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File: D20-20/24 KIT
July 2, 2024

VIA EMAIL

Connie Owen
Administrative Clerk, Legislative Services
City of Kitchener
200 King Street West
Kitchener, ON N2G 4G7

**Re: Comments on Consent Applications - B 2024-013 to B 2024-016
Committee of Adjustment Hearing July 16, 2024
City of Kitchener**

Please accept the following comments for the above-noted Consent applications to be considered at the upcoming Committee of Adjustment Hearing.

B2024-013**1188 Fischer-Hallman Rd & 525 Erinbrook, Kitchener**

Owner: Schlegel Urban Developments & Activa Holdings Inc

Applicant: MHBC c/o Pierre Chauvin/Robyn McIntyre

The owner/applicant is seeking consent to sever a part of institutional parcel, 1188 Fischer Hallman Rd, to add to commercial parcel, 525 Erinbrook Rd, being: Severed lands - irregular parcel of 6.2 sqm; Retained lands – 23,426 sqm, and Benefitting lands – 9,428 sqm. The proposed lot addition would be used to facilitate hydro services to 525 Erinbrook Rd, which is subject to Site Plan SP23/019/E/TS, approved on April 23, 2024.

Source Water Protection Policy

The subject lands are identified within Source Water Protection Areas subject to the Clean Water Act (Part IV) and/or Regional policies (ROP Map 6a). A Notice of Source Water Protection Plan Compliance issued under S. 59(2) is required by the Region.

Regional Official Plan

There is a one-foot reserve between retained and benefiting lands owned by the Region. In accordance with Policies in Section 5.F of the Regional Official Plan, any proposed or relocated utilities within a Regional Road Allowance or land owned by the Region will require Regional approval and be subject to provisions of applicable Regional By-Laws and Guidelines to ensure matters of Regional and Provincial interest are addressed.

The proposed severance will facilitate the provision of hydro services to the residential development at 525 Erinbrook Rd, subject to approved Site Plan SP23/019/E/TS. As the Region owns a one-foot reserve located between the retained and benefiting lands (PIN 226050148), for which utility services will transverse, satisfactory arrangement must be made with the Region to remove this reserve prior to final approval of the consent application.

Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
2. That the Owner/Applicant make arrangements with the Regional Municipality of Waterloo with respect to the one-foot reserve located between the retained and benefiting lands, to the satisfaction of the Regional Municipality of Waterloo.

B2024-014**267 Dumfries Ave, Kitchener**

Owner: Dario Kokorovic & Tanja Cyjetic

Applicant: Patterson Planning Consultants Inc

The owner/applicant is proposing to sever a residential parcel of land into two lots for development of a duplex dwelling on each lot, being: both severed and retained lands - lot area of 395.3sqm, depth of 40.5m, and frontage of 9.75m. The existing single detached dwelling is proposed to be demolished.

Environmental Noise

The residential dwellings on the severed and the retained lots will be located in close proximity to Conestoga Parkway/Highway 7, as well as commercial land uses. The owner/applicant is required 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.

Alternatively, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

- A) The dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of 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:
 - 1) "The purchasers / tenants are advised that sound levels due to increasing road traffic on Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - 2) "This dwelling has been fitted with a forced air-ducted heating system and 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 Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

Regional Staff are not in receipt of the required consent review fee of \$350 The consent review fee is required as a condition of approval for the consent application.

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

- Arrange EFT by emailing pwalter@regionofwaterloo.ca.
- Cheque or bank draft can be dropped off at Head Office lobby/security (main floor), located at 150 Frederick St, Kitchener. 15 min parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen St N and Ahrens St E.
- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

Regional Staff has no objection to this application subject to the following condition(s):

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/developer agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and 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 Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

B2024-015**82 York St, 509 Park St, 54 Hope St, Kitchener**

Owner: Woodhouse Investments Inc. and William Hunter

Applicant: Up Consulting Ltd c/o David Galbraith

The Owner/Applicant is seeking consent to sever a part of residential parcel (82 York St) as a lot addition to institutional parcel (509 Park St/54 Hope St), being: conveyed lands – 210sqm area with approx. 11m width and 19.3m depth; retained lands – 320sqm area with approx. 11m width and 29.5m depth; and the benefitting lands – 1824 sqm area with irregular boundary.

Archaeological Assessment (Advisory)

Based on a review of the Region's archaeological potential model, the subject lands of 82 York St, 509 Park St and 54 Hope St possess some potential for the recovery of archaeological resources due to proximity to historic landform and building.

The Region does not require the submission of an archaeological assessment due to the extensive disturbance on the properties, however, the applicant should be made aware 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.

Source Water Protection Policy

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Regional Staff has no objection to this application subject to the following condition(s):

1. That the Owner/Applicant submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.

B2024-016**176 Woolwich St, Kitchener**

Owner/Applicant: Hector Lopez

The owner/applicant is seeking consent to sever residential parcel into two lots, being: severed – 21,400 sq ft, 107ft width, 200ft depth; retained – 28,576 sq ft, 76ft width, 376 ft depth. The consent to sever will facilitate the creation of a new lot with single detached dwelling. The existing single detached dwelling will remain on retained lot.

Environmental Noise

The residential dwellings on the severed and the retained lots will be impacted by transportation noise from Woolwich Street. The owner/applicant is required 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.

Alternatively, in lieu of a noise study, the owner/applicant is required to secure and implement the below conditions through a registered agreement with the City of Kitchener for all dwelling units on both retained and severed lots:

1. That the dwelling will be fitted with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
2. The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - a. "The purchasers / tenants are advised that sound levels due to increasing road traffic Conestoga Parkway/Highway 7, as well as commercial land uses in proximity, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - b. "This dwelling has been fitted with a forced air-ducted heating system and 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 Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

Regional Consent Review Fee

Regional Staff are not in receipt of the required consent review fee of \$350. The consent review fee is required as a condition of approval for the consent application.

Fees must be paid individually and separately to the Region. Fees can be submitted in-person, by mail, or EFT.

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- Cheque or bank draft can be mailed as follows: Attention of Peggy Walter, Planning, Development and Legislative Services, Regional Municipality of Waterloo, 150 Frederick St, Kitchener, ON N2G 4J3.

Regional Staff has no objection to this application subject to the following condition(s):

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to approval, the Owner/Applicant enter into a registered development agreement with the City of Kitchener to implement the following conditions for all dwelling units on both retained and severed lots:
 - a. That the owner/applicant agrees to construct the dwelling with forced air-ducted heating system suitably sized and designed with provision for the installation of air conditioning in future, at the occupant's discretion.
 - b. That the following noise warning clause will be included in all offers of purchase, deeds and rental agreements:
 - i. "The purchasers / tenants are advised that sound levels due to increasing road traffic on Woolwich St, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".
 - ii. "This dwelling has been fitted with a forced air-ducted heating system and 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 Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

General Comments:

Any submission requirements may be subject to peer review, at the owner/ applicant's expense as per By-law 23-062. If any other applications are required to facilitate the application, note that fees are subject to change and additional requirements may apply.

Any future development on the lands subject to the above-noted consent applications will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof. Prior to final approval, City staff must be in receipt of the above-noted Regional condition clearances.

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.

Thank you,

Erica Ali

Erica Ali
Planner, Community Planning