



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES
Community Planning

150 Frederick Street 8th Floor
Kitchener Ontario N2G 4J3 Canada
Telephone: 519-575-4400
TTY: 519-575-4608
Fax: 519-575-4466
www.regionofwaterloo.ca

Shilling Yip
(226) 753-1064
D20-20/23 KIT

VIA EMAIL

April 3, 2023

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

Dear Ms. Mills:

**Re: Comments for Consent Applications B2023-005 and B2023-006
Committee of Adjustment Hearing April 18, 2023
CITY OF KITCHENER**

**B2023-016
73 Second Ave.
Weijie Zhang (Boban Jokanovic, Bobicon Ltd.)**

The purpose of the application is to demolish the existing dwelling on the property and to create two lots for a duplex on each of the severed and retained lots.

Environmental Noise Study

Both severed and retained residential lots may have impacts from road noise from traffic on Conestoga Parkway (Highway 7/8).

The following conditions should be secured through a registered agreement with the City of Kitchener for ALL DWELLING UNITS on both retained and severed lots:

- a) The dwelling will be fitted with a forced air-ducted heating system suitably sized and designed with provision for the installation of central air conditioning in future at the occupant's discretion.
- b) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:

“The purchasers/tenants are advised that sound levels due to increasing road traffic Highway 7/8 may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP). This dwelling has been fitted with a forced air-ducted heating system and 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 Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)”.

Alternatively, the applicant may choose to undertake a detailed environmental noise study to assess the environmental noise impacts on the proposed residential dwellings on retained and severed lots. The recommendations of the detailed noise study will be implemented through a registered agreement with the City of Kitchener.

Source Water Protection

For information, the property is designated Wellhead Protection Sensitivity Area 8 on Map 6a of the Regional Official Plan (ROP). The purpose of this designation and corresponding policies in Chapter 8 of the ROP, is to protect the Region’s long term municipal groundwater supplies. No action is required by the applicant.

Regional Fee

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

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

- 1) The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.
- 2) The owner/applicant enter into a registered agreement with the City of Kitchener to provide the following:

That for both the severed and retained lands:

- a) The dwelling(s) will be fitted with a forced air-ducted heating system suitably sized and designed with provision for the installation of central air conditioning in future at the occupant's discretion.
- b) The following noise warning clause will be included in all offers of purchase, deeds and rental agreements:

"The purchasers/tenants are advised that sound levels due to increasing road traffic Highway 7/8 may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the sound level limits of the Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP). This dwelling has been fitted with a forced air-ducted heating system and 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 Waterloo Region and the Ministry of the Environment Conservation and Parks (MECP)".

- c) That as an alternative to a) and b) above, the owner/applicant agrees to complete a road traffic noise study to the satisfaction of the City of Kitchener, in consultation with the Region of Waterloo, and to amend this agreement to implement the recommendations of the accepted noise study.

B2023-017

23 and 25 Elmsdale Drive

Waltraud Ratte (Valerie Schmidt, GSP Group)

The purpose of the application is to create separate lots for the existing semi-detached dwelling on the property.

Environmental Noise Warning Clause

Both severed and retained residential lots are located within 200m of the highway (approximately 178m) and may have impacts from road noise from traffic on Highway 7/8.

The following warning clause must be secured in a registered agreement with the City of Kitchener for both the severed and retained lots,

That the following noise warning clause be included in all offers of purchase, deeds and rental agreements:

“Purchaser/tenants are advised that sound levels due to increasing road traffic on Highway 7/8 may, on occasions, 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 & Parks (MOECP).”

Regional Fee

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

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

- 1) The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.
- 2) The owner/applicant enter into a registered agreement with the City of Kitchener to provide the following:

That the following noise warning clause be included in all offers of purchase, deeds and rental agreements:

“Purchaser/tenants are advised that sound levels due to increasing road traffic on Highway 7/8 may, on occasions, 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 & Parks (MOECP).”

B2023-018

299 Ottawa Street N.

10000446086 Ontario Inc./NUR Homes (Charlotte Balluch, GSP Group)

The purpose of the application is to demolish the existing single detached dwelling on the property and to create 2 lots for a single detached on each of the severed and retained lots.

Dedicated Road Widening

Dedicated road widening of approximately 3.05m (10 feet) will be required along the entire property frontage on Ottawa Street N. to comply with the Regional Official Plan (ROP) designated road width of 30.48m. An Ontario Land surveyor (OLA) would determine the exact amount of widening to be conveyed.

The lands will be accepted as is

A draft reference plan prepared by an OLS must be submitted for review and approval before submitting the plan to the Lands Registry office.

All costs associated with the road widening would be the owner's responsibility, and the lands must be dedicated to the Region free of encumbrances.

Site Circulation and Access

The access to the existing westerly lot is currently and will be a right-in, right-out-only access due to the current concrete median on Ottawa Street N.

The access for the proposed easterly lot should be located to the east at 7.0m from the adjacent residential access of 305 Ottawa St. N. (measured centre to centre) to keep this access away from the existing centre median on Ottawa Street. The proposed access does not meet this requirement.

The access should have a 3.7m-6.0m throat width at the new property line and a 1.5m minimum curb radii/flare out.

The accesses must also be acceptable to the MTO authorities.

Both Lots will need access permit applications with a \$100 fee each. The access permit application is available at:

[Application and Payment for an Access Permit - Region of Waterloo](#)

Advisory: Staff notes that this access is also within the MTO Permit control area and may require their approval as necessary.

Environmental Noise Study

The proposed development may encounter environmental noise sources at this location due to traffic on Ottawa Street North (Regional Road #4), Conestoga Parkway (Highway 7/8) and on-off ramps.

A detailed noise study will be required to assess the noise impacts and the noise attenuation measures required for the proposed development.

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 and the noise levels 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, and 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, to prepare the Environmental Noise Study. Region of Waterloo staff will provide this data within three weeks of receiving the request from the noise consultant.

Please note that there is a \$500 fee for preparing the traffic forecasts and reviewing the Environmental Noise Study. The noise consultant preparing the Environmental Noise Study must submit the transportation data request online via (<https://rmow.permitcentral.ca/Permit/GroupApply?groupId=3>). Resubmission of any Transportation Noise Study may be subject to a \$250 resubmission fee.

The recommendations of the noise study will be required to be implemented through a registered agreement with the Region.

Stormwater Management (SWM) Report and Site Grading

The Region will require a detailed grading plan for review and approval. The plan must show the grades and slopes on the lands abutting the Regional road right-of-way. It must show the existing and future property lines and the grades along the proposed access(es).

If the City requires an SWM report, the same should be provided for review and approval by the Region.

Servicing/Work Permit/Municipal Consent

Any new, update to, and/or removal of servicing within the Regional road right-of-way for Ottawa Street North (RR #4) will require approval through a separate process of Municipal Consent, and a Region of Waterloo Work Permit must also be obtained from the Region of Waterloo prior to commencing any work within the Region's right of way.

In this regard, please visit <https://rmowroadpermits.mirasan.ca/> for further guidance. Region of Waterloo Municipal Consent may also be required at the time of construction, depending on the extent of future work within the Regional Road right of way.

Airport Zoning (Advisory)

For information, the subject lands are within the Transport Canada outer 6km development area limits. There are no airport-specific concerns. If the applicant has any questions in this regard, they may be directed to:

Jordan Vander Veen, P. Eng.
Senior Engineer, Region of Waterloo International Airport
Phone 519-648-2256 Ext 8514 Email: jvanderveen@regionofwaterloo.ca

Source Water Protection

The property is designated Wellhead Protection Sensitivity Area 4 on Map 6a of the Regional Official Plan (ROP). The purpose of this designation and corresponding policies in Chapter 8 of the ROP, is to protect the Region's long term municipal groundwater supplies. Geothermal wells are not permitted within this designation. The owner/applicant will be required to enter into an agreement with the Regional Municipality of Waterloo to prohibit use of geothermal wells as defined in the ROP.

Regional Fee

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

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

- 1) The owner/applicant is required to submit the Regional consent review fee of \$350.00 prior to final approval of the consent.
- 2) Prior to final approval, a dedicated road widening of approximately 3.05m (10 feet), free of encumbrances and at owner/applicant's cost, along the entire property frontage of the severed and retained lands on Ottawa Street N. shall be conveyed to the Region to comply with the Regional Official Plan (ROP) designated road width of 30.48m, all to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
- 3) Prior to final approval, the owner/applicant obtain Regional Road Access Permits for both the severed and retained lands from the Region of Waterloo.
- 4) Prior to final approval, the owner/applicant obtain Municipal Consent and Work Permit from the Regional Municipality of Waterloo for any road work within the Ottawa Street N. right-of-way, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
- 5) Prior to final approval, the owner/applicant submit a detailed grading plan for review and approval. The plan must show the grades and slopes on the lands abutting the Regional road right-of-way. It must show the existing and future property lines and the grades along the proposed access(es). All to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services.
- 6) The owner/applicant enter into a registered agreement with the Regional Municipality of Waterloo, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services, for the severed and retained lands to provide for the following:

- A detailed road traffic noise study to address road traffic noise from Ottawa Street N. and Highway 7/8, and to amend this agreement to secure implementation of the noise study recommendations.
- To prohibit the use of geothermal energy systems.

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,



Shilling Yip, MCIP, RPP
Senior Planner