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File: D17/2/23007  
C14/2/23011  
December 7, 2023

Craig Dumart  
Senior Planner  
City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor  
P.O. Box 1118, Kitchener, ON  
N2G 4G7

Dear Mr. Dumart,

**Re: Updated Regional Comments  
Proposed Official Plan Amendment OPA 23/07 and Zoning By-law  
Amendment ZBA 23/011  
417 King Street West  
MHBC Planning (C/O Andrea Sinclair and Juliane von Westerholt) on behalf  
of Vanmar Developments 417 King GP Corp.  
CITY OF KITCHENER**

MHBC Planning has submitted a site-specific Official Plan Amendment and Zoning By-law Amendment Application for a development proposal at 417 King Street West (referred to as subject lands) in the City of Kitchener.

The applicant has proposed the redevelopment of the site with a 55 storey mixed use building containing 622 residential units with ground floor commercial uses. A total of 184 vehicular parking spaces with 311 Bicycle parking spaces are proposed within the underground parking structure and within the podium of the building. Access to the structured parking is located from Halls Lane West with pedestrian access proposed from King Street West. A separate loading access is proposed from Halls Lane West. An amenity terrace is located on the roof of Level 7.

The subject lands are located in the Urban Area and designated Urban Growth Centre in the Regional Official Plan. The site is designated Innovation District in the City of

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Kitchener Official Plan and zoned Warehouse District-Six (D-6) Zone in Zoning By-law 85-1. The Owner has requested an **Official Plan Amendment** to add a special policy permitting an FSR of 21. The Applicant has requested a **Zoning By-law Amendment** to add special regulations to the existing zoning to permit a floor space ratio of 21; to allow for residential uses; to allow for a reduction in the parking to 0.29 parking spaces per dwelling units and 0 spaces for non-residential uses; to permit a rear and side yard setback of 0 metres and to permit a 1.1 m west side yard setback.

Further to our comments dated June 29, 2023, the Region has had the opportunity to review the proposal and offers the following updated comments:

## **Regional Comments**

### Region of Waterloo International Airport

In accordance with Regional Official Plan Policy 5.A.20, the Region will ensure that proposed developments do not negatively affect the usability, accessibility or safe operations of the airport either on a temporary or permanent basis. In the June 29, 2023 comments, Regional staff identified a concern with this development as the development (building and proposed crane) would exceed the maximum elevation permitted of 487m ASL. It would therefore impact YKF instrument flight procedures, particularly the Runway 08 RNP approach and Runway 26 departures. The Region is currently working with Nav Canada to redesign the Runway 08 approaches, to mitigate impacts to the airport and development community within the Region.

Given the height of this proposed development and proximity to the airport, the Region initiated a Nav Canada Land Use assessment on behalf of the Owner/Developer. The developer submitted information to Nav Canada, including building and crane coordinates and elevations.

On November 27, 2023, Nav Canada issued correspondence stating no objection to the proposed building height at 417 King Street West subject to a number of conditions. A copy of the Nav Canada letter is attached as Attachment 1. These conditions specifically require that:

- **No changes are made to the building location, dimensions and height;**
- **No changes are made to the construction crane location, swing radius and height; and,**
- **No crane or building exceeds the 487m ASL elevation before the revised instrument flight procedures are published and in effect, which is expected July 11, 2024.**

In accordance with the Nav Canada correspondence, the Region requires that the Zoning By-law Amendment for the subject lands includes the precise building coordinates, including a maximum height for the building and any associated construction crane as submitted and reviewed by Nav Canada. Through the future Site Plan application should any changes be proposed to the location or height of the building or crane, the Region and Nav Canada would need to review these proposed changes to ensure no impact on airport operations.

Obstacle ID	Ground Elevation (m)	Structure Height (m)	Total Height (m)
	<b>2162.5001</b>	<b>463.0001</b>	<b>2625.5002</b>
Building NW	330	205	535
Building NE	330	205	535
Building SW	330	205	535
Building SE	330	205	535
Crane (Hammerhead)	330	235.135	565.135

Obstacle ID	LAT dd mm ss.ss	LONG -ddd mm ss.ss	Ground Elevation (Feet)	Structure Height (Feet)	Total Height (Feet)
<b>Example 1</b>	<b>60 39 16.59</b>	<b>-110 36 14.01</b>	<b>2162.5001</b>	<b>463.0001</b>	<b>2625.5002</b>
Building NW	43 27 9.1224	-80 29 50.9604	1082.6772	672.5722	1755.2493
Building NE	43 27 8.4132	-80 29 48.5952	1082.6772	672.5722	1755.2493
Building SW	43 27 7.7976	-80 29 51.6624	1082.6772	672.5722	1755.2493
Building SE	43 27 6.9948	-80 29 49.3728	1082.6772	672.5722	1755.2493
Crane (Hammerhead)	43 27 8.1036	-80 29 49.9848	1082.6772	771.4403	1854.1175

## Conclusions:

**In summary, the Region has no objections to Official Plan Amendment Application OPA 23/07 and Zoning By-law Amendment Application ZBA 23/11 subject to the following:**

1. That the Zoning By-law Amendment for the subject lands includes the precise building coordinates, including a maximum height for the building and any associated construction crane as submitted and reviewed by Nav Canada.
2. That a Holding Provision apply to the entirety of the subject lands until a transportation, rail and stationary noise study is acceptance of the study and related implementation measures to the satisfaction of the Regional Municipality of Waterloo. The required wording for the holding provision is:

*That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.*

3. Inclusion of a geothermal prohibition in the zoning by-law amendment. The required wording for the prohibition is:

*Geothermal Wells are prohibited on site. A geothermal well is defined as a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling; including open-loop and closed-loop vertical borehole systems. A geothermal well does not include a horizontal system where construction or excavation occurs to depths less than five meters unless the protective geologic layers overlaying a vulnerable aquifer have been removed through construction or excavation.*

#### **Next Steps:**

Please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Further, please accept this letter as our request for a copy of the draft by-law and decision pertaining to this application. Should you have any questions, please do not hesitate to contact me.

Yours truly,



Alyssa Bridge, MAES, MCIP, RPP  
Supervisor, Development Planning

- C. MHBC Planning Inc. C/O Andrea Sinclair and Juliane vonWesterholt (Applicant), Vanmar Developments 417 King GP Corp. C/O Mauricio Miranda (Owner)

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