



PLANNING, DEVELOPMENT
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File: C14-60/
August 14, 2023

Katie Anderl, MCIP, RPP
Project Manager - Planning
City of Kitchener
City Hall, P.O. Box 1118
200 King Street West
Kitchener, ON N2G 4G7

Dear Ms. Anderl:

Re: **Removal of Holding Provision – 99H**
Schlegel Urban Developments Corp.
265 Cotton Grass Street
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 99H is as follows:

99. Notwithstanding Section 8 of this Bylaw, within the lands zoned C-2 and shown as being affected by this Subsection on Schedule Number 66 of Appendix "A":
 - i) No residential use shall be permitted until such time as a Road Traffic, and Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures."

Since adoption of holding provision 99H the applicant has submitted an updated Noise Feasibility Study entitled, "Noise Feasibility Study, Proposed Residential Development, 265 Cotton Grass Street, Kitchener, Ontario (HGC, May 1, 2023) and Addendum (HGC, August 1, 2023 which was in response to a peer review undertaken by the Region's peer review consultant, RWDI on an earlier noise feasibility study (HGC, February 24, 2023). The May 1, 2023 Study and accompanying Addendum are satisfactory to RWDI. The peer review comments are being provided under separate cover.

Implementation

Both on/off site mitigation measures are recommended including provision for air conditioning, warning clauses, and a rooftop noise wall to attenuate mechanical equipment on the roof of the nearby Sobey's building. Regional staff understands there is no provision under the Planning Act to enter into an agreement with the City of Kitchener under the current (or original) zoning by-law amendment application to secure implementation of the recommended off-site noise mitigation measures. As such, Regional staff understands the City will secure implementation of the Study recommendations by way of an agreement associated with the vacant land condominium (re. Waterloo VLC No. 423) for the Sobey's site. This is satisfactory to Regional staff.

Based on the above, the Region has **no objection** to the removal of Holding Provision 99H at this time.

Regional staff acknowledge receipt of the 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,



Amanda Kutler, MCIP, RPP
Manager, Community Planning

cc. Alex Vandersluis, Schlegel Urban Developments Corp.