



March 28, 2024

Melissa Mohr  
Region of Waterloo  
150 Frederick St, 8<sup>th</sup> Floor  
Kitchener, ON

Dear Ms. Mohr

Re: Response to Regional Comments dated January 9, 2024 for Official Plan and Zoning By-law Amendment file no. OR05/23

The owner and project team have reviewed the Region's comments, received January 9<sup>th</sup>, 2024, following the submission of our application in June 2023. The comments have been divided by subject matter and a response is provided herein.

## **Land Use Compatibility**

### *Regional Comment:*

Regional staff acknowledge that the subject lands are located in a Regeneration Area within the City of Cambridge and that Regeneration Areas are anticipated to transition from one use to another over time; however, staff note that land use compatibility as per the D-6 Guidelines has not been addressed within the Planning Justification Report. Regional staff note that the subject lands are located in a primarily Class 2 Industrial Land Use area, which recommends a minimum setback of 70 metres between industrial and sensitive land uses. Regional staff also note that there is a brewery located directly adjacent to the subject lands and breweries are Class 3 industrial land uses according to the MECP, D-6 Guideline. Breweries have a recommended setback from sensitive land uses (e.g. residential land uses) of 300 metres. Regional staff request additional discussion relating to impacts from the Class 2 industrial land uses and the brewery adjacent to the subject lands in accordance with the MECP-D6 Guideline.

### *Response:*

With regard to the industrial uses located north of the subject lands, the Noise Study prepared by HGC Engineering has concluded that mitigation is not required as a result of stationary noise from the industrial uses. Residential uses exist to the south, west and east, except for the microbrewery.

We previously discussed this issue in additional detail and it was agreed that the microbrewery did not constitute a Class III facility. It was further agreed that beyond the noise and vibration related assessment already undertaken, the only outstanding matter with regard to land use compatibility was for the Norwich Plastics facility to the north of the subject lands. In this regard, SLR completed

a Compatibility Mitigation Study and concluded that the proposed residential development was compatible with the Class II Norwich Plastics facility. Please find the Study enclosed with this submission.

## **Railway Guidelines and Setback**

### *Regional comment:*

Regional staff understand that the subject lands are directly adjacent to the Canadian Pacific Railway (CPR) Principal Main Line. The RAC Guidelines recommend a 30 meter setback between the Principal Branch Line and sensitive land use (e.g. residential land uses). Regional staff note that the concept plan shows a 15 meter setback and **Regional staff request that a minimum setback of 30 metres be included as a site-specific provision within the Zoning By-law to ensure new buildings shall comply with the RAC Guideline recommended setback.** In addition, a berm of 2.5 metres above grade with side slopes not steeper than 2.5 to 1 shall be required to be implemented through the detailed design of the site.

Please note that through a future Consent/ Plan of Condominium and/or Site Plan Application, the Regional Municipality of Waterloo shall require an affidavit and report from a qualified Professional Engineer Licensed to practice in the Province of Ontario that demonstrates that the proposed development has been designed in accordance with the Railway Association of Canada's "*Guideline for New Development in Proximity to Railway Operations.*" (Dialog & J.E. Coulter Associated Limited, May 2013.

### *Response:*

CN advises that they only require a 15 metre setback, which is met. Furthermore and based on the referenced Guidelines, a combination of horizontal and vertical separation is acceptable to achieve the 30 metre setback. In this regard, plans were provided to your attention illustrating how the 30 metre setback was achieved. We propose the following wording in the site-specific Bylaw:

A minimum 30 metre setback from the lot line abutting the CRP railway, provided further that the setback can be achieved through a combination of horizontal and vertical separation to the closest residential dwelling unit

## **Region of Waterloo International Airport**

### *Regional comment:*

The subject lands are not located within the Airport Zoning Regulation (AZR), but they are within the Runway 14 missed approach and future Runway 32 approaches with a limiting elevation of 487m ASL. Please be advised that no buildings or cranes associated with the construction of this development shall exceed 487m ASL. In addition, the developer shall be required to submit a land use application to Nav Canada.

### *Response:*

Noted.

## **Record of Site Condition**

### *Regional comment:*

There are known and high environmental threats on the subject lands due to past/historic uses of the site for various manufacturing uses. As a density increase of a sensitive land use has been proposed on the subject lands, a Record of Site Condition and Ministry Acknowledgement letter shall be required for the entirety of the subject lands in accordance with the Region of Waterloo's *Implementation Guideline for the Review of Development Applications On or Adjacent to Known and Potentially Contaminated Sites*.

Since the Record of Site Condition and Ministry Acknowledgement Letter were not received as part of the Complete Application for the Official Plan Amendment or Zoning By-law Amendment, the Region shall require a Holding Provision to be implemented as part of the Zoning By-law Amendment prohibiting the proposed development until the submission of the RSC and the Ministry's Acknowledgement Letter have been received to the satisfaction of the Regional Municipality of Waterloo. The following wording is required for the holding provision:

*That a holding provision shall apply to the entirety of the subject lands until a Record of Site Condition (RSC) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the RSC and Ministry's Acknowledgement letter is received to the satisfaction of the Regional Municipality of Waterloo.*

### *Response:*

The owner acknowledges that an RSC is required and does not object to the use of a Holding provision.

## **Noise**

### *Regional comment*

As the primary noise source (King Street East) is a roadway under the jurisdiction of the Region of Waterloo, a registered development agreement between the Owner/Developer with the Region to implement the recommendations shall be required through a future condominium or consent application.

Furthermore, prior to the issuance of building permits for this development, the Municipality's building inspector qualified to provide acoustical engineering services in the Province of Ontario are to certify that the recommended noise control measures have been properly incorporated in the building design and plans, and upon completion of construction, a Professional Engineer qualified to provide acoustical engineering services in the Province of Ontario will certify that the dwelling units have been constructed accordingly.

A response to the Stationary Noise comments, prepared by HGC Engineering, was provided on February 22, 2024. We trust the responses satisfied the Region.

## Services

Please be advised that no connection to regional water mains will be permitted in accordance with Section B.2.1.4.1 of the *Design Guidelines and Supplemental Specifications for Municipal Services, February 2023*.

In addition, the Region requires a hydrant flow test or water modelling request to justify show that the existing water infrastructure can support the proposed development to the Region's satisfaction. **This shall be completed prior to a recommendation being made on the Official Plan Amendment and Zoning By-law Amendment.**

*Response:*

Crozier has included a flow/capacity analysis within the revised FSR/SWM Report. Please find the report enclosed.

We trust this concludes the matters that required Regional review and that all comments have now been addressed. We would appreciate if the Region could provide the City with correspondence in support of the OPA/ZBA, subject to a Holding provision for the required Record of Site Condition.

Regards,

A handwritten signature in black ink that reads "Trevor Hawkins". The signature is fluid and cursive, with the first name being more prominent than the last.

Trevor Hawkins, M.PL, MCIP, RPP  
Partner