

Craig Dumart

From: Craig Dumart
Sent: Wednesday, June 12, 2024 10:37 AM
To: Kate Wills @ MHBC
Subject: FW: Circulation for Comment - Draft Plan of Vacant Land Condominium 30CMD-24207 (1001 King Street East)

Hi Craig,

1. A servicing plan must be approved as part of the Site Plan process to the satisfaction of the Engineering Division prior to condo registration.
2. The proposed services throughout the property, including storm and sanitary sewers, watermain, and stormwater infrastructure, must be within the "common element" in the declaration and reference plan or located in easements in the reference plan, and be registered on title to the properties, in favour of the condo board regardless of depth or location allowing the condo board maintenance access. The declaration and or reference plan must be reviewed and approved to the satisfaction of the Engineering Division prior to condo registration.

Any questions, please advise.

Eric Riek, C.E.T.
Project Manager | Development Engineering | City of Kitchener

From: Internet - Engineering 9th floor (SM) <engineering@kitchener.ca>
Sent: Tuesday, April 30, 2024 12:34 PM
To: Eric Riek <Eric.Riek@kitchener.ca>
Subject: FW: Circulation for Comment - Draft Plan of Vacant Land Condominium 30CMD-24207 (1001 King Street East)

Hi Eric, I believe this is your project?

Thanks, Lori

From: Christine Kompter <Christine.Kompter@kitchener.ca>
Sent: Monday, April 29, 2024 4:15 PM
To: _DL_#_DSD_Planning <DSD-PlanningDivision@kitchener.ca>; Bell - c/o WSP <circulations@wsp.com>; Canada Post - Brad Biskaborn (brad.biskaborn@canadapost.postescanada.ca) <brad.biskaborn@canadapost.postescanada.ca>; Carlos Reyes <Carlos.Reyes@kitchener.ca>; Darren Kropf <Darren.Kropf@kitchener.ca>; Dave Seller <Dave.Seller@kitchener.ca>; David Paetz <David.Paetz@kitchener.ca>; Internet - Engineering 9th floor (SM) <engineering@kitchener.ca>; Enova Power Corp. - Greig Cameron <greig.cameron@enovapower.com>; Enova Power Corp. - Shaun Wang <shaun.wang@enovapower.com>; Feras AbdulHadi <Feras.AbdulHadi@kitchener.ca>; Fire Prevention (SM) <FirePrevention@kitchener.ca>; French Catholic School Board <planification@cscmonavenir.ca>; GRCA - Planning (planning@grandriver.ca) <planning@grandriver.ca>; Landuse Planning <landuseplanning@hydroone.com>; Jordan MacLaughlin <Jordan.MacLaughlin@kitchener.ca>; Justin Readman <Justin.Readman@kitchener.ca>; Katherine Hughes <Katherine.Hughes@kitchener.ca>; Mike Seiling <Mike.Seiling@kitchener.ca>; MPAC - Kelly Button (kelly.button@mpac.ca) <kelly.button@mpac.ca>; MPAC (LPUconsents@mpac.ca) <LPUconsents@mpac.ca>; Nancy Steinfeld <Nancy.Steinfeld@kitchener.ca>; Park Planning (SM) <Park.Planning@kitchener.ca>; Property Data Administrator (SM) <PropDataAdmin@kitchener.ca>; Region - Amalia Walker <AmWalker@regionofwaterloo.ca>;



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Melissa Mohr 1-226-752-8622
File: D1920/2/24207

May 22, 2024

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

Dear Mr. Dumart,

**Re: Proposed Vacant Land Plan of Condominium
30CDM-24207
1001 King Street East
MHBC Planning Inc. C/O Kate Wills on behalf of King-
Charles Properties Kitchener C/O Vive Development
CITY OF KITCHENER**

The Region has prepared the following comments relating to the above noted Vacant Land Plan of Condominium at 1001 King Street East in Kitchener. The purpose of these comments is to identify any items that need to be address prior to draft approval and those that can be imposed as conditions of approval.

The applicant is proposing a Vacant Land Plan of Condominium consisting of 2 units and common elements with each unit corresponding to the following:

Unit 1: 264 residential units, 3 live/work units and 1 commercial unit in 1 tower
Unit 2: 238 residential units, 10 Live/Work Units and 2 commercial units

Internal drive aisles, landscaped areas, and walkways make up the common elements.

The subject lands are Designated Urban Area and Delineated Built Up Area in the Regional Official Plan. Furthermore, the subject lands are located in the Borden Major Transit Station Area. In addition, the subject lands are designated Mixed Use with Special Policy Area 10 in the City of Kitchener Official Plan and zoned High Intensity Mixed Use Corridor Zone (MU-3) Zone with Special Regulation Provisions 544R, 788R and Holding Provision 100H in the City of Kitchener Zoning By-law. The subject lands

were the subject of an Official Plan Amendment and Zoning By-law Amendment (OPA22/01 and ZBA22/007) which is now in force and effect. Furthermore, there is a conditionally approved site plan applying to the lands (File No. SP23/075/K/CD).

These comments relate to the Draft Vacant Land Plan of Condominium prepared by the City of Kitchener; dated January 10, 2024:

Regional Comments

Community Planning

The subject lands are located within the Borden ION Major Transit Station Area and are designated "Urban Area", and "Delineated Built Up Area" on Map 2 of the Regional Official Plan (ROP). The site is designated Mixed Use with Special Policy Area 10 in the City of Kitchener Official Plan. Permitted uses of the Urban Area and Delineated Built-Up Area in the ROP include urban uses such as residential and commercial/retail uses, among others.

Regional staff have no objection to the application, and have the following technical comments and conditions related to the proposal:

Environmental Threats/Record of Site Condition

There are multiple medium and high environmental threats on and directly adjacent to the subject lands according to the Region's Threats Inventory. Through a previously reviewed Official Plan Amendment and Zoning By-law Amendment, Holding Provision was implemented to obtain a Record of Site Condition and Ministry Acknowledgement Letter for the entirety of the subject lands.

Regional staff received a copy of RSC # B-403-7220750794 as well as the plan of survey and associated Ministry Acknowledgement Letter for the Record of Site Condition and have no further comment on the Record of Site Condition.

Environmental Noise

Through previously reviewed Official Plan Amendment and Zoning By-law Amendment applications, a holding provision was implemented to obtain a detailed transportation, vibration and road noise study. The applicant has submitted an environmental noise report entitled "Noise Feasibility Study, Proposed Residential Development, K.O.C. 1001 King Street East, Kitchener, Regional Municipality of Waterloo, Ontario" prepared by HGC Engineering Ltd. dated April 16, 2024.

As per correspondence from May 8, 2024, the applicant is required to pay for a third party review by an external Noise Consultant retained by the Region. The fee for this third party review is \$4,500.00 + HST (\$5,085.00 total). Please submit the payment for the third party review as the review of the study will only occur once payment is made. Additional fees may apply depending on the scope of the review required.

The Region shall require that all accepted mitigation measures be implemented as a condition of draft plan approval. The wording of the condition is:

THAT prior to final approval, the Owner/Developer shall enter into a registered development agreement with the Regional Municipality of Waterloo and/or City of Kitchener to implement the recommendations contained in the detailed transportation and stationary noise study.

Risk Management/Part 4 of the Clean Water Act

The Section 59 Notice received May 2, 2024 is valid. Regional staff understand that a Provisional Risk Management Plan for salt management has been negotiated (Risk Management Plan # 00135 prepared by Stephen Litt dated November 1, 2021) and require that implementation measures be included in the Condominium Declaration as a condition of draft plan approval. The wording of the condition is:

THAT prior to final approval, the Owner/ Developer shall include provisions within the Condominium Declaration for the Condominium Corporation and Unit Owners to comply with the negotiated Risk Management Plan for salt application (Risk Management Plan # 00135 prepared by Stephen Litt dated November 1, 2021).

Hydrogeology and Source Water Protection:

Please be advised that there is no support for permanent or active or passive dewatering controls for below-grade infrastructure; therefore, below-grade infrastructure requiring dry conditions must be waterproofed. Below grade infrastructure includes foundations, slabs, parking garages, footings, piles and elevator shafts.

Regional Water Services:

The applicant is advised that the Region shall not support a connection to 600mm diameter watermain in the Charles St East right of way in accordance with Section B.2.1.4.1 of the *Design Guidelines and Supplemental Specifications for Municipal Services*, February 2023.

Region of Waterloo International Airport:

The subject lands are within the Obstacle Protection Area of Runway 08 approach. Through the previously reviewed and accepted Aeronautical Assessment entitled "Preliminary Review of 4 Construction Projects around Kitchener/Waterloo Airport, Vive Development" prepared by IDS Corporation, dated May 17, 2022, Regional staff accepted an allowable development elevation of 477m ASL at this location.

Regional staff advise the applicant must submit a Land Use application to Nav Canada, and obtain a letter of no objection if they have not done so already. The application can be found here: <https://www.navcanada.ca/en/aeronautical-information/land-use-program.aspx>

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. Staff recommend that the applicant consider providing a number of affordable housing units on the site, as defined in the Regional Official Plan. Rent levels and house prices that are considered affordable according to the Regional Official Plan are provided below in the section on affordability.

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.

Staff further recommend meeting with Housing Services to discuss the proposal in more detail and to explore opportunities for partnerships or programs and mechanisms to support a defined level of affordability.

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
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*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.

Draft Plan of Condominium Conditions:

The Region has **no objections** to draft approval of Vacant Land Plan of Condominium 30CDM-24207, subject to the inclusion of the following conditions of Draft Approval set out below:

- 1) THAT the Owner/Developer agrees to phase/stage development of this condominium in a manner satisfactory to the Commissioner of Planning, Development and Legislative Services and the City of Kitchener, including any easements or other requirements as a result of staging;
- 2) THAT prior to final approval, the Owner/Developer shall enter into a registered development agreement with the Regional Municipality of Waterloo and/or City of Kitchener to implement the recommendations contained in the detailed transportation and stationary noise study.
- 3) THAT prior to final approval all noise warning clauses identified within the noise study shall be included within the Condominium Declaration and all offers of Purchase and Sale/Lease/Rental Agreements to the satisfaction of the Regional Municipality of Waterloo.
- 4) THAT prior to final approval, the Owner/ Developer shall include provisions within the Condominium Declaration for the Condominium Corporation and Unit Owners to comply with the negotiated Risk Management Plan for salt application (Risk Management Plan # 00135 prepared by Stephen Litt dated November 1, 2021).
- 5) THAT prior to final approval, the Regional Municipality of Waterloo be provided with a copy of the registered development agreement between the Owner/Developer and the City of Kitchener; and,
- 6) THAT prior to final approval, the final draft of the Condominium Declaration be forwarded to the Commissioner of Planning, Development and Legislative Services at the Regional Municipality of Waterloo.

Fees


The Region acknowledges receipt of the Region's condominium application review fee of \$3,350.00 (received May 16, 2024).

General Comments

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.

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,

A handwritten signature in cursive script that reads "Melissa Mohr".

Melissa Mohr, MCIP, RPP
Senior Planner

- C. King-Charles Properties Kitchener C/O Vive Development (Owner)
MHBC Planning Inc. C/O Kate Wills and Pierre Chauvin (Applicants)