Sign Bylaw that requires a 30-day sign hold after removal, as it is deemed ineffective in addressing the issue of excessive boulevard signs.
- d. Implementation of set fines for infractions of the Sign Bylaw to provide a stronger deterrent to violators."

9.3 Notice of Motion - J. Deneault - Ontario Disability Support Program and Ontario Works Program Rate Increase Advocacy

Councillor J. Deneault has given notice to introduce the following motion for consideration this date:

"WHEREAS social assistance recipients are living in extreme poverty and food insecurity and are at great risk to develop associated health issues; and,

WHEREAS the Ontario Works (OW) program is meant for people who have financial need; and,

WHEREAS the Ontario Disability Support Program (ODSP) is meant for persons with a disability who are in financial need; and,

WHEREAS OW and ODSP rates are below Canada's Official Poverty Line and since social assistance rates were reduced by 21.6% in 1995, rate increases have been nominal, representing an approximate 10% increase over 26 years; and,

WHEREAS OW rates have not been increased since 2018 and are not indexed to inflation causing further income inequality, poverty and housing unaffordability; and,

WHEREAS a single person can receive up to \$1,308 a month on ODSP which is well below the average rent for a one bedroom apartment in the Region of Waterloo; and,

WHEREAS a single person can receive up to \$733 a month on OW which is well below the average rent for a one bedroom apartment in the Region of Waterloo; and,

WHEREAS rental rates in Kitchener, along with other communities, have risen dramatically in recent years, with average one-bedroom rental rates of \$2,132 per month according to a July 2023 RBC report; and,

WHEREAS provincial programs for affordable housing are based on rent at 80% of market rates so a one bedroom apartment with “affordable rent” is \$1,705 in Kitchener; and,

WHEREAS Canada Mortgage and Housing Corporation defines housing as “affordable” if it costs less than 30% of a household’s before-tax income. Based on this definition, a single person on ODSP can afford rent of \$392.40 per month; and,

WHEREAS a shelter allowance for an ODSP recipient living on their own is up to \$556 per month which is intended to help with rent/mortgage, utilities and other housing costs; and,

WHEREAS there are over 12,852 ODSP recipients in Waterloo Region and over 500,000 across the province;

WHEREAS there are over 394,000 OW recipients across the province; and,

WHEREAS ODSP has been indexed to increase with the inflation rate but is currently \$666.67 below the low income cut-off and \$1,259.07 below the disability-adjusted low income cut-off, so with the current model, it will consistently rest below the low income cut-off, with even affordable housing rental rates significantly out of reach; and,

WHEREAS OW and ODSP perpetuate a welfare trap as funds or benefits are clawed back should a recipient receive income from other sources i.e., employment. This disincentivizes people from working, and/or those who do work are penalized for earning money;

THEREFORE BE IT RESOLVED that the City of Kitchener call on the Provincial Government to double current social assistance rates for ODSP and OW recipients to reflect the cost of living and to tie these new rates to inflation so that people can afford to live a dignified life in the Province of Ontario;

THEREFORE BE IT FINALLY RESOLVED that a copy of this resolution be sent to the Premier of Ontario, local and area MPs and MPPs and the Association of Municipalities of Ontario for further consideration."

9.4 Notice of Motion - D. Chapman - Guaranteed Basic Income

Councillor D. Chapman has given notice to introduce the following motion for consideration this date:

"WHEREAS, the City of Kitchener passed a motion in May 2020 calling on the Ontario and Canadian governments to establish a Universal Basic Income (UBI) which is a flat amount paid to all residents; and,

WHEREAS a Guaranteed Liveable Basic Income (GLBI) goes to those most in need and phases out as income from other sources increases; and,

WHEREAS studies from the Ontario Basic Income pilot, which ended abruptly in 2018, demonstrated improvements in the physical and mental health, labour market participation, food security, housing stability and financial and social well-being of pilot participants; and,

WHEREAS The Government of Canada's report Building Understanding: The First Report of the National Advisory Council on Poverty from 2020 used 2016 census data to highlight how poverty disproportionately impacts racialized individuals at twice the rate as compared to non-racialized individuals in Canada at 20.6% and 10.6% respectively; and,

WHEREAS the pandemic, rising cost of living and surges in food and housing prices have worsened income inequality and created scenarios where more people find it difficult to meet their basic needs; and,

WHEREAS social assistance recipients are living in extreme poverty and food insecurity and are at great risk of developing associated health concerns; and,

WHEREAS in lieu of a provincial or federal anti-poverty strategy, the City of Kitchener has developed programs to decrease the impacts of poverty and income inequality, and to make it possible for residents to participate in programs that provide a better quality of life which can positively improve mental and physical well-being; and,

WHEREAS these programs and services are the result of downloading by the provincial and federal governments which would be more fully addressed by a GLBI program; and,

WHEREAS implementing a GLBI program has been shown to reduce the need for individuals to apply for multiple support programs in order to maintain a healthy and dignified life; and,

WHEREAS the Region of Waterloo and the City of Waterloo

recently passed a similar motion and the City of Cambridge will be discussing similar motions;

THEREFORE BE IT RESOLVED that the City of Kitchener requests that the Government of Canada and the Province of Ontario work collaboratively to establish an income-tested GLBI to combat poverty, income inequality and economic insecurity within our community;

THEREFORE BE IT FINALLY RESOLVED that a copy of this resolution be sent to the Prime Minister of Canada, the Premier of Ontario, local and area MPs and MPPs, the Federation of Canadian Municipalities and the Association of Municipalities of Ontario for further consideration."

10. QUESTIONS AND ANSWERS

11. BY-LAWS

11.1 1ST AND 2ND READING

- 11.1.a To further amend By-law No. 2019-113, being a by-law to regulate traffic and parking on highways under the jurisdiction of the Corporation of the City of Kitchener.
- 11.1.b Being a by-law to amend Chapter 110 of The City of Kitchener Municipal Code regarding By-law Enforcement.
- 11.1.c To further amend By-law No. 88-171, being a by-law to designate private roadways as fire routes and to prohibit parking thereon.
- 11.1.d To further amend By-law No. 2010-190, being a by-law to prohibit unauthorized parking of motor vehicles on private property.
- 11.1.e To further amend By-law No. 2008-117, being a by-law to authorize certain on-street and off-street parking of vehicles for use by persons with a disability, and the issuing of permits in respect thereof.
- 11.1.f To confirm all actions and proceedings of the Council for September 25, 2023.

11.2 LATE STARTER BY-LAWS TO BE ADDED TO THE AGENDA, PENDING APPROVAL OF THE REPORTS OF THE COMMITTEES

- 11.2.a Being a by-law to amend By-law 2019-051, as amended known as the Zoning By-law for the City of Kitchener – 2701098 Ontario Inc. – 134 and 152 Shanley Street.
- 11.2.b Being a by-law to amend By-law 85-1, as amended known as the Zoning By-law for the City of Kitchener – Glovebox (2019) Inc. – 120 Victoria Street South.

- 11.2.c Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener – Peter Markin – 229 Wellington Street North.
- 11.2.d Being a by-law to adopt Amendment No. 32 to the Official Plan - 130-142 Victoria Street South.
- 11.2.e Being a by-law to amend By-law 85-1, as amended, and By-law 2019-051, a amended, known as the Zoning By-laws for the City of Kitchener - 1232119 Ontario Inc. and 1936026 Ontario Inc. – 130 - 142 Victoria Street South.
- 11.2.f Being a by-law to adopt Amendment No. 131 to the Official Plan - 332 Charles Street East.
- 11.2.g Being a by-law to amend By-law 85-1, as amended, known as the Zoning By-law for the City of Kitchener – 332 Charles GP Inc, 332 Charles Street East.

12. COMMITTEE OF THE WHOLE

12.1 ADMINISTRATIVE REPORTS

- 12.1.a Nominating Committee Reappointments and Equity, Diversity and Inclusion Enhancements to the Process, COR-2023-337 46
- 12.1.b NSP23-044 Multiyear Non-Standard Procurement Suppliers, FIN-2023-420 51

13. REPORT OF THE COMMITTEE OF THE WHOLE

14. BY-LAWS

14.1 3RD READING

- 14.1.a To further amend By-law No. 2019-113, being a by-law to regulate traffic and parking on highways under the jurisdiction of the Corporation of the City of Kitchener.

(By-law 2023-121)
- 14.1.b Being a by-law to amend Chapter 110 of The City of Kitchener Municipal Code regarding By-law Enforcement.

(By-law 2023-122)
- 14.1.c To further amend By-law No. 88-171, being a by-law to designate private roadways as fire routes and to prohibit parking thereon.

(By-law 2023-123)
- 14.1.d To further amend By-law No. 2010-190, being a by-law to prohibit unauthorized parking of motor vehicles on private property.

(By-law 2023-124)

14.1.e To further amend By-law No. 2008-117, being a by-law to authorize certain on-street and off-street parking of vehicles for use by persons with a disability, and the issuing of permits in respect thereof.
(By-law 2023-125)

14.1.f To confirm all actions and proceedings of the Council for September 25, 2023.
(By-law 2023-133)

**14.2 LATE STARTER BY-LAWS TO BE ADDED TO THE AGENDA,
PENDING APPROVAL OF THE REPORTS OF THE COMMITTEES**

14.2.a Being a by-law to amend By-law 2019-051, as amended known as the Zoning By-law for the City of Kitchener – 2701098 Ontario Inc. – 134 and 152 Shanley Street.
(By-law 2023-126)

14.2.b Being a by-law to amend By-law 85-1, as amended known as the Zoning By-law for the City of Kitchener – Glovebox (2019) Inc. – 120 Victoria Street South.
(By-law 2023-127)

14.2.c Being a by-law to amend By-law 2019-051, as amended, known as the Zoning By-law for the City of Kitchener – Peter Markin – 229 Wellington Street North.
(By-law 2023-128)

14.2.d Being a by-law to adopt Amendment No. 32 to the Official Plan - 130-142 Victoria Street South.
(By-law 2023-129)

14.2.e Being a by-law to amend By-law 85-1, as amended, and By-law 2019-051, a amended, known as the Zoning By-laws for the City of Kitchener - 1232119 Ontario Inc. and 1936026 Ontario Inc. – 130 - 142 Victoria Street South.
(By-law 2023-130)

14.2.f Being a by-law to adopt Amendment No. 131 to the Official Plan - 332 Charles Street East
(By-law 2023-131)

14.2.g Being a by-law to amend By-law 85-1, as amended, known as the Zoning By-law for the City of Kitchener – 332 Charles GP Inc, 332 Charles Street East.
(By-law 2023-132)

15. ADJOURNMENT