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September 4, 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 - B2024-025, B2024-024, B2024-023
Committee of Adjustment Hearing September 17, 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.

B2024-025

15 Dellroy Ave

Patterson Planning Consultants Inc on behalf of 2296342 Ontario Inc (Savic Homes) c/o Scott Patterson

The owner/applicant is proposing consent to sever to create a new lot, being 1364.6 sqm retained lot area, and 4135.1 sqm severed lot area. The severance will facilitate the development of a new rental apartment building (18-storey) on severed lands, where an existing rental apartment building (6-storey) occupies the retained lands. Creation of a new lot will facilitate financing for development of the site (see memo prepared by Robson Carpenter LLP included in application).

2296342 Ontario Inc. has also proposed a vacant land condominium plan (30CDM-24210).

Record of Site Condition

There is a known contaminated site on the adjacent parcel of land at 2290 King Street East and 1103 Weber Street East. The Region has records of known groundwater contamination related to chlorinated solvents (tetrachloroethylene) on these adjacent lands. Accordingly, a Record of Site Condition (RSC) is required as a condition of final approval for the Consent application as per the *Region's Implementation Guideline for The Review of Development Applications on or Adjacent to Known and Potentially Contaminated Sites*.

Condition No. 17 of Draft Approved Plan of Condominium 30CDM-24210 requires that prior to final approval the owner/developer enter into a registered development agreement with the City to require a Record of Site Condition prior to building occupancy.

To ensure that the Record of Site condition is completed prior to occupancy should the Vacant Land Condominium not proceed, as a condition of consent approval, the following is required:

“That the Owner/Developer enter into a registered development agreement with the City of Kitchener, to complete a Record of Site Condition prior to building occupancy, to the satisfaction of the Regional Municipality of Waterloo.”

Source Water Protection Policy

Risk Management Plan

15 Dellroy Ave is in a Source Protection Area where Risk Management Plan or prohibition polices implemented by the Region of Waterloo may apply. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of a complete application for every new development application submitted for a particular site. A Section 59 Notice will be required as a condition of consent approval.

A Risk Management Plan for salt application is normally required for proposed and/or altered surface parking and vehicle driveway areas greater than eight (8) parking spaces or 200 square metres. Design considerations with respect to salt management through the risk management plan include minimizing the transport of meltwater across the parking lots or driveways; Directing downspouts away from paved areas; Locating snow storage areas on impermeable (i.e. paved) surfaces that drain directly to catch basins.

Regional Staff acknowledge that a Risk Management Plan has been negotiated for this site, which requires a Salt Management Plan be developed for the proposal. The Salt Management Plan will be required as a condition of consent approval.

Stormwater Management Report

A Stormwater Management Report is required to assess how stormwater is addressed on site and if dewatering is proposed. Please be advised that the Region of Waterloo does not support any engineered and/or enhanced infiltration of runoff originating from paved surfaces within chloride Issue Contributing Areas. The above noted property is within a chloride Issue Contributing Area. Engineered and/or enhanced infiltration features may include ponds, infiltration galleries, permeable pavers, ditches, swales, oil-grit separators, etc.

Geothermal Energy and Private Well Prohibition

Due to the potential impacts to the Region's groundwater; which is a drinking water source for the Region; and the potential for contamination from adjacent sites, the Region shall require a geothermal energy and private well prohibition to be implemented through a Regional development agreement.

In summary the Region will require the following conditions for approval of consent application:

“That prior to final approval the Owner/Developer shall enter into a registered development agreement with the Regional Municipality of Waterloo to submit a satisfactory Salt Management Plan prior to Site Plan approval, to the satisfaction of the Regional Municipality of Waterloo.”

“That prior to final approval the Owner/Developer shall submit a Stormwater Management Report for the site to the satisfaction of the Regional Municipality of Waterloo.”

“That the Owner/Developer is required to enter into a registered development agreement with the Regional Municipality of Waterloo, to secure the prohibition of geothermal energy and private wells on site to the satisfaction of the Regional Municipality of Waterloo.”

Corridor Planning

The site is adjacent to Highway 8 (Provincial Highway) and Weber Street East (RR# 8) which may pose noise impacts on the noise sensitive development. To assess the impacts of noise from traffic on Weber Street East, the Provincial Highway 8 and potential stationary noise (both, on-site and off-site), a detailed Environmental Noise Study is required. As such, the following condition of consent is recommended:

“That the Owner/Developer enters into a registered development agreement with the Regional Municipality of Waterloo to complete an Environmental Noise Study to assess transportation and stationary noise prior to final site plan approval, and to enter into a Registered Development Agreement with the Regional Municipality of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the study, all to the satisfaction of the Regional Municipality of Waterloo.”

Airport Zoning Regulations (advisory)

The property is located within the Airport Zoning Regulations, with an allowable elevation of 421m ASL. The development proposes finished floor elevation of 324.9m ASL and anticipated building elevation of 388m ASL. Regional staff advise the applicant must submit a Land Use application to Nav Canada and obtain a letter of no objection if they have not done so already.

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 submitted individually to the Region, in-person, by mail, or e-payment.

- 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 final approval, the Owner/Developer submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener, to complete a Record of Site Condition prior to building occupancy, to the satisfaction of the Regional Municipality of Waterloo.
4. That prior to final approval the Owner/Developer shall enter into a registered development agreement with the Regional Municipality of Waterloo to submit a satisfactory Salt Management Plan prior to Site Plan approval, to the satisfaction of the Regional Municipality of Waterloo.
5. That prior to final approval the Owner/Developer shall submit a Stormwater Management Report for the site to the satisfaction of the Regional Municipality of Waterloo.
6. That the Owner/Developer is required to enter into a registered development agreement with the Regional Municipality of Waterloo, to secure the prohibition of geothermal energy and private wells on site to the satisfaction of the Regional Municipality of Waterloo.
7. That the Owner/Developer enters into a registered development agreement with the Regional Municipality of Waterloo to complete an Environmental Noise Study to assess transportation and stationary noise prior to final site plan approval, and to enter into a Registered Development Agreement with the Regional Municipality of Waterloo and/or the City of Kitchener (if required) to implement the recommendations of the study, all to the satisfaction of the Regional Municipality of Waterloo.

B2024-024

525/563 Highland Rd W

GSP Group on behalf of DGF Group (c/o Michael Witmer)

The owner/applicant is proposing consent for a lot line adjustment of approximately 241 sqm (severed lands). The lot addition from 525 Highland to 563 Highland has been proposed for administrative and financing purposes. A minor variance for a reduced side yard setback of 2.5m is being requested for an existing commercial building on 525 Highland.

Source Water Protection Policy

525 and 563 Highland Rd W are in a Source Protection Area where Risk Management Plan or prohibition polices implemented by the Region of Waterloo may apply. A Notice of Source Protection Plan Compliance (Section 59 Notice) is required as part of the formal application. This will be required as a condition of consent approval.

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

1. That prior to final approval, the Owner/Developer submit a Notice of Source Water Protection Plan Compliance, to the satisfaction of the Region.

B2024-023**448 New Dundee Rd / Ridgemount St (BLOCK 101, PLAN 58M616)
GSP Group on behalf of Hayre Properties c/o Brandon Flewwelling**

The owner/applicant is proposing a consent to sever part of lot (Block 101, Plan 58M616), as lot addition to 448 New Dundee Rd (511sqm retained lot area, 533.1sqm conveyed lot area, and 12,123sqm benefitting lot area). The severance will facilitate the development of the subject lands in accordance with conditionally approved site plan (SP17146a). A future draft Plan of Condominium application is anticipated. The property is currently occupied by a single detached residential dwelling.

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.

Corridor Planning

The site is in proximity to New Dundee Rd (RR# 12) which may pose noise impacts on the noise sensitive development (i.e. retained lot on Block 101). To assess the impacts of noise from traffic on New Dundee Rd, a detailed Environmental Noise Study would normally be required as a condition of consent approval. Regional Staff note that Site Plan including this property - SP24/029/N/AP received conditional approval.

Regional staff advise that a Noise Study was prepared in 2023 as part of the Zone Change application (ZBA 20/003), entitled "448 New Dundee Road Environmental Noise Assessment Revised October 27, 2023 (original December 1, 2022)". The report concluded that there are no stationary noise sources in the vicinity, which would have impacts on the proposed development. However, various noise control measures are required including special building components and noise attenuation barriers (both private and public).

Regional Staff will require the recommendations of the noise study be secured and/or implemented through a registered agreement with the Region as conditions of approval for the Consent Application, as follows:

A) The developer agrees to implement the recommendations of the report "448 New Dundee Road Environmental Noise Assessment Revised October 27, 2023 (original December 1, 2022)" as prepared by MTE and further agrees that:

1) Units 11, 12, 13, 14, 15, 16, 17, 18 and 19:

a) All units will be designed with special building components. Prior to the issuance of building permits, final architectural details of the windows, walls, and doors will be verified by a qualified Acoustic Professional to ensure the required sound transmission loss rating (STC) will be acceptable to meet indoor sound levels.

b) All units shall be installed with air ducted heating and ventilation system suitably sized and designed for central air conditioning installed prior to occupancy

2) Units 5, 6, 7, 8, 9, 10, 20, and 21:

All units shall be installed with air ducted heating and ventilation systems suitable sized and designed for the provision of central air conditioning at the owner/occupants' discretion.

3) Units 9, 10, 11, 12, 13, 14 and 15 (Noise Attenuation Barriers):

- a) Public and Private barriers noise barriers of varying lengths and heights, as detailed in section 4.2.2 of the report and shown on MTE Drawing 44367-100-NA1.1, will be constructed with a minimum surface density of 20 kg/m² with Durisol of equivalent construction to the Region's satisfaction.
- b) Prior to construction, a Noise Wall Design Report for the detailed design material and location, grades, drainage, etc. of the noise wall must be submitted in compliance with the Region's Noise Policy Implementation Guideline.
- c) Upon construction of the noise walls as mentioned in a) above, a certificate of compliance for the construction of the above-mentioned noise barriers will be provided to the Region by a qualified Professional Engineer.
- d) The noise barrier must be installed to the satisfaction of the Region of Waterloo within 1 (one) year of receiving a building permit from the Area Municipality for the development.
- e) All the public and private noise walls will be considered as common elements of future Condominium Corporation.
- f) Suitable arrangements for replacement funds and/or long-term maintenance for the public and private noise barriers will be made as deemed appropriate by the City of Kitchener.
- g) The developer agrees to preserve the function of and maintain the acoustic barrier located upon the lands. The purpose of the barrier is to attenuate noise from New Dundee Road / Highway 401. The developer agrees that the Region, through its employees and agents, has the right to enter the lands to inspect the acoustic barrier. The developer agrees to repair or, if necessary, replace the acoustic barrier. Should the developer fail to repair or replace the barrier upon

receipt of a written notice from the Region, as the Region deems necessary, the developer agrees that the Region may undertake such work upon the expiration of the time set out in the notice. If such work is undertaken by the Region, the developer hereby agrees to permit entry upon the lands for this purpose and agrees to reimburse the Region fully for all costs of undertaking such work.

4) The following noise warning clauses shall be registered on the title for the units as detailed below:

a) Units 11, 12, 13, 14, 15, 16, 17, and 18:

NWC TYPE B + D: "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, 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 the 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 the Ministry of the Environment, Conservation and Parks."

b) Unit 19:

NWC TYPE A + D: "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 the 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 the Ministry of the Environment, Conservation and Parks." MTE Consultants | 44367-100 | 448 New Dundee Road | October 27, 2023 11

c) Units 9 and 10:

NWC TYPE B + C: "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, 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 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 Municipality and the Ministry of the Environment, Conservation and Parks."

d) Units 5, 6, 7, 8, 20, and 21:

NWC TYPE A + C: "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 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 Municipality and the Ministry of the Environment, Conservation and Parks."

e) Units 22 and 23:

NWC TYPE A: "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 the Environment, Conservation and Parks."

B) The release of the above conditions 1), 2) and 3) (a to f) will be available upon fulfillment.

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

1. That prior to final approval the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That prior to final approval the Owner/Applicant enter into a Registered Development Agreement with the Regional Municipality of Waterloo to implement the recommendations of the Noise Study, entitled "448 New Dundee Road Environmental Noise Assessment Revised October 27, 2023 (original December 1, 2022)", prepared by MTE Consultants, all to the satisfaction of the Regional Municipality of Waterloo.

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