

Staff Report



Development Services Department

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REPORT TO: Committee of the Whole

DATE OF MEETING: August 26, 2024

SUBMITTED BY: Garrett Stevenson, Director, Development and Housing Approvals
519-741-2200 x 7070

PREPARED BY: Garrett Stevenson, Director, Development and Housing Approvals
519-741-2200 x 7070

WARD(S) INVOLVED: Wards 2 and 9

DATE OF REPORT: August 22, 2024

REPORT NO.: DSD-2024-379

SUBJECT: Update to Vacant Land Condominium Draft Approval Conditions
30CDM-24210 (15 Dellroy Avenue) DSD-2024-328
30CDM-24207 (1001 King Street East) DSD-2024-318

RECOMMENDATION:

1. That the City of Kitchener, pursuant to Section 51(31) of the Planning Act R.S.O. 1990, c.P.13, as amended, By-law 2023-103, hereby grants draft approval to Draft Plan of Condominium Application 30CDM-24210 for 15 Dellroy Avenue in the City of Kitchener, subject to conditions, as amended, attached as Appendix A to this report; and further,
2. That the City of Kitchener, pursuant to Section 51(31) of the Planning Act R.S.O. 1990, c.P.13, as amended, By-law 2023-103, hereby grants draft approval to Draft Plan of Condominium Application 30CDM-24207 for 1001 King Street East in the City of Kitchener, subject to conditions, as amended, attached as Appendix B to this report.

REPORT HIGHLIGHTS:

- The purpose of this report is to provide updated draft approval conditions for two vacant land plan of condominiums that were presented at the August 12, 2024 Planning and Strategic Initiatives Committee Meeting (public meeting).
- This report supports the delivery of core services.

BACKGROUND:

The Owner of 15 Dellroy Avenue applied for a Vacant Land Condominium (VLC) containing two units, unit 1 is proposed to contain the existing six (6) storey apartment building containing forty-six (46) residential suites and Unit 2 is proposed to contain a future eighteen (18) storey tower building with two hundred and thirty-eight (238) dwelling units.

The owner 1001 King Street East applied for VLC containing two units, each unit containing a portion of a future mixed use building.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

The public meeting for these applications was held by the Planning and Strategic Initiatives Committee Meeting on August 12, 2024.

REPORT:

Each VLC is proposed to facilitate financing considerations.

15 Dellroy Avenue

The Owner of 15 Dellroy Avenue is in the final process of securing financing through a Canada Mortgage and Housing Corporation (CMHC) program for Unit 2 to construct an eighteen (18) storey tower building with two hundred and thirty-eight (238) residential suites. The Region has identified several conditions of draft approval that are proposed to be amended.

Condition 9 is amended to add clarity that the only additional securities required to register the vacant land condominium plan, in addition to usual site plan security, will be required with respect to incomplete common elements. Condition 9 is amended and replaced with the following:

That the Owner shall submit to the City of Kitchener a Letter(s) of Credit to cover 100 percent of the remaining cost of all outstanding and/or uncertified site development works for any incomplete common element as may be identified through the Site Plan process to the satisfaction of the City's Director of Development and Housing Approvals.

Condition 13 is amended to defer the required noise study from prior to registration to prior to final site plan approval through an additional agreement. Condition 13 is replaced with the following:

That prior to final approval, the Owner/Developer enters into a registered development agreement with the Region to complete an updated detailed Environmental Noise Study to assess transportation and stationary noise prior to final site plan approval, and to enter into a Registered Development Agreement with the Regional Municipality of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the study, all to the satisfaction of the Regional Municipality of Waterloo.

Condition 15 is amended to reference the negotiated Risk Management Plan, at the request of the Region. Condition 15 is replaced with the following:

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.

Condition 17 is amended to require a Record of Site Condition prior to building occupancy (rather than registration of the vacant land condominium), allowing for Unit 2 to be created sooner. Unit 2 is required to secure CMHC financing on only the new construction. Condition 17 is replaced with the following:

That prior to final approval, the Owner/Developer enter into a registered development agreement with the City of Kitchener, requiring the Owner/Developer to complete a Record of Site Condition for the lands legally described as PLAN 307 LOT 104 TO LOT 109 PT LOT 130 TO PT LOT 135 PT LOT 160 CLOSED STS AND LNS SUBJ TO ROW and obtain an Acknowledgment Letter from the Ministry of Environment, Conservation and Parks, all prior to occupancy of any dwelling unit, all to the satisfaction of the Regional Municipality of Waterloo.

Condition 18 is amended to also reference private wells, at the request of the Region. Condition 18 is replaced with the following:

That prior to final approval, the Owner/Developer shall enter into a Regional Development Agreement to prohibit geothermal energy and private wells on site and incorporate the

prohibition within the Condominium declaration; all to the satisfaction of the Regional Municipality of Waterloo.

1001 King Street East

The Owner 1001 King Street East applied for VLC to align construction phasing with financing staging. The Owner is in the process of revising Site Plan Application SP23/075/K/CD to revise the building into two phases. The overall development has received conditional Site Plan Approval for 514 residential dwelling units and ground floor commercial units within one 29-storey Building.

A new condition is being added to provide the City of Kitchener an access easement for the purpose of accessing the temporary exterior wall (to be converted into an interior wall with phase 2) for the purpose of installing a temporary mural or other public art feature should phase 2 of the development not proceed immediately.

Condition 19 is added as follows:

Prior to draft plan approval, the Owner/Developer shall transfer an easement in gross to the City for ingress and egress, access, installation, repair, replacement and maintenance of a temporary mural or other public art feature at the sole cost of the Owner on the temporary exterior wall of the proposed building. In advance of the transfer, the owner shall prepare a draft reference plan showing the easement location for approval by the City and deposit the approved draft reference plan with the appropriate land registry office. The Transfer Easement, and easement schedule, and any ancillary documentation shall be prepared by the City to the satisfaction of the City Solicitor.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Council meeting. A notice of the public meeting was placed in the newspaper on July 19, 2024

CONSULT – The Applications were circulated to property owners within 120 metres of the subject lands as per Planning Act requirements. This report is posted to the City's website with the agenda in advance of the committee meeting.

PREVIOUS REPORTS/AUTHORITIES:

- Zoning By-laws 85-1 and 2019-051
- Official Plan
- Regional Official Plan
- Provincial Policy Statement
- Planning Act, R.S.O.
- Growth Plan
- Site Plan Application (SP22/158/D/BB)
- DSD-2023-314 (A2023-080)

- Site Plan Application SP23/075/K/CD
- [DSD-2024-318 - 1001 King Street East VLC](#)
- [DSD-2024-328 - 15 Dellroy Ave VLC](#)

APPROVED BY: Justin Readman, General Manager, Development Services Department

ATTACHMENTS:

Attachment A – Revised Draft Approvals Conditions for 1001 King Street East

Attachment B – Revised Draft Approvals Conditions for 15 Dellroy Avenue