



PLANNING, DEVELOPMENT AND
LEGISLATIVE SERVICES

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Erica Ali
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File: D20-20/24 KIT
September 30, 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 - B2024-026, B2024-027, B2024-028
Committee of Adjustment Hearing October 15, 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.

File: B 2024-026

Address: 211 Lancaster St W

Description: Lot 193, Plan 318

Owner: Kiros Tsige - Fiyori Weldegebrial

Agent: Isoline Architects Inc c/o Othman Rmmo

The applicant/owner proposes consent to sever for the purpose of creating a new residential lot. The existing single detached dwelling will remain on retained lot (existing shed to be demolished). A new single detached dwelling is proposed to be constructed on severed lot. The proposed retained lot measures 399.63sqm with 10.923m frontage. The proposed severed lot measures 292sqm with 7.974m frontage. The application notes that a minor variance is required to facilitate the severance, with respect to a reduced lot frontage.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-5. Residential uses are permitted.

Culture, Heritage, and Indigenous Engagement (Advisory)

The subject property has archaeological potential due to its location within a potential heritage area of interest, location within a historic landform and proximity to a historic road, however, the Region does not require Archeological Assessment at this time.

The owner/applicant is advised that an Archeological Assessment will be required for any future Planning Act application for the severed and retained lands. In accordance with Regional Official Plan policy 3.G.9, the owner/applicant will be required to have a licensed Archaeologist complete an Archeological Assessment of the subject property prior to any site alteration that will result in ground disturbance. The applicant must submit the Archeological Assessment report(s) to the Ministry of Citizenship and Multiculturalism, and once reviewed and accepted, provide a copy of the Ministry's Acknowledgement letter(s) and the Assessment report(s) to the satisfaction of the Region of Waterloo's Planning, Development and Legislative Services Department.

In the event of site alteration that does not trigger the requirement for Archeological Assessment under the Planning Act, 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.

Environmental Noise Impact

At this location, the proposed development may encounter traffic noise sources due to Lancaster St W (RR#29) and stationary noise sources due to industrial land uses in proximity. It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Parks NPC-300 requirements. The Regional process for this requirement can be provided upon request.

Alternatively, Regional Staff would waive this condition if the applicant entered into an agreement with the Region of Waterloo to implement Noise Warning Clauses. The following clauses would be included in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots.

All Units/ Type A:

Purchasers/tenants are advised that sound levels due to increasing road traffic on Lancaster Street West 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.

All Units/ Type E:

Purchasers/tenants are advised that noise due to industrial land use in proximity may at times be audible.

Road Widening

At this location, Regional Road #29 (Lancaster Street West) has a designated width in the Regional Official Plan (ROP) of 26.213m. An approximate 3 metre road widening will be required along the Lancaster St W frontage for retained and severed lands. An Ontario Land Surveyor (OLS) would have to determine the exact road widenings.

The Owner/Applicant must engage an OLS to prepare a draft reference plan which illustrates the required road allowance widening. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the Transportation Planner for review. An electronic copy of the registered plan is to be emailed to the Transportation Planner. Further instructions will come from the Region's Legal Assistant with regard to document preparation and registration. It is recommended that the OLS contact Region staff to discuss the road widening prior to preparing the Reference Plan.

The land must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. All land dedications should be identified on the Site Plan.

Access Permit (advisory)

A Regional Access Permit will be required for the proposed driveway access onto Lancaster Street West for the retained lot. The access must comply with the Regional Access Policy. The fee for the issuance of the permits is \$230 each.

The application for a Regional Road Access Permit can be found on the Region's website at <https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Application-and-Payment-for-an-Access-Permit>

Municipal Consent (advisory)

Please be advised that any works occurring in the Regional ROW including servicing connections and access connections would require Regional approval through a separate process of Municipal Consent and a Work Permit. Approval through these processes must be granted prior to development.

Water and Wastewater Services

The applicant should be made aware that no connection to the Lancaster St W regional watermain will be permitted in accordance with Section B.2.1.4.1 of the Design Guidelines and Supplemental Specifications for Municipal Services [February 2024].

The applicant/owner is asked to submit a functional servicing report for review and approval. The functional servicing report shall demonstrate the existing infrastructure can support the proposed development or shall make recommendations for upgrades to the existing infrastructure.

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 the Owner/Applicant submit the consent review fee of \$350 to the Regional Municipality of Waterloo.
2. That the Owner/Developer enter into a registered development agreement with the Regional Municipality of Waterloo to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots, to the satisfaction of the Region:
 - i. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Lancaster Street West 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.*
 - ii. *Purchasers/tenants are advised that noise due to industrial land use in proximity may at times be audible.*
3. That the Owner/Developer dedicate an approximate 3.0m road widening along the Lancaster Street West frontage for retained and severed lands, to the satisfaction of the Regional Municipality of Waterloo. The owner/applicant must engage an Ontario Land Surveyor to prepare a reference plan which illustrates the required road widening lands to the satisfaction of the Regional Municipality of Waterloo and the road widening must be dedicated without cost and free of encumbrance.
4. That the Owner/Developer submit a Functional Servicing Report, to the satisfaction of the Regional Municipality of Waterloo.

File: B 2024-027/ B 2024-028

Address: 130 Edmund Rd/ 132 Edmund Rd

Description: Lot 88, Plan 651

Owner: Jason Malfara / Joanne McCallum

The applicants/owners propose consent to sever for the purpose of creating a new residential lot, and establishing mutual reciprocal access easement along common property line. The two parcels are municipally addressed as 130 Edmund Rd and 132 Edmund Rd. A semi-detached dwelling is proposed to be constructed on each lot. The proposed retained lot measures 318.83sqm with 7.93 frontage. The proposed severed lot measures 318.63sqm with 7.92m frontage. The proposed easement is 1.5m in width, 40.3m in depth. The application notes that a minor variance is required to facilitate the severance.

The subject lands are within the Delineated Built-up Area and Urban Area Boundary in the Regional Official Plan (Map 1, 2). The subject lands are designated Low-Rise Residential in the City's Official Plan (Map 3 – Land Use) and zoned RES-4. Residential uses are permitted.

Source Water Protection Policy

Notice of Source Protection Plan Compliance

The subject property is in a Source Protection Area where risk management or prohibition policies 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.

Environmental Noise Impact

At this location, the proposed development may encounter traffic noise sources due to Weber Street East (RR#08) and Conestoga Parkway (HWY 7).

It is the responsibility of the applicant to ensure the proposed noise sensitive development is not adversely affected by anticipated noise impacts. To address the environmental noise impacts, the applicant must prepare an Environmental Noise Study; the noise levels criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Parks NPC-300 requirements. The Regional process for this requirement can be provided upon request.

Alternatively, Regional staff would waive this condition if the applicant entered into an agreement with the City of Kitchener to implement Noise Warning Clauses. The following clauses would be included in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots.

All Units/ Type A:

Purchasers/tenants are advised that sound levels due to increasing road traffic on Weber Street East and Conestoga Parkway 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.

Regional Consent Review Fee

Regional Staff are not in receipt of the required consent review fee of \$350 per application (i.e. \$700 total). 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 the Owner/Applicant submit the consent review fee of \$350 per application to the Regional Municipality of Waterloo.
2. That the Owner/Developer submit a Notice of Source Water Protection Plan Compliance to the Regional Municipality of Waterloo.
3. That the Owner/Developer enter into a registered development agreement with the City of Kitchener to include the following noise warning clause in all agreements of Offer of purchase/sale and lease/rental for all dwelling units on both retained and severed lots, to the satisfaction of the Region:
 - i. *Purchasers/tenants are advised that sound levels due to increasing road traffic on Weber Street East and Conestoga Parkway 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.*

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