

**CITY OF KITCHENER
COMMITTEE OF ADJUSTMENT**



DATE OF DECISION: September 17, 2019
DATE OF MAILING DECISION: September 27, 2019
LAST DAY FOR APPEALS: October 7, 2019
APPLICANT(S): 470088 ONTARIO LIMITED
SUBMISSION NO.: A 2019-102

Enclosed is a copy of the Decision of the Committee of Adjustment for the City of Kitchener in the above-noted matter. There is a 20-day appeal period from the day the decision was made before this decision becomes final and binding. The last day for filing an appeal is noted above. You have a right to appeal this decision to the Local Planning Appeal Tribunal in accordance with Section 45 of the Planning Act.

The applicant will be given written notice whether or not an appeal has been submitted.

If you wish to file an appeal to this decision, you must submit an Appellant Form (A1) prescribed by the Local Planning Appeal Tribunal, giving reasons for your appeal. Copies of Appellant Form (A1) are available at the Office of the City Clerk or on the Board's website: <http://elto.gov.on.ca/>. The Local Planning Appeal Tribunal fee is \$300.00. You must submit this fee, by certified cheque or money order, in Canadian funds, payable to the "Minister of Finance". The Notice of Appeal, together with the Local Planning Appeal Tribunal fee, must be submitted to the Secretary-Treasurer, Committee of Adjustment, Office of the City Clerk, 2nd Floor, City Hall, 200 King Street West, P.O. Box 1118, Kitchener ON N2G 4G7.

Yours truly,

Dianna Saunderson
Secretary-Treasurer
Committee of Adjustment

NOTES: The Planning Act provides for appeals to be filed by "persons." Groups or associations, such as residents' or ratepayers' groups that do not have incorporated status, may not be considered "persons" for purposes of the Act, groups wishing to appeal this decision should do so in the name of an individual group member, and not in the name of the group.

Staff Report

Development Services Department



www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 17, 2019

SUBMITTED BY: Juliane von Westerholt, Senior Planner - 519-741-2200 ext. 7157

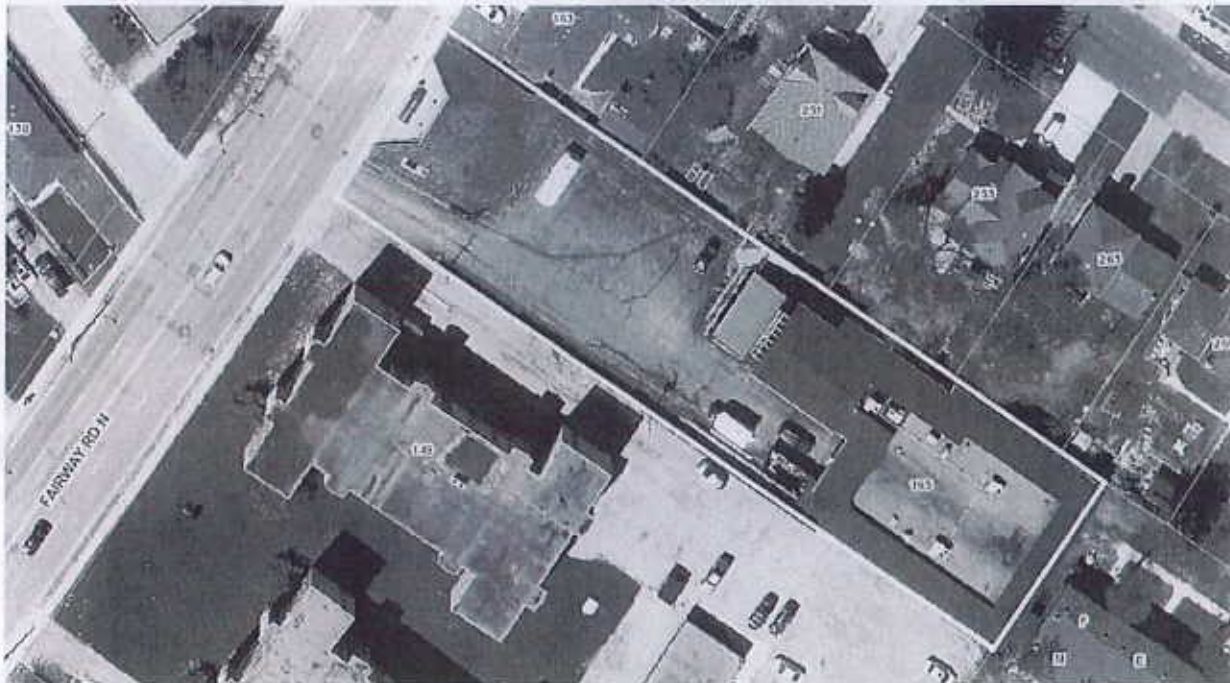
PREPARED BY: Tim Seyler, Junior Planner – 519-741-2200 ext. 7860

WARD: 2

DATE OF REPORT: September 6, 2019

REPORT #: DSD-19-217

SUBJECT: A2019-102 – 165 Fairway Road North
Applicants – Lito Navaleza on Behalf of 470088 Ontario Ltd.
Approve with conditions



Location Map: 165 Fairway Road North

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

REPORT

Planning Comments:

The subject property located at 165 Fairway Road North is zoned Residential Six (R-6), and designated Low Rise Residential in the City Official Plan. The applicant is proposing to create a Multiple Dwelling with 7 units and cannot meet the requirements of Section 40.2.6 of the Zoning By-law. The applicant is requesting relief to permit the following:

- a) An interior side yard setback of 2.0 metres (left side) and 0 metres (right side) rather than the required 2.5 metres;
- b) A rear yard setback of 0.1 metres rather than the required 7.5 metres;

Further relief is being sought from:

- d) Section 6.1.1.1 d) i) to permit parking between the front façade and the front lot line, whereas no parking is permitted between the front façade and the front lot line.

City Planning staff conducted a site inspection of the property on September 6, 2019.



165 Fairway Road North (Front View)



165 Fairway Road North (Side View)

In considering the four tests for minor variances as outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P. 13, as amended, Planning staff offers the following comments.

General Intent of Official Plan

1. The subject property is designated Low Rise Residential in the City's Official Plan. The intent of this designation is to encourage a range of different forms of housing to achieve a low density neighbourhood. The requested variances to legalize the existing setbacks are appropriate and continues to maintain the low density character of the property and surrounding neighbourhood. Staff is in support of the application as the building has existed for a long period of time with no issues, and it is compatible with the established neighbourhood. It is the opinion of staff that the requested variance meets the general intent of the Official Plan.

General Intent of Zoning By-law

2. The requests for legalizing, the side yards and rear yard all recognize an existing situation. The building was used at one point as a tool and die shop, however the use has ceased and the owner is looking to construct 5 new residential units on the property. The building has existed for quite a number of years with no negative impact on the surrounding neighbourhood, and the applicant has advised that building will continue to exist as is.

The requested minor variance to permit the required parking located between the front façade and the front lot line, recognize an existing situation. The zoning requirement to not permit parking between the front façade and the lot line, is to ensure that a parking lot doesn't dominate the front street vista and to provide an adequate buffer from the street. The proposed parking lot is setback approximately 19 metres from the front lot line. The owner has submitted a Site Plan application, which is currently under review. In addition, staff is satisfied that there is still a sufficient amount of buffer space from Fairway Road, and legalizing the proposed parking lot meets the general intent of the Zoning By-law.

Application is Minor

3. Staff is of the opinion that the requested variances are minor and the approval of this application will not present any significant impacts to adjacent properties or the overall neighbourhood. The proposed variances will be negligible due to the fact they recognize an existing situation.

Application in Appropriate

4. The requested variances should not impact any of the adjacent properties or the surrounding neighbourhood. Therefore, the variances are appropriate for the development and use of the land

Based on the foregoing, Planning staff recommends that this application be approved subject to the conditions outlined below in the Recommendation section of this report.

Building Comments:

The Building Division has no objections to the proposed variance.

Transportation Services Comments:

As this application is seeking to legalize existing features, Transportation Services has no concerns with the proposed application.

Environmental Comments:

Environmental Planning has no concerns with this application.

Heritage Comments:

Heritage Planning has no concerns.

RECOMMENDATION

That minor variance application A2019-102 requesting permission to permit a multiple dwelling with a side yard setback of 2.0 metres (left side) and 0.0 metres (right side) rather than the required 2.5 metres; a rear yard setback of 0.1 metres rather than the required 7.5 metres; to permit parking between the front façade and the front line, whereas no parking is permitted between the front façade and the front lot line be approved with conditions:

- 1. That a Zoning (Occupancy) Certificate is obtained from the Planning Division to establish the Multiple Dwelling use on the property.**
- 2. That Site Plan approval is issued to the satisfaction of the Manager of Site Development and Customer Service.**
- 3. That all conditions shall be completed prior to July 1st, 2020. Any request for a time extension must be approved in writing by the Manager of Development Review (or designate), prior to the completion date set out in this decision. Failure to fulfill these conditions will result in this approval becoming null and void.**

Tim Seyler, BES
Junior Planner

Juliane von Westerholt, BES, MCIP, RPP
Senior Planner

Staff Report

Development Services Department



www.kitchener.ca

REPORT TO: Committee of Adjustment

DATE OF MEETING: September 17, 2019

SUBMITTED BY: Juliane von Westerholt, Senior Planner - 519-741-2200 ext. 7157

PREPARED BY: Tim Seyler, Junior Planner – 519-741-2200 ext. 7860

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Approve with conditions



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REPORT

Planning Comments:

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General Intent of Zoning By-law

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The requested minor variance to permit the required parking located between the front façade and the front lot line, recognize an existing situation. The zoning requirement to not permit parking between the front façade and the lot line, is to ensure that a parking lot doesn't dominate the front street vista and to provide an adequate buffer from the street. The proposed parking lot is setback approximately 19 metres from the front lot line. The owner has submitted a Site Plan application, which is currently under review. In addition, staff is satisfied that there is still a sufficient amount of buffer space from Fairway Road, and legalizing the proposed parking lot meets the general intent of the Zoning By-law.

Application is Minor

3. Staff is of the opinion that the requested variances are minor and the approval of this application will not present any significant impacts to adjacent properties or the overall neighbourhood. The proposed variances will be negligible due to the fact they recognize an existing situation.

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4. The requested variances should not impact any of the adjacent properties or the surrounding neighbourhood. Therefore, the variances are appropriate for the development and use of the land

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- 1. That a Zoning (Occupancy) Certificate is obtained from the Planning Division to establish the Multiple Dwelling use on the property.**
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Tim Seyler, BES
Junior Planner

Juliane von Westerholt, BES, MCIP, RPP
Senior Planner



Arwa Alzoor
Planner
DSD – Development & Housing Approvals
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Canada, N2G 4G7
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TTY: 1-866-969-9994

September 5, 2024

2589751 Ontario Inc
929 Eden Oak Crt
Kitchener, ON N2A 0H4

RE: Conditional Approval of Site Plan Application - SP24/047/F/IAA
165 Fairway Rd N
2589751 Ontario Inc

The above-noted Site Plan Application relates to constructing an addition at the front of the existing building and converting the existing building into a 33-unit multiple dwelling has been considered by the Development Services Department. We are pleased to advise that the attached *red-lined Site Plan*, dated May 17th, 2024, has received Conditional Approval.

Site Plan Approval will be granted once the following have been completed:

- *an updated Site Plan that addresses the required revisions identified in the attached red lined Site Plan has been submitted to the satisfaction of the City's Director of Development & Housing Approvals **prior to the completion of any conditions herein**. The updated Site Plan must be submitted in the City's standard template Site Plan format.*
- all the conditions set out in Sections A and B have been satisfied.
- *the 5% Plan Review fee has been paid.*
- the Section 41 Development Agreement has been executed and returned to the City of Kitchener Legal Services Division in a form that can be registered on the property The proposed conditions for the Development Agreement are listed in Sections 1, 2, 3, 4 and 5.

The use of the property as Multiple Dwelling is permitted pursuant to existing by-law.

The City's **conditions** for Site Plan Conditional Approval include all the following conditions listed below. *All plans, reports, studies, and other materials required as part of these conditions must be prepared in accordance with the **updated Site Plan that must be submitted prior to the completion of the conditions herein**.*

A. Prior to the commencement of any grading on the site, the Owner agrees to fulfil each of the conditions which follow:

- (1) to show all erosion and sediment control features in detail on a Grading and Drainage Control Plan hereinafter described in Section B(2); to the satisfaction of the City's Director of Engineering Services and to implement all such erosion and sediment control measures. The Owner further agrees to maintain all such measures to the satisfaction of the City's Director of Engineering Services until the site has been fully developed as determined by the City's Director of Development & Housing Approvals.
- (2) to prepare a Tree Preservation/Enhancement Plan including Arborist's report and letters of permission from adjacent property owners as required by the City's Tree Management Policy in effect on the date of the application for site plan approval granted under this Agreement; and to show on the Landscape Plan hereinafter described in Section B(5), the location of drip lines, edges and existing plantings, the location of

all existing trees and the method to be employed in retaining trees required to be protected; to obtain approval thereof from the City's Director of Development & Housing Approvals; and to implement all approved tree saving measures.

(3) Omitted.

(4) Omitted.

B. Prior to Site Plan Approval for the proposed development, the Owner agrees to fulfil each of the conditions which follow:

(1) satisfy all pre-grading conditions set out in Section A above.

(2) to prepare a detailed Grading and Drainage Control Plan, including infiltration of rooftop runoff where soil conditions permit, showing drainage details for the subject property, abutting properties and public rights-of-way so as to ensure compatible drainage, and to show thereon all existing and proposed connections to the municipal storm sewer, and all detailed erosion and sediment control features; all to the satisfaction of the City's Director of Engineering

(3) to submit to the satisfaction of the City's Director of Engineering Services a detailed engineering design for stormwater management, or to receive from the Director of Engineering Services an exemption from this requirement.

(4) to convey to the Region, without cost and free of encumbrance, the road widening and/or daylighting triangles as indicated on the Site Plan.

(5) to prepare a Landscape Plan showing planting and surfacing details for all areas not covered by buildings, structures, loading areas or parking areas; and to obtain approval thereof from the City's Director of Development & Housing Approvals.

(6) to show the following on the required Landscape Plan:

(i) the location of any outdoor garbage and recycling containers including deep well units and details for a supporting concrete

(7) to obtain approval of the construction details of all fencing and visual barriers as indicated on the Site Plan, from the City's Director of Development & Housing Approvals, as part of the approval of the Landscape Plan.

(8) to show on the required Landscape Plan, planting and surfacing details for the portion of all adjacent public property located between the sidewalks, curbs or streets and the Owner's property line so as to ensure a contiguous landscaped area between the public streets and the Owner's proposed development.

(9) Omitted.

(10) to prepare a Site Lighting Plan, and to obtain approval thereof from the City's Director of Development & Housing Approvals.

(11) to prepare a concept plan for a multiple unit identification sign, in accordance with the Emergency Service Policy in effect on the date of issuance of the first building permit for development of the lands to the satisfaction of the City's Chief Fire Prevention Officer.

(12) (i) to provide a cost estimate for 100% of the total cost of all "site development works" to be done by the Owner, as required by this Agreement. Such a cost estimate shall include materials, installations, removals, closures and restorations, project management/co-ordination, and site

supervision, inspection and certification of all site development works, and shall be in a form satisfactory to the City's Director of Development & Housing Approvals

(ii) "Site Development Works" to be done by the Owner shall include the following:

(a) **On Site works:**

Stormwater management facilities and rough grading; plant material; landscape paving essential to the functioning of the site, landscape structures including but not limited to fencing, screen walls, retaining walls, roofed enclosures for garbage and recyclable materials, planters; fine grading; sodding and seeding; curbing; concrete sidewalks, lighting; paving for vehicular traffic and parking and demarcation of parking on pavement; and

(b) **Off Site works:**

closure of redundant driveways; installation of driveway ramps; fine grading and sodding or other approved landscaping within the boulevard. Additional required off-site works may be done by the City at the Owner's cost, as specified in this Agreement.

(iii) to provide a Letter of Credit to the City's Director of Development & Housing Approvals for 50% of the total cost of all site development works in a form satisfactory to the City Solicitor, to be held by the City as security for the completion of the site development works required in the Section 41 Development Agreement.

(13) to enter into an Off-site Works Agreement and make payment for said works to the satisfaction of the City's Director of Engineering Services, for 60% of the cost of:

(i) the removal of any redundant service connections and the installation of all new service connections to the property;

(ii) the installation of new curb and gutter for the closure of all redundant driveways and installation of new driveways;

(iii) Omitted.

(14) to arrange for notification, by letter from the Regional Municipality of Waterloo to the City's Director of Development & Housing Approvals, that any required Regional conditions with respect to Section 41(8) of the Planning Act relating to access to and from Regional road; off-street loading, parking and access driveways; lot grading and drainage; salt management, sidewalks and widenings of Regional roads have been satisfied.

(15) Omitted.

(16) Omitted.

(17) (i) to pay to the City of Kitchener Recreational Land Reserve a cash-in-lieu contribution for park dedication in accordance with the City of Kitchener Park Dedication Bylaw, Park Dedication Policy and the Planning Act.

(18) Omitted.

(19) to submit a fire flow demand analysis conducted by a Professional Engineer, to the satisfaction of the City's Chief Building Official in consultation with the City's Engineering Services, Kitchener Utilities and Chief Fire Prevention Officer, to determine if the proposed development exceeds the capabilities of the water distribution system for fire-fighting purposes per the standards outlined in the City of Kitchener Development Manual or to receive an exemption from this requirement from the City's Chief Building Official.

- (20) Omitted.
- (21) to submit Building Elevation drawings to the satisfaction of the City's Director of Development & Housing Approvals, which demonstrates how the proposed elevations will meet the intent of the City of Kitchener Official and conform to the City's Zoning By-law.
- (22) to submit a Site Servicing plan showing the outlets to the municipal servicing system along with the sanitary and storm sewer design sheets will be required to the satisfaction of the City's Director of Engineering Services prior to site plan approval.
- (23) to prepare a detailed emergency fire route plan showing any required emergency fire routes and associated signage to the satisfaction of the City's Chief Fire Official.
- (24) Omitted.
- (25) to submit a letter acknowledging that the following consultants have been retained during construction/ installation of site works in order to provide certifications for the release of the Letter of Credit:
- (i) the Professional Engineer (hereinafter the "Owner's Engineer") who prepares the design of grading and drainage control plan, site and external servicing plans, municipal service connection designs, and stormwater management reports that are to be submitted pursuant to Sections B (2), (3) & (22) to the satisfaction of the City's Director of Engineering Services;
 - (ii) the qualified Landscape Architect (hereinafter the "Owner's Landscape Architect") who prepares the landscape plan that is to be submitted pursuant to Sections B (5), (6), (7), & (8) to the satisfaction of the City's Director of Development & Housing Approvals;
 - (iii) the qualified Lighting Consultant (hereinafter the "Owner's Lighting Consultant") who prepares the lighting plan that is to be submitted pursuant to Section B(10) to the satisfaction of the City's Director of Development & Housing Approvals; and,
 - (iv) Omitted.
- (26) A Development Asset Drawing (digital AutoCAD) is required for any new services (Sanitary, Storm, Water) that will be publicly owned with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services.
- (27.1) Omitted.
- (27.2) Omitted.
- (28) to submit a Sustainability Statement to the satisfaction of the City's Director of Planning. Further, the approved sustainability measures recommended in the Sustainability Statement will be implemented in the landscape, stormwater management, and building design, to the satisfaction of the City's Director of Development & Housing Approvals.
- (29) to provide a Composite Utilities Plan to the satisfaction of the City's Manager of Gas Supply and Engineering (Kitchener Utilities).
- (30) Omitted.

In addition to the foregoing conditions, the following special condition(s) are/is also part of this approval:

I. That the required minor variance(s) are approved and in full force and effect prior to final site plan approval.

Once you have satisfied all the conditions set out in Sections A and B above and the Section 41 Development Agreement has been executed and returned to the City of Kitchener Legal Services Division in a form that can be registered, the City will be able to grant Site Plan Approval. The City's proposed **conditions** for the Development Agreement include all the following conditions.

1. The Owner agrees to fulfil each of the **general conditions** which follow:
 - (a) to develop and maintain the site in compliance with the site plan, dated May 17, 2024, attached hereto as Schedule "B" and hereinafter referred to as the "Site Plan". Minor changes to the Site Plan and to the provisions of this Agreement, acceptable to the City's Director of Development & Housing Approvals, may be permitted without an amendment to this Agreement. Such changes shall be permitted only upon written approval from the said Manager.
 - (b) ~~Omitted.~~
 - (c) where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Chief Building Official or the City's Director of Development & Housing Approvals, substantially suspended or discontinued for more than six months, the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the City's Chief Building Official or the City's Director of Development & Housing Approvals.
 - (d) the Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable Municipal By-law.
 - (e) that the City may give a Release of this Agreement as it applies to the lands or portions thereof except for this clause and any of the conditions related to site works which are required by Section 5 to be maintained for the life of the proposed development.
 - (f) in the event the Site Plan Approval for the proposed development has not been issued by six months from the date of Site Plan Conditional Approval, revisions, additional conditions or changes to the approved site plan may be required by the City's Director of Development & Housing Approvals, in said Manager's sole discretion as a result of new City policies or changes to zoning by-law or standard City conditions.
2. The Owner agrees to fulfil each of the **Maintenance during construction** conditions which follow:
 - (a) To take all necessary steps to prevent the raising of dust and the erosion of soil from the Lands onto adjacent lands or onto abutting City, Regional and Provincial roads during construction of the Development. To eliminate dust, the Owner may be required to apply dust suppressants, cover stockpiles with tarps or apply ground cover to the areas that have been stripped and left undeveloped. Should such an incident(s) occur, the Owner will take all necessary steps forthwith to correct said problems upon the direction of the Director of Engineering Services;
 - (b) To conduct, at a minimum and more frequently as conditions dictate, scraping of the roadway on a weekly basis and daily sweeping of the roadway using methods approved by the City. Should the Owner fail to conduct scraping and sweeping of the roadway to keep it clean and free of excessive dirt, mud, dust, grit and other materials, the City may, without notice to the Owner, take the necessary action to clean up the roadway at the Owner's cost and the Owner agrees to forthwith pay the same upon demand to the City. If the Owner does not pay the City immediately upon written demand for such payment, it is agreed that performance securities with the City may be drawn upon by the City to satisfy

the required payment, and the Owner shall replace or increase said monies or securities to its original value within fifteen (15) business days of receiving notice of such draw or draws;

- (c) To be fully liable for all costs and any damages incurred as a result of the raising of dust or the erosion, spillage or tracking of soil or other debris from the Lands onto adjacent lands and municipal highways, and will indemnify the City and the Region against any claim made as a result of such problems;
- (d) To regularly inspect the property for discarded waste material or items that may accumulate on lands. The Owner shall collect and dispose of said waste forthwith in an appropriate manner to the satisfaction of the Director of Engineering Services, all to prevent unsightly conditions;
- (e) To install and maintain erosion and sediment control and tree protection devices in accordance with the approved plans in Schedule C to this agreement including those that incorporate measures to prevent the discharge of silt to waterways, open channels or City and Regional storm sewers and highways. The Owner shall provide and regularly inspect and maintain these measures to ensure their continued effectiveness throughout the construction period and until such time as hard surfacing or vegetative cover has stabilized the Lands or area under development. The Owner shall provide inspection reports to the Director of Engineering Services and the Director of Development & Housing Approvals upon request and the Owner shall immediately repair any deficiencies identified in the inspection reports or required by the Director of Engineering Services or the Director of Development & Housing Approvals, in their sole discretion;
- (f) Manage any impacts to any neighbouring properties resulting from construction of the Works to the satisfaction of the Director of Engineering Services in their sole discretion. The Owner acknowledges and agrees that they are solely responsible for such impacts notwithstanding any approval of the City. The Owner shall fully indemnify and save harmless the City from any liability resulting from such impacts;
- (g) Maintain, at all times, unencumbered sight lines and travel routes to and from the Lands based on the approved plans and drawings; and
- (h) install and maintain tree preservation fencing on the Lands for the duration of construction.

3. **Prior to occupancy** of the proposed development the Owner agrees to fulfil each of the conditions which follow:

- (a) to complete the closure of all redundant driveways to the Regional Municipality of Waterloo's standards.
- (b) to install, at the Owner's cost and to the Regional Municipality of Waterloo's standards, new driveway ramps at grade with the existing sidewalk.
- (c) to make arrangements, financial or otherwise, for the relocation of any existing City owned street furniture, transit shelters, signs, hydrants, utility poles, wires or lines, street trees and shrubs as required due to the location of buildings, structures, walkways, boulevards, driveways, curbing or parking, to the satisfaction of the appropriate City Department.
- (d) that any required "Emergency/Fire Routes" and associated signage shall be installed at the Owner's cost and to the satisfaction of the City's Chief Fire Official.
- (e) to install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Director of Transportation Services.
- (f) to erect the multiple unit identification sign in accordance with the approved concept plan.
- (g) to install at the Owner's cost, any fire hydrant required by the Ontario Building Code as directed by the

City's Chief Building Official.

(h) to implement the conceptual building design in accordance with the approved building elevation drawings to the satisfaction of the City's Director of Development & Housing Approvals

(i) Omitted.

4. **Within six months of occupancy, or as soon as weather conditions permit,** of the proposed development, the Owner agrees to fulfil each of the conditions which follow:

(a) to complete the site grading and drainage scheme in accordance with the Grading and Drainage Control Plan that was satisfactory to the City.

(b) to complete any stormwater management scheme and all related drainage control facilities in accordance with the Plan accepted by the City's Director of Engineering Services.

(c) to complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement Plan.

(d) to complete the landscaping in accordance with the approved Landscape Plan.

(e) to install or demarcate on-site any vaults, central storage and collection areas, or other facilities for the storage of garbage and recyclable material, including those which may be internal to a proposed or existing building or to locate and construct the supporting concrete pad (and roofed enclosure if required) for any outdoor garbage and recyclable material containers in accordance with the approved Landscape Plan.

(f) to install all fencing and visual barriers as indicated on the Site Plan in accordance with the approved Landscape Plan and so as not to obstruct the visibility of vehicular or pedestrian traffic.

(g) to complete, at the Owner's cost, the landscaping on all adjacent public property in accordance with the approved Landscape Plan.

(h) to install 0.15 metre raised curbing in the locations shown on the Site Plan.

(i) to implement the approved Site Lighting Plan.

(j) to pave all areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan, with hot-mixed asphalt or equivalent and to demarcate the parking on said pavement.

(k) (l) for the purpose of this Agreement "Site Development Works" to be done by the Owner shall include:

(a) **On Site works:**

Stormwater management facilities and rough grading; plant material; landscape paving essential to the functioning of the site, landscape structures including but not limited to fencing, screen walls, retaining walls, roofed enclosures for garbage and recyclable materials, planters; fine grading; sodding and seeding; lighting; curbing; concrete sidewalks; paving for vehicular traffic and parking and demarcation of parking on pavement; and

(b) **Off Site works:**

Closure of redundant driveways; fine grading and sodding or other approved landscaping within the boulevard. Additional required off-site works may be done by the City at the Owner's cost, as specified in this Agreement.

- (k) (II) to submit to the City's Director of Engineering Services (for stormwater management, municipal sewer, site grading) and the City's Director of Development & Housing Approvals (for all other site development works) Site Development Works Certification Forms prepared by the appropriate Consultants certifying that the site development works required under this Agreement have been completed in accordance with the respective plans prepared by such consultant and accepted by the City. The Letter of Credit posted by the Owner will not be reduced until such time as 50% of the value of the site development works have been completed in conformity with the approved design and a Site Development Works Certification Form has been submitted by the Owner and found acceptable by the City's Director of Engineering Services for all storm water management and/or grading works, including landscaping integral to such works, required under this Agreement. Upon receipt of all other Site Development Works Certification Forms required under this Agreement and same being submitted by the Owner and found acceptable by the City's Director of Development & Housing Approvals, further reductions for other site development works completed in conformity with the approved design, in amounts in accordance with the cost estimate, may be permitted by the City according to the Performance Securities Policy.
- (i) despite the foregoing, the City may, at its sole option, permit the Owner to provide security for the completion of the site development works required in this Agreement in accordance with the City's Performance Securities Policy in effect on the date that the Owner has completed all other requirements for issuance of the first building permit for development of the lands in accordance with this Agreement.
- (ii) the Letter of Credit shall be kept in force until the completion of the required site development works in conformity with the approved design and the requirements of this Agreement. If the Letter of Credit is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit forthwith.
- (iii) in the event that the Owner fails to complete, to the satisfaction of the City's Director of Development & Housing Approvals, the required site development works in conformity with its approved design and the other requirements of this Agreement within the time required by this Agreement, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may by by-law exercise its authority under the Municipal Act to have such works completed and to recover the expense as permitted by law.
- (iv) other forms of security may be substituted for Letters of Credit, at the request of the Owner, provided that approval is obtained from the City Treasurer and the City Solicitor.
- (k) Omitted.
- (l) Omitted.
- (m) the Owner's Engineer will be required to inspect and certify, at the Owner's sole cost, to the City's Director of Engineering Services that all internal and external services, grading and stormwater management requirements have been constructed in accordance with the approved Engineering drawings and reports, prior to the reduction of the Letter of Credit held for the site development works. The Letter(s) of Certification shall be in a format acceptable to the City's Director of Engineering Services. The City's Director of Engineering Services may, upon pre-qualification of such, accept the use of other qualified

professionals for certain components of the design, inspection and certification process.

The Owner's Landscape Architect and the Owner's Lighting Consultant will be required to inspect and certify, at the Owner's sole cost, to the City's Director of Development & Housing Approvals that all planting, surfacing details, fencing, visual barriers, site lighting and other site facilities shown on the landscape and lighting plans have been constructed in accordance with the approved landscape and lighting plans prior to the reduction of the Letter of Credit held for Site Development Works. The Letter(s) of Certification shall be in a format acceptable to the City's Director of Development & Housing Approvals. The City's Director of Development & Housing Approvals may, upon pre-qualification of such, accept the use of other qualified professionals for certain components of the design, inspection and certification process.

5. **For the life** of the proposed development, the Owner agrees to fulfil each of the conditions which follow and further agrees that the City shall not release this Section or any of the conditions related to site works required to be maintained for the life of the proposed development:
- (a) to maintain any required stormwater management scheme, in accordance with the scheme that was satisfactory to the City for the life of the proposed development. To ensure such maintenance the Owner agrees:
 - (i) to develop an operations and maintenance manual which will include at a minimum to inspect all parts of the stormwater system at least once annually and remove all debris and sediment therefrom.
 - (ii) to make all repairs and replacements necessary to assure proper operation of the stormwater system as defined in the operations and maintenance manual.
 - (iii) to ensure that no alterations are made to the stormwater management ponds, outlet controls and their appurtenances unless prior written consent is obtained from the City's Director of Engineering Services, City's Manager of Environmental Compliance and Utility Performance (Sanitary and Stormwater Utilities) or through the Ministry of the Environment, Conservation and Parks.
 - (iv) to ensure that no alterations are made to the approved grading and drainage system that was satisfactory to the City, unless prior written consent is obtained from the City's Director of Engineering Services.
 - (v) that no material used to surface any parking or loading area shall be changed or additional areas paved, unless prior written consent is obtained from both the City's Director of Engineering Services and the City's Director of Development & Housing Approvals.
 - (b) to maintain the grading and drainage scheme in a state acceptable to the City's Director of Engineering Services.
 - (c) to maintain the approved landscaping in a state acceptable to the City's Director of Development & Housing Approvals.
 - (d) to maintain the approved outdoor lighting in a state acceptable to the City's Director of Development & Housing Approvals.
 - (e) to maintain all required emergency, fire route and traffic signs, including directional, visitor and barrier free parking, and multiple unit identification signs, to the satisfaction of the City's Chief Fire Official and the City's Director of Transportation Services.
 - (f) Omitted.

- (g) to maintain the existing treed area(s) in accordance with the approved Tree Preservation/Enhancement Plan. Any future cutting of trees which have been identified for preservation on the approved Landscape Plan will require either a further plan or study, as determined and approved by the City's Director of Development & Housing Approvals. Such study shall detail the impact of tree removals on the trees to remain.
- (h) to maintain all approved garbage and recycling methods as approved by the City's Director of Development & Housing Approvals.
- (i) Omitted.
- (j) the Owner acknowledges that snow storage will be stored on site as the identified location(s) on the site plan and/or grading plan. Where snow storage is not identified on the site plan and/or grading plan or in situations when accumulated snow exceeds the capacity of the identified location(s), the owner agrees that due to limited site area, accumulated snow that cannot be managed on site will be hauled off site to a suitable location by the owner's site maintenance contractor.
- (k) Omitted.
- (l) to maintain all paved areas intended to facilitate on-site vehicular movement, parking and loading, as shown on the Site Plan, with hot-mixed asphalt or equivalent and the demarcation of the parking on said pavement.

At this time our Legal Services Division will be preparing the formal agreement for subsequent execution by the owner. They will be in contact with you to arrange for the pickup/ mailing of the prepared agreement, however, if you have any questions or concerns with the conditions of this Site Plan Conditional Approval or Site Plan Approval, please contact Arwa Alzoor immediately.

Once the conditions set out in Sections A & B have been completed, the 5% Plan Review fee has been paid, and the agreement has been executed and returned to Legal Services in a form that can be registered, Site Plan Approval will be granted. Legal Services Division will then proceed to register the agreement. Once this registration occurs, a building permit may then be issued.

If you have questions with respect to the conditions for Site Plan Approval, please contact Katey Crawford at (519) 741-2200 e 7157.

Yours truly,



Arwa Alzoor
Planner



Garrett Stevenson, MCIP, RPP,
Director of Development & Housing Approvals

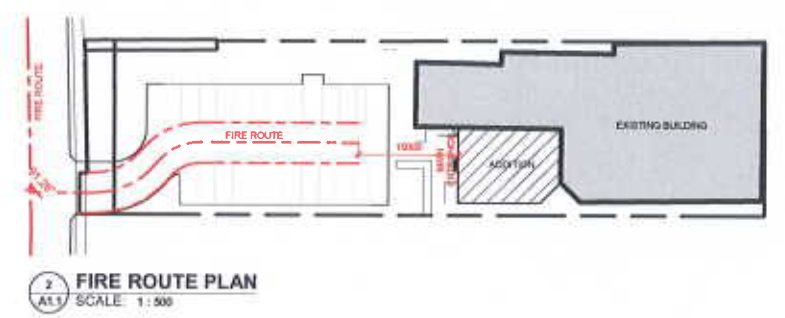
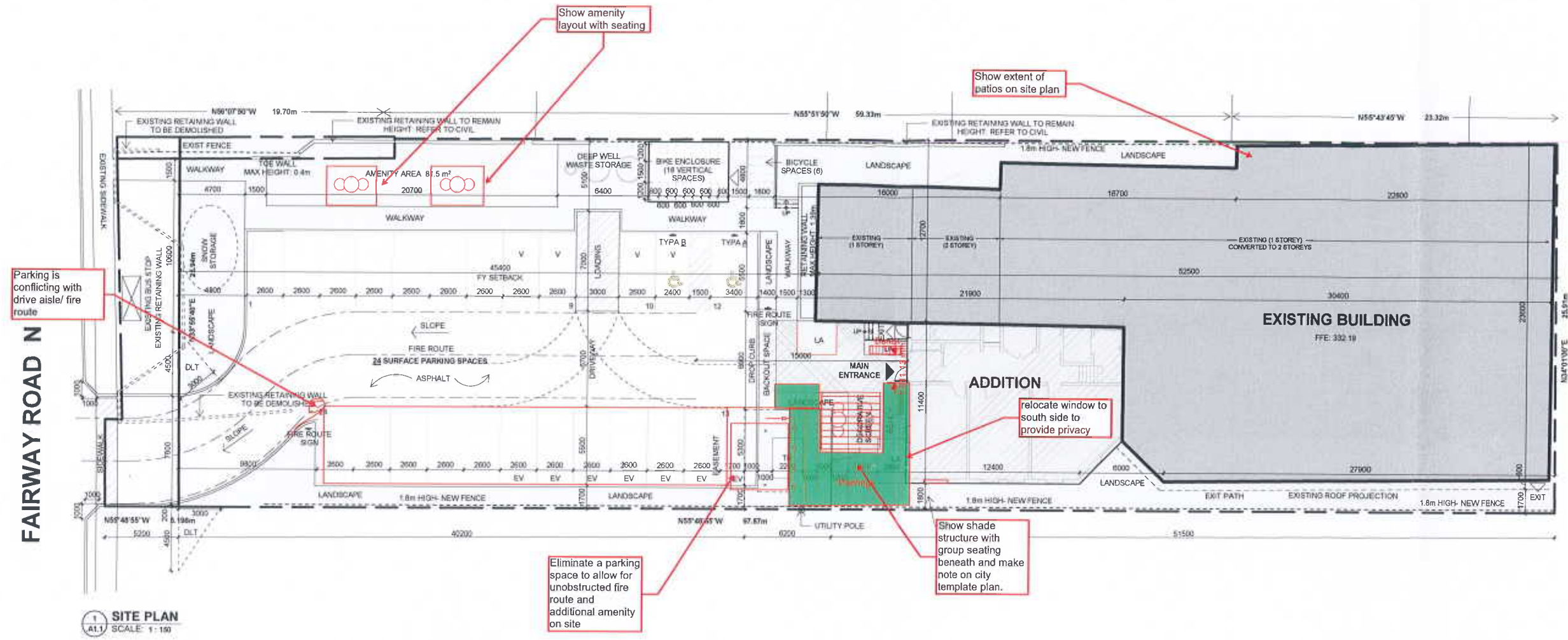
cc Email: M. Seiling, Building
J. Young, Building
J. Brule, Engineering
D. Seller, Transportation
AMANDA file
F. Fluit, Region of Waterloo

B. Grant-Campbell, Legal
Mayor's Office Admin
Councillor Dave Schnider, Ward 2
2589751 Ontario Inc, Owner
K. Crawford, Development & Housing Approvals
S. Djuric, Development & Housing Approvals

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND DISCREPANCIES TO THE CONSULTANT.
 THESE DOCUMENTS ARE COPYRIGHTED INSTRUMENTS OF SERVICE AND PROPERTY OF THE ARCHITECT.
 THESE DOCUMENTS ARE TO BE USED ONLY ONCE FOR THE INTENDED PURPOSE INDICATED UNDER THE ISSUED DATE.
 ANY ALTERATION, DUPLICATION OR COPYING WITHOUT THE CONSENT OF THE ARCHITECT IS PROHIBITED.
 DO NOT SCALE THESE DRAWINGS.

REVISIONS:

NO.	DATE	REVISION
1	2023.11.03	ISSUED FOR BPA PRECON
2	2024.08.17	ISSUED FOR BPA
3	2024.08.30	RE-ISSUED FOR BPA



SITE PLAN NOTES:

- GARBAGE SHALL BE STORED WITHIN THE GARBAGE AREA.
- IF APPLICABLE, FIRE ROUTE TO BE DESIGNATED BY BY-LAW.
- ALL SNOW STORAGE SHALL BE STORED ON SITE. SURPLUS SNOW SHALL BE REMOVED OFF SITE AT OWNER'S EXPENSE BY PRIVATE REMOVAL SERVICE.
- SIGNAGE IS SUBJECT TO THE CITY OF KITCHENER SIGN BY-LAW AND IS CONCEPTUALLY SHOWN FOR SITE PLAN PURPOSES.
- THE PROPERTY OWNER IS RESPONSIBLE IN THE CITY RIGHT OF WAY REPLACEMENT OR REPAIR COSTS TO CITY STANDARDS.
- ALL SITE LIGHTING SHALL NOT RESULT IN ANY GLARE OR SPILL OVER TO SURROUNDING PROPERTIES OR PUBLIC VIEW.
- ALL ROOFTOP MECHANICAL EQUIPMENT SHALL BE FULLY SCREENED FROM PUBLIC VIEW AND SURROUNDING RESIDENTIAL PROPERTIES.
- LIGHTING SHALL BE FULL CUT OFF LIGHT FIXTURES THAT ELIMINATE GLARE.
- LIGHTING SHALL BE LED OR EQUIVALENT FOR REDUCED ENERGY CONSUMPTION, UNLESS OTHERWISE AGREED TO BY THE CITY.
- ALL SITE PLAN DRAWINGS ARE FULLY COORDINATED WITH LANDSCAPE AND ENGINEERING DRAWING SUBMISSIONS.



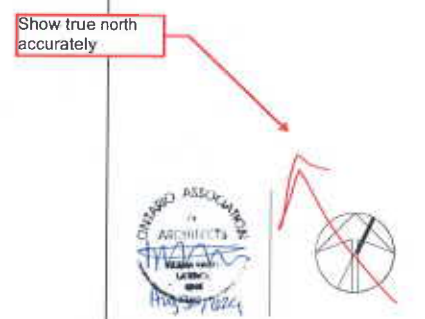
LEGAL DESCRIPTION:

ALL OF LOT 30 AND PART OF LOT 31, REGISTERED COMPLEX PLAN 888, IN THE CITY OF KITCHENER, WOODBURN MUNICIPALITY OF WATERLOO LEGAL INFORMATION PROVIDED BY BLUECHINE SURVEYING DATED 2024.01.12

DETAILS OF DEVELOPMENT

DATA	REQUIRED	PROVIDED
zoning	RES-5	RES-5
LOT AREA (M ²)	405	2603
SET LOT AREA (M ²)	3215	3215
NUMBER OF UNITS	20+ (ADDITION)	20
LOT WIDTH (M ²)	19	35
setbacks (M)	FV 4.5 RF 7.5 NS 3 S 5.5	4.5 0.1 0 1.8
LANDSCAPE AREA (M ²)	800	880
LANDSCAPE AREA (%)	20	35
FLOOR SPACE RATIO (MAX)	0.8	0.75
BUILDING HEIGHT (MAX. M)	11	10
NO OF STOREYS (MAX)	3	2
AMENITY SPACE (M ²)	77	81.5
PARKING SPACES	29+6	30
1.5 DWELLING UNIT OF PARKING SPACE	4% OF TOTAL REQUIRED PARKING SPACES	2
VISITOR PARKING SPACES	5	4
TOTAL PARKING SPACES	37	34
EV PARKING SPACES	30% OF RED PARKING SPACES	7
BICYCLE PARKING SPACE CLASS A, LONG TERM	18	18
BICYCLE PARKING SPACE CLASS B, SHORT TERM	3 OR 4	0

FLOOR	AREA (M ²)
GROUND FLOOR	1004
SECOND FLOOR	900
TOTAL	1884



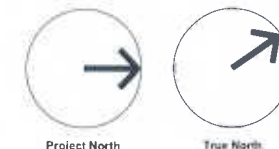
PROJECT:
APARTMENT BUILDING
 165 FAIRWAY RD N
 KITCHENER, ON
 2589751 Ontario Inc. (Hot Gold 2)

DRAWING TITLE:
SITE PLAN

DATE: 2023.11.03
 SCALE: As Indicated
 DRAWN: SS
 STATUS: SPA
 JOB NO: 2318

DRAWING NO.:
.A1.1

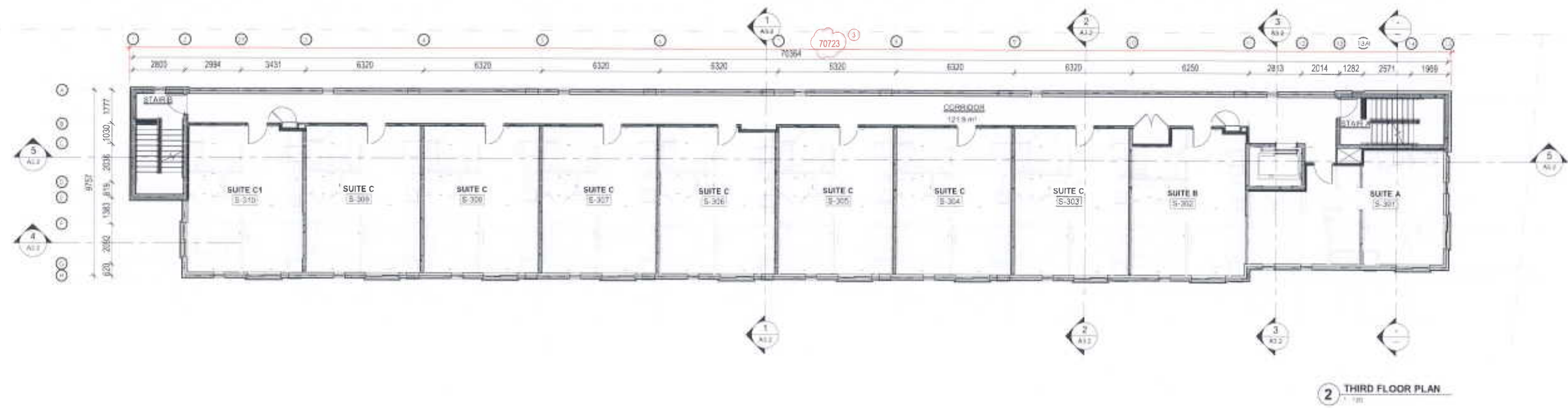
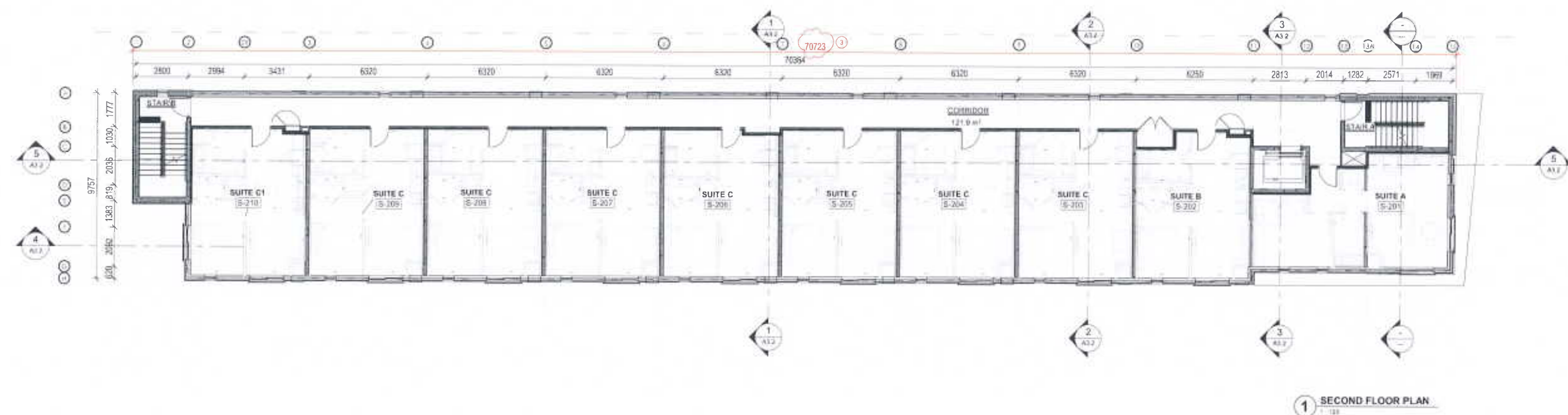




Project North True North

GENERAL NOTES

1. Do not scale drawings. Vector dimensions shall have precedence over scaled dimensions.
2. All work shall comply with the 2012 Ontario Building Code and amendments.
3. Contractors must check and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
4. At construction, the sub-contractors shall have a set of approved construction documents on site at all times.
5. All documents remain the property of the architect. (Instructor use, modification, and/or reproduction of these documents is prohibited without the permission. The contract documents were prepared by the Architect for the account of the owner.
6. The material presented herein reflects the consultants best information available to them at the time of preparation. Any and all third party claims of the contract documents, or any liability, shall be made based on the facts and the responsibility of such third parties.
7. The consultant accepts no responsibility for damages, claims, or losses of any third party or liability of any kind, in whole or in part, based on the project documents.



No.	Date	Revision

165 COURTLAND AVE. E
165 Courtland Avenue
East, Kitchener

SRM⁺
architects+
urban+designers

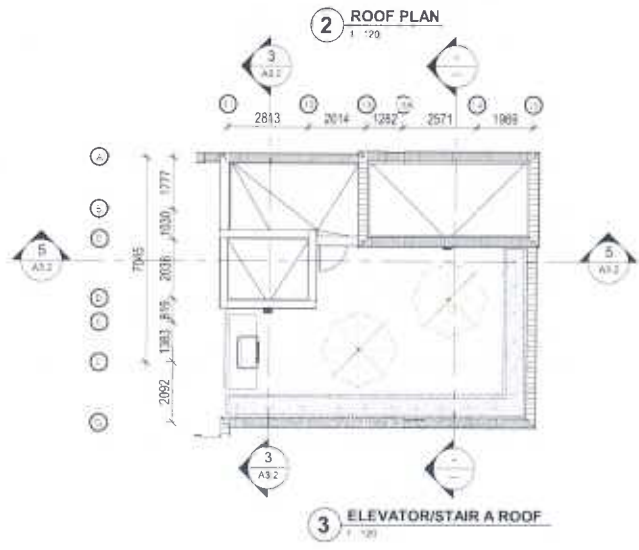
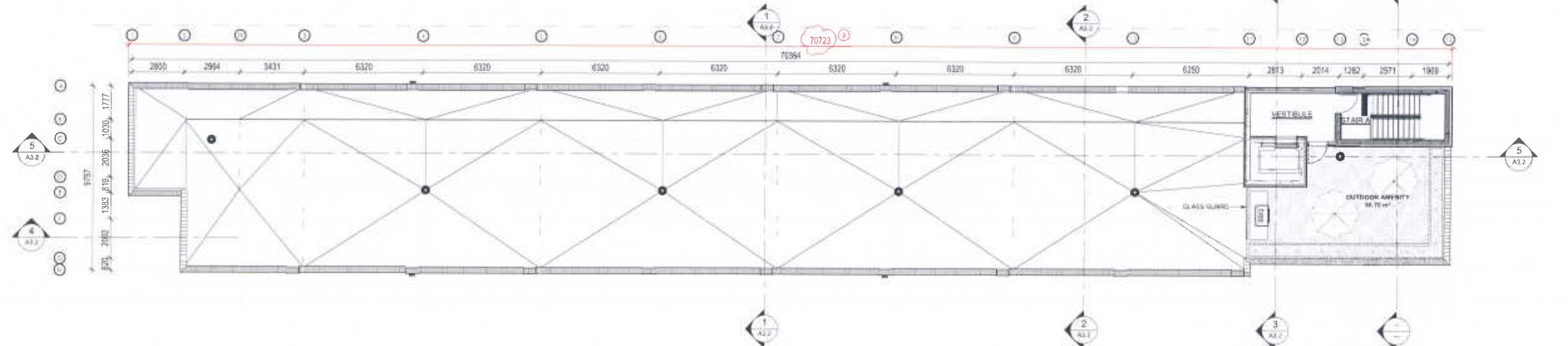
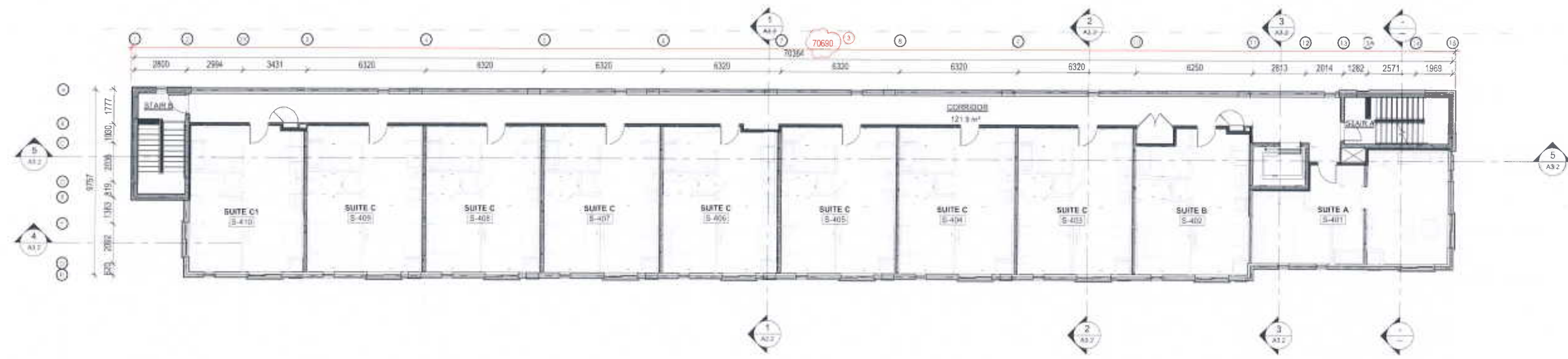
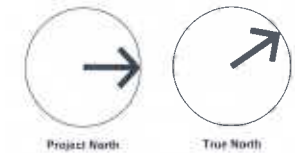
Project No. 24094
Drawing Date: 2024-06-20
Drawn By: FRF
Checked By: MYV
Site Location: KITCHENER
File Date: 2024-10-02 2:56:03 PM

**SECOND FLOOR AND
THIRD FLOOR PLAN**

Drawing Scale: 1/120
Sheet No. r1
Drawing No. **A2.2**

PRELIMINARY

The user shall remain responsible for the accuracy of the information provided in this document. All documents remain the property of the Architect. Unauthorised use, modification, or reproduction of these documents is prohibited without written permission. The Contract Documents were prepared by the Consultant for the account of the Owner. The Consultant shall not be responsible for any and all third party claims of the Contract Documents, or any liability, shall be made based on the facts and the responsibility of such third parties. The Consultant shall not be responsible for damages, claims, or losses of any third party or liability of any kind, in whole or in part, based on the project documents. Address: 165 Courtland Ave. E., Kitchener, ON N2G 2E4. 1165 Courtland Ave. E., Kitchener, ON N2G 2E4.



- GENERAL NOTES**
1. Do not scale drawings. Exact dimensions shall prevail over dimensions indicated on drawings.
 2. All work shall comply with the 2012 Ontario Building Code and amendments.
 3. Contractors shall check, identify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
 4. All contractors and sub-contractors shall have a set of approved construction documents available at all times.
 5. All drawings remain the property of the architect. Unauthorised use, reproduction, or modification of these documents is prohibited without written permission. The contract documents shall govern in the event of any discrepancy or conflict between drawings. In any revision, notes, or documents to be made based on them, the responsibility shall rest with the party.
 6. The architect cannot be held responsible for damages, if any, suffered by any party as a result of its negligence or actions based on the construction documents.

No.	Date	Revision

165 COURTLAND AVE. E
165 Courtland Avenue
East, Kitchener

SRM[↑]
architects+
urban+designers

Project No. 24094
Issued Date: 2024-06-20
Client: FKF / MYV
Architect: RUF CHENER
Project Name: 2024-10-02 2:56:11 PM

**FOURTH FLOOR AND
ROOF PLAN**

Drawing Scale	1:120
Sheet	
Revision	r1
Drawing No.	A2.3

PRELIMINARY

Design drawings, construction documents, and specifications are the property of the Architect. Unauthorised use, reproduction, or modification of these documents is prohibited without written permission. The Contract Documents shall govern in the event of any discrepancy or conflict between drawings. In any revision, notes, or documents to be made based on them, the responsibility shall rest with the party.

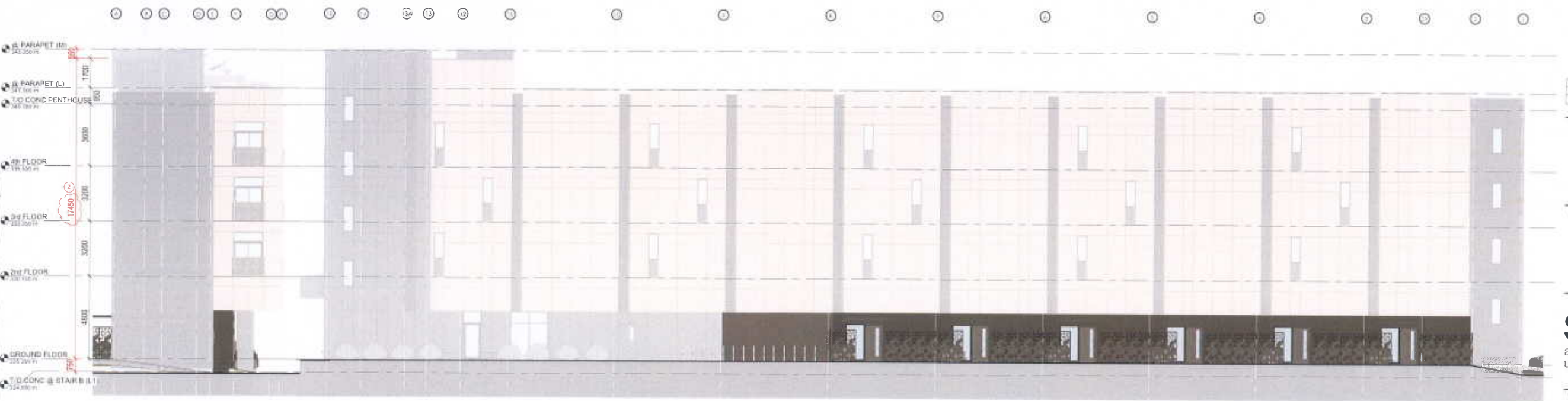
Do not alter drawings, dimensions, and levels without the approval of the Architect. The Consultant is not responsible for the accuracy of the information provided in this drawing. The Consultant is not responsible for the accuracy of the information provided in this drawing. The Consultant is not responsible for the accuracy of the information provided in this drawing.



4 NORTH ELEVATION
1:100

3 EAST ELEVATION
1:100

- GENERAL NOTES**
1. Do not scale drawings. Section dimensions shall have precedence over scaled dimensions.
 2. All work shall comply with the 2012 Ontario Building Code and amendments.
 3. Contractors must check and verify all dimensions and specifications and report any discrepancies to the architect before proceeding with the work.
 4. All contractors and sub-contractors shall have a set of approved construction documents on site at all times.
 5. All documents remain the property of the architect. They shall not be reproduced, stored or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect. The architect shall not be held responsible for any errors or omissions in these documents or any reliance on them. It is the responsibility of each trade to verify their own work.
 6. The architect's design is based on the information provided to the architect. The architect is not responsible for any errors or omissions in the information provided to the architect.
 7. The architect is not responsible for any damage to property or persons caused by the construction of the building.



2 SOUTH ELEVATION
1:100

1 WEST ELEVATION
1:100

No.	Date	Revision

165 COURTLAND AVE. E
165 Courtland Avenue
East, Kitchener

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urban+designers

Project No. 24094
Drawing No. 2024-16-20
Drawing Title: ELEVATIONS
Drawing Date: 2024-10-23 2:56:23 PM

ELEVATIONS

PRELIMINARY

Scale: 1:100
Drawing No. r1
Drawing Title: A3.1