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## **COUNCIL MEETING AGENDA - **REVISED****

Monday, December 11, 2023  
2:00 PM

Councillor Freeman in the Chair

1. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
2. **CLOSED MEETING**

### **Recommendation:**

That Council hold a closed meeting for the purposes of considering the following subject matter:

- a) personal matters about an identifiable individual, including municipal or local board employees (Labour Budget Impact, CUPE Update);
- b) labour relations or employee negotiations (Labour Budget Impact, CUPE Update);
- c) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (Legal Matter Update);
- d) advice that is subject to solicitor-client privilege, including communications necessary for that purpose (Legal Matter Update); and,
- e) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Legal Matter Update).

# **COUNCIL MEETING WILL RECESS AND RECONVENE AT 3:00 PM**

3. **TERRITORIAL ACKNOWLEDGEMENT**
4. **MOMENT OF REFLECTION**
5. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
6. **APPROVAL OF MINUTES**

That the previous meeting minutes be approved.

**a) November 20, 2023 – Council Meeting**

**Recommendation:**

That the minutes of the Council meeting held on November 20, 2023 be approved as printed.

**7. CONSENT MOTION**

That consent motion items (a) through (e) be approved.

- a) Title: 2024 Annual Debt and Financial  
Obligation Limit Calculation**  
Report No.: CORP2023-048  
Prepared By: Kim Reger

**Recommendation:**

1. That Council receives the report CORP2023-048 for information.

- b) Title: Interim Spending Authority**  
Report No.: CORP2023-053  
Prepared By: Mary Zubert

**Recommendation:**

1. That Council approves staff report CORP2023-053
2. That Council approves 2024 interim spending authority for City of Waterloo operating expenditures in an amount not to exceed

\$53,717,933 which represents 25% of the annual 2023 approved operating expenditure budget of the City.

- c)     **Title:**               **2024 Building Standards Fees and Charges**  
Report No.:    IPPW2023-061  
Prepared By:   Beth Maxwell

**Recommendation:**

1.     That IPPW2023-061 be approved.
2.     That Council approve a 12% increase to all Building Standards fees and charges effective January 1, 2024.
3.     That Council approve the Building Standards Fees and Charges by-law updates, attached as Appendix A to IPPW2023-061, effective of the dates noted, and that the Fees and Charges by-law is updated accordingly.

- d)     **Title:**               **Cemetery Services 2024 Fees and Charges**  
Report No.:    COM2023-036  
Prepared By:   Derek Brick

**Recommendation:**

1.     That Council approve report COM2023-036.
2.     That Council approve the Cemetery Services Fees and Charges By-law updates, attached as Appendix A to COM2023-036, effective as of the dates noted, and that the Fees and Charges By-law is updated accordingly.

- e)     **Title:**               **Municipal Parking Lots By-law Amendment**  
Report No.:    CAO2023-027  
Prepared By:   Christine Tettman and Christopher Mulhern

**Recommendation:**

1.     That Council approve report CAO2023-027.
2.     That Council approve amendments to Municipal Parking Lot By-Law #2017-047, as set out in CAO2023-027.

**8.     ITEMS REMOVED FROM THE CONSENT MOTION**

**9.     STAFF REPORTS**

- a)     **Title:**             **Business Licensing By-law Update**  
Report No.:   COM2023-031  
Prepared By:  Grant Curlew

**Presentation:** Grant Curlew

**Recommendation:**

1.     That Council approve report COM2023-031.
2.     That Council approve the Comprehensive Business Licensing By-law.

- b)     **Title:**             **Rental Housing and Business Licensing  
2024-2026 Fees and Charges**  
Report No.:   COM2023-032  
Prepared By:  Grant Curlew, Kim Reger

**Recommendation:**

1.     That Council approve report COM2023-032.
2.     That Council approve a 4% Rental Housing rate increase for 2024 as set out in Table #2 of report COM2023-032.
3.     That Council approve the 2025-2026 Rental Housing rate forecast in principle as set out in Table #2 of report COM2023-032.
4.     That Council approve the Rental Housing Program Fees and Charges By-Law updates, attached as Appendix A to COM2023-032, effective as of the dates noted, and that Fees and Charges By-Law is updated accordingly.
5.     That Council permits the Rental Housing Reserve to temporarily be in a deficit position extended to the end of 2030 as per the Rental Housing Reserve Forecast in Appendix B.
6.     That Council approve a 5% Business Licensing Program Fees and Charges rate increase for 2024 (effective July 1st, 2024) as set out in Table #4 of report COM2023-032.
7.     That Council approve the 2025-2026 Business Licensing rate forecast in principle as set out in Table #4 of report COM2023-032.
8.     That Council approve the Business Licensing Program Fees and Charges By-Law updates, attached as Appendix C to COM2023-032,

effective as of the dates noted, and that the Fees and Charges By-Law is updated accordingly.

- c) **Title:** 2024-2026 Staff Tabled Budget Summary  
**Report No.:** CORP2023-055  
**Prepared By:** Paul Hettinga, Brad Witzel

**Introductory Remarks:** Councillor Freeman

**Presentation:** Paul Hettinga and Brad Witzel

**2024-2026 Staff Tabled Budget Documents and Reports will be released on December 11, 2023 at 2:00pm and can be located here:**  
[waterloo.ca/budget](https://waterloo.ca/budget)

- d) **Title:** Reserves and Reserve Funds Annual Update  
**Report No.:** CORP2023-043  
**Prepared By:** Julie Koppeser

**Recommendation:**

1. That Council approve report CORP2023-043.
2. That Council approve that \$4,405,000 be transferred from the Northdale portion to the General portion of the Parkland Dedication Reserve Fund to provide funding to address parkland needs throughout the City.
3. That Council approve that \$100,000 in 2024, \$50,000 in 2025, and an additional \$50,000 in 2026 of the annual CRF funding allocation be redirected as a permanent source of funding for the Climate Action Reserve Fund.
4. That Council approve that the final reported property tax operating surplus annually, if any, be allocated:
  - 25% to the Tax Rate Stabilization Reserve (TRS)
  - 25% to the Capital Infrastructure Reinvestment Reserve Fund (CIRRF)
  - 25% to the Climate Action Reserve Fund (CARF)
  - 25% to the Library Expansion and Rehabilitation Reserve Fund (LXPR)
5. That Council approve that when actual investment income exceeds budgeted investment income, the surplus is transferred:
  - 25% to the Climate Action Reserve Fund (CARF)
  - 25% to the Capital Infrastructure Reinvestment Reserve Fund (CIRRF)

- 25% to the Capital Reserve Fund (CRF)
  - 25% to the Library Expansion and Rehabilitation Reserve Fund (LXPR)
6. That Council approve that the RIM Park Investment Reserve (RIM) no longer receive \$200,000 from any year-end property tax operating surplus (if available).
  7. That Council approve one-time transfers from the RIM Park Investment Reserve (RIM) surplus of:
    - \$1,200,000 to the Capital Reserve Fund (CRF)
    - \$750,000 to the Planning Litigation Reserve Fund (LIT)
    - \$500,000 to the Climate Action Reserve Fund (CARF)
    - \$500,000 to the Affordable Housing Reserve Fund (CCPC-AH)
    - \$400,000 to the Comprehensive Business Licensing Reserve (BUS)
    - \$100,000 to the Rental Housing Reserve (RHR)
  8. That Council approve the following administrative adjustments be updated in the Reserves and Reserve Funds Policies:
    - a. That Council approve that all references to Waterloo North Hydro in the Reserve and Reserve fund policies be updated to Enova Power Corp.
    - b. That Council approve that all references to hard and soft services in the Development Charges Reserve Fund policy be updated to “engineering” and “general”, respectively.
    - c. That Council approve that the reference to WMRC lot permit revenue be removed from the Capital Infrastructure Reinvestment Reserve Fund revenue policy.
    - d. That Council approve that the Library Expansion Reserve Fund (LXP) permitted use be updated to include Library Rehabilitation.
    - e. That Council approve that the Library Expansion Reserve Fund (LXP) name be changed to the Library Expansion and Rehabilitation Reserve Fund (LXPR).
    - f. That Council approve that the Parkland Dedication Reserve Fund policy be updated to remove references that the need to upgrade is due to intensification of the surrounding neighbourhood.
    - g. That Council approve that the Sick Leave Reserve Fund Revenue policy be updated to: 100% of the net difference between Fire salary budget and actual, less 50% of vacancy related savings for Fire positions.

- h. That Council approve that the General Operating Contingency Reserve be renamed to the General Contingency Reserve (GENCON).
  - i. That Council approve that the General Operating Contingency Reserve policy be updated to include that the reserve may be used for strategic, one-time, capital contingency expenditures.
  - j. That Council approve that the reference to WMRC lot permit revenue be removed from the General Operating Contingency Reserve revenue policy.
  - k. That Council approve that the Rental Housing Reserve Council Approved Target level be updated to reference that the reserve should remain in a positive position.
  - l. That Council approve that the Tax Rate Stabilization policy be updated to reflect the exemption of Enterprise step gapping.
  - m. That the Council Approved Target Levels of the Sanitary Sewer Utility Capital Reserve (SEWCAP), Sanitary Sewer Utility Stabilization Reserve (SEWOP), Stormwater Utility Reserve (SWM), Water Utility Capital Reserve (WATCAP) and Water Utility Stabilization Reserve (WATOP), be updated to remove the word “minimum”, to provide greater clarity that these levels are target levels.
  - n. That Council approve that all references to the greenhouse gas emission reduction targets of “50% by 2030 and 80% by 2050” in the Reserve and Reserve fund policies be updated to “50% by 2030 and net zero by 2050”.
9. That Council approve that FC-006 Reserves and Reserve Funds Policy, attached as Appendix B, be updated for the changes required through recommendations 1 through 8, inclusive.
10. That Council approve that FC-003 Surplus Allocation Policy, attached as Appendix C, be updated for the changes required through recommendations 4 and 6.

**e) Title: Early Approval of Capital Projects**  
 Report No.: CORP2023-049  
 Prepared By: Julie Koppeser

**Recommendation:**

- 1. That Council approve report CORP2023-049.
- 2. That Council approve:
  - a. That the 2024 non-routine project, Facilities Design & Management Services – AMCC Sportsplex & WPL McCormick Branch Library Renovations (ref #222), totaling \$7,257,000, be

- included in the 2024 Capital Budget prior to the passing of the 2024-2026 Capital Budget and 2027-2033 Capital Forecast on February 12, 2024.
- b. That staff return with a report prior to February 12, 2024 to request the partial release of \$1,500,000 in non-routine funds for the AMCC Sportsplex & WPL McCormick Branch Library Renovations project (ref #222).
3. That Council approve:
- a. That the 2024 routine project, Facilities Design & Management Services – Corporate Security System Upgrades (ref #223), totaling \$531,000, be included in the 2024 Capital Budget prior to the passing of the 2024-2026 Capital Budget and 2027-2033 Capital Forecast on February 12, 2024.
  - b. That the funding for Corporate Security System Upgrades (ref #223) be released on January 1, 2024.
4. That Council approve:
- a. That the 2024 routine project, Facilities Design & Management Services – Material Storage Building (ref #233), totaling \$1,103,000, be included in the 2024 Capital Budget prior to the passing of the 2024-2026 Capital Budget and 2027-2033 Capital Forecast on February 12, 2024.
  - b. That the funding for Material Storage Building (ref #233) be released on January 1, 2024.
5. That Council approve:
- a. That the 2024 non-routine project, Facilities Design & Management Services – West Side Satellite Operations Centre (ref #236), totaling \$75,000, be included in the 2024 Capital Budget prior to the passing of the 2024-2026 Capital Budget and 2027-2033 Capital Forecast on February 12, 2024.
  - b. That staff return with a report prior to February 12, 2024 to request the release of non-routine funds for the West Side Mini Operations Centre project (ref #236).
6. That Council approve:
- a. That the 2024 non-routine project, Parks, Forestry and Cemetery Services – Action Sports Parks-City Wide (ref #280), totaling \$796,000, be included in the 2024 Capital Budget prior to the passing of the 2024-2026 Capital Budget and 2027-2033 Capital Forecast on February 12, 2024.
  - b. That staff return with a report prior to February 12, 2024 to request the release of non-routine funds for the Action Sports Parks-City Wide project (ref #280).

7. That Council approve:
  - a. That the 2024 routine project, City Utilities-Sanitary – Inflow and Infiltration Mitigation Program (ref #517), totaling \$84,000, be included in the 2024 Capital Budget prior to the passing of the 2024-2026 Capital Budget and 2027-2033 Capital Forecast on February 12, 2024.
  - b. That the funding for Inflow and Infiltration Mitigation Program (ref #517) be released on January 1, 2024.
8. That Council approve:
  - a. That the 2024 routine project, City Utilities-Water – Non-potable Water Supply Well Assessment (ref #550), totaling \$56,000, be included in the 2024 Capital Budget prior to the passing of the 2024-2026 Capital Budget and 2027-2033 Capital Forecast on February 12, 2024.
  - b. That the funding for Non-potable Water Supply Well Assessment (ref #550) be released on January 1, 2024.

**f) Title: City Utilities – 2024 Rates**  
 Report No.: IPPW2023-060  
 Prepared By: Michael Pugliese, Leigh McDermott

**Presentation:** Leigh McDermott and Michael Pugliese

**Recommendation:**

1. That IPPW2023-060 be approved.
2. That Council approve the 2024 water rate at \$2.32/m<sup>3</sup>, comprised of the City portion of the rate at \$1.1150/m<sup>3</sup> and the Regional portion of the rate at \$1.2050/m<sup>3</sup> as set out in Table 1 of report IPPW2023-060, and that the Fees and Charges By-Law be updated to reflect the water rate effective January 1, 2024.
3. That Council approve the 2024 sanitary rate at \$2.81/m<sup>3</sup>, comprised of the City portion of the rate at \$1.3323/m<sup>3</sup> and the Regional portion of the rate at \$1.4777/m<sup>3</sup> as set out in Table 1 of report IPPW2023-060, and that the Fees and Charges By-Law be updated to reflect the sanitary rate effective January 1, 2024.
4. That Council approve the 2024 stormwater rates as outlined below and that the Fees and Charges By-Law be updated to reflect the stormwater rates effective January 1, 2024:
  - Residential; small \$11.19/month, medium \$16.76/month, and large \$22.88/month

- Multi-Residential; small \$32.11/month, medium \$135.85/month, and large \$723.89/month
  - Institutional; small \$52.04/month, medium \$140.64/month, and large \$287.98/month
  - Commercial/Industrial; small \$43.06/month, medium \$201.08/month, large \$648.02/month, and largest \$1,641.38/month
5. That Council approve the 2025-2033 water, sanitary, and stormwater rate forecast in principle as set out in Table 1 of report IPPW2023-060.
  6. That Council approve that the Fees and Charges By-Law be updated for the rates and effective dates as shown in Appendix B of report IPPW2023-060.
  7. That Council approve that bi-monthly City Utilities billings no longer use a blended rate when water and sanitary volumetric charges span different years and are billed based on the previous year's rates until the next full billing period.

**g) Title: Long-Term Financial Plan Update**  
 Report No.: CORP2023-052  
 Prepared By: Michael Pugliese, Cassandra Pacey

**2024-2026 Staff Tabled Budget Documents and Reports will be released on December 11, 2023 at 2:00pm and can be located here: [waterloo.ca/budget](http://waterloo.ca/budget)**

**h) Title: City Operations and Storage Expansion**  
 Report No.: CORP2023-054  
 Prepared By: Christina Marina

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**Recommendation:**

1. That Council approve staff report CORP2023-054.
2. That Council approve capital funding for City operations and storage expansion needs including land and facility acquisition, renovation and other matters incidental to enabling city expansion in the amount of \$5,750,000, funded \$2,325,000 from the Tax Rate Stabilization Reserve, \$1,162,500 from the Water Utility Stabilization Reserve, \$1,162,500 from the Sanitary Sewer Utility Stabilization Reserve, with the remaining \$1,100,000 being funded by the 2024 capital budget routine project Material Storage Building (ref #233).

3. That the Mayor, Clerk and City Solicitor, where applicable, be authorized to execute all necessary agreements and documents required to complete any transactions related to expansion of city services to support growing operational and storage needs.

i) **Title:** Uptown Community Improvement Plan (CIP) – 2023 Annual Update and Extension **Page 18**  
**Report No.:** CAO2023-028  
**Prepared By:** Justin McFadden

**Recommendation:**

1. That report CAO2023-028 be approved;
2. That Council approve the extension for funding of the Façade Improvement Grant, Major Activity Grant and the Parking Exemption Program under the current Uptown Community Improvement Plan until December 31, 2024;
3. That Council direct staff to undertake a review of the Uptown Community Improvement Plan program and report back before December 31, 2024.

## **COUNCIL MEETING WILL RECESS AND RECONVENE AT 6:30 PM**

### **10. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

### **11. PUBLIC MEETINGS**

#### **Formal Public Meeting**

a) **Title:** Official Plan Amendment No. 32, Zone Change Application Z-21-03, Draft Plan of Subdivision 30T-21401, 65 Northfield Drive Inc., 525 & 565 Conestogo Rd W **Page 24**  
**Report No.:** IPPW2023-059  
**Prepared By:** Rita Szilock  
**Ward No.:** Ward 4, Northeast

**Presentation:** Rita Szilock

**Delegation:**

1. Chris Pidgeon, GSP Group  
Richard Boyer, Resident of Waterloo

**Recommendation:**

1. That Council approve IPPW2023-059.
2. That Council adopt Official Plan Amendment No. 32 (OPA 32), 65 Northfield Drive Inc., for 525 and 565 Conestogo Road West, as set out in Section 8 of IPPW2023-059.
3. That Council request that the Regional Municipality of Waterloo approve Official Plan Amendment No. 32 (OPA 32).
4. That Council approve Zone Change Application Z-21-03, 65 Northfield Drive Inc., for 525 and 565 Conestogo Road West, as set out in Section 8 of IPPW2023-059.
5. That Council endorse Draft Plan of Subdivision 30T-21401, 65 Northfield Drive Inc., for 525 and 565 Conestogo Road West, as set out in Section 8 of IPPW2023-059.
6. That Council delegate authority to the City's Director of Planning to make administrative modifications to any Standard Condition of Subdivision Approval and/or Site Specific Condition of Subdivision in relation to Draft Plan of Subdivision 30T-21401.

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**b) Title:** Zoning By-law Amendment Z-23-10,  
University of Waterloo, 155 and 165  
University Ave W  
**Report No.:** IPPW2023-053  
**Prepared By:** Amanda Wyszynski  
**Ward No.:** 6 – Central Columbia

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**Presentation:** Amanda Wyszynski

**Delegation:**

1. Kristen Barisdale, GSP Group

**Recommendation:**

1. That Council approve report IPPW2023-053.

2. That Council approve Zoning By-law Amendment Z-23-10, University of Waterloo, 155 and 165 University Avenue West, in accordance with Section 7 of staff report IPPW2023-053.

3. That Council not pass the implementing by-law to lift the holding (H) provision for the proposed development as specified in 2.c.) and 2.d.) above, until written confirmation has been received from the Region of Waterloo and CN Rail confirming that all noise and vibration requirements specified in 3.R.1.2 of Zoning By-law 2018-050 are satisfied.

c) **Title:** Extension of the SOLER (Support Our Local Economic Recovery) Initiative  
**Report No.:** IPPW2023-062  
**Prepared By:** Aminu Bello  
**Ward No.:** City Wide

**Recommendation:**

1. That Council approve report IPPW2023-062.

2. That Council support the extension of the SOLER Initiative until December 31, 2024.

3. That Council approve the extension of Temporary Use Zoning By-law 2020-049 as amended, SOLER Initiative, pursuant to Section 39 of the Planning Act, as set forth in IPPW2023-062.

**12. CONSIDERATION OF NOTICE OF MOTION GIVEN AT PREVIOUS MEETING**

None

**13. NOTICE OF MOTION**

None

**14. COMMUNICATIONS AND CORRESPONDENCE**

None

**15. UNFINISHED BUSINESS**

None

**16. QUESTIONS**

**17. NEW BUSINESS**

- a) Regional All-Council Meeting – December 15, 2023, 2:00pm

**18. 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 2023-103 and that the Mayor and Clerk be authorized to sign them accordingly.

- a) By-law to Impose Fees and Charges on Persons (COM2023-036, COM2023-032, IPPW2023-060, IPPW2023-061, Council December 11, 2023)
- b) Temporary Use Zoning By-law City of Waterloo, SOLER Initiative Extension (IPPW2023-062, Council December 11, 2023)
- c) By-law to Provide for the Licensing and Regulation of Various Businesses in the City of Waterloo (COM2023-031, Council December 11, 2023)
- d) By-law to adopt Official Plan Amendment No. 42 creating a specific provision are for the lands known municipally as 83, 85 Hickory Street West and 265, 267 Hemlock Street. (OPA 42, IPPW2023-036, Council November 20, 2023, 13780520 Canada Inc.)
- e) By-law to amend By-law No. 2018-050, being a zoning by-law controlling land use in the City of Waterloo. Amending the zoning on the lands known municipally as 83, 85 Hickory Street West and 265, 267 Hemlock Street in order to apply site specific regulations. (Zone Change Application Z-22-13, IPPW2023-036, Council Nov 20, 2023, 13780520 Canada Inc.)
- f) A By-law to amend By-law 2017-047, being a By-law to Establish Certain Municipal Parking Lots in the City and to Regulate the Parking of Vehicles Therein and Thereon (CAO2023-027, Council December 11, 2023)

- g) By-law to amend By-law No. 2018-050, being a Zoning By-law controlling land use development within the City of Waterloo. 155 & 165 University Ave W. (IPPW2023-053, Council December 11, 2023)
- h) By-law to adopt Official Plan Amendment No. 32 redesignating the lands known municipally as 525 & 565 Conestogo Road West from Business Employment to Mixed-Use Community Commercial and creating a specific provision area for the lands. (OPA 32, IPPW2023-059, Council December 11, 2023, 65 Northfield Drive Inc.)
- i) By-law to amend By-Law No. 2018-050, being a zoning by-law controlling land use in the City of Waterloo. Rezone the lands known municipally as 525 & 565 Conestogo Rd W from Future Determination (FD) to Station Area Mixed-Use Community Commercial (C1A-81) with site specific provisions. 65 Northfield Drive Inc. (Zone Change Application Z-21-03, IPPW2023-059, Council December 11, 2023, 65 Northfield Drive Inc.)
- j) By-law to confirm all actions and proceedings of Council, December 11, 2023

## 19. ADJOURNMENT



**STAFF REPORT**  
**Legal Services**

Title: City Operations and Storage Expansion  
Report Number: CORP2023-054  
Author: Christina Marina  
Council Date: December 11, 2023  
File: N/A  
Attachments: N/A  
Ward No.: All

**Recommendations:**

1. That Council approve staff report CORP2023-054.
2. That Council approve capital funding for City operations and storage expansion needs including land and facility acquisition, renovation and other matters incidental to enabling city expansion in the amount of \$5,750,000, funded \$2,325,000 from the Tax Rate Stabilization Reserve, \$1,162,500 from the Water Utility Stabilization Reserve, \$1,162,500 from the Sanitary Sewer Utility Stabilization Reserve, with the remaining \$1,100,000 being funded by the 2024 capital budget routine project Material Storage Building (ref #233).
3. That the Mayor, Clerk and City Solicitor, where applicable, be authorized to execute all necessary agreements and documents required to complete any transactions related to expansion of city services to support growing operational and storage needs.

**A. Executive Summary**

To meet the current demands and pressures associated with space expansion, the City is currently looking into different options to enable the expansion and meet the City of Waterloo's growing operations. The expansion will take into consideration the need for increased capacity for storage inclusive of materials, vehicles and equipment, as well as serve as staff accommodations and a training facility for staff and students.

**B. Financial Implications**

As part of the 2024-2026 staff tabled capital budget to be released on December 11, 2023, project ref #233 - Material Storage Building is included. Existing facility storage

space is limited due to growth and new storage space is required to accommodate City operations. Lack of sufficient space has resulted in the relocation of some operational staff to various locations across the city; however, this separation creates logistical challenges and negatively impacts the efficiency of day-to-day operations. Early capital release of this funding will be sought on December 11, 2023 via CORP2023-049. The 2024 Material Storage Building project budget is \$1,100,000 funded \$1,040,000 from the Development Charges-Public Works Reserve Fund and \$60,000 from the Capital Reserve Fund. With early capital approval via CORP2023-049, this \$1,100,000 will be funded on January 1, 2024.

The remaining funds for the future land/facility acquisition would be funded as follows and released upon approval of report CORP2023-054:

- \$2,325,000 from the Tax Rate Stabilization Reserve (TRS)
  - The TRS projected ending balance for 2023 was \$4,294,000 prior
  - The revised TRS projected ending balance for 2023 will be \$1,969,000 after
- \$1,162,500 from the Water Utility Stabilization Reserve (WATOP)
  - The WATOP projected ending balance for 2023 was \$1,835,000 prior
  - The revised WATOP projected ending balance for 2023 will be \$672,500 after.
- \$1,162,500 from the Sanitary Sewer Utility Stabilization Reserve (SEWOP)
  - The SEWOP projected ending balance for 2023 was \$2,792,000 prior
  - The revised SEWOP projected ending balance for 2023 will be \$1,629,500 after.

### **C. Technology Implications**

There are no technological implications associated with this report.

### **D. Link to Strategic Plan**

(Strategic Priorities: Reconciliation, Equity, Accessibility, Diversity and Inclusion; Environmental Sustainability and Climate Action; Complete Community; Infrastructure and Transportation Systems; Innovation and Future-Ready)

(Guiding Principles: Equity and Inclusion; Sustainability; Integrity; Workplace Wellbeing; Community-centred; Operational Excellence)

Operational Excellence – Expansion of City Operations and Storage will help consolidate operations and assist in continuing to provide exceptional service that meets the needs of residents, partners and equity-deserving groups, employees and volunteers of the City.

### **E. Previous Reports on this Topic**

None



**STAFF REPORT**  
**Economic Development**

Title: Uptown Community Improvement Plan (CIP) – 2023 Annual Update and Extension  
Report Number: CAO2023-028  
Author: Justin McFadden  
Council Date: December 11, 2023  
File: N/A  
Attachments: Appendix A  
Ward No.: City Wide

**Recommendations:**

1. That report CAO2023-028 be approved;
2. That Council approve the extension for funding of the Façade Improvement Grant, Major Activity Grant and the Parking Exemption Program under the current Uptown Community Improvement Plan until December 31, 2024;
3. That Council direct staff to undertake a review of the Uptown Community Improvement Plan program and report back before December 31, 2024.

**A. Executive Summary**

This report is intended to provide Council with an update on the Uptown Community Improvement Plan (CIP) for 2023 including activity under each program area. This annual update report is a requirement of the Uptown CIP as noted under Section 3.0 'Uptown CIP Monitoring Program'.

The Uptown CIP has aided the development and revitalization of businesses in the Uptown core since 2015. In 2023, 3 applications were approved under the Façade Improvement Grant with one in process, for a total of approx. \$5,000. This contrasts with last year with 15 applications totalling approx. \$125,000.

In 2023 there was substantially less uptake in the program. This may be partially due to escalating construction costs. It may also be impacted by other economic factors such as escalating operational expenses and anticipated loan repayments coming due, as well as the overall high level of uptake in the program over the years. Historically, there have been slower years following years that had a higher level of activity.

Since its launch in 2016 109 applications have been approved with a total grant value of approx. \$1,885,000.

In past years we have seen little activity surrounding the Major Activity Grant (TIG), however since the fall staff have been working with the region on two potential applications.

This report seeks to extend the existing program for one additional year until December 31, 2024 to provide staff the opportunity to issue a spring release for the program and to undertake a more thorough review of the program with the intent to report back to Council.

## **B. Financial Implications**

The Uptown CIP was established with funding from the Uptown Development Reserve Fund. On December 13, 2022, Council approved a one year extension of the Façade Improvement Grant, Major Activity Grant (TIG), and Parking Exemption Program, under the Uptown CIP until the end of 2023.

A total of three applications were received in 2023 totalling approx. \$5,000. No applications were received for the Parking Exemption Program or the Major Activity Grant in 2023.

The remaining balance in the Uptown CIP project, after accounting for committed grants not yet issued, is \$455,000 and is sufficient to support the Uptown CIP extension for 2024.

## **C. Technology Implications**

There are no technology implications associated with this report.

## **D. Link to Strategic Plan**

(Strategic Priorities: Reconciliation, Equity, Accessibility, Diversity and Inclusion; Environmental Sustainability and Climate Action; Complete Community; Infrastructure and Transportation Systems; Innovation and Future-Ready)

- The Community Improvement Plan contributes to developing complete communities that result in vibrant public space and vibrant uptown core. It also contributes to ensuring a diversified economy by supporting business growth in the core.

## **E. Previous Reports on this Topic**

- CAO2022-013 Uptown CIP Update
- CAO2021-020 COVID-Relief City Wide CIP and Uptown CIP Update

- CAO2020-019 COVID-Relief Community Improvement Plan (CIP)
- CAO2019-005 Uptown Community Improvement Plan (CIP) – 2018 Annual Update Report and CBIL Approval
- CAO2018-021 – Uptown Community Improvement Plan (CIP) – Commercial Building Improvement Loans – Spring 2018 (June 25, 2018)
- CAO2018-005 – Uptown Community Improvement Plan (CIP) – Continuation of the Façade Improvement Grant Bump-Up (April 16, 2018)
- CAO2018-002 – Uptown Community Improvement Plan – Commercial Building Improvement Loans (January 22, 2018)
- CAO2017-030 – Uptown Community Improvement Plan (CIP) – 2017 Annual Update Report (December 11, 2017)
- CAO2017-009 – Uptown Parking Exemption Program with Section 40 Planning Act Parking Agreement for 6 Regina Street North and 24, 28 and 34 Erb Street East (April 24, 2017)
- CAO2016-012 Uptown Community Improvement Plan (CIP) – 2016 Annual Update Report (December 12, 2016)
- CAO2016-006 – Uptown Parking Exemption with Section 40 Parking Agreement for 9 King Street North (June 27, 2016)
- CAO2016-001 – Uptown CIP Program Activation (February 22, 2016)



### **Uptown Community Improvement Plan (CIP) – 2023 Annual Update and Extension CAO2023-028**

The Uptown CIP was approved by Council in August 2015 until the end of 2020 to support and incent employment growth, sustainable re-urbanization, affordable housing, and heritage conservation within the Uptown CIP boundary. The Uptown CIP focuses on the specific project area that is Uptown Waterloo (Appendix A).

Three components of the Uptown CIP were extended for one year increments until December 31, 2023. These include the Major Activity Grant (TIG), the Parking Exemption Program and the Façade Grant. These three programs are a collective ‘toolkit’ that is available to the City to help achieve goals for the Uptown Community Improvement Project Area.

The Major Activity Grant (TIG) is funded via future increased tax revenues and its purpose is to promote major redevelopment projects that create a substantial amount of employment or affordable housing land uses as a priority, while supporting development that includes heritage conservation and/or sustainable buildings. The TIG is a grant equal to the full amount, or a portion of the amount, of the estimated property tax increase after a property is redeveloped and reassessed. The increase in taxes, or ‘tax increment’, is calculated by subtracting the municipal portion of property taxes before reassessment from the municipal portion of property taxes after reassessment. The City may provide a grant equal to any proportion of the increment for any length of time that Council deems is appropriate and is tied to as-built project performance, with an increased grant available to projects that meet sustainability and/or heritage conservation criteria.

The Parking Exemption program provides parking relief for new development and does not require investment of funds by the City. The purpose of this program offers an exemption from the parking requirements of the Zoning By-law for small scale conversions (changes in use) and building expansions that result in additional non-residential floor space.

The Façade Grant has been supported through existing funding within the Uptown CIP project and is aimed at supporting improvements to the streetscape and exterior building facades, offering matching grants of up to \$10,000 per street-facing front and a maximum of \$15,000 where improvements occur on both facades of a corner lot. An additional \$5,000 may be available for properties designated under the Ontario Heritage Act to support heritage conservation and restoration.

**Uptown CIP Program Performance**

Since the inception of this program in 2015, uptake has been variable, with the lowest year in 2023 and the highest in 2017. In 2017, a total of 39 applications approved and \$998,582 being awarded in grants and loans.

A number of economic factors since 2015 may have impacted uptake in the program. The increase in the number of applications from 2016 to 2017 may be due to an increase in awareness of the CIP as well as LRT construction which was in full swing in 2017. This was followed by two slower years in 2018 – with 17 approved applications for a total of \$335,546 and 2019 which saw 7 applications approved totalling \$72,577.

Similarly, the impact of the COVID-19 pandemic meant many businesses were struggling to keep doors open. 2020 not surprisingly saw the number of applications approved fall to 5, representing a total of \$65,928. In 2021, the program rebounded and saw 11 applications with \$101,964 committed. The Uptown Façade CIP continued to trend upward in 2022 with a total of 15 approved applications totalling \$125,361.

2023 resulted in a slower year for the Uptown CIP with a total of 3 applications were received totalling \$5,169. No applications were received for the Parking Exemption Program or the Major Activity Grant in 2023. The lower uptake this past year may be a result of the success of the program in improving facades in the Uptown. It may also be combined with the fact that many businesses may be facing repayment of COVID loans. Coupled with other economic factors such as escalating operational expenses and higher interest rates, businesses may be seeing less surplus revenues to make capital investments. Historically there have been slower years following years that had a higher level of activity.

**Summary of Recommendations**

Staff recommend the program be extended to December 31, 2024, maintaining all existing programs under the Uptown CIP: the Façade Improvement Grant, the Major Activity Grant, and the Parking Exemption Program.

The Uptown CIP is one of the only tools that can help encourage investment, growth and revitalization in our Uptown core and is one avenue for support for new businesses, to help offset some façade improvements when they locate in the Uptown.

With the SOLER program under review, as well as the city-wide Brownfield Community Improvement Plan set to expire at the end of 2024, staff recommend undertaking a full review of all existing Community Improvement Plans (CIP programs), including all historic components of the Uptown CIP in 2023 and report back to Council in 2024.

## Appendix A – Uptown CIP Project Area Map





**STAFF REPORT**  
**Planning**

Title: Official Plan Amendment No. 32, Zone Change Application Z-21-03, Draft Plan of Subdivision 30T-21401, 65 Northfield Drive Inc., 525 and 565 Conestogo Road West

Report Number: IPPW2023-059

Author: Rita Szilock

Council Date: December 11, 2023

File: OPA 32, Z-21-03, 30T-21401

Attachments: Map 1 – Subject Site  
Map 2 – Proposed Official Plan Amendment  
Map 3 – Proposed Zone Change  
Map 4 – Proposed Zone Change Area Map  
Map 5 – Draft Plan of Subdivision 30T-21401  
Appendix 'A' – Minutes of the Informal Public Meeting  
Appendix 'B' – Agency Comments  
Appendix 'C' – Preliminary Concept Plan  
Appendix 'D' – Preliminary 1st Floor Plan  
Appendix 'E' – Preliminary Underground Parking Plan  
Appendix 'F' – Conceptual Renderings  
Appendix 'G' – Site Specific Conditions of Subdivision Approval  
Appendix 'H' – Standard Conditions of Subdivision Approval  
Appendix 'I' – Agency Specific Conditions of Subdivision Approval

Ward No.: Ward 4, Northeast

**Recommendations:**

1. That Council approve IPPW2023-059.
2. That Council adopt Official Plan Amendment No. 32 (OPA 32), 65 Northfield Drive Inc., for 525 and 565 Conestogo Road West, as set out in Section 8 of IPPW2023-059.
3. That Council request that the Regional Municipality of Waterloo approve Official Plan Amendment No. 32 (OPA 32).
4. That Council approve Zone Change Application Z-21-03, 65 Northfield Drive Inc., for 525 and 565 Conestogo Road West, as set out in Section 8 of IPPW2023-059.

5. That Council endorse Draft Plan of Subdivision 30T-21401, 65 Northfield Drive Inc., for 525 and 565 Conestogo Road West, as set out in Section 8 of IPPW2023-059.
6. That Council delegate authority to the City's Director of Planning to make administrative modifications to any Standard Condition of Subdivision Approval and/or Site Specific Condition of Subdivision in relation to Draft Plan of Subdivision 30T-21401.

### A. Executive Summary

65 Northfield Drive Inc. (the "**Applicant**") has submitted Official Plan Amendment Application No. 32 ("**OPA 32**"), Zone Change Application Z-21-03, and Draft Plan of Subdivision 30T-21401 for the lands municipally addressed as 525 & 565 Conestogo Road West, as shown on Map 1 (the "**Lands**"). The Lands are currently occupied by two manufacturing/warehouse buildings with a total gross floor area of 81,000 square metres (the former Kraus Flooring), and a hydro corridor bisecting the south of the Lands.

The Applicant is proposing to redevelop part of the Lands, being the lands located to the north of the hydro corridor, into a mixed-use high-rise development containing four (4) new buildings, with 12 high-rise towers ranging in height between 18 and 35 storeys, as conceptually shown in the image below, to be called "Conestogo Park Square":



### 3 Integrated Planning & Public Works

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The proposed development includes 3,353 residential dwelling units (5,197 bedrooms), a minimum 8,000 square metres of non-residential building floor area, approximately 1.10 hectares of Privately Owned Public Space (POPS), a multi-use trail, and a new municipally street. The scale and density of the proposed development will create a vertical neighbourhood, and its own “community”, and should be planned accordingly.

The Lands are located within the Conestoga Station Area, where intensification and transit-supportive development is contemplated. Both the Northfield LRT Station and the Conestoga Mall LRT Station are within a comfortable walk distance. This large parcel represents a catalyst opportunity for redevelopment and intensification in north-central Waterloo, leveraging the investment in light-rail transit (ION), contributing to a complete community and 15 minute neighbourhood, and increasing the City’s supply of new housing in a location that can reduce reliance on automobiles. Conceptual imagery provided below:



To facilitate the proposed development, the Applicant is seeking the following policy and zoning amendments:

- Amend the City’s Official Plan by redesignating the lands north of the hydro corridor from “Employment” to “Mixed-Use Community Commercial” with the following site-specific policies:
  - Lands designated as Mixed-Use Community Commercial may be zoned to permit dwelling units, townhouse blocks, live/work units and home occupations as primary uses, as well as health practitioner, model suite and temporary sales centre as complementary uses.

## 4 Integrated Planning & Public Works

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- Residential uses shall be permitted within individual buildings and/or within mixed-use buildings, and on the first storey of Blocks 2, 3, 4, 5, 6 and 8.
- The implementing zoning by-law shall include site specific provisions related to building height, residential density, and non-residential building floor area.
- Rezone the lands from Future Determination (FD) to Mixed-Use Community Commercial – 81 (C1-81) with site specific exceptions.

The Applicant is also proposing to subdivide the lands via Draft Plan of Subdivision 30T-21401 into eight (8) development blocks, a new municipal street, and a hydro corridor block (Block 9), as shown on Map 5 attached to this report.

Based on the Planning Division's review of the application, we support Official Plan Amendment No. 32, Zone Change Application Z-21-03, and Draft Plan of Subdivision 30T-21401 as specified in Section 8 of IPPW2023-059, for reasons including those outlined in Section 7 of this report.

### **B. Financial Implications**

Staff are not aware of any municipal financial implications with respect to the requested applications. Should the applications be appealed, potential costs related to an Ontario Land Tribunal (OLT) hearing may be incurred.

### **C. Technology Implications**

Staff are not aware of any technology implications.

### **D. Link to Strategic Plan**

(Guiding Principles: Equity and Inclusion; Sustainability; Integrity; Workplace well being; Community-centred; Operational Excellence)

(Strategic Priorities: Reconciliation, Equity, Accessibility, Diversity and Inclusion; Environmental Sustainability and Climate Action; Complete Community; Infrastructure and Transportation Systems; Innovation and Future-Ready)

The recommendations in this report supports the 'Complete Community' and the 'Infrastructure and Transportation Systems' Strategic Priorities of the Strategic Plan, as the proposed development will be a mixed-use, transit-supportive development with a central Privately-Owned Public Space (POPS).

### **E. Previous Reports on this Topic**

N/A



**Official Plan Amendment No. 32, Zone Change Application Z-21-03, Draft Plan of Subdivision 30T-21401, 65 Northfield Drive Inc., 525 and 565 Conestogo Road West  
IPPW2023-059**

**SECTION 1 – SUBJECT LANDS**

**Location**

525 & 565 Conestogo Road West

**Ward**

Northeast (Ward 4)

**Total Lot Area**

10.71 ha

7.27 ha (OPA/ZBA portion)

8.14 ha (Draft Plan portion)

**Owner/Applicant**

65 Northfield Drive Inc.  
(Solowave Investments Ltd.)

**Agent**

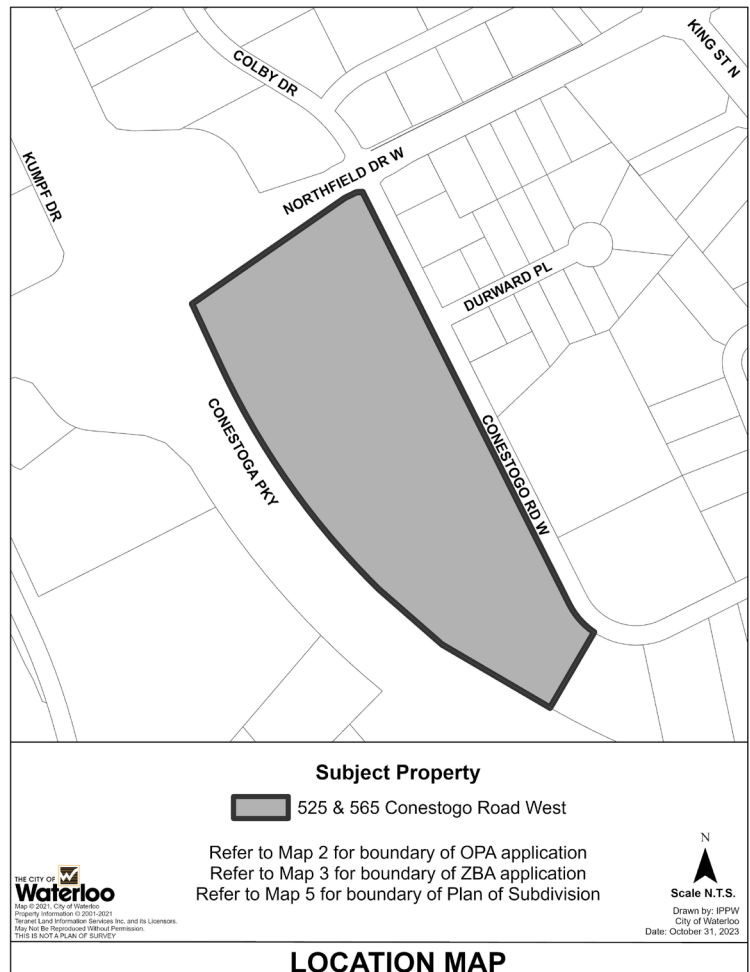
GSP Group Inc.

**Existing Land Use**

Manufacturing/warehouse/office  
uses

**Proposed Use**

Mixed-use high-rise development containing four (4) buildings, with 12 towers ranging between 18 and 35 storeys. A total of 3,353 residential units, a minimum 8,000 square metres of non-residential building floor area, ~1.10 hectares of POPS, and a multi-use trail.



### Public Input

The mechanisms used to gathering input in regards to OPA 32, Z-21-03 and 30T-21401 are as follows:

**Table 1: Consultation**

Mechanism	Date	Results
<b>Agency and Staff Circulation of 1<sup>st</sup> Submission</b>	June 25, 2021	Agency and staff comments attached as Appendix B
<b>Informal Public Meeting</b>	June 28, 2021	Informal Public Meeting minutes attached as Appendix A
<b>Agency and Staff Circulation of 2<sup>nd</sup> Submission</b>	April 4, 2023 April 14, 2023 April 25, 2023	Agency and staff comments attached as Appendix B
<b>Agency and Staff Circulation of 3<sup>rd</sup> Submission</b>	October 5, 2023 October 18, 2023	Agency and staff comments attached as Appendix B
<b>Advertise Formal Public Meeting</b>	November 23, 2023	Advertised in Waterloo Record and notice sent to property owners within 120 metres of the subject property and those who requested notice.
<b>Formal Public Meeting</b>	December 11, 2023	Council consideration of application

### 1.1 Site Description and Neighbourhood Context

The Lands are located in north-central Waterloo, adjacent to the Conestoga Parkway (Highway 85), and at the southwest corner of Northfield Drive West and Conestogo Road West, as shown on Map 1.

The Lands have a total area of 10.71 hectares with approximately 224 metres of frontage on Northfield Drive West and 550 metres of frontage on Conestogo Road West.

The Lands are located within the Conestoga Station Area (a Major Transit Station Area or “**MTSA**”), and are situated between the Northfield LRT Station and Conestoga Mall LRT Station. The Lands are well served by transit, located within a short walking distance of the Northfield LRT Station the Conestoga Mall LRT Station and several bus routes. A number of commercial uses are located within a 10 to 15 minute walking distance of the Lands, including Conestoga Mall, Waterloo Corporate Campus, and commercial plazas located at the corner of Northfield Drive West and King Street North.

The Lands are located within the Conestoga District, which is largely comprised of existing employment and commercial uses. In terms of surrounding uses, immediately surrounding the subject site to the south, east and north are existing employment uses while the Conestoga Parkway is located to the west and north of the site.

## Lands and Surrounding Area

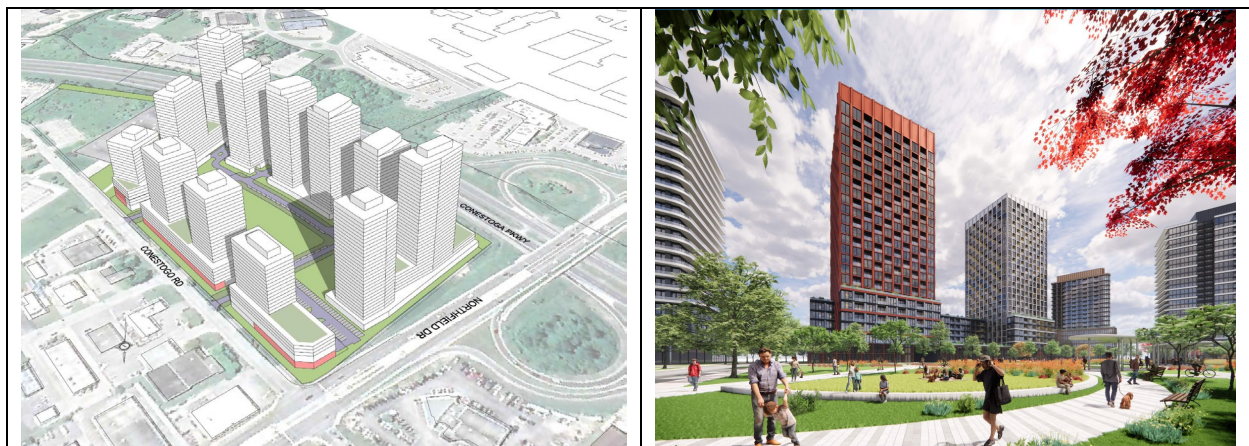


## SECTION 2 – PROPOSED DEVELOPMENT (see Appendix ‘C’, ‘D’, ‘E’ and ‘F’)

The Applicant is proposing to redevelop the portion of the Lands located north of the hydro corridor with a mixed-use high-rise development containing four (4) new buildings with 12 high-rise towers ranging in height between 18 and 35 storeys. The proposed development is proposed to contain:

- 3,353 units and 5,197 bedrooms
- minimum 8,000 square metres of non-residential building floor area
- 2,675 parking spaces, primarily within underground and podium parking structures
- new city street (18 metre right-of-way)
- ~1.10 hectares of Privately-Owned Public Space (POPS)

Conceptual images of the proposed development are provided below and in Appendix F:





The scale of proposed development will create a vertical neighbourhood, and its own “community”, and should be planned accordingly.



## SECTION 3 – APPLICATION DETAILS

At the time of the Informal Public Meeting in June 2021, the proposed development concept encompassed all of 525 Conestogo Road West and 565 Conestogo Road West. The resubmissions received in March 2023 and October 2023 revised the development concept, which now only encompasses 565 Conestogo Road West and part of 525 Conestogo Road West (i.e., no planning amendments are proposed to the portion of the Lands south of the hydro corridor).

The lands north of the hydro corridor are subject to the proposed Official Plan Amendment (refer to Map 2) and Zone Change (refer to Map 3), while the hydro corridor and lands north of the hydro corridor are the subject of the Draft Plan of Subdivision (refer to Map 5). The Applicant has included the hydro corridor within the Draft Plan of Subdivision application to allow conditions of approval to be imposed on the lands, including in relation to access and to protect for a proposed pedestrian overpass bridge across the Conestoga Parkway, should the Ministry of Transportation (MTO) support it in the future.

**Table 2: Revisions to Proposed Development**

	Initial Proposal	Revised Proposal
<b>Area</b>	10.71 ha	7.27 ha (OPA/ZBA applications)  8.14 ha (Draft Plan application)
<b>Building Height</b>	3 to 35 storeys (15 buildings)	18 to 35 storeys (12 towers)

	Initial Proposal	Revised Proposal
<b>Density</b>	-	950 beds/ha (excluding POPS area)
<b>Units</b>	2,530 units	3,353 units
<b>Bedrooms</b>	-	5,197 bedrooms
<b>Non-Residential Space</b>	20,000 sq.m.	8,000 sq.m.
<b>Parking</b>	2,630 spaces	2,675 spaces
<b>POPS</b>	-	~1.1 ha
<b>3D Image</b>		

### 3.1 Official Plan Amendment No. 32 (OPA 32)

To facilitate the redevelopment of the Lands, the Applicant is proposing to amend the City's Official Plan by redesignating the lands north of the hydro corridor from "Employment" to "Mixed-Use Community Commercial" with the following specific provision area policies:

- Lands designated as Mixed-Use Community Commercial may be zoned to permit dwelling units, townhouse blocks, live/work units, and home occupations as primary uses, as well as health practitioner, model suite, and temporary sales centre as a complementary use.
- Residential uses shall be permitted within individual buildings and/or within mixed-use buildings, and in the first storey of Blocks 2, 3, 4, 5, 6 and 8.
- The implementing zoning by-law shall include the following:
  - a. maximum building height of 35 storeys (118 metres)

- b. maximum density of 950 bedrooms per hectare (excluding POPS area) and a maximum of 5,197 bedrooms
- c. minimum non-residential gross leasable area of 8,000 square metres
- d. a holding provision to ensure the completion of the following:
  - the completion of a Record of Site Condition to the satisfaction of the Regional Municipality of Waterloo;
  - the submission of a Master Site Plan and Master Servicing Plan with detailed Urban Design Guidelines to the satisfaction of the City of Waterloo;
  - the verification of sufficient servicing capacity (water, sanitary and stormwater) to service the development, which may include confirmation that sanitary capacity infrastructure upgrades required to support development of the lands have been completed to the satisfaction of the City of Waterloo;
  - the submission of a detailed Noise Study to the satisfaction of the Regional Municipality of Waterloo and the City of Waterloo. The study shall evaluate stationary and road traffic noise impacts on the proposed development from surrounding uses and traffic sources. Recommendations of the study shall be incorporated into the detailed building design and/or the owner shall enter into an agreement with the Region of Waterloo and/or City of Waterloo as required.

The Applicant's proposed amendments to the Official Plan are evaluated in Section 5 of this report.

### **3.2 Zoning By-law Amendment Z-21-03**

The Applicant is proposing to rezone the lands north of the hydro corridor from 'Future Determination' (FD) to 'Mixed-Use Community Commercial - 81' (C1-81).

The following site specific exceptions are proposed to the Mixed-Use Community Commercial – 81 (C1-81) zone:

- Permit dwelling units, townhouse blocks, live/work units, and home occupations as primary permitted uses
- Permit health practitioner, model suite, and temporary sales centre as a complementary use
- Maximum density of 950 bedrooms per hectare (excluding POPS area) to be applied across the entire site
- Maximum building height of 35 storeys (118 metres)
- Minimum non-residential area of 8,000 square metres, however not all lots are required to include non-residential floor area
- Minimum 3 metre street line setback for below-grade (underground parking structure) along Conestogo Road and Northfield Drive
- Minimum 3 metre street line setback for above-grade structures along the new street

- Minimum 2 metre street line setback for below-grade (underground parking structure) along the new street
- Minimum 3 metre setback for all above grade structures, and a 0 metre setback for all below grade structures along the Hydro Corridor
- Minimum Tower Separation of 11 metres from an interior lot line shall not apply
- Minimum Tower Separation shall be 22 metres for towers sharing an interior lot line
- Maximum 45 metre horizontal tower dimension for Blocks 1, 3 and 8, whereas the by-law limits the horizontal tower dimension to 40 metres
- Maximum tower footprint of 1,050 sq.m., whereas the by-law limits the maximum tower footprint to 1,000 sq.m.
- Permit a residential parking rate of 0.75 spaces per dwelling unit (residential and visitor combined), whereas 1.0 space per dwelling unit (0.9 spaces for residential and 0.1 for visitor) is required
- Permit a non-residential parking rate of 2 spaces per 100 sq.m. of non-residential building floor area
- Permit structured parking on the first floor within Block 3 (greater than 86 metres of Conestogo Road), whereas structure parking is not permitted on the first storey
- Apply a holding provision on the lands until the following are submitted:
  - a. evidence of Record of Site Condition filing
  - b. submit a Master Site Plan and Master Servicing Plan with detailed Urban Design Guidelines demonstrating how the proposed development will be comprehensively redeveloped
  - c. submit verification of sufficient servicing capacity (water, sanitary and stormwater) to service any lot and/or development thereon on a block-by-block basis
  - d. submit a detailed Noise Study on a block-by-block basis

The Applicant's proposed amendments to the Zoning By-law are evaluated in Section 5 of this report.

### **3.3 Draft Plan of Subdivision 30T-21401**

The Applicant is proposing to subdivide the lands to create 9 blocks and a new municipal street through Draft Plan of Subdivision 30T-21401, as shown on Map 5 attached and Figure 2 below. The proposed subdivision is anticipated to proceed in two stages.

Although the focus of OPA 32 and Z-21-03 is the lands north of the hydro corridor, the hydro corridor has been included in the Draft Plan of Subdivision to allow conditions of approval to be imposed on the lands, including in relation to access and to protect for a proposed pedestrian overpass bridge across the Conestoga Parkway, should the Ministry of Transportation (MTO) support it in the future.

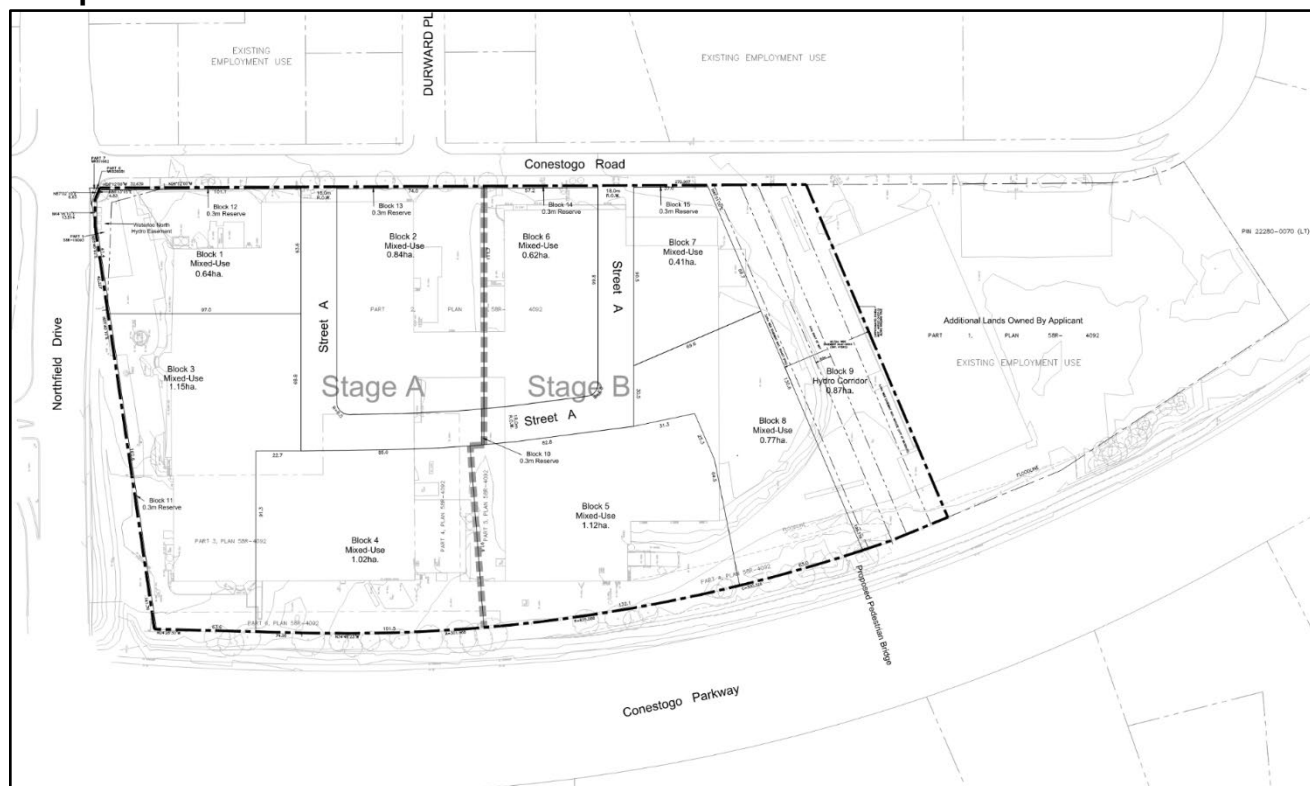
The Applicant has proposed to subdivide the 8.14 hectares in accordance with Map 5 to this report. The proposed land uses within each block are included in the following Table 3:

**Table 3: Proposed Uses within each Subdivision Block**

Blocks	Land Use	Area (ha)
1	<ul style="list-style-type: none"> <li>- Mixed-Use (residential/non-residential)</li> <li>- 20 storey tower and 5 storey podium</li> <li>- 225 units</li> </ul>	0.64
2	<ul style="list-style-type: none"> <li>- Mixed-Use (residential/non-residential)</li> <li>- 25 storey tower and 6 storey podium</li> <li>- 250 units</li> <li>- Privately Owned Public Space (POPS)</li> </ul>	0.84
3	<ul style="list-style-type: none"> <li>- Mixed-Use (residential/non-residential)</li> <li>- One 30 storey tower and one 35 storey tower connected by a 6 storey podium</li> <li>- 676 units</li> <li>- Privately Owned Public Space (POPS)</li> </ul>	1.15
4	<ul style="list-style-type: none"> <li>- Mixed-Use (residential/non-residential)</li> <li>- One 28 storey tower and one 31 storey tower connected by a 3 storey podium</li> <li>- 628 units</li> </ul>	1.02
5	<ul style="list-style-type: none"> <li>- Mixed-Use (residential/non-residential)</li> <li>- One 28 storey tower and one 31 storey tower connected by a 3 storey podium</li> <li>- 618 units</li> </ul>	1.12
6	<ul style="list-style-type: none"> <li>- Mixed-Use (residential/non-residential)</li> <li>- 25 storey tower and 6 storey podium</li> <li>- 270 units</li> <li>- Privately Owned Public Space (POPS)</li> </ul>	0.62
7	<ul style="list-style-type: none"> <li>- Mixed-Use (residential/non-residential)</li> <li>- 18-storey tower and 6 storey podium</li> <li>- 126 units</li> </ul>	0.41
8	<ul style="list-style-type: none"> <li>- Mixed-Use (residential/non-residential)</li> <li>- One 25 storey tower and one 35 storey tower connected by a 6 storey podium</li> <li>- 560 units</li> </ul>	0.77
9	<ul style="list-style-type: none"> <li>- Hydro Corridor (Employment designation)</li> <li>- Multi-Use Trail</li> </ul>	0.87
Road	<ul style="list-style-type: none"> <li>- "Street A" – new 18 metre wide local road that will be transferred to the City of Waterloo upon registration of the subdivision</li> </ul>	0.70

The Applicant's proposed plan of subdivision is evaluated in Section 5 of this report.

## Proposed Draft Plan of Subdivision 30T-21401



## SECTION 4 - POLICY REVIEW

## 4.1 Planning Act

## 4.1.1 Matters of Provincial Interest

Section 2 of the *Planning Act*, R.S.O. 1990 c.P.13 as amended (the “**Planning Act**”) establishes matters of provincial planning interest. The Planning Act requires that all planning decisions shall have regard to, among other matters, matters of Provincial interest.

Table 3 - Matters of Provincial Interest (Section 2 of the Planning Act)

	Provincial Interest	Staff Comment
a)	The protection of ecological systems, including natural area, features and functions;	GRCA, Regional and City staff have reviewed the submitted Environmental Impact Study Addendum and have no outstanding concerns.
b)	The protection of agricultural resources of the Province;	Not applicable.
c)	The conservation and management of natural resources and the mineral resource base;	GRCA, Regional and City staff have reviewed the submitted Environmental Impact Study Addendum and have no outstanding concerns.

	Provincial Interest	Staff Comment
d)	The conservation of feature of significant architectural, cultural, historical, archaeological or scientific interest;	Not applicable.
e)	The supply, efficient use and conservation of energy and water;	The Applicant will be required to compete an Energy Strategy as a requirement of the site specific draft plan of subdivision conditions.
f)	The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	Appropriately addressed through the staff recommended holding provisions, and draft plan of subdivision conditions.
g)	The minimization of waste;	The site specific draft plan of subdivision conditions require the demolish of buildings and structures on the lands to be in accordance with demolition processes and debris removal that reduces landfill waste and increases reclamation. The Applicant has submitted a Demolition Waste Management Plan as part of their demolition permit application.
h)	The orderly development of safe and healthy communities;	Appropriately addressed through the staff recommended holding provisions, and draft plan of subdivision conditions.
h.1)	The accessibility for persons with disabilities to all facilities, services and matters of which this Act applies;	Through detailed design, secured via the site plan process, the proposed development will be evaluated against the City's Accessibility Standards and applicable law, such as the <i>Accessibility for Ontarians with Disability Act, 2005, S. O. 2005, c. 11</i> . Accessibility will also be a core consideration in the City's review and acceptance of the recommended Master Plan and Comprehensive Trail Network Plan.
i)	The adequate provision and distribution of educational, health, social, cultural and recreational facilities;	As part of the site specific draft plan of subdivision conditions, the recommended Master Plan would require verification of the location and type of a meaningful amount of community uses and/or community infrastructure to service the Lands and

	Provincial Interest	Staff Comment
		<p>the development thereon, including the provision of at least one (1) child care centre on the Lands.</p> <p>The proposed development includes ~1.10 hectares of POPS and a multi-use trail system to provide local access to outdoor recreational space.</p>
j)	The adequate provision of a full range of housing, including affordable housing;	The proposed development includes a total of 3,353 residential dwelling units. The Applicant is proposing one-bedroom and two-bedroom purpose-built rental units. The Applicant has advised staff of their desire to incorporate affordable housing into the development, and is reviewing the feasibility of same.
k)	The adequate provision of employment opportunities;	The proposed development will contain a minimum 8,000 square metres of non-residential building floor area. Further, the lands south of the hydro corridor remain under the Employment (Business Employment) land use designation in the City's Official Plan, further contributing the retention of the employment planned function on the Lands as a whole, which staff support.
l)	The protection of the financial and economic wellbeing of the Province and its municipalities;	Appropriately addressed through the staff recommended holding provisions, and draft plan of subdivision conditions. Further, the development will efficiently use infrastructure, and leverage investments in ION (LRT).
m)	The coordination of planning activities of public bodies;	The applications have been circulated to commenting agencies and stakeholders through the City's and Region's normal circulation processes.
n)	The resolution of planning conflicts involving public and private interests;	Appropriately addressed through the staff recommended holding provisions, and draft plan of subdivision conditions.
o)	The protection of public health and safety;	The recommended holding (H) provision will ensure that outstanding materials are submitted to ensure the protection of public health and safety

	<b>Provincial Interest</b>	<b>Staff Comment</b>
		(including Record of Site Condition, Master Site Plan, Master Servicing Plan, Noise Study, and verification of sufficient servicing capacity).
p)	The appropriate location of growth and development;	The Lands are within the urban area. The proposed development is located within a Major Transit Station Area (Conestoga Station Area), which is planned to accommodate a significant amount of growth through infill and intensification.
q)	The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	<p>The Applicant will be required to compete an Energy Strategy as a requirement of the site specific draft plan of subdivision conditions.</p> <p>The Lands are located within a comfortable walking distance of the Conestoga Mall LRT Station, the Northfield LRT Station, and several bus routes. Active transportation can be enhanced through the Master Plan and Comprehensive Trail Network Plan.</p> <p>At grade commercial and employment uses will be oriented to the pedestrian.</p>
r)	The promotion of built form that, (i) Is well-designed, (ii) Encourages a sense of place, and (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	Appropriately addressed through the staff recommended holding provisions, and draft plan of subdivision conditions, including the requirement for a Master Plan and detailed Urban Design Guidelines for the development.
s)	The mitigation of greenhouse gas emissions and adaptation to a changing climate;	The Applicant will be required to compete an Energy Strategy and Stormwater Management Plan as a requirement of the draft plan of subdivision conditions. The development will be transit-supportive.

#### **4.2 Provincial Policy Statement**

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. The PPS promotes transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and minimizing land consumption and service costs.

The proposed Official Plan, Zone Change and Draft Plan of Subdivision, as recommended by staff, is consistent with the PPS, as the proposed development, for reasons including:

- Will contribute to a healthy and livable community by adding new housing, commercial uses, employment uses, and green space (such as POPS) within a Major Transit Station Area (MTSA), in a compact urban form.
- Will result in the efficient uses of land and existing infrastructure.
- Will be transit-supportive, accommodating high density in an area that is well served by public transit.
- Will enable intensification and cost-effective development patterns, and minimize land consumption.
- Is in an appropriate location for intensification, in a MTSA, within the existing built-up area.

#### **4.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

The 2020 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 foundations of the PPS, the Growth Plan provides more specific land use planning policies for managing growth. Some key guiding principles in section 1.2.1 include:

- Support the achievement of complete communities that are designated to support healthy and active living and meet people’s needs for daily living.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure, and support transit viability.

Section 2.2.1.4 of the Growth Plan stipulates that the policies of the Growth Plan will support the achievement of complete communities that:

- Features a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities;
- Provide for a more compact built form and a vibrant public realm, including public open spaces.

Section 2.2.4 requires development within Major Transit Station Areas (MTSAs), served by light rail transit, to achieve a minimum density target of 160 persons and jobs combined per hectare. The Conestoga Station Area is considered to be a MTSA. The

proposed development is estimated to be between 500 and 924 persons and jobs combined per hectare.

### Residential

Conservative Calculation:  $(3,353 \text{ residential units} \times 1.00) / 7.27 \text{ hectares} = 461 \text{ persons per hectare}$

Standard Calculation:  $(3,353 \text{ residential units} \times 1.92) / 7.27 \text{ hectares} = 885 \text{ persons per hectare}$

### Non-Residential

Commercial:  $(4,000 \text{sq.m./42}) / 7.27 \text{ hectares} = 13 \text{ jobs per hectare}$

Office:  $(4,000 \text{sq.m./21}) / 7.27 \text{ hectares} = 26 \text{ jobs per hectare}$

### Persons + Jobs Combined Per Hectare

Conservative Calculation:  $461 + 13 + 26 = 500$

Standard Calculation:  $885 + 13 + 26 = 924$

### Factors Applied

People: 1.92 per unit, per City of Waterloo Development Charge Background Study 2020

Jobs: Commercial: 42sq.m. per employee, per City of Waterloo Development Charge Background Study 2020

Office: 21sq.m. per employee, per City of Waterloo Development Charge Background Study 2020

The scale and density of the proposed development will create a vertical neighbourhood, and its own “community”, and should be planned accordingly. The development should optimize the use of the Lands, that is efficiently use the Lands (intensification) while balancing against the achievement of other planning interests such as but not limited to built form, urban design, provision of ‘green spaces’, efficient use of infrastructure, transit and active transportation supportive, sustainability, and protection of capital infrastructure/assets.

The proposed Official Plan, Zone Change and Draft Plan of Subdivision, as recommended by staff, conforms to, or does not conflict with, the Growth Plan for reasons including:

- The proposed development directs growth to the Built-Up Area, and more specifically, to a Major Transit Station Area (Conestoga Station Area), which is planned to accommodate a significant amount of growth through intensification.
- The proposed development is transit-supportive, located within a comfortable walking distance of the Conestoga Mall LRT Station, the Northfield LRT Station, and several bus routes, allowing intensification to be accommodated with reduced reliance on the automobile.
- The proposed development includes a mix of land uses, including residential, commercial and employment uses, which contribute to a complete community.
- The proposed development optimizes the use the Lands and municipal infrastructure.
- The proposed development will contribute to a healthy, livable community by proposing a large Privately Owned Public Space (POPS) and a multi-use trail network.

#### **4.4 Region of Waterloo Official Plan**

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 designated Built-Up Area (as shown on ROP Map 3a Urban Area).

The Lands were reviewed through the Regional Municipal Comprehensive Review (MCR) process. The MCR, as part of Regional Official Plan Amendment No. 6 (ROPA 6), did not designate the portion of the Lands north of the hydro corridor as Regional Employment Area (“**REA**”), meaning the City of Waterloo could consider a conversion to mixed-use on such lands, allowing the applications (OPA 32 and Z-21-03) to proceed. The hydro corridor and the lands south of the hydro corridor are designated REA, where conversions are not contemplated.

The MCR was supported by the City. With respect to the Lands, the MCR and ROPA 6 allow for the consideration of a mixed-use development application north of the hydro corridor, to be evaluated on this merits. The potential conversion of Local Employment Areas (“**LEA**”) to mixed-use sites will be evaluated through the City’s Official Plan Review (“**OPR**”), however until the OPR is complete, the City may consider site specific official plan amendment applications such as OPA 32.

Having regard to ROP Policy 2.H.1.15 (below) and to integrate the planning concept of complete communities\* into the land use framework for large LEA redevelopment sites such as the lands subject to OPA 32, staff recommend the inclusion of an employment component into the granting of mixed-use permissions. For the proposed development, this is satisfied by a minimum 8,000 square metres of non-residential building floor area devoted to commercial and employment uses.

2.H.1.15 Where a *development application* is submitted to redevelop any local employment lands located outside of the *employment areas* designated on Map 3, the Region encourages the area municipality to retain space for a similar number of jobs to remain accommodated on the site.

\* A community that meets people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of employment, local services, a full range of housing and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

The proposed Official Plan, Zone Change and Draft Plan of Subdivision, as recommended by staff, conform to the ROP for reasons including:

- The proposed development is located within an MTSA and will contribute to the required minimum density target of 160 people and jobs per hectare within the Conestoga Station Area.
- The proposed development will contribute to the creation of a complete community by incorporating a mix of land uses within the development, including residential, commercial and employment uses.
- The proposed development will have a compact urban form that will efficiently use the lands.
- The proposed development is transit-supportive by proposing intensification and a mixed-use within a comfortable walk distance of the Conestoga Mall LRT Station, the Northfield LRT Station, and a number of public transit stops.

#### 4.5 City of Waterloo Official Plan

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

Employment	Schedule 'A'
Business Employment	Schedule 'A2'
Candidate Two Zone Policy Area	Schedule 'A5'
Minor Corridor	Schedule 'B'
Medium Density Employment – 27 metres	Schedule 'B1'
Built Up Area	Schedule 'B3'
Conestoga	Schedule 'C'
Regional Arterial (Northfield Dr W)	Schedule 'E'
Local Road (Conestogo Rd W)	Schedule 'E'
City-Wide Multi-Use Routes (Northfield Dr W and Conestogo Rd W)	Schedule 'F'
Conestogo Rd W - 20m road allowance	Schedule 'G'
Potential Transition Area	Schedule 'J'
Site is located within Conestoga Station Area	Schedule 'J1'

The Lands are designated Employment on Schedule 'A', and Business Employment on Schedule 'A2' of the Official Plan, with the exception of a portion of the Lands abutting Northfield Drive which are 'Deferred'.

The Business Employment designation is intended for prestige office uses as the predominant use of land, but also contemplates light assembly/light manufacturing/light processing operations. Lands within the Business Employment designation are generally on the periphery of employment areas and a compatible with sensitive uses.

The Applicant is proposing to redesignate the lands shown on Map 2 (OPA 32) to Mixed-Use Community Commercial on Schedule 'A1', with site specific provision area policies that include added primary uses, added complementary uses, residential uses on the ground floor, tailored residential density, increased building height (up to 35 storeys), and a minimum non-residential area.

The merits of the Official Plan Amendment (OPA 32) are evaluated in Section 5 of this report.

#### 4.6 City of Waterloo Zoning By-law 2018-050

The Lands are currently zoned Future Determination ('FD') in Zoning By-law 2018-050. The FD zone only permits the existing structures and land uses, thereby requiring a zone change application if alternative uses are proposed.

The Applicant is proposing to rezone the Lands to Mixed-Use Community Commercial ('C1-81') with site specific provisions (Z-21-03) to permit a tailored residential density, increased building height (up to 35 storeys), reduced building setbacks above and below grade, increased horizontal tower dimensions on select blocks, increased tower footprints, permissions for residential units to be located on the first storey, and permission for structured parking to be located on the first storey.

The merits of the Zone Change Z-21-03 are evaluated in Section 5 of this report.

### SECTION 5 – PLANNING EVALUATION

Staff have reviewed the applications (OPA 32, Z-21-03, 30T-21401) and provide the following summary comments:

#### 5.1 Redesignation from Employment to Mixed-Use Community Commercial

Planning staff are supportive of the Applicant's request to designate the lands Mixed-Use Community Commercial with a site specific provision area, as the proposed designation allows for a range and mix of uses, including residential, employment, commercial and 'green spaces' (e.g., parkland). Staff are of the opinion that the proposed high density residential uses combined with the employment uses, commercial uses and 'green space' optimize the use of the lands, contributing to a complete community. As previously stated, the scale and density of the proposed development will create a vertical neighbourhood, and its own "community", and should be planned accordingly, including non-residential uses and sufficient social and environmental infrastructure such as parkland or the like. The recommended mixed-use planning framework also contributes to a transit-supportive development and reduced reliance on the automobile, where people can live, work and play.



#### 5.2 Employment: Conversion and New Additional Uses

After the submission of the initial applications in 2021, the Lands were reviewed through the Region's Municipal Comprehensive Review ("MCR") process. As discussed in Section 4.4, through the MCR and ROPA 6, the Lands were split designated:

- a.) area north of the hydro corridor (identified as OPA 32 on Map 2): *Local Employment Area (LEA)*;

- b.) hydro corridor and area south of the hydro corridor: *Regional Employment Area* (REA).

Local Employment Areas may be consider for conversion, allowing the applications (OPA 32 and Z-21-03) to proceed. As indicated in Section 4.4, having regard to the ROP and to create complete communities on large LEA redevelopment sites such as the lands subject to OPA 32, staff recommend the inclusion of an employment component into the granting of mixed-use permissions. In staff's professional opinion, some level of employment function should remain on the lands subject to OPA 32. For the proposed development, this is satisfied by a minimum 8,000 square metres of non-residential building floor area devoted to commercial and employment uses.

Given the OPA 32 lands remain in a planned employment area, with lands to the east and south designated REA, a wider range of light employment uses could be considered on the OPA 32, in addition to "offices" which are contemplated under the Mixed-Use Community Commercial designation. It is recommended that the following uses be permitted on the OPA 32 lands:

- advanced technology research and development
- commercial product research and development
- educational institution
- light industrial assembly
- live/work units

provided that such uses are entirely enclosed within a building, any machinery or equipment is restricted to light machinery and equipment, and the use and all operations thereto do not result in any emissions from the unit, to maintain land use compatibility.

With respect to the minimum 8,000 square metres of non-residential building floor area devoted to commercial and employment uses, to maintain some employment planned function, it is recommended that a minimum 4,000 square metres of the 8,000 square metres be devoted to employment uses. The remaining floor space would be devoted to commercial uses (including some Live/Work Units), to serve the residents of the development and the broader community. With an estimated 3,353 residential units at full build out, coupled with the planning objectives to reduce reliance on automobiles and create a vibrant 'vertical neighbourhood' on the OPA 32 lands, commercial uses/services should be provided on site to meet the day-to-day needs of the residents, surrounding employment areas (workers), and broader community. It is recommended that, through the required Master Plan, commercial uses/services be primarily located on the easterly half of the OPA 32 lands.

Staff recognize that the proposed development will be built out over many years, and markets will shift over time. To that end, the recommended land use framework provides additional non-residential uses, and flexibility in that the location of non-residential uses will be finalized through the required Master Plan. The minimum 8,000

square metres of non-residential building floor area (commercial and employment uses) is directed to Blocks 1, 2, 3, 6 and 7.

In addition to the above, staff recommend that the mixed-use planning framework for the OPA 32 lands include community uses (such as daycares) and community infrastructure (such as parkland or the like, trails, etc.) to achieve a sustainable development – i.e., planning for the social and cultural needs of this proposed ‘vertical neighbourhood’. This is generally secured through the recommended zoning and conditions of approval, with details to be confirmed through the required Master Plan and Comprehensive Trail Network Plan, including the requirement for a minimum one (1) child care centre on the OPA 32 lands.

In summary, while Planning staff recognize that the introduction of residential and commercial uses on the OPA 32 lands will enhance the vibrancy of the Conestoga Station Area and increase the supply of housing, the conversion of the existing employment lands should be premised on some employment function being retained. The minimum 8,000 square metres of building floor area devoted to commercial and employment uses, complemented by community uses and community infrastructure, will facilitate a livable and complete community with reduced reliance on the automobile in a light rapid transit station area.

### **5.3 Community uses and community infrastructure**

It is anticipated that the proposed development will bring approximately 6,435 new residents to an area of the city with few community amenities. The Lands are surrounded by employment uses; there are no formal park spaces, or any community services aimed at servicing residential uses. As such, the development will need to accommodate sufficient community amenities on-site to meet the needs of residents, including parkland or the like. This is generally secured through the recommended zoning and conditions of approval, with details to be confirmed through the required Master Plan and Comprehensive Trail Network Plan, including the requirement for a minimum one (1) child care centre on the OPA 32 lands. More specifically, the Master Plan is to include:

*Comprehensive Trails Network Plan (CTNP), including comprehensive pedestrian circulation plan.*

*A conceptual design for parkland, privately owned public spaces (“POPS”), recreation spaces, and open spaces on and abutting the Lands (collectively “Green Space”), including a planting details, and coordinated with the required Parks Needs Assessment.*

*Verification of the location and type of a meaningful amount of community uses and/or community infrastructure to service the Lands and the development thereon, including the provision of at least one (1) child care centre on the Lands.*

#### 5.4 Residential uses on the ground floor and stand alone residential buildings

Planning staff are supportive of the Applicant's request to designate the lands Mixed-Use Community Commercial with a site specific provision area, to allow for a range and mix of uses, including residential, employment, commercial, and community uses. The Mixed-Use Community Commercial designation allows for residential uses above the first storey in a multi-storey mixed-use building. However, policy 10.2.2.4(5)(c) allows for the consideration of freestanding residential buildings by site-specific zoning by-law amendment application, provided it is determined that:

- the freestanding residential uses are feasible and appropriate;
- the commercial planned function will not be adversely impacted;
- the lands are of sufficient size to accommodate multiple buildings, including one or more buildings adjacent to the street devoted primarily to retail, service commercial and/or office commercial uses.

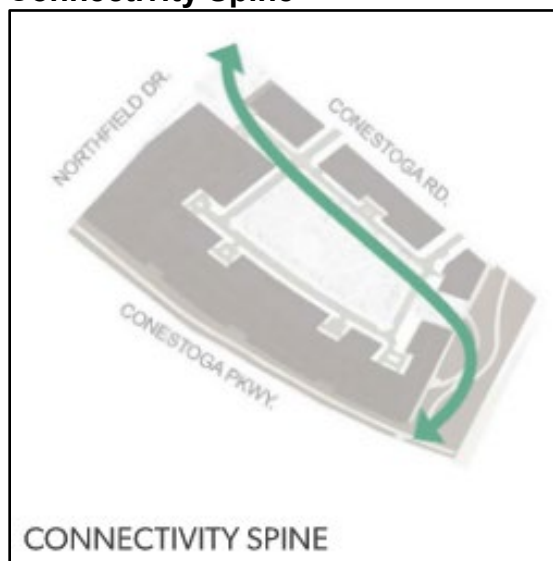
The Applicant has requested that residential uses be permitted on the first storey on Blocks 2, 3, 4, 5, 6 and 8, which would allow 10 of the 12 towers to be solely residential buildings. The proposed development concentrates commercial and employment uses near Conestogo Road, more specifically:

- 1,053sq.m. retail/commercial unit at the Northfield/Conestogo intersection (Block 1)
- 1,020sq.m. of Live/Work Units fronting Conestogo Road (Blocks 2 and 6)
- ~6,150sq.m. of retail/commercial/office on Floors 1 to 4 of Block 7

Staff support the concentration of non-residential uses on the easterly half of the site, to activate the Conestogo Road and Northfield Drive street edges, directing the minimum 8,000 square metres to Blocks 1, 2, 3, 6 and 7. Non-residential building floor area beyond the minimum 8,000 square metres may be located anywhere on the Lands, in accordance with the required Master Plan.

There is not sufficient detail at this stage of the development to determine the exact placement of non-residential uses, particularly in relation to Blocks 2, 3 and 6, and as such staff are not recommending at this time that residential uses be permitted on the first storey of these blocks. Rather, staff have incorporated into the required Master Plan the provision for a "Commercial and Employment Location Plan" (**CELP**), to direct the location and distribution of commercial and employment uses (including Live/Work Units) in the development as part of the more detailed design and coordination of design elements. Opportunities for some inward facing commercial and employment uses, overlooking the central green space and the connectivity spine (see below), should be evaluated through the Master Plan (e.g., café with patio oriented inward to the development, to serve the estimated 6,435 residents who will live here, and reduce reliance on the automobile). Commercial and employment uses "spilling out" into these spaces will enhance internal interfaces and contribute to a more pedestrian oriented design. If through the CELP it is determined that residential uses are appropriate on the first storey or part of the first storey on Blocks 2, 3 or 6, the site specific zoning by-law can be amended accordingly in conjunction with the lifting of the holding provision.

### Connectivity Spine



Planning staff have no concerns with residential units being permitted on the first storey on Blocks 4, 5 and 8, for reasons including:

- these blocks are located internal to the development, having no direct frontage onto Northfield Drive West or Conestoga Road West;
- these blocks are more distanced from the connectivity spine;
- residential uses at grade would allow for a variation in podium design, such as designing a multi-unit residential building with “brownstone” or “townhouse” inspired facades, similar to developments like 144 Park Street.

### 5.5 Increase in Height and Density

The Applicant has requested:

- a building height to 35 storeys (118 metres), whereas the Official Plan limits building height to 27 metres;
- a residential density of 950 bedrooms per hectare (exclusive of POPS), to permit the proposed 5,197 bedrooms on the Lands.

The City’s Official Plan contains policies to guide applications that seek higher heights and densities, as outlined in Policy 10.2.1(10). A summary evaluation is provided in the table below:

**Table 4: Criteria to Increase the Height and Density**

	Policy	Staff Comment
(a)	The proposed density is deemed appropriate for the neighbourhood and contributes to an appropriate height and density transition including buffering/being buffered from	Station Area are planned to intensify, with increased densities. The recommended density of 750 bedrooms per hectare (see evaluation following this table) aligns with the high density designation in the City OP, and as such staff have no concerns with

	Policy	Staff Comment
	lands designated Low Density Residential;	<p>higher densities on the lands subject to OPA 32.</p> <p>The maximum building height in the City OP for the high density designation is 81 metres, which equates to 25 storeys. Although the requested height of 118 metres / 35 storeys is higher than what is contemplated in the high density designation, staff are of the opinion that the increased in height can be supported where high quality architecture and urban design is achieved. The tallest buildings are oriented to the Conestoga Parkway, transitioning down towards the east. Staff recommend that policies be incorporated into the City OP to vary building heights on the lands and to create an interesting skyline, visual interest, and compatible development (including in relation to minimizing shadow impacts). Staff recommend that the implementing zoning permit:</p> <ul style="list-style-type: none"> <li>- 35 storey permissions for Blocks 3, 8</li> <li>- 31 storey permissions for Blocks 4, 5</li> <li>- 25 storey permission for Blocks 1, 2, 6, 7</li> </ul>
(b)	There is a demonstrated community benefit associated with additional medium, medium-high or high density uses to accommodate additional population in the context of Waterloo's population forecast and the supply of lands within existing designated Nodes and Corridors;	<p>The proposed development will optimize lands within a MTSA. The Applicant advises that the development will be a purpose-built rental, and has indicated to staff their desire to incorporate affordable housing into the development, and is reviewing the feasibility of same.</p> <p>Staff are of the opinion that purpose-built rental units will help alleviate the need for rental units within the City of Waterloo, in a strategic growth area, within a comfortable walking distance to two LRT Stations.</p> <p>Staff support the inclusion of affordable housing in the development.</p> <p>Other community benefits can be determined through the required Master</p>

	Policy	Staff Comment
		<p>Plan and Urban Design Guidelines, such as enhanced streetscape, and enhanced designs for public spaces.</p> <p>Sustainable design elements, such as geothermal, can be evaluated as part of the required Energy Strategy.</p> <p>The recommended conditions of draft approval require the Applicant to protect for a potential pedestrian overpass across the Conestoga Parkway, should the Ministry of Transportation (MTO) support it in the future.</p> <p>A Record of Site Condition (RSC) will be completed to remediate contamination from the lands.</p>
(c)	Lands are proposed to be located within a designated Node or Corridor and satisfy all relevant policies of the City Form Chapter;	The Lands are located within the Conestoga Station Area. The portion of the Lands abutting Northfield Drive West is designated Minor Corridor. Staff recommend that the Minor Corridor designation be extended to the OPA 32 lands.
(d)	The proposal achieves the applicable performance standards set out in this Official Plan and implementing Zoning By-law;	The development concept will be refined through the required Master Plan. Prior to the lifting of the holding (H) provisions on a block-by-block basis, the Applicant will need to demonstrate that the proposed development on the block adheres to the approved Master Plan, Urban Design Guidelines, and applicable performance standards in the zoning by-law.
(e)	Surface parking is minimized in favour of more intensive forms of parking, including underground parking where feasible;	The proposed development has limited surface parking, with the majority of parking spaces located either within underground structured parking or podium structured parking (see Appendix D and E).
(f)	Cultural heritage resources are conserved;	N/A

	Policy	Staff Comment
(g)	The proposal demonstrates a high standard of urban design;	<p>The proposed development is designed around a central 'green space', to create a sense of place and connectiveness. The Applicant describes the proposed central Privately Owned Public Space (POPS) as the "jewel" of the development, around which buildings with varied architecture will be built to create landmarks. Staff support this design vision.</p> <p>Development on the lands will be subject to site plan control. Further, the recommended zoning requires the completion of a Master Plan and Urban Design Guidelines, to ensure coordination of design elements and achievement of a high standard of urban design. The recommended Official Plan policies provide necessary guidance, including that the development:</p> <ul style="list-style-type: none"> <li>(a) be comprehensively planned;</li> <li>(b) create a <i>sense of place</i>;</li> <li>(c) be aesthetically attractive;</li> <li>(f) be designed with a high quality of architecture (including building materials) and urban design, with complementary and inviting green spaces and landscape features that are functional for passive and active recreational uses by both residents of the development and the general public;</li> <li>(g) be human-scale, achieved through design and massing strategies such the use of podiums, stepbacks, well-proportioned street enclosures, human-scale dimensions, pedestrian-scale lighting, and complementary landscaping (including trees);</li> <li>(h) be oriented towards the street, to the extent possible;</li> <li>(i) be designed to minimize shadow impacts on the Lands and surrounding properties;</li> <li>(k) support and foster active transportation and transit use.</li> </ul>

	Policy	Staff Comment
		Commercial, employment, and community uses at grade will contribute to desirable streetscapes and public realms.
(h)	The proposal identifies and implements any required transportation improvements, with a particular focus on transportation demand management measures;	<p>A Transportation Impact Study (TIS) has been completed for the development. The TIS is being refined, to address the requirements of the Ministry of Transportation (MTO), which will be secured through conditions of subdivision approval and a holding provision.</p> <p>The Applicant will be responsible for, at its expense, upgrades to Conestogo Road and its boulevard, as recommended by the TIS and in accordance with the standard transportation, engineering and landscape requirements of the City. Site specific draft approval conditions are recommended to ensure that the approved TIS is implemented, to the satisfaction of the City and any other authority having jurisdiction such as the Region and MTO.</p> <p>Transportation demand management (TDM) refers to a variety of strategies to reduce congestion, minimize the number of single occupant vehicles, encourage non-auto modes of travel, and reduce vehicle dependency to create a sustainable transportation system. The lands are located within a comfortable walk distance to two LRT Stations and GRT transit. A multi-use pathway (MUP) is located in front of the Lands on Conestogo Road. The proposed development will connect to the MUP, as set out in the recommended Comprehensive Trail Network Plan, including via a MUP along Street A, to foster non-auto modes of travel.</p> <p>The recommended site specific zoning includes parking minimums and maximums, which reflect the sites location in the Conestoga Station Area, to reduce reliance on automobiles, and to reduce development</p>

	Policy	Staff Comment
		costs associated with the oversupply of on-site parking in an effort to facilitate more affordable and attainable housing.
(i)	Medium to high density residential uses are located with direct vehicular access to arterial or collector roads to the extent possible. Where such access is deemed by the City to be undesirable or not feasible, vehicular access may be provided by local streets if traffic is directed to the nearest arterial or collector road via a route that minimizes vehicular travel within the low density residential neighbourhood;	The lands have direct vehicular access to Conestogo Road West (Minor Collector). Any vehicles accessing the lands will not have to travel through a low density residential neighbourhood.
(j)	Infrastructure capacity is not exceeded;	A holding provision is recommended to ensure servicing capacity is confirmed on a block-by-block basis.
(k)	Sufficient parkland and amenity space is provided to meet the needs of the community including the proposed development;	The Applicant is proposing multiple Privately Owned Public Spaces (POPS) in the centre of the site, a multi-use trail within the hydro corridor, and an amenity area along Highway 85 (e.g., proposed 'dog run') to meet the parkland and amenity area requirements of the proposed development and surrounding community. Details of the POPS, 'dog run', and parkland dedication will be determined through subsequent approval processes.
(l)	If applicable, safe access, flood protection and geotechnical stability is achieved to the satisfaction of the City, the Grand River Conservation Authority, and any other authority having jurisdiction;	The Grand River Conservation Authority has reviewed the submission materials and has no concerns with the submitted Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment.
(m)	The proposal satisfies all other applicable policies, including the policies of this Official Plan; and	The proposed development adheres to relevant policies in the City OP, except in relation to relief sought through OPA 32.
(n)	Any other criteria identified by the City through the application	Relevant land use planning matters are evaluated in Sections 5 and 6 of this report.

	Policy	Staff Comment
	review process having regard to the location of the lands and nature of the proposed development.	

Currently, there are no residential density permissions on the lands. The maximum density for high density development in the City's Official Plan is 750 bedrooms per hectare. For ease of implementation, and recognizing that the location and configuration of the proposed POPS is conceptual, staff recommend applying density to the entire lands subject to OPA 32 as shown on Map 2. This equates to ~715 bedrooms per hectare (re:  $5,197 / 7.27 \text{ ha} = 715$ ). Staff recommend that the maximum density be set at 750 bedrooms per hectare in alignment with the high density designation, and to provide some flexibility to the development. Further, at this time, it is recommended that density be applied to the entire lands, rather than on a block by block basis, to provide design flexibility to the development through the required Master Plan.

The maximum building height in the City OP for the high density designation is 81 metres, which equates to 25 storeys. As discussed above, staff support increased building heights on the lands in accordance with Section 8 of this report, including conditions and provisions related to:

- varied building heights
- height transitioning
- provision of high quality architecture and urban design
- mitigation of shadow impacts

Planning staff recommend:

- 35 storey permissions for Blocks 3, 8
- 31 storey permissions for Blocks 4, 5
- 25 storey permission for Blocks 1, 2, 6, 7

### 5.6 Urban Design

Given the location, visibility, nature, scale and intensity of the proposed development, a high standard of urban design, built form, and architecture is required. The proposed development will be a catalyst and benchmark for development in north-central Waterloo, and therefore design excellence should form the basis of the urban design ethos for the project. The development must be well designed and coordinated, with an emphasis on public realms, streetscapes, community spaces, sense of place, and human-scale. Buildings, particularly those above 25 storeys, will be landmarks and are expected to be designed with a high quality of architecture (including materiality) and urban design, with complementary and inviting green spaces and landscape features. Such matters will be secured through the required Master Plan and Urban Design Guidelines as set out in Section 8 of this report, which will be considered in the context of:

- applicable policies and principles in the City's Official Plan
- applicable guiding principles for Station Areas

- the City's Urban Design Manual
- the City's Accessibility Standards
- the City's Comprehensive Engineering & Landscape Manual (CELM)
- site specific urban design considerations, such as standards and specifications of the Ministry of Transportation for regulated lands within 14 metres of the Conestoga Parkway
- principles of good urban design, including CPTED

By virtue of being surrounded by a Regional Employment Area (REA), the proposed development will stand independent of the surrounding industrial and office developments. Through the required Master Plan and Urban Design Guidelines, the interface with surrounding lands can be refined, as well as how edges and connections are designed to encourage walkability and multi-modal circulation.

Prior to the lifting of the holding (H) provision on a block-by-block basis, the Applicant will need to demonstrate that the proposed development on the block adheres to the approved Master Plan and Urban Design Guidelines.

### **5.7 Station Area Mixed-Use Community Commercial 81 (C1A-81) Zone**

Upon a detailed comparative review of the Mixed-Use Community Commercial (C1) zone and Station Area Mixed-Use Community Commercial (C1A) zone, staff are of the opinion that the Station Area Mixed-Use Community Commercial (C1A) zone is the most appropriate zone category for the lands subject to Z-21-03 as shown on Map 3, for reasons including:

- it was created with walkable station areas in mind
- it has a reduced side yard setback comparable to the C1 zone
- it has a reduced parking rate for non-residential uses comparable to the C1 zone
- it incorporates the principle of parking maximums, to facilitate transit-supportive development

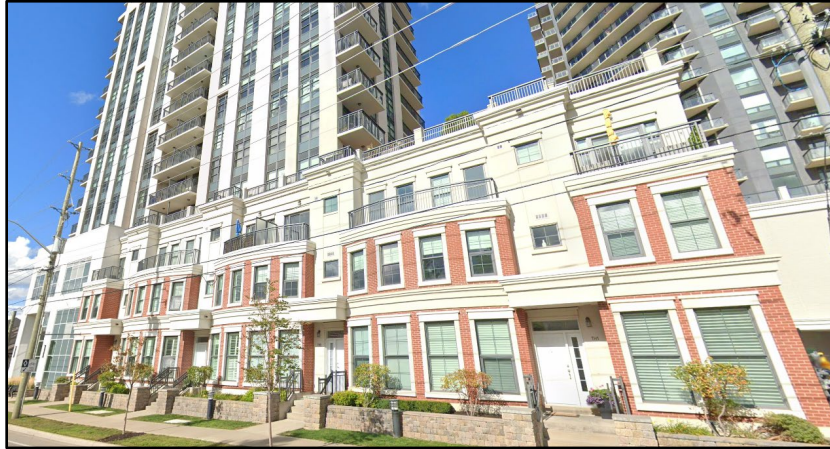
### **5.8 Permitted Uses**

The Applicant has requested that dwelling units, townhouse blocks, live/work units and home occupations be permitted as primary uses. Planning staff have evaluated the request, and provide the following comments:

- Dwelling Units  
The recommended C1A zone permits dwelling units as primary land use under Section 8S.1.1.2, more specifically "*DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING*". Therefore, no amendment is required from a land use perspective. The location of dwelling units is discussed in Section 5.4 of this report.
- Townhouse Blocks  
In order to optimize the use of the lands, staff do not support the inclusion of stand-alone townhouses or freehold townhouses as permitted uses. The

proposed development concept does not contain townhouses or freehold townhouses.

For clarity, where residential units are permitted at grade by site specific zoning, the building can be designed with “brownstone” or “townhouse” inspired facades, similar to developments like 144 Park Street (shown below):



- Live/Work Units  
Staff support adding Live/Work Units as permitted uses, meaning a unit with direct access to grade and that is both the residence and place of business (commercial) of the proprietor, provided that the use is compatible (e.g., does not create emissions).
- Home Occupations  
Section 3.H.3 of Zoning By-law 2018-050 already permits Home Occupations within dwelling units. Staff do not support site specific amendments to Section 3.H.3.

The Applicant has also requested that a health practitioner, model suite, and temporary sales centre be permitted as complementary uses. Planning staff have evaluated the request, and provide the following comments:

- Health Practitioner  
Health Practitioner is not a land use, but rather a person. Medical Clinic is a permitted use within the C1A zone, which includes the office of a health practitioner. No amendment is required.
- Model Suite  
Section 3.M.5 of Zoning By-law 2018-050 already permits model suites. No amendment is required.
- Temporary Sales Centre

Section 3.T.3 of Zoning By-law 2018-050 already permits temporary sales centres. No amendment is required.

### **5.9 Reduced Setbacks**

#### Street Line Setback – Northfield Drive West & Conestogo Road West

A minimum 5.0 metre street line setback to all above grade structures, and a minimum 3.0 metre street line setback to all below grade structures, is proposed along Northfield Drive West and Conestogo Road West. Staff support the proposed site specific setbacks, for reasons including:

- to create a consistent street edge;
- to facilitate underground parking, rather than podium and surface parking, for buildings on the easterly half of the site;
- to provide separation from overhead hydro transmission lines, being a minimum 5.0 metres as required by Enova Power;
- to allow space for trees in front yards, to “green” the City, contribute to human-scale, mitigate wind, and provide other benefits;
- as per the staff recommended site specific draft approval conditions, to ensure sufficient soil depth and volume to allow for a viable landscaped areas that can accommodate tree growth; and,
- protect for future infrastructure flexibility, in a rapidly growing city.

#### Street Line Setback – New Municipal Road (Street A)

A minimum 3.0 metre street line setback to all above grade structures, and a minimum 2.0 metre street line setback to all below grade structures, is proposed along the new municipal road (i.e., Street A on Draft Plan of Subdivision 30T-21401). The reduced setbacks are primarily intended to facilitate underground parking and maximize the surface area of the proposed Privately Owned Public Space (POPS). In this instance, staff do not object to the proposed setbacks to the proposed Street A which is located within an Major Transit Station Area (MTSA), provided that:

- the City’s engineering standards and specifications are achieved, including as set out in CELM;
- hydro lines will be buried along the new street, facilitating street tree planting;
- no shoring or works for the development, including future maintenance and replacement of buildings and appurtenances thereto, encroach into the Street A road allowance;
- the proposed surface area of the central green space is maximized;
- any easements required by the City in relation to Street A and municipal infrastructure are conveyed to the City.

The recommended conditions of draft approval for Draft Plan of Subdivision 30T-21401 require engineering plans for the development including Street A, through which the above matters can be confirmed to the satisfaction of the City’s Director of Engineering Services.

#### Hydro Corridor Setback

A minimum 3.0 metre setback to all above grade structures, and a minimum 0.0 metre street line setback to all below grade structures, is proposed along the hydro corridor. Staff do not object to the proposed setbacks. Through detailed design, the Applicant will need to demonstrate that all buildings, structures, and works are compliant with the hydro corridor easement, unless otherwise consented to by Hydro One. Staff note that the minimum setback in the C1A zone is 3.0 metres.

### Highway No. 85 Setback (Conestoga Parkway)

A minimum 14 metre setback is proposed from the Conestoga Parkway (Highway 85). This is a requirement of the Ministry of Transportation (MTO). Staff support the proposed setback. Any works within the 14 metre setback are subject to MTO review and approval, including a Building and Land Use Permit in accordance with the *Public Transportation and Highway Improvement Act*.

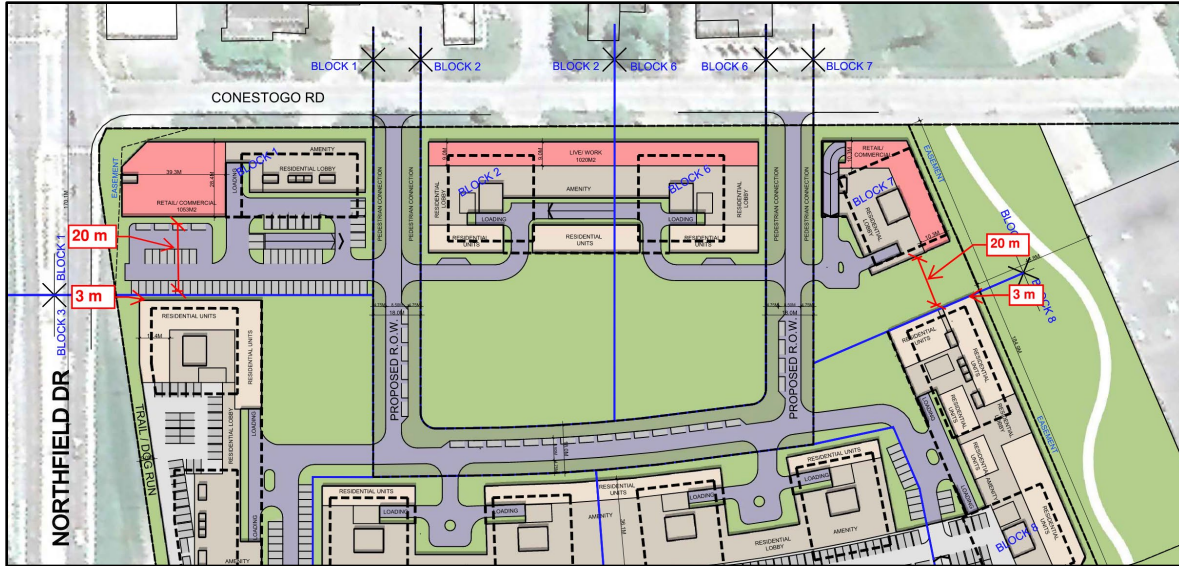
### Side Yard and Shared Lot Lines Setbacks

A minimum 0.0 metre interior lot line setback has been requested, to facilitate the connection of buildings between blocks (e.g., connected underground structured parking). Staff have no object to the proposed 0.0 metre setback in most instances, however some exceptions are recommended along the connectivity spine (as illustrated in Section 5.4 of this report) and the hydro corridor. More specifically, staff recommend:

- a 3 metre setback to all above grade structures from the hydro corridor, as discussed above (re: Hydro Corridor Setback)
- for Blocks 1 and 7, a 20 metre setback to all above grade structures, and a minimum 0.0 metre street line setback to all below grade structures
- for Blocks 3 and 8, a 3 metre setback to all above grade structures, and a minimum 0.0 metre street line setback to all below grade structures

The above grade setbacks noted above are conservative in relation to the development concept, providing flexibility for detailed design, but protect for the connectivity spine and to ensure space for building maintenance. The below grade setbacks enable connected underground structured parking.

### **Setbacks to Interior Lot Line**



### 5.10 First Storey Height

Planning staff recommend that the minimum first storey height be 4.5 metres, to accommodate commercial and employment uses on the ground floor. The feedback that Planning staff have received from Economic Development staff is that a minimum of 4.5 metre first storey height is required in order to provide necessary fit-up flexibility to accommodate employment type uses within the proposed development.

### 5.11 Non-Residential Uses: Minimum Building Floor Area

A minimum 8,000 square metres of commercial and employment building floor area is proposed. Staff support this requirement, for the reasons previously discussed in this report, and in accordance with Section 8 of this report.

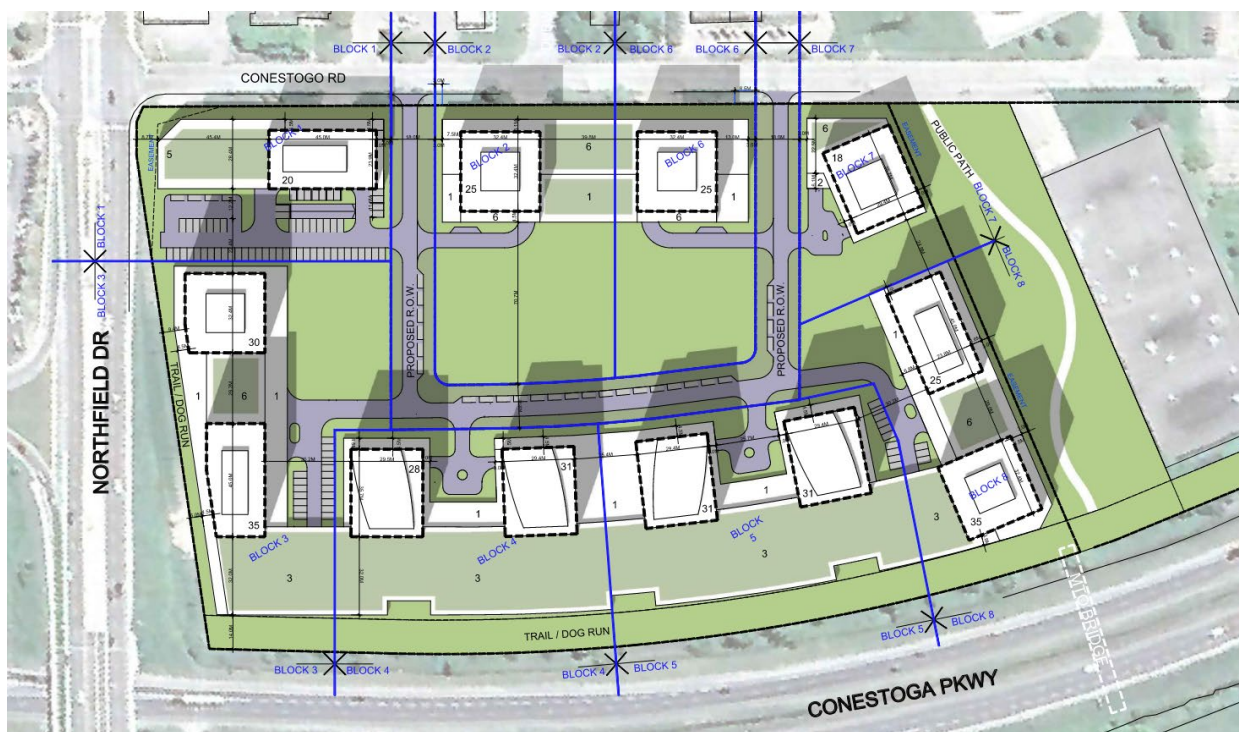
### 5.12 Tower Separation

The Applicant is requesting that the 11 metre tower separation regulation from interior lot lines be deleted. Staff have no objection to the request, provided the minimum setback between towers remains. For the proposed development, staff recommend a minimum 24 metre setback between towers, which is conservative in relation to the development concept to provide flexibility during detailed design, for reasons including to lessen shadow impacts and improve sky views from the central green space.

### 5.13 Horizontal Tower Dimension

The Applicant is requesting an increased horizontal tower dimension for Blocks 1, 3 and 8 to 45 metres, whereas the by-law permits a maximum horizontal tower dimension of 40 metres.

## Preliminary Concept Plan



Staff do not object to 3 of the 12 towers receiving approval for an increased horizontal tower dimension, to a maximum 45 metres, to create some building design flexibility and built form interest. The Applicant will still need to demonstrate compliance with shadow criteria through detailed design, secured through Site Plan Control. In reviewing the Shadow Study, the proposed location of the three (3) wider towers on Blocks 1, 3 and 8 do not appear to create shadows that have a significantly greater impact on surrounding lands.

Staff recommend a maximum Horizontal Tower Dimension of 40 metres, with the exception of one (1) tower on each of Blocks 1, 3 and 8 which may have a maximum Horizontal Tower Dimension of 45 metres.

#### 5.14 Tower Footprint

The Applicant is requesting an increased tower footprint of 1,050 square metres, whereas the by-law permits 1,000 square metres. The intent of the by-law is to control built form, ensuring more slender towers. Planning staff have some concerns with this request, in part due to the potential for increased shadow impacts.

Based on a scoped tall building review, the existing 1,000 square metre tower footprint is generous, with benchmarked municipalities at ~750 square metres. The tower footprint is also larger than Northdale: 800 square metres.

While it could be argued that the request for an additional 50 square metres is minor in nature, and provides additional design flexibility, staff recommend that the request only be granted in part (i.e., permit a 1,050 square metre tower footprint, except on Blocks 4 and 5). Acceptance of the request is, in part, contingent upon the recommended

minimum 24 metre tower separation requirement, and the provision of landmark buildings designed to a high quality of architecture (including materiality) and urban design, secured through the Master Plan and related holding (H) provision. Shadows from Blocks 4 and 5 have the greatest potential to negatively impact the central green space, and therefore relief from the maximum tower footprint regulation is not supported by staff on those blocks.

### **5.15 Tower Stepback**

The proposed development has been designed with tower stepbacks on all facades, with the exception of the westerly building façade on Block 1 and the southerly building façade on Block 7. Planning staff support this design vision, as the buildings will be experienced from both the public and private realms, including the central green space and connectivity spine. The recommended site specific zoning regulations for the development reflect the design vision, to enhance human-scale.

### **5.16 Minimum Parking**

#### Non-Residential Parking

A minimum non-residential parking rate of 2.0 spaces per 100 square metres of building floor area is requested. The Lands are located within Parking Area C on Schedule A1 of Zoning By-law 2018-050; under the recommended C1A zone, in Parking Area C, the minimum non-residential parking rate is 2.0 spaces per 100 square metres of building floor area. No amendment is required.

#### Residential Parking

A minimum residential parking rate of 0.75 spaces per dwelling unit (0.65 spaces for residential, and 0.10 spaces for visitor) is requested, whereas the 1.00 parking space per dwelling unit (0.9 spaces for residential, and 0.10 for visitor) within Parking Area C is required. The requested 0.75 parking spaces per dwelling unit is only permitted with Parking Area A, the area closest to the LRT Station.

Based on staff's assessment, Parking Area A is generally applicable to Lands that are located within approximately 450 metres (as the crow flies) of the LRT Station, and within a ~10 minute walking distance to the LRT Station.

The proposed development is located within approximately 550 metres to 800 metres (as the crow flies) of the Conestogo Mall LRT Station and a ~15 minute walking distance.

The proposed development is also located within approximately 450 to 550 metres (as the crow flies) of the Northfield LRT Station. However, the current active transportation conditions along Northfield Drive West, which require users to cross a highway on-ramp and an off-ramp, and with curb face sidewalks, may be of concern to individuals seeking a more active transportation friendly route, such along Conestogo Road to the Conestogo Mall LRT Station. As such, in the absence of the proposed pedestrian overpass across the Conestoga Parkway (Highway 85), which is not currently supported by the Ministry of Transportation, it is anticipated that residents and visitors may favour active transportation routes to/from the Conestogo Mall LRT Station.

In addition to LRT Stations, there are several bus routes within a short walking distance of the Lands, including a GRT stop for Bus Route No. 9 located directly in front of the Lands on Northfield Drive West, connecting to the Conestoga Mall GRT Station. There are several other bus routes located within a 10 minute walking distance.

Lastly, a multi-use path (MUP) runs in front of the Lands along Conestogo Road, providing an active transportation route to Conestoga Mall and the LRT / GRT services at the mall.

The proposed parking rates are reasonable based on the availability of non-automobile transportation options nearby. Planning staff are of the opinion that the proposed parking reduction will result in:

- a more transit-supportive development;
- minimize the number of single occupant vehicles;
- encourage non-auto modes of travel; and
- reduce vehicle dependency to create a sustainable transportation system.

However, as the lands are outside of Parking Area A, staff recommend that through the required Master Planning the Applicant submit a Transportation Demand Management (TDM) Plan, which shall include but not be limited to an evaluation of car share opportunities on the Lands. Car share spaces would be incorporate into the Master Site Plan in accordance with Transportation Demand Management (TDM) Plan. Staff have incorporated this requirement within the site specific conditions of subdivision approval.

### **5.17 Structured Parking Regulations (permit structured parking at grade)**

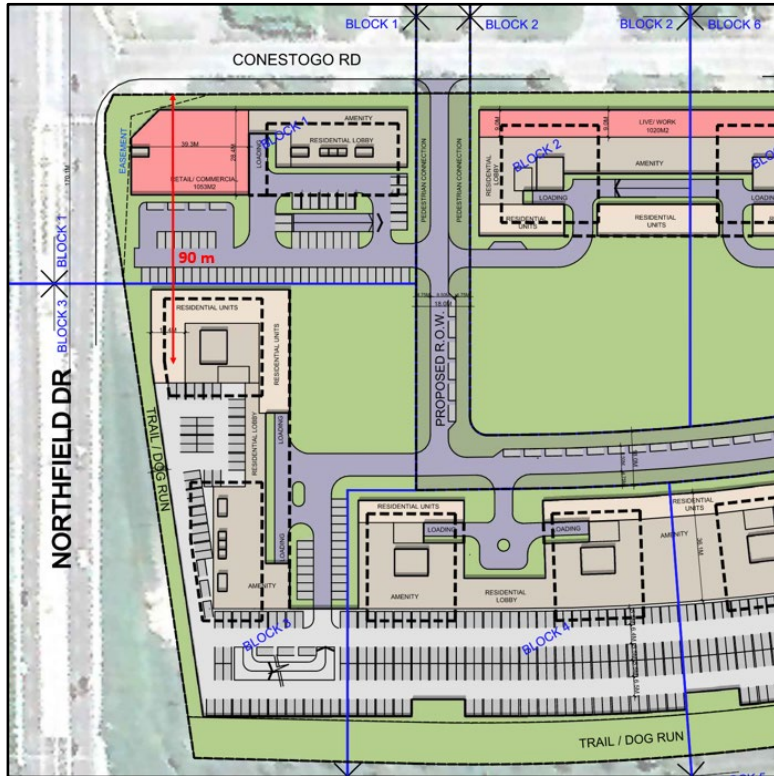
The C1A zone does not permit structured parking on the ground floor. The Applicant has requested that structured parking be permitted on the first floor of:

- Block 3, greater than 86 metres from Conestogo Road
- Blocks 4, 5 and 8, behind building floor area

Relief would also be required for Block 1, based on the proposed cantilevered building with parking beneath, which is consider structured parking.

For Block 3, the proposed structured parking would not be located behind building floor area, as shown on the image below. The intent of the zoning regulation is to ensure activated public realms in Station Areas and that buildings have a presence at the street level to improve the experience of pedestrians. With respect to the Block 3 request, staff do not object as anticipated site grades will make such parking less visible to passersby, provided the structure parking on the first floor is no closer than 90 metres of Conestogo Road West. A high quality building façade to screen the structured parking is expected, to be secured through Site Plan Control.

### **Structured Parking Along Northfield Drive West**



Planning staff support the request for Blocks 4, 5 and 8. A high quality building façade to screen the structured parking is expected, to be secured through Site Plan Control.

## SECTION 6 – OTHER CONSIDERATIONS

## 6.1 Master Planning

There is not sufficient detail at this stage of the development to determine full compliance with City standards and specifications, and address technical complexities. In the absence of detailed design, it is recommended that conditions of draft approval be applied to Draft Plan of Subdivision 30T-21401 and holding (H) provisions be applied, including in relation to a Master Plan. The Master Plan will need to be prepared in accordance with the City's Master Plan Terms of Reference, and include but not be limited to:

- a.) Master Site Plan
- b.) Wind Study
- c.) Shadow Study
- d.) Streetscape Plan for Street A, including but not limited to:
  - traffic control and traffic calming measures (including signage)
  - active transportation routes and infrastructure
  - Driveway Location Plan, with a maximum one (1) driveway per block/lot, unless otherwise authorized by the City
  - fire route and emergency services infrastructure (including hydrants)

- boulevard landscaping (including trees)
- utilities and telecommunications plan
- snow storage
- photometric plan
- detailed cross sections of the road allowance
- e.) Comprehensive Trails Network Plan (**CTNP**), including comprehensive pedestrian circulation plan
- f.) A conceptual design for parkland, privately owned public spaces ("**POPS**"), recreation spaces, and open spaces on and abutting the Lands (collectively "**Green Space**"), including a planting details, and coordinated with the required Parks Needs Assessment
- g.) Comprehensive Photometric Plan (including pedestrian lighting)
- h.) Conceptual Workspace Management Plan
- i.) Shared Facilities Plan
- j.) School Bus Loading Plan
- k.) MTO Buffer Management and Planting Plan, including details of the proposed dog run
- l.) Commercial and Employment Location Plan, to direct the location and distribution of commercial and employment uses (including Live/Work Units) in the development
- m.) Verification of the location and type of a meaningful amount of community uses and/or community infrastructure to service the Lands and the development thereon, including the provision of at least one (1) child care centre on the lands.
- n.) Transportation Demand Management (TDM) Plan (including but not limited to an evaluation of car share)

Prior to the lifting of the holding (H) provision on a block-by-block basis, the owner will need to demonstrate, among other matters, that the proposed development on the block conforms to the approved Master Plan, Master Servicing Plan, Urban Design Guidelines, and the conceptual design for the Green Space, and has regard to the approved Energy Strategy.

### 6.2 Driveway Locations

Transportation Services has requested that conditions be applied to the development in relation to driveway locations. Transportation Services staff are concerned with driveways at / near the curves on Street A (re: Blocks 3, 4, 5 and 8) and in proximity to intersections (re: Blocks 1, 2, 6 and 7). Through detailed design, driveway locations will be confirmed, to the satisfaction of the City's Director of Transportation Services. This is secured through a condition of approval to Draft Plan of Subdivision 30T-21401, and can further be secured through Site Plan Control.

### 6.3 Parkland/POPS

There are no municipal parks within close vicinity of the Lands. Sufficient parkland will need to be provided on-site to meet the needs of the proposed development. In response, the Applicant is proposing:

- Central Park (Blocks 2 and 6) – 0.69 ha
- Central Park North (Block 3) – 0.21 ha

- Corridor Park (Blocks 7 and 8) – 0.21 ha
- Multi-Use Trail (MUT) within the hydro corridor
- Multi-Use Trail (MUT) and dog run within the MTO setback from Highway 85
- common amenity spaces within the buildings
- potential rooftop amenity areas above the podium, for the exclusive use of residents

The required Parkland Dedication will be determined at a later date, as part of detailed design, in accordance with the Planning Act and the City's Parkland Dedication By-law No. 2022-073 as amended. At the discretion of the City, the parkland dedication requirement may be reduced based on the provision of one or more Privately Owned Public Spaces (POPS) on the lands, in an amount determined by the City at its discretion.

As previously discussed, the proposed development is designed around a central 'green space', to create a sense of place and connectiveness. The Applicant describes this proposed Privately Owned Public Space (POPS) as the "jewel" of the development. This central green space is an exciting opportunity, as illustrated in the rendering below (looking eastward from Blocks 4 and 5); it will be refined through detailed design, supported by a Parks Needs Assessment. The Applicant is proposing a POPS given the underground structured parking beneath the central green space. The size and configuration of the proposed POPS will be determined through the Master Plan.



Through detailed design, matters including the below will be addressed:

- demonstrate how active recreation facilities for all ages will be accommodated
- demonstrate compatibility with sensitive uses
- demonstrate how residents and tenants of each phase will have access to green space
- demonstrate how a common level of service and maintenance of green spaces will be achieved
- demonstrate how sufficient soil depths and volumes will be provided above underground structured parking to accommodate trees
- confirm the timing and sequencing of green space construction
- prepare a signage strategy for green spaces

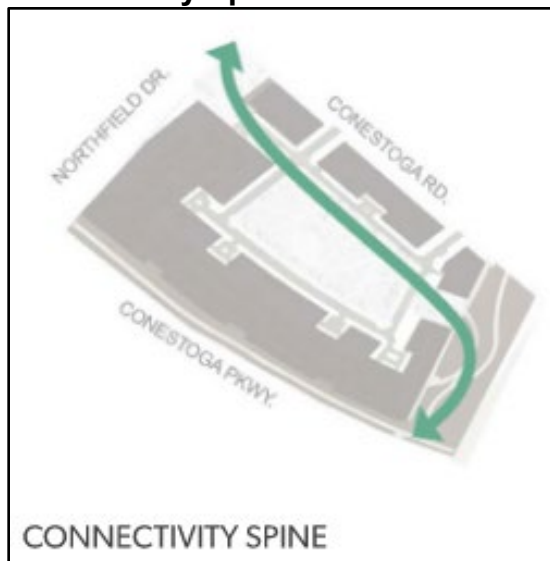
In order to ensure a central green space is provided on the lands, the following condition is applied to Draft Plan of Subdivision 30T-21401:

*The Owner shall, at its expense, provide a central and contiguous Green Space on Blocks 2 and 6 on Schedule C attached hereto, as specified in the Master Plan.*

### 6.4 Pedestrian Connectivity

To achieve the planned vision of Station Areas, it is imperative that appropriate pedestrian connectivity be established on the Lands. As part of the required Master Plan, a Comprehensive Trail Network Plan (“CTNP”) is required, which is anticipated to build off of the connectivity spine:

#### Connectivity Spine



Through the CTNP and easements, active transportation connections can be secured:

- between Northfield Drive West and the central green space / Street A, between Blocks 1 and 3

- between the central green space / Street A and the hydro corridor, between Blocks 7 and 8
- around the perimeter of the development, including the proposed multi-use path and dog run within the MTO setback along the Conestoga Parkway

### 6.5 Pedestrian Overpass Bridge

The Applicant's original concept included a pedestrian overpass bridge across the Conestoga Parkway (Highway 85) to allow pedestrians to safely access the Northfield LRT Station and amenities on the west side of the Parkway. The Ministry of Transportation (MTO) has reviewed the proposed pedestrian overpass bridge, and do not support it, on the basis of existing pedestrian and cycling infrastructure on Northfield Drive West.

As the concept of the overpass is incorporated into the City's Official Plan as a conceptual active transportation route, it is recommended that the proposed development be designed to protect for an overpass in the future, should it be supported by MTO. As such, the following condition of approval is applied to Draft Plan of Subdivision 30T-21401:

*The design (including access and grading) of the development on the Lands shall protect for a potential pedestrian overpass across the Conestoga Parkway ("Highway 85") in the future (the "Overpass") should it be approved by Ontario's Ministry of Transportation, to the satisfaction of the City's Director of Planning and Director of Engineering Services. The Overpass base shall be located on Block 8 and/or Block 9 on Schedule C attached hereto, abutting Highway 85, and coordinated with the Comprehensive Trail Network Plan, to the satisfaction of the City's Director of Planning and Director of Engineering Services. For clarity, this condition shall not be construed as acceptance of or support for the Overpass by Ontario's Ministry of Transportation.*

### 6.6 Shadow Study

Planning staff have reviewed the Shadow Study, and are satisfied that the surrounding properties will be in full sun for a minimum of 4 hours (two time intervals) in the Spring, Summer, Autumn and Winter.

Based on the Shadow Study, the proposed development appears to cast most of its shadows on the central green space, surrounding road network, and nearby employment lands. Through detailed design (Master Plan, Site Plan Control), shadows will be reviewed, and opportunities explored to mitigate negative shadow impacts. At this time, as previously discussed in this report, it is recommended that a minimum 24 metre tower separation be required, and the maximum tower footprint on Blocks 4 and 5 be 1,000 square metres, to minimize shadow impacts amongst other considerations.

### 6.7 Wind Study

The Applicant submitted a Wind Study in March 2023. However, the proposed development has evolved since March 2023, will continue to evolve through the Master

Plan process. Therefore, the Applicant will be required to submit an updated Wind Study, in accordance with the City's Wind Study Terms of Reference, as part of the required Master Plan, and any Site Plan application as necessary.

### **6.8 Servicing Capacity**

In order for development to proceed, full municipal services (sanitary, water, stormwater) must be available. Through the servicing review, constraints were identified related to sanitary capacity downstream (on site, within the municipal sewer along the hydro corridor) and downstream (off site, within the Lower Forwell Creek Trunk Sanitary Sewer). The Functional Servicing and Stormwater Report, prepared by WalterFedy and dated September 29, 2023, indicates that the existing municipal sewer within the hydro corridor may be able to accommodate four (4) blocks within the proposed subdivision (approximately 1840 units). In order to service any additional blocks, the sanitary sewer will have to be upsized. With respect to the capacity constraints within the Lower Forwell Creek Trunk Sanitary Sewer, the City is currently in the process of updating the Sanitary Master Plan and will be reassessing capacity constraints within the Lower Forwell Creek Trunk Sanitary Sewer.

With respect to stormwater management, according the Functional Servicing and Stormwater Report, the proposed development will decrease the overall imperviousness on the Lands. In response, the Applicant's proposal is to manage stormwater volumes through natural retention within the proposed parkland/POPS and through a linear infiltration gallery within Street A. The final stormwater management design will be determined through detailed engineering, which is anticipated to require the proposed linear infiltration gallery within Street A to be relocated elsewhere on the lands, or an alternative stormwater management solution identified such as storage facilities within the underground structured parking, to the satisfaction of the City's Director of Engineering Services.

Having regard to existing servicing constraints, staff recommend that a Master Servicing Plan be prepared to ensure coordinated servicing solutions and engineering designs, and demonstrate compliance with the servicing provisions of the Ontario Building Code and the City's Comprehensive Engineering & Landscape Manual (CELM), to the satisfaction of the City's Director of Engineering Services. A holding (H) provision is recommended to verify sufficient servicing capacity on a block-by-block basis, and adherence to the approved Master Servicing Plan.

### **6.9 MTO Traffic Impact Assessment**

As of the date of this report, the Ministry of Transportation (MTO) has not issued a final acceptance of the submitted Transportation Impact Assessment (TIA). The Applicant is working to address outstanding MTO's requirements, including verification of modeling using recently provided MTO data. MTO interests will be protected as follows:

1. conditions of approval for Draft Plan of Subdivision 30T-21401, applied by the Region of Waterloo as approval authority;

2. holding (H) provision applied by the City of Waterloo, which may be lifted on a block-by-block basis, requiring a MTO Building and Land Use Permit, in accordance with the *Public Transportation and Highway Improvement Act*;
3. setback applied by the City of Waterloo from the Conestoga Parkway (Highway 85) of 14 metres, applicable to buildings, structures, and any element integral to the continued operation of the site.

## **6.10 Land Use Compatibility**

### Noise

Through its review of the applications, the Region of Waterloo advised of outstanding noise concerns related to the nighttime noise levels emitted by the Scheifele transformer station, owned by Enova Power Corp., located to the east of the Lands. Noise levels from the transformer station exceeds the Class 1 (sensitive use) limit by 1-2 dBA within Blocks 6 and 7. Given the noise exceedance, Regional staff have recommended that a holding (H) provision be placed on the lands to reassess noise levels on a block-by-block basis, based on detailed designs and recognizing that the ultimate build-out of the proposed development could take many years, and conditions and requirements may change by the time Blocks 6 and 7 develop in Stage B of the proposed subdivision. The Region's recommendation is incorporated into the holding (H) provision for the Z-21-03 lands (shown on Map 3), as set out in Section 8 of this report.

### D-6 Guidelines

Given the surrounding lands are employment (industrial and office), the Applicant submitted a Compatibility Assessment for the proposed development, prepared by RWDI. The Compatibility Assessment focused on air quality and evaluated land use compatibility between the proposed development and nearby existing uses, in accordance with the Province's D-6 Guidelines. The assessment found that there were no substantive compatibility issues from an air quality perspective in accordance with the D-6 Guidelines.

## **6.11 Energy Strategy**

The completion of an Energy Strategy remains an outstanding requirement of the City of Waterloo. The completion of an Energy Strategy will be secured through conditions of approval for Draft Plan of Subdivision 30T-21401, and through the recommended holding (H) provision. Prior to lifting the holding (H) provision on a block-by-block basis, the owner will need to demonstrate regard has been given to the accepted Energy Strategy.

## **6.12 Minor Revisions to Floodplain Mapping**

Planning staff have identified the need for minor modifications to the City's floodplain mapping due to the Applicant's proposal to raise a small portion of the southwest corner of the site out of the floodplain through a cut-fill balance. Based on available information, the proposed cut-fill balance appears to satisfy GRCA's backwater policy. In order to facilitate the minor modifications to the City's Floodplain Mapping as well as

future similar minor technical modifications, staff recommend minor revisions to Sections 4.10, 4.23 and 4.27 of Zoning By-law 2018-050, as set out in Section 8 of this report.

### **6.13 Street A - Name**

As of the date of this report, the name for Street A has not been determined. The Applicant advises:

*The Conestogo Park Square development team will initiate a public engagement campaign, whereby the community will participate in naming an internal roadway. In consultation with the City, this campaign aims to ensure that the name selected helps to build a narrative for the new community, with input from residents, staff and stakeholders. By involving the community in the process, Conestogo Park Square hopes to reflect shared values, history and diversity to create a strong sense of connection among our residents.*

Proposed street names advanced by the Applicant will be reviewed by staff, and a clearance requested from the Region of Waterloo. A condition of approval to Draft Plan of Subdivision 30T-21401 is applied requiring the street name to be accepted by the Commissioner of Integrated Planning & Public Works prior to the initial registration.

### **6.14 Sustainable Design Features**

The City's Strategic Plan 2023-2026 speaks to planning for the long-term, including prioritizing sustainability and emphasizing climate leadership. As previously discussed, an Energy Strategy and Urban Design Guidelines are required, through which sustainable design opportunities can be identified and considered. With respect to sustainability, the Applicant advises:

*Conestogo Park Square will incorporate sustainability features that align with the City's Strategic Plan, helping Waterloo in its mission to mitigate climate change and create a more resilient community. Understanding the impact that development can have on the environment, Conestogo Park Square will use geo-thermal and heat pumps for heating and cooling purposes to reduce reliance on traditional energy sources and minimize the project's carbon footprint. Energy-efficient designs and technologies, will also be incorporated throughout the development, including solar panel installation, to minimize energy consumption and optimize usage. The development is also located in a Major Transit Station Area, in close proximity to two LRT stations, supporting the use of Waterloo's existing transit network and reducing dependence on vehicular travel. Bicycle parking and electric vehicle parking stations will also be included as part of this development, supporting the City's commitment to reduce greenhouse gas emissions and encourage active transportation.*

Planning staff support the inclusion of sustainable design features in the development, and acknowledge the Applicant's leadership in this regard.

### **6.15 Affordable Housing**

The City's Strategic Plan 2023-2026 speaks to increasing the supply and mix of affordable housing in the community. Affordable housing is also a matter of Provincial interest, as set out in the Planning Act (i.e., the adequate provision of a full range of housing, including affordable housing). With respect to affordable and attainable housing, the Applicant advises:

*Recognizing the pressing need for housing accessibility, Conestogo Park Square is dedicated to ensuring that a portion of its development is allocated to affordable and attainable housing. The development will include one and two bedroom units that cater to a diverse range of income levels and contribute to the overall socio-economic well-being of the community. The addition of 3,400 purpose-built rental units will also have a significant impact on the housing continuum. Increasing the number of rental units provides more housing options for those who may not be able to afford homeownership or higher market-rate rentals. It can also free up some of the existing rental stock in the City for those who may be in supportive housing, thereby opening up those supportive housing units for those experiencing homelessness.*

Planning staff support the inclusion of affordable and attainable housing in the development, and acknowledge the Applicant's leadership in this regard.

## **SECTION 7 – CONCLUSIONS**

Based on staff's review of the applications, we support Official Plan Amendment No. 32, Zone Change Application Z-21-03, and Draft Plan of Subdivision 30T-21401 in accordance with Section 8 of report IPPW2023-059, for reasons including:

- the applications are consistent with the 2020 Provincial Policy Statement
- the applications conform to the 2020 Growth Plan for the Greater Golden Horseshoe
- the applications conform to the policies of the Regional Official Plan
- the proposed development is transit-supportive, in an area that is well served by transit
- the proposed development will provide for an efficient use of land, services and infrastructure, directing growth to a designated Major Transit Station Area (MTSA) that is planned to accommodate a significant amount of growth through intensification
- the proposed mixed-use development contributes to a complete community, including the retention of employment uses on-site, and opportunities for commercial and community uses to serve local residents and the broader community
- appropriate conditions of draft approval will be applied to the Plan of Subdivision
- appropriate holding (H) provisions will be applied to the development, including provisions to secure a high quality of urban design and architecture
- the design vision with:
  - a central green space to create a focal point, sense of place, and connectiveness
  - a connectivity spine
  - a comprehensive trail networks to facilitate non-auto modes of travel

- landmark buildings and varied architecture
- the Applicant's indication that some affordable and attainable housing will be provided in the development
- the Applicant's indication that sustainability features will be incorporated into the development
- the development contributes to orderly growth and development

### **SECTION 8 - RECOMMENDATIONS**

A. That Staff Report IPPW2023-059 be approved.

B. That Official Plan Amendment No. 32 be adopted as follows:

1. Amendment No. 32 to the City of Waterloo Official Plan applies to the lands municipally known as part of 525 Conestogo Road West and 565 Conestogo Road West, as identified on Map 2 attached hereto as 'Lands subject to Official Plan Amendment No. 32' (the "Lands").
2. That Schedule A (Land Use Plan), Schedule A2 (Employment Areas), Schedule A6 (Specific Provision Area), Schedule B (City Structure) and Schedule B1 (Height and Density) be amended by deleting the label "DEFERRED" on the Lands.
3. That Schedule A (Land Use Plan) be amended by changing the designation applied to the Lands from "Employment" to "Commercial".
4. That Schedule A1 (Commercial Land Uses) be amended by applying the designation "Mixed-Use Community Commercial" to the Lands.
5. That Schedule A2 (Employment Areas) be amended by deleting the designation "Business Employment" from the Lands.
6. That Schedule A6 (Specific Provision Areas) be amended by adding "SPA 81" to the Lands.
7. That Schedule B (City Structure) be amended by expanding the "Minor Corridor" designation to the entirety of the Lands.
8. That Schedule B1 (Height and Density) be amended by changing the designation applied to the Lands from "Medium Density Employment, 27 metres" to "High Density, 81 metres".

9. That Schedule J (Station Areas) be amended by deleting the “Potential Transition Area” designation from the Lands.
  
10. That Section 11.1.81 be added to the Official Plan as a Specific Provision Area, as follows:
  - (1) Specific Provision Area 81 (“SPA 81”) applies to the lands municipally known as part of 525 Conestogo Road West and 565 Conestogo Road West, shown as “SPA 81” on Schedule A6 (Specific Provision Areas) to the Official Plan (the “Lands”).
  
  - (2) Development on the Lands shall:
    - (a) be comprehensively planned;
    - (b) create a *sense of place*;
    - (c) be aesthetically attractive;
    - (d) contain a mixture of commercial, employment, residential and community land uses;
    - (e) be compact and higher density;
    - (f) be designed with a high quality of architecture (including building materials) and urban design, with complementary and inviting green spaces and landscape features that are functional for passive and active recreational uses by both residents of the development and the general public;
    - (g) be human-scale, achieved through design and massing strategies such the use of podiums, stepbacks, well-proportioned street enclosures, human-scale dimensions, pedestrian-scale lighting, and complementary landscaping (including trees);
    - (h) be oriented towards the street, to the extent possible;
    - (i) be designed to minimize shadow impacts on the Lands and surrounding properties;
    - (j) be compatible with surrounding land uses;
    - (k) support and foster active transportation and transit use;
    - (l) be designed for sustainability, to the extent possible;
    - (m) be consistent with the planned vision for the Conestoga Station Area.
  
  - (3) It is anticipated that Lands will be developed in two or more stages, with each stage being phased or developed on a block-by-block basis. It is the intent of this Plan that the entire Lands be comprehensively master planned prior to development, to ensure:
    - connectivity and integration between the stages;
    - orderly growth and development;
    - coordination of site servicing and stormwater management;
    - public health and safety (including emergency response);

- the provision of coordinated green spaces;
- the provision of sufficient *community uses* and *community infrastructure*;
- the provision of distributed commercial and employment uses;
- cost effective development patterns; and
- a *sense of place*.

(4) The Lands shall be subject to the following site-specific policies:

- (a) Notwithstanding anything to the contrary in the Mixed-Use Community Commercial designation, the implementing zoning by-law shall define the type, amount and format of non-residential uses on the Lands.
- (b) Additional commercial, employment, residential and community uses, beyond what would otherwise be contemplated in the Mixed-Use Community Commercial designation may be permitted on the Lands through an implementing zoning by-law, as follows:

Residential

- (i) multi-unit residential building (including apartment building), subject to 11.1.81(4)(d)

Non-Residential

- (ii) advanced technology research and development facilities
- (iii) commercial product research and development facilities
- (iv) community uses and facilities
- (v) educational institution
- (vi) light industrial assembly
- (vii) live/work units,

provided that the Non-Residential use(s) do not adversely impact any sensitive use.

- (c) Certain uses, which would otherwise be contemplated in the Mixed-Use Community Commercial designation, shall not be permitted on the Lands, being:
  - (i) auditorium
  - (ii) automobile gas and/or service station
  - (iii) drive-through
  - (iv) nightclub
  - (v) transportation services

- (d) Notwithstanding policy 10.2.2.4(5) in the Mixed-Use Community Commercial designation:
- (i) residential uses may be permitted on the ground floor of a multi-unit residential building (including apartment building) or part thereof that is more than:
    - a. 90 metres from Conestogo Road West, measured for the segment of Conestogo Road West within 250 metres of Northfield Drive West;
    - b. 55 metres from Conestogo Road West, measured for the segment of Conestogo Road West more than 250 metres from Northfield Drive West.
  - (ii) an amendment to the Plan shall not be required to permit residential uses on the ground floor of a building or part thereof that is within:
    - a. 90 metres from Conestogo Road West, measured for the segment of Conestogo Road West within 250 metres of Northfield Drive West;
    - b. 55 metres from Conestogo Road West, measured for the segment of Conestogo Road West more than 250 metres from Northfield Drive West,provided that the residential uses are within a live-work unit, or the residential uses are specified in the approved comprehensive master plan required in 11.1.81(5)(b) and referenced in 11.1.81(3).
- (e) The zoning by-law will define performance standards for residential uses permitted in 11.1.81(4)(d)(i) and 11.1.81(4)(d)(ii), including in relation to location, amenity space, density, and parking.
- (f) Parking shall be predominantly located in structures (including underground structures), provided further that:
- (i) structured parking shall not be visible from public views;
  - (ii) the implementing zoning by-law may require structured parking to be located behind building floor area;
  - (iii) underground structured parking beneath green spaces shall be designed (including structurally) to support:
    - sufficient soil depths for trees and vegetation
    - active transportation infrastructure
    - recreation facilities and infrastructure
    - servicing infrastructure

- lighting
  - site furniture and amenities
  - the implementation of the 11.1.81(5)(d)
- (g) Notwithstanding Schedule B1 (Height and Density) or anything to the contrary in this Plan, it is the intent of this Plan that:
- (i) building heights will vary on the Lands to create an interesting skyline, visual interest, and compatible development (including in relation to minimizing shadow impacts);
  - (ii) the implementing zoning by-law for the Lands may permit a maximum building height of 35 storeys and 118 metres, subject to compliance with 11.1.81(2) and 11.1.81(4)(g)(i).
- (h) Notwithstanding Schedule B1 (Height and Density) or anything to the contrary in this Plan, the implementing zoning by-law for the Lands may:
- (i) permit a maximum 750 bedrooms per hectare and a maximum of 5,197 bedrooms, calculated using the entire Lands and development thereon;
  - (ii) regulate densities on individual blocks within the Lands.
- (i) As an employment land conversion, it is the intent of this Plan that the Lands contain a range of commercial and employment uses as part of any mixed-use redevelopment, with such commercial and employment uses distributed throughout the development as more specifically identified in the comprehensive master plan required in 11.1.81(5)(b) and referenced in 11.1.81(3).
- (j) Notwithstanding anything to the contrary, a minimum of 8,000 square metres of gross leasable floor area shall be provided on the Lands for permitted commercial and employment uses, secured through the implementing zoning by-law. Further:
- (i) a maximum twenty-five percent (25%) of the 8,000 square metres shall be devoted to live-work uses;
  - (ii) a minimum fifty percent (50%) of the 8,000 square metres shall be devoted to employment uses, as set out in the implementing zoning by-law, exclusive of live-work uses;
  - (iii) the Block on the Lands nearest the Northfield Drive West and Conestogo Road West intersection shall contain a minimum of 1,000 square metres of gross leasable floor area devoted to commercial and/or employment uses permitted in the implementing zoning by-law.

- (k) A meaningful amount of the commercial and employment floor area required by 11.1.81(4)(j) shall be:
  - (i) located on the ground floor and lower floors of buildings;
  - (ii) oriented to streets, pathways, and public spaces, as more specifically identified in the comprehensive master plan required in 11.1.81(5)(b) and referenced in 11.1.81(3).
  
- (5) A holding (H) provision shall be applied to the Lands through the implementing zoning by-law to ensure the completion of the following:
  - (a) provide:
    - (i) written evidence that a Record of Site Condition;
    - (ii) a copy of the RSC and supporting documents to the Regional Municipality of Waterloo and the City of Waterloo;
    - (iii) an acknowledgement letter from the Ministry of Environment, Conservation and Parks (“MECP”), satisfactory to the Regional Municipality of Waterloo, confirming that the contents of the RSC meet regulatory requirements; and
    - (iv) confirmation that the RSC has been filed to the MECP’s Environmental Site Registry (“ESR”),
 or a letter from the Regional Municipality of Waterloo confirming that the requirement for a Record of Site Condition has been waived.
  
  - (b) a comprehensive Master Plan for the Lands and proposed development thereon, to the satisfaction of the City of Waterloo;
  
  - (c) a comprehensive Master Servicing Plan for the Lands and proposed development thereon, to the satisfaction of the City of Waterloo;
  
  - (d) detailed Urban Design Guidelines for the Lands and proposed development thereon, to the satisfaction of the City of Waterloo;
  
  - (e) a conceptual design for parkland, privately owned public spaces (POPS), recreation spaces, and open spaces on and abutting the Lands, to the satisfaction of the City of Waterloo;
  
  - (f) an Energy Strategy for the Lands and proposed development thereon, to the satisfaction of the City of Waterloo;
  
  - (g) written verification, which may be provided on a block-by-block basis, that the Lands and proposed development thereon:
    - (i) conform to the Master Plan required in 10.(5)(b);
    - (ii) conform to the Master Servicing Plan required in 10.(5)(c);

- (iii) conform to the Urban Design Guidelines required in 10.(5)(d);
    - (iv) are consistent with the conceptual design(s) required in 10.(5)(e); and,
    - (v) has regard for the Energy Strategy required in 10.(5)(f), to the satisfaction of the City of Waterloo;
  - (h) written verification, which may be provided on a block-by-block basis, that a Building and Land Use Permits required by the Ministry of Transportation, in accordance with the *Public Transportation and Highway Improvement Act*, have been obtained for the Lands and proposed development thereon, or written confirmation that the requirement for a Building and Land Use Permit has been waived by the Ministry of Transportation, to the satisfaction of the City of Waterloo;
  - (i) written verification, which may be provided on a block-by-block basis, of sufficient servicing capacity and infrastructure (water, sanitary and stormwater) to service the Lands and proposed development thereon, and shall include but not be limited to confirmation that all sanitary capacity infrastructure upgrades required to service the Lands and proposed development thereon are complete, to the satisfaction of the City of Waterloo in consultation with the Regional Municipality of Waterloo; and
  - (j) a detailed transportation (road) and stationary noise study for the Lands and proposed development thereon, which may be provided on a block-by-block basis, and written confirmation that:
    - (i) implementation of the recommendation(s) of the approved transportation (road) noise study has been secured;
    - (ii) implementation of the recommendation(s) of the approved stationary noise study has been secured,
 to the satisfaction of the Regional Municipality of Waterloo and the City of Waterloo. The stationary noise study shall include a review of existing and proposed on-site noise sources (including but not limited to HVAC systems) on sensitive points of reception, and the impacts of the proposed development on adjacent noise sensitive uses, to the satisfaction of the Regional Municipality of Waterloo and the City of Waterloo.
- C. That Council request that the Regional Municipality of Waterloo approve Official Plan Amendment No. 32 (OPA 32).
- D. That Council approve Zoning By-law Amendment Z-21-03, for the lands known municipally as part of 525 Conestogo Road West and 565 Conestogo Road West, as follows:

1. That By-law 2018-050 is hereby amended by changing the zoning on Schedule A (Zoning Map) to Zoning By-law 2018-050, for the lands municipally known as part of 525 Conestogo Road West and 565 Conestogo Road West and described as “*Lands to be rezoned from ‘FD’ to ‘(H) C1A’ with site specific provisions*” on Schedule A attached hereto (the “**Lands**”), from Future Determination (FD) to Station Area Mixed-Use Community Commercial (C1A-81) with site specific provisions.
2. That Zoning By-law 2018-050 is hereby amended by adding Exemption “C259” to Schedule C (Site Specific Zoning) of said By-law 2018-050, as set out in Schedule B attached hereto, for the Lands.
3. That Zoning By-law 2018-050 is hereby amended by adding Exemption “C259” to Schedule C1 (Site Specific Zoning) of said By-law 2018-050, for the Lands.
4. That Section 4.10 of Zoning By-law 2018-050 is hereby amended by striking out the existing provisions and substituting:

**4.10 TECHNICAL REVISIONS**

Provided that the purpose and intent of the BY-LAW is not affected, the COMMISSIONER may undertake the following technical revisions without a formal amendment being required to this BY-LAW:

- a) Changing numbering, cross-referencing, and arrangement of text, tables and schedules.
  - b) Revising base mapping and parcel fabric updated from the Ontario Land Registry Office.
  - c) Correcting LOT and feature boundary errors and or inconsistencies.
  - d) Adjusting the precise boundary of an open space zone specified in Section 11 of this BY-LAW or an environmentally sensitive landscape zone specified in Section 12 of this BY-LAW where such adjustments are supported by a technical assessment approved and or accepted by the City of Waterloo.
  - e) Adjusting the precise boundary of a REGULATED AREA specified on Image 1 of Section 3.F.1 and on Schedule A3 to this BY-LAW where such adjustments are supported by a technical assessment approved and or accepted by the City of Waterloo and the Grand River Conservation Authority.
5. That Section 4.23 of Zoning By-law 2018-050 is hereby amended by striking out the existing provisions and substituting:

**4.23 GRAND RIVER CONSERVATION AUTHORITY**

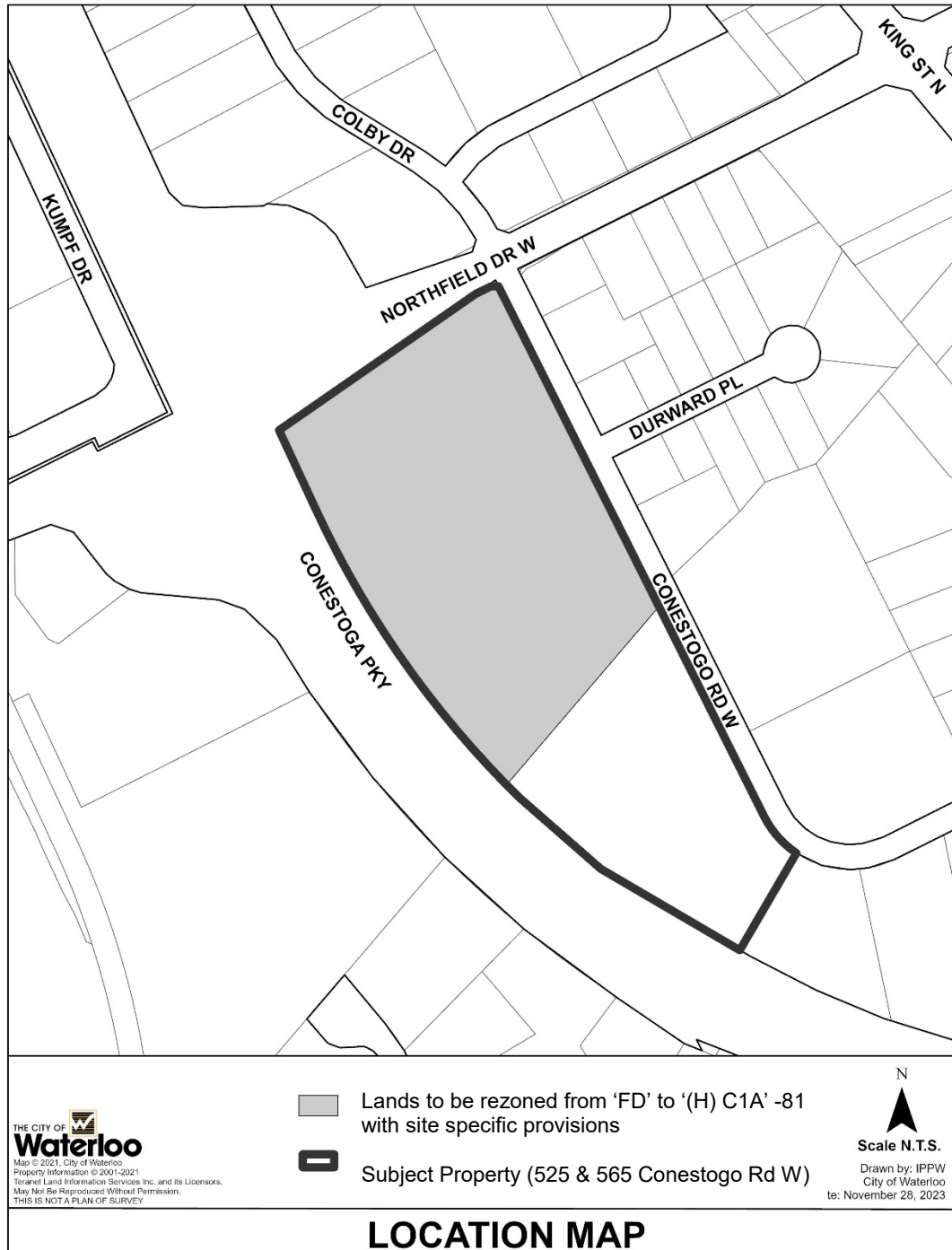
- 4.23.1 The CITY acknowledges that REGULATED AREAS are subject to the Conservation Authorities Act which authorizes the Grand River Conservation Authority to regulate and prohibit development in such areas. The CITY further acknowledges that mapping lines associated with REGULATED AREAS can change, and REGULATED AREA boundaries on Image 1 of Section 3.F.1 and on Schedule A3 shall be interpreted in accordance with Section 4.23.2. Compliance with this BY-LAW does not entitle a PERSON to erect, enlarge, alter, or reconstruct any BUILDING or STRUCTURE in whole or in part in REGULATED AREAS, nor grade or place fill in REGULATED AREAS, without first obtaining a PERMIT from the Grand River Conservation Authority.
- 4.23.2 The boundary of a REGULATED AREA shall be determined by a technical analysis and survey acceptable to the Grand River Conservation Authority and the CITY based on Image 1 of Section 3.F.1 and Schedule 'A3' of this BY-LAW, subject to minor revisions to such boundaries that are accepted and authorized by PERMIT from the Grand River Conservation Authority.
6. That Section 4.27 of Zoning By-law 2018-050 is hereby amended by striking out the existing provisions and substituting:

**4.27 OPEN SPACE AND ENVIRONMENTALLY SENSITIVE LANDSCAPE ZONE BOUNDARIES**

- 4.27.1 Where the boundaries of an open space zone specified in Section 11 of this BY-LAW do not correspond to a LOT LINE, the boundary shall be determined by survey based on Schedule 'A' of this BY-LAW.
- 4.27.2 Where the boundaries of an environmentally sensitive landscape zone in Section 12 of this BY-LAW do not correspond to a LOT LINE, the boundary shall be determined by survey based on Schedule 'A' of this BY-LAW.

## Schedule A

This is Schedule A to By-law No. 2023 - \_\_\_\_ passed this \_\_\_\_ day of \_\_\_\_, 2023.



## Schedule B

This is Schedule B to By-law No. 2023 - \_\_\_\_ passed this \_\_\_\_ day of \_\_\_\_, 2023.

Exception	Address	Zoning	File Reference
C259	Part of 525 Conestogo Road West and 565 Conestogo Road West	C1A-81	Z-21-03

Location: Part of 525 Conestogo Road West and 565 Conestogo Road West  
as shown on Schedule C1 to this BY-LAW.

### Site Specific Regulations:

1. Notwithstanding anything to the contrary, the following site specific regulations shall apply to the lands known municipally as part of 525 Conestogo Road West and 565 Conestogo Road West, shown on Schedule C1 to this BY-LAW as C259 (the “**Lands**”):
  - A. Notwithstanding anything to the contrary, a holding symbol (H) is hereby applied to the Lands. The holding symbol (H) means that the Lands are zoned as a holding provision area for which the following applies:
    - (a) Notwithstanding anything to the contrary, until the holding symbol is lifted, no PERSON shall erect any new BUILDING or STRUCTURE on the Lands, nor USE the Lands for any purpose except:
      - i. a USE that lawfully and actually existed on the Lands on the date of the passing of the by-law that established site specific Exemption C259;
      - ii. PARKING FACILITY;
      - iii. TEMPORARY CONTRACTOR OFFICE;
      - iv. TEMPORARY SALES CENTRE.
    - (b) Prior to passing a by-law to lift the holding (H) symbol, in whole or in part, and prior to the issuance of a building permit, the owner of the Lands shall:
      - i. provide:
        - (i) written evidence that a Record of Site Condition (“RSC”) is complete;
        - (ii) a copy of the RSC and supporting documents to the REGION and the CITY;
        - (iii) an acknowledgement letter from the Ministry of Environment, Conservation and Parks (“MECP”), satisfactory to the REGION, confirming that the contents of the RSC meet regulatory requirements; and

- (iv) confirmation that the RSC has been filed to the MECP's Environmental Site Registry ("ESR"), or a letter from the REGION confirming that the requirement for a RSC has been waived;
- ii. obtain approval of a comprehensive Master Plan for the Lands and proposed development thereon, in accordance with the CITY's terms of reference for Master/Block Plans, to the satisfaction of the CITY;
- iii. obtain approval of a comprehensive Master Servicing Plan for the Lands and proposed development thereon, to the satisfaction of the CITY;
- iv. obtain approval of detailed Urban Design Guidelines for the Lands and proposed development thereon, to the satisfaction of the CITY;
- v. obtain approval of a conceptual design for parkland, privately owned public spaces (POPS), recreation spaces, and open spaces on and abutting the Lands, to the satisfaction of the CITY;
- vi. provide an Energy Strategy for the Lands and proposed development thereon, in accordance with the CITY's terms of reference for Energy Studies, to the satisfaction of the CITY;
- vii. provide written verification, which may be provided on a block-by-block basis, that the Lands and proposed development thereon:
  - (i) conform to the Master Plan required in A.(b).ii;
  - (ii) conform to the Master Servicing Plan required in A.(b).iii;
  - (iii) conform to the Urban Design Guidelines required in A.(b).iv;
  - (iv) are consistent with the conceptual design(s) required in A.(b).v; and,
  - (v) has regard for the Energy Strategy required in A.(b).vi, to the satisfaction of the CITY;
- viii. provide written verification, which may be provided on a block-by-block basis, that a Building and Land Use Permit required by the Ministry of Transportation, in accordance with the *Public Transportation and Highway Improvement Act*, has been obtained for the Lands and proposed development thereon, or written confirmation that the requirement for a Building and Land Use Permit has been waived by the Ministry of Transportation, to the satisfaction of the CITY;
- ix. provide written verification, which may be provided on a block-by-block basis, that sufficient servicing capacity and infrastructure (water,

sanitary and storm water) exist to service the Lands and proposed development thereon, and shall include but not be limited to written confirmation that all sanitary capacity infrastructure upgrades required to service the Lands and proposed development thereon are complete, to the satisfaction of the CITY in consultation with the REGION; and

- x. provide a detailed transportation (road) and stationary noise study for the Lands and proposed development thereon, which may be provided on a block-by-block basis, and written confirmation that:
  - (i) implementation of the recommendation(s) of the approved transportation (road) noise study has been secured;
  - (ii) implementation of the recommendation(s) of the approved stationary noise study has been secured,
 to the satisfaction of the REGION and the CITY. The stationary noise study shall include a review of existing and proposed on-site noise sources (including but not limited to HVAC systems) on sensitive points of reception, and the impacts of the proposed development on adjacent noise sensitive uses, to the satisfaction of the REGION and the CITY.

B. Notwithstanding anything to the contrary, the following additional Primary Uses shall be permitted:

- MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING), subject to 1.F.(a) below, except for:
  - i. FREEHOLD TOWNHOUSE BUILDING
  - ii. MAISONETTE BUILDING
  - iii. STACKED TOWNHOUSE BUILDING
  - iv. TOWNHOUSE BUILDING

C. Notwithstanding anything to the contrary, the following additional Primary Uses shall be permitted:

- ADVANCED TECH
- Commercial Product Research and Development Facility, meaning an establishment specializing in the research, development, and or creation of commercial products, services, systems, processes, and or prototyping
- EDUCATIONAL INSTITUTION
- LIGHT INDUSTRIAL ASSEMBLY
- Live/Work Unit, meaning a unit with direct access to GRADE and that is both the residence and place of business (commercial) of the proprietor,

provided that:

- (a) the USE is entirely enclosed within a BUILDING;
- (b) any machinery and equipment is restricted to light machinery and equipment; and

- (c) the USE and all operations thereto do not result in any emissions from the unit, including but not limited to CONTAMINANTS, odours, toxins, pollutants, fumes, noise, cinder (including smoke, soot, ash), dust, vibrations, heat, glare (lighting), or electrical interference.
- D. Notwithstanding anything to the contrary, within Area A on Schedule C attached hereto, no person shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, for any purpose other than one or more of the following permitted uses:
  - Active Transportation Pathways (including trails)
  - COMMUNITY GARDEN
  - GEOTHERMAL WELL
  - LANDSCAPED OPEN SPACE
  - Open Space (which may including Parkland, Privately Owned Publicly Accessible Space (POPS))
  - Public Art
  - PUBLIC MARKET
  - Public Washroom facilities
  - UNDERGROUND STRUCTURED PARKING
- E. Notwithstanding anything to the contrary, the following uses shall not be permitted on the Lands:
  - AUDITORIUM
  - AUTOMOBILE GAS STATION
  - AUTOMOBILE SERVICE CENTRE
  - BANQUET HALL
  - DRIVE-THROUGH
  - NIGHTCLUB
  - TRANSPORTATION SERVICES
- F. Notwithstanding anything to the contrary, the following site specific provisions shall apply to the Lands:
  - (a) Notwithstanding anything to the contrary, DWELLING UNITS shall be permitted on the FIRST STOREY of a MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING) or part thereof that is located:
    - i. Blocks 4, 5 and 8 on Schedule C attached hereto; or
    - ii. within a Live/Work Unit on the Lands.

(b) STREET LINE setback (minimum):

- i. Northfield Drive West and Conestogo Road West:
  - a. 5.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located above GRADE
  - b. 3.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located below GRADE
- ii. Street A\* on Schedule C attached hereto (hereinafter “**Street A**”):
  - a. 3.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located above GRADE
  - b. 2.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located below GRADE

\* the location, alignment and configuration of Street A shall be as specified on the registered plan for Plan of Subdivision 30T-21401
- iii. Notwithstanding anything to the contrary, the maximum STREET LINE setback of 6.0 metres for a minimum seventy five percent (75%) of the STREET LINE BUILDING FAÇADE as required in Table 8S-A shall not apply in relation to:
  - a. Street A\*
  - b. Highway 85
  - c. FRONT YARD for Block 1 on Schedule C attached hereto

(c) Hydro transmission corridor\*\* setback (minimum):

- i. 3.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located above GRADE
- ii. 0.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located below GRADE

\* \* as specified in H.E.P.C. Easement Insts. 45015, 433889, 465123 as shown on Plan 58R-1662, and any successor easements in relation to the hydro transmission corridor

(d) Highway 85 setback (minimum):

- i. 14.0 metres to all BUILDINGS, STRUCTURES, and any element integral to the continued operation of the site

(e) INTERIOR LOT LINE setback (minimum):

- i. 0.0 metres to all BUILDINGS and STRUCTURES, except:
  - a. as specified in Section 1.F.(c) above

- b. Block 1, for the common LOT LINE with Block 3, on Schedule C attached hereto (minimum):
  - 20.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located above GRADE
  - 0.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located below GRADE
- c. Block 3, for the common LOT LINE with Block 1, on Schedule C attached hereto (minimum):
  - 3.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located above GRADE
  - 0.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located below GRADE
- d. Block 7, for the common LOT LINE with Block 8, on Schedule C attached hereto (minimum):
  - 20.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located above GRADE
  - 0.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located below GRADE
- e. Block 8, for the common LOT LINE with Block 7, on Schedule C attached hereto (minimum):
  - 3.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located above GRADE
  - 0.0 metres to all BUILDINGS and STRUCTURES, or parts thereof, located below GRADE
- (f) Notwithstanding anything to the contrary, the maximum FLOOR AREA RATIO specified within Table 8S-B shall not apply to the Lands.
- (g) BUILDING Height (maximum):
  - i. Blocks 1, 2, 6 and 7 on Schedule C attached hereto: 81 metres and 25 storeys
  - ii. Blocks 4 and 5 on Schedule C attached hereto: 103 metres and 31 storeys
  - iii. Blocks 3 and 8 on Schedule C attached hereto: 118 metres and 35 storeys
- (h) Height of FIRST STOREY (minimum): 4.5 metres
- (i) PODIUM Height (maximum): 22 metres
- (j) Density (maximum): 750 BEDROOMS per hectare (5,197 bedrooms), calculated using the entire Lands.

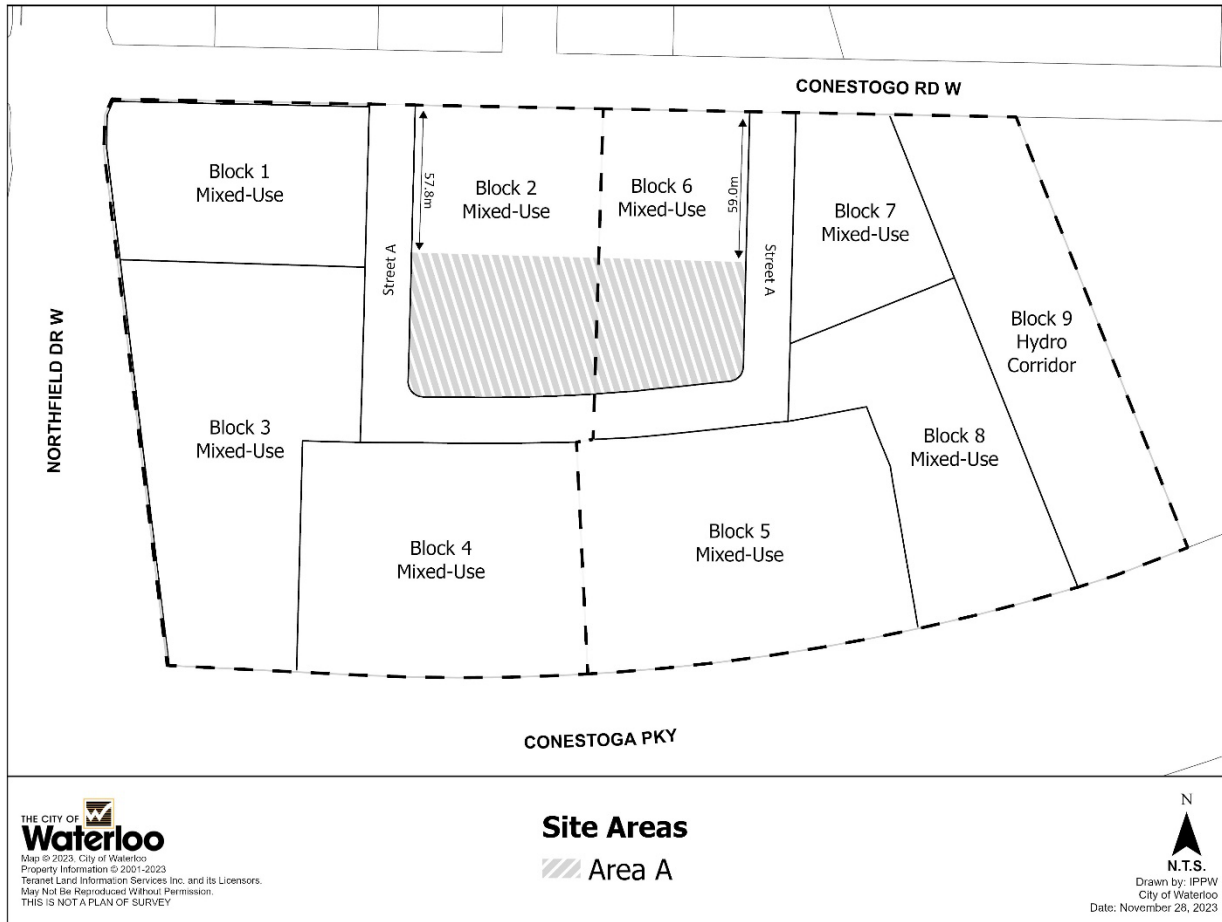
- (k) TOWER Separation (minimum):
  - i. 0.0 metres from an INTERIOR LOT LINE, subject to compliance with minimum TOWER STEPBACK provisions
  - ii. 24.0 metres from another TOWER on the Lands
- (l) Horizontal TOWER Dimension (maximum):
  - i. 40 metres
  - ii. notwithstanding (i.) above, 45 metres for a maximum of one (1) TOWER on each of Blocks 1, 3 and 8 on Schedule C attached hereto
- (m) TOWER Footprint (maximum):
  - i. 1,050 square metres
  - ii. Notwithstanding (i.) above TOWERS located within Block 4 and Block 5 shall have a maximum TOWER footprint of 1,000 square metres.
- (n) TOWER STEPBACK (minimum):
  - i. 3.0 metres above the PODIUM (inclusive of balconies) for all BUILDINGS and from all BUILDING facades, except:
    - (a) 0.0 metres from the westerly BUILDING façade on Block 1 on Schedule C attached hereto
    - (b) 0.0 metres from the southerly BUILDING façade on Block 7 on Schedule C attached hereto
- (o) BUILDING FLOOR AREA:
  - i. Notwithstanding anything to the contrary, within Blocks 1, 2, 3, 6 and 7 a minimum 8,000 square metres of BUILDING FLOOR AREA on the Lands shall be devoted to the following USES:
    - USES permitted in Section 8S.1.1.1
    - USES permitted in Section 8S.1.1.3
    - USES permitted in Section 1.C above
  - ii. Notwithstanding anything to the contrary, a minimum 4,000 square metres of the 8,000 square metres of BUILDING FLOOR AREA required in (i.) above shall be devoted to the following USES on the Lands:
    - ARTIST STUDIO (CLASS A)
    - BUSINESS INCUBATOR
    - COMMUNICATION PRODUCTION
    - DATA CENTRE
    - FINANCIAL SERVICE
    - GOVERNMENT USES
    - INSTITUTION
    - MAJOR OFFICE

- MAKERSPACE (CLASS A)
  - MEDICAL CLINIC
  - OFFICE
  - TECH OFFICE
  - TRAINING FACILITY
  - USES permitted in Section 1.C above
- iii. Notwithstanding anything to the contrary, Block 1 on Schedule C shall contain a minimum 1,000 square metres of the 8,000 square metres of BUILDING FLOOR AREA required in (i.) above.
- iv. Notwithstanding anything to the contrary, a maximum 2,000 square metres of the 8,000 square metres of BUILDING FLOOR AREA required in (i.) above shall be Live/Work Units.
- (p) LANDSCAPED OPEN SPACE (minimum): 15%, calculated using the entire Lands.
- (q) COMMON OUTDOOR AREA (minimum, at GRADE): three percent (3%) of the LOT AREA, calculated using the entire Lands.
- (r) PARKING SPACES (minimum):
- i. Residential: 0.65 spaces per DWELLING UNIT
  - ii. Visitor: 0.1 spaces per DWELLING UNIT
  - iii. Non-Residential: 2.0 spaces per 100 square metres of BUILDING FLOOR AREA, except as specified in Table 6A
  - iv. Live/Work Unit: 1.0 spaces per unit
- (s) PARKING SPACES (maximum):
- i. Residential: 1.0 spaces per DWELLING UNIT
  - ii. Visitor: 0.15 spaces per DWELLING UNIT
  - iii. Non-Residential: 3.0 spaces per 100 square metres of BUILDING FLOOR AREA, except as specified in Table 6A
  - iv. Live/Work Unit: 3.0 spaces per unit
- (t) Notwithstanding anything to the contrary including Section 8S.1.19, STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:
- i. A minimum thirty-five percent (35%) of the FIRST STOREY shall be comprised of the following USES:
    - Active Uses as specified within Section 8S.1.7
    - circulation spaces, such as hallways, elevators, and the like
    - common AMENITY AREA (indoor)

- entrance/foyers
  - lobby, reception area, seating area, and the like
  - management office
  - USES permitted in Section 1.B above
  - USES permitted in Section 1.C above
- ii. STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to uses specified in F.(t)(i.) above.
- iii. STRUCTURED PARKING on the FIRST STOREY may be located within 60 metres of Highway 85 on Schedule C attached hereto.
- iv. Notwithstanding (ii.) above, on Block 3 on Schedule C attached hereto, STRUCTURED PARKING may be located on the FIRST STOREY provided that:
- (a) the STRUCTURED PARKING fronts onto Northfield Drive West;
  - (b) the STRUCTURED PARKING is setback a minimum 90 metres from Conestogo Road West; and
  - (c) the entire FRONT YARD BUILDING FAÇADE LENGTH for Street A is comprised of one or more USES specified in F.(t)(i.) above.
- v. On Block 1 on Schedule C attached hereto, STRUCTURED PARKING on the FIRST STOREY shall be permitted provided that:
- (a) the STRUCTURED PARKING is entirely or partially beneath the BUILDING, and unenclosed and open to the air on at least one side;
  - (b) the entire FRONT YARD BUILDING FAÇADE LENGTH for Northfield Drive West is comprised of one or more USES specified in F.(t)(i.) above.
  - (c) the entire FLANKAGE YARD BUILDING FAÇADE LENGTH for Conestogo Road West is comprised of one or more USES specified in F.(t)(i.) above.
- (u) For section 8S.1.14, the reference to section 8S.1.8 is substituted for section 8S.1.7.
- (v) Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.
- (w) Notwithstanding anything to the contrary, SURFACE PARKING SPACES shall not be permitted in the FRONT YARD and FLANKAGE YARD.

## Schedule C

This is Schedule C to By-law No. 2023 - \_\_\_\_ passed this \_\_\_\_ day of \_\_\_\_, 2023.



- E. That Council endorse Draft Plan of Subdivision 30T-21401, 65 Northfield Drive Inc., City of Waterloo, for the lands known municipally as 525 & 565 Conestogo Road West, being Part of Lot 8, German Company Tract Township of Waterloo, Parts 2, 3, 4, 5, and 6, 58R-4092 (Geographic Township of Waterloo) in the City of Waterloo, Project No. 11114, prepared by GSP Group, dated October 22, 2020 (revised November 9, 2023), and request that the Regional Municipality of Waterloo approve the said plan of subdivision subject to the following conditions:

### Site Specific Conditions of Subdivision Approval

- a. That the City of Waterloo's site specific conditions of subdivision approval as set out in Appendix 'G' to IPPW2023-059 be applied to Draft Plan of Subdivision 30T-21401.

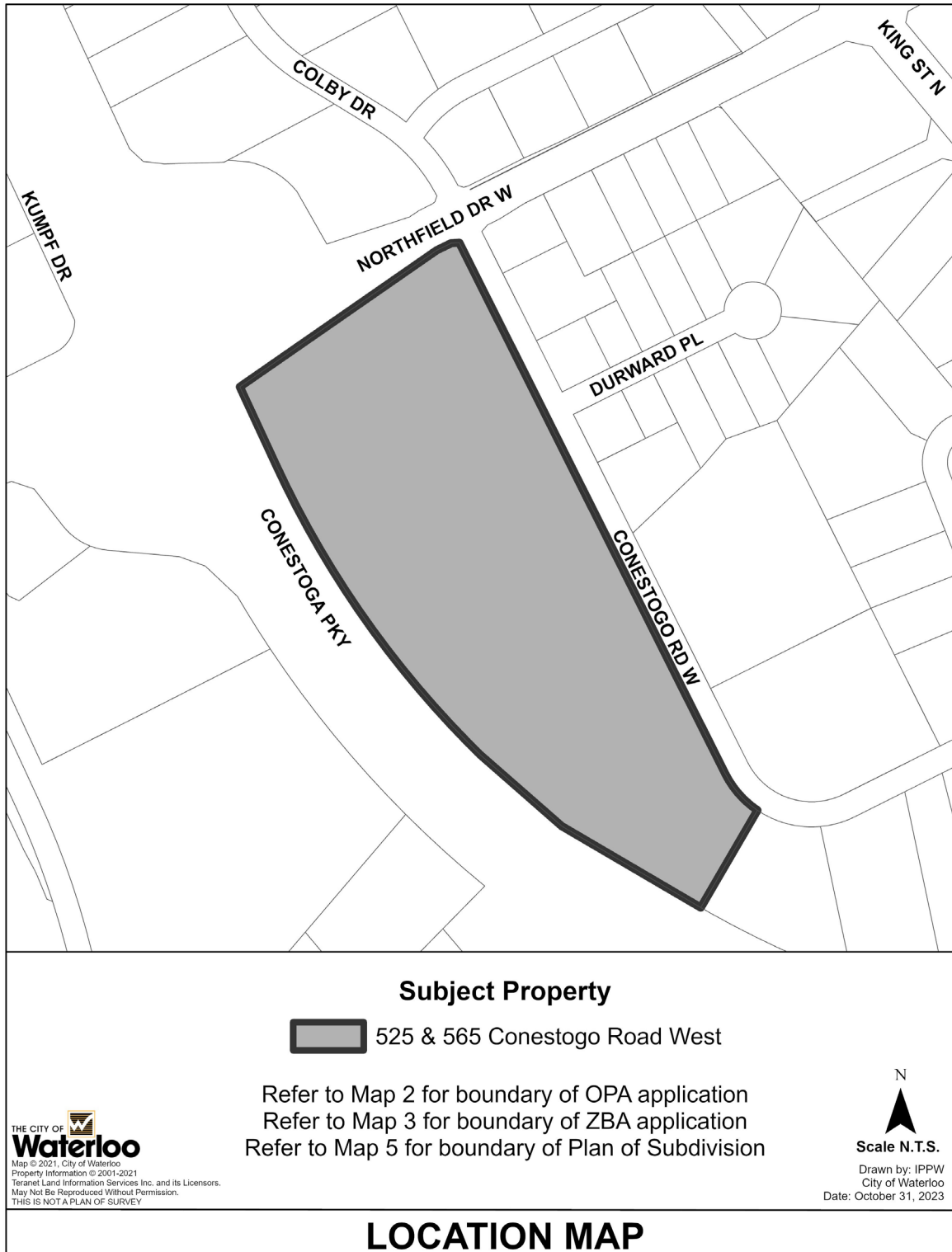
### Standard Conditions of Subdivision Approval

- b. That the City of Waterloo's standard conditions of subdivision approval as set out in Appendix 'H' to IPPW2023-059 be applied to Draft Plan of Subdivision 30T-21401.
- F. That Council delegate authority to the City's Director of Planning to make administrative modifications to any Standard Condition of Subdivision Approval and/or Site Specific Condition of Subdivision in relation to Draft Plan of Subdivision 30T-21401.

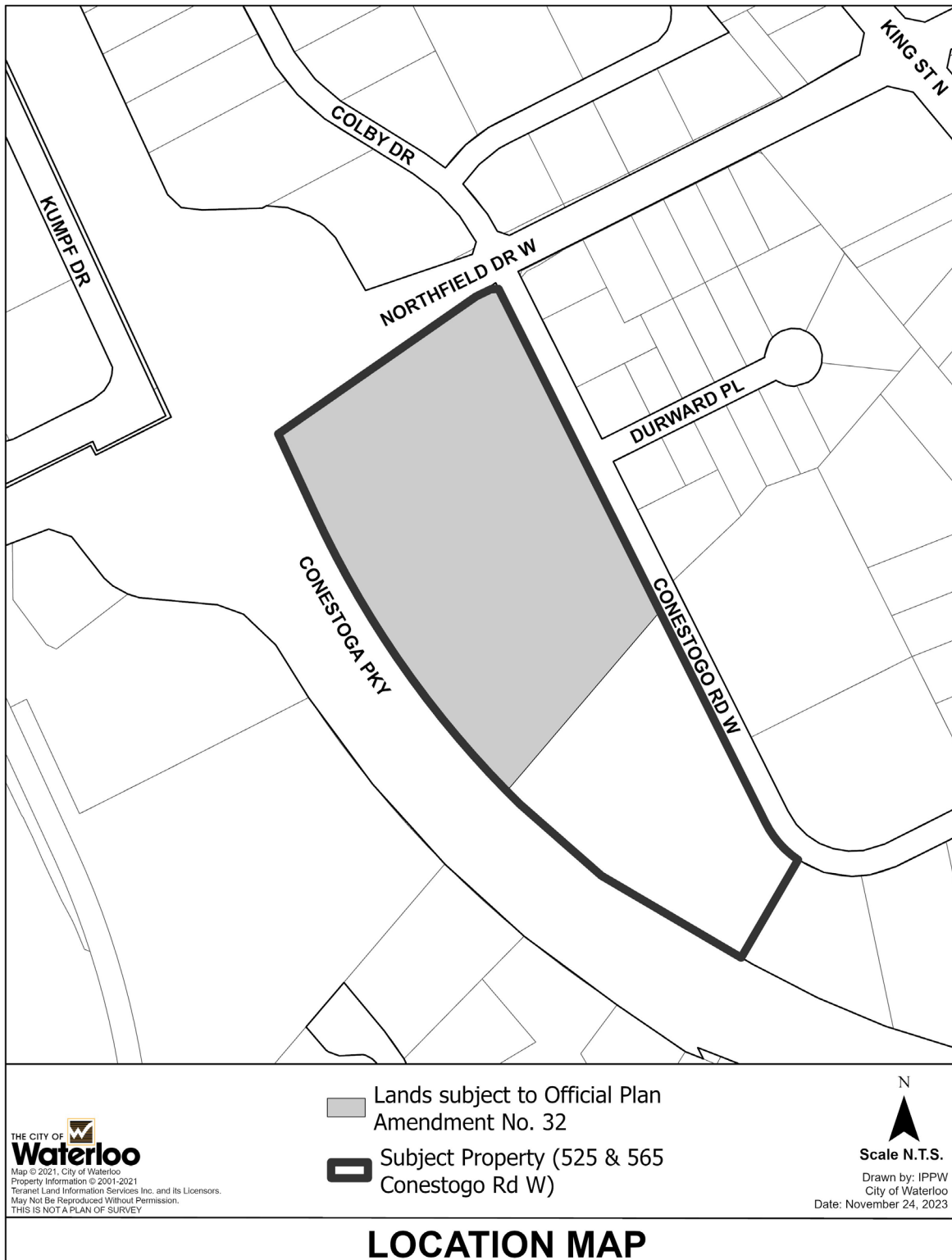
Submitted by:

Rita Szilock, MCIP RPP  
Senior Development Planner  
Planning Division  
City of Waterloo  
rita.szilock@waterloo.ca

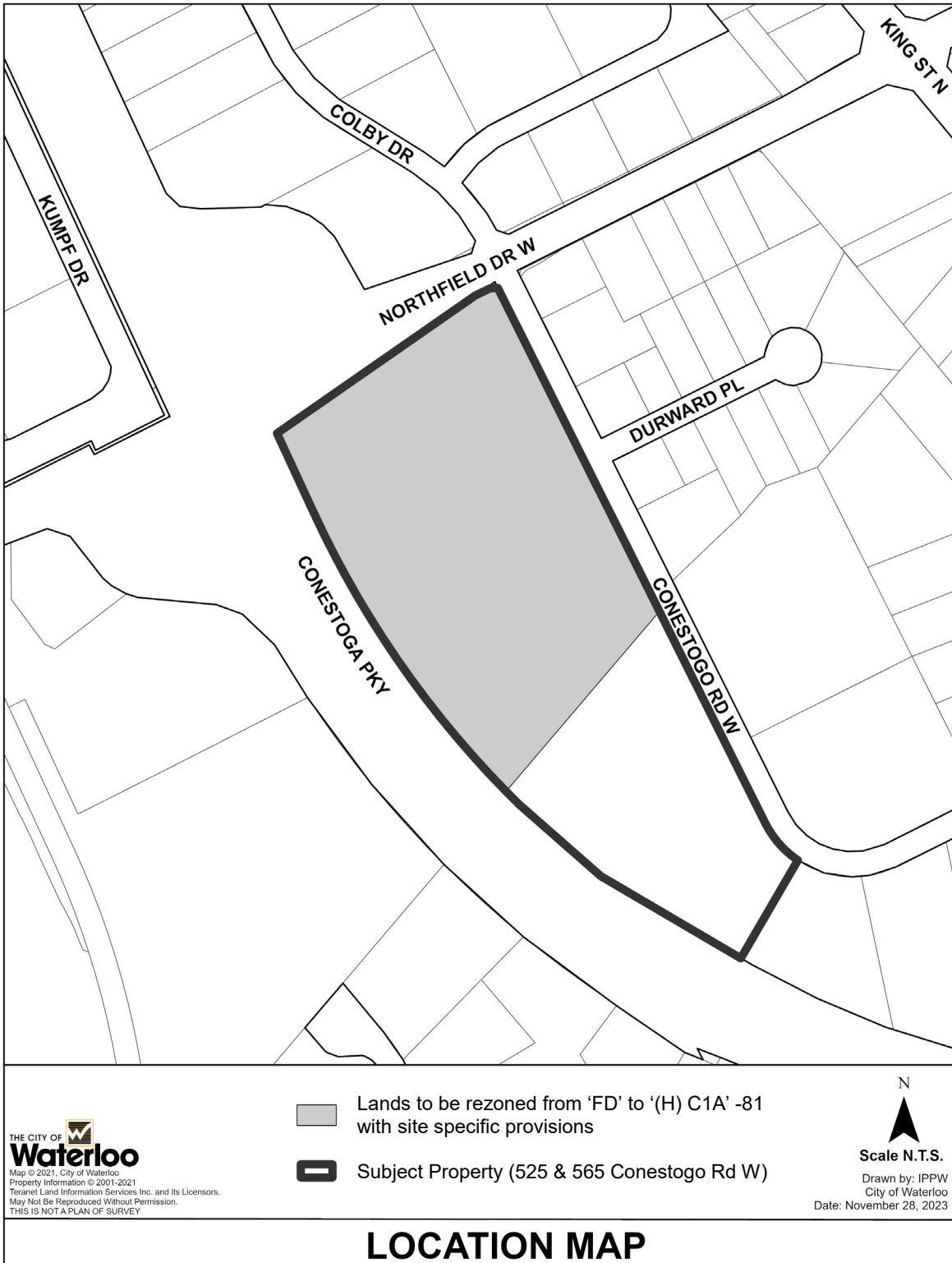
MAP 1 – SUBJECT SITE



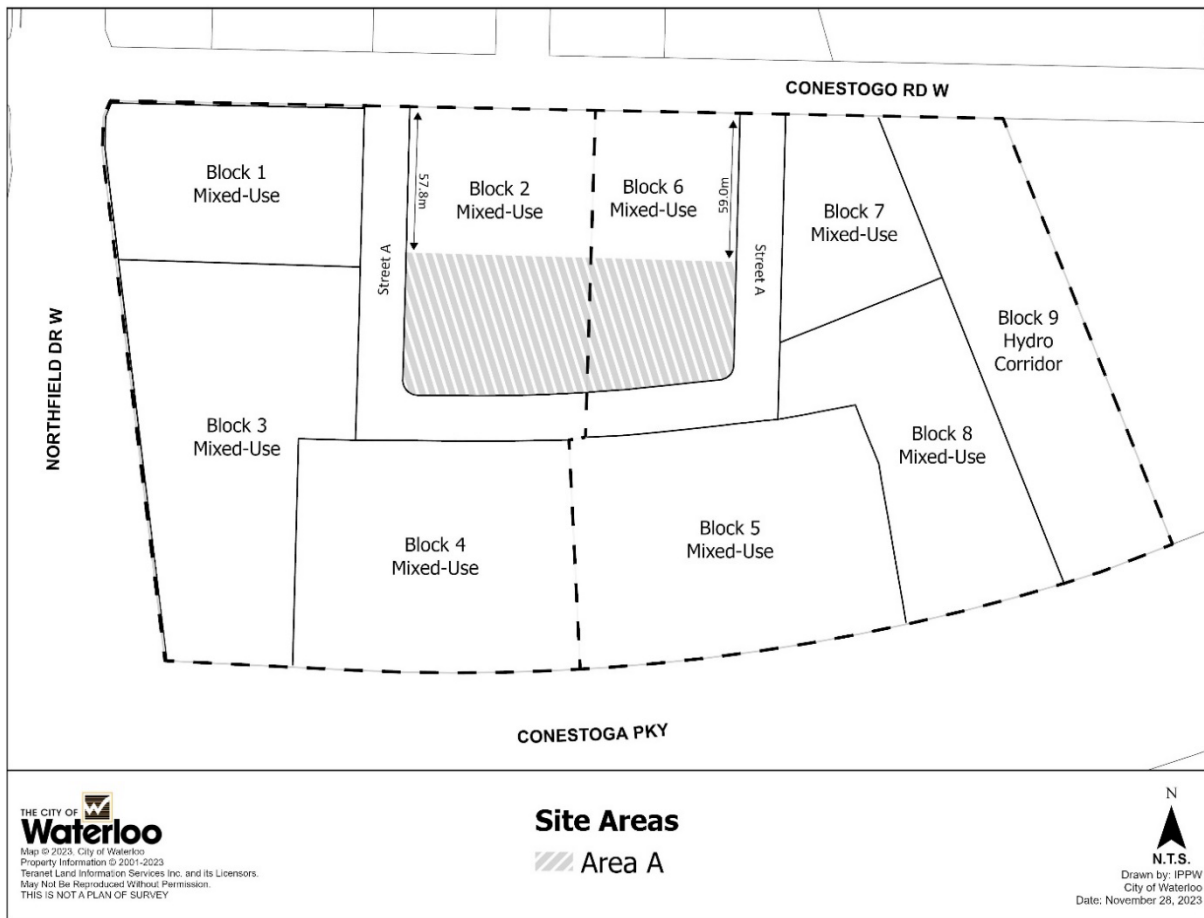
MAP 2 – PROPOSED OFFICIAL PLAN AMENDMENT



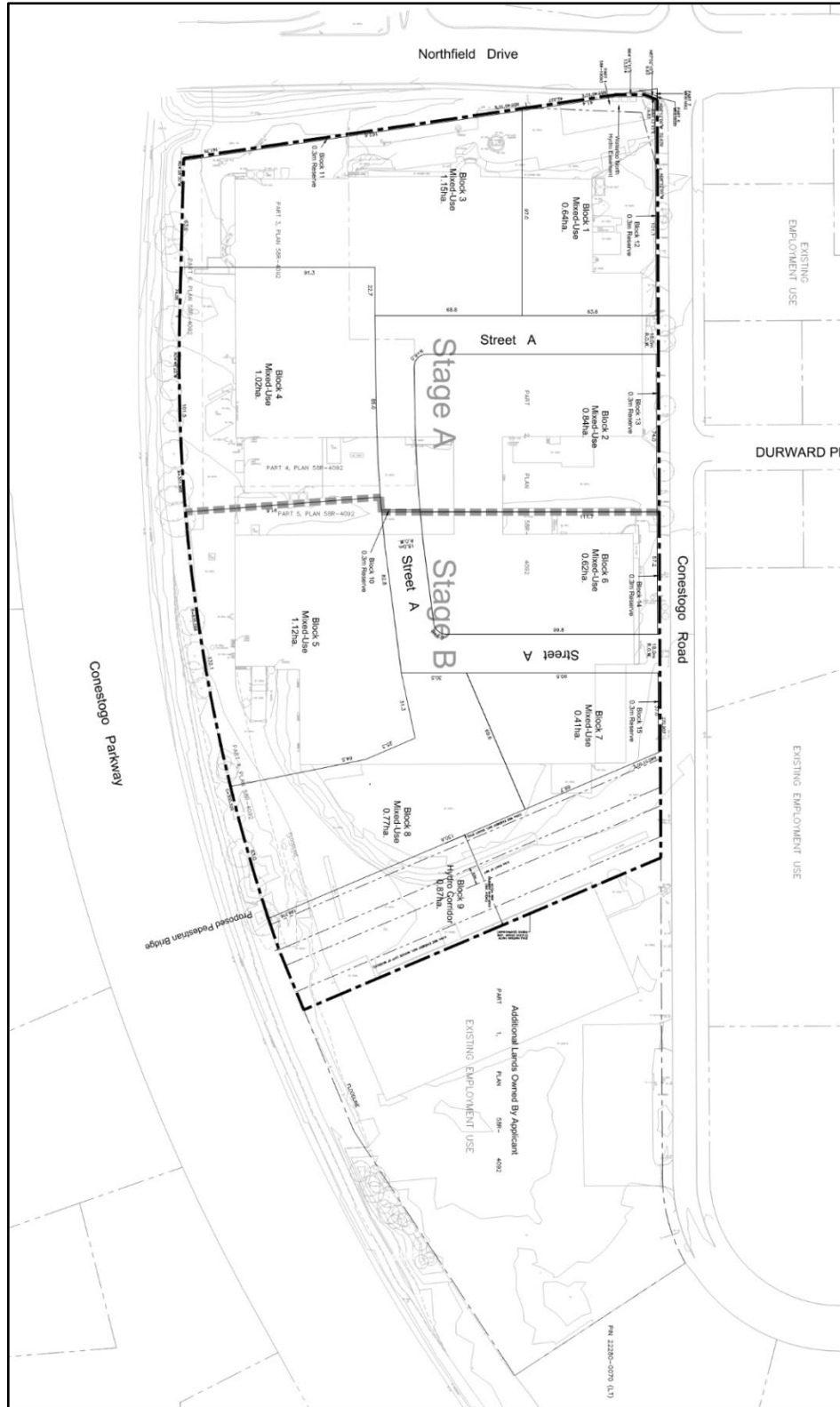
MAP 3 – PROPOSED ZONE CHANGE



MAP 4 – PROPOSED ZONE CHANGE AREA MAP



MAP 5 – DRAFT PLAN OF SUBDIVISION 30T-21401



**APPENDIX 'A' – Minutes of Informal Public Meeting**

COUNCIL MEETING  
Monday, June 28, 2021

**Informal Public Meeting**

Title:                      **Draft Plan of Subdivision 30T-21401, Official Plan Amendment No. 32, Zoning By-law Amendment Application Z-21-03 Northfield Properties (GP) Inc. & Northfield Properties LP. 525 and 565 Conestogo Road West**

Prepared By:          Laura Dewar

Ward No.:              Ward 4 - Northeast

Laura Dewar, Planner, gave a presentation on the proposal. She detailed the usage of the proposed development and how the subdivision would be divided. She described the building phases, and the current status of the planning. She described the proposed rezoning, and the next steps for the plan. She then responded to questions of Council.

Chris Pidgeon, Planning Consultant with GSP, and Andrew Bousfield, Project Architect with ABA Architects, gave a presentation on the proposed development. Chris Pidgeon highlighted the Municipal Comprehensive Review and its importance to the development. He detailed the studies supporting the proposal. Andrew Bousfield provided an overview of the proposed development. They then responded to questions of Council.

### Appendix 'B' – Summarized Agency Comments

#### **NO COMMENTS OR CONCERNS:**

City of Waterloo Fire Department – Fire Prevention Division  
Waterloo Advisory Committee on Active Transportation (WACAT)  
MCAP  
CN Rail  
Township of Woolwich

#### **SUMMARIZED AGENCY COMMENTS:**

(All conditions of Draft Approval received from agencies have been included in Appendix 'I', and will be secured by the Region of Waterloo as appropriate)

#### **Bell**

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

#### **Enova Power**

Both cross-sections of the revised right of way of the proposed new street show 0.8m utility corridor located just behind curb. Any hydro transformer, if needed to be installed, will be centered in the 2.9m section of the boulevard between the curb and the sidewalk, to prevent them from being hit by the snow ploughs or cars.

Existing System: WNH (Enova Power Corp) has both overhead and underground distribution lines on Conestogo Road West, and on Northfield Drive West. The overhead distribution lines contain feeders that are critical to maintaining reliable electricity supply to the City of Waterloo – as such, the Customer must develop a construction plan that does not disturb or require the isolation of these lines. If the Customer wishes to convert overhead lines to underground lines, they will be entirely responsible for the costs for WNH to perform the work.

Easement: WNH currently has an existing easement on the northern edge of the Customer's property, as well as an existing easement adjacent to the north boundary of the Hydro One right-of-way that runs through the property. Access to these existing easements must be maintained going forward, and any work or proposed grade change within the easement must be consulted with WNH. WNH may also require additional easements, at no cost to WNH, within the proposed development site for supporting, repair, restoration and maintenance WNH owned above ground and underground facilities. For example, a 6.2m x 6.8m easement for a WNH owned pad mount transformer; a 3m wide easement for any duct bank structures. Refer to the WNH Technical Guidelines document for details.

**Set Back:** The proposed building(s) must be set back a minimum of 5.0m from the pole line to allow for conductor swing as per the requirements of Ontario Building Code Section 3.1.19. Construction and ongoing maintenance (e.g. scaffolding on outside of building) may require this setback to be increased.

Enova Power's full set of technical requirements and service connection process were provided to the Applicant under separate cover.

### **GRCA**

The latest submission places development within 26 cubic metres of floodplain, to a depth of less than 0.5 metres. This volume is considered small, and the Applicant has confirmed that this flood storage can be compensated through a cut-fill balance. This would satisfy GRCA's backwater policy.

Our previous concerns have now been addressed. As a result we are now in a position to recommend Draft Plan Approval with conditions.

### **Hydro One**

Please be advised that Hydro One Networks Inc. ("HONI") has completed a preliminary review of the proposed plan of the above noted subdivision application. As the subject property is abutting and/or encroaching onto a HONI high voltage transmission corridor (the "transmission corridor"), HONI does not approve of the proposed subdivision at this time, pending review and approval of the required information.

The comments detailed herein do not constitute an endorsement of any element of the subdivision design or road layout, nor do they grant any permission to access, use, proceed with works on, or in any way alter the transmission corridor lands, without the express written permission of HONI.

### **Ministry of Transportation (MTO)**

The Ministry of Transportation (MTO) has completed a review of Official Plan Amendment file 32, Zoning By-law Amendment Z-21-03 and the Draft Plan of Subdivision File 30T-21401. The proposal has been considered in accordance with the requirements of the *Public Transportation and Highway Improvement Act*, MTO's Highway Access Management Guidelines and all other related MTO policies. The following outlines MTO comments:

The subject property is located adjacent to Highway 85, within MTO's Permit Control Area (PCA), and as such, MTO permits are required before any demolition, grading, construction or alteration to the site commences.

Highway 85 at this location is classified as a **1A Freeway** in MTO's Access Management Classification System. As such, all requirements, guidelines and best practices in accordance with this classification shall apply.

These comments are based on information received to date and are subject to change upon new or updated documents being provided.

### Multi-use Pedestrian Structure

Ministry staff have reviewed the proposed multi-use structure that is proposed as part of the Northfield Properties Development.

The Highway 85/Northfield Road currently has sidewalks as well as cycle lanes on both the north and south sides of the structure.

Although the intent of this new multi-use facility is to provide a more direct connection to the Northfield LRT Station, the current sidewalks and cycle lanes at the Highway 85/Northfield Road interchange provides the same connectivity for the Northfield Properties Development with minimal out of way travel. As a result, the ministry does not support the construction of this multi-use facility structure.

### Traffic Impact Study

MTO comments on the Comment Response and Letter of Opinion prepared by Paradigm Transportation Solution Limited are provided in a separate letter dated November 9, 2023. The matters in the letter must be address before the Transportation Impact Assessment (TIA) is accepted by MTO.

MTO has requested that the City of Waterloo undertake a Comprehensive TIS in this area. This development is included in the requested comprehensive TIS. MTO may not be in a position to issue permits until a comprehensive study is accepted by the ministry.

### Official Plan Amendment No. 32 & Zoning Bylaw Amendment Z-21-03

Within the Official Plan Amendment and Zoning By-law Amendment, MTO recommends that a holding provision be placed on the subject lands:

*Provide a Traffic Impact Study (TIS), to the satisfaction of the Ministry of Transportation of Ontario.*

### Draft Plan of Subdivision

As notes to draft approval, MTO provides the following comments:

1. Subject to the above TIS requirement, a MTO Building and Land Use Permit is required prior to any modification of the site. As a condition of MTO permits, the following will be required:
  - The Proponent shall submit an acceptable Site Plan, Grading Plans, Drainage Plans, Erosion Control Plans and Site Servicing Plans for MTO review and approval. These plans shall clearly identify all structures/works and parking (existing and proposed).
  - MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit, inclusive of landscaping features, fire-lanes, parking and storm water management facilities.
  - MTO notes the proposed Trail / Dog Run is proposed within the 14m setback. MTO may permit this item so long as no permanent structures are located in this area, and that the Trail / Dog Run is not considered an integral/required component of the development. MTO will require a condition to be included in a future site plan for this block to recognise this.

2. Grading and earth works shall not extend onto MTO owned lands without the approval of MTO.
3. The property owners are required to erect a security fence along MTO's property limits, extending along the entire east and south boundaries of the subject lands. The security fence shall be a minimum of 1.8 metres in height, shall be offset a minimum 0.3 metres away from the existing designated highway property limit, and shall be clearly identified on all plans.
4. Any signage visible from Highway 85, including temporary development signs, must be identified on the plans, must conform to MTO policies and guidelines, and will require a valid MTO Sign Permit before installation.

### General Comments

MTO would appreciate receiving a copy of the City's decision on these applications as well as a copy of the conditions of Draft Plan Approval for MTO to review.

### **Region of Waterloo, November 6, 2023**

#### Proposed Amending Zoning By-law and Official Plan Amendment

Region staff have reviewed the proposed amending zoning by-law and official plan amendment, and confirm that holding provisions requested by the Region regarding a record of site condition, and a detailed transportation and stationary noise study have been included in the draft. Region staff have provided requested wording for the holding provisions under the "Next Steps" Heading below.

#### Pedestrian Connectivity

Region staff reiterate that as part of these development applications, it will be important to provide/enhance pedestrian connections from these lands to the Northfield ION Station if possible, and more importantly to the Conestoga ION Station. Regional staff are of the opinion that there are still unresolved issues with pedestrian connectivity to either ION Station. However, Region staff understand that this will continue to be discussed through separate discussions with the Applicant, City, Region, and MTO.

#### Draft Plan of Subdivision

Through this third resubmission, Region staff reviewed the Draft Plan of Subdivision, Revised Sept 29, 2023 and prepared by GSP Group.

Region staff understand that the hydro corridor block, which forms part of the Regional Employment Area, has been included in the Draft Plan of Subdivision for the sole purpose of the City imposing a condition that indicates that the Owner will continue to work collaboratively with the Region and City in pursuit of Ministry of Transportation ("MTO") approvals.

#### Environmental Noise and Stationary Noise Study

In summary, the development is feasible from a noise and vibration perspective. A detailed noise study will be required prior to site plan approval of each Block.

### *Noise Study Implementation*

The required mitigation measures for each building on each Block on the plan of subdivision is listed in Table 1 on p. 3 of the March 27, 2023 RWDI letter report. These include ventilation requirements, special building components for windows, and warning clauses (Types A, B, C, D and E as per NPC-300). Provision must also be made to provide for certification of any required mitigation measures by a professional engineer qualified in acoustics, prior to construction, to ensure compliance with the noise study. These mitigation measures will be secured through conditions of draft approval for the subdivision.

A holding provision must be added to the proposed zoning by-law amendment to complete a detailed noise study prior to site plan approval for each Block, and that such “H” not be lifted until such study is completed to the satisfaction of the City of Waterloo and the Region. The detailed noise study must assess (measure or predict) stationary noise impacts to the proposed development from adjacent land uses and ensure that potential noise impacts will be minimized or can be mitigated. The study must also assess stationary noise impacts from the proposed development on itself and on adjacent sensitive land uses.

The detailed noise study and implementation of its recommendations must also be secured by way of an agreement with the City of Waterloo and/or Region of Waterloo. This will be addressed through conditions of draft approval for the subdivision.

### Record of Site Condition (RSC)

Region staff received an RSC and Ministry acknowledgement letter (RSC#237231) from the Applicant on May 24, 2023. Region staff confirm that the majority of the subject lands were covered by the filed RSC. Region staff confirm that a portion of the lands on Blocks 1 and 3, at the north-easterly corner of the property (at Northfield and Conestogo) were not included in the RSC. Region staff understand that the small portion of lands remaining are currently undergoing assessment. Region staff require that a holding provision be imposed that would prohibit the proposed development until the RSC is finalized and acknowledgement by the Ministry is received for the portion of the lands on Blocks 1 and 3 that were not included in RSC#237231.

### Hydrogeology and Water Programs (HWP)

As a condition of draft plan approval, the Owner/Developer will be required to enter into a registered development Agreement with the Region / City to complete a Salt Management Plan (SMP) as part of a future Site Plan application for each block within the draft plan.

### Traffic Impact Study Addendum

Region staff advise that the Traffic Impact Study Addendum does not recommend any improvements to any Regional Road (i.e. Northfield Drive West), therefore, Regional staff offer no comments.

### Transit Planning

Given the number of the proposed residential units and the overall increased density on the subject lands from the proposed mixed-use development, Grand River Transit may adjust the location of the Route 9 bus stop (Stop ID:1201) currently located on Northfield Drive West, east of the Conestogo Road and Northfield Drive West intersection (fronting Benson Autoparts). The proposed location will be directly in front of the proposed development. As a condition of a draft plan approval, the Owner/Developer will be required to provide funding (by certified cheque) for a standard transit stop (with shelter) at this location. A landing/shelter pad will need to be

constructed as part of this development on Northfield Drive (nearside Conestogo Road) and an approval/easement will be required from the Ministry of Transportation.

The Region has no objection to the approval of the Official Plan Amendment and the Zoning By-law Amendment, provided the Zoning By-law Amendment includes holding provisions that prohibit development until satisfactory completion and acceptance of a detailed noise study (transportation and stationary noise) and a Record of Site Condition.

Region staff recommend that there be consideration for lifting the holding provision for the detailed noise study on a block-by-block basis as development on the lands progresses.

The requested language for the holding provisions is:

- a) That a holding provision shall apply to Blocks 1 and 3 until a Record of Site Condition(s) in accordance with O. Reg. 153/04, as amended, has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry and the Record of Site Condition(s) and Ministry's Acknowledgement letter(s) are received to the satisfaction of the Regional Municipality of Waterloo.
- b) That a holding provision shall apply to the entirety of the subject lands until a satisfactory detailed transportation (road) and stationary noise study has been completed and implementation measures addressed to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.

A copy of the draft by-law and official plan amendment that will be considered by Council should be provided for review by Regional staff at the earliest opportunity. Should you have any questions, please do not hesitate to contact the undersigned.

### **WCDSB**

#### ***November 10, 2023***

Thank you to the Applicant for providing additional information with respect to the ongoing discussions with the MTO and others about the proposed pedestrian overpass and associated active transportation infrastructure to support this development. We continue to strongly support this initiative. The recent installation of an MUT on Conestogo Road will help support students who may be walk eligible to St. David CSS, if it is determined by STSWR to be a safe walking route. However, the proposed overpass would provide improved access to area schools and avoid potential conflicts with the expressway ramps.

With regard to the board's standard signage requirement, we are prepared to work with your client to address the board's interest in notifying prospective purchasers / renters of schools servicing this development. As such, I have provided modified wording for a condition we still want imposed per below:

*"That the developer agrees to work with the WCDSB to advise prospective residents about schools in the area in a manner suitable for the development and to the board's satisfaction."*

Based on the modifications to the plan to accommodate a public right of way vs. private driveway, the board's standard warning clause condition may be removed.

**July 31, 2021**

The Waterloo Catholic District School Board has reviewed the information in support of the proposed Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law amendment for the 8-block plan containing approximately 2,534 residential units, office, retail, a mixed-use office and hydro corridor.

At this time, future elementary students from the proposed development would be accommodated at St. Luke CES located at 550 Chesapeake Drive, Waterloo and high school students at St. David CSS located at 4 High Street, Waterloo. Based on the distance to St. Luke, elementary aged students would be eligible for bus transportation. High school students would be walk eligible to St. David provided hazard conditions are not identified by Student Transportation Services of Waterloo Region (STSWR).

Hazard conditions may include the absence of traffic lights and crossing guards, lack of walkways and sidewalks along thoroughfares, and insufficient sight lines at crossing points.

The conversion of this employment area to residential use should consider the needs of all pedestrians, however, our primary interest is in meeting the needs of future school-age residents. The Traffic Impact Study and TDM Report prepared by Paradigm Transportation Solutions Limited (June 2021) indicates that sidewalks are planned to be installed along the frontage of the development. It is our understanding that the current road profile throughout most of the business park does not include sidewalk. At a minimum, sidewalk should be installed along both sides of the road in the vicinity of the proposed development, and ideally would connect along the entire length of Conestogo Road West to Bauer Place and the multi-use trail along King Street North.

As school buses operated on behalf of the WCDSB will not travel on private roads, designing facilities to ensure safe pick up and drop off students on Conestogo Road West will be required.

To this end, the Board is interested in working with the City, the proponent, the Region and others to explore how to support school-age children from this development including;

- a. Pedestrian infrastructure within and adjacent to the proposal,
- b. Congregated pickup point design on Conestogo Road West,
- c. Access to public transit,
- d. Off-site improvements to pedestrian infrastructure to support active travel, and Pedestrian overpass design.

The proposed pedestrian overpass may significantly improve the safety of a travel route for active travel to St. David CSS. However, the timing and multiple jurisdictional nature of such a complex solution, should not negate appropriate infrastructure improvements elsewhere which would immediately support active transportation objectives.

The following standard conditions are provided and the Board reserves the right to provide additional conditions subject to further exploration of its interests as conveyed herein.

- That Education Development Charges shall be collected prior to the issuance of a building permit(s).
- That the developer and the Waterloo Catholic District School Board reach an agreement regarding the supply and erection of a sign (at the developer's expense and

according to the Board's specifications) affixed to the permanent development sign advising prospective residents about schools in the area.

- 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."*

### **WRDSB**

#### **October 31, 2023**

The Waterloo Region District School Board (WRDSB) has reviewed the resubmission amendments of the above-noted application that proposes the development of a maximum of 3980 residential units. The WRDSB doesn't have any additional comments to provide at this time.

#### **April 28, 2023**

The Waterloo Region District School Board (WRDSB) has reviewed the resubmission, previous WRDSB comments provided on July 13, 2021 continue to apply. The WRDSB has no additional comments to provide at this time.

#### **July 13, 2021**

##### Student Accommodation

The two WRDSB schools (Cedarbrae Public School and Northlake Woods Public School) mentioned in Section 2.3 (Site Context) of the Planning Justification Report, dated June 2021, do not currently serve this area. Furthermore, they are not within walking distance (1.6 km) of the above-noted application. At this time, the subject lands are within the boundaries of the following WRDSB schools:

- Winston Churchill Public School (Junior Kindergarten to Grade 6) - approximately 2.9 km away;
- MacGregor Public School (Grade 7 to Grade 8) - approximately 4.1 km away; and
- Bluevale Collegiate Institute (Grade 9 to Grade 12) - approximately 5.6 km away.

Please be advised that student accommodation pressures currently exist at Winston Churchill and MacGregor Public Schools. The WRDSB's 2020-2030 Long-Term Accommodation Plan projects long-term over-utilization at these facilities. Interim student accommodation measures, including portable classrooms, are presently on-site and may be required until an alternative accommodation solution is in place. Alternatively, the WRDSB may conduct a boundary study or designate this property as a "Development Area" and assign it to Holding Schools before occupancy or sales.

The WRDSB needs to understand the total number of units, dwelling unit types, bedroom counts, and development phasing to develop enrollment projections. As detailed enrolment projections are a fundamental component of capital funding requests to the Ministry of Education, the WRDSB requests confirmation of the unit totals, types, and phasing as this information becomes available.

Student Transportation

The WRDSB supports active transportation, and we ask that pedestrians be considered in the review of all development applications to ensure the enhancement of safety and connectivity. WRDSB staff are interested in engaging in a conversation with the Region, City of Waterloo, and applicant to review the optimization of pedestrian access to public transit (including the proposed pedestrian crossing over Highway 85), and municipal sidewalks so students may access school bus pick-up points.

Student Transportation Services of Waterloo Region (STSWR)'s school buses will not travel on privately owned or maintained right-of-ways to pick-up/drop-off students. Transported students will be required to meet the bus at a congregated bus pick-up point. STSWR may have additional comments about student pick-up point(s) placement on municipal right-of-ways.

Concerning any future declaration or agreement, the WRDSB requests the following inclusions in the conditions of Draft Approval:

1. That the owner agrees in the Subdivision Agreement/Condo Declarations and/or Site Plan 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:
  - a. "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."
  - b. "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."

**CITY OF WATERLOO STAFF COMMENTS:**

***Engineering Comments – Development Engineering***

- The City of Waterloo's Development Engineering Manual has been superseded by the Council approved Comprehensive Engineering and Landscape Manual (CELM) located: <https://www.waterloo.ca/en/government/development-engineering-manual.aspx>
- The Applicant should follow the most up to date version of the CELM at the time of Development unless otherwise directed by the City.
- Base line work across all plans should be consistent across each submission.
- A hydrogeological assessment has not been received and is required to demonstrate subsurface conditions are adequate for the proposed development. Receiving and confirming compliance of all proposed features with the hydrogeological assessment will be a condition of draft plan approval.

**Sanitary, Storm, Water**

- The City is generally satisfied with the approach to development laid out in the FSR with respect to sanitary sewer capacity. In general, the implications of overcapacity (surcharging) sanitary sewers may be severe and have impacts to downstream areas. Therefore it is important to note that capacity is not guaranteed or held for this development and must be re-verified at the time of detailed design and again prior to building permit issuance. Capacity analysis must be completed with the most up to date information to the discretion of the Senior Engineer in Development Engineering. Any required upgrades may be made a requirement under the subdivision agreement for which securities may be held.
- Proposed storm and sanitary sewers do not always conform to the City of Waterloo's CELM or the Region of Waterloo's DGSSMS requirements per depth of cover or minimum slopes. Appropriate cover and adequate slopes per these guiding documents are a condition for Draft Plan Approval.
- A minimum of one sanitary, storm, and water connection must be provided for each block. Please revise the servicing plan to provide for the correct placement of these services with the revised site configuration.
- In certain cases where the building code requires (e.g. 84m and higher), two water service connections must be provide
- Servicing related to fire suppression requires submission of proposed plumbing/fire suppression through building department.
- Servicing of shared facilities may be considered and are subject to approval by the Director of Engineering Services and the Chief Building Official.

**Stormwater Management**

- The volume control strategy, including the proposed natural retention within the park areas and linear infiltration gallery (StormBrixx HD System), is generally accepted for this application. Further exploration of design, feasibility, costs, and operation and maintenance will be necessary during the Detailed Design Stages. Depending on the outcome of these more in-depth analyses, alternative configurations or strategies may be required by the city.
  - **Lifecycle Costs:** The city may require an additional fee for the replacement cost of the system plus engineering and administrative fees.
  - **Operations and Maintenance:** The city may necessitate a detailed operations and maintenance manual for all proposed stormwater management features, including on-site training by the manufacture for city operations staff.
- Detailed design must show adequate detail to ensure grading, drainage, and ESC are per all applicable regulations and standards and to the satisfaction of the Director of Engineering Services.

***Landscape Comments - Development Engineering***

General landscape architectural and public realm comments for the application are outlined below.

- The City of Waterloo's previous Landscape Design Process and Requirements Manual New Subdivision Development has been superseded by the Council-approved Comprehensive Engineering and Landscape Manual (CELM), located: <https://www.waterloo.ca/en/government/development-engineering-manual.aspx>
- The applicant should follow the current version of the CELM at the time of Development unless otherwise directed by the City.

- The City's Guidelines for Privately Owned Publicly-Accessible Spaces (POPS) must be followed [Guidelines for POPS \(waterloo.ca\)](https://www.waterloo.ca/guidelines-for-pops), unless otherwise directed by the City
- Ensure that all future submissions are comprehensive and coordinated.

### Draft Plan of Subdivision:

1. The dashed lines noted as POPS on the Draft Plan of Subdivision (GSP Group, October 23, 2023) represent approximate limits to the proposed POPS and are be subject to change to the satisfaction of the City of Waterloo. Staff have concerns with some aspects of the POPS delineation as currently shown on the Draft Plan (October 23, 2023).
  - a. For example, the POPS within Block 8 has an irregular shape and follows the private driveway may not be considered as POPS.
  - b. Similarly, and per the POPS Guidelines, POPS must not be adjacent to grade-related residential units on the same property. The final master concept plan shall be finalized and approved before the POPS can be accurately defined.

### OPA / ZBA:

2. Section 3.3 Circulation and Connectivity of the Urban Design Report Addendum (March 2023) states that, "The new public streets, sidewalks, and pathways are lined with active frontages, retail uses, and civic uses for a lively pedestrian experience..." From the Conceptual Master Plan figure, it appears that non-residential uses make up a very small portion of the proposed development and that only one small portion is proposed along the new public street. The development, including streetscape and Central Park POPS, would benefit from a variety of commercial ground floor uses and employment uses such as office space within the large buildings. Having a variety of uses will activate the spaces throughout the day and ensure a successful local community that is less car-dependent.

### Conditions of Draft Plan Approval:

- Park Programming Needs Assessment
- Parkland/POPS Concept Plan(s)
- Parkland/POPS Implementation Strategy
- Wind Study
- Revised Sun/Shadow Study
- Revised Right-of-Way Cross Sections and Site Plan
- Revised Site-Specific Urban Design Guidelines
- Easement Plan

### POPS:

3. The applicant shall provide a Park Needs Assessment. At a minimum, the assessment shall determine specific park features and programming required for a park in this context (i.e., location, anticipated residents, proximity to existing amenities, etc.). It is expected that a Terms of Reference (TOR) for this study will be available by the end of 2023, which will outline requirements for the assessment. Once completed, the Park Needs Assessment TOR will be available on the City's website ([Terms of reference for development applications - City of Waterloo](#)).
4. Per the City of Waterloo Comprehensive Engineering and Landscape Manual (CELM) standard process, an approved Park Concept Plan is required prior to Draft Plan Approval. Given the ongoing conversations about POPS vs. parkland and timing of the

Draft Plan submissions, the City agrees to receive the POPS Concept Plan as a Condition of Draft Plan Approval. Collaborative design and review will be required at this stage. Additional information will be required for the proposed POPS.

- a. The Applicant shall provide a POPS Concept Plan(s) and POPS Implementation Strategy as a Condition of Draft Plan Approval.
    - i. Demonstrate how the POPS will support large canopy trees throughout. Provide typical cross sections.
    - ii. Demonstrate how active recreation facilities (i.e., basketball court, play equipment, splash pad, etc.) will be supported within the POPS. Active recreation facilities for all ages are required. Demonstrate how, as per Section 3.4.2 of the Urban Design Report Addendum, “a range of different functions to cater to a range of different users, including opportunities for multipurpose courts, splash pads, play equipment, multi-purpose playing fields, and open lawns” will be achieved. Demonstrate how these items will not have conflicts (i.e., noise, lighting, etc.) with the residential buildings surrounding the park. Further, demonstrate that these active uses are possible above the proposed underground parking.
    - iii. The current Shadow Analysis shows very little sunlight access to the POPS during winter. A Pedestrian Wind Analysis should be completed during plan development as well. Recommendations shall be used in conjunction with high quality design solutions to provide year-round comfort in the POPS.
    - iv. POPS signage strategy.
    - v. Demonstrate phasing for various POPS and features and how the proposed POPS will meet needs during each phase. Depending on the implementation strategy, establishing a temporary park may be required.
  - b. Conditions to secure the Parkland/POPS to the satisfaction of the Director of Engineering Services including access easements, agreement to maintain and operate park in good condition in perpetuity, liability, and capital costs.
5. The City of Waterloo standard requirement is to have parks developed with the first phase of a subdivision. Per the proposed Draft Plan (October 23, 2023), the first POPS will be included in Block 2. Further to the above comments, further information is required during the development of the Parkland/POPS Concept Plans and Implementation Strategy, to ensure the five spaces are designed and constructed in a cohesive and logical way and that residents during all phases of the development will have access to sufficient amenities and greenspace.

Municipal Right of Way (ROW):

6. As a Condition of Draft Plan Approval, revise the Proposed Municipal Right-of-Way Cross Section Site Plan (WalterFedy, October 6, 2023).
  - a. Revise Section B-B to show street trees between the sidewalk and road. This will align better with the City’s Typical Road Cross Section. This will also improve public safety and comfort by separating the sidewalk and street, will provide shade over a larger area of paving to help mitigate urban heat island effect, and also will provide more aerial growing space for the trees by keeping them further from the buildings.
  - b. Review pedestrian crossing locations and include on the site plan. Review and prioritize driveway and street crossings to ensure the Connectivity Spine functions as a primary pedestrian circulation route. Specifically, there may be conflicts traversing from Block 1 through the private driveway/loading space out

to the public street. A formal crossing or other treatment may be beneficial from Central Park POPS to the POPS leading to the Hydro Corridor connection as well. Consider a mid-block crossing near Block 4 and Block 5 to the POPS. Refer to Transportation Services and CELM for more information on crossing requirements.

7. Per the City of Waterloo Urban Forest Policy, Subdivision Developments shall provide for street tree planting as part of the development process. Street trees shall be located on the public right-of-way and adhere to the design objectives, spacing and location requirements of the policy (i.e., one shade tree every 8 meters). Provide street trees within the public ROW, including where there is lay-by parking. The placement of hydro and telecommunications infrastructure within the right of way should be coordinated after and in accordance with a proposed street tree planting plan. Adequate soil volumes per the City of Waterloo's CELM must be provided for each proposed tree. Conformance to the Urban Forest Policy should be established through Street Tree Planting Plans as part of the Subdivision Design Submissions, but must be considered as part of the ROW design.

### Landscape Terraces and Podiums:

8. Given the high density of the proposed development, high quality roof terraces will be required. Having soft landscape treatments beyond small raised planters will greatly improve the amenity spaces for residents. As noted in Section 3.4.5 of the Urban Design Report Addendum (March 2023), soil massing adequate for tree and shrub planting and areas of extensive green roof (especially for areas where they are visible and/or not required for amenity) are expected. Identify location through Master Plan and details can be determined through Site Plan Approval process.

### Easement Plan:

9. Update the Easement Plan to provide access from the Municipal Right-of-Way (ROW) and Privately Owned Publicly-Accessible Space (POPS) through to Northfield Drive. As previously proposed, this will form part of the overall Connectivity Spine for the community and will help the POPS be more accessible to the public.

### Draft Subdivision Agreement Terms:

- **Parkland/POPS Timing:** Construction of POPS to the satisfaction of the City must precede the issuance of building permits for adjacent blocks. The Owner agrees to construct the said facilities at their cost within one year of registration of that phase (Block) of the plan of subdivision.
- **Parkland/POPS Cost:** Full cost of POPS to be funded by developer – no City contribution.
- **POPS Substantial Completion / Final Acceptance (if POPS and not dedicated parkland):** Refer to the City's Comprehensive Engineering and Landscape Manual (CELM), Volume 2 for standard Site Plan process. Once Final Acceptance has been provided by the City the POPS remains under developer maintenance and warranty and will not be assumed by the City. The owner shall maintain the POPS in perpetuity, as outlined in maintenance agreement.
- **Urban Design Guidelines:** Prior to the initial registration, the Owner shall, at its expense, prepare Urban Design Guidelines for the Lands (the "UDG"), to the satisfaction of City's Director of Planning. The subdivision and all buildings therein shall conform to

and implement the accepted UDG, unless otherwise agreed to by the City's Director of Planning. The UDG shall include direction on Landscape Terrace and Podiums.

- **Parkland/POPS Implementation Strategy:** Prior to the initial registration, the Owner shall, at its expense, prepare POPS Implementation Strategy for the Lands, to the satisfaction of City's Director of Planning. At a minimum, this must outline how the various POPS will remain cohesive and have the same level of service, maintenance, etc., between the five POPS, how this space will function as a park long-term, that the City will be involved in future redevelopment of the POPS, anticipated life span of underground parking structure, etc.

**Subdivision Submission Requirements:**

- Vegetation Management Plan
- Parkland/POPS Development and Planting Plans
- Street Tree and Boulevard Landscape Plan
- Comprehensive Trail Network/Pedestrian Circulation Plan
  - Demonstrate that MTO Pedestrian Overpass is feasible
- MTO Buffer Management and Planting Plan

Trail/Dog Run:

10. More information will required for the Trail/Dog Run during detailed design. The description of the proposed space is a lush, ecologically diverse community trail and possible dog run which could connect to Northfield Drive.
  - a. Please clarify what is proposed. The pathway is shown differently on some plans, including within the Urban Design Report Addendum. Is an accessible connection to Northfield Drive proposed and/or possible?
  - b. This is a long trail section with what appears to be minimal connection points. Additional pedestrian access points should be provided (or shown) to improve pedestrian circulation and safety. The space shall be designed using Crime Prevention Through Environmental Design (CPTED) best practices.
  - c. Provide MTO acceptance of these features.

***Transportation Services***

General Comments:

- All future submissions materials must ensure consistency and accuracy. I.e., the concept plan must match the block plan that must match the streetscape plan, etc.

Draft Conditions:

**PRIOR TO REGISTRATION**

1. The Owner agrees that the final alignment and configuration of street A be to the satisfaction of the Director of Engineering Services and Director of Transportation Services.
2. The Owner agrees that the proposed development provides the opportunity for a pedestrian bridge constructed over the highway from Block 8 or Block 9. This includes access and grading considerations for future connections.
3. The Owner agrees to provide a **Driveway Location Plan**. The City reserves the right to re-align driveways during the Site Plan process.
4. The Owner agrees to submit the municipal right-of-way cross section to the satisfaction of the City's Director of Transportation Services and Director of Engineering Services.

5. As part of the Master Plan Package a **Conceptual Workspace Management Plan** shall be provided. Prior to each Site Plan a detailed **Construction Management Plan** must be provided that is consistent with the **Conceptual Workspace Management Plan**.

#### PRIOR TO ASSUMPTION OF THE MUNICIPAL RIGHT-OF-WAY

1. The City will not assume the maintenance of the proposed municipal right-of-way until an occupancy inspection on the final building has been completed.
2. The Owner shall be responsible for all maintenance and liability of the proposed right-of-way until the City assumes the proposed municipal right-of-way including sidewalks and multi-use paths (MUP).
3. The Owner shall be responsible for the costs related to the improvements on Conestogo Road right-of-way which includes additional lanes, sidewalks, multi-use paths and any signs required or any other proposed modifications.
4. The Owner agrees to dedicate to the City of Waterloo a public access easement for active transportation access from Block 9 (the hydro corridor) between Blocks 7 and 8 to the proposed municipal right-of-way.
5. The owner agrees to dedicate to the City of Waterloo a public access easement for active transportation access through all Privately Owned Public Space (POPs) on site.
6. The Owner agrees to dedicate to the City of Waterloo a public access easement for active transportation access between Block 1 and Block 3 to Northfield Drive.
7. The Owner agrees to dedicate to the City of Waterloo a public access easement for active transportation access between Block 3 and Block 4 to Northfield Drive.
8. The Owner agrees to dedicate to the City of Waterloo a public access easement for active transportation access between Block 5 and Block 8 to Northfield Drive.
9. At the time of road assumption, the Owner shall be required to pay a one-time fee for future maintenance or replacement of any street and pedestrian lighting. This fee will be paid to the City of Waterloo prior to assuming the road. This amount will be calculated at 10% of the development lighting cost (i.e., Poles, fixtures and required lighting infrastructure) or a minimum of \$30,000 (as per the Comprehensive Engineering and Landscape Design Manual).

#### SUBDIVISION APPROVAL/AGREEMENT

1. The Owner agrees to install standard lighting as per the Comprehensive Engineering and Landscape Manual (CELM).
2. The Owner agrees at their full cost, to fully restore to City of Waterloo Standards, any damages to the road, multi-use path and any other infrastructure along Conestogo Road created through construction of this development.

#### ADDITIONAL DRAFT APPROVAL CONDITIONS

1. The Master Site Plan shall include a **Streetscape Plan that includes Traffic Control, Traffic Calming and Active Transportation** to the satisfaction of the Director of Transportation Services and Director of Engineering Services.
  - a. The **Streetscape Plan** shall follow all City Standards included in the Comprehensive Engineering and Landscape Design Manual and will illustrate the following:
    - i. Design and construction details for proposed traffic calming, including but not limited to, intersection treatments, raised intersections, curb extensions, and pavement markings;
    - ii. Design and construction details for pedestrian crossings (both formal and informal crossings)

- iii. Identify potential locations for utilities and telecommunications, including but not limited to, traffic control signage, mailbox locations, and hydro for Standard Street Lighting as per the Comprehensive Engineering and Landscape Design Manual;
- iv. Identify potential locations for street trees;
- v. Identify daylight triangles, visibility triangles and other landscape features within the municipal right-of-way;
- vi. Identify the proposed location of driveways;
- vii. Identify areas along the streetscape for on-street parking and/or loading;
- viii. The detailed design of on-street parking shall consider sight lines and any pedestrian crossings.
- ix. Transformer location for street lights only;
- x. Photometric Analysis and Street Lighting Plan, including any pedestrian scale lighting required.
- xi. Design speed for the new proposed municipal right-of-way will be 40 km/h as per the City of Waterloo Speed Management Plan

The approved **Streetscape Plan** shall be coordinated with the approval of the Servicing drawings:

- a. To ensure plans do not conflict with driveway locations and potential for utilities such as hydrants and/or community mailboxes to the satisfaction of the Director of Engineering Services, Director of Planning, Director of Transportation Services, Director of City Utilities and Canada Post.
  - b. The location of concrete pads for the placement of Community Mail Boxes shall be approved by Canada Post and shall be shown on the Servicing Plans and Streetscape Plan to the satisfaction of the City's Director of Engineering Services, Director of Planning, Director of Transportation Services and Canada Post.
2. The Applicant shall consider and submit a **Pedestrian Lighting Plan** to the satisfaction of the Director of Engineering Services and Director of Transportation Services and include areas such as multi-use paths, POPs or other active transportation infrastructure.
  3. Prior to Final Site Plan Approval, the Applicant shall submit a **Conceptual Workspace Management Plan** to the satisfaction of the Director of Engineering Services and Director of Transportation Services.
  4. Prior to issuing a building permit, the Applicant and or contractor shall submit a detailed **Construction Management Plan** that is consistent with the **Conceptual Workspace Management Plan**.
  5. Upon 25% Occupancy of Block 1, the Owner agrees to construct an AODA compliant pedestrian connection to Conestogo Road to municipal standards.
  6. Upon 25% Occupancy of each Block 3, 4, 5, 8 and 7, the Owner agrees to construct an AODA compliant pedestrian connection along the frontage of the block to municipal standards.

### ***Environmental Planning***

1. Some of the previous comments provided were related to the proposed pedestrian bridge. Staff are now of the understanding that the proposed pedestrian bridge does not form part of the current applications. Further, the location of the proposed pedestrian bridge has changed. If and when the pedestrian bridge is pursued, the proponent of the bridge may need to undertake a scoped EIS depending on its location.

2. Through the Functional Servicing and Stormwater Management Report, revised floodplain mapping has been provided. Section 8.3 of the Report notes that the revised floodplain on and adjacent to the subject property is the result of backwater effects from downstream constraints and not a floodway for conveyance, and that the portion of the proposed development that is currently within the revised floodplain would account for approximately 26m<sup>3</sup> of flood storage. Since it is a backwater area, GRCA's policies allow for a cut and fill balance to be undertaken, subject to the owner obtaining a permit from the GRCA. Through the cut and fill, the impacted area will be raised out of the floodplain and the lost storage volume will be compensated for to balance flood storage volumes. Through discussions with GRCA, Environmental Planning staff understand that it is currently proposed that the volume be recovered through reshaping and maintenance activities on the ON-85 ditch, but that if MTO does not support this approach, the lost storage volume could be replaced through any of the following approaches, with the final approach being determined with the relevant authorities (GRCA, City, MTO and/or Hydro One) at the detailed design stage:
  - Sub-surface storage in the form of superpipes or dedicated storage chambers within the site, and/or
  - Surface storage at grade within the hydro corridor, and/or
  - Surface storage at grade within the open-air parking garage proposed within one of the blocks.
3. Since the cut and fill balance is enabled by GRCA's policies and GRCA staff have confirmed their in-principle support for the approach, Environmental Planning staff are satisfied that the proposed development is appropriate in the context of the Official Plan's floodplain policies, as the impacted area of Block 8 will ultimately be removed from the floodplain in accordance with GRCA policy and permitting processes. An appropriate site specific draft plan condition should be included to address the required cut and fill balance.

With respect to how the revisions to the floodplain mapping get incorporated into the Official Plan and Zoning By-law, the revisions that are shown in the Functional Servicing and Stormwater Management Report, as well as the further revisions that will be made as the result of the cut and fill balance have been accepted in-principle by the GRCA and are considered minor in nature by Environmental Planning staff. As set out in Official Plan policy 8.4.2(2), an amendment to Schedule 'A5' of the Official Plan is not required for minor revisions to the limits of the floodplain where such revisions are supported by technical studies approved by the GRCA. As such, Schedule 'A5' can be updated through a future housekeeping amendment. Similarly, Section 4.23 of the Zoning By-law recognizes that floodplain limits can change and Section 4.27.3 recognizes that floodplain limits will be determined by survey acceptable to the GRCA. The intent of these two Sections is to allow for minor modifications to be made to floodplain limits (i.e. Regulated Areas) that comply with GRCA policy and that do not negatively impact the intent of the floodplain regulations of the Zoning By-law. Based on this, the proposed development can be considered to be in compliance with the floodplain provisions of the Zoning By-law. Similar to Schedule 'A5' of the Official Plan, Image 1 – Section 3.F.1 and Schedule A3 – Floodplains and Restricted Areas of the Zoning By-law can be updated at a later date through a general amendment. The amendments to Schedule 'A5' of the Official Plan and Image 1 – Section 3.F.1 and Schedule A3 of the Zoning By-law could be updated as part of OPA 32 and Z-21-03 if WalterFedy is able to provide the floodplain mapping that reflects the results of the cut and fill balance to GRCA for review and acceptance. Regardless of the timing of these amendments, to ensure clarity, the language in Sections 4.10, 4.23 and 4.27 should be

modified through a general amendment when OPA 32 and Z-21-03 the applications are brought to Council.

4. Through previous comments, staff noted that for a new master planned development of this scale and density it is the City's expectation that a substantial commitment is made to implementing sustainability measures at a district, block and building level, and that this commitment may be secured through draft plan conditions. Since the resubmission did not address the list of specific items requested, with the comment-response table for the Draft Plan of Subdivision noting only that "Sustainable options continue to be explored to service the property in the most efficient manner", the completion of an Energy Strategy to the satisfaction of the City should be included as a subdivision-specific draft plan condition. The Energy Strategy will need to address matters related to enhanced energy performance, low carbon opportunities like on-site renewables, and resiliency. An appropriate draft plan condition should be included to secure the outstanding Energy Strategy.
5. Through previous comments, Environmental Planning staff confirmed that based on the findings of the Scoped EIS, the typical pre-, during- and post-development monitoring of terrestrial, surface water and groundwater resources would not be required. This remains to be the case, however, as noted in the comments provided by Engineering staff, monitoring related to the site's stormwater management controls may be required. Monitoring requirements are included in the City's Standard Conditions of Subdivision Approval.

#### ***Economic Development***

- Economic Development is satisfied with the 8,000 square metres of non-residential area being proposed
- Concerned that all of the 8,000 square metres would be utilized for commercial type uses
- Supportive of zoning regulation or conditions of draft approval being implemented to ensure that a significant amount of the non-residential area will be allocated to employment type uses
- Zoning regulations for non-residential uses should include a broad range of uses and ensure that a desired percentage of the non-residential uses be secured as employment type uses
- Supportive of a phased approach to providing employment uses recognizing that it may not be feasible to provide it all in the first phase of the development.

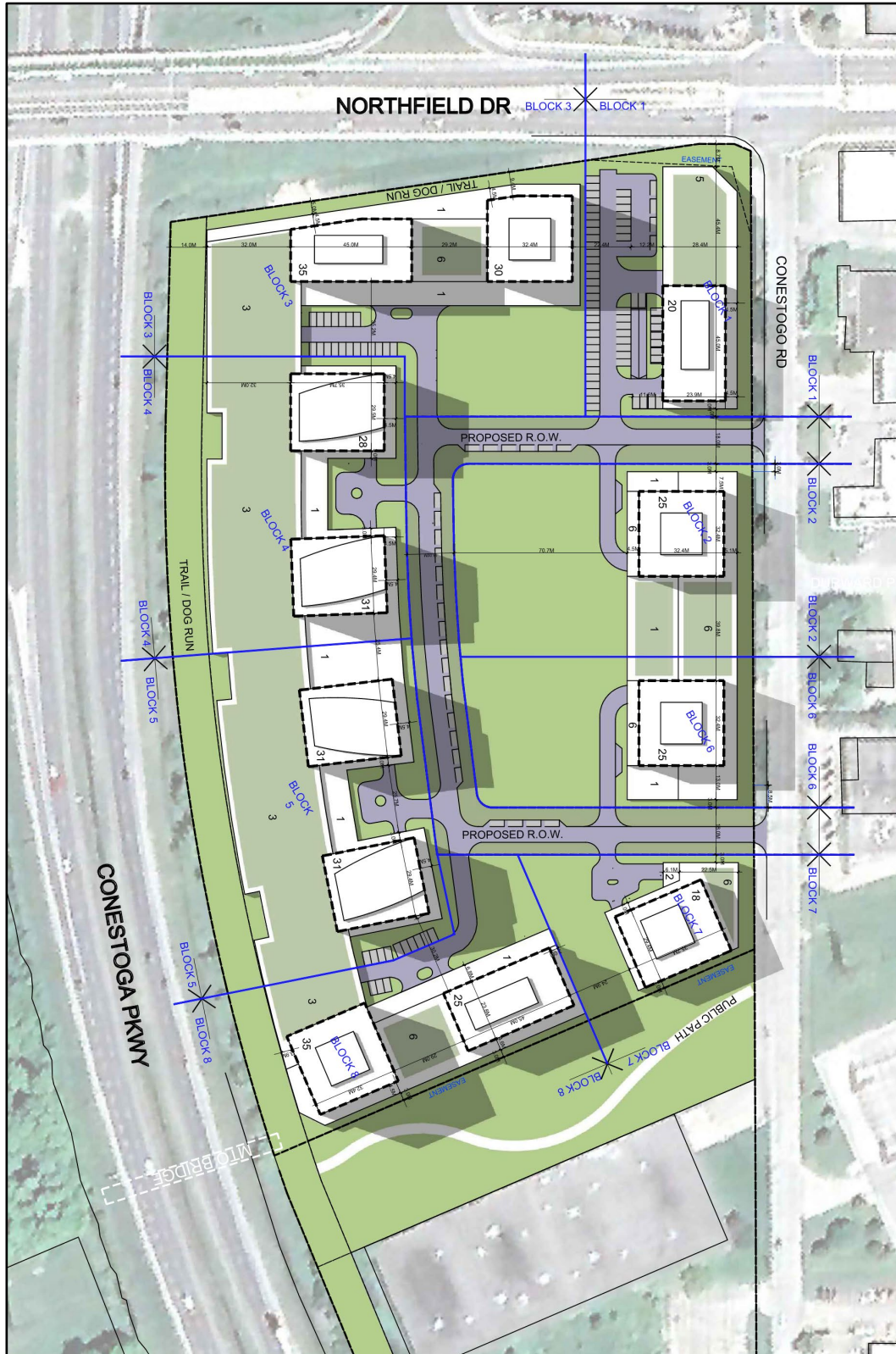
#### ***Building Standards***

1. Submit a life safety master plan for the entire site. This plan must outline the overall function of fire safety systems. (Including smoke control measures, Location CACF room(s), Fire alarm sequencing, Fire department connection location(s), Overall building exiting plan etc.
2. Noted applicable law;
  - a. MTO, GRCA, RSC
3. Three Easements along the south east property line (hydro, city & unknown)
4. Building permit(s) will be required for the partial demolition and affected areas for the existing building to continue its use. (review of; partial demolition, treatment of any newly exposed building faces (spatial), review of exiting that maybe affected by demolition, fire access routes etc.)
5. The services shown in the cross section within the roadway I understand will be municipally owned. Noted that building regulates anything within the property line. The

plans provided are overall concept layouts within little information shown within the property lines. As such building has minimal comment at this time.

6. Ensure the fire access routes reach each building principal entrance. Fire access routes are not currently shown on the plan submitted, but appear to comply.  
(Fire Access routes are not required through the building code to run internal to the parking garages (previously a question from planning))
7. Ensure Integrity of Exits specifically for the proposed switch back stairs (OBC. 3.4.4.4.(2)(3)). (Review with building permit application.)

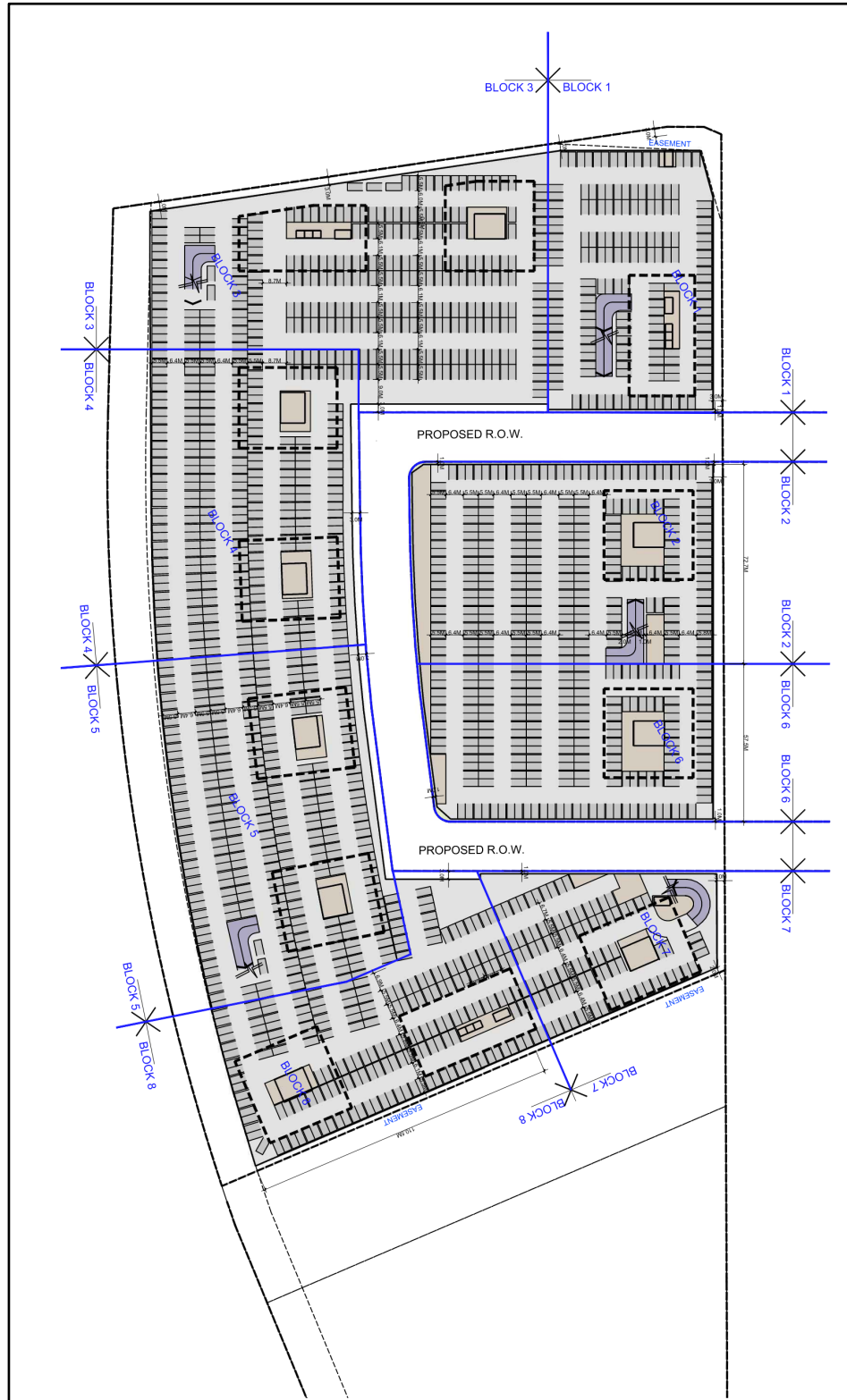
Appendix 'C' – Preliminary Concept Plan



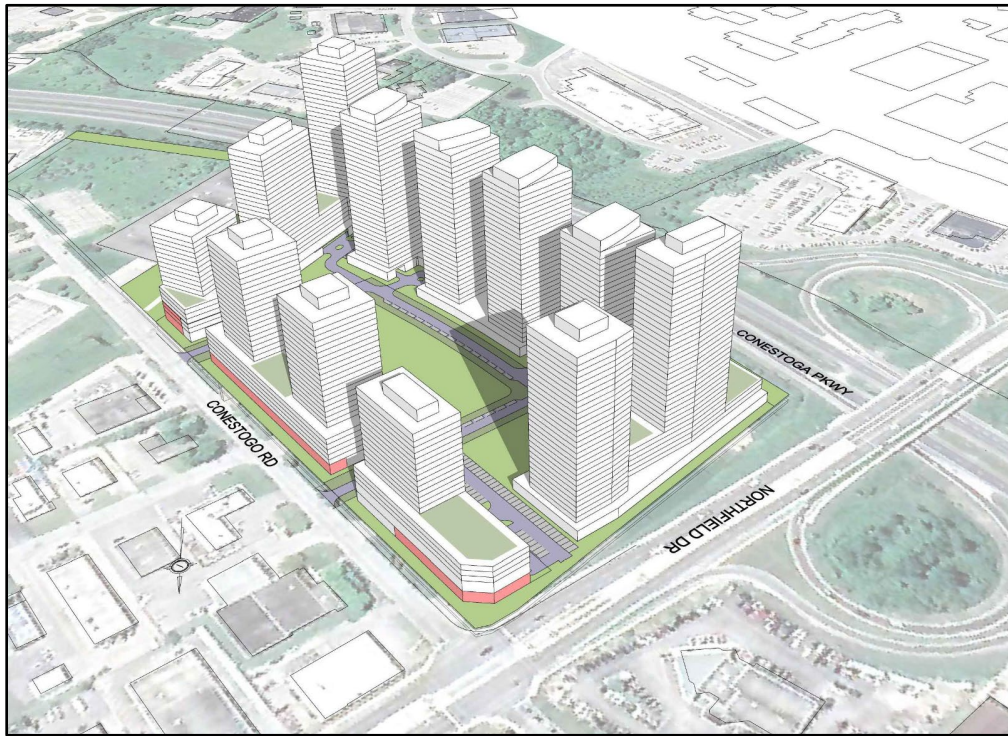
Appendix 'D' – Preliminary 1<sup>st</sup> Floor Plan



Appendix 'E' – Preliminary Underground Parking Plan



Appendix 'F' – Conceptual Renderings



3D Image of Proposed Development



View from the central POPS area looking southeast.



View from the central POPS area looking northeast



View from the rooftop terrace on Bock4/Block5 looking east. **Appendix ‘G’ – Site Specific Conditions of Subdivision Approval**

**City of Waterloo**  
**SITE SPECIFIC Conditions of Subdivision Approval**  
**DRAFT PLAN OF SUBDIVISION 30T-21401**  
**(65 NORTHFIELD DRIVE INC.)**

**ADMINISTRATION:**

- 1) **“City”** means The Corporation of the City of Waterloo, and where the context so applies, includes its council, officers, employees, servants, agents and contractors. “City of Waterloo” herein shall have a corresponding meaning.
- 2) For the purposes of these conditions of draft approval, **“accepted”** in the context of technical plans, drawings, reports, tenders, and contracts means the City of Waterloo’s written acknowledgement that such plans, drawings, reports, tenders, and contracts sufficiently satisfy the City’s requirements, specifications, and standards to allow for land development and related works to be undertaken in accordance with such plans, drawings, reports, tenders, and contracts, and subject to compliance with all conditions applied thereto by the City. “Accepted” shall not mean the receipt of such plans, drawings, reports, tenders, and contracts by the City. “Acceptance” and “accept” in the context of technical plans, drawings and reports shall have a corresponding meaning.
- 3) The City reserves the right to modify references to Stage, Block, Lot and Unit numbers.
- 4) The Site Specific Conditions herein are in addition to the City’s Standard Conditions applicable to proposed plans of subdivision.
- 5) **“Draft Plan of Subdivision 30T-21401”** means Draft Plan of Subdivision 30T-21401, Project No. 11114, prepared by GSP Group, dated October 22, 2020, signed by Patrick Haramis O.L.S. of ACI Survey Consultants on September 14, 2021 and last revised on November 9, 2023. “Draft Plan” and “30T-21401” shall have a corresponding meaning.
- 6) **“Owner”** means 65 Northfield Drive Inc., and includes any subsequent or other beneficial and registered owner(s) of the Lands or part thereof, and their successors and assigns.
- 7) **“Green Spaces”** means parkland, privately owned publicly-accessible spaces (**“POPS”**), recreation spaces, and open spaces on and abutting the Lands.

- 8) Every provision of this Agreement by which the Owner is obligated in any way shall be deemed to include the words “at the expense of the Owner” unless otherwise stated, including the payment of any applicable taxes including HST.
- 9) References herein to any statute, regulation, by-law, policy, manual or any provision thereof includes amendments, revisions, re-enactments, consolidation and successor thereto.

### **SITE SPECIFIC CONDITIONS – CITY OF WATERLOO**

The conditions contained herein apply to Draft Plan of Subdivision 30T-21401, being part of 525 Conestogo Road West and 565 Conestogo Road West, and part of being Property Identification Number 22280-0322 in the City of Waterloo, as shown on Draft Plan of Subdivision 30T-21401 (hereinafter the “**Lands**”).

Draft Plan of Subdivision 30T-21401 shows the following:

<u>Stage A</u>	<u>Use</u>	<u>Area</u>
Block 1	Mixed Use (Residential, Non-Residential)	0.64 ha
Block 2	Mixed Use (Residential, Non-Residential)	0.84 ha
Block 3	Mixed Use (Residential, Non-Residential)	1.15 ha
Block 4	Mixed Use (Residential, Non-Residential)	1.02 ha
Blocks 10 to 13	0.3 metre Reserve	
Street A	Municipal Highway	
 <u>Stage B</u>		
Block 5	Mixed Use (Residential, Non-Residential)	1.12 ha
Block 6	Mixed Use (Residential, Non-Residential)	0.62 ha
Block 7	Mixed Use (Residential, Non-Residential)	0.41 ha
Block 8	Mixed Use (Residential, Non-Residential)	0.77 ha
Block 9	Hydro Corridor	
Blocks 14 to 15	0.3 metre Reserve	
Street A	Municipal Highway	

For clarification, Mixed Use means Residential, Commercial, and Employment uses are contemplated, as specified in the implementing zoning.

65 Northfield Drive Inc. owns the lands immediately south of Draft Plan of Subdivision 30T-21401, being part of Part 1, Plan 58R-4092.

## **0.0 GENERAL**

- 0.1 In addition to the conditions herein, the City’s standard conditions applicable to draft plans of subdivision, attached hereto as **Appendix H** (the “**Standard Conditions**”), shall apply to Draft Plan of Subdivision 30T-21401.

- 0.2 Prior to undertaking any works on the Lands, and prior to the initial registration, the Owner shall submit a Staging Plan for the Lands and development thereon, demonstrating at a minimum:
- a.) how the proposed subdivision will be registered and constructed in stages;
  - b.) the location and sequencing of phases within each stage;
  - c.) how required services and infrastructure (including utilities) will be provided for each stage and each phase;
  - d.) the independent operation of each stage, including if no subsequent stage is registered;
  - e.) the independent operation of each phase, including if no subsequent phase is created;
  - f.) the timing and sequencing of the construction of Green Spaces on the Lands,
- to the satisfaction of the City's Commissioner of Integrated Planning and Public Works or their delegate(s) (the "**Commissioner**"). The Staging Plan shall specify that Stage A will precede Stage B, or proceed together.
- 0.3 If required by the City, prior to the initial registration, the Owner shall enter into a subdivision agreement for the Lands, being all of Draft Plan of Subdivision 30T-21401, to satisfy all requirements, financial or otherwise, of the City in relation to the development of the Lands. The subdivision agreement shall include a condition requiring the Owner to enter into a supplementary subdivision agreement for each stage, to satisfy all requirements, financial or otherwise, of the City in relation to said stage. The form and content of the agreements shall be to the satisfaction of the City's Director of Planning and the City Solicitor.
- 0.4 If required by the City, prior to the registration of any condominium on the Lands, the Owner shall enter into a development agreement with the City to satisfy all requirements, financial or otherwise, of the City in relation to the proposed condominium, including but not limited to:
- design of private roads, driveways, and loading areas
  - active transportation infrastructure
  - services (water, sanitary, stormwater)
  - utilities and telecommunication
  - stripping of topsoil, area grading, and erosion and sediment control
  - stormwater management
  - emergency response
  - sustainable and energy infrastructure and facilities
  - parking
  - municipal addressing
  - easements
  - shared facilities
  - certifications from architects, engineers, surveyors and solicitors
  - common elements (including exclusive use common elements)
  - any other matter of municipal interest having regard to the nature and scope of the proposed condominium

The form and content of the agreement shall be to the satisfaction of the City's Director of Planning and the City Solicitor.

- 0.5 Notwithstanding anything to the contrary herein, the Owner may undertake the following works prior to registration:
- a.) any works authorized by or directed by the City's Chief Building Official, including as specified on a building permit;
  - b.) the demolition of an existing building(s) on the Lands in accordance with a demolition permit issued by the City's Chief Building Official;
  - c.) any works authorized by or directed by the City's Director of Engineering Services;
  - d.) any works authorized by or directed by the City's Director of Transportation Services, including in accordance with a Road Occupancy Permit;
  - e.) any works authorized by or directed by the City's Fire Chief;
  - f.) any works associated with a Record of Site Condition.

## **1.0 LANDS TO BE CONVEYED AND EASEMENTS**

- 1.1 The following lands in Draft Plan of Subdivision 30T-21401 shall be conveyed to the City, free of charge and clear of encumbrances, on a stage-by-stage basis, immediately following registration, and prior to the conveyance of any other lots or blocks in the stage:

1.1.1 Blocks 10, 11, 12, 13, 14 and 15 as 0.3 metre reserves

1.1.2 Street A, which shall be named prior to the initial registration, to the satisfaction of the Commissioner.

- 1.2 The following easements shall be conveyed to the City, free of charge and clear of encumbrances, on a stage-by-stage basis, immediately following registration, and prior to conveyance of any other lots or blocks in the stage:

1.2.1 temporary turning circle easements for Street A, as required by the City's Director of Engineering Services;

1.2.2 active transportation easements, including:

- a.) Stage A, Block 1 and/or Block 3, being a minimum 3.0 metres in width, to connect (mid-block) the proposed central Green Spaces / Street A to Northfield Drive West;
- b.) easements required to implement the accepted Comprehensive Trail Network Plan (CTNP);

1.2.3 privately owned publicly-accessible space ("POPS") easements, for POPS specified on the approved Master Plan;

- 1.2.4 all easements to be granted to the City as specified on the required Easement Plan.

The location, size and configuration of all easements shall be to the satisfaction of the Commissioner, and consistent with the accepted Easement Plan required by the Standard Conditions. The form and content of all transfers and easements shall be to the satisfaction of the City Solicitor, including general public access and use provisions.

- 1.3 The Owner shall establish reciprocal access easements and shared facility easements, on a stage-by-stage basis, between:
- a.) Blocks 1, 3, 4, 5, 7 and 8 (“**Area A**”)
  - b.) Blocks 2 and 6 (“**Area B**”)
  - c.) Area A and Area B,
- to the satisfaction of the Commissioner in consultation with the City Solicitor, unless otherwise directed in writing by the Commissioner.

## **2.0 SERVICING AND ENGINEERING**

- 2.1 The design, construction, and operation of any private water service(s) on the Lands shall not create a non-municipal drinking water system(s) within the meaning of the *Safe Drinking Water Act, 2002*, S.O. 2002, c.32 (the “SDWA”).
- 2.2 The design, construction, configuration, and operation of private services (water, sanitary, and stormwater) on the Lands shall comply with applicable law, including but not restricted to the *Building Code Act, 1992*, S.O. 1992, c.23 and Section 7.1.5.4 of the Ontario Building Code, to the satisfaction of the City’s Chief Building Official.
- 2.3 Prior to the initial registration of Draft Plan of Subdivision 30T-21401, and prior to stripping of topsoil or area grading, the Owner shall provide and obtain acceptance of a Final Stormwater Management Plan (including infiltration features), to the satisfaction of the City’s Director of Engineering Services and any other authority having jurisdiction. The Owner shall, at its sole expense, comply with and implement the accepted Final Stormwater Management Plan, to the satisfaction of the City’s Director of Engineering Services and any other authority having jurisdiction. The timing and sequencing of implementation of the accepted Final Stormwater Management Plan shall be to the satisfaction of the City’s Director of Engineering Services and any other authority having jurisdiction.
- 2.4 Prior to the submission of a site plan application pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 c.P.13 for development on the Lands, the Owner shall confirm in writing that sufficient servicing infrastructure and capacity (including sanitary services, water services and stormwater services) exist, to the satisfaction of the City’s Director of Engineering Services. The capacity analysis

shall be based on the most up to date information available at the time, to the satisfaction of the City's Director of Engineering Services. If sufficient servicing infrastructure and capacity can be made available to service the development but does not exist, the City's Director of Engineering Services may deem this condition satisfied at their sole discretion, provided secure arrangements exist to ensure that the servicing infrastructure and capacity will be available prior to the issuance of a building permit for the development, to the satisfaction of the City's Director of Engineering Services.

- 2.5 Prior to the initial registration, the Owner shall submit a hydrogeological report for the Lands, to the satisfaction of the City's Director of Engineering Services.
- 2.6 Infiltration feature shall not be permitted within Street A, unless accepted by the City's Director of Engineering Services.
- 2.7 The Owner shall, at its expense, provide detailed plans and supporting technical documents for proposed infiltration features on the Lands, to the satisfaction of the City's Director of Engineering Services and any other authority having jurisdiction. The Owner shall, at its sole expense, construct and maintain infiltration features in accordance with the accepted plans and technical documents for same, to the satisfaction of the City's Director of Engineering Services and any other authority having jurisdiction. Supporting technical documents shall include:
  - a.) ongoing monitoring data of the seasonally high ground water table
  - b.) groundwater mounding calculations
  - c.) during construction inspection requirements, including geotechnical quality control testing and reporting requirements
  - d.) monitoring and operations requirements
  - e.) maintenance procedures and frequencies
- 2.8 Stormwater Management Facilities, Features and Structures – Maintenance Plan, Training, SOP:
  - 2.8.1 The Owner shall, at its expense, prepare a detailed operations and maintenance plan for all stormwater management facilities, features, and structures, including but not limited to any accepted infiltration features and oil and grit separators, to the satisfaction of the City's Director of Engineering Services and any other authority having jurisdiction.
  - 2.8.2 The Owner shall, at its expense, provide to the City if required by the City's Director of Engineering Services, on-site operations and maintenance training for stormwater management facilities, features, and structures on the Lands.
  - 2.8.3 The Owner shall, at its expense, prepare standard operating procedures ("**SOP**") for the opening and closing of any accepted winter bypass

valve(s) on or in relation to the Lands, to the satisfaction of the City's Director of Engineering Services. The SOP shall consider water quality and quantity data and/or seasonal conditions to optimize the timing of the seasonal valve operations, to the satisfaction of the City's Director of Engineering Services.

- 2.9 Notwithstanding anything to the contrary, no site servicing works shall be undertaken (excluding grading, topsoil removal, and other works authorized by a Site Alteration Permit) prior to the issuance of a building permit, unless otherwise authorized in writing by the City's Director of Engineering Services and the City's Chief Building Official.
- 2.10 If retaining walls or the like are proposed on the Lands, the Owner shall, at its expense, obtain acceptance of design and construction plans (including dimensions and materials) for such walls / structures, to the satisfaction of the City's Director of Engineering Services. Said plans shall be provided with the required engineering drawings for the development on the Lands. The plans shall be stamped by a qualified engineer prior to submission to the City, unless otherwise directed by the City's Director of Engineering Services.
- 2.11 Prior to each registration, the Owner shall, at its expense, provide a **Comprehensive Fencing Plan** (the "CFP") for the development on the Lands, which may be provided on a stage-by-stage basis, to the satisfaction of the City's Director of Engineering Services. For clarity, acceptance of the CFP shall be obtained prior to each registration. The CFP shall be coordinated with the required CTNP and the Landscape Plan. The Owner shall, at its expense, install and maintain all fencing and appurtenances thereto in accordance with the accepted CFP, to the satisfaction of the City's Director of Engineering Services and the Ministry of Transportation.
- 2.12 The Owner shall, at its expense, bury hydro infrastructure within Street A, to the satisfaction of the City's Director of Engineering Services and Enova Power Corp.
- 2.13 Prior to the issuance of the initial building permit for each block in Draft Plan of Subdivision 30T-21401, the Owner shall, at its expense, obtain approval of a detailed **Construction Management Plan** (the "CMP") for said block and development thereon, to the satisfaction of the City's Director of Transportation Services and Director of Engineering Services. The CMP shall be consistent with the accepted Conceptual Workspace Management Plan, unless otherwise authorized in writing by the City's Director of Transportation Services and Director of Engineering Services. The Owner shall, at its expense, comply with and implement the accepted CMP, to the satisfaction of the City's Director of Transportation Services and Director of Engineering Services.

- 2.14 Prior to each registration, the Owner shall, at its expense, provide the City with written clearances from the following agencies, confirming no objections to the registration:
- Enbridge
  - Enova Power Corp.
  - Grand River Conservation Authority
  - Hydro One Networks Inc.
  - Ontario Ministry of Transportation

### 3.0 ENVIRONMENT

- 3.1 No development or works shall occur within the regulatory floodplain on the Lands, except in accordance with the written authorization of the City's Director of Planning and the Grand River Conservation Authority.
- 3.2 The Owner shall, at its expense, provide an **Energy Strategy** for the Lands and development thereon, in accordance with the City's terms of reference for Energy Studies, to the satisfaction of the City's Director of Planning. The purpose of the Energy Strategy shall be to identify opportunities to optimize energy efficiency, reduce greenhouse gas emissions, and increase climate resilience. The Energy Strategy shall be prepared by a qualified professional and be comprehensive in nature, addressing all blocks within Draft Plan of Subdivision 30T-21401. Without restricting the generality of the foregoing, the Energy Strategy shall recommend measures to:
- a.) enhance the energy performance of the proposed buildings, striving towards a near-zero emissions level of performance, where feasible;
  - b.) incorporate low carbon heating and cooling systems (such as geothermal systems), and on-site solar PV electricity production, where feasible; and,
  - c.) improve building resilience to climate change, including increased thermal resistance, adaptable building systems, and back-up power systems that could provide 72 hours of support for hot and cold water, elevator service, space heating, lighting and receptacle power.
- 3.3 The Owner shall, at its expense, design the development on the Lands to provide distributed Green Spaces with sufficient soil volumes and depths to support the growth of large canopy trees, to the satisfaction of the City's Director of Engineering Services. Without restricting the generality of the foregoing, a minimum soil depth of 1.20 metres shall be provided between grade and any underground building or structure for a minimum 80% of the total surface area of the Green Spaces, unless otherwise agreed to by the City's Director of Engineering Services.
- 3.4 The Owner shall, at its expense, provide typical cross sections to detail soil depths, to the satisfaction of the City's Director of Engineering Services.

- 3.5 The Owner shall, at its expense, demolish buildings and structures on the Lands in accordance with City approvals, and in accordance with demolition processes and debris removal that reduces landfill waste and increases reclamation.

#### 4.0 PLANNING and Urban Design

- 4.1 Prior to each registration, the Owner shall, at its expense, provide a **draft registered plan** for review and acceptance by the City's Director of Planning.
- 4.2 Prior to the initial registration, the Owner shall, at its expense, provide an **Easement Plan** for review and acceptance by the City's Director of Planning and Director of Engineering Services. For clarity, acceptance of the Easement Plan shall be obtained prior to the initial registration. If required by the City, the Owner shall, at its expense, update the Easement Plan prior to each subsequent registration.
- 4.3 Prior to the initial registration, the Owner shall, at its expense, provide a detailed and comprehensive **Master Plan**, in accordance with the City's terms of reference for Master/Block Plans and as specified herein, for review and acceptance by the Commissioner. For clarity, acceptance of the Master Plan shall be obtained prior to the initial registration. The Master Plan shall include, but not be limited to:
- a.) Master Site Plan
  - b.) Wind Study
  - c.) Shadow Study
  - d.) Streetscape Plan for Street A, including but not limited to:
    - traffic control and traffic calming measures (including signage)
    - active transportation routes and infrastructure
    - Driveway Location Plan, with a maximum one (1) driveway per block/lot, unless otherwise authorized by the City
    - fire route and emergency services infrastructure (including hydrants)
    - boulevard landscaping (including trees)
    - site furnishing
    - utilities and telecommunications plan
    - snow storage
    - photometric plan
    - detailed cross sections of the road allowance
  - e.) Comprehensive Trails Network Plan (CTNP), including comprehensive pedestrian circulation plan
  - f.) A conceptual design for parkland, privately owned publicly-accessible spaces ("POPS"), recreation spaces, and open spaces on and abutting the Lands (collectively "Green Spaces"), including a planting details, and coordinated with the required Parks Needs Assessment
  - g.) Comprehensive Photometric Plan (including pedestrian lighting)
  - h.) Conceptual Workspace Management Plan

- i.) Shared Facilities Plan
  - j.) School Bus Loading Plan
  - k.) MTO Buffer Management and Planting Plan, including details of the proposed dog run
  - l.) Commercial and Employment Location Plan, to direct the location and distribution of commercial and employment uses (including Live/Work Units) in the development
  - m.) Verification of the location and type of a meaningful amount of community uses and/or community infrastructure to service the Lands and the development thereon, including the provision of at least one (1) child care centre on the Lands.
  - n.) Transportation Demand Management (TDM) Plan (including but not limited to an evaluation of car share)
- 4.4 The Master Plan shall be coordinated with the required Master Servicing Plan, Urban Design Guidelines, and Easement Plan, to the satisfaction of the Commissioner.
- 4.5 The Lands and development thereon shall conform to the accepted Master Plan, unless otherwise directed by the Commissioner.
- 4.6 Prior to the initial registration, the Owner shall, at its expense, provide a detailed and comprehensive **Master Servicing Plan** for services (water, sanitary, stormwater), utilities, and telecommunications for the Lands and development thereon, for review and acceptance by the Commissioner. For clarity, acceptance of the Master Servicing Plan shall be obtained prior to the initial registration.
- 4.7 The Lands and development thereon shall conform to the accepted Master Servicing Plan, unless otherwise directed by the Commissioner.
- 4.8 Prior to the initial registration, the Owner shall, at its expense, provide detailed and comprehensive **Urban Design Guidelines** for the Lands and development thereon, in accordance with the City's terms of reference for Urban Design Briefs and as specified herein, for review and acceptance by the Commissioner. For clarity, acceptance of the Urban Design Guidelines shall be obtained prior to the initial registration. The Urban Design Guidelines shall, at a minimum:
- a.) demonstrate high quality urban design and building architecture
  - b.) demonstrate landmark architecture and design excellence for prominent buildings on the Lands
  - c.) establish an architectural and design vision and standards for the subdivision and buildings therein (including in relation to built form, massing, transitions, character, architecture, fenestration, materiality, colour, lighting, landscaping, public art, and site furniture)
  - d.) demonstrate connectivity and a sense of place
  - e.) facilitate well designed, safe and attractive streetscapes
  - f.) foster design continuity within the subdivision

- g.) facilitate comfortable microclimates (considering thermal energy, shade, sun access, wind), including in relation to Green Spaces
  - h.) demonstrate barrier free access and designs for all ages and abilities
  - i.) identify, and protect or enhance, significant focal points, views and vistas
  - j.) facilitate an interesting skyline and visual interest through varied building heights
  - k.) demonstrate compatible development and design
  - l.) foster CPTED
  - m.) establish design guidelines for above-grade utilities and mechanical equipment
  - n.) provide design guidelines for rooftop terraces
  - o.) create a common design vocabulary for the subdivision and buildings therein
- 4.9 Development on the lands shall conform to the accepted Urban Design Guidelines, unless otherwise directed by the Commissioner.
- 4.10 Prior to submission of a site plan application pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 c.P.13, the Owner shall, at its expense, submit an **Urban Design Brief** to the City for acceptance by the City's Director of Planning. The Urban Design Brief shall demonstrate how the proposed development is consistent with the Master Plan, Master Servicing Plan, and Urban Design Guidelines, to the satisfaction of the City's Director of Planning. Development on the Lands shall conform to the accepted Urban Design Brief, to the satisfaction of the City's Director of Planning.
- 4.11 Prior to submission of a site plan application pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 c.P.13, the Owner shall, at its expense, submit a detailed Transportation (Road) Noise Study and a detailed Stationary Noise Study for acceptance by the City and the Regional Municipality of Waterloo (the "**Region**"). Development on the Lands shall conform to the accepted noise studies, to the satisfaction of the City and the Region.
- 4.12 Dwelling units on the Lands shall be supplied with a central air conditioning system or the like which will allow windows and exterior doors to remain closed, to ensure that the indoor sound levels are within the sound level limits of the Region of Waterloo and the Ministry of the Environment, Conservation and Parks.
- 4.13 Any signage visible from the Conestoga Parkway (Highway 85), including temporary development signs, shall comply with the City's Sign By-law and conform to Ministry of Transportation policies and guidelines, and shall obtain a sign permit from the City of Waterloo and a Ministry of Transportation Sign Permit prior to installation.

**5.0 PARKLAND, LANDSCAPE ARCHITECTURE AND PUBLIC REALM**

- 5.1 Parkland shall be conveyed to the City of Waterloo in accordance with the *Planning Act*, R.S.O. 1990, c. P13, and the City's Parkland Dedication By-law No. 2022-073 as amended or any successor by-law thereto. At the discretion of the City, the parkland dedication requirement may be reduced based on the provision of one or more privately owned publicly-accessible spaces (POPS) on the Lands, in an amount determined by the City at its discretion.
- 5.2 Prior to the initial registration, the Owner shall, at its expense, provide a **Parks Needs Assessment** for the Lands and development thereon, for review and acceptance by the Commissioner. For clarity, acceptance of the Parks Needs Assessment shall be obtained prior to the initial registration. The Parks Needs Assessment shall, at a minimum, determine specific park facilities, features, amenities, and programming for Green Spaces on the Lands, including but not limited to the site's location and context, anticipated development demographics, and proximity to existing park and recreational amenities. Further to the above, the Parks Needs Assessment shall:
- a.) demonstrate how active recreation facilities for all ages (such as courts, play equipment, splash pads) will be incorporated into the development on the Lands, and not conflict with sensitive uses (including in relation to noise and lighting);
  - b.) demonstrate how residents and tenants in each phase of the development will have access to sufficient amenity spaces and built Green Spaces;
  - c.) demonstrate how a common level of service and maintenance will be achieved long-term for Green Spaces located on separate blocks on the Lands.
- 5.3 For any Green Spaces located above structured parking, the Owner shall, at its expense, retain qualified professionals (including engineers) to determine how the Green Spaces will be constructed above the structured parking, with minimal maintenance and replacement over the long-term (including in relation to membranes and sealants), to the satisfaction of the Commissioner.
- 5.4 The timing and sequencing of the construction of Green Spaces on the Lands shall be incorporated into the required Staging Plan, to the satisfaction of the Commissioner.
- 5.5 The Owner shall, at its expense, provide a central and contiguous Green Spaces on Blocks 2 and 6 on Schedule C attached hereto, as specified in the Master Plan.
- 5.6 For all Green Spaces located on the Lands, the Owner shall, at its expense, prepare and implement a signage strategy, to the satisfaction of the Commissioner, including but not limited to signage that clearly indicates and welcomes the general public to access and use parkland and POPS on the

Lands, containing at a minimum and to the satisfaction of the City: the address or location of the parkland / POPS; the name of the parkland / POPS; any use restrictions agreed to by the City.

- 5.7 Prior to the submission of a site plan application pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 c.P.13, the Owner shall, at its expense, enter into a POPS Agreement with the City for any privately owned publicly-accessible space (POPS) on the block to be developed, to the satisfaction of the Commissioner. The form and content of the agreement shall be to the satisfaction of the Commissioner and the City Solicitor.
- 5.8 The Owner shall, at its expense, construct and maintain all Green Spaces on the Lands (including capital costs related thereto) in accordance with:
- plans and contract documents accepted by the City in relation to Draft Plan of Subdivision 30T-21401
  - applicable agreements
  - applicable law (including City by-laws),
- and in a good and safe condition, and free of defects and hazards, to the satisfaction of the City, unless said Green Space is owned by the City.
- 5.9 If required by the City, the Owner shall, at its expense, construct and maintain one or more temporary Green Spaces on the Lands in accordance with the accepted Staging Plan, to meet the open space and recreational needs of residents and tenants until permanent Green Spaces are constructed, to the satisfaction of the Commissioner. The design and location of temporary Green Spaces shall be to the satisfaction of the Commissioner.

### 6.0 TRANSPORTATION

- 6.1 Prior to the initial registration, the final alignment and location of Street A shall be confirmed, to the satisfaction of the City's Director of Engineering Services and Director of Transportation Services. The registered plan shall reflect the accepted final alignment and location of Street A, to the satisfaction of the City's Director of Planning.
- 6.2 Prior to the initial registration, the Owner shall obtain written acceptance of a final cross section for Street A from the City's Director of Transportation Services and Director of Engineering Services. Without limiting the foregoing, Street A shall be a minimum 18 metres in width, designed to City standards and specifications, be consistent with the Streetscape Plan forming part of the Master Plan, and the sidewalk adjacent to Blocks 1, 3, 4, 5, 7 and 8 shall be a minimum 2.1 metres in width. The Owner shall, at its expense, construct Street A in accordance with the accepted final cross section for Street A, to the satisfaction of the City's Director of Engineering Services and Director of Transportation Services.

- 6.3 The intersections of Street A and Conestogo Road West shall be designed and constructed as all-turns accesses, unless otherwise directed by the City's Director of Transportation Services. The design, location and configuration of the all-turns accesses shall be to the satisfaction of the City's Director of Transportation Services. The City may, at its discretion, require said accesses to be modified should highway operations and/or safety concerns be identified that are of concern to the City's Director of Transportation Services.
- 6.4 The registered plan shall provide for daylighting (corner triangles) for Street A intersections, in accordance with TAC guidelines, to the satisfaction of the City's Director of Transportation Services.
- 6.5 The required Driveway Location Plan shall, in addition to requirements set out in the Standard Conditions:
- a.) minimize or eliminate conflicts between driveways;
  - b.) minimize or eliminate driveways at / near the curves of Street A, unless otherwise agreed to by the City's Director of Transportation Services, to the satisfaction of the City's Director of Engineering Services and Director of Transportation Services.
- 6.6 The location and alignment of driveways on the Driveway Location Plan shall be to the satisfaction of the Commissioner.
- 6.7 At the discretion of the City, the location, alignment, and configuration of driveways on the accepted Driveway Location Plan may be adjusted through detailed design undertaken as part of a site plan application pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 c.P.13, to the satisfaction of the City's Director of Planning in consultation with the City's Director of Engineering Services and Director of Transportation Services.
- 6.8 Potential Conestoga Park Overpass
- 6.8.1 The design (including access and grading) of the development on the Lands shall protect for a potential pedestrian overpass across the Conestoga Parkway ("**Highway 85**") in the future (the "**Overpass**") should it be approved by Ontario's Ministry of Transportation, to the satisfaction of the City's Director of Planning, Director of Engineering Services and Director of Transportation Services. The Overpass base shall be located on Block 8 and/or Block 9 on Schedule C attached hereto, abutting Highway 85, and coordinated with the Comprehensive Trail Network Plan, to the satisfaction of the City's Director of Planning and Director of Engineering Services. For clarity, this condition shall not be construed as acceptance of or support for the Overpass by Ontario's Ministry of Transportation.

- 6.8.2 Prior to the final registration, if the Overpass is supported by Ontario's Ministry of Transportation, the Owner shall provide a funding contribution towards the Overpass in an amount equal to fifty percent (50%) of the cost of the Overpass works, or such other amount as agreed to by the Owner and the City.
- 6.9 Prior to the initial registration, the Owner shall, at its expense, obtain acceptance of a Transportation Impact Study ("**TIS**") for the Lands and development thereon, to the satisfaction of the City's Director of Transportation Services and the Ministry of Transportation. The Owner shall, at its expense, implement the recommendations of the accepted TIS, to the satisfaction of the City's Director of Transportation Services and the Ministry of Transportation.
- 6.10 If an amendment to Draft Plan of Subdivision 30T-21401 is advanced that has the effect of materially altering traffic assumptions (including a material increase in the traffic generated by the development) or materially modifies the road pattern of Draft Plan of Subdivision 30T-21401 as determined by the City's Director of Transportation Services acting reasonably, the Owner shall, at its expense, and prior to registration, submit and obtain acceptance of an updated Transportation Impact Study ("**UTIS**"), to the satisfaction of the City's Director of Transportation Services and the Ministry of Transportation. Prior to undertaking the UTIS, a terms of reference for the UTIS shall be accepted by the City's Director of Transportation Services and the Ministry of Transportation. The Owner shall, at its expense, implement the recommendations of the accepted UTIS, to the satisfaction of the City's Director of Transportation Services and the Ministry of Transportation.
- 6.11 The Owner shall, at its expense, be responsible for all maintenance and liabilities for Street A (including sidewalks and multi-use trails within the road allowance), until Street A is assumed by the City. Assumption of Street A by the City shall not occur until after occupancy is granted for the last building in the development on the Lands, unless otherwise agreed to by the Commissioner.
- 6.12 The Owner shall, at its expense, promptly and fully repair municipal highway allowances (including infrastructure and utilities therein) that are damaged by earth works, development, and/or construction on or in relation to the Lands, to City standards and specifications and to the satisfaction of the Commissioner.
- 6.13 The Owner shall, at its expense, be responsible for all costs related to improvements to the Conestogo Road West road allowance, more specifically:
- a.) improvements and works specified in the accepted TIS (including the provision of additional lanes) and any UTIS
  - b.) improvements and works (including landscaping) specified on accepted plans for Draft Plan of Subdivision 30T-21401, including the required Landscape Plan, Stormwater Management Plan, and Servicing Plan

- c.) construction, replacement and relocation of active transportation infrastructure, as specified on accepted plans for Draft Plan of Subdivision 30T-21401
  - d.) utility and telecommunication works, including relocations and burials
  - e.) transit infrastructure, including shelters
  - f.) installation and replacement of signage, to the satisfaction of the Commissioner.
- 6.14 If any private road is constructed on the Lands, the private road shall be designed and constructed to the satisfaction of the City's Director of Engineering Services. Without restricting the generality of the foregoing, this shall include but not be limited to:
- a.) sidewalks on both sides of the private road, with a minimum width of 1.8 metres
  - b.) minimum road asphalt width of 6.1 metres
  - c.) minimum turning radius sufficient to accommodate the City's current in-service aerial fire trucks
  - d.) lighting in accordance with an approved photometric plan approved by the Commissioner, which shall be night sky compliant
  - e.) signage, to the satisfaction of the City's Director of Transportation Services, including but not limited to "no on-street parking" and "fire route signs"
  - f.) shall contain boulevard trees that meet the following requirements, unless otherwise agreed to by the City's Director of Engineering Services:
    - i. minimum of seventy-five percent (75%) of the trees shall be large canopy species
    - ii. maximum of twenty-five percent (25%) of the trees shall be small canopy species
    - iii. minimum soil volumes available for each tree shall be 30 cubic metres for each large and medium canopy tree, and 17 cubic metres for each small canopy tree, with up to 15 cubic metres shared between trees
    - iv. minimum 70mm caliper size wire basket or balled and burlapped condition to be provided
    - v. tree spacing shall be 8 to 10 metres on centre for large canopy species, and 6 to 8 metres on centre for small canopy species
    - vi. no more than twenty-five percent (25%) of any one genus of species shall be represented
    - vii. the minimum boulevard width at locations of tree planting shall be 1.5 metres
- 6.15 Prior to the assumption of Street A, the Owner shall pay to the City a one-time fee for future maintenance and replacement of street and pedestrian lighting, to the satisfaction of the Commissioner. The fee shall amount to ten percent (10%) of the total lighting cost for Street A (including poles, fixtures, and required lighting infrastructure) or a minimum of \$30,000, in accordance with the City's Comprehensive Engineering and Landscape Manual ("**CELM**").

- 6.16 The Owner shall, at its expense, install standard lighting for Street A in accordance with the requirements outlined in CELM, to the satisfaction of the Commissioner.
- 6.17 The Owner shall, at its expense, provide a photometric plan for multi-use pathways (including trails) within the development on the Lands, to the satisfaction of the Commissioner. Further, the Owner shall, at its expense, implement the accepted photometric plan for multi-use pathways, to the satisfaction of the Commissioner. The photometric plan shall demonstrate that lighting will not result in glare or spill over to adjacent areas and sensitive receptors, to the satisfaction of the Commissioner and in alignment with CELM.
- 6.18 Prior to the initial registration, the Owner shall provide a Comprehensive Trail Network Plan (“**CTNP**”) for the development on the Lands, to the satisfaction of the Commissioner. The CTNP shall contain construction details for pathways (including trails) on the Lands, and shall:
- a.) identify the location and specifications of each multi-use trail (“**MUT**”) and multi-use path (“**MUP**”) in the network
  - b.) identify connections to the municipal sidewalk network
  - c.) specify accessibility restrictions and barrier-free compliance to AODA standards
  - d.) specify network hierarchy distinctions
  - e.) identify the location of easements required to implement the CTNP
  - f.) identify underground utilities and infrastructure in relation to the trails and pathways
  - g.) provide dimensions, setbacks, and cross-sections for each trail and pathway
  - h.) specify construction techniques for trails and pathways
  - i.) identify retaining walls and fencing
  - j.) specify bollards, gates, seating, rest areas, lighting, and signage for trails and pathways

The Owner shall, at its expense, design and construct the works specified in the accepted CTNP, and maintain said works in a good and safe condition (including free of snow and ice), to the satisfaction of the Commissioner, unless assumed by the City.

- 6.19 Multi-use trails and multi-use pathways specified in the accepted CTNP shall be designed and constructed in accordance with the following, to the satisfaction of the Commissioner:
- a.) compliance with applicable barrier free and accessibility standards
  - b.) compliance with CELM
- 6.20 The Owner shall, at its expense, indicate the location of all Green Spaces and multi-use pathways (including trails) on sales and leasing maps, information boards, and marketing platforms (including websites) for the development on the

Lands. Further, a map identifying the location of all Green Spaces and multi-use pathways (including trails) shall be prominently displayed in sales/leasing offices for development on the Lands, to the satisfaction of the City.

## **7.0 AGREEMENTs OF PURCHASE & SALE OR RENTAL AGREEMENTS**

7.1 The following additional warning clauses shall be included in every Agreement of Purchase & Sale or rental agreement (prior to its execution) for all residential units and live/work units on the Lands:

7.1.1 “School attendance boundaries for students in this subdivision have not been finalized. Purchasers and occupants are advised to contact the Waterloo Region District School Board and Waterloo Catholic District School Board directly regarding school attendance boundaries. Students may be assigned enrollment in other schools outside of the school district, at the discretion of the School Boards.”

7.1.2 “Development in this subdivision is planned for high-rise, high density, mixed-use multi-unit residential development, in accordance with approved plans and by-laws of the City of Waterloo, which may be amended from time to time.”

7.1.3 “Development in this subdivision is required to conform to an accepted Staging Plan, Master Plan, Master Servicing Plan, and Urban Design Guidelines, to the satisfaction of the City of Waterloo, which may be amended from time to time.”

7.1.4 “Development in this subdivision will be constructed in stages and phases, meaning the construction and provision of certain facilities, amenities and green spaces may occur after occupancies at an unspecified time, or not at all should a subsequent stage or phase not proceed.”

**Appendix ‘H’ – Standard Conditions of Subdivisions Approval**

**CITY OF WATERLOO  
STANDARD CONDITIONS OF SUBDIVISION APPROVAL  
DRAFT PLAN OF SUBDIVISION 30T-21401  
(65 NORTHFIELD DRIVE INC.)**

**“Draft Plan of Subdivision 30T-21401”** means Draft Plan of Subdivision 30T-21401, Project No. 11114, prepared by GSP Group, dated October 22, 2020, signed by Patrick Haramis O.L.S. of ACI Survey Consultants on September 14, 2021 and last revised on November 9, 2023. “Draft Plan” and “30T-21401” shall have a corresponding meaning. The conditions contained herein apply to Draft Plan of Subdivision 30T-21401, being part of 525 Conestogo Road West and 565 Conestogo Road West, and part of being Property Identification Number 22280-0322 in the City of Waterloo, as shown on Draft Plan of Subdivision 30T-21401 (hereinafter the **“Lands”**).

For the purposes of these conditions of draft approval, “accepted” in the context of technical plans, drawings, reports, tenders, and contracts means the City of Waterloo’s written acknowledgement that such plans, drawings, reports, tenders, and contracts sufficiently satisfy the City’s requirements, specifications, and standards to allow for land development and related works to be undertaken in accordance with such plans, drawings, reports, tenders, and contracts, and subject to compliance with all conditions applied thereto by the City. “Accepted” shall not mean the receipt of such plans, drawings, reports, tenders, and contracts by the City. “Acceptance” and “accept” in the context of technical plans, drawings and reports shall have a corresponding meaning.

**GENERAL CONDITIONS**

- 0.1 Where there is any conflict or inconsistency between these Standard Conditions and the City’s Site-Specific Conditions for Draft Plan of Subdivision 30T-21401, or where the Site-Specific Conditions provide more specific direction, the Site-Specific Conditions shall prevail relative to the conflict or inconsistency unless otherwise determined by the City’s Director of Planning.
- 0.2 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 enter into a 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 in relation to Draft Plan of Subdivision 30T-21401. The Subdivision Agreement shall include terms, standards, requirements, obligations and covenants related to the provision of roads, installation of services, drainage, staging of development, standards of development, financial considerations and securities, legal matters, insurance, and any conditions set

out as part of the approval of Draft Plan of Subdivision 30T-21401, 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 Solicitor.

- 0.3 Prior to the execution of the Subdivision Agreement, the Owner shall prepare a schedule detailing all works necessary to provide complete services and infrastructure for Draft Plan of Subdivision 30T-21401, 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.
- 0.4 That the Owner agree to the inclusion of a schedule in the Subdivision Agreement detailing: (1) the installation timing and sequencing 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 Engineering Services.
- 0.5 For Draft Plan of Subdivision 30T-21401:
  - 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 applicable development charge rate, unless otherwise directed by applicable law including the City's Development Charge By-law.
- 0.6 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.
- 0.7 On corner lots, the flankage building facade elevation shall contain the same level of exterior finishes and architectural details as the front building facade elevation, to the satisfaction of the City's Director of Planning.
- 0.8 Development on the Lands shall comply with applicable zoning by-laws, to the satisfaction of the City's Director of Planning.

## **FINANCIAL**

### **1.1 Letter of Credit**

1.1.1 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 financial securities for the subdivision 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 with content acceptable to the City's Chief Financial Officer, and in an amount equal to one hundred percent (100%) of the cost of the works referred to as "Underground Services to Base Asphalt" as set forth in the column designated "Estimated Subdivider Cost" in Schedule 'B', or such higher amount as determined by the City's Commissioner of Integrated Planning & Public Works acting reasonably 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-21401. The Letter of Credit shall be security for matters including:

- a.) subdivision services, infrastructure, works, and covenants and obligations for which the Owner is responsible in relation to Draft Plan of Subdivision 30T-21401; and,

- b.) financial obligations of the Owner in relation to Draft Plan of Subdivision 30T-21401.
- 1.1.2 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 as described in Condition 2.1(a.) herein (the "Maintenance Period").
- 1.1.3 Where the Owner does not satisfy its/their obligations in relation to Draft Plan of Subdivision 30T-21401, the City may draw down the Letter of Credit in part or in full to satisfy said obligations and any other amounts that are overdue or owing from the Owner to the City or anyone else relative to Draft Plan of Subdivision 30T-21401, together with interest thereon at fifteen percent (15%) per annum. Where the Letter of Credit is drawn down, 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.
- 1.1.4 Subject to the approval of the City's Chief Financial Officer and the City's Director of Engineering Services, and at the discretion of the City, the Letter of Credit may be reduced to fifteen percent (15%) of the value of the completed works plus one hundred percent (100%) of the value of the uncompleted works plus one hundred percent (100%) of any amount that is overdue or owing from the Owner to the City or anyone else relative to Draft Plan of Subdivision 30T-21401 (the "Retained LC"). In no case shall less than fifty thousand dollars (\$50,000) be retained.
- 1.1.5 The Letter of Credit shall not be reduced as set forth in Condition 1.1.4 until:
  - a.) the Owner's consulting engineer has certified to the City's Director of Engineering Services that the works, services and infrastructure for Draft Plan of Subdivision 30T-21401 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"), and the Owner has submitted a written request to the City's Director of Engineering Services for said reduction.
- 1.1.6 The Retained LC shall be held by the City following the Certification Date for the entire Maintenance Period to indemnify the City against the cost of any required maintenance, repair and/or restoration of subdivision

works, services, and/or infrastructure related to Draft Plan of Subdivision 30T-21401.

- 1.1.7 Prior to the installation of “Surface Works” as set forth in the column designated “Estimated Subdivider Cost” in Schedule ‘B’, the Letter of Credit deposited with the City shall be increased to fully indemnify the City against all costs related to the installation of said Surface Works, to the satisfaction of the City’s Director of Engineering Services.
- 1.1.8 Prior to undertaking any works for subsequent stages or phases of Draft Plan of Subdivision 30T-21401 (if any), the Letter of Credit deposited with the City shall be increased 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-21401, to the satisfaction of the City’s Director of Engineering Services.

## 1.2 Estimated Subdivider Costs

The Owner shall 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:

- a.) in accordance with applicable law, including applicable by-laws, statutes and regulations;
- b.) in a good workmanlike manner by persons qualified and licensed to undertake such works;
- c.) in accordance with the engineering drawings and plans accepted by the City;
- d.) in accordance with tender and contract documents accepted by the City; and
- e.) 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 posted by the Owner for Draft Plan of Subdivision 30T-21401 is 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 to fully indemnify the City against the costs set out in the updated Schedule ‘B’, to the satisfaction of the City’s Director of Engineering Services.

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 Fee being 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 required to develop the Lands which are funded, in whole or in part, by the Owner.

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 said agreements and excluding any allocated municipal capital funding, development charge funding, and/or other government funding/grants.

1.7    Cost of Subdivision Works

The Owner shall pay one hundred percent (100%) of the cost of all subdivision, grading, drainage, stormwater, servicing, utility, telecommunication, infrastructure, parks, trails, and open space works (including design, installation and construction) required to develop the Lands and Draft Plan of Subdivision 30T-21401, excluding any allocated municipal capital funding, development charge funding, and/or other 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, walkways, trails, bridges, 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

If the Owner requests a building permit(s) while it is / they are in contravention of the Subdivision Agreement and/or any supplementary agreement thereto, in addition to all other applicable fees and charges, the Owner shall pay to the City an administration fee of not less than five thousand dollars (\$5,000) per permit. The requirements of this condition shall: (i.) in no way affect the rights of the City at law to enforce the Subdivision Agreement and/or any supplementary agreement thereto, and require the Owner to remedy said contravention upon written demand; and (ii.) not be a waiver by the City of the Owner’s obligations under the Subdivision Agreement and/or any supplementary agreement thereto.

1.10 Registration Costs

All costs incurred by the City related to the preparation, review, drafting, processing and registration of legal instruments related to Draft Plan of Subdivision 30T-21401, including but not restricted to the Subdivision Agreement and any supplementary agreement thereto, shall be borne by the Owner.

1.11 Taxes

Prior to final approval, the Owner shall pay in full all taxes owing and to be levied on the Lands as they fall due and in accordance with the assessment and collector's roll, to the satisfaction of the City.

1.12 Legal Costs

Within thirty (30) calendar 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-21401, including but not restricted to the preparation, review, drafting, processing and registration 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-21401, 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-21401, and undertake all necessary work in connection with the Owner's obligations in relation to Draft Plan of Subdivision 30T-21401, 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 and ground cover 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-21401 may be drawn upon by the City to: (i.) to remedy the failure or neglect; (ii.) for the purposes set out in Condition 1.13 (a.); and (iii.) for the purposes set out in Condition 1.13 b.).
- d.) further building permits for the Lands shall not be issued by the City until: (i.) the failure or neglect has been rectified, to the satisfaction of the City; and (ii.) sufficient monies or securities are submitted to the City to fully indemnify

the City against all subdivision/ development costs for which the Owner is responsible relative to Draft Plan of Subdivision 30T-21401.

#### 1.14 Damage to Municipal Infrastructure/Property

The Owner shall be responsible to the City for the cost of damage done to:

- any public service;
- any municipal infrastructure / works
- any municipal lands / property,

in the immediate vicinity of the Lands during the development of Draft Plan of Subdivision 30T-21401, including servicing and/or construction works, 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 down 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 associated works, services and materials to the satisfaction of the City's Director of Engineering Services and where applicable following the Certification Date, 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 shall, at its expense, maintain the works, services and materials until the completion of the Maintenance Period. The acceptance of all works, services and materials by the City shall be in writing. Underground works, up to and including the base course of asphalt, may be accepted separately from above ground works. Above ground works may be accepted on a street by street basis, at the discretion of the City's Director of Engineering Services.

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

In addition to all other maintenance requirements including condition 2.1(a.), 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, buffers, restoration areas, greenbelts, right of ways, boulevards, berms, and the like against all defects until the completion of the Maintenance Period, including plant materials in a good and healthy condition as determined by the City's Director of Engineering Services. The Maintenance Period shall commence on the date the City issues a Substantial Completion Certificate following the substantial completion of the associated 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 a Final Acceptance Certificate. 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, at its expense, maintain the said works, services and materials until the completion of the Maintenance Period. Maintenance standards and requirements shall be as determined by the City's Director of Engineering Services for such works, acting reasonably.

## 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 as determined by the City's Director of Engineering Services, 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**

3.2.1    The Owner shall retain, at its sole expense, a qualified and licensed consulting engineer acceptable to the City's Director of Engineering Services to undertake design, construction, supervision and inspection services of the works set out in Schedule 'B'.

3.2.2    The City shall have the right to inspect the installation of the all subdivision works at any time and without notice. If, in the opinion of the City, the works are not being carried out in accordance with the accepted engineering drawings and conditions thereto, contract documents, and/or in accordance with good engineering practice, the City may direct the consulting engineer to stop all or any part of the installation / works until such time as the installation / works are carried out to the satisfaction of the City.

3.2.3    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 the accepted engineering drawings and conditions thereto, 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**

3.3.1    All contracts between the Owner and any contractor for any work to be done in relation to Draft Plan of Subdivision 30T-21401 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's Director of Engineering Services prior to the commencement of any works on the Lands including but not restricted to topsoil removal and area grading.

3.3.2    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-21401 shall be subject to the prior 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 if required by the City in accordance with tender and contract documents accepted by the City. All plans and reports shall be prepared by licensed and 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-21401 until the completion of the Maintenance Period as described in condition 2.1.

3.6    Servicing Staging

The Owner shall proceed with and undertake the installation of works, services and infrastructure for the subdivision on the Lands as promptly as good practices permit and in accordance with staging of development accepted by the City. The City's Director of Engineering Services may specify in what order and to what lands the works, services and infrastructure are to be carried out / installed, and may require steps to be undertaken by the Owner (at its expense) to protect public infrastructure, public lands, and existing works installed for or in relation to Draft Plan of Subdivision 30T-21401.

3.7    No Expansion of Services

3.7.1    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.

3.7.2    Municipal services shall not be extended beyond the limits of any stage of Draft Plan of Subdivision 30T-21401, without the prior written conditional approval of the City.

3.8    Servicing in the Public Interest

If works, servicing and infrastructure for Draft Plan of Subdivision 30T-21401 are not constructed, installed and/or carried out in accordance with accepted plans, contract documents, tenders, and staging of development, and/or where the City determines it to be in the public interest to provide such works, 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 works, 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-21401 to undertake the works, 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

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

- a.) the zoning by-law for the subdivision on the Lands coming into force and effect;
- 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-21401, and implementation of its recommendations;
- e.) completion of the pre-development monitoring referred to in Condition 6.1;
- f.) acceptance of the subdivision plan showing the final lotting for registration of all lands being serviced, to the satisfaction of the City's Director of Planning;
- 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;
- k.) execution of the Subdivision Agreement referred to in Condition 0.2; and,
- l.) any additional conditions and/or agreements as required by the City having regard to the nature and scope of the lands to be serviced, and to the works to be undertaken.

Clauses 3.9.1(a.) to (l.) inclusive shall be at the Owner's expense and to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

- 3.9.2 If the Owner receives authority to proceed with the installation of works, services and infrastructure prior to registration, the installation of such works, 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 works, services and/or infrastructure prior to registration including all costs thereto. If the final plan is not approved or if registration is rescinded, the Owner agrees to undertake all measures required by the City to stabilize the Lands and 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, construct, install, upgrade, and warranty to current municipal standards all servicing infrastructure and works beyond the limits of the Lands required to service and develop the subdivision, including related restoration works, to the satisfaction of the City's Director of Engineering Services. The design and methodology of construction of the works must be accepted by the City and any other authority having jurisdiction prior to the Owner undertaking the works, and may be subject to City conditions including the requirement of the Owner 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).

### 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, upgrade, and warranty 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 and Director of Transportation Services. The design and methodology of construction of the street upgrades must be accepted by the City and any other authority having jurisdiction prior to the Owner undertaking the works, and may be subject to City conditions including the requirement of the Owner 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).

**3.12 Easements and Street Dedications - Extension of Services**

The Owner shall grant to 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 easements and street dedications shall be to the satisfaction of the City Solicitor.

**3.13 Decommission Wells and Septic Systems**

3.13.1 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.

3.13.2 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 the City's Chief Building Official. If conditions are applied by the City to such written consent, the Owner shall comply with the conditions at its expense, to the satisfaction of the City.

**3.14 Temporary Sedimentation Basins**

If directed by the City's Director of Engineering Services, the Owner shall design and install, at its expense, one or more temporary sedimentation basins on the Lands, to the satisfaction of the City's Director of Engineering Services and any other authority having jurisdiction. The temporary sedimentation basin(s) shall not be located within any area identified by the City as environmentally significant.

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

The Owner shall, at its expense:

- a.) construct stormwater management facilities and systems for Draft Plan of Subdivision 30T-21401 prior to or in conjunction with site servicing for the associated stage of the subdivision, as directed by the City's Director of Engineering Services;
- b.) maintain all stormwater management facilities and systems for Draft Plan of Subdivision 30T-21401 in accordance with accepted plans and in good working order until the completion of the Maintenance Period for facilities and systems to be assumed by the City, or for the life of the development for private facilities and systems;

- c.) implement erosion and siltation control measures prior to stripping of topsoil and/or area grading; and,
- d.) prevent sediment laden water runoff from entering surface water systems (such as creeks) and/or natural heritage features,

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

### 3.16 Groundwater Flow Gradients

Pre-development groundwater flows and 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

- 3.17.1 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.
- 3.17.2 The Owner shall, at its expense, remove 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.
- 3.17.3 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.
- 3.17.4 At the discretion of the City, the Owner's geotechnical professional 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.
- 3.17.5 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 as being suitable for development purposes as contemplated in Draft Plan of Subdivision 30T-21401, and where the context so requires, suitable for building, servicing, and infrastructure installation, to the satisfaction of the City.

3.17.6 Where, in the opinion of the City's Director of Engineering Services or the City's Chief Building Official, organic material and 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 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, at the Owner's sole expense. The Owner shall comply with the 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 geotechnically unsuitable soil from the Lands.

3.18 N/A (Decorative Street Lighting)

## **PLANNING**

### **4.1 Density**

The plan submitted for registration and any plan submitted for part-lot control exemption shall incorporate a lot pattern for all lots/blocks to be lotted at a density consistent with the density specified in the City's Zoning By-law and as specified on Draft Plan of Subdivision 30T-21401, 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 one or more 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 to the nature and scope of the development. This condition is predicated on the understanding 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

- 4.3.1 The Owner shall stage the development of the Lands in a manner satisfactory to the City's Director of Planning. Staging shall have regard to servicing, drainage areas, logical growth, transportation needs, and any other matter deemed relevant by the City's Director of Planning having regard to the nature and scope of the development.
- 4.3.2 If Draft Plan of Subdivision 30T-21401 is developed in stages, the Owner shall provide the City's Director of Planning with a comprehensive 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.
- 4.3.3 If Draft Plan of Subdivision 30T-21401 is developed in stages, the City may require the Owner to enter into supplementary subdivision agreements with the City to satisfy all subdivision and development requirements, financial or otherwise, of the City for each stage of the subdivision.
- 4.3.4 If a road allowance (municipal or private) is terminated for any reason including staging of development, with the exception of cul-de-sacs, the Owner shall:
  - a.) Convey to the City, free of charge and encumbrances, a 0.3 metre reserve at the end of the road allowance, to the satisfaction of the City's Director of Planning.
  - b.) Establish a temporary turning circle at the end of the road allowance, to the satisfaction of the City's Director of Engineering Services. Temporary turning circles shall not be established on lands containing (or planned to contain) natural heritage features, environmental buffers, open spaces, walkways, parkland, stormwater management facilities, municipal infrastructure, utility infrastructure, or the like.
  - c.) If required by the City, register an easement in favour of the City over the temporary turning circle and the related lot/block/unit, to the satisfaction of the City Solicitor.
  - d.) Temporary turning circle shall be removed and the related easement released when the City determines that the temporary turning circle is no longer required.
  - e.) Pay all costs associated with establishing and removing the temporary turning circle and the associated easement.

#### 4.4 Access for Local Authorities

- 4.4.1 The Owner shall schedule its road construction and servicing to facilitate access to and development of lands to be dedicated or conveyed to the City for municipal purposes as required by the City and in accordance with the accepted staging of development for the Lands.
- 4.4.2 The Owner shall permit the City and other governmental authorities and local boards temporary passage across any vacant lands in the subdivision to access and undertake works on lands to be dedicated or conveyed to such. The City or other governmental authority or local board accessing such vacant 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 lands to be dedicated or conveyed.

#### 4.5 Well Interference

If an existing private water supply is permanently disrupted or degraded as a result of developing this subdivision or building construction therein, the Owner shall provide, at its expense, an alternative permanent water supply to the affected property, to the satisfaction of the City. The Owner's obligation under this condition shall end two (2) years after ninety-five percent (95%) of construction within Draft Plan of Subdivision 30T-21401 is completed, as determined by the City.

### **PARKS, OPEN SPACES & ENTRANCE FEATURES**

#### 5.1 Parkland

- 5.1.1 The Owner shall convey land in the amount of five percent (5%) of the lands comprising Draft Plan of Subdivision 30T-21401 to the City for park purposes pursuant to the provisions of subsection 51.1(1) of the *Planning Act*, R.S.O. 1990 c.P.13 provided further that:
- a.) the location of the parkland is acceptable to the City's Director of Planning;
  - b.) the configuration of the parkland is acceptable to the City's Director of Planning; and
  - c.) The grades of the parkland shall be acceptable to the City's Director of Engineering Services. Without restricting the generality of the foregoing, parkland shall be designed with grades not exceeding four percent (4%), and the majority of the park block shall be designed with grades not exceeding two percent (2%). "Majority" in the preceding sentence means at least eighty percent

(80%) of the area of the park block, unless otherwise agreed to by the City's Director of Engineering Services.

At the discretion of the City, the parkland dedication requirement may be reduced based on the provision of one or more privately owned publicly-accessible spaces (POPS) on the Lands, in an amount determined by the City at its discretion.

- 5.1.2 Environmental Features and associated buffers as defined in the City's Parkland Dedication By-law No. 2022-073 as amended shall be excluded from the land area comprising Draft Plan of Subdivision 30T-21401 as described in condition 5.1.1 provided that the Environmental Features and associated buffers are conveyed to the City free of charge and clear of encumbrances.
- 5.1.3 Notwithstanding condition 5.1.1, at the sole discretion of the City's Director of Planning, the Owner may make a cash payment in lieu of the conveyance of land for park purposes pursuant to subsection 51.1(3) of the *Planning Act*, R.S.O. 1990 c.P.13. Any payment in lieu shall be paid to the City prior to final approval.
- 5.1.4 Parks, parkettes, POPS, and the like within the subdivision shall contain both active and passive recreation components, to the satisfaction of the City's Director of Engineering Services. Without restricting the generality of the foregoing: (1) active recreation components include one or more play structures and free standing play equipment for a variety of age groups; (2) passive recreation components include asphalt trails, native landscaping, park furniture (such as seating, bicycle racks, and garbage receptacles), bollard gates, and property demarcations. All active and passive recreation components shall be CSA compliant. The location of active and passive recreation components shall be to the satisfaction of the City's Director of Engineering Services. The Owner shall, at its expense (excluding any eligible development charges), implement the active and passive recreation components in parkland in accordance with timing specified by the City's Director of Engineering Services.
- 5.1.5 The City's Parkland Frontage Policy shall not apply to Draft Plan of Subdivision 30T-21401.
- 5.1.6 Below-grade common infiltration galleries may be installed within parkland subject to the prior written conditional consent of the City's Director of Engineering Services.

## 5.2 Parkland – Utilities and Services

- 5.2.1 Subdivision utilities and services (including easements related to such utilities and services) shall not be located on parks, parkettes, open

space, trails, buffers, restoration areas, 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, trail, buffer, restoration area, greenbelt, or municipal right of way.

5.2.2 If conditional authorization is granted by the City's Commissioner of Integrated Planning & Public Works pursuant to condition 5.2.1, a condition shall be applied requiring the Owner to financially compensate the City for the encumbrance in an amount equal to the full value of the lands being encumbered. The financial compensation shall be paid prior to final approval, to the satisfaction of the City's Commissioner of Integrated Planning & Public Works.

5.2.3 The Owner shall, at its expense, provide stormwater, hydro, and water services to all park blocks within the subdivision, to the satisfaction of the City's Director of Engineering Services.

### 5.3 Licensed Landscape Architects

The Owner shall, at its expense, retain the services of a qualified and licensed Landscape Architect acceptable to the City's Director of Engineering Services to design, supervise, inspect and certify the construction and maintenance of all parkland, open space, POPS, buffers, trails, restoration areas, landscaping of stormwater management facilities, boulevards, and the like on and abutting 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 / POPS

The Owner shall, at its expense (excluding allocated development charge funding), construct and maintain parks, parkettes, open space, buffers, restoration areas, trails, greenbelts, right of ways, boulevards, and the like in accordance with the accepted Landscape Plan referred to in Condition 11.1 and in accordance with the City's Comprehensive Engineering and Landscape Manual (CELM) as amended. Parkland within each stage of subdivision registration shall be constructed within one year of the issuance of the first building permit for that registration, or in accordance with the timing specified by the City's Director of Engineering Services in writing.

### 5.5 Seeding/Sodding

The Owner shall, at its expense, following finished area grading or upon written direction from 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

5.6.1 The Owner shall provide boulevard sodding, landscaping (including street trees), 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 expense, the boulevard sodding, landscaping, and fencing until the completion of the Maintenance Period.

5.6.2 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 expense, the hard surfacing, sodding, landscaping, and fencing until the completion of the Maintenance Period.

5.7 Public / Private Land Delineation

5.7.1 The Owner shall, at its expense, install demarcation measures (such as demarcation posts, living fences, 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 and fence 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. Fence meshing shall face public lands.

5.7.2 No person or party other than the City of Waterloo shall use municipal parkland, open space, trails, buffers, restoration areas, greenbelts, or the like for any purpose except in accordance with the prior written consent of the City.

5.7.3 No person or party other than the City of Waterloo shall place or deposit any item or substance on municipal parkland, open space, trails, buffers, restoration areas, greenbelts, or the like except in accordance with the prior written consent of the City.

- 5.7.4 No person or party other than the City of Waterloo shall modify, cut or remove any demarcation marker (including but not limited to fencing) except in accordance with the prior written consent of the City.

#### 5.8 Community/Pedestrian Trails

The Owner shall, at its expense, design and construct trails within the subdivision in accordance with the Landscape Plan referred to in Condition 11.1, to City design standards (including winter maintenance design standards), and to the satisfaction of the City's Director of Engineering Services. The Owner shall maintain, at its expense, such trails until the completion of the Maintenance Period.

#### 5.9 N/A (Planting Programs)

#### 5.10 Comprehensive Engineering and Landscape Manual (CELM)

The Landscape Plan, Parkland/POPS Plan, and landscape designs for stormwater management ponds, open space, buffers, trails, restoration areas, greenbelts, right of ways, boulevards, berms, demarcation posts, and related signage required under Condition 11.1 shall conform to the City's landscape standards as set out in the City's Comprehensive Engineering and Landscape Manual (CELM) as amended unless directed otherwise by the City's Director of Engineering Services, to the satisfaction of the City.

#### 5.11 N/A (Useable Rear Yards)

#### 5.12 Entrance Features – Public Lands

- 5.12.1 If any subdivision entrance feature or identification feature is proposed on public lands or lands to be dedicated or conveyed to the City, prior to the installation of the feature, the Owner shall submit a written request to the City's Commissioner of Integrated Planning & Public Works for consent to erect said feature, and such request may be denied at the Commissioner's sole discretion.

- 5.12.2 If the Commissioner grants conditional consent pursuant to condition 5.12.1, prior to the installation of the entrance feature / identification feature, the Owner shall enter into a binding agreement with the City to address matters including the location of the feature, the composition of the feature, the design of the feature (including structural design), the materials of the feature, a financial reserve for the feature funded by the Owner, liability, lighting, and maintenance, 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 Solicitor.

### 5.13 Entrance Features – Private Lands

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 and a site plan (including elevations) accepted by the City's Director of Planning.

## **ENVIRONMENT**

### 6.1 Environmental Monitoring Plan

- 6.1.1 The Owner shall prepare and implement, at its expense, an environmental monitoring plan for each stage of the subdivision on the Lands if required by the City, the Region of Waterloo, and/or the Grand River Conservation Authority (GRCA) (the "EMP Authorities"), to the satisfaction of the EMP Authorities (as the case may be). The terms of reference for the environmental monitoring plan shall be accepted by the EMP Authorities prior to the commencement of the environmental monitoring, and shall include targets for water quality and infiltration. The environmental monitoring plan shall be undertaken in accordance with the accepted terms of reference by persons qualified and licensed to do so, to the satisfaction of the EMP Authorities. The purpose of the environmental monitoring shall be to determine whether during and post construction targets for water quality and infiltration have been met, and to evaluate the effectiveness of environmental best management practices.
- 6.1.2 The environmental monitoring plan shall be completed for, during construction and post construction time periods, to the satisfaction of the EMP Authorities.
- 6.1.3 Post construction environmental monitoring shall continue for two (2) years after ninety percent (90%) of Draft Plan of Subdivision 30T-21401 has been fully implemented, as determined by the City's Director of Engineering Services.
- 6.1.4 The Owner shall, at its expense, implement best management practices acceptable to the EMP Authorities for each stage of the subdivision to achieve the environmental targets and objectives for the development, to the satisfaction of the EMP Authorities.
- 6.1.5 Where during and post construction targets for water quality and quantity and/or infiltration 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 EMP Authorities to mitigate impacts and facilitate compliance with the environmental 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 Director of Engineering Services; 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 submitted pursuant to Section 41 of the *Planning Act* R.S.O. 1990 c.P.13 on the Lands, to the satisfaction of the City and the Region of Waterloo. 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 and the Region of Waterloo. The winter maintenance and salt reduction plan shall address snow storage, plowing, road salt management/reduction, and any other mitigation measures deemed appropriate by the City and the Region of Waterloo 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, to the satisfaction of the City's Director of Planning. Reserves shall be conveyed to the City free of charge and clear of encumbrances, and held by the City:

- a.) to prevent undesired access to a municipal or provincial highway, or municipal or provincial lands;

- b.) until required to access a future municipal highway allowance; or
- c.) until required for the development of adjacent lands in accordance with municipal approvals.

7.2 Sidewalks and/or Multi-Use Trails

- 7.2.1 The Owner shall construct, at its expense, concrete sidewalks or multi-use trails 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.
- 7.2.2 The Owner shall construct, at its 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 expense (excluding allocated municipal capital funding and development charge funding), concrete sidewalks and/or active transportation infrastructure on municipal or provincial highways adjacent to the subdivision as required by the City's Commissioner of Integrated Planning & Public Works and to the satisfaction of said Commissioner.

7.4 Emergency Access

The Owner shall, at its expense, provide an emergency access to the satisfaction of the City if more than 26 residential units are developed with one point of vehicular access, unless directed otherwise by the City's Commissioner of Integrated Planning & Public Works. The design, location and configuration of each emergency access shall be accepted by the City prior to its installation.

7.5 Temporary and Emergency Access Signs and Devices

- 7.5.1 If required by the City's Director of Transportation Services, the Owner shall, at its expense, install temporary street name signs and emergency access signs in the subdivision if permanent signs are not erected, to the satisfaction of the City. The signs shall indicate that such roads are not assumed by the City and are used at one's own risk.
- 7.5.2 If required by the City's Director of Transportation Services, the Owner shall, at its expense, install and operate temporary traffic control devices in the subdivision if permanent traffic control devices are not erected, to the satisfaction of the City. The City shall have the right to inspect the temporary traffic control devices at any time and without notice, and the cost of such 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, traffic control signs and devices, and parking control signs 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 the time such permanent signs are installed, the Owner shall remove, at its expense, any related temporary signs within the subdivision.

## 7.7 Bicycle Lanes

The Owner shall 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

- 8.1.1 The Owner shall comply with Canada Post's multi-unit policy, to the satisfaction of Canada Post.
- 8.1.2 The Owner shall, at its expense, install lock box assemblies within each multi-unit building on the Lands, to the satisfaction of Canada Post.
- 8.1.3 Multi-unit buildings and complexes (residential and commercial) with a common lobby, common indoor or sheltered space, require a centralized lock box assembly which shall be provided by, installed by, and maintained by the Owner, at the Owner's expense, and to the satisfaction of Canada Post.
- 8.1.4 All buildings with 100 units or more shall have a rear loading Lock Box Assembly, with dedicated secure mail room, to the satisfaction of Canada Post.

## 8.2 Enova Power

- 8.2.1 The Owner shall locate hydro meters in locations deemed acceptable to Enova Power and the City's Commissioner of Integrated Planning & Public Works.
- 8.2.2 Decreased setbacks (if proposed) may necessitate the installation of non-combustible barrier walls between Enova Power padmounted transformers and the building as per the Ontario Electrical Safety Code. Such installations shall be at one hundred percent (100%) the Owner's cost and may require a revised right-of-way cross section to facilitate the

combustible barrier wall(s) due to the proximity of the padmounted transformer to the sidewalk.

8.2.3 N/A (Ganged Hydro Meters)

8.2.4 The Owner shall dedicate a blanket easement over the entire Lands, or a site specific easement over the underground electrical conductors from the property line to the meter bases/rooms, and to transformer rooms and the like, if requested by Enova Power, and to the satisfaction of Enova Power.

8.2.5 The Owner shall construct easement lands used for hydro anchoring purposes to within 150mm of final grade.

8.2.6 Any relocation of existing hydro facilities, if necessary, shall be at one hundred percent (100%) the Owner's cost.

8.2.7 In the event of any conflict with existing Enova Power hydro easements, the Owner shall, at its expense, be responsible for the relocation of such easements, to the satisfaction of Enova Power.

8.3 Telecommunications

8.3.1 The Owner shall grant to telecommunication providers, such as Bell Canada and Rogers Communications, any easements that the telecommunication provider may require for communication and telecommunication infrastructure on the Lands, which may include a blanket easement.

8.3.2 The Owner shall design and construct the subdivision to accommodate telecommunication and wire line services, to the satisfaction of the City's Director of Engineering Services.

8.3.3 Any relocation of existing telecommunication and wire line infrastructure, if necessary, shall be at one hundred percent (100%) the Owner's cost.

8.3.4 In the event of any conflict with existing telecommunication easements, the Owner shall, at its expense, be responsible for the relocation of such 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 the subdivision, in accordance with 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, to the satisfaction of the City.

### 10.2 Clean Site

10.2.1 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;
- b.) avoid construction debris impacts on nearby landowners, stormwater management facilities, municipal and provincial highways, and open space lands; and,
- b.) avoid the accumulation of grit, dirt, debris or other materials within the road right-of-way.

10.2.2 A qualified representative of the Owner (the "Representative") 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.

10.2.3 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.

10.2.4 Notwithstanding condition 10.2.3, 'clean site' complaints arising from unauthorized storage, unauthorized site works, and/or lot maintenance by a landowner in the subdivision shall be directed to the said landowner for resolution, including 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.

10.2.5 Where the City's Director of Engineering Services provides written notice to the Owner (or the 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 plus a \$1,000 charge per occurrence. If the Owner does not pay the City:

- a.) the Letter of Credit and any financial securities deposited with the City in relation to Draft Plan of Subdivision 30T-21401 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,
- b.) further building permits on the Lands shall not be requested or issued until the Owner satisfies the obligations of condition 10.2.5(a.), to the satisfaction of the City's Director of Engineering Services.

10.2.6 All streets within and abutting the Lands shall be kept in a good and 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, 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 except in accordance with 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 such 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 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 TOPSOIL STRIPPING AND 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 at its expense:

- a.) **"Tree Saving and Protection Plan"** shall be provided 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 design the subdivision 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 prior to removal. The Owner agrees to protect trees to be retained with tree/vegetation protection fencing and/or other means deemed appropriate or approved by the City as identified on the Tree Saving and Protection Plan.

The Tree Saving and Protection Plan shall include:

- a. the surveyed driplines of all treed features on or abutting the development;
- b. the surveyed location of all individual trees (outside of open space features) on the Lands and trees located on adjacent properties within 6 metres of the property boundary;
- c. a detailed tree inventory and assessment for any areas where proposed works (including topsoil stripping, excavation, grading, servicing, and construction) will occur within the designated Tree Protection Zone (TPZ) defined as the existing dripline of any tree plus one (1) meter;
- d. the locations and details for all vegetation protection measures;
- e. a risk assessment and identification of any hazard trees or trees in poor health within falling distance of any proposed street, sidewalk, trail, parkland, residential lot/block, or otherwise that could pose a potential risk to persons or property.

- b.) **“Subdivision Grading Plan”** shall be provided showing existing and proposed elevations, existing trees that are proposed to be retained, existing trees that are proposed to be removed, 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 Comprehensive Engineering and Landscape Manual (CELM) as amended.

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

The Subdivision Grading Plan shall include clearances from the Grand River Conservation Authority, Hydro One, and Ministry of Transportation, if required by the City’s Director of Engineering Services.

- c.) **“Erosion and Sediment Control Plan”** shall be provided 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 or lands to be conveyed to the City or Region without the prior written consent of the City’s Director of Engineering Services.

In addition to a.) through d.) above, the City’s Director of Engineering Services may require the Owner to submit of one or more of the plans identified in e.) through j.) below to the satisfaction of the City’s Director of Engineering Services prior to the stripping of topsoil or area grading, 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:

- e.) **“Landscape Plan for Stormwater Management Facilities”** shall be provided for stormwater management facilities prior to the construction of 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 provided for all:
- i.) boulevard right-of-ways within and adjacent to the subdivision, including a **Street Tree Planting Plan**. The Owner shall, at its expense, implement the Landscape Plan in accordance with timing specified by the City’s Director of Engineering Services;
  - ii.) natural feature buffers to stabilize and re-establish disturbed edges to a primarily naturalized state based on a natural feature buffer analysis prepared by the Owner at its expense, with recommendations on rehabilitation, restoration and naturalization, to the satisfaction of the City in consultation with the Region. The analysis shall specify details and locations of proposed ecological enhancements and educational signage.

Where reduced buffers are proposed, the plan shall include enhanced plantings and enhanced erosion and sediment control measures, to the satisfaction of the City in consultation with the Region; and,

- iii.) parks, parkettes, POPS, greenbelts, trails, right-of-ways and open spaces within the subdivision. The plans shall have regard to the surrounding neighbourhood and Crime Prevention Through Environmental Design (CPTED) principles.

The Landscape Plan shall include a compensation strategy for trees to be removed, considering a minimum replacement ratio of 2:1, appropriate to existing ecological communities, and coordinated with the Tree Saving and Protection Plan.

- g.) **“Demarcation Plan”** shall be provided for all interfaces between public (including publicly accessible) and private lands within the subdivision, which shall include a comprehensive fencing plan. 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 provided for all lots and blocks within the subdivision. The Stormwater Management Plan shall include the identification of stormwater controls (quality and quantity) such as stormwater management facilities, stormceptors, clean water collector systems, water retention ponds, and the elimination of storm sewer connections.

The Stormwater Management Plan shall demonstrate how:

- i. run-off will be managed;
- ii. run-off from the Lands will be controlled to prevent erosion;

- iii. 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;
- iv. predevelopment drainage patterns will be maintained post-development to the extent possible, unless otherwise directed by the City's Director of Engineering Services;
- v. predevelopment groundwater divides will be maintained post-development to the extent possible, unless otherwise directed by the City's Director of Engineering Services;
- vi. groundwater infiltration on the Lands can be maintained as close as possible to pre-development conditions or enhanced;
- vii. 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;
- viii. the targets of any applicable watershed study and subwatershed management plan, and any other targets approved by the City, will be met or exceeded;
- ix. indicate the design and location of any special engineering measures required to maintain the water balance, stormwater quality, and/or stormwater quantity and,
- x. provide details on access and staging for future operations and maintenance of stormwater management facilities,

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. The engineering reports, schedules and drawings for infiltration infrastructure shall contain calculations on groundwater mounding of the water table relative to services, utilities, and basement footings, to the satisfaction of the City.

- i.) **"Servicing Plan"** shall be provided 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.

The Servicing Plan shall demonstrate that buried services will not negatively alter existing groundwater flow patterns sustaining any wetland or water system, to the satisfaction of the City, the Region, and the GRCA.

- j.) **"Encumbrance Plan"** shall be provided 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 and towers. Encumbrances shall exclude standard natural gas easements adjacent to streets.

The engineering plans for the subdivision shall identify the regulatory floodplain, to the satisfaction of the City and the GRCA. Development within the subdivision shall not be located within the regulatory floodplain, measured at the finished ground level adjacent to the building, unless otherwise directed by the City and the Grand River Conservation Authority (GRCA).

All plans identified in e.) to j.) above shall be to the satisfaction of and 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 accepted construction traffic route(s) as their primary access in order to redirect construction traffic away from occupied residential streets and sensitive uses / features. The Owner shall provide appropriate financial 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, at its expense, 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, woodlands/forest, trees to remain, 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 Lands and surrounding lands upon the completion of construction;

- e.) debris removal from natural areas; and,
- f.) establishment, spread, and control of any noxious or invasive species.

Site monitoring requirements shall be detailed in a plan, to the satisfaction of the City's Director of Engineering Services.

#### 11.4 Area Grading and Importing Fill

11.4.1 No stripping of topsoil or 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 stripping of topsoil or area grading shall occur on the Lands until such time as the City Clerk has received the insurance certificate required under Condition 3.3.

11.4.2 Imported fill shall have similar soil characteristics including type, compaction and hydraulic conductivity as the underlying native soils, unless otherwise directed by the City's Director of Engineering Services and or the City's Chief Building Official.

#### 11.5 Geotechnical Engineer – Inspection Services - Grading

The Owner, at its expense, shall retain a licensed geotechnical engineer to undertake full-time inspections during the stripping of topsoil and 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.

#### 11.6 N/A (Archaeological Assessment)

#### 11.7 Grand River Conservation Authority

Prior to any grading or construction on the Lands and prior to registration of the plan of subdivision, the Owner or their agents shall submit the following plans

and reports to the satisfaction of the Grand River Conservation Authority ("GRCA"):

- a.) a detailed stormwater management report in accordance with the 2003 Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual";
- b.) a detailed Lot Grading, Servicing and Storm Drainage Plan;
- c.) an Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction;
- d.) the submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the Grand River Conservation Authority prior to the construction in a wetland and/or grading in a regulated area and/or construction of the stormwater management outlet in a regulated area.

All works on the Lands and related to the subdivision shall be undertaken, completed, and maintained in accordance with the approved plans, reports, permits and agreements described in sub-clauses a.) through d.) inclusive above, to the satisfaction of the GRCA.

## **PRIOR TO SERVICING**

### **12.1 Engineering Drawings**

Prior to any site servicing or subdivision construction works (excluding grading or topsoil removal), 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 for the subdivision 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**

Prior to any site servicing or subdivision construction works (excluding grading or topsoil removal), 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 accepted construction traffic route(s) as their primary access in order to redirect construction traffic away from occupied residential streets and sensitive use / features. The Owner shall provide appropriate financial 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 and entrances, to the satisfaction of the City's Director of Engineering Services and Director of Transportation 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 and licensed 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' and required to develop the subdivision (including the construction of buildings / structures thereon). 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**

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, and 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 by the City's Director of Engineering Services.

12.8 Comprehensive Engineering and Landscape Manual (CELM) Compliance

Engineering drawings referred to in Condition 12.1 shall be in accordance with the City's current subdivision standards, good engineering practices, and the City's Comprehensive Engineering and Landscape Manual (CELM) as amended, unless otherwise directed by the City's Director of Engineering Services. In the event of a conflict between engineering standards, the standard applicable to the subdivision shall be determined by the City's Director of Engineering Services.

12.9 Consultant - Engineer

12.9.1 The Owner shall retain, at its expense, a qualified and 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 and construct the subdivision.

12.9.2 The Owner shall, at its expense, provide for the full time supervision and inspection services of a qualified and licensed 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 and Water Pressure & Distribution Analysis

12.11.1 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 the City's Director of Engineering Services, 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.

- 12.11.2 Prior to any site servicing or subdivision construction works (excluding grading or topsoil removal), the Owner shall:
- i.) obtain written confirmation from the Region 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 and the Region.

12.12 Enova Power

- 12.12.1 Prior to any site servicing or subdivision construction works, the Owner shall enter into an agreement with Enova Power Corp (EPC) for the provision of hydro services to the Lands and for the subdivision.
- 12.12.2 The removal, replacement and/or relocation of any existing electrical distribution facilities of EPC shall be solely the financial responsibility of the Owner, and undertaken to the satisfaction of EPC.

12.13 Utilities and Telecommunications

- 12.13.1 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.
- 12.13.2 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

- 12.14.1 The Owner shall design roads with the subdivision to minimize the need for and application of salt during de-icing and winter operations, to the satisfaction of the City's Director of Engineering Services.
- 12.14.2 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 de-icing 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 expense, shall retain a qualified and licensed 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, at its expense, retain a qualified and licensed geotechnical professional acceptable to the City's Director of Engineering Services to inspect all infrastructure and servicing excavation areas in the subdivision. 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 in accordance with accepted plans and reports, 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 6.1, 11.1, 11.2, 12.1, 12.2, 12.3, 12.4, 12.5 and 12.14 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-21401.

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's Commissioner of Integrated Planning & Public Works.

13.6 Lands To Be Conveyed

13.6.1 Lands to be conveyed to the City (excluding the lands identified in Condition 13.5) shall be conveyed immediately after registration, to the satisfaction of the City Solicitor.

13.6.2 Prior to registration, Lands to be conveyed to the City at the time of registration (excluding the lands identified in Condition 13.5) may be secured through a supplementary subdivision agreement, at the discretion of the City. The form and content of the supplementary subdivision agreement shall be to the satisfaction of the City's Director of Planning and the City Solicitor.

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 to be registered 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 expense, design, construct, install and maintain signage on the Lands that clearly notifies the public of all proposed multiple residential sites identified on Draft Plan of Subdivision 30T-21401, 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 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 expense, design, construct, install, and maintain signage on the Lands that clearly notifies the public of the designated locations and intended function of public spaces (including parks, POPS, open spaces, greenbelts, right of ways, trails, and the like) on and abutting 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 Enova Power Agreement

Prior to registration, the obligation in Condition 12.12 shall be satisfied.

#### 13.13 Easement Plan

- 13.13.1 Prior to registration, the Owner shall obtain acceptance of an easement plan (the "Easement Plan") from the City Solicitor and any other authority having jurisdiction. The Easement Plan shall identify all existing and proposed easements on the lands to be registered, including a minimum two metre (2m) wide easement to be conveyed to the City and applicable utility providers on both sides of all streets within the subdivision, to the satisfaction of the City Solicitor.
- 13.13.2 At the time of registration, the Owner shall have made secure arrangements satisfactory to the City to convey all easements required in the City's conditions of approval for Draft Plan of Subdivision 30T-21401 on the accepted Easement Plan. Easements shall be conveyed free of charge and clear of encumbrances.

13.13.3 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 Solicitor.

13.13.4 Immediately following registration of each stage, the Owner shall convey all easements within the respective stage required in the City's conditions of approval for Draft Plan of Subdivision 30T-21401 on the accepted Easement Plan.

#### 13.14 Grand River Transit

Prior to registration, the Owner shall either:

- a.) provide the physical and financial resources for the construction of concrete landing pads with transit shelters at transit locations determined by the Region; or,
- b.) construct concrete landing pads with transit shelters, to the satisfaction of the Region. For the purposes of this condition, transit pads are approximately nine (9) metres in length, one-point-five (1.5) metres in width, with a connection to the sidewalk. Transit shelter means a Regional GRT Shelter, to the satisfaction of the Region of Waterloo.

### **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, and all subsequent owners, shall 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 Station Area Plan, as prepared by the City;
- c.) a copy of the registered plan of subdivision that clearly identifies the purpose of each lot/block;
- d.) 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 with respect to school attendance boundaries;
- e.) source water protection and awareness information to educate unit owners/renters on the proper use and storage of chemicals, nutrients, and road salts, to the satisfaction of the Region of Waterloo;
- f.) a copy of the following documents:
  - i.) Facts About Waterloo Region's Drinking Water Quality, or successor brochure; and,
  - ii.) Regional By-law Respecting the Conservation of Water;

- g.) a document outlining the location of parks, parkettes, POPS, and recreational areas on the Lands, and written notice that the following may be installed within parks, parkettes, POPS, and recreational areas:
  - children's play equipment
  - active recreation infrastructure and facilities
  - passive recreation infrastructure and facilities;
- h.) an excerpt of the Subdivision Grading Plan and Servicing Plan for the lot/block, if required by the City;
- i.) any information required by Canada Post pursuant to Condition 8.1;
- j.) for each Agreement of Purchase & 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 following statement:

*"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."*

#### 14.5 Parking – Warning Clause

The following parking warning clause shall be included in Agreements of Purchase & Sale or rental agreements (prior to its execution) for all residential units in the subdivision:

*"Residents are hereby advised that it is their responsibility to manage their parking needs on-site, without reliance on municipal lands including but not limited to municipal highways, and in accordance with applicable law, including the City of Waterloo's Zoning By-law. Driveways shall comply with the City's Zoning By-law. Parking is not permitted, wholly or partially, on any lawn or on or overhanging the sidewalk, curb or an entrance walkway. On-street parking is regulated by the City of Waterloo's Traffic And Parking By-law. Where permitted, on-street parking may be used to accommodate short-term visitor parking, provided said on-street parking occurs in accordance with applicable law including City by-laws."*

**PRIOR TO ISSUANCE OF BUILDING PERMITS**

15.1 No Assurance – Building Permits

15.1.1 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.

15.1.2 The City's Chief Building Official may 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 with respect to matters of applicable law under the Ontario Building Code.

15.2 Soil Stabilization, Fill, Flood Protection, Etc.

15.2.1 The City's Chief Building Official may withhold the granting of building permits until required works such as soil stabilization, the placing of structural fill, installation of flood protection measures, special foundations, retaining walls, or other work is completed to their satisfaction and 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.

15.2.2 As part of every building permit application, the following information shall be submitted:

- a.) geotechnical details for the lot, including any structural fill requirements;
- b.) details on any structural fill pads, including limits of the fill pad in relation to the building envelope;
- c.) the maximum elevation of the seasonally high groundwater table;
- d.) the maximum elevation of any groundwater mounding (where applicable); and,
- e.) the elevation of the basement footings to verify compliance with the footing tables in the Ontario Building Code and conditions of draft approval for this subdivision.

15.2.3 Building footings shall be located at least 0.5 metres above:

- the maximum elevation of the seasonally high groundwater table; and,
- the maximum elevation of any groundwater mounding,

unless otherwise directed by the City.

15.2.3 If required by the City's Chief Building Official, all foundations on structural fill or native soils shall be inspected by a qualified and licensed geotechnical engineer acceptable to the City's Chief Building Official prior to the placement of concrete to ensure the subgrade soils are capable of supporting the building foundations, and to confirm the building envelope does not extend beyond the limits of the structural fill pad.

### 15.3 Development Charges and Community Benefit Charges

15.3.1 Prior to the issuance of a building permit, all applicable development charges shall be paid to the City at the applicable rates, in accordance with Schedule 'C' of the required Subdivision Agreement.

15.3.2 Prior to the issuance of a building permit, all applicable community benefit charges shall be paid to the City at the applicable rates.

### 15.4 Lot Development Plan

If required by the City, 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 Chief Building Official may, at their sole discretion, refuse to issue a building permit until a Lot Development Plan has been received and accepted by the City. The Lot Development Plan shall be prepared by a licensed and qualified 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 12.5;
- 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 and applicable law;
- d.) ensure the implementation of the tree saving / protection and tree planting requirements of the accepted Lot Development Plan;
- e.) ensure the implementation of stormwater management, infiltration, 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 financial securities as set out in the applicable Site Plan Agreement pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 c.P.13, to ensure compliance with the accepted Lot Development Plan required by Condition 15.4. The performance deposit will be refunded in accordance with timing specified in the Site Plan Agreement. The City may draw on all or a portion of the financial securities 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.

#### 15.6 N/A (Lot Development Plan Provided To New Home Purchasers)

#### 15.7 Water Saving Fixtures

The Owner shall require all developers/builders within the subdivision to utilize water saving fixtures in all residential units, to the satisfaction of the City's Chief Building Official.

#### 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' of the required Subdivision Agreement, and provide an engineering consultant's certification 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-21401 related to the provision of hydro electric 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-21401 related to the provision of natural gas 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-21401 related to the provision of cable television services for the subdivision, to the satisfaction of the City's Director of Engineering Services;
  - vi.) satisfy the approval conditions applied to Draft Plan of Subdivision 30T-21401 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-21401, 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 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 development;
- 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 in accordance with applicable law, applicable agreements and permits, and to the satisfaction of the City's Director of Engineering Services;
- d.) the City's Director of Engineering Services has verified that sufficient servicing capacity is available to fully service the development; 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 Chief Building Official.

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 said stage. The Owner shall, at its expense, 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 Geotechnical – Buildings

15.11.1    The Owner shall retain a qualified and licensed geotechnical professional acceptable to the City's Chief Building Official to inspect all building 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.

15.11.2    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.

15.11.3    If methods to remediate soil conditions on the site to allow for construction include pilings or the like, such methods shall be to the satisfaction of the Region and the City's Chief Building Official, and shall not negatively impact or have the potential to negatively impact (either directly or indirectly) underground aquifers without the prior written consent of the Region.

15.12 Verification of Capacity

That the Owner agree not to apply for building permits within any lot/block of the subdivision, and further agree that no building permits shall be issued with respect to such lot/block, until the City has verified that sufficient servicing capacity is available to fully service the lands and proposed development within the lot/block, 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

16.1.1 The City may, but shall not be obligated to, 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 Commissioner of Integrated Planning & Public Works and the City Solicitor.

16.1.2 The City may, but shall not be obligated to, 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 Commissioner of Integrated Planning & Public Works, or the City's Commissioner of Integrated Planning & Public Works 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 and the provision of all documentation and information requested by the City, 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 such services, to the satisfaction of the City's Director of Engineering Services and the City's Director of City Utilities.

**17.2 Development Compliance Letter Representative**

17.2.1 A qualified and licensed 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's Director of Engineering Services 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 and licensed 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, but shall not be responsible for changes to the drainage made by a developer or owner in accordance with permits or approvals granted by the City; and,
- c.) will not be responsible for drainage complaints arising after the completion of the two (2) year period referred to in b.) above, or for changes to the drainage made by a developer or owner in accordance with permits or approvals granted by the City. 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.

17.2.2 The Owner shall supervise the representative in Condition 17.2.1, and require the representative to perform the obligations of Condition 17.2.1, to the satisfaction of the City's Director of Engineering Services.

17.2.3 The Owner shall pay all costs related to the resolution of drainage complaints submitted within the time period specified in Condition 17.2.1(b.), but shall not be responsible for changes to the drainage made

by a developer or owner in accordance with permits or approvals granted by the City.

17.2.4 Notwithstanding anything to the contrary, complaints arising from unauthorized grading and drainage by a developer or owner shall be directed to the said developer or owner for resolution, and the responsibility to remedy any impacts caused by the unauthorized grading and/or drainage shall rest solely with the developer or owner including all costs related thereto. If directed by the City's Director of Engineering Services in writing, the developer or owner shall immediately restore the grading and/or drainage on their lot or block to comply with the accepted Lot Development Plan and all other applicable engineering approvals of the City and any other authority having jurisdiction, to the satisfaction of the City's Director of Engineering Services.

### 17.3 Development Compliance Letter

Immediately after completion of building construction, planting, fine grading, and sodding, the Owner's representative referred to in Condition 17.2.1 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 provision of all documentation and information requested by the City is received;
- b.) the development compliance letter is filed and accepted by the City; and,
- c.) the maintenance period has been completed, to the satisfaction of the City's Director of Engineering Services.

### 17.4 Migratory Birds Convention Act

- a.) The Owner agrees that no clearing of vegetation on the Lands, other than removal of agricultural crops, shall occur during the bird breeding season (April 1- August 31) in compliance with the Migratory Birds Convention Act, unless it can be ascertained by a qualified expert that the proposed clearing will not have the potential to disturb or destroy migratory birds protected by the Act or their active nests, to the satisfaction of the City and Region.
- b.) No grading within open space buffers shall be undertaken on Lands during the breeding bird season of April 1 to August 31 unless it can be ascertained by a qualified expert that the proposed works will not have the potential to disturb or destroy migratory birds protected by the Act or their active nests, to the satisfaction of the City and Region.

This condition does not replace or diminish the provisions of the Migratory Bird Convention Act, 1994 (S.C. 1994, c.22) as amended, or any obligation to comply therewith.

## **LEGAL AND ADMINISTRATIVE**

### **18.1 Easements and Land Conveyances**

- a.) The Owner shall, at its expense, upon written request, convey to the City or the Region (as the case may be) all easements and lands required to provide for access, drainage, municipal infrastructure, and/or municipal works, including but not restricted to the extension of municipal services within any Stage of the subdivision, to the satisfaction of the City Solicitor. 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, at its expense, convey to the appropriate provider all easements required for utility and telecommunication services, within any Stage of the subdivision, coincident with or immediately following the registration of such Stage, to the satisfaction of the City Solicitor. Such conveyances shall be free of charge and clear of encumbrances to the satisfaction of the utility or telecommunications service provider.

### **18.2 Indemnification**

The Owner shall unconditionally and irrevocably indemnify and hold harmless the City and its elected officials, officers, employees, agents, contractors, and others for whom the City is responsible in law (collectively and individually, "Indemnitees") from and against any and all actions, causes of action, suits, claims and other proceedings which may be brought against or made upon the Indemnitees and from and against all loss or damage (including bodily injury, death, property damage or environmental impairment), liability, judgment, costs, charges, demands, or expenses which the Indemnitees may sustain, suffer or be put to, including resulting from or arising out of any loss, damage, injury or death to any person or property, howsoever caused, directly or indirectly, in connection with the Lands, development of the Lands, works on and/or in relation to the Lands and/or development thereon, and all matters, financial or otherwise, in relation to Draft Plan of Subdivision 30T-21401, to the satisfaction of the City Solicitor. The form and content of the indemnity shall be to the satisfaction of the City Solicitor.

### **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, and/or soil problems defined by current environmental laws and found on or in relation to 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 form and content of the indemnity shall be to the satisfaction of the City Solicitor.

#### 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, to the satisfaction of the City Solicitor.

#### 18.5 Construction Act – Draw on Letter of Credit

Any liens pursuant to the *Construction Act*, as amended, with respect to the Lands that the Owner does not have removed within 30 days of written notice, shall 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 development of 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 (as the case may be) 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 an advanced timing of infrastructure agreement between the parties.

#### 18.7 Default of Subdivision Agreement – Building Permits

Where the Owner is in default of the Subdivision Agreement or any supplementary agreement thereto, no building permits shall be requested by the Owner or issued by the City except at the discretion of the City's Commissioner of Integrated Planning & Public Works. Building permits shall not be requested or 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 Solicitor. 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 the 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 may 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. The transfer or other disposition of the property shall not release the Owner from any covenants or obligations under the Subdivision Agreement or any supplementary subdivision agreement.

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 prior to registration of the Subdivision Agreement, or prior to the registration of an applicable supplementary subdivision agreement.

**Appendix 'I' – Agency Specific Conditions of Subdivision Approval**

All agency specific conditions of draft approval and subdivision approval will be applied by the Region as the approval authority for subdivisions.

**Bell Canada**

- The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

**Enbridge Gas**

It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

**GRCA**

Prior to any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Grand River Conservation Authority.

- A detailed storm water management report in accordance with the 2003
  - Ministry of the Environment Report entitled "Stormwater Management Planning and Design Manual".
- A detailed Lot Grading, Servicing and Storm Drainage Plan.
- An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction.
- The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit from the Grand River Conservation Authority prior to the construction in a wetland and/or grading in a regulated area and/or construction of the stormwater management outlet in a regulated area.

We trust that the municipality will ensure the Subdivider's Agreement between the owners and the municipality contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition 1) above. Once the above condition has been met, we can issue GRCA's clearance of the subdivision to the municipality.

Hydro One (HONI)

The following should be included as Conditions of Draft Approval:

- The developer must contact Breanna Rozon, Real Estate Coordinator at Breanna.rozon@hydroone.com to discuss all aspects of the subdivision design, ensure all of HONI's technical requirements are met to its satisfaction, and acquire the applicable agreements.
- Prior to HONI providing its final approval, the Owner/Developer must make arrangements satisfactory to HONI for lot grading and drainage. Digital PDF copies of the lot grading and drainage plans (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.
- Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.
- At the Owner's/Developer's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected where subdivision lots directly abut the transmission corridor after construction is completed.
- The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the Owner/Developer. The Owner/Developer will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.
- HONI's easement rights must be protected and maintained.

In addition, HONI requires the following to be conveyed to the developer as a precaution:

- The transmission lines abutting the subject lands operate at either 500,000, 230,000 or 115,000 volts. Section 188 of Regulation 213/91 pursuant to the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The safe vertical distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the Owner's/Developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the safe vertical distance specified in the Act. All parties should also be aware that the conductors can raise and lower without warning, depending on the electrical load placed on the line.

### MTO

As conditions of draft plan approval, MTO requires the following to apply:

- Prior to final approval the owner shall submit to MTO for review and approval, a copy of a Stormwater Management Report.
- That prior to final approval, the owner shall submit to MTO for review and approval, a copy of a Traffic Impact Study.
- That prior to final approval, if required by MTO, the owner shall enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the design and construction of all highway improvements identified in the Ministry of Transportation approved Traffic Impact Study.
- That prior to final approval the Owner shall submit to the Ministry of Transportation for review and approval, a draft copy of the Subdivision Agreement and M-Plan.

### Waterloo Catholic District School Board (WCDSB)

- That Education Development Charges shall be collected prior to the issuance of a building permit(s).
- That the developer agrees to work with the WCDSB to advise prospective residents about schools in the area in a manner suitable for the development and to the board's satisfaction.

### Waterloo Region District School Board (WRDSB)

Concerning any future declaration or agreement, the WRDSB requests the following inclusions in the conditions of Draft Approval:

1. That the owner agrees in the Subdivision Agreement/Condo Declarations and/or Site Plan 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:
  - a. "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.”

- b. “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.”



**STAFF REPORT**  
**Planning**

Title: Zoning By-law Amendment Z-23-10, University of Waterloo,  
155 and 165 University Avenue West  
Report Number: IPPW2023-053  
Author: Amanda Wyszynski  
Meeting Type: Council Meeting  
Council/Committee Date: December 11, 2023  
File: Z-23-10  
Attachments: Map 1 – Location Map  
Appendix A – Site Specific By-law C28  
Appendix B – Public, Agency, and Staff Comments  
Appendix C – Site Plan

Ward No.: Central-Columbia, Ward 6

**Recommendations:**

1. That Council approve report IPPW2023-053.
2. That Council approve Zoning By-law Amendment Z-23-10, University of Waterloo, 155 and 165 University Avenue West, in accordance with Section 7 of staff report IPPW2023-053.
3. That Council not pass the implementing by-law to lift the holding (H) provision for the proposed development as specified in 2.c.) and 2.d.) above, until written confirmation has been received from the Region of Waterloo and CN Rail confirming that all noise and vibration requirements specified in 3.R.1.2 of Zoning By-law 2018-050 are satisfied.

**A. Executive Summary**

The University of Waterloo (the “**Applicant**”) is proposing to amend Zoning By-law 2018-050 (“**ZBL2018-050**”) for the lands municipally known as 155 and 165 University Avenue West (the “**Lands**”, as shown on Map 1 hereto) to permit a new 12 storey residence for approximately 500 students. Zoning By-law Amendment Z-23-10 seeks to lift the existing holding provision applied to a portion of the Lands, and to secure site specific zoning amendments to facilitate the construction proposed residence and a pedestrian bridge as designed. The proposed pedestrian bridge extends across the rail

## 2 Integrated Planning & Public Works

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corridor, connecting to another existing residence (Claudette Millar Hall, 165 University Avenue West). The Applicant is also proposing to connect the new residence to the existing pedestrian bridge that crosses University Avenue West to create a completely enclosed pedestrian path from the residences to the University of Waterloo Main Campus at 200 University Avenue West (the “**Main Campus**”).

The following site specific amendments are being requested by the Applicant for 155 University Avenue West:

1. A reduction in the required minimum Side Yard Setback of 5.0 metres, whereas 0.0 metres is being requested to the rail corridor to permit the proposed new overhead pedestrian bridge.
2. A reduction in the required minimum Street Line Setback of 5.0 metres, whereas 0.0 metres is being requested to the existing pedestrian bridge over University Avenue West, to connect the proposed new residence to the Main Campus.
3. To permit a building, specifically an overhead pedestrian bridge, within 15 metres of the rail corridor.

The following site specific amendments are being requested by the Applicant for 165 University Avenue West:

1. A reduction in the required minimum Side Yard Setback of 5.0 metres, whereas 0.0 metres is being requested to the rail corridor to permit the proposed new overhead pedestrian bridge.
2. To permit a building, specifically an overhead pedestrian bridge, within 15 metres of the rail corridor.

The site specific amendments requested by the Applicant are technical in nature and are only being requested to allow the new residence to connect directly to the existing overhead pedestrian bridge across University Avenue, and to allow a new overhead pedestrian bridge to be constructed above the rail corridor to line the new residence with Claudette Millar Hall, allowing services and amenities to be shared between the residences.

If the proposed residence was a stand alone structure (without the overhead pedestrian bridges), all minimum zoning setbacks would be satisfied. While a zero (0.0) metre street line setback is proposed along University Avenue, the habitable portion of the building is setback approximately 5.5 metres from the street line, whereas a minimum of 5.0 metres is required. The habitable portion of the proposed building is setback at least 15 metres from the side lot line, meeting the minimum 5.0 metre side yard setback and Section 3.R.1.1 of ZBL2018-050 which requires a minimum 15 metre setback from the rail corridor. An amendment to ZBL2018-050 is required to permit the proposed

### 3 Integrated Planning & Public Works

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overhead pedestrian bridge with a zero (0.0) metre side yard setback, and within 15 metres of the rail corridor, for both sides of the rail corridor (i.e., 155 University Avenue West and 165 University Avenue West).

Section 3.R.1.2 of ZBL2018-050 applies a holding provision to all lands within 75 metres of the rail corridor, requiring applicants to demonstrate there will be:

- i. sufficient buffer from railway operations to dissipate rail-oriented emissions, vibrations, and noise;
- ii. no adverse impacts to the sensitive uses; and,
- iii. a sufficient safety barrier from railway operations and potential derailments

The Applicant is seeking to lift the holding (H) provision. Staff are recommending that Council approve the lifting of the holding provision for the proposed residence and overhead pedestrian bridge only, but not pass the implementing by-law until the City receives a final written clearance from the Region of Waterloo (as owner and operator of the rail corridor, in consultation with CN Rail) in respect of the matters set out in 3.R.1.2 noted above. This approach allows the Applicant to proceed forward with finalizing building permit drawings, to continue to move this development forward towards a Fall 2026 opening. A building permit will not be issued until the City passes the by-law to formally lift the holding (H) provision.

For clarity, the holding (H) provision will remain on the remainder of the Lands. Should future applications be received, they will be evaluated on their own merits.

The Applicant is actively working with the Region and CN Rail to finalize mitigation measures for vibration and noise, and both have confirmed appropriate measures in relation to safety have been addressed.

Staff support the site specific amendments and partial lifting of the holding (H) provisions as set out in Section 7 of this report, for the reasons including:

- The application is consistent with the 2020 Provincial Policy Statement.
- The application conforms to the 2020 Growth Plan for the Greater Golden Horseshoe.
- The application conforms to the policies of the Regional Official Plan.
- The application conforms to the City of Waterloo Official Plan.
- The intent of ZBL2018-050 is maintained, with minor amendments tailored to recognize site conditions and to facilitate the proposed development.
- The application will substantially maintain the University Avenue streetscape.

- The application will facilitate pedestrian access and pedestrian safety.
- The application creates additional purpose built student residences, which contributes to a complete community.
- The application represents good planning.

### **B. Financial Implications**

Staff are not aware of any financial implications to the City with respect to this application. Should the application be appealed, potential costs related to an Ontario Land Tribunal (OLT) 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 'Complete Community' Strategic Objective by creating a new student residence for approximately 500 students, which contributes to a diversity of housing options to support current and future residents of the city.

### **E. Previous Reports on this Topic**

None.



## Zoning By-law Amendment Z-23-10, University of Waterloo, 155 and 165 University Avenue West IPPW2023-053

### SECTION 1 – SUBJECT SITE

**Location:** 155 University Avenue West\* and 165 University Avenue West

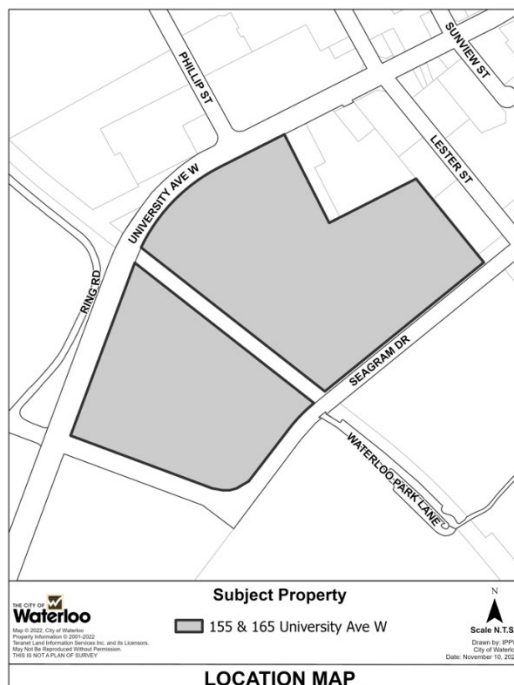
**Ward:** Central-Columbia, Ward 6

**Size:** 11.09 hectares

**Owner/Applicant:** University of Waterloo

**Existing Land Use:** University Parking Lot (155 University Ave W) and Student Residences (165 University Avenue West )

**Proposed Land Use:** Student Residence and University Parking Lot (155 University Ave W) and Student Residences (165 University Avenue West )



\* These lands are unaddressed, but have a registered address as 155 University Avenue West. For clarity, the Lands subject to Zoning By-law Amendment Z-32-10 are the lands specified on the inset Location Map.

### Public Input:

The mechanisms utilized for gathering input in regards to Z-23-10 are as follows:

Mechanism	Date	Results
Agency and Staff Circulation	September 6, 2023	Agency and staff comments are attached as 'Appendix 'B'

Mechanism	Date	Results
<b>Advertise that an application was received</b>	September 19, 2023, as amended on November 08, 2023	Advertised in Waterloo Chronicle and a letter was mailed to all property owners within 120 metres of the subject property
<b>Informal Public Meeting</b>	No informal public meeting.	Staff have waived the requirement for an informal public meeting due to the nature and scope of the application
<b>Advertise Formal Public Meeting</b>	September 19, 2023 & November 16, 2023	Advertised in the Waterloo Chronicle and a letter mailed to all property owners within 120 metres of the subject property
<b>Formal Public Meeting</b>	December 11, 2023	Council's consideration of the application

### Site Description and Neighbourhood Context

The Lands are identified on Map 1 attached hereto. The proposed new residence will be located on a portion of the Lands, more specifically on a portion of 155 University Avenue West (shown in Image 1 below and Appendix C to IPPW2023-053).



Figure 1: 155 University Avenue West

The existing Claudette Millar Hall, a student residence, is located at 165 University Avenue East. An overhead pedestrian bridge is proposed to connect the new residence with Claudette Millar Hall, above the rail corridor.

The 155 University Avenue West lands (the “**155 Lands**”) have an area of ~4.77 hectares, and a frontage of ~232 metres along University Avenue West, north of the Seagram Drive intersection. These lands are immediately north of Waterloo Park, and across University Avenue from the Main Campus. The easterly boundary of the 155 Lands is an active rail corridor, owned and operated by the Region of Waterloo, carrying both light rapid transit (ION) and freight trains (the “**Rail Corridor**”). The surrounding land uses include academic, student residences, commercial, and open space. An existing pedestrian overpass, including a stairwell to access the overpass, is located on the 155 Lands, connecting the lands to the Main Campus.

The 165 University Avenue West lands (the “**165 Lands**”) have an area of ~7.16 hectares, and a frontage of ~236 metres along University Avenue West, north of the Seagram Drive intersection. These lands are immediately north of Waterloo Park and the KW Granite Club, south of the University Shops Plaza, and southeast of the Main Campus. The westerly boundary of the 165 Lands is the rail corridor. The 165 Lands currently contain residences of the University of Waterloo. The surrounding land uses include academic, student residences, commercial, and open space.

### SECTION 2 – PROPOSED DEVELOPMENT (see Appendix ‘C’)

The Applicant is proposing to develop a portion of the 155 Lands, which is currently occupied by surface parking and complementary green space, with a new 12 storey residence for approximately 500 students (refer to Figure 2 and Figure 3).



Figure 2: Rendering of Proposed Residence on the 155 Lands, looking southwest along University Ave W (as submitted by Applicant)

## 8 Integrated Planning & Public Works

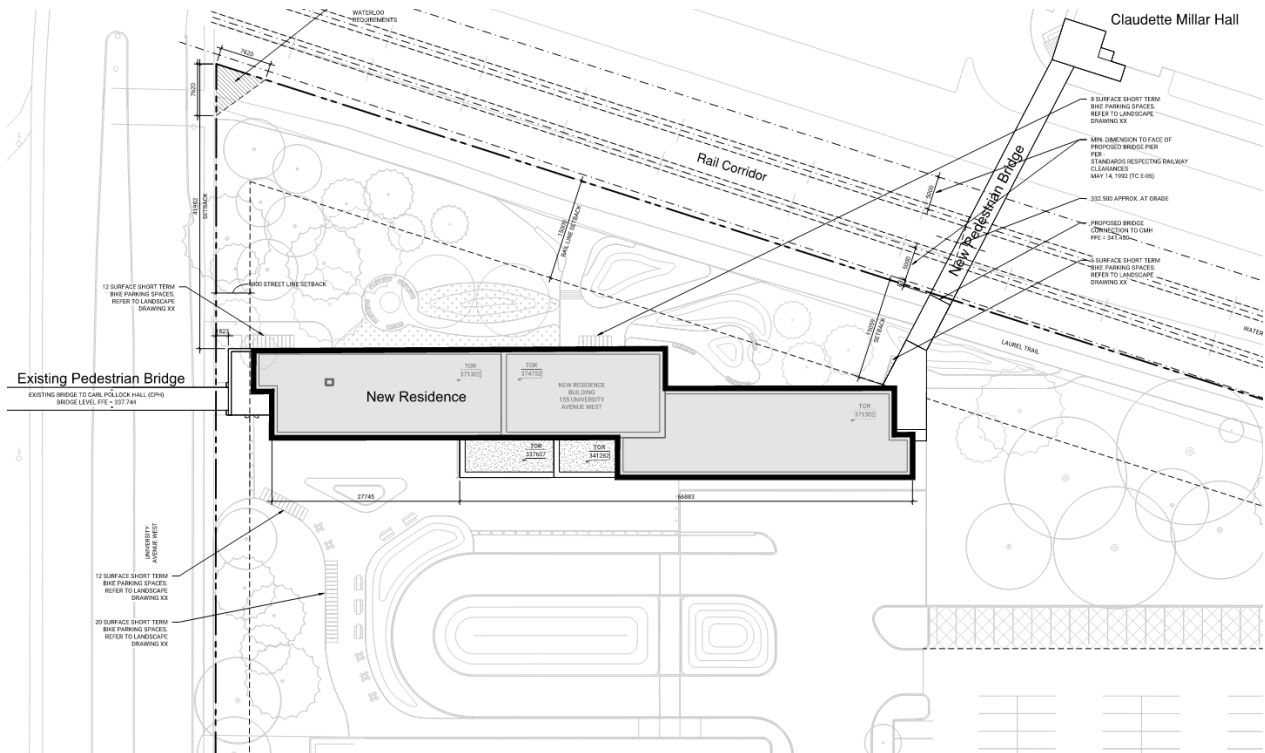


Figure 3: Proposed Site Plan - 155 Lands  
(as submitted by Applicant)

The Applicant is proposing to connect the new student residence to the existing overhead pedestrian bridge that connects the 155 Lands to the Main Campus, over University Avenue. The Applicant is also proposing to construct a new overhead pedestrian bridge above the rail corridor to the Claudette Millar Hall residence on the 165 Lands. The new overhead pedestrian bridge will allow for shared amenities and services between the residences, and to create a completely enclosed pedestrian path from the residences to the Main Campus.

The proposed development exceeds the total parking required by ZBL2018-050. The Applicant is proposing a total of 741 vehicular parking spaces, which includes an southeasterly expansion of the existing parking lot on the 155 Lands towards Seagram Drive of 106 vehicular parking spaces (see Figure 4 below).

The Applicant is proposing a total of 124 bicycle parking spaces (58 internal and 66 external), whereas ZBL2018-050 requires a minimum of 117 bicycle parking spaces.

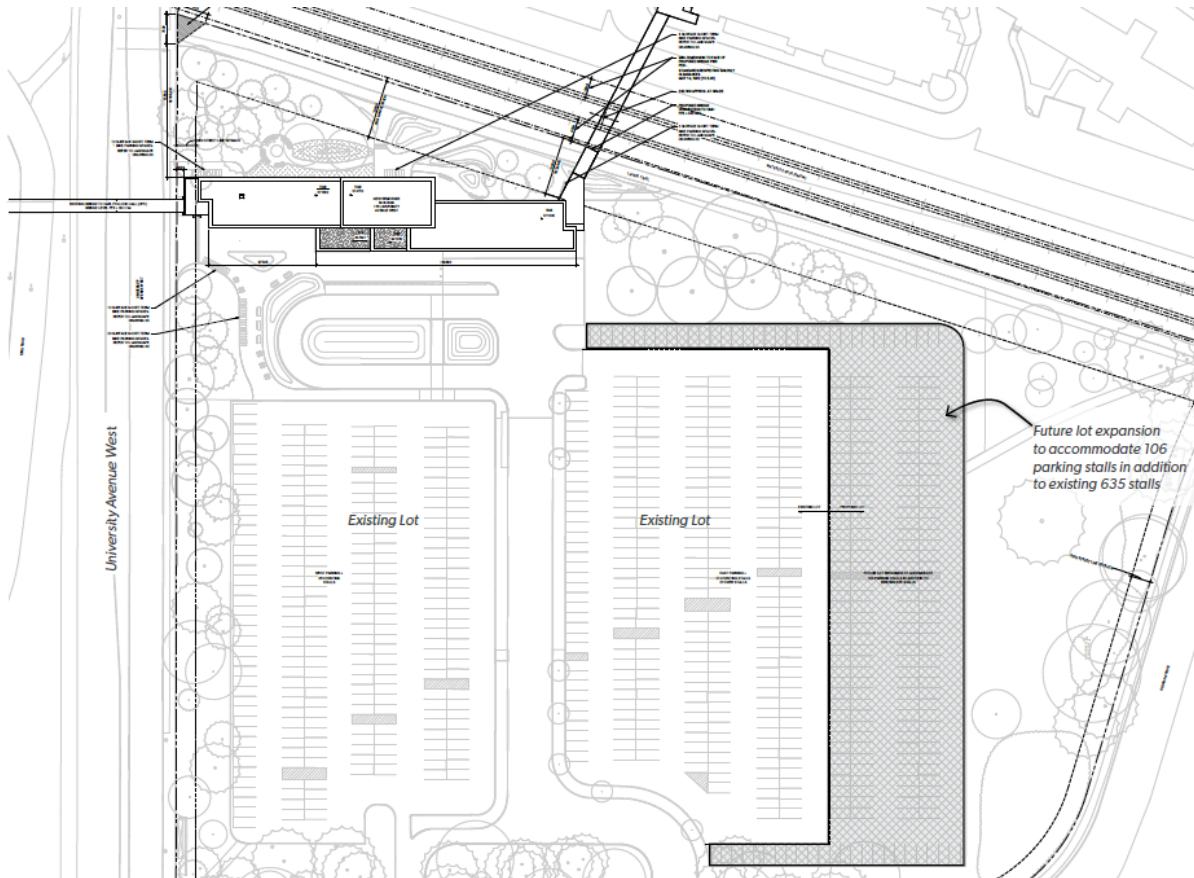


Figure 4: Proposed Parking Diagram - 155 Lands (as submitted by Applicant)

### SECTION 3 – APPLICATION DETAILS

The Applicant is proposing to construct a new residence for ~500 students with a mixture of shared suites, private bedrooms and shared bedrooms. The residence is proposed to contain multiple common spaces for recreation and study, laundry, seminar rooms, a multi-faith room and bicycle parking. To facilitate the proposed development, the Applicant is proposing site specific amendments to the existing University College – 81 (UC-81) zone applied to the Lands, and to lift the holding (H) provision for the new residence and a new overhead pedestrian bridge above the rail corridor.

The following site specific amendments are being requested by the Applicant for 155 University Avenue West:

1. A reduction in the required minimum Side Yard Setback of 5.0 metres, whereas 0.0 metres is being requested to the rail corridor to permit the proposed new overhead pedestrian bridge.
2. A reduction in the required minimum Street Line Setback of 5.0 metres, whereas 0.0 metres is being requested to the existing pedestrian bridge over University Avenue West, to connect the proposed new residence to the Main Campus.

3. To permit a building, specifically an overhead pedestrian bridge, within 15 metres of the rail corridor.

The following site specific amendments are being requested by the Applicant for 165 University Avenue West:

1. A reduction in the required minimum Side Yard Setback of 5.0 metres, whereas 0.0 metres is being requested to the rail corridor to permit the proposed new overhead pedestrian bridge.
2. To permit a building, specifically an overhead pedestrian bridge, within 15 metres of the rail corridor.

The holding (H) provision relates to the rail corridor, and states:

*3.R.1.2 For lands within seventy-five metres (75m) of a railway right-of-way, a holding prefix “(H)” is hereby applied, meaning the LOT is zoned as a holding provision for which the following applies:*

- a.) *No PERSON shall erect, enlarge, or reconstruct any BUILDING containing a SENSITIVE USE in whole or in part within seventy-five metres (75m) of a railway right-of-way.*
- b.) *The holding provision as it applies to the LOT shall not be removed or modified until it is demonstrated by a qualified professional engineer that there will be:*
  - i. *sufficient buffer from railway operations to dissipate rail-oriented emissions, vibrations, and noise;*
  - ii. *no adverse impacts to the SENSITIVE USES; and,*
  - iii. *a sufficient safety barrier from railway operations and potential derailments,*

*to the satisfaction of the CITY and any other authority having jurisdiction.*

## SECTION 4 – POLICY EVALUATION

### 4.1 Provincial Policy Statement

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 and to create healthy, liveable, and safe communities sustained by accommodating institutional uses to meet the long-term needs of the community.

In staff's opinion, the application is consistent with the PPS for reason including:

- the new residence will contribute to a mixture of housing types in the city
- represents the use of underutilized lands, close to active transportation
- represents an opportunity for intensification
- will contribute to the supply of attainable student housing
- will be designed to contribute to the social well-being of residents
- transit supportive (including in proximity of two ION rapid transit stations)

### 4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The 2020 A Place to Grow: 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 2051. The Growth Plan builds on the policy foundation of the PPS.

In staff's opinion, the application conforms to the Growth Plan for reason including:

- the development is located within the designated urban area
- there is sufficient servicing infrastructure
- additional student residences will contribute to achieving a complete community
- represents an opportunity for infill and intensification
- transit supportive (including in proximity of two ION rapid transit stations)
- the residence will contribute to housing choices

### 4.3 Region of Waterloo Official Plan

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 designated Built-Up Area (as shown on ROP Map 3a, Urban Area).

In staff's opinion, the application conforms to the ROP for reason including:

- represents an opportunity for intensification and transit oriented development
- contribute to the creation of a complete community
- foster active transportation by providing direct pedestrian connections, including by way of the overhead pedestrian bridges

- land use compatibility between the proposed sensitive land use (residence) and the rail corridor will be confirmed prior to lifting of the holding provision in regards to noise and vibration

#### 4.4      City of Waterloo Official Plan

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

Schedule 'A' (Land Use Plan):	Employment
Schedule 'A2' (Employment Areas):	Academic
Schedule 'B' (City Structure):	Major Node
Schedule 'B1' (Height and Density):	High Density Employment, 81 metres
Schedule 'B3' (Designated Greenfield Areas):	Built Up Area
Schedule 'B4' (Source Water Protection Areas):	Wellhead Protection Sensitivity Area 8
Schedule 'C' (District Boundaries):	Central District
Schedule 'E' (Road Classification System):	Regional Arterial (University Ave W) Minor Collector (Seagram Drive)
Schedule 'F' (Active Transportation Network):	City-Wide Cycling & Multi-Use Routes (University Ave W & Seagram Drive)
Schedule 'J' (Station Area):	Waterloo Park

The Lands are designated **Academic** in the City of Waterloo Official Plan (the “**City OP**”). The intent of this designation is to enable post-secondary educational institutions, such as the University of Waterloo. The City OP recognizes that post-secondary educational institutions are major employers in Waterloo’s economy, and community assets in terms of education, innovation, and diversity.

Section 10.3.2.3(3) in the City OP describes how lands designated **Academic** are to be comprised, being a mixture and concentration of post-secondary educational institutional uses, including residences.

The Lands are also located within a Major Node. Section 3.6.1(2) of the City OP describes how Major Nodes are planned as medium-high to high density mixed-use areas that accommodate a range of uses, which may include residential, commercial, employment, social, cultural, recreational and institutional uses.

In staff’s opinion, the application conforms to the City OP for reason including :

- the new residence will contribute to a complete community

- the new residence provides additional housing options for those who attend the University of Waterloo
- represents an opportunity for intensification on underutilized lands
- the proposed building design is unique with two pedestrian bridge connections
- the proposed building will use materials to delineate the podium from the tower
- enhanced landscaping and pedestrian connections will be provided
- location leverages community connectivity, adjacent to the Laurel Trail

### 4.5 City of Waterloo Zoning By-law 2018-050

The Lands are zoned (Holding) University College – 81 ((H)UC-81), and are located within Floodplain (F suffix), having active frontages along Seagram Drive and University Avenue West, and are adjacent to the rail corridor.

The proposed development is permitted within the University College (UC) zone, subject to minor amendments as requested through application Z-23-10.

Section 9.4.3, Table 9K of ZBL2018-050 speaks to the performance standards for lands zoned as University College – 81 (UC-81):

Provision	Required	Proposed
STREET LINE setback (minimum)	5 metres	0 metres – pedestrian bridge ~5.5 metres - building
SIDE YARD setback (minimum)	5 metres	0 metres – pedestrian bridge min. 15 metres - building
REAR YARD setback (minimum)	7.5 metres	N/A (no rear yard)
LANDSCAPED OPEN SPACE (minimum)	15%	~20%
PARKING SPACE (minimum)	91 spaces	106 spaces
Number of BUILDINGS on a LOT	More than one (1) permitted	1
Bicycle Parking (minimum)	117 bicycle parking	124 bicycle parking

Electric Vehicle Parking	3 parking spaces	3 parking spaces
BUILDING HEIGHT (maximum)	81 metres and 25 STOREYS	42 metres and 12 storeys
Density (maximum)	750 bedroom per hectare	104 bedrooms per hectare
PODIUM Height (maximum)	21 metres and 6 STOREYS	9.5 metres and 2 storeys
TOWER STEPBACK above PODIUM	3 metres	3.29 metres

In addition to the technical relief sought to certain provisions in Section 9.4.3, the Applicant is also seeking relief from:

- a.) 3.R.1.1 (Rail Corridors - Separation) for the overhead pedestrian bridges, as no building is permitted to be located within 15 metres of the rail corridor;
- b.) 3.R.1.2 (Rail Corridor – Compatibility), which applies a holding provision to all lands within 75 metres of the rail corridor as stated in Section 3 of this report.

Should Council support application Z-23-10, a by-law will be required, to amend ZBL2018-050 with site specific provisions as described in Section 7 of this report and Appendix 'A' of this report.

## **SECTION 5 – PLANNING EVALUATION**

Staff have reviewed Zoning By-law Amendment Z-23-10 and provide the following comments:

### **5.1 Holding Provision**

The lands are subject to a holding provision pursuant to ZBL2018-050, section 3.R.1.2.

As part of a complete application, the Applicant completed a Noise and Vibration Impact Study which concluded vibration mitigation measures are required. The proposed mitigation measures are currently being reviewed by the Region of Waterloo and CN Rail. The Region and CN are satisfied that a safety barrier is not required in this location, as the tracks are relatively straight and train speeds are low -- the 15 metre

building setback pursuant to ZBL2018-050 section 3.R.1.1, in addition to a 1.83 metre high chain link fence, is sufficient.

Due to the time sensitive nature of this proposed development, with the proposed residence to open in Fall 2026, staff are recommending that Council approve the lifting of the holding provision for the proposed residence and overhead pedestrian bridge only, but not pass the implementing by-law until the City receives a final written clearance from the Region of Waterloo (as owner and operator of the rail corridor, in consultation with CN Rail) in respect of the matters set out in 3.R.1.2 of ZBL2018-050. This approach allows the University of Waterloo to proceed forward with finalizing building permit drawings. A building permit will not be issued until the City passes the by-law to formally lift the holding (H) provision.

For clarity, the holding (H) provision will remain on the remainder of the Lands. Should future applications be received, they will be evaluated on their own merits.

### 5.2 Pedestrian Bridge

The Applicant is proposing to construct a new overhead pedestrian bridge above the rail corridor from the new residence to Claudette Millar Hall. The Applicant is also proposing to connect the new residence to the existing overhead pedestrian bridge above University Avenue that connects to the Main Campus (Carl Pollock Hall). These pedestrian bridges will allow for direct and secure pedestrian connections to the University of Waterloo, with users protected from seasonal elements.



Proposed Bridge Connection

Based on information submitted by the Applicant, it is staff's understanding that students from Claudette Millar Hall will not be able to enter the habitable portion of the new residence. Instead, they will be able to access the first and second floors of the proposed residence, which will be comprised of university amenities and services (e.g., residence life co-ordinators and counselling offices) in addition to a large open study space. With the new bridge connection, the new residence will be able to utilize existing services at Claudette Millar Hall, specifically food services, mail room and additional amenity spaces.



Proposed Atrium Rendering (as submitted by Applicant)



Main Entrance Rendering

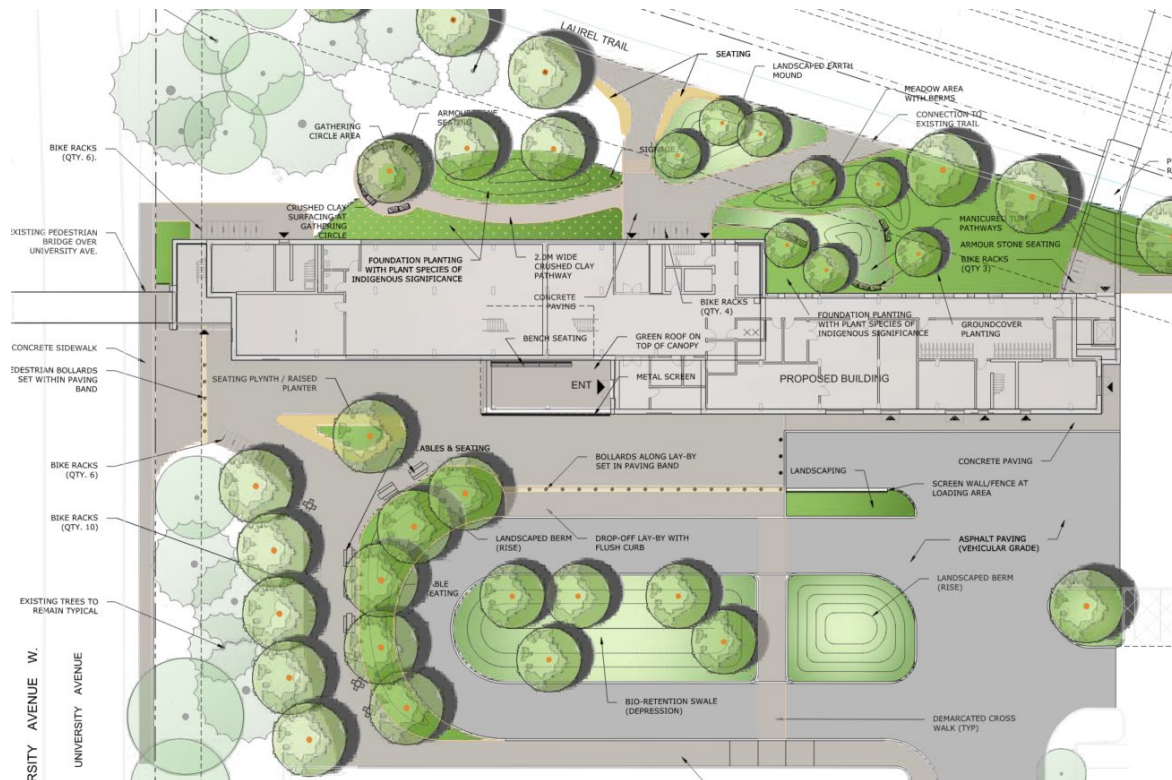
Prior to the issuance of a building permit for the new overhead pedestrian bridge, the University of Waterloo will need to enter into a legal agreement with the Region of Waterloo to use the air space above the rail corridor.

### 5.3 Side Yard Setback

Lands zoned as UC-81 require a minimum side yard setback of 5.0 metres. The Applicant is proposing a side yard setback of 0.0 metres in order to facilitate the construction of the proposed overhead pedestrian bridge above the rail corridor. The residence building itself is meeting the minimum side yard setback, with a setback of at least 15 metres in accordance with the minimum setback from the rail corridor in 3.R.1.1 of ZBL2018-050.

### 5.4 Street Line Setback

The Applicant is seeking relief in the minimum street line setback of 5.0 metres, proposing a street line setback of 0.0 metres to enable the new residence to connect to the existing overhead pedestrian bridge above University Avenue. From a pedestrian perspective, the new residence will appear to meet the minimum street line setback requirement, maintaining the street edge / character along University Avenue, with green spaces on both sides of the new residence.



Proposed Landscape Plan Rendering (submitted by Applicant)

### **5.5 Railway Corridor**

The Lands are bisected by the rail corridor, which is owned by the Region of Waterloo who have a shared operating agreement with CN Rail. Due to the proximity of the rail corridor, staff circulated the application to the Region of Waterloo and CN Rail, both of which have provided comments on the application and have been involved throughout the evaluation process.

CN Rail has confirmed a berm or crash wall is not required since this is a spur line, and the required 15 metre setback and a chain link fence is sufficient to address safety concerns.

The Region and CN Rail are currently confirming the proposed mitigation measures for vibration and noise, to ensure they are sufficient. The holding (h) provision will only be lifted for a development that conforms to the accepted vibration and noise mitigation requirements. As final approval from the Region and CN Rail is pending, as discussing in Section 5.1 of this report, staff are recommending that Council approve the lifting of the holding provision for the proposed residence and overhead pedestrian bridge only, but not pass the implementing by-law until the City receives a final written clearance from the Region and CN Rail, for the reasons previously discussed.

### **5.6 Site Plan Control**

The proposed development is exempt from Site Plan Control pursuant to the City's Site Plan Control By-law. It is recommended that the University of Waterloo submit a courtesy site plan submission to the City for review and comment, consistent with our collaborative ethos, and to assist in resolving detailed design issues prior to the issuance of a building permit. The courtesy submission can be run in parallel with the building permit application.

## **SECTION 6 – CONCLUSION**

Based on the Planning Division's review of the application, we support Zoning By-law Amendment Z-23-10 as set out in Section 7 of report IPPW2023-053, for reasons including:

- The application is consistent with the 2020 Provincial Policy Statement.
- The application conforms to the 2020 Growth Plan for the Greater Golden Horseshoe.
- The application conforms to the policies of the Regional Official Plan.
- The application conforms to the City of Waterloo Official Plan.

- The intent of ZBL2018-050 is maintained, with minor amendments tailored to recognize site conditions and to facilitate the proposed development.
- The application will substantially maintain the University Avenue streetscape.
- The application will facilitate pedestrian access and pedestrian safety.
- The application creates additional purpose built student residences, which contributes to a complete community.
- The application represents good planning.

### SECTION 7 – RECOMMENDATIONS

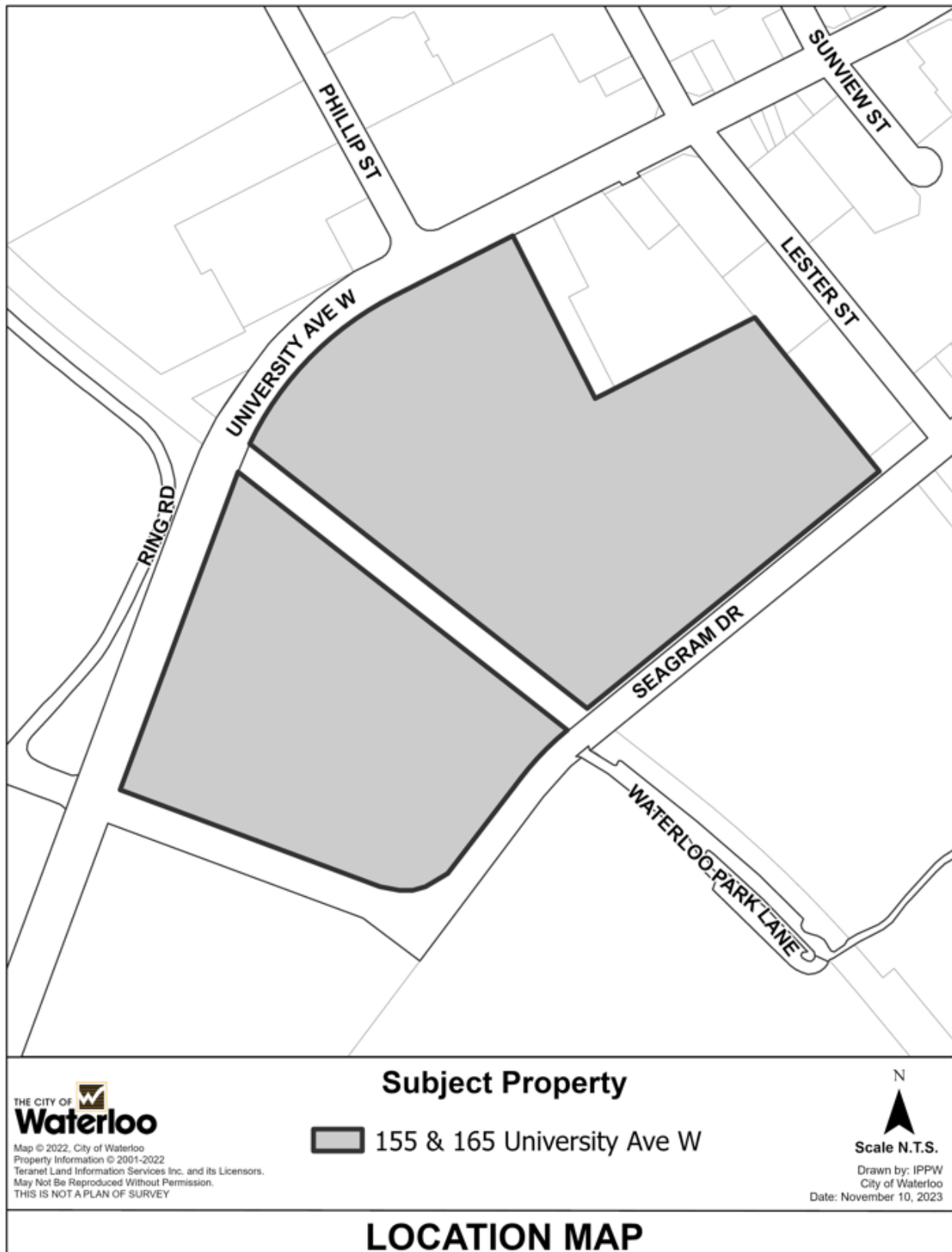
1. That Council approve staff report IPPW2023-053.
2. That Council approve Zoning By-law Amendment Z-23-10, University of Waterloo, for 155 University Avenue West and 165 University Avenue West as shown on Map 1 to report IPPW2023-053 (the “Lands”), as follows:
  - a.) that Zoning By-law 2018-050 is hereby amended by adding Exemption “C255” to **Schedule C – Site Specific Zoning** of said By-law 2018-050, as set out in Appendix A to report IPPW2023-053, for the Lands (155 University Avenue West and 165 University Avenue West);
  - b.) that Zoning By-law 2018-050 is hereby amended by adding Exemption “C255” to **Schedule C1 – Site Specific Zoning** of said By-law 2018-050, for the Lands (155 University Avenue West and 165 University Avenue West);
  - c.) that the holding (H) provision in section 3.R.1.2 be lifted for one (1) twelve storey residence building on 155 University Avenue West within 75 metres of the rail corridor that is compliant with applicable rail noise and rail vibration requirements and mitigation measures as approved by the Regional Municipality of Waterloo and CN Rail, as specified in the by-law lifting the holding (H) provision;
  - d.) that the holding (H) provision in section 3.R.1.2 be lifted for an overhead pedestrian bridge(s) above the rail corridor and within 75 metres of the rail corridor that is compliant with applicable rail noise and rail vibration requirements and mitigation measures as approved by the Regional Municipality of Waterloo and CN Rail, as specified in the by-law lifting the holding (H) provision;
  - e.) that the holding (H) provision in section 3.R.1.2 shall remain in effect on 155 University Avenue West and 165 University Avenue West, except as specified in c.) and d.) above.
3. That Council not pass the implementing by-law to lift the holding (H) provision for the proposed development as specified in 2.c.) and 2.d.) above, until written confirmation has been received from the Region of Waterloo and CN Rail confirming that all noise and vibration requirements specified in 3.R.1.2 of Zoning By-law 2018-050 are satisfied.

Submitted by:

A handwritten signature in dark ink, appearing to read "Amanda Wyszynski". The signature is fluid and cursive, with the first name "Amanda" written in a larger, more legible script than the last name "Wyszynski".

Amanda Wyszynski, BATech, MES(PI), MCIP, RPP  
Senior Development Planner, Development Planning

Map 1 – Location Map



## Appendix A – Site Specific By-law

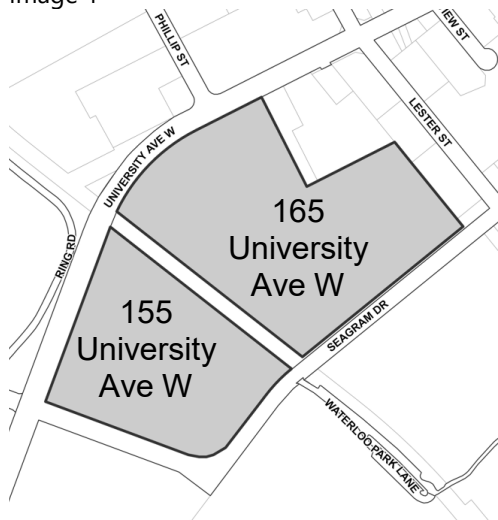
Exception	Address	Zoning	File Reference
C255	155 & 165 University Avenue West	(H)UC-81	Z-23-10

Location: 155 & 165 University Avenue West,  
as shown on Schedule 'C1' to this BY-LAW.

### Site Specific Regulations:

- a) Notwithstanding anything to the contrary, the following site specific provisions shall apply to the lands identified as 155 University Avenue West on Image 1 below:
  1. SIDE YARD setback (minimum): 0.0 metres, applicable only to an overhead pedestrian bridge (including appurtenant building floor area to connect to a BUILDING) that traverses the adjacent railway corridor.
  2. STREET LINE setback (minimum): 0.0 metres, applicable only to an overhead pedestrian bridge (including appurtenant building floor area to connect to a BUILDING) that traverses University Avenue West.
  3. Notwithstanding section 3.R.1.1, that an overhead pedestrian bridge(s) (including appurtenant building floor area to connect to a BUILDING) shall be permitted within 15 metres of the adjacent railway corridor, subject to the lifting of the holding (H) provision in section 3.R.1.2.
- b) Notwithstanding anything to the contrary, the following site specific provisions shall apply to the lands identified as 165 University Avenue West on Image 1 below:
  1. SIDE YARD setback (minimum): 0.0 metres, applicable only to an overhead pedestrian bridge (including appurtenant building floor area to connect to a BUILDING) that traverses the adjacent railway corridor .
  2. Notwithstanding section 3.R.1.1, that an overhead pedestrian bridge (including appurtenant building floor area to connect to a BUILDING) shall be permitted within 15 metres of the adjacent railway corridor, subject to the lifting of the holding (H) provision in section 3.R.1.2.

Image 1



### Appendix B – Public, Agency, and Staff Comments

#### **PUBLIC COMMENTS**

One comment was submitted through the project webpage on EngageWR:

“Glad to see that vehicle access will be off parking lot A and not University Ave, and that removed trees will be replaced. Appreciate that there is a main entrance directly off the multi-use trail, and that indoor bike parking is located on the main floor and not underground. Good to see 'protected' routes created with the addition of a new elevated passageway between the residences. This will hopefully make the walk to/from campus easier during the winter, rainstorms or hot days. I would prefer to see no expansion of the existing surface parking lot - this residence is located in an area that is highly accessible on foot, or by bus/LRT/bike. I would like to see the university revisit how many cars are in these lots at peak times, particularly with new post-COVID expectations of how often students are on campus - if the lot is never full currently, then we should not be providing more spaces, particularly as the lot expansion would be only be 100m away from the Waterloo Park LRT station.”

#### **STAFF AND AGENCY COMMENTS**

##### **No comments or concerns:**

- City of Waterloo Engineering Services
- City of Waterloo Fire Department – Fire Prevention Division
- City of Waterloo Economic Development
- Ministry of Transportation
- Waterloo Region District School Board
- Waterloo Catholic District School Board
- Waterloo Advisory Committee on Active Transportation
- Enova

##### **GRCA:**

- The GRCA has reviewed this application under Ontario Regulation 686/21, acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as well as in accordance with Ontario Regulation 150/06 and GRCA's Board approved policies.
- Information currently available at our office indicates that the subject lands may be adjacent to the Laurel Creek floodplain. This reach of the floodplain is designated as the Laurel Creek Special Policy Area (SPA).

- We have reviewed the topographical survey provided by the applicant, and compared it with applicable regulatory floodplain elevations. Contrary to our mapping, we are satisfied that the subject lands, as well as Seagram Drive and its intersection with University Avenue West, are not affected by the regulatory floodplain.
- As per subsection 2(3) of Ontario Regulation 150/06, the topographical survey results prevail over our mapping, and the subject lands are not regulated by the GRCA. The GRCA has no further comments on this or future planning applications, and no GRCA permit is required for construction.

### **CN Rail:**

It is noted that the subject site is adjacent to a Branch rail corridor on which CN operates. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line, and maintain a 15 metre setback.
- To review proposal for the pedestrian bridge that will connect to the existing residence, CN engineering requires detailed engineering and architectural drawings illustrating the details of the structure. CN engineering will provide comments on the acceptability of the proposal once their review is completed.
- The attached report on vibration does not have a satisfactory conclusion. The report concludes that a detailed assessment should be undertaken to confirm if the appropriate vibration criteria will be met without any vibration mitigation in place.
- CN requires for the following noise mitigation measures listed in the Thornton Tomasetti, Noise report dated July 17, 2023 to be implemented as an eventual condition of municipal approval of the project:
  - Mandatory central air conditioning is for all west-facing residence units and northeast corner residence units, according to the requirements in Table 2, and Type D warning clause.
  - Building components to respect the requirements in Table 8 and Table 9 and Table 10 of the Thornton Tomasetti, Noise report dated July 17, 2023.11.02
  - Exterior Wall Construction of STC-42, for the northeast corner residence units.
  - STC 35 rating for the glazing for the northeast corner residence units.
  - The following CN warning clause:  
“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and

vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

- CN is completing a review of the proposed site drainage and we will get back to shortly with our comments.
- CN will no longer require a registration of environmental easement if the inclusion of CN warning clause will be implemented as a condition by the municipality.

### **Canada Post:**

- Canada Post has reviewed the proposal for the above noted Development Application and has determined that the project adheres to the multi-unit policy and will be serviced by developer/owner installed Lock Box Assembly.
- Multi-unit buildings and complexes (residential and commercial) with a common lobby, common indoor or sheltered space, require a centralized lock box assembly which is to be provided by, installed by, and maintained by the developer/owner at the owner's expense. Buildings with 100 units or more MUST have a rear loading Lock Box Assembly with dedicated secure mail room.

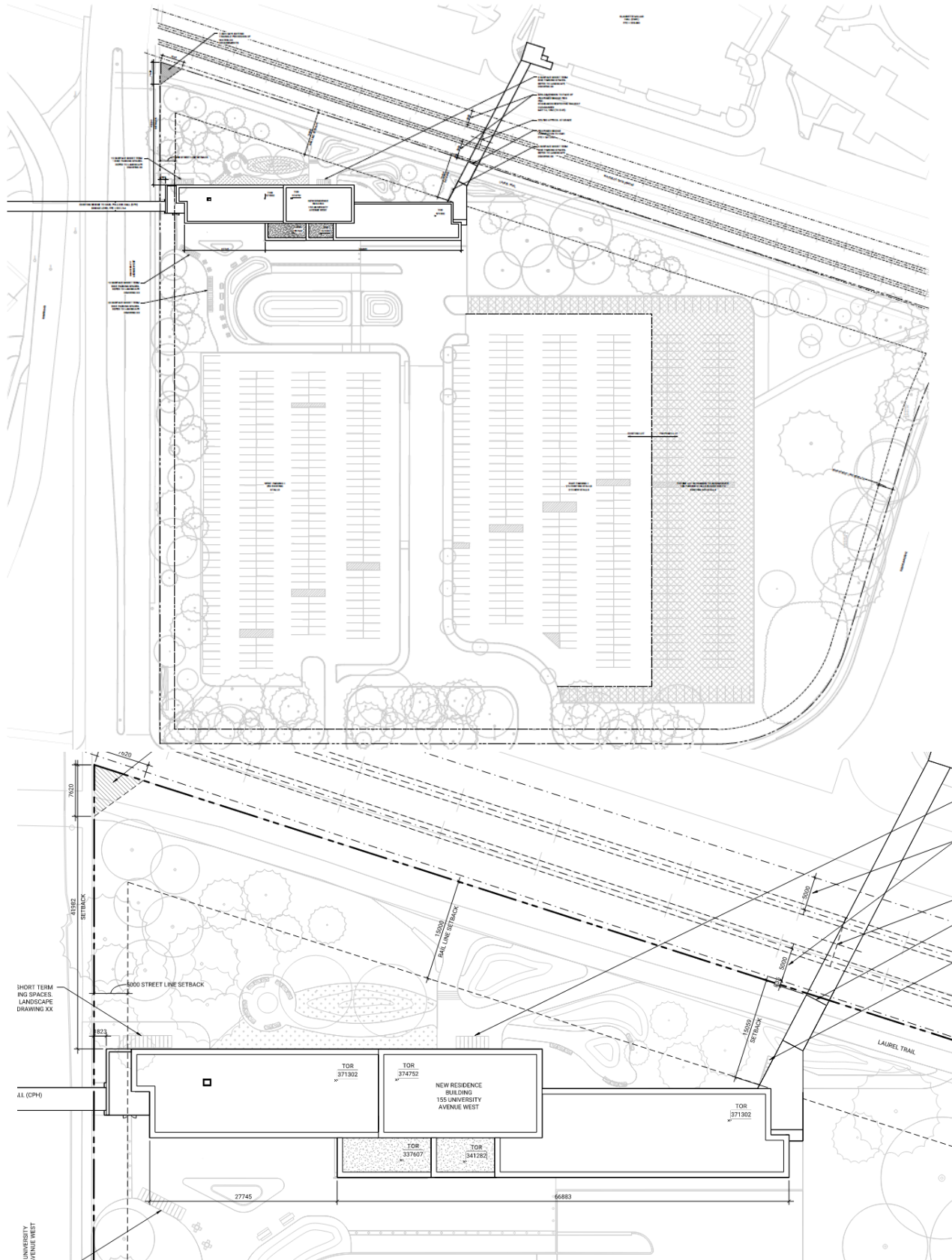
### **City of Waterloo – Transportation Services:**

- There is an existing easement on the subject site along the Laurel Trail. The City requests that the easement parcel be conveyed to the City to allow for the City to maintain the trail and fund infrastructure improvements (ex. Lighting).

### **Region of Waterloo**

- See Appendix D.

Appendix C – Proposed Site Plan



**Appendix D – Region of Waterloo Comments**



PLANNING, DEVELOPMENT  
AND LEGISLATIVE SERVICES

150 Frederick Street, 8th Floor  
Kitchener ON N2G 4J3 Canada  
Telephone: 519-575-4400  
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www.regionofwaterloo.ca

Monika Oviedo  
File: C14-60/4/Z-23-10  
November 24, 2023

Ms. Amanda Wyszynski  
Senior Development Planner/ Urban Designer  
Integrated Planning and Public Works  
City of Waterloo  
100 Regina Street S.  
Waterloo, ON N2J 4A8  
Email: amanda.wyszynski@waterloo.ca  
(VIA EMAIL)

Dear Ms.Wyszynski:

**Re: Post-Circulation Comments (Submission #1)  
Zone Change Application Z-23-10  
GSP Group (C/O Caleb Miller) on behalf of University of Waterloo  
155 University Avenue West  
CITY OF WATERLOO**

The Region has prepared the following post circulation comments for the above-noted application. The purpose of these comments is to identify any items that need to be addressed prior to any decision on the proposed application.

The subject lands are currently a university parking lot and open space. The applicant is proposing a Zoning By-law Amendment (ZBA) to facilitate development of a new student residence to house approximately 510 students. The proposed development will include a pedestrian bridge over the ION Light Rail Transit corridor to provide access to another student residence (Claudette Millar Hall).

The Minister of Municipal Affairs and Housing approved Regional Official Plan Amendment No. 6 (ROPA 6) with modifications on April 11, 2023. The proposed development is within the Laurier- Waterloo Park Station Major Transit Station Area (MTSA) as shown on Figure 5a of the ROP. The subject lands are designated Built-Up Area in the Regional Official Plan (ROP). The subject lands are designated 'Academic' in Schedule A2- Employment Areas of the City's Official Plan.

The applicant is proposing to construct a 12-storey building containing primarily residential dwelling units for students between the third and twelfth storeys, with a range

of ancillary uses and common amenities on the first two storeys of the building. Vehicular parking will be provided through a lot expansion of the existing surface parking area in order to provide for the required 106 vehicular parking spaces. In terms of bicycle parking, 124 bicycle parking spaces are being provided as part of the proposed building as a combination of indoor and outdoor bicycle parking.

The subject lands are zoned University College (H)(UC-81). The applicant is proposing to amend the City's Zoning By-law law No. 2018-050 to remove a Holding (H) prefix, and permit site specific regulations. The site specific provisions include:

- SIDE YARD setback (minimum): 0.0 metres to the rail corridor to permit an overhead pedestrian bridge where a minimum of 5.0 metres is permitted; and,
- TOWER STEPBACK above PODIUM where a BUILDING FAÇADE is within 15 metres from the STREET LINE: 0.00 metres where a minimum of 3.0 metres is permitted.

Region staff have no objection to the reduced side yard setback to permit for the overhead pedestrian bridge. Region staff advise that the ultimate design of the bridge will be required to proceed prior to building permit issuance, and that the University will be required to enter into legal agreements with the Region.

Region staff have no comments on the proposed reduction to tower step-back above the podium.

Provision 3.R.1.2 in the City's Zoning By-law states that for lands within seventy-five metres (75m) of a railway right-of-way, a holding prefix (H) is hereby applied, meaning the LOT is zoned as a holding provision for which the following applies:

- a) No PERSON shall erect, enlarge, or reconstruct any BUILDING containing a SENSITIVE USE in whole or in part within seventy-five metres (75m) of a railway right-of-way.
- b) The Holding provision as it applies to the lands shall not be removed or modified until it is demonstrated by a qualified professional engineer that there will be:
  - i. Sufficient buffer from railway operations to dissipate rail-oriented emissions, vibrations, and noise;

Regional staff understand that there are ongoing discussions with CN Railway (CNR) regarding the submitted noise study and vibration impact assessment letter, and Region staff are awaiting further clarification from CNR. At this time, Region staff do not accept the conclusions of the submitted noise and vibration study and vibration impact letter. CNR has advised that the report and letter do not have a satisfactory conclusion as they conclude that a detailed assessment should be undertaken to confirm if the appropriate vibration criteria will be met without any vibration mitigation in place.

If required by CNR, the Owner must update the vibration assessment in accordance with CNR's criteria, as provided in the 'CN Railway Conditions' section below (page 7).

- ii. No adverse impacts to the sensitive uses; and,

Regional staff understand that there are ongoing discussions with CNR regarding the submitted noise study and vibration impact assessment letter, and Region staff are awaiting further clarification from CNR. At this time, Region staff do not accept the conclusions of the submitted noise and vibration study and vibration impact letter. CNR has advised that the report and letter do not have a satisfactory conclusion as they conclude that a detailed assessment should be undertaken to confirm if the appropriate vibration criteria will be met without any vibration mitigation in place.

If required by CNR, the Owner must update the vibration assessment in accordance with CNR's criteria, as provided in the 'CN Railway Conditions' section below (page 7).

- iii. A sufficient safety barrier from railway operations and potential derailments, to the satisfaction of the City and any other authority having jurisdiction.

Regional staff advise that CNR requires that the Owner install and maintain a chain link fence of a minimum 1.83 meter height along the mutual property line. The minimum 15-metre setback as shown on the submitted plans is also required.

## **REGIONAL COMMENTS**

The following planning matters were evaluated by Regional staff based on Provincial and Regional policies, and detailed comments with respect to each matter and/or study that was submitted in support of the proposed applications are provided below.

### **Community Planning**

Region staff have reviewed the report entitled "Planning Justification Report: 200 University Avenue W, City of Waterloo, Diamond +Schmitt Architects Inc. Zoning By-law Amendment", dated July 2023, and authored by GSP Group.

### **Consistency with Provincial Legislation**

The proposed development is subject to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement (PPS). The proposed residential development aims to make efficient use of an urban parcel to create more residential density and a greater mix of units in this area. Given the site is within the Built Up Area as identified in the Growth Plan, and within a Major Transit Station Area, with good access to transit and public service facilities, the proposed development aligns with the policy direction of the Provincial Policy Statement and Provincial Growth Plan.

### **Regional Official Plan**

The subject lands are designated 'Built-Up Area' in the Regional Official Plan (ROP). This ROP designation permits a full range of urban uses, including higher density residential developments. The Region supports intensification and redevelopment in 'Built-Up Areas' as long as the proposed development satisfies the general and any applicable specific ROP policies and Regional guidelines. Region staff note that Policy

2.F of ROPA 6 establishes a minimum intensification target of 83% in the Built-Up Area of the City of Waterloo.

The proposed development will contribute to the achievement of this target.

ROP policy 2.G.1.2 provides key objectives that includes an approach to accommodate the forecasted growth within 15-minute neighbourhoods, which are compact, well-connected places where the everyday needs of residents for goods, services and employment can be met. A well-designed 15-minute neighbourhood will contain a mix of land uses that provide for a variety of incomes and household sizes. The development densities will support a range of services and high quality public spaces. Developments are to be planned to prioritize walking, cycling and rolling in addition to establishing a street network with frequent connections and pathways to surrounding areas.

15-minute neighbourhood is defined in the ROP as:

*“Compact, well-connected places such as mixed-use neighbourhoods or other areas within the Urban Area and Township Urban Areas. They are places that offer support and opportunities for people of all ages and abilities and at all times of year to conveniently access the necessities for daily living with a 15-minute trip by walking, cycling, and rolling, and where other needs can be met by taking direct, frequent, and convenient transit, wherever possible. 15-minute neighbourhoods include an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. They are also age-friendly places and may take different shapes and forms appropriate to their contexts.”*

The proposed development is well served by a range of land uses, active transportation and transit, and will contribute to the available student-oriented housing in the existing neighbourhood.

### **Major Transit Station Area (MTSA)**

The proposed development is within the Laurier-Waterloo Park MTSA as shown on Figure 5a of the ROP. Through ROPA 6, the Laurier-Waterloo MTSA has been delineated and a minimum density target of 95 people and jobs per hectare has been established. Per ROP policy 2.D.2.2 Area municipalities will undertake detailed planning and establish official plan policies and zoning by-laws to ensure that MTSA's are planned and designed, in a manner that achieves the minimum density targets and are transit-supportive, supports planned transit service levels, and prioritizes access to the station area and connections to any nearby major trip generators by providing connections to regional and provincial transit services to support transit service integration, and mobility networks for walking, cycling, and rolling, including sidewalks, bicycle lanes, and secured bicycle parking (ROP Policy 2.D.2.2a-b).

Further, per ROP Policy 2.D.2 c - h, MTSA's shall be planned and designed in a manner that:

- c) provides for a diverse mix of uses, including additional residential units and affordable housing, where residential uses are permitted, to support existing and planned transit service levels;
- d) fosters collaboration between public and private sectors, such as joint development projects;
- e) provides alternative development standards, such as reducing or eliminating minimum automobile parking standards, or providing maximum parking standards, for uses near transit routes, to maximize intensification opportunities and minimize surface parking areas;
- f) prohibits land uses and built form that would adversely affect the achievement of the minimum density targets set out in Table 2;
- g) protects existing significant employment uses by ensuring land use compatibility with adjacent new development;
- h) supports the implementation of inclusionary zoning by identifying:
  - i. the authorized uses of land in the station area and of buildings or structures on lands in the area; and
  - ii. the minimum densities that are authorized with respect to buildings and structures on lands in the station area; and
- i) Is consistent with the relevant transit-supportive development policies of Section 2.D.6

The proposed development will contribute to the achievement of the MTSA density target and conforms to the ROP policy direction for development within MTSA's.

#### **Record of Site Condition (RSC)**

Region staff have no concerns and offer no comments on the submission.

#### **Hydrogeology and Water Programs (HWP)**

Region staff have no concerns and offer no comments on the submission.

#### **Notice of Source Protection Plan Compliance (Section 59 Notice)**

Region staff advise and reiterate the following presubmission comments: staff note that the property falls within a WHPA D-4 and chloride Issue Contributing Area (ICA). A Section 59 Notice is required to be submitted as part of a complete ZBA application. In order to be valid, the notice must reference the ZBA, and must be signed by both the owner/applicant and the Region's Risk Management Official.

Region staff understand that the Region's Risk Management Official and the applicant are coordinating an amendment of the University of Waterloo's existing Risk Management Plan in order to obtain a valid Section 59 Notice. **Prior to final approval of the ZBA, the Section 59 Notice must be completed and submitted to the Region's satisfaction.**

#### **Water Services**

Region staff have no concerns and offer no comments on the submission.

## **Housing Services**

Region staff have no concerns and offer no comments on the submission.

## **Corridor Management**

### **Environmental Noise and Rail Vibration**

Corridor Planning staff have reviewed the report entitled University of Waterloo, Student Residence Building, Waterloo ON, dated July 17, 2023 and prepared by Thornton Tomasetti Canada Incorporated and provide the following comments regarding transportation noise. The report indicates that the transportation noise sources include Regional Road #57 (University Avenue West) and the Canadian National Railway (CNR).

The report indicates that the railway is within 75 metres. A ground-borne vibration impact assessment was requested by CNR staff per the CNR conditions below. As noted above, Regional staff defer to CNR to provide detailed comments on the review of this vibration assessment.

The report notes that no stationary noise sources were identified.

The report indicates that the acoustical impacts are above acceptable levels and mitigation, including central air conditioning, brick exterior façade constructions, and noise warning clauses are required to ensure indoor noise levels do not exceed acceptable levels noted in NPC-300 and NPC-216.

The report indicates that all units in the proposed development will be supplied with central air conditioning. The location, installation and sound ratings of the air conditioning devices should comply with NPC-300.

The report notes that the exterior walls should have a minimum of STC 42, the Fixed Glazing a minimum of STC 35 and Operable Glazing a minimum of STC 32. The report indicates that dwellings units with north and east walls will require brick veneer or masonry equivalent wall construction. Exterior wall assemblies that meet the Ontario Building Code (OBC) will provide sufficient sound insulation for dwelling units on the south and west facades.

Since the noise source, University Avenue, is a roadway under the jurisdiction of the Region of Waterloo, an agreement with the Region of Waterloo to implement the recommendations of the noise study would be required to implement a Type D noise warning clause. The report recommends the following noise warning clause be registered on title for all dwelling units. Should a future development application for a condominium and/or a consent to sever application be received, then the owner will be required to enter into an agreement with the Region of Waterloo and the following clauses would be included in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations:

## **All Dwelling Units**

### ***Type D:***

*This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels*

*are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.*

Prior to the issuance of any building permits, a Professional Engineer qualified to provide acoustical engineering services in the Province of Ontario shall certify that the noise attenuation measures, including the provision of central air conditioning, are properly incorporated in the building plans. Upon completion of construction, a Professional Engineer qualified to provide acoustical engineering services in the Province of Ontario shall certify that the dwelling units have been constructed accordingly.

#### CN Railway Conditions

The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.

Ground-borne vibration transmission should be evaluated in a report through site testing to determine if dwellings within 75 meters of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.

The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

*“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”*

**Region staff advise that the Region does not have a mechanism through which to implement the CNR warning clause.** In lieu of the warning clause and per CNR’s comments, the Owner shall be required to grant CNR an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CNR.

The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must

receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.

#### Regional Road Dedication (Advisory Comment)

The applicant is advised that should there be a future Planning Act application (i.e. consent to sever and/or Condominium application) a Regional Road widening would be required. At this location, Regional Road #57 (University Avenue West ) has a designed road allowance width of 30.480m, as designated in the Region of Waterloo Official Plan (ROP), we estimate there is no further road widening required at the frontage of the proposed development, however a 7.6m daylight triangle will be required at the intersection of University Avenue West and Seagram Drive and 7.6m daylight triangle will be required at the intersection of University Avenue West and the Region's rail right of way. An Ontario Land Surveyor (OLS) would have to determine the exact road widening.

It is recommended that the OLS contact Region staff to discuss the road widening prior to preparing the Reference Plan. The land must be dedicated to the Region of Waterloo for road allowance purposes and must be dedicated without cost and free of encumbrance. All land dedications should be identified on the Site Plan.

The Owner/Applicant must engage an OLS to prepare a draft reference plan which illustrates the required road allowance widening. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the Transportation Planner for review. An electronic copy of the registered plan is to be emailed to the Transportation Planner. Further instructions will come from the Region's Legal Assistant with regard to document preparation and registration.

#### Condition of Approval for Future Municipal Consent:

Lot Grading, Functional Servicing Report, Storm Water Management and any necessary legal agreements (e.g. encroachment agreement) for the pedestrian bridge will be required prior to municipal consent approval.

#### Stormwater Management & Site Grading

Staff have received the Functional Grading Plan (Drawing C2.1) dated July 21, 2023, and the Functional Servicing Report and Stormwater Management Brief dated July 21, 2023, prepared by MTE Consultants Inc. The site must be graded in accordance with the approved plan, and the Regional Road allowance must be restored to the satisfaction of the Regional Municipality of Waterloo. Please be advised that all alterations to the Regional Road Allowance will require Regional approval through a separate process of Municipal Consent. Further information in this regard can be provided by contacting Jim Ellerman:

Jim Ellerman, A. Sc. T.  
Supervisor, Corridor Management  
Transportation Services  
Region of Waterloo  
C: 519-577-0133  
[jellerman@regionofwaterloo.ca](mailto:jellerman@regionofwaterloo.ca)

### Other

The Region's 2023 Transportation Capital Program identifies this section of University Avenue West for reconstruction and major rehabilitation in 2032 and includes resurfacing from Albert Street to Westmount Road North.

### Proposed Pedestrian Bridge over Waterloo Spur

Regional staff generally support the proposed pedestrian bridge structure over the Waterloo Spur. However, the proponent is advised that any costs associated with the design and construction of the structure will be at their own expense. In addition, the structure will be required to conform to all applicable standards and specifications, including freight rail and light rail transit requirements. The design and construction process, including the required legal agreements, can be lengthy for this type of infrastructure, so the proponent is encouraged to coordinate a kickoff meeting with the staff identified below as soon as possible as these will need to be in place prior to building permit issuance.

Jim Ellerman, A. Sc. T.  
Supervisor, Corridor Management  
Transportation Services  
[jellerman@regionofwaterloo.ca](mailto:jellerman@regionofwaterloo.ca)

Tanikia Kinear  
Transportation Planner  
Corridor Planning  
[TKinear@regionofwaterloo.ca](mailto:TKinear@regionofwaterloo.ca)

David Girodat  
Manager, Light Rail Transit Operations  
Transportation Services  
[DGirodat@regionofwaterloo.ca](mailto:DGirodat@regionofwaterloo.ca)

Josh Graham  
Manager, Corridor Planning  
Corridor Planning  
[jgraham@regionofwaterloo.ca](mailto:jgraham@regionofwaterloo.ca)

### **Regional Fees**

Regional staff confirm receiving and depositing the required Zoning By-law Amendment Application Fee.

Any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charges By-law 19-037 or any successor thereof.

**General Comments and Next Steps**

Please accept the above as comments from the Region on the proposed Zoning By-law Amendment application. **The Region does not support the lifting of the existing holding provision at this time, as the applicant has not demonstrated that the conditions of the holding provision have been met. Specifically, the noise and vibration study must be updated to the satisfaction of the Region and CN Railway.**

**Additionally, prior to final approval of the ZBA, a Section 59 Notice must be submitted to the Region's satisfaction.**

Please provide a copy of your staff report and draft by-laws once they become available.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours Truly,

A handwritten signature in black ink, appearing to read 'M Oviedo', with a stylized flourish at the end.

Monika Oviedo  
Senior Planner

Cc: Caleb Miller (agent) - Via Email