



Staff Report for Council Meeting

Date of Meeting: November 24, 2021

Report Number: SRPI.21.105

Department: Planning and Infrastructure

Division: Development Planning

Subject: **SRPI.21.105 – Servicing Allocation and Class 4 Area Designation Request- Bluegrove Investments Inc. – City File D06-17041 – Related Files D02-14035 and D03-14014**

Owner:

Bluegrove Investments Inc.
361 Four Valley Drive
Vaughan, Ontario L4K 5Z3

Agent:

Humphries Planning Group Inc.
190 Pippin Road, Suite A
Vaughan, Ontario L4K 4X9

Location:

Legal Description: Part of Lot 26, Concession 2, E.Y.S.
Municipal Address: 1080 Elgin Mills Road East

Purpose:

A request for approval concerning the assignment of municipal servicing allocation to facilitate the construction of a medium density residential development on the subject lands, and to permit a “Class 4 Area” noise designation over portions of the subject lands.

Recommendations:

- a) **That the request by Bluegrove Investments Inc. for 239.2 persons equivalent of servicing allocation (80 townhouse dwelling units) for the lands known as Part of Lot 26, Concession 2, E.Y.S. (Municipal Address: 1080 Elgin Mills Road East), City File D06-17041, be approved;**

Page 2

- b) That the assigned servicing allocation be released by the Commissioner of Planning and Infrastructure in accordance with By-law 109-11; and,
- c) That Blocks 8 and 9 shown on Map 3 to Staff Report SRPI.21.105 be designated as a “Class 4 Area” as defined by the Ontario Ministry of Environment, Conservation and Parks in its “Environmental Noise Guidelines: Stationary and Transportation Noise Sources – Approval and Planning (Publication NPC-300)”.

Contact Person:

Jeff Healey, Senior Planner – Subdivisions, phone number 905-747-6452
Denis Beaulieu, Manager of Development - Subdivisions, phone number 905-771-2540
Tony Chiu, Transportation Engineer, phone number 905-771-5472
Hubert Ng, Manager of Transportation and Traffic, phone number 905-771-6501

Report Approval:

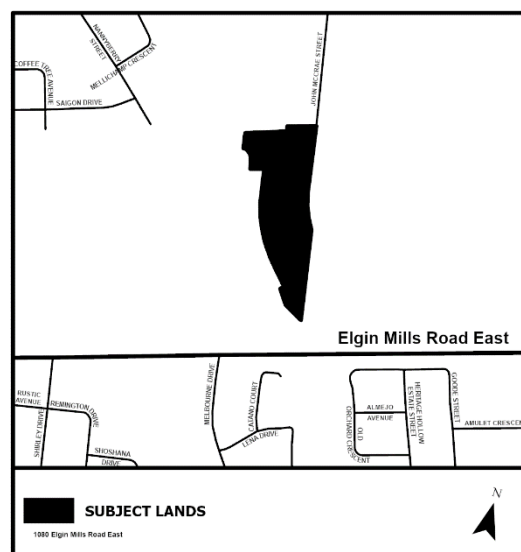
Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Location Map:

Below is a map displaying the property location. Should you require an alternative format call person listed under “Contact Person” above.



Page 3

Background:

On June 12, 2018, Council endorsed the recommendations of Staff Report SRPRS.18.130 and approved Zoning By-law Amendment and draft Plan of Subdivision applications to permit a medium density residential development on the subject lands (refer to Appendix “A”). In doing so, Council also approved a “Class 4 Area” noise designation on a portion of the subject lands pursuant to the Ministry of the Environment, Conservation and Parks’ (“MOECP”) “Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (NPC-300)” (refer to Block 14 on Map 3). The purpose of applying a “Class 4 Area” designation was to address noise considerations as a result of the block’s proximity to stationary noise sources (i.e. the City’s Operations Centre, Richmond Green Community Park and York Region Community Environmental Centre).

Since 2018, the applicant has been working to finalize the detailed design for its draft approved Plan of Subdivision and required works on adjacent lands, and is currently in the final stages of the Site Plan Approval process. In addition to the need for servicing allocation to be assigned to the development proposal, it has been determined that two additional townhouse blocks require a “Class 4 Area” noise designation (refer to Blocks 8 and 9 on Map 3).

Accordingly, the purpose of this report is to seek Council’s approval to assign municipal servicing allocation for the proposed development on the subject lands and to approve a “Class 4 Area” designation on Blocks 8 and 9 as part of a future amending Zoning By-law.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the north side of Elgin Mills Road East, between Bayview Avenue and Leslie Street, and have a total lot area of 2.4 hectares (5.93 acres) (refer to Map 1). The lands are currently vacant and have historically been used for agricultural purposes.

The lands abut primarily vacant, agricultural and environmental lands to the west and north, while to the east is a future major collector road (John McCrae Street), York Region’s Elgin Mills Community Environmental Centre and the City’s Operations Centre. Portions of the adjacent lands to the west and north are designated for urban development under the policies of the North Leslie Secondary Plan (the “Secondary Plan”), with these lands being either approved or proposed for residential development (refer to Map 2).

Development Proposal

The proposed development is comprised of 80 block townhouse dwellings within Block 1 on draft approved Plan of Subdivision 19T-14014 (refer to Maps 3 to 5). The

Page 4

remainder of the applicant's landholdings within its draft approved Plan of Subdivision are comprised of Natural Heritage System lands to be conveyed to the City, a Stormwater Management Pond, and a Future Residential Block that is to be coordinated with the development to the west which will be subject to future planning approvals. The following is a summary table outlining the relevant statistics of the applicant's development proposal based on the current plans and drawings submitted to the City as part of the Site Plan Approval process:

- **Total Site Plan Area:** **2.4 hectares (5.93 acres)**
- **Total Number of Units:** **80**
 - **Front Loaded Townhouses:** **50**
 - **Rear Lane Townhouses:** **30**
- **Density:** **35.0 units per hectare
(14.2 units per acre)**
- **Building Height:** **3 storeys**
- **Parking Spaces:** **182**
 - **Residents:** **160 (2 spaces per unit)**
 - **Visitor:** **20 (0.25 spaces per unit)**
 - **Barrier Free:** **2**

Class 4 Area Noise Designation

The Ministry of the Environment, Conservation and Parks' ("MECP") "**Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (NPC-300)**" provides municipalities with the ability to formally recognize and declare a site as a "Class 4 Area". This allows development and intensification in areas of existing stationary noise sources that have higher sound level limits than Class 1, 2 and 3 Areas, typically associated with residential areas. Should a "Class 4 Area" designation not be granted, there is no other flexibility to allow a development to address the exceedances of the sound limits established in the NPC-300 Guidelines, and development cannot proceed.

In the case of the subject lands (and adjacent lands in the Secondary Plan), the main stationary noise sources affecting the proposed development are due to certain activities from the City's Operations Centre, Richmond Green Community Park and York Region's Community Environmental Centre located to the east of the subject lands. Guideline NPC-300 defines a "Class 4 Area" as an area or specific site that would otherwise be defined as Class 1 or 2 and which meets the following criteria:

- the site is an area intended for development with new noise sensitive land use(s) that are not yet built;
- the site is in proximity to existing, lawfully established stationary noise source(s); and,
- the site has formal confirmation of a Class 4 Area designation from the land use planning authority, which is determined during the land use planning process.

Page 5

The Class 4 Area designation permits increased sound level limits for the new noise sensitive uses, therefore requiring less noise mitigation. For outdoor points of reception, the difference between a Class 1 designation (which would typically apply to the subject proposal if there were no stationary noise sources) and Class 4 designation is +5 dBA from 7:00 am to 11:00 pm. There are no sound level limits for outdoor points of reception during the night. For indoor points of reception (the inside of windows in noise sensitive spaces), the difference in acceptable sound levels between Class 1 and Class 4 designations is +10 dBA at all times of the day.

The NPC-300 noise guideline identifies a number of considerations to apply to a proposed “Class 4 Area” designation and associated new noise sensitive land uses, including the following:

- submission of a satisfactory Noise Impact Assessment which includes noise measurements as required by NPC-300;
- appropriate notification to prospective purchasers that the dwelling is located in a Class 4 Area, which may include, but is not limited to, agreements for noise mitigation (registered on title) and appropriate warning clauses in future agreements of purchase and sale;
- providing a copy of the approved Noise Impact Assessment and Class 4 Area designation confirmation to the surrounding owners of the stationary noise sources; and,
- once a site is designated Class 4 Area, it would remain as such, subject to the continuing presence of the stationary noise sources.

The applicant originally submitted a Noise Feasibility Study prepared by Valcoustics Canada Ltd. in December 2014 to assess the noise impacts to its development proposal as a result of nearby stationary noise sources and transportation noise sources. That study recommended that townhouse Block 14 (refer to Map 3) be designated as a “Class 4 Area”, which was approved by Council in June 2018.

As part of the Site Plan application process, the applicant submitted two addendums to the Noise Feasibility Study to verify the recommendations in the original study using detailed Floor Plans and Elevation Plans. The assessment was also updated to reflect changes to operations at the Elgin Mills Community Environmental Centre (CEC). The findings of the updated studies indicate that the sound levels for townhouse Blocks 8 and 9 (refer to Map 3) are predicted to exceed the MECP noise criteria for Class 1 Area designation, but only for an interim period prior to construction of the southernmost townhouse block on the adjacent lands to the north.

Staff has reviewed the applicant’s Noise Feasibility Study Addenda and support the applicant’s request to reclassify townhouse Blocks 8 and 9 from Class 1 to Class 4 Area based on the following:

- the excess noise levels predicted at the affected portion of the buildings are considered minor (up to 2 dBA), which is acoustically insignificant in practice (on

Page 6

average, the human ear would not be able to detect a change in sound level of 2 dBA);

- if townhouse Blocks 8 and 9 were to remain as a Class 1 Area, the affected blocks would require a major redesign so that noise sensitive spaces are not exposed to the stationary noise sources at the Elgin Mills Community Environmental Centre to the east. It should be noted that the applicant already attempted to address the excess of sound levels through the site specific design measures;
- under the Class 4 Area noise criteria, the design of townhouse Blocks 8 and 9 will not require special mitigation measures to protect against stationary noise sources, as the predicted sound levels would be below the Class 4 Area limits; and,
- the excess sound levels will only occur on an interim basis, until the southernmost townhouse block for the adjacent development to the north is completed.

If Council approves the Class 4 Area designation for townhouse Blocks 8 and 9, appropriate warning clauses will be included in the future Site Plan Agreement and Agreements of Purchase and Sale to ensure that the development complies with the MECP Noise Guidelines (NPC-300).

Interim Growth Management Strategy

Council has approved and implemented a comprehensive strategy comprised of eight growth management eligibility criteria as a means of assessing and prioritizing development applications for the receipt of municipal servicing allocation. The eight growth management criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*
5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

The proposed development will meet Criteria 5 and 6 noted above (refer to Appendix “B”). Additionally, the proposed development has been reviewed in accordance with the City’s Sustainability Performance Metrics chart and has achieved a score of 38 which is considered a “good” performance level. Staff has reviewed the submission and agrees that the proposal meets the aforementioned criteria, as follows:

- the subject lands are located within the North Leslie Secondary Plan area, which comprises of a variety of existing and/or planned residential and commercial uses, parks, schools and open spaces. The Secondary Plan area is connected by a network of municipal local and collector streets, which connects to the subject lands to the north;

Page 7

- the proposed development has committed to third party green standards that will improve energy efficiency by 15% beyond the Ontario Building Code (OBC). At least 75% of the proposed dwelling units will be certified under these standards (refer to Appendix “C”);
- additional soil volumes have been included on the applicant’s Grading Plan and Landscaping Plan to minimize runoff and increase water holding capacity, to protect and maintain the existing soil structure and to support biological communities; and,
- the applicant has committed to providing LED’s on all exterior lighting in the development proposal, which will reduce energy that is used for the development. The applicant has submitted a Photometric Plan to demonstrate the locations of LED lighting in the development.

The energy performance letter submitted by ClearSphere indicates that should the minimum energy efficiency requirements of the OBC be revised, the applicant’s commitment to “15% Better Than Code” would be reduced and prorated accordingly (refer to Appendix “C”). Since this is inconsistent with the intent of the Sustainability Metrics and the associated assignment of servicing allocation, staff will be including a provision in the Site Plan Agreement that confirms that the “15% Better Than Code” is to be applied against the OBC requirements at the time of Building Permit issuance.

On September 29, 2015, Council adopted the recommendations of Staff Report SRPRS.15.148 and approved modifications to the City’s servicing allocation assignment protocol in North Leslie (West) in order to ensure that servicing capacity was aligned with initial phasing and infrastructure needs (e.g. internal collector road system, sanitary sewer, water distribution system, storm water management facilities and parks). On this basis, the subject lands were designated to receive 185 persons equivalent of municipal servicing allocation (62 townhouses) as part of the first phase of development approvals. As the proposed development on the subject lands contains a total of 80 townhouses and will be constructed in a single phase, staff have no concerns with the assignment of servicing allocation for 18 additional townhouse dwelling units.

Based on the above, staff is of the opinion that the applicant’s development proposal satisfies the City’s IGMS criteria and therefore, it is recommended that Council assign municipal servicing allocation for a total of 239.2 persons equivalent population (80 townhouse dwelling units) to facilitate the proposed development on the subject lands.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to Council’s Strategic Priorities 2020-2022:

The recommendations of this report are aligned with **Balancing Growth and Green** in recognizing the balance between economic development and environmental protection.

Page 8

Climate Change Considerations:

This proposed development considers climate change adaptation by incorporating third party green design standards that will achieve a 15% reduction in energy consumption than the current OBC Standard, which will reduce demand on electricity and heating for this development.

Conclusion:

The applicant is seeking Council's approval of its request for the assignment of municipal servicing allocation and to permit a "Class 4 Area" designation for specific blocks in order to facilitate the construction of a medium density residential development on its land holdings. Staff is of the opinion that the development proposal satisfies the City's Interim Growth Management Strategy criteria and is consistent with the City's servicing allocation policy. On this basis, staff recommends that Council assign municipal servicing allocation for 239.2 persons equivalent population (80 units) for the proposed development. Furthermore, staff recommends that Blocks 8 and 9 as shown on the applicant's Site Plan be designated as a "Class 4 Area" under the Ministry of Environment, Conservation and Parks' ("MOECP") "Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (NPC-300)".

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix "A", Extract from Council Meeting C#21-18 held June 12, 2018
- Appendix "B", Sustainability Metrics Summary Chart, prepared by Humphries Planning Group Inc., dated October 5, 2021
- Appendix "C", Energy Performance Measure for Bluegrove Investments Inc. prepared by Clearsphere Consulting, dated July 10, 2018
- Map 1, Aerial Photograph
- Map 2, North Leslie West Overall Concept Plan
- Map 3, Site Plan
- Map 4, Proposed Elevations – Front Loaded Townhouses
- Map 5, Proposed Elevations – Rear Lane Townhouses

Page 9

Report Approval Details

Document Title:	SRPI.21.105 - Municipal Servicing Allocation - 1080 Elgin Mills.docx
Attachments:	<ul style="list-style-type: none">- SRPI.21.105 - Appendix A Meeting Minutes.doc- SRPI.21.105 - Appendix B Sustainability Metric Scoring Chart.docx- SRPI.21.105 - Appendix C Energy Performance Measure, prepared by Clearsphere Consulting.pdf- SRPI.21.105 - Map 1 - Aerial Photograph.docx- SRPI.21.105 - Map 2 - North Leslie West Overall Concept Plan.docx- SRPI.21.105 - Map 3 - Site Plan.docx- SRPI.21.105 - Map 4 - Proposed Elevations - Front Loaded Townhouses.docx- SRPI.21.105 - Map 5 - Proposed Elevations - Rear Lane Townhouses.docx
Final Approval Date:	Nov 9, 2021

This report and all of its attachments were approved and signed as outlined below:

Dan Terzievski - Nov 8, 2021 - 1:26 PM

Gus Galanis - Nov 8, 2021 - 1:27 PM

Kelvin Kwan - Nov 8, 2021 - 2:01 PM

MaryAnne Dempster - Nov 9, 2021 - 3:13 PM