



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning

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File: C14-60/
July 19, 2023

Tim Seyler
Planner
City of Kitchener
City Hall, P.O. Box 1118
200 King Street West
Kitchener, ON N2G 4G7

Dear Mr. Seyler:

Re: **Removal of Holding Provision – 15H**
Activa Holdings
495 Huron Road
City of Kitchener

In accordance with By-law No. 17-035 of the Regional Municipality of Waterloo, please accept the following recommendation regarding the above-noted application on behalf of the Council of the Regional Municipality of Waterloo.

The applicant has submitted a request to lift the holding provision for the site. Holding Provision 15H is as follows:

Within the lands zoned MIX-3 and shown as affected by this provision on Zoning Grid Schedule 152 of Appendix A, *residential uses, place of worship, day care facility, adult education school, commercial school, post-secondary school, or secondary school* shall not be permitted until such time as:

- a) A Land Use Compatibility Study addressing the compatibility with the lands in the vicinity zoned EMP-4, has been prepared to the satisfaction of the *Region*, and has been approved by the *Region*; and,
- b) A Road Traffic Noise Study has been prepared to the satisfaction of the *Region*, and has been approved by the *Region*; and,
- c) The holding provision affecting these lands has been removed by By-law.

In addressing (a) and (b) above, the applicant submitted a noise study entitled, "Proposed Avida Huron (B2 Lands) Development-Huron Road & Strasburg Road Kitchener Ontario-Noise Impact Study, Final Report" (Stantec, June 22, 2022), which assessed both road traffic and stationary noise sources. Regional staff reviewed and accepted this report in a letter dated January 19, 2023 (letter attached for your reference).

With respect to land use compatibility, staff notes stationary noise was the only issue to be addressed.

The development will require various noise control measures, including design of the building/units with the provision of air conditioning; and noise warning clauses for all residential units proposed in order to achieve the noise level objectives of NPC-300.

Implementation

The accepted study recommends are to be implemented through a registered agreement with the City of Kitchener, to be secured through future Planning Act application(s). Staff understands the applicant has recently submitted a consent application to sever the lands, in which case the agreement can be secured through this process.

Based on the above, the Region has **no objection** to the removal of Holding Provision 15H at this time.

Regional staff acknowledge arrangement has been made, acceptable to Regional staff, for the required Zoning By-law Amendment fee of \$3,000.00.

Should you have any questions, please do not hesitate to contact Shilling Yip, Senior Planner, at syip@regionofwaterloo.ca.

Yours truly,



Brenna MacKinnon, MCIP, RPP
Manager, Development Planning

cc. Tim Seyler, City of Kitchener
Rachel Wolff, MHBC Planning



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January 19, 2023

Frank Babic P. Eng.
C/O Stantec Consulting Limited
400-2100 Derry Road West
Mississauga, ON L5N 0B3

File No.: D22-20/04 URBAN
495 Huron Road
Activa Huron B2 Lands

Dear Engineer:

Re: Noise Study Acceptance Letter: 495 Huron Road SP 22 128 H TS (Activa Huron B2 Lands), Kitchener, Ontario,

Regional staff have reviewed the detailed noise study entitled "Proposed Activa Huron (B2 Lands) Development-Huron Road & Strasburg Road Kitchener Ontario-Noise Impact Study FINAL REPORT" dated June 22, 2022, as prepared by Stantec ([DOCS ADMIN-#42320323](#)).

The current Holding Provision 15H on the subject lands requires a Stationary Noise Study to be completed. This report has been prepared to support the Site Plan application SP 22/128/H/TS for the proposed residential development. This report has assessed the transportation noise from Huron Road and stationary noise from the nearby industrial and commercial land uses.

The report concluded that various noise control measures, i.e. provision of air conditioning, installation of central air conditioning, special building components and various noise warning clauses, will be required for the transportation noise from Huron Road.

The above noise study has been prepared to assess the noise attenuation measures required to address transportation noise from Huron Road (a municipal street). No other transportation noise (road/railway/air traffic) sources have been identified which would have any impacts on the proposed noise-sensitive development.

The Region of Waterloo provided the 2020 Annual Average Daily Traffic (AADT) and a forecasted 2030 AADT count for Huron Road, as used in the report.

Transportation Noise:

It is determined that the proposed development would require various noise control measures, such as designing the building/units with the provision of air conditioning; and the noise warning clauses for all residential units proposed in the development.

Document Number: 4232510

All common amenity areas (OLAs) located west of the proposed building are assessed in the report, and it is concluded that a noise warning clause type A will be required for all the dwelling units as an attenuation measure.

The study has recommended that the acoustic assessment should be updated and the STC rating values should be reviewed once the final design and architectural drawings are available.

Stationary Noise:

Staff has reviewed the stationary noise component of the report. The lands are being developed as a mixed-use site containing a residential component and a commercial component.

The study identified a number of off-site stationary noise sources, including rooftop HVAC equipment, rooftop exhaust stacks and fans, noise from truck movements at Weber Supply, and freight & towing trucks from Becker Bros. Towing. The modelled results indicate that predicted noise levels at residential points of reception on the subject property are below the MECP NPC-300 guideline noise level criteria for the daytime, evening and nighttime periods for a Class 2 acoustical environment. The study assumed the daytime results are also representative of the evening hours. The modelled results are shown in Figures 4 and 5 in Appendix A for the daytime and nighttime periods, respectively. The off-site assessment results are acceptable to staff.

Regarding the impact of on-site stationary noise sources on the residential component of this site, the study anticipates that on-site noise sources will have an insignificant impact on sensitive receptors. It notes if large outdoor mechanical equipment such as rooftop chillers or air makeup units are required, an additional noise assessment will be required. It also notes in Section 7.3 Noise Control Requirements for On-site Stationary Noise Sources (p. 13), that detailed design of the mechanical equipment for the self-storage and Activa design studio has not yet been determined and that any outdoor mechanical equipment such as rooftop chillers or air makeup units to service the commercial buildings be designed to have a noise impact of less than 35 dBA at on-site residential points of reception. City staff should ensure this requirement is addressed at building design.

Although the study concludes in Section 8.3 Stationary Noise Impact (p. 14) that no mitigation or warning clauses are required, Region staff recommends the inclusion of a warning clause for the residential component of the development, to advise residents of potential noise concerns due to surrounding commercial uses. Such warning clause to be secured in an agreement with the City of Kitchener (where possible under the Planning Act), and that it be included in all offer to purchase and/or rental agreements. The proposed wording is as follows:

"Purchasers/tenants are advised that due to the proximity of the adjacent commercial facilities, noise from these facilities may at times be audible".

The City of Kitchener must ensure that the subject development is constructed as per recommendations of the noise study so that no retrofit is required at a later application stage, e.g. Consent / Plan of Condominium stage.

The study is acceptable with the below-mentioned conditions to be secured through a registered agreement with the City and be implemented at future Consent and Plan of Condominium application(s), as may be required for the subject development:

A) The developer agrees to implement the recommendations of the report "Proposed Activa Huron (B2 Lands) Development-Huron Road & Strasburg Road Kitchener Ontario-Noise Impact Study FINAL REPORT" dated June 22, 2022, as prepared by Stantec Consulting Limited further agrees that:

Proposed Building (ALL DWELLING UNITS):

(1) East and West Facades:

- I. The dwelling/building will be installed forced air-ducted heating and ventilation system suitable sized and designed for the provision of installation of central air conditioning at the occupant's discretion.
- II. The following Noise Warning Clauses will be required to be included on all offers of purchase, deeds and rental agreements for the building:

NOISE WARNING TYPE C:

"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 in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks."

(2) South Facade:

- I. The dwelling/building will be installed forced air-ducted heating and ventilation system suitable sized, designed and installed with a central air conditioning system prior to occupancy.

- II. The building/units will be designed and installed with special building components with a minimum STC Rating of 29.
- III. The following Noise Warning Clauses will be required to be included on all offers of purchase, deeds and rental agreements for the building:

NOISE WARNING TYPE D:

"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 .sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks."

(3) North and East Façade:

The following Noise Warning Clauses will be required to be included on all offers of purchase, deeds and rental agreements for the building:

Warning: "Purchasers/tenants are advised that due to the proximity of the adjacent industrial and commercial facilities, noise from these facilities may at times be audible".

(4) North Façade:

The building/units must be in compliance with Ontario Building Code requirements.

(5) Residential Building (ALL DWELLING UNITS):

The following Noise Warning Clauses will be required to be included on all offers of purchase, deeds and rental agreements for the building:

NOISE WARNING TYPE A:

"Purchasers/tenants are advised that sound levels due to increasing road traffic on Huron Road may occasionally 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 and Parks."

- (6) The acoustic assessment will be updated, and the STC Rating values will be reviewed once the final design and the architectural drawings are available.
- (7) Outdoor mechanical equipment such as rooftop chillers or air makeup units for the proposed commercial buildings, i.e. Commercial Units and Activa Design

Studio, will be designed to have a noise impact of less than 35dBA at any residential unit(s) on the proposed residential building.

Implementation:

That prior to the issuance of any building permits, the City of Kitchener's Building Inspector will certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the City of Kitchener's Building Inspector will certify that the dwelling units have been constructed accordingly.

Yours Truly,



Joginder Bhatia
Transportation Planner
(226) 753-0368

CC:

Shilling Yip, Region of Waterloo

Tim Seyler, City of Kitchener