

Project Address: 179 Jansen Avenue

Application Type: Zoning By-law Amendment ZBA24/009/J/TS

Comments of: Environmental Planning – City of Kitchener

Commenter's Name: Carrie Musselman

Email: carrie.musselman@kitchener.ca

Phone: 519-741-2200 X 7068

Date of Comments: May 9, 2024

1. Plans, Studies and Reports submitted as part of a complete Planning Act Application:

- Tree Inventory Plan - Drawing No. TP1 and TP2, prepared by MHBC, dated April 30, 2018 (Re-issued Nov 19, 2020).

2. Site Specific Comments & Issues:

I have reviewed the studies as noted above to support a zoning bylaw amendment to support the proposed development of 56-unit multiple dwellings (stacked townhouses), and note:

- An updated arborist report should be provided as the last inventory was October 2020.
- From the 2020 Arborist Report, it notes a total of 63 individual trees were inventoried, 19 trees (30%) are recommended to be preserved and 44 trees (70%) are recommended to be removed.
- 16 trees are in shared ownership, none of the trees in shared ownership are recommended to be removed.
- An ecologically sound tree replacement plan (to support the future site plan application) should be considered to mitigate tree removals. An assessment of the value of the vegetation proposed for removal should be prepared. This value can be the basis for compensation plantings provided beyond the Urban Design Manual base standards.

Environmental Planning staff can support the Zoning By Law Amendment. Staff believe the above noted comments/concerns can be addressed through the City's Site Plan process and/or through condition(s) of site plan approval.

3. Policies, Standards and Resources:

Tree Management

- As per Section 8.C.2.16. of the Official Plan, the City will require the preparation and submission of a tree management plan in accordance with the City's Tree Management Policy (available on the City's Website), where applicable, as a condition of a development application.
 - Any tree management plan must identify the trees proposed to be removed, justify the need for removal, identify the methods of removal and specify an ecologically sound tree replacement scheme and any mitigative measures to be taken to prevent detrimental impacts on remaining trees.

- policy 8.C.2.6., the City will incorporate existing and/or new trees into the streetscape or road rights-of-way and encourage new development or redevelopment to incorporate, protect and conserve existing healthy trees and woodlands in accordance with the Urban Design Policies in Section 13 (Landscape and Natural Features) of the Urban Design Manual and the Development Manual.

4. Advice:

- 179 Jansen Ave is 0.73 ha (1.79 acres) in size and so the City's Tree Conservation By-law applies. If the owner would like to remove a tree (not part of a planning approval), a tree conversation permit may be required. Additional information can be found on the City's website at: <https://www.kitchener.ca/en/water-and-environment/tree-conservation-and-management.aspx>

City of Kitchener

PRE-SUBMISSION CONSULTATION COMMENT FORM

Comments Of: Sustainability Planning

Commenter's Name: Mike Balch

Email: Mike.balch@kitchener.ca

Phone: 519-741-2200 ext. 7110

Date of Comments: May 10, 2024

1. Site Specific Comments and Issues:

I have reviewed the pre-submission application regarding Sustainability and Energy Conservation and provide the following:

- As outlined in Kitchener Official Plan, development applications are required to demonstrate that the proposal achieves sustainable development design standards and energy is being conserved or low energy generated.
- Sustainable development promotes a holistic approach to planning to achieve a balance between the social and economic needs of the community, and environmental conservation.
- Energy consumption can be reduced through the development of an energy efficient urban form.
- Using less energy is beneficial for the environment as it reduces the demand on resources to create energy and the infrastructure required for its distribution.

2. Plans, Studies and Reports to submit as part of a complete Planning Act Application:

- For a Zoning By law Amendment, it should be demonstrated, to the satisfaction of the City, how energy is being conserved or low energy generated.
 - Such studies may include but are not limited to an (1) Integrated Energy Master Plan, (2) Energy Conservation Efficiency Study, (3) a Feasibility Study for Renewable or Alternative Energy Systems, (4) District Heating Feasibility Study, or a (5) Sustainability Statement.

3. Anticipated Requirements of full Site Plan Approval:

Approved Sustainability Statement

4. Policies, Standards and Resources:

- Kitchener Official Plan Policy 7.C.4.4. Development applications will be required to demonstrate to the satisfaction of the City, through the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10, that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.
- Kitchener Official Plan Policy 7.C.4.5. The City will encourage and support, where feasible and appropriate, alternative energy systems, renewable energy systems and district energy in accordance with Section 7.C.6 to accommodate current and projected needs of energy consumption.
- Kitchener Official Plan Policy 7.C.6.4. In areas of new development, the City will encourage orientation of streets and/or lot design/building design with optimum southerly exposures. Such orientation will optimize opportunities for active or passive solar space heating and water heating.
- Kitchener Official Plan Policy 7.C.6.8. Development applications will be required to demonstrate, to the satisfaction of the City, energy is being conserved or low energy generated. Such studies may include, but not limited to an Energy Conservation Efficiency Study, a Feasibility Study for Renewable or Alternative Energy Systems, District Heating Feasibility Study, and the completion of a Sustainability Report/Checklist in accordance with the Complete Application Requirements Policies in Section 17.E.10.
- Kitchener Official Plan Policy 7.C.6.27. The City will encourage developments to incorporate the necessary infrastructure for district energy in the detailed engineering designs where the potential for implementing district energy exists.

5. Anticipated Fees:

NA

From: Christine Goulet <Christine.Goulet@kitchener.ca>
Sent: Thursday, May 9, 2024 1:47 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: RE: Circulation for Comment - 179 Jansen Avenue (ZBA)

Hi Tim,

I have reviewed their functional servicing report, and am in support of the zone change with a peak sanitary flow of 1.94L/s. Their approach to stormwater management is ok, however they missed acknowledging they need to do a water balance. I will comment on that when they apply for site plan.

Kitchener Utilities has reviewed the water distribution portion and found it acceptable.

Thanks,

Christine Goulet, C.E.T.

Project Manager | Development Engineering
519-741-2200 Ext. 7820

From: David Heuchert <Dave.Heuchert@kitchener.ca>

Sent: Monday, May 27, 2024 1:02 PM

To: Tim Seyler <Tim.Seyler@kitchener.ca>

Subject: RE: Fire route plan for 179 Jansen Ave

Hi Tim,

There are a couple of items we would like them to look at/address.

- the entrance and exit widths to the property are shown as 4.25m. As per the Emergency Service Policy, these widths are to be minimum 6m. Can the landscaped area be removed, increasing the widths? Concern in the wintertime with this width getting even smaller due to snow accumulation/storage.

- drawings will need to demonstrate that the principal entrance to each unit and every required access opening are located not less than 3 m and not more than 30 m from the closest portion of the emergency access route, measured along the path of travel, horizontally from the face of the building. Or, where a developer can show that the 60 m of provided hose can reach from the fire truck to the most remote room in the dwelling unit, a longer travel distance will be considered (Emergency Service Policy)

- drawings will need to demonstrate that a fire hydrant is located within 90m of the principal entrance to each building (Emergency Service Policy)

Comments can be dealt with at Site Plan stage, No issues with ZBA.

Thanks Tim,

Dave

Dave Heuchert, CET, CBCO

Chief Fire Prevention Officer | Fire | City of Kitchener

519-741-2200 x 5529 | TTY 1-866-969-9994 | dave.heuchert@kitchener.ca

From: Planning <planning@wcdsb.ca>
Sent: Tuesday, May 21, 2024 4:39 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: RE: Circulation for Comment - 179 Jansen Avenue (ZBA)

Good Afternoon Tim,

The Waterloo Catholic District School Board has reviewed the subject application and based on our development circulation criteria have the following comment(s)/condition(s):

- A) That any Education Development Charges shall be collected prior to the issuance of a building permit(s).
- B) That the developer and the Waterloo Catholic District School Board reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to the Board's specifications) affixed to the development sign advising prospective residents about schools in the area. A sign specifications document can be found at the bottom of the board's planning department web page (<https://www.wcdsb.ca/about-us/cs/planning/>).
- C) That the developer shall include the following wording in the site plan agreement / condominium declaration to advise all purchasers of residential units and/or renters of same:

"In order to limit risks, public school buses contracted by Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up and drop off students, and so bussed students will be required to meet the bus at a congregated bus pick-up point."

If you require any further information, please contact me by e-mail at Jordan.Neale@wcdsb.ca.

Thank you,
Jordan Neale

Planning Technician, WCDSB

480 Dutton Dr, Waterloo, ON N2L 4C6

519-578-3660 ext. 2355

From: Trevor Heywood <theywood@grandriver.ca>
Sent: Wednesday, May 1, 2024 3:42 PM
To: Tim Seyler <Tim.Seyler@kitchener.ca>
Subject: RE: Circulation for Comment - 179 Jansen Avenue (ZBA)

You don't often get email from theywood@grandriver.ca. [Learn why this is important](#)

Hey Tim,

This is not regulated by the GRCA and we have no comment.

Thanks,

Trevor Heywood B.Sc.(Env.)

Resource Planner

Grand River Conservation Authority

400 Clyde Road, PO Box 729

Cambridge, ON N1R 5W6

Phone: 519-621-2761 ext. 2292

Email: theywood@grandriver.ca

www.grandriver.ca | [Connect with us on social media](#)

179 Jansen Ave

Owner: 1000589420 Ontario Inc

Application: Zoning By-law Amendment #24 009 J TS

Comments Of: Park Planning

Commenter's Name: Taylor Stapleton

Email: taylor.stapleton@kitchener.ca

Phone: 519-577-3867

Date of Comments: May 21, 2024

- I plan to attend the meeting (questions/concerns/comments for discussion)
 - No meeting to be held
 - I do NOT plan to attend the meeting (no concerns)
-

Documents Reviewed:

I have reviewed the documentation noted below submitted in support of a ZBA to rezone the subject lands from RES-4 to RES-5, seek relief from Table 7-6 of the Zoning By-law to allow for a maximum FSR of 0.75 rather than the requested 0.6, and from Section 7.5 to permit a maximum height of 11m rather than the requested 9m.

- Covering Letter prepared by MHBC Planning Ltd dated April 10, 2024
- Application for ZBA prepared by MHBC Planning Ltd dated February 27, 2024
- Site Plan prepared by MHBC Planning Ltd dated January 19, 2024

Site Specific Comments & Issues:

Park Planning has no significant concerns with the proposed Official Plan and Zoning Bylaw amendments and can provide conditional support subject to the minor updates to submitted studies are noted below.

Comments on Submitted Documents

No comment.

Policies, Standards and Resources:

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw and Park Dedication Policy
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Multi-Use Pathways & Trails Masterplan
- Urban Design Manual

Anticipated Fees:

Parkland Dedication

The parkland dedication requirement for this submission is **deferred** and will be assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class(es) and density approved through the OPA and ZBA and required as a condition of Site Plan Approval

Parkland dedication is required for the application as cash-in-lieu of land in accordance with the Planning Act, City of Kitchener Bylaw 2022-101 and Park Dedication Policy.

Based on the proposed 56 units, an FSR of 0.75, a site area of 0.73 ha and using a land valuation of \$3,830,000 and a cap rate of \$11,862 unit Parkland Dedication of **\$214,480** would be required.

Dedication requirements are subject to the Planning Act, Parkland Dedication Bylaw, Park Dedication Policy and rates in effect. The Bylaw is under appeal.

Park Dedication Template - Test Version (R2.1)

Part 1: Site Information		
Application Type	Zone Change Application	
Address of Property	179 Jansen Ave	
Community Name	Centerville Chicopee	
Community Park Priority for Park Land (Spaces, 2022)	Medium	
Applicant	MHBC Planning Ltd	
Owner (if different from above)	1000589420 Ontario Inc	
Part 2: Transition (Chapter 273.1.6)		
Complete Application made prior to August 22, 2022	Not applicable	
Transition Requirement	Park dedication will be referred to under the current By-Law 2022-101	
Part 3: Application Data		
Land Area (ha)	0.73	
Land Frontage - Consent only (l.m.)		
Commercial/Industrial Floor Area (if applicable, sq.m.)		
Existing to be Retained		
Existing to be Demolished		
Proposed		
Net Addition		
Percent Addition		
Dwelling Units, inclusive of Legalization and ADU's (matrix):	Total (no.)	People
Apartment, >5 storeys	56	101
Existing Units to be Retained (for reference)		
Total Dwelling Units (sum above)	56	101
Proposed FSR	0.75	
Part 4: Chapter 273 Requirements		
<i>273.1.3.1. - Development and Dedication Type</i>		
Dedication Type	Cash in Lieu	
Dedication Rate	1 hectare per 1,000 units (Bill 23 Planning Act)	
<i>273.1.4.2. - Exemptions or Reductions</i>		
Previous conveyance of land, payment or owing	No	
If yes, above, Land conveyed or required (ha)		
Temporary Sales Centre (ZB 2019-051)	No	
<i>273.1.5.2. - Cash-in-Lieu of Land Payments</i>		
Land Class	Residential – Medium (<2 FSI)	
Land Class Value	\$3,830,000	
Accepted AACI Appraisal Value (input \$ per hectare)		
Part 5: Policy Exemptions, Reductions or Limits		
<i>Exemptions</i>		
Developed on behalf of and for the use by...	(Not on exemption list)	
Non-residential development	No	
<i>Reductions</i>		
Supportive Housing	No	
Affordable rental Housing	No	
Approved POPS (ha)		
<i>Limitations</i>		
Park Dedication as Land - 10 sq.m. per person reached	Yes	
Park Dedication as Cash - Cap Applied	No	
Part 6: Bill 23 Reductions		
<i>Exemptions</i>		
Non-Profit Housing Development	No	
Ancillary dwelling unit, up to 3 units on one property	No	
Part 7: Final Dedication		
Exempt from Park Dedication	No	
Dedication Type	Cash in Lieu	
Park Dedication - Land Requirement (ha)	0.056	
Park Dedication - Cash-in-Lieu	\$214,480	
Part 8: Additional Comments		
Part 9: Review Information		
Form Completed By	Taylor Stapleton	
Date application received	April 29 2024	
Date comments due	May 21 2024	
Date of completion	May 21, 2024	

City of Kitchener ZBA comments

Application type: Zoning By-law Amendment Application ZBA24/009/J/TS
Project address: 179 Jansen Avenue
Comments of: Transportation Services
Commenter's name: Dave Seller
Email: dave.seller@kitchener.ca
Phone: 519-741-2200 e 7369
Date of comments: May 7, 2024
Comments due: May 21, 2024
Amanda: 24-110756

As part of a complete Zoning By-law amendment application a Transportation Impact Study (TIS) and Parking Study was submitted (March 14, 2024) by Urbantrans Engineering Solutions Inc. Transportation Services reviewed the report and offer the following comments.

Development proposal

The applicant is proposing to develop three stacked townhouse buildings with a total of 56 units. The development is estimated to generate 22 AM and 29 PM peak hour vehicle trips. A total of 67 parking spaces are being proposed for this residential use, of which 8 parking spaces are allocated for visitor parking. The site will be serviced by one full moves access along Jansen Avenue.

Intersection analysis

The analysis summaries the following intersection characteristics: Level of Service (LOS), volume to capacity ratios (v/c) and vehicle delay in seconds.

The three intersections noted below were reviewed under existing 2024 traffic conditions and 2029 future background traffic conditions. The intersection capacity analysis indicated that under the existing and background conditions, the intersections are operating at acceptable LOS, v/c ratios and delay with no critical traffic movements identified.

- Jansen Avenue at Fairway Road North (Regional Road 53) - unsignalized
- Jansen Avenue at Private Driveway (177 & 181 Jansen Avenue) - unsignalized
- Jansen Avenue at Guerin Avenue - unsignalized

The 2029 total future traffic includes background traffic plus site generated traffic. The intersections analyzed are the same as above. The intersection capacity analysis indicated that the intersections are expected to operate at acceptable levels of service, v/c ratios and delay with no critical movements identified. The site traffic generated for this development is minor in nature and adds minimal delay to the overall study intersection operations.

Parking supply analysis

The analysis included a review the applicable City of Kitchener Zoning By-law No. 2019-051. It was determined that this development is required to provide a minimum and maximum vehicle parking spaces of 56 and 79, respectively. The applicant is proposing to provide a total of 67 vehicle parking spaces, meeting the vehicular parking requirements. Transportation Services supports Urbantrans conclusions.

Left turn lane analysis

A left turn lane analysis was completed along Jansen Avenue the site access utilizing the Ministry of Transportation Ontario's (MTO) Geometric Design Standards for Ontario Highways applicable nomograph. The 2029 total future traffic analysis determined that a left turn lane along Jansen Avenue is not warranted. Transportation Services supports Urbantrans recommendation.

AutoTURN swept path analysis

The following design vehicles were reviewed for loading/garbage and the vehicle parking.

- Molok garbage truck - acceptable
- TAC 2017 Passenger Vehicle (P) – acceptable

Transportation Demand Management analysis

There are several Grand River Transit (GRT) routes less than 600m from this development. They include the following routes: 1, 8, 23 and 27. These routes offer connectivity to a broader transit network throughout the Region of Waterloo and within Kitchener itself.

The walkability for pedestrians accessing the site and surrounding area can easily be achieved, as sidewalks are provided on both sides of roadways in the surrounding area.

The applicant is providing 28 Class A indoor secure bicycle parking spaces and 6 Class B outdoor bike parking spaces.

Conclusion

Transportation Services are of the opinion that this development can be adequately accommodated within the existing transportation network with minimal traffic impact on the study intersections. Also, no infrastructure improvements will be required to accommodate the proposed development.



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning
150 Frederick Street 8th Floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

Melissa Mohr 1-226-752-8622
File: C14/2/24009
May 23, 2024

Tim Seyler, MCIP, RPP
Senior Planner
City of Kitchener
200 King Street West, 6th Floor
P.O. Box 1118, Kitchener, ON
N2G 4G7

Dear Mr. Seyler,

**Re: Proposed Zoning By-law Amendment ZBA 24/009
179 Jansen Avenue
MHBC Planning Ltd. (C/O Pierre Chauvin and Robyn
McIntyre) on behalf of 10005089420 Ontario Inc. C/O
Alpha Capital Management
CITY OF KITCHENER**

MHBC Planning Ltd. has submitted a Zoning By-law Amendment for a development proposal at 179 Jansen Avenue (subject lands) in the City of Kitchener.

The applicant is proposing to construct 56-units multiple dwelling/stacked townhouse units located in three buildings located on the south, east and west edge of the site. Vehicular access is proposed from Jansen Avenue with surface parking spaces, landscaping, sidewalks, bike parking and garbage and recycling areas located internal to the site.

The subject lands are designated Urban Area and Delineated Built Up Area in the Regional Official Plan. The subject lands are designated Low Rise Residential in the City of Kitchener Official Plan and zoned RES-4 in the City of Kitchener Zoning By-law. The applicant is proposing to rezone the site from the RES-4 to RES-5 with a site-specific permission for a Floor Space Ratio (FSR) of 0.75 (whereas 0.6 FSR is permitted) and a height of 11m (whereas 9m is permitted).

The Region has had the opportunity to review the proposal and offers the following:

Regional Comments

Consistency with Provincial Legislation and Regional Official Plan Conformity

The subject lands are designated “Urban Area” and “Built-Up Area” on Map 2 of the Regional Official Plan (ROP) and is designated Low Rise Residential in the City of Kitchener Official Plan.

Section 1.6 of the Regional Official Plan establishes the Regional Planning Framework and Section 2.B.1 and 2.C establish policies for the Urban System. Section 2.F of the Regional Official Plan establishes policies for intensification targets within the Delineated Built-Up Area, which is set at 60% annually for the City of Kitchener.

Furthermore, development in the Built Up Area is intended to provide gentle density and other missing middle housing options that are designed in a manner that supports the achievement of 15-minute neighbourhoods. The proposed density will contribute to the achievement of Kitchener’s intensification target for the delineated Built Up Area of the City of Kitchener. In addition, the applicant has proposed stacked townhouses throughout the development, which is encouraged as a form of missing middle housing in the Delineated Built-Up Area of the Region.

The Region wishes to advise the applicant of the following technical comments related to the proposal:

Record of Site Condition/Regional Implementation Guidelines

There are known environmental threats on the subject lands on and adjacent to the subject lands due to past/historic uses of the subject lands and adjacent sites. As a density increase of a sensitive land use has been proposed on the subject lands and known threats are located on the lands, a Record of Site Condition and Ministry Acknowledgement letter shall be required for the entirety of the subject lands in accordance with the Region of Waterloo’s *Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites*.

The Record of Site Condition and Ministry Acknowledgement Letter were not received as part of the Complete Application for the Zoning By-law Amendment and as a result, the Region shall require a Holding Provision to be implemented within the site-specific Zoning By-law Amendment. The Holding Provision shall prohibit the proposed development until the submission of the RSC and the Ministry’s Acknowledgement Letter have been received to the satisfaction of the Regional Municipality of Waterloo. The following wording is required for the holding provision:

That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry’s Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo

Stationary Noise Study

The stationary noise study entitled “Stationary Noise Assessment Report, REV.01, 179 Jansen Avenue, Kitchener, Ontario” prepared by Managed Intelligent Infrastructure Inc. (Mi3) in association with BMP3 Cognizant Associates Inc. dated March 18, 2024.

As per the per-submission consultation and an email of May 2, 2024, the noise study will be peer reviewed and the Region requires payment of the peer review fee of \$4,500.00 plus HST (\$5,085.00 total) in order to initiate the review of the study.

The Region requires a holding provision to ensure the stationary noise study has been completed to the satisfaction of the Regional Municipality of Waterloo. The wording for the holding provision is:

That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed 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 stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

Corridor Planning

Transportation Noise:

The Owner/Developer shall enter into a registered development agreement with the Region of Waterloo to ensure that all dwelling units be constructed with a forced air heating/cooling system that permits the future installation of air conditioning units through a future consent or condominium application.

The agreement with the Region of Waterloo shall include the following noise warning clauses be included in agreements of Offers of Purchase and Sale, lease/rental agreements and the condominium declaration (should a condominium be proposed).

Type A:

Purchasers/tenants are advised that sound levels due to increasing road traffic on Fairway Road North may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Type C:

This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Region of Waterloo International Airport:

Please note that the subject lands are located within six (6) kilometers of the Region of Waterloo International Airport; therefore, the use of construction cranes may require the owner/applicant to obtain Transport Canada's Aeronautical Assessment Form for Obstruction Evaluation and approval from NAV Canada through their land use application process.

In addition, if proposed buildings/structures exceed 100 feet Above Ground Level, the applicant/owner must advise NAV Canada through their land use submission form, which can be found here: <https://www.navcanada.ca/en/products-and-services/Pages/land-use-program.aspx>

Part 4 of the Clean Water Act/Risk Management

Please be advised that a Provisional Risk Management Plan has been negotiated for the development proposed on the subject lands. In addition, the Section 59 Notice submitted with the complete application is valid.

Please be advised that a full risk management plan is required to be negotiated as part of the future Site Plan Application and a new Valid Section 59 Notice is required at that time.

Hydrogeology and Source Water Protection

Regional staff have reviewed the Functional Servicing and Stormwater Management Report entitled "179 Jansen Avenue Functional Servicing and Stormwater Management Report" prepared by MTE Consultants, dated March 27, 2024.

The report indicates that salt-laden water from common parking areas will be conveyed to on-site infiltration galleries. Regional staff wish to advise the applicant/owner that infiltration of chloride laden runoff to infiltration galleries is not supported by the Region; therefore, an update to the Functional Servicing and Stormwater Management Report shall be required to ensure that the site has infiltration from 'clean' sources only. Should the FSR/SWM not be updated before a decision is made by council for the city of Kitchener, a holding provision is required to ensure the update to the report is made.

In addition to the above, the subject lands are located in Intake Protection Zone 2 and to ensure no potential contamination reaches the groundwater intake, a geothermal prohibition shall be required to be implemented in the site-specific 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.

Housing Services

The following Regional policies and initiatives support the development and maintenance of affordable housing:

- Regional Strategic Plan
- 10-Year Housing and Homelessness Plan
- Building Better Futures Framework
- Region of Waterloo Official Plan

The Region supports the provision of a full range of housing options, including affordable housing. Rent levels and house prices that are considered affordable according to the Regional Official Plan are provided below. Should this development application move forward, staff ask the Owner/Developer to consider providing a number of affordable housing units on the site, as defined in the Regional Official Plan.

In order for affordable housing to fulfill its purpose of being affordable to those who require rents or purchase prices lower than the regular market provides, a mechanism should be in place to ensure the units remain affordable and establish income levels of the households who can rent or own the homes.

For the purposes of evaluating the affordability of an ownership unit, based on the definition in the Regional Official Plan, the purchase price is compared to the least expensive of:

Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households	\$395,200
Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area	\$740,000

*Based on the most recent information available from the PPS Housing Tables (2023).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$395,200.

For the purposes of evaluating the affordability of a rental unit, based on the definition of affordable housing in the Regional Official Plan, the average rent is compared to *the least expensive of*:

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low and moderate income renter households	\$2,040
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$1,164 1-Bedroom: \$1,346 2-Bedroom: \$1,658

	3-Bedroom: \$2,039 4+ Bedroom: n/a
--	---------------------------------------

*Based on the most recent information available from the PPS Housing Tables (2023)

In order for a rental unit to be deemed affordable, the average rent for the proposed units must be at or below the average market rent in the regional market area as shown above.

Fees:

By copy of this letter, the Region of Waterloo acknowledges receipt of the Zoning By-law Amendment fees totalling \$3,000.00 (deposited May 2, 2024).

Conclusions:

Based on the above, Regional staff have no objection to the application subject to implementation of the following within the site specific Zoning By-law:

1. That a holding provision for receipt of the Record of Site Condition and Associated Ministry Acknowledgment Letter be implemented in the site specific Zoning By-law Amendment. The required wording for the holding provision shall be:

That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry’s Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo.

2. That a holding provision for the detailed stationary noise study be implemented in the site-specific zoning by-law amendment. The required wording for the holding provision shall be:

That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed 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 stationary noise sources in the vicinity of the site, the potential impacts of noise (e.g. HVAC systems) on the on-site sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

3. Should the FSR/SWM not be updated before a decision is made by Council for the City of Kitchener, the following holding provision shall be required:

That a holding provision shall apply to the entirety of the subject lands until a Functional Servicing and Stormwater Management Report has been submitted to the satisfaction of the Regional Municipality of Waterloo.

4. That a geothermal prohibition shall be implemented within the site specific Zoning By-law Amendment. The 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.

Furthermore, 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 decision pertaining to this application. Should you have any questions, please do not hesitate to contact me.

Yours truly,



Melissa Mohr, MCIP, RPP
Senior Planner

- C. 1000589420 Ontario Inc. C/O Alpha Capital Management (Owner)
MHBC Planning Inc. C/O Pierre Chauvin and Robyn McIntyre (Agent)