

**Date:** March 31, 2020  
**To:** Garrett Stevenson, Senior Planner  
**From:** Sarah Coutu, Planner (Policy)  
Brandon Sloan, Manager of Long Range Planning & Policy Planning  
**Subject:** Pre-Submission Consultation – 263, 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue and 30 Vernon Avenue (Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment)

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The Long Range and Policy Planning Section has received the circulation of a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Applications for the development of the subject lands to redevelop the lands into a mixed-use community with residential, commercial, and employment. A Planning Justification Report prepared by GSP Group, dated April 2019, was submitted in support of these applications. Based on policy staff's review of the application and the Planning Justification Report, we offer the following comments for your consideration.

**Planning Policy**

The synopsis and analysis of applicable policies (provincial, regional and City) provided in Section 6 of the Planning Justification Report is quite helpful to address consistency and conformity. Unless otherwise noted in this memo, staff generally concurs with the conclusions of the report.

*Growth Plan*

Since the submission of the Planning Justification Report, the 2017 Growth Plan has been replaced by the 2019 A Place to Grow. Decisions made after May 16, 2019 must conform with the 2019 A Place to Grow. Accordingly, the section of the report that addresses the Growth Plan should be updated.

*PARTS Rockway Plan/Neighbourhood Planning Review*

As noted in the Justification Report, the subject site is located within the PARTS Rockway Plan. This Plan was approved by Council in December 2017. Since the approval of the PARTS Rockway Plan and the submission of the subject application, the City has drafted proposed amendments to the Official Plan and the new Zoning By-law (By-law 2019-051) through the Neighbourhood Planning Review process to implement this Plan. These proposed amendments were tabled at a Statutory Public Meeting in December 2019. The timing for bringing forward the Official Plan Amendment and the Zoning By-law Amendment to Council for consideration for approval is to be determined. Accordingly, depending on the timing of the consideration of the subject application, the applicable land use designations and zoning could change. Effort should be taken to align the development/land use designations/zoning with what has been proposed through the City led statutory process through the Neighbourhood Planning Review (NPR) for the subject lands. Additionally, consideration could be given to aligning the zoning more closely to the zoning in By-law No. 2019-051 which will eventually be applied or amending By-law No. 2019-051 to include the subject lands (depending on the timing of consideration of the application). As you are aware, Stage 1 of By-law No. 2019-051 was passed by Council in April 2019 and is currently under appeal. Stage 1 comprised of most zones, but not residential zones. Stage 2a

was endorsed by Council in October 2019 and will incorporate the residential base zones once Stage 1 is in effect. Assistance can be provided with respect to the detailed wording of the formal Amendments when preparing them for Council consideration.

### **Detailed Comments**

*Block 1 (Subdivision), Area 1 (Official Plan Amendment), Area 1 (Zoning By-law Amendment)/  
Block 3 (Subdivision), Area 3 (Official Plan Amendment), Area 3 (Zoning By-law Amendment)*

These lands are identified as Innovation Employment in the PARTS Rockway Plan to provide for predominantly office and high-tech manufacturing as well as opportunities for street related retail and restaurant uses. Accordingly, staff has proposed that these lands be designated Innovation Employment (new land use designation for Official Plan) and zoned EMP-6: Innovation Employment (new zone for Zoning By-law 2019-051). The applicant is proposing to change the land use designated to Mixed Use Corridor and zoning MU-2 but with a site specific policy/provision to prohibit residential uses. The Mixed Use designation and zoning (albeit with the proposed special policies and provisions) is not the most appropriate zone to implement the direction of the PARTS Rockway Plan. The purpose of the Mixed Use designation is to provide for both residential and non-residential uses; prohibiting residential uses through special policy/special regulation would negate this. Instead, these lands should receive an employment land use designation and an employment zone with special policies/provision to align more closely with the direction of lands identified for Innovation Employment.

We are pleased to see that three of the existing buildings are to be re-purposed.

On page 23 of the Planning Justification Report, it is estimated that the redevelopment would result in 5,125 residents and 842 jobs. There should be a greater balance between residents and jobs. When speaking specifically to the redevelopment of the subject site, pg 11 of the Plan notes that strategies to maintain and attract new employment should be balanced with a mix of new retail, service and residential uses.

A future 12 storey building with an FSR of 3.29 is proposed for Block 3. This is not in keeping with the direction for buildings within lands for Innovation Employment to be have a maximum height of 6 storeys and FSR of 2 and is not supported by staff.

*Block 2 (Subdivision), Area 2 (Official Plan Amendment), Area 2 (Zoning By-law Amendment)*

These lands are identified as Mixed-Use Medium Density in the PARTS Rockway Plan. Staff has proposed that these lands be designated Mixed Use with Specific Policy Area 3: Mixed Use – Medium to High Rise’ and zoned MIX-3: Medium to High Rise Mixed Use to allow for a maximum FSR of 4 and maximum building height of 8 storeys and 26 metres in height. The applicant is proposing that the lands be designated ‘Mixed Use Corridor’ and zoned Medium Intensity Mixed Use Corridor Zone (MU-2) with special policy/special provisions for increased heights (34 m rather than 24m) and FSR (4.5 rather than 2). Staff are amenable to the requested increases in height and FSR because: they are more keeping with direction in the PARTS Rockway Plan/proposed Official Plan and Zoning By-law amendment; and, the proposed regulations for stepping back the buildings will provide for a height transition from Courtland Ave. As noted previously, effort should be taken to align other aspects of the zoning for the site with the zoning proposed through the NPR process. We acknowledge that the proposed MIX-3 zoning includes a requirement for a minimum of 20% of non-residential gross floor area and that this may not be appropriate for the

subject site. Instead, the site specific zoning should explore ways to meet the intent of ensuring an appropriate supply of non-residential gross floor area relative to the supply of residential gross floor area. Assistance can be provided with respect to the detailed wording.

Staff are not supportive of the proposed special regulation to allow dwelling units to locate on the ground floor of a multiple dwelling. Active uses should be provided on the ground floor along Courtland Ave along the entire length of the street line façade. Additionally, a site specific provision should be added to require the minimum height of the ground floor to be 4.5m.

*Block 4 (Subdivision), Area 4 (Official Plan Amendment), Area 4 & 7 (Zoning By-law Amendment)*  
This block is where the bulk of the proposed development's density and units (1,755) are proposed to be located within 6 towers ranging from 12 storeys in height to 33 storeys in height. These lands are identified as High Rise Residential in the PARTS Rockway Plan and staff has proposed that these lands be designated High Rise Residential and zoned RES-7: High Rise Residential Seven Zone. The applicant is proposing to designate the lands High Rise Residential and zoned R-9, but is requesting special policy/special regulation for the max FSR to be 8.0 instead of 4. While it is agreed this area of the subject lands is most appropriate for the greatest density and building height and could be greater than an FSR of 4, it is staffs opinion that the requested FSR of 8 is too dense and the siting/ height of some of buildings do not meet the Tall Building Guidelines.

*Block 9 (Subdivision), Area 9 (Official Plan Amendment), Area 6 (Zoning By-law Amendment)*  
A 0.47 ha public park is proposed on Block 9. The assessment of parks and open space in the PARTS Rockway Plan revealed that the Rockway area is currently underserved by park space, particularly neighbourhood parks. Accordingly, one of the recommendations of the PARTS Rockway Plan (Recommendation 4, pg 78) was for the implementing Secondary Plan to indicate that on-site parkland dedication is a top priority for this area. According, in the draft Secondary Plan, the following policies have been included:

16.D.7.9 The City will actively search and use the existing Park Trust Fund and cash-in-lieu to develop new parks in the Rockway Secondary Plan area, particularly on sites that submit development or redevelopment applications.

16.D.7.10 The City will require a parkland dedication, in the form of lands rather than a cash-in lieu contribution, for the property at 321-325 Courtland Avenue East at such time as development or redevelopment applications are received for lands in this location.

As such, staff supports the proposal for lands to be dedicated but conclude that there should be more park space on the site. A second recommendation of the PARTS Rockway Plan (Recommendation 9, pg 78) is to continue to use a parkland dedication rate of 1 ha per 500 units for PARTS Rockway area. We agree with the applicant that using this rate would not be feasible for this proposed redevelopment. However, we are of the opinion that the provision of 0.47 is not enough for the site and the projected 5,125 residents. More park space should be provided on the site/the proposed density of the site should be reduced. Further, the phasing plan in Figure 8 of the Planning Justification Report indicates that this park would be part of Stage 2 of the development. The park should be provided in Stage 1 to serve the needs of residents in the initial stages of the redevelopment of the site.

## **Sustainability Measures**

The PARTS Rockway Plan expresses that the City has an interest in positioning the Rockway Station Area to exhibit leadership and advance best practices in the areas of sustainability and resilience. Further, it provides specific recommendations for the redevelopment of the subject lands on Page 39. Recommendations g) and h) speak specifically to sustainability measures.

- g) Redevelopment should achieve a high standard of environmental (sustainability) performance and the feasibility of district energy should be studied.
- h) The site should incorporate green infrastructure, including on-site urban stormwater management features.

The PARTS Rockway Plan also stipulates that development in the area be equivalent to achieving a minimum LEED/LEED ND - Silver rating or comparable sustainable development standard. At the time of the Pre-Submission Application meeting, it was identified that a LEED ND feasibility analysis be conducted by a qualified professional prior to subdivision registration. Staff are pleased to see this analysis included with this application in Appendix D and upon cursory review, it would appear that the major topic elements are included, which is satisfactory to achieve the terms for our review. Policy staff are reviewing the applicable sections of the Planning Justification Report and Appendix D in more detail from an environmental and practicality standpoint and will provide more detailed comments under separate cover for this topic and any potential conditions of approval.

## **Density Calculations**

Table 1 and 2 on Page 23 is helpful to assist with estimating the density potential. We appreciate that the assumptions utilize the City's approach and assumptions from our growth management program. We concur with the calculations that the proposed development would yield a density of 576 pj/ha. As noted in the comments pertaining to *Block 4 (Subdivision)*, *Area 4 (Official Plan Amendment)*, *Area 4 & 7 (Zoning By-law Amendment)*, we have concerns with the density. 576 pj/ha is much greater than the minimum 160 pj/ha required by the Growth Plan for Major Transit Station areas and exceeds the 170 pj/ha contemplated for the Mill Focus Areas in the PARTS Rockway Plan. Furthermore, the site was not identified within the Mill Focus Area which is intended for the greatest amount of density.

## **Affordable Housing**

The PARTS Rockway Plan provides direction to consider requirements and promote incentives to encourage the provision of rental and/or affordable housing within Rockway to support diversity in tenure and affordability. Staff support the provision of small unit sizes to accommodate low and moderate households. Staff also support and encourage the efforts noted by the applicant to engage non-profit affordable housing providers for the development of affordable housing stock as part of Block 6. We are aware that the subject site is not within a focus area identified in the PART Rockway Plan, however, we still note that the Plan provided direction for the provision of a minimum of 20% affordable housing units within focus areas. Therefore, we would like to see greater than 3.5-5% of the total housing stock developed on the site developed as affordable housing units. We recommend that a meeting occur to determine an appropriate approach to the amount of units, affordability range, and operational aspects prior to approval.

You can advise the applicant that they may be eligible for development application fee and building permit fee exemptions if their development is including affordable rental housing units. More details about the Council policy, eligibility criteria and the application form are available at





<https://www.kitchener.ca/en/city-services/development-incentives-for-new-affordable-rental-housing.aspx>.

**Urban Design**

Comments have been provided under separate cover.

**Summary**

Staff are supportive of the redevelopment of this site for a mixed-use community and intensification of the site is desired. However, staff have concerns with the overall density of the site, particular the proposed FSR of 8 for Block 4 (High Rise Residential) and the implications of the possible overbuild of the site (i.e deficiency in on site parkland, compatibility with surrounding neighbourhood, etc). We also wish to see a greater mix of land uses achieved by having more of the lands designated for Employment. Further, it is recommended that there is further dialogue regarding the appropriate approach to the provision of affordable housing.

If you have any questions pertaining to these comments, please contact the undersigned.

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November 22, 2019

Garett Stevenson, 519-741-2200, ext. 7070

Yvonne Westerveld Cardoso; Karen Leasa, Parks & Cemeteries,  
519-741-2600, ext. 4216 / ext.4176

Internal Staff Review – 321 Courtland Ave 'The Metz'

## Introduction

To preface the below comments, we want to stress that Parks & Cemeteries feel very strongly that every community should be entitled to sufficient green space and that parkland is an essential requirement in building complete communities that are healthy, vibrant, and resilient. From an environmental, social, and economic perspective, the need for appropriately sufficient green space in an area that has already been highlighted as being deficient in parkland becomes even more critical as we move forward in the review of this application.

### 1.0 Parkland Dedication

The City of Kitchener Official Plan references two alternatives for requiring parkland dedication for new subdivision development. These are **5% of the land, or one hectare for every 500 dwelling units.**

- 1.1 **Parkland Calculation** - The 1 ha/500 unit alternative option for calculating parkland dedication is included in the Official Plan for extremely dense proposals similar to this application, where using the 5% model would render the park area woefully inadequate to meet the needs of the prospective residents.
  
- 1.2 **Parkland Deficit** - The proposed development is located in an area identified by the Parks Strategic Plan as one of the four 'neighbourhood parkland gap areas' in the city, and so an under-provision of parkland in a development proposing to add over 5000 additional residents and several hundred employees will overburden an undersized park in an underserved neighbourhood. Based on the neighbourhood parkland provision of 1.5 ha per 1000 people (City of Kitchener, Parks Strategic Plan) this amount of increase in residents alone should provide 7.69 hectares of parkland. We agree that this amount is not feasible, but we do strongly feel that the new parkland provision should be that of a neighbourhood park, greater than the proposed 0.47 ha urban green.

*“The City will consider opportunities to enhance access to local parkland resources in areas that are underserved for neighbourhood parks and facilities based on the service area, provision level and location and targets established through the implementation of the Parks Strategic Plan.” (City of Kitchener Official Plan, 8.C.1.11)*

To better understand this development in terms our typical Greenfield Subdivision process vs. Urban Infill conditions we have highlighted some major differences below:

Greenfield Subdivision	Urban Infill Subdivision
<ul style="list-style-type: none"><li>- generally large land area</li><li>- predominantly single family dwelling, semis, towns, with some low and medium rise multi units</li><li>- generally low density</li><li>- based on 5% calculation, generally enough land to meet parkland provision targets</li></ul>	<ul style="list-style-type: none"><li>- generally high density on smaller land area than greenfield</li><li>- Using 5% of land area does not begin to meet park provision requirements and is the reason why the 1 ha/500 units is included as an alternative in the City of Kitchener Official Plan</li></ul>

The per person unit rates identified for this application are 2.25 persons per unit for stacked townhomes and 1.8 persons per unit for apartments. This works out to an estimated **5125 new residents**. Increasing residential density through infill will only exacerbate the lack of public park access.

**1.3 Amenity Spaces/POPs** - We would note that private amenity space is a separate and additional requirement over and above parkland dedication – not to supplement it. In addition, while we do appreciate the value of privately-owned public spaces (POPs) when properly planned and maintained, POPs are not to be considered part of parkland dedication (City of Kitchener Official Plan, 8.C.1.34).

**1.4 Green Infrastructure** - While we could consider/accept green infrastructure in parks, we will not accept/include this area toward the overall park dedication requirement, as per the below excerpt from the City of Kitchener Development Manual (April 2015, G5):

*“The City of Kitchener supports the integration of stormwater management facilities with passive recreational opportunities, where the intended function of either is not impaired in accordance with the Parkland Dedication Policy– i.e. stormwater management facilities will not be considered as part of parkland dedication. Where proposed, a review of the potential for integration of such facilities with recreational use will be review between the City and the Consultant and may be reviewed at a neighbourhood meeting as part of the planning process with the general public”*

## 2.0 Parkland – Proposed Parcel Discussion

2.1 **Rockway Secondary Plan** - The gap in park provision has been captured in the Rockway Secondary Plan under the following references:

- Parks and Open Space Recommendations:

8. The City may need to pursue utilizing the Park Reserve Fund to acquire land to be used as park space within the underserved area. At minimum, at least 5.0ha of new parkland (beyond that shown in the preferred land use plan) may be needed in the long term to support large scale redevelopment of the area.

9. Continue to use a park dedication rate of 1 ha per 500 units for the Rockway Area.

- Public Realm Key Direction #3:

- As part of the redevelopment process for large sites, secure the provision of significant on-site public open spaces
- Where large sites span multiple development blocks, ensure that each major development block includes a new public open space
- New Parks should include a range of amenities that respond to the character and needs of adjacent land uses and users. Depending on adjacent users, this could include play structures, splash pads, skating areas, and more urban hardscaped plazas with seating and greenery
- As large sites are redeveloped over time, coordinate the design of respective new parks and open spaces to ensure the provision of a diversity of spaces that strategically address various community needs.
- Ensure new parks are designed to have a primary frontage on a street, providing visibility and an address
- Encourage active street-level uses, residential and office development to orient towards the park to provide animation and surveillance of these public spaces at all times of the day.

2.2 **Size of Parcel** – The existing proposed parcel is shown as 0.47ha of parkland. This does not meet the City's 1 ha/500 unit calculation (7.69 hectares), however Parks would like to propose additional parkland space be allocated where the Urban Design Report indicates 'Future Building L' / 12-Story Development and interim parking lot. This would provide frontage on Borden Ave., and allow for the possibility of a portion of the currently allocated 'public park' land to be used specifically for infiltration galleries or other possible stormwater facilities (not counted towards parkland).

2.3 **Location of Parcel** – Parks would prefer that the park has a more prominent frontage onto an exterior street such as Borden to allow for the existing neighbourhood to feel a

sense of connection to this new green space, and to not cut off this space by dense building massing. Proximity to the watercourse (if it were daylight) would provide a beneficial amenity and add to the enjoyment of the parkland and user experience.

- 2.4 Conflict with Proposed Green Infrastructure** – The Preliminary Stormwater Management Report (Stantec, April 2019) proposes Cleanwater collection (CWC) system conveying rooftop runoff from the subdivision to centralized infiltration trenches under the plaza and park area. These infiltration galleries are shown under virtually the entire extent of the ‘public park’, as well as a large majority of the ‘public plaza space’. As previously discussed, **we will not accept/include this area toward the overall park dedication requirement**, as per the City of Kitchener Development Manual (April 2015).

The ‘Infiltration Trench Profile’ detail indicates a min. 1.0m depth of cover over the facility. This effectively renders the parkland undevelopable. Footings for structures, excavations for play area surfacing, sufficient tree pit depths, sub-surface utilities and infrastructure to service the Urban Plaza are examples of some of the elements that would require a below-grade allocation of Parkland space. Even if these elements and excavations were able to be installed above the stormwater facility, complications would arise if/when the stormwater facility would have to be serviced and assets would potentially be damaged if they were layered on top of one another.

- 2.5 Overland Flow Route** - The Preliminary Stormwater Management Report (Stantec, April 2019) indicates to “ensure any blockage to the culvert conveying the Shoemaker Creek floodway does not have a negative effect on the site and provide an overland flow route if necessary”.

Parks will not accept overland flow routes through this specified public parkland as Section L5.1 ‘Park Grading’ of the City of Kitchener Development Manual also indicates that “Overland flow routes identified in the plan of subdivision shall not be located on lands identified as park dedication.”

- 2.6 Timing of Proposed Park Development** – Based on the ‘Preliminary Phasing Plan’ within the Planning Justification Report (GSP, April 2019) the Public Park is allocated within Stage Two of development. Because a large number of residential units are included within Phase 1 as well as Mixed Use and Employment, not having a public park green space for residents as well as those working or visiting would be to the detriment of the overall development and surrounding community.

## 3.0 Shoemaker Creek Watercourse

The PARTS: Rockway Plan recommends the open space be aligned with Shoemaker Creek for the potential to daylight the creek. Parks supports the alignment of envisions a day-lit creek to be integrated with the active/ passive portions of the park space, enhancing the open space experience with naturalized context and stormwater / watershed / ecological educational features.

Stormwater staff have indicated that the application should allow for daylighting of the watercourse, in accordance with the proposed zoning developed through the PARTS: Rockway and Midtown plans.

They have also indicated that the location of the proposed underground infiltration facilities are too close to the watercourse. With the recommendation of a further geotechnical scope of work to determine the appropriate setback from the watercourse – concurrently Parks would also request that this geotechnical investigation also indicate the depth of cover to the water table in land designated as parkland (without infiltration galleries present) so as to assess if the parkland parcel being indicated is actually developable land (ie. Depth will allow for appropriate footings, excavations, etc.).

## 4.0 Streetscape Design – Operational Comments

### 4.1 Common Comments

- Are the street cross-sections consistent with new 'Complete Streets' Standards?
- Recommend a follow-up meeting with all impacted Operational groups to review expectations and future ownership of the LID assets
- Asset ownership needs to be clearly understood and addressed both logistically and financially.
- Are there provisions for ROW drainage during winter months with frozen storage media? What is the redundancy if the system fails to infiltrate to the sub-drain?
- Utility corridors are shown under tree planting habitats. Assuming these are communications ducts, there will likely be a conflict with the utility owners and tree planting within the corridor. Suggest to move the duct bank under the trail / sidewalk to avoid all conflict of both the main duct and laterals
- A monitoring program is detailed in the written portion. This is not feasible to complete and maintain post-warranty. Consideration of long term management contracts and financial impact needs to be discussed
- Are there soil cell systems intended for the tree planting areas? There is no indication of approach to achieving soil volume. Depth and profile of soil volume needs to be

established to determine linear spacing. At the maximum depth (900mm) and minimum width (2.5m), the tree spacing is approximately 13 meters.

- Soil volume for each tree should be targeted at 30 cu.m. if shared facilities can be established.
- What is the purpose of permeable pavers if the infiltration is low? Recommend this to be asphalt pavement
- Sidewalk widths are shown at 1500mm. Is this reduced from 1800mm due to pressures within the ROW width?

#### 4.2 Central Roadway

- Minimum 2.5m wide tree planting boulevards are recommended. The eastern boulevard is identified as 2.30m including the OPSD 600.080 curb at ~250mm.

#### 4.3 Kent Ave.

- We do not have experience in combining LID systems and tree planting habitats. Should these LID measures move forward it would become a pilot project to test the viability of medium-large stature trees within infiltration zones.
- What is the infiltration method from the roadway to the tree planting / infiltration zone?
- We would suggest referring to DeepRoot cross section details of CB infiltration to engineered and/or planting medium with a redundancy connection to the STM main.
- Minimum 2.5m wide tree planting boulevards are recommended. The eastern boulevard is identified as 2.40m including the OPSD 600.080 curb at ~250mm.

### 5.0 Trail Corridor

#### 5.1 General Comments

As per the current submission alignment, Parks recommends the multi-use pathway connection enter the site south of the proposed parking lot on Borden, turn east along the proposed open space aligned with Shoemaker Creek, and connect to a multi-use pathway network within a pedestrian oriented right of way cross section. Cross section to be developed in conjunction with Urban Design, Transportation and Planning, following intended urban design guidelines.

The connection is introduced in the PARTS: Rockway Plan under the following references:

- Mobility Key Direction #2 – Extend the Iron Horse Trail Network
  - Ensure redevelopment of the former Schneider's site provides space for the trail along the western edge of the site, including connections into and through the site to connect with the surrounding road network. A crossing of the rail corridor to connect into the Shoemaker Creek trail system (note: future) should also be incorporated

Therefore the City's goals for off road pedestrian network include:

- North-South trail along Street One centralized to the site to extend the MUP network already underway through various infill initiatives by the City of Kitchener (Mill St) and The Region of Waterloo (Grenville to Mill connection).
- At or above grade crossing of the CN rail (Goderich Exeter, Huron Spur) to connect to future MUP network west of the site.

## 5.2 LRT Crossing Coordination

The Region of Waterloo has recently constructed a trail/sidewalk at the southeast corner of the site. Further clarification is required to confirm if this crossing of the LRT tracks is an approved crossing and if any other details should be discussed.

## 6.0 Kitchener's Corporate Climate Action Plan

There were two items directly related to parks development for 2019-2026 Action items within Kitchener's Corporate Climate Action Plan:

Complete risk assessment and associated modeling to:

- Plant trees correctly and deliberately to support tree canopy on private and public lands with consideration of future climate conditions.
- Increase tree shade in urban areas and positioned to help mitigate flooding, wind and heat in open spaces and grounds of facilities.

Allowing for appropriate soil volumes to incorporate mature stature trees into both the streetscape and park development will help us to move closer to achieving Action Plan goals in the future.

**END OF COMMENTS**



City of Kitchener  
**Zone Change / Official Plan Amendment Comment Form**

**Address:** 321 Courtland Ave 'The Metz'  
**Owner:** 321 Courtland Ave Developments Inc  
**Application:** OPA19/002/C/GS, ZBA19/005/C/GS, 30T-19201

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Comments Of: Parks and Cemeteries  
Commenter's Name: Lenore Ross, Karen Leasa  
Email: [Lenore.ross@kitchener.ca](mailto:Lenore.ross@kitchener.ca), [karen.leasa@kitchener.ca](mailto:karen.leasa@kitchener.ca)  
Phone: 519-741-2200 ext 7427 (LR)

Date of Comments: May 01 2023

- 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:**

- a. Proposed Draft Plan of Subdivision 30T-19201 dated March 14 2023
- b. MTE - Servicing and Grading Plans Rrev#2 dated March 14 2023
- c. Turner Fleischer – Masterplan Architectural Set 17 pages dated March 12 2023
- d. Turner Fleischer – Masterplan Statistics 3 pages dated March 12 2023

**To Be Addressed Prior to Draft Plan Approval**

1. The conceptual street cross-sections shown on C-700 must conform to the Complete Streets and Development Manual Guidelines. The proposed ROWs should accommodate required street trees on Olde Fashioned Way and Kent Ave and locate required soil cell infrastructure such that utility/servicing disruption to tree is minimized.
2. The POPS locations not over a hard structure must have the same RSC and CPU conditions as the municipal park. Please confirm this is acceptable.
3. All of the details of the monitoring program must be identified and accepted before the City accepts the solution.

**Parkland Dedication**

1. That 1.554 ha of parkland dedication be provided to the City of Kitchener as follows:

**10.36ha x \$1,359,000x15% = \$2,11,886 - Bill 23 15% land/value cap = 1.554ha**

- a. Multi-Use Trail subject to a public access easement, 0.08289 hectare (Block 6, Block 7, Block 8 and Block 9) at 50% value, being **0.04145 ha**
- b. POPS plaza space within Block 1, subject to a public access easement, 0.17704 hectare at 75% value, being **0.13278 ha**.
- d. Public Park (Block 13), 0.71 hectare at 100% value, being **0.71 ha**, and

City of Kitchener  
**Zone Change / Official Plan Amendment Comment Form**

- e. Cash in lieu payment for 0.66977 hectare at a rate of \$1,359,000 ha.

Should the dedications outlined in a. through d. above be reduced, the Owner agrees to pay the difference as cash in lieu, in accordance with the Parkland Dedication Policy in place at the time of the site plan approval of the applicable block. The parkland dedication for the POPS plaza space within Block 1 will be confirmed through site plan approval and will only include suitable public use areas that are outside of buildings and exclusive use areas associated with the mixed use development.

**Conditions of Draft Plan Approval**

**Revised conditions are highlighted. Questions highlighted**

**PART 1 General Conditions**

1.1 In this Agreement,

**m)** “A Tree Planting Masterplan is a comprehensive plan that depicts the inter-relationship between engineering servicing, utility location (including Bell, Canada Post, Hydro and City utilities), tree planting, driveway location, on street parking and priority lot location and coordinates these plan features so as to minimize conflicts between these. The plan outlines anticipated tree plantings and associated soil volumes within all public ROW’s, parkland, and any other city-owned green spaces, as well as designated ‘POPS’ green spaces. This plan is to be submitted in lieu of the ‘Preliminary Street Tree Planting Plan’, and will follow the same requirements. It is intended to not only capture the street tree plantings, but the overall tree canopy allocation within the entire subdivision.” **(revised wording)**

**1.5a)** The SUBDIVIDER shall pay the cost of installation of the following public services:

sanitary sewers, drainage works, area grading, lot level grading, parks, boulevard multi-use pathways, multi-use pathways, multi-use pathways over private lands, storm water management ponds, storm sewers, watermains, underground electrical distribution plant and lighting with attendant conductors, pipes, pedestals and transformers, driveway ramps, streets, roundabouts, traffic calming measures, pavements, curbs, gutters, fences in public rights-of-way, park block grading, seeding and sodding, park fences or boundary markers, boulevard landscaping including trees, **soil cell infrastructure**, mailboxes, monuments, street name signs, traffic control signs, sidewalks and walkways and all necessary connections, other appurtenances and outlets to the foregoing services. **(revised wording)**



## Zone Change / Official Plan Amendment Comment Form

1.23g) does this need to be modified to also reference the MUT *as easement* over Blocks 6, 7, 8 and 9?

### PART 2 Prior to Grading

2.1

2.2

2.3.

**2.4** The SUBDIVIDER shall provide preliminary / functional design drawings and grading plans for all park blocks and the entire multi-use pathway demonstrating that all required retaining walls will be on private lands and that access and maintenance requirements can be achieved for review and approval to the satisfaction of the Director of Operations and the Director of Planning in consultation with the Director of Engineering Services. All required retaining walls will be located on private lands.

**2.5** ....in accordance with preliminary / functional plan in 2.4

2.6

2.7

2.8

2.9

2.10

2.11

2.12

2.13

2.14

2.15

### NEW Conditions

1) **Prior to grading**, the Owner shall provide an Urban Forest Soils Report, to be prepared by a qualified Pedologist, or equivalent professional which details the location and condition of tree root habitat soils and demonstrates that soil conditions meet the CITY'S requirements for an urban forest to the satisfaction of the CITY'S Director of Operations in consultation with Urban Forestry.

### Part 3 Prior to Servicing

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3.4

3.5.

## Zone Change / Official Plan Amendment Comment Form

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3.14 the SUBDIVIDER shall produce an overall 'Tree Planting Masterplan' for the subdivision that outlines anticipated tree plantings and associated soil volumes within all public ROW's, parkland, and any other city-owned green spaces, as well as designated 'POPS' green spaces. This plan is to be submitted in lieu of the 'Preliminary Street Tree Planting Plan', but will follow the same requirements and is intended to not only capture the street tree plantings, but the overall tree canopy allocation within the entire subdivision. The plan will be submitted to the satisfaction of the CITY'S Director of Operations.

3.15

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3.17

**NEW Conditions**

### Part 4 Prior to Application of Any Building Permits in Each Stage

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City of Kitchener  
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**Part 5 Prior to Release of Agreement**

- 5.1
- 5.2
- 5.3
- 5.4
- 5.5

**NEW Conditions**

**Part 6 Other Time Frames**

- 6.1
- 6.2
- 6.3
- 6.4
- 6.5
- 6.6
- 6.7
- 6.8
- 6.9
- 6.10 – see #1-3 below for possible revisions
- 6.11
- 6.12
- 6.13
- 6.14

**NEW Conditions**

1. Prior to registration or final site plan approval of blocks 1, 3, 4, 5, 6, 8, 9, or 10, whichever comes first, the Owner shall enter into a Developer-Build Park Agreement for Park Block 13 and MUT to Mill St ION Station, at the City's cost,
2. Within one year of registration or servicing whichever shall occur first or as specified in Developer Build Agreement??, The Owner shall complete the construction of all parks and multi-use pathways located within the associated Stage, to the satisfaction of the CITY'S Director of Operations in consultation with the CITY'S Director of Engineering Services in accordance with the approved detail



## Zone Change / Official Plan Amendment Comment Form

design drawings and development budget as detailed in clause 3.17, approved engineering drawings and the CITY's Development Manual.

3. That the Owner agrees to pay to the City of Kitchener, 100% of costs associated with placemaking and/or traffic calming, for the portion of Borden Avenue South/Grenville Avenue, between the Park Block 13 multi-use trail connection and the Mill ION station multi-use trail connection, to a maximum of \$150,000 material cost, including street painting, traffic calming measures, way finding signage, but not including design and consultation costs. The City will lead the place making consultation with the Owner as a participant. Completion is 6.
4. Prior to registration or Prior to final site plan approval for Blocks 6,7, 8 and 9, the Owner shall enter into an Agreement with the City of Kitchener regarding maintenance of the multi use trail over Blocks 6, 7, 8 and 9. There have been a number of different scenarios mentioned for maintenance of the MUT over the years. First, they were going to maintain everything and wanted credit for that maintenance, then when the MUT was going to be primarily on City lands and only a bit over strata, we wanted to have an easement to do the maintenance, so the maintenance would be consistent. I am thinking a general requirement for an 'maintenance agreement' is a general enough clause and we can sort out who and what later...thoughts?
6. Immediately following Registration, The Owner agrees to sell the off-site parking lots to the City of Kitchener, valued at \$1,359,000.00/hectare TBD -legal/realty services
7. Prior to registration The Owner agrees to entering into a purchase and sale agreement with the City of Kitchener for the off-site parking lot lands TBD -legal/realty services
8. Immediately following Registration, The Owner dedicates to the City of Kitchener, Public Park (Block 13).
9. Prior to final site plan approval for Blocks 6,7, 8 and 9 The Owner dedicates to the City of Kitchener,
  - a. A public access easement for the Multi Use Trail located on Block 6, Block 7, Block 8 and Block 9, between Stirling Avenue and Olde Fashioned Way
10. As a condition of Site Plan Approval for Block 1, to dedicate to the City a public access easement and/or execute a POPs agreement with the City for at least 0.17704 hectares, prior to site plan approval. If the final approved POPs area is less than 0.17704 hectares, the difference will be paid as paid as cash in lieu of land in accordance with the Parkland Dedication Policy in place at the time of the site plan approval of the applicable block. The final parkland dedication for the POPS plaza space within Block 1 will only include suitable public use areas that are outside of buildings and exclusive use areas associated with the mixed use development.
11. That the Owner agrees to build at their cost the multi-use trail as follows:
  - a. a. Within Block 6, Block 7, Block 8 and Block 9, subject to public access easement,
  - b. b. Within the Olde Fashioned Way right-of-way between Palmer Avenue and Block 13, and
  - c. c. Within Block 13 Park from Olde Fashioned Way to Borden Avenue.
12. Prior to surface works or registration, whichever comes first, the City requires that a reserved fund be established for any future costs for disposal of impacted soils from the conveyed lands as well as (soil and groundwater) maintenance to the satisfaction of Director of Operations. The developer's consultant to provide a cost estimate for the maintenance program and fees for the well

## Zone Change / Official Plan Amendment Comment Form

maintenance and decommissioning as a guarantee that will be completed. The City will have to determine how this will be funded.

**Date:** September 4, 2019  
**To:** Garrett Stevenson  
**From:** Katie Pietrzak  
**cc:** Linda Cooper  
**Subject:** Draft Plan of Subdivision 30T-19201  
Zoning By-Law Amendment ZBA 19/005/C/GS  
Official Plan Amendment OPA 19/002/C/GS  
Auburn Developments (Schneider's Redevelopment)

### **Zoning By-Law Amendment Comments**

Upon running the sanitary capacity flows through the City of Kitchener Sanitary Modeling System, it appears as though there are no capacity constraints in the downstream system. Engineering has no further concerns and is in support of the Zoning By-Law Amendment. Please note that Kitchener Utilities has no concerns with the proposed water distribution report provide. Engineering can support the Zoning By-Law Amendment.

### **To Be Addressed Prior to Draft Plan Approval**

1. A separation comparison of the proposed underside of footing to the seasonally high groundwater table is required. Engineering has concerns with the high groundwater table and the 0.6m separation required from the underside of footings. This analysis must also look at groundwater mounding due to infiltration. Please identify if the dewatering proposed in the geotechnical report is temporary or on a permanent basis. There are infiltration galleries proposed in high ground water areas. It is identified that the infiltration trenches are less than 1.2 meters below grade and less than 1 meter above the high ground water elevation. This does not meet any of our current standards and therefore must be adjusted to do so.
2. None of the proposed sanitary or storm sewers are showing any pipe details. Please add these to the plan along with the individual service connections to each developable block.
3. **Quality** must be treated to an Enhanced Level. CB Shields alone do not provide this level of treatment and therefore the quality proposed does not achieve the SWM criteria for this site. How is the infiltration trench used as a quality unit? There is still an overflow to the storm sewer which discharges to the creek. This will also not provide the level of quality required.
4. Please provide the post and pre impervious percentages to support the limited to no **quantity control** proposed on the site.
5. The cross section and the plan and profile of Street One do not clearly identify how the infiltration trenches operates. Where does the clean water collector pipe under the sidewalk connect and what is the area needed below the permeable paver sidewalk? It is unclear as to what exactly is being infiltrated and what that area is. This makes it difficult to determine if the infiltration trenches are sized appropriately. Please provide clear sizing calculations for the infiltration trenches. After reading the sizing input I am



still unclear exactly how large you are proposing the trenches to be. Please keep in mind the first 30mm of rain water can be infiltrated from the roof tips as opposed to the 25mm proposed. If you can size the trenches to accommodate the extra water you may be able to achieve more **retention**.

6. Preliminary Grading plans to be updated to show all retaining walls completely on this developments property. It appears that the proposed retaining walls are either on or over certain property lines. A **letter of permission** is required from the railway as well as the property at the corner of Courtland and Sterling as the grades will not allow for the construction of the retaining walls without encroaching onto these properties. A letter of permission is also required to all the creation of a proposed ditch in the railway lands.
7. Sanitary sewers over 5.0m deep require a local sewer. There is one sanitary sewer that is 5.4m deep. Please adjust the slopes to allow for a shallower depth.
8. The cross-sections must conform to the Complete Streets and Development Manual Guidelines. The 20m ROW's on Palmer and Kent do not follow our standard cross-section with the storm sewer within the middle of the ROW and CB's on either side.

### **Conditions of Draft Plan Approval**

#### **Prior to Grading**

9. The SUBDIVIDER shall provide confirmation to the satisfaction of the Director of Engineering Services that any on site monitoring wells, existing private wells and septic systems within the lands proposed to be graded that are required by the Director of Engineering to be decommissioned have been decommissioned in accordance with Ministry of Environment standards to the satisfaction of the CITY's Director of Engineering.

#### **Prior to Servicing**

10. The SUBDIVIDER agrees that where major overland flow routes are not on municipally owned lands, the owner must deed to the City a minimum 6.0 m wide drainage corridor. Further, service easements are to have a minimum 5.0 metre width.
11. Prior to Servicing or Registration which ever shall occur first, the SUBDIVIDER shall prepare a detailed engineering design for Storm Water Management and obtain approval thereof, from the CITY's Director of Engineering Services in consultation with the Grand River Conservation Authority and the Regional Municipality of Waterloo. The Stormwater Management design shall be in accordance with the Schneider Creek Subwatershed criteria. The approved engineering design for Storm Water Management will include a maintenance program for a period of 2 years post full build out of the subdivision, which will ensure stormwater management facilities function as designed to the satisfaction on the CITY's Director of Engineering. Any maintenance required during this period, prior to the municipality assuming the facilities, shall be at the sole expense of the SUBDIVIDER.
12. Immediately following area grading, the SUBDIVIDER shall provide a soils report, to be prepared by a qualified arborist/ or other qualified professional which details the location and condition of tree root habitat soils and demonstrates that soil conditions meet the

CITY'S requirements for an urban forest to the satisfaction of the CITY'S Director of Operations.

13. The SUBDIVIDER agrees to submit construction details for the proposed retaining walls to the satisfaction of the CITY's Director of Engineering Services, in consultation with the Director of Operations.

#### **Other Time Frames**

14. The SUBDIVIDER agrees to include the following clause in applicable offers of purchase and sale and tenancy agreements, which shall be registered on the title of the lands immediately upon registration for all lots with retaining walls:

"Purchasers/tenants are advised that a retaining wall is located on the subject property. The owner of this property also owns his/her section of the retaining wall. The retaining wall is not in public ownership. Monitoring, maintenance, inspection, repair and replacement of this retaining wall, including any associated costs, are the sole responsibility of the property owner. The City of Kitchener is in no way responsible for this retaining wall. Should this retaining wall fail, it is the property owner's responsibility to repair or replace his/her section of the retaining wall, at his/her cost."

#### **Further Comments Noted**

15. All reports must be stamped by a P.Eng.
16. The site area identified in the Functional Servicing Report does not match the site area in the SWM Report. Please confirm all reports relate to each other.

Please note that the Stormwater Management comments from Matt Wilson will follow in an alternate e-mail.

Further comments will be provided in the future regarding the various supporting documentation received, including updated conditions of Draft Plan Approval. The applicant is to provide a letter explaining how they have met each of the comments under "To Be Addressed Prior to Draft Plan Approval". If not all of the items have been addressed, the submission will be considered incomplete and returned to the applicant. If there are items listed in this letter which the applicant feels cannot be met, the undersigned should be contacted prior to submitting the next submission. I trust this is the information you require.

---

Katie Pietrzak, C.E.T.  
Project Manager, Development Engineering

## Garett Stevenson

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**From:** Adam Clark  
**Sent:** Thursday, January 30, 2020 12:07 PM  
**To:** Garett Stevenson; Lenore Ross  
**Subject:** RE: Auburn

This one looks pretty good, and I think it actually hits all of their needs AND all of ours. The only thing they need to compromise on now is doing two of the towers as non-slabs. I think I hit all the rest of their concerns; (a) six towers that can be built in identical pairs, (b) no building over the parking structure, (c) 2300 units total (give or take 100), not counting the final phase (which will shake out between 100 and 300, depending on form/height).

This scheme meets or exceeds separation between all 6 towers. There is a greatly increased separation between towers E (20 storey) and F (36 storey) from a 29m target to 48m. This is done purposefully to account for the overlook between those two towers missing their targets by a lot (target is 30%, tower E is at 48% and tower F is at 100%).

Broadly, this passes a shadow study on the east half of the property and fails on the west half. Site/developer constraints make it nearly impossible to improve this (reducing height will not help, only eliminating a tower will). We may consider this an acceptable compromise given the lack of impacts on other privately owned lands.

Other benefits: the park can grow much larger, which should help with concerns from Parks, Ops, and Eng. The park is very well framed by surrounding built form but without creating shadow impacts (the park is entirely in sun from 10am to 4pm during the equinox and barely shadowed outside of that) It also creates a direct active transportation connecting between the park and Kent Ave, per PARTS (aqua blue strip). It creates good built form view termini along both Palmer and Vernon (pink strips). The centre garage access can remain as-is. The western access will need to shift, but not dramatically. The parking garage is reduced from 253m to 238m, a loss of 75 spaces (total) over 5 levels of parking. That's a 4% loss, approximately, which can easily be made up if necessary.

Other than the change to the floor plate size and shape on towers F and G, all of this should be cost-neutral to implement. Those towers probably take a 5% hit on efficiency, so that would translate to having to find another 50 units. That difference is easily made up through the final phase of the project, or by finding a little wiggle room here and there on the podiums or towers (tower I could gain 2 storeys and still meet targets, that's more than half of those 50 units right there, if necessary. However, the 4 storey difference between towers H and I is 85%, meeting our relative height guideline exactly, so I don't want to offer that to them).

I think this is a near perfect compromise between their objectives and ours. Not sure what they have left to argue over. They might want to shift some height here and there but as long as they keep to these relationships and meet the targets we can make something work (within reason).

## The Metz – TIS comments and questions

### Parking & Cycling

1. One of the recommendations of the TIS states that the applicant 'implement 537 bicycle parking spaces required'.
  - a. Section 6.22 (page 58) states that the development would require 1,322 Class A spaces, and 54 Class B spaces.
  - b. Appendix P – PARTS TDM Checklist indicates that the applicant would be providing 974 spaces beyond the minimum required.
  - c. Clarification on the actual amount required, and what is being proposed is needed.
2. The 36 on-street parking spaces should not count towards the total parking provided on each individual site.
3. Additionally, as the current proposal includes the 292 spaces available in the existing parking lot that is planned to be a future development (Block 3), they should not be included in the parking statistics of the site as a whole.

### Left Turn Lane Analyses

4. The language used for the Left Turn Remedial Measures section needs to be consistent in terms of the usage of 'eastbound' and 'westbound' - there seems to be some discrepancy between the wording used and the actual nomographs in Appendix O.
5. Why was the intersection of Borden @ Courtland not evaluated as the site will have a large impact on the volume and turning movements of this intersection?

### Trip Distribution

6. What is the reasoning behind having a large portion of westbound vehicles travelling on Courtland Ave who intend on entering the development using Kent Ave and Palmer Ave to make their left turn into the development, as opposed to using Borden Ave and entering the site from the Borden Ave access?
  - a. 2035 Total Traffic forecasts shows only 26 vehicles in the AM Peak using the left turn at Borden Ave, while a total of 143 vehicles use Kent or Palmer to enter the

site. Most of the office parking would presumably be utilizing the existing surface parking lot for parking, which is much more easily accessible off of Borden Ave.

## Craig Dumart

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**From:** Leah Walter  
**Sent:** Monday, May 15, 2023 3:00 PM  
**To:** Katie Wood; Christopher Leishman  
**Cc:** Craig Dumart  
**Subject:** Re: Auburn Development (Schneider's)

Hi Katie,

We don't have any issues with what's being proposed. Sorry for the delay in responding!

Leah

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**From:** Katie Wood <Katie.Wood@kitchener.ca>  
**Sent:** Monday, May 15, 2023 1:43:49 PM  
**To:** Leah Walter <Leah.Walter@kitchener.ca>; Christopher Leishman <Christopher.Leishman@kitchener.ca>  
**Cc:** Craig Dumart <Craig.Dumart@kitchener.ca>  
**Subject:** FW: Auburn Development (Schneider's)

Hello,  
I just wanted to follow up with the email I sent later last week. Planning has a deadline to finalize their report for the end of Friday. Any chance you could take a look at this. If you want to chat quickly I'm around the rest of today as well as most of the day tomorrow.

Sincerely,  
*Katie Wood*, C.E.T.

Project Manager | Development Engineering | City of Kitchener  
519-741-2200 ext. 7135 | TTY 1-866-969-9994 | [katie.wood@kitchener.ca](mailto:katie.wood@kitchener.ca)



**From:** Katie Wood  
**Sent:** Thursday, May 11, 2023 9:56 AM  
**To:** Leah Walter <Leah.Walter@kitchener.ca>; Christopher Leishman <Christopher.Leishman@kitchener.ca>  
**Cc:** Carlos Reyes <Carlos.Reyes@kitchener.ca>  
**Subject:** Auburn Development (Schneider's)

Hey Leah and Chris,

Last year you helped me answer a few questions regarding what this developer is proposing, regarding the number of CB shields and the clean water collection system. They have come back in showing the outdated placement of the storm sewer along the curb line instead of within the laneway. I've asked them to update the cross section to conform to the Complete Streets and Development Manual Guidelines. They have since updated the cross section that still looks off due to the sizing of the sewers and spacing. I have attached this new cross section for your reference.

As you can see, due to the size of the sewers and the required offsets, their storm is likely running under the CBs. Not a huge deal because they can offset the MHs in the road so there are no conflicts; however, is there any flexibility on moving the sanitary over which would then shift the storm away from the side of the road? The water would then shift to beneath the paved on-street parking. Again, not a huge issue but wanted to ask the question before finalizing as it could help with constructability.

Since this is not typical your thoughts on this would be very helpful.

Sincerely,

*Katie Wood*, C.E.T.

Project Manager | Development Engineering | City of Kitchener  
519-741-2200 ext. 7135 | TTY 1-866-969-9994 | [katie.wood@kitchener.ca](mailto:katie.wood@kitchener.ca)





CANADA POST  
2701 RIVERSIDE DRIVE SUITE N0820  
OTTAWA ON K1A 0B1  
CANADAPOST CA

POSTES CANADA  
2701 PROM RIVERSIDE BUREAU N0820  
OTTAWA ON K1A 0B1  
POSTESCANADA CA

August 6, 2019

Garett Stevenson  
Planner  
Planning Division-City of Kitchener  
PO Box 1118  
Kitchener ON N2G 4G7

Reference: Draft Plan of Subdivision Application 30T-19201  
263 & 321-325 Courtland Ave E. , 230 & 240 Palmer Ave, & 30 Vernon Ave  
Auburn Developments (Schneider's Redevelopment) "The Metz"

GarettEric:

Canada Post Corporation appreciates the opportunity to comment on the above noted application and it is requested that the developer be notified of the following:

Canada Post has reviewed the proposal for the above noted Development Application and has determined that the completed project will be serviced by centralized mail delivery provided through Canada Post Community Mail Boxes (CMB).

In order to provide mail service to this development, Canada Post requests that the owner/developer comply with the following conditions:

- ⇒ The owner/developer will consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- ⇒ The Builder/Owner/Développeur will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
- ⇒ The owner/developer will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
- ⇒ The owner/developer will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
- ⇒ The owner/developer will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.



- ⇒ The owner/developer agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post.
- ⇒ The owner/developer agrees to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
- ⇒ The owner/developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

**Multi-unit buildings with a common indoor entrance fall under Canada Post's multi-unit policy:**

- The owner/developer will be required to provide and maintain the centralized mail facility (Lock Box Assembly) at their own expense. Buildings with 100 or more units require a rear loading LBA with dedicated secure mailroom.

***Canada Post further requests the owner/developer be notified of the following:***

- 1 The owner/developer of any condominiums will be required to provide winter snow clearance at the Community Mailbox locations
- 2 Any existing postal coding may not apply, the owner/developer should contact Canada Post to verify postal codes for the project
- 3 **The complete guide to Canada Post's Delivery Standards can be found at:**  
**[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)**

Regards,



Jamie Bere  
Delivery Services Officer | Delivery Planning  
Canada Post  
955 Highbury Ave N  
London ON N5Y 1A3  
519-280-7968  
james.bere@canadapost.ca

**Transportation Services comments for: 321-325 Courtland Ave East & 230, 240 Palmer Ave & 30 Vernon Ave “The Metz” (Zoning By-law)**

Comments Provided By: Steve Ryder (519-741-2200 ext. 7152) – April 27, 2023

Application Description: The Owner is proposing to comprehensively redevelop the lands into a mixed-use community with residential, commercial, and employment uses.

Zoning By-law Amendment questions/comments:

\*NOTE: City staff comments will appear in **RED**\*

The following comments are for proposed changes under section “Special Provisions - A.R.”:

- Minimum vehicle parking space requirements shall be as follows:
  - i) Multiple Dwelling: a. 0.165 spaces per dwelling unit for dwelling units <51.0 square metres in area, provided however that this does not apply to more than 40% of all dwelling units on lots affected by this subsection on Schedule 118 and 119 of Appendix “A”;
    - **No concerns.**
  - b. 0.8 spaces per dwelling unit for dwelling units >51.0 square metres in area;
    - **No concerns.**
  - ii) Visitor parking for Multiple Dwellings: 12.5% of parking spaces required by provision d)i);
    - **Would prefer a rate of 0.1 spaces per unit (applicant used this rate in the Master Statistics PDF in the submitted package of drawings)”**
  - iii) Non-Residential uses: 1 space per 50 square metres of gross floor area;
    - **No concerns.**
  - iv) All parking spaces required for visitor parking and non-residential uses shall be shared and be unassigned.
    - **Spaces should not be unassigned in the sense that they are open for free use of residential parking which could limit the availability of parking for commercial employees, customers and residential visitors.**
  - e) A minimum of 20 percent of the parking spaces required by provision d)i) for multiple dwellings shall be designed to permit the future installation of electric vehicle supply equipment.
    - **No concerns.**
  - f) Minimum bicycle parking requirements for Multiple Dwellings shall be:
    - i) 0.5 “Class A” Bicycle Parking Stalls per dwelling unit; and
      - **No concerns, however the updated TIS still refers to a total of 537 Class A spaces.**
    - ii) 6 “Class B” Bicycle Parking Stalls where more than 20 dwelling units are on a lot.
      - **No concerns.**
  - g) Off-street parking facilities required by provisions d), e) and f):

- i) May be located on any lot shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A” and shall not require an off-site parking agreement; and
  - **No concerns? Do we want off-site agreements?**
- ii) May be permitted to extend beyond a property line provided that all portions of the parking space are located on lots shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”.
  - **No concerns as long as there are no encroachments into future City rights-of-way.**
- h) For the purposes of provision e), the definitions of “electric vehicle supply equipment” per Section 3 of Zoning By-law 2019-051 shall apply.
  - **No concerns.**
- i) For the purposes of provision f) the definitions of “Class A’ Bicycle Parking” and “Class B’ Bicycle Parking” per Section 3 of Zoning By-law 2019-051 shall apply and such spaces shall have a minimum width of 0.4 metres, length of 1.8 metres and vertical clearance of 1.2 metres and may be stacked.
  - **These should meet the standards set in Illustration 5-2 in Section 5 of ZBL 2019-051 (page 6 of 21):**
    - **Vertical clearance 2.1m, for example**
    - **Minimum width of 0.6m, etc.**

The following comments are for proposed changes under section “Special Provisions - B.R.”:

- **No concerns.**

The following comments are for proposed changes under section “Special Provisions - C.R.”:

- **No concerns.**

The following comments are for proposed changes under section “Special Provisions - D.R.”:

- **No concerns.**

The following comments are for proposed changes under section “Special Provisions - E.R.”:

Notwithstanding Section 4.2 of this By-law, on the land zoned High Intensity Mixed Use Corridor Zone (MU-3), shown as affected by this subsection on Schedule Numbers 118 and 119 of Appendix “A”, the following special regulations shall apply:

- a) FSR shall be obtained when the total Building Floor Area of all buildings on all lots subject to this subsection is divided by the total lot area of all lots subject to this subsection;
- b) The electric vehicle parking space provisions per Section 5.8b) through 5.8d) and 5.8f) and corresponding relevant definitions in Section 3 of Zoning By-law 2019-051 shall apply.

- **No concerns**



c) Minimum Bicycle Parking for non-residential uses shall be provided in accordance with Section 5.5a), b), d) and e) of Zoning By-law 2019-051 and at the minimum rates applicable to MIX Zones in Table 5.5 of Zoning By-law 2019-051.

- No concerns.

d) Electric vehicle parking facilities required by provision b) and bicycle parking facilities required by provision c) may be located on any lot shown as affected by this subsection on Schedule Number 118 of Appendix "A" and shall not require an off-site parking agreement.

- No concerns.

e) For the purposes of provision c) the definitions of "Class A' Bicycle Parking" and "Class B' Bicycle Parking" per Section 3 of Zoning By-law 2019-051 shall apply and such spaces shall have a minimum width of 0.4 metres, length of 1.8 metres and vertical clearance of 1.2 metres and may be stacked.

- Similar to comments above, these dimensions do not match what is standard in Section 5 of ZBL 2019-051 and should be updated to match.

The following comments are for proposed changes under section "Special Provisions - F.R.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions - G.R.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions - H.R.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions - I.R.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions – A.U.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions – A.H.":

- No concerns.

The following comments are for proposed changes under section "Special Provisions – B.H.":

- No concerns.

**Transportation Services comments for: 321-325 Courtland Ave East & 230, 240 Palmer Ave & 30 Vernon Ave “The Metz” (Draft Plan of Subdivision)**

Comments Provided By: Steve Ryder (519-741-2200 ext. 7152) – August 27, 2019

Application Description: The Owner is proposing to comprehensively redevelop the lands into a mixed-use community with residential, commercial, and employment uses.

**Draft Plan of Subdivision comments:**

1. Palmer Avenue – Transportation Services would prefer an 18.0m local right-of-way, rather than the proposed 20.0m width. It would be modelled after the City of Kitchener’s ‘Complete Streets – Local Roadway’ cross-section.
2. Street ‘One’ (Olde Fashioned Way) – Preferred to be reduced to a 20.0m right-of-way, rather than the proposed 24.0m width. This would be also be based on the City of Kitchener’s ‘Complete Streets – Minor Collector’ cross-section.
  - a. Recommend the removal of the centre median islands along Street One.
  - b. Lanes should be 3.5m as opposed to proposed 3.65m lanes.
3. Kent Avenue – Kent Avenue is identified in the PARTS Rockway Plan as a key active transportation route and connection to surrounding trails and cycling network. It would be preferred to see it as a 20.0m right-of-way, as well, utilizing the City of Kitchener’s ‘Complete Streets – Minor Collector Alternate’ cross-section.
  - a. Transportation Services recommends the addition of bike lanes along Kent Avenue from Courtland Ave East to Street ‘One’ – Kent Ave is identified in the PARTS plan as a key active transportation route and future location of on-road bike facilities. The connectivity will provide better access to the surrounding trail networks and neighbourhoods for the proposed development.
4. All concrete sidewalks located within the municipal right-of-ways should be 1.8m wide.

**CIRCULATION RESPONSE FORM**  
**Draft Plan of Subdivision Application 30T-19201**  
**Official Plan Amendment Application OPA19/002/C/GS**  
**Zoning By-law Amendment ZBA19/005/C/GS**  
**263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue**  
**Auburn Developments (Schneider's Redevelopment)**  
**"The Metz"**

---

If you have NO concerns or comments, please complete and return this form.

If applicable, please return your comments in writing by mail, email, or fax by **July 31, 2019**.

Heritage Planning  
Department/Agency

Victoria Brown  
Name of Representative (please print)

July 30 2019  
Date

Victoria Brown  
Signature of Representative

**Please direct all correspondence to:**

**Garett Stevenson, Planner**  
Phone: 519-741-2200 x7070  
Email: [garett.stevenson@kitchener.ca](mailto:garett.stevenson@kitchener.ca)  
Fax: 519-741-2624

Mail:  
City Hall  
200 King Street West,  
6<sup>th</sup> Floor, PO Box 1118  
Kitchener, ON N2G 4G7

## Garett Stevenson

---

**From:** Iwona.Lipowski@HydroOne.com  
**Sent:** Monday, July 08, 2019 8:34 AM  
**To:** Garett Stevenson  
**Subject:** Kitchener, 263, 321-325 Courtland Ave. East, 230, 240 Palmer Ave, 30 Vernon Ave.  
30T-19201

Hello,

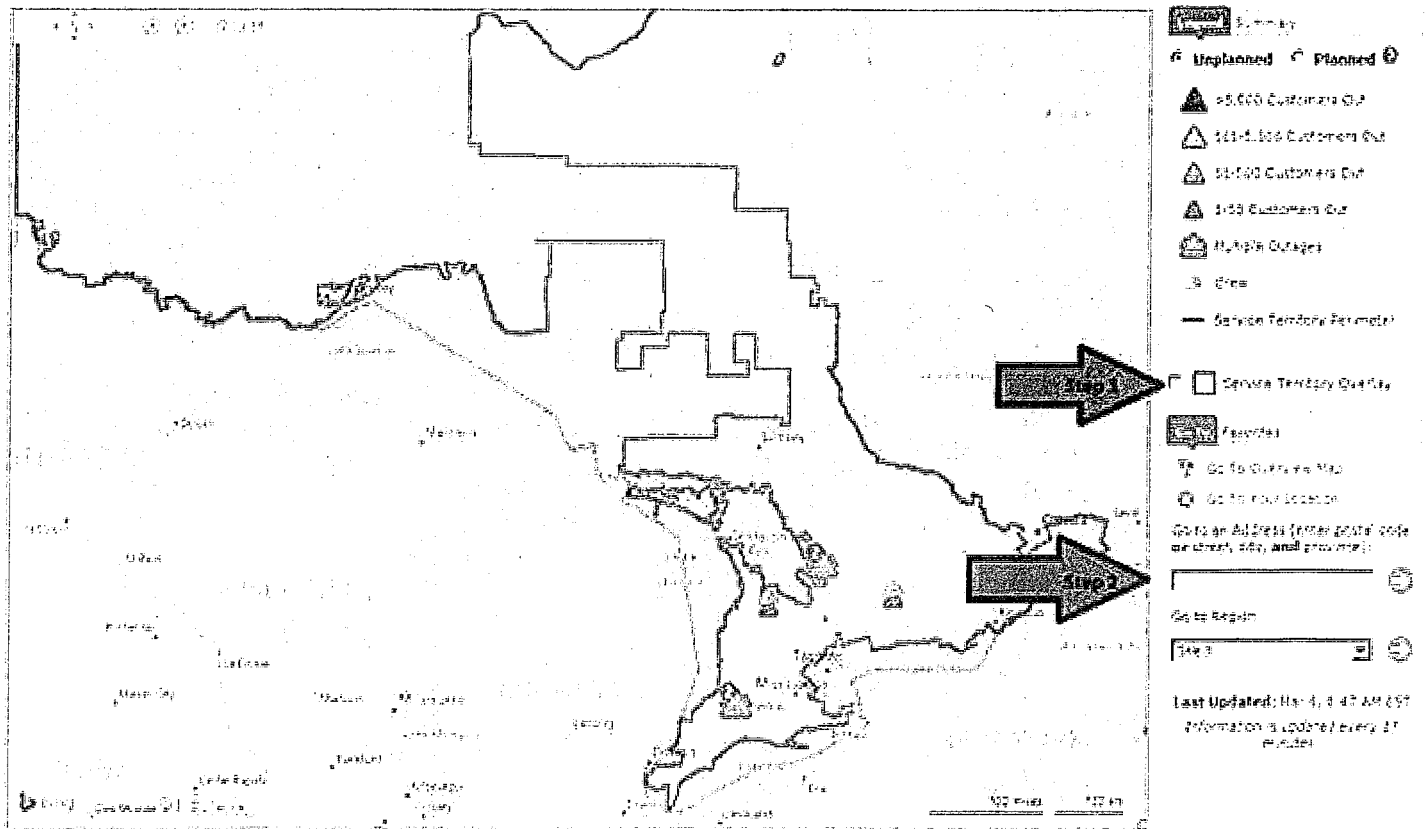
We are in receipt of your Plan of Subdivision application, 30T-19201 dated June 25<sup>th</sup>, 2019. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at [subdivision@Hydroone.com](mailto:subdivision@Hydroone.com) or 1-866-272-3330.

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

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





If you have any further questions or inquiries, 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

If you have any questions please feel free to contact myself.

Thank you,

**Iwona Lipowski**

Special Services Support Clerk, Real Estate Department  
 185 Clegg Road  
 Markham, ON L6G 1B7  
[Iwona.Lipowski@HydroOne.com](mailto:Iwona.Lipowski@HydroOne.com)

On behalf of,

**Dennis De Rango**

Specialized Services Team Lead, Real Estate Department  
 Hydro One Networks Inc.  
 Tel: (905)946-6237

Email: [Dennis.DeRango@HydroOne.com](mailto:Dennis.DeRango@HydroOne.com)

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## Garett Stevenson

---

**From:** Shawn Callon <shawn\_callon@wrdsb.ca>  
**Sent:** Wednesday, July 24, 2019 4:03 PM  
**To:** Planning  
**Cc:** Christine Kompter; Garett Stevenson  
**Subject:** Re: Circulation for Comment - Draft Plan of Subdivision, Official Plan & Zoning By-law Amendments - 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue (Schneider's Redevelopment)

Hi Garett,

Planning staff of the Waterloo Region District School Board has reviewed the proposed application and expects school accommodation in the vicinity will be sufficient for the anticipated number of students; however, given this scale of development the Board asks that the following be considered as a condition of approval:

That the owner agree in the Subdivision/Condo and/or Site Plan Agreement to notify all purchasers of residential units and/or renters of same, by inserting the following clauses in all offers of Purchase and Sale/Lease, and that this remain on Title to the property/unit for heirs, successors and assigns:

“Whereas the Waterloo Region District School Board may designate this parcel of land as a Development Area for the purposes of school accommodation, and despite the best efforts of the Board, sufficient accommodation may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school.”

As this will be generating students who are expected to walk to area schools, the Board requests that pedestrian facilities be completed within and around the development to connect to existing streets, transit, and municipal trails.

Thank you,

Shawn Callon

On Tuesday, 25 June 2019 11:18:35 UTC-4, Christine.Kompter@kitchener.ca wrote:

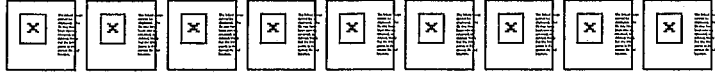
Please see attached. Comments and questions should be directed to **Garett Stevenson – Planner** ([garett.stevenson@kitchener.ca](mailto:garett.stevenson@kitchener.ca); 519-741-2200 x7070).

Sincerely,

**Christine Kompter**

Administrative Assistant | Planning Division | City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor | P.O. Box 1118 | Kitchener ON N2G 4G7

519-741-2200 ext. 7425 | TTY 1-866-969-9994 | [christine.kompter@kitchener.ca](mailto:christine.kompter@kitchener.ca)



**Garett Stevenson**

---

**From:** circulations@wsp.com  
**Sent:** Friday, July 05, 2019 2:43 PM  
**To:** Garett Stevenson  
**Subject:** OPA (OPA19/002/C/GS), ZBLA (ZBA19/005/C/GS) and Draft Plan of Subdivision (30T-19201) - 263 & 321-325 Courtland Ave. E., 230 & 240 Palmer Ave.and 30 Vernon Ave.

2019-07-05

**Garett Stevenson**

**Kitchener**

''

Attention: Garett Stevenson

Re: OPA (OPA19/002/C/GS), ZBLA (ZBA19/005/C/GS) and Draft Plan of Subdivision (30T-19201) - 263 & 321-325 Courtland Ave. E., 230 & 240 Palmer Ave.and 30 Vernon Ave.; Your File No. OPA19/002/C/GS,ZBA19/005/C/GS,30T-19201

Our File No. 85049

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario’s principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

As of June 1, 2019, Meaghan Palynchuk will be taking maternity leave and returning in the first quarter of 2020. In my absence please contact Ryan Courville for any matters concerning this file.

Yours truly,

Ryan Courville  
Access Network Provisioning Manager  
Municipal Relations  
Phone: 416-570-6726  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

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## Garett Stevenson

---

**From:** Wang, Shaun <SWang@KWHydro.ca>  
**Sent:** Wednesday, July 03, 2019 5:08 PM  
**To:** Garett Stevenson  
**Cc:** Stewart, Gary; Theriault, John; Cameron, Greig  
**Subject:** RE: Circulation for Comment - Draft Plan of Subdivision, Official Plan & Zoning By-law Amendments - 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue (Schneider's Redevelopment)

Garett,

Kitchener Wilmot Hydro has reviewed the draft plan and has the following comments:

The developer will need to make satisfactory arrangements with Kitchener Wilmot Hydro Inc. for servicing:

1. Kitchener-Wilmot Hydro has existing 3-phase overhead pole lines along both Courtland Ave. and along CN rail. To service the site, Kitchener-Wilmot Hydro needs to extend the 3-phase overhead pole line along Palmer Ave, Kent Ave, the proposed Street One and the park area (to tie to the existing pole line along the CN rail).
2. Any proposed above grade building façade must have a minimum clearance of 5.5 meters from the center of the existing and proposed hydro pole line.
3. Any change of the existing pole line alignment will be at the developer's cost.

Regards,

Shaun Wang, P. Eng.  
System Planning & Projects Engineer  
Kitchener-Wilmot Hydro Inc.  
P: 519-745-4771 x6312  
F: 519-745-0643  
[swang@kwhydro.ca](mailto:swang@kwhydro.ca)



Greig Cameron, P.Eng., M.Sc.,  
Vice President, Engineering & IT  
Kitchener-Wilmot Hydro Inc.  
PH: 519-749-6182

**From:** [Christine.Kompter@kitchener.ca](mailto:Christine.Kompter@kitchener.ca) <[Christine.Kompter@kitchener.ca](mailto:Christine.Kompter@kitchener.ca)>  
**Sent:** June-25-19 11:18 AM  
**To:** [Aaron.McCrimmon-Jones@kitchener.ca](mailto:Aaron.McCrimmon-Jones@kitchener.ca); [circulations@wsp.com](mailto:circulations@wsp.com); [Dave.Seller@kitchener.ca](mailto:Dave.Seller@kitchener.ca);  
[DSDPlanningDivision@kitchener.ca](mailto:DSDPlanningDivision@kitchener.ca); [vped@feds.ca](mailto:vped@feds.ca); [thughes@grandriver.ca](mailto:thughes@grandriver.ca); [Greg.Reitzel@kitchener.ca](mailto:Greg.Reitzel@kitchener.ca);  
[landuseplanning@hydroone.com](mailto:landuseplanning@hydroone.com); [Jim.Edmondson@kitchener.ca](mailto:Jim.Edmondson@kitchener.ca); Cameron, Greig <[GCameron@KWHydro.ca](mailto:GCameron@KWHydro.ca)>;  
[Larry.Tansley@kitchener.ca](mailto:Larry.Tansley@kitchener.ca); [Linda.Cooper@kitchener.ca](mailto:Linda.Cooper@kitchener.ca); [Mike.Seiling@kitchener.ca](mailto:Mike.Seiling@kitchener.ca); [john.morrissey@ontario.ca](mailto:john.morrissey@ontario.ca);

[Executivevp.lawanddevelopment@opg.com](mailto:Executivevp.lawanddevelopment@opg.com); [Park.Planning@kitchener.ca](mailto:Park.Planning@kitchener.ca); [akutler@regionofwaterloo.ca](mailto:akutler@regionofwaterloo.ca);  
[ballen@regionofwaterloo.ca](mailto:ballen@regionofwaterloo.ca); [CCrozier@regionofwaterloo.ca](mailto:CCrozier@regionofwaterloo.ca); [jbhatia@regionofwaterloo.ca](mailto:jbhatia@regionofwaterloo.ca); [syip@regionofwaterloo.ca](mailto:syip@regionofwaterloo.ca);  
[PropDataAdmin@kitchener.ca](mailto:PropDataAdmin@kitchener.ca); [rparent@regionofwaterloo.ca](mailto:rparent@regionofwaterloo.ca); [Rita.Delaney@kitchener.ca](mailto:Rita.Delaney@kitchener.ca);  
[Robert.Morgan@kitchener.ca](mailto:Robert.Morgan@kitchener.ca); [Steven.Ryder@kitchener.ca](mailto:Steven.Ryder@kitchener.ca); [Steven.amirikah@uwaterloo.ca](mailto:Steven.amirikah@uwaterloo.ca); [planning@wcdsb.ca](mailto:planning@wcdsb.ca);  
[planning@wrdsb.ca](mailto:planning@wrdsb.ca); [Ashley.DeWitt@kitchener.ca](mailto:Ashley.DeWitt@kitchener.ca); [Barb.Fairbairn@kitchener.ca](mailto:Barb.Fairbairn@kitchener.ca); [james.bere@canadapost.ca](mailto:james.bere@canadapost.ca);  
[Carol.Bacon@kitchener.ca](mailto:Carol.Bacon@kitchener.ca); [Feras.AbdulHadi@kitchener.ca](mailto:Feras.AbdulHadi@kitchener.ca); [ionn.Barton@kitchener.ca](mailto:ionn.Barton@kitchener.ca); [MR21Enquiry@mpac.ca](mailto:MR21Enquiry@mpac.ca);  
[Nancy.Steinfield@kitchener.ca](mailto:Nancy.Steinfield@kitchener.ca); [blamondin@regionofwaterloo.ca](mailto:blamondin@regionofwaterloo.ca); [kfletcher@regionofwaterloo.ca](mailto:kfletcher@regionofwaterloo.ca);  
[msergi@regionofwaterloo.ca](mailto:msergi@regionofwaterloo.ca); [SWOGR-PERMIT@rci.rogers.com](mailto:SWOGR-PERMIT@rci.rogers.com); [gkeep@uniongas.com](mailto:gkeep@uniongas.com)

**Subject:** Circulation for Comment - Draft Plan of Subdivision, Official Plan & Zoning By-law Amendments - 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue (Schneider's Redevelopment)

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Please see attached. Comments and questions should be directed to **Garett Stevenson – Planner** ([garett.stevenson@kitchener.ca](mailto:garett.stevenson@kitchener.ca); 519-741-2200 x7070).

Sincerely,

**Christine Kompter**

Administrative Assistant | Planning Division | City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor | P.O. Box 1118 | Kitchener ON N2G 4G7  
519-741-2200 ext. 7425 | TTY 1-866-969-9994 | [christine.kompter@kitchener.ca](mailto:christine.kompter@kitchener.ca)



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Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4841 www.grandriver.ca

July 30, 2019

OR: 30T-19201

Garett Stevenson, Planner  
Development Services Department - Planning  
City of Kitchener, City Hall  
P.O. Box 1118, 200 King Street West  
Kitchener, Ontario N2G 4G7

**Re: Draft Plan of Subdivision Application 30T-19201, Official Plan Amendment Application OPA19/002/C/GS and Zoning By-law Amendment ZBA19/005/C/GS for 263 & 321-325 Courland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue, City of Kitchener  
Auburn Developments (Schneider's Redevelopment), "The Metz"**

Dear Mr. Stevenson:

Further to your circulation letter dated June 25, 2019, please be advised that we will not be able to complete our review of the applications and accompanying reports by July 31, 2019. Accordingly, I would like to request an extension of this deadline. Upon completion of our review, I will forward our comments to the City of Kitchener, Region of Waterloo, and the applicant/agent.

We trust this information is of assistance. If you should have any further questions, please do not hesitate to call.

Yours Truly,

A handwritten signature in cursive script that reads "Trisha Hughes".

Trisha Hughes  
Resource Planner  
Grand River Conservation Authority

c.c. Katie Pietrzak, City of Kitchener  
Barbara Steiner, City of Kitchener  
Shilling Yip, Region of Waterloo



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 [www.grandriver.ca](http://www.grandriver.ca)

September 12, 2019

OR: 30T-19201

Garett Stevenson, Planner  
Development Services Department - Planning  
City of Kitchener, City Hall  
P.O. Box 1118, 200 King Street West  
Kitchener, Ontario N2G 4G7

**Re: Draft Plan of Subdivision Application 30T-19201, Official Plan Amendment Application OPA19/002/C/GS and Zoning By-law Amendment ZBA19/005/C/GS for 263 & 321-325 Courland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue, City of Kitchener Auburn Developments (Schneider's Redevelopment), "The Metz"**

Dear Mr. Stevenson:

In consideration of the above noted applications, the Grand River Conservation Authority (GRCA) has now undertaken a review of the following supporting materials:

- Letter from City of Kitchener, dated June 25, 2019
- Plan of Subdivision – Auburn Developments, dated February 14, 2019
- 321 Courtland Avenue, Kitchener ON Former Schneider's Plant – Preliminary Stormwater Management Report, prepared by Stantec, dated April 2019
- 321 Courtland Avenue, Kitchener ON Former Schneider's Plant – Preliminary Functional Servicing Report, prepared by Stantec, dated April 2019
- Geotechnical Investigation – Proposed Residential Development, prepared by Stonerise Construction Inc., dated April 25, 2019
- Final Scoped Hydrogeological Investigation, prepared by Stonerise Construction Inc., dated April 25, 2019

Based on our review of the above materials, we offer the following comments:

1. In addition to first floor elevations, which all need to be above the provided Regulatory Flood Elevations, all exterior openings need to be floodproofed as well to these elevations. Please provide building elevation plans for review.

2. Drawing C-400 – Concept Grading Plan, prepared by Stantec (last revised March 22, 2019), shows Vernon Avenue below the Regulatory Flood Elevation of 321.30 metres CGVD28. It also indicates that the entry into the underground parking garage will be below the applicable Regulatory Flood Elevation. Please provide detailed plans for any underground parking. It should be demonstrated that ingress and egress to the parking structures is “dry” where it can be practically achieved or floodproofed to an elevation that is safe. An engineer should review and confirm that any underground parking proposed within the floodplain can withstand hydrostatic pressure in the event of flooding.
3. The proposed grading plans should show the existing and proposed floodplain based on the Regulatory Flood Elevations applicable to the property.
4. The Preliminary Stormwater Management Report notes that water quantity control should maintain or reduce peak flow rates from the site to downstream receiving systems. Please provide the pre-development and post-development flows for comparison. We understand that under post-development conditions there is going to be less imperviousness, but please include information regarding the impact of development on peak flows as a result of grading and site design. Was the runoff distributed before and now concentrated? Comparison of the Existing Conditions Plans (Drawing C-050 and C-051) and the Concept Grading Plans (Drawings C-400 and C-401) give the impression that the western portion of the site, which was previously discharging to the southwest, is now graded such that almost all runoff will be directed to the east along Street One towards Kent Avenue. How will the peak flow compare between the two conditions for less frequent storm events like the 100 year? We understand that smaller events will be captured by the infiltration trenches and LID best management practices, but it should be demonstrated that peak flows at all locations are below or at pre-development levels for all events.
5. Please provide additional information for the infiltration trenches to demonstrate that the infiltration trenches can function properly. Further details for the infiltration trenches should be provided, including the bottom elevations and the seasonally high groundwater table elevations, to demonstrate that a minimum of 1 metre separation can be achieved during the wet season. Clearly identify how the seasonally high groundwater elevations were determined.
6. As per the Update of Schneider Creek Floodplain Mapping & Two-Zone Policies – Stirling Avenue to Sydney Street study (prepared by MMM Group, May 2016), any redevelopment scenario is to maintain flow conveyance (page 32). We previously recommended that the culvert be analyzed with some degree of blockage assumed to determine if an overland spill path should be provided. Based on Section 3.3.3 of the Preliminary Stormwater Management Report (page 3.11), a 0.40 metre blockage

depth will raise the regulatory flood elevation to 323.01 metres. Based on Drawing C-401, this would result in flooding of the existing buildings and some of the proposed buildings on the property (e.g. Buildings B, G, H and I). Please further assess the proposed plans to maintain flow conveyance.

7. The only water quality best management practice identified in the Preliminary Stormwater Management Report is CB shields for road runoff, which are not known to provide 80% quality control. Please clearly demonstrate how enhanced water quality targets are being met before stormwater outlets to the watercourses. Other best management practices may be required.

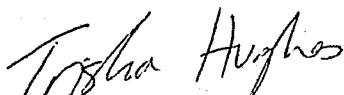
We also have the following advisory comment:

8. The proposed grading plan on Drawing C-401 shows that there is potential for 0.5 m of ponding occurring on Street One, east of Kent Ave and north of Building I, which can be a hazard in winter given the recent pattern of freeze and melt observed. We recommend reducing ponding on roadways to the extent possible.

We can confirm receipt of the subdivision fee of \$12,251.58. Based on information provided, we calculated the total subdivision base and per net hectare fee to be \$14,309.40. To date, more than the 70% of the base and per net hectare fee required with initial submission of a subdivision application has been received. The remaining subdivision base and per net hectare fee will be requested prior to issuance of conditions of draft plan approval.

We look forward to a response to our comments. If you have any questions, please do not hesitate to contact the undersigned at [thughes@grandriver.ca](mailto:thughes@grandriver.ca) or 519- 621-2763 ext. 2319.

Sincerely,



Trisha Hughes

Resource Planner

Grand River Conservation Authority

- c.c. Katie Pietrzak, City of Kitchener  
Barbara Steiner, City of Kitchener  
Shilling Yip, Region of Waterloo



Administration Centre: 400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

May 10, 2023

Shilling Yip  
Principal Planner  
Planning, Development and Legislative Services  
Regional Municipality of Waterloo  
150 Frederick Street, 8th Floor  
Kitchener ON N2G 4J3  
[dwelwood@regionofwaterloo.ca](mailto:dwelwood@regionofwaterloo.ca)

Craig Dumart  
Senior Planner  
Planning Division  
City of Kitchener  
200 King Street West  
Kitchener ON N2G 4G7  
[craig.dumart@kitchener.ca](mailto:craig.dumart@kitchener.ca)

**Re: Draft Plan of Subdivision 30T-19201, Official Plan Amendment  
OPA19/002/C/GS and Zoning By-law Amendment ZBA19/005/C/GS  
263 & 321-325 Courland Avenue East, 230 & 240 Palmer Avenue, and 30  
Vernon Avenue, City of Kitchener  
Auburn Developments**

Dear Mr. Yip and Mr. Dumart,

Grand River Conservation Authority (GRCA) staff have reviewed the above-noted application for a mixed-use subdivision.

### **Recommendation**

The GRCA recommends draft plan approval of the subdivision, subject to conditions.

### **Documents Reviewed by Staff**

Staff have reviewed the following documents submitted with this application:

- Functional Servicing Report (Stantec, September 2021)
- Stormwater Management Report (Stantec, September 2021)
- Architectural Plans (Turner Fleischer, received April 18, 2023)
- Servicing and Grading Plans (Stantec, revised April 14, 2023)

This follows our September 12, 2019 comments on the previous submission.

### **GRCA Comments**

Our previous concerns have now been addressed. As a result, we are now in a position to recommend draft plan approval with the following conditions:

1. Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.
  - a. A detailed storm water management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual".
  - b. A detailed Lot Grading, Servicing and Storm Drainage Plan.
  - c. An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.
  - d. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the GRCA prior to the construction in a wetland and/or grading in a regulated area and/or construction of the Stormwater Management outlet in a regulated area.

We trust that the municipality will ensure the Subdivider's Agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition 1) above. Once the above has been met, we can issue GRCA's clearance of the subdivision to the municipality.

### **Advisory Comments**

We note that Building M, Block 3 is proposed within 15 metres of the Shoemaker Creek culvert. We would advise the City to ensure that construction of and mass loading from the building does not impact the culvert, or that the building placement does not impair the City's ability to maintain / repair the culvert.

We can confirm receipt of the remaining review fees for this subdivision application in the amount of \$2,057.82. Additional fees will be required for final clearance, and separate fees will be required for a GRCA permit.

We trust this information is of assistance. If you have any questions or require additional information, please contact me at 519-621-2763 ext. 2292 or [theywood@grandriver.ca](mailto:theywood@grandriver.ca).

Sincerely,



---

Trevor Heywood  
Resource Planner  
Grand River Conservation Authority

cc: Chris Pidgeon, GSP Group



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David Welwood  
File: 30T-19201  
C14-60/2/19005  
D17-40/2/19201

December 20, 2019

Garett Stevenson  
Planner  
City of Kitchener  
200 King St. W., PO Box 1118  
Kitchener, ON N2G 4G7  
(via e-mail: [Garett.Stevenson@kitchener.ca](mailto:Garett.Stevenson@kitchener.ca))

Dear Mr. Stevenson,

**Re: Addendum Post Circulation Comments (Noise)  
Draft Plan of Subdivision 30T-19201  
Official Plan and Zoning By-law Amendments  
321 Courtland Ave. Developments Inc. (GSP Group Inc)  
263 & 321-325 Courtland Ave E &; 230 & 240 Palmer Ave  
& 30 Vernon Ave**

**City of Kitchener**

The following comments are an addendum to the Regional post-circulation comments dated October 11, 2019 and represent staff's review of the Noise and Vibration Feasibility Assessment for the proposed residential development at 321 Courtland Avenue East, in the City of Kitchener, prepared by RWDI AIR Incorporated dated March 25, 2019. The Report assesses traffic noise from Courtland Avenue East and Stirling Avenue South and noise and vibration from Canadian National Railway line in the vicinity of the proposed development.

The development is bounded by Stirling Avenue to the west, Courtland Avenue East to the north, Borden Avenue to the east, and the Canadian National (CN) rail line to the south. The proposed development will consist of ten high rise residential buildings, eleven townhouse blocks, three existing buildings to be used for commercial uses, and one restaurant.

With respect to transportation related noise sources, two roadways that have the greatest potential to influence the proposed residential development are Courtland Avenue East to the north, and Stirling Avenue South to the west of the development. The location of the proposed development in relation to the major roadways is shown in



Figure 1 of the report.

This report examines the compatibility of the proposed development with existing environmental sources of sound and vibration. The influence of sound emissions from the proposed development on surrounding sensitive land uses has not been completed in detail as mechanical equipment information is not yet available. The compatibility of sound from the proposed development with surrounding residential land uses will be confirmed at a later development stage once the necessary mechanical information is available.

On-site stationary sources for the development are expected to consist of HVAC related equipment in the roof-top mechanical penthouse as well as exhaust fans. As the design is currently in progress, a detailed assessment of the noise impacts by the development on the surrounding environment is not possible. A detailed Noise Study will be required upon completion of HVAC and mechanical design.

### **Conclusions and Recommendations**

Based on the results staff's review of the Noise and Vibration Feasibility Assessment, the following conclusions have been reached:

#### **Outdoor Living Areas (OLA)**

For the outdoor amenity spaces, calculated road noise levels do not exceed the 55 dBA criteria outlined in Table 1 of the report. Mitigation to reduce outdoor noise levels is not required. Noise levels for the OLA for the multi-residential building will be further reduced due to shielding from the proposed building. Standard balconies of less than 4 metres in depth are proposed for the multi-residential building. Balconies less than 4 metres in depth are not considered an outdoor amenity space and therefore noise control measures are not required.

#### **Indoor Living Areas**

Indoor sound levels are estimated by adjusting levels predicted at the plane of window and accounting for sound attenuation through windows or doors. Sound levels for the façade were predicted at the exterior of the building. A 28 dBA reduction in sound level from the exterior to interior was assumed through a closed window, based on a minimum Ontario Building Code window construction (i.e., double paned 3 mm glass with 13 mm air space).

Provision for central air conditioning to be installed in all units, allowing 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 (MECP).

The owner/developer will be required to enter into a registered agreement with the Regional Municipality of Waterloo for all units and the following warning clauses shall be included in agreements of Offers of Purchase and Sale, lease/rental agreements, condominium declarations.

## Noise Warning Clauses

The following noise warning clauses will be required.

### TYPE A:

*"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic on Courtland Avenue East and Stirling Avenue South and Canadian National Railway track 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:

#### All other Buildings

*"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 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. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."*

### TYPE D:

#### Buildings A & B

*"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation & Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."*

**Warning:** *"Canadian National Railway (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims*

*arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”*

## **Vibration**

All train pass-bys were found to be less than 0.14 mm/s Root Mean Square (RMS) at 30 metres from the railway. Therefore, impacts at the residences are expected to comply with the Railway Association of Canada (RAC) and CN Rail limits. The 0.14 mm/s limit at 30 metres approximately corresponds to a vibration level of 1.18 mm/s Peak Particle Velocity (PPV) at 15 metres (i.e., the parking garage setback). Thus, impacts at the parking garage are expected to be below the Federal Transportation Authority (FTA) building damage limits. Therefore, no mitigation measures for rail vibration are required.

Ground-borne vibration levels were measured at the approximate location of the proposed residential façade, approximately 30 m from the railway right of way, and were found to be below railway guidelines. Ground-borne vibration levels exceed railway guidelines at the property line.

The following vibration warning clause shall also be included in the property and tenancy agreements and offers of purchase and sale for the dwelling units closest to the railway to inform the future owners and tenants of the possible vibration excesses.

*“Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit.”*

While Regional staff would also typically require a railway vibration study, we would defer this decision to the appropriate rail authority (see below). Alternatively, should the rail authority not comment on this application, the requirement for a rail vibration study would stand.

*Susanne Glenn-Rigny, MCIP, RPP, OUQ  
Agente principale/Senior Officer  
Planification et développement communautaires/  
Community Planning and Development  
Affaires juridiques/Law Department  
935, rue de La Gauchetière Ouest  
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## Holding Provision

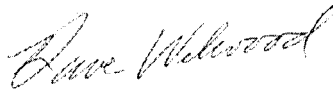
Regional staff has also reviewed the study's stationary noise component. The report's Executive Summary contains broad recommendations including that an acoustical engineer be retained to further review of the noise aspects of the development once detailed building designs are known, as the current assessment is based on assumptions regarding building configuration and construction.

Given, the development will be phased, we recommend a holding provision be used to ensure any detailed study(ies) are undertaken and implemented.

Regional staff are currently working with the proponent's consultants on remaining requirements and will provide further comments under a separate cover. The remainder of the comments from our October 11, 2019 letter continue to apply.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



David Welwood, MES, MCIP, RPP  
Principal Planner

cc. Kevin Muir, GSP Group  
Susanne Glenn-Rigny, Canadian National Railway



Region of Waterloo

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May 1, 2020

Matt Brouwer, P. Eng.  
Senior Project Manager  
Paradigm Transportation Solutions  
5A-150 Pinebush Road  
Cambridge, ON N1R 8J8

File No.: C14-60/53 COURTLAND  
Auburn Developments The Metz

Dear Mr. Brouwer:

**Re: Regional Response to Transportation Impact Study Memo, OPA  
19/002/C/GS & ZBA 19/005/C/GS & 30T-19201, Auburn Developments “The  
Metz”, 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue,  
and 30 Vernon Avenue, City of Kitchener**

Region of Waterloo staff have reviewed the Transportation Impact Study (TIS) entitled “Former Schneider’s Site Transportation Impact Study and Transportation Demand Management Report” completed by Paradigm Transportation Solutions Limited (dated April 2019) and the associated follow up Memo entitled “Former Schneider’s Site (Courtland Avenue, Kitchener) Courtland Avenue Left-Turn Lanes and Borden Avenue Access” also completed by Paradigm Transportation Solutions Limited (dated February 28, 2020). The following comments are provided.

***Old Fashioned Way Access and Impacts to Courtland Avenue East & Borden Avenue South Intersection:***

- The consultant has conducted the Synchro analyses under the two Old Fashioned Way full movement access scenarios for the Courtland Avenue East and Borden Avenue South intersection using signal timings that do not reflect how the traffic signals would operate in reality. Specifically, the signal timings under the AM peak hour models assume that Borden Avenue South would only receive the minimum green time, and the signal timings under the PM peak hour models assume that Borden Avenue South would only receive six seconds of green time. In reality, the current pedestrian timings at this intersection dictate that Borden Avenue South would require a minimum of 17 seconds of green plus clearance and these minimums would only increase over time (particularly if the number of Courtland Avenue East lanes increases). Additionally, the split for Borden Avenue South is significantly influenced by the LRT signal priority and would be much higher than the minimum splits in reality. So to summarize, while

DOCS: 3285857

the consultant has shown that the westbound left turn lane (WBL) at the Courtland Avenue East and Borden Avenue South intersection could work, they have based this conclusion using an underestimation of the amount of green time that would be allocated to Borden Avenue South. With more accurate splits, we expect that there would still be capacity issues at the Courtland Avenue East and Borden Avenue South intersection should left-turn movements significantly increase due to demand at the development site and, without the WBL lane, queues would be expected to extend into the Ottawa Street South and Courtland Avenue East intersection during the AM peak hour.

- Due to the anticipated capacity issues along Courtland Avenue East, the Region of Waterloo will limit the Old Fashioned Way access to allow outbound vehicle movements only (no inbound vehicle movements) in addition to the full inbound and outbound active transportation movements. This would also mitigate the need for a westbound left-turn lane at the Courtland Avenue East & Borden Avenue South intersection, and the associated replacement of dedicated bike lanes with sharrows.

***Courtland Avenue & Kent Avenue Signal Warrants:***

- While the memo did not provide updated traffic signal warrants at Courtland Avenue East & Kent Avenue for all three scenarios under assessment in this memo (full movement Old Fashioned Way access with and without left-turn lanes at Courtland Avenue East & Borden Avenue South; and an outbound only access at Old Fashioned Way), Region of Waterloo staff conducted the signal warrant analyses for the two missing scenarios as a quick check. Each of these 3 scenarios results in different traffic volumes at the Courtland Avenue & Kent Avenue intersection. Under all scenarios tested, the warrant analysis indicates that traffic signals are not warranted at Courtland Avenue East and Kent Avenue.
- The traffic signal analysis in Synchro for this intersection has used incorrect saturation flow rates. The consultant used a rate of 1550 (should be 1775 for the left-turn lane and 1650 for the shared through/right lane). Just an advisory comment.
- At this time the Region does not support the installation of full traffic signals at Courtland Avenue East & Kent Avenue since the traffic signal warrants are not met. While the traffic signal is not warranted for this intersection, please look at the feasibility of some level of pedestrian crossing of Courtland Avenue East near the Kent Avenue intersection as there will be a strong desire line to connect pedestrians from the proposed development with facilities along Kent Avenue. This analysis should also comment on the feasibility of using this pedestrian crossing treatment as a replacement for the existing pedestrian signals east of Kent Street.

**Recommended Road Improvements to Courtland Avenue East:**

- The memo provided the requested preliminary design plans showing the recommended Courtland Avenue East road improvements under both scenarios as discussed previously:
  - A continuous two way left turn lane on Courtland Avenue East from the Kent Avenue & Courtland Avenue East intersection to the Vernon Avenue & Courtland Avenue East intersection.
  - Auxiliary left turn lanes on Courtland Avenue East at Kent Avenue, Palmer Avenue and Vernon Avenue.
- While the Region of Waterloo is supportive of the proposed left turn lanes at the local municipal intersections, further review by Region of Waterloo staff will still be required to determine the desired future road cross section for Courtland Avenue East in this area.

Please provide an addendum to the TIS Memo addressing the above noted comments and submit to the Region of Waterloo and City of Kitchener. If any clarification is required prior to completing the addendum, please feel free to follow up with Region of Waterloo staff.

Yours Truly,



Jason Wigglesworth, C.E.T.  
Transportation Planner  
(519) 575-4835

CC: Jim Mallet, P. Eng, P.T.O.E. – Paradigm Transportation Solutions  
David Welwood, MCIP, RPP – Region of Waterloo, Community Planning  
Garett Stevenson, MCIP, RPP – City of Kitchener  
Dave Seller – City of Kitchener  
Kevin Muir, MCIP, RPP – GSP Group  
Glenn Scheels, MCIP, RPP – GSP Group  
Kevan Marshall – Region of Waterloo, Transportation Demand Management  
Darryl Spencer, P. Eng. – Region of Waterloo, Transportation Planning



Region of Waterloo

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October 21, 2020

Jim Mallet, M.A. Sc., P. Eng.  
President and CEO  
Paradigm Transportation Solutions  
5A-150 Pinebush Road  
Cambridge, ON N1R 8J8

File No.: C14-60/53 COURTLAND  
Auburn Developments The Metz

Dear Mr. Mallet:

**Re: Regional Response to Transportation Impact Study Update, OPA  
19/002/C/GS & ZBA 19/005/C/GS & 30T-19201, Auburn Developments "The  
Metz", 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue,  
and 30 Vernon Avenue, City of Kitchener**

Region of Waterloo staff have completed the reviewed the Transportation Impact Study (TIS) information completed by Paradigm Transportation Solutions Limited in association with the proposed re-development of the former Schneider's Factory (Plan of Subdivision 30T-19201) and agree with the recommended Regional Road network improvements. A summary of the TIS submissions have been listed out below along with required road improvements associated with the proposed development:

- Original TIS submission "Former Schneider's Site Transportation Impact Study and Transportation Demand Management Report" dated April 2019 by Paradigm Transportation Solutions Limited.
- Update to TIS Memo "Former Schneider's Site (Courtland Avenue, Kitchener) Courtland Avenue Left-Turn Lanes and Borden Avenue Access" dated February 28, 2020 by Paradigm Transportation Solutions Limited.
- Region of Waterloo response Letter "Regional Response to Transportation Impact Study Memo, OPA 19/002/C/GS & ZBA 19/005/C/GS & 30T-19201, Auburn Developments 'The Metz', 263 & 321-325 Courtland Avenue East, 230 & 240 Palmer Avenue, and 30 Vernon Avenue, City of Kitchener" dated May 1, 2020 by the Region of Waterloo.
- Paradigm response letter "Regional Transportation Letter Dated 1 May 2020 Regarding 'The Metz' (Former Schneider's Factory – Courtland Avenue) – Response to Issues Noted" dated June 29, 2020 by Paradigm Transportation Solutions Limited.
- Paradigm follow up e-mail dated October 1, 2020.



**Courtland Avenue East & Kent Avenue Signal Warrants:**

While the Region of Waterloo will determine the ultimate timing of any traffic signalization at the intersection of Courtland Avenue East & Kent Avenue, Region of Waterloo staff concur with the recommendation that at a minimum the necessary underground infrastructure for signalization should be placed at the time of site redevelopment. Region of Waterloo staff will determine the timing and implementation of improvements to this intersection, and will keep the developer informed as to the timing. No further transportation analysis of the Courtland Avenue East & Kent Avenue intersection is required. The existing mid-block pedestrian signal on Courtland Avenue East will be removed and an Intersection Pedestrian Signal (IPS) to be located to the Courtland Avenue East & Kent Avenue intersection. This will include the installation of underground services for a future traffic control signal at this location, when warranted.

**Recommended Road Improvements to Courtland Avenue East:**

Two recommendation options regarding the Courtland Avenue East right of way between Vernon Avenue and Borden Avenue South have been developed and are under consideration by Region of Waterloo Transportation & Engineering staff:

- A continuous two way left turn lane on Courtland Avenue East from the Kent Avenue & Courtland Avenue East intersection to the Vernon Avenue & Courtland Avenue East intersection.
- Auxiliary left turn lanes on Courtland Avenue East at Kent Avenue, Palmer Avenue and Vernon Avenue.

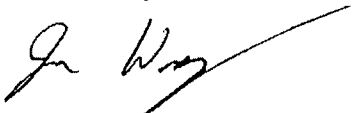
No further transportation related analysis of the Courtland Avenue East right of way is required at this time.

**Future Old Fashioned Way Vehicular Access at Borden Avenue East:**

In accordance with the Paradigm Transportation Solutions Limited letter dated June 29, 2020, the applicant agrees to limit the future Old Fashioned Way & Borden Avenue East access to one-way only function (egress only) based on the future improvements to the Courtland Avenue East & Kent Avenue intersection.

Region of Waterloo staff will continue to work with the developer and their associated consultants to implement the required improvements to the Region of Waterloo road network.

Yours Truly,



Jason Wigglesworth, C.E.T.  
Transportation Planner  
(519) 505-4536

CC: Matt Brouwer, P. Eng. – Paradigm Transportation Solutions  
David Welwood, MCIP, RPP – Region of Waterloo, Community Planning  
Garett Stevenson, MCIP, RPP – City of Kitchener  
Steven Ryder – City of Kitchener  
Kevin Muir, MCIP, RPP – GSP Group  
Glenn Scheels, MCIP, RPP – GSP Group  
Kevan Marshall – Region of Waterloo, Transportation Demand Management  
Darryl Spencer, P. Eng. – Region of Waterloo, Transportation Planning



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David Welwood  
File: 30T-19201  
C14-60/2/19005  
D17-40/2/19201

October 11, 2019

Garett Stevenson  
Planner  
City of Kitchener  
200 King St. W., PO Box 1118  
Kitchener, ON N2G 4G7

Dear Mr. Stevenson,

**Re: Post Circulation Comments  
Draft Plan of Subdivision 30T-19201  
Official Plan and Zoning By-law Amendments  
321 Courtland Ave. Developments Inc. (GSP Group Inc)  
263 & 321-325 Courtland Ave E &; 230 & 240 Palmer Ave  
& 30 Vernon Ave**

**City of Kitchener**

The Region has completed its review of the recirculated draft plan of subdivision and the associated proposed Official Plan Amendment and Zone Change applications, and provides the following comments for your consideration.

The subject lands are 10.36 hectares in area and are located to the north of Courtland Avenue and west of Borden Avenue and consist of the former Schneider's factory. The lands are also bordered on the west by the Canadian National Railway and on the north by Stirling Avenue South. The lands are within walking distance of both the Rockway ION station and the Mill ION station.

The proponent is proposing to create a mixed-use redevelopment on the former factory site while retaining three existing buildings that formed part of the factory (an office, a garage and a distribution centre). The application for draft plan of subdivision would create 7 development blocks accommodating stacked townhouses, mid-rise residential development, high-rise residential, as well as employment and commercial land uses. The application also will create a park block and a small block for potential use as a

single-detached lot. The draft plan of subdivision is proposed to be developed in three stages.

The application to amend the City's official plan will re-designate the subject lands from the existing "General Industrial" designation and Special Policy 9 of Section 13.4.4 of the 1994 City of Kitchener Official Plan to a range of designations to permit the proposed development including Mixed-Use Corridor, High Density Multiple Residential, Medium Density Multiple Residential and Neighbourhood Park. The development will also be subject to proposed site-specific policies for mixed-use, residential, and park designations reflecting the direction of the City's 2014 Official Plan (which is currently under appeal) and the PARTS Rockway Plan.

The application to amend the zoning by-law will change the zoning from the General Industrial (M-2) Zone and Special Regulation Provisions 1R and Special Use Provisions 155U and 159U to new mixed-use, medium and high density residential and park zones to implement the proposed official plan amendment. Special regulation provisions for the subject lands will address parking matters and zoning requirements for future lots within the subdivision and to recognize a variety of site-specific exceptions to zone requirements (e.g., setbacks, maximum building height, maximum floor space ratio, amount of retail space, etc.). A holding (H) provision will require the completion and acknowledgement of a Record of Site Condition (RSC) prior to development of residential uses.

## **REGIONAL COMMENTS**

### **2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

The Planning Justification Report addresses the requirements of the 2017 Growth Plan for the Greater Golden Horseshoe (the Growth Plan). A Place to Grow: The Growth Plan for the Golden Horseshoe (2019) replaces the 2017 version and all decisions made on or after May 16, 2019 shall conform with the 2019 A Place to Grow.

This section of the Planning Justification Report should be revised to reflect the updated requirements of the 2019 Growth Plan.

### **Regional Official Plan**

The Region is satisfied that the proposed development conforms with Policy 2.C.2 as it will help achieve the reurbanization target that at least 45 per cent of new development occurring annually within the region be constructed within the Built-Up Area designation. The development also aligns with the policies for development in urban areas set out in Policy 2.D.1. We recommend that the Owner/Developer consider ways of promoting future building designs and orientations that incorporate energy conservation features and the use of alternative and/or renewable energy as per Policy 2.D.1 (h).

The subject lands are within walking distance of two light rail transit (LRT) stations, Borden and Mill. The proposed redevelopment has a compact form with a mix of residential and commercial land uses and is supportive of the ROP's policy direction on directing growth to major transit station areas.

As per Policy 2.D.7, the City of Kitchener has developed a station area plan for the surrounding neighbourhood, the Rockway PARTS Plan. The Plan specifically recognizes the former Schneider's site as an underutilized employment site with opportunities for transit-supportive redevelopment. The Rockway PARTS Plan has not yet been incorporated into the City's official plan, however, these applications are intended to align future development of the site with the PARTS Plan.

As per Policy 2.D.10, prior to an area municipality establishing policies on MTSAs, development applications within an MTSA must be reviewed in accordance with the transit oriented development policies of Policy 2.D.2 of the ROP. The Region is supportive of the applications since they:

- Contain an interconnected and multi-modal street pattern that encourages walking, cycling or the use of transit and supports mixed-use development;
- Supports a compact urban form that locates the majority of transit supportive uses within a comfortable walking distance of transit stops;
- Provides a mix of land uses that allow people to walk or take transit;
- Promotes medium and higher density development as close as possible to transit stops;
- Fosters walkability by creating a pedestrian-friendly environment
- Supports a high quality public realm; and
- Provides access to different transportation modes.

### **Employment Land Conversion**

Section 1.3.2.2 of the Provincial Policy Statement (PPS) permits the conversion of land within employment areas to non-employment uses through a comprehensive review only where it is demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. Section 2.2.5.9 of A Place to Grow: A Growth Plan for the Greater Golden Horseshoe, 2019 (the Growth Plan) permits the conversion of employment areas to non-employment uses through a municipal comprehensive review (a new official plan or official plan amendment initiated under Section 26 of the Planning Act).

While the site is currently designated General Industrial and has been historically considered an employment area, the City of Kitchener undertook a Comprehensive Review of Employment Lands (CREL) study in 2010 which determined that lands in Major Transit Station Areas (MTSAs) should not be considered employment areas, and that there is a sufficient supply of employment areas to meet future needs elsewhere in the City. The work of CREL has been further implemented through the station area plan for the area surrounding the subject properties (the Rockway PARTS Plan), which includes the entirety of the subject lands. It is also noted that Section 15.D.12.22 of the City's in-effect official plan permits land use designation changes for the subject lands without the need for a municipal comprehensive review.

Staff understands that the intent of the official plan amendment application is to 'accelerate' conformity of the site with the Rockway PARTS Plan which specifically foresees the redevelopment of the site into a more residential and mixed-use environment.

Regional staff is therefore satisfied that the requirement in the PPS and the Growth Plan for a comprehensive review prior to the conversion of the site to non-employment uses have been met.

Furthermore staff notes that portions of the site will continue to be used for employment uses including approximately 750 employees.

### **Record of Site Condition**

The subject property is identified in the Region's Threats Inventory Database as a potentially contaminated site. 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, a Record of Site Condition (RSC) is required and can be implemented through a Holding provision. It is the Region's understanding that the proponent is currently in the process of obtaining a RSC for the property.

### **Housing Affordability**

The Region supports the provision of a full range of housing including affordable housing. Staff recommend that the proponent meet with Housing Services to discuss the proposal in more detail and to explore opportunities for providing a range of affordable units through partnerships or programs, and consider increasing the number of affordable housing units proposed and dispersing them throughout the entire development in each phase.

The proposed development is anticipated to contain approximately 2,011 residential units and 807 mixed-use units.

For the purposes of evaluating the affordability of an ownership unit, based on the definition in the ROP, 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	\$425,087
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	\$306,094

In order for an owned unit to be deemed affordable, the maximum affordable house price is \$306,094.

For the purposes of evaluating the affordability of a rental unit, based on the definition of affordable housing in the ROP, 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 households	\$1,310
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$796 1-Bedroom: \$1,021 2-Bedroom: \$1,210 3-Bedroom: \$1,247 4+ Bedroom: \$1,254

In order for a unit to be deemed affordable, the average unit rent for the property must be at or under the average market rent in the regional market area, as listed above.

### **Hydrogeology and Source Water Protection**

The following comments relate to requirements from the Region's Hydrogeology and Source Water staff:

- 1) Scoped Hydrogeological Investigation

The following comments on the scoped Hydrogeological Investigation will need to be addressed as conditions of draft approval:

- a. The report did not evaluate the potential for the site to use geothermal energy systems. As a result, geothermal energy systems will be prohibited for each parcel created as part of this subdivision. The Region will require that this prohibition be registered on title. This prohibition will be registered on title as a condition of draft approval.
- b. The report indicates that groundwater monitoring will occur bi-monthly for water levels for the next year. Continuous water level monitoring (i.e., installation of pressure transducers with data logging capabilities) needs to be completed to confirm the high water table at the site for the next year. This is necessary to confirm the suitability of the site to use sub-surface infiltration galleries. The results of this monitoring will need to be provided in an updated scoped hydrogeological investigation to the satisfaction of the Region, City and the Grand River Conservation Authority (GRCA) as a condition of draft plan approval.
- c. Groundwater quality data was not provided in the report. A minimum of one round of groundwater quality data must be provided in an updated scoped hydrogeological investigation, to the satisfaction of the Region, City and GRCA, as a condition of draft plan approval.
- d. A during- and post-development groundwater monitoring program was not proposed in the report. This must be submitted in an updated scoped hydrogeological investigation as a condition of draft plan approval.
- e. All monitoring wells not proposed to be included in the during- and post-development groundwater monitoring program must be decommissioned in accordance with O. Reg. 903 (as amended). The proponent will need to enter into a development agreement to complete this work as a condition of draft plan approval.
- f. Upon completion of the during- and post-development groundwater monitoring program, all monitoring wells must be decommissioned in accordance with O. Reg. 903 (as amended). The proponent will need to enter into a development agreement to complete this work as a condition of draft plan approval.
- g. The Region will not support continuous active or passive dewatering around footings, slabs or foundations. If structures are proposed below the water table, waterproof foundation and footing wraps will be required in order to keep those structures dry. As a condition of draft approval, the proponent will need to enter into a development agreement indicating that



no buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.

## 2) Preliminary Stormwater Management Report

Regional hydrogeology staff also reviewed the Preliminary Stormwater Management Report and require the following items to be addressed in an updated Preliminary Stormwater Management Report prior to the issuance of draft approval on the proposed plan of subdivision:

- a. A pre-and post-development water budget must be presented in terms of  $m^3$ /annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre-and post-development.
- b. A high water table is present across some portions of the site, to the extent that the proposed infiltration system under Street One will only be 1.2 metres below ground surface (mgbs) and only 0.7 m above the high water table. The Region has concerns that, due to the significant amount of infiltration proposed as part of the subdivision, groundwater mounding may occur beneath the infiltration systems which could lead to a potential reduction in the efficacy of the infiltration system itself (if the mounded water table increases to the same elevation as the bottom of the infiltration system). The Region is also concerned that groundwater mounding could cause problems with foundations for on-site and off-site buildings. The updated Preliminary Stormwater Management Report must address and evaluate the potential for groundwater mounding.
- c. The Region does not support the use of permeable pavers on private road rights-of-ways for the purpose of stormwater control, because maintenance is critical to the efficacy of this infrastructure. Due to the proposed private ownership of Road One, it is not possible to guarantee that the required maintenance will be completed to prevent clogging of the pavers. The updated Preliminary Stormwater Management Report must provide a breakdown of how much infiltration and runoff are proposed post-development from each source (i.e., permeable pavers, paved surfaces, rooftops, pervious areas, etc.).
- d. It is the Region's understanding that the City of Kitchener generally does not allow infiltration galleries to be constructed within parkland and open space areas that will be conveyed to the City because they require the operational flexibility to install buildings, below-grade structures, etc. on parklands. The presence of an infiltration gallery would prevent them from considering these uses in the future. If the City is not accepting of this proposed location for the rooftop water infiltration system, the proponent

will need to identify an alternative location in an updated Preliminary Stormwater Management Report.

In addition, the following are conditions of draft plan approval:

- a. Large conveyance infiltration facilities will be utilized to infiltrate significant quantities of stormwater. In-situ soil testing must be completed at these locations to confirm the suitability of the soils to receive the proposed volumes of runoff. This testing must be completed and the results presented and discussed in a Final Stormwater Report prior to subdivision registration, to the satisfaction of the Region, City and GRCA.
- b. The developer will be required to enter into an agreement to complete a Final Stormwater Management Plan as a condition of draft plan approval.

The Region generally does not support direct infiltration of runoff from paved surfaces unless required to meet the pre-development infiltration rates. Based on the volumes proposed for infiltration compared to pre-development volumes (to be submitted in an updated Preliminary Stormwater Management Report), the Region might not support some or all of the infiltration from Street One, Kent Avenue and Palmer Avenue that is currently proposed in the Preliminary Stormwater Management Report.

### 3) Salt Management Plan

The Salt Management Plan submitted for the entire subdivision recommends best practices with regards to winter maintenance across the entire site. Individual Salt Management Plans (SMPs) will be required for each subdivision block containing multiple residential and/or commercial and/or employment land uses. The SMPs must indicate that a Smart About Salt-certified contractor will be used for winter maintenance practices. The developer must enter into an agreement to complete the SMP prior to site plan control for each individual block as noted above, to the satisfaction of the Region, as a condition of draft plan approval.

### 4) Other Comments

The proponent will be required to decommission any existing water supply wells that may have previously serviced the previous operations at the site. In addition, any historical septic systems must be removed from the subject property.

Therefore, as conditions of draft approval the proponent will be required to enter into a development agreement to:

- a. provide a letter report documenting the presence of historical wells, and documentation showing proper decommissioning of these wells; and

- b. Remove any historical septic systems from the subject property.

### **Water Services**

In general, comments from water service staff relate to the consistency between reports. For example, Section 5.1 of the Planning Justification Report (PJR) states that "Water supply will be provided through connections to the existing 300mm watermain on Courtland and 150mm watermain on the Borden stub." However, Section 5.1.3 of the Functional Servicing Report (FSR) states that connections will be made to the 300mm on Courtland Ave and the 150mm on Palmer Ave. While providing a water connection under the ION corridor to Borden Ave is not desirable, there is a process in place to do so. If the FSR is the desired approach, an updated PJR will be required prior to draft approval.

Also, Appendix F of the FSR shows the pipe sizes and locations throughout the property. The concept servicing plan shows some pipes with sizes which are not consistent with Appendix F (e.g., proposed watermain connecting to the Palmer stub is shown as 200mm in C-100 the concept servicing plan (C-100, C-101) while Appendix F it is shown as a 300mm). The proponent should make elements like these clear and consistent in C-100 and C-101. An explanation should be provided in the FSR prior to draft approval if pipe sizes are changed since model was completed.

The proponent has not made clear where the watermain connections or the water service connections will be. The PJR states connections will be from Courtland Ave and Borden Ave while the FSR states connections will be from Courtland Ave and Palmer Ave. The PJR should be updated and provided for review prior to draft plan approval.

In addition, the proponent outlines in Section 5.1.4 of the FSR that pressure reducing valves are required. The subject property is located in Kitchener Zone 4 with a static hydraulic grade line of 384 mASL. As a condition of draft approval, any development with a finished road elevation below 327.8 mASL will require individual pressure reducing devices on each water service in accordance with Section B.2.4.7 of the *Design Guidelines and Supplemental Specifications for Municipal Services* for January 2019.

As a condition of draft approval, the proponent will be required to provide an updated concept servicing plan to show individual service connections to the separate blocks/properties and buildings.

With regard to the Architectural Site Plan, the proponent should be aware that according to OBC 3.2.9.7.(4), if a building is 84m or more high, the building shall be serviced by no fewer than two sources of water supply from a public water system.

The Region reserves the right to verify building heights, the number of service connections and to provide final comments in the site plan approval process.

## **Transportation Planning**

### **Regional Road Dedication**

This section of Regional Road 53 (Courtland Avenue East) has a designated road width of 26.213m (86ft) as identified in Schedule 'A' of the ROP. A road widening dedication along the subject property frontage with Courtland Avenue East of approximately 4.0m (13.12ft) will be required along the Courtland Avenue East frontage with the subject property. The road widening dedication along Courtland Avenue East may be reduced where existing buildings, to be retained, will encroach into the 4.0m road widening dedication. The road widening dedication should be reduced to approximately 0.3048m (1ft) from the existing building face where applicable.

This section of Regional Road 66 (Borden Avenue) has a designated road width of 20.00m (65.61ft). No further road widening dedication is required along Borden Avenue. Additionally, daylight triangles are required at the intersection of each existing local municipal road (Vernon Avenue, Palmer Avenue and Borden Avenue) and at each proposed local municipal road (Kent Avenue). Each daylight triangle to be dedicated should measure 7.62m x 7.62m (25ft x 25ft) in size and measured post road widening along Courtland Avenue East. Please ensure that the road widening dedication and daylight triangle dedication are correctly shown on all the Site Plan and Engineering Plans.

The land designated for road widening and daylight triangles must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. The owner/applicant must engage an Ontario Land Surveyor (OLS) to prepare a draft Reference Plan which illustrates the required road widening and daylight triangle dedications. Prior to registering the Reference Plan, the OLS should submit a draft copy of the plan for review by the Transportation Planner. Upon approval by Regional staff, the draft Reference Plan should be deposited and Regional staff will complete the dedication process. The Applicant's Solicitor will prepare the land transfer document and submit the document to the Legal Assistant for registration.

As noted above, an RSC is required for the proposed development. As a result, a Phase I and Phase II Environmental Site Assessment (ESA) will be required for the lands to be dedicated to the Region of Waterloo. If environmental documentation is available for the property and includes the dedication lands, please provide these to Region of Waterloo corridor planning staff for review. The subject property to be dedicated to the Region of Waterloo for road widening purposes should be excluded from the RSC documentation. If the RSC has progressed already and it is not possible to exclude the property please provide any Phase I and II documentation developed for the property.

### **Access Permit/TIS/Access Regulation**

A comprehensive Transportation Impact Study (TIS)/Transportation Demand Study (TDM) has been submitted with the application package. The study, entitled "Former Schneider's Site Transportation Impact Study and Transportation Demand Management Report" completed by Paradigm Transportation Solutions Limited and dated April 2019 has been circulated to Region of Waterloo staff. **Formal comments will be provided under separate cover and revisions to the TIS/TDM may be required.**

Improvements to the Regional Road network recommended in the TIS/TDM (when approved by Region of Waterloo staff) may require the completion of a Functional Plan, Cost Estimate, Legal Agreement and Related Funds (letter of credit, certified cheque or bank draft), all to be implemented under a Region of Waterloo construction project.

A Regional Road Access Permit will be required for the proposed Kent Avenue Municipal Road extension into the subject property. The application form for a Regional Road Access Permit can be found on the Region of Waterloo website <https://www.regionofwaterloo.ca/en/doing-business/applications-licences-and-permits.aspx> and there is a \$230 fee associated with the permit application.

### **Stormwater Management & Site Grading**

Region of Waterloo staff have received a hard copy and electronic copy of the revised "Functional Servicing and Stormwater Management Report" dated March 15, 2019 and completed by WalterFedy. While the Region of Waterloo has no major concerns with the report, **a review of the report is underway by Regional staff and comments will be provided under separate cover.** Prior to draft approval, any concerns identified through this review will need to be addressed prior to draft approval.

Please note that detailed stormwater management briefs/reports and associated Engineering Plans will be required for each individual block directly fronting the Regional Road network in association with future Site Plan applications.

## **Transit Planning**

Grand River Transit (GRT) currently operates Route 6 along this section of Courtland Avenue East, with two existing transit stops directly fronting the proposed development. The proposed development will increase transit ridership in this area and necessitates the upgrading of existing transit facilities. The existing Courtland Avenue East & Kent Avenue intersection will require a concrete shelter pad, transit shelter, and provisions for electrical conduit. GRT staff will require the owner/applicant to provide funds for the transit shelter (\$11,000) and would like to work with the owner/applicant to ensure that a sufficient concrete shelter pad, landing pad and conduit is installed in association with a future Site Plan application. Please make the certified funds payable to the Region of Waterloo.

## **Environmental Noise**

An Environmental Noise and Vibration Feasibility Study completed by RWDI and dated March 25, 2019 has been submitted with the application package. **Region of Waterloo staff have received the study and comments will be provided under separate cover.** Any of the issues and recommendations of this review will need to be addressed prior to draft approval.

Additional draft approval requirements and outstanding items will be identified in these comments (e.g., noise warning clauses, noise attenuation measures).

## **Other**

### *Site Plan Comments*

Each individual block requiring future Site Plan control will be subject to Region of Waterloo review and conditions. This includes a Site Plan review fee of \$805 for each individual Site Plan.

### *Airport Comments*

The proposed development partially lies within the Region of Waterloo Airport International Airport Zoning Regulations (AZR), specifically within the approach surface for Runway 08. The Region of Waterloo International Airport is currently undertaking an update to the AZR, including an analysis of the building height requirements within the approach surface. Based on the information provided, Tower H for the proposed development is the critical tower with a height of 440m ASL, and estimated location of N4809596, E541971. The proposed AZR elevation at this location is 433m ASL. The current AZR is 463.6m ASL. Therefore Tower H is approximately 7m above the

proposed AZR, but 23.6m below the current AZR. Any additional obstacles on this tower would increase the protrusion above the proposed AZR.

The proposed Region of Waterloo International Airport AZR will not be in effect for at least two years. However, we have determined that the current AZR is inadequate for the future development of the airport, which is why the Region of Waterloo is currently updating the AZR with a lower elevation. The airport will consider grandfathering the tower into the Region's AZR if it can be determined that it will not impact instrument approach procedures. This can be completed through an aeronautical assessment by a third party prior to draft plan approval. Conversely, the owner/applicant can wait until the Region of Waterloo completes the updated AZR to determine the exact height limit for the proposed development. We recommend that the developer meet with Regional/Airport staff to discuss development options. **Depending on the outcome, the zoning by-law may need to be amended to specify a different maximum height.**

### **Brownfield Eligibility**

The owner has demolished over 700,000 sq. ft. of industrial space on the subject site and is eligible for a redevelopment allowance in accordance with Regional Development Charge By-law 19-037. We understand the applicant would like to include a draft plan condition to allow for an agreement to allocate redevelopment allowance in an alternate manner as contemplated in Section 4(6) of the By—law. Regional Planning and Finance staff would like to have further discussion with the applicant with respect to the proposed allocation before considering a draft plan condition.

### **Minor and Editorial Suggestions**

Please note that Page 72 of the PJR refers to the amendment bringing forward "appealed language of Section 6.C.2.9 in the 2014 Official Plan". However, the version of the City's official plan on the website does not show these sections as under appeal.

### **Next Steps**

#### *Outstanding Items*

The Region is supportive of the redevelopment of the former Schneiders' site properties, however, there are several items in the reports and studies provided that need to be addressed before the Region can support draft approval. The items which must be addressed prior to draft approval are summarized in the bullet list below:

1. **An updated stormwater management report** is required which addresses or includes the following items (from Pages 7 and 8):

- A pre- and post-development water budget must be presented in terms of m<sup>3</sup>/annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre- and post-development.
- A high water table is present across some portions of the site, to the extent that the proposed infiltration system under Street One will only be 1.2 metres below ground surface (mgs) and only 0.7 m above the high water table. The Region has concerns that, due to the significant amount of infiltration proposed as part of the subdivision, groundwater mounding may occur beneath the infiltration systems which could lead to a potential reduction in the efficacy of the infiltration system itself (if the mounded water table increases to the same elevation as the bottom of the infiltration system). The Region is also concerned that groundwater mounding could cause problems with foundations for on-site and off-site buildings. The updated Preliminary Stormwater Management Report must address and evaluate the potential for groundwater mounding.
- The Region does not support the use of permeable pavers on private road rights-of-ways for the purpose of stormwater control, because maintenance is critical to the efficacy of this infrastructure. Due to the proposed private ownership of Road One, it is not possible to guarantee that the required maintenance will be completed to prevent clogging of the pavers. The updated Preliminary Stormwater Management Report must provide a breakdown of how much infiltration and runoff are proposed post-development from each source (i.e., permeable pavers, paved surfaces, rooftops, pervious areas, etc.).
- It is the Region's understanding that the City of Kitchener generally does not allow infiltration galleries to be constructed within parkland and open space areas that will be conveyed to the City because they require the operational flexibility to install buildings, below-grade structures, etc. on parklands. The presence of an infiltration gallery would prevent them from considering these uses in the future. If the City is not accepting of this proposed location for the rooftop water infiltration system, the proponent will need to identify an alternative location in an updated Preliminary Stormwater Management Report.

**2. An updated PJR and FSR should be submitted to:**

- Ensure consistency between the PJR and the FSR regarding the location and parameters of water supply and service connections to the site (see comments on page 9);



- Show consistency between Appendix F and the concept servicing plans regarding pipe sizes regarding the proposed connection to the Palmer stub (see comments on page 9); and
  - The PJR to reflect the 2019 Growth Plan.
3. Regional staff must complete a review of the stormwater management plan and the site grading plan and provide comments;
  4. Regional staff must complete a review of the Environmental Noise and Vibration Feasibility Study and provide comments;
  5. Discussions between the Owner/Developer and the Airport should occur, or an aeronautical assessment should be undertaken by a third party, which results in an exact height limit to comply with the AZR. Depending upon the outcome, the height limit may need to be built into the amending zoning by-law (see comments on pages 12 and 13); and
  6. Further discussion with the applicant regarding a proposed alternative allocation of regional development charges.

A full list of draft approval conditions can not be provided until the above-items are addressed satisfactorily to the Region. However, preliminary draft approval conditions based on the information provided are included in Attachment 'A'. **These conditions are draft and subject to change.**

As described earlier in this letter, other Regional comments are forthcoming (e.g., regarding the TIS/TDM study, the Functional Servicing and Stormwater Report, and the Environmental Noise and Vibration Feasibility Study) and additional outstanding items and draft approval conditions will be identified at that time.

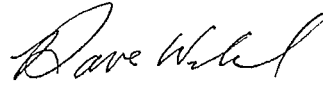
Additionally, the Developer must submit \$5,750 for the Official Plan amendment, payable after City Council adopts the Official Plan amendment by-law.

The Region acknowledges receipt of \$9,115, the fee required for the original submission of a complete plan of Subdivision, and \$1,150 for the associated zoning by-law amendment.

The Developer should also be advised that any future development on the subject lands will be subject to provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in cursive script that reads "Dave Welwood".

David Welwood, MES, MCIP, RPP  
Principal Planner

cc. Kevin Muir, GSP Group

Attachment 'A'

Preliminary Conditions of Draft Approval

1. That prior to final approval of any phase, the Owner/Developer completes a Record of Site Condition (RSC) in accordance with Ontario Regulation 153/04 for all lands within this plan. In the event the RSC is audited, the Regional Municipality of Waterloo must be advised by the Ministry of the Environment, Conservation and Parks that the requirements of an audit, if any, are completed to the satisfaction of the Ministry of the Environment, Conservation and Parks. One (1) copy of the completed RSC and Ministry acknowledgment must be forwarded to the Regional Commissioner of Planning, Development and Legislative Services. Alternatively, prior to final approval the Region shall be advised that a zoning by-law for the property is in effect which includes a Holding provision requiring completion of a Record of Site Condition, acknowledged by the Ministry of the Environment, Conservation and Parks, to the satisfaction of the Region.
2. That the Owner/Developer enter into an agreement with the Region to be registered on title prohibiting the use of geothermal energy systems on the subject lands. Alternatively, this could be addressed through the site specific zoning by-law amendment for the subject lands.
3. That an updated scoped hydrogeological investigation be provided to the satisfaction of the Region, the City and the Grand River Conservation Authority (GRCA) confirming/addressing:
  - o The suitability of the site to use sub-surface infiltration galleries, and which includes the results of continuous water level monitoring (i.e., installation of pressure transducers with data logging capabilities) to confirm the high water table at the site for a year following draft approval.
  - o Groundwater quality data
  - o A during and post-development groundwater monitoring program;
4. That the Owner/Developer enter into an agreement with the Region to ensure the following to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:
  - o All monitoring wells not proposed to be included in the during and post-development groundwatering program shall be decommissioned in accordance with Ontario Regulation 903;

- Upon completion of the during and post-development groundwater monitoring program, all monitoring wells must be decommissioned in accordance with Ontario Regulation 903, as amended, and
  - No buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.
5. That the Owner/Developer provide a Final Stormwater Report to the satisfaction of the Region, the City and the GRCA which includes the result of in-situ soil testing at the location of any large conveyance infiltration facilities to confirm the suitability of the soils to receive the proposed volumes of runoff.
  6. The Owner/Developer will be required to enter into an agreement with the Region to complete a Final Stormwater Management Plan as a condition of draft plan approval.
  7. That the Owner/Developer will be required to enter into an agreement with the Region to provide a letter report documenting the presence of historical wells, and documentation showing the proper decommissioning of these wells; and to remove any historical septic systems from the subject property.
  8. That the Owner/Developer will be required to submit a Salt Management Plan (SMP) for the entire subdivision which recommends best practices with regards to winter maintenance across the entire site. Individual SMPs will be required for each subdivision block containing multiple residential and/or commercial and/or employment land uses. The SMPs must indicate that a Smart About Salt-certified contractor will be used for winter maintenance practices. The Owner/Developer will be required to enter into an agreement to complete the SMPs for each individual block as noted above to the satisfaction of the Region.
  9. That the Owner/Developer will be required to enter into an agreement with the Region to require individual pressure reducing devices on each water service below 327.8 mASL;
  10. That the Owner/Developer will provide an updated concept servicing plan to the satisfaction of the Region, showing individual service connections to the separate blocks/properties and buildings.
  11. That the Owner/Developer provides a Phase 1 and Phase 2 ESA report and dedicates a road widening to the Regional Municipality of Waterloo at no cost or encumbrance to the Region, along the frontage of Regional Road 53 (Courtland Avenue East) with the subject properties (i.e., Blocks 10 and 11).
  12. That the Owner/Developer dedicates daylight triangles to the Region of Waterloo at no cost to the Region, at the intersection of each proposed and existing local municipal roads (Vernon, Palmer, Borden, Kent) with Regional roads. Road

widening dedications and daylight triangle dedications shall be shown on all site plan and engineering drawings.

13. That the Owner/Developer must obtain a Regional Road Access Permit for the proposed Kent Avenue municipal road extension into the subject property;
14. That the Owner provide funds to Grand River Transit for the construction for a new transit shelter, including a concrete shelter pad and provisions for electrical conduit, to be installed as part of site plan control.

DRAFT



Region of Waterloo

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www.regionofwaterloo.ca

**Melissa Mohr**

**File Nos:**

**D18-20/2/19201**

**C14-60/2/19005**

**D17-40/2/19201**

May 23, 2023

Craig Dumart  
Senior Planner  
City of Kitchener  
200 King St. W., PO Box 1118  
Kitchener, ON N2G 4G7

Dear Mr. Dumart,

**Re: Post Circulation Comments  
Draft Plan of Subdivision 30T-19201  
Official Plan OPA 19/01 and Zoning By-law Amendment  
ZBA19/05  
321 Courtland Ave. Developments Inc. (GSP Group Inc)  
263 & 321-325 Courtland Ave E & 230 & 240 Palmer Ave &  
30 Vernon Ave  
City of Kitchener**

The Region has completed its review of the recirculated draft plan of subdivision and the associated proposed Official Plan Amendment and Zone Change applications, and provides the following comments for your consideration.

Original Proposal:

The subject lands are 10.36 hectares in area and are located to the north of Courtland Avenue and west of Borden Avenue and consist of the former Schneider's factory. The lands are also bordered on the west by the Canadian National Railway and on the north by Stirling Avenue South. The lands are within the Mill Station ION Major Transit Station Area (MTSA).

The proponent is proposing to create a mixed-use redevelopment on the former factory site while retaining three existing buildings that formed part of the factory (an office, a garage and a distribution centre). The application for draft plan of subdivision would create seven (7) development blocks accommodating stacked townhouses, mid-rise residential development, high-rise residential, as well as employment and commercial

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Version: 1

land uses. The application also will create a park block and a small block for potential use as a single-detached lot. The draft plan of subdivision is proposed to be developed in three stages.

Current Proposal:

The applicant has proposed a 14 Block Plan of Subdivision on a 10.36 ha parcel of land bordered by Courtland Avenue to the north, Borden Avenue to the East, Stirling Avenue to the West and the Canadian National Railway to the south as follows:

- Block 1: proposed 1.70 ha Mixed Use parcel of land (unknown number of units)
- Block 2: proposed 1.40 ha mixed use parcel of land (528 units)
- Block 3: proposed 0.52 ha Mixed Use parcel of land (159 units)
- Block 4: proposed 1.04 ha High Density Residential parcel of land (555 units)
- Block 5: proposed 1.29 ha High Density Residential parcel of land (980 units)
- Block 6: proposed 0.76 ha High Density Residential parcel of land (328 units)
- Block 7: proposed 0.98 ha High Density Residential parcel of land (570 units)
- Block 8: proposed 0.39 ha Medium Density Residential parcel of land (107 units)
- Block 9: proposed 0.28 ha Medium Density Residential parcel of land (108 units)
- Block 10: proposed 0.06 ha parcel of land with proposed Street Townhouses (3 residential units)
- Block 11: proposed 0.03 ha residential parcel of land
- Block 12: proposed 0.004 ha parcel of land for a road widening
- Block 13: proposed 0.71 ha parcel of land for a public park
- Block 14: proposed 0.12 ha parcel of land for a road widening

These blocks are accessed via Courtland Avenue and an extension from Palmer Avenue, Kent Avenue (running north/south) and a new road called Olde Fashioned Way (running East/West). Olde Fashioned Way connects to Borden Avenue. The applicant has proposed approximately 3,338 residential units within nine (9) blocks along with 19,528.4m<sup>2</sup> of non-residential space and 3,876 vehicular parking spaces within underground parking structures.

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 located in the Mill Major Transit Station Area (MTSA). The subject lands are designated General Industrial with Special Policy Area 9 in the Mill Courtland Woodside Park Neighbourhood Secondary Plan and zoned M-2 with special Regulation 1R and special use provisions 155U and 159 U in Zoning By-law 85-1.

The applicant has proposed an **Official Plan Amendment** to redesignate the property from the General Industrial designation with Special Policy Area 9 to the Mixed- Use Corridor with Special Policy Area 9a, High Density Multiple Residential with Special Policy Area 9b, Low Density Multiple Residential and Neighbourhood Park designations. The applicant has proposed a **Zoning By-law Amendment** to rezone the subject lands from the M-2 Zone with special Regulation 1R and Special Use

Provisions 155U and 159U to the Residential-5 (R-5), Residential -8 (R-8), Residential – 9 (R-9) zone, High Intensity Mixed Use Corridor Zone (MU-3) Zone and Public Park (P1) zone all with special regulations.

## **REGIONAL COMMENTS**

### **Regional Official Plan**

The subject lands are designated “Urban Area” and “Built-Up Area” on Schedule 3a of the Regional Official Plan (ROP) and the site is designated General Industrial in the Mill Courtland Woodside Park Secondary Plan in the City of Kitchener Official Plan. The subject lands are also located within the Mill Major Transit Station Area (MTSA).

#### **Built Up Area Policies:**

The development concept proposes a higher density development that contributes to the achievement of the minimum annual intensification target established for the Built-Up Area of Kitchener of 60%. Section 2.F of the ROP establishes policies to support the achievement of the minimum intensification targets within the delineated Built-Up Area. Growth is directed to the Built Up Area of the Region to make better use of infrastructure that can assist in transitioning the Region into an energy efficient, low carbon community. Furthermore, intensification within the Built-Up Area assists the gradual transition of existing neighbourhoods within the Region into 15-minute neighbourhoods that are compact, well connected places that allow all people of all ages and abilities to access the needs for daily living within 15 minutes by walking, cycling or rolling.

#### **Major Transit Station Area Policies:**

The subject lands are located within the Mill Major Transit Station Area (MTSA). The development contributes to the minimum density target established for the Mill Station MTSA of 160 people and jobs per hectare. As MTSA's are considered Strategic Growth Areas, the Region is supportive of increased density, uses and activity within these areas. Regional staff understand that the development is proposed to contribute to the density target that provides a mix of residential and commercial uses within the Mill Major Transit Station Area.

Development within Major Transit Station Areas is to be transit-supportive with development that prioritizes access to the transit station in accordance with Regional Official Plan Policy 2.D.2.2. Regional staff understand that there are many internal pedestrian walkways proposed on the subject lands that lead to Borden Avenue and Courtland Avenue West. In addition, these connections facilitate additional connections to the Mill ION station. Regional staff encourage the City of Kitchener to consider a maximum parking rate within the site-specific zoning by-law amendment as the development is located within the Mill ION Station area and a reduction in overall parking required on the subject lands will encourage opportunities for walking, cycling and rolling.



Finally, the housing form proposed through these applications include apartment style residential units. The type of housing proposed through this development will provide additional mix of housing form within this area.

### **Employment Land Conversion**

The subject lands are currently designated General Industrial in the City of Kitchener Official Plan. As per policy 2.2.5.9 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), the conversion of lands within employment areas to non-employment uses may be permitted only through a Municipal Comprehensive Review (MCR). Through Regional Official Plan Amendment No. 6 (ROPA 6) (approved by the Ministry of Municipal Affairs and Housing with modifications on April 11, 2023), the Region comprehensively assessed employment land need to 2051 and established the Regional Employment Area designation. The subject lands are not located within the Provincially Significant Employment Zones established through the Growth Plan and are not included within the Regional Employment Area. Based on the above, Regional staff have no objection to the redesignation of these lands to non-employment uses.

In addition, Regional staff understand that the City of Kitchener has undergone a Secondary Plan (Rockway Parts Secondary Plan) exercise for the area around the Mill Station ION Stop. The subject lands are included in the Rockway Parts Secondary Plan, which envisions the subject lands transitioning from an industrial land use to mixed-use higher density residential and commercial uses.

Regional staff is therefore satisfied that the requirement in the PPS and the Growth Plan for a comprehensive review prior to the conversion of the site to non-employment uses has been met.

### **Rail Compatibility**

The subject lands are directly adjacent to a Canadian National Railway Branch line. New development adjacent to branch lines are recommended to be 15m from the railway right-of-way in accordance with the Federation of Canadian Municipalities and the Railway Association of Canada "Guidelines for New Development in Proximity to Railway Operations" (Dialog & J.E. Coulter Associated Limited, May 2013). Regional staff require a signed and stamped compliance letter from a qualified Professional Engineer licensed to practice in the Province of Ontario demonstrating that the proposed development has been designed in accordance with the Federation of Canadian Municipalities and Railway Association of Canada guidelines. The compliance letter shall be required as a condition of draft plan approval and shall be provided to the satisfaction of the Regional Municipality of Waterloo.

### **Record of Site Condition**

The subject property is identified in the Region's Threats Inventory Database as a potentially contaminated site. 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*, a Record of Site Condition (RSC) is

required and can be implemented through a Holding provision. 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. The Holding provision can be lifted in stages as each block is developed.*

Regional staff request that the lands to be dedicated to the Region through road dedication be excluded from the RSC.

### **Hydrogeology and Source Water Protection**

Regional staff have the following comments regarding the Hydrogeological Investigation and the Stormwater Management Report:

#### *Scoped Hydrogeological Investigation*

The following shall be addressed within the Site-Specific Zoning By-law and as a condition of draft approval:

- a. The report did not evaluate the potential for the site to use geothermal energy systems. As a result, the Region shall require a prohibition on geothermal energy systems to be included in the site-specific Zoning By-law Amendment for the entirety of the subject lands. 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.*

- b. The report indicates that groundwater monitoring will occur bi-monthly for water levels for the next year. Continuous water level monitoring (i.e., installation of pressure transducers with data logging capabilities) needs to be completed to confirm the high water table at the site for the next year. This is necessary to confirm the suitability of the site to use sub-surface infiltration galleries. The results of this monitoring will need to be provided in an updated scoped hydrogeological investigation to the satisfaction of the Region, City and the Grand River Conservation Authority (GRCA) as a condition of draft plan approval.
- c. Groundwater quality data was not provided in the report. A minimum of one round of groundwater quality data must be provided in an updated scoped hydrogeological

investigation, to the satisfaction of the Region, City and GRCA, as a condition of draft plan approval.

- d. A during- and post-development groundwater monitoring program was not proposed in the report. This must be submitted in an updated scoped hydrogeological investigation as a condition of draft plan approval.
- e. All monitoring wells not proposed to be included in the during- and post-development groundwater monitoring program must be decommissioned in accordance with O. Reg. 903 (as amended) as a condition of draft plan approval.
- f. Upon completion of the during- and post-development groundwater-monitoring program, all monitoring wells must be decommissioned in accordance with O. Reg. 903 (as amended) as a condition of draft plan approval.
- g. The Region will not support continuous active or passive dewatering around footings, slabs or foundations. If structures are proposed below the water table, waterproof foundation and footing wraps will be required in order to keep those structures dry. As a condition of draft approval, the proponent will need to enter into a development agreement indicating that no buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.

*Preliminary Stormwater Management Report*

The following shall be addressed as a condition of draft plan approval:

- a. A pre-and post-development water budget must be presented in terms of  $m^3$ /annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre- and post-development.
- b. The Region does not support the use of permeable pavers on private road rights-of-ways. This must be reflected in the stormwater management report(s) submitted to the Region as a condition of draft plan approval.
- c. The developer will be required to enter into an agreement to complete a Final Stormwater Management Plan as a condition of draft plan approval.

Please be advised that the Region generally does not support direct infiltration of runoff from paved surfaces unless required to meet the pre-development infiltration rates. Large conveyance infiltration facilities will be utilized to infiltrate significant quantities of stormwater. In-situ soil testing must be completed at these locations to confirm the suitability of the soils to receive the proposed volumes of runoff. This testing must be completed and the results presented and discussed in a Final Stormwater Report prior to subdivision registration, to the satisfaction of the Region, City and GRCA.

*Existing Wells Onsite:*

The proponent will be required to decommission any existing water supply wells that may have previously serviced the previous operations at the site as a condition of draft plan approval.

**Airport Comments**

The proposed development is located within the Region of Waterloo International Airport, Airport Zoning Regulations (AZR) area, and are located under the approach surface of Runway 08. The AZR currently permits an existing maximum elevation of 460.50 m ASL with a maximum height restriction of 136.5m. The Region's proposed AZR proposes a maximum height of 431.0 mASL with a maximum height restriction of 107.0m.

An Aeronautical Assessment was prepared and confirmed that a maximum height limitation of 440m ASL is acceptable at this site. In accordance with the Aeronautical Assessment prepared for this site, **Regional staff recommend that the maximum elevation of 440m ASL be implemented within the site-specific Zoning By-law Amendment.**

As part of the future site plan application, the applicant shall submit the building height information to Nav Canada's land use program

<https://www.navcanada.ca/en/aeronautical-information/land-use-program.aspx>. A

separate land use form is also required for the crane once that information is known.

As part of the future site plan application, the applicant shall submit an Aeronautical Assessment Form if an exemption to the current airport zoning regulations is required for the building or crane, to Transportation Canada. Their website is

<https://tc.canada.ca/en/aviation/general-operating-flight-rules/markings-lighting-obstacles-air-navigation>.

**Transportation Planning**

Subdivision, Official Plan Amendment and Zoning By-law Amendment Stage:

*Environmental Noise:*

The Report assesses traffic noise from Courtland Avenue East and Stirling Avenue South and noise and vibration from Canadian National Railway line in the vicinity of the proposed development.

The development is bound by Stirling Avenue to the west, Courtland Avenue East to the north, Borden Avenue to the east, and the Canadian National (CN) rail line to the south. The proposed development will consist of multiple high-rise residential buildings with three existing buildings to be used for commercial uses, and one restaurant.

With respect to transportation related noise sources, two roadways that have the greatest potential to influence the proposed residential development are Courtland Avenue East to the north, and Stirling Avenue South to the west of the development.

The location of the proposed development in relation to the major roadways is shown in Figure 1 of the report.

This report examines the compatibility of the proposed development with existing environmental sources of sound and vibration. The influence of sound emissions from the proposed development on surrounding sensitive land uses has not been completed in detail as mechanical equipment information is not yet available. The compatibility of sound from the proposed development with surrounding residential land uses will be confirmed at a later development stage once the necessary mechanical information is available.

On-site stationary sources for the development are expected to consist of HVAC related equipment in the roof-top mechanical penthouse as well as exhaust fans. As the design is currently in progress, a detailed assessment of the noise impacts by the development on the surrounding environment is not possible. A detailed Noise Study will be required upon completion of HVAC and mechanical design.

Based on the results staff's review of the Noise and Vibration Feasibility Assessment, the following conclusions have been reached:

#### *Outdoor Living Areas (OLA)*

For the outdoor amenity spaces, calculated road noise levels do not exceed the 55 dBA criteria outlined in Table 1 of the report. Mitigation to reduce outdoor noise levels is not required. Noise levels for the OLA for the multi-residential building will be further reduced due to shielding from the proposed building. Standard balconies of less than 4 metres in depth are proposed for the multi-residential building. Balconies less than 4 metres in depth are not considered an outdoor amenity space and therefore noise control measures are not required.

#### *Indoor Living Areas*

Indoor sound levels are estimated by adjusting levels predicted at the plane of window and accounting for sound attenuation through windows or doors. Sound levels for the façade were predicted at the exterior of the building. A 28 dBA reduction in sound level from the exterior to interior was assumed through a closed window, based on a minimum Ontario Building Code window construction (i.e., double paned 3 mm glass with 13 mm air space).

Provision for central air conditioning to be installed in all units, allowing 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 (MECP).

The owner/developer will be required to enter into a registered agreement with the Regional Municipality of Waterloo for all units and the following warning clauses shall be included in agreements of Offers of Purchase and Sale, lease/rental agreements, condominium declarations.

#### *Noise Warning Clauses*

The following noise warning clauses will be required.

*"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic on Courtland Avenue East and Stirling Avenue South and Canadian National Railway track 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."*

#### All other Buildings

*"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 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. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."*

#### Buildings A & B

*"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation & Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."*

**Warning:** *"Canadian National Railway (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims*

*arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”*

#### *Vibration*

All train pass-bys were found to be less than 0.14 mm/s Root Mean Square (RMS) at 30 metres from the railway. Therefore, impacts at the residences are expected to comply with the Railway Association of Canada (RAC) and CN Rail limits. The 0.14 mm/s limit at 30 metres approximately corresponds to a vibration level of 1.18 mm/s Peak Particle Velocity (PPV) at 15 metres (i.e., the parking garage setback). Thus, impacts at the parking garage are expected to be below the Federal Transportation Authority (FTA) building damage limits. Therefore, no mitigation measures for rail vibration are required.

Ground-borne vibration levels were measured at the approximate location of the proposed residential façade, approximately 30 m from the railway right of way, and were found to be below railway guidelines. Ground-borne vibration levels exceed railway guidelines at the property line.

The following vibration-warning clause shall also be included in the property and tenancy agreements and offers of purchase and sale for the dwelling units closest to the railway to inform the future owners and tenants of the possible vibration excesses.

*“Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit.”*

While Regional staff would also typically require a railway vibration study, we would defer this decision to the appropriate rail authority (see below). Alternatively, should the rail authority not comment on this application, the requirement for a rail vibration study would stand.

*Agente principale/Senior Officer  
Planification et développement communautaires/  
Community Planning and Development  
Affaires juridiques/Law Department  
935, rue de La Gauchetière Ouest  
15e étage  
Montréal (Québec) H3B 2M9  
Téléphone: (514) 399-7844  
Télécopieur: (514) 399-4296  
Cell (514) 919-7844  
Email: [proximity@cn.ca](mailto:proximity@cn.ca) mailto:*

#### *Stationary Noise:*

Regional staff has also reviewed the study's stationary noise component of the noise study. The report's Executive Summary contains broad recommendations including that an acoustical engineer be retained to further review of the noise aspects of the

development once detailed building designs are known, as the current assessment is based on assumptions regarding building configuration and construction.

Given the development will be phased, Regional staff shall require a registered development agreement to ensure a detailed transportation, rail and stationary noise study shall be submitted for each block as a condition of draft plan approval. Furthermore, a subsequent condition shall require the implementation of the findings contained within the studies to the satisfaction of the Regional Municipality of Waterloo and City of Kitchener. The condition of draft plan approval shall be:

THAT prior to final approval, the Owner/Developer shall enter into a Registered Development Agreement with the Regional Municipality of Waterloo to submit a detailed transportation, rail and stationary noise study for each block within the Plan of Subdivision to the satisfaction of the Regional Municipality of Waterloo. The Owner/Developer further agrees to:

- a. Enter into a registered development agreement with the Regional Municipality of Waterloo and/or the City of Kitchener to implement any recommendations and implementation measures for each block to the satisfaction of the Regional Municipality of Waterloo.

*Regional Road Dedication:*

This section of Courtland Avenue East (Regional Road 53) has a designated road width of 26.213m (86ft) as per Schedule 'A' of the Regional Official Plan and a road dedication along Courtland Avenue East of approximately 4.0m (13.12ft) will be required. The road widening dedication along Courtland Avenue East may be reduced where existing buildings, to be retained, will encroach into the 4.0m road widening dedication. The road widening dedication should be reduced to approximately 0.3048m (1ft) from the existing building face where applicable.

This section of Borden Avenue (Regional Road 66) has a designated road width of 20.00m (65.61ft). No further road widening dedication is required along Borden Avenue; however, daylight triangles are required at the intersection of each existing local municipal road (Vernon Avenue, Palmer Avenue and Borden Avenue) and at each proposed local municipal road (Kent Avenue). Each daylight triangle to be dedicated should measure 7.62m x 7.62m (25ft x 25ft) in size and measured post road widening along Courtland Avenue East. Please ensure that the road widening dedication and daylight triangle dedication are correctly shown on all the Site Plan and Engineering Plans. Please ensure that the road widening dedication and daylight triangle dedication are correctly shown on all the Site Plan and Engineering Plans.

The land designated for road widening and daylight triangles must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance.

The land designated for road widening and daylight triangles must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost



and free of encumbrance. The owner/applicant must engage an Ontario Land Surveyor (OLS) to prepare the draft M-Plan, which illustrates the required road widening and daylight triangle dedications. Prior to registering the M-Plan, the OLS must submit a draft copy of the plan for review by the Transportation Planner. Upon approval by Regional staff, the M- Plan should be deposited and Regional staff will complete the dedication process. The applicant's Solicitor will prepare the land transfer document and submit the document to the Legal Assistant for registration.

As noted above, an RSC is required for the proposed development. As a result, a Phase I and Phase II Environmental Site Assessment (ESA) will be required for the lands to be dedicated to the Region of Waterloo. If environmental documentation is available for the property and includes the dedication lands, please provide these to Region of Waterloo corridor planning staff for review. The subject property to be dedicated to the Region of Waterloo for road widening purposes should be excluded from the RSC documentation. If the RSC has progressed already and it is not possible to exclude the property please provide any Phase I and II documentation developed for the property.

Please be advised that the road dedications shall be completed as a condition of draft plan approval.

Furthermore, additional lands for any road/intersection improvements must be dedicated to the Region. These improvements may be identified through the functional design for the road improvements identified through a revised TIS/Safety Analysis, as mentioned in the following comments.

#### *Access Permit/TIS/Access Regulation*

A Revised Transportation Impact Study (TIS) including a Railway Safety Analysis for any LRT/Railway Crossings including the pedestrian pathways/sidewalks is required as a condition of draft plan approval to the satisfaction of the Region of Waterloo.

The TIS recommends a number of improvements to the Regional and Local Municipal Road network including:

- The construction of a two way left turn lane on Regional Road 53 (Courtland Avenue East) between Borden Avenue (Regional Road 66) and Vernon Avenue.
- A new traffic control signal at the Courtland Avenue East and Kent Avenue intersection.

Improvements to the Regional Road network recommended in the TIS/TDM (when approved by Region of Waterloo staff) may require the completion of a Functional Plan, Cost Estimate, Legal Agreement and Related Funds (letter of credit, certified cheque or bank draft), to the satisfaction of the Regional Municipality of Waterloo.

In addition, a Regional Road Access Permit will be required for the proposed Kent Avenue Municipal Road extension into the subject property. The application form for a Regional Road Access Permit can be found on the Region of Waterloo website

<https://www.regionofwaterloo.ca/en/doing-business/applications-licences-and-permits.aspx> and there is a \$230 fee associated with the permit application.

#### *Stormwater Management & Site Grading*

A detailed Stormwater Management Report shall be required as a condition of draft plan approval for each block within the plan of subdivision.

#### *Transit Planning*

Grand River Transit (GRT) currently operates Route 6 along this section of Courtland Avenue East, with two existing transit stops directly fronting the proposed development. The proposed development will increase transit ridership in this area and necessitates the upgrading of existing transit facilities. The existing Courtland Avenue East & Kent Avenue intersection will require a concrete shelter pad (4.5m x 2.3m in size), transit shelter, and provisions for electrical conduit. GRT staff will require the owner/applicant to provide funds for the transit shelter (\$12,000). To ensure the upgraded transit facilities are implemented through a future site plan application, the Region shall require the following condition of draft plan approval:

- THAT prior to final approval, the Owner/Developer shall provide funds to Grand River Transit for the construction for a new transit shelter, including a concrete shelter pad and provisions for electrical conduit.

#### *GRT Requirements at Site Plan Stage:*

The existing stop #2718, described above, should be identified on the "Overall Site Plan" and any other relevant plans, when formally submitted for approval. No improvements are planned for this stop at this time. If as part of this development, the location of the existing concrete landing pad is altered in any way, the applicant will be required to reinstall a concrete transit landing pad of 9.5m x 2m in size (or the full boulevard depth to the sidewalk) at the approximate location of the existing stop but no closer than 20m from the Palmer Avenue intersection.

As discussed above, the revised location of the trail, exiting the subject property at Borden Ave. /Grenville Ave. shall be moved completely off of the Canadian National (CN) right of way and relocated onto the subject lands. The trail must be identified on the "Overall Site Plan" and any other relevant plans when formally submitted for approval. Regional staff are available to meet with the applicant to discuss the required safety improvements for the trail crossing of the LRT tracks, and the associated costs, prior to the applicant's submission for Site Plan Approval.

Additionally, the recirculated plan of subdivision has increased residential density on the subject property, and proposed mixed-use office on a block previously identified as 'future development'. This proposal now warrants a north bound GRT Stop for Route 6 on Courtland Ave E. on the other lands owned by the applicant legally described as Plan 404 Part Lots 9 and 10, RP58R-3650, Part 4. The applicant should be made

aware that when this additional land is developed, transit stop infrastructure may be required as part of that development application.

*Servicing/Work Permit/Municipal Consent:*

Any new servicing/update to the existing services/ removal of the existing servicing within the Regional right-of-way will require approval through a separate process of Municipal Consent.

A Regional Road Work Permit must be obtained prior to start of any work within the Regional right-of-way.

Site Plan Application Stage:

*Application Fees:*

Each individual block requiring future Site Plan control will be subject to Region of Waterloo review and conditions. This includes a Site Plan review fee of \$805 for each individual Site Plan.

**Housing Affordability**

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 and is pleased to see this development incorporating 135 units at an 80% of market rate level of affordability. Should this development application move forward, staff recommend that the applicant consider providing a number of affordable (as defined in the Regional Official Plan) housing units on the site as well. 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	\$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.

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	\$1,470
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$950 1-Bedroom: \$1,134 2-Bedroom: \$1,356 3-Bedroom: \$1,538 4+ Bedroom: \$3,997

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

In order for a rental unit to be deemed affordable, the average rent for the proposed units which have fewer than 3 bedrooms must be at or below the average market rent in the regional market area as shown above. For proposed units with three or more bedrooms, the average rent for the units must be below \$1,470.

**Conclusions:**

The Region has no objection to the above noted applications subject to the implementation of the following regulation, holding provision, prohibition and attached conditions of draft plan approval:

1. Regional staff recommend that the maximum height of 440m ASL be implemented within the site-specific Zoning By-law Amendment.
2. 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. The holding provision can be lifted in stages as each block is developed.

And that the following prohibition be included in the Zoning By-law:

1. 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.

In addition to the above, please be advised that any future development on the subject lands will be subject to provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Melissa Mohr, MCIP, RPP  
Senior Planner

cc. Chris Pidgeon, GSP Group, Heather Price, GSP Group

## Attachment 'A'

### Conditions of Draft Approval

1. THAT prior to final approval, the Owner/Developer submit an updated scoped hydrogeological investigation be provided to the satisfaction of the Region, the City and the Grand River Conservation Authority (GRCA) confirming/addressing:
  - a. The suitability of the site to use sub-surface infiltration galleries, and which includes the results of continuous water level monitoring (i.e., installation of pressure transducers with data logging capabilities) to confirm the high water table at the site for a year following draft approval.
  - b. Groundwater quality data
  - c. A during and post-development groundwater monitoring program;
  
2. THAT prior to final approval, the Owner/Developer enter into an agreement with the Region to ensure the following to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:
  - a. All monitoring wells not proposed to be included in the during and post-development ground watering program shall be decommissioned in accordance with Ontario Regulation 903;
  - b. Upon completion of the during and post-development groundwater monitoring program, all monitoring wells must be decommissioned in accordance with Ontario Regulation 903, as amended, and
  - c. No buildings will be constructed that will utilize active or passive dewatering mechanisms to keep below-grade structures dry.
  
3. THAT prior to final approval, the Owner/Developer provide a Final Stormwater Report for each block to the satisfaction of the Region, the City and the GRCA, which includes the result of in-situ soil testing at the location of any large conveyance infiltration facilities to confirm the suitability of the soils to receive the proposed volumes of runoff. In addition, the following shall be addressed to the satisfaction of the Regional Municipality of Waterloo:
  - a. A pre-and post-development water budget must be presented in terms of m<sup>3</sup>/annum. A detailed breakdown must be included to show the different components of evapotranspiration (ET), runoff and infiltration for both pre- and post-development.
  - b. The Region does not support the use of permeable pavers on private road rights-of-ways. This must be reflected in the stormwater management report(s) submitted to the Region as a condition of draft plan approval.

4. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to complete a Stormwater Management Plan for each block to the satisfaction of the Regional Municipality of Waterloo;
5. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to provide a letter report documenting the presence of historical wells, and documentation showing the proper decommissioning of these wells to the satisfaction of the Regional Municipality of Waterloo;
6. THAT prior to final approval, the Owner/Developer will be required to enter into an agreement with the Region to require individual pressure reducing devices on each water service below 327.8 mASL;
7. THAT prior to final approval, the Owner/Developer will provide an updated concept servicing plan to the satisfaction of the Region, showing individual service connections to the separate blocks/properties and buildings;
8. THAT prior to final approval, the Owner/Developer shall submit a Revised Transportation Impact Study including a Railway Safety Analysis for any LRT/Railway Crossings including the pedestrian pathways/sidewalks to the satisfaction of the Region of Waterloo;
9. THAT prior to final approval, the Owner/Developer provides a Phase 1 and Phase 2 ESA report and dedicates a road widening to the Regional Municipality of Waterloo at no cost or encumbrance to the Region, along the frontage of Regional Road 53 (Courtland Avenue East) all to the satisfaction of the Regional Municipality of Waterloo;
10. THAT prior to final approval, the Owner/Developer dedicates the daylight triangles measured 7.62m x 7.62m (25ft x 25ft) post any road widenings to the Region of Waterloo at no cost to the Region, at the intersection of each proposed and existing local municipal roads (Vernon, Palmer, Borden, Kent) with Regional roads;
11. THAT prior to final approval, the Owner/Developer must obtain a Regional Road Access Permit for the proposed Kent Avenue municipal road extension into the subject property and connection of Olde Fashioned Way to Borden Avenue to the satisfaction of the Regional Municipality of Waterloo;
12. THAT prior to final approval, the Owner/Developer will be required to enter into a development agreement with the Regional Municipality of Waterloo for all units and the following warning clauses shall be included in agreements of Offers of Purchase and Sale, lease/rental agreements and any future condominium declaration(s):

The following noise warning clauses will be required for all units:

*"Purchasers/tenants are advised that sound levels due to increasing road and rail traffic on Courtland Avenue East and Stirling Avenue South and Canadian National Railway track 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."*

*"Purchasers/tenants are advised that due to the proximity of this dwelling to the nearby railway tracks, vibration from rail pass-bys may occasionally be perceptible within this unit."*

*"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 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. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MECP Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."*

**Buildings A & B**

*"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment, Conservation & Parks. The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."*

**Warning:** *"Canadian National Railway (CNR) or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alteration to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*



13. That prior to final approval, the Owner/Developer shall provide a Functional Plan, Cost Estimate, Legal Agreement and Related Funds (letter of credit, certified cheque or bank draft) for any improvements to the Regional Road network, all to the satisfaction of the Regional Municipality of Waterloo including:
  - a. That prior to final approval, the Region has the necessary physical and financial resources to construct all required road improvements; and,
  - b. That the above be fulfilled to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
14. THAT prior to final approval, the Owner/Developer provide funds to Grand River Transit for the construction for a new transit shelter, including a concrete shelter pad and provisions for electrical conduit; and,
15. THAT prior to final approval, the Owner/Developer shall provide a compliance letter from a qualified Professional Engineer licensed to practice in the Province of Ontario to demonstrate that the proposed development is in accordance with the Federation of Canadian Municipalities and the Railway Association of Canada "Guidelines for New Development in Proximity to Railway Operations" (Dialog & J.E. Coulter Associated Limited, May 2013), to the satisfaction of the Regional Municipality of Waterloo, and in consultation with the Canadian National Railway (CN) and that any required mitigation measures through this report and any completed noise studies will be secured through an agreement and/or conditions of draft approval.
16. THAT prior to final approval, the Owner/Developer shall enter into a Registered Development Agreement with the Regional Municipality of Waterloo to submit a detailed transportation, rail and stationary noise study for each block within the Plan of Subdivision to the satisfaction of the Regional Municipality of Waterloo. The Owner/Developer further agrees to:
  - a. enter into a registered development agreement with the Regional Municipality of Waterloo and/or the City of Kitchener to implement any recommendations and implementation measures for each block to the satisfaction of the Regional Municipality of Waterloo.