



PLANNING, DEVELOPMENT AND
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Will Towns
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File: D20-20/24 KIT
August 6, 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 B2024-018 to B2024-022
Committee of Adjustment Hearing – August 20, 2024
City of Kitchener**

Please accept the following comments pertaining to the above-noted consent applications for consideration at the upcoming Committee of Adjustment Hearing.

B2024-017 & B2024-018

135 Gateway Park Drive

Owner: 1289193 Ontario Inc.

Applicant: MHBC Planning c/o Emily Elliott and Jennifer Gaudet

These lands (3.83 ha in total) contain a vacant Landmark Cinema, an operational restaurant, and a wholesale warehouse. The applicant has submitted two applications – B2024-017 proposes to sever 2.01 ha containing the Landmark Cinema and 397 parking spaces, and the second would create an easement for access in favour of the severed lands over the retained lands. The easement would maintain current vehicular circulation and access and avoid the need for new access points. No physical redevelopment is proposed.

Archaeological Assessment (Advisory)

These lands have been previously assessed for archaeological resources. However, to Regional staff's knowledge, the site has not been cleared of archaeological concerns. While clearance is not required to support this consent application given the level of disturbance on the site, any future Planning Act application proposing physical development will require the submission of the completed Archaeological Assessment and associated acknowledgment letter from the Ministry of Citizenship and Multiculturalism. If possible and in the applicant's possession, please provide a copy of the acknowledgement letter for our records.

Regional fee

Regional staff acknowledge receipt of the required consent review fees (\$350 per application and \$700 in total) on July 11, 2024.

Regional staff have no objection to this application.

B2024-019

250 Shirley Avenue

Owner: Hidayath Holdings c/o Farhan Hidayath

Applicant: 1123766 Ontario Ltd. c/o Sharen Shaw

The applicant proposes to sever 0.15 ha from the rear yard of lands at 250 Shirley Ave (an irregularly-shaped 1.35 ha parcel) to be conveyed and added to the abutting property at 260 Shirley Ave (owned by 1123766 Ontario Ltd). The proposed severed lands are vacant, while the retained parcel at 250 Shirley Avenue and the benefitting lands at 260 Shirley Avenue are both used industrially.

Regional fee

Regional staff acknowledge receipt of the required consent review fee (\$350) on June 25, 2024.

Regional staff have no objection to this application.

B2024-020**573 Guelph Street**

Owner/applicant: Jon Crummer

The applicant proposes to sever an existing 602-square metre lot to create a new lot of record and develop both lots with one semi-detached two-storey dwelling. The existing single-detached dwelling on the property would be demolished. The severed and retained lands would each be approximately 300 square metres, with access via Guelph Street.

Regional Consent Review Fee

Regional staff are not in receipt of the required consent review fee of \$350. This 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 Regional Head Office lobby/security (on the main floor), located at 150 Frederick St, Kitchener. 15-minute parking is available at the rear of the building, outside the Kitchener Public Library, at the intersection of Queen Street North and Ahrens Street East.
- 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 have no objection to this application, subject to the following condition:

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.

B2023-021**62 Gage Avenue**

Owner/applicant: Jon Crummer

The applicant proposes to sever an existing 602-square metre lot to create a new lot of record and develop both lots with semi-detached two-storey dwellings. The existing single-detached dwelling on the property would be demolished. The severed and retained lands would each be approximately 300 square metres.

Regional Consent Review Fee

Regional staff are not in receipt of the required consent review fee of \$350. This 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:

1. That prior to approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.

B2024-022**1180 Union Street**

Owner: Vladan Knezevic

Applicant: Urban Insights c/o Ryan Mounsey

The applicant proposes to sever an existing 537 square-metre lot and create a new lot of record. The severed lands (235 square metres) would subsequently be developed with a new duplex dwelling with access to Maple Avenue, while the retained lot would be 303 square metres and maintain the existing single-detached dwelling and driveway access to Union Street. Relief from front/side yard setback and lot coverage requirements are required in a separate application.

Note that Regional staff provided pre-submission comments to the City and applicant pertaining to this proposal on March 26, 2024 (original) and June 12, 2024 (amended).

Record of Site Condition (Advisory)

The above-ground heating fuel tank in the basement of the existing dwelling is noted on the Environmental Site Screening Questionnaire. Staff have further evaluated the proposed threat since initial pre-consultation in March 2024, and consider it to be a low risk with respect to the Region's Threats Inventory Database. As such, a Record of Site Condition is not required for this application in accordance with the Region's Implementation Guideline for the Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites.

Environmental and Stationary Noise

At this location, the proposed development may encounter environmental noise sources from Lancaster Street West (Regional Road #29), Provincial Highway 85 (Conestoga Parkway), and potential stationary noise sources from existing land uses in the vicinity. In lieu of a detailed noise study, the Region will require as a condition of consent approval that the owner/applicant enter into a registered Development Agreement with the Region of Waterloo to implement the following noise mitigation measures for all dwelling units on the severed and retained lands:

- a) That all dwelling units be constructed with a central air conditioning system. The location, installation and sound ratings of the outdoor air conditioning devices shall comply with the Ministry of the Environment, Conservation and Parks' NPC-300 noise guideline, as applicable.
- b) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks."

“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 Municipality and Ministry of Environment, Conservation and Parks.”

“Purchasers/tenants are advised that due to the proximity of the adjacent industries, noise from these industries may at times be audible.”

Regional Consent Review Fee

Regional staff are not in receipt of the required consent review fee of \$350. This 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.
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 - 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 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 Region of Waterloo to implement the following conditions for all dwelling units on both retained and severed lots:
 - a) That all dwelling units be constructed with a central air conditioning system. The location, installation and sound ratings of the outdoor air conditioning devices shall comply with the Ministry of the Environment, Conservation and Parks’ NPC-300 noise guideline, as applicable.
 - b) That the following warning clauses be included in all agreements of purchase and sale and/or rental agreements:
 - i) “Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of 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 Municipality and Ministry of Environment,
Conservation and Parks.”

- iii) “Purchasers/tenants are advised that due to the proximity of the adjacent industries, noise from these industries may at times be audible.”

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.

Sincerely,

A handwritten signature in black ink that reads "Will Towns". The signature is written in a cursive, flowing style.

Will Towns, RPP
Senior Planner, Community Planning
wtowns@regionofwaterloo.ca
519-818-1868