



PLANNING, DEVELOPMENT
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Community Planning

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VIA EMAIL

July 31, 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 B2023-027 thru B2023-034
Committee of Adjustment Hearing August 15, 2023
CITY OF KITCHENER**

**B2023-027
100 & 116 Hoffman St
Immanuel Pentecostal Church of Kitchener**

The purpose of the application is to sever the existing residence (severed 116 Hoffman) from the existing institutional/church (retained 100 Hoffman) into two separate parcels.

Corridor Planning

The existing uses on the severed and retained lands are considered sensitive uses under the MECP NPC-300 noise guidelines and the Region's noise guidelines. These noise sources include road traffic and stationary noise from adjacent rooftop mechanical/HVAC systems. Regional staff is recommending a noise warning clause be included in a registered agreement between the City and the applicant, to advise purchasers and tenants of potential noise concerns.

The following noise warning clause is recommended on the severed and retained parcels,

Purchaser/tenants are advised that sound levels due to increasing road traffic on the municipal street system and any potential stationary noise sources in the vicinity, e.g. rooftop mechanical equipment, may on occasion interfere with some activities of the occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP).”

Alternatively, the owner may undertake and implement a detailed environmental (transportation & stationary) noise study and implement the same through a registered agreement with the City.

Airport Zoning (Advisory Comments)

The applicant must be advised that the subject lands are located within the airport zoning-regulated area and specifically under the runway take-off approach surface. Therefore, the lands and the proposed development are subject to all provisions and restrictions of Airport Zoning regulations and Nav Canada.

For further information in this regard, please contact:

Jordan Vander Veen, Project Manager, Airport Construction and Development

519.648.2256 ext. 8514 Email: jvanderveen@regionofwaterloo.ca

Source Water Protection

For information, the property is designated a Wellhead Protection Sensitivity Area 7 & 8 on Map 6a in the Regional Official Plan (ROP). The purpose of this designation and the corresponding policies in Chapter 8 of the ROP is to protect long term municipal groundwater supplies.

Notice of Source Protection Plan Compliance (Section 59 Notice)

As the subject lands are also located in a Source Protection Area where Grand River Source Protection Plan policies implemented by the Region of Waterloo apply. Per s. 59 of the *Clean Water Act, 2006* a Notice of Source Protection Plan Compliance is required as part of a complete application submission.

To apply for a Notice of Source Protection Plan Compliance (Section 59 Notice) the owner/applicant must complete the questionnaire at <https://taps.regionofwaterloo.ca/> listing all applicable activities prescribed under the Clean Water Act related to the application. A Notice will only be considered valid if the following criteria are met;

- Applicant has signed the Notice;
- Address and application type on the Notice match the rest of the application; and
- All activities related to the proposed application are listed in Schedule 1.

Invalid Notices will not be accepted, and may result in delayed approvals.

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 must submit a valid Notice of Source Protection Plan Compliance (section 59 notice) as per the *Clean Water Act, 2006*.
- 3) The owner/applicant enter into a registered agreement with the City of Kitchener to provide that the following noise warning clause be included in all offers to purchase and/or rental agreements for the severed and retained lands,

“Purchaser/tenants are advised that sound levels due to increasing road traffic on the municipal street system and any potential stationary noise sources in the vicinity, e.g. rooftop mechanical equipment, may on occasion interfere with some activities of the occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation & Parks (MECP).”

B2023-028

47 & 51 Pequegnat Ave

Scott Moody (Scott Patterson, Patterson Planning Consultants)

The purpose of the application is to create 2 lots (1 severed, 1 retained). The lands contain two detached dwellings on parcels that have merged. The intent is to create separate lots for each dwelling.

Environmental Noise

The subject lots are within close proximity of Frederick Street (RR #06). However, there are intervening buildings that minimize the exposure to road traffic; therefore, transportation noise is not expected to be of concern.

Regional Fee

Regional staff acknowledge receipt of the required consent application review fee received July 10, 2023.

The Region has no objection to the proposed application.

B2023-029
15 Ellen St W
Marcus & Lisa Shantz

The purpose of the application is to provide a 352.9 sq m lot addition to the adjacent property to the east at 11 Ellen St W. The retained lot contains an existing dwelling and a 3-car garage. The garage will be demolished to provide for the lot addition, and a new garage constructed on the retained parcel.

Environmental Noise

The subject lots are within close proximity of Queen Street North (a municipal street). However, there are intervening buildings which minimize the exposure to road traffic; therefore, transportation noise is not expected to be of concern. Considering the extent of the application just for adding a lot addition to the adjacent property without any proposed development, there are no requirements for the above application regarding the transportation noise.

Notice of Source Protection Plan Compliance (Section 59 Notice)

As the subject lands are also located in a Source Protection Area where Grand River Source Protection Plan policies implemented by the Region of Waterloo apply. Per s. 59 of the *Clean Water Act, 2006* a Notice of Source Protection Plan Compliance is required as part of a complete application submission.

To apply for a Notice of Source Protection Plan Compliance (Section 59 Notice) the owner/applicant must complete the questionnaire at <https://taps.regionofwaterloo.ca/> listing all applicable activities prescribed under the Clean Water Act related to the application. A Notice will only be considered valid if the following criteria are met;

- Applicant has signed the Notice;
- Address and application type on the Notice match the rest of the application; and
- All activities related to the proposed application are listed in Schedule 1.

Invalid Notices will not be accepted, and may result in delayed approvals.

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 must submit a valid Notice of Source Protection Plan Compliance (section 59 notice) as per the *Clean Water Act, 2006*.

B2023-030

83 Victoria St N

KW Working Centre for the Unemployed (Chris Pidgeon, GSP Group)

The purpose of the application is to sever a 173.6 sq m lot to recognize existing the building on the parcel. The retained parcel forms part of the St. John's Community Kitchen, including 44 affordable (transitional) housing units, clinic and support services (see concept plan). This application is processed together with B2023-031 below.

Regional staff understands this application together with B2023-031 below are re-submissions of applications B2023-002 and B2023-003 which were considered by the Committee of Adjustment at its meeting on January 17 2023. The new applications are required at this time in order to address a City Legal issue related to the original decisions (lot additions to 97 Victoria St N).

The Region's comments remain unchanged from the January 17, 2023 hearing.

B2023-031

87 Victoria St N

KW Working Centre for the Unemployed (Chris Pidgeon, GSP Group)

The purpose of the application is to sever a 542.4 sq m lot to recognize the existing building on the parcel. The retained parcel forms part of the St. John's Community Kitchen, including 44 affordable (transitional) housing units, clinic and support services (see concept plan). This application is processed together with B2023-030 above.

Regional staff understands this application together with B2023-030 above are re-submissions of applications B2023-002 and B2023-003 which were considered by the Committee of Adjustment at its meeting on January 17 2023. The new applications are required at this time in order to address a City Legal issue related to the original decisions (lot additions to 97 Victoria St N).

The Region's comments remain unchanged from the January 17, 2023 hearing.

B2023-032

485 Huron Rd (Severed Lands 2 - Commercial)

Activa Holdings Inc. (Pierre Chauvin, MHBC Planning)

The purpose of the application is to create a new 0.84 ha commercial lot together with shared access easement over Huron Natural Area lands (retained parcel). This application is processed together with B2023-033 below.

Source Water Protection

For information, the developable portion of this property is designated a Wellhead Protection Sensitivity Area 8 on Map 6a in the Regional Official Plan (ROP). The purpose of this designation and the corresponding policies in Chapter 8 of the ROP is to protect long term municipal groundwater supplies.

Notice of Source Protection Plan Compliance (Section 59 Notice)

As the subject lands are also located in a Source Protection Area where Grand River Source Protection Plan policies implemented by the Region of Waterloo apply. Per s. 59 of the *Clean Water Act, 2006* a Notice of Source Protection Plan Compliance is required as part of a complete application submission.

To apply for a Notice of Source Protection Plan Compliance (Section 59 Notice) the owner/applicant must complete the questionnaire at <https://taps.regionofwaterloo.ca/> listing all applicable activities prescribed under the Clean Water Act related to the application. A Notice will only be considered valid if the following criteria are met;

- Applicant has signed the Notice;
- Address and application type on the Notice match the rest of the application; and
- All activities related to the proposed application are listed in Schedule 1.

Invalid Notices will not be accepted, and may result in delayed approvals.

Environmental Planning

The lands at 485 and 495 Huron Road have previously been the subject of Planning Act applications that required an EIS and mitigation measures identified through that study. Other than the zoning of the environmental features and the associated buffers, there were environmental measures to be implemented through site plan approvals at the City level.

Environmental Noise Study

A detailed noise study "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. The Region, through a letter dated January 19, 2023, accepted this noise report.

The recommendations of the above report, as detailed in the acceptance letter, apply to both applications (Severed Lands 1 - 495 Huron Rd and Severed Lands 2 - 485 Huron Rd).

As a condition of the Consent application B 2023-033 for the Residential Development, the recommendations (1 to 6) of the above-approved noise report, as detailed in the acceptance letter will be implemented through a registered agreement with the City of Kitchener.

Please note that recommendation 7, noted in the Region's Acceptance Letter, also apply to the Consent Application B 2023-032 (Commercial), which notes,

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.

The noise study recommendations to be secured in an agreement with the City of Kitchener are detailed below.

Salt Management Plan

A salt management plan will be required for both severed Lands 1 (495 Huron) and Lands 2 (485 Huron).

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 must submit a valid Notice of Source Protection Plan Compliance (section 59 notice) as per the *Clean Water Act, 2006*.
- 3) The owner/applicant must enter into a registered agreement with the City of Kitchener to provide that all 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 municipally known as 495 Huron Road.

The agreement must also include a provision to provide a certificate of compliance from a Professional Engineer qualified in acoustics, licensed in the

Province of Ontario, certifying that the above mechanical equipment meets the required noise level objective.

- 4) The owner/applicant must submit a salt management plan for review and acceptance by the Regional Commissioner of Planning, Development and Legislative Services.

B2023-033

495 Huron Rd (Severed Lands 1 Residential)

Activa Holdings Inc. (Pierre Chauvin, MHBC Planning)

The purpose of the application is to create a new 1.49 ha residential lot together with shared access easement over 485 Huron Rd. This application is processed together with B2023-032 above.

Source Water Protection

For information, the developable portion of this property is designated a Wellhead Protection Sensitivity Area 8 on Map 6a in the Regional Official Plan (ROP). The purpose of this designation and the corresponding policies in Chapter 8 of the ROP is to protect long term municipal groundwater supplies.

Notice of Source Protection Plan Compliance (Section 59 Notice)

As the subject lands are also located in a Source Protection Area where Grand River Source Protection Plan policies implemented by the Region of Waterloo apply. Per s. 59 of the *Clean Water Act, 2006* a Notice of Source Protection Plan Compliance is required as part of a complete application submission.

To apply for a Notice of Source Protection Plan Compliance (Section 59 Notice) the owner/applicant must complete the questionnaire at <https://taps.regionofwaterloo.ca/> listing all applicable activities prescribed under the Clean Water Act related to the application. A Notice will only be considered valid if the following criteria are met;

- Applicant has signed the Notice;
- Address and application type on the Notice match the rest of the application; and
- All activities related to the proposed application are listed in Schedule 1.

Invalid Notices will not be accepted, and may result in delayed approvals.

Environmental Planning

The lands at 485 and 495 Huron Road have previously been the subject of Planning Act applications that required an EIS and mitigation measures identified through that study. Other than the zoning of the environmental features and the associated buffers, there

were environmental measures to be implemented through site plan approvals at the City level.

Environmental Noise Study

A detailed noise study "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. The Region, through a letter dated January 19, 2023, accepted this noise report.

The recommendations of the above report, as detailed in the acceptance letter, apply to both applications (Severed Lands 1 - 495 Huron Rd and Severed Lands 2 - 485 Huron Rd).

As a condition of the Consent application B 2023-033 for the Residential Development, the recommendations (1 to 6) of the above-approved noise report, as detailed in the acceptance letter will be implemented through a registered agreement with the City of Kitchener.

Please note that recommendation 7, noted in the Region's Acceptance Letter, also apply to the Consent Application B 2023-032 (Commercial), which notes,

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.

The noise study recommendations to be secured in an agreement with the City of Kitchener are detailed below.

Salt Management Plan

A salt management plan will be required for both severed Lands 1 (495 Huron) and Lands 2 (485 Huron).

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 must submit a valid Notice of Source Protection Plan Compliance (section 59 notice) as per the *Clean Water Act, 2006*.

3) The owner/applicant must enter into a registered agreement with the City of Kitchener to provide the following:

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:

b) Proposed Building (ALL DWELLING UNITS)

North and East Facades

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

"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

"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."

South Facade

- 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.
- The building/units will be designed and installed with special building components with a minimum STC Rating of 29.

- The acoustic assessment will be updated, and the STC Rating values will be reviewed once the final design and the architectural drawings are available.
- The following Noise Warning Clauses will be required to be included on all offers of purchase, deeds and rental agreements for the building:

"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."

"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."

North, South and East Façades

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

"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) That a certificate of compliance from a Professional Engineer qualified in acoustics, licensed in the Province of Ontario, certifying that the noise mitigation measures in Clause 3) above have been provided and meets the required noise level objectives of the MECP NPC-300 guidelines.
- 5) The owner/applicant must submit a salt management plan for review and acceptance by the Regional Commissioner of Planning, Development and Legislative Services.

B2023-034

685 Fischer-Hallman Rd

1465762 Ontario Limited (Bishoi Shinoda, Dillon Consulting)

The purpose of the application is to seek permission to extend the lease (21 years or greater) for the Tim Horton's site at 685 Fischer-Hallman Road at Ottawa Street S.

Source Water Protection

For information, the property is designated a Wellhead Protection Sensitivity Area 8 on Map 6a in the Regional Official Plan (ROP). The purpose of this designation and the corresponding policies in Chapter 8 of the ROP is to protect long term municipal groundwater supplies.

Notice of Source Protection Plan Compliance (Section 59 Notice)

As the subject lands are also located in a Source Protection Area where Grand River Source Protection Plan policies implemented by the Region of Waterloo apply. Per s. 59 of the *Clean Water Act, 2006* a Notice of Source Protection Plan Compliance is required as part of a complete application submission.

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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 must submit a valid Notice of Source Protection Plan Compliance (section 59 notice) as per the *Clean Water Act, 2006*.

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