



PLANNING, DEVELOPMENT  
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Community Planning

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D20-20/23 KIT

March 15, 2023

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

**Re: Comments for Consent Applications B2023-0012  
Committee of Adjustment Hearing March 21, 2023  
CITY OF KITCHENER**

**B2023-012**

**160 Weber Street West**

**White Star Trading and Investments Ltd. (Owner) Jon Crummer (Homeridge  
Design – Authorized Agent)**

The applicant is proposing to sever an existing lot to permit a new single detached dwelling on the severed and retained lands.

**Regional Fee:**

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

**Guidelines for New Development in Proximity to Railway Operations:**

Regional Staff note that the Federation of Canadian Municipalities (FCM) and Railway Association of Canada's (RAC) "Guidelines for New Development in Proximity to Railway Operations" document (dated May 2013) recommends a minimum building setback of 15 metres from railway operations for new residential development proposals and Regional staff understand that Section 4.16 of the City of Kitchener Zoning By-law establishes regulations for setbacks for buildings and structure from various railway rights-of-way.

Regional staff are of the opinion that the 15 m setback established for a principal, secondary or tertiary railway within the City's Zoning By-law shall apply to the Spur line

as a Spur line is required to meet federal regulations and guidelines, which specifically requires a 15 setback from the spur line to any proposed sensitive development. The minimum setback can be found on page 27 of the document (35 of the PDF) here: [http://proximityissue.wpengine.com/wp-content/uploads/2017/09/2013\\_05\\_29\\_Guidelines\\_NewDevelopment\\_E.pdf](http://proximityissue.wpengine.com/wp-content/uploads/2017/09/2013_05_29_Guidelines_NewDevelopment_E.pdf) . Based on the above, Regional staff do not object to the proposed consent based on the City of Kitchener implementing the 15 m setback as per the RAC Guideline and in accordance with Section 4.16 of the City's Zoning By-law.

### **Regional Water Services (Advisory):**

The Applicant shall be advised that no connection to 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 2022*.

### **Corridor Planning**

#### *Environmental Noise:*

As previously agreed to, the Region will require the following implementation measures through a registered agreement with and to the satisfaction of the Region of Waterloo as a condition of approval:

- 1) The owner hereby indemnifies the Region of Waterloo/City of Kitchener/The Ministry of Environment, Parks and Conservation (MOECP) of any and all claims and complaints, whatsoever, arising as a result of environmental noise for any and all of the units proposed on 160 Weber Street, in the City of Kitchener.
- 2) The owner/applicant agrees that the following noise mitigation measures shall be implemented through a Registered Development Agreement between and to the satisfaction of the Regional Municipality of Waterloo for the proposed dwellings on both the Severed and Retained Lands:
  - a) All exterior walls of the building/dwelling units shall be constructed with brick veneer (EW5) or higher acoustical equivalent with STC 54 or higher.
  - b) All building/dwelling units shall be installed with windows and doors with STC 37 or higher.
  - c) All buildings/dwellings shall be installed with a forced air-ducted heating system suitably sized and designed with the provision of adding central air conditioning.
  - d) 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:

*"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 and Climate Change. 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 (MOECP)."*

*"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 (MOECP)."*

*"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."*

- e) That prior to the issuance of any building permit(s), the owner shall provide a certification letter from an acoustical Engineer licensed in the Province of Ontario, certifying that the noise attenuation measures are incorporated in the building plans and upon completion of construction, the Owner shall also provide a certification from an acoustical Engineer also certifying that the dwelling units have been constructed in accordance with the accepted mitigation measures, and the development meets the MECP NPC-300 noise guideline noise level criteria.

*Access Permit / Access Regulation:*

An Access Permit application with a \$100 fee each will be required for the proposed dwellings on Weber Street West (RR #08) prior to the issuance of building permits. The application permit application is available at: [Application and Payment for an Access Permit - Region of Waterloo](#)

*Servicing/Work Permit:*

No servicing plan for the proposed dwellings was provided with the application. Any changes/updates to the existing services or any new services within the Weber Street right-of-way must be approved through the Regional Corridor Management division through a separate Municipal Consent prior to building permit issuance. In addition, any work within the Regional right-of-way (Weber Street West and the Regional Railway) shall require a Regional Work Permit, which must be obtained prior to the start of any work within the Regional right-of-way.

For further information on Municipal Consent/Work Permit, please visit:  
[Apply For A Permit - Regional Municipality of Waterloo Online Application \(permitcentral.ca\)](http://permitcentral.ca)

**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 shall apply for and obtain the required access permit(s) to the satisfaction of the Region of Waterloo;
- 3) That prior to final approval the owner/applicant shall apply for and obtain approval of a Regional Work Permit from Regional Corridor Management Division of any works within or abutting the Region's Road right-of-way;
- 4) That prior to final approval, the owner/applicant shall implement the following noise mitigation measures through a registered development agreement with and to the satisfaction of the Regional Municipality of Waterloo for proposed dwellings on both the Severed and Retained Lands:
  - 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.
  - c) All buildings/dwellings will be installed with a forced air-ducted heating system suitably sized and designed with the provision of adding central air conditioning.
  - d) The owner hereby indemnifies the Region of Waterloo/City of Kitchener/The Ministry of Environment, Parks and Conservation (MOECP) of any and all claims and complaints, whatsoever, arising as a result of environmental noise for any and all of the units proposed on 160 Weber Street, in the City of Kitchener.
  - e) 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:

*"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 and Climate Change. 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 (MOECP)."*

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*level limits of the Region of Waterloo and the Ministry of the Environment Conservation and Parks (MOECP)."*

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- f) That prior to the issuance of any building permit(s), an acoustical Engineer licensed in the Province of Ontario, certify that the noise attenuation measures are incorporated in the building plans and upon completion of construction, an acoustical Engineer also certify that the dwelling units have been constructed in accordance with the accepted noise study, and the development meets the MECP NPC-300 noise guideline noise level criteria.

### **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,



Melissa Mohr, MCIP, RPP  
Senior Planner