

Staff Report



Development Services Department

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REPORT TO: Committee of Adjustment

DATE OF MEETING: April 18, 2023

SUBMITTED BY: Tina Malone-Wright, Interim Manager, Development Review
519-741-2200 ext. 7765

PREPARED BY: Andrew Pinnell, Senior Planner, 519-741-2200 ext. 7668

WARD INVOLVED: Ward 10

DATE OF REPORT: April 12, 2023

REPORT NO.: DSD-2023-176

SUBJECT: Consent Application B2023-018 - 299 Ottawa Street North

RECOMMENDATION:

That Consent Application B2023-018 requesting consent to sever a parcel of land having an approximate lot width of 10.9 metres, a depth ranging between 42.8 metres and 43.7 metres, and a lot area of 471 square metres, in general conformity with the Severance Sketch attached to Report DSD-2023-176, for the purposes of establishing a new single detached dwelling, BE APPROVED subject to the following conditions:

1. That the Owner's solicitor shall provide draft transfer documents and associated fees for the Certificate of Official to the satisfaction of the Secretary-Treasurer and City Solicitor, if required.
2. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property(ies) to the satisfaction of the City's Revenue Division.
3. That the owner provides a digital file of the deposited reference plan(s) prepared by an Ontario Land Surveyor in PDF and either .dwg (AutoCad) or .dgn (Microstation) format, as well as two full size paper copies of the plan(s). The digital file needs to be submitted according to the City of Kitchener's Digital Submission Standards to the satisfaction of the City's Mapping Technologist.
4. That the Owner obtains Demolition Control Approval, in accordance with the City's Demolition Control By-law, to the satisfaction of the City's Director of Planning.
5. That the Owner obtains a Demolition Permit, for the existing single detached dwelling proposed to be demolished, to the satisfaction of the Chief Building Official, and removes the existing dwelling prior to deed endorsement.
6. 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, as required, to the satisfaction of the appropriate City department.

- 7. That the Owner provides a servicing plan showing outlets to the municipal servicing system to the satisfaction of the Director of Engineering Services.**
- 8. That the Owner submit a Development Asset Drawing (digital AutoCAD) for the site (servicing, SWM etc.) with corresponding layer names and asset information to the satisfaction of the City's Director of Engineering Services, prior to deed endorsement.**
- 9. That the Owner makes financial arrangements for the installation of any new service connections to the severed and/or retained lands to the satisfaction of the City's Director of Engineering Services.**
- 10. That any new driveways are to be built to City of Kitchener standards at the Owner's expense prior to occupancy of the building to the satisfaction of the City's Director of Engineering Services.**
- 11. That the Owner provides confirmation that the basement elevation can be drained by gravity to the street sewers to the satisfaction of the City's Director of Engineering Services. If this is not the case, then the owner will need to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street to the satisfaction of the City's Director of Engineering Services.**
- 12. That the owner pay to the City of Kitchener a cash-in-lieu contribution for park dedication of \$11,862.00.**
- 13. That at the sole option of the City's Director of Planning, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director of Planning, which shall include the following:**
 - a) That the owner shall prepare a Tree Preservation Plan for the severed and retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Supervisor, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.**
 - b) The owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Supervisor, Site Plans.**
 - c) That the owner shall prepare building elevation drawings for the severed and retained lands, which shall be in general conformity with the elevation drawings attached to Report DSD-2023-176, to the satisfaction of the City's Director of Planning. Said drawings shall be implemented through the Building Permit process.**
- 14. That, prior to final approval, the applicant submits the Consent Application Review Fee of \$350.00 to the Region of Waterloo.**
- 15. 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.

16. Prior to final approval, the owner/applicant obtain Regional Road Access Permits for both the severed and retained lands from the Region of Waterloo.
17. 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.
18. 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.
19. 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:
 - i) A detailed Road Traffic Noise Study to address road traffic noise from Ottawa Street North and Highway 7/8, and to amend this agreement to secure implementation of the noise study recommendations.
 - ii) To prohibit the use of geothermal energy systems.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend conditional approval of the proposed consent application to permit the creation of a new lot, to facilitate redevelopment of the lands with a single detached dwelling on each resultant lot.
- There are no financial implications.
- Community engagement included a notice sign being placed on the property advising that a Committee of Adjustment application has been received, notice of the application was mailed to all property owners within 30 metres of the subject property and this report was posted to the City's website with the agenda in advance of the Committee of Adjustment meeting.
- This report supports the delivery of core services.

BACKGROUND:

The subject property is addressed as 299 Ottawa Street North and is located on the southeast side of Ottawa Street North, across from Highway 7/8 on/off ramps, in the Eastwood Planning Community. The property is currently developed with a 1.5 storey single detached dwelling that was constructed in approximately 1948.

The property is located approximately 220 metres east of the Ottawa Street entrance to the Kitchener Memorial Auditorium (KMA) and is approximately 70 metres west of Highway 7/8. The property has approximately 21.8 metres of frontage on Ottawa Street North and is approximately 952 square metres in area. The other low rise residential dwellings along this section of Ottawa Street were constructed between the late 1940s and early 1950s. Along this section of Ottawa Street North, there are four lanes of traffic and a centre median extends part way in front of the property. Ottawa Street is a Regional Road, as noted on *Map 11 – Integrated Transportation System* of the Official Plan.

The subject property is identified as 'Community Areas' on *Map 2 – Urban Structure* and is designated 'Low Rise Residential' on *Map 3 – Land Use* in the City's 2014 Official Plan.

The property is zoned 'Low Rise Residential Four Zone (RES-4)' in Zoning By-law 2019-051.

The application requests consent to create a new lot by severing the existing lot into two parcels. The severed lot would have an approximate lot width of 10.9 metres, a depth ranging between 42.8 metres and 43.7 metres, and an area of 471 square metres. The retained lot would have an approximate width of 10.9 metres, a depth ranging between 43.7 metres and 44.6 metres, and an area of 481 square metres. The applicant intends on demolishing the existing single detached dwelling and constructing a new single detached dwelling on each lot. It should be noted that the 'RES-4' Zone would permit each single detached dwelling to be duplexed 'as of right' and to further intensify to potentially contain three dwelling units each by way of approval of an application for Minor Variance to permit a reduction in the minimum lot width of 13.1 metres).

As illustrated in the drawings provided with the application form (see Appendix A and Appendix B), the requested Consent and proposed dwellings would comply with Zoning By-law 2019-051 and no minor variances would be required.

It should be noted that the subject property is located within the following areas under Zoning By-law 2019-051, and have associated area-specific regulations, as follows:

- Appendix C: Central Neighbourhood Area. In this case, since the dwellings on the abutting lots are estimated to be less than 6.5 metres in height, the required maximum building height is 9.0 metres (rather than 11.0 metres), per Section 7.5. The proposed dwellings are 9.0 metres in height and would comply with this requirement.
- Appendix D: Established Neighbourhood Area. In this case, the minimum and maximum front yards are based on the average of the abutting lots. The proposed dwellings comply with this area-specific requirement, ensuring that they are set back a similar distance as 291 and 305 Ottawa Street North. Also, area-specific driveway and garage requirements apply as outlined in Table 5-3 and Section 5.4 of By-law 2019-051. The proposal would comply with these requirements also.

It should be noted that the proposed lots would be the narrowest along this section of Ottawa Street and would perhaps be the narrowest single detached lots in the surrounding area, being 10.9 metres wide. It appears that the second narrowest lot along this section is directly abutting (305 Ottawa Street) with a width of approximately 14.5 metres. However, as aforementioned, the proposed lots would comply with all zoning requirements, including the minimum lot width of 9.0 metres. Planning staff notes that there are a few semi-detached lots in the surrounding area that are approximately 9.0 metres wide.

Moreover, the proposed lots would have the least land area along this section of Ottawa Street, being 471 square metres (severed) and 481 square metres (retained). Currently, the lot with the least land area along this section of Ottawa Street is two properties to the east (i.e., 309 Ottawa St N), with an area of 576 square metres. However, it appears there are other lots in the surrounding area that have smaller lot areas, for example:

- 96 McKenzie Ave – 456 m²
- 167 Ottawa St N – 385 m²

As aforementioned, the proposed lots would comply with all zoning requirements, including the minimum lot area of 235 square metres.

The proposed narrow lots would also result in building designs that are different than many of the lots in the area. For example, the proposed dwellings are two storeys in height, whereas the majority

dwelling along this section of Ottawa Street North are predominantly 1.5 storeys, though there are a few two-storey buildings that exist along this section also.

In addition, the proposed dwellings are comparatively narrow (resulting from the narrow lot widths) and deep, whereas many of the dwellings along this section of Ottawa Street are wide and shallow.



Figure 1 – Subject Property (299 Ottawa Street North) in Context



Figure 2 – Subject Property taken from opposite side of Ottawa Street North. The concrete-curbed centre median and yellow painted lines are visible in front and to the right.

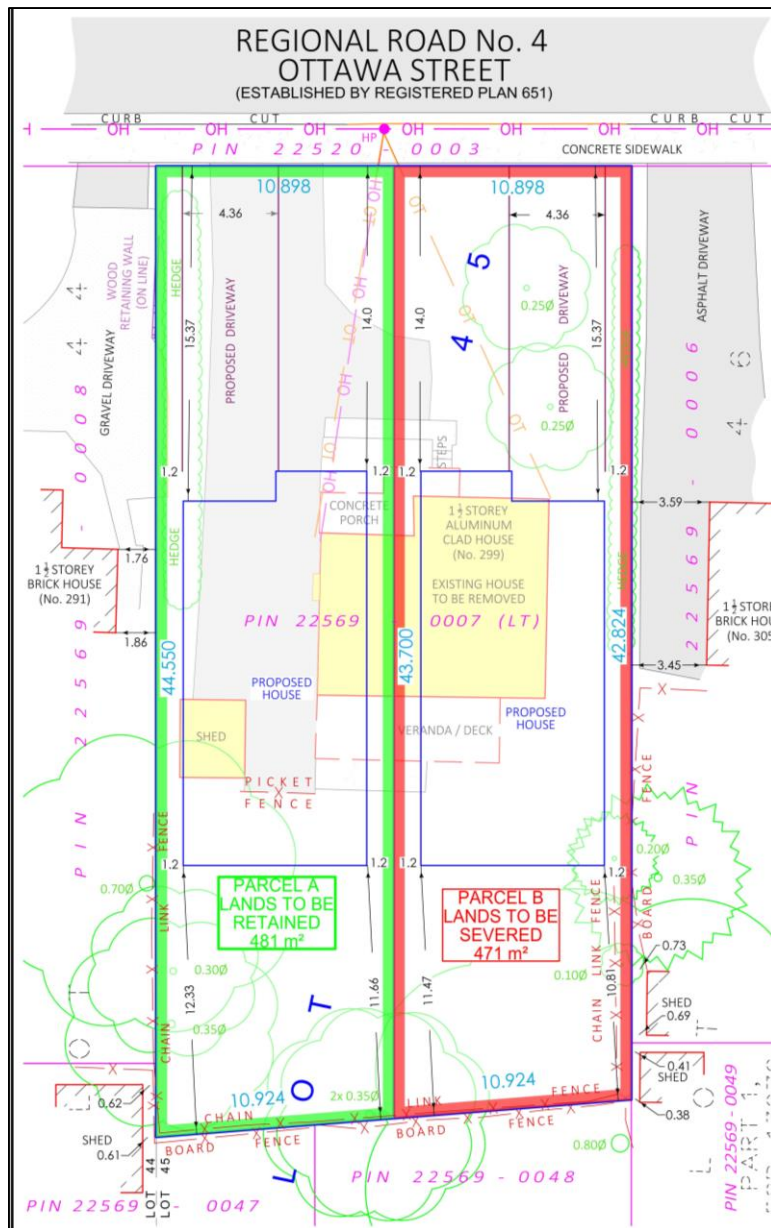


Figure 3 – Proposed Severance Sketch

REPORT:

Planning Comments:

In considering all the relevant Provincial legislation, Regional and City policies and regulations, Planning staff offer the following comments:

Provincial Policy Statement (PPS 2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development,

intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

Planning staff is of the opinion that the requested consent will facilitate appropriate intensification of the subject property with the creation of a new lot and will make use of existing infrastructure and services, including public transit. Planning staff is of the opinion that this proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation.

The subject lands are located within the City's Built-Up Area, as noted on *Map 1 – City Urban Area and Countryside* of the Official Plan. The proposed development represents intensification and will contribute towards achieving the City's intensification goals for the Built-Up Area. The severance application will help make efficient use of existing infrastructure, parks, roads, and transit. Planning staff is of the opinion that the development proposal conforms to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. The Region has indicated that they have no objections to the proposed consent subject to a condition for an access permit. Planning staff is of the opinion that the severance application conforms to the Regional Official Plan.

City's Official Plan (2014)

The subject property is identified as 'Community Areas' on *Map 2 – Urban Structure* and is designated 'Low Rise Residential' on *Map 3 – Land Use* in the City's 2014 Official Plan. The Community Areas section of the Official Plan contains the following policy:

- 3.C.2.52. Limited intensification may be permitted within Community Areas in accordance with the applicable land use designation on Map 3 and the Urban Design Policies in Section 11. The proposed development must be sensitive to and compatible with the character, form and planned function of the surrounding context.

Section 17.E.20.5 of the Official Plan implements Section 51 of the Planning Act and contains policies regarding infill development and lot creation (Consent Policies). These policies state the following:

- 17.E.20.5 Applications for consent to create new lots will only be granted where:
- a) the lots comply with the policies of this Plan, any Community Plan and/or Secondary Plan, and that the lots are in conformity with the Zoning By-law, or a minor variance has been granted to correct any deficiencies;
 - b) the lots reflect the general scale and character of the established development pattern of surrounding lands by taking into consideration lot frontages, areas, and configurations;

- c) all of the criteria for plan of subdivision are given due consideration;
- d) the lot will have frontage on a public street;
- e) municipal water services are available;
- f) municipal sanitary services are available except in accordance with Policy 14.C.1.19;
- g) a Plan of Subdivision or Condominium has been deemed not to be necessary for proper and orderly development; and,
- h) the lot(s) will not restrict the ultimate development of adjacent properties.

Section 4 of the Official Plan outlines the City's Housing policies. Several Housing policies are applicable to the proposal, such as:

4.C.1.8. Where a special zoning regulation(s) or minor variance(s) is/are requested, proposed or required to facilitate residential intensification or a redevelopment of lands, the overall impact of the special zoning regulation(s) or minor variance(s) will be reviewed, but not limited to the following to ensure, that:

- a) Any new buildings and any additions and/or modifications to existing buildings are appropriate in massing and scale and are compatible with the built form and the community character of the established neighbourhood...
- d) New buildings, additions, modifications and conversions are sensitive to the exterior areas of adjacent properties and that the appropriate screening and/or buffering is provided to mitigate any adverse impacts, particularly with respect to privacy...

4.C.1.9. Residential intensification and/or redevelopment within existing neighbourhoods will be designed to respect existing character. A high degree of sensitivity to surrounding context is important in considering compatibility.

Moreover, Section 15.D.3 of the Official Plan outlines the City's Residential policies. Several Low Rise Residential policies are applicable to the proposal, such as:

15.D.3.8. The Low Rise Residential land use designation will accommodate a full range of low density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing.

15.D.3.9. The City will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a low-rise built form.

In response, Planning staff initially had some initial concerns about the scale and character of the lots, including the narrow width and small land areas, as well as the building forms that would result. As noted above, the lots would be the narrowest single detached lots in the surrounding area and among the smallest in land area. In general, the dwellings would be narrower and deeper than most of the dwellings along this section of Ottawa Street. However, it should be mentioned that the building form and architecture in the surrounding area is quite varied and smaller lots do exist. Narrower lots than proposed also exist within the neighbourhood in the form of semi-detached lots.

Taking all these matters into consideration, Planning staff is of the opinion that the proposed lots reflect the *general* scale and character of the established development pattern of the surrounding lands. Moreover, Planning staff advises that the proposed lots fully comply with the Zoning By-law.

Supporting Materials and Approval Condition:

In support of the application, the applicant submitted the following materials:

- Planning Justification Study (PJS),
- Site Plan Drawing (severance sketch),
- Building Elevation Drawings,
- Floor Plan Drawings, and
- Property Survey (including grading and tree information).

These materials have assisted staff in understanding the proposal and attempt to justify the proposal. Generally, Planning staff agrees with the materials submitted because:

- The future dwellings appear to meet the numerous and stringent requirements for Appendix “C” and Appendix “D” Areas, such as maximum building height, maximum driveway width, maximum garage width, and a prohibition on garage projections;
- The future dwellings provide a greater rear yard setback than the minimum requirement, which will assist in preventing unacceptable overlook onto adjacent rear yards, since the dwellings could be deeper than proposed (note that the drawings show a minimum rear yard setback of 10.81 metres, whereas the required minimum rear yard setback is 7.5 metres);
- The driveways will be required to meet the Region’s policy for safe access onto a Regional road at this location.

Planning staff recommends an approval condition requiring the owner to enter into an agreement to prepare building elevation drawings for the severed and retained lands, which are in general conformity with the elevation drawings attached to this report, to the satisfaction of the City’s Director of Planning. These drawings would be implemented through the Building Permit process. This approach is in conformity with Policy 4.C.1.7. of the Official Plan, which applies to Consent Applications:

The City may require a site plan, elevation drawings, landscaping plans and any other appropriate plans and/or studies, to support and demonstrate that a proposed development or redevelopment is compatible with respect to built form, architectural design, landscaping, screening and/or buffering. These requirements are intended to address the relationship to adjacent residential development, to ensure compatibility with the existing built form and the community character of the established neighbourhood and to minimize adverse impacts.

Transportation Matters:

Planning staff initially expressed some transportation-related concerns regarding the interface of the proposed lots with Ottawa Street [see Section 51(24) of the Planning Act]:

- Ottawa Street North is a four-lane Regional Road and carries a heavy traffic load;
- Ottawa Street North contains a concrete-curbed centre median that extends part way in front of the subject property;
- In addition to the concrete-curbed median Ottawa Street North also contains yellow painted lines which do not permit traffic to cross.
- The subject property is located opposite Highway 7/8 on / off ramps;

- The plans provided with the application form show a driveway length / garage layout that could theoretically accommodate 3 vehicles in a tandem (permitted where there are additional dwelling units) and all vehicles would need to reverse onto Ottawa Street to exit the property.

These potential issues might be exacerbated by any future intensification of the lots through creation of additional dwelling units (attached), which would be feasible. A maximum of 2 dwelling units would be permitted per resultant lot (a total of four (4) dwelling units where currently only one exists). Also, there is the potential for 1 additional dwelling unit on each lot, subject to the approval of a minor variance application for lot width, to permit 3 dwelling units per lot (Bill 23) for a total of six (6) dwelling units where currently only one exists now.

Notwithstanding, the City's Transportation Services and the Ministry of Transportation (Highway 7/8 and the nearby ramps are under the jurisdiction of MTO) advise that they have no concerns.

The Region has identified that the access for the proposed easterly lot is proposed in proximity of an existing residential access and a high volume Regional Road having a traffic median and taper extending farther east. Accordingly, the proposed accesses for both retained and severed parcels, will be restricted to right-in, right-out only movements. This will be reflected in the access permits required for the development. Subject to the condition for access permits, the Region has no concerns.

Tree Management:

The survey drawing provided with the application form illustrates that there is a significant amount of vegetation (including trees and hedges), both on and off property, in the vicinity of the side and rear lot lines. Planning staff recommends the standard tree management condition to ensure that shared/off-property trees are protected from development impacts and that on-property trees are protected to the extent possible, while permitting development.

The proposed development represents low intensity intensification within the Built Up Area and would facilitate redevelopment of the property with permitted uses. The proposed dwellings would provide a different form of single detached dwelling within the area. Planning staff is of the opinion that the requested Consent conforms to the Official Plan.

Zoning By-law 2019-051

The subject property is zoned as 'Low Rise Residential Four Zone (RES-4)' in 2019-051. As noted above, the proposed lots fully comply with the Zoning By-law and no variances are required to facilitate the proposed single detached dwellings.

Planning Conclusions/Comments:

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff is satisfied that the subject lands are suitable for the purposes for which it is to be subdivided. While the building layouts and lot dimensions are different than what exists in the surrounding area, Planning staff is of the opinion that they satisfactorily meet the criteria outlined in the Planning Act and the Official Plan. The recommended conditions will ensure that future single detached dwellings are compatible with the surrounding uses and development. Moreover, Planning staff is further of the opinion that the proposal is consistent with the Provincial Policy Statement, and the Region of Waterloo Official Plan, conforms to the Growth Plan for the Greater Golden Horseshoe, and represents good planning.

Environmental Planning Comments:

The following conditions should be applied:

That at the sole option of the City's Director of Planning, the Owner shall enter into an agreement with the City of Kitchener, to be prepared by the City Solicitor, to the satisfaction of the City Solicitor and the City's Director of Planning, which shall include the following:

- a) That the owner shall prepare a Tree Preservation Plan for the severed and retained lands, in accordance with the City's Tree Management Policy, to be approved by the City's Supervisor, Site Plans, and where necessary, implemented prior to any grading, servicing, tree removal or the issuance of building permits. Such plans shall include, among other matters, the identification of a proposed building envelope/work zone, a landscaped area and the vegetation to be preserved. If necessary, the plan shall include required mitigation and or compensation measures.
- b) The owner further agrees to implement the approved plan. No changes to the said plan shall be granted except with the prior approval of the City's Supervisor, Site Plans.

Heritage Planning Comments:

No concerns.

Building Division Comments:

The Building Division has no objections to the proposed consent. Region of Waterloo and Area Municipalities' Design Guidelines and Supplemental Specifications for Municipal Services (DGSSMS) allows only one service per lot. Separate building permit(s) will be required for the demolition of the existing building, as well as construction of the new residential buildings.

Engineering Division Comments:

- Severance of any blocks within the subject lands will require separate, individual service connections for sanitary, storm, and water, in accordance with City policies.
- The owner is required to make satisfactory financial arrangements with the Engineering Division for the installation of new service connections that may be required to service this property, all prior to severance approval. Our records indicate sanitary, storm and water municipal services are currently available to service this property. Any further enquiries in this regard should be directed to Nolan Beatty – Engineering Technologist, City of Kitchener Engineering Division (nolan.beatty@kitchener.ca).
- Any new driveways are to be built to City of Kitchener standards. All works are at the owner's expense and all work needs to be completed prior to occupancy of the building.
- A servicing plan showing outlets to the municipal servicing system will be required to the satisfaction of the Engineering Division prior to severance approval.
- A Development Asset Drawing (digital AutoCAD) is required for the new site infrastructure with corresponding layer names and asset information to the satisfaction of the Engineering Division prior to severance approval.
- The owner must ensure that the basement elevation of the building can be drained by gravity to the street sewers. If this is not the case, then the owner would have to pump the sewage via a pump and forcemain to the property line and have a gravity sewer from the property line to the street.

Parks/Operations Division Comments:

Cash-in-lieu of park land dedication will be required on the severed parcel as 1 new development lot will be created. The cash-in-lieu dedication required is \$11,862.

Transportation Planning Comments:

Transportation Services have no concerns with the proposed application.

Region of Waterloo Comments:

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. [City Planning Division note: this paragraph has been modified by updated comments submitted by the Region on April 12, 2023, included below].

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 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.



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 12, 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: Additional Comments B2023-018
299 Ottawa Street N.
Committee of Adjustment Hearing April 18, 2023
CITY OF KITCHENER**

Region staff wish to provide the following additional comments related to the proposed access on Ottawa Street N. for the severed and retained parcels.

The access for the proposed easterly lot is proposed in proximity of an existing residential access and a high volume Regional Road having a painted traffic median and taper extending further east. Accordingly, the proposed accesses for both retained and severed parcels, will be restricted to right-in, right-out only movements. This will be reflected in the access permits required for the development.

The Region conditions of the consent application remain unchanged.

Yours truly,

A handwritten signature in blue ink that reads "Shilling Yip".

Shilling Yip, MCIP, RPP
Senior Planner

Ministry of Transportation Comments:

Based on the comments provided by the Region of Waterloo in the attached email, the Ministry of Transportation (MTO) supports the proposed Consent, with the understanding that the following be included as condition of consent:

Upon registration of the consent, and after registration of the parcels, the property owner shall make an application for MTO Building and Land use permit(s).

The concept plan of two single residential units at the existing 299 Ottawa street property has been considered in accordance with the *Public Transportation and Highway Improvement Act* (PTHIA), MTO's Highway Corridor Management Manual (HCMM) and all related guidelines and policies. The following outlines our comments:

The owner should be aware that the property falls within MTO's Permit Control Area (PCA), and as such, MTO Permits are required before any demolition, grading, construction or alteration to the site commences. In accordance with the Ontario Building Code, municipal permits may not be issued until such time as all other applicable requirements (i.e.: MTO permits/approvals) are satisfied. As a condition of MTO permit(s) MTO will require the following for review approval:

The site is in close proximity to Highway 7, a *Controlled Access Highway* classified as a **A1 Freeway**, with a posted speed limit of 90 km/h. As such, all requirements, guidelines and best practices in accordance with this classification and designation will apply. MTO has no objections to the severance, with the understanding that the MTO permits listed below will be obtained, and that the following be included as condition of consent;

Upon registration of the consent, and after registration of the parcels, the property owner shall make an application for MTO Building and Land use permit(s).

Permit Requirements:

- MTO Building and Land Use Permit(s) will be required for each site prior to any work occurring.
 - Site Plans detailing the proposed work on each lot shall be attached to the permit application. The site plans must include any above/below ground structures, parking, ext.

For reference, MTO Building and Land Use permits may be applied for by this link, <https://www.hcms.mto.gov.on.ca/>

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Committee of Adjustment meeting. A notice sign was placed on the property advising that a Committee of Adjustment application has been received. The sign advises interested parties to find

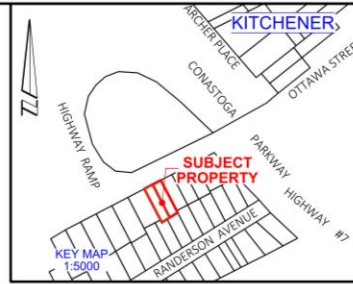
additional information on the City's website or by emailing the Planning Division. A notice of the application was mailed to all property owners within 30 metres of the subject property.

PREVIOUS REPORTS/AUTHORITIES:

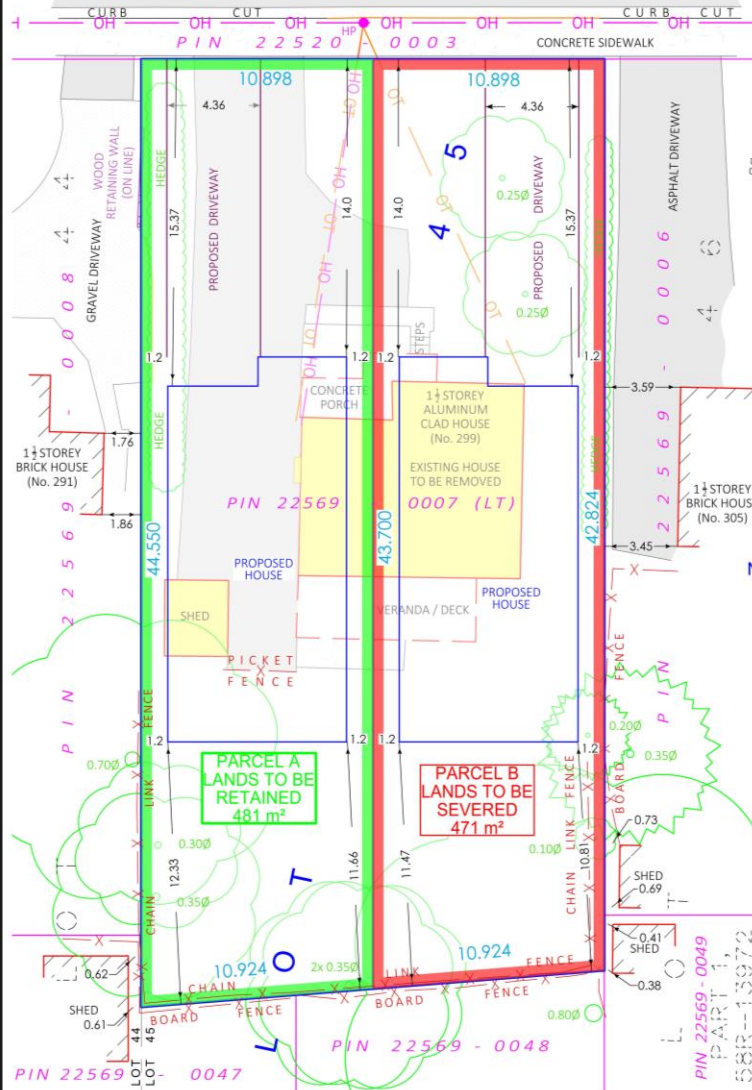
- *Planning Act*
- *Provincial Policy Statement (PPS 2020)*
- *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*
- *Regional Official Plan (ROP)*
- *Official Plan (2014)*
- *Zoning By-law 2019-051*

ATTACHMENTS:

Attachment A – Severance Sketch provided with Application Form
Attachment B – Elevation Drawings provided with Application Form



REGIONAL ROAD No. 4 OTTAWA STREET (ESTABLISHED BY REGISTERED PLAN 651)



SEVERANCE SKETCH PART OF LOT 45 REGISTERED PLAN 651 CITY OF KITCHENER REGIONAL MUNICIPALITY OF WATERLOO

SCALE 1 : 200
VAN HARTEN SURVEYING INC.

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
3. THIS SKETCH IS AN ORIGINAL IF EMBOSSED BY THE SURVEYOR'S SEAL.

THIS SKETCH IS PROTECTED BY COPYRIGHT © 2023.

THIS SKETCH WAS PREPARED ON THE
22nd DAY OF MARCH, 2023.

RONALD MAK
ONTARIO LAND SURVEYOR

ZONING DESIGNATION				
	R-4 (BY-LAW 85-1)	RES-4 (BY-LAW 019-051)	RETAINED PARCEL A	SEVERED PARCEL B
MINIMUM LOT AREA	235 m ²	235 m ²	481 m ²	471 m ²
MINIMUM LOT WIDTH	9 m	9 m	10.898 m	10.898 m
MIN/MAX FRONT YARD SETBACK	14 m / 16 m	14 m / 16 m	14 m	14 m
MINIMUM SIDE YARD	1.2 m	1.2 m	1.2 m	1.2 m
MINIMUM REAR YARD	7.5 m	7.5 m	11.66 m	10.81 m



Van Harten
SURVEYING INC.
LAND SURVEYORS AND ENGINEERS

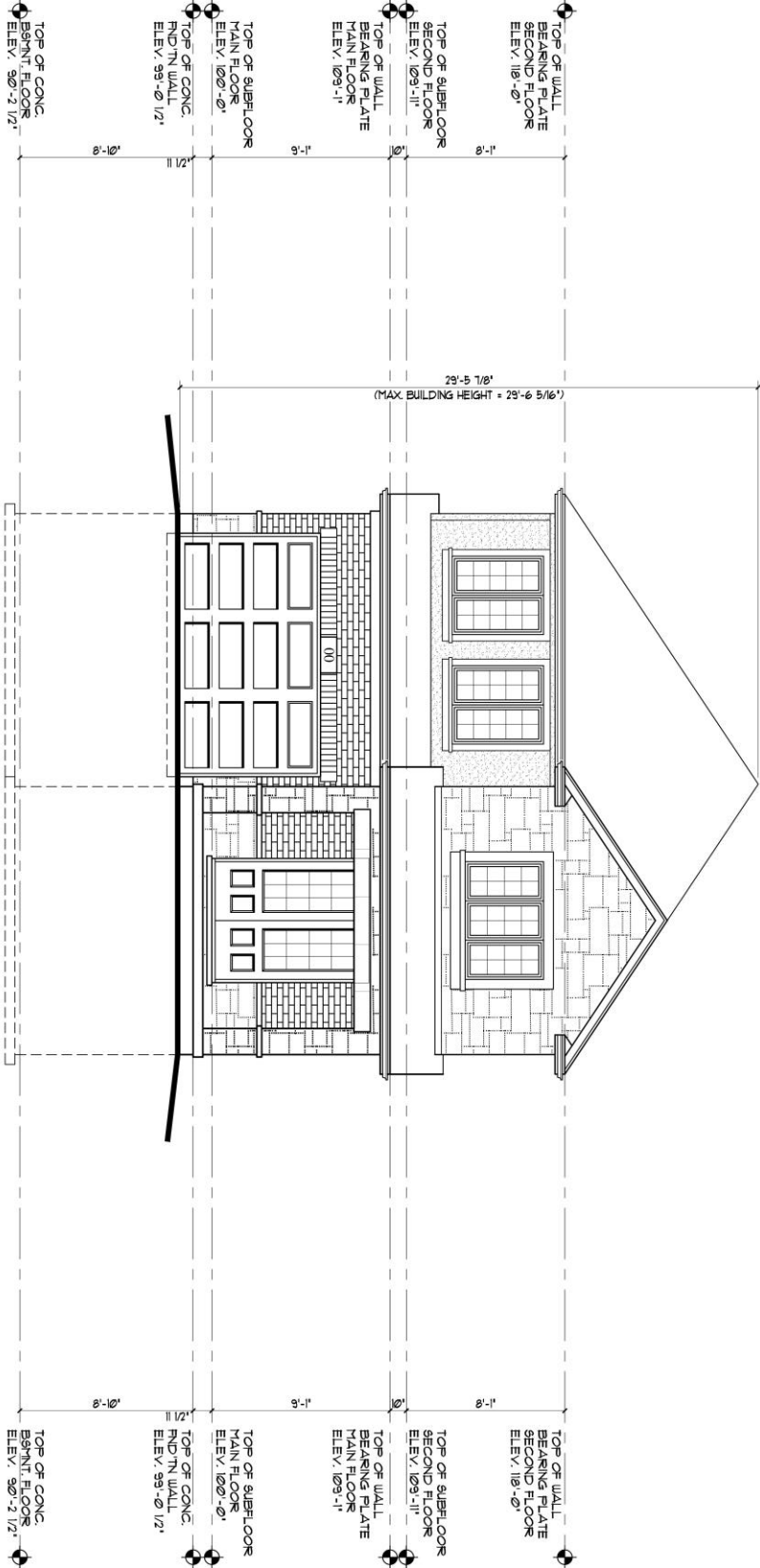
Kitchener/Waterloo Ph: 519-742-8371 Guelph Ph: 519-821-2763 Orangeville Ph: 519-940-4110

www.vanharten.com info@vanharten.com

DRAWN BY: AK CHECKED BY: MS PROJECT No. 31979-22

Mar 22, 2023 11:05:39 AM
M:\Geographic(KW)\Kitchener\651\ACAD\SEV PLT45 PL651 (31979-22) (UTM 2010).dwg

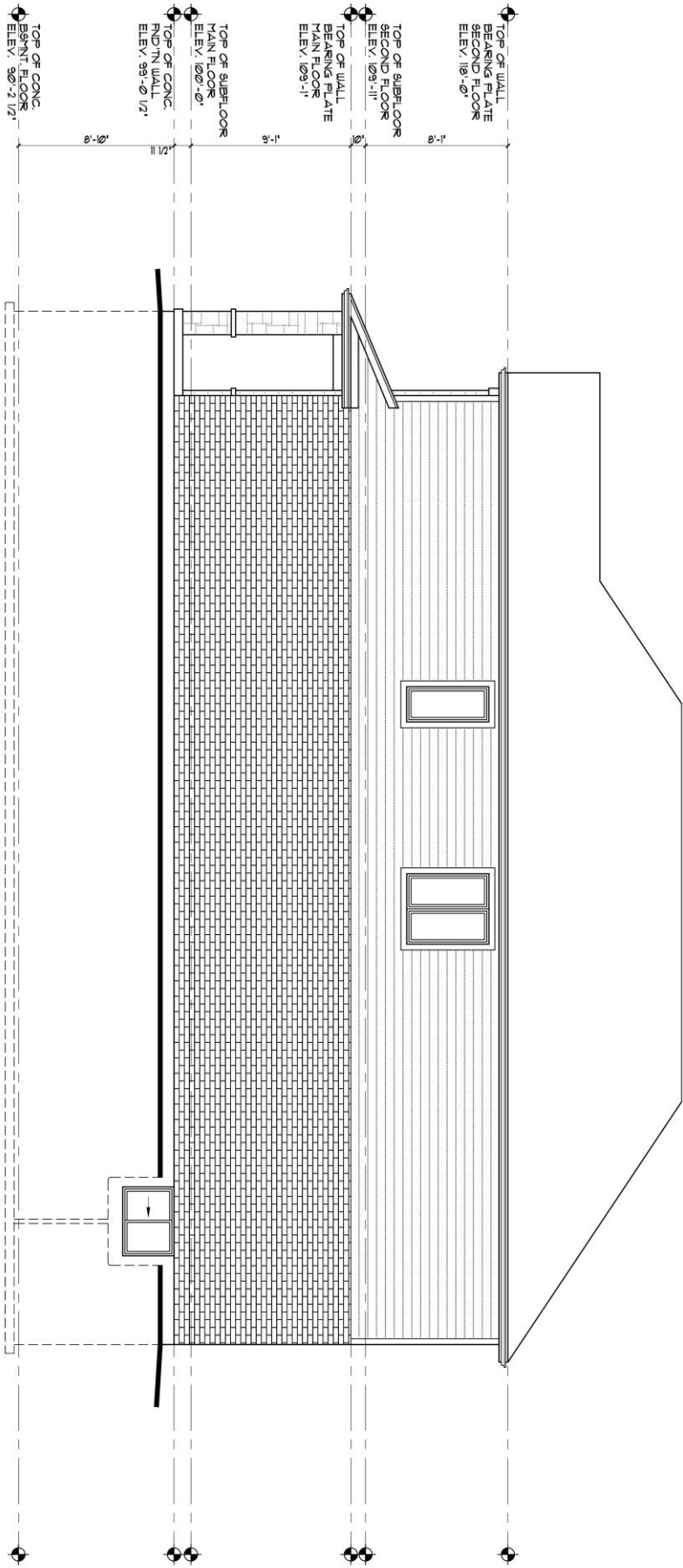
ELEVATION A
PROPOSED FRONT ELEVATION



299 OTTAWA STREET N.
KITCHENER, ONTARIO

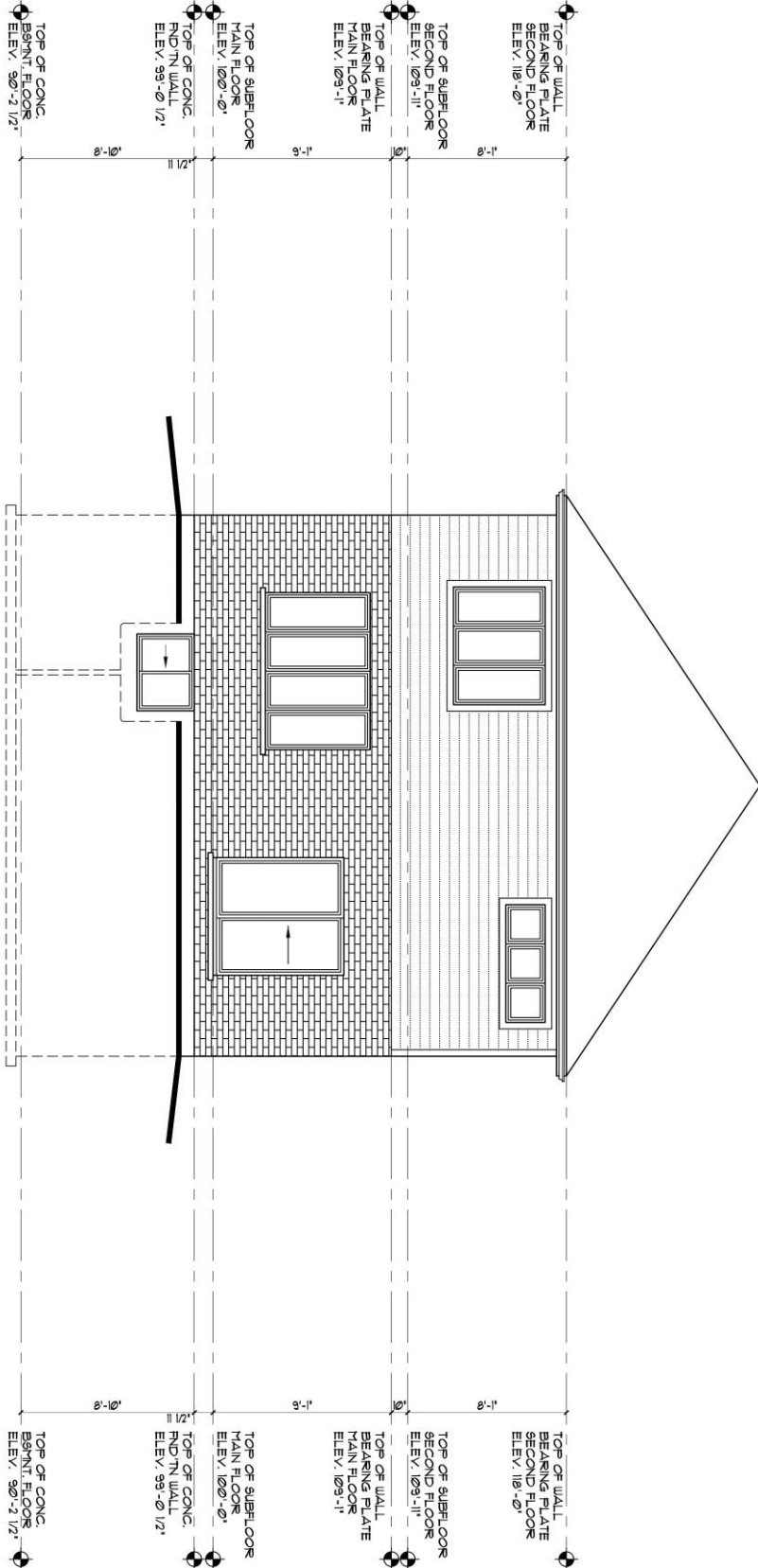
2023.03.16

ELEVATION A
PROPOSED RIGHT ELEVATION



299 OTTAWA STREET N.
KITCHENER, ONTARIO
2023.03.16

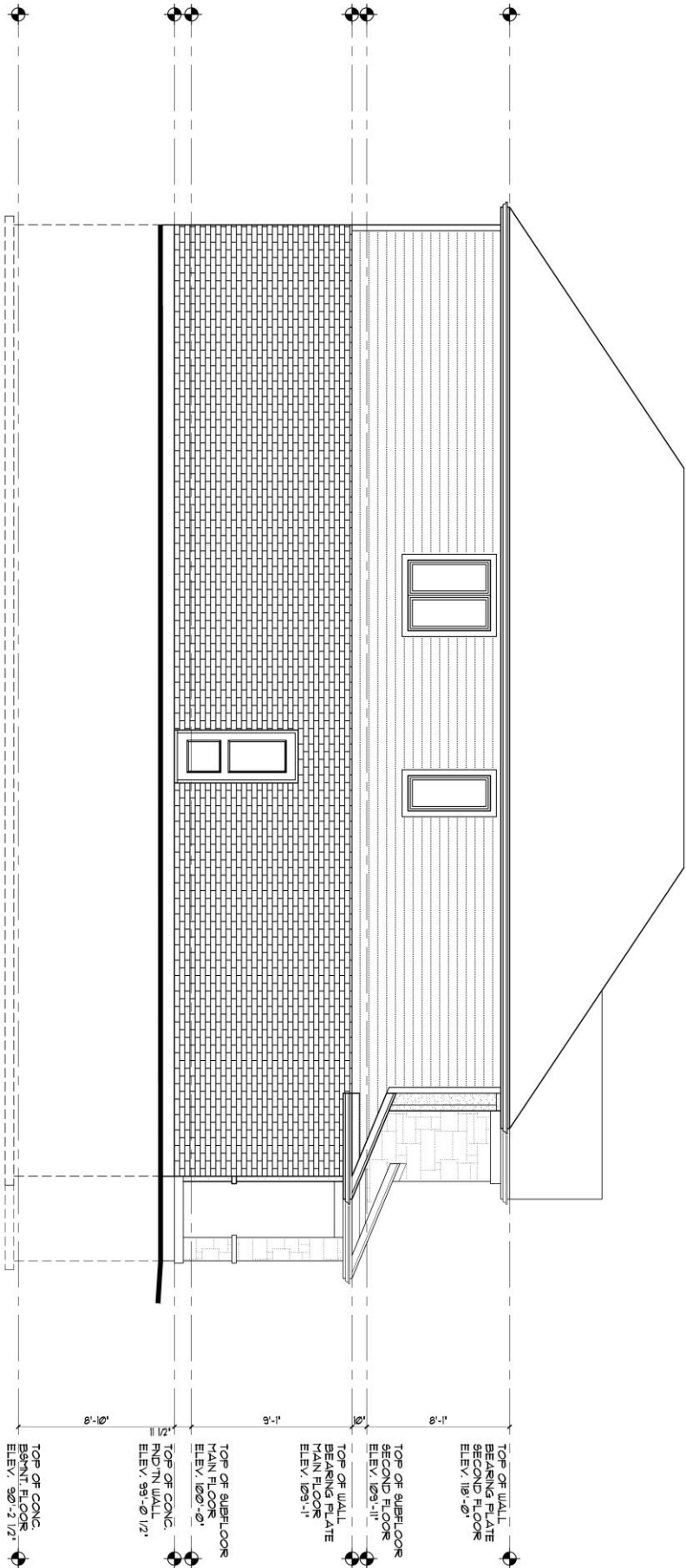
ELEVATION A
PROPOSED REAR ELEVATION



299 OTTAWA STREET N.
KITCHENER, ONTARIO

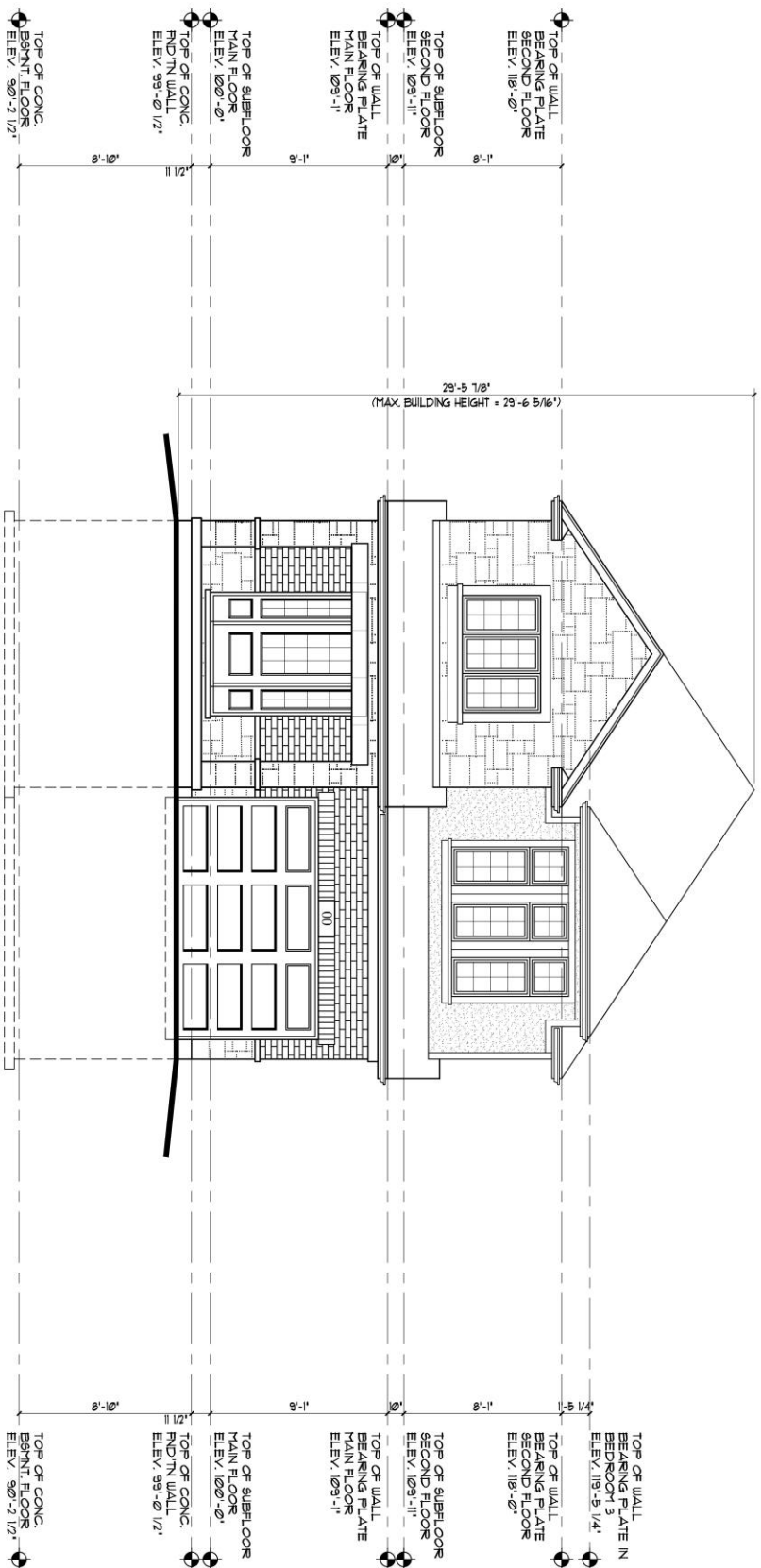
2023.03.16

ELEVATION A
PROPOSED LEFT ELEVATION



299 OTTAWA STREET N.
KITCHENER, ONTARIO
2023.03.16

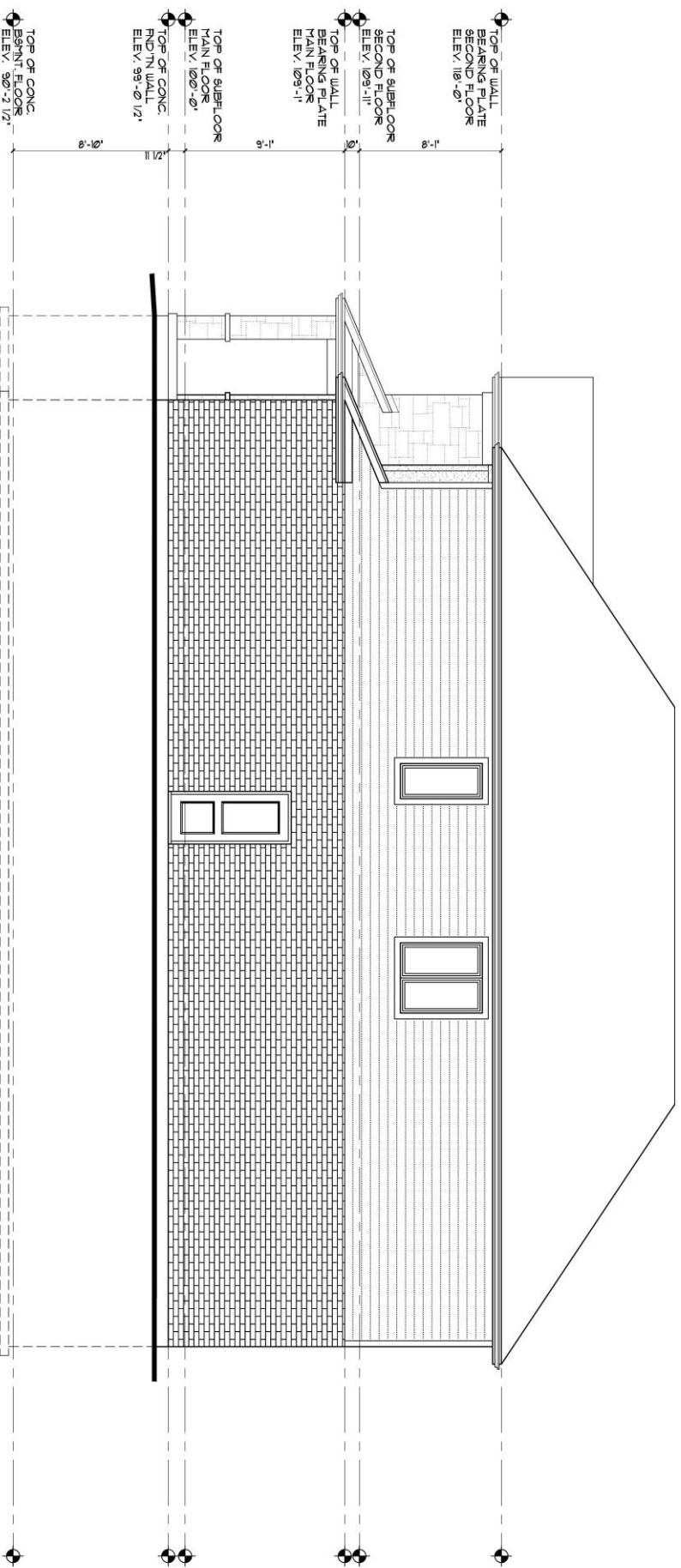
ELEVATION B
PROPOSED FRONT ELEVATION



299 OTTAWA STREET N.
KITCHENER, ONTARIO

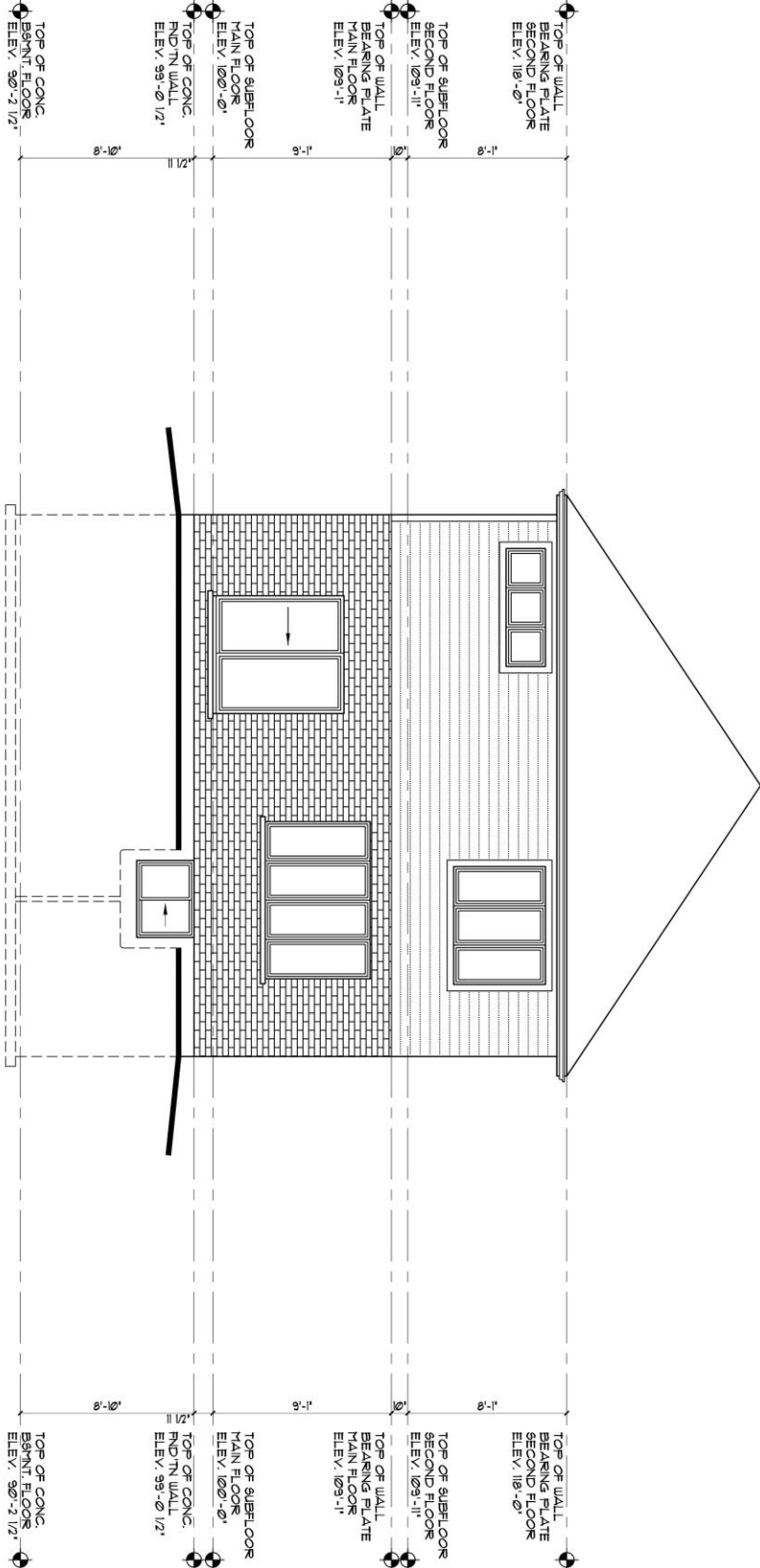
2023.03.16

ELEVATION B
PROPOSED RIGHT ELEVATION



299 OTTAWA STREET N.
KITCHENER, ONTARIO
2023.03.16 23.03.15

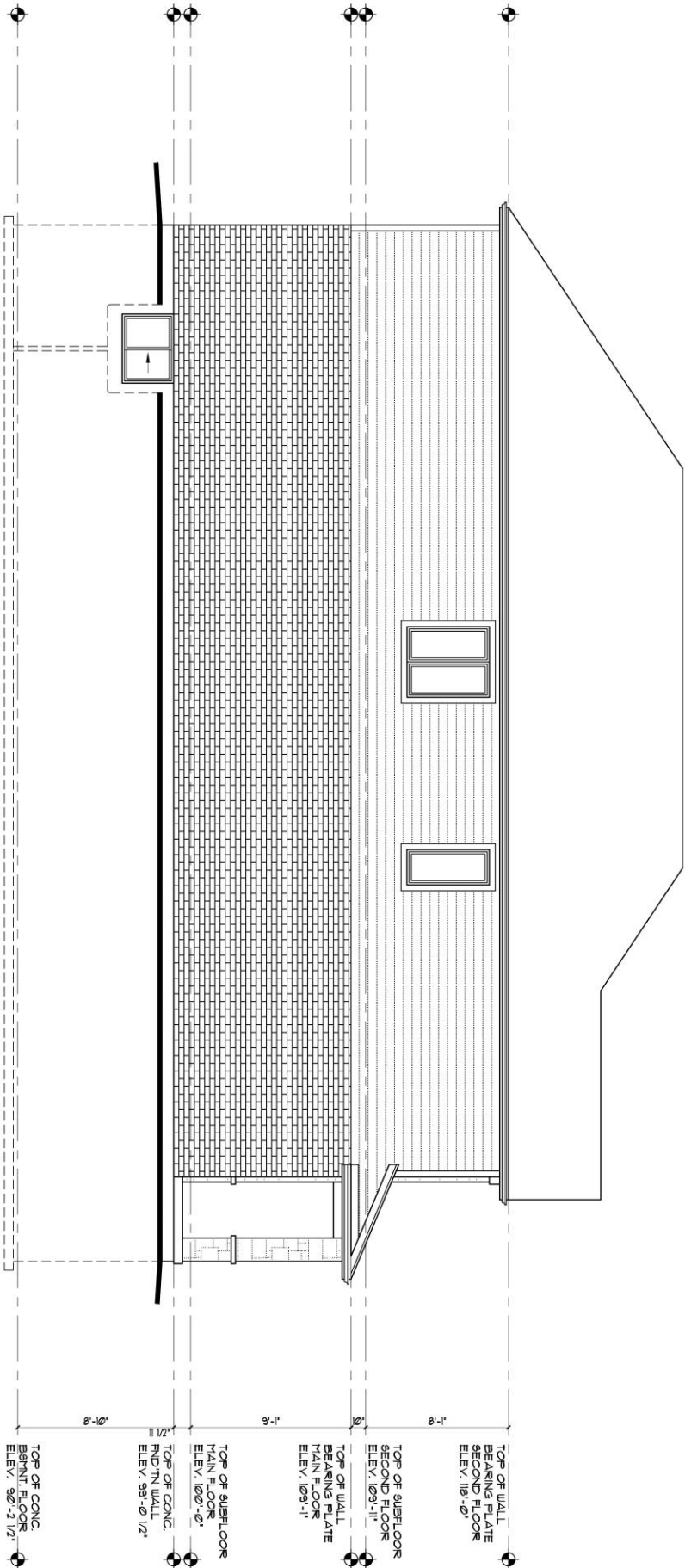
ELEVATION B
PROPOSED REAR ELEVATION



299 OTTAWA STREET N.
KITCHENER, ONTARIO

2023.03.16 5

ELEVATION B
PROPOSED LEFT ELEVATION



299 OTTAWA STREET N.
KITCHENER, ONTARIO

2023.03.16