



Planning and Strategic Initiatives

Committee Minutes

June 3, 2024, 5:30 p.m.

Council Chambers

City of Kitchener

200 King Street W, Kitchener, ON N2G 4G7

Present:

Mayor B. Vrbanovic
Councillor S. Davey
Councillor D. Schnider
Councillor J. Deneault
Councillor C. Michaud
Councillor A. Owodunni
Councillor P. Singh
Councillor B. Ioannidis
Councillor M. Johnston
Councillor D. Chapman
Councillor S. Stretch

Staff:

D. Chapman, Chief Administrative Officer
M. May, General Manager, Community Services and Deputy
Chief Administrator
V. Raab, General Manager, Corporate Services
J. Readman, General Manager, Development Services
J. Lautenbach, Chief Financial Officer, Financial Services
D. McGoldrick, General Manager, Infrastructure Services
G. MacNeil, Director, By-law Enforcement
M. Seiling, Director, Building
A. Fusco, Director Legislated Services / City Clerk
N. Goss, Manager Policy & Research
K. VanDerGeld, Manager Licensing
M. Mills, Committee Coordinator
M. Blake, Committee Coordinator

1. Commencement

The Planning and Strategic Initiatives Committee held a meeting this date commencing at 5:41 p.m.

2. Disclosure of Pecuniary Interest and the General Nature Thereof

2.1 Councillor C. Michaud - Biehn Drive and Sanitary Trunk Sewer Environmental Assessment Update, DSD-2024-244

Councillor C. Michaud declared a conflict with Item 6.1. Biehn Drive and Sanitary Trunk Sewer Environmental Assessment Update, DSD-2024-244, due to family members residing in close proximity, and did not participate in any voting or discussion related to the matter.

3. Consent Items

3.1 Culture and Entertainment - Delegated Authority for Talent Purchases and Agreements, DSD-2024-259

The Committee considered Development Services Department report DSD-2024-259, dated March 16, 2024, recommending that the Director of Culture & Entertainment, Manager of Special Events, Manager of Arts & Creative Industries, and Manager of Downtown Development and Innovation be authorized to execute legal agreements relevant to the business functions of the Culture & Entertainment division; and, that the Director of Culture & Entertainment be authorized to execute sponsorship agreements, pertaining to Culture & Entertainment.

On motion by Councillor B. Ioannidis

it was resolved:

"That the Director of Culture & Entertainment, Manager of Special Events, Manager of Arts & Creative Industries, and Manager of Downtown Development and Innovation be authorized to execute legal agreements relevant to the business functions of the Culture & Entertainment division, in accordance with the approval parameters set out in Development Services Department report DSD-2024-259, with said agreements to be to the satisfaction of the City Solicitor; and further,

That the Director of Culture & Entertainment be authorized to execute sponsorship agreements, pertaining to Culture & Entertainment, in accordance with the approval parameters set out in staff report DSD-2024-259, with said agreements to be to the satisfaction of the City Solicitor."

Carried

3.2 Cycling and Trails Master Plan Spot Fixes, DSD-2024-154

The Committee considered Development Services Department report DSD-2024-154, dated May 23, 2024, recommending the implementation of the proposed 2024 Cycling and Trails Master Plan spot fixes; the installation of pedestrian crossovers and a raised crossing on the Laurentian Trail; that stopping be prohibited 15 metres from the crossing at each approach on the Laurentian Trail; and, that the Uniform Traffic By-law be amended accordingly.

On motion by Councillor B. Ioannidis

it was resolved:

"That staff be directed to implement the proposed 2024 Cycling and Trails Master Plan spot fixes as described in Development Services Department report DSD-2024-154; and,

That pedestrian crossovers (PXOs) be installed on the Laurentian Trail at Laurentian Drive, Williamsburg Road, Strasburg Road, and Lucerne Drive; and,

That stopping be prohibited at any time 15 metres from the crossing at each approach, and ten (10) metres immediately following each crossing; and,

That a raised crossing be constructed at the Laurentian Trail at Lucerne Drive; and further,

That the Uniform Traffic Bylaw be amended accordingly."

Carried

4. Discussion Items

4.1 Shared Accommodation By-law, COR-2024-233

The Committee considered Corporate Services Department report COR-2024-233, dated May 8, 2024, recommending approval of the new Shared Accommodation By-law; approval of the fees set out in Report COR-2024-233; approval of the request to hire (3) Three Full Time Equivalents (FTEs); and, approval of the purchase of Granicus host compliance software.

K. VanderGeld, Manager, Licensing, and N. Goss, Manager, Policy and Research provided a joint presentation related to item 5.1. Shared Accommodation By-law and item 5.2, City-Wide Lodging House Review. A. Fusco, Director, Legislated Services, M. Seiling, Director, Building, and G. MacNeil, Director, Enforcement were also in attendance to respond to questions from the Committee.

A. Oestreicher, Conestoga Students Inc., was in attendance in support of item 5.1. Shared Accommodation By-law, noting concerns regarding the definition of lodging houses meaning dwellings of 5 people or more, excluding the landlord. A. Oestreicher noted if the current definition is upheld, excluding landlord occupied rental properties, only 35.5% of student renters from Conestoga College living in lodging houses would be protected.

M. Aisling, Waterloo Region Yes in My Backyard, provided comments in support of the proposed By-law, noting lodging houses are a vital instrument in increasing affordable housing and preventing homelessness.

J. Noel was in attendance in opposition to the proposed By-law, noting the licensing of lodging houses has not received the monitoring and enforcement required to date. J. Noel noted only 20 lodging homes in the City of Kitchener have been legally licensed. J. Noel requested the 20 licensed lodging houses remain subject to the previously existing By-law due to the onerous requirements of the proposed shared accommodation by-law. In response to questions from the Committee, J. Noel noted yearly criminal background checks should not be required to apply or renew the lodging house license, rather owners of the lodging house can sign an attestation that if their criminal record status changes, they will inform licensing staff. Further, J. Noel noted a criminal background check requirement every 3-5 years would be reasonable. J. Noel noted support for the status of lodging that are currently legally licensed to become subject to the proposed shared accommodation by-law, if the property is sold.

L. Intini provided comments in support of the shared accommodation by-law. L. Intini suggested if there are any violations to a licensing regulation, renters also be notified of the infraction.

C. Michaud left the meeting at this time and re-entered.

A. Lavender provided comments in opposition to the proposed by-law, noting AirBnB homes do not fall under the definition of a lodging house. It was noted AirBnB properties are already heavily regulated and with the proposed licensing fees, profits from AirBnB would be reduced significantly. In response to questions

from the Committee, A. Lavender noted licensing AirBnBs is not the way to regulate landlords who house a significant number of individuals.

In response to questions from the Committee, G. MacNeil noted the property standards by-law has been amended to address appropriate garbage collection for lodging houses or violations to property standards.

In response to questions from the Committee, N. Goss noted the definition of the lodging house is in alignment with the Building Code.

Mayor B. Vrbanovic left the meeting at this time.

In response to questions from the Committee, K. VanDerGeld noted revocation of a license would be a last resort, likely due to significant health and safety matters.

Mayor B. Vrbanovic left the meeting at this time.

P. Singh left the meeting at this time. D. Chapman assumed Chair.

In response to questions from the Committee, K. VanDerGeld noted Staff will report back the number of unlicensed lodging houses to the Committee.

It was noted Staff will begin the implementation of the proposed shared by-law likely by targeting areas where there are known property standards issues with existing lodging houses.

M. Johnston left the meeting at this time.

Councillor P. Singh re-entered to the meeting at this time and resumed Chair.

In response to questions concerning the ability to grant exceptions to the proposed by-law, for lodging houses previously licensed, K. VanDerGeld noted Staff would report back to the Committee with further information on this matter. K. VanDerGeld noted the template of the proposed renters code would be developed by Staff and provided to licensed property owners to post at their properties. It was noted licensed property owners would be permitted to add additional details to the posted renters code that were specific to their property.

D. Schnider left the meeting at this time and returned.

In response to questions from the Committee, N. Goss noted Staff did not wish for lodging house license approval to be restricted by the number of parking spaces provided. However it was noted duplexes are required to have at least one parking space and property owners at their discretion may create additional parking spaces.

In response to questions from the Committee, M. Seiling noted the Building Code does not regulate the number of bathrooms required in a lodging house.

In response questions from the Committee, it was noted Staff will require additional legal consultation regarding the potential collection of renter information, for those residing in a lodging house.

Mayor B. Vrbanovic brought forward a motion to refer the recommendation outlined in Corporate Services Department report, COR-2024-233 to the June 24, 2024 Council meeting to allow Staff the opportunity to provide further information related to matters raised this date including but not limited to: common living areas for lodging houses, the potential for there to be 'legal non-confirming' lodging houses for lodging houses that are currently licensed, maximum bedrooms for short term rentals, criminal record checks of lodging house licensees, occupancy in comparison to leasing agreements, the requirement for licensees to submit floor plans, parking requirements for lodging houses, number of kitchens required in lodging houses, number of bathrooms required in lodging houses and joint tenancy lease agreements.

The Committee requested Staff provide a yearly update on the licensing of lodging houses,

On motion by Mayor B. Vrbanovic

it was resolved:

"That the following recommendation outlined in Corporate Services Department report, COR-2024-233 **be referred to the June 24, 2024 Council meeting** to allow staff the opportunity to provide further information related to matters raised by the Committee at the June 3, 2024 Planning and Strategic Initiatives Committee meeting:

"That the new Shared Accommodation By-law be approved in the form shown attached to Corporate Services Department report COR-2024-233 as Appendix "A"; and,

That the fees set out in Appendix "B" of staff report COR-2024-233 be approved; and,

That the request for three (3) Full Time Equivalents (FTEs) to support the administration, inspection, and enforcement of the Shared Accommodation Bylaw be approved; and further,

That the purchase of Granicus host compliance software to assist with ongoing monitoring and enforcement of short-term rental platforms be approved."

Carried

4.2 Supplemental Report to DSD-2023-446, City-wide Lodging House Review, DSD-2024-249

The Committee considered Development Services Department report DSD-2024-249, dated May 16, 2024, recommending adoption of Official Plan Amendment Application OPA21/004/COK/AR and Zoning By-law Amendment Application ZBA21/040/K/NG to permit lodging houses city-wide.

The Committee discussed and agreed to refer the recommendation outlined in Development Services Department report, DSD-2024-249 to the June 24, 2024 Council meeting noting the proposed Official Plan and Zoning By-law Amendments are related to the Shared Accommodation By-law, a matter Staff is anticipated to report to the June 24, 2024, City Council Meeting with additional information, as requested.

Mayor B. Vrbanovic brought forward a motion to refer the recommendation outlined in Development Services Department report, DSD-2024-249 to the June 24th 2024 Council meeting to allow Staff the opportunity to address matters/issues raised this date including but not limited to: legal non-confirming lodging houses, criminal record checks of lodging house licensees, the potential for annual updates on the licensing of lodging houses, parking requirements, number of kitchens required, number of bathrooms required, and joint tenancy lease agreements.

On motion by Councillor S. Davey

it was resolved:

"That the following recommendation outlined Development Services Department report, DSD-2024-249 **be referred to the June 24, 2024 Council meeting** to allow staff the opportunity to provide further information related matters raised by the Committee at the June 3, 2024 Planning and Strategic Initiatives Committee meeting:

That Official Plan Amendment OPA21/004/COK/AR proposing amendments to Kitchener's 1994 and 2014 Official Plan to permit lodging houses city-wide wherever residential uses are permitted be adopted in the form shown in the Official Plan Amendments

attached to Development Services Department report DSD-2023-446 as Attachment 'A' and Attachment 'B', and accordingly forwarded to the Region of Waterloo for approval; and further,

That Zoning By-law Amendment ZBA21/040/K/NG be approved in the form shown in the 'Proposed By-law to Zoning By-law 85-1' and 'Proposed By-law to Zoning By-law 2019-051' attached to staff report DSD-2023-446 as Attachment 'C' and Attachment 'D' respectively."

Carried

5. Public Hearing Matters under the Planning Act (advertised)

This is a formal public meeting to consider applications under the Planning Act. If a person or public body does not make oral or written submissions to the City of Kitchener before the proposed applications are considered, the person or public body may not be entitled to appeal the decision to the Ontario Land Tribunal and may not be added as a party to a hearing of an appeal before the Ontario Land Tribunal.

5.1 None.

6. Information Items

6.1 Biehn Drive and Sanitary Trunk Sewer Environmental Assessment Update, DSD-2024-244

Councillor C. Michaud declared a conflict on this item. (Councillor C. Michaud declared a conflict with Item 6.1. Biehn Drive and Sanitary Trunk Sewer Environmental Assessment Update, DSD-2024-244, due to family members residing in close proximity, and did not participate in any voting or discussion related to the matter.)

7. Adjournment

On motion, this meeting adjourned at 8:02 p.m.

Mariah Blake
Committee Coordinator