



## **Staff Report for Council Meeting**

**Date of Meeting:** July 6, 2022

**Report Number:** SRPI.22.085

**Department:** Planning and Infrastructure

**Division:** Development Planning

**Subject:** **SRPI.22.085 – Request for Approval of Servicing Allocation and Noise Classification Requests – 2702485 Ontario Inc. – City File D06-21042 (Related Files D02-19022 and D03-19006)**

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### **Owner:**

2702485 Ontario Inc.  
5400 Yonge Street, Suite 403  
Toronto, Ontario M2N 5R5

### **Agent:**

JKO Planning Services Inc.  
27 Fieldflower Crescent  
Richmond Hill, Ontario L4E 5E9

### **Location:**

**Legal Description:** Part of Lot 47, Concession 1, E.Y.S.  
**Municipal Address:** 178 Centre Street East

### **Purpose:**

A request for approval concerning the assignment of municipal servicing allocation and the implementation of a Class 4 Area noise classification to facilitate the construction of a residential development to be comprised of single detached and semi-detached dwellings on the subject lands.

### **Recommendations:**

- a) **That the request by 2702485 Ontario Inc. for 76.32 persons equivalent of servicing allocation (22 semi-detached and 2 single detached dwelling units) for the lands known as Part of Lot 47, Concession 1, E.Y.S. (Municipal Address: 178 Centre Street East), City File D06-21042, be approved;**

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- b) That the assigned servicing allocation be released by the Commissioner of Planning and Infrastructure in accordance with By-law 109-11, as amended; and,
- c) That the subject lands be classified as a Class 4 Area as defined by the Ontario Ministry of Environment, Conservation and Parks in its “Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300)” to address Stationary Noise.

### Contact Person:

Kaitlyn Graham, Senior Planner – Site Plans, phone number 905-771-5563 and/or  
Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

### Report Approval:

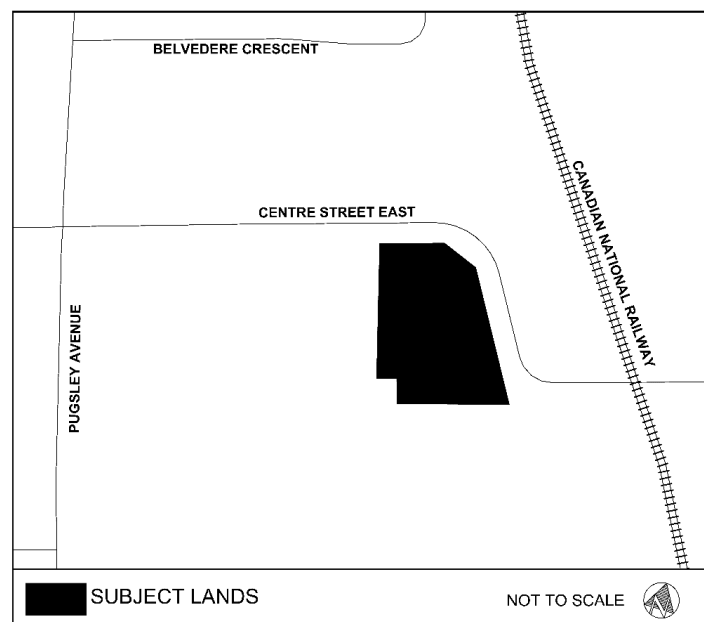
**Submitted by:** Kelvin Kwan, Commissioner of Planning and Infrastructure

**Approved by:** Darlene Joslin, Interim 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.



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### **Background:**

On February 24, 2021, Council approved Zoning By-law Amendment and draft Plan of Subdivision applications (City Files D02-19022 and D03-19006) to permit a residential development to be comprised of 22 semi-detached and two single detached dwelling units on the subject lands as outlined in Staff Report SRPI.21.025 (refer to Appendix “A”). On March 10, 2021, Council approved revised recommendations which additionally directed staff to include the subject lands within a Site Plan Control Area in order to facilitate the proposed development (refer to Appendix “B”). In this regard, Council enacted a Site Plan Control By-law for the subject lands on April 13, 2022.

The subject Site Plan application was received by the City on July 20, 2021 and deemed complete on August 5, 2021. The application and supporting materials were subsequently circulated to relevant City departments and external agencies for review and comment. At this time, comments from circulated City departments and external agencies as they relate to this stage of the approval process have been largely addressed by the applicant, with the exception of minor outstanding technical matters including final approval and registration of the related draft approved Plan of Subdivision and matters relating to noise and vibration. In this regard, in addition to the need to assign servicing allocation to the subject development proposal, it has been determined through the ongoing review of a Noise and Vibration Study submitted by the applicant, that the subject lands also require a Class 4 Area noise classification to address stationary noise sources to facilitate the proposed development. This matter is discussed in the subsequent sections of this report.

Accordingly, the purpose of this report is to seek Council’s approval to assign municipal servicing allocation and to classify the subject lands as a Class 4 Area noise classification to facilitate the construction of the proposed residential development on the subject lands.

### **Summary Analysis:**

#### **Site Location and Adjacent Uses**

The subject lands are located on the south side of Centre Street East, east of Pugsley Avenue, and have a total lot area of approximately 0.62 hectares (1.53 acres). The lands presently support a single storey automotive service building and associated outdoor vehicle storage area which is to be demolished to facilitate the proposed development (refer to Map 1).

The site abuts an unopened road allowance (Station Street) and the Canadian National Railway (CN Rail) rail line to the east, beyond which there are a variety of industrial uses, including a Lafarge Canada Inc. concrete/ready-mix facility. Other surrounding uses include townhouses to the west, industrial buildings and an existing low density residential subdivision to the north. Vacant industrial/commercial lands are located to the northeast and southeast of the site. The lands immediately to the south include a

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municipal park (Unity Park) and natural heritage lands containing a woodlot, German Mills Creek, and associated floodplain.

### Development Proposal

The applicant's development proposal is to be comprised of 22 semi-detached and two single detached dwelling units on a private condominium road with vehicular access to Centre Street East (refer to Maps 2, 3 and 4). It should be noted that although the related Plan of Subdivision has received draft approval, the applicant is required to clear all conditions of approval and the Plan of Subdivision is required to be registered prior to the finalization and approval of the subject Site Plan application. As of the time of writing this report, the applicant had not yet submitted an application for draft Plan of Common Element Condominium or Street Naming which are required for the establishment of the proposed private road. In addition, it is noted that a future application for Part Lot Control Exemption will also be required to permit the creation of the proposed lots subsequent to the approval of the Site Plan application.

The following is a summary outlining the relevant statistics of the applicant's development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** **0.62 hectares (1.53 acres)**
- **Total Number of Dwelling Units: 24**
  - **Single Detached:** **2**
  - **Semi-Detached:** **22**
- **Density:** **38.7 units per hectare (15.7 units per acre)**
- **Building Height:** **12.20 metres (40.03 feet) / 3 storeys**
- **Parking Spaces:**
  - **Resident:** **48 spaces (2 spaces per unit)**
  - **Visitor:** **5 spaces (0.20 spaces per unit)**

### Noise and Vibration

The applicant has submitted a Noise and Vibration Impact Study prepared by Aercoustics Engineering Ltd. (the "Study") to assess the impact of existing transportation and stationary noise sources on the subject development, as well as vibration impacts. With respect to noise, the subject lands are affected by road and rail traffic as well as the nearby concrete/ready-mix facility located to the east of the subject lands. The Study recommends a number of mitigation measures to address noise levels, including the reclassification of the subject lands from a Class 1 to a Class 4 Area to specifically address noise generated by stationary noise sources. With respect to vibration impacts, the Study indicates that vibration levels related to Metrolinx GO train and CN Rail services fall within the allowable limits.

The Ministry of the Environment, Conservation and Parks' ("MECP") **Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300)** ("NPC-300 Guideline") provides municipalities with the ability to formally recognize and declare a site as a Class 4 Area. This allows for development

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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 classification not be granted, there is no other flexibility to allow a development to proceed without addressing the exceedances of the sound limits of the NPC-300 Guideline. In this regard, the NPC-300 Guideline defines a Class 4 Area as an area or specific site that would otherwise be defined as Class 1 or 2 and which:

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

The Class 4 Area classification increases the allowable sound level limits for new noise sensitive land uses, thereby requiring less noise mitigation. For outdoor points of reception, the difference between Class 1 (which would apply to the subject proposal) and Class 4 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 plane of windows), the difference between Class 1 and Class 4 is 10 dBA at all times of the day.

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

- submission of a satisfactory Noise Impact Assessment which includes noise control measures as required by the NPC-300 Guideline;
- 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 classification confirmation to the surrounding owners of the stationary noise sources; and,
- once a site is classified as a Class 4 Area, it would remain as such, subject to the continuing presence of the stationary noise sources.

In consideration of the preceding, the Study concludes that the subject development proposal satisfies the NPC-300 Guidelines and notes that the excess noise levels predicted at the site in the worst-case location as a result of the nearby concrete/ready mix facility of up to 4 dBA over the normally applied Class 1 sound level limits, are considered to be minor. The report notes that the limit for human perception for changes in sound is 2 to 3 dBA, indicating that a person would struggle to identify the difference between the limit of 50 dBA and predicted level of 54 dBA.

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The Study has been circulated to the City's Development Engineering Division, Metrolinx, and CN Rail for review and comment. The City's Development Engineering Division and Metrolinx have both agreed with the conclusions of the Study, indicating no objections to the Class 4 Area classification request, and have provided conditions related to noise and vibration matters to be addressed through the finalization of the Site Plan approval process.

Comments have also been received from CN Rail, who have requested revisions to the Study to ensure the use of current rail data, inclusion of discussion of the Federation of Canadian Municipalities and Railway Association of Canada Guidelines, inclusion of standard warning clauses, confirmation of provisions for air conditioning for all units, as well as exploration of additional noise mitigation measures to address transportation noise sources. CN Rail has noted no objections to the request to re-classify the subject lands to a Class 4 Area and has concluded that the proposed development is feasible and can be designed to meet the applicable guidelines (refer to Appendix "C").

Staff has reviewed the applicant's request for reclassification of the site from Class 1 to Class 4 and supports the request based on the recommendations of the Study, which includes the implementation of the following mitigation measures:

- brick veneer or masonry equivalent construction for the exterior walls from the foundation to the rafters of the first row of dwellings located next to the rail line;
- central air conditioning units to be installed in all dwellings;
- the construction of a 1.8 metre high acoustic barrier along the rear of units 15 through 24; and,
- the inclusion of appropriate warning clauses advising of the impact of the increased sound levels and the provision of air conditioning units including NPC-300 Warning Clauses A, B, D and F as well as CN Rail and Metrolinx specific warning clauses in all future agreements of purchase, lease and sale.

Should Council approve the Class 4 Area classification, the mitigation measures identified above, and any additional measures confirmed by CN Rail will be incorporated into the Site Plan Agreement that will be registered on title.

### **Interim Growth Management Strategy:**

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

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6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

The applicant has provided justification for how its development proposal meets the City's Interim Growth Management Strategy (IGMS) eligibility criteria as described above. Staff has reviewed the submission and is satisfied that the proposal fulfills Criteria 4, 5, 6 and 7 as follows:

- the subject lands are located in close proximity to bus and train transit services at the nearby intersection of Centre Street East and Pugsley Avenue (approximately 200 metre distance) and the Newkirk GO Train Station (approximately 300 metre distance);
- the subject development is committed to sustainable design in providing for Energy Star certified buildings and low flow water fixtures;
- the subject development includes the conveyance of a parkland block that will provide for pedestrian and cycling connections to the adjacent Unity Park and larger greenlands system; and,
- the subject development represents a form of medium density residential intensification which provides for a range of dwelling types and provides a compact form of development.

As part of the review of IGMS Criteria Number 5, the applicant has submitted the required Sustainability Performance Metrics Tool (the "Metrics") for consideration by the City as part of its review and approval of the Site Plan application, including the allocation of servicing capacity. The applicant's submitted Metrics demonstrates an overall "Application Score" of 32, which achieves a "good" score and meets the minimum threshold score for Site Plan applications.

On the basis of the preceding, staff is of the opinion that the applicant's development proposal satisfies the City's IGMS eligibility criteria. Therefore, it is recommended that Council assign municipal servicing allocation for up to 76.32 persons equivalent to accommodate the proposed residential development comprised of 22 semi-detached and two single detached dwelling units on the subject lands. Staff further note that the Metrics proposed by the applicant in support of its allocation request are comprised of both site works and building design measures. These commitments will be secured through the Site Plan approval process and reflected in the Site Plan Agreement, where applicable.

### **Financial/Staffing/Other Implications:**

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

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### **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 through the conveyance of a park block for the adjacent Unity Park and with **Getting Around the City** by providing for enhanced connections for pedestrians and cyclists to nearby transit services and the adjacent greenlands system.

### **Climate Change Considerations:**

The recommendations of this report are aligned with Council’s Climate Change Framework 2020 by facilitating infill development within an area that has been identified for residential development, thereby utilizing land more efficiently. The proposed development has also committed to achieving Energy Star certification and implementing low flow water fixtures in all of the proposed dwelling units. Additionally, the proposed internal sidewalk and pedestrian and cycling connections to the adjacent greenlands system and to Centre Street provide access to public transit and to broader neighbourhood amenities, thereby contributing to encouraging zero-emission modes of transportation.

### **Conclusion:**

The applicant is seeking Council’s approval of its request to grant municipal servicing allocation and to permit a Class 4 Area noise classification for the subject lands to facilitate the construction of the subject residential development on its land holdings. The development proposal satisfies the City’s Interim Growth Management Strategy criteria, achieves a “good” score in accordance with the City’s Sustainability Metrics performance level criteria and is consistent with the City’s servicing allocation policy.

On the basis of the foregoing, staff recommends that Council assign up to 76.32 persons equivalent of servicing allocation to the proposed development and direct that the servicing allocation be released by the Commissioner of Planning and Infrastructure in accordance with By-law 109-11, as amended. Furthermore, staff recommends that the subject lands be classified as a Class 4 Area under the MECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning (NPC-300).



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### **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#07-21 held February 24, 2021
- Appendix “B”, Extract from Council Meeting C#10-21 held March 10, 2021
- Appendix “C”, Letter from Jade Acoustics Inc. on behalf of CN Rail dated June 1, 2022
- Appendix “D”, Sustainability Metrics Summary Chart, prepared by JKO Planning
- Map 1, Aerial Photograph
- Map 2, Approved Draft Plan of Subdivision
- Map 3, Proposed Site Plan
- Map 4, Proposed Elevations

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### Report Approval Details

Document Title:	Request for Approval of Servicing Allocation and Noise Classification - 178 Centre Street East.docx
Attachments:	<ul style="list-style-type: none"><li>- SRPI.22.085 - Appendix A - Extract from Council Meeting C07-21 AODA.pdf</li><li>- SRPI.22.085 - Appendix B - Extract from Council Meeting C10-21 AODA.pdf</li><li>- SRPI.22.085 - Appendix C - CN Rail Comments AODA.pdf</li><li>- SRPI.22.085 - Appendix D - Sustainability Metrics Summary Chart AODA.pdf</li><li>- SRPI.22.085 Map 1 Aerial Photograph.docx</li><li>- SRPI.22.085 Map 2 Approved Draft Plan of Subdivision.docx</li><li>- SRPI.22.085 Map 3 Proposed Site Plan.docx</li><li>- SRPI.22.085 Map 4 Proposed Elevations.docx</li></ul>
Final Approval Date:	Jun 14, 2022

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

**Gus Galanis - Jun 13, 2022 - 4:58 PM**

**Kelvin Kwan - Jun 14, 2022 - 8:45 AM**

**Darlene Joslin - Jun 14, 2022 - 1:45 PM**