



PLANNING, DEVELOPMENT
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Community Planning

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VIA EMAIL

June 5, 2023

Marilyn Mills
Secretary-Treasurer
Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

Dear Ms. Mills:

**Re: Comments for Consent Applications B2023-005 and B2023-006
Committee of Adjustment Hearing April 18, 2023
CITY OF KITCHENER**

B2023-021

46 Second Ave.

Douglas Coulter and Lisa Aubin (Boban Jokanovic, Bobicon Ltd.)

The purpose of the application is to sever the existing lot into two parcels for development of a detached duplex dwelling on each of the two lots.

Environmental Noise Study

The location of the subject lands is in close proximity to Conestoga Parkway (HWY 7/8 & on-off ramp (within 100m). Despite the existing noise barriers along the highway, the proposed dwellings are anticipated to be exposed to traffic noise on Highway 7/8. It is anticipated that due to the close proximity of the highway and the exposure to the highway ramps, the proposed dwellings will require noise mitigation such as, but not limited to, the installation of air-conditioning and other special building components.

The following conditions should be secured through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

- The dwelling will be fitted with a forced air-ducted heating system suitably sized and designed with provision for the installation of central air conditioning in future at the occupant's discretion.
- The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:

“The purchasers/tenants are advised that this dwelling has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium-density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of Environment, Conservation and Parks (MECP).”

“Purchaser/tenants are advised that sound levels due to increasing transportation noise on Conestoga Parkway (Highway 7/8) may, on occasions, interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MOECP).”

Alternatively, the applicant may choose to undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Airport Zoning Regulations (Advisory Comments)

Although there are no specific concerns for the proposed development from an airport perspective, the owners are advised that the subject lands are within the Airport Zoning Regulated area (AZR), specifically located under the airport take-off/approach runway flight path, and are subject to all provisions of the AZR. Residents may be subject to noise and presence from flying aircraft.

Source Water Protection

For information, the property is designated Wellhead Protection Sensitivity Area 8 on Map 6a of the Regional Official Plan (ROP). The purpose of this designation and corresponding policies in Chapter 8 of the ROP, is to protect the Region's long term municipal groundwater supplies. No action is required by the applicant.

Regional Fee

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

The Region has no objection to the proposed application, subject to the following conditions:

- 1) The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.
- 2) The owner/applicant enter into a registered agreement with the City of Kitchener to provide the following:

That for both the severed and retained lands:

- a) The dwelling(s) will be fitted with a forced air-ducted heating system suitably sized and designed with provision for the installation of central air conditioning in future at the occupant's discretion.
- b) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:

"The purchasers/tenants are advised that this dwelling has been designed with the provision of adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium-density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of Environment, Conservation and Parks (MECP)."

"Purchaser/tenants are advised that sound levels due to increasing transportation noise on Conestoga Parkway (Highway 7/8) may, on occasions, interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MOECP)."

- c) That as an alternative to a) and b) above, the owner/applicant agrees to complete a road traffic noise study to the satisfaction of the City of Kitchener, in consultation with the Region of Waterloo, and to amend this agreement to implement the recommendations of the accepted noise study.

**B2023-022
228 Connaught Street
Paul Restivo (Kate Wills, MHBC Planning)**

The purpose of the application is to sever the western portion of the property in order to create one (1) new lot for single-detached dwelling in addition to the existing lot (dwelling to remain).

Airport Zoning Regulations (Advisory Comments)

Although there are no specific concerns for the proposed development from an airport perspective, the owners are advised that the subject lands are within the Airport Zoning Regulated area (AZR), specifically located under the airport take-off/approach runway flight path, and are subject to all provisions of the AZR. Residents may be subject to noise and presence from flying aircraft.

Source Water Protection

For information, the property is designated Wellhead Protection Sensitivity Area 8 on Map 6a of the Regional Official Plan (ROP). The purpose of this designation and corresponding policies in Chapter 8 of the ROP, is to protect the Region's long term municipal groundwater supplies. No action is required by the applicant.

Regional Fee

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

The Region has no objection to the proposed application, subject to the following condition:

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

B2023-023 and B2023-024

180 Zeller Drive

Ibrahim Hussein Abouzeid and Alicia Sabourin (Arcadis IBI Group, Victor Labreche)

The purpose of the applications are to create 2 new lots (2 severed and 1 retained) for single detached dwellings. The existing dwelling on the property will be demolished to make way for a dwelling on each of the severed and retained lots (3 new dwellings in total).

Airport Zoning Regulations (Advisory Comments)

Although there are no specific concerns for the proposed development from an airport perspective, the applicants are advised that the lands are within the Airport Zoning Regulated area (AZR) and that there is only 23.5m above ground at this location. If a crane above this height is required for the construction, an AZR exemption will be required through Transport Canada (and that such exemption application must include an Aeronautical Assessment showing that there are no impacts to the instrument approach procedures for the Airport).

The applicants are further advised that the subject lands are subject to all provisions of Airport Zoning; and that the residents would be exposed to the presence and noise from flying aircraft. For further information on the above, the applicants may be directed to:

Jordan Vander Veen, P. Eng.
Senior Engineer, Region of Waterloo International Airport
Phone 519-648-2256 Ext 8514 Email: jvanderveen@regionofwaterloo.ca

Flight Path Advisory

As noted above, this development is in proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport. The applicants will be required to enter into a registered agreement with the Region of Waterloo to inform potential purchasers and residents/tenants of this flight path and that aircraft noise and directional lighting along this flight path may cause concern to some individuals. Wording of this advisory is set out below.

Source Water Protection

The property is designated Wellhead Protection Sensitivity Area 5 on Map 6a of the Regional Official Plan (ROP). The purpose of this designation and corresponding policies in Chapter 8 of the ROP, is to protect the Region's long term municipal groundwater supplies. Any proposed use of geothermal energy systems within this designation is subject to further study in accordance to Policy 8.A.4 of the ROP. The owner/applicant will be required to enter into an agreement with the Regional Municipality of Waterloo to provide for implementation of such study, or to prohibit the use of geothermal energy systems.

Environmental Planning

The property is adjacent to a Core Environmental Feature (Significant Woodland), however, there is an existing City-owned trail and associated right-of-way that separates the subject lands from the Core Environmental Feature by the minimum required buffer width of 10m. As such, there are no requirements related to the proposal to further divide the property to accommodate additional residential units.

Regional Fee

The Region acknowledges receipt of the required consent review fee of \$350.00 received May 26, 2023.

The Region has no objection to the proposed application, subject to the following conditions:

- 1) The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.
- 2) The owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo for the severed and retained lands, to provide for the

following, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:

To include the following warning clause on all offers to purchase and/or rental agreements for all residential dwellings on the severed and retained lands:

“Prospective purchasers and tenants are advised that all lots and blocks in this plan of subdivision are located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport and that aircraft noise and directional lighting along this flight path may cause concern to some individuals”.

- 3a) That the owner/applicant complete the appropriate study(ies) in accordance with Policy 8.A.4 of the Regional Official Plan for the severed and retained lands should geothermal energy systems be proposed for this development, and to enter into a registered agreement with the Regional Municipality of Waterloo to provide for implementation of the Study(ies), all to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services; or
- b) That the owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo for the severed and retained lands, to prohibit the use of geothermal energy systems on the lands, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.

General Comments

Any future development on the lands subject to the above-noted consent application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Please accept this letter as our request for a copy of the staff reports, decisions and minutes pertaining to each of the consent applications noted above. Should you require Regional staff to be in attendance at the meeting or have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Shilling Yip, MCIP, RPP
Senior Planner

cc. Joginder Bhatia, Region Corridor Planning