

## Andrew Pinnell

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**From:** Carrie Musselman  
**Sent:** Tuesday, March 28, 2023 12:00 PM  
**To:** Andrew Pinnell  
**Subject:** RE: REVISED Submission re Vacant Land Condominium & Zoning By-law Amendment & Site Plan (67 & 71 Nelson Avenue)

No updated/amened environmental information ... no concern/comment.

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**From:** Andrew Pinnell <Andrew.Pinnell@kitchener.ca>  
**Sent:** Tuesday, March 28, 2023 11:24 AM  
**To:** Carrie Musselman <Carrie.Musselman@kitchener.ca>; Eric Riek <Eric.Riek@kitchener.ca>; Mark Parris <Mark.Parris@kitchener.ca>; Gaurang Khandelwal <Gaurang.Khandelwal@kitchener.ca>; 'Joginder Bhatia' <JBhatia@regionofwaterloo.ca>; MMohr <MMohr@regionofwaterloo.ca>  
**Subject:** RE: REVISED Submission re Vacant Land Condominium & Zoning By-law Amendment & Site Plan (67 & 71 Nelson Avenue)

Just a reminder to please send me any updated comments by today (especially regarding the ZBA and Condo) since this item is going to the May 8<sup>th</sup> PSI Committee and needs to be advertised.

Thanks,

**Andrew Pinnell, MCIP, RPP**

Senior Planner | Planning Division | City of Kitchener  
519-741-2200 x7668 | TTY 1-866-969-9994 | [andrew.pinnell@kitchener.ca](mailto:andrew.pinnell@kitchener.ca)



## City of Kitchener - Comment Form

**Project Address:** 67 Nelson Ave, 71 Nelson Ave, and portion of Tagge Street right-of-way  
**Application Type:** Vacant Land Condominium 30CDM-22208  
**Zoning By Law Amendment ZBA22/011/N/AP**

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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: June 20, 2022

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

- Urban Design Brief 61 & 71 Nelson Ave. Prepared by MHBC. April 2022.
- Tree Inventory, Protection, and Removals. Dwg. TI-2. Prepared by MHBC. November 2021.

### **2. Site Specific Comments & Issues:**

I have reviewed the supporting documentation (as listed above) to support a Vacant Land Condominium (VLC) and Zoning By-law Amendment (ZBA) to facilitate the development of 23 single detached dwellings with private driveways and amenity space and provide the following:

- City Environmental Planning have no concerns regarding the proposed VLC and ZBA from a natural heritage policy perspective.
- The Tree Management Plan submitted in support of the applications assessed 49 trees, none being a Species at Risk (Butternut or Black Ash). Treed vegetation is comprised mostly of non-native or ornamental species (i.e., Norway Maple and Colorado Spruce)
- All assessed trees are located interior to the site; therefore, the proposed development (and associated grading and servicing) will not be able to incorporate or conserve the existing trees.

**Based on my review of the supporting studies the VLC and ZBA can be supported.** As noted in the application, tree loss will be offset by integrating street trees, as well as landscaping in the front and rear yards of each of the units in the condominium.

### **3. Policies, Standards and Resources:**

- As per Section 8.C.2 – Urban Forests of the Official Plan ...
  - policy 8.C.2.16., the City requires the preparation and submission of a tree management plan in accordance with the City's Tree Management Policy (available on the City's Website), as a condition of a development application.
  - 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 (UDM) and the Development Manual.
  - Please see UDM Part C, Section 13 and [www.kitchener.ca/treemanagement](http://www.kitchener.ca/treemanagement) for detailed submission requirements

### **4. Advisory Comments:**

N/A

# City of Kitchener - Comment Form

**Project Address:** 67 & 71 Nelson Ave

**Application Type:** Zoning By-law Amendment and Vacant Land Condominium

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**Comments of:** Environmental Planning (Sustainability) – City of Kitchener

**Commenter's name:** Gaurang Khandelwal

**Email:** gaurang.khandelwal@kitchener.ca

**Phone:** 519-741-2200 x 7611

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**Written Comments Due:** March 28, 2023

**Date of comments:** March 28, 2023

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## **1. Plans, Studies and/or Reports submitted and reviewed as part of a complete application:**

- 67 & 71 Nelson Avenue, Kitchener – Sustainability Statement, prepared by MHBC, dated January 21, 2022
- 67 & 71 Nelson Avenue, Kitchener – Addendum to Sustainability Statement, prepared by MHBC, dated January 23, 2023

## **2. Comments & Issues:**

I have reviewed the documentation (as listed above) to support a Zoning By-law Amendment and Vacant Land Condominium to develop the subject lands with 23 single detached condominium units, regarding sustainability and energy conservation and provided the following:

- Although the Ontario Building Code (OBC) is advanced, going forward all developments will need to include robust energy conservation measures as the City (and Region of Waterloo) strive to achieve our greenhouse gas reduction target.
- Based on my review of the supporting documentation, some sustainable measures are being considered for the development of the lands. Further, the applicant has considered sustainability principles from programs such as Energy Star, LEED and Net Zero.
- The Zoning Bylaw Amendment and Vacant Land Condominium can be supported.
- An updated Sustainability Statement building on the considerations and confirming the sustainability measures being incorporated into the development and site design evolves will be required for the Site Plan application.

## **3. Policies, Standards and Resources:**

- 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.
- 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.

#### 4. **Advice:**

- As part of the Kitchener Great Places Award program every several years there is a Sustainable Development category. Also, there are community-based programs to help with and celebrate and recognize businesses and sustainable development stewards (Regional Sustainability Initiative - <http://www.sustainablewaterlooregion.ca/our-programs/regional-sustainability-initiative> and TravelWise - <http://www.sustainablewaterlooregion.ca/our-programs/travelwise>).
- The '[Sustainability Statement Terms of Reference](#)' can be found on the City's website under 'Planning Resources' at ... <https://www.kitchener.ca/SustainabilityStatement>
- Green Building Resources
  - Canada Green Building Council - <https://www.cagbc.org/>
  - Developer's guide to passive house buildings - <https://www.passivehousecanada.com/passive-house-resources/>
  - Energy Efficient programs for builders – NRCAN - <https://www.nrcan.gc.ca/energy-efficiency/buildings/new-buildings/20673>
  - Canada's Building Strategy - <https://www.nrcan.gc.ca/energy-efficiency/buildings/canadas-building-strategy/20535>
  - Passipedia - The Passive House Resource - <https://passipedia.org/>

## Andrew Pinnell

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**From:** Rojan Mohammadi  
**Sent:** Monday, March 27, 2023 8:21 AM  
**To:** Andrew Pinnell  
**Subject:** RE: REVISED Submission re Vacant Land Condominium & Zoning By-law Amendment & Site Plan (67 & 71 Nelson Avenue)

Hi Andrew,

I have no further comments.

Good luck!

**Rojan Mohammadi** MA, MCIP, RPP, PMP (She/Her)  
Senior Urban Designer | Planning Division | City of Kitchener  
519-741-2200 x 7326 | TTY 1-866-969-9994 | [Rojan.mohammadi@kitchener.ca](mailto:Rojan.mohammadi@kitchener.ca)



# *Internal memo*

*Development Services Department*



*www.kitchener.ca*

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**Date:** May 27, 2022  
**To:** Andrew Pinell, Senior Planner  
**From:** Deeksha Choudhry, Heritage Planner  
**cc:** Garrett Stevenson, Manager of Development Review  
**Subject:** ZBA22/011/N/AP  
67-71 Nelson Avenue  
Heritage Planning Comments

No heritage planning issues or concerns.

**DEVELOPMENT SERVICES DEPARTMENT  
BUILDING DIVISION**

Robert Schipper, CBCO  
Manager of Building  
City Hall, P.O. Box 1118  
200 King St. W., 5<sup>th</sup> Floor  
Kitchener, Ontario  
Canada, N2G 4G7  
Phone: (519)741-2836  
Fax: (519) 741-2775  
[robert.schipper@kitchener.ca](mailto:robert.schipper@kitchener.ca)

June 6, 2022

Attn: **2415274 Ontario Inc.**

Subject: **Vacant land Condominium application 30CDM-22208 for 67 & 71 Nelson Ave., Kitchener**

Building Division has no concerns with the vacant land Condominium application.

Thank you for giving us this opportunity to respond to this application.

Sincerely,

Robert Schipper, CBCO  
Manager of Building

c.c. Andrew Pinnell

## Andrew Pinnell

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**From:** Eric Riek  
**Sent:** Monday, April 17, 2023 9:24 AM  
**To:** Andrew Pinnell  
**Subject:** FW: REVISED Submission re Vacant Land Condominium & Zoning By-law Amendment & Site Plan (67 & 71 Nelson Avenue)

Hi Andrew,

Per the email below, the following conditions should be pasted into the condo plan as clearance conditions:

- A letter from an Engineering/Geotechnical Engineer will be required for the unit shown in Section A-A (Unit 12) verifying that the bottom of footing elevation is not within the 1:1 zone of influence if the sanitary pipe needs to be excavated in the future.
- The proposed infiltration galleries are within the 1:1 excavation. If groundwater elevations permit, we recommend that these are installed as deep as possible so they are located outside the 1:1 excavation zone. If groundwater elevations don't allow these to be installed deeper (1.0m offset is required from underside of gallery to groundwater elevation), a similar letter from an Engineer/Geotechnical Engineer would be required stating these won't be impacted during future maintenance or replacement of sewer.

Any questions, please advise.

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

## Andrew Pinnell

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**From:** Eric Riek  
**Sent:** Tuesday, April 4, 2023 9:22 AM  
**To:** Andrew Pinnell  
**Subject:** RE: 67 & 71 Nelson Ave - Resubmission of Materials

Hi Andrew,

No concerns with the condo plan from an OPA/ZBA perspective. Engineering will have site plan conditions of course but no concerns with moving forward with this plan now.

Any questions, please advise.

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

## Andrew Pinnell

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**From:** Dave Seller  
**Sent:** Wednesday, April 5, 2023 8:54 AM  
**To:** Andrew Pinnell  
**Subject:** RE: 67 & 71 Nelson Ave - updated condo plan  
**Attachments:** Vacant Condo Schedule\_30 March 2023.pdf

Transportation Services have no concerns with the condo plan.

**Dave Seller, C.E.T.**

Traffic Planning Analyst | Transportation Services | City of Kitchener  
519-741-2200 ext. 7369 | TTY 1-866-969-9994 | [dave.seller@kitchener.ca](mailto:dave.seller@kitchener.ca)

## Andrew Pinnell

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**From:** Dave Seller  
**Sent:** Monday, July 4, 2022 9:39 AM  
**To:** Andrew Pinnell  
**Subject:** ZBA and Condominium Application comments: 67 & 71 Nelson Avenue

### City of Kitchener

**Application Type:** Zoning By-law Amendment and Condominium Application

**Applications:** ZBA22/011/N/AP & 30CDM-22208

**Project Address:** 67 & 71 Nelson Avenue

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Comments of: Transportation Services

Commenter's Name: Dave Seller

Email: [dave.seller@kitchener.ca](mailto:dave.seller@kitchener.ca)

Phone: 519-741-2200 ext. 7369

Date of Comments: July 4, 2022

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- a. Transportation Service have no concerns with the proposed Zoning By-law amendment or Vacant Land Condominium application being proposed for this development.
- b. Transportation Services have no concerns with the sale of the Tagge Street right-of-way for the purposes of development and for a trail corridor.
- c. After reviewing the Transportation Impact Brief (October 28, 2021) submitted by Paradigm Transportation Solutions Limited, Transportation Services offer the following comments.

The applicant is proposing to develop 23 single detached family houses. The development is estimated to generate 21 AM and 25 PM peak hour vehicle trips, with two access points servicing the site. One access at Nelson Avenue and the second access along Sylvia Street.

Under existing traffic operations, the intersection of Sylvia Street at Sweitzer Street is functioning in the AM and PM peak hours with acceptable levels of service and operate within capacity. The 2026 Total Traffic Operations revealed that the intersections of Sylvia Street at Sweitzer Street and Nelson Avenue at the site access are both forecasted to operate with acceptable levels of service and operate within capacity in the AM and PM peak hours.

A left turn lane analysis was completed for Sylvia Street at Sweitzer Street and Nelson Avenue at the site access and under the 2026 Total Traffic Operations conclude that a left turn lane is not warranted at either location. The warrants for left-turn lanes follow the requirements in the Ministry of Transportation of Ontario's (MTO) Design Supplement for Transportation Associations of Canada's (TAC) Geometric Design Guide for Canada Roads (TAC-GDGCR).

Therefore, based on Paradigm's analysis and conclusions within their report, Transportation Services are of the opinion that the traffic generated by this development will have minimal impact on the surrounding road network.

### Dave Seller, C.E.T.

Traffic Planning Analyst | Transportation Services | City of Kitchener

519-741-2200 ext. 7369 | TTY 1-866-969-9994 | [dave.seller@kitchener.ca](mailto:dave.seller@kitchener.ca)



## Andrew Pinnell

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**From:** Mark Parris  
**Sent:** Tuesday, March 28, 2023 4:37 PM  
**To:** Andrew Pinnell  
**Subject:** RE: REVISED Submission re Vacant Land Condominium & Zoning By-law Amendment & Site Plan (67 & 71 Nelson Avenue)

OK that makes it straight forward for Parks then since all of our requirements are tied to the SPA and land sale. I do not have any direct ZBA/Condo comments.

The SPA requirement that was linked to the ZBA to "*consult with the community on how the turning circle is being used*" was completed and did not result in any feedback from the community.

Mark.

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**From:** Andrew Pinnell <Andrew.Pinnell@kitchener.ca>  
**Sent:** Tuesday, March 28, 2023 4:32 PM  
**To:** Mark Parris <Mark.Parris@kitchener.ca>  
**Subject:** RE: REVISED Submission re Vacant Land Condominium & Zoning By-law Amendment & Site Plan (67 & 71 Nelson Avenue)

Hi Mark,

The main thing I'm looking for is whether there are any ZBA / Condo comments. SP comments would be great, but ZBA/ Condo comments are vital.

Thanks,

**Andrew Pinnell, MCIP, RPP**

Senior Planner | Planning Division | City of Kitchener  
519-741-2200 x7668 | TTY 1-866-969-9994 | [andrew.pinnell@kitchener.ca](mailto:andrew.pinnell@kitchener.ca)





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: D1920/2/22218  
C1460/2/22208

March 28, 2023

Andrew Pinnell, BES, MCIP, RPP  
Senior Planner  
City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor  
P.O. Box 1118, Kitchener, ON  
N2G 4G7

Dear Mr. Pinnell,

**Re: Proposed Zoning By-law Amendment ZBA 22/011 and  
Vacant Land Plan of Condo 30CDM-22208  
67-71 Nelson Avenue  
MHBC Planning Ltd. (C/O Pierre Chauvin) on behalf of  
2415274 Ontario Inc.  
CITY OF KITCHENER**

The Region has prepared the following comments relating to the above noted Zoning By-law Amendment and Vacant Land Plan of Condominium proposed on the lands addressed as 67-71 Nelson Avenue in Kitchener. The purpose of these comments is to identify any items that need to be address prior to consideration of the Zoning By-law Amendment and/or draft approval and those that can be imposed as conditions of approval or through the use of a Holding Provision.

**Original Proposal:**

The proposed Zoning By-law Amendment and Vacant Land Plan of Condominium are associated with a Site Plan application to facilitate the redevelopment of the lands with 23 vacant units that are planned for single detached dwellings serviced by a private condominium road. The private condominium road would extend from Sylvia Street to Nelson Avenue creating two access points for the development. In addition, the applicant is proposing to acquire a portion of the adjacent Tagge Street right-of-way for development purposes from the City of Kitchener. The balance of the right-of-way is proposed to be retained by the City for trail purposes.

The subject lands are located in the Urban Area of the Region and Designated Built Up Area in the Regional Official Plan. In addition, the subject lands are designated Low Rise Residential in the City of Kitchener Official Plan and zoned Residential Three (R-3) Zone in the City of Kitchener Zoning By-law 85-01.

The applicant has proposed to rezone the majority of the site from the R-3 Zone to the RES-4 Zone. The applicant is proposing to rezone lands immediately south of 67-71 Nelson Avenue (portion applicant is requesting to purchase from the City) from R-3 to RES-4 to allow an expansion of the buildable area for the above noted development. The applicant has also proposed to rezone the lands described as Area 2 on Map 1 of the Media Release from the Restricted Business Park Zone (B-2) with Special Regulation Provision 36R under By-law 85-1 to Open Space Greenways Zone (OSR-2). In addition, the applicant has proposed to rezone the lands that are identified as Area 3 on Map 1 of the Media Release from the Restricted Business Park Zone (B-2) with Special Provision 36R to Open Space Greenways Zone (OSR-2) with a Site Specific Provision.

### **Current Proposal:**

The applicant continues to propose 23 residential units through a vacant land plan of condominium and rezone the lands to permit the increased density on site.

It is Regional staff's understanding that the applicant is proposing to purchase a portion of lands directly adjacent to 67 and 71 Nelson Avenue and that the City will retain the remainder of the lands. Regional staff also understand that the proposed noise attenuation wall/barrier will be on lands that will be owned by the City and the Owner/Developer of 67-71 Nelson Avenue will retain rights over the noise barrier/wall.

The lands addressed as 67-71 Nelson Avenue will be rezoned from R-3 to RES-4 with site specific provisions, the lands to be purchased from the City will be rezoned from Restricted Business Park Zone (B-2) Zone to RES-4 with site specific provisions and the lands retained by the City will be rezoned from the Restricted Business Park Zone (B-2) Zone to an Open Space Greenways Zone (OSR-2) with a site specific provision.

These comments relate to the Draft Plan of Vacant Land Plan of Condominium prepared by MHBC Planning Inc.; dated September 30, 2021; signed by the Owner January 21, 2022 and the Surveyor January 19, 2022; File No. 16233G (to be updated to reflect the current proposal):

## **Regional Comments**

### **Community Planning**

#### *Consistency with Provincial Legislation and Regional Official Plan Conformity*

The subject lands are designated "Urban Area" and "Built-Up Area" on Schedule 3a of the Regional Official Plan (ROP) and is designated Low Rise Residential in the City of Kitchener Official Plan.

Regional staff acknowledge that 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. This development shall contribute to the intensification target of 60% within the City of Kitchener's Built Up Area.

*Land Use Compatibility:*

The development proposal includes a density increase of a sensitive land use in proximity to existing industrial land uses to the south of the site. Regional staff consider the industrial land uses to be Class II land uses. Class II industrial land uses are recommended to be set back a minimum of 70 metres from sensitive land uses in accordance with the Ministry of Environment, Conservation and Parks (MECP) D-6 Series Guidelines.

Regional staff acknowledge that the existing land use permissions include residential land uses that are adjacent to existing permitted industrial land uses. As the subject lands contain existing permitted residential land uses, Regional staff have no objection to the proposed development from a land use compatibility perspective.

Further to the above, Regional staff have no objection to the applications, subject to the following technical comments and conditions related to the proposal:

**Stationary Noise**

Regional staff have reviewed the stationary noise study entitled "Stationary Noise Impact Study, Proposed Residential Development – 67 & 71 Nelson Avenue, Kitchener, Ontario" (GHD, October 26, 2021), and cannot accept the study at this time. A holding provision shall be implemented to ensure an updated study and recommended implementation measures are received to the satisfaction of the Region.

The report identifies a number of stationary noise sources that may be classified as Class I or Class II industrial uses within the vicinity of the site. The noise consultant has modelled the predicted stationary noise impacts of these facilities on the subject site and based on the assumptions used in the modelling, the individual facilities meet noise level limits for a Class 1 acoustical area under NPC-300 at points of reception for the daytime and nighttime at the proposed development. Although noise level limits are met by the noise sources facilities individually, the Region requires that the cumulative impact of stationary noise sources to be assessed and addressed appropriately.

The cumulative impact of all noise sources on the development have been assessed by the noise consultant and stationary noise exceeds the noise level limits by 3 dBA for daytime and 1 dBA for nighttime. The noise consultant has recommended a 1.8m high noise wall (approximately 132.77m in length) along the southern property line of the City owned lands (lands directly adjacent to the industrial land uses) to address stationary noise concerns. This exceedance is not acceptable and the exceedance and any required noise mitigation measures must be addressed to the satisfaction of the Regional Municipality of Waterloo. This may be done by increasing the height of the

proposed noise wall or including a berm and wall combination to reduce the exceedances.

Regional staff shall require the implementation of a Holding Provision to obtain an updated stationary noise study that provides adequate mitigation for the cumulative impact of the stationary noise sources on the noise sensitive development. The required wording of the Holding Provision is:

*That a holding provision shall apply to the entirety of the subject lands until a satisfactory stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo.*

In addition to the above, the study shall include a discussion whether any facilities referred to in the report have a MECP Environmental Compliance Approval and whether there is any hitching and unhitching of trailers from the W.S. Bell Cartage noise source (transportation parking facility). In addition, please be advised that the Region does not have a noise by-law and this should be updated within the report.

Finally, the any recommended noise wall shall be designed to have a minimum surface density of 20 kg/m<sup>2</sup> and be constructed without gaps within and beneath the extent of the wall.

### **Hydrogeology and Water Programs**

Regional staff have reviewed the salt management plan entitled "67-71 Nelson Avenue, Salt Management Plan" dated December 17, 2021 prepared by MTE and accept the plan. Regional staff require the following to be implemented as a condition of draft plan approval:

THAT prior to final approval, the Owner/Developer shall include the accepted provisions of the Salt Management Plan for the Unit Owners and Condominium Corporation within the Condominium Declaration; all to the satisfaction of the Regional Municipality of Waterloo;

### **Housing Services**

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 in the section on affordability. Staff recommend that the applicant consider providing a number of affordable housing units on the site.

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	\$385,500
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	\$576,347

\*Based on the most recent information available from the PPS Housing Tables (2021).

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$385,500.

**Conclusions relating to Zoning By-law Amendment:**

Regional staff have no objection to Zoning By-law Amendment Application ZBA22/011 subject to the following Holding Provision being implemented within the Zoning By-law Amendment:

*That a holding provision shall apply to the entirety of the subject lands until a satisfactory stationary noise study has been completed and recommended implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo.*

**Conclusions related to Draft Plan of Condominium:**

The Region has no objections to draft approval of Vacant Land of Condominium 30CDM-22208, 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;
- 1) THAT prior to final approval, the Owner/Developer shall submit a revised Stationary Noise Study and if necessary, shall enter into a registered development agreement with the City of Kitchener to provide for implementation of the recommended noise study attenuation measures and noise warning clauses to the satisfaction of the Regional Municipality of Waterloo.

- 2) THAT prior to final approval, the Owner/Developer shall submit a detailed noise wall design report to the satisfaction of the Regional Municipality of Waterloo.
- 3) THAT prior to final approval, the Owner/Developer shall include the following noise warning clause within the Condominium Declaration and Purchase and Sale/Lease/Rental Agreement(s) to the satisfaction of the Regional Municipality of Waterloo:

*“Purchasers/tenants are advised that due to the proximity of the adjacent commercial and industrial facilities, noise from the facilities may at times be audible.”*

And if the noise wall is recommended form of mitigation include the following:

*“The Developer agrees to preserve the function of and to maintain the noise wall along the southern edge of City owned lands. The purpose of the noise wall is to attenuate noise from the industrial lands to the south. The Developer agrees that the City, through its employees and agents has the right to enter onto the lands to inspect the noise wall. The Developer agrees to repair or, if necessary replace the noise wall. Should the Developer fail to repair or replace the noise wall upon receipt of a written notice from the City, as the City deems necessary, the Developer agrees that the City may undertake such work upon the expiration of the time set out in the notice. If such work is undertaken by the City, the Developer hereby agrees to permit entry upon the lands for this purpose and agrees to reimburse the City fully for all costs of undertaking such work.”*

- 4) THAT prior to final approval, the Owner/Developer shall include the accepted provisions of the Salt Management Plan for the Unit Owners and Condominium Corporation within the Condominium Declaration; all to the satisfaction of the Regional Municipality of Waterloo;
- 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, that the Condominium Declaration be forwarded to the Commissioner of Planning, Development and Legislative Services at the Regional Municipality of Waterloo.

### **Fees**

By copy of this letter, the Region of Waterloo acknowledges receipt of the Plan of Condominium and Zoning By-law Amendment Review Fee of \$10,255.00 (deposited July 21, 2022).

**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,



Melissa Mohr, MCIP, RPP  
Senior Planner

Cc (via email). MHBC Planning Ltd. C/O Pierre Chauvin (Agent), 2415274 Ontario Inc. (Owner)

## Andrew Pinnell

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**From:** Planning <planning@wcdsb.ca>  
**Sent:** Thursday, June 30, 2022 11:52 AM  
**To:** Andrew Pinnell  
**Subject:** [EXTERNAL] RE: Circulation for Comment - Vacant Land Condominium & Zoning By-law Amendment (67 & 71 Nelson Avenue)

Good Morning Andrew,

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 shall include the following wording in the 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.”*

C) That the developer enter into an agreement with the City of Kitchener to be registered on the title to the Property that provides:

*“All agreement of purchase and sale or leases for the sale or lease of a completed home or a home to be completed on the Property must contain the wording set out below 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](mailto:Jordan.Neale@wcdsb.ca).

Thank you,

**Jordan Neale**

Planning Technician, WCDSB

480 Dutton Dr, Waterloo, ON N2L 4C6

519-578-3660 ext. 2355

## Andrew Pinnell

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**From:** circulations@wsp.com  
**Sent:** Tuesday, June 28, 2022 10:59 AM  
**To:** Andrew Pinnell  
**Subject:** [EXTERNAL] ZBLA (ZBA22/011/N/AP) and Draft Plan of Condominium (30CDM-22208); 67 and 71 Nelson Ave., Kitchener

2022-06-28

Andrew Pinnell

Kitchener

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Attention: Andrew Pinnell

Re: ZBLA (ZBA22/011/N/AP) and Draft Plan of Condominium (30CDM-22208); 67 and 71 Nelson Ave., Kitchener; Your File No. 30CDM-22208,ZBA22/011/N/AP

Our File No. 93767

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville  
Manager - Planning and Development  
Network Provisioning  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

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-LAEmHhHzdJzBITWfa4Hgs7pbkI

## Andrew Pinnell

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**From:** Trevor Heywood <theywood@grandriver.ca>  
**Sent:** Wednesday, June 8, 2022 5:20 PM  
**To:** Andrew Pinnell  
**Subject:** [EXTERNAL] RE: Circulation for Comment - Vacant Land Condominium & Zoning By-law Amendment (67 & 71 Nelson Avenue)

Hey Andrew,

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

Thanks,

**Trevor Heywood**  
Resource Planner  
Grand River Conservation Authority

theywood@grandriver.ca

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

## Andrew Pinnell

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**From:** LANDUSEPLANNING <LandUsePlanning@HydroOne.com>  
**Sent:** Thursday, June 16, 2022 10:23 AM  
**To:** Andrew Pinnell; Christine Kompter  
**Subject:** [EXTERNAL] Kitchener - 67 and 71 Nelson Avenue - 30CDM-22208

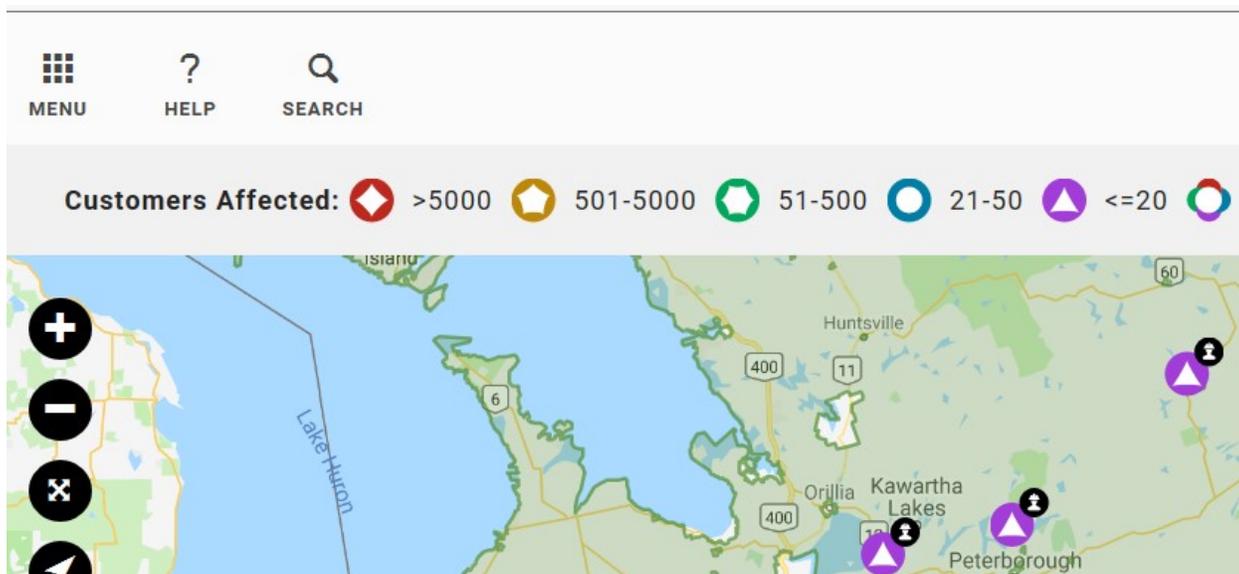
Hello,

We are in receipt of your Draft Plan of Condominium Application, 30CDM-22208 dated June 3, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:  
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Thank you,  
**Kitty Luk**  
Real Estate Assistant | Land Use Planning

**Hydro One Networks Inc.**  
185 Clegg Road  
Markham, ON | L6G 1B7

Email: [landuseplanning@hydroone.com](mailto:landuseplanning@hydroone.com)