



PLANNING, DEVELOPMENT
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Community Planning

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D20-20/22 KIT

October 4, 2022

Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

Re: Comments for Consent Application B2022-056
Committee of Adjustment Hearing October 18, 2022
CITY OF KITCHENER

B2022-056
192 Woolwich Street
Emil Burca (Owner); K. Barisdale (GSP Group - Agent)

The owner/applicant is proposing to sever the existing property into two separate lots to construct a future residential dwelling on the severed lands.

Regional Fee:

The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.

Environmental Noise:

The proposed noise sensitive dwelling may be impacted by transportation noise from Woolwich Street. It is the responsibility of the applicant to ensure the proposed development is not adversely affected by transportation (traffic) noise impacts. Regional Official Plan (ROP) Policy 2.G.10 addresses potential land use compatibility issues due to the encroachment of sensitive land uses and potentially incompatible uses on one another. Moreover, ROP Policy 2.G.13 indicates that a noise study may be required for a development application for a sensitive land use submitted in the vicinity of an Existing or Planned Regional Road, Provincial Highway, the rapid transit system, transit terminals, railways or Area Municipal roads. In order for this consent application to conform to ROP policy 2.G.10 and 2.G.13, land use compatibility must be addressed.

Since a noise study was already completed in this vicinity, and the primary transportation noise source results from a City of Kitchener roadway, Regional staff

require that the owner/applicant of the units on all (retained and severed) lots will be required to enter into a registered agreement with the City of Kitchener to include the following noise mitigation and warning clauses in all Offers of Purchase and Sale, lease/rental agreements:

Proposed Dwelling Unit (Severed Lot):

- a) The dwelling unit must be installed with an air-ducted heating and ventilation system suitably sized and designed with the provision of adding central air conditioning.
- b) The following noise warning clauses (Type C) will be included in all offers of purchase and sale, deeds and lease/rental agreements:
 - i. *“Purchasers / tenants are advised that this dwelling has been designed with the provision of 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 Region of Waterloo and the Ministry of the Environment Conservation and Parks (MECP).”*
- c) That the City of Kitchener's Building Inspector certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the City of Kitchener's Building Inspector will certify that the dwelling unit has been constructed accordingly.

Existing Dwelling Unit (Retained Lot):

- a) The following noise warning clauses (Type C) will be included in all offers of purchase and sale, deeds and lease/rental agreements:
 - i. *“Purchasers / tenants are advised that this dwelling has been designed with the provision of 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 Region of Waterloo and the Ministry of the Environment Conservation and Parks (MECP).”*

Servicing (Advisory Comments):

Regional Staff acknowledge that the property does not currently have municipal sanitary services despite the subject lands being within the Urban Area. Municipal sanitary services are required for the retained and severed lots to be in compliance with Regional Official Plan (ROP) policy 2.D.1, which specifies the following:

“In preparing/reviewing planning studies or in reviewing development applications or site plans, the Region and/or Area Municipalities will ensure that development occurring within the Urban Area is planned and developed in a manner that:

b) is serviced by a municipal drinking-water supply system and a municipal wastewater system.”

It is Regional Staff’s understanding that the subject lands are adjacent to municipal water and wastewater mains, despite the existing home currently using a private wastewater system. Provided the proposed dwelling on the severed lot will be connected to full municipal services (water and wastewater), the Region has no objection.

Environmental Planning (Advisory Comments):

The subject lands are adjacent to the following the Melitzer Creek Provincially Significant Wetland Complex, which is designated as a Core Environmental Feature by the ROP. The lands also previously included a Significant Woodland designation, but based on a site review in 2011 the Significant Woodland designation was removed from the property; the Regional Official Plan mapping will be updated to reflect this change.

In accordance with ROP policy 7.C.10, development or site alteration will only be permitted on lands contiguous to Core Environmental Features where the proposed development would not result in adverse environmental impacts on the features and ecological functions, as demonstrated through an Environmental Impact Statement (EIS) prepared in accordance with ROP policies 7.G. An EIS (192 Woolwich Street Lot Severance Environmental Impact Study, NRSI, September 2022), has been provided in support of the subject application, and Regional staff support the implementation of the recommendations within the EIS. Regional staff understand that City staff will be requiring a Conservation Easement to be secured for the subject lands as a condition of the consent application, which will include the implementation of the recommendations from the EIS. On this basis, the Region has no requirements or concerns related to the subject application.

Provided the severed lot will be connected to municipal services and that the City includes a condition(s) relating to a Conservation Easement (as noted above), the Region has no objection to the proposed application subject to the following conditions:

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.
- 2) That prior to final approval, an agreement between the owner/applicant and the City of Kitchener, to the satisfaction of the Region of Waterloo, must be registered on title for both the retained and severed lands that includes the requirement for the following noise mitigation and warning clauses in all

agreements of Offers of Purchase and Sale, deeds, and lease/rental agreements:

Proposed Dwelling Unit (Severed Lot):

- a) The dwelling unit must be installed with an air-ducted heating and ventilation system suitably sized and designed with the provision of adding central air conditioning.
- b) The following noise warning clauses (Type C) will be included in all offers of purchase and sale, deeds and lease/rental agreements:
 - i. *“Purchasers / tenants are advised that this dwelling has been designed with the provision of 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 Region of Waterloo and the Ministry of the Environment Conservation and Parks (MECP).”*
- c) That the City of Kitchener's Building Inspector certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the City of Kitchener's Building Inspector will certify that the dwelling unit has been constructed accordingly.


Existing Dwelling Unit (Retained Lot):

- a) The following noise warning clauses (Type C) will be included in all offers of purchase and sale, deeds and lease/rental agreements:
 - i. *“Purchasers / tenants are advised that this dwelling has been designed with the provision of 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 Region of Waterloo and the Ministry of the Environment Conservation and Parks (MECP).”*

General Comments

Any future development on the lands subject to the above-noted consent 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 staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional Staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in blue ink that reads "Peter Ellis". The signature is written in a cursive, flowing style.

Peter Ellis, MES
Senior Planner