



PLANNING, DEVELOPMENT  
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Community Planning

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Peter Ellis  
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D20-20/23 KIT

VIA EMAIL

January 4, 2023

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

**Re: Comments for Consent Applications B2023-001 and B2023-004  
Committee of Adjustment Hearing January 17, 2023  
CITY OF KITCHENER**

**B2023-001**

**204 Madison Avenue South**

**Al Zahra Shia Association of Waterloo Region (Owners) / E. Wittman – GSP Group Inc. (Applicant)**

The owner/applicant is proposing an easement to facilitate installation of a new storm sewer as part of the redevelopment of 165 Courtland Avenue East, part of ongoing SPA File (SP20/064/C/ES).

**Regional Fee:**

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

**Notice of Source Protection Plan Compliance (Section 59 Notice):**

The subject lands are located in a Source Protection Area where Grand River Source Protection Plan policies implemented by the Region of Waterloo may apply. Per s.59 of the *Clean Water Act, 2006* a Notice of Source Protection Plan Compliance is required as part of a complete application submission.

To apply for a Notice of Source Protection Plan Compliance (Section 59 Notice) the owner/applicant must complete the questionnaire at <https://taps.regionofwaterloo.ca/> listing all applicable activities prescribed under the Clean Water Act related to the application. A Notice will only be considered valid if the following criteria are met;

- Applicant has signed the Notice;
- Address and application type on the Notice match the rest of the application; and
- All activities related to the proposed application are listed in Schedule 1.

Invalid Notices will not be accepted, and may result in delayed approvals.

**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, the owner/applicant must submit a valid Notice of Source Protection Plan Compliance (section 59 notice) as per the *Clean Water Act, 2006*.

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**B2023-004**

**550 King Street East**

**550 King Street GP Inc. (Owners) / D. Galbraith (Arcadis IBI Group – Applicant)**

The owner/applicant is proposing to sever the existing property into two parcels with the severed lands containing the existing commercial building and the retained lands to contain the future residential development project. The consent is also intended to establish an easement to allow for the shared use and access of the new surface parking area in favour of the severed parcel over the retained parcel. This application is also supported by two minor variance applications, seeking relief from the existing Zoning By-law relating to parking stalls, building height, and rear yard and front yard setbacks.

**Regional Fee:**

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

**Environmental Noise:**

At this location, the proposed development may encounter environmental noise sources due to traffic on the local municipal streets and potential stationary noise from the existing commercial uses and roof top air-conditioning units in the vicinity and any air-conditioning devices for the proposed development (both on-site and off-site). Staff also note that there are existing noise sensitive land uses in the vicinity (residential dwellings) which may have impacts from the proposed development.

It is the responsibility of the applicant to ensure the proposed development does not have any environmental noise impacts by anticipated noise impacts both on-site and off-site. **To address the environmental noise impacts, the applicant must prepare a detailed Environmental Noise Study and the recommendations will be implemented through a registered agreement with the City of Kitchener.** The noise level criteria and guidelines for the preparation of the study should follow the Ministry of the Environment, Conservation and Park NPC-300 requirements.

The consultant who prepares the Environmental Noise Study must be listed on the Region of Waterloo's Approved List of Noise Consultants. The noise consultant is responsible for obtaining current information, applying professional expertise in performing calculations, making detailed and justified recommendations, submitting the Consultant Noise Declaration and Owner/Authorized Agent Statement. The consultant preparing the Environmental Noise Study must contact Region of Waterloo staff for transportation data, including traffic forecasts and truck percentages, for the purpose of preparing the Environmental Noise Study. Region of Waterloo staff (please contact Joginder Bhatia [jbhatia@regionofwaterloo.ca](mailto:jbhatia@regionofwaterloo.ca)) will provide this data within three weeks of receiving the request from the noise consultant.

The noise consultant preparing the Environmental Noise Study must submit the transportation data request online via (<https://rmow.permitcentral.ca/Permit/GroupApply?groupId=3> ).

Please note that there is a \$500 fee for the preparation of the traffic forecasts and review of the Environmental Noise Study and resubmission of any Transportation Noise Study may be subject to a \$250 resubmission fee.

In the event that a stationary noise source, and/or a vibration source, are/is identified as potential concerns, the applicant will be required to pay for a third party review by an external Noise Consultant retained by the Region. The fee for this third party review is \$4000 + HST. Please submit payment for the third party review along with the submitted noise study. Additional fees may apply depending on scope of review required.

Payment can be made either by cheque payable to the Region of Waterloo, or by contacting Ms. Peggy Walter ([PWalter@regionofwaterloo.ca](mailto:PWalter@regionofwaterloo.ca)) via other methods.

**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, the owner/applicant is required to complete a detailed environmental noise study prepared by a qualified acoustical noise consultant to the Region's satisfaction and enter into a registered development agreement with

the City of Kitchener to implement the conclusions and recommendations of the accepted Noise Study.

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**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