



PLANNING, DEVELOPMENT
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Community Planning

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Janine Fletcher
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D20-20/23 KIT

October 2, 2023

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

**Re: Comments for Consent Applications B2023-036 to B2023-040
Committee of Adjustment Hearing October 17, 2023
CITY OF KITCHENER**

**B2023-036
45 Duke St W
536357 Ontario Ltd. (owner) / David Aston (MHBC – Applicant)**

The applicant is proposing to create an easement on 45 Duke St W to allow access to the adjacent property at 48 Ontario St N. The proposed easement is 1m wide by 15m deep at the rear of 45 Duke St W to allow for access to the façade of 48 Ontario St N for maintenance and repairs.

The subject property is located within the Built Up Area as designated in the Regional Official Plan. The subject property is located within the Kitchener City Hall Major Transit Station Area (MTSA).

Regional Fee:

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

Archaeological Assessment (advisory comments):

An archaeological assessment is not required. However, the applicant is advised that if archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources

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is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or, if human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

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

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

B2023-037

38 Braun St

Burim Islami (owners) / Boban Jakanovic (Bobicon Ltd. Applicant)

The applicant is proposing to sever the existing lot into two lots to facilitate the construction of a new detached duplex dwelling on the severed lot.

The subject property is located within the Built Up Area as designated in the Regional Official Plan (ROP). The subject lands are located within the Grand River Hospital Major Transit Station Area (MTSA).

Regional Fee:

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

Archaeological Assessment:

Regional Staff note the subject property possesses the potential for the recovery of archaeological resources due to the proximity to a cemetery (***within 50m buffer***), property location, age of the existing dwelling, proximity to other mapped historic buildings and a known historic landform. Regional staff note that a new dwelling is already under construction on the retained lands and the lands have been disturbed through demolition. The applicant is advised that if archaeological resources are discovered during future development or site alteration of the subject property, the applicant will need to immediately cease alteration/development and contact the Ministry of Citizenship and Multiculturalism. If it is determined that additional investigation and reporting of the archaeological resources is needed, a licensed archaeologist will be required to conduct this field work in compliance with S. 48(a) of the Ontario Heritage Act; and/or, if human remains/or a grave site is discovered during development or site alteration of the subject property, the applicant will need to immediately cease alteration and must contact the proper authorities (police or coroner) and the Registrar at the Bereavement Authority of Ontario in Compliance with the Funeral, Burial and Cremation Services Act, 2002 S. 96 and associated Regulations.

As per Regional Official Plan policy 3.G.9, the owner/applicant is required to have a licensed Archaeologist complete an Archeological Assessment for the severed lands. The owner/applicant must submit the Archaeological Assessment report(s) to the Ministry of Citizenship and Multiculturalism, and once reviewed and accepted, provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department. The completed Archaeological Assessment(s) and Ministry Acknowledgement(s) will be required **prior to final approval.**

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

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.
- 2) That prior to final approval, the owner/applicant is required to have a licensed Archaeologist complete an Archeological Assessment of the severed lands and provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

B2023-038
265 Cotton Grass St
Schlegel Urban Developments Corp (Owners)

The applicant is proposing to sever an existing lot into two lots with the retained parcel (frontage on Max Becker Dr.) containing an existing commercial building and a proposed new commercial building, and the severed parcel is intended for future development of a residential building.

The subject lands are located within the Designated Greenfield Area as per Map 3a of the Regional Official Plan and are located within Wellhead Protection Sensitivity Area 8 as per Map 6a of the Regional Official Plan.

Regional Fee:

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

Source Protection Plan Compliance (Section 59 Notice):

The subject lands are located in a Source Protection Area where Risk Management Plan policies implemented by the Region of Waterloo may apply. The owner/applicant must complete the questionnaire on <https://taps.regionofwaterloo.ca/> to obtain a valid Section 59 Notice.

Environmental Noise:

Noise Feasibility Study, Proposed Residential Development, 265 Cotton Grass Street, Kitchener, Ontario (HGC, May 1, 2023), and Addendum (HGC, August 1, 2023) has been previously reviewed and accepted by the Region through a letter dated August 14, 2023.

The owner must enter into a registered agreement with the City of Kitchener for the severed parcel to implement the noise study recommendations as follows:

- 1) That all dwelling units on the severed parcel be constructed with an air-ducted heating system suitably sized and designed to provide for the future installation of a central air conditioning system at the owner's discretion.
- 2) That the owner agrees to include the following warning clause in all offers to purchase and/or rental agreements:
 - a. "Purchasers/tenants are advised that sound levels due to increasing road traffic may on occasion 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."

- 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 sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks."
- c. "Purchasers/tenants are advised that due to the proximity of this development to nearby commercial/retail facilities, sound levels from the facilities may at times be audible."

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

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.
- 2) That prior to final approval, the owner/applicant submits a valid section 59 notice.
- 3) That prior to final approval, the owner enters into a registered agreement with the City of Kitchener for the severed parcel to implement the recommendations of the accepted noise study, Noise Feasibility Study, Proposed Residential Development, 265 Cotton Grass Street, Kitchener, Ontario (Prepared by HGC, May 1, 2023), and Addendum (Prepared by HGC, May 1, 2023), specifically that:
 - a) That all dwelling units on the severed parcel be constructed with an air-ducted heating system suitably sized and designed to provide for the future installation of a central air conditioning system at the owner's discretion.
 - b) That the owner agrees to include the following warning clause in all offers to purchase and/or rental agreements:
 - i. "Purchasers/tenants are advised that sound levels due to increasing road traffic may on occasion 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."
 - ii. "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."
 - iii. "Purchasers/tenants are advised that due to the proximity of this development to nearby commercial/retail facilities, sound levels from the facilities may at times be audible."

B2023-039 and 040

75 Otterbein Rd

Kold Creek Land Corp. (Owner) / Luisa Vacondio (MHBC Planning – Applicant)

The applicant is proposing a severance of the existing parcel into two separate parcels. The proposal is for two, six-storey apartment buildings on the retained parcel with 48 units each for a total of 96 units and 3 blocks of stacked townhouses on the severed parcel with a total of 57 residential units.

The subject lands are located within the Designated Greenfield Area as identified in the Regional Official Plan (ROP).

Regional Fee (Advisory Comments):

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

Source Protection Plan Compliance (Section 59 Notice):

The subject lands are located in a Source Protection Area where Risk Management Plan policies implemented by the Region of Waterloo may apply. The owner/applicant must complete the questionnaire on <https://taps.regionofwaterloo.ca/> to obtain a valid Section 59 Notice.

Salt Management Plan:

A Salt Management Plan (SMP) will be required for review and approval by the Region, prior to final approval of the consent.

As part of the plan, Regional staff would encourage the proponent to incorporate design considerations with respect to salt management, including:

- Ensure that cold weather stormwater flows are considered in the site design. Consideration should be given to minimize the transport of meltwater across the parking lots or driveway. This also has the potential to decrease the formation of ice and thereby the need for de-icing.
- Directing downspouts towards pervious (i.e. grassy) surfaces to prevent runoff from freezing on parking lots and walkways
- Locating snow storage areas on impervious (i.e. paved) surfaces in close proximity to catch basins.
- Using winter maintenance contractors that are Smart About Salt™ certified.
- Using alternative de-icers (e.g. pickled sand) in favour of road salt.

The proponent is eligible for certification under the Smart About Salt™ program for this property. Completion of the Salt Management Plan is one part of the program. To learn more about the program and to find accredited contractors please refer to: <http://www.smartaboutsalt.com/>. Benefits of designation under the program include cost savings through more efficient use of salt, safe winter conditions by preventing the formation of ice, and potential reductions in insurance premiums.

Environmental Noise:

The subject lands are located adjacent to Lackner Blvd, a Regional Road, it is anticipated that the proposed dwellings, may require special building components (special walls, windows etc.) and the installation of air-conditioning to attenuate noise impacts. Staff also note that there may be potential stationary noise sources in the vicinity.

As a condition of the consent, the owner shall complete a road traffic and stationary noise study for the severed and retained lands, and enter into an agreement with the Regional Municipality of Waterloo and/or the City of Kitchener to secure implementation of the noise study recommendations, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.

Airport Zoning (Advisory comments):

Please be advised that the proposed low rise buildings falls within the Region of Waterloo International Airport Aeronautical Zoning Regulated area, specifically the Outer Surface and is subject to all restrictions outlined in the Airports Aeronautical Zoning Regulations.

The building and subsequent cranes will need to be assessed by Nav Canada through their Land Use office and may be further subject to review by Transport Canada for obstacle assessment.

At the appropriate time, prior to Building permit issuance, Airport staff would request more detail plans on the construction building – including crane information to ensure no impacts to Airport Operations.

The applicant must complete and submit the necessary Form(s) as required for the proposed buildings and cranes, and furnish the necessary information as required by NAV Canada as provided at the link below:

<https://www.navcanada.ca/en/products-and-services/Pages/land-use-program.aspx>.

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

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

- 2) That prior to final approval, the owner/applicant must submit a valid section 59 notice.
- 3) That prior to final approval, a Salt Management Plan is submitted to the satisfaction of the Region of Waterloo.
- 4) That prior to final approval, the owner/applicant complete a road traffic and stationary noise study for the severed and retained lands, and enter into a registered development agreement with the Regional Municipality of Waterloo and/or the City of Kitchener to secure implementation of the noise study recommendations, 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 attend the meeting or have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in cursive script, appearing to read "Janine Fletcher".

Janine Fletcher, BES.
Senior Planner
Region of Waterloo