



PLANNING, DEVELOPMENT
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Community Planning

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D20-20/22 KIT

October 31, 2022

Committee of Adjustment
City of Kitchener
P.O. Box 1118
200 King Street East
Kitchener, ON N2G 4G7

Re: Comments for Consent Application B2022-057
Committee of Adjustment Hearing November 15, 2022
CITY OF KITCHENER

B2022-057
193 Louisa Street
Mohammad Gohari (Owner)

The owner/applicant is proposing to sever the semi-detached dwelling (under construction) into two separate lots. Regional Staff note that this application was previously commented on as Kitchener Consent Application B2019-063 on September 10, 2019.

Regional Fee:

The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.

Access Permit:

Regional Staff advise that an Access Permit application, with the required \$230.00 fee, will be required for the proposed access onto Weber Street West (RR #08). Applications for the permit are available at the following link:

<https://forms.regionofwaterloo.ca/ePay/PDLS-Online-Payment-Forms/Application-and-Payment-for-an-Access-Permit>

Environmental Noise:

The proposed development is likely to have impacts from road traffic noise from traffic on Weber Street West (RR #08) and rail noise / vibration from adjoining Region of Waterloo railway line.

Regional Staff acknowledge that based on discussions with the City of Kitchener and CN Railway that all parties are agreeable to waiving the requirement for a detailed noise and vibration study. The owner/applicant may choose to undertake and implement a noise and vibration study, however Regional Staff are recommending that the following noise attenuation measures and warning clauses be implemented through a development agreement with the Region, registered on title, indicating that:

1. The owner agrees that the following noise mitigation measures will be provided in the subject development:
 - a) All exterior walls of the building/dwelling units will be constructed with brick veneer (EW5) or higher acoustical equivalent with STC 54 or higher;
 - b) All building/dwelling units will be installed with windows and doors with STC 37 or higher; and
 - c) All building/dwelling units will be installed with a forced air-ducted heating system suitably sized and designed with provision of adding central air conditioning.
2. The following noise warning clause will be required to be included on all offers of purchase, deeds and rental agreements for the building / dwelling units:
 - i. *“Purchasers / tenants are advised that sound levels due to increasing road traffic on Weber Street and Region of Waterloo Railway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks. This dwelling has been designed with the provision of adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks (MECP).”*
 - ii. *“Purchasers / tenants are advised that sound levels due to increasing traffic on Weber Street and Region of Waterloo Railway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation and Parks (MECP).”*
 - iii. *“Warning: Region of Waterloo / Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. There may be alterations to*

or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

The Region has no objection to the proposed application, subject to the following conditions:

- 1) That prior to final approval, the owner/applicant submit the Regional consent review fee of \$350.00.
- 2) That prior to final approval, an agreement between the owner/applicant and the Region of Waterloo, to the satisfaction of the Region of Waterloo, must be registered on title for both the retained and severed lands that includes the requirement for the following noise mitigation and warning clauses in all agreements of Offers of Purchase and Sale, deeds, and lease/rental agreements:
 - a) The owner agrees that the following noise mitigation measures will be provided in the subject development:
 - i. All exterior walls of the building/dwelling units will be constructed with brick veneer (EW5) or higher acoustical equivalent with STC 54 or higher;
 - ii. All building/dwelling units will be installed with windows and doors with STC 37 or higher; and
 - iii. All building/dwelling units will be installed with a forced air-ducted heating system suitably sized and designed with provision of adding central air conditioning.
 - b) The following noise warning clauses will be required to be included on all offers of purchase, deeds and rental agreements for the building / dwelling units:
 - i. *"Purchasers / tenants are advised that sound levels due to increasing road traffic on Weber Street and Region of Waterloo Railway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks. This dwelling has been designed with the provision of adding*

central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks (MECP).

- ii. *"Purchasers / tenants are advised that sound levels due to increasing traffic on Weber Street and Region of Waterloo Railway may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Region of Waterloo and the Ministry of the Environment Conservation and Parks (MECP)."*
- iii. *"Warning: Region of Waterloo / Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject thereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*

General Comments

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

Yours truly,



Peter Ellis, MES
Senior Planner