

**City of Kitchener**  
**OPA & ZBA Comment Form**

**Project Address:** 9-27 Turner Ave, Kitchener

**Application Type:** Official Plan Amendment & Zoning Bylaw Amendment

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Comments Of: Urban Design

Commenter's Name: Katey Crawford

Email: Katey.Crawford@kitchener.ca

Phone: 519-741-2200 ext. 7157

Date of Comments: August 12th, 2024

- ☐ I plan to attend the meeting (questions/concerns/comments for discussion)
- ☒ No meeting to be held
- ☐ I do NOT plan to attend the meeting (no concerns)
- 

**1. Documents Reviewed**

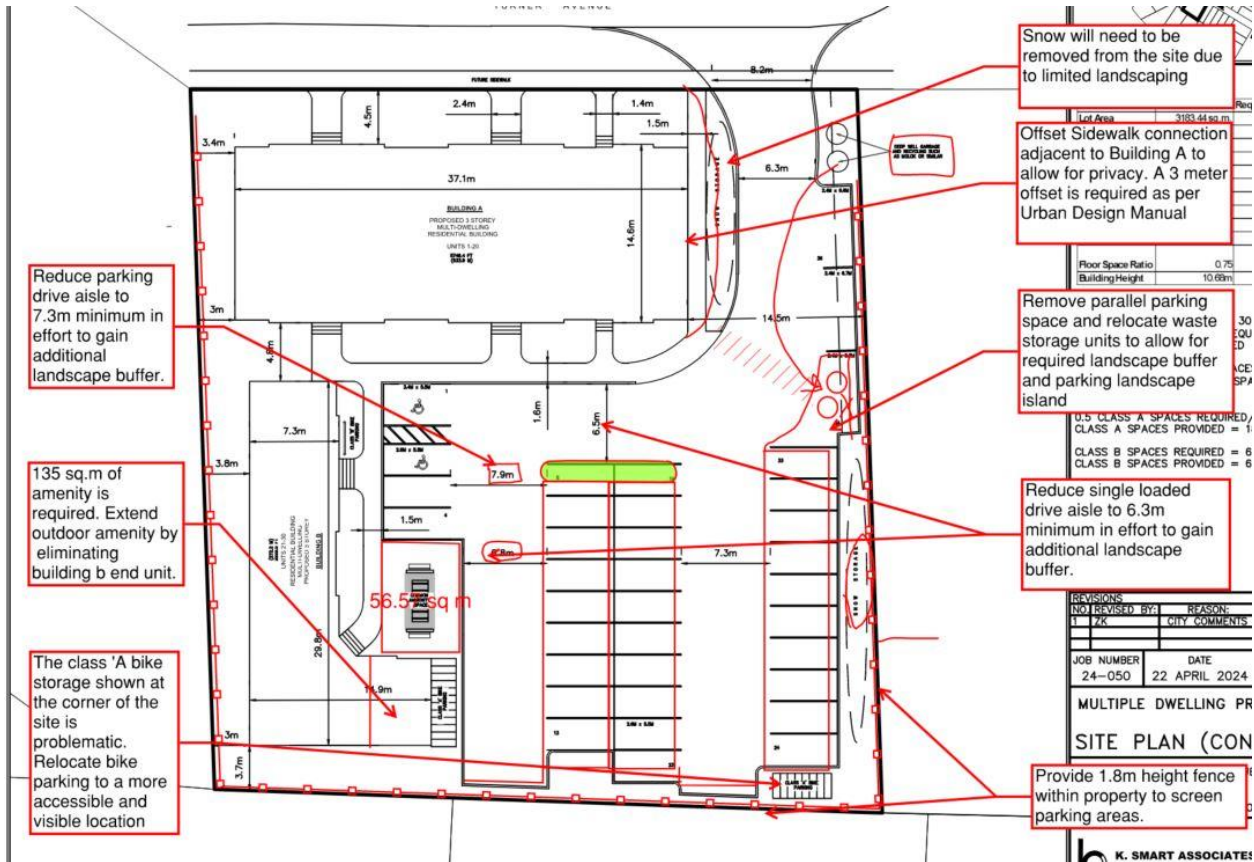
- Site Plan (Concept), prepared by K. Smart Associates Limited
- New Multi-Residential Building Elevations, prepared by Gerrards Design & Drafting Inc.
- Functional Grading Plan, prepared by JPE Engineering
- Tree Preservation & Enhancement Plan, prepared by Jackson Arboriculture Inc.
- Tree Preservation & Enhancement Plan Report, prepared by Jackson Arboriculture Inc.
- Urban Design Brief, prepared by K. Smart Associates Limited.

**2. Site Specific Comments & Issues:**

**Site Plan Comments**

- 135 sq. m of amenity is required. Extend outdoor amenity by eliminating building B end unit.
- The class 'A' bike storage shown at the corner of the site is problematic. Relocate bike parking to a more accessible and visible location.
- Reduce double loaded parking drive aisle to 7.3m minimum in effort to gain additional landscape buffer.
- Reduce single loaded drive aisle to 6.3m minimum in effort to gain additional landscape buffer.
- Remove parallel parking space and relocate waste storage units to allow for required landscape buffer and parking landscape island. See mark-up below.

- Offset sidewalk connection adjacent to Building A. A 3-meter offset is required as per Urban Design Manual
- Snow will need to be removed from the site due to limited landscaping. Make note on the plan.
- Provide 1.8m height fence within property to screen parking areas.



### Tree Management Comments

- The trees along the west property line will be impacted by development/grading and will likely go into decline. Suggest removal and replacement planting with better quality and more suitable species. Permission letter will be required. See below.
- Please note, permission letters allowing for impact and/or removal of trees will be required from adjacent property owners prior to site plan approval.



### Building Elevations

- Provide a flat rough structure for both buildings to reduce massing and better integrate the built form into the low-rise neighborhood context.
- Show and note colours and materials.

### Urban Design Brief Comments

- Update brief as per comments above.
- Page 9 notes the commercial site is to the east of the subject site. However, it's to the west. Revise wording.
- Page 9 notes the single detached dwellings adjacent to the site are to the west of the subject site. However, it's to the east. Revise wording.
- Provide amenity space details and precedent images.
- Update brief with updated elevations, showing flat roof design and colours.

### Updated Plans/Reports Required

1. Updated Urban Design Brief
2. Updated Site Plan
3. Updated TMP
4. Revised Elevations

**Project Address: 9 - 27 Turner Avenue**

**Application Type: Zoning By-law Amendment Application ZBA24/018/T/TS**

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Comments of: Environmental Planning – City of Kitchener

Commenter's Name: Carrie Musselman

Email: carrie.musselman@kitchener.ca

Phone: 519-741-2200 X 7068

Date of Comments: September 2, 2024

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**1. Plans, Studies and Reports submitted as part of a complete Planning Act Application:**

- Tree Preservation and Enhancement Plan Report: 9-27 Turner Ave, prepared by Jackson Arboriculture Inc., dated March 21, 2024 (Revised May 2024).

**2. Site Specific Comments & Issues:**

I have reviewed the studies as noted above to support a zoning bylaw amendment to support the development of a 30-unit multiple dwelling (stacked townhouses), and note:

- The Arborist Report found a total of 29 trees located on the subject properties, in the road right-of-way, and within six metres of the property boundary of neighbouring properties.
- No rare, threatened or endangered tree species were documented in the tree inventory.
- 11 trees are to be retained. Tree protection fencing is recommended to be installed around trees noted for retention.
- The removal of 18 trees included in the tree inventory will be required to accommodate the proposed development.
- The Arborist Report has noted three trees (No. 2, 9, and 17) in shared ownership that are proposed to be removed to facilitate the development.
  - To proceed with the development as designed, written agreement to remove trees in shared ownership will be required.
  - If a property owner does not agree to tree removal, the proposed development will not be able to proceed as designed, it will need to be modified from what has been submitted for further review and approval.
- An ecologically sound tree replacement plan (to support the future site plan application) should be considered to mitigate tree removals.

**Environmental Planning staff can support the Zoning By Law Amendment. Staff believe the above noted comments/concerns can be addressed through the City's Site Plan process and/or through condition(s) of site plan approval.**

**3. Policies, Standards and Resources:**

Tree Management

- As per Section 8.C.2.16. of the Official Plan, the City will require the preparation and submission of a tree management plan in accordance with the City's Tree Management Policy (available on the City's Website), where applicable, as a condition of a development application.
  - Any tree management plan must identify the trees proposed to be removed, justify the need for removal, identify the methods of removal and specify an ecologically sound tree replacement scheme and any mitigative measures to be taken to prevent detrimental impacts on remaining trees.
- policy 8.C.2.6., the City will incorporate existing and/or new trees into the streetscape or road rights-of-way and encourage new development or redevelopment to incorporate, protect and conserve existing healthy trees and woodlands in accordance with the Urban Design Policies in Section 13 (Landscape and Natural Features) of the Urban Design Manual and the Development Manual.

**From:** Christine Goulet <Christine.Goulet@kitchener.ca>  
**Sent:** Friday, August 9, 2024 7:52 AM  
**To:** Tim Seyler <Tim.Seyler@kitchener.ca>  
**Subject:** RE: Circulation for Comment - 9-27 Turner Avenue (ZBA)

Hi Tim,

Engineering has reviewed the functional servicing and are in support of the zone change with special provisions for a max sanitary peak flow of **1.38L/s**.

Kitchener Utilities has reviewed the water distribution and found it acceptable.

Thanks,

**Christine Goulet, C.E.T.**

Project Manager | Development Engineering  
519-741-2200 Ext. 7820

**Address:** 9-27 Turner Avenue  
**Owner:** 1000918377 Ontario Inc.  
**Application:** Zoning By-law Amendment #ZBA24/018/T/TS

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Comments Of: Park Planning  
Commenter's Name: Lenore Ross  
Email: Lenore.ross@kitchener.ca  
Phone: 519-741-2200 ext 7427  
Date of Comments: Aug 12 2024

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**Documents Reviewed:**

I have reviewed the documentation noted below submitted in support of a ZBA to construct a 30-unit multiple dwelling in the form of stacked townhouses. To facilitate this development, the owner has requested to amend the zone category from 'RES-4' to 'RES-5' in Zoning By-law 2019-051. A Site-Specific Provision is also being requested for an increase in the Floor Space Ratio (FSR) to 0.75, and a reduced rear yard setback of 3.6m.

- Planning Justification Report
- Urban Design Brief and 3D massing model
- Building Elevations and Floor Plans
- Proposed Site Plan
- Tree Preservation Plan and Report
- Environmental Noise Study

**Site Specific Comments & Issues:**

There are minor updates required to the documentation noted below to address Park Planning's concerns with the proposed ZBA application. Park Planning can provide conditional support to the applications subject to receiving satisfactory updates to the documentation noted.

**Comments on Submitted Documents**

The following comments should be addressed at this time.

**Urban Design Brief – K. Smart Associates Limited dated July 9 2024**

As noted in Park Planning's Presubmission comments, the site is within the Rosemount Planning Community and through Places and Spaces – An Open Space Strategy for Kitchener, this community has been identified as underserved with active neighbourhood park space and the site is beyond the recommended walking distance to active neighbourhood park space and the required Urban Design Brief should provide details for a robust on-site outdoor amenity space with good solar access and protection from wind. This amenity space will be required as part of the site plan design and should include seating and play equipment for residents of all ages and abilities. **The UDB should provide conceptual details for on-site amenity spaces including commentary and precedent images to guide detailed site design through the site plan application.**

**A revised Urban Design Brief is required.**

**Preliminary Site Plan - K. Smart Associates Limited dated July 8 2024**

- The location of the future sidewalk with respect to the front property line should be confirmed through Transportation Planning and Development Engineering.
- Urban Design may wish to comment on the proposed location for the deep well garbage storage units

**Policies, Standards and Resources:**

- Kitchener Official Plan
- City of Kitchener Park Dedication Bylaw 2022-101 and Park Dedication Policy MUN-PLA-1074
- City of Kitchener Development Manual
- Cycling and Trails Master Plan (2020)
- Chapter 690 of the current Property Maintenance By-law
- Places & Spaces: An Open Space Strategy for Kitchener
- Multi-Use Pathways & Trails Masterplan
- Urban Design Manual

**Anticipated Fees:****Parkland Dedication**

The parkland dedication requirement for this submission is **deferred** and will be assessed at a future Site Plan Application. Parkland dedication will be assessed based on the land use class(es) and density approved through the ZBA and required as a condition of Site Plan Approval as cash-in-lieu of land in accordance with the Planning Act, City of Kitchener Bylaw 2022-101 and the Park Dedication Policy MUN-PLA-1074.

An estimate is provided using the approved land valuation of \$3,830,000/ha and a dedication rate of 1ha/1000 units; a maximum dedication of either land or CIL of 10% and a capped rate of \$11,862/unit. The estimated cash-in-lieu park dedication for the proposed 0.318344 ha site with 30 proposed units (demolition and credit for 3+1+3 units) is **\$88,090**

**Calculation:**

**23 units/1000units x \$3,830,000/ha = \$88,090 (alternate rate Bylaw 2022-101)**

0.318344 ha x 0.05 x \$3,830,000 = \$60,963 (5% rate Bylaw 2022-101)

0.318344 ha x 0.10 x \$3,830,000 = \$121,926 (More Homes Built Faster Act 10% cap)



**From:** Deeksha Choudhry <Deeksha.Choudhry@kitchener.ca>

**Sent:** Friday, August 2, 2024 4:31 PM

**To:** Garrett Stevenson <Garrett.Stevenson@kitchener.ca>; Katey Crawford <Katey.Crawford@kitchener.ca>

**Cc:** Tim Seyler <Tim.Seyler@kitchener.ca>

**Subject:** Re: Circulation for Comment - 9-27 Turner Avenue (ZBA)

Tim - the subject properties have no heritage status so no heritage planning comments or concerns.

Thanks,

**Kind Regards,**

**Deeksha Choudhry, MSc., BES**

**Heritage Planner | Development and Housing Approvals Division | City of Kitchener  
200 King Street West, 6th Floor | P.O. Box 1118 | Kitchener ON N2G 4G7**

**519-741-2200 ext. 7602**

**[deeksha.choudhry@kitchener.ca](mailto:deeksha.choudhry@kitchener.ca)**



**To:** Tim Seyler, Senior Planner, City of Kitchener

**From:** David Tsai, Project Manager  
**Adjacent Development**  
Third Party Projects Review – GO (Heavy Rail)  
Metrolinx

**Date:** September 3, 2024

**Re:** **City of Kitchener – 9 – 27 Turner Avenue (ZBA24/018/T/TS) – Zoning By-law Amendment Application, Submission 1 Metrolinx Response**

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Metrolinx has reviewed the first submission of a Zoning By-law Amendment Application for 9 – 27 Turner Avenue, Kitchener. It is our understanding that the subject development proposes to construct a 30-unit stacked townhouse complex.

The subject site is non-adjacent to the Metrolinx Rail Corridor, Guelph Subdivision, to which Metrolinx operates the Kitchener GO Service.

Our previous comments dated January 17, 2024, remain applicable and have been updated below. Please refer to Appendix A for detailed Metrolinx comments that will need to be addressed as part of the application review. Responses to each comment should be provided in the next submission to demonstrate how they have been addressed.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,

**David Tsai, Project Manager**  
**Adjacent Development**  
Third Party Projects Review – **GO (Heavy Rail)**  
Metrolinx  
20 Bay Street Suite 600, Toronto

## Appendix A: Metrolinx Comments and Proponent Responses

Item	Metrolinx ZBLA Submission 1 Comments (Sep 3, 2024)	Proponent/Consultant Response
<b>Noise Impact Study</b>		
1.	<p>We are in receipt of an Environmental Noise Study prepared by JPE Engineering, dated July 10, 2024. The most up-to-date Metrolinx rail volume data is referenced in the study. However, the Metrolinx warning clause prescribed under comment 2 below should also be included in the report.</p> <p>We will require that the final noise study be submitted for review and its recommendations shall be adhered to in order for approval.</p>	
<b>Agreements</b>		
2.	<p>The Proponent shall provide confirmation to Metrolinx, that the following warning clause will be inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit within 300 metres of the Railway Corridor. Please note that the previously provided warning clause has since been updated per the below:</p> <p><b>Warning:</b> Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.</p>	
3.	<p>The Owner shall grant Metrolinx an environmental easement for operational emissions, which is to be registered on title for all uses within 300 metres of the rail right-of-way. Included is a copy of the form of easement for the Proponent's information. The Proponent may contact <a href="mailto:David.Tsai@metrolinx.com">David.Tsai@metrolinx.com</a> with any questions and to initiate the registration process at their earliest convenience. Wording of the easement is included below and registration of the easement will be required prior to clearance of Site Plan Approval. (It should be noted that the registration process can take up to 6 weeks).</p>	

4.	The Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.	
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**From:** Planning <planning@wcdsb.ca>  
**Sent:** Monday, August 12, 2024 3:38 PM  
**To:** Tim Seyler <Tim.Seyler@kitchener.ca>  
**Subject:** Fw: Circulation for Comment - 9-27 Turner Avenue (ZBA)

Good afternoon,

The Waterloo Catholic District School Board has reviewed the subject application and based on our development circulation criteria have the following comment(s)/condition(s):

A) That any Education Development Charges shall be collected prior to the issuance of a building permit(s).

Jennifer Passy, BES, MCIP, RPP (she/her)

Manager of Planning

Waterloo Catholic District School Board

Phone: 519-578-3677, ext. 2253

Cell: 519-501-5285

Please note: The offices of the WCDSB are closed on Fridays throughout the summer, and the Planning Department will be shut down from Friday, July 26th to Monday, August 5th (inclusive). All email received during this time will be reviewed and processed as soon as possible upon staff's return.

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**From:** Melissa Larion <mlarion@grandriver.ca>  
**Sent:** Friday, August 2, 2024 2:24 PM  
**To:** Tim Seyler <Tim.Seyler@kitchener.ca>  
**Subject:** FW: Circulation for Comment - 9-27 Turner Avenue (ZBA)

Hi Tim,

The subject lands are not regulated by GRCA. We have no comments.

Regards,

Melissa Larion, MCIP, RPP

Supervisor of Planning and Regulations

Grand River Conservation Authority

Office: 519-621-2763 ext. 2247

Email: [mlarion@grandriver.ca](mailto:mlarion@grandriver.ca)

[www.grandriver.ca](http://www.grandriver.ca) | [Connect with us on social media](#)

## **City of Kitchener**

### **Zoning By-law Amendment comments**

<b>Application type:</b>	Zoning By-law Amendment ZBA24/018/T/TS
<b>Comments of:</b>	Transportation Services
<b>Commenter's name:</b>	Dave Seller
<b>Email:</b>	dave.seller@kitchener.ca
<b>Phone:</b>	519-741-2200 e 7369
<b>Date of comments:</b>	August 12, 2024
<b>Comments due:</b>	September 2, 2024
<b>Project address:</b>	9-27 Turner Avenue

#### **Development proposal**

The owner is proposing to construct a 30-unit multiple dwelling in the form of stacked townhouses with one full moves access onto Turner Avenue. Based on the site plan that was submitted the total vehicle parking requirement of 1.15 sp/unit is being satisfied with 35 spaces (30 residential plus 5 visitor). The bike parking minimum requirements for Class A (15 spaces) and Class B (6 spaces) are both being satisfied.

#### **Conclusion**

Transportation Services have no concerns with this ZBA application. Consideration be given to providing a portion of the Class A bicycle parking from within the units in Buildings A/B.



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES  
Community Planning  
150 Frederick Street 8th Floor  
Kitchener Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
TTY: 519-575-4608  
Fax: 519-575-4466  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

Will Towns 1-519-616-1868  
File: C14/2/24018  
September 10, 2024

Tim Seyler  
Senior Planner  
City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor  
P.O. Box 1118, Kitchener, ON  
N2G 4G7

Dear Mr. Seyler,

**Re: Zoning By-law Amendment ZBA24/018  
9-27 Turner Avenue  
K. Smart Associates Ltd. (c/o Zaid Kashef Al Ghetaa) on  
behalf of 1000918377 Ontario Inc.  
City of Kitchener**

On behalf of the property owner, K. Smart Associates Ltd. has submitted a zoning by-law amendment (ZBA) application for a development proposal at 9-27 Turner Avenue in the City of Kitchener. The applicant proposes to demolish three existing residential dwellings (which contain seven rental units) on the individual parcels and redevelop the consolidated site with a 30-unit stacked townhouse complex in two buildings. The Region provided pre-submission comments on a previous development concept for these lands in January 2024.

The site is located in the Urban Area and Delineated Built Up Area in the Regional Official Plan; designated Low Rise Residential in the City's Official Plan; and zoned Low Rise Residential-4 (RES-4). The ZBA proposes to change the zone category to RES-5 to permit the proposed built form (stacked townhomes) and seeks relief from maximum FSR and minimum rear-yard setback requirements.

The Region has had the opportunity to review the proposal and offers the following:

**Community Planning**  
**Provincial Policy Statement 2020**

The PPS encourages the development of livable communities. It also provides a framework for planning authorities to ensure the wise use of resources while protecting Ontario's long-term prosperity and environmental and social well-being. It directs growth to built-up areas and promotes a mix of land uses that efficiently use resources,



minimize negative environmental impacts, and support active transportation and transit use.

The Planning Justification Report prepared by K. Smart Associated (dated July 9, 2024) provides a review of applicable PPS policies in Section 4.2. The development proposes an intensified use of serviced (and underutilized) land in proximity to transit services and expands the range of housing options in the neighbourhood. Overall, Regional staff are satisfied that the proposal is consistent with the PPS.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan recognizes the Greater Golden Horseshoe (GGH) as a fast-growing and dynamic region. It directs development in a way that supports economic prosperity, the environment, and quality of life – specifically emphasizing intensification, compact built form, and housing choice in built-up areas.

The Planning Justification Report provides a review of applicable Growth Plan policies in Section 4.3, including comments on the proposed development's emphasis on intensification and proximity to transit services. The site's location within the Built Up area on underutilized, serviced land is in keeping with Growth Plan direction, and therefore Regional staff are satisfied that the application conforms with the Growth Plan.

### **Regional Official Plan**

Section 1.6 of the Regional Official Plan establishes the Regional Planning Framework and Section 2.B.1 and 2.C establish policies for the Urban System. Section 2.F of the Regional Official Plan establishes policies for intensification targets within the Delineated Built-Up Area, which is set at 60 percent annually for the City of Kitchener. Development in the Built Up Area is intended to provide gentle density and other missing-middle housing options that are designed in a manner that supports the achievement of 15-minute neighbourhoods.

The Planning Justification Report also reviews applicable ROP policies in Section 4.4. The proposed additional density will contribute to the achievement of Kitchener's intensification target for the Delineated Built Up Area, while the proposed built form (stacked townhouses) are encouraged in the ROP as a form of missing-middle housing in the Delineated Built-Up Area. Additionally, the lands are located in proximity to existing transit services on Frederick Street and Victoria Street North, as well as employment uses 160m north of the site. Regional staff are satisfied that the application contributes to the development of a more compact, complete community conforms to the ROP overall.

### **Corridor Planning**

#### **Condition of Approval for ZBA**

Approval of the noise study is required prior to final approval of the ZBA application.

## **Environmental & Stationary Noise**

Staff note that a noise study entitled Environmental Noise Study 9, 15 & 27 Turner Avenue Kitchener, Ontario prepared by JPE Engineering (dated July 10, 2024) was submitted in support of this application. The study considered both environmental (rail and road) and stationary sources, and was circulated to a third-party peer reviewer for review and comment. Comments from the peer reviewer will be provided under separate cover.

Should the application proceed to Council for approval prior to the receipt of peer review comments, the Region will require a holding provision until the preliminary study is completed and a detailed noise study addressing final design of the site and its impact on surrounding sensitive land uses and itself is prepared and accepted by the Region. Required wording for the holding provision is as follows:

*That a holding provision shall apply to the entirety of the subject lands until satisfactory preliminary and detailed stationary noise studies have been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.*

## **Conditions of Future Site Plan Application**

No additional approvals will be required prior to final approval of a future site plan application. Note, however, that a site plan pre-consultation fee of \$300 and a site plan review fee of \$805 will be required for the review and approval of a future site plan application.

## **Hydrogeology and Water Programs/Source Water Protection**

The property is not located within a Part IV area of the Clean Water Act, or within a Wellhead Protection Sensitivity Area as per ROP mapping. In accordance with Regional guidelines, the developer is advised that they will be required to complete a Salt Management Plan for the subject property to the Region's satisfaction as part of a future site plan application.

## **Housing Services**

The following Regional policies and initiatives support the development and maintenance of affordable housing:

- Regional Strategic Plan
  - o Strategic Priority 1 is "Homes for All" in the 2023-2027 Strategic Plan.
- 10-Year Housing and Homelessness Plan
  - o Contains an affordable housing target for 30 percent of all new residential development between 2019 and 2041 in Waterloo Region to be affordable to low- and moderate-income households.
- Building Better Futures Framework

- Demonstrates Regional plans to create 2,500 units of housing affordable to people with low to moderate incomes by 2025.
- Region of Waterloo Official Plan
  - Section 3.A (Range and Mix of Housing) contains land use policies that ensure the provision of a full and diverse range and mix of permanent housing that is safe, affordable, of adequate size, and meets the accessibility requirements of all residents.

The Region supports the provision of a full range of housing options, including affordable housing. Should this ZBA be approved, staff recommend that the applicant consider providing a number of affordable housing units on the site, as defined in the ROP. Rent levels and house prices that are considered affordable according to the ROP are provided below in the section on affordability.

In order for affordable housing to fulfill its purpose of being affordable to those who require rents lower than the regular market provides, a mechanism should be in place to ensure the units remain affordable and establish income levels of the households who can rent the homes.

Staff further recommend meeting with Housing Services to discuss the proposal in more detail and to explore opportunities for partnerships or programs and mechanisms to support a defined level of affordability.

### **Affordability**

For the purposes of evaluating the affordability of a rental unit, based on the definition of affordable housing in the Regional Official Plan, the average rent is compared to *the least expensive of*:

A unit for which the rent does not exceed 30 per cent of the gross annual household income for low- and moderate-income renter households	\$1,960
A unit for which the rent is at or below the average market rent (AMR) in the regional market area	Bachelor: \$1,075 1-Bedroom: \$1,245 2-Bedroom: \$1,469 3-Bedroom: \$1,631 4+ Bedroom: n/a

\*Based on the most recent information available from the PPS Housing Tables (2022)

For a rental unit to be deemed affordable, the average rent for the proposed units must be at or below the average market rent in the regional market area as shown above.

Please do not hesitate to contact Housing Services staff directly at [JMaanMiedema@regionofwaterloo.ca](mailto:JMaanMiedema@regionofwaterloo.ca) or by phone at 226-753-9593 should you have any questions or wish to discuss in more detail.

### **Fees**

Please be advised that the Region is in receipt of fees for the ZBA review (\$3,000) and peer review of the environmental noise study (\$5,085). These were received and deposited on August 14, 2024.

### **Conclusions & Next Steps**

Regional staff have no objection to the proposed application, provided the following is addressed:

- A holding provision is applied to these lands requiring Regional acceptance of the preliminary noise study and completion of a detailed noise study prior to site plan approval.

Note also that peer review comments in relation to the preliminary stationary noise study submitted in support of this application will be provided under separate cover once received from the third-party peer reviewer.

Please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Further, please accept this letter as our request for a copy of the decision pertaining to this application. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Will Towns, RPP  
Senior Planner

- C. MHBC Planning Inc. c/o Andrea Sinclair (Applicant)  
Charcoal Properties Ltd. c/o Tom Wideman (Owner)



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES  
Community Planning  
150 Frederick Street 8th Floor  
Kitchener Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
TTY: 519-575-4608  
Fax: 519-575-4466  
www.regionofwaterloo.ca

Will Towns 1-519-616-1868  
File: C14/2/24018  
September 25, 2024

Tim Seyler  
Senior Planner  
City of Kitchener  
200 King Street West, 6<sup>th</sup> Floor  
P.O. Box 1118, Kitchener, ON  
N2G 4G7

Dear Mr. Seyler,

**Re: Zoning By-law Amendment ZBA24/018  
9-27 Turner Avenue  
K. Smart Associates Ltd. (c/o Zaid Kashef Al Ghetaa) on  
behalf of 1000918377 Ontario Inc.  
City of Kitchener**

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The site is located in the Urban Area and Delineated Built Up Area in the Regional Official Plan; designated Low Rise Residential in the City's Official Plan; and zoned Low Rise Residential-4 (RES-4). The ZBA proposes to change the zone category to RES-5 to permit the proposed built form (stacked townhomes) and seeks relief from maximum FSR and minimum rear-yard setback requirements.

Further to Regional comments provided on September 10, 2024 in relation to the above-noted ZBA application, Regional staff now have the following to provide to the City of Kitchener in relation to the noise study submitted in support of this application:

**Environmental & Stationary Noise Study**

A noise study entitled Environmental Noise Study, 9, 15 & 27 Turner Avenue, Kitchener, Ontario prepared by JPE Engineering (dated July 10, 2024) was submitted in support of this application. The study considers both environmental (rail and road) and stationary

sources, and was circulated to the Region's third-party peer reviewer for review and comment. These comments have now been received by Regional staff and are appended to this letter. A summary of required changes identified by the peer reviewer is provided below.

- Submission Documentation:
  - o Revisions to the Consultant Noise Statement (signature).
  - o Note that JPE Engineering is confirmed as an approved Regional noise study reviewer.
- Transportation Sources:
  - o Minor modelling clarifications.
  - o Please note that peer review comment 4 d) d. requesting more specific glazing detail may be addressed through the detailed noise study required prior to site plan approval.
- Stationary Sources:
  - o Updating of sound power levels and operating times for worst-case stationary sources.
  - o Inclusion of worst-case points of reception located at plane of window locations. Required heights would be each of the floors shown in the architectural drawing set or justification of the worst-case elevation.
  - o A compliance table of predicted stationary source noise levels comparing to applicable sound level limits (NPC-300).
  - o Inclusion of quasi-impulsive penalty from auto shop operations at 961 Victoria Street North, or justification on why it is not applicable is required.
- Recommendations for the future detailed noise study:
  - o Future submissions or revisions must also show the analysis and findings which demonstrate that the cumulative impacts of the on-site HVAC equipment are compliant with the criteria at points of reception off-site.
  - o HVAC or mechanical equipment be selected prior to site plan approval and that the manufacturer's sound levels for the selected equipment be reviewed to provide assurance that the sound level criteria will be met at the points of reception on-site and off-site. The review should be completed by a qualified acoustical consultant experienced in environmental noise, who is on the Region's Pre-Qualified Consultants for Noise Studies List.

The applicant is asked to address these comments in an addendum letter to the existing study and submit to the Region for review, unless results are significantly altered (in which case an updated Environmental Noise Study is required). Please note that resubmission may be subject to additional fees as per the Region's Fees and Charges By-law 23-062, and fees will be confirmed at the time of resubmission.

As indicated in the Region's comments dated September 10, 2024, should the application proceed to Council for approval prior to resubmission and Regional acceptance of the noise study, the Region requires a holding provision until the

preliminary study is completed and a detailed noise study addressing final design of the site and its impact on surrounding sensitive land uses and itself is prepared and accepted by the Region. Required wording for the holding provision is as follows:

*That a holding provision shall apply to the entirety of the subject lands until satisfactory preliminary and detailed stationary noise studies have been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.*

### **Fees**

Please be advised that the Region is in receipt of fees for the ZBA review (\$3,000) and peer review of the environmental noise study (\$5,085). These were received and deposited on August 14, 2024.

### **Updated Conclusions & Next Steps**

Regional staff have no objection to the proposed application, provided the following is addressed:

- Preliminary Environmental Noise Study revisions are provided to the Region for review and acceptance.
- A holding provision is applied to these lands requiring Regional acceptance of the preliminary noise study and completion of a detailed noise study prior to site plan approval.

Please be advised that any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charge By-law 19-037 or any successor thereof.

Further, please accept this letter as our request for a copy of the decision pertaining to this application. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Will Towns, RPP  
Senior Planner

C. K. Smart Associates c/o Steve Jefferson (Applicant)  
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September 20, 2024

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**Re: Reply to Peer Review – Noise Response  
9,15, & 27 Turner Avenue Kitchener, Ontario  
RWDI Reference No. 2300540**

Dear Melissa,

The Region of Waterloo has retained RWDI to conduct a peer review for a proposed office development (the Development) located at 9,15, & 27 Turner Avenue Kitchener, Ontario. The Development proposes a 30-unit stacked townhome development in two buildings. The applicant was required to submit an Environmental Noise Study for transportation and stationary noise as part of a Zoning By-Law Amendment (ZBA) application for the site. The review considered the Noise Report titled “Environmental Noise Study – 9, 15, & 27 Turner Avenue Kitchener, Ontario” by JPE Engineering and dated July 10, 2024.

This review reflects best practices for land-use planning, as well as guidelines and policies mandated by the Regional Municipality of Waterloo (RMOW), the City of Waterloo and, where applicable, the Province of Ontario. Where differences in guidance may exist, the City of Waterloo and RMOW have provided direct guidance to this peer reviewer on their expectations. In all cases, the direction and policies of the RMOW take precedence. Comments requiring action by the applicant are highlighted throughout this document for ease of identification.

## Assessment Approach

1. The Noise Study reviews the potential sources of environmental noise in the area
  - a. Road traffic noise from adjacent high traffic streets, which is appropriate.
  - b. Rail traffic noise from the Metrolinx rail line, which is appropriate.
  - c. Offsite stationary sources were assessed from surrounding commercial and industrial buildings, which is appropriate.
  - d. Points of Reception (POR) were identified in the Noise Report according to NPC-300. The identified PORs were only assessed for transportation sources. Assessment of PORs are required for stationary sources, and require additional locations as discussed further below.
  - e. Stationary noise emissions from the Development to nearby residential dwellings have been evaluated. Based on the assessment given in the Noise Report, noise levels from the Development appear to meet the minimum exclusionary stationary noise limits of the MECP at on POR, but require further clarification.





## Submission Documentation

1. A Consultant Declaration Statement, complete with commissioning by a Commissioner of Oaths (or notarization by a Notary Public) **has been provided as required, but verification that the individual is on the Region's approved consultant's list is required.**
2. An Owner's Declaration Statement has been provided as required, but appears to be incorrectly signed (Not an actual signature, includes no PDF signature verification).

## Transportation Sources

1. Surface Transportation guideline limits are addressed in **Section 2.1** of the Noise Report.
2. Indoor sound level limits for road and rail traffic noise are presented in **Table 1** and is further described in **Section 2.1** of the Noise Study, which appropriately aligns with the guidance documents for road noise in NPC-300. **Table 2** lists the appropriate mitigation and warning clauses for road and rail noise sources.
3. Road data is summarized in **Table 4** and **Section 3.1** of the Noise Study. The following is noted:
  - a. The 10-year future road traffic information for the surrounding roadways was provided by the Region. The data was valid at the time of the Noise Study and is provided in **Appendix B**.
  - b. Road traffic impacts were evaluated from Victoria Street North, River Road E, and Frederick Street which is considered appropriate due to the low volumes on other surrounding roads.
4. Rail data is summarized in **Table 5** and **Section 4.1** of the Noise Study. The following is noted:
  - a. Rail data for the CN and CP subdivisions were not considered as recommended by the Region of Waterloo, with supporting documentation.
  - b. Rail data for Metrolinx was obtain from Metrolinx for future volumes with supporting documentation, which is considered appropriate.
  - c. Speeds and the application of whistle sounding is appropriate for this area of Metrolinx rail.
2. Modelling of road and rail traffic noise was completed using STAMSON version 5.04. The following is noted:
  - a. The sample STAMSON output files were provided in Appendix B.
    - i. Rail traffic data (volumes, speeds, etc.) do not align with the data specified in the report for the Metrolinx rail lines. The STAMSON output file indicates modelled counts are greater than those supplied by Metrolinx. Predicted results are considered conservative.
    - ii. Reflective ground (value 2) for the rail modelling was applied, and is appropriate for the assessed lands.
    - iii. Train whistling noise has been included in the assessment and is considered appropriate for the considered rail lines.



- iv. The number of house rows was modelled as 1 with a house density of 95 % for the Metrolinx portion of the STAMSON modelling. A value of 95% is considered high and not representative of the intervening structures. A value 70% appears more suitable. **The model should be updated or justification to support the use of 95% be provided.**
  - v. Reflective Ground (value 2) for the road modelling was applied and is considered appropriate.
  - vi. Road traffic data (volumes, speeds, truck percentages, etc.) align with the data provided specified in the RMOW traffic data for the three assessed roadways.
  - vii. The terrain is modelled as flat or gently sloping with no barrier and is considered appropriate for both the road and rail.
  - viii. A receptor height of 9 m for both rail and road are considered appropriate for the development upper window.
  - ix. The angles of exposure for both rail and road are considered appropriate.
  - x. A road gradient of 0% was applied and considered appropriate.
3. Predicted impacts from road and rail traffic noise was presented in **Table 8** and **Section 5.1**. The following is noted:
- a. Predicted noise levels exceed the minimum requirements and require controls put in place.
4. Mitigations and recommendations for road and rail noise are outlined in **Section 6** and **Section 7**. The following is noted:
- a. The Noise Study indicates that provision for central air conditioning for all units in the development is required, which is considered appropriate.
  - b. A standard proximity to railway line warning clause is recommended (RMOW Noise Study Type D warning clause) and considered appropriate.
  - c. A standard NPC-300 **Type A** warning clause has been recommended, and is appropriate.
  - d. Preliminary exterior wall and glazing requirements are outlined in the Noise Study as follows:
    - a. All internal spaces were found to require the OBC standard STC requirements using an assumption of 27% window-to-floor area (Appendix D: Special Building Components). The value appears to be low when compared to the architectural drawings, but is generally considered appropriate.
    - b. The Noise report used the IBANA calculation method for determining the transmission loss of the various façade components and is appropriate.
    - c. For corner units, it is unclear if calculations are for a single wall, with noise entering from a single façade or if both façades have been considered.
    - d. **While these recommendations appear typical, the study must be updated prior to site Plan Approval to account for actual window-to-floor ratios, and details of the method used, and example calculations should be provided. Since noise enters the unit from 2 facades on corner units, a confirmation is required that glazing requirements for corner unit rooms has been considered.**



## Stationary Source

3. The NPC-300 guideline is used for assessment of stationary sources by the consultant. We concur that this is the current practice in the Region.
4. The report states that the nature of the area suggests a Class 1 urban acoustic environment. The modelled influence of road traffic on the development is consistent with this observation. Description of this acoustic environment as Class 1 is appropriate.
5. Stationary-source noise was evaluated from the HVAC equipment associated with each unit of the building. The evaluation of HVAC equipment noise on the dwellings considers the impact of the development on itself and is in keeping with Regional precedent.
6. An overall sound level of 80 dBA was used for HVAC equipment, and is considered a low relative to our experience. If alternative equipment is selected, the sound level results may be different. Since the equipment selection and its placement are significant to ensuring compliance, the following recommendations are made:
  - a. It is recommended that the HVAC equipment selection be finalized prior to building plan approval and that the manufacturer's sound levels for the selected equipment be reviewed to provide assurance that the sound level criteria will be met at the points of reception. The review should be completed by a qualified acoustical consultant experienced in environmental noise, who is on the Region's Pre-Qualified Consultants for Noise Studies List.
  - b. Prior to occupancy, a sound level verification and sign-off is required to ensure that the sound levels from the installed HVAC equipment under predictable worst-case operation meet the sound level requirements at all points of reception on and off-site. The verification and sign-off shall be completed by a qualified acoustical consultant experienced in environmental noise, who is on the Region's Pre-Qualified Consultants for Noise Studies List.
7. The modelling of sound propagation was done in the DBMap software package.
  - a. The DBMap software appears to meet the requirements for an "Acceptable Noise Model" for the use in modelling environmental noise impacts but is uncommonly used. DBMap has ISO-17534 quality assurance information on their website but has yet to validate to the most recent test suite which is currently unavailable. Hence, it is listed as being "Out-of-Date" in 2024 (<https://noisetools.net/users/iso-17534-results/>). The model will be considered acceptable subject to the additional information requested herein.
  - b. The ISO 9613 sound propagation algorithms used in DBMap are a suitable model.
  - c. The model settings are provided and reviewed below.
    - i. The relative humidity setting is appropriate.
    - ii. The temperature setting (15 C) is higher than the local common practice (i.e., 10 C) but is acceptable for this equipment and its expected summertime usage.



- iii. The application of up to 2 reflections is suitable.
  - iv. Ground surface characteristics are described as “hard ground” with  $G=0$ . The use of “hard ground” is appropriate.
8. The Noise Report assesses off-site stationary sources listed in **Table 7** and **Section 3.3.2**. The following is noted:
- a. HVAC sound power levels were modelled at 80 dBA for all units with 100%/50% duty cycles for day and nighttime hours respectively, and is suitable.
  - b. Noise from the adjacent Arby's is assessed by modelling noise from the ordering speaker and idling vehicles. The modelling assumes 6 minutes of operation for the ordering speaker per hour with a single car idling for 20 minutes. These operating assumptions appear low for a worst-case hour in our experience. Busy drive-thrus commonly have 20-30 minutes of speaker operation, apply a 5 dB penalty for annoyance, and may have 5 or more idling vehicles consistently through a worst-case hour. The analysis should be revised to be conservative or specific justification for this Arby's location provided.
    - i. The drive through is the nearest source to the building B.
  - c. Noise from the auto shop located at 961 Victoria Street North is assessed as two point-sources representing the open doors of the shop. The sources were modelled at a height of 1m. The sound power levels is 90 dBA with a 50% operating time. This is appropriate for the location.
    - i. Review of the auto shop website indicates tire services are provided, indicating the use of impact drivers for potential long periods. Impact sounds are considered quasi-impulsive and should be assessed in the Noise Report with the appropriate 10 dB penalty per NPC-104.
9. Section 4.2 of the Noise Report states that points of reception (PORs) are not defined as the noise modelling provides noise contour results at various elevations. Section 5.2 reviews the results of the stationary source modelling. The following is noted:
- a. PORs are required to be assessed at worst-case locations and operations for stationary sources as defined in NPC-300:
    - i. “The acoustic assessment of stationary source noise impacts **at a point of reception** must address the predictable worst case noise impact.”
  - b. As no summary table is provided for PORs with direct comparison with stationary noise limits, the reader must interpret the noise isopleths. A table showing the predicted noise results for worst-case locations at development buildings comparing to appropriate limits is required.
  - c. Drawings N-2 through N-3 in Appendix C show sound level contour plots from the model used for assessing the impacts from stationary noise sources:
    - i. No details on the contours are provided to assist in the interpretation of the contours, such as the spacing of the base evaluation points. Contours are the interpolation of these base points and may be significantly misinterpreted if setup incorrectly. The Noise Report is required to assess at a worst-case



location as noted above and the use of contours alone is insufficient. The use of either "receivers" or "building evaluations" common in many noise modelling software is recommended.

- ii. Daytime contours from drawing N-3 for an elevation of 7.5 m height show the 50 dBA isopleth potential exceeding plane of window limits for "Building B". This result should be confirmed and addressed.
- iii. The analysis only assesses impacts at 1.5 m and 7.5 m elevations. The development has three full floors above grade, all of which should be considered with the worst-case impacts reported. The modelling at 1.5 m and 7.5 m appear unrepresentative of the plane of window locations shown in the architectural drawings. Please demonstrate that the reported results represent the worst-case elevation for the stationary sources.
- iv. The contour plots illustrate that the sources were evaluated cumulatively. This shows agreement with the Region's position that cumulative impact from stationary sources should be considered.

## Impact of the Development

- 10. The report considers impact of the surroundings on the development and impact of the development. **Section 5.2** states that the noise impacts from the development will meet sound level limits.
  - a. Based on the latest analysis it is reasonable to expect that offsite noise levels can achieve the sound level limits.
  - b. Any future submissions or revisions of the report must also show the analysis and findings which demonstrate that the cumulative impacts of the on-site HVAC equipment are compliant with the criteria at points of reception off-site.

## Conclusions and Recommendations

- 11. The Conclusions and Recommendations section summarizes the recommendations that the report has specified and is applied to all units of the development, as is appropriate.
  - a. An **NPC-300 Type A** Warnings Clause for road and rail transportation sources, which is appropriate.
  - b. An **NPC-300 Type D** Warnings Clause for road and rail transportation sources and air conditioning, which is appropriate.
  - c. An **NPC-300 Type E** Warnings Clause adjacent industrial/commercial land-uses , which is appropriate.
  - d. A requirement for provision of central air conditioning or a forced air heating to which central air conditioning can be added is specified for all units, and is considered appropriate.



12. Based on the current mechanical equipment selection, all outdoor HVAC units are to be centrally located on the rooftop of each building, as is appropriate in this situation.
13. The report provides a concluding statement concerning feasibility of the development, as is expected.

## Summary

The revised environmental noise study provided for 9,15, & 27 Turner Avenue in Kitchener, Ontario presents an assessment for road traffic and on-site stationary sources. The Region of Waterloo seeks assurance that the sound levels and impacts are accurate and complete. The peer review concludes that the statement of feasibility is supported based on the information available, with the following notes.

- Stationary source impacts need to be updated and revised:
  - Updating of sound power levels and operating times for worst-case stationary sources considered are required.
  - Inclusion of worst-case PORs located at plane of window locations is required. Required heights would be each of the floors shown in the architectural drawing set or justification of the worst-case elevation considered.
  - A compliance table of predicted stationary source noise levels comparing to applicable sound level limits.
  - Inclusion of quasi-impulsive penalty from the auto shop operations, or justification on why it is not applicable is required.
- Any future noise submissions or revisions of the report must also show the analysis and findings which demonstrate that the cumulative impacts of the on-site HVAC equipment are compliant with the criteria at points of reception off-site.
- Since compliance of the on-site and off-site impact from the on-site noise sources is strongly dependent on the equipment selection and its placement, the following is noted.
  - It is recommended that HVAC or mechanical equipment be selected prior to building plan approval and that the manufacturer's sound levels for the selected equipment be reviewed to provide assurance that the sound level criteria will be met at the points of reception on-site and off-site. The review should be completed by a qualified acoustical consultant experienced in environmental noise, who is on the Region's Pre-Qualified Consultants for Noise Studies List.
  - Prior to occupancy, a sound level verification and sign off is required to ensure that the sound levels from the installed HVAC or mechanical equipment under predictable worst-case operation meet the sound level requirements at all points of reception on-site and off-site. The verification and sign-off shall be completed by a qualified acoustical consultant experienced in environmental noise, who is on the Region's Pre-Qualified Consultants for Noise Studies List.



Will Towns, RPP  
Region of Waterloo  
RWDI#2300540.59  
SEPTEMBER 20, 2024

Without addressing these items, it is not possible to provide assurance that the values, results, and conclusions are reasonable.

A letter addendum may be considered sufficient regarding the above, providing the results and conclusions are unchanged. Otherwise, a revised Noise Study is considered necessary.

Yours truly,

**RWDI**

A handwritten signature in black ink, appearing to read 'D. Kremer', is positioned above the printed name and title.

Daniel Kremer, M.Sc., P.Eng.  
Senior Noise & Vibration Engineer



## Statement of Limitations

This report entitled Reply to Peer Review – Noise Response for 9,15, & 27 Turner Avenue in Kitchener, Ontario, Cambridge and dated September 20, 2024 was prepared by RWDI AIR Inc. (“RWDI”) for the Region of Waterloo (“Client”). The findings and conclusions presented in this report have been prepared for the Client and are specific to the peer review described herein (“Project”). The conclusions and recommendations contained in this report are based on the information available to RWDI when this report was prepared. Because the contents of this report may not reflect the final design of the Project or subsequent changes made after the date of this report, RWDI recommends that it be retained by Client during the final stages of the project to verify that the results and recommendations provided in this report have been correctly interpreted in the final design of the Project.

The conclusions and recommendations contained in this report have also been made for the specific purpose(s) set out herein. Should the Client or any other third party utilize the report and/or implement the conclusions and recommendations contained therein for any other purpose or project without the involvement of RWDI, the Client or such third party assumes any and all risk of any and all consequences arising from such use and RWDI accepts no responsibility for any liability, loss, or damage of any kind suffered by Client or any other third party arising therefrom.