



THIS MEETING WILL BE WEBCAST ON THE [CITY'S PUBLIC YOUTUBE SITE](#) (CITYWATERLOO) AND MAY BE TELECAST ON PUBLIC TELEVISION



SPECIAL COUNCIL MEETING

Monday, May 31, 2021

2:00 PM

AGENDA

Mayor Jaworsky in the Chair

- 1. ROLL CALL**
- 2. TERRITORIAL ACKNOWLEDGEMENT**
- 3. MOMENT OF REFLECTION**
- 4. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
- 5. DELEGATIONS**
 - a) Sustainable Waterloo Region Update**
Tova Davidson, Executive Director, Sustainable Waterloo Region
- 6. CONSENT MOTION**

That Consent Motion items (a) through (e) be approved.

- a) **Title:** [2021 First Quarter Health and Safety Report](#) **Page 10**

Report No.: CORP2021-025

Prepared By: Lisa Dunlop

Recommendation:

1. That Council receives this report for information.

- b) **Title:** [Appeals Tribunal Recruitment](#) **Page 15**

Report No.: CORP2021-013

Prepared By: Kevin Gerlach

Recommendation:

1. That staff report CORP2021-013 be approved.
2. That Council enact the appropriate by-law to appoint the recommended candidates to the Appeals Tribunal.
3. That Council adopt the revised terms of reference for the Appeals Tribunal attached as Appendix A to staff report CORP2021-013.

- c) **Title:** [Fleet Management Policy](#) **Page 20**

Report No.: CORP2021-008

Prepared By: Tracie Bell

Recommendation:

1. That Council approve CORP 2021-008, and
2. That Council approve the Corporate Policy A-035 Fleet Management Policy (attached).

- d) **Title:** [Amendment to Animal Control By-Law 09-047 to regulate the keeping of Animals](#) **Page 32**

Report No.: COM2021-016

Prepared By: Nicole Papke

Recommendation:

1. That Council approve report COM2021-016.
2. That Council approve the proposed amendment to the Animal Control By-Law 09-047, permitting backyard hens, attached to report COM2021-016.
3. That Council approve the twenty-five dollar (\$25) fee for back-yard hens, effective as of June 1st, 2021, and that the Fees and Charges By-Law is updated accordingly.

e) **Title:** [Waterloo Advisory Committee on Active Transportation Federal Active Transportation Fund 2021](#) **Page 41**

Report No.: CTTEE2021-003
Prepared By: Jacob Terry

Recommendation:

1. That Council receive CTTEE2021-003
2. That Council direct staff to express written support to the Minister of Infrastructure and Communities for the Government of Canada's active transportation fund
3. That Council explore ways to use this funding source to expand our cycling and pedestrian network

7. ITEMS REMOVED FROM THE CONSENT MOTION

8. STAFF REPORTS

a) **Title:** [TransformWR](#) **Page 43**
Report No.: CAO2021-011
Prepared By: Anna Marie Cipriani

Correspondence:

1. [Waterloo Sustainability Advisory Committee Report-CTTEE2021-005 TransformWR](#) **Page 68**

Presentation: Anna Marie Cipriani, Sustainability Coordinator
Tova Davidson, Executive Director, Sustainable Waterloo Region
Mary Jane Patterson, Executive Director, Reep Green Solutions

Delegations:

1. Mat Thisjssen, Co-Chair, Waterloo Sustainability Advisory Committee; Sarah Ghorpade, Co-Chair, Waterloo Sustainability Advisory Committee, and Lucas Mollame, Student Member, Waterloo Sustainability Advisory Committee

Recommendation:

1. That Council approve report CAO2021-011.
2. That Council endorse the attached TransformWR strategy (Appendix A), as the community climate change mitigation strategy for the City of Waterloo.
3. That Council direct staff across the organization to develop detailed plans to implement the strategy. For the City of Waterloo this includes: i. Developing an implementation plan; and
ii. Incorporating the strategy into strategic and business plans and the City of Waterloo's budget process where applicable.
4. That Council direct staff to advocate for provincial and federal support and action to achieve the community transformations outlined in TransformWR (Appendix A).
5. That Council direct staff to work with local partners on implementation, monitoring, and reporting progress.
6. That Council direct that this report be submitted to the Federation of Canadian Municipalities as the City of Waterloo's community scope progress on the Partners for Climate Protection Program Milestones 1-3 as renewed.

b) Title: Union St. East Reconstruction
Report No.: IPPW2021- 002
Prepared By: Gavin Vermeer

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Presentation: Gavin Vermeer, Senior Project Engineer

Recommendation:

1. That IPPW2021-020 be approved.
2. That partial 2021 capital funding in the amount of \$2,490,000, comprised of \$1,158,000 CRF and \$1,332,000 DC-Roads, be released for the Union Street East (King to Moore) reconstruction project (Ref. #687).
3. That Council direct staff to proceed with the detailed design based on conceptual Alternative 1B, described in report IPPW2021-002 and based on changes presented in Attachment B of this report.

c) Title: RFT21-07 Award of Tender and Funding Release
Report No.: IPPW2021-026
Prepared By: Chris Dedman

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Recommendation:

1. That IPPW2021-026 be approved.
2. That the 2020 capital funding for the Station Area Implementation project 202042 in the amount of \$665,000, and 2021 capital funding in the amount of \$601,000, be released, as per the 2020-2022 approved Capital Budget (ref #631).
3. That the 2021 capital funding for the Market Trail Stage 2 project 210019 in the amount of \$710,000, be released as per the 2020-2022 approved Capital Budget (ref #709) and transferred to project 202042 to cover the combined RFT21-07 costs.
4. That on January 1, 2022 capital funding for the Station Area Implementation project 202042 in the amount of \$619,000 be released as per the 2020-2022 approved Capital Budget (ref #631).

5. That on January 1, 2022 capital funding for the Market Trail Stage 2 project 210019 in the amount of \$360,000 be released as per the 2020-2022 approved Capital Budget (ref #709) to fund future projects.
6. That Council approves the award of RFT21-07 Construction of 3km of New Multi-Use-Paths to Coco Paving Inc. for the submitted price of \$1,897,000.00 plus unrecoverable HST in the amount of \$33,387.20 for a total award value of \$1,930,387.20.
7. That the Mayor and Clerk be authorized to sign the Agreement between The Corporation of the City of Waterloo and Coco Paving Inc., and any other documents related to this project, subject to the satisfaction of the City's Director of Legal Services.

d) **Title:** **Recreational Backyard/Community Fires Review**

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Report No.: COM2021-015

Prepared By: Nicole Papke

Delegations:

1. William Anderson, resident of Waterloo

Recommendation:

1. That Council approve report COM2021-015.
2. That Council not amend By-law 2011-124 and maintain status quo as outlined in Option A in the report including use of approved outdoor appliances that meet the requirements of the Technical Standards and Safety Act.
3. That Council direct staff to continue the current Community Campfire Program to comply within the framework of the Covid-19 pandemic legislation over the next two years and explore and implement possible program modifications to enable more opportunities for participation as outlined in Option B in the report.

COUNCIL MEETING WILL RECESS AND RECONVENE AT 6:30 PM

e) Title: [Zoning By-law Amendment Z-20-06 to Remove the Holding Symbol from 364 Woolwich Street, Sunvest Homes Corp.](#) Page 105

Report No.: IPPW2021-018.1
Prepared By: John Vos
Ward: Ward 5 - Southeast

Recommendation:

1. That IPPW2021-018.1 be approved.
2. That Council approve Zoning By-law Amendment Z-20-06 to remove the holding (H) symbol from the lands municipally known as 364 Woolwich Street in accordance with Section 6 of IPPW2021-018 and Section A of IPPW2021-018.1.
3. That Council adopt the Block Plan attached as Appendix 'C' to IPPW2021-018 to guide the future division of land on the north side of Woolwich Street between Maverick Street and Cedarcliffe Drive.

9. PUBLIC MEETINGS

Formal Public Meeting

a) Title: [Official Plan Amendment No. 31, Zone Change Application Z-20-2, Draft Plan of Subdivision 30T-20401, West Haven Limited, 28 Westhill Drive](#) Page 114

Report No.: IPPW2021-034
Prepared By: John Vos
Ward No.: Ward 1 – Southwest

Presentation: John Vos, Planner

Correspondence:

1. [Roy Wilhelm, Seven Westhill Tenants' Association](#) Page 194

Delegations:

1. Megan Geregthy, Senior Planner, GSP Group

Recommendations:

1. That Council approve IPPW2021-034.
2. That Council adopt Official Plan Amendment No. 31 (OPA 31), City of Waterloo, West Haven Limited, 28 Westhill Drive, as set out in Section 7 of IPPW2021-034.
3. That Council request that the Regional Municipality of Waterloo approve Official Plan Amendment No. 31 (OPA 31).
4. That Council approve Zoning By-law Amendment Z-20-02, West Haven Limited, 28 Westhill Drive, as set out in Section 7 of IPPW2021-034.
5. That Council endorse Draft Plan of Subdivision 30T-20401, West Haven Limited, 28 Westhill Drive, as set out in Section 7 of IPPW2021-034.

10. CONSIDERATION OF NOTICE OF MOTION GIVEN AT PREVIOUS MEETING

None

11. NOTICE OF MOTION

None

12. COMMUNICATIONS AND CORRESPONDENCE

None

13. UNFINISHED BUSINESS

None

14. QUESTIONS

15. NEW BUSINESS

16. ENACTMENT OF BY-LAWS

Recommendation:

That the By-laws listed below be read a first, second and third time and finally passed, numbered sequentially commencing with By-law Number 2021-043 and that the Mayor and Clerk be authorized to sign them accordingly.

- a) By-law to amend by-law 2018-075 being a by-law to provide for the appointment of community representatives of the City of Waterloo. to the Audit Committee, Committee of Adjustment, Appeals Tribunal and Waterloo Public Library Board for the term ending November 14, 2022. (CORP2021-013, Council May 31, 2021)
- b) By-law to amend by-law number 09-047, being a by-law to regulate the keeping of animals within the City of Waterloo. (COM2021-016, Council May 31, 2021)
- c) By-law to amend by-law no. 2018-050, being a zoning by-law controlling land use development within the City of Waterloo 364 Woolwich Street. (Zoning By-law Amendment Z-20-06, IPPW2021-018.1, May 31, 2021)
- d) By-law to confirm all actions and proceedings of Council, May 31, 2021 – Special

17. ADJOURNMENT



STAFF REPORT Human Resources

Title: 2021 First Quarter Health and Safety Report
Report Number: CORP2021-025
Author: Lisa Dunlop
Meeting Type: Special Council Meeting
Council/Committee Date: May 31, 2021
File: N/A
Attachments: N/A
Ward No.: All

Recommendations:

1. That Council receives this report for information.

A. Executive Summary

1. Summary Incident Statistics – First Quarter 2021 (January to March)
(Reference: *Appendix A*, Figure 1a)

Ten (10) First Aid incidents were reported as a result of a burn, contact with objects, overexertion and slips, trips and/or falls. First aid incidents occur when an employee sustains a work-related injury or illness which requires first aid treatment only.

Five (5) Health Care incidents were reported as a result of contact with objects, overexertion and slips, trips and/or falls. Health Care incidents occur when an employee sustains a work-related injury or illness which requires external medical attention and/or modified duties beyond seven (7) days. Health Care incidents are reportable to the Workplace Safety and Insurance Board (WSIB).

Four (4) Lost Time incidents were reported as a result of contact with objects and overexertion. Lost Time incidents occur when an employee sustains a work-related injury or illness which requires absence from the workplace beyond the date of injury. Lost Time incidents are reportable to the WSIB.

The number of incidents reported in the first quarter of 2021 are twenty-four percent (24%) lower than in the first quarter of 2020. There were two more WSIB claims reported in the first quarter of 2021, however, the higher severity incidents (lost time) remained the same.

There were one hundred and sixty-six (166) lost time days incurred in the first quarter. This is a thirty-two percent (32%) increase when comparing 2021 to 2020, which is largely attributed to retroactive WSIB decisions. Lost time days occur when an employee is off work for a scheduled shift(s) past the day of accident. Sixty-eight (68) of the lost time days in the first quarter of 2021 were incurred as a result of presumptive claims. Presumptive claims refer to WSIB claims registered for specific illnesses that are presumed to be work-related due to the nature of work performed by the employee unless the contrary is shown. Within the context of the City, presumptive clauses apply to Fire Fighters who have been diagnosed with specific cancers, heart injuries or post-traumatic stress disorder.

There were eighty-seven (87) transition days incurred in the first quarter of 2021 which is a nine percent (9%) increase when compared to 2020. Transition days occur when an employee is able to return to work but requires accommodation as a result of their work-related injury or illness. This increase is not of concern given providing transitional work mitigates costs associated with lost time claims and demonstrates the City of Waterloo's ongoing commitment to providing safe and suitable modified duties for injured or ill workers.

2. Summary Workplace Safety and Insurance Board (WSIB) Claim Costs – First Quarter 2021 (January to March)
(Reference: *Appendix B: Figure 1a*)

The City of Waterloo is a Schedule 2 Employer under WSIB and is individually responsible for the full cost of the claims filed by workers plus an annual administration fee. Unlike Schedule 1 Employers, Schedule 2 Employers are responsible for costs incurred for the life of a claim even if the worker is no longer employed at the City.

There was a sixty-two percent (62%) increase in WSIB claims costs when comparing the first quarter of 2021 to 2020. This increase can largely be attributed to:

- retroactive payment of loss of earnings in the amount of \$22,904;
- WSIB speciality clinic costs in the amount of \$13,578; and,
- community mental health treatment in the amount of \$6,500.

Presumptive claims, including survivor benefits, continue to represent a significant portion of the City's WSIB claim costs. Forty-seven percent (47%) of the first quarter claims costs were incurred as a result of presumptive claims.

B. Financial Implications

Costs will be absorbed within the existing budget and staff will monitor future trends.

C. Technology Implications

Not applicable

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

This quarterly health and safety report is aligned with the City's guiding principle of a healthy and safe workplace.

E. Previous Reports on this Topic

CORP2021-005 2020 Fourth Quarter Health and Safety Report

CORP2020-055 2020 Third Quarter Health and Safety Report

CORP2020-047 2020 Second Quarter Health and Safety Report

CORP2020-031 2020 First Quarter Health and Safety Report

CORP2020-010 2019 Fourth Quarter Health and Safety Report

CORP2019-073 2019 Third Quarter Health and Safety Report

CORP2019-055 2019 Second Quarter Health and Safety Report

CORP2019-051 2019 First Quarter Health and Safety Report

F. Approvals

Name	Signature	Date
Author: Lisa Dunlop		
Director: Kathy Weidhaas		
Commissioner: Olga Smith		
Finance:		

CAO

APPENDIX A: Summary Incident Statistics – First Quarter 2021 (January to March)

Figure 1a) Comparative Summary Incident Statistics (First Quarter and Year to Date, 2020-2021)

	First Quarter 2021	First Quarter 2020	Year-To-Date 2021	Year-To-Date 2020
First Aid (FA)	10	18	10	18
Health Care (HC) Claims	5	3	5	3
Lost Time (LT) Claims	4	4	4	4
Total Incidents	19	25	19	25
Total WSIB Claims	9	7	9	7
Presumptive Lost Time Days*	68	58	68	58
Other Lost Time Days*	98	68	98	68
Total Lost Time Days*	166	126	166	126
Total Transition Days*	87	80	87	80

*Lost Time Days and Transition Days have been rounded

First Aid totals include first aid incidents and health care/lost time claims that were either denied by WSIB or abandoned by worker.

Health care totals include approved and pending health care claims.

Lost time totals include approved and pending lost time claims.

APPENDIX B: Summary WSIB Claim Costs – First Quarter 2021 (January to March)

Figure 1a) Comparative Summary WSIB Claim Costs (First Quarter and Year-to-Date, 2019-2021)

	First Quarter Health Care \$	First Quarter Lost Time \$	First Quarter Subtotal \$	First Quarter Physician/ Admin Fees \$	First Quarter Total WSIB Claim Costs \$	Year-to- Date Total Claims Costs \$
Total Costs 2021	28,536	78,473	107,009	26,596	133,605	133,605
Presumptive Costs	5,296	44,895	50,192	12,347	62,539	62,539
Other Costs	23,240	33,578	56,817	14,249	71,066	71,066
Total Costs 2020	26,689	40,617	67,306	15,232	82,538	82,538
Presumptive Costs	11,209	37,085	48,294	10,721	59,015	59,015
Other Costs	15,480	3,532	19,012	4,511	23,523	23,523
Total Costs 2019	9,404	43,376	52,780	13,315	66,095	66,095
Presumptive Costs	1,325	30,138	31,463	Not applicable	31,463*	31,463*
Other Costs	8,079	13,238	21,317	Not applicable	21,317*	21,317*

Based on internal review of claim costs for 2019-2021

* Totals exclude Physician/ Admin Fees

Health care costs can include prescription medications, health care treatment, medical devices, and NEL (Non-Economic Loss) awards to compensate for a permanent impairment from a work-related injury or illness.

Lost time costs include loss of earnings benefits for approved lost time where the inability to work is a result of the work-related injury/disease and transitional work is not available. If an employee is locked into Loss of Earnings benefits by WSIB until age 65 and discontinues their employment prior to age 65, the City is responsible for the lost time costs but does not incur lost time days since the employee is no longer scheduled to work.

WSIB claim costs include all health care, lost time and physician/administrative costs associated with claims registered with WSIB by the City of Waterloo as an employer (including active employees and retirees). As a Schedule 2 employer, the City of Waterloo is compulsorily covered through a system of individual liability and must individually pay the total costs of benefits for their injured employees plus an administration fee.

Presumptive claim costs include all health care and lost time costs associated with claims registered with WSIB by the City of Waterloo as an employer, under the presumptive legislation (including active employees and retirees).



**STAFF REPORT
Legislative Services**

Title: Appeals Tribunal Recruitment
Report Number: CORP2021-013
Author: Kevin Gerlach
Meeting Type: Special Council Meeting
Council/Committee Date: May 31, 2021
File:
Attachments: Appendix A – Draft Revised Terms of Reference
Ward No.: City-wide

Recommendations:

1. That staff report CORP2021-013 be approved.
2. That Council enact the appropriate by-law to appoint the recommended candidates to the Appeals Tribunal.
3. That Council adopt the revised terms of reference for the Appeals Tribunal attached as Appendix A to staff report CORP2021-013.

A. Executive Summary

The current membership of the Appeals Tribunal is below the number required to meet quorum for hearings. Legislative Services initiated a recruitment process and received volunteer applications from April 12th to April 26th, 2021. Staff recommend the appointment of the candidates listed in this report.

Staff further recommend amendments to the terms of reference for the Appeals Tribunal removing the limit on the maximum number of members to prevent future issues with quorum requirements.

B. Financial Implications

None

C. Technology Implications

None

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

Service Excellence:

The Appeals Tribunal provides a means by which disputes related to orders and decisions issued under municipal by-laws can be resolved through a fair and equitable process.

E. Previous Reports on this Topic

CORP2018-082 Council and Citizen Appointments to Committees

CORP2020-058 2020 Council and Citizen Committee Appointments

F. Approvals

Name	Signature	Date
Author:		
Director:		
Commissioner:		
Finance:		

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Appeals Tribunal Recruitment **CORP2021-013**

Members of City of Waterloo committees of council are appointed to two or four year terms. The current term of office for the Appeals Tribunal began in November of 2018 and will expire on November 14, 2022. Due to a number of recent resignations there was a need to recruit for additional members for the Appeals Tribunal.

The Appeals Tribunal hears appeals of orders issued under the Property Standards by-law, the Business Licensing by-law, and the Rental Housing Licensing by-law. Fence Variance applications have been transferred to the Committee of Adjustment. In the past four years there have been four property standards appeals filed, three rental housing licensing appeals and one business licensing appeal.

While the volume of the appeals are not significant, the nature of the appeals are.

Recruitment for committee members began on April 12, 2021 and concluded on April 26, 2021. The following measures were used to attract potential applicants:

- advertising for three weeks in the Waterloo Chronicle,
- distributing the recruitment information to Council and staff to forward to potential applicants,
- email notification to the Waterloo Region Law Association.

A by-law has been prepared for Council consideration to appoint replacement members to the Appeals Tribunal. The recommended appointees are listed below and are reflected in the by-law.

Committee Composition

Staff recommend appointing the following members to the Appeals Tribunal.

Aaron Shull
Gloria MacNeil
John Vieth
Lindsay Karpetz
Robert Publicover
Shayne Turner

APPENDIX A – Draft Revised Terms of Reference

Appeals Tribunal Terms of Reference

Date Approved by Council: May 31, 2021

Sunset Date: N/A

Mandate:

The mandate of the Appeals Tribunal is to hear appeals or minor variance applications as permitted by the Business Licensing By-Law, Property Standards By-Law and Rental Housing Licensing By-Law. Fence Variance Applications are heard by the Committee of Adjustment.

Goals/Objectives:

The relevant by-laws detail the conditions on which the tribunal shall meet to consider an application to confirm, modify or rescind decisions made by the Director of Municipal Enforcement as it relates to the Business Licensing By-Law and Rental Housing Licensing By-Law. The tribunal shall also meet to consider requests to confirm, modify or rescind an order to demolish, repair or to extend the time for complying with an order under the Property Standards By-Law.

Reporting to Council:

The Appeals Tribunal will report annually to Council on the number of appeals heard under each by-law.

Enabling Legislation, By-Law or Staff Report:

Business Licensing By-Law 2014-085, Property Standards By-Law 2011-122 and Rental Housing Licensing By-Law 2011-147

Committee Composition:

A minimum of 5 members of the public appointed for the term of Council.

Applicants are not required to reside, own property, own a business, work in the City of Waterloo or attend a Waterloo Campus of a Post-Secondary institution to apply for the tribunal.

Skills Requested

Preference will be given to eligible candidates:

- a) with knowledge and prior experience in administrative law;
- b) able to carry out a fair and impartial hearing;
- c) able to communicate effectively with the public;
- d) able to write a clear and concise decision;
- e) with excellent written and oral communication skills.

Administration Section

Department Linkage: Corporate Services, Legislative Services Division

Staff Support: 1 Legislative Services administrative support, Deputy City Clerk, Legal Services

Meeting Frequency: As required.

Code of Conduct: Code of Conduct for Members of Council

Legislative Services Review Date: October 10, 2016

Conforms to the City Policy: No, Eligibility is extended beyond those that live, work, own property, own a business in Waterloo or attend a Waterloo Campus of a Post-Secondary institution. Appointments are for the term of Council.



STAFF REPORT
Fleet & Procurement Services

Title:	Fleet Management Policy
Report Number:	CORP2021-008
Author:	Tracie Bell, Director, Fleet and Procurement
Meeting Type:	Finance & Strategic Planning Committee Meeting
Council/Committee Date:	May 31, 2021
Attachments:	Fleet Management Policy
Ward No.:	All

Recommendations:

1. That Council approve CORP 2021-008, and
2. That Council approve the Corporate Policy A-035 Fleet Management Policy (attached).

A. Executive Summary

The Corporation of the City of Waterloo (“City”) is committed to ensure that it undertakes its Fleet Management activities in a safe, reliable, environmentally sustainable and financially responsible manner.

City Fleet Assets are shared assets. While Asset Custodians retain operational oversight, all employees operating or working with City Fleet Assets have a level of responsibility to ensure that the City continues to meet this commitment.

As identified through a third party review undertaken in 2018 and reaffirmed through two lean six sigma projects focussing on fleet management activities undertaken in 2020 a formalized Fleet Management Policy was needed to clarify the roles and responsibilities for fleet management at the City.

This Policy outlines the standards, practices and responsibilities for the key management activities and future initiatives relating to City Fleet Assets.

B. Financial Implications

There are no financial impacts associated with this report.

C. Technology Implications

There are no technology implications associated with this report.

D. Link to Strategic Plan

Strategic Objectives: Sustainability and the Environment; Infrastructure Renewal

Guiding Principles: Sustainability; Sustainability, Fiscal Responsibility; Healthy and Safe Workplace; Service Excellence

E. Previous Reports on this Topic

N/A

F. Approvals

Name	Signature	Date
Tracie Bell:		
Olga Smith		
Finance:		

CAO

CORPORATE POLICY



Policy Title: **Corporate Fleet Management Policy**
Policy Category: **Administrative Policy**
Policy No.: A-035
Department: Corporate Services
Approval Date: May 31, 2021
Author: Tracie Bell, Director Fleet and Procurement
Related Documents/Legislation:
Reserves and Reserve Funds Policy
Fleet Financial Procedures
Fleet Management and Maintenance
Standard Operating Procedures

Key Word(s): Fleet Management; Preventative Maintenance

1. POLICY STATEMENT

The Corporation of the City of Waterloo (“City”) is committed to ensure that it undertakes its Fleet Management activities in a safe, reliable, environmentally sustainable and financially responsible manner. All employees operating or working with City Fleet Assets have a level of responsibility to ensure that the City continues to meet this commitment.

2. PURPOSE

This policy outlines the standards and practices for the key management activities relating to City Fleet Assets. This policy is also to ensure that the corporation, management, supervisors and employees understand their roles and responsibilities relating to the use and administration of City Fleet Assets.

3. DEFINITIONS

“Asset Custodians” are the divisions and individuals who have the custody of and are responsible for the safe and proper operation and care of City Fleet Assets.

“City Fleet Assets” includes all vehicles and equipment in the City currently excluding, Fire Rescue Services vehicles, Building Standards vehicles and Community Programming vehicles.

“Designated City Vehicle” a vehicle that meets the necessary criteria and is assigned to a single position and not shared.

“Expansion” the purchase of new assets to accommodate a new or revised service level, a technological advancement, or to accommodate growth within the City of Waterloo.

“Fleet Equipment Reserve” is a source of funding for the replacement of City Fleet Assets.

“Operational Damage” means failures or damage resulting from misuse of a City Fleet Asset. Misuse is the improper use of or maintenance of equipment and includes, but is not limited to:

- failure to properly inspect equipment prior to use;
- failure to regularly wash and/or clean equipment resulting in excessive corrosion, paint, or other damage;
- leaving trucks loaded with sand and/or salt and resulting damage to truck suspension, box/sander, etc. components;
- overloading vehicles;
- continued operation of equipment with known pre-existing condition where further damage to the equipment is likely;
- failure to observe and react to symptoms of normal wear or breakdown that could result in further damage;
- use of equipment for purposes other than those for which the equipment was designed;
- operation of equipment in a manner that results in an incident, failure, other damage.

“Operator” A City employee holding the necessary license required to drive and operate City Fleet Assets. Only employees of the City are authorized to drive City Fleet Assets. Volunteers of the City are not permitted to drive City Fleet Assets unless prior written approval is obtained from the Commissioner of the Asset Custodian.

“Preventative Maintenance” consists of scheduled servicing, inspections, and repairs to prevent potential problems and maximize vehicle and equipment availability. It is used to proactively avoid or reduce breakdowns and is based on time, mileage, engine hours, or amount of fuel used.

“Re-Use” are vehicles and equipment that have been replaced and declared surplus but that are retained by Asset Custodians for lighter application or occasional usage.

“Unscheduled Maintenance” is the correction of deficiencies that occur between scheduled services to maintain fleet in a safe, operable condition.

4. SCOPE

This policy applies to all employees of the City of Waterloo operating or involved in the management and oversight of City Fleet Assets and their Operators. This policy does not apply to the vehicle allowance for the Mayor addressed through [Corporate Policy G-002 Member of Council Remuneration and Expense Policy](#).

5. POLICY COMMUNICATION

The Policy will be posted on the City’s corporate intranet. Staff will be advised of the new Policy via distribution to the Operational Leadership Team and Corporate Management Team and Asset Custodians.

6. OVERVIEW OF CITY FLEET ASSETS

6.1. Ownership and Allotment of City Fleet Assets

The Corporation of the City of Waterloo owns all City Fleet Assets. While Asset Custodians retain operational oversight, the management of City Fleet Assets is a shared responsibility.

6.1.1. Designated City Vehicles

City Fleet Assets are shared assets. An employee will only qualify for a Designated City Vehicle if the expected mileage attributed to work activities for the staff position, will exceed 7500 km per year **and** the position meets at least three (3) other criteria detailed below:

1. Position is directly responsible for field staff day-to-day operations;
2. Position has requirements for “off road use” on a regular basis and to visit multiple work locations on a daily basis;
3. Position has the need to meet with members of the public at various locations during non-working hours throughout the year;
4. Position has a requirement to carry tools (e.g. pickaxe, snow fence, survey equipment) to job sites on a daily basis;
5. Position is expected to respond to emergency calls (e.g. snow clearing, spills, etc.) directly from home during non-working hours, when required;
6. There is a need for the employee to be recognized as a City employee;
7. Provision of a Designated City Vehicle is included in an employee’s terms of employment with the City.

6.1.2. Personal Use of Designated City Vehicles

Employees in positions assigned Designated City Vehicles may use the vehicle to travel to and from home provided that:

1. The employee lives within the borders of the Regional Municipality of Waterloo;
2. The vehicle remains at the City when the employee is on vacation or on compressed work weekdays. The exception to this are vehicles that are provided to employees as part of their terms of employment and where there is a written agreement that the employee has access to the vehicle 365 days per year.
3. No personal use of the City vehicle, other than to and from work, will occur unless a written exemption exists from the Director of the Asset Custodian division.

6.1.3. Personal Use of City Vehicles for Field Operators on Stand-by

Field operators who are on standby are eligible to take a City vehicle home, upon approval from their supervisor and if a vehicle is available, during their standby coverage shift.

No personal use of the City vehicle, other than to and from work is permitted.

6.1.4. Taxable Benefit

Since any personal use of an employee provided vehicle is considered to be a taxable benefit, all kilometer costs for “to and from home” must be claimed as a taxable benefit in accordance with Revenue Canada guidelines.

Employees in positions assigned Designated City Vehicles that use their vehicle to travel to and from home must annually submit a record of their personal use kilometers to Revenue and Accounting as set out in the City's Vehicle Taxable Benefit Procedure.

Directors are responsible for annually providing Revenue and Accounting with a list of employees within their Division assigned a Designated City Vehicle.

7. OPERATION OF CITY FLEET ASSETS

7.1. Asset Custodians

Each City Fleet Asset will have an assigned Asset Custodian. Asset Custodians are responsible for ensuring that:

1. City Fleet Assets are operated in a safe and responsible manner in accordance with all applicable laws, regulations and City policies and procedures;
2. City Fleet Assets are maintained and that they project a professional image;
3. Operators have a current and valid license as required for the City Fleet Asset being operated. Student drivers must have a full G License to operate a City Fleet Asset. G1 and G2 licenses are not acceptable for City Fleet Assets that will be operated on a public roadway;
4. Operators of City Fleet Assets are properly trained and instructed to use equipment in a safe and professional manner;
5. Steps are taken to minimize the Operational Damage to City Fleet Assets and to investigate and implement any required corrective action measures;
6. Preventative Maintenance, inspections and repairs are coordinated with the Fleet Supervisor; and
7. City Fleet Assets are made available for Preventative Maintenance when scheduled, or that alternate arrangements are made.

7.2. Fleet Operators

Operators of City Fleet Assets are responsible for:

1. Complying with all applicable laws, regulations and City policies and procedures relating to City Fleet Assets;
2. Exhibiting professional behaviour at all times when using a City Fleet Asset;
3. Ensuring that all required documents (ownership, insurance, fuel cards, etc.) is available in the vehicle;

4. Ensuring that vehicle keys are kept in a safe and secure location when not in use;
5. Properly maintaining City Fleet Assets, including but not limited to:
 - a. maintaining a clean vehicle exterior;
 - b. maintaining a clean interior of the cab, free of debris;
 - c. clearing the vehicle (roof, windshield, side windows and rear window) of snow and ice before driving;
6. Providing accurate odometer readings when fueling;
7. All parking fines and other traffic infringements attributed to them;
8. Knowing how to operate City Fleet Assets in a safe and prudent manner;
9. Operating City Fleet Assets in a manner that will optimize vehicle and equipment performance and reduce GHG emissions;
10. Performing daily circle checks and keeping accurate time logs;
11. Reporting known defects and other needed repairs to the Asset Custodian and Fleet Supervisor; and
12. Not allowing an unauthorized individual to operate a City Fleet Asset.

8. REPLACEMENT AND EXPANSION OF CITY FLEET ASSETS

Fleet and Procurement is responsible for managing the acquisition process and reviewing the eligibility for the replacement and growth related expansion of City Fleet Assets. Expansion not related to growth is a separate process detailed in section 8.2 below. Asset Custodians should not purchase any City Fleet Asset without coordinating the purchase through Fleet and Procurement.

The replacement and Expansion of City Fleet Assets is subject to the City's Procurement By-Law.

8.1. Replacement of Existing City Fleet Assets

City Fleet Assets are identified for replacement according to useful life replacement guidelines that take into consideration age, mileage, and repair and maintenance data.

As outlined in the Reserves and Reserve Funds Policy, the Fleet Equipment Reserve provides a source of funding for the replacement of vehicles and equipment using revenue generated through the application of an annual capital cost recovery charge per unit, as set out in the Fleet Financial Procedures document.

8.2. Expansion of City Fleet Assets

A request made to Fleet and Procurement for any vehicles or equipment that would increase the current size of the City's fleet must be accompanied by a Fleet Justification Form outlining details of the equipment required and the funding source.

A vehicle or piece of equipment required due to city growth may be eligible for Development Charge (DC) funding.

When a vehicle or piece of equipment is requested that is **not** eligible for DC funding, the requesting division will need to budget the purchase through its capital budget process. An operating budget request (submitted during the budget process) will also be necessary if the division's operating budget cannot support the additional expense for ongoing costs required to maintain and repair the expansion unit, including annual cost recovery.

9. RETIRING AND DISPOSING OF CITY FLEET ASSETS

Once a City Fleet Asset is replaced, the original asset is declared surplus. Asset Custodians are required to return the original asset to Fleet and Procurement so that it can be disposed in a manner that is the most financially beneficial to the City. The salvage value received through the disposal is contributed to the Fleet Equipment Reserve.

10. CONTINUED USE OF RETIRED CITY FLEET ASSETS

Should an Asset Custodian wish to continue using a retired City Fleet Asset ("Reuse"), a request must be submitted to Fleet and Procurement outlining the rationale for retaining the surplus asset, and the length of time the surplus asset is required.

Reuse assets should represent no more than ten (10%) of the total number of City Fleet Assets by asset class. Reuse assets are available to fill seasonal gaps, for special projects or for equipment pool needs such as a backup unit, and the reduced usage of such Reuse assets must support reduced Preventative Maintenance needs.

Fleet and Procurement will determine the feasibility of any request for a Reuse asset based on existing percentage of Reuse assets within the City Fleet Asset complement, mechanical history, downtime history and current asset condition.

The Asset Custodian is responsible for all costs associated with retaining and maintaining the asset. If Fleet and Procurement identify major repairs needed to maintain the equipment or any safety concerns, the Reuse asset will be put out of service.

Reuse assets must be returned on the agreed upon date. Reuse assets not returned as scheduled will be tracked by Fleet and Procurement and reported to the Corporate Management Team who will make the final determination on how to proceed.

GREEN FLEET INITIATIVES

Staff are required to actively participate in green fleet initiatives, focusing on:

1. Lowering harmful emissions;
2. Optimizing efficiencies (e.g. fuel, route planning, driver behaviour, best practices, vehicle size etc.);
3. Incorporating new technologies, fuels and best management practices; and
4. Reporting on progress where data is available.

Asset Custodians and Operators are required to actively support strategies that will lead to optimized performance and environmental benefits, including but not limited to:

1. The development of green fleet action plans;
2. Training operators and managers on fuel efficient driving and management techniques;
3. Implementing idling reduction strategies and technologies;
4. Purchasing fuel efficient vehicles where technically, operationally and financially feasible;
5. Undertaking fleet right sizing reviews;
6. Maintaining and reporting accurate and reliable fuel consumption data;
7. Optimizing vehicle and equipment performance through operating and maintenance practices;
8. Evaluating and using alternative fuels;
9. Optimizing vehicle routes planning; and
10. Maximizing equipment utilization.

MOTOR VEHICLE INSPECTION STATION (MVIS)

Fleet and Procurement is responsible for maintaining valid licenses and records to enable the City to conduct mandatory vehicle safety and structural inspections and

issue annual inspection certificates and stickers certifying that City Fleet Assets meet minimum safety requirements as directed by the Ministry of Transportation.

Preventative Maintenance

Licensed fleet technicians will carry out Preventative Maintenance at predetermined intervals or according to prescribed criteria, aimed at reducing the failure risk or performance degradation of the equipment.

Asset Custodians must make every effort to ensure that a City Fleet Asset is available on the date it is scheduled for PM or inspection or arrange for a rescheduled date/time. The Fleet Supervisor will report any failure to make units available for PM or inspection on the scheduled date to the Asset Custodian on the day following the “no show”.

Unscheduled Maintenance

Asset Custodians should report defects immediately to Fleet to determine whether limited operation is feasible, whether the equipment can be repaired on the spot or whether it must be taken out of service to prevent further damage or cause safety hazards.

Fleet technicians will normally limit unscheduled maintenance to correcting specific items reported as deficient by the Asset Custodian and confirmed by a fleet technician's diagnosis. However, Fleet will correct other deficiencies observed at the time of unscheduled maintenance, particularly those affecting safety. If an asset is brought in for unscheduled maintenance and is approaching a scheduled PM service, Fleet will perform this PM service along with the unscheduled maintenance.

Warranty and Outsourced work

All City Fleet Asset repairs will be coordinated and completed by Fleet staff except for equipment that is under warranty or for hybrid vehicles if they require servicing through the dealership due to their unique components.

Services such as oil changes, tire changes and emissions testing may be outsourced by Fleet if more cost effective.

Other outsourced work is permitted at the discretion of the Fleet Supervisor when specialized repair equipment is needed, if it is more cost effective or if Fleet staff cannot accommodate due to workload demands.

Outsourced repairs and services will be coordinated by Fleet staff.

Manufacturer Recalls

Manufacturer recall notices will be forwarded by Fleet staff to the appropriate Asset Custodian. Asset Custodians are responsible for accomplishing recall work.

Once recall work is completed, Asset Custodians are required to deliver all paperwork to the Fleet Supervisor for filing in the vehicle history record.

FUEL MANAGEMENT:

Fleet is responsible for monitoring and maintenance at City owned fuel sites through contracted vendors who specialize in fuel station management and TSSA compliance.

COMPLIANCE

In cases of policy violation, the City may investigate and determine appropriate corrective action.



STAFF REPORT
Municipal Enforcement Services

Title: Amendment to Animal Control By-Law 09-047 to regulate the keeping of Animals
Report Number: COM2021-016
Author: Nicole Papke, Director of Municipal Enforcement Services
Meeting Type: Council Meeting
Council/Committee Date: May 31, 2021
File: N/A
Attachments: By-law amendment
Ward No.: ALL

Recommendations:

1. That Council approve report COM2021-016.
2. That Council approve the proposed amendment to the Animal Control By-Law 09-047, permitting backyard hens, attached to report COM2021-016.
3. That Council approve the twenty-five dollar (\$25) fee for back-yard hens, effective as of June 1st, 2021, and that the Fees and Charges By-Law is updated accordingly.

A. Executive Summary

This report is to provide a proposed by-law amendment to the Animal Control By-Law 09-47 pursuant to direction from Council on April 19th 2021 that “Staff be directed to report back at a future council meeting with an amendment to By-Law 09-047 indicating the regulations for the keeping of backyard hens.”

The recommended by-law approval permits hens in residential areas subject to regulations. The report outlines changes in the amendment to decrease originally proposed setbacks for hen coops; standards of care and education for homeowners, creating a Waterloo approach.

B. Financial Implications

Financial implications include a yearly registration fee of twenty-five dollars. There will be no additional officers required.

C. Technology Implications

Current IT systems are in place to enable fee payment and on-line registration of property where hens are kept.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

Healthy Community and Resilient Neighbourhoods- providing residents with an engaging and interactive hobby that brings families together.

E. Previous Reports on this Topic

COM2021-011- Backyard Hens

F. Approvals

Name	Signature	Date
Author: Nicole Papke		
Director:		
Commissioner: Mark Dykstra		
Finance: Kim Reger		

CAO



Amendment to Animal Control By-Law 09-047 to regulate the keeping of Animals COM2021-016

Background:

On the 19th of April 2021, Council unanimously passed a recommendation to amend the Animal Control by-law to permit backyard hens in residential zone, subject to regulations.

There were several delegation that appeared before Council and a number of considerations were discussed to have a Waterloo approach to the keeping of backyard hens in residential areas. An overview of our approach is provided below.

Setbacks:

The original setbacks for any prospective hen coops mirrored the City of Kitchener, however considerations for Waterloo are to reduce the setbacks resulting in greater inclusion. The latest proposed setbacks for a coop and run are 1.2 meters from the rear lot line, and at least 1.5 meters from any interior side lot line or exterior side lot line. The by-law will allow for an exception to the setbacks with permission for the neighbouring property. If permission is later revoked there would be a six month grace period to re-home the hens.

Standards of Care:

The education package will provide specific information about hens, however the City's current Animal Control By-law has general standards of care for all domestic animals. These provisions are specific to health and welfare and include adequate feeding, neglect, overcrowding, adequate medical attention and any other circumstances that could be deemed to adversely impact the health or well-being of an animal.

Enforcement

Enforcement provisions would be noted with specific short-form wordings related to the keeping of backyard hens.

Registry vs. Permit

A registry, rather than a permit process is proposed. Doing so will limit the cost to potential hen owners. The registry could be completed on-line for a small fee of approximately twenty-five dollars and the owner of hens would self-declare, with a checklist, that they meet all of the regulated setbacks and other requirements. Municipal enforcement would not inspect subject to the hen registry being completed but would inspect should a complaint be received. Residents would be required to update the registry each year.

Education:

The backyard hens working group will be creating a robust education package for all prospective hen keepers. The education information will include best practices for caring for hens, pest/infectious disease mitigation. In addition to the commitment and cost required to undertake this hobby. There are plans to offer community resources and networking with other hen enthusiasts. This will all be available on-line.

The education material will also speak to specific requirements related to the coop, coop cleaning, storage of feed for pest prevention, cleanliness of operation, disposal requirements of deceased hens, and requirements for manure droppings and disposal.



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2021 –

A BY-LAW TO AMEND BY-LAW NUMBER 09-047, BEING A BY-LAW TO REGULATE THE KEEPING OF ANIMALS WITHIN THE CITY OF WATERLOO

WHEREAS By-law Number 09-047, being a by-law to regulate the keeping of animals within the City of Waterloo, was passed on April 27, 2009 and was amended by By-law Number 09-080 on July 13, 2009 and by By-law Number 17-031 on April 23, 2017;

AND WHEREAS By-law 09-047, as amended, prohibits the keeping of hens on residential properties;

AND WHEREAS the City deems it appropriate to amend By-law Number 09-047, as amended, to permit the keeping of hens on residential properties, subject to regulations;

THEREFORE THE COUNCIL OF THE CORPORATION OF WATERLOO HEREBY ENACTS AS FOLLOWS:

1. By-law 09-047 is hereby amended by deleting subsection 1.e) therefrom.
2. By-law 09-047 is further amended by deleting subsection 1.p) therefrom and replacing it with the following new subsection 1.p):

p) "fowl" means domestic fowl including but not limited to geese, ducks, turkeys and the young of any of them and includes game birds where the game birds are kept pursuant to a licence under the *Migratory Birds Conservation Act, 1994*, as amended, but shall not include chickens, hens, or roosters.

3. By-law 09-047 is further amended by adding the following subsection immediately after subsection 1.s):

s)i) "hen(s)" means a female chicken(s);

4. By-law 09-047 is further amended by adding the following subsections immediately after subsection 1. ee):

ee)i) “owner of hens” means an owner of a hen or hens kept on property zoned for residential use pursuant to the Zoning By-law, and shall not apply to an owner of hens kept on land zoned for agricultural use pursuant to the Zoning By-law;

ee)ii) “owner(s) of property on which hens are kept” means an owner of property zoned for residential use pursuant to the Zoning By-law on which a hen or hens are kept but shall not include an owner of property zoned for agricultural use pursuant to the Zoning By-law, with respect to that property;

5. By-law Number 09-047 is further amended by deleting Section 2 therefrom and replacing it with the following new Section 2:

2. Farm animals such as cattle, horses, mules, goats, swine, sheep, mink, roosters, foxes, nutrias and others shall not be kept other than in areas zoned for agricultural use pursuant to the Zoning By-law.

6. By-law 09-047 is further amended by adding the following Section immediately after Section 8:

“8.1 The keeping of hens is permitted under the conditions noted in Schedule “F”.

7. By-law 09-047 is further amended by deleting the words “(including Chickens)” from the title of Schedule “C”.

8. By-law 09-047 is further amended by deleting Sections 6., 7., 8., 9., 10., 11. and 12. from Schedule “C”.

9. By-law 09-047 is further amended by adding Schedule “F” attached hereto.

10. This By-law shall come into force on the day on which it is passed.

ENACTED this _____ day of _____, 2021.

Approval	Date	Print Name	Initials
Dept.			
Legal			
Finance	n/a	n/	n/a

D. Jaworsky, Mayor

J. Scott, City Clerk

Schedule “F” to By-law No. 09-047

HENS

Number of hens permitted

1. A person may keep up to four (4) hens at a property, subject to the conditions and requirements contained in this Schedule.

Registration of hens

2. Every owner of hens shall register the property as a property on which hens are kept with the City for the period which shall expire on the last day in December of the current year and shall thereafter annually renew such registration on or before the last day of February in each year.
3. Every owner of hens shall pay the applicable registration fee as set by Council from time to time.

Requirements relating to the keeping of hens

4. Every owner of hens and every owner of hens on which hens are kept shall ensure that:
 - (a) the owner of the hens resides at the property;
 - (b) the property on which the hens are kept is zoned for residential use pursuant to the Zoning By-law and contains a single detached, semi-detached or townhouse dwelling;
 - (c) all owner(s) and all adult occupant(s) of the property have consented in writing to the satisfaction of the City to the keeping of hens at the property;
 - (d) the hens are kept in a fully enclosed coop or run in a manner that contains the hens on the property and prevents their escape from such coop or run;
 - (e) the coop and any run are within the rear yard, or interior side yard of the property; and
 - (f) the coop and any run are set back at least 1.2 metres from the rear lot line and at least 1.5 metres from any interior side lot line or exterior side lot line of the property and at least 1.5 metres from any rear lot line abutting an exterior side yard or interior side yard of another property unless all owner(s) and all adult occupant(s) of any property from which the aforementioned setbacks are in place, have consented in writing to the satisfaction of the City to the placement of the coop or run.
5. When a coop is built within a shed or other structure, only the portion actually used to house hens shall be required to meet the requirements of subsection 4(d) of this Schedule.

6. Every owner of hens and every owner of property on which hens are kept shall ensure the hens are housed in a coop that is constructed and maintained:
 - (a) to provide protection from weather and be adequately ventilated;
 - (b) to exclude rodents and predators;
 - (c) with flooring that is resistant to moisture and mold and retains heat in the cold weather;
 - (d) with a chicken box sufficient to accommodate all hens;
 - (e) with a perch area sufficient to accommodate all hens; and
 - (f) with an accessible dust bath area.
7. Every owner of hens and every property owner on which hens are kept shall ensure that:
 - (a) coops and runs are maintained in a clean condition;
 - (b) coops and runs are maintained to ensure that smells do not cause a nuisance to residents of any neighbouring property or any residents of the City;
 - (c) coop floors are lined with shavings, straw, or other appropriate materials to absorb manure and facilitate cleaning;
 - (d) coops are deep cleaned at least two (2) times yearly including disinfecting of troughs, perches and nests;
 - (e) feeders and water containers are provided and are cleaned and disinfected regularly;
 - (f) all stored feed is kept in rodent proof containers and secured at all times to prevent rodents and other animals from accessing it;
 - (g) feeding of hens is done in a manner that minimizes the attraction of rodents or other animals;
 - (h) manure and droppings are cleaned out daily and stored in a secured container or composter in accordance with compost regulations until disposed of in accordance with all applicable laws and regulations;
 - (i) each hen is banded with such band containing current contact information for the hen's owner
 - (j) hens have access to an enclosed outdoor run area;
 - (k) deceased hens are disposed of at a livestock disposal facility, through the services of a veterinarian, chicken exchange program, or through a facility as approved by the Ministry of Agriculture, Food and Rural Affairs and are disposed of in accordance with all laws;
 - (l) there is no sale of eggs, manure or other products associated with the keeping of hens;
 - (m) no slaughtering or butchering of hens is done on the property; and
 - (n) hens are kept in accordance with all other laws including the City's by-laws respecting noise, lot maintenance, property standards and animals, as well as provincial legislation respecting the keeping of animals.
8. An owner or adult occupant of property may withdraw consent to placement of a hen coop or run that is closer to their property than otherwise required by

submitting written notice to the satisfaction of the City, to the City's Director of Municipal Enforcement Services. Where such consent is withdrawn, the City shall notify the owner of the property where the coop or run is placed, that consent has been withdrawn.

9. Where the City notifies a property that consent to have the coop or run closer to a property than otherwise required has been withdrawn, that owner of property on which hens are kept shall ensure that the coop or run is removed or relocated within a permitted area by the later of November 1 of that calendar year or six (6) months following the date of notification being given.
10. Where an owner of hens can show to the satisfaction of the City's Director of Municipal Enforcement that they owned more than four (4) hens on April 27, 2009, the person shall be allowed to keep up to six (6) of the hens owned on that date for the lifetime of the hens but shall not replace any hen that dies until the number of hens is reduced to four (4). Any person relying on this provision shall provide such information as the Director of Municipal Enforcement Services reasonably requires for the purposes of identifying existing hens and ensuring that new hens are not purchased until the number of hens is reduced to four (4). This provision shall only apply if the hens are kept in compliance with all other provisions of this By-law.



COMMITTEE OF COUNCIL REPORT
Waterloo Advisory Committee on Active Transportation
Federal Active Transportation Fund
Report #: CTTEE2021-003

Recommendation:

1. That Council receive CTTEE2021-003
2. That Council direct staff to express written support to the Minister of Infrastructure and Communities for the Government of Canada's active transportation fund
3. That Council explore ways to use this funding source to expand our cycling and pedestrian network

Executive Summary:

The federal government has announced a \$400 million dedicated active transportation fund as part of their National Active Transportation Strategy. Through this initiative, the federal government intends "to coordinate active transportation investments that reflect best practice planning, design, regulations, and standards," including "more transportation and recreation options such as trails, cycling paths and other forms of active mobility."

The City of Waterloo has over 60,000 students enrolled at Wilfrid Laurier University and the University of Waterloo combined. According to the 2016 Transportation Tomorrow Survey, approximately 75% of all weekday trips are less than 8 km, which is a reasonable distance for cycling. These two factors create ideal conditions to implement successful active transportation infrastructure.

The upcoming Transportation Master Plan update has outlined desired expansion projects for the city's active transportation network, through cycling-specific expansions, sidewalk expansions or infill installations, and dedicated trails or pathways. This initiative would be a viable funding source for the City to consider when building future projects. Positive feedback on this initiative would signal to the federal government that this funding is welcomed and would encourage similar future investments.

Financial Implications:

No implications for this report

Technological Implications:

No implications for this report

Link to the Strategic Plan:

Sustainability and the Environment:

- Environmental: Active transportation greatly reduces carbon emissions and encourages more compact land uses
- Economic: Active transportation infrastructure is less expensive than road infrastructure to build or maintain, and funding through this initiative will help Waterloo pay for this network
- Social: Active transportation provides positive health outcomes and improves autonomy for residents without cars

Safe, Sustainable Transportation:

- Dedicated active transportation infrastructure (including cycle tracks, sidewalks, and trails) can minimize conflicts with other vehicles, which works toward achieving Vision Zero
- Safe, dense, and direct infrastructure with high connectivity between origin-destination pairs facilitates more trips using active transportation

Infrastructure Renewal:

- This initiative is one method with which Waterloo can dedicate appropriate resources to plan and renew existing infrastructure

(Guiding Principles: Sustainability; Fiscal Responsibility; Effective Engagement)



STAFF REPORT
Chief Administrative Officer

Title: **TransformWR**
Report Number: CAO2021-011
Author: Anna Marie Cipriani
Meeting Type: Special Council Meeting
Council/Committee Date: May 31, 2021
File: [File]
Attachments: Appendix A: TransformWR: Waterloo Region's transition to an equitable, prosperous, resilient low carbon community
Appendix B: Final community consultation results summary
Appendix C: Frequently Asked Questions about TransformWR
Appendix D: Summary of City of Waterloo Actions
Ward No.: All

Recommendations:

1. That Council approve report CAO2021-011.
2. That Council endorse the attached TransformWR strategy (Appendix A), as the community climate change mitigation strategy for the City of Waterloo.
3. That Council direct staff across the organization to develop detailed plans to implement the strategy. For the City of Waterloo this includes:
 - i. Developing an implementation plan; and
 - ii. Incorporating the strategy into strategic and business plans and the City of Waterloo's budget process where applicable.
4. That Council direct staff to advocate for provincial and federal support and action to achieve the community transformations outlined in TransformWR (Appendix A).
5. That Council direct staff to work with local partners on implementation, monitoring, and reporting progress.
6. That Council direct that this report be submitted to the Federation of Canadian Municipalities as the City of Waterloo's community scope progress on the Partners for Climate Protection Program Milestones 1-3 as renewed.

A. Executive Summary

TransformWR is a renewed and deeper commitment to the work the City of Waterloo has been doing over the last decade as part of the Federation of Canadian Municipalities (FCM) Partners for Climate Protection (PCP) program. All eight local municipalities and two local organizations (Reep Green Solutions and Sustainable Waterloo Region) have worked together through the ClimateActionWR collaborative to produce TransformWR - a 30 year strategy and a 10 year plan to address climate change (Appendix A). TransformWR is the broad umbrella strategy under which municipalities, businesses, organizations, and households will work to transition our community off of fossil fuels. In 2018 all eight councils endorsed an 80% greenhouse gas (GHG) reduction target by 2050 (as the community minimum we need to achieve from our 2010 levels). TransformWR includes an interim absolute GHG emissions reduction target of 30% by 2030. The technical pathway assessment to achieve this goal was led by WalterFedy. Based on population projections, this will equal a GHG emissions reduction of 49% per person by the year 2030. TransformWR identifies 6 Transformative Changes, related strategies and 78 actions along with key milestones to help track our progress. The City of Waterloo is responsible as lead, co-lead, collaborator, support or participant for 44 actions (Appendix D). Bold and immediate action is needed to achieve these reductions. With increased support from other levels of government, it may be possible to exceed these targets. The ClimateActionWR Collaborative will track GHG emissions on an annual basis, with full GHG inventories completed no less than every 5 years. Key performance indicators will also allow monitoring of progress on an ongoing basis. The next steps of this work includes developing detailed plans to implement the actions.

B. Financial Implications

ClimateActionWR, with support from the Region and all Area Municipalities, received funding from the Federation of Canadian Municipalities through its Transition 2050 program to develop the TransformWR strategy. Annual operating funding for the ClimateActionWR program is provided to Reep Green Solutions and Sustainable Waterloo Region by the Region of Waterloo and the Cities of Cambridge, Kitchener, and Waterloo.

The City of Waterloo is responsible as lead, co-lead, collaborator, support, or participant for 44 actions within the TransformWR 10 year plan (Appendix D). To enable implementation, these actions will require financial support. Further clarity on financial details will become apparent as implementation plans are developed.

C. Technology Implications

There are no technology implications noted at this time.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

This report aligns with the strategic theme of Sustainability and the Environment. It seeks to transform Waterloo to be an environmentally, economically and socially sustainable community. The TransformWR 30 year strategy and 10 year plan in this report specifically aims to enable bold local actions to address climate change.

E. Previous Reports on this Topic

PWS2011-013 Waterloo Region Climate Collaborative

PWS2012-035 Waterloo Region 2010 Community Greenhouse Gas Inventory

IPPW2013-50 Community Climate Action Plan Progress Update

IPPW2014-69 ClimateActionWR – Community Climate Action Plan Implementation and Monitoring

IPPW2017-025 Community Climate Action Plan Progress Update

IPPW 2018-021 Community Scope Greenhouse Gas Emissions Reduction Long-term Target Setting

Council's Declaration of Climate Emergency Motion November 4, 2019 read and approved on December 2, 2019

CAO2020-013 The City of Waterloo Corporate Climate Action Plan (CorCAP)

F. Approvals

Name	Signature	Date
Author: Anna Marie Cipriani		
Director:		
Commissioner:		
Finance:		

CAO



TransformWR CAO2021-011

Background

ClimateActionWR

The City of Waterloo is a collaborative member of ClimateActionWR (PWS2011-013). There are currently 10 organizations guiding the work of TransformWR through the ClimateActionWR collaborative including all eight local municipalities and two local organizations (Reep Green Solutions and Sustainable Waterloo Region). Since 2009, over 140 community members have served on ClimateActionWR's sector committees. Sector Committee members are volunteers from across our community: local experts, students, and concerned citizens, who connect groups and individuals to others working on similar projects. Their efforts have catalyzed action on this work. All 8 municipalities across the Region of Waterloo have worked together through the ClimateActionWR collaborative to produce this single joint strategy called TransformWR (Appendix A). Over the past two years, municipal staff from each municipality has served on the project team. Staff across each municipality have been consulted throughout the process of this strategy development. Staff reports are circulating to each of the 8 councils seeking approval of the strategy by each council in May and June 2021.

FCM PCP Program

TransformWR is a renewed and deeper commitment to the work the City of Waterloo has been doing over the last decade as part of the Federation of Canadian Municipalities (FCM) Partners for Climate Protection (PCP) program. Table 1 below outlines the council reports that correspond to the related FCM PCP program milestone. Our first round of work through this program established an understanding of our community scope greenhouse gas emissions (GHG) inventory and forecast (PWS2012-035), set an initial GHG emissions reduction target of 6% by 2020 from our community baseline year (2010) and developed an action plan (IPPW2013-50). Initial progress reported to Council (IPPW2017-025) indicated that region-wide community scope GHG emissions decreased by 5.2% between 2010-2015 while population grew by 5.7% and the number of employees increased by 7.5%. Our Waterloo community accounted for 19.0% of Waterloo region community emissions in 2015 (slightly less than the 19.8% that our Waterloo community accounted for in the 2010 baseline inventory). Work on a re-inventory of our community GHG emissions is anticipated in 2022 in order to continue to track progress on this goal.

Since this initial work, the City of Waterloo (and all local councils) endorsed a community scope greenhouse gas emissions reduction target of 80% below 2010 levels by 2050. To

move forward on this deeper target (IPPW 2018-021) Council also supported the City of Waterloo's continued involvement in ClimateActionWR to develop our next Community Climate Action Plan. Furthermore in the last quarter of 2019, Council made a declaration of climate emergency and unanimously affirmed the City of Waterloo's corporate GHG emissions reduction target of 80% by 2050 (from our 2011 levels). Our community focussed GHG mitigation plan coupled with the City of Waterloo's commitment to and work on our Corporate Climate Action Plan (CAO2020-013) is a holistic and earnest response to the work that is within our role and responsibility as a municipality and urgently needed in both community and corporate scopes to mitigate climate change impacts.

Table 1 FCM PCP Program Milestones and related City of Waterloo Council reports

FCM-PCP Milestones	Corporate Scope	Community Scope	Community Scope Renewed
1. Creating a GHG emissions inventory and forecast	CSAM2011-50	PWS2012-035	CAO2021-011 (pending approval)
2. Setting an emissions reductions target	CORP2013-46	IPPW2013-50	IPPW 2018-021
3. Developing a local action plan	CORP2013-46	IPPW2013-50	CAO2021-011 (pending approval)
4. Implementing the local action plan or a set of activities	In progress	IPPW2017-025	
5. Monitoring progress and reporting results	Anticipated 2022	IPPW2017-025	

This report will be submitted to FCM to complete our renewed PCP Milestones 1-3.

TransformWR Plan significance

TransformWR has been collaboratively developed to be Waterloo Region's official community climate change mitigation plan. It is the broad umbrella strategy under which municipalities, businesses, organizations, and households will work to transition our community off of fossil fuels. TransformWR is a community-wide strategy. Municipalities are key capacity holders in the transition to a low-carbon community, and as a result, this strategy is intended to guide bold and immediate action by municipalities across Waterloo region over the next 30 years. The strategy expects the same bold and immediate action from other organizations, businesses, and individuals, and identifies ways to support them in this work. Since 94% of our GHG emissions are from energy use, the strategy outlines a path to achieve the community's energy transition, while transforming Waterloo region into an equitable, prosperous, resilient, low-carbon community.

Engagement and Consultation

Over the past two years, municipal staff from each municipality has served on the TransformWR project team. Members of this team have facilitated consultation with staff

throughout their municipalities. Staff at all eight municipalities are recommending approval of the strategy by their councils.

Community consultation was a key component of the project throughout the strategy development process. ClimateActionWR connected with over 1,600 community members to discuss what they wanted the low-carbon future of Waterloo Region to look like, and their insights on how we can get there. This directly informed Our Vision of 2050, and the Principles for Designing a Low Carbon Future, which were key inputs into the development of the technical pathway. For the results of this consultation, see the [Community Engagement Summary Report](#) by Unless Design Partners.

Most recently, the draft TransformWR strategy was available for public consultation on the EngageWR platform from March 10, 2021 – April 12, 2021. During this period, more than 3000 visitors viewed the project page, and more than 500 visitors downloaded the full strategy document. The feedback survey was completed by 364 visitors. An equity and sustainability justice review and focus group was conducted by compensated BIPOC (Black, Indigenous and People of Colour) community knowledge holders. A summary of what was heard in this final consultation, and the changes made in response, is included in Appendix B. Appendix C offers insight into frequently asked questions about TransformWR and the community transformations that are called for in this work.

To further inform the technical components of this process, technical consultations included workshops, surveys, and conversations with over 100 technical experts, locally, nationally, and internationally, including municipal leadership and staff. Energy consultants from WalterFedy led the creation of the technical pathway.

Technical Pathway

Based on extensive community and technical consultation across our region, the strategy was developed using a “backcasting” approach - identifying a community vision for Waterloo region as a low-carbon community in 2050, and working backward to identify what we need to do to get there. The recommended [80by50 Technical Pathway](#) describes what we need to do to reduce our emissions, and how fast we need to do it.

Since our community scope ‘80by50’ target was first endorsed by all 8 local councils, in 2018 (IPPW 2018-021) we recognize there has been significant community momentum towards carbon neutrality (a 100% GHG reduction by 2050) and local interest from community groups in setting an interim target of 50% GHG reduction by 2030 (based on 2010 levels). Waterloo Region’s 80% GHG reduction target was set and endorsed by our local municipalities in 2018. At that time, this ambitious target was in line with both the provincial and federal reduction targets, as well as several other municipalities across Canada. While this long-term strategy is focused on achieving an 80% reduction, the 80% is positioned as the minimum we need to achieve. There is a sense of urgency for ambitious climate action. TransformWR reflects this urgency and couples what is assessed as realistic from our local experts and community members.

The next 10 years are crucial. The science indicates that change cannot wait. To better align our work with global climate goals, we have defined an interim absolute target (total reduction) of a 30% reduction in GHG emissions by 2030. Based on population projections, this will reduce emissions 49% per person by the year 2030. There is much work to be done.

Call to Action

Six '80by50' Transformative Changes

The call to action is to transform our community, in the ways we move, the ways we build and operate our spaces, the ways we produce, consume and waste, and the ways we relate to one another. Six Transformative Changes will guide us along that journey:

1. By 2050, most trips are taken using active transportation, with the support of a robust public transit system;
2. By 2050, remaining personal and commercial vehicles are zero emission vehicles;
3. By 2050, businesses and homes no longer use fossil fuels for space heating and cooling, and hot water heating;
4. By 2050, Waterloo Region uses less, wastes less, and no longer disposes of organic matter in landfills;
5. By 2050, Waterloo Region has a thriving local food system built on local farming and food production and processing that feeds much of our community; and
6. By 2050, Waterloo Region has leveraged reducing GHG emissions to increase equity, prosperity, and resiliency for all.

For each Transformative Change, there are a set of strategies and actions identified, along with key milestones to help track our progress. The outcome of this collective action is anticipated to achieve our community vision for 2050, and ultimately transform Waterloo Region into an equitable, prosperous, resilient low carbon community.

Interim Target Pathway – '30by30'

As an interim target, the strategy identifies local action needed to reduce our emissions by 30% by the year 2030. Bold and immediate action is needed to achieve these reductions, and to ensure that we are doing everything we can locally to reduce GHG emissions to meet and exceed our goals. With increased support from other levels of government, it may be possible to exceed this target.

The strategy contains a 10-year plan for work to be completed in the next decade, both to reach an interim 2030 target and to lay the groundwork to substantially transform Waterloo region by 2050. A summary of the actions for which City of Waterloo is responsible as lead, co-lead, collaborator, support or participant is available in Appendix D.

Call to Action for the City of Waterloo

Within the TransformWR Strategy (Appendix A), there are a total of 78 action items outlined in the 10 Year Plan.

Of these 78 action items (listed in Appendix D), the City of Waterloo is responsible as follows:

- Lead organization for 22 action items
- Collaborating organization for 4 action items
- Supporting organization for 4 action items
- Participating organization for 14 action items

Where a lead organization is identified they will take the lead on planning and implementing the action item, gathering support, and identifying additional collaborators or supporters to drive progress. They will also lead the identification and monitoring of success metrics through the ClimateActionWR collaborative. It worth noting that many action items name more than one Lead organization, and in most cases where a municipality is identified, all Area Municipalities and often the Region of Waterloo are also listed as Leads.

Waterloo Region Community Carbon Budget

This strategy focusses on GHG emission reductions in terms of meeting annual future targets. This is a common way of approaching GHG emission reduction planning. It can also be useful to understand how a community carbon budget may be supportive in orienting to this work. A community carbon budget is based on determining how much of the world's remaining carbon emissions a community is entitled to use. There are a few key features of carbon budgets including that they are:

- based on science
- recognize that carbon is a finite resource
- are about equity
- make it clear that emission reductions made earlier are better than emission reductions made later

Municipal councils in Waterloo Region, as part of declaring a climate emergency or crisis, have expressed interest in approaches using carbon budgets. As part of the '80by50' project, community and municipal stakeholders asked for WalterFedy to also calculate the community's carbon budget. This will provide a common starting point for any future tools or approaches that are developed locally for specific organizations that are based on this carbon budgeting approach. Further information on the carbon budget can be found in Appendix D of the TransformWR strategy document (see Appendix A of this report).

Measurement and Monitoring

GHG emissions will be tracked on an annual basis, with full GHG inventories completed no less than every 5 years, the next inventory is anticipated to be undertaken in 2022. Key performance indicators will also allow monitoring of progress on an ongoing basis.

Next Steps

The TransformWR strategy is being considered for approval by all eight municipal Councils in May and June 2021.

This document will be submitted to FCM as the City of Waterloo completion of Milestones 1-3 in the PCP program.

The new City of Waterloo Environmental Sustainability Team is now formed and tasked with supporting implementation of these actions across our organization and community within our roles, responsibility and service delivery as a municipality. Developing detailed plans to implement the strategy will be necessary.

Appendix A TransformWR

The TransformWR Climate Action Strategy which includes the TransformWR 30 year strategy and 10 year plan can be found on the EngageWR page in the document library:

[Waterloo Region's climate action strategy](#)

Appendix B: Final Community Consultation Results Summary

The draft TransformWR strategy was available for final public consultation from March 10th to April 12, 2021. This included:

- Discussions with key stakeholder groups (municipal staff, utilities, agricultural sector, community groups, municipal sustainability committees, school board representatives etc.);
- An Equity and Sustainability Justice review and focus group conducted by compensated BIPOC Knowledge Holders; and
- Widespread public consultation using the EngageWR platform.

Information about the final EngageWR consultation on the climate action strategy was provided through the following channels:

- An email to subscribers of the EngageWR page for the project;
- Social media posts from ClimateActionWR, partner non-profits, and municipalities;
- A joint news release from all eight municipalities issued through the Region's communications staff;
- Paid online advertising from ClimateActionWR;
- Direct requests to stakeholders and community groups to circulate the engagement opportunity through their networks;
- Feature segments on 570 news, the Mike Farwell show, and the Business to Business Radio Program.

The project's EngageWR page showed the following participation during the final consultation period:

- 3262 "Aware" participants (who viewed at least one page);
- 1058 "Informed" participants (who downloaded a document, visited multiple pages, answered the survey, or viewed an image); and
- 364 "Engaged" participants (who answered the survey).

In the survey, participants were asked to provide their thoughts on:

- Which parts of the Vision are most important;
- Which of the 6 Transformative Changes would be most important to achieve, and which would be most challenging;
- What types of actions are most important and most challenging to adopt;
- What supports are most important for respondents to be able to take action in their lives; and
- Whether anything was missing from the strategy, or whether parts were unclear.

Responses generally showed considerable engagement with the substance of the strategy. Overall, 66% of respondents indicated that the strategy provides what they need to take action toward this low carbon future. Of the 33% who indicated it did not, most provided thoughtful feedback that has been considered in final revisions to the strategy.

A summary of what was heard in this final consultation, and the changes made in response, are outlined in the following table:

What we heard	Response and changes made
<p>There are additional opportunities to highlight equity considerations</p>	<ul style="list-style-type: none"> • Strengthened language in the ‘Principles’ to emphasize the importance of prioritizing the needs of equity-deserving groups in climate action work. • Added a ‘Spotlight on Climate Justice’ series of callout boxes throughout the strategy, to highlight some of the equity considerations that need to go into this work. • Added 2 new action items to specifically address equity concerns: <ul style="list-style-type: none"> ○ Action 6.1.2 Incorporate education on sustainability justice and equity into climate action planning ○ Action 6.1.7: Increase broadband internet access • Strengthened language in a number of sections to ensure equity is a key focus of this strategy, such as: <ul style="list-style-type: none"> ○ Including equity impacts as a metric in resources; ○ Recognizing the importance of empowering equity-seeking groups in climate action work; ○ Ensuring a lens of climate justice, anti-racism, and decolonization informs sustainability work; ○ Recognizing diverse outreach methods needed in awareness campaigns, to serve diverse populations of residents; ○ Respecting cultural traditions in actions related to food choices; and

What we heard	Response and changes made
	<ul style="list-style-type: none"> ○ Recognizing Indigenous ways of understanding food, and relationships with food and the land.
<p>Inconsistent language is used to reflect that the active transportation and transit systems must be accessible for people of all ages and abilities</p>	<ul style="list-style-type: none"> ● Incorporated language around this in the ‘Vision’ statements. ● Strengthened language in the following areas, to ensure a focus on accessibility and considerations for people of all ages and abilities: <ul style="list-style-type: none"> ○ Strategy 1.1 ○ Action 1.1.1 ○ Action 1.1.5 ○ Strategy 1.2 ○ Action 1.5.2
<p>Safety is an important consideration in the transportation system</p>	<ul style="list-style-type: none"> ● Added considerations of age in action items, which helps address safety concerns (see above). ● Added specific references to highlight the importance of safety in the following items: <ul style="list-style-type: none"> ○ Action 1.3.4 ○ Strategy 1.1 ○ Strategy 1.2
<p>There are additional opportunities to recognise the differences between urban and rural areas</p>	<ul style="list-style-type: none"> ● Strengthened language in the ‘Principles’ to ensure the differing needs between rural and urban settings will be taken into consideration. ● Added clarifying language in the ‘Implementation’ section to address that implementation will look different in different settings, and among the different municipalities.

What we heard	Response and changes made
There are additional opportunities to highlight the unique role of the Agriculture sector	<ul style="list-style-type: none"> • Added example actions that farmers and those in the agriculture industry can take, to the 'Take Action' sections. • Added information about the role of regenerative land management in climate change mitigation.
Clarify the role of advocacy in this work	<ul style="list-style-type: none"> • Strengthened language to communicate the importance of provincial and federal support in achieving and exceeding our goals. • Added references to specific actions and policies needed at provincial and federal levels to meet and exceed our goals.
Additional groups wanted to be identified as potential collaborators in the Strategy	<p>Added new potential collaborators to action items:</p> <ul style="list-style-type: none"> • CycleWR added to Action 1.3.3 • Ekko and A Friendlier Company to Action 4.2.3 • Architectural Conservancy Ontario to Action 4.2.4 • KW Library of Things to Action 4.2.5
New actions/concepts added as suggestions from the community	<p>New action items added:</p> <ul style="list-style-type: none"> • Action 6.1.2: Incorporate education on sustainability justice and equity into climate action planning. • Action 6.1.7: Increase broadband internet access. <p>New concepts added:</p> <ul style="list-style-type: none"> • Added a callout box to highlight the role innovative financing options can play in scaling up retrofits. • Added a callout box on regenerative land management. • Added callout box on food sovereignty.

What we heard	Response and changes made
<p>There is a need to reduce emissions by more than 30% by 2030</p>	<ul style="list-style-type: none"> • Strengthened language indicating the need for bold and immediate action in the short-term, to meet and exceed our short-term target; • Added further explanation on how this strategy contributes to the Paris Agreement objectives. • Added more references to the importance of advocacy to other levels of government to meet and exceed our local targets.
<p>Some technical details are unclear or would benefit from more explanation</p>	<ul style="list-style-type: none"> • Added callout boxes to explain additional technical terminology. • Added clarifying text to explain that air source heat pumps are most common, and ground source heat pumps can only be used where they will not disrupt our groundwater. • Added clarifying text to emphasize the importance of increasing the energy efficiency of <i>existing</i> buildings (in addition to new builds).

Appendix C: Frequently Asked Questions (FAQs) about TransformWR

TransformWR Strategy Development

Q: Who developed the *TransformWR* strategy?

The TransformWR strategy was developed through the ClimateActionWR collaborative. Led by Reep Green Solutions and Sustainable Waterloo Region, and funded by the cities and the Region, ClimateActionWR focuses on climate change mitigation (reducing GHG emissions). To create our community's long-term climate action plan, all four townships in the region joined the collaborative, and funding was secured from the Federation of Canadian Municipalities to support this project. Led by ClimateActionWR staff, the project team included representatives from Reep Green Solutions, Sustainable Waterloo Region, the cities, the townships, and the Region.

Q: Who is the TransformWR strategy for?

TransformWR is intended to guide decisions made by everyone in our community over the next three decades: from municipalities and businesses to organizations and households.

Q: How did community members help to build this strategy?

ClimateActionWR connected with over 1,600 community members to discuss what they wanted the low-carbon future of Waterloo Region to look like, and their insights on how we can get there. This directly informed Our Vision of 2050, and the Principles for Designing a Low Carbon Future, which were key inputs into the development of the technical pathway. For the results of this consultation, see the [Community Engagement Summary Report](#) by Unless Design Partners. Most recently, the draft TransformWR strategy was available for public consultation on the EngageWR platform from March 10th to April 12, 2021. The results of that consultation are summarized in Appendix B of this report.

Q: Were technical experts involved in the creation of the TransformWR strategy?

Yes. Energy consultants from WalterFedy led the creation of the technical pathway. To inform this process, technical consultation included workshops, surveys, and conversations with over 100 technical experts, locally, nationally, and internationally, including municipal leadership and staff.

Our Targets

Q: Why are 2010 levels the baseline for our targets?

Our first community GHG emissions inventory was based on 2010 data, and we have used that as our baseline emissions, from which we compare our reduction efforts against over time. 2010 data is the earliest community GHG data that we have available for Waterloo Region.

Q: Why 80% by 2050?

In 2018, the 80by50 target was endorsed by each municipal council across Waterloo Region: the Region of Waterloo, the Cities of Cambridge, Kitchener, and Waterloo, and the Townships of North Dumfries, Wellesley, Wilmot, and Woolwich. At that time, this target was in keeping with some of the most ambitious targets being set by other municipalities in Canada, and there was strong support in the community for the target.

Q: Don't we need to be net-zero by 2050?

Since the 80by50 target was endorsed by municipalities in 2018, there has been growing recognition that we must go faster and farther to complete our global energy transition by mid-century. Our 80% target is based on local changes we can make to reduce emissions, and is a minimum. We will take every opportunity we can to drive forward more ambitious climate action where opportunities arise. By using caution in our modelling, and building an ambitious plan based on it, we will be well positioned to potentially achieve our 80% reduction target earlier, and set us on a path to exceed it.

Q: Why 30% by 2030?

While big changes need to happen quickly, it will take time to plan and do the work. Based on these timelines, reducing our total emissions by 30% by the year 2030 is an ambitious goal that will require immediate and significant action by everyone across our community. Our model shows what local actions we need to take to reduce our emissions by 30% by the year 2030. Based on population projections for Waterloo Region, this will reduce emissions 49% *per person* by the year 2030.

Q: Why not 50% by 2030?

Ramping up local action will take time, making it unrealistic to electrify homes and vehicles and change our travel patterns and transportation system fast enough to cut emissions in half by 2030. The speed of change required for a 50% reduction by 2030 is shown in *Appendix B* of the TransformWR strategy. This would require immediate and significant financial support and regulatory requirements from federal and provincial governments. Additionally, the emissions reductions that result from our local actions will vary based on decisions made by senior levels of government, most notably the use of natural gas in the electricity system. If the Government of Ontario eliminated natural gas from the electricity system by 2030, the same local changes would reduce emissions by about 40% instead of 30%, meaning any further local changes would have a bigger GHG reduction impact. In short, this plan is built to maximize what we can do locally, so that any changes at other levels that further reduce emissions will help us to exceed our local targets.

What's in TransformWR?

Q: Why do many parts of the strategy focus on electrification?

To reduce emissions quickly and meet our 2030 target, we must expand the use of existing available technologies. Electric options for home heating, cooling, water heating, and vehicles are available today, and when used can immediately eliminate most of the emissions associated with heating, and driving. Electric equipment is significantly more efficient than equipment that burns fossil fuels, and to transition our energy off of fossil fuels, we need to use less energy overall. Fuel switching to electricity can also enable equipment to run on locally-generated renewable energy.

Q: Are carbon offsets part of our plan? Do carbon offsets help meet our target?

No, carbon offsets are not part of our pathway to 80by50. Carbon offsets are a reduction in GHG emissions made in order to compensate for emissions made elsewhere. They are sold to enable the purchaser to claim the GHG reductions as their

own. While this is a mechanism to reduce emissions, they do not address the root cause of our local emissions.

Q: What about the growing population in the region?

Our GHG reduction targets are absolute targets. This means we are working to lower our overall emissions based on our 2010 levels, even while our population and economic activity grows. This makes our targets more challenging to achieve, compared to ‘intensity-based’ targets which are based on emissions per person.

Q: What is the purpose of the Carbon Budget section (*Appendix D of strategy document*)?

When several municipalities in Waterloo Region declared a climate emergency or climate crisis in 2019, there was considerable interest in carbon budgets. At the request of the municipalities, the project’s technical consultants (WalterFedy) apply the carbon budget methodology used by Edmonton and the C-40 cities to identify a total carbon budget number for the Waterloo Region community as a whole. Information on this calculation is included in an appendix in the strategy document, so that municipalities and others have a common reference they can use as a starting point for any related work.

What’s next?

Q: Is the TransformWR Strategy feasible?

Yes. TransformWR is focused on identifying ‘what’ needs to be done in order to do our community’s part to address climate change.

Q: What needs to happen next?

The next step of this journey is implementation, for all municipalities, businesses, organizations, and households. Detailed implementation plans must be developed and resourced to make the changes outlined in the strategy.

Q: How does this plan impact our community’s social and economic priorities?

This strategy aims to use GHG reductions to create a more equitable, prosperous, resilient low-carbon community. Transforming our energy system will prepare Waterloo Region to thrive in a low-carbon global economy in the coming decades. Redesigning our transportation, buildings, waste, and food systems to use less energy are opportunities to improve quality of life, especially for those who experience the most barriers in our current, high-energy systems.

Q: How will progress be tracked?

The ClimateActionWR Collaborative will track GHG emissions on an annual basis, with full GHG inventories completed no less than every 5 years. Key performance indicators will also allow monitoring of progress on an ongoing basis.

Q: How will advocacy play a role in our success?

The success of our efforts will depend on policies from other levels of government, such as decarbonizing Ontario’s electricity grid. Achieving our targets will require working

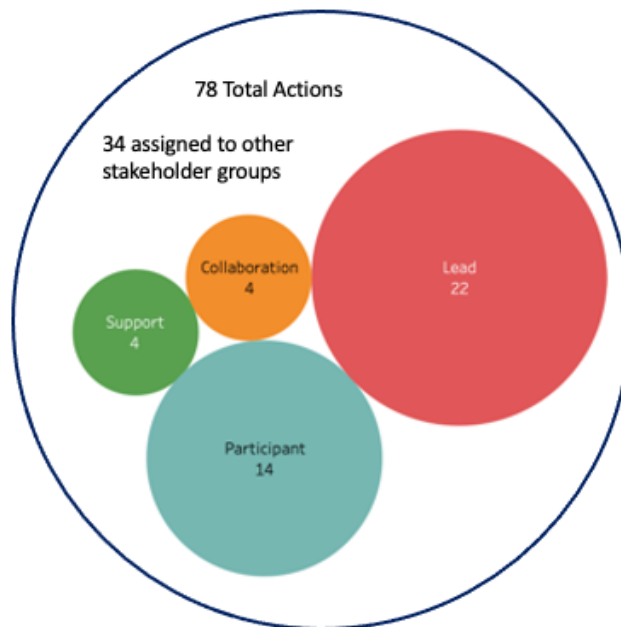
with local organizations and governments, as well as other municipalities across Ontario and Canada to have a coordinated voice in expressing our needs for climate action that supports equity, prosperity, and resiliency.

Appendix D: Summary of Municipal Actions - City of Waterloo

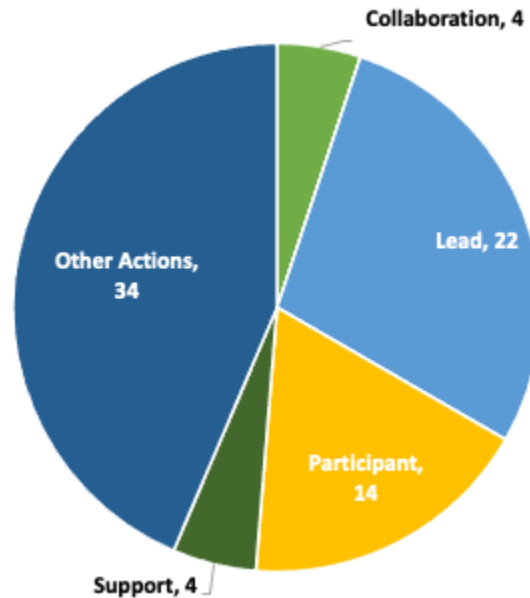
Within the TransformWR Strategy, there are a total of 78 action items outlined in the 10 Year Plan.

Of these 78 action items, the City of Waterloo has responsibilities outlined in the following ways:

- Lead organization for 22 action items
- Collaborating organization for 4 action items
- Supporting organization for 4 action items
- Participating organization for 14 action items



Bubble chart of City of Waterloo actions



Pie Chart of City of Waterloo actions

The following tables show the specific action items associated with the City of Waterloo.

Lead Organization

These organizations will take the lead on planning and implementing the action item, gathering support, and identifying additional collaborators or supporters to drive progress. They will also lead the identification and monitoring of success metrics through the ClimateActionWR collaborative.

Note: Many action items name more than one Lead organization, and in most cases where a municipality is identified, all Area Municipalities and often the Region of Waterloo are also listed as Leads.

Action	Role
Action 1.1.1: Plan a network of major active transportation corridors across cities and townships that will provide high-volume priority travel for walking, cycling, and rolling to key destinations across the region, as well as access to public transit.	Lead
Action 1.1.2: Plan for and build neighbourhood connections to the active transportation network.	Lead
Action 1.1.3: Implement further policies across the region to prioritize active transportation in road and trail design and reconstruction.	Lead
Action 1.1.4: Identify and implement policy and program opportunities to de-incentivize driving.	Lead

Action	Role
Action 1.1.5: Design and maintain active transportation infrastructure to ensure year-round access, safety, and comfort for people of all abilities.	Lead
Action 1.2.4: Connect people to intercity, multimodal, and emerging transportation solutions.	Lead
Action 1.3.1: Launch micro mobility systems (bike, e-bike and e-scooter-sharing systems) in Waterloo Region communities.	Lead
Action 1.3.4: Develop active transportation and transit programs that target equity-deserving communities.	Lead
Action 1.5.1: Create “15 minute neighbourhoods” where people can meet their daily needs by walking, cycling, or rolling.	Lead
Action 1.5.2: Implement design standards for new developments to build for walking, cycling, and rolling to be the primary mode of travel.	Lead
Action 2.1.2: Plan and begin to implement a transition to zero emission vehicles for municipal fleets, working towards a goal of at least half of municipal vehicles being zero emissions by 2030.	Lead
Action 2.2.2: Require all new residential parking spaces, and a portion of new non-residential parking spaces, to be constructed as "EV-ready".	Lead
Action 3.1.9: Offer innovative loans for energy-related residential and commercial building upgrades.	Lead
Action 3.2.3: Develop region-wide building standards to encourage and support zero-carbon development of all new buildings in the region.	Lead
Action 3.2.4: Incorporate energy planning considerations into the development application review process.	Lead
Action 3.2.7: Show leadership by building net-zero carbon in the public sector.	Lead
Action 4.2.1: Implement community waste reduction and circular economy campaigns.	Lead
Action 4.2.4: Reduce unnecessary building demolitions and construction waste.	Lead
Action 5.1.1: Continue to develop and enforce robust land use planning protections for prime agricultural land.	Lead

Action	Role
Action 6.1.1: Establish metrics to measure progress on increasing equity through GHG reduction initiatives in our community.	Lead
Action 6.1.3: Fund a climate justice committee led by community members from equity-seeking groups.	Lead
Action 6.5.1: Bring community organizations and local government together to collectively identify and communicate advocacy priorities to multiple levels of government.	Lead

Collaborating Organization:

These organizations will work with the lead organization to drive progress toward the goals/metrics, and contribute to the reporting process as relevant to their work.

Action	Role
Action 1.2.2: Ensure priority access for walking, cycling, and rolling to transit stations and bus stops.	Collaboration
Action 1.3.3: Create community active transportation hubs to provide customized support, education, training, and resources.	Collaboration
Action 2.1.1: Complete a region-wide electric vehicle strategy.	Collaboration
Action 3.1.10: Create a one-window service to support energy-related upgrades for homes and businesses.	Collaboration

Supporting Organization:

These organizations will provide support to the lead and collaborating organizations, on an as-needed basis, to drive progress toward the metrics associated with the action items.

Action	Role
Action 1.4.1 Increase the efficiency of commercial goods movement.	Support
Action 2.1.5: Develop and implement an electric vehicle public outreach and communication strategy for personal vehicles.	Support
Action 3.1.5: Identify and implement necessary supports to transition anyone still using fuel oil, or propane for heating to other fuel sources by 2025.	Support
Action 6.1.4: Provide specialized resources/support to organizations on prioritizing equity while planning their transition.	Support

Participating Organization

Being listed as a Participating Organization means your municipality will have a role in conducting this work from the perspective of an organization, in the same way that other organizations and businesses within the community are being asked to participate in these action items.

Action	Role
Action 1.3.2: Expand and innovate on existing programming (e.g. Travelwise) that supports employers and employees in making active transportation and transit the easy and preferred choice for commuting and business travel.	Participant
Action 1.3.5: Post-pandemic continued adoption of work from home and flexible work schedules for reducing trips or shifting trips to off-peak times.	Participant
Action 1.5.3: Site key community services, health facilities, subsidized housing, etc., in central areas where they can be easily accessed using the active transportation and public transit systems.	Participant
Action 2.1.3: Plan and begin to implement the transition of commercial vehicle fleets to zero emissions vehicles.	Participant
Action 2.2.1: Provide more public electric vehicle charging stations in public spaces, commercial spaces and other places visited by the public.	Participant
Action 3.1.2: Implement a public literacy campaign to explain and promote the adoption of electric heat pumps for space and water heating in residential and commercial buildings.	Participant
Action 3.1.3 Switch home and business heating and water heating off of fossil fuels.	Participant
Action 3.1.6: Install renewable energy generation in business and residential buildings.	Participant
Action 4.1.3: Support the use of compost/organics collection programs for all commercial buildings.	Participant
Action: 5.4.2: Provide a variety of low GHG food options plant-based dining options in local restaurants, grocery stores, and catered events.	Participant
Action 6.1.2: Incorporate education on sustainability justice and equity into climate action planning.	Participant

Action	Role
Action 6.1.6: Build reciprocal relationships between Indigenous groups and local municipalities and climate action organizations to ensure GHG reduction work is done in equitable ways that respect the land and traditions of Indigenous groups.	Participant
Action 6.1.8: Apply an equity lens to all the actions in this transformation.	Participant
Action 6.3.4: Evaluate how to identify and protect optimal areas for industrial-scale renewable energy generation.	Participant



COMMITTEE OF COUNCIL REPORT Waterloo Sustainability Advisory Committee

TransformWR

Report #: CTTEE2021-005

Recommendations:

At the Sustainability Advisory Committee meeting held on Thursday, May 13, 2021, the committee unanimously supported the following motion:

"That SAC endorses the Transform WR Community Climate Action Plan, recommends that the City of Waterloo endorse the plan, and urges that, consistent with the Climate Emergency Declaration from 2019, the City mobilizes resources and takes urgent action to accelerate implementation."

Executive Summary:

The City of Waterloo is at a crossroads of climate action. Globally, ambition is increasing to address climate change in a manner consistent with the targets of the Paris Agreement. Governments, companies, civil society, institutions, and the financial sector are increasingly paying attention to the current and growing risks inherent in future climate change. Policy, regulation, financing, and corporate and voluntary action are currently dramatically insufficient, and on the cusp of major transformation that will steer societies and economies toward a more climate-safe future.

Transform WR presents a once-in-a-generation opportunity for the City of Waterloo to lead action necessary to address the climate emergency. The City has already taken important steps in this direction and endorsement of this plan will enable a demonstration of its deep commitment to climate action. The Sustainability Advisory Committee has had the chance to review the plan and provides a strong endorsement of the established direction. The intent here is not to reiterate the depth and breadth of the document, but to address key strengths that should merit the City of Waterloo's commensurate endorsement.

Specifically, SAC has appreciated that Transform WR:

- Takes a region-wide approach to climate action planning, recognizing the interconnected economic, infrastructure, and geographical reality of a tightly connected community
- Aligns around a set of decarbonization targets in both the long term and short term
- Outlines actions that can be taken at various levels of the community, from individuals to municipalities, as well as beyond local authority
- Draws connections between climate action and the tremendous non-environmental benefits this will bring to the local community, including through climate justice, equity, wellbeing, public health, and community vibrancy
- Outlines clear, detailed, tangible, and complex actions that will be needed to advance the vision and objectives of the plan to transform the City of Waterloo into an equitable, prosperous, resilient low-carbon community

SAC, in its review, also notes that the targets within the plan are both incredibly ambitious relative to historical action, yet insufficient from a global climate change perspective. In both the development of the plan and subsequent consultations, we are aware that there is a desire for deeper reductions in both the short and long term. SAC agrees with this feedback, but considers that the transformational nature of these actions should be used as a basis upon which to “ratchet up” future action rather than committing to targets on which the achievability is not evident within the time constraints, and with current federal and provincial policy and resources.

As such, we would urge the City of Waterloo to endorse the plan. In doing so, we also urge the City to understand, appropriately resource, and accelerate the actions which will be required under the scope of the municipality. These are already documented throughout the report, but the following should be made clear:

- The City of Waterloo is identified as a lead on a range of projects. The City should seek to balance a leadership role with working collaboratively alongside other local municipal partners and agencies, as well as neighbouring communities, to ensure consistency and minimize competitive risks.
- The range of actions is extensive. It will require the City to take a “whole of government” approach, consistent with the Climate Emergency declaration. All services, policies, and plans will need to integrate the actions of Transform WR, including but not limited to:
 - Official Plan
 - Transportation Master Plan
 - Zoning and all bylaws
 - Community planning and development review
 - Building permits
 - Community services
 - Corporate action, such as through Green Building Policy and CDM Plan
 - Communications to residents and businesses

- *SAC recognizes that the current language in many of these plans, including some recently changed and updated, is inconsistent with the scale and scope of Transform WR, and will need continuous improvement.*
- Pursuant to the above, it should be clear that climate change cannot be an ancillary consideration in City decision-making. There should be established processes by which climate change impacts (i.e., increases or decreases in emissions) and transitional risk assessment are consistently evaluated. One small example could be a requirement that climate change considerations are considered in all Council reports. This process and decision-making change will need clear leadership and direction from Council and senior management.
- The City should also consider the extremely long timescales on which municipal policy has an influence. Decisions made today will “lock in” infrastructure and associated emissions for decades, making future change costly and difficult. Conversely, ambitious decarbonization actions today can reduce emissions and operating costs in the long term. For example, buildings that meet current minimum code energy efficiency requirements will need to be retrofit to meet more stringent requirements in the future. Going beyond minimum requirements today (e.g., by instead targeting Green Building Policy requirements) can help avoid future costs while lowering emissions.
- As discussed in Transform WR, the City should ensure extensive communication about the plan and its implications for residents and businesses. This can be leveraged through all municipal services and existing channels, both through the plan itself and in how subsequent initiatives connect to the plan.
- The City should develop approaches to transparently evaluate progress for areas in which the City has lead responsibility
- The City of Waterloo will not be able to do this independently. It should be clear that partnerships and advocacy at higher levels of government are necessary to achieve the targets and implement actions and should be prioritized by the City.
- Transform WR focuses primarily on the mitigation of greenhouse gas emissions; the City should ensure these are considered, planned for, and integrated with regional and city climate adaptation planning, as there are often mutually beneficial actions that build low-carbon resiliency.

SAC is excited by the enormous potential embodied within the Transform WR plan. As the title suggests, it will be a major shift in the community’s development trajectory, and will be critical to building a more equitable, prosperous, healthy, and resilient City of Waterloo.

We encourage the City to endorse the plan, and look forward to supporting and advising on its implementation.

Financial Implications:

Unknown at this time and will require further consideration.

Technological Implications:

None at this time.

Link to the Strategic Plan:

This report aligns with the strategic pillar of Sustainability and the Environment, and the strategic goal of Transform Waterloo to be an environmentally, economically and socially sustainable community. The report seeks to support progress on the strategic objective of enabling bold local actions to address the climate crisis.



**STAFF REPORT
Engineering Services**

Title: Union Street East Reconstruction (King to Moore) – In-boulevard Cycling Facility Alternative and Funding Request

Report Number: IPPW2021-020

Author: Gavin Vermeer

Meeting Type: Council Meeting

Council/Committee Date: May 31, 2021

File: 190042

Attachments: Attachment A – Location Map
Attachment B – On-street Painted Bike Lanes between King and Mary
Attachment C – Conceptual Design Plan of Alternative 3

Ward No.: Ward 7

Recommendations:

1. That IPPW2021-020 be approved.
2. That partial 2021 capital funding in the amount of \$2,490,000, comprised of \$1,158,000 CRF and \$1,332,000 DC-Roads, be released for the Union Street East (King to Moore) reconstruction project (Ref. #687).
3. That Council direct staff to proceed with the detailed design based on conceptual Alternative 1B, described in report IPPW2021-002 and based on changes presented in Attachment B of this report.

A. Executive Summary

The purpose of this report is to:

- Outline a new conceptual design alternative, Alternative 3, for in-boulevard cycling facilities along Union Street East from King Street South to Moore Avenue South, as requested by Council at its January 18, 2021 meeting.
- Provide comparison between Alternative 3 and staff's previously recommended alternative, Alternative 1B
- Outline the estimated additional funding requirements of Alternative 3
- Provide staff's recommendation on the preferred alternative

- Provide an updated project schedule and financial implications for the preferred alternative.

The conceptual design for Alternative 3 (in-boulevard cycling facilities between King and Moore) is included as Attachment C. Alternative 3 presented several safety concerns for staff and the engineering consultant. Therefore, staff engaged a specialist, True North Consulting Group, to provide a third party risk and safety analysis of Alternative 3 as well as staff's previously recommended alternative, Alternative 1B. Based on its review, True North Safety Group recommends that Alternative 1B be implemented.

Appraisals of the additional property required to implement Alternative 3 indicate that between \$9,000,000 and \$11,000,000 of additional funding will be required for property acquisition and associated activities. However, the City would not require all portions of the property and it is estimated that approximately \$3,000,000 could be recouped through the disposition of surplus property following construction. Additional annual operating funding of \$100,000 is also estimated to be required to maintain Alternative 3, once constructed.

Staff recommend that the City move forward with the detailed design of Alternative 1B. While a fully separated, in-boulevard cycling facility between King and Moore (Alternative 3) represents the desired long-term configuration, the property acquisition requirements are cost prohibitive at this time and the proximity of dwellings along the northwest side of the street would introduce significant safety concerns. The current funding sources will not cover additional costs for Alternative 3 without significantly reprioritizing the capital budget; or, looking towards reserves, which could risk other City projects not moving forward. As an intermediate solution, Alternative 1B would reasonably balance costs and impacts on existing properties, while still: a) accomplishing the necessary renewal of important, aged underground infrastructure, and b) making significant improvements to active transportation along the corridor compared to existing conditions today.

Due to the length and complexity of the Union Street reconstruction, should Council direct staff to move forward with Alternative 1B as recommended, the project will need to be constructed in two phases, in 2023 and 2024. The next steps for the project (i.e. through 2021 and 2022) include detailed design, property acquisition, and utility relocations in advance of construction.

B. Financial Implications

Previous funding of \$213,000 and \$155,000 was released in 2019 and 2020 respectively in order to secure consulting services for design and contract administration work, preliminary geotechnical analysis, and property appraisal services.

Further funding of \$6,551,000 was budgeted for release in 2021 for property acquisition and construction work, with \$168,000 being allocated for surface works in 2022 (Ref# 687). Staff recommend that Council approve a partial release of the 2021 funding in the

amount of \$2,490,000, comprised of \$1,158,000 CRF and \$1,332,000 DC-Roads, in order to move forward with the detailed design, property acquisition and utility relocations required for Alternative 1B.

C. Technology Implications

There are no technology implications with this report.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

Safe, Sustainable Transportation – Facilitate modal shift and enable increased use of active transportation and public transit.

Infrastructure Renewal – Plan, renew and maintain existing infrastructure.

E. Previous Reports on this Topic

IPPW2021-002 - Union Street East Reconstruction (King to Moore) Funding Request and Project Update

IPPW2020-010 - Union Street East Reconstruction (King to Moore) Funding Request

IPPW2019-034 - Union Street East Reconstruction (King to Moore) Funding Request

F. Approvals

Name	Signature	Date
Author:		
Director:		
Commissioner:		
Finance:		

CAO



Union Street East Reconstruction (King to Moore) – In-boulevard Cycling Facility
Alternative and Funding Request
IPPW2021-020

Section 1 – Introduction

At its January 18, 2021 meeting, Council requested that staff conduct a second review of the options for active transportation infrastructure on Union Street to ensure that all feasible options have been identified and considered. To that end, staff worked with two independent engineering consultants and a property value appraisal agent to review such options. This included additional review work in consultation with IPPW, Corporate Services and Community Services staff. The purpose of this report to share the results of that confirmatory review work, and specifically to:

- Outline a new conceptual design alternative, “Alternative 3”, for in-boulevard cycling facilities along Union Street East from King Street South to Moore Avenue South, as requested by Council at its January 18, 2021 meeting.
- Provide comparison between Alternative 3 and staff’s previously recommended alternative, Alternative 1B
- Outline the estimated additional funding requirements of Alternative 3
- Provide staff’s recommendation on the preferred alternative
- Provide an updated project schedule and financial implications for the preferred alternative.

Section 2 – Background

Project Background

The need to reconstruct Union Street East (King to Moore) was identified by the City’s Asset Management System. The corridor assets are nearing the end of their useful life and are in need of replacement/rehabilitation. Key examples include:

- Storm sewers that are undersized. Given the recent upgrades to upstream storm sewers on King Street this could result in increased flood risk within the area.
- One of the watermain is over 100 years old. The age of the watermain creates a higher risk of future watermain breaks. The amount of disruption caused by a main break on a major collector would be significant.
- Aging narrow sidewalks and curbs
- Poor overall pavement condition, potholes, cracking, and asphalt delamination

In 2020, an experienced local engineering consultant (WalterFedy) was retained to prepare conceptual and detailed designs for the reconstruction, including active transportation goals for cycling facilities. Such goals are outlined in the City's 2011 Transportation Master Plan (TMP); recent updates to the TMP approved by Council; and, in the Ontario Traffic Manual (OTM) Book 18. Various active transportation designs for the portion of Union Street between Bowman and Moore were presented to the public in late August 2020 via Engage Waterloo.

Following the evaluation of the alternatives based on various criteria (e.g. capital cost, operational cost and capacity, property impacts, public input, etc.) staff recommended Alternative 1B (on-street, raised cycle tracks) to Council at the January 18, 2021 meeting. At that time, to ensure that all options were fully considered, Council directed staff to explore an additional design alternative that implemented in-boulevard cycling facilities along the entire length of Union Street.

Right-of-Way Widths

One of the key constraints for the reconstruction of Union Street is City is the narrow right-of-way (ROW) width. The current ROW width between King and Bowman is approximately 15.3 metres. Between Bowman and Moore the ROW width varies between approximately 18.3 metres and 21.4 metres. In order to implement fully separated cycling facilities that meet OTM Book 18 recommendations, the ROW needs to be wider between King and Bowman. Although some property acquisition could occur slowly over time as site plan developments occur, and/or where the City could be successful in outright purchase of private lands, the timing for the availability of such lands does not align with the project. As discussed in more detail below, there also are significant financial costs and implications with land acquisition.

Off-Set Intersection at Union and King and Connection with Areas Southwest of King

Another challenge is the existing geometry of the intersection of Union Street with King Street, which contains an off-set in the lanes from the southwest to the northeast side of King Street. Figure 1 illustrates an exaggerated example of this off-set. The off-set on Union Street is approximately 1.5 metres, which is the maximum allowed by the Transportation Association of Canada (TAC) design guidelines where a retrofit for direct traffic is not possible, though it is not recommended as it can create a safety hazard. The detailed design will need to be cognizant of this factor.

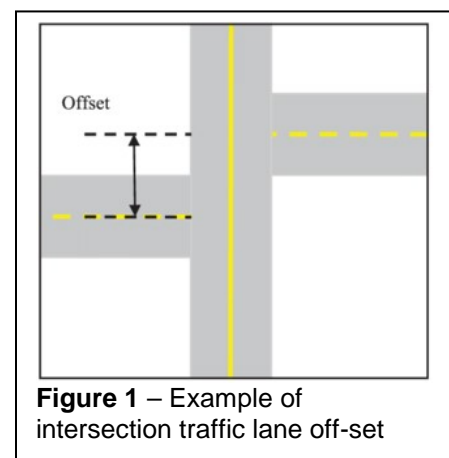


Figure 1 – Example of intersection traffic lane off-set

At the January 18th Council meeting, staff indicated that on-street painted bike lanes could be implemented on Union between King and Mary along with the recommended design, Alternative 1B, but there may be some discontinuity.

Attachment B illustrates how this would be accomplished. The discontinuous northeast bound bike lane could be completed in the future should 238 King Street redevelop and additional property be acquired at that location. Staff consider this an acceptable approach for the near future for the following reasons:

- There are no existing bike lanes on King Street or Union Boulevard so any cyclists travelling northeast on Union would already be in mixed traffic.
- The design is such that it will be possible to extend the bike lane to King Street if/when 238 King Street redevelops.
- The City of Kitchener Cycling and Trails Master Plan (CTMP) specifies on-street painted bike lanes for Union Boulevard west of Park Street. Staff at the City of Kitchener have indicated that they would attempt to extend bike lanes from Park Street to King Street should the City of Waterloo be able to extend bike lanes to King Street from the east; however, they indicated that they would be facing a number of constraints in that corridor as well. Additionally, bike lanes on Union, west of King, will not be implemented for 20+ years as per the CTMP. Therefore:
 - On-street painted bike lanes would be consistent with what Kitchener will implement west of King Street
 - The discontinuity in the lane is not expected to create a gap in the network for the next 20+ years and could potentially be corrected within that timeframe

Section 3 – Alternative 3: In-boulevard Cycling Facilities

The conceptual design plan for Alternative 3 is included as Attachment C. That design is for unidirectional, in-boulevard cycling facilities between King and Moore. Staff are not aware of an existing road with a similar style of in-boulevard cycling facility within the Region that can be used as a point of reference; however, as an example Figure 2 shows new in-boulevard bike lanes on Ethel Street in Kelowna BC, which are quite similar to the concept design for Alternative 3.



Key points of consideration for Alternative 3 include:

- In addition to the partial property acquisitions required for Alternative 1B, Alternative 3 would require the partial property acquisition of approximately 1.1

metres of frontage from nearly all properties on the northwest side of Union between King and Bowman.

- Alternative 3 would also require several properties to be acquired in their entirety due to a portion of the building being in the way of proposed infrastructure.
- Alternative 3 would allow for the elimination of the off-set of Union at King. The elimination of the off-set would improve the ease of implementing cycling facilities on Union between King and Park as well as safety for cyclists and vehicles at the intersection.
- Alternative 3 would result in a significant reduction of sight distance at driveways, especially on the northwest side of the street between King and Bowman.

Section 4 – Safety and Risk Assessment for Alternative 3

Due to the reduction of sight distance on many properties as a result of the need to move the sidewalk closer to private property, staff and our lead engineering consultant were concerned about safety risks posed by Alternative 3. Therefore, staff engaged a specialist consultant (True North Safety Group) to assess the safety risks for the active transportation infrastructure and to provide an independent safety opinion about Alternatives 1B and Alternative 3.

The safety assessment found that the constrained right-of-way results in limited opportunity for users to see each other on the approach to key conflict points. Particularly in Alternative 3, the lack of sight lines at driveways where houses are close to the roadway would be a primary safety concern on the north/northwest side of the street. Further, many motorists would likely be forced to block the in-boulevard cycling lane in order to have sufficient sight distance to launch (out of the driveway). Some improvements to cyclist-transit user-conflict points were noted for Alternative 3; however, those advantages were outweighed by the constrained sight lines.

Based on its review, True North Safety Group recommended that Alternative 1B be implemented as raised cycle tracks would better serve the needs of the majority of people cycling in the area while achieving comparable safety levels to what an in-boulevard facility would provide.

Section 5 – Additional Funding Requirements for Alternative 3

Table 1 and Table 2 illustrate the estimated additional, unbudgeted, capital and operating funds that would be needed to implement Alternative 3.

Table 1 illustrates the range of required upfront funding in order to acquire property needed to implement Alternative 3, as well as the estimated net cost should the City sell the portions of the property that are not required, following construction. The City's property appraiser, who prepared appraisals to support the analysis, has advised that there is currently rapid price inflation in the real estate market and that the values provided will not likely be accurate within a short period of time and should be re-appraised prior to budgeting.

Table 2 illustrates the estimate additional annual operating funding that would be required to maintain Alternative 3, once constructed.

It should be noted that Table 1 and Table 2 do not show the increased cost of construction of Alternative 3. This cost is minor in comparison to the cost of property acquisition and would depend in part on the details of the design chosen. Timing of construction would also affect the cost due to inflation.

The current budget for Union Street included approximately \$2,000,000 for property acquisition and associated costs. However, rapid price inflation in the real estate market has introduced uncertainty as to whether that sum is still sufficient to implement Alternative 1B. Additional funding required to implement either Alternative 1B or Alternative 3 would be addressed through the 2023 and 2024-2026 capital budget processes. Additional funding needed to support the property acquisitions for Alternative 3 would require significant reprioritizing of the capital budget or looking towards reserves, which could risk other projects not moving forward.

Table 1: Estimated Additional Capital Funding Required to Implement Alternative 3

Additional Capital Funding Required for Property Acquisition	
Approximate Full Property Acquisitions required for Alternative 3:	\$8,400,000 to \$10,400,000
Demolition estimate for buildings	\$325,000
Approximate Partial Property Acquisitions required for Alternative 3:	\$275,000
Additional Property Acquisition Funding Required:	\$9,000,000 to \$11,000,000
Property Disposition: Disposition of the portion of each property acquired in its entirety that is not required for right-of-way widening	-\$3,000,000
Net Additional Property Acquisition Cost:	\$6,000,000 to \$8,000,000

Table 2: Estimated Additional Operating Funding Required to Implement Alternative 3

Additional Operating Funding Required for Maintenance	
Winter maintenance – King to Moore	\$55,000.00
Equipment	\$20,000
Labour	\$25,000
Additional Annual Operating Funding Required:	\$100,000

Section 6 – Staff-Recommended Alternative and Associated Financial Implications

Staff recommend that the detailed design for Union Street follow Alternative 1B as originally planned. While a fully separated, in-boulevard cycling facility between King and Moore (Alternative 3) represents the desired long-term configuration, the property acquisition requirements are cost prohibitive at this time and the proximity of dwellings along the northwest side of the street would introduce significant safety concerns. The current funding sources will not cover additional costs for Alternative 3 without significantly reprioritizing the capital budget; or, looking towards reserves, which could risk other City projects not moving forward. As an intermediate solution, Alternative 1B would reasonably balance costs and impacts on existing properties, while still: a) accomplishing the necessary renewal of important, aged underground infrastructure, and b) making significant improvements to active transportation along the corridor compared to existing conditions today.

If approved by Council, to advance Alternative 1B and move forward with the next steps for the project – namely, detailed design, property acquisition and utility relocations – a partial release of \$2,490,000 in 2021 funding will be required, as indicated in Table 3 below.

Table 3: Funding Approvals to Date and Estimated Costs

Description	Report Number	Approval Date	\$ Amount*
FUNDING:			
Funding – 2019 (Ref#707)	IPPW2019-034	27-May-19	\$213,000
Funding – 2020 (Ref#687)	IPPW2020-010	27-Jan-20	\$155,000
Funding – 2021 Partial (Ref#687)	IPPW2021-020	31-May-21	\$2,490,000
Funding – 2021 Deferred (Ref#687)	n/a	n/a	\$4,061,000
Funding – 2022 Deferred (Ref#687)	n/a	n/a	\$168,000
Total Funding			\$7,087,000
EXPENDITURES:			
Expenses Incurred to Date (City overhead, geotechnical investigation, engineering design, property appraisal and acquisition)			164,506
Projected:			
City Overhead			268,736
Property acquisition & associated costs			\$1,932,000
Utility Relocations			\$280,000
Engineering design, contract admin/inspection, 3 rd party assistance with property appraisal and acquisition			\$212,758
Construction (including contingency, testing, miscellaneous, etc.) – Deferred			\$4,061,000
Placement of surface asphalt – Deferred			\$168,000
Total Projected Expenditures			\$6,922,494
Total Expenditures			\$7,087,000
BALANCE:			\$0

* Note: non-recoverable portion of HST included

Section 7 – Project Schedule

At this time it will not be feasible to complete the design, property acquisitions and utility relocations in time to reconstruct Union Street in 2022, regardless of the alternative design selected. Additionally, Herbert Street north of Union is scheduled for reconstruction in 2022 and concurrent construction of the two projects is not practical. Due to the length and complexity of the Union Street reconstruction, should Council direct staff to move forward with Alternative 1B as recommended, the project would be staged for constructed in two phases over the course of 2023 and 2024.

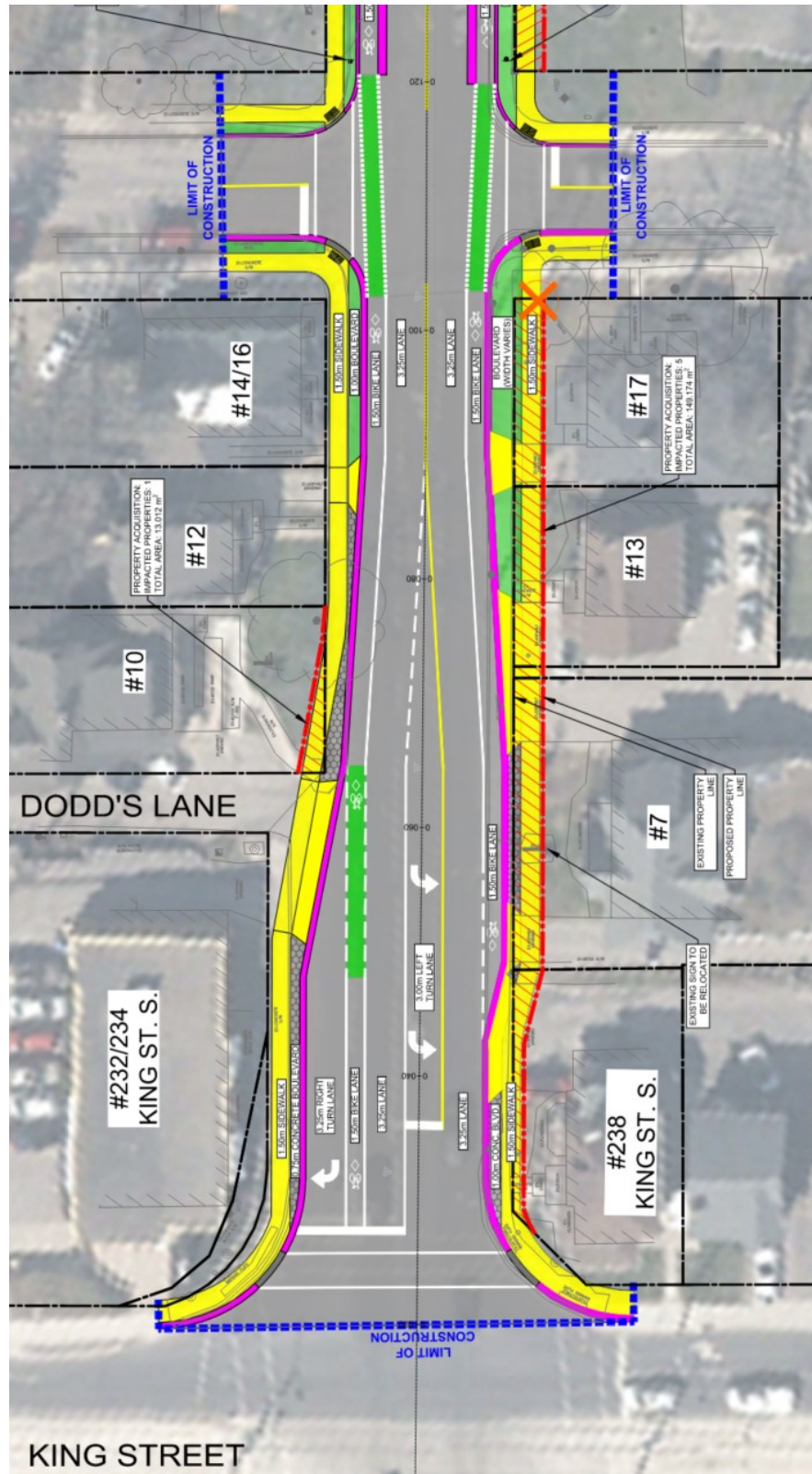
Constructing in 2023 and 2024 would also allow for the adjustment of the project budget through the 2023 and 2024-2026 capital budget processes, if needed, once the detailed design is completed and property acquisition costs and other inflationary factors are better

understood. As mentioned above, the next steps for the project (i.e. through 2021 and 2022) include detailed design, property acquisition, and utility relocations in advance of construction.

IPPW2021-020
Attachment A – Location Map



IPPW2021-020
Attachment B – On-street Painted Bike Lanes between King and Mary



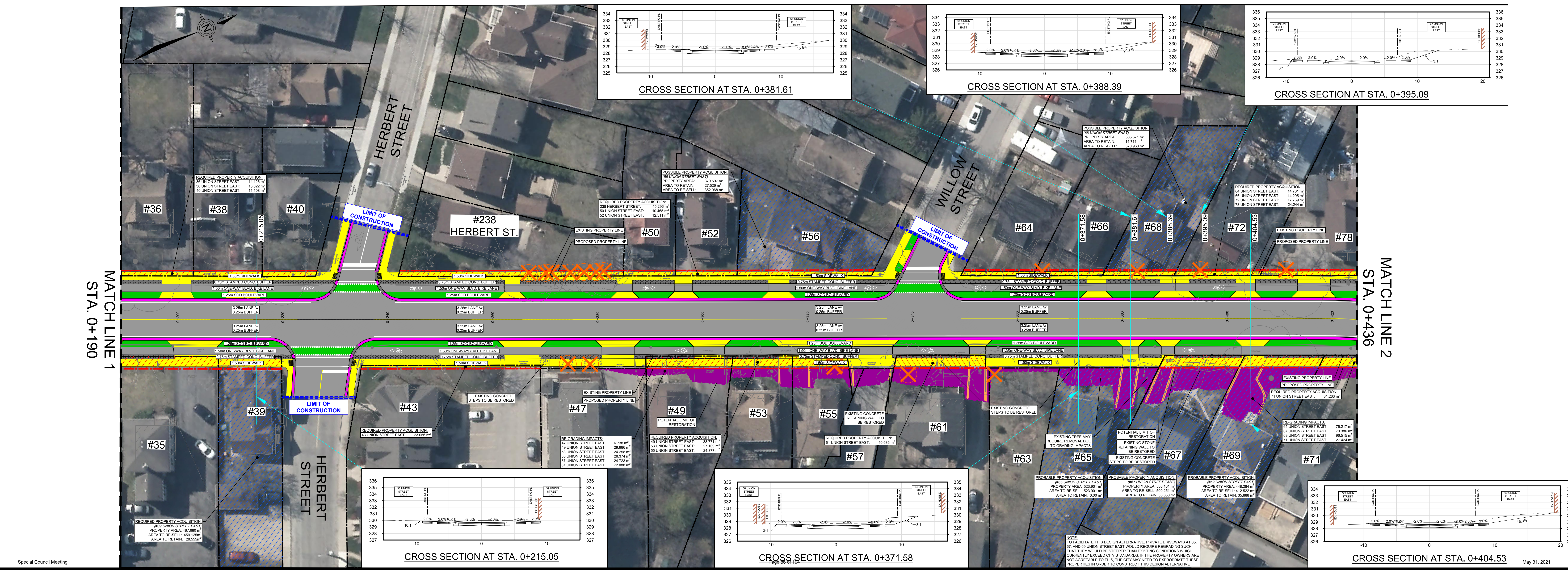
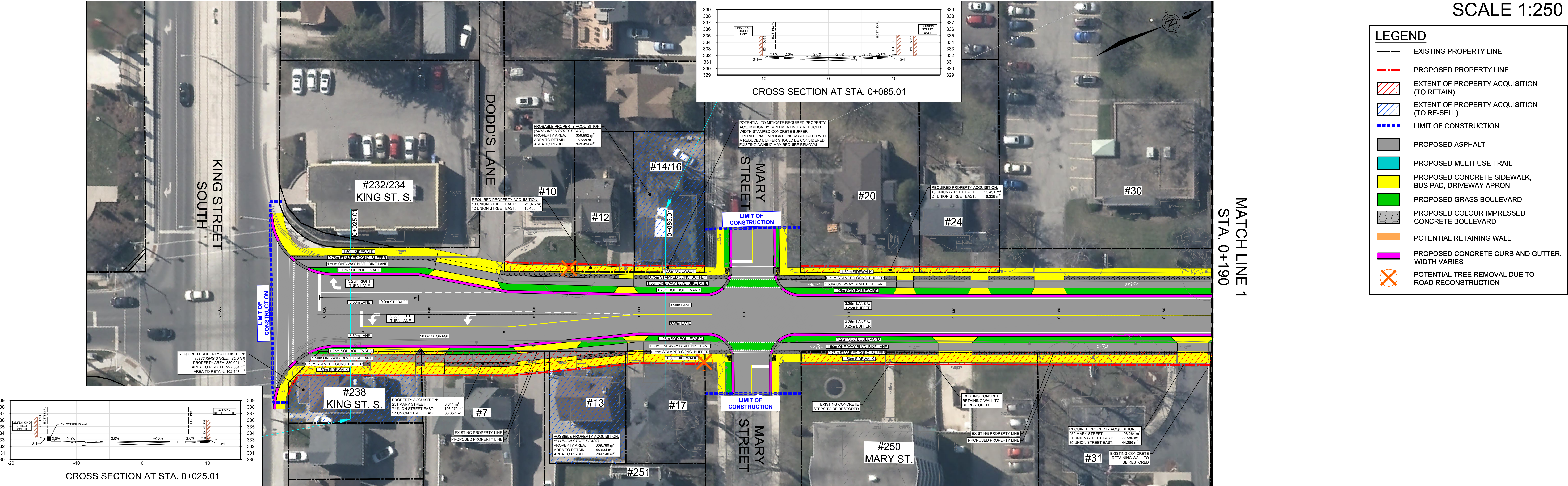
IPPW2021-020

Attachment C – Conceptual Design Plan of Alternative 3

This material is available in alternative accessible format upon request. Please contact Gavin Vermeer, Gavin.Vermeer@waterloo.ca and 519 886 1550 x78066) or TTY (for deaf) at 1-866-786-3941 a minimum of 3-5 business days before it is required.

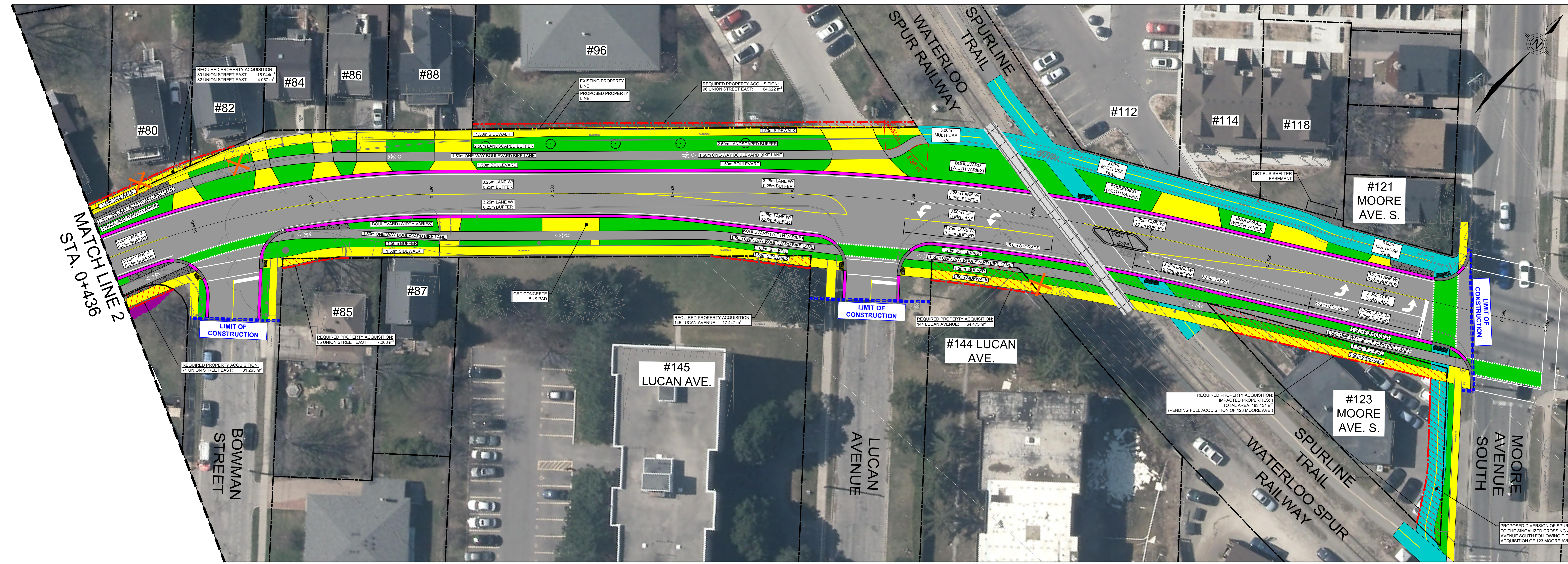
ALTERNATIVE #3:
ONE-WAY BOULEVARD BIKE LANES FROM KING STREET SOUTH TO MOORE AVENUE SOUTH

SCALE 1:250



ALTERNATIVE #3:
ONE-WAY BOULEVARD BIKE LANES FROM KING STREET SOUTH TO MOORE AVENUE SOUTH

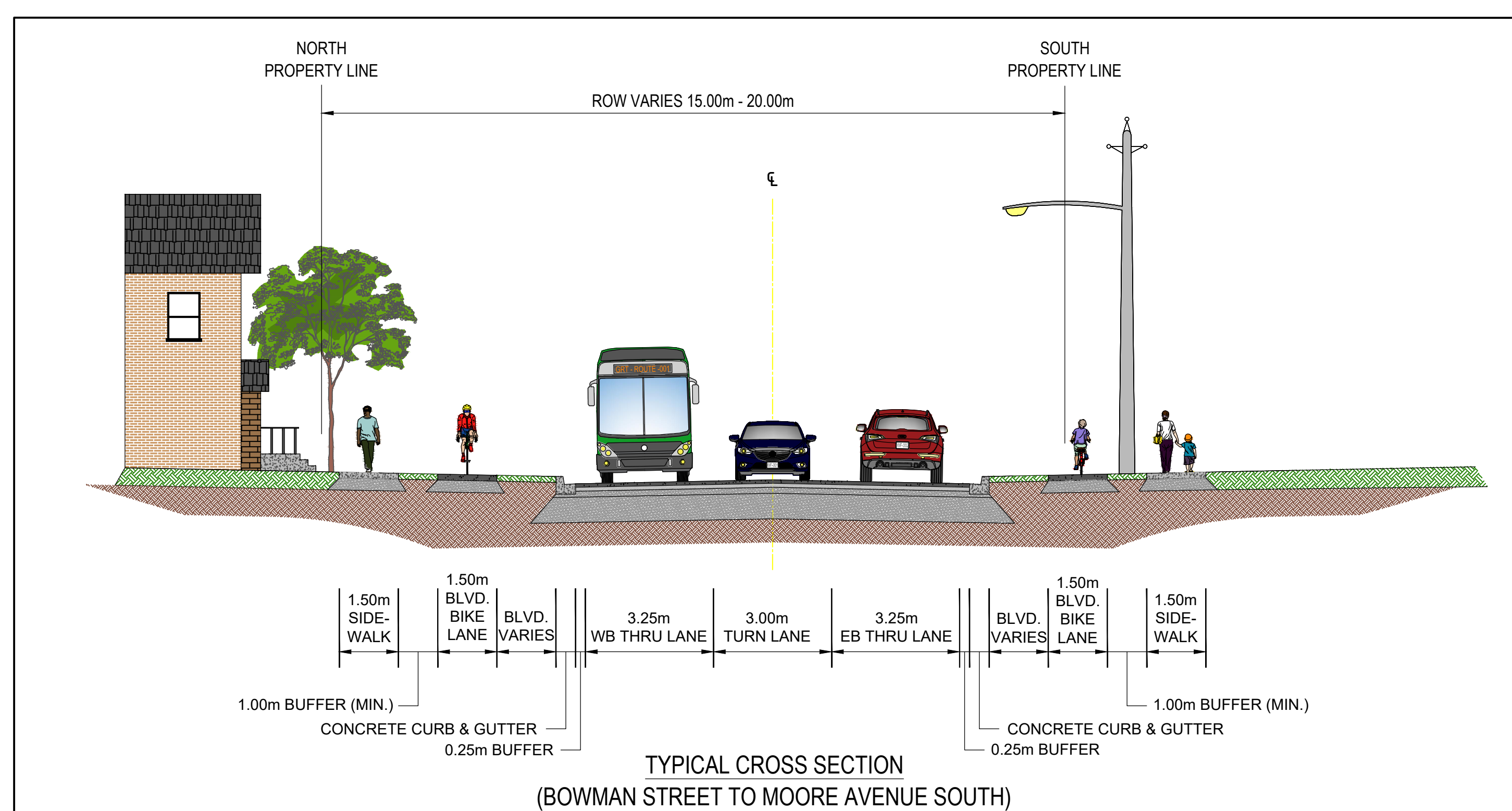
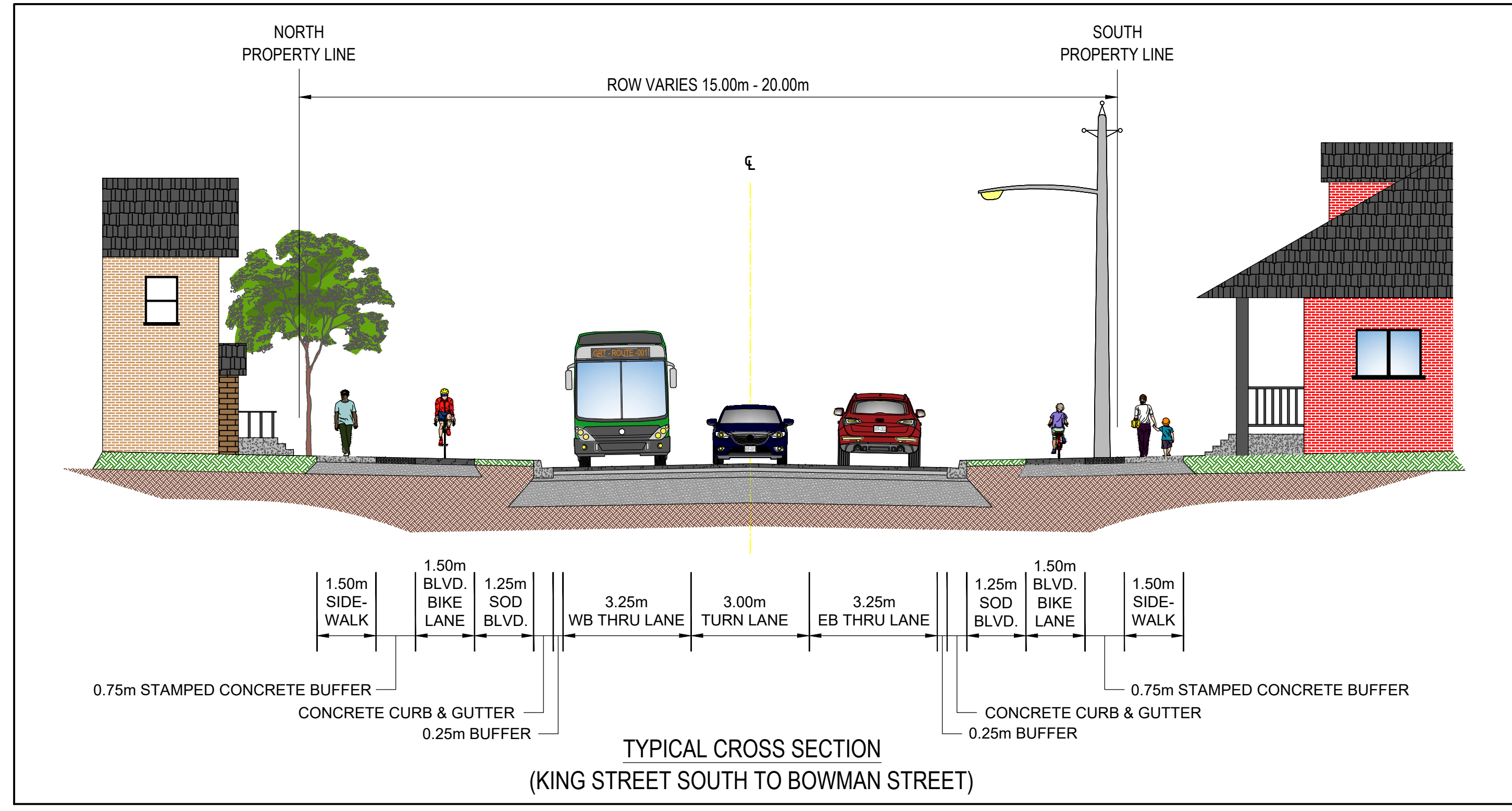
SCALE 1:250



UNION STREET EAST RE-STRIPING
(EAST OF MOORE AVENUE SOUTH)



- LEGEND**
- EXISTING PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - EXTENT OF PROPERTY ACQUISITION (TO RETAIN)
 - EXTENT OF PROPERTY ACQUISITION (TO RE-SELL)
 - LIMIT OF CONSTRUCTION
 - PROPOSED ASPHALT
 - PROPOSED MULTI-USE TRAIL
 - PROPOSED CONCRETE SIDEWALK, BUS PAD, DRIVEWAY APRON
 - PROPOSED GRASS BOULEVARD
 - PROPOSED COLOUR IMPRESSED CONCRETE BOULEVARD
 - POTENTIAL RETAINING WALL
 - PROPOSED CONCRETE CURB AND GUTTER, WIDTH VARIES
 - POTENTIAL TREE REMOVAL DUE TO ROAD RECONSTRUCTION





STAFF REPORT
Transportation Services

Title: RFT21-07 Award of Tender and Funding Release
Report Number: IPPW2021-026
Author: Chris Dedman
Meeting Type: Council Meeting
Council Date: May 31, 2021
File:
Attachments: Appendix A: maps showing locations of works
Ward No.: 3, 4 and 6

Recommendations

1. That IPPW2021-026 be approved.
2. That the 2020 capital funding for the Station Area Implementation project 202042 in the amount of \$665,000, and 2021 capital funding in the amount of \$601,000, be released, as per the 2020-2022 approved Capital Budget (ref #631).
3. That the 2021 capital funding for the Market Trail Stage 2 project 210019 in the amount of \$710,000, be released as per the 2020-2022 approved Capital Budget (ref #709) and transferred to project 202042 to cover the combined RFT21-07 costs.
4. That on January 1, 2022 capital funding for the Station Area Implementation project 202042 in the amount of \$619,000 be released as per the 2020-2022 approved Capital Budget (ref #631).
5. That on January 1, 2022 capital funding for the Market Trail Stage 2 project 210019 in the amount of \$360,000 be released as per the 2020-2022 approved Capital Budget (ref #709) to fund future projects.
6. That Council approves the award of RFT21-07 Construction of 3km of New Multi-Use-Paths to Coco Paving Inc. for the submitted price of \$1,897,000.00 plus unrecoverable HST in the amount of \$33,387.20 for a total award value of \$1,930,387.20.
7. That the Mayor and Clerk be authorized to sign the Agreement between The Corporation of the City of Waterloo and Coco Paving Inc., and any other documents related to this project, subject to the satisfaction of the City's Director of Legal Services.

A. Executive Summary

The purpose of this report is to seek Council's approval of funding to proceed with construction of multi-use-paths and other associated works on Phillip Street, Conestogo Road and Parkside Drive. The construction will include enhancement of the overall streetscape on some streets, connections to ION stations and complete important gaps within the active transportation network.

Given the Station Area Implementation and Market Trail work are very similar in nature, Staff combined the two (2) projects for efficiencies and economies of scale.

In accordance with the City's Purchasing By-Law 2019-026, tenders were solicited via RFT21-07 for the Construction of 3km of Multi-Use-Paths. Tender bids were received from six (6) qualified contractors. After reviewing the bids, it is recommended that the low bidder, Coco Paving Inc., be awarded the project. This project demonstrates the City's commitment to improving and expanding the active transportation network to provide safer multi-modal transportation options.

B. Financial Implications

The approved 2020-2022 capital budget provides for a combined total of \$2,955,000 for both projects for the Active Transportation work. This includes a total of \$1,885,000 from the Station Area Implementation project #202042, funded \$642,000 from the Parkland Dedication Reserve Fund (PUB) and \$1,243,000 from the Development Charges Reserve Fund (DC), and a total of \$1,070,000 for Market Trail Stage 2 construction, including \$805,000 from the Capital Infrastructure Renewal and Replacement fund (CIRRF) and \$265,000 from DC, as approved on February 10, 2020.

Existing funding for the Station Area Implementation planning, design and hydro relocates has been funded by project 170020. The balance of \$156,000 in this project will be used to fund the construction phase of the Station Area Implementation as well as future phases. Total project funding of \$1,976,000 will be allocated in 2021 to provide for the construction of the projects (as per the RFT).

The remaining funding of \$979,000 to be released on January 1, 2022, funded \$200,000 PUB, \$419,000 from DC and \$360,000 from CIRRF will be used to complete other future projects. Funds spent on each project will be tracked separately and any funding remaining that pertains to funding from the Market Trail Stage 2 project will be returned to project 202019 at the completion of this combined project.

The award of RFT21-07 - Construction of 3km of New Multi-Use-Paths to Coco Paving Inc. for \$1,897,000.00 (plus applicable taxes) is within the approved capital budget.

C. Technology Implications

There are no technological implications with respect to this report.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

Sustainability and the Environment:

- Planning for a city less dependent on the auto, thereby reducing the harmful effects of greenhouse gas emissions.

Safe and Sustainable Transportation:

- Expanding the City's active and accessible transportation network provides safer options for our citizens.

Healthy Community & Resilient Neighbourhoods:

- Expanding the City's active and accessible transportation network to improve the health and well-being of our citizens, and provide economical and sustainable transportation options.

E. Previous Reports on this Topic

- IPPW2019-029, Station Area Implementation Funding Release
- IPPW2017-034 Station Area Planning – Official Plan Amendment No. 14

F. Approvals

Name	Signature	Date
Author: Chris Dedman		
Director: Christine Koehler		
Commissioner: Cameron Rapp		
Finance: Susan Boldt		

CAO



RFT21-07 Award of Tender and Funding Release IPPW2021-026

1.0 Background

The City of Waterloo has been developing its active transportation network of sidewalks, trails and bikeways for many years. At a strategic level, expanding and connecting the network will improve the health and well-being of its citizens, and provide economical and sustainable transportation options. These projects are consistent with the recently approved Transportation Master Plan update.

1.1 Station Area Planning Work

In 2019, City Council approved the funding for the design for the Station Area Plans which included Seagram Drive, Conestogo Road, Hazel Street, Phillip Street and Frank Tompa Drive. The designs for Phillip Street and Conestogo Road were completed in early 2021 and prepared for construction. Both of these projects make connections to ION stations. (see maps 1 and 2 in Appendix A).

The multi use path on Phillip Street will be located on the east side between Columbia Street and Albert Street. Pedestrian refuge islands will be added in order to facilitate crossing the street to access the trail that leads to the R&T ION Station.

Phillip Street between University Avenue and Columbia Street will see improved streetscape and walkability needs, while making connections to the new Transit Hub located near the University of Waterloo ION Station. A future phase will look at replacing the existing sidewalk on the west side with a multi use path, currently targeted for 2022.

The multi use path on Conestogo Road will be located along the west and south side of the road from Northfield Drive and continuing up Bauer Place to connect with the multi use pathway on King Street. This will also serve as a direct connection to the Conestoga Mall ION Station. Currently this section of Conestogo Road has no sidewalk or trail on either side of the road.

1.2 Farmers Market Trail Work

In 2016, the Region of Waterloo funded feasibility study to realign 'The Great Trail' (formerly Trans Canada Trail) closer to the rail corridor was completed. The improved alignment between Waterloo and the market area in Township of Woolwich is a more direct connection, generally following the ION route and Waterloo Spur Line. This alignment was identified in the Regional Cycling Master Plan and City of Waterloo

Transportation Master Plan (2011). The trail will connect people to the ION system, Waterloo Central Railway and the market area, and will benefit residents, commuters and tourists using active transportation modes of travel.

The study identified 2 stages of work for the trail, with Stage 1 being located within the rail corridor between Northfield Drive and Farmers Market Road in Township of Woolwich. The design work is complete and funded for implementation by the Region in 2021.

Stage 2 of the trail has now been designed between the ION Station (at Research & Technology Park) and Northfield Drive. The new trail will be located along Parkside Drive by replacing the existing eastside sidewalk and connecting to the existing trail along Wes Graham Way (see map 3 in appendix A), and will include trail lighting.

For information, the trail interfaces with the Region's re-design of the Weber Street and Parkside Drive intersection which requires major changes, including overhead hydro and underground gas relocation. The Region's work was been deferred until 2022 to complete the gas work first. Given this, approximately 100m of the Market Trail will be implemented in 2022 under the Region's project.

Upon award of RFT21-07 it is anticipated that construction will commence in late spring and be completed by the fall. This project demonstrates the City's commitment to improving and expanding the active transportation network to provide multi-modal transportation options and is consistent with the Transportation Master Plan update.

2.0 Procurement Process

RFT21-07 was advertised on Bids and Tenders on March 29, 2021. The bid closing date was April 21, 2021 and six (6) compliant submissions were received. Bids were opened in the presence of:

- Jeff Poetker, Procurement and Inventory Coordinator
- Chris Dedman, Project Manager, Transportation Services

Table 1 below summarizes the Bid Results.

Table 1: Contractor Bid Evaluation Summary RFT21-07, Construction of 3km of New Multi-Use-Paths:

Bidder	Bid Price	Non-recoverable HST (1.76%)	Total including non-recoverable HST
Coco Paving Inc.	\$1,897,000.00	\$33,387.20	\$1,930,387.20
Steed and Evans Limited	\$1,909,000.00	\$33,598.40	\$1,942,598.40

Bidder	Bid Price	Non-recoverable HST (1.76%)	Total including non-recoverable HST
Network Underground Utilities Inc.	\$2,017,652.92	\$35,510.69	\$2,053,163.61
5 Star Paving (Cambridge) Inc.	\$2,049,087.88	\$36,063.95	\$2,085,151.83
Brantco Construction	\$2,071,038.74	\$36,450.28	\$2,107,489.02
Kieswetter Excavating Inc.	\$2,150,880.00	\$37,855.49	\$2,188,735.49

3.0 Financial Implications

In February 2020, Council approved the 2020-2022 Capital Budget of \$7,542,000 for the Station Area Implementation. The released 2020 funds in the amount of \$665,000 and 2021 funds in the amount of \$601,000 for the Station Area Implementation, will be used to commence the construction on Phillip Street and Conestogo Road. The 2022 funding of \$619,000 will be used to complete Hazel Street as well as the addition of trail lighting on priority trails around the ION station. The remaining \$5,657,000 of funding for the Station Area Implementation project #202042 is retained by Parks for parkland acquisition purposes.

A total budget of \$1,070,000 is for the Market Trail Stage 2. The released 2021 funds in the amount of \$710,000 for the Market Trail, will be used to commence the construction on Parkside Drive. The 2022 funding of \$360,000 will be used to complete the section around Weber Street in conjunction with the Region of Waterloo Weber Street Reconstruction Project. Total approved funding for 2020-2022 for all Active Transportation projects is \$2,955,000.

The funding from these projects will be used to complete - (i) the new multi-use path on the east side Phillip Street between Columbia Street W. and Albert Street; (ii) the new multi-use path along the west and south side of Conestogo Road between Northfield Drive W. and King Street N. (via Bauer Place); and (iii) the conversion of the existing sidewalk on the east side of Parkside Drive between Bearinger Road and Northfield Drive W. to a multi-use path.

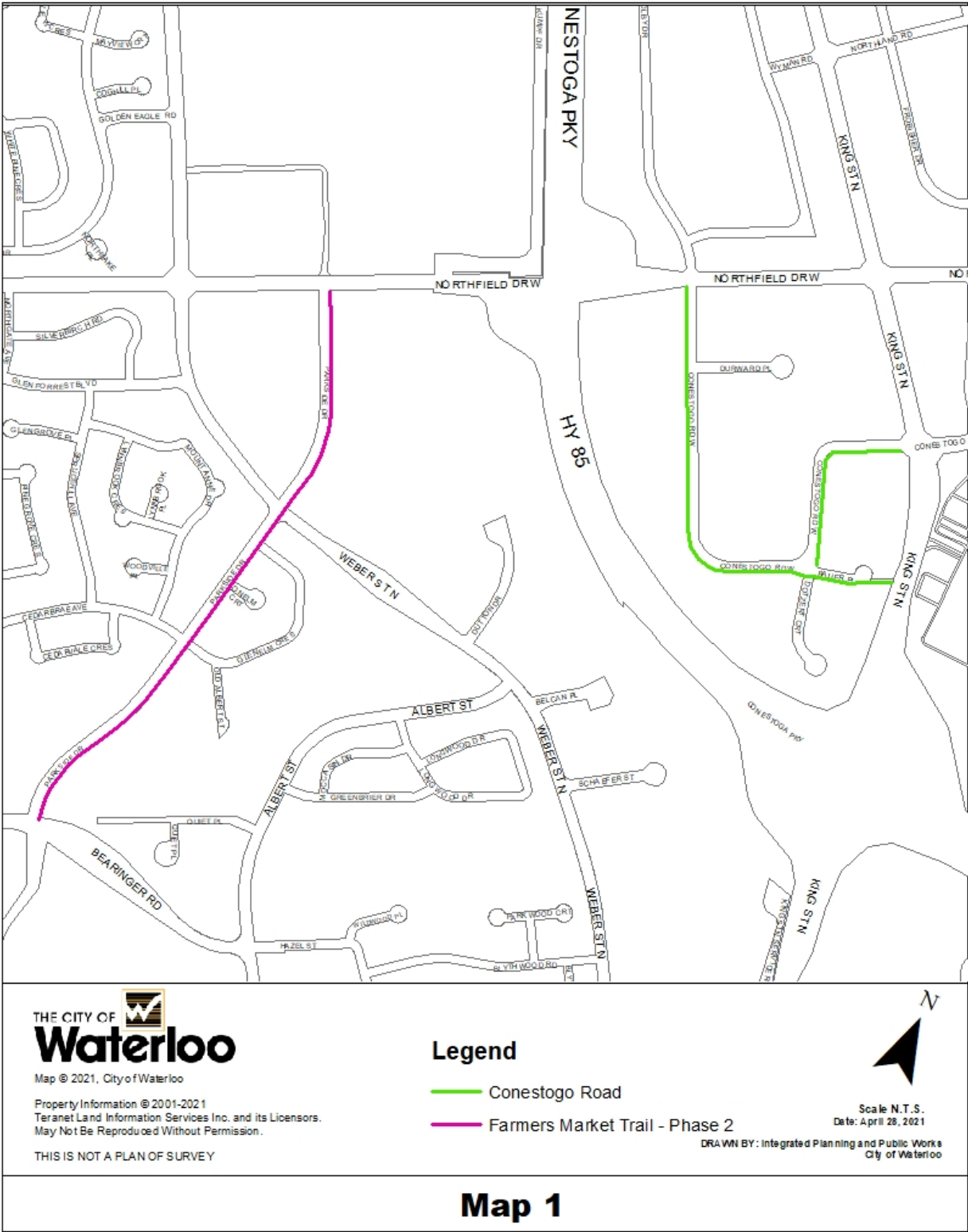
The award of RFT21-07 Construction of 3km of New Multi-Use-Paths to Coco Paving Inc. for \$1,897,000.00 (plus applicable taxes), totaling \$1,930,387.20, is within the approved capital budget, as approved by Council on February 10, 2020, as shown in Table 2 below.

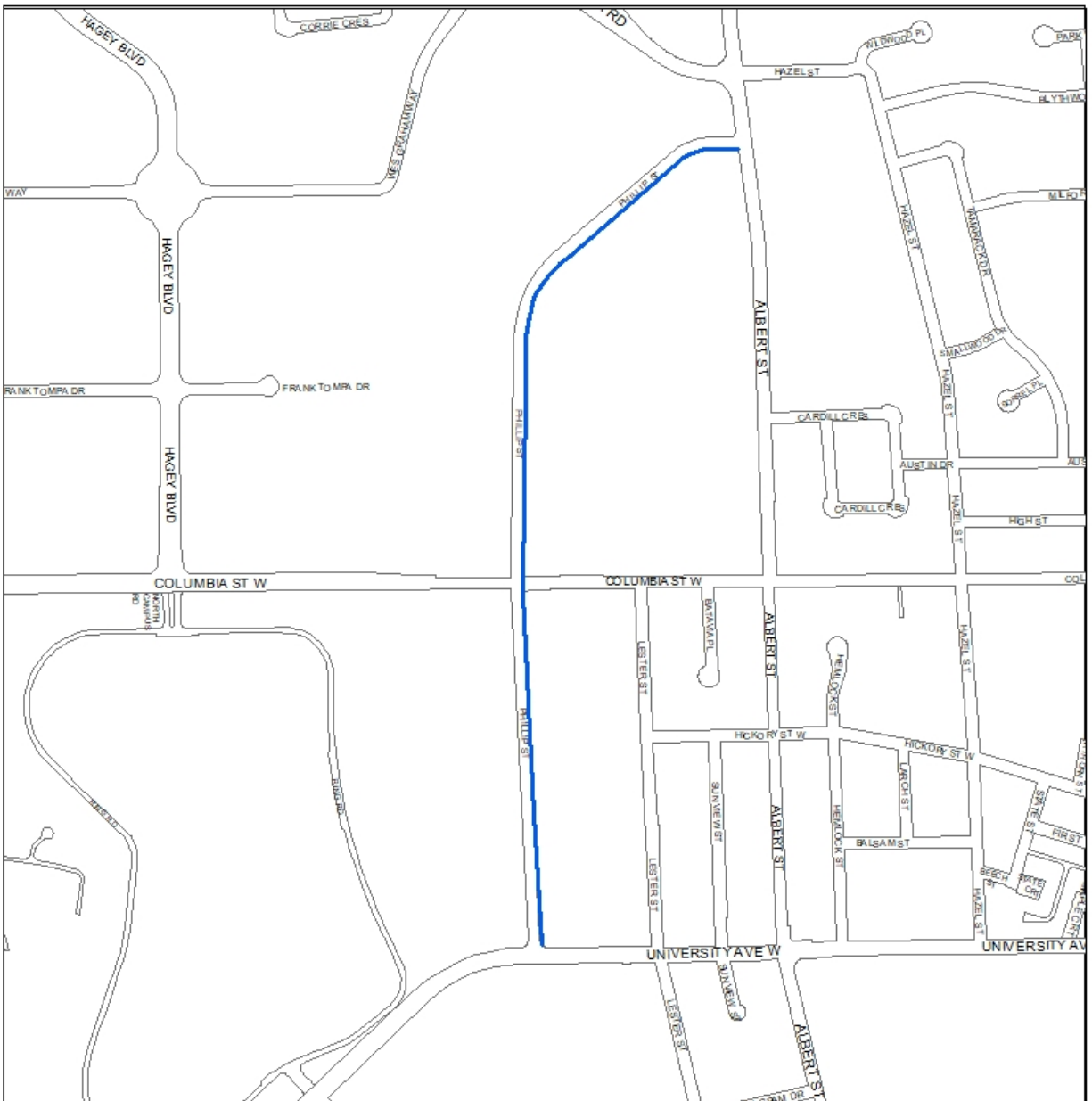
Table 2: Funding Approvals to Date and Estimated Costs:

Description	Report Number	Approval Date	\$ Amount*
Funding:			
Available funding 170020			\$156,000
Funding Ref#709 - 2021	IPPW2021-026	May 17, 2021	\$710,000
Funding Ref#709 - 2022	IPPW2021-026	May 17, 2021	\$360,000
Funding Ref#631 - 2020	IPPW2021-026	May 17, 2021	\$665,000
Funding Ref#631 - 2021	IPPW2021-026	May 17, 2021	\$601,000
Funding Ref#631 - 2022	IPPW2021-026	May 17, 2021	\$619,000
Total Funding			\$2,955,000
Projected Expenditures:			
RFT 21-07			\$1,930,387
Future projects, to be determined			\$590,472
Funding for other identified projects, and other Projected Costs (includes but not limited to): <i>contract administration, overhead, contingency, utility relocations</i>			\$434,141
Total Projected Expenditures:			\$2,955,000
TOTAL			\$0

*Note: non-recoverable portion of HST included

Appendix A





THE CITY OF
Waterloo

Map © 2021, City of Waterloo

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THIS IS NOT A PLAN OF SURVEY

Legend

— Phillip Street



Scale N.T.S.
Date: April 28, 2021

DRAWN BY: Integrated Planning and Public Works
City of Waterloo

Map 2



STAFF REPORT
Municipal Enforcement Services

Title: Recreational Backyard/Community Fires Review
Report Number: COM2021-015
Author: Nicole Papke, Director, Municipal Enforcement Services
Meeting Type: Council Meeting
Council/Committee Date: May 31, 2021
File: N/A
Attachments: [Community Campfire Program](#)
Ward No.: ALL

Recommendations:

1. That Council approve report COM2021-015.
2. That Council not amend By-law 2011-124 and maintain status quo as outlined in Option A in the report including use of approved outdoor appliances that meet the requirements of the Technical Standards and Safety Act.
3. That Council direct staff to continue the current Community Campfire Program to comply within the framework of the Covid-19 pandemic legislation over the next two years and explore and implement possible program modifications to enable more opportunities for participation as outlined in Option B in the report.

A. Executive Summary

This report is to provide Council with information related to residential recreational backyard fires and the current community fire/open burn process in parks.

On January 18th 2021, a delegation appeared before Council requesting consideration to amend the current by-law to permit backyard fires in residential zones.

Council passed the following motion for “staff to bring back a report in the fall with more information on open burns”. Staff are advancing the report at this time recognizing considerable community conversation on the matter.

Consultation was conducted with various partners in Community Services including Fire Rescue Services, Environment and Parks Services, and Community Programming and

Outreach. The group looked at other municipalities, environmental impacts, fire safety and risks, and the implications to enforcement and fire services.

Input from residents was received both through an Engage Waterloo survey that received over 2400 responses, and through alternate channels such as email and letters.

A municipal scan was conducted and some results are noted in the report. The results are varied from municipality to municipality.

Staff is recommending to Council Option A: to not amend the by-law 2011-14 and maintain status quo including use of approved outdoor appliances that meet the requirements of the Technical Standards and Safety Act. As well as, Option B: direct staff to continue the current Community Campfire Program to comply within the framework of the Covid-19 pandemic legislation over the next two years and explore and implement possible program modifications to enable more opportunities for participation as outlined in Option B in the report.

Another option that has been reviewed, but not recommended is:

Option C: investigate a pilot residential backyard fire program with regulations that includes setbacks, permits, registry and enhanced staffing resources to support the program. Report back in two years on outcomes.

B. Financial Implications

Option A: No financial implications.

Option B: Financial implications will be further reviewed. Existing budgets will be utilized to fund any program modifications until presented as part of the next budget cycle.

Option C: For the two year pilot the approximate cost per year would be \$430,000. This would include two (2) part-time compliance officers for the regulation and enforcement of back-yard fires, one (1) fire prevention officer, one (1) clerical support, a dedicated vehicle and additional equipment and training. This pilot could primarily be funded from the Council's Community Priority and Contingency Reserve with the remaining funding from General Operating Contingency Reserve. If the pilot were made permanent in 2024 it would result in a 0.5% tax increase.

C. Technology Implications

Option A: No implications.

Option B: Current booking and scheduling systems would need to be expanded to support modifications to a community campfire program.

Option C: Current IT systems will enable a permit and registry system to be established to support a pilot backyard fires program.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

Healthy Community and Resilient Neighbourhoods

Sustainability; Service Excellence

E. Previous Reports on this Topic

Report: PS-BL2011-21- Open Fires Enforcement

F. Approvals

Name	Signature	Date
Author: Nicole Papke		
Director:		
Commissioner: Mark Dykstra		
Finance: Filipa Reynolds		

CAO



Recreational Backyard/Community Fires COM2021-015

Background:

On January 18th 2021, a delegation appeared before Council requesting consideration to amend the current by-law to permit backyard fires in residential zones. The delegation presented a comprehensive and thoughtful insight to the enjoyment and communal benefits of backyard recreational fires.

Council directed “staff to bring back a report in the fall with more information on open burns”. Staff are advancing the report at this time recognizing considerable community conversation on the matter.

Current Open Air Fire By-law

The City’s current By-law 2011-124 regulates open air fires and prohibits any open air fires, using solid fuel i.e. wood at any time on residential properties unless an application is made in writing to the Chief Fire Prevention officer 30 days in advance of the proposed open air fire using solid fuel. In alignment with the Ontario Fire Code the city’s by-law permits outdoor appliances that meet the requirements of the Technical Standards and Safety Act, 2000 to be utilized in residential areas. These are appliances fueled by propane and natural gas. The current by-law was enacted in 2011 with a strong focus on environmental concerns, respiratory health, fire and life safety, and nuisance concerns.

Engage Waterloo

An engage Waterloo [Recreational Fires survey](#) was initiated and was available on-line in March of 2021. This survey was helpful to gauge public sentiment as related to backyard residential fires, but it should not be considered as statistically reliable as the number of responses is small relative to the city’s population. In addition, the survey was not sent or offered to a randomly selected portion of the city’s population.

The survey received over 2,400 responses. With regard to the fundamental question, 80 percent of respondents reported being in favour of backyard residential fires with

restrictions. It should be noted that the respondents of the survey did not express an interest in an enhanced community campfire program.

There was a great deal of information obtained from the survey. Of those who completed the survey, 53 percent had no concerns with backyard fires. The remaining cited, with multiple choices permitted, concerns with fire safety (36 percent), odour/haze from smoke (27 percent), environmental impacts from burning (22 percent) and health issues (15 percent). Of those opposed to backyard fires, multiple choices permitted, 44 percent cited the odour and smoke as the primary concern, followed by 40 percent indicating the environmental impacts from open burns, followed by safety and health.

While the survey provided some information, there has been a great deal of discussion about fires in residential areas. For example, those wishing to have backyard fires, the idea of enjoying a fire on your own property, especially during the pandemic, has been very emotional and appealing. There have been many other concerns related to the environment, health and nuisance odours and smoke raised. Those in favour, including the delegation, have stated backyard fires are vital to mental health during the pandemic, while those opposed to a change in the by-law, have expressed that the health effects and nuisance concerns of backyard fires would be concerning to their mental health, given the current stay at home restrictions.

Municipal Scan

The open air burning by-law in the City of Kitchener permits backyard fires with regulations, has also been a driver for some Waterloo residents to be able to also have backyard fires. While Kitchener allows backyard fires with regulations, those regulations are such that there are limits to the homes that meet the regulations of being 5m from any structure, property line, tree or overhead utility.

A municipal scan across the province revealed that only seven municipalities allow backyard fires without permits. There are fourteen municipalities that permit fires with a permit, however six of that fourteen will only issue permits in rural areas. The remaining municipalities, including Waterloo do not permit backyard fires.

It is also relevant to note that regardless of the regulations to permit backyard fires and fire pits there will be properties that will not meet the requirements and this could create a sense of imbalance throughout the City, which has been noted in other municipalities.

Table 1 - Municipal Scan

Municipality	Regulations
Kitchener	yes- 5m setback from structures, trees, roads or utility
Cambridge	Yes- 150m setbacks from structures (rural properties only)
Guelph	not permitted
Brantford	not permitted
Brampton	yes with permit-10m setbacks from structures(large properties)

Municipality	Regulations
Mississauga	yes 5m setbacks
Milton	yes with permit- 5m setbacks from structures
Kingston	not permitted
Windsor	not permitted
Ajax	not permitted
Richmond Hill	yes with permit and 15m setbacks from structures(very large properties)
Whitby	yes in rural areas only

Health and Environment

The Region of Waterloo Public Health website lists reducing wood fires and the burning of leaves and trash as an improvement to air quality for all residents in our community. Wood smoke is known to be particularly dangerous for those with pre-existing heart and lung issues. Wood smoke can also exacerbate symptoms in those with asthmas, chronic bronchitis and emphysema.

William (Bill) Anderson, Ph.D., P. Eng, Professor Chemical Engineering University of Waterloo, contacted staff and shared information entitled [Impacts of Wood Burning on Air Quality](#) after learning of the consideration to backyard fires in the City of Waterloo.

He writes that residential burning of wood or other combustibles in a typical open pit 'is an uncontrolled and inefficient combustion system that results in the generation of particulate matter'. His conclusions are that this particulate matter contributes to air pollution and is a recognized carcinogen and health hazard and that any by-laws should consider these impacts.

Option A - Not amend the current by-law and maintain status quo

Based on the fire safety and the enforcement considerations outlined below staff are recommending that Council not amend the current by-law and maintain status quo

Fire Safety and Response

From a fire safety perspective, open burning constitutes various risks to the community such as smoke inhalation, the potential for burns and explosions if accelerants such as gas, kerosene or oil are used to start or enhance a fire. There is also an immediate risk associated with open air fires in an urban setting related to fire spread and therefore significant risk to adjacent buildings, trees, fences and other structures, all of which can transition to matters of life safety.

Fires Services has been required to respond to open burning complaints with the additional requirement to travel throughout neighbourhoods in an attempt to locate the origin of the smoke odour. Often times a complaint is reported without an address that must still be investigated by emergency responders. Fire dispatch or direct calls to fire

stations to report complaints are often requested to be anonymous so the caller can avoid conflict among their neighbours. Overall, this type of response is considered a nuisance response and can prevent Fire Services from responding to 9-1-1 emergencies in the community. Therefore, it is recommended that the by-law not be amended and residents would continue to be able use backyard fire appliances that are TSSA and CSA approved.

From a fire safety and response stand point, should Council direct staff to amend the by-law to permit a pilot for open burning, there should be increased setbacks to mitigate safety concerns and assist with nuisance smoke, regulations on the types of wood and material being burned, and the enhanced ability for the Fire Chief to declare a fire ban when there are environmental and other conditions that would contribute to risk in our community. In addition to a required permit process to self regulate and a daily open burning registry, similar to parking, there should be limits on a households' annual number of backyard fires that is considerate of the environment and safety.

Enforcement Considerations

Municipal Enforcement Services has identified that permitting fires increases the potential for nuisances such as smoke and odour migrating into the homes of neighbouring properties and the noise related to gathering at those locations. These are the nature of the majority of complaints that enforcement staff are called to address as related to backyard fires. It should be noted that these complaints would continue regardless of any proposed regulations.

The following is an overview of the volume of backyard fire complaints received over the past four years in the City of Waterloo.

Table 2 Backyard Fire Complaints

Year	Count
2017	64
2018	38
2019	36
2020	86

Permitting backyard fires will have an impact on enforcement resources, from the permit process and registry administration to the availability of officers to attend to complaints. The City of Kitchener has permitted backyard fires subject to regulations since 2013. The City of Kitchener received 311 complaints related to backyard fires in 2020, and 243 in 2019. These complaints are the total number of complaints and do not indicate whether the regulations were in compliance but rather illustrates the impact on staff.

Option B: Community Campfire Program

The City of Waterloo currently has a program for community campfires. As part of the Neighbourhood Strategy, staff heard that residents were interested in having campfires as part of neighbourhood events. Staff from Community programming and Outreach Services, Environment and Parks Services, and Fire Rescue Services with assistance from Legal Services, Municipal Insurance Pool and Municipal Enforcement Services worked together to formulate procedures to allow for campfires in community parks while managing risk. The open burn approval in parks included a formalized intake process, site and permit approvals and a toolkit for residents to understand the requirements, and supplying community members with a campfire supply kit. [Community Campfire Program](#)

The program launched in fall of 2019 for significant community events with religious, cultural or neighbourhood connections (50 people minimum) and was to be monitored for improvements or modifications over the next three to five years. There were several bookings in 2019 and up until March of 2020 when the Covid-19 pandemic was declared and community events and gatherings were halted.

We are optimistic gatherings in 2022 will resume to enable us to monitor and evaluate this program in the next two years. Modifications of this program will be explored, considering options such as reducing the minimum attendees required based on staff experience with the existing program once community gatherings recommence. Further modifications to be considered over this time could include numbers of people to gather, individual household use, size of the fire containers and number of fire containers. Any modifications, such as permanent fire pits in parks, would require additional staff and financial resources to support safe implementation.

As information, the City of Calgary offers permanent fire pits in some parks on a first come first serve basis. The City of Toronto has fire sites available through a permit process if designated or through application to Toronto Fire prevention.

Option C: Proposed Recreational Backyard Fires Pilot Program

A two year pilot project to permit backyard fires, with regulations and a permit and registry program could be considered by Council. The program would enable recreational backyard fires based on minimum setbacks from any structure, tree, or utility line. To align with environmental and health concerns, yearly limits would be placed on the number of fires at each residence, that met the regulations. Residents would be required to register their fire, similar to registering a vehicle for overnight parking. There would be limits on a households' annual number of backyard fires. There would be regulations around the time of day and materials that could be burned.

Staff would report back on outcomes of the program at the end of the pilot. This option is not recommended by staff.



STAFF REPORT Planning

Title: Zoning By-law Amendment Z-20-06 to Remove the Holding Symbol from 364 Woolwich Street, Sunvest Homes Corp.

Report Number: IPPW2021-018.1

Author: John Vos

Meeting Type: Council Meeting

Council/Committee Date: May 31, 2021

File: Z-20-06

Attachments: Map 1 – Schedule “A” to Zoning By-law Amendment Z-20-06
Appendix ‘A’ – Criteria to Remove the Holding Symbol
Appendix ‘B’ – Proposed Lotting Plan
Appendix ‘C’ – Alternative Recommendations
Appendix ‘D’ – Alternative Holding Removal Schedule

Ward No.: Southeast, Ward 5

Recommendations:

1. That IPPW2021-018.1 be approved.
2. That Council approve Zoning By-law Amendment Z-20-06 to remove the holding (H) symbol from the lands municipally known as 364 Woolwich Street in accordance with Section 6 of IPPW2021-018 and Section A of IPPW2021-018.1.
3. That Council adopt the Block Plan attached as Appendix ‘C’ to IPPW2021-018 to guide the future division of land on the north side of Woolwich Street between Maverick Street and Cedarcliffe Drive.

A. Report

Sunvest Homes Corp. (“the Applicant”) is requesting to remove the holding (H) symbol from the lands known municipally as 364 Woolwich Street (the “Lands”) to permit the redevelopment of the parcel, which includes the demolition of the existing residence and the creation of three (3) serviced lots for single detached dwellings fronting onto Woolwich Street.

A Formal Public Meeting occurred on April 19, 2021 which included a presentation from City staff, and delegations from: (i.) the Applicant’s planning consultant (IBI Group) in support of the removal of the holding symbol; and (ii.) the neighbouring landowner to the north in opposition to the removal of the holding symbol and proposed redevelopment. The meeting was concluded, and opened to Council for a motion and debate. Council

voted unanimously to defer its decision, seeking further assurances that the elm tree on Woolwich Street will be protected, and directed staff to consult the City's Manager of Parks Operations, Forestry and Horticulture. As indicated in Appendix 'A', one of the requirements to lift the holding symbol is: "Verification through a detailed vegetation management plan that street trees and their root zones will not be impacted, including the large elm tree on Woolwich Street, to the satisfaction of the City of Waterloo."

The City's Manager of Parks Operations, Forestry & Horticulture reviewed the Arborist Report (<https://www.waterloo.ca/en/government/resources/Documents/Zone-Change-Applications/364-Woolwich-St/Arborist-Report.pdf>) and accepts the conclusions in-principle, including that the elm tree is structurally sound and continues to be in good health and condition and should be protected. Protection measures to include the following:

- Tree Protection Fencing should be installed around the perimeter of the root structure prior to site works and house demolition;
- No disturbance including excavation or grading should occur beyond the eastern edge [along the full length] of the existing driveway;
- The existing driveway on the subject property should be maintained in place and utilized for the new residence if development is to proceed on Lot C;
- If driveway improvements are proposed, it is recommended that a watering program be implemented for the duration of the growing season to promote long term tree health;
- Resurfacing or minor regrading of the driveway is not expected to have a significant impact on the elm tree if the eastern edge is maintained in the existing condition. Any excavation required for resurfacing should not exceed 100mm (3.9 inches) in depth.

Staff also recommend that the Tree Protection Zone around the elm tree be enlarged a minimum of 1 metre beyond the dripline to ensure the full root structure is protected as shown on the images below. This is consistent with the recommendation in the Arborists Report for other trees proposed to be retained on/near the property boundary.

Figure 1: Vegetation Management Plan

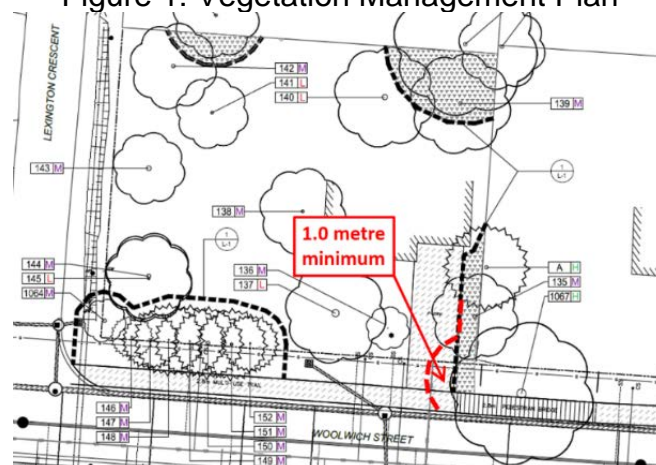
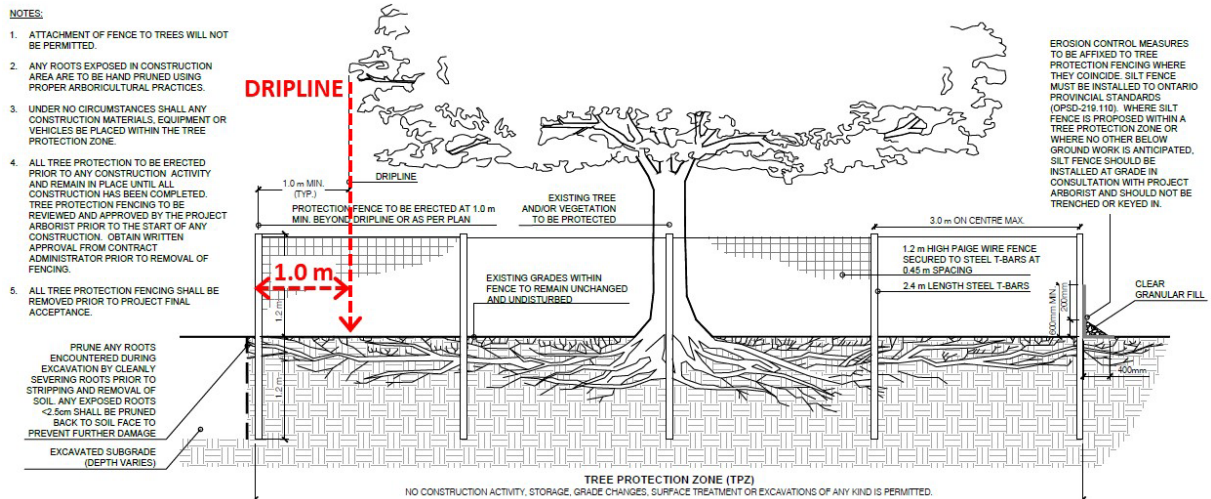


Figure 2: Tree Protection Zone



Planning Division staff recognize the significance of the elm tree given its healthy condition, size, age, and resilience despite dutch elm disease within the surrounding area. Staff also recognize that any damage that occurs to the tree (including its roots) would likely be irreversible. The recommendations outlined above are advanced in an effort to mitigate damage to the elm tree as a result of the new development. Further to the above recommendations, Planning Division staff recommend the following additional conditions be applied:

- a) that servicing and site works for the existing dwelling and the proposed new dwellings on the lands occur outside of the Tree Protection Zone (TPZ) of the elm tree, unless otherwise authorized in writing by the City's Manager of Parks Operations, Forestry & Horticulture with conditions;
- b) that during any work within or near the Tree Protection Zone of the elm tree, that staff from Parks Operations, Forestry & Horticulture be on site to observe and monitor the works, at the expense of the owner;
- c) that financial securities be posted by the owner to ensure that the tree protection measures are implemented and the elm tree remains in good health and condition post-development, in an amount not less than \$100,000, to the satisfaction of the City;
- d) that salt / chloride and like substances for winter maintenance that are harmful to trees be prohibited on the driveways to Woolwich Street, to the satisfaction of the City's Manager of Parks Operations, Forestry & Horticulture.

The recommendations of the Arborist Report and conditions of the City would be implemented through a development agreement registered on title to the property, secured through the consent (severance) application process. The agreement would also

include the recommendations from the Multi-Use Trail Assessment and the Block Plan Report.

Notwithstanding the above, certainty cannot be provided that the elm tree will not be impacted. Development impacts can be mitigated, but not entirely eliminated. If Council remains concerned, to further mitigate impacts, an alternative recommendation is provided in Appendix 'C' for consideration.

Based on Integrated Planning & Public Works' review of the application, the Applicant has met the basic requirements to allow Council to consider the holding removal application.

B. Financial Implications

Staff is not aware of any financial implications to the City with respect to the requested application. Only the Applicant has the right to appeal. Should the application be appealed, potential costs related to a Local Planning Appeal Tribunal (LPAT) hearing may be incurred.

C. Technology Implications

None.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

The recommendations in this report support the 'Healthy Community & Resilient Neighbourhoods' Strategic Objective by allowing for context appropriate infill development on fully serviced lands.

E. Previous Reports on this Topic

IPPW2021-018

F. Approvals

Name	Signature	Date
Author: John Vos		
Director: Joel Cotter		
Commissioner: Cameron Rapp		
Finance: N/A		

CAO

Map 1 – Schedule “A” to Zoning By-law Amendment Z-20-06



APPENDIX 'A'

Criteria to Remove the Holding Symbol 364 Woolwich Street

Notwithstanding anything to the contrary, the holding symbol shall not be removed until the following criteria are satisfied:

- A. Verification through a detailed vegetation management plan that street trees and their root zones will not be impacted, including the large Elm tree on Woolwich Street, to the satisfaction of the City of Waterloo.
- B. Verification through a scoped hydrogeological assessment and scoped engineering study that private services on nearby lands will not be permanently disrupted or degraded as a result of development or home construction on the lands, to the satisfaction of the City of Waterloo.
- C. Verification through a scoped hydrogeological assessment that building footings will be located at least 0.5 metres above the maximum elevation of the seasonally high groundwater table and or maximum elevation of any groundwater mounding, unless other directed by the City of Waterloo.
- D. Verification through a scoped multi-use trail assessment that development on the lands will not impact the Walter Bean Grand River Trail within the abutting Woolwich Street road allowance, to the satisfaction of the City of Waterloo.
- E. Verification through a Block Plan that development on the lands will be compatible with nearby residential properties and that the planned residential character on the north side of Woolwich Street will not be adversely impacted, to the satisfaction of the City of Waterloo.

APPENDIX 'B'

Proposed Lotting Concept



APPENDIX 'C'

Alternative Recommendation

Alternative Recommendation:

1. That IPPW2021-018.1 be approved.
2. That Council approve Zoning By-law Amendment Z-20-06 in part, removing the holding (H) symbol applied to that portion of the lands municipally known as 364 Woolwich Street and shown on Appendix 'D' to IPPW2021-018.1 as "Remove Holding".
3. That Council adopt a modified Block Plan attached as Appendix 'C' to IPPW2021-018 to guide the future division of land on the north side of Woolwich Street between Maverick Street and Cedarcliffe Drive, modifying 364 Woolwich Street to allow for a maximum of two (2) single detached dwellings on the lands where the holding (H) symbol has been removed.

Comments

The above recommendation removes the holding symbol from the portion of the lot furthest from the elm tree, while retaining the holding symbol nearest the elm tree to minimize potential development impacts. The recommendation allows for the following scenarios to occur:

1. Retention of the existing house, and a new single detached dwelling constructed to the west of the existing house.
2. Demolition of the existing house, and the lands divided into two larger lots for new single detached dwellings, with the easterly lot sized to accommodate various protection measures for the elm tree.
3. Demolition of the existing house, and the lands divided into three lots for new single detached dwellings in general accordance with Appendix 'B', with the permitted single detached dwellings limited to Lots A and B. Lot C would be held (no development) until the Elm tree dies of natural causes in the future, and the holding symbol is removed through a subsequent application.

APPENDIX 'D'

Alternative Holding Removal Schedule





STAFF REPORT Planning

Title: Official Plan Amendment No. 31, Zone Change Application Z-20-02, Draft Plan of Subdivision 30T-20401, West Haven Limited, 28 Westhill Drive

Report Number: IPPW2021-034

Author: John Vos

Meeting Type: Council Meeting

Council/Committee Date: May 31, 2021

File: OPA 31, Z-20-02, 30T-20401

Attachments: Map 1 – Subject Lands
Map 2 – Proposed Official Plan Amendment
Map 3 – Proposed Zone Change
Map 4 – Draft Plan of Subdivision 30T-20401
Appendix 'A' – Site Specific By-law
Appendix 'B' – Minutes of the Informal Public Meeting
Appendix 'C' – Agency Comments
Appendix 'D' – Public Comments
Appendix 'E' – Preliminary Site Plan for Apartment Building
Appendix 'F' – Conceptual Building Renderings
Appendix 'G' – Standard Conditions of Subdivision Approval

Ward No.: Ward 1, Southwest

Recommendations:

1. That Council approve IPPW2021-034.
2. That Council adopt Official Plan Amendment No. 31 (OPA 31), City of Waterloo, West Haven Limited, 28 Westhill Drive, as set out in Section 7 of IPPW2021-034.
3. That Council request that the Regional Municipality of Waterloo approve Official Plan Amendment No. 31 (OPA 31).
4. That Council approve Zoning By-law Amendment Z-20-02, West Haven Limited, 28 Westhill Drive, as set out in Section 7 of IPPW2021-034.
5. That Council endorse Draft Plan of Subdivision 30T-20401, West Haven Limited, 28 Westhill Drive, as set out in Section 7 of IPPW2021-034.

A. Executive Summary

West Haven Limited (the 'Applicant') has submitted Official Plan Amendment Application No. 31 ("OPA 31"), Zone Change Application (Z-20-02), and Draft Plan of Subdivision 30T-20401 for the lands municipally addressed as 28 Westhill Drive (the 'Lands'). The Lands are currently developed with a single detached dwelling and an accessory structure. The Applicant is proposing to develop the Lands with nineteen (19) lots for single detached dwellings, a four-storey apartment building, walkways connecting to the existing trail network, and open space lands which will allow for expansion of the adjacent stormwater management facility. The subdivision will result in the completion of the Westhaven Street by connecting the northerly and southerly portions of the street.

To facilitate the development, the Applicant is proposing the following policy and zone changes:

- Change the Official Plan designation for a portion of the lands (Blocks 21 and 22) from Low Density Residential to Open Space to allow for the expansion of the adjacent storm water facility and a new walkway;
- Create a Site Specific Provision in the Official Plan to allow a maximum height of 13 metres for the proposed apartment building (Block 20);
- Rezone the apartment building (Block 20) from Future Determination (FD) to Residential Nine (R9) with site specific provisions to allow for a maximum building height of 13 metres;
- Rezone the single detached lands (Lots 1 to 12, and parts of Lots 13-19) from Future Determination (FD) to Residential Four (R4);
- Rezone the walkway connecting Westhaven Street and Westhill Drive (Block 23) from Future Determination (FD) to Parks and Recreation (OS1);
- Rezone the open space lands and the walkway connecting to Westhaven Street (Blocks 21 and 22) from Future Determination (FD) to Conservation (OS3).

Based on Integrated Planning & Public Works' review of the application, staff supports Official Plan Amendment No. 31, Zone Change Application Z-20-02, and Draft Plan of Subdivision 30T-20401 as specified in Section 7, for reasons outlined in Section 6 of this report.

B. Financial Implications

None. Should the application be appealed, the potential costs related to a Local Planning Appeal Tribunal (LPAT) hearing may be incurred.

C. Technology Implications

None.

D. Link to Strategic Plan

(Strategic Objectives: Equity, Inclusion and a Sense of Belonging; Sustainability and the Environment; Safe, Sustainable Transportation; Healthy Community & Resilient Neighbourhoods; Infrastructure Renewal; Economic Growth & Development)

(Guiding Principles: Equity and Inclusion; Sustainability; Fiscal Responsibility; Healthy and Safe Workplace; Effective Engagement; Personal Leadership; Service Excellence)

The recommendations of this report support the 'Healthy Community & Resilient Neighbourhoods' objective of the Strategic Plan through developing an underutilized property and providing a range of housing types within an established neighbourhood.

E. Previous Reports on this Topic

None.

F. Approvals

Name	Signature	Date
Author: John Vos		
Director: Joel Cotter		
Commissioner: Cameron Rapp		
Finance: N/A		

CAO



**Official Plan Amendment No. 31, Zone Change Application Z-20-02, Draft Plan of Subdivision 30T-20401, West Haven Limited, 28 Westhill Drive
IPPW2021-034**

SECTION 1 – BACKGROUND INFORMATION

Location: 28 Westhill Drive & Block 105 on Plan 58M-415

Ward: 1 - Southwest

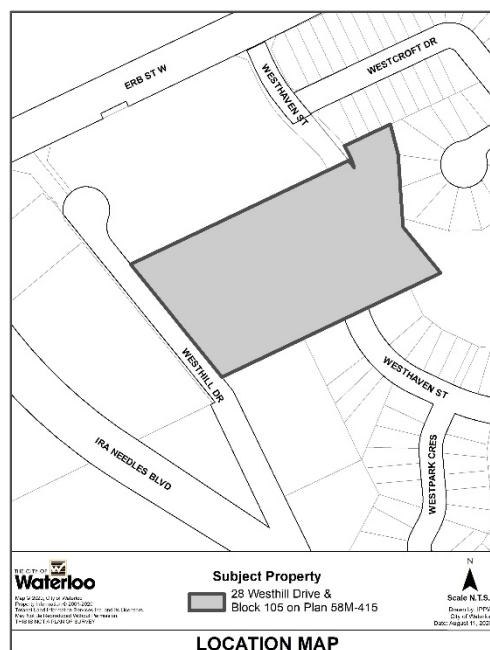
Total Lot Area: 2.19 hectares (5.4 acres)

Owner/Applicant: City of Waterloo

Existing Use: Single Detached Dwelling

Proposed Use: Multiple Residential, Single Detached Residential, Open Space, Walkways

Public Input: An Informal Public Meeting was held on October 5, 2020. Public and agency comments received have been considered during the preparation of this report, where appropriate. Mechanisms used to gather input in relation to these applications are summarized in the following chart:



Mechanism	Date	Results
Agency Circulation	September 25, 2020	Agency Comments provided in Appendix B.
Informal Public Meeting	October 5, 2020	Meeting minutes provided in Appendix A.
Advertised Formal Public Meeting	May 6, 2021 (The Record) May 13, 2020 (Waterloo Chronicle)	The meeting has been advertised in two newspapers and a letter was sent to property owners within 120 metres of the subject lands and those who requested notice at the Informal Public Meeting.
Formal Public Meeting	May 31, 2021	Council considers the application.

1.1 Subject Lands & Surrounding Context

The subject lands are located within the Westvale neighbourhood on the southwest side of the City and are known municipally as 28 Westhill Drive (the 'Lands'). The Lands have an area of 2.19 hectares and are currently developed with a single detached dwelling and an accessory structure.

Lands to the east and south are generally developed with single detached dwellings. The property to the north is planned to be developed with two (2) thirteen-storey apartment buildings and five (5) stacked townhouse buildings. On the west side of Westhill Drive is a long term care facility and an apartment geared towards retirees.



SECTION 2 – PROPOSED DEVELOPMENT

The Applicant proposes to create a plan of subdivision for a residential development. The subdivision (see Map 4) will contain single detached dwellings fronting onto the extension of Westhaven Street and an apartment building fronting onto Westhill Drive. It will also include a walkway connecting Westhill Drive to Westhaven Street, and a second walkway connecting to the existing stormwater management facility and the trail network beyond. The Applicant has submitted an Official Plan Amendment and Zone Change application to implement the proposed subdivision. Additional information related to the applications is contained in Section 3 below.

SECTION 3 – PLANNING ACT APPLICATIONS

3.1 Official Plan Amendment No. 31

Official Plan Amendment No. 31 seeks to amend the City's Official Plan by:

1. Adding Specific Provision Area No. 73 (SPA 73) to allow an apartment building with a maximum height of 13 metres (4 storeys), where currently the maximum height is 12 metres (4 storeys) within the Low Density Residential designation.
2. Re-designating a portion of the lands to "Open Space" for the purpose of a stormwater management facility and related walkway.

3.2 Zone Change Z-20-02

Zone Change Application Z-20-02 seeks to amend Zoning By-law 2018-050 by implementing the Official Plan (as amended by OPA 31) in alignment with the land uses proposed with Draft Plan 30T-20401. If approved, the Lands would be zoned as follows (see Map 3):

1. From Future Determination (FD) to Residential Four (R4)
2. From Future Determination (FD) to Residential Nine (R9), with site specific provisions to permit a maximum building height of 13 metres (4 storeys)
3. From Future Determination (FD) to Parks and Recreation (OS1)
4. From Future Determination (FD) to Conservation (OS3)

3.3 Draft Plan of Subdivision 30T-20401

The Applicant proposes to create a plan of subdivision that includes single detached residential lots, a multiple residence (apartment), walkways, open space, and the completion of Westhaven Street. The proposed land uses are included in the table below:

Lots/Blocks	Land Use	Area (ha.)
Lots 1 – 19	Single Detached Residential	0.78
Block 20	Multiple Residential	1.07
Block 21	Open Space	0.06
Block 22 & 23	Walkway	0.05
	Roads	0.23
Total		2.19 hectares

SECTION 4 – PLANNING POLICY FRAMEWORK

4.1 Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (the “PPS”) establishes the vision and policy framework for matters of provincial interest related to land use planning and development in Ontario. Collectively, the policies aim to focus growth within existing settlement areas; promote efficient development and land use patterns to minimize land consumption and servicing costs; support densities that provide for a more compact urban form and building strong and safe communities.

In staff’s opinion, the proposed applications are consistent with the PPS:

- The proposed applications will result in the efficient use of land and existing infrastructure.
- The proposed applications will be transit-supportive, accommodating additional density in a compatible built form, in an area that is served by public transit.

4.2 Growth Plan for the Greater Golden Horseshoe (2019)

The 2019 Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) provides a framework for managing growth, protecting resources, and promoting economic investments within the Greater Golden Horseshoe to the year 2041. Building on the policy foundation of the PPS, the Growth Plan provides more specific land use planning policies for managing growth. Some of the key guiding principles in section 1.2.1 include:

- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*
- *Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.*

Furthermore, in section 2.2.6.3 the Growth Plan stipulates that municipalities are to “require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes”.

In staff’s opinion, the proposed development conforms to, or does not conflict with, the Growth Plan for the following reasons:

- The proposed development will supply a range of housing types (single detached dwellings and apartments) and unit sizes (1 and 2 bedroom units).
- The proposed development is within a comprehensively planned settlement area with municipal services and infrastructure.
- The proposed development will efficiently use the subject site while also supporting the existing public transit system.

4.3 Region of Waterloo Official Plan (2015)

The Regional Official Plan (ROP) provides a land use policy framework that implements the PPS and Growth Plan in the regional context. The lands are located within the Urban Area Boundary and the Urban Designated Greenfield Area (as shown on ROP Map 3a, Urban Area). In staff's opinion, the proposed applications conforms to the ROP for the following reasons:

- It directs growth and intensification to the Urban Area.
- It contributes to a network of continuous sidewalks, community trails and bicycle pathways that provide direct linkages within the neighbourhood and surroundings destinations.
- It completes the road network, thereby providing direct and efficient transit routes within the neighbourhood

4.4 City of Waterloo Official Plan

The City of Waterloo Official Plan designates the Lands as follows:

- Schedule 'A' (Land Use Plan) – Low Density Residential ("LDR")
- Schedule 'B1' (Height and Density) – Low Density, 10 metres
- Schedule 'B3' (Designated Greenfield Areas) – Designated Greenfield Areas
- Schedule 'B4' (Source Water Protection Areas) – WPSA-8
- Schedule 'C' (District Boundaries) – Westvale
- Schedule 'E' (Road Classification System) – Westhill Drive and Westhaven Street are identified as 'Local Roads'

The LDR designation is intended to accommodate primarily low-rise residential land uses including singles, semis, townhouses, as well as apartments where certain criteria are met. The LDR designation allows for a maximum density of 150 bedrooms per hectare and a maximum building height of 10 metres, while authorized apartment buildings are permitted up to 12 metres in height.

The proposed development generally meets the intent of the LDR designation, however the Applicant has requested an increase in building height for the proposed apartment to 13 metres (4 storeys) to allow for increased ceiling heights between each floor. Section 5 contains a planning evaluation of the proposed amendment.

4.5 Westvale Residential District Plan Comments

The Lands are located in the Westvale Residential District Plan. They are designated Low Density Residential (Density Range 1) which has a density range of 0-11 units per net acre and differs from the Official Plan. The District Plan was approved in 1978 and predates important policy changes such as the City Official Plan (2012) and the

Province's Growth Plan for the Greater Golden Horseshoe. Official Plan policy 12.2.1(7) states that Official Plan policy takes precedence over District Plans in cases of conflict. Specifically,

"In cases of clear conflict between the general policies of the Official Plan and the provisions of a District Plan, the policies of the Official Plan shall take precedence and efforts will be made to revise the subject District Plan or the Official Plan."

4.6 City of Waterloo Zoning By-law 2018-050

The Lands are currently zoned Future Determination (FD) in By-law 2018-050. The FD zone only permits the existing structures and land uses, thereby requiring a zone change application to determine which new zone category is appropriate.

The Applicant is proposing through Z-20-02 to rezone the Lands to Residential Four (R4), Parks and Recreation (OS1), Conservation (OS3), and Residential Nine (R9) with site specific provisions to permit an apartment with a maximum building height of 13 metres (4 storeys). These zones reflect the development configuration proposed through Draft Plan 30T-20401.

SECTION 5 – PLANNING EVALUATION

Staff have reviewed the applications (OPA 31, Z-20-02, 30T-20401) and provide the following summary comments:

5.1 Permitting Apartments on Lands Designated Low Density Residential

The Official Plan allows for limited apartment uses in Low Density Residential areas subject to a Zoning By-law Amendment and satisfaction of certain tests. Policy 10.1.3(8) outlines a range of criteria for considering the apartment use. The proposed developed satisfies criteria (a)-(h). Criteria (i) refers to, "compliance with other criteria that may be deemed appropriate by the City based on the context of the site." Official Plan policy 10.1.2(12) states that council will have regard to an adequate mix of rental and ownership units for a wide variety of household sizes through the consideration of development applications, in order to support more affordable housing. The proposed apartment building creates an opportunity for more attainable housing.

In addition, policies 10.1.3(8) and (9) outline locational criteria for apartment buildings in low-density areas, including:

- a) The property is to be located on the periphery of a low density residential neighbourhood, or adjacent to a school site.
 - The Lands are located on the periphery of the Westvale neighbourhood.

- b) The property is to abut a designated Node or Corridor, and buffer other properties designated Low Density Residential from properties within the designated Node or Corridor.
- The Lands are located adjacent to a Minor Corridor (north) and a Minor Node (west). The proposed four storey apartment building will provide for a transition from the medium-high residential development approved to the north and the existing singles to the south and east. The proposed apartment building (4 storeys) is a similar height to the retirement facility on the west side of Westhill Drive. The proposed development takes into consideration the low-rise residential uses to the south as the proposed apartment building is setback 11.6 metres from the property line. The setback from the apartment building to the proposed single detached lots is estimated to be 47.4 metres. These increased setbacks are necessary to resolve the slope/grade of the property and will help to mitigate any impacts on surrounding properties (e.g., privacy, shadows, noise). It is also noted that the property to the south has a 'Future Determination' zone so it is expected that it will redevelop in the future.
- c) The property has direct vehicular access onto an arterial or major collector road.
- The proposed apartment building lacks direct vehicle access to an arterial or major collector road. However, the apartment building will be accessed from Westhill Drive (designated a Local Road on Schedule 'E' – Road Classification System) which accesses Ira Needles Boulevard (regional arterial) a short distance to the southwest.
 - Other locational factors of the site include:
 - The property is located near many commercial uses.
 - It is located near West Wind Park and is within walking distance to Westvale Public School.
 - There are bike lanes located along Ira Needles Boulevard and a portion of Erb Street West.
 - The site is within walking distance of various GRT bus stops.
 - A sidewalk is proposed along the Westhill Drive frontage which would connect to existing or proposed sidewalks, and ultimately facilitate a pedestrian connection to Erb Street West.
 - Two walkway blocks are proposed to provide a pedestrian connection from Westhill Drive to Westhaven Street, and ultimately the existing trail around the SWM pond.

5.2 Increased Building Height

The maximum height of any building in the Low Density Residential designation is 10 metres. However, policy 10.1.3(11) in the City Official Plan states that: *"The maximum permitted height of any site permitting apartment units within the Low Density Residential designation will be up to 12 metres."*

The Applicant has requested an increased building height of 13 metres to allow for higher floor-to-ceiling heights and more flexibility in the detailed building design. The

proposed building will continue to be four storeys, notwithstanding the increased height, and will not result in additional units (re: density).

A Specific Provision Area (SPA) is required to allow for the increase in building height, as proposed in OPA 31.

Staff are satisfied that the proposed building height increase is appropriate. The proposed four-storey apartment will provide a transition from the approved medium-high density residential development to the north (comprised of apartments and stacked townhouses), it is of a similar height to the four storey retirement residence to the west, and is setback a sufficient distance to the east and west property lines (and the existing single detached dwellings).

5.3 Residential Nine “R9” Zone (Block 20)

As noted above, the Official Plan allows for apartments buildings within the Low Density Residential designation where certain criteria can be achieved, and limits the height of an apartment building to a maximum of 12 metres. The Applicant has requested that Block 20 be zoned Residential Nine (R9) which permits apartments with a maximum building height of 12 metres, as well as townhouses, stacked townhouses, triplexes, long term care facilities, and assisted living facilities. The Applicant has also requested a site specific zoning provision to increase the building height to a maximum of 13 metres to allow for higher floor-to-ceiling heights and more flexibility in the detailed building design. Staff are satisfied that Block 20 is appropriate for an apartment building and support the increased height as it is intended to improve the interior living space for residents.

5.4 Residential Four “R4” Zone (Lots 1 to 19)

The Applicant is proposing to construct single detached dwellings on Lots 1 to 19 fronting on Westhaven Street and is requesting that the lots be zoned Residential Four (R4). The R4 zone primarily permits single detached, semi-detached, duplex dwellings, as well as second residential units. A portion of the lands are already zoned R4, specifically parts of Lots 13 to 18 and all of Lot 19. The proposed R4 zone is consistent with the existing properties on Westhaven Street and along Westcroft Drive which are also zoned R4. Staff are satisfied that the R4 zone is appropriate within the Low Density Residential designation and that the proposed lots can support the development of single detached dwellings as proposed by the Applicant.

5.6 Parks and Recreation “OS1” Zone (Block 23)

A new walkway is proposed to connect Westhaven Street to Westhill Drive. The walkway will provide an alternative non-vehicular access into the neighbourhood and a link between the existing trail network and the commercial uses northwest of the Lands. The walkway will be zoned Parks and Recreation (OS1) which permits trails and pathways. A storm sewer is proposed within a portion of the walkway in order to capture stormwater and direct it into the stormwater management facility.

5.7 Conservation “OS3” Zone (Blocks 21 and 22)

Blocks 21 and 22 are proposed to be zoned Conservation (OS3) which allows for parkland, trails, pathways, and City/Regional/GRCA flood and erosion control infrastructure (e.g., stormwater management facilities). A new walkway is proposed on Blocks 21 and 22 which will connect to the existing trail network around the Westcroft Stormwater Management Area Pond (#65). The pond will also be expanded into Block 21 in order to accommodate stormwater from the Lands. The walkway within Blocks 21 and 22 will be constructed by the Applicant at their cost, while a new section of walkway around the Westcroft Pond will be the responsibility of the City.

5.9 Westhaven Street Extension

Westhaven Street will be constructed by the Applicant as a standard urban cross section with a right-of-way of 20 metres, and will include 1.8 metre wide sidewalks on both sides of the road.

The alignment of Westhaven Street was proposed through Draft Plan of Subdivision 30T-87004 and Zoning By-law Amendment Z-03-13 which were approved in May 2004. The Lands were initially included in the applications but were removed prior to final approval. As a result, Westhaven Street was constructed in sections, with a temporary turning circle at the terminus of the southerly portion and a dead-end at the terminus of the northerly portion.

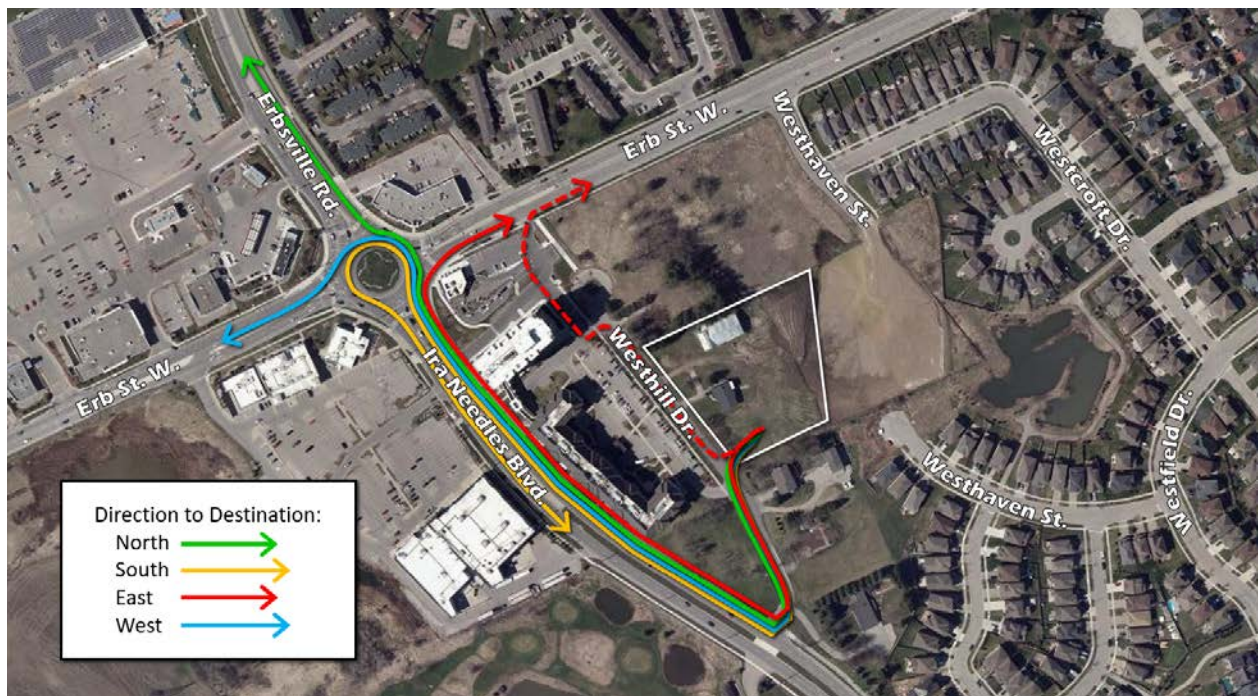
The temporary turning circle will be removed after the new Westhaven Street extension is opened as a public highway, thereby allowing for the adjacent blocks to be developed. The blocks are municipally addressed as 450 and 451 Westhaven Street, zoned Residential Four (R4), and are sufficiently sized for 2 to 3 single detached dwellings. The Blocks will be divided into lots through Consent Applications (re: severance) or through a Part Lot Control application. Removal of the temporary turning circle will be the sole responsibility of the owner of 450 and 451 Westhaven Street as agreed to through the applicable subdivision agreement.

The extension of Westhaven Street will also allow for development of 333 Westpark Crescent which is currently reserved as an emergency access. The emergency access was necessary to provide an alternative route for emergency vehicles to access Westpark Crescent or Westhaven Street if the intersection at Westfield Drive was blocked. Removal of the emergency access is the sole responsibility of the owner of 333 Westpark Crescent as agreed to through the applicable subdivision agreement.

5.10 Vehicular Traffic Through Nearby Properties

Staff have considered resident concerns regarding vehicular traffic cutting through nearby properties – particularly 5 & 7 Westhill Drive. The proposed apartment building will have frontage on Westhill Drive (a local road) which connects to Ira Needles Boulevard (regional arterial road) at a right-turn-only intersection. Ira Needles Boulevard connects to Erb Street West (also a regional arterial road) at a roundabout intersection which allows vehicles to travel north, south, east, or west.

As shown on the image below, vehicles from the proposed apartment building which are travelling southward, westward, or northward are expected to use Ira Needles Boulevard to access the roundabout, before proceeding in the desired direction. Vehicles intending to drive eastward along Erb Street West could potentially access the street by driving through 5 & 7 Westhill Drive and the Tim Hortons site – this is discouraged. In an effort to discourage such cut-through traffic, the driveway for the proposed apartment building will be located along the southerly lot line – as far as possible from the driveway to 7 Westhill Drive and closer to Ira Needles Boulevard. The driveway configuration will also be reviewed through the site plan process under the lens of discouraging northward travel on Westhill Drive.



A traffic study was not required for this development because the apartment building will generate minimal traffic volumes, well-within the designed capacity of Westhill Drive.

5.11 Parking Rate for the Apartment Building

The R9 zone requires 1.15 parking spaces per unit for an apartment building and 0.10 parking spaces per unit for visitors, for a total rate of 1.25 parking spaces per unit. The proposed concept plan (see Appendix 'E') proposes a total of 87 units which would require a minimum of 109 parking spaces (including 9 visitor spaces). The proposed plan provides 109 parking spaces as required in the R9 zone – the Applicant is not proposing to reduce the parking rate or increase the parking rate, ensuring the development will function while minimizing traffic contributions on the surrounding road network.

The Zoning By-law requires a minimum of 27 indoor (secure) bicycle parking space and 27 outdoor bicycle parking spaces. This encourages active transportation by residents in

the building, supported by the creation of new walkways connecting to the nearby trail network and an expansion of the municipal sidewalk system.

SECTION 6 – CONCLUSIONS

Based on Planning Approvals' review of the application, staff supports Official Plan Amendment No. 31, Zone Change Application Z-20-02, and Draft Plan of Subdivision 30T-20401 as described in this report, for reasons including:

1. The application conforms to the Growth Plan for the Greater Golden Horseshoe.
2. The application is consistent with the Provincial Policy Statement.
3. The application is consistent with the policies of the Regional Official Plan.
4. The application to amend the Official Plan will result in a policy framework that allows for orderly development and good land use planning.
5. The proposed zoning is appropriate and will implement the Official Plan as amended.
6. The applications direct growth to designated urban lands.
7. The applications advance land uses that are suitable for the lands.
8. The applications advance land parcels with appropriate configurations, sizes and orientations.
9. Reasonable and appropriate conditions of draft approval will be applied to the Plan of Subdivision.
10. The applications are in the public interest and represent good planning.

SECTION 7 – RECOMMENDATIONS

- A. That IPPW2021-034 be approved.
- B. That Council adopt Official Plan Amendment No. 31, City of Waterloo, West Haven Limited, for the lands known municipally as 28 Westhill Drive as follows:
 1. That the lands identified as "*Lands to be re-designated from "Low Density Residential" to "Open Space"*" on Map 2 attached hereto be designated as follows:
 - a) Re-designated from '*Low Density Residential*' to '*Open Space*' on Schedule 'A' (Land Use Plan)
 - b) Designated '*Parks and Other Green Space*' on Schedule 'A3' (Open Space Land Uses)
 - c) Designated '*Other Open Space Lands Uses*' on Schedule 'A4' (Natural System)
 2. That the lands identified as "*Limits of Specific Provision Area 73*" on Map 2 attached hereto be designated as "SPA 73" on Schedule 'A6' (Specific Provision Areas)

3. That Section 11.1 of the Official Plan, Specific Provision Areas, be amended by adding the following Specific Provision Area:

11.1.73 Specific Provision Area 73 (28 Westhill Drive)

- (1) The policies of this Specific Provision Area 73 (SPA 73) apply to lands known municipally as 28 Westhill Drive, shown as SPA 73 on Schedule 'A6' – Specific Provision Areas
- (2) Notwithstanding anything to the contrary contained within this Official Plan, the maximum building height for an apartment building shall be 13 metres and 4 storeys

- C. That Council direct staff to modify the Westvale Residential District Plan, as necessary and in line with Official Plan Amendment No. 31 and Zone Change Application Z-20-02.
- D. That Council approve Zone Change Application Z-20-02, City of Waterloo, West Haven Limited, for the lands known municipally as 28 Westhill Drive as follows:

1. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as *"Lands to be re-zoned from "Future Determination (FD)" to "Residential Nine (R9)" with site specific provisions"* on Map 3 attached hereto, be re-zoned from Future Determination (FD) to Residential Nine (R9), with site specific provisions contained herein
2. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as *"Lands to be re-zoned from "Future Determination (FD)" to "Residential Four (R4)"* on Map 3 attached hereto, be re-zoned from Future Determination (FD) to Residential Four (R4)
3. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as *"Lands to be re-zoned from "Future Determination (FD)" to "Parks and Recreation (OS1)"* on Map 3 attached hereto, be re-zoned from Future Determination (FD) to Parks and Recreation (OS1)
4. That By-law No. 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as *"Lands to be re-zoned from "Future Determination (FD)" to "Conservation (OS3)"* on

Map 3 attached hereto, be re-zoned from Future Determination (FD) to Conservation (OS3)

5. That Zoning By-law 2018-050 is hereby amended by adding “C241” to Schedule ‘C’ of said By-law 2018-050 as set forth in Appendix ‘A’ to report IPPW2021-034
6. That Zoning By-law 2018-050 is hereby amended by adding “C241” to the zoning map attached to the said By-law 2018-050 as Schedule ‘C1’ for the lands identified as “*Future Determination (FD)*” to “*Residential Nine (R9)*” with site specific provisions” on Map 3 attached hereto

E. That Council endorse Draft Plan of Subdivision 30T-20401, West Haven Limited, City of Waterloo, for the lands known municipally as 28 Westhill Drive, being Part of Lots 41 German Company Tract, Block 105 on Plan 58M-415, Part 1 on Plan 58R-14829 (Geographic Township of Waterloo) in the City of Waterloo, Project No 18081, prepared by GSP Group, dated November 4, 2020 and request that the Regional Municipality of Waterloo approve the said plan of subdivision subject to the following conditions:

Plan to Be Registered

1. That this Draft Plan approval applies to the Lands known municipally as 28 Westhill Drive forming a Plan of Subdivision shown on Map 4 (hereinafter also referred to as the “Draft Plan”), of report IPPW2021-034, and further that the final plan to be registered shall include the following, where applicable:
 - a) Lots 1 – 19 Single Detached Residential (0.78 ha)
 - b) Block 20 Multiple Residential (1.07 ha)
 - c) Block 21 Open Space (0.06 ha)
 - d) Block 22 & 23 Walkway (0.05 ha)

Subdivision Agreement

2. That the Owner enter into a Subdivision Agreement with the City of Waterloo for a plan of subdivision on the Lands to satisfy all of the requirements of the City, financial or otherwise, concerning provision of roads and installation of services, facilities, drainage works and any other matters deemed necessary by the City in relation to the development of the subject lands in an orderly and proper manner. The City’s standard Subdivision Approval conditions are set out in Appendix ‘G’ to report IPPW2021-034, as they apply to Draft Plan of Subdivision 30T-20401.

Phasing

3. That the phasing of development, if phased, shall occur in a logical order, to the satisfaction of the City's Director of Planning.

Conveyances

4. The following Blocks identified on the Draft Plan shall be conveyed to the City, free of charge and clear of encumbrances, immediately following registration and prior to conveyance of any other lots or blocks in the Draft Plan.
 - a) Block 21 (Open Space) for the purpose of a walkway, servicing and municipal purposes.
 - b) Blocks 22 and 23 (Walkway) for the purpose of a walkway, servicing and municipal purposes.
5. That such easements or rights-of-way as may be required for utility, servicing or access purposes (including temporary turning circles) shall be granted to the City and appropriate utility / telecommunication providers free of charge and clear of encumbrances.

Open Space – Utilities and Services

6. Subdivision utilities and services (including easements related to such utilities and services) shall not be located on open spaces, walkways, or municipal right of ways without written conditional authorization from the City. The foregoing shall not apply to utilities and services that solely serve the open space, walkway, or municipal right of way. Where conditional authorization is granted by the City, it may be conditional upon a requirement for the Owner to compensate the City for the encumbrance, to the satisfaction of the City.

Walkways

7. The Owner shall, at its sole expense, design and construct public pedestrian walkways within the subdivision in accordance with the Draft Plan to City design standards and to the satisfaction of the City. The Owner shall maintain, at its sole expense, the walkways until the completion of required maintenance period, to the satisfaction of the City's Director of Engineering Services.

8. The Owner shall design and construct Blocks 21, 22 and 23 on the Draft Plan for the purpose of a public pedestrian walkway, as part of the primary engineering works for the subdivision, in accordance with detailed engineering and landscape drawings approved by the City's Director of Engineering Services. This includes but shall not be limited to the following design requirements:
 - a) Grading the parcel in accordance with the approved grading and drainage plan.
 - b) Compliance with AODA standards, unless otherwise agreed to by the Director of Engineering Services.
 - c) Construction of a walkway with an asphalt surface and appropriate sub-base, to the satisfaction of the Director of Engineering Services.
 - d) Installation of lighting and related electrical conduit, to the satisfaction of the Director of Engineering Services.

Entrance Feature

9. If any subdivision entrance feature or identification feature is proposed on public lands or lands to be dedicated/conveyed to the City, the Owner shall obtain written approval from the City's Commissioner of Integrated Planning & Public Works for the feature prior to its installation, and such approval may be denied. Prior to the installation of any approved entrance/identification feature, the Owner shall enter into a binding agreement with the City to address all matters related to the said entrance/identification feature including financial arrangements, liability, design and maintenance for the full expected lifespan of the entrance/identification feature, to the satisfaction of the City. The form and content of the said binding agreement shall be to the satisfaction of the Commissioner of Integrated Planning & Public Works and the City Solicitor.
10. That the Owner acknowledge and agree that subdivision entrance features or identification features on private lands within the subdivision are subject to the City's Sign By-law, and shall only be constructed or erected in accordance with the City's Sign By-law.

Road Construction

11. That all road construction and servicing works in the subdivision and required for the subdivision, and all surface works related thereto, shall be the responsibility of the Owner at its expense, and designed to City standards, to the satisfaction of the City's Director of Engineering Services. Westhaven Street shall be designed as a standard 20 metre

urban road cross section with 1.8 metre sidewalks on both sides of the road, unless otherwise directed by the City's Director of Engineering Services.

12. That prior to final approval of the subdivision or the construction of Westhaven Street, whichever occurs first, the Owner shall prepare and submit a detailed engineering and landscape design for Westhaven Street, the expansion of the storm water management facility, and the walkways, to the satisfaction of the City's Director of Engineering Services. In addition to the foregoing, the Owner shall also prepare and submit detailed grading, drainage, and erosion/sediment control plans for the subdivision, to the satisfaction of the City's Director of Engineering Services.

Engineering Services

13. That prior to any site servicing or subdivision construction works (excluding grading or topsoil removal or any works authorized by a site alteration permit), the Owner shall:
 - i. obtain written confirmation from the Regional Municipality of Waterloo that sufficient water pressure is available to fully service the subdivision; and
 - ii. complete a water distribution analysis for the subdivision, to the satisfaction of the City of Waterloo and the Region of Waterloo.
14. That prior to any site servicing or subdivision construction works (excluding grading or topsoil removal or any works authorized by a site alteration permit), the Owner shall secure the provision of sanitary services to the lands to fully service the subdivision, to the satisfaction of the City's Director of Engineering Services.
15. That the Owner, at its expense, shall design and construct sufficient stormwater management infrastructure to fully service the subdivision, to the satisfaction of the City's Director of Engineering Services. The said infrastructure shall manage stormwater quantity and quality, to the satisfaction of the City's Director of Engineering Services.
16. That the roads in the subdivision shall be designed and configured to minimize the need for road salt application during deicing and winter operations, to the satisfaction of the City's Director of Engineering Services.
17. That prior to final approval of the subdivision, the Owner shall make secure arrangements to grant easements to the City of Waterloo for servicing and/or engineering works / infrastructure to be assumed by the City of Waterloo, or as deemed necessary by the City's Director of

Engineering Services in accordance with the approved engineering and landscape plans for the subdivision.

School Board Warning Clauses

18. That the following warning clauses be secured through the subdivision agreement:

“Whereas the Waterloo Region District School Board (WRDSB) may designate this parcel of land as a Development Area for the purposes of school accommodation, and despite the best efforts of the WRDSB, sufficient accommodation may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school.”

“Whereas the Waterloo Catholic District School Board (WCDSB) may designate this parcel of land as a Development Area for the purposes of school accommodation, and despite the best efforts of the WCDSB, sufficient accommodation may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school.”

“In order to limit liability, public school buses operated by the Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point.”

Road Traffic Noise Study

19. That prior to registration, the Owner shall submit a road traffic noise study to the satisfaction of the City of Waterloo and the Region of Waterloo.
20. The Owner shall implement the recommendations of the approved road traffic noise study, to the satisfaction of the City of Waterloo and the Region of Waterloo.

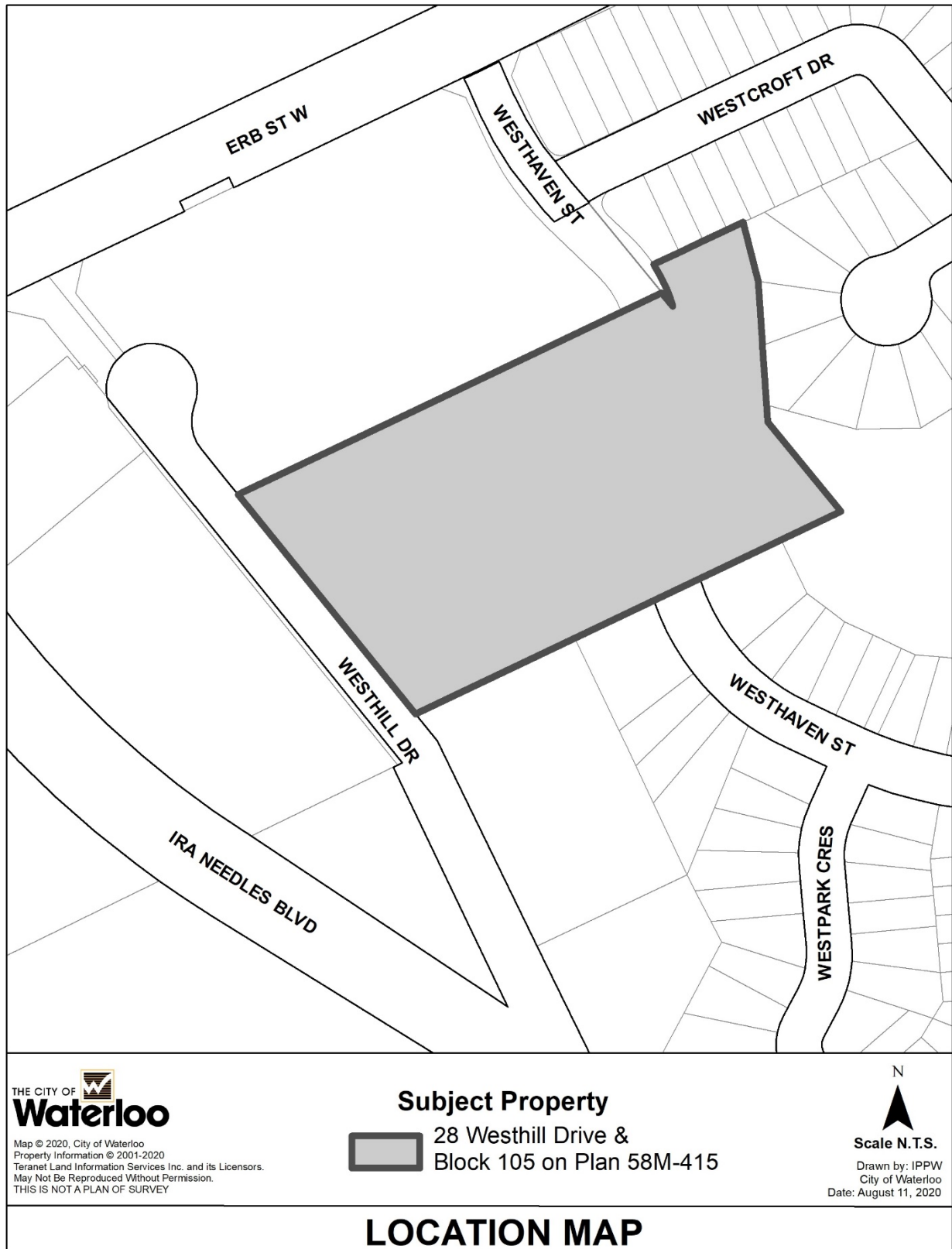
Standard Conditions of Subdivision Approval

21. That the City of Waterloo's standard conditions of subdivision approval as set out in Appendix 'C' to IPPW2021-034 shall apply to Draft Plan of Subdivision 30T-20401

Submitted by:

John Vos, BES, MCIP, RPP
Planner, Planning Approvals
City of Waterloo

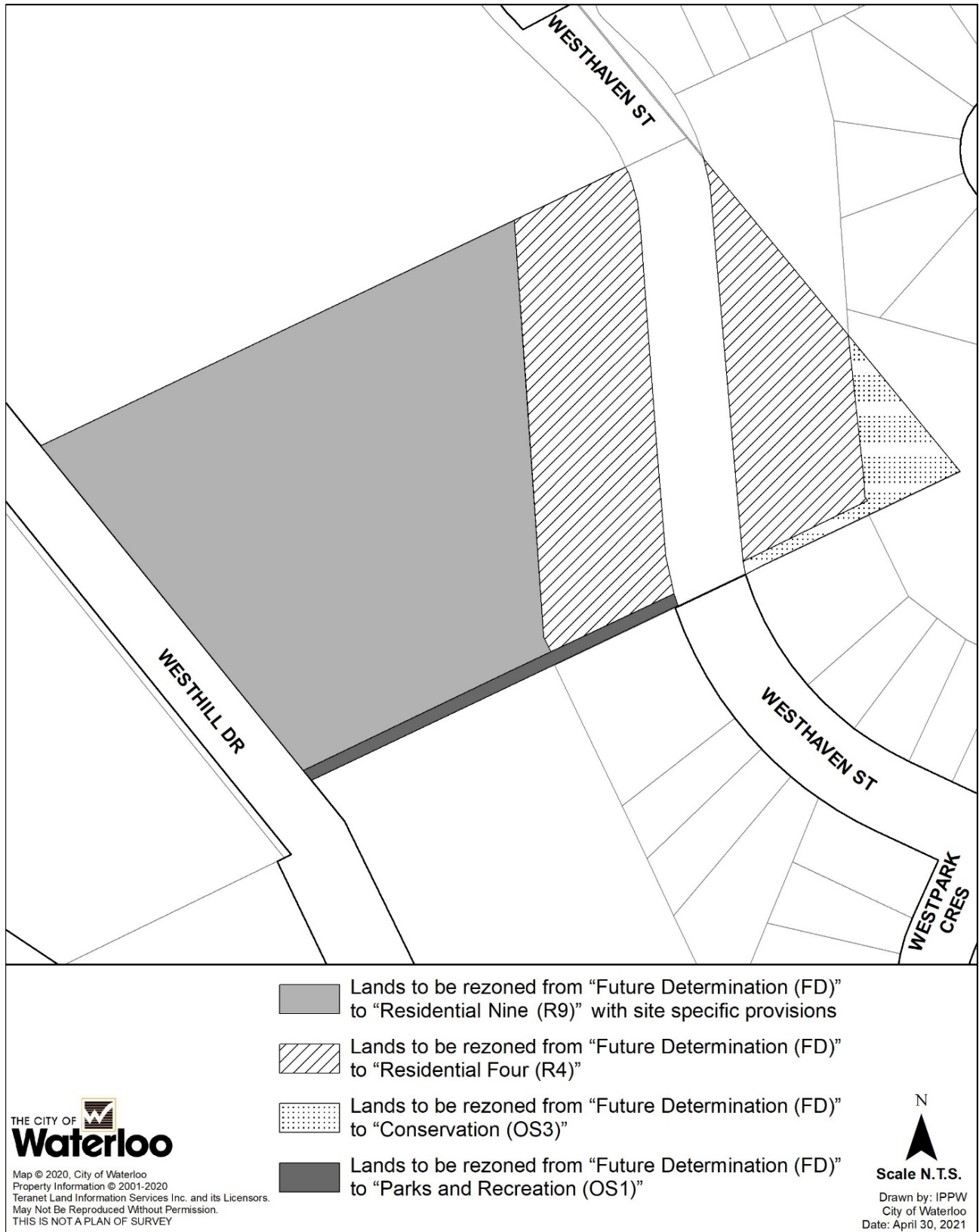
MAP 1 – SUBJECT LANDS



MAP 2 – PROPOSED OFFICIAL PLAN AMENDMENT



MAP 3 – PROPOSED ZONE CHANGE



KEY PLAN

June 16, 2020

J. J. J. J. J.

DRAFT PLAN OF SUBDIVISION

Part of Lot 41, German Company Tract
Block 105, Plan 58M-415

City of Waterloo
Regional Municipality of Waterloo

SECTION	CONTINGENTS	UNITS	AREA (sq. ft.)
Single Detached Residential	1-15	15	0.75
Multiple Residential	16-21	74	1.00
Open Space	22	1	0.06
Walkway	23-25	3	0.05
Roads	26-28	3	0.23
Total		93	2.19

ADDITIONAL INFORMATION

UNDER SECTION 33(1) OF THE PLANNING ACT, THE DRAFT PLAN, AS SHOWN, IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The plan is subject to the provisions of the Planning Act and the Regulations made thereunder.

2. The plan is subject to the provisions of the Planning Act and the Regulations made thereunder.

3. The plan is subject to the provisions of the Planning Act and the Regulations made thereunder.

4. The plan is subject to the provisions of the Planning Act and the Regulations made thereunder.

5. The plan is subject to the provisions of the Planning Act and the Regulations made thereunder.

OWNER'S CERTIFICATE

I, the undersigned, being the owner of the land shown on the plan, do hereby certify that the plan is correct and that the land is as shown on the plan.

Signed: _____

Date: June 16, 2020

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified surveyor of the Province of Ontario, do hereby certify that the plan is correct and that the land is as shown on the plan.

Signed: _____

Date: June 16, 2020

GSP group

1000 Highway 10, Suite 100, Waterloo, Ontario N2L 2G5

Phone: (519) 885-1000

Fax: (519) 885-1001

Email: info@gspgroup.com

Web: www.gspgroup.com

APPENDIX 'A'
Site Specific By-law C241

Exception	Address	Zoning	File Reference
C241	28 Westhill Drive	R9	Z-20-02

Location: 28 Westhill Drive
as shown on Schedule 'C1' to this BY-LAW.

Site Specific Regulations:

- a) Notwithstanding anything to the contrary, the following site specific regulations shall apply:
 - i. The maximum BUILDING HEIGHT for an APARTMENT BUILDING shall be 13 metres and 4 storeys.

APPENDIX 'B'

Minutes of the Informal Public Meeting, October 5, 2020

Title: Zone Change Application Z-20-02, Draft Plan of Subdivision 30T-20401,
28 Westhill Drive

Prepared by: John Vos
Ward No: Ward 1 - Southwest

The Chair advised that the Informal Meeting was the first opportunity to inform Council and the public of the amendment and emphasized that no decision would be made by Council at this meeting.

John Vos, Planner provided an overview of the proposed Zone Change Application and responded to questions from Council.

Sarah Code, Senior Planner, GSP Group, reviewed the Zone Change Application and responded to questions from Council. The Zone Change Application includes re-zoning the Site to Residential Nine (R9) apartment building; Residential Four (R4) single detached dwellings; Conservation Zone (OS3) walkway and open space block and request to permit a maximum apartment building height of 12.26 metres (12.0 metres permitted).

As no one else was present to speak to the application, the Chair concluded the Informal Public Meeting and indicated that staff will review the issues and report back to Council at a later date.

Note: The Official Plan Amendment was deemed necessary after the Informal Public Meeting on October 5, 2020 had already occurred. City Staff directed that an additional Informal Public Meeting was not necessary with the understanding that notice of the Formal Public Meeting would be circulated a minimum of 20 days before the meeting in accordance with Policy 12.4.4.4 of the Official Plan.

APPENDIX 'C'

Agency Comments

Waterloo Advisory Committee of Active Transportation (WACAT)

No comments but would like to be informed should the active transportation connections be altered.

Transportation Services

- Sidewalks to be constructed on both sides of Westhaven
- Sidewalk to be constructed across the frontage of Westhill
- The driveway for the multi-unit building should be located along the southerly side of the property to avoid impacting the Westhill Drive cul-de-sac.

Fire Protection Division

No comments except that applicable fire safety standards such as the Ontario Building Code and Ontario Fire Code need to be complied with.

Environmental Policy Comments

The timing of construction activities should have regard for the breeding bird season. A timing window of April 1 to September 10 should be used. All land clearing, earthen works, servicing works, infrastructure work and tree removal between April 1 and September 10 should be prohibited unless a nesting survey is undertaken that demonstrates the activities will not have the potential to disturb or destroy migratory birds or their active nests.

Region of Waterloo

Water Services

Water Services Engineering and Planning staff has reviewed the Functional Servicing and Stormwater Management Report (WalterFedy, July 8, 2020). Water Services has no concerns with the proposed Plan of Subdivision.

Salt Management Plan

Hydrogeology and Source Water staff requires the completion of a salt management plan for multiple residential Block 20 as part of site plan. This can be addressed through a condition of draft approval.

Road Traffic Noise Study

A road traffic noise study will be required as a condition of draft approval.

At this location the proposed residential development may encounter environmental noise sources, specifically road noise from the adjacent Regional Roads 9 & 70 (Erb Street W & Ira Needles Blvd). It is the responsibility of the applicant to ensure the proposed development is not adversely affected by anticipated noise impacts. In this regard the applicant must prepare an Environmental Noise Study. The noise level criteria and guidelines for the preparation of the study are included in the Region of Waterloo Implementation Guideline for Noise Policies.

The noise consultant must be pre-approved by the Region of Waterloo. The noise consultant is responsible for obtaining current information, applying professional expertise in performing calculations, making detailed and justified recommendations, submitting the Consultant Noise Study Declaration and Owner/Authorized Agent Statement along with one electronic copy of the report to the Region of Waterloo. The noise consultant preparing the Environmental Noise Study must contact Region of Waterloo staff for transportation data including traffic forecasts and truck percentages for Regional roads. For the Transportation Planning Noise Assessment Fee Form please refer to the Region's website. There is a \$250 fee for this application. As indicated on the form, traffic forecasts for noise assessments will be prepared within 15 business days of the data of the request, but will be withheld if payment has not been received.

Proposed Additional Lands to be Added to Draft Plan

Staff understands a strip of land (owned by Mr. William Gies) immediately to the south of this subdivision is proposed to be included with this draft plan. This strip of land is identified as Part 1 on Plan 58R-14829 and is labeled on Plan 58M-438. This is acceptable to the Region, provided Mr. Gies is a signatory on the plan.

Proposed OPA for Multiple Block 20

Staff also understands an Official Plan amendment may be required due to height exceedance for Multiple Residential Block 20 should development proceed as proposed. The current Region approval fee for the OPA is \$5,750.00 payable at time of application.

Zoning By-law Amendment

Majority of the site is zoned Future Development (FD). It is proposed that the 15 single detached lots be re-zoned Residential Four (R4), multiple residential Block 20 be rezoned Residential Nine (R9), and the open space and walkway blocks re-zoned Conservation (OS3). Region staff has reviewed the proposed zoning for the lands from and have no objection.

Canada Post

Canada Post has reviewed the proposal for the above noted Development Application and has determined that the completed project will be serviced by centralized mail delivery provided through Canada Post Community Mail Boxes.

In order to provide mail service to this development, Canada Post requests that the owner/developer comply with various conditions. These conditions will be included in the Draft Plan approval:

Enbridge Gas

In email correspondence September 23, 2020 Enbridge Gas Inc. (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.

Grand River Conservation Authority

In email correspondence September 23, 2020 the GRCA indicated the site is not regulated by the Conservation Authority, and have no comments.

Hydro One Networks Inc.

In email correspondence September 23, 2020 Hydro One indicated has no concerns or comments at this time.

Waterloo North Hydro

Waterloo North Hydro provided comments in a letter dated September 24, 2020 outlining conditions of electrical services to this plan. Copy of the September 24th letter attached.

Waterloo Region District School Board

In a letter dated November 10, 2020 the School Board indicated the following be considered.

If there are any changes to the proposed unit types and bedroom counts, the School Board wishes to be notified as this information (type of unit and bedroom counts etc...) is a significant factor in developing enrolment projections and establishing accommodation plans for a given school and/or review area.

The subject property is currently within the boundary for Westvale Public School for Grades JK-6, Centennial Public School for Grades 7-8 and Kitchener-Waterloo Collegiate (KCI) for Grades 9-12. Each of these schools is either at or above capacity with both Centennial PS and KCI utilizing portable classrooms on site and Westvale PS utilizing a 5-room portapak (non-permanent capacity). Additional portables may be required at all of these sites in future years.

With respect to the draft plan of subdivision, the Waterloo Region District School Board (WRDSB) asks that the following be included in the conditions of draft approval:

- I. Pedestrian connections (multi-use trails and trails around the SWM pond) be constructed prior to home occupancy where practical;
- II. Applicant/owner must agree in the Subdivision Agreement to notify all purchasers of residential units and/or renters of same, by inserting the following clauses in all offers of Purchase and Sale/Lease, and that this remain on Title to the property/unit for heirs, successors and assigns:

"Whereas the Waterloo Region District School Board (WRDSB) may designate this parcel of land as a Development Area for the purposes of school accommodation, and despite the best efforts of the WRDSB, sufficient accommodation may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or

bussed to a school outside the area, and further, that students may, in future, be transferred to another school.”;

- III. Please be advised that any development on the subject lands is subject to the provisions of the Waterloo Region District School Board's Education Development Charges By-law 2016 or any successor thereof and may require the payment of Education Development Charges for these developments prior to issuance of a building permit; and
- IV. The WRDSB reserves the right to comment further on this application should any revisions to the application be proposed.

Waterloo Catholic District School Board

In email correspondence October 13, 2020 the School Board indicated the following:

- I. That Education Development Charges shall be collected prior to the issuance of a building permit(s).
- II. That the developer and the Waterloo Catholic District School Board reach a agreement regarding the supply and erection of a sign (at the developer's expense and according to the Board's specifications) affixed to the development sign advising prospective residents about schools in the area.
- III. That the developer shall agree in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease:

“In order to limit liability, public school buses operated by the Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point.”

Conseil scolaire Viamonde

In email correspondence September 23, 2020 the Conseil scolaire Viamonde has no comment regarding application file no. 30T-20401 for this property located at 28 Westhill Dr.

APPENDIX 'D'

Public Comments

Staff received two (2) letters and one (1) email from the community regarding the proposed development. The following concerns were identified:

- Potential cut-through traffic at 7 Westhill Senior's Apartments
- Sufficient parking for the proposed multi-unit residential building
- The proposed draft plan must not be considered in isolation – consideration should include the proposed development at 635 Erb Street West and 12 Westhill Drive
- Increased traffic on Westhaven Street as a major thruway
- Increased housing density leads to increased visitor traffic
- Loss of privacy, sunlight, and airflow as a result of the multi-storey building
- Increased noise pollution due to increased density

[illegible]

APPENDIX 'F'
Conceptual Building Renderings



Front façade along Westhill Drive



Primary entrance along front façade (Westhill Drive)



Rear façade and entrance to lower level



Rear entrance and amenity area

APPENDIX 'G'
Standard Conditions of Subdivision Approval

The conditions of draft approval of the City of Waterloo apply to Plan of Subdivision 30T-20401, 28 Westhill Drive being Part 1 on Plan 58R-14829 in the City of Waterloo (hereinafter the "Lands"), for West Haven Limited, Project No. 18081, prepared by the GSP Group dated November 4, 2020 and signed November 6, 2020.

"Accepted" in the context of technical plans, drawings and reports means the City's acknowledgement that such plans, drawings and reports sufficiently satisfy City requirements and standards to allow for authorized land development and related works to be undertaken in accordance with such plans, drawings and reports. Accepted shall not mean the receipt of such plans, drawings and reports by the City. Acceptance, accept and accepted in the context of technical plans, drawings and reports shall have a corresponding meaning.

**STANDARD CONDITIONS
DRAFT PLAN OF SUBDIVISION 30T-20401**

- 0.1 Prior to final approval, the Owner shall enter into a standard subdivision agreement (hereinafter the "Subdivision Agreement") with The Corporation of the City of Waterloo (the "City") to satisfy all requirements, financial or otherwise, of the City for Draft Plan of Subdivision 30T-20401. The said agreement shall include terms concerning the provision of roads, installation of services, drainage, staging of development, financial securities, legal and insurance securities, and any other conditions set out as part of the approval of Draft Plan of Subdivision 30T-20401, to the satisfaction of the City.

The form and content of the Subdivision Agreement shall be to the satisfaction of:

- the City's Director of Planning; and,
- the City's Director of Legal Services.

- 0.2 The Owner shall prepare a schedule detailing all works necessary to provide complete services and infrastructure for Draft Plan of Subdivision 30T-20401, in accordance with the City's subdivision standards and procedures, and in accordance with the general specifications and conditions designated by the City and any other authority having jurisdiction (hereinafter "Schedule 'B'" to the Subdivision Agreement). The Owner shall undertake and pay for the works referred to as "Estimated Subdivider Cost" designated in a column set forth in Schedule 'B', and construct the said works in accordance with the standards and procedures for such a project and the general specifications of the City, to the satisfaction of the City's Director of Engineering Services. Schedule 'B' shall form an integral part of the Subdivision Agreement. The form and content of Schedule 'B' shall be to the satisfaction of the City's Director of Engineering Services.

- 0.3 That the Owner agree to the inclusion of a schedule in the Subdivision Agreement detailing: (1) the installation timing for services, infrastructure, and surface works; and, (2) the calculation and payment timing for development charges (hereinafter "Schedule 'C'" to the Subdivision Agreement). The form and content of Schedule 'C' shall be to the satisfaction of the City's Director of Planning.

For Draft Plan of Subdivision 30T-20401:

- a.) the works referred to as "Underground Services to Base Asphalt" designated in a column set forth in Schedule 'B' shall commence within two (2) years of the execution date of the Subdivision Agreement containing the Schedule 'B';
 - b.) the works referred to as "Underground Services to Base Asphalt" designated in a column set forth in Schedule 'B' shall be completed within twelve (12) months of the commencement of installation, unless otherwise agreed to by the City's Director of Engineering Services;
 - c.) the works referred to as "Surface Works" designated in a column set forth in Schedule 'B' shall be constructed and completed according to a timeline provided by the City's Director of Engineering Services, but not in excess of four (4) years commencing on the execution date of the Subdivision Agreement containing the Schedule 'B'. The City's Director of Engineering Services may extend the four (4) year time period to complete "Surface Works" where the Owner is diligently working towards completing the surface works within the four (4) year period but additional time is warranted, as determined by the City's Director of Engineering Services.
 - d.) Development Charges will be calculated in accordance with the City's Development Charge By-Law and any amendments thereto, and paid immediately prior to the issuance of a building permit at one hundred percent (100%) of the development charge rate in effect at the time of the issuance of the said permit, unless otherwise agreed to by the City's Chief Financial Officer.
- 0.4 That the Owner agree to the inclusion of a schedule in the Subdivision Agreement detailing grading and drainage requirements for landowners in the subdivision (hereinafter "Schedule 'D'" to the Subdivision Agreement). The form and content of Schedule 'D' shall be to the satisfaction of the City's Director of Engineering Services.

GENERAL CONDITIONS

Financial

1.1 Letter of Credit

Prior to undertaking any works on the Lands or any part thereof including but not restricted to the installation of site services and infrastructure for the subdivision, and prior to final approval, the Owner shall provide to the City security in the form

of an irrevocable standby letter of credit (hereinafter the "Letter of Credit") from an approved financial institution acceptable to the City, in a form and content acceptable to the City's Chief Financial Officer, and in an amount equal to one-hundred percent (100%) of the Owner's share of the cost of the "Underground Services to Base Asphalt" set forth in Schedule 'B' or such higher amount to fully indemnify the City against all subdivision/development and related costs for which the Owner is responsible in relation to Draft Plan of Subdivision 30T-20401. The Letter of Credit shall be security for all:

- subdivision services, infrastructure, works and covenants for which the Owner is responsible in relation to Draft Plan of Subdivision 30T-20401; and,
- financial obligations of the Owner in relation to Draft Plan of Subdivision 30T-20401.

The Letter of Credit shall provide the City with full security to cover the cost of all uncompleted works and unpaid costs of the Owner at all times during the development of the Lands and throughout the Maintenance Period. Where the Owner does not satisfy its/their obligations in relation to Draft Plan of Subdivision 30T-20401, the City may draw upon the Letter of Credit in part or in full to satisfy the said obligations and any other amounts that are overdue or owing from the Owner to the City or anyone else in relation to Draft Plan of Subdivision 30T-20401, together with interest thereon at fifteen percent (15%) per annum. Where the Letter of Credit is drawn upon, the Owner shall replace or increase the Letter of Credit to its original value (being the amount prior to the said draw) within fifteen (15) business days of receiving notice of the said draw.

Subject to the approval of the City's Chief Financial Officer, the Letter of Credit may be adjusted to reflect the current estimate of costs and may be reduced annually or more frequently, at the discretion of the City, to fifteen percent (15%) of the value of the completed works plus one hundred percent (100%) of the value of the uncompleted works including surface works such as parks, trails and other works not included in the securities submitted for the "Underground Services to Base Asphalt". In no case shall less than fifty thousand dollars (\$50,000) be retained, but a higher amount may be retained as determined by the City after:

- a.) the Owner's consulting engineer has certified to the City's Director of Engineering Services that the services and infrastructure to be installed for Draft Plan of Subdivision 30T-20401 and over which the City has jurisdiction are substantially complete as defined in the Construction Act;
- b.) all required statutory declarations and advertising under the Construction Act have been completed; and,
- c.) all of the work has been paid for and no person has filed a lien claim within the prescribed periods under the Construction Act (the "Certification Date").

The said reduced sum, or fifty thousand dollars (\$50,000), whichever is greater, shall be held by the City for the entire Maintenance Period to indemnify the City against the cost of any required maintenance and/or repair of subdivision infrastructure and/or works on or related to Draft Plan of Subdivision 30T-20401.

Prior to the installation of “Surface Works” for Draft Plan of Subdivision 30T-20401 as designated in a column set forth in Schedule ‘B’, the Letter of Credit deposited with the City shall be adjusted to fully indemnify the City against all costs related to the installation of the said Surface Works, to the satisfaction of the City’s Chief Financial Officer.

Prior to the installation of any works for subsequent stages or phases of Draft Plan of Subdivision 30T-20401 (if any), the Letter of Credit deposited with the City shall be adjusted to fully indemnify the City against all costs related to the development of the subsequent stage(s) or phase(s) of Draft Plan of Subdivision 30T-20401, to the satisfaction of the City’s Chief Financial Officer.

1.2 Estimated Subdivider Costs

That the Owner agree to install and pay for the works referred to as “Estimated Subdivider Cost” designated in a column set forth in Schedule ‘B’, and such installation shall be within the time limits set out in Schedule ‘C’, to the satisfaction of the City. The works shall be undertaken, constructed and installed:

- in accordance with the engineering drawings and plans accepted by the City;
- in accordance with tender and contract documents approved by the City; and,
- to the satisfaction of the City.

1.3 Update Schedule ‘B’

If requested by the City’s Director of Engineering Services, the Owner shall forthwith update Schedule ‘B’ to the satisfaction of the City’s Director of Engineering Services. If the City’s Director of Engineering Services determines that the Letter of Credit or financial securities posted by the Owner for Draft Plan of Subdivision 30T-20401 are insufficient to fully indemnify the City against the costs set out in the updated Schedule ‘B’, the Owner shall forthwith increase the Letter of Credit and financial securities to fully indemnify the City against the costs set out in the updated Schedule ‘B’, to the satisfaction of the City’s Chief Financial Officer.

1.4 Additional City Charges

The Owner shall pay standard City charges for services and works performed by the City, including but not restricted to site engineering inspections, valve inspections/operations, and street signs. The Owner shall pay the said charges within thirty (30) days of being invoiced by the City, unless the works are carried out by the Owner under the authorization of the City and to the satisfaction of the City.

1.5 Engineering Fee

The Owner shall pay the City’s Engineering Services Division five percent (5%) of the cost of the works referred to as “Estimated Subdivider Cost” designated in a column set forth in Schedule ‘B’ for engineering and administration costs incurred by the City. Two percent (2%) shall be paid at first submission of engineering

drawings and the remaining three percent (3%) shall be paid at final submission of engineering drawings. The five percent (5%) engineering fee shall also apply to capital and development charge projects.

1.6 Agreement Compliance and Implementation Costs

The Owner shall pay one hundred percent (100%) of the cost to comply with and implement the Subdivision Agreement and any supplementary agreement thereto, unless otherwise stated in the said agreements and excluding allocated municipal capital monies, development charge monies, and/or other secured government funding/grants.

1.7 Cost of Subdivision Works

The Owner shall pay one hundred percent (100%) of the cost of all subdivision, servicing, infrastructure, parks and open space works (including design, installation and construction) required to develop the lands comprising Draft Plan of Subdivision 30T-20401 (the "Lands"), excluding allocated municipal capital monies, development charge monies, and/or other secured government funding/grants. The said works shall include, but not be restricted to, sanitary sewers, drainage works, storm sewers, watermains, valves, hydrants, underground structures, all electrical distribution apparatus, lighting apparatus, pipes, pedestals and transformers, driveway ramps, streets, pavements, curbs, gutters, fences in public right-of-ways, boulevard landscaping (including trees), street name signs, traffic control signs, sidewalks, and all necessary connections, appurtenances and outlets to the foregoing services.

1.8 Cost To Install Works – Schedule "B" - City

- a.) Where a portion of the cost of the works set out in Schedule 'B' will be borne by the City and/or development charges, the award of the contract for such works shall be approved by the City and shall be in accordance with City tendering policies and practices.
- b.) Where a portion of the cost of the works set out in Schedule 'B' will be borne by the City and/or development charges, the City shall pay its share of the cost after the City issues the start of maintenance letter for the works and Council has approved funding for the works. Where development charges fund all or part of the works, the development charge monies shall be paid after:
 - i.) the City's Chief Financial Officer confirms that sufficient funding exists in the development charges account to fund the works;
 - ii.) the works are identified in the current year or preceding year(s) of the City's approved capital budget, as amended from time to time;
 - iii.) the tender for the works has been awarded; and,

iv.) the Owner pays its share of the works.

The foregoing shall be to the satisfaction of the City.

1.9 Contravention Fee - Building Permit

Should a permit be issued by the City's Chief Building Official as a result of an application in contravention of the Subdivision Agreement and/or any supplementary agreement thereto, the Owner shall pay to the City an administration fee of not less than five hundred dollars (\$500) per permit.

1.10 Registration Costs

All costs incurred by the City related to the processing and registration of legal instruments related to Draft Plan of Subdivision 30T-20401, including but not restricted to the Subdivision Agreement and any supplementary agreement thereto, shall be borne by the Owner.

1.11 Taxes

The Owner shall pay all taxes to be levied on the Lands as they fall due and in accordance with the assessment and collector's roll.

1.12 Legal Costs

Within thirty (30) days of being invoiced, the Owner shall pay all legal fees and disbursements incurred by the City with respect to Draft Plan of Subdivision 30T-20401, including but not restricted to the preparation of the Subdivision Agreement and any supplementary agreement thereto.

1.13 Failure of Owner

If the Owner fails or neglects to conform with any condition of approval applied to Draft Plan of Subdivision 30T-20401, or if the Owner fails or neglects to comply with any term or provision of the Subdivision Agreement or any supplementary agreement thereto, the City may provide written notice of such failure or neglect and require rectification by the Owner within a specified period of time. If the Owner has not remedied the failure or neglect within the timeline set out in such notice, or is not diligently working towards remedying the failure or neglect (other than a financial default) as determined by the City, the City may without notice enter upon the Lands and:

- a.) proceed to supply all equipment, material and professional services necessary to implement the subdivision on the Lands in accordance with the approved Draft Plan of Subdivision 30T-20401, and undertake all necessary work in connection with the Owner's obligations in relation to Draft Plan of Subdivision 30T-20401, and charge the cost thereof together with applicable engineering and administrative fees/charges to the Owner who shall forthwith pay the same upon demand; or,

- b.) proceed to return the Lands to a vacant state with grades acceptable to the City's Director of Engineering Services, and charge the cost thereof together with applicable engineering and administrative fees/charges to the Owner who shall forthwith pay the same upon demand.

Upon such entry by the City:

- c.) the Letter of Credit and financial securities placed on deposit with the City in relation to Draft Plan of Subdivision 30T-20401 may be drawn upon by the City:
 - i.) to remedy the failure or neglect;
 - ii.) for the purposes set out in Condition 1.13 a.);
 - iii.) for the purposes set out in Condition 1.13 b.).
- d.) further building permits for the Lands will not be requested or issued until:
 - i.) the failure or neglect has been rectified, to the satisfaction of the City; and,
 - ii.) sufficient monies or securities are posted with the City to fully indemnify the City against all subdivision/development costs for which the Owner is responsible in relation to Draft Plan of Subdivision 30T-20401.

1.14 Damage to Municipal Infrastructure

The Owner shall be responsible to the City for the cost of damage done to any public service and/or municipal infrastructure in the immediate vicinity of the Lands during servicing and/or construction on or related to the Lands by anyone other than the City, unless the Owner demonstrates to the reasonable satisfaction of the City's Commissioner of Integrated Planning & Public Works that such damage was not caused by any employee, contractor, supplier or agent of the Owner or anyone building a home on the Lands or any employee, contractor, supplier or agent of anyone building a home on the Lands. If, in the opinion of the City's Commissioner of Integrated Planning & Public Works, such damage was caused by the Owner (or its employees, contractors, suppliers or agents) or a homebuilder in the subdivision (or its employees, contractors, suppliers or agents), and the Owner fails to repair such damage or pay to the City the cost of such damage:

- a.) no additional building permits shall be applied for or issued until the damage is repaired to the satisfaction of the City; and,
- b.) the City may draw upon the Letter of Credit or any other financial security related to the development of the Lands to repair the damage.

Any dispute between the City and the Owner as to the responsibility for any damage shall be resolved by a third party consulting engineer retained by the City and paid for by the Owner, and the decision of the third party consulting engineer shall be binding on the City and the Owner.

Maintenance Period

2.1 Maintenance Period

a.) Subdivision Maintenance Period

The Owner shall warrant and guarantee all works, services and materials set out in Schedule 'B' for which the subdivider is responsible against all defects until the completion of the Maintenance Period. The Maintenance Period shall commence on the date the City issues a "start of maintenance letter" following the substantial completion of the said works, services and materials to the satisfaction of the City's Director of Engineering Services, and shall continue for at least twenty-four (24) months until a final inspection has been undertaken by the City and the City issues an "end of maintenance letter". The Maintenance Period may exceed twenty-four (24) months where and if required by the City's Director of Engineering Services. Where applicable, the "start of maintenance letter" shall be issued after the Certification Date as set out in Condition 1.1. The Owner shall, at its expense, maintain the said works, services and materials until the completion of the Maintenance Period. The acceptance of all works and services by the City shall be in writing. Underground works, up to and including the base course of asphalt, will be accepted separately from above ground works. Above ground works may be accepted on a street by street basis.

b.) Parks, Open Space, Etc. – Maintenance Period

The Owner shall warrant and guarantee all works, services and materials (including plant material) for which the subdivider is responsible that are installed within parks, parkettes, open space, trails, greenbelts, right of ways, boulevards, and berms against all defects until the completion of the Maintenance Period. The Maintenance Period shall commence on the date the City issues a "start of maintenance letter" following the substantial completion of the said works, services and materials to the satisfaction of the City's Director of Engineering Services, and shall continue for at least twenty-four (24) months until a final inspection has been undertaken by the City and the City issues an "end of maintenance letter". The Maintenance Period may exceed twenty-four (24) months where and if required by the City's Director of Engineering Services. The Owner agrees that the acceptance of all works, services and materials by the City shall be in writing. The Owner shall maintain the said works, services and materials until the completion of the Maintenance Period. The maintenance requirements for parkland shall be as set out in the City's Landscape Design Process and Requirements Manual as amended, unless otherwise agreed to by the City's Director of Engineering Services.

Engineering

3.1 Works in Schedule “B”

The works set out in Schedule ‘B’ shall include all works, services and infrastructure required to fully implement the subdivision (or a stage thereof where the context so applies) in accordance with City standards and procedures for such a development, and in accordance with the general specifications and conditions applied by the City and any other authority having jurisdiction. The cost estimates for the works, services and infrastructure as set out in Schedule ‘B’ shall be accurate and complete in all respects, to the satisfaction of the City’s Director of Engineering Services.

3.2 Inspection Services

The Owner shall retain, at its sole expense, a licensed consulting engineer to undertake design, construction, supervision and inspection services of the works set out in Schedule ‘B’.

The City shall have the right to inspect the installation of the said works at any time and without notice. If, in the opinion of the City, the works are not being carried out in accordance with accepted engineering drawings, contract documents, or in accordance with good engineering practice, the City may direct the consulting engineer to stop all or any part of the installation until such time as the installation is carried out to the satisfaction of the City. The Owner shall deliver to the City a certificate from the consulting engineer certifying that the works set out in Schedule ‘B’ have been installed in accordance with accepted engineering drawings, contract documents, and good engineering practice. The form and content of the said certificate shall be to the satisfaction of the City’s Director of Engineering Services.

3.3 Contracts and Insurance

All contracts between the Owner and any contractor for any work to be done in relation to Draft Plan of Subdivision 30T-20401 shall be with a contractor acceptable to the City and contain a provision binding the contractor to obtain and maintain liability insurance in an amount satisfactory to the City, and in the case of such insurance the City shall be named as a co-insured and the said insurance shall not be less than five million dollars (\$5,000,000). The said insurance certificate shall be delivered to the City Clerk prior to the commencement of any works on the Lands including but not restricted to topsoil removal and area grading.

If required by the City, all contracts between the Owner and any contractor for any work to be done in relation to Draft Plan of Subdivision 30T-20401 shall be subject to the acceptance of the City’s Director of Engineering Services.

3.4 Works Carried Out In Accordance With Accepted Plans and Reports

All works related to the development of the Lands including those set forth in Schedule ‘B’ shall be constructed, installed, and carried out in accordance with

plans and reports accepted by the City and in accordance with tender and contract documents accepted by the City. The said plans and reports shall be prepared by qualified professionals who are acceptable to the City.

3.5 Responsibility of Works, Services and Infrastructure

The Owner shall, at its expense, be responsible for the maintenance and repair of all works, services and infrastructure constructed, installed, and carried out for Draft Plan of Subdivision 30T-20401 until the completion of the Maintenance Period.

3.6 Servicing Staging

The Owner shall proceed with the installation of services and infrastructure for the subdivision on the Lands as promptly as good practices permit. The City's Director of Engineering Services may specify in what order the services are to be installed and may require steps to be undertaken by the Owner to protect public infrastructure, public lands, and existing works installed for Draft Plan of Subdivision 30T-20401.

3.7 No Expansion of Services

Municipal services shall not be extended beyond the limits of the Lands, or expanded or connected to in any way without the prior written conditional approval of the City.

3.8 Servicing in the Public Interest

If servicing and infrastructure works for Draft Plan of Subdivision 30T-20401 are not constructed, installed and/or carried out in accordance with accepted plans and contract documents, and/or where the City determines it to be in the public interest to provide such services and infrastructure to secure orderly development and/or public health and safety, the City may at its sole discretion proceed with the engineering and construction of such services and infrastructure at the Owner's expense and the cost thereof shall be a charge upon the Lands and a debt payable by the Owner to the City. The City may draw upon the Letter of Credit and any other financial security related to Draft Plan of Subdivision 30T-20401 to undertake the said engineering and installation of services and infrastructure. This provision shall not extend to the servicing of adjacent privately held lands under usual circumstances.

3.9 Servicing And Infrastructure Works Prior to Registration

Where the Owner wishes to proceed with the installation of services and infrastructure prior to registration, the following shall be required:

- a.) Final approval of any implementing zoning by-law for the Lands;
- b.) Acceptance of all engineering drawings and reports referred to in Conditions 12.1 to 12.5 inclusive;
- c.) Acceptance of all plans referred to in Conditions 11.1, 11.2 and 11.3;
- d.) Acceptance of any Environmental Impact Study required for Draft Plan of Subdivision 30T-20401 and implementation of its recommendations;

- e.) Completion of pre-development monitoring referred to in Condition 6.1;
- f.) Approval of a plan showing the final lotting for registration of all lands being serviced;
- g.) Written conditional authorization from the City's Director of Engineering Services;
- h.) Receipt by the City of the Letter of Credit referred to in Condition 1.1;
- i.) Receipt by the City of the Engineering Fee referred to in Condition 1.5;
- j.) Receipt by the City of the insurance certificate referred to in Condition 3.3; and,
- k.) Any additional agreements as required by the City.

The Owner agrees that the above a.) to k.) inclusive shall be to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

If the Owner receives authority to proceed with the installation of services and infrastructure prior to registration, the installation of such services and infrastructure shall be at the Owner's sole risk and the Owner shall indemnify the City with respect to any claim or loss which may occur as a result of the installation of services and/or infrastructure prior to registration. If the final plan is not approved or if final approval has been rescinded, the Owner agrees to take measures to stabilize the Lands to ensure that erosion control measures are in place, to the satisfaction of the City's Director of Engineering Services.

3.10 Service Upgrades

Where and if required by the City's Director of Engineering Services, the Owner shall, at its sole expense (excluding any allocated municipal capital monies, development charge monies, and other secured government funding/grants), design, install and upgrade to current municipal standards servicing infrastructure beyond the limits of the Lands required to service the subdivision, including related restoration works, to the satisfaction of the City's Director of Engineering Services. The City and authorities having jurisdiction shall accept the design of the said servicing works prior to their installation.

3.11 Street Upgrades

Where and if required by the City's Director of Engineering Services, the Owner shall, at its sole expense (excluding any allocated municipal capital monies, development charge monies, and other secured government funding/grants), design, construct and upgrade to current municipal standards any streets beyond the limits of the Lands required to access the subdivision or accommodate traffic from the subdivision, including related restoration works, to the satisfaction of the City's Director of Engineering Services. The City and authorities having jurisdiction shall accept the design of the said street works prior to their installation.

3.12 Easements and Street Dedications - Extension of Services

The Owner shall provide the City all easements and street dedications necessary for the extension of servicing infrastructure to the limits of the Lands at such time

as requested by the City's Director of Planning. The form and content of the said easements and street dedications shall be to the satisfaction of the City's Director of Planning.

3.13 Decommission Wells and Septic Systems

The Owner shall decommission all existing wells and septic systems on the Lands in accordance with applicable laws and regulations, excluding any wells to be used for monitoring purposes. Wells used for monitoring purposes shall be decommissioned by the Owner in accordance with applicable laws and regulations once the well is no longer required for monitoring purposes. All costs related to decommissioning wells and septic systems shall be borne by the Owner.

New wells and septic systems shall only be constructed on the Lands if written consent to do so is granted by the City's Director of Engineering Services and/or the City's Chief Building Official. If conditions are applied by the City's Director of Engineering Services and/or the City's Chief Building Official to such written consent, the Owner shall comply with the said conditions to the satisfaction of the City's Director of Engineering Services and/or the City's Chief Building Official.

3.14 Temporary Sedimentation Basins

If directed by the City's Director of Engineering Services, the Owner shall install, at its sole expense, temporary sedimentation basins on the Lands, to the satisfaction of the City's Director of Engineering Services. The said basins shall not be located within any area identified by the City's Director of Engineering Services as environmentally significant.

3.15 Construction of Stormwater Management Facilities and Erosion/Siltation Control Measures

The Owner shall:

- a.) develop all stormwater management facilities for Draft Plan of Subdivision 30T-20401 prior to or in conjunction with site servicing for the first stage of the subdivision;
- b.) maintain all stormwater management systems in accordance with accepted plans and in good working order until the completion of the Maintenance Period;
- c.) implement erosion and siltation control measures prior to stripping of topsoil and/or area grading; and,
- d.) prevent sediment laden water runoff,

all to the satisfaction of the City's Director of Engineering Services.

3.16 Groundwater Flow Gradients

Existing groundwater flow gradients shall be maintained to the extent possible through the provision of cutoffs in service trenches where shallow groundwater is intercepted, or other means acceptable to the City's Director of Engineering Services with notification of such other means to the Region of Waterloo.

3.17 Organic Materials and Geotechnically Unsuitable Soils

The Owner shall provide the City's Director of Engineering Services and the City's Chief Building Official written notice of the location, quantity and composition of organic materials and geotechnically unsuitable soils on the Lands immediately after their discovery. The quantity and composition of the organic materials and geotechnically unsuitable soils shall be determined by a geotechnical professional acceptable to the City. The Owner shall, at its expense, remove the organic materials and geotechnically unsuitable soils from the Lands, unless otherwise directed in writing by the City's Director of Engineering Services and/or the City's Chief Building Official. The organic materials and geotechnically unsuitable soils removed from the Lands shall be properly disposed of off-site by the Owner at its expense, to the satisfaction of the City. At the discretion of the City's Director of Engineering Services and/or the City's Chief Building Official, the Owner's consultant shall certify that the organic materials and geotechnically unsuitable soils were removed from the Lands and properly disposed of in accordance with all applicable law.

All soil and granular material replacing the organic materials and geotechnically unsuitable soils as backfill on the Lands shall be certified by a geotechnical professional acceptable to the City's Director of Engineering Services and/or the City's Chief Building Official as suitable for development purposes, and where the context requires suitable for building, servicing, and infrastructure installation, to the satisfaction of the City's Director of Engineering Services and/or the City's Chief Building Official.

Where, in the opinion of the City's Director of Engineering Services and/or the City's Chief Building Official, organic material and/or geotechnically unsuitable soil has not been removed from the Lands to an off-site location or has been re-used as backfill, the City's Director of Engineering Services and/or the City's Chief Building Official may:

- a.) issue a conditional order to remove and properly dispose of the organic material and/or geotechnically unsuitable soil from the Lands. The Owner shall comply with the said order and conditions thereto, as well as all applicable law, at its expense. Without limiting the generality of the foregoing, the conditional order may stop all or part of the installation of subdivision services, works and infrastructure and/or stop the issuance of building permits on the Lands until the order is fully complied with to the satisfaction of the City; and,
- b.) draw upon the Letter of Credit or any other financial security related to the development of the Lands to remove and properly dispose of the organic material and/or geotechnically unsuitable soil from the Lands.

3.18 Decorative Street Lighting

The installation of decorative street lights shall be subject to the following:

- a.) Decorative street lights shall only be installed in locations accepted by the City's Commissioner of Integrated Planning & Public Works, and shown on the accepted engineering drawings referred to in Condition 12.1;
- b.) The Owner shall provide the City one (1) additional complete decorative street light (including but not restricted to the decorative pole, arm, and fixture) for every ten (10) decorative street lights to be installed, and one (1) power supply pedestal including concrete base for every three (3) pedestals to be installed, to the satisfaction of the City's Director of Transportation Services. In no case shall fewer than two (2) complete decorative street lights and no fewer than one (1) power supply pedestal including concrete base be provided to the City. The Owner shall deliver (including unloading and placement under the direction of the City or its agent) the additional decorative street lights, power supply pedestals, and concrete bases to a location determined by the City's Director of Transportation Services at his/her discretion. For the purposes of calculating compliance with this requirement, any fraction shall be rounded to the next highest whole number. The foregoing shall be to the satisfaction of the City.
- c.) Where directed by the City's Director of Transportation Services at his/her sole discretion, the Owner shall provide a cash payment in lieu of providing physical decorative street light(s) and power supply pedestal(s) including concrete bases under b.) above, to the satisfaction of the City's Director of Transportation Services. The payment shall be based on the cash equivalent of a complete decorative street light (including but not restricted to the decorative pole, arm, and fixture), power supply pedestal, and concrete base.
- d.) Where decorative street light bulbs are not standard high pressure sodium 70W, 100W or 150W bulbs, the Owner shall provide a cash payment to the City's Director of Transportation Services in lieu of providing decorative street light bulbs equal to one (1) bulb for every three (3) decorative street lights to be installed, to the satisfaction of the City's Director of Transportation Services. The payment shall be based on the cash equivalent of a decorative street light bulb. For the purposes of calculating compliance with this requirement, any fraction shall be rounded to the next highest whole number. The foregoing shall be to the satisfaction of the City's Director of Transportation Services.

Planning

4.1 Density

The plan submitted for registration and/or any plans submitted for part-lot control exemption shall incorporate a lot pattern for all lots/blocks to be lotted at a density not exceeding the maximum unit density identified on Draft Plan of Subdivision

30T-20401, unless otherwise agreed to by the Region of Waterloo and the City's Director of Planning in writing.

4.2 Part Lot Control

Where required by the City, the Owner shall enter into supplementary subdivision agreements prior to the passing of a by-law exempting part lot control, said agreements to address such matters as lot numbering, lot layout, access, temporary turning circles, reserves, easements, solar orientation, servicing, grading, drainage, and any other matter of interest to the City having regard for the nature of the development proposed. Notwithstanding the foregoing, it is acknowledged that City Council cannot contract in advance to approve or pass an exempting by-law and the City cannot fetter its authority in respect to passing or not passing by-laws.

4.3 Staging

The Owner shall stage the development of the Lands in a manner satisfactory to the City's Director of Planning. The staging shall have regard to servicing, drainage areas, logical growth, and transportation needs. If Draft Plan of Subdivision 30T-20401 are to be developed in stages, the Owner shall provide the City's Director of Planning with a plan demonstrating how the Lands will be developed in stages and how required services and infrastructure will be provided, to the satisfaction of the City's Director of Planning.

4.4 Access for Local Authorities

The Owner shall schedule its road construction and servicing to facilitate access to and development of lands dedicated or conveyed to the City for municipal purposes at such time or times as may be required by the City in accordance with the accepted development staging for the Lands. Further, the Owner shall permit the City and such local authorities temporary passage across any vacant lands in the subdivision to access and undertake works on the dedicated/conveyed lands. The City or the local authority accessing such lands shall indemnify the Owner with respect to crossing the vacant lands, and shall reinstate the vacant lands to their prior condition upon completion of the works on the dedicated/conveyed lands.

Parks, Open Spaces & Entrance Features

5.1 Parkland

The Owner shall convey land in the amount of five percent (5%) of the lands comprising Draft Plan of Subdivision 30T-20401 to the City for park and/or public purposes pursuant to the provisions of Subsection 51.1(1) of the Planning Act, R.S.O. 1990 c.P.13, or where directed by the City's Director of Planning at his/her sole discretion to forthwith make a cash payment in lieu thereof pursuant to Subsection 51.1(3) of the Planning Act, R.S.O. 1990 c.P.13. The payment in lieu required in the preceding sentence shall be paid to the City prior to final approval.

5.2 Parkland – Utilities and Services

Subdivision utilities and services (including easements related to such utilities and services) shall not be located on parks, parkettes, open spaces, greenbelts, or municipal right of ways without written conditional authorization from the City's Commissioner of Integrated Planning & Public Works. The foregoing shall not apply to utilities and services that solely serve the park, parkette, open space, greenbelt, or municipal right of way. Where conditional authorization is granted by the City's Commissioner of Integrated Planning & Public Works, a condition shall be applied requiring the Owner to compensate the City for the encumbrance prior to final approval, to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

5.3 Licensed Landscape Architects

The Owner shall, at its sole expense, retain the services of a licensed Landscape Architect acceptable to the City's Director of Engineering Services to design, construct and maintain all parkland, open space, landscaping of stormwater management facilities, boulevards, trails, and the like on the Lands until the completion of the Maintenance Period, to the satisfaction of the City's Director of Engineering Services.

5.4 Construction of Parkland / Open Space

The Owner shall, at its sole expense, construct and maintain parks, parkettes, open space, trails, greenbelts, right of ways, and boulevards in accordance with the accepted Park Plan and Landscape Plan referred to in Condition 11.1 and in accordance with the City's Landscape Design Process and Requirements Manual as amended.

5.5 Seeding/Sodding

The Owner shall, following finished area grading or upon written direction of the City's Director of Engineering Services, topsoil and seed/sod those blocks within the subdivision to be used for park, parkette, open space, greenbelt, right of way, trail, and the like, to the satisfaction of the City's Director of Engineering Services.

5.6 Boulevard and Walkway Sodding/Landscaping and Fencing

- a.) The Owner shall provide boulevard sodding, landscaping, and fencing for streets within and adjacent to the subdivision as required by the City and to the satisfaction of the City's Director of Engineering Services. The said boulevard sodding, landscaping, and fencing shall be designed to City standards and constructed at the sole expense of the Owner. The Owner shall maintain, at its sole expense, the boulevard sodding, landscaping, and fencing until the completion of the Maintenance Period.
- b.) The Owner shall provide hard surfacing, sodding, landscaping, and fencing for servicing, access and walkway blocks within the subdivision as required by the City and to the satisfaction of the City's Director of Engineering Services.

The said hard surfacing, sodding, landscaping, and fencing shall be designed to City standards and constructed at the sole expense of the Owner. The Owner shall maintain, at its sole expense, the hard surfacing, sodding, landscaping, and fencing until the completion of the Maintenance Period.

5.7 Living Fence and Demarcation Posts

The Owner shall, at its sole expense, install demarcation measures (such as demarcation posts, living fences, post-and-wire fencing) along all public-private interfaces as required by the City, to City design standards and to the satisfaction of the City's Director of Engineering Services. Living fences shall be located near the property line on the municipal lands in accordance with the Demarcation Plan required under Condition 11.1, to the satisfaction of the City's Director of Engineering Services. Demarcation posts shall be located approximately one hundred and fifty millimeters (150 mm) from the property line on the municipal lands, to the satisfaction of the City's Director of Engineering Services.

5.8 Community/Pedestrian Trails

The Owner shall, at its sole expense, design and construct community/pedestrian trails within the subdivision in accordance with the Park Plan referred to in Condition 11.1, to City design standards and to the satisfaction of the City's Director of Engineering Services. The Owner shall maintain, at its sole expense, the community/pedestrian trails until the completion of the Maintenance Period.

5.9 Planting Programs

The Owner shall implement planting gift certificates per the City's "Spruce Up Your City With Backyard Planting" program, to the satisfaction of the City's Director of Engineering Services, for single detached dwellings, semi-detached dwellings and duplexes constructed on the Lands. The Owner agrees to implement the approved Site Plan "Landscape Plan" for all other dwellings and non-residential uses constructed on the Lands.

5.10 Landscape Design Process and Requirements Manual

The Owner shall ensure the Landscape Plan, Park Plan and designs for stormwater management ponds, parks, parkettes, open space, trails, greenbelts, right of ways, boulevards, berms, demarcation posts, and signage required under Condition 11.1 are in accordance with the City's current landscape standards as set out in the City's Landscape Design Process and Requirements Manual as amended, unless specifically directed otherwise in writing by the City's Director of Engineering Services.

5.11 Berms and Rear Yards

Where a landscaped earthen berm is constructed on the Lands, each adjacent residential lot shall have a usable rear yard, unless otherwise specified by the City's Director of Engineering Services. For the purposes of this provision, useable rear yard shall mean a minimum six metre (6.0 m) deep private amenity space with

a maximum gradient of five percent (5%) between the dwelling and the nearest toe of the berm.

5.12 Entrance Features – Public Lands

If any subdivision entrance feature or identification feature is proposed on public lands or lands to be dedicated/conveyed to the City, the Owner shall obtain written approval from the City's Commissioner of Integrated Planning & Public Works for the said feature prior to its installation, and such approval may be denied. Prior to the installation of any approved entrance/identification feature, the Owner shall enter into a binding agreement with the City to address all matters related to the said entrance/identification feature including financial arrangements, liability, design and maintenance for the full expected lifespan of the entrance/identification feature, to the satisfaction of the City's Commissioner of Integrated Planning & Public Works. The form and content of the said binding agreement shall be to the satisfaction of the City's Commissioner of Integrated Planning & Public Works and the City's Director of Legal Services.

5.13 Entrance Features – Private Lands

That the Owner acknowledge and agree that subdivision entrance features or identification features on private lands within the subdivision are subject to the City's Sign By-law, and shall only be constructed or erected in accordance with the City's Sign By-law.

Environment

6.1 Environmental Monitoring Plan

The Owner shall implement, at its sole expense, an environmental monitoring plan for each stage of development on the Lands if required by the City and/or the Region of Waterloo, to the satisfaction of the City and the Region of Waterloo. The terms of reference for the said monitoring plan shall be accepted by the City and the Region of Waterloo prior to the commencement of the environmental monitoring. The environmental monitoring plan shall be undertaken in accordance with the accepted terms of reference.

The said monitoring plan shall be completed for pre-construction, during construction and post construction time periods, to the satisfaction of the City and the Region of Waterloo. The said monitoring plan shall include the establishment of permanent groundwater monitoring well nests, installed by the Owner to allow performance monitoring of the proposed subdivision design and works. The location, depth and completion details of the monitoring well nests shall be reviewed and accepted by the City and the Region of Waterloo. The monitoring wells are to be installed prior to area grading.

Post construction monitoring shall continue for two (2) years after ninety percent (90%) of Draft Plan of Subdivision 30T-20401 has been fully implemented including house construction, as determined by the City's Director of Planning.

The purpose of the monitoring is to determine whether during and post construction targets for water quality and quantity and terrestrial objectives have been met, and to evaluate the effectiveness of best management practices. Best management practices acceptable to the City and the Region of Waterloo are to be used to achieve the said targets and objectives. Where during and post construction targets for groundwater and surface water quality and quantity and/or terrestrial objectives are not met due to matters related to the development of the subdivision and/or construction of buildings/structures thereon, the Owner shall undertake measures acceptable to the City the Region of Waterloo to mitigate impacts and facilitate compliance with the said targets and objectives to the extent possible. Such measures shall be incorporated into:

- a.) any built portion of the development, where determined feasible by the City's Director of Planning; and,
- b.) any unbuilt portion of the development.

6.2 Groundwater Recharge

Where appropriate, the Owner shall maximize permeability and "clean water" infiltration on lots and blocks within the subdivision to facilitate groundwater recharge, to the satisfaction of the City and the Region of Waterloo. Measures to maximize permeability and "clean water" infiltration shall form part of the comprehensive Stormwater Management Plan required under Condition 11.1.

6.3 Winter Maintenance & Salt Reduction Plan – Site Plan Control

A winter maintenance and salt reduction plan shall be included in each site plan application pursuant to Section 41 of the Planning Act R.S.O. 1990 c.P.13 on the Lands. The accepted winter maintenance and salt reduction plan shall be implemented in conjunction with the development of the related lands, to the satisfaction of the City. The winter maintenance and salt reduction plan shall address snow storage, plowing, road salt management/reduction and any other mitigative measures required to minimize salt impacts on the natural environment. Development requiring site plan approval on the Lands shall be designed with a road drainage system based on cold weather (winter) flows, unless otherwise directed in writing by the City's Director of Engineering Services.

6.4 Vehicle Fueling

Vehicle fueling and re-fueling shall be located away from natural features and precautions taken to prevent spillage.

Transportation

7.1 Reserves

Any open sides of road allowances created by the subdivision shall be terminated with a 0.300 metre reserve. Reserves shall be conveyed to the City and held by the City to prevent undesired access to a municipal highway or municipal lands, or until required for future road allowances or the development of adjacent lands in accordance with municipal approvals.

7.2 Sidewalks and/or Multi-Use Trails

- a.) The Owner shall construct, at its sole expense, concrete sidewalks along both sides of the streets within the subdivision as shown on the accepted engineering drawings required under Condition 12.1, to the satisfaction of the City.
- b.) The Owner shall construct, at its sole expense, active transportation infrastructure such as multi-use trails within the subdivision as shown on the accepted engineering drawings required under Condition 12.1, to the satisfaction of the City.

7.3 Sidewalks and/or Multi-Use Trails on Abutting lands

The Owner shall construct, at its sole expense, concrete sidewalks and/or active transportation infrastructure on municipal highways adjacent to the subdivision as required by the City's Commissioner of Integrated Planning & Public Works and to the satisfaction of the Commissioner.

7.4 Emergency Access

The Owner shall provide and maintain a temporary emergency access to the satisfaction of the City if more than 26 units are developed with one point of vehicular access. The design, location and configuration of each temporary emergency access shall be accepted by the City prior to its installation.

7.5 Temporary and Emergency Access Signs and Devices

The Owner shall install temporary street name and emergency access signs in the subdivision in the event permanent signs are not erected, at the sole expense of the Owner and to the satisfaction of the City's Director of Transportation Services. The said signs shall indicate that such roads are not assumed by the City and are used at one's own risk.

The Owner shall install temporary traffic control devices in the event permanent traffic control devices are not erected, at the sole expense of the Owner and to the satisfaction of the City's Director of Transportation Services. The City shall have the right to inspect the temporary traffic control devices at any time and without notice, and the cost of the said inspections shall be at the sole expense of the Owner.

7.6 Street Signs

The Owner shall, at its expense, arrange for the erection of permanent street name signs, emergency access signs, and traffic control signs and devices in the subdivision immediately following the placement of the first course of asphalt on a street, to the satisfaction of the City's Director of Transportation Services. At such time as the permanent signs are installed, the Owner shall remove, at its sole expense, any related temporary signs within the subdivision.

7.7 Bicycle Lanes

The Owner agrees to construct, at its expense, on-street bicycle lanes as identified on the accepted engineering drawings referred to in Condition 12.1, to the satisfaction of the City's Director of Engineering Services.

Agencies

8.1 Canada Post

That the Owner agrees to complete the following to the satisfaction of the City of Waterloo and Canada Post:

- a.) include a statement in each Agreement of Purchase & Sale or rental agreement (prior to its execution), that the home/business mail delivery will be to a designated Community Mail Box; and,
- b.) officially notify the initial new home purchasers of the exact Community Mail Box locations prior to the closing of any home sales.

The Owner shall locate Community Mail Box facilities in co-operation with Canada Post, and indicate the agreed upon locations of the Community Mail Box facilities on appropriate maps, information boards and plans. Maps identifying the specific Community Mail Box locations shall be prominently displayed in the sales office(s) for new homes in the subdivision.

The Owner shall install a concrete pad in accordance with the requirements of, and in locations approved by, Canada Post to facilitate the placement of Community Mail Boxes. The said pads shall be identified on the engineering servicing drawings, and poured at the time of curb and/or sidewalk installation within each stage of the subdivision.

The Owner shall be responsible for standard Canada Post Community Mail Box fees and charges, to the satisfaction of Canada Post.

That the Owner agree to work with Canada Post to determine and provide temporary suitable Community Mail Box locations that may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

The Owner will agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.

A centralized mail facility shall be provided in buildings and complexes with a common lobby, common indoor space, or common sheltered space in accordance with Canada Post's multi-unit policy.

8.2 Waterloo North Hydro

- a.) The Owner shall locate hydro meters in locations deemed acceptable to Waterloo North Hydro Inc.
- b.) Decreased setbacks (if proposed) may necessitate the installation of non-combustible barrier walls between Waterloo North Hydro Inc. padmounted transformers and the housing unit as per the Ontario Electrical Safety Code, Section 26-242, and the said installation will be at one hundred percent (100%) the Owner's cost and may require a revised right-of-way cross section to facilitate the said installation due to the proximity of the padmounted transformer to the sidewalk.
- c.) Ganged hydro meters shall be provided for townhouses on end units, unless otherwise directed by Waterloo North Hydro Inc. in writing. Further, the Owner shall register an easement over any end unit containing a ganged hydro meter in favour of the owners of the internal units for their electrical services, to the satisfaction of Waterloo North Hydro Inc. and that the said easement shall be registered on title.
- d.) The Owner shall dedicate a blanket easement over the entire Lands, or a site specific easement over the underground conductors from the property line to the meter bases, if requested by Waterloo North Hydro Inc. and to the satisfaction of Waterloo North Hydro Inc.. The Owner agrees to construct easement lands used for hydro anchoring purposes to within 150mm of final grade.
- e.) Any relocation of existing hydro facilities, if necessary, will be at one hundred percent (100%) the Owner's cost.

8.3 Telecommunications

The Owner shall indicate in the required Subdivision Agreement with the City, in words satisfactory to telecommunication providers such as Bell Canada, that it will grant to the telecommunication provider any easements that the telecommunication provider may require, which may include a blanket easement, for communication / telecommunication infrastructure on the Lands. In the event of any conflict with existing telecommunication provider facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

Drawings

9.1 Electronic Drawings

All accepted and as-recorded drawings for the subdivision on the Lands, including the plans and drawings required under Conditions 11.1 and 12.1, shall be provided by the Owner to the City's Director of Planning in an electronic format acceptable to the City's Director of Planning.

9.2 School Board – Drawings

Upon registration, the Owner shall provide the City, the Waterloo Region District School Board and the Waterloo Catholic District School Board with a digital file of the registered plan of subdivision in an electronic format acceptable to the City and the School Boards containing the layer information for plans of subdivision as set out in the City's Digital Plan Submission Standards.

General

10.1 Expeditious Works

All work done in relation to the subdivision and building construction on the Lands shall be done expeditiously, in a good workmanlike manner by persons qualified and licensed in accordance with all applicable by-laws, statutes and regulations.

10.2 Clean Site

The Owner shall require its employees, contractors, suppliers and agents and any home builder's employees, contractors, suppliers and agents to maintain the Lands in a clean condition in accordance with the requirements of the City and to the satisfaction of the City's Director of Engineering Services. The intent is to:

- a.) avoid unsightly properties and construction debris impacts on nearby landowners, stormwater management facilities, and open space lands; and,
- b.) avoid the accumulation of grit, dirt, debris or other materials within the road right-of-way.

A qualified representative of the Owner shall, at the Owner's expense, monitor and inspect the Lands throughout all stages of subdivision development and building construction to ensure the Lands are maintained in a clean condition, to the satisfaction of the City's Director of Engineering Services. The representative shall manage and resolve all 'clean site' complaints, at the Owner's expense and to the satisfaction of the City's Director of Engineering Services. Notwithstanding the foregoing, 'clean site' complaints arising from unauthorized storage, unauthorized site works, and/or lot maintenance by a private property owner shall be directed to the said private property owner for resolution in accordance with City By-Laws 2011-122 and 2011-123, as amended, being a "By-law to Prescribe Standards for the Maintenance and Occupancy of Property within the City of Waterloo" and a "By-law to Regulate the Maintenance of Land within the City of Waterloo" respectively, or any successor by-law.

Where the City's Director of Engineering Services provides written notice to the Owner (or the Owner's representative) regarding the need to clean up the Lands and the said clean-up is not undertaken within the timeline set out in the notice, the City may take the necessary action to clean the Lands at the Owner's expense, and the Owner shall pay to the City upon demand the full amount of the costs incurred by the City to clean the Lands. If the Owner does not pay the City:

- c.) the Letter of Credit and any financial securities deposited with the City in relation to Draft Plan of Subdivision 30T-20401 may be drawn upon by the City to satisfy the required payment, and the Owner shall replace or increase said Letter of Credit and financial securities to their original value within fifteen (15) business days of receiving notice of such draw or draws; and,
- d.) further building permits on the Lands shall not be requested or issued until the Owner satisfies the obligations of Condition 10.2 c.) above to the satisfaction of the City's Director of Engineering Services.

Without restricting the generality of the foregoing, all streets within and abutting the Lands shall be kept in a good useable condition and free of obstructions during all stages of subdivision development and building construction on the Lands, and if damaged or dirtied will be restored to a good and useable condition by the Owner at its expense and to the satisfaction of the City's Director of Engineering Services.

10.3 Open Burning

The burning of brush, garbage, debris, waste or any other material / substance shall not be permitted on the Lands without the written permission of the City's Fire Rescue Services Division.

10.4 Geodetic Monuments

The Owner shall retain a qualified professional to install concrete geodetic monuments in the subdivision with coordinates and elevations thereon, to the satisfaction of the City. The plan submitted for registration shall include the location of monuments, their coordinate values, elevation and code numbers as prescribed by the Surveyor General of Ontario.

10.5 Survey Bar Installation

The Owner shall, at its sole expense, employ an Ontario Land Surveyor to install survey bars on all corners of lots and blocks and at any other locations required by the City. Further, the Owner shall, upon final completion of all servicing works for this subdivision, provide an Ontario Land Surveyor's Certificate that all survey bars are in place and easily accessible.

PRIOR TO AREA GRADING OF THE SUBDIVISION

11.1 Plans

That prior to the stripping of topsoil or area grading, the Owner shall obtain acceptance of the following plans from the City's Director of Engineering Services and any other authority having jurisdiction, and shall comply with and implement the said accepted plans:

- a.) "Trees To Be Saved Plan" shall be required identifying existing individual trees, hedgerows or other groupings of trees on or adjacent to the Lands, and an analysis of which of these trees are proposed to be removed. The Owner shall endeavor to retain as many trees, hedgerows and groupings of trees as possible, and any tree or trees identified as "to be removed" shall be reviewed and approved by the City. The Owner agrees to protect trees to be retained with snow fencing and/or other means deemed appropriate by the City as identified on the Trees To Be Saved Plan.
- b.) "Subdivision Grading Plan" shall be required showing existing and proposed elevations, existing trees to be retained and the drainage scheme for each lot and block within the subdivision. The grading plan shall include detailed information on the method proposed to re-establish ground cover, and the said ground cover shall be installed upon completion of fine grading.

The Subdivision Grading Plan shall illustrate topographic contours and spot elevations at least twenty (20) metres beyond the limits of the development, and shall be in accordance with City policies and practices including the City's Development Manual as amended.

The said Subdivision Grading Plan shall be to the satisfaction of the Region of Waterloo where the Lands drain to a Regional Facility.

- c.) "Erosion and Sediment Control Plan" shall be required for all lots and blocks within the subdivision. The said plan shall include the identification of soil stockpiling areas.
- d.) Plans required by the City's Director of Engineering Services in conjunction with a valid site alteration permit pursuant to City By-law 2010-066, as amended, or any successor by-law. The City's "Site Alteration By-law No. 2010-066" and all other by-laws that regulate topsoil filling, grading and/or site alteration in the City shall be complied with in regards to the Lands. No topsoil shall be stripped on the Lands until the Owner has applied for and obtained a site alteration permit, unless otherwise directed by the City's Director of Engineering Services in writing. The Owner shall abide by any site alteration permit issued by the City, including conditions related thereto. No topsoil or fill shall be stored on park blocks without the prior written consent of the City's Director of Engineering Services.

In addition to the foregoing, the City's Director of Engineering Services may require the Owner to obtain acceptance of one or more of the plans identified in e.) through j.) below prior to the stripping of topsoil or area grading, and the Owner shall comply with and implement the said accepted plans to the satisfaction of the City's Director of Engineering Services:

- e.) "Landscape Plan for Stormwater Management Facilities" shall be required for stormwater management facilities prior to the construction of the said facilities. The Owner shall (at its expense) implement the Landscape Plan for Stormwater Management Facilities in accordance with timing specified by the City's Director of Engineering Services.
- f.) "Landscape Plan" shall be required for all boulevard right-of-ways within and adjacent to the subdivision. The Owner shall (at its expense) implement the Landscape Plan in accordance with timing specified by the City's Director of Engineering Services.
- g.) "Demarcation Plan" shall be required for all interfaces between public and private lands within the subdivision. The Owner shall (at its expense) implement the Demarcation Plan in accordance with timing specified by the City's Director of Engineering Services.
- h.) "Stormwater Management Plan" shall be required for all lots and blocks within the subdivision. The Stormwater Management Plan shall include the identification of stormwater controls such as infiltration trenches, clean water collector systems, water retention ponds, and the elimination of storm sewer connections.

The Stormwater Management Plan shall demonstrate how:

- i. run-off from the Lands will be controlled to prevent erosion;
- ii. run-off volumes will maintain the form and function of significant wetland features and surface water systems (such as creeks, streams, rivers, ponds) on or near the Lands;
- iii. groundwater infiltration on the Lands can be maintained as close as possible to pre-development conditions or enhanced;
- iv. the water balance on the Lands can be maintained as close as possible to pre-development conditions or enhanced, that is how during-construction and post-construction conditions match pre-development estimates;
- v. the targets of any applicable watershed study and subwatershed management plan, and any other targets approved by the City, can be met; and,
- vi. indicate the design and location of any special engineering measures required to maintain the water balance, stormwater quality, and/or stormwater quantity,

all to the satisfaction of the City's Director of Engineering Services and GRCA. The Stormwater Management Plan shall also be to the satisfaction of the Region of Waterloo where the Lands drain to a Regional Facility.

- i.) "Servicing Plan" shall be required for all water, sanitary, stormwater, roads and other services and infrastructure required to implement the subdivision, and all existing easements on the Lands.

Services shall be located to one side of the road where a centre median is used to provide emergency access, unless otherwise directed by the City's Director of Engineering Services.

- j.) "Encumbrance Plan" shall be required showing all existing and known encumbrances within and adjacent to the subdivision that could reasonably affect topsoil removal, grading, site servicing, subdivision construction works, subdivision lotting, and/or the positioning of buildings/structures on proposed lots/blocks. Without restricting the generality of the foregoing, encumbrances include easements, rights-of-way, and significant utility infrastructure such as hydro vaults and high voltage transformers. Encumbrances shall exclude standard natural gas easements adjacent to streets.

All plans identified in e.) to j.) above shall be accepted by the City's Director of Engineering Services prior to the commencement of site servicing (including utilities installation and infrastructure works) and subdivision construction works, and the Owner shall (at its expense) comply with and implement the said accepted plans, to the satisfaction of the City's Director of Engineering Services.

11.2 Construction Traffic Plan – Grading Phase

Prior to any stripping of topsoil or area grading, the Owner shall provide a Construction Traffic Plan for the grading phase of the site works, to the satisfaction of the City's Director of Engineering Services. The accepted construction traffic route(s) shall remain open as long as possible, and the Owner shall advise the City prior to closing any construction traffic route(s). The Owner shall require contractors and builders to use the said construction traffic route(s) as their primary access in order to redirect construction traffic away from occupied residential streets. The Owner shall provide appropriate securities to enforce the Construction Traffic Plan, to the satisfaction of the City's Director of Engineering Services.

11.3 Grading, Servicing and Construction Monitoring

The Owner shall undertake site monitoring during grading, servicing and construction on the Lands, to the satisfaction of the City, including:

- a.) monitoring the edge of any water features, deciduous forest, and conservation lands on or abutting the Lands;

- b.) ensuring vegetation protection measures are implemented and functioning;
- c.) assessing the integrity of the erosion control measures;
- d.) managing construction debris and ensuring complete removal of such debris from the site upon the completion of construction; and,
- e.) debris removal from natural areas.

Site monitoring requirements shall be detailed in a plan, to the satisfaction of the City's Director of Engineering Services.

11.4 Area Grading

No area grading shall occur on the Lands until such time as the Owner has received a letter of authorization from the City's Director of Engineering Services to proceed, and then only in accordance with the accepted Subdivision Grading Plan and/or any site alteration permit. Further, no area grading shall occur on the Lands until such time as the City Clerk has received the insurance certificate required under Condition 3.3.

11.5 Geotechnical Engineer – Inspection Services - Grading

The Owner, at its expense, shall retain a geotechnical engineer to undertake full-time inspections during area grading operations. The geotechnical engineer shall, among other duties:

- a.) undertake full-time inspections during earth works on the Lands;
 - b.) examine and approve sources of fill material;
 - c.) monitor fill placement and verify compaction by in situ density testing;
 - d.) certify geotechnical compliance with accepted engineering drawings for underground services and dewatering; and,
 - e.) certify geotechnical compliance with accepted engineering drawings for grading,
- all to the satisfaction of the City's Director of Engineering Services.

PRIOR TO SERVICING

12.1 Engineering Drawings

The Owner shall provide engineering drawings for all sanitary sewers, watermains, storm sewers, road base, sidewalks, pavement and all other surface and underground works set forth in Schedule 'B' and required pursuant to Condition 11.1. The said drawings shall be accepted by the City's Director of Engineering Services and any other authority having jurisdiction prior to undertaking any site servicing or subdivision construction works on the Lands.

12.2 Dewatering

If required by the City's Director of Engineering Services, the Owner shall submit a dewatering plan with the engineering drawings referred to in Condition 12.1, to the satisfaction of the City's Director of Engineering Services.

12.3 Construction Traffic Plan – Construction Phase

Prior to any site servicing or subdivision construction works (excluding grading or topsoil removal), the Owner shall provide a Construction Traffic Plan for the servicing and construction phase of the site works, including temporary street signs and emergency access signs, to the satisfaction of the City's Director of Engineering Services. The accepted construction traffic route(s) shall remain open as long as possible, and the Owner shall advise the City prior to closing any construction traffic route(s). The Owner shall require contractors and builders to use the said construction traffic route(s) as their primary access in order to redirect construction traffic away from occupied residential streets. The Owner shall provide appropriate securities to enforce the Construction Traffic Plan.

12.4 Driveway Locations

At the time of servicing design, the Owner shall provide the City a Driveway Location Plan that establishes driveways in locations that maximize the availability of on-street parking and minimizes conflicts between the driveways and subdivision infrastructure, to the satisfaction of the City's Director of Engineering Services. The subdivision shall be developed in accordance with the accepted Driveway Location Plan.

12.5 Subsurface Soil Investigation

The Owner shall submit to the City a soil investigation report prepared by a qualified geotechnical engineer that provides engineering specifications and recommendations to make all lots and blocks within the subdivision adequate for foundations, roads, stormwater management facilities and all other works set out in Schedule 'B'. The soil investigation report shall identify the presence of groundwater elevations and hydrostatic pressure that may impact footings, basements, and underground or surface works. Building permits shall not be available until the required soil investigation report has been accepted by the City's Director of Engineering Services or the City's Chief Building Official.

12.6 No Servicing Prior to Acceptance of Plans

The Owner agrees that no site servicing or subdivision construction works shall commence until the technical drawings and reports referred to in Conditions 6.1, 11.1, 11.2, 12.1, 12.2, 12.3, 12.4, 12.5 have been accepted by the City's Director of Engineering Services and any other authority having jurisdiction.

12.7 Plans – Condition 12.1

Prior to any site servicing or subdivision construction works, the obligation in Condition 11.1 shall be satisfied, being the acceptance of the plans identified in Condition 11.1 f.) to j.) by the City's Director of Engineering Services.

12.8 Development Manual Compliance

The engineering drawings referred to in Condition 12.1 shall be in accordance with the City's current subdivision standards and the City's Development Manual as amended, unless otherwise directed by the City's Director of Engineering Services.

12.9 Consultant - Engineer

The Owner shall retain, at its sole expense, a licensed consulting engineer to prepare and co-ordinate all engineering reports, schedules, drawings, approvals, specifications, estimates, contract administration, inspection, certification and completion of 'as-recorded' drawings required to service the subdivision. The Owner shall, at its sole expense, provide for the full time supervision and inspection services of a consulting engineer acceptable to the City's Director of Engineering Services for the installation of all engineering, servicing, grading and geotechnical works related to the subdivision on the Lands.

12.10 References on Drawings

If required by the City's Director of Engineering Services, maintenance procedures and timing for subdivision services and infrastructure shall be included on the engineering drawings submitted to the City for acceptance. With respect to stormwater management and drainage drawings, if requested by the City's Director of Engineering Services, quality and quantity control assurances for the maintenance of stormceptors, siltation controls and the like shall be identified on the engineering drawings submitted to the City for acceptance.

12.11 Regional Agreement for Servicing

Prior to any site servicing or subdivision construction works, the Owner shall enter into an Agreement for Servicing with the Region to preserve access to municipal water supply and municipal wastewater treatment services. The Region of Waterloo shall advise prior to the execution of a Regional Agreement for Servicing that sufficient water supplies and wastewater treatment capacity is available for this subdivision, or the portion of the subdivision to be registered.

12.12 Waterloo North Hydro Inc.

Prior to any site servicing or subdivision construction works, the Owner shall enter into an agreement with Waterloo North Hydro Inc. for the provision of hydro services to the Lands and for the subdivision. The Owner further agrees that the removal, replacement and/or relocation of any existing electrical distribution facilities of Waterloo North Hydro Inc. will be solely the financial responsibility of the Owner.

12.13 Utilities and Telecommunications

- a.) Prior to any site servicing or subdivision construction works, the Owner shall make satisfactory arrangements for the provision of permanent (and where necessary temporary) utility and telecommunications services for the subdivision, to the satisfaction of the City.

- b.) The Owner shall provide for the underground installation of telecommunication, natural gas, and hydro services in the subdivision, unless otherwise agreed to in writing by the City and the applicable service provider.

12.14 Road Salt Impact Assessment

Prior to any site servicing or subdivision construction works, the Owner shall complete a road salt impact assessment for the subdivision in conjunction with the required Stormwater Management Plan, to the satisfaction of the Region of Waterloo and the City. The assessment shall calculate the loading of salt from deicing operations to groundwater so as to ensure that groundwater concentrations of sodium and chloride will remain within the Reasonable Use Guidelines established by the Province of Ontario. The Owner shall, at its expense, implement the recommendations of the road salt impact assessment, to the satisfaction of the City and the Region of Waterloo.

12.15 Geotechnical Engineer – Servicing Design and Construction

The Owner, at its sole expense, shall retain a geotechnical professional acceptable to the City's Director of Engineering Services to provide geotechnical expertise with respect to the design and construction/ installation of underground services and dewatering requirements for the subdivision, to the satisfaction of the City's Director of Engineering Services.

12.16 Geotechnical – Infrastructure

The Owner shall retain a qualified geotechnical professional acceptable to the City's Director of Engineering Services to inspect all infrastructure and servicing excavation areas. Where structural fill or soil concerns are found, the geotechnical professional shall prepare a report to the satisfaction of the City's Director of Engineering Services indicating whether-or-not the site is suitable to accept the proposed infrastructure and/or services. Where a site is not suitable for site servicing or subdivision construction works, the report shall provide professional recommendations regarding methods to remediate the site to allow for servicing and construction, to the satisfaction of the City's Director of Engineering Services.

PRIOR TO OR CONCURRENT WITH THE REGISTRATION OF THE PLAN

13.1 Plan

Prior to registration, the plan to be registered shall be approved by the City's Director of Planning.

13.2 Technical Plans – Prior To Registration

Prior to registration, the plans and reports set out in Conditions 11.1, 11.2, 12.1, 12.2, 12.3, 12.4, 12.5 shall be accepted by the City.

13.3 OLS verification

Prior to registration, the Owner shall submit verification from an Ontario Land Surveyor that the proposed lots/blocks to be registered comply with the requirements of the City's Zoning By-law.

13.4 Clearances and Financial Securities

Prior to registration, the Owner shall submit the required clearances and financial securities set out in the City's conditions of approval for Draft Plan of Subdivision 30T-20401.

13.5 Dedication of Streets and Lanes

At the time of registration, streets and lanes shall be dedicated as public highways to the City, free of charge and clear of encumbrances. The streets shall be named to the satisfaction of the City.

13.6 Lands To Be Conveyed

Lands to be conveyed to the City at the time of registration (excluding the lands identified in Condition 13.5) may be established in a supplementary subdivision agreement. The form and content of the supplementary subdivision agreement shall be to the satisfaction of the City's Director of Planning and the City's Director of Legal Services.

13.7 Conveyance of Easements to Utilities and Telecommunication Service Providers

At the time of registration, the Owner shall have made secure arrangements satisfactory to the City to convey easements for utility and telecommunication services in the subdivision to the applicable utilities and telecommunication service providers.

13.8 Stormwater Management Facilities - Registration

No portion of the Lands shall be registered until all stormwater management facilities required to service the Lands have been constructed, to the satisfaction of the City's Director of Engineering Services.

13.9 Multiple Residential Site Signs

Prior to registration and immediately after plan servicing, the Owner shall, at its sole expense, design, construct and install signage on the Lands that clearly notifies the public of all proposed multiple residential sites identified on Draft Plan of Subdivision 30T-20401, the said signage to be located:

- a.) on the multiple residential sites, unless otherwise consented to by the City's Director of Planning if circumstances warrant the placement of the said signage in an alternative location on the Lands; and,
- b.) in clear, plain and legible sight of the adjacent public highway.

The sign's design, construction and installation shall be to the satisfaction of the City's Director of Planning. The said signage shall comply with the City's Sign By-law, as amended.

13.10 Public Land Signage

Prior to registration and immediately after plan servicing or within 30 days written notice from the City's Director of Planning, the Owner shall, at its sole expense, design, construct, install, and maintain signage that clearly notifies the public of the designated locations and intended function of public spaces (including parks, open spaces, greenbelts, right of ways, and the like) on the Lands, to the satisfaction of the City's Director of Planning. The sign's design, construction and installation shall be to the satisfaction of the City's Director of Planning. The Owner shall remove the signage within 30 days of receiving written notice from the City's Director of Planning. The said signage shall comply with the City's Sign By-law, as amended.

13.11 Regional Agreement for Servicing

Prior to registration, the obligation in Condition 12.11 shall be satisfied.

13.12 Easement Plan

Prior to registration, the Owner shall obtain acceptance of an easement plan (the "Easement Plan") from the City's Director of Legal Services and any other authority having jurisdiction. The Easement Plan shall identify all existing and proposed easements on the lands to be registered, to the satisfaction of the City's Director of Legal Services.

At the time of registration, the Owner shall have made secure arrangements satisfactory to the City to convey the easements on the accepted Easement Plan. Easements shall be conveyed free of charge and clear of encumbrances. Where an easement is to be conveyed to the City, the form and content of the said easement shall be to the satisfaction of the City's Director of Legal Services.

PRIOR TO EXECUTION OF AN AGREEMENT OF PURCHASE & SALE OR RENTAL AGREEMENT

14.1 Schedule "D"

Schedule 'D' shall form an integral part of the Subdivision Agreement. The Owner shall attach a copy of Schedule 'D' to every Agreement of Purchase & Sale or rental agreement (prior to its execution) for each lot or block being purchased or rented in the subdivision.

The Owner shall require all builders within the subdivision to attach a copy of Schedule 'D' to every Agreement of Purchase & Sale or rental agreement (prior to its execution) for new homes/residential units in the subdivision.

14.2 No Occupancy Inspection

Every Agreement of Purchase & Sale or rental agreement (prior to its execution) for lots or blocks in the subdivision, or new homes/residential units in the subdivision, shall incorporate a statement indicating that builders will not request occupancy inspections until such time as all exterior finishes are substantially complete, to the satisfaction of the City's Chief Building Official.

14.3 Grading Provision in Agreement of Purchase and Sale

Every Agreement of Purchase & Sale or rental agreement (prior to its execution) for lots or blocks in the subdivision, or homes/residential units in the subdivision, shall incorporate as a condition of the sale the requirement that the purchaser comply with:

- a.) the accepted Subdivision Grading Plan; and,
- b.) the accepted Lot Development Plan with respect to grading.

The Owner shall remain primarily liable for full compliance with respect to grading until the two (2) year period referred to in Condition 17.2 b.) is complete, to the satisfaction of the City's Director of Engineering Services. The foregoing does not release the owner of such lot or block from being liable to keep the grading of their lot or block in compliance with the accepted Subdivision Grading Plan and Lot Development Plan, unless otherwise directed by the City's Director of Engineering Services in writing.

14.4 Agreement of Purchase & Sale – Standard Attachments

The Owner shall require all builders within the subdivision to attach the following documents and warning clauses to every Agreement of Purchase & Sale or rental agreement (prior to its execution) for new homes/residential units in the subdivision:

- a.) the pertinent zoning for the lot/block/dwelling;
- b.) a copy of the registered plan of subdivision that clearly identifies the purpose of each lot/block/ dwelling;
- c.) written notice to prospective buyers that the attendance boundaries for students in this area has not been finalized and that they should contact the Waterloo Region District School Board and Waterloo Catholic District School Board directly for updates;
- d.) source water protection and awareness information to educate home purchasers on the proper use and storage of chemicals, nutrients and road salts, to the satisfaction of the Region of Waterloo;
- e.) a copy of the following documents:
 - i.) the City's "The Usual Suspects" brochure regarding pesticides, or successor brochure

- ii.) City of Waterloo Fence By-law
 - iii.) Facts About Waterloo Region's Drinking Water Quality, or successor brochure
 - iv.) Regional By-law Respecting the Conservation of Water
- f.) an excerpt of the Subdivision Grading Plan and Servicing Plan for the lot/block/dwelling;
- g.) the information required by Canada Post pursuant to Condition 8.1;
- h.) for each Agreement of Purchase and Sale or rental agreement entered into prior to the registration of the subdivision and pursuant to Section 52 of the Planning Act, R.S.O. 1990, c. P. 13.:

“The lot or lots, block or blocks which are the subject of this agreement of lease or purchase and sale are not yet registered as a plan of subdivision. The fulfillment of all conditions of draft plan approval, including the commitment of water supply and sewage treatment services thereto by the Region and other authorities, has not yet been completed to permit registration of the plan. Accordingly, the purchaser should be aware that the vendor is making no representation or warranty that the lot, lots, block or blocks which are the subject of this agreement of lease or purchase and sale will have all conditions of draft plan approval satisfied, including the availability of servicing, until the plan is registered.”

PRIOR TO ISSUANCE OF BUILDING PERMITS

15.1 No Assurance – Building Permits

That the Owner agree that any approval or acceptance by the City with respect to this subdivision or any authorization to commence the installation of services/infrastructure shall not be deemed to give assurance that building permits when applied for will be issued unless all other by-laws and requirements of the City and all other applicable laws have been complied with.

The City's Chief Building Official may, at his/her sole discretion, withhold the issuance of a building permit or permits to the Owner, its successors or assigns, for any lot or block on the Lands if the Owner is in default of the Subdivision Agreement or any supplementary agreement thereto.

15.2 Soil Stabilization, Fill, Flood Protection, Etc.

The City's Chief Building Official may, at his/her sole discretion, withhold the granting of building permits until required work such as soil stabilization, the placing of structural fill, installation of flood protection, special foundations,

retaining walls or other work is completed to his/her satisfaction and has absolute discretion to refuse to grant building permits on any lot or block on the Lands which, in the opinion of the Chief Building Official, is unsuitable for building because of its rocky, low lying, marshy or unstable characteristics or which may be subject to flooding, until such time as all works which may be required to make such land suitable for building or protected from flooding are completed to the satisfaction of the City's Chief Building Official.

15.3 Development Charges

Prior to the issuance of a building permit, all applicable development charges shall be paid to the City in accordance with Schedule 'C' of the required Subdivision Agreement.

15.4 Lot Development Plan

A "Lot Development Plan" for each lot/block shall be submitted with every building permit application. The form and content of the Lot Development Plan shall be to the satisfaction of the City's Chief Building Official. The City may, at its sole discretion, refuse to issue a building permit until a Lot Development Plan has been received and accepted by the City's Chief Building Official. The Lot Development Plan shall be prepared by a licensed consulting engineer acceptable to the City's Chief Building Official, who shall:

- a.) certify that the Lot Development Plan conforms to the plans set out in Conditions 11.1, 12.1, and 12.4 and the report set out in Condition 13.5;
- b.) provide a description of the environmental purpose of any natural features on the lot/block;
- c.) set on-site grades, including top of foundation grades, in accordance with the accepted Lot Development Plan;
- d.) ensure the implementation of the tree saving and tree planting requirements of the accepted Lot Development Plan;
- e.) ensure the implementation of stormwater management and drainage requirements identified on the accepted Lot Development Plan; and,
- f.) ensure the implementation of erosion and sediment control requirements identified on the accepted Lot Development Plan.

The consulting engineer shall inspect and certify in writing that each building foundation when construction is on standard fill pads, as shown on the accepted Lot Development Plan, to the satisfaction of the City's Chief Building Official.

15.5 Lot Development Plan Deposit

The Owner shall, prior to the issuance of a building permit, submit a \$1,000 deposit for each lot/unit to ensure compliance with the accepted Lot Development Plan required by Condition 15.4. The performance deposit will be refunded on a street-by-street basis when development compliance letters have been received and accepted for all lots/units fronting on the said street provided that a minimum performance deposit of \$10,000 is retained until the final development compliance

letter has been accepted for the subdivision. The City may draw on all or a portion of the deposited monies and/or Letter of Credit to remedy non-compliance with a Lot Development Plan, as determined by and to the satisfaction of the City's Chief Building Official.

Revised Lot Development Plans for lots or blocks not conforming to the plans set out in Conditions 11.1, 12.1, and 12.4 and/or the report set out in Condition 13.5 will not be considered until development compliance letters have been received for the adjacent lots or blocks.

Notwithstanding the foregoing, where the lands are subject to municipal site plan control, the deposit will be refunded after the granting of site plan approval and upon the City's receipt of a site plan grading performance deposit of not less than \$1,000 per unit, to the satisfaction of the City.

15.6 Lot Development Plan Provided To New Home Purchasers

The Owner shall require all builders within the subdivision to provide a Lot Development Plan to every new home purchaser within the subdivision. The Lot Development Plan shall be given to the new home purchaser immediately after the final Lot Development Plan is prepared and prior to the submission of any building permit on the related lot or block.

15.7 Water Saving Fixtures

The Owner shall require all builders within the subdivision to utilize water saving fixtures in all residential units.

15.8 Underground Services

- a.) Prior to the issuance of the first building permit in each subdivision registration, the Owner shall:
 - i.) construct the "Underground Services to Base Asphalt" as set out in Schedule 'B', and provide an engineering consultant's verification for the underground services and works, to the satisfaction of the City's Director of Engineering Services;
 - ii.) provide written evidence verifying that secure arrangements have been made for the installation of underground natural gas, hydro and telecommunication services, to the satisfaction of the City's Director of Engineering Services;
 - iii.) satisfy the approval conditions applied to Draft Plan of Subdivision 30T-20401 related to the provision of natural gas services for the subdivision, to the satisfaction of the City's Director of Engineering Services;

- iv.) satisfy the approval conditions applied to Draft Plan of Subdivision 30T-20401 related to the provision of cable television services for the subdivision, to the satisfaction of the City's Director of Engineering Services;
- v.) satisfy the approval conditions applied to Draft Plan of Subdivision 30T-20401 related to the provision of telephone services for the subdivision, to the satisfaction of the City's Director of Engineering Services;
- b.) Prior to the City's Building Standards Division undertaking an occupancy inspection, the Owner shall verify in writing that underground natural gas, hydro and telecommunication services have been installed and are functional, to the satisfaction of the City's Chief Building Official.

For the purposes of Condition 15.8 and the conditions of draft approval for Draft Plan of Subdivision 30T-20401, telecommunication services shall include, but are not restricted to, cable television and telephone services.

15.9 Services Required Prior to Issuance of Building Permit

The City's Chief Building Official may, at his/her sole discretion, withhold the issuance of a building permit or permits to the Owner, its successors or assigns, for any lot or block on the Lands until:

- a.) the street fronting the lot/block has been provided with sanitary sewers, storm sewers, watermains, road base, necessary utilities, and service connections;
 - b.) the infrastructure in Condition 15.9 a.) is sufficiently sized to fully service the Lands;
 - c.) the infrastructure in Condition 15.9 a.) has been connected to the City's servicing systems, the municipal road network, and the utility distribution system;
 - d.) the City's Director of Engineering Services has verified that sufficient servicing capacity is available to fully service the Lands; and,
 - e.) all easements and land dedications related to the services in Condition 15.9 a.) have been transferred to the City and registered,
- all to the satisfaction of the City's Director of Engineering Services.

The Owner agrees to not apply for any building permit on any lot or block on the Lands until the obligations in a.) to e.) above are satisfied.

15.10 Emergency Services – Access And Measures

Prior to the issuance of the first building permit in each subdivision registration, the Owner shall consult the City's Fire Rescue Services Division and obtain emergency access and fire protection requirements for the said stage to be implemented during residential and non-residential construction. The Owner shall construct and maintain the required emergency access and fire protection measures identified by the City's Fire Rescue Services Division, to the satisfaction of the City's Fire Rescue Services Division. In the event that the Owner does not

comply with this paragraph, the City may remedy the default and charge the cost thereof against the Letter of Credit.

15.11 Information Required – Building Permit

As part of every building permit application on the Lands, the following information shall be submitted:

- a.) geotechnical details for the lot or block, including any structural fill requirements; and,
- b.) details on any structural fill pads, including the limits of the fill pad in relation to the building envelope.

15.12 Geotechnical – Buildings

- a.) The Owner shall retain a qualified geotechnical professional acceptable to the City's Chief Building Official to inspect all housing excavation areas. Where structural fill or soil concerns are found, the said geotechnical professional shall prepare a report to the satisfaction of the City's Chief Building Official indicating whether-or-not the site is suitable to accept the proposed building construction. Where a site is not suitable for construction, the report shall provide professional recommendations regarding methods to remediate the site to allow for construction, to the satisfaction of the City's Chief Building Official.

The geotechnical professional shall confirm that subgrade soils are capable of supporting the foundation, and confirm that the building envelope does not extend beyond the limits of the structural fill pad.

- b.) If requested by the City's Chief Building Official, a geotechnical investigation shall be provided for all large structures (including but not limited to townhouse buildings) in order to provide specific recommendations for the design of foundations for such structures, to the satisfaction of the City's Chief Building Official.

15.13 Verification of Capacity

That the Owner agree not to apply for building permits on the Lands, and further agree that no building permits shall be issued on the Lands, until the City has verified that sufficient servicing capacity is available to fully service the Lands to the satisfaction of the City's Director of Engineering Services. Without restricting the generality of the foregoing, verification shall include servicing capacity of receiving sanitary pumping stations and related forcemains.

PRIOR TO RELEASE OF THE SUBDIVISION AGREEMENT

16.1 Release

- a.) The City may, at its discretion, release all or part of the Subdivision Agreement and any supplementary agreement thereto from any lot or block in the subdivision after all terms and provisions of the said agreement(s) applicable to the said lot or block have been complied with to the satisfaction of the City's Director of Planning.
- b.) The City may, at its discretion, release the Owner from any obligation in the Subdivision Agreement and any supplementary agreement thereto after the obligation has been satisfied to the satisfaction of the City's Director of Planning, or the City's Director of Planning determines that the obligation is no longer required for the proper and orderly development of the Lands.

16.2 Release Costs

The cost of any release or notice deleting the Subdivision Agreement or any supplementary agreement thereto from title shall be borne by the Owner.

16.3 Compliance Letters

Upon the written request of the Owner and payment of applicable fees by the Owner, the City will provide a compliance letter with respect to the Subdivision Agreement and any supplementary agreement thereto, or any part thereof, as of the date of the request.

OTHER SPECIFIED TIMEFRAMES

17.1 Service Connections

The Owner shall be responsible for the maintenance and repair of all service connections from the main to the property line until such time as the City assumes these services.

17.2 Development Compliance Letter Representative

A qualified representative of the Owner shall, at the Owner's expense, undertake inspections and clearances related to development compliance letters. The Owner shall provide written notification to the City of its selected representative prior to the representative performing any final inspections. The Owner further agrees that should its representative become unavailable to perform their duties, a new qualified representative shall be appointed by the Owner to the satisfaction of the City's Director of Engineering Services. The representative:

- a.) must be accepted by the City's Director of Engineering Services as qualified to perform final inspections;
- b.) will be responsible for managing and resolving all drainage complaints for lots and blocks within the subdivision for a period of two (2) years following the

- date of the City's acceptance of the development compliance letter for the lot or block, to the satisfaction of the City's Director of Engineering Services; and,
- c.) will not be responsible for drainage complaints arising after the completion of the two (2) year period referred to in b.) above. Drainage complaints arising out of changes made after the said two (2) year period shall be the responsibility of the party who made the changes.

The Owner shall supervise the representative and require the representative to perform the obligations of Condition 17.2, to the satisfaction of the City's Director of Engineering Services. The Owner shall pay all costs related to the resolution of drainage complaints submitted within the time period specified in b.) above.

Notwithstanding anything to the contrary, complaints arising from unauthorized grading by a private property owner shall be directed to the said private property owner for resolution, and the responsibility to remedy any impacts caused by the unauthorized grading shall rest solely with the private property owner including all costs related thereto. If directed by the City's Director of Engineering Services in writing, the private property owner shall immediately restore the grading on their lot or block to comply with the accepted Lot Development Plan.

17.3 Development Compliance Letter

Immediately after completion of building construction, planting, fine grading, and sodding, the Owner's representative referred to in Condition 17.2 shall submit a development compliance letter to the City's Director of Engineering Services certifying that the lot or block has been developed in accordance with the accepted Lot Development Plan, to the satisfaction of the City's Director of Engineering Services. Upon request, a release for each lot or block will be issued when:

- a.) the development compliance letter is filed and accepted by the City;
 - b.) the issuance of the rear lot planting gift certificate is verified; and,
 - c.) the Maintenance Period has been completed,
- to the satisfaction of the City's Director of Engineering Services.

LEGAL AND ADMINISTRATIVE

18.1 Easements

- a.) The Owner shall convey to the City or the Region (as the case may be) all easements and lands required to provide for drainage and the extension of municipal services within the subdivision. The form and content of the said easements and land dedications shall be to the satisfaction of the respective municipality and its solicitor. Such conveyances shall be free of charge and clear of encumbrances.
- b.) The Owner shall convey to the appropriate authority all easements required for utility and drainage purposes relative to the subdivision on the Lands, to

the satisfaction of the City Solicitor. Such conveyances shall be free of charge and clear of encumbrances.

18.2 Indemnification

The Owner shall indemnify and hold harmless the City, its elected officials, officers, employees, solicitors, agents, and contractors from and against any and all costs, claims, demands, damages, fines, penalties, expenses, suits, actions, and judgments made, brought or recovered against the City, for any loss or damage, including bodily injury, death, property damage or environmental impairment, arising out of:

- non-municipal covenants/obligations in the Subdivision Agreement and supplementary agreements thereto;
- infrastructure, servicing, and subdivision-related works on or in relation to the Lands;
- the subdivision, or buildings constructed thereon; and,
- the development of the Lands.

The form and content of the indemnity shall be to the satisfaction of the City's Director of Legal Services.

18.3 Contaminated Soil Indemnification

The Owner shall indemnify and hold harmless the City, its elected officials, officers, employees, solicitors, agents, and contractors from and against any and all costs, claims, demands, damages, fines, penalties, expenses, suits, actions, and judgments made, brought or recovered against the City arising in connection with any environmental condition, contaminants or soil problems defined by current environmental laws and found on the Lands including any lands dedicated or to be dedicated to the City through the terms and provisions of the approval of the subdivision on the Lands. The Owner shall pay all costs associated with the removal, treatment and disposal of such environmental condition/contamination, all of which shall be to the satisfaction of the City's Director of Engineering Services. The Owner's liability under this paragraph shall be at an end when the construction of the works and services set out in Schedule 'B' are complete and the related Maintenance Period is complete, and all dwelling units in the subdivision are constructed. The form and content of the indemnity shall be to the satisfaction of the City's Director of Legal Services.

18.4 Adequacy of Soils Not Confirmed

That the Owner agree that any City approvals, including but not limited to zoning, subdivision and site plan approvals, do not verify or confirm the adequacy of soil and/or environmental conditions on the Lands and the Owner accept complete responsibility for soil and environmental conditions on the Lands (including soil composition, soil contamination, soil stability, geotechnical suitability, and soil load bearing capacity) and agrees:

- a.) to comply with the Environmental Protection Act (or successor legislation) and any other applicable environmental legislation; and,

- b.) to indemnify and save the City harmless from all actions or claims relating to soil conditions and environmental conditions on the Lands.

18.5 Construction Act – Draw on Letter of Credit

That the Owner agree that the filing of any liens pursuant to the Construction Act, as amended, with respect to the Lands, shall within 30 days of written notice, constitute a default by the Owner of the terms of the Subdivision Agreement and any supplementary agreement thereto, and shall entitle the City to draw on any or all of the Letter of Credit and financial securities related to the subdivision and to utilize said draw to make payment into court of the holdback together with costs in order to remove such lien from title, without prejudice to the Owner's rights to dispute such lien.

18.6 Advanced Timing of Infrastructure

Should advancement of the timing of infrastructure be needed for the Lands and/or supporting infrastructure, the Owner may request such advancement in writing to the City or the Region of Waterloo (as the case may be). The City or the Region of Waterloo shall consider the request in accordance with their advanced timing of infrastructure policies and practices, municipal objectives, financial means, the efficient and cost effective expansion of infrastructure, and any other matters deemed appropriate by the City or the Region of Waterloo. The decision to permit advanced timing of infrastructure shall be at the sole discretion of the City or the Region of Waterloo (as the case may be). The payment of advanced infrastructure shall be front-ended by the Owner, and repayment shall be made in accordance with the advanced timing of infrastructure agreement between the parties.

18.7 Default Under this Agreement – Building Permits

Where the Owner is in default of the Subdivision Agreement or any supplementary agreement thereto, no building permits shall be issued by the City. Building permits shall not be issued until such time as the Owner is in compliance with the terms, obligations and covenants of the Subdivision Agreement or supplementary agreement (as the case may be).

18.8 Force Majeure, Estoppel, Assignment Clauses

That the Owner agree that the Subdivision Agreement and any supplementary agreement thereto may, at the discretion of the City, contain a force majeure clause, estoppel clause, and assignment clause. The form and content of such clauses shall be to the satisfaction of the City's Director of Legal Services. Without limiting the generality of the foregoing, sample clauses are set forth below:

Force Majeure – Subdivision Agreement

In the event that either party hereto is delayed or hindered in or prevented from the performance of any act required hereunder by reason of strikes, lock-outs, labour troubles, inability to procure materials, failure of power, restrictive laws or regulations of the Federal or Provincial governments, riots, insurrection, war or by reason of the order or direction of any administrator, comptroller, board, Federal

or Provincial governmental department or office or other authority required thereby or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement, then performance of such act shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay. Notwithstanding anything herein contained, the provisions of this clause shall not entitle either party to compensation for any inconvenience, nuisance or discomfort thereby occasioned.

Estoppel – Subdivision Agreement

The Owner agrees not to call into question directly or indirectly in any proceedings whatsoever in law or in equity or before any administrative tribunal or other body, the right of the parties to enter into this Agreement and to enforce each and every term, covenant and condition contained herein. This provision shall be treated as an estoppel by the City against the Owner or anyone else.

Assignment – Subdivision Agreement

This Agreement may not be assigned by the Owner unless the proposed assignee first separately agrees in writing with the City to assume all of the obligations and covenants of the Owner hereunder, and such assignment shall not release the Owner from said obligations. For the purposes of this clause, an assignment shall include the sale, transfer or pledge of shares in the Owner which would change the present ownership of the Owner. A consent to any such sale, transfer or pledge of shares shall not constitute consent for any subsequent sale, transfer or pledge of the Owner's shares.

18.9 Binding on Successor and Assigns

All of the covenants, provisions, agreements, obligations, terms, conditions and understandings contained in the Subdivision Agreement and any supplementary agreement thereto shall run with the Lands and shall be binding upon and enure to the benefit of each of the parties and upon their respective heirs, executors, administrators, successors and permitted assigns and upon future owners and occupiers of the Lands from time to time.

18.10 Registration

The Subdivision Agreement and any supplementary agreement thereto shall be registered by the City at the Owner's expense as a first charge against the title to the Lands in priority to all other charges and encumbrances, and the Owner shall obtain and register postponement agreements executed by all mortgagees and chargees in respect to all mortgages and charges registered against the Lands.

ADDITIONAL CONDITIONS

19.1 Open Space – Conveyance

The Owner shall convey Block 21 on the Draft Plan of Subdivision to the City for open space and stormwater management purposes, to the satisfaction of the City's Director of Legal Services.

19.2 Walkway - Conveyance

The Owner shall convey Blocks 22 and 23 on the Draft Plan of Subdivision to the City for walkway and municipal purposes, to the satisfaction of the City's Director of Legal Services.

19.3 Walkway – Construction

The Owner shall construct the walkway on Blocks 21, 22 and 23 to City standards, including fencing, to the satisfaction of the City's Director of Engineering Services.

Seven Westhill Tenants' Association

Building a community that will benefit all tenants

VIA EMAIL

May 17, 2021

Mr. John Vos
City of Waterloo
Planning Division, 2nd Floor
100 Regina Street South
Waterloo, Ontario N2J 4A8

RE: Formal Public Meeting, OPA No. 31, Zoning By-law Amendment Z-20-02 and Draft Plan of Subdivision 30T-20401

Dear Mr. Vos:

As you are aware, we have been advocating for a pedestrian friendly and safer driveway at 7 Westhill Drive a senior's apartment building owned by Sifton Properties Limited since January 29, 2018, but with respect to the development at 635 Erb Street and 12 Westhill Drive.

The proposed development at 28 Westhill Drive will most likely add to our safety and enjoyment concern in the same way 635 Erb Street and 12 Westhill Drive will. However, we are not opposed to the 28 Westhill Drive development or wish to debate their access to Westhill Drive. What we are opposed to, is the likelihood of vehicles from the developments allowed to cut-through 7 Westhill Drive to access 5 Westhill Drive (Tim Hortons), as written in the staff report and approved by Council on November 20, 2017.

Presently, the traffic turning onto Westhill Drive from Ira Needles Boulevard anticipating an entrance to Tim Hortons is cutting through 7 Westhill Drive. Also, vehicles from 25 Westhill Drive (The Westhill) are simply taking a short-cut and cutting through 7 as well as 5 Westhill Drive to access Erb Street without stopping at Tim Hortons, and vice versa. Without a resolve, the cut-through traffic is only going to increase when the Westhill Drive developments are complete, resulting in unsafe conditions for 7 Westhill Drive residents.

Whether its the traffic cutting through 7 Westhill Drive or adding a driveway from Westhill Drive directly into the Tim Hortons, both create the same opportunity for traffic to by-pass the Ira Needles Boulevard / Erb Street roundabout without stopping at Tim Hortons. For that reason, we are asking that City planning work with Sifton Properties to add a Westhill Drive driveway directly into 5 Westhill Drive (Tim Hortons) preferably before construction begins at 28 Westhill Drive or the 'holding symbol' is removed from the development at 635 Erb Street and 12 Westhill Drive.

We will not be speaking to this application or participating in the electronic Formal Public Meeting on Monday, May 31, 2021, but would appreciate our written comments included in the Council Agenda.

Thank you.

Sincerely,



Roy Wilhelm