



Staff Report for Committee of the Whole Meeting

Date of Meeting: February 21, 2024

Report Number: SRPBS.24.001

Department: Planning and Building Services

Division: Development Planning

Subject: **SRPBS.24.001 - Request for Approval - Servicing Allocation and Noise Classification Requests - Montagna Capital (BT) Inc. - City File D06-21023 (Related File D03-11004/19T-11004)**

Owner:

Montagna Capital (BT) Inc.
1-1681 Langstaff Road
Vaughan, Ontario
L4K 5T3

Agent:

Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, Ontario
LR3 6B3

Location:

Legal Description: Part of Lots 19 and 20, Concession 3, E.Y.S.

Municipal Address: 1577 to 1621 Major Mackenzie Drive 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 217 townhouse dwelling units on the subject lands.

Recommendations:

- a) **That the request by Montagna Capital (BT) Inc. for 618.45 persons equivalent of servicing allocation for the lands known as Part of Lots 19 and 20, Concession 3, E.Y.S. (Municipal Addresses: 1577 to 1621 Major Mackenzie Drive East), City File D06-31023, be assigned to the proposed development to be constructed on the subject lands, and that Council delegate the release of servicing allocation to the**

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Commissioner of Planning and Building Services in accordance with By-law 109-11, as amended; and,

- b) **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:

Giuliano La Moglie, Planner II, phone number 905-771-6465 and/or
Kaitlyn Graham, Acting Manager of Development Planning, phone number 905-771-5563
Deborah Giannetta, Acting Director of Development Planning, phone number 905-771-5542

Report Approval:

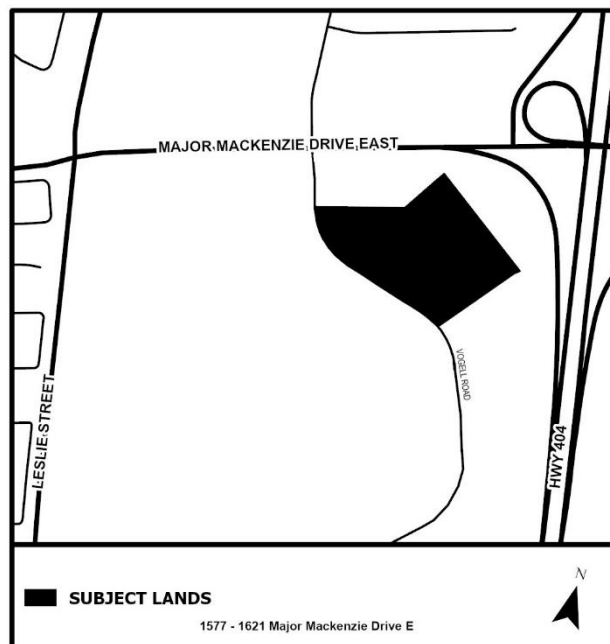
Submitted by: Gus Galanis, Acting Commissioner, Planning and Building Services

Approved by: Darlene Joslin, 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:

The subject lands are located within draft approved Plan of Subdivision 19T-11004 (City File D03-11004), which was originally approved by Council in 2012 and subsequently revised on May 9, 2022 to implement a Minister's Zoning Order (O.Reg 698/20) issued on December 2, 2020 (refer to Map 5). The Minister's Zoning Order had the effect of permitting a range of low, medium and high density residential as well as institutional uses on the applicant's land holdings (refer to Appendix "A") whereas the lands were previously zoned to permit employment uses.

Two (2) Site Plan applications were subsequently submitted to the City for Blocks 3 and 4 of the approved draft Plan of Subdivision (City Files SP-23-0011 and D06-21023). The request for approval of servicing allocation and noise classification applies specifically to Block 4 (City file D06-21023). This Site Plan application, which was received and deemed complete by the City on June 10, 2021, seeks approval to facilitate the construction of 217 rear lane townhouse dwelling units on a private road network to be constructed on the subject lands. The Site Plan application is currently under review and staff are working with the applicant to address remaining technical matters in order to finalize Site Plan approval. In this regard, prior to final approval, the proposed development requires the assignment of municipal servicing allocation and a Class 4 Area noise classification to address stationary noise sources in order to facilitate the proposed residential development (details outlined later in this report).

Accordingly, the purpose of this report is to seek Council's approval to assign municipal servicing allocation and to assign a Class 4 Area noise classification to the lands in order to facilitate the construction of the proposed residential development.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the east side of the future extension of Vogell Road, which is proposed to be constructed in accordance with a draft approved Plan of Subdivision (19T-11004). The lands are identified as Block 4 on the draft approved Plan of Subdivision and are bounded by Major Mackenzie Drive East to the north, Highway 404 to the east, Leslie Street and the Rouge River to the west, and vacant lands owned by the applicant to the south (refer to Map 1). The lands are approximately 5.84 hectares (14.43 acres) in size and are currently vacant.

Adjacent uses include Major Mackenzie Drive East to the north (beyond which is the LIUNA training centre and the Ministry of Transportation's Road Maintenance Depot), Highway 404 to the east, vacant lands owned by the applicant to the south, and the Vogell Road extension and proposed residential development to the west (City Files: SP-23-0011 and D03-21002).

Development Proposal

The applicant is seeking approval of its Site Plan application to facilitate the construction of 217 rear lane townhouse dwelling units on a private condominium road on a portion of its land

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holdings with access to be provided from the future Vogell Road extension (refer to Maps 6 and 7). The following is a summary outlining the relevant statistics of the subject development proposal based on the plans and drawings submitted to the City:

- **Total Lot Area:** **5.842 hectares (14.436 acres)**
- **Total Number of Units:** **217**
- **Total Number of Blocks:** **36**
- **Density:** **37.14 units per hectare (15.03 units per acre)**
- **Building Height:** **12 metres (39.37 feet) or 3 storeys**
- **Lot Coverage:** **11.81%**

As of the time of writing this report, staff continue to work closely with the applicant to address outstanding technical matters. It should be noted that a future draft Plan of Condominium application will be required with respect to the establishment of the proposed private road, as well as a future application for Part Lot Control Exemption to permit the creation of the proposed lots subsequent to the approval of the Site Plan application.

Noise and Vibration

The applicant has submitted an Environmental Noise Study prepared by Valcoustics Canada Ltd. (the “Study”) to assess the impact of existing transportation and stationary noise sources on the subject development. The lands are affected by transportation noise from Major Mackenzie Drive East, Highway 404, and Leslie Street, and will also be impacted in the future by the Vogell Road extension and the future bus rapid transit corridor to be established within the Major Mackenzie Drive East right of way. With respect to stationary noise sources, the subject lands are affected by the ongoing activities of the Ministry of Transportation Road Maintenance Depot situated to the northeast of the subject lands. To address both transportation and stationary noise sources, the Study recommends a number of mitigation measures, including the reclassification of the subject lands from a Class 1 to a Class 4 Area to specifically address noise generated by the stationary noise source.

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 classification allows for development and intensification in areas impacted by 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,

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- 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 Environmental Noise Study 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 through the provision of appropriate acoustical design, a suitable acoustical environment can be provided, and applicable MECP NPC-300 Guidelines met for the proposed development. The Study submitted by the applicant has been reviewed by the City's Development Engineering Division and they have advised that they are in agreement with the conclusions of the Study, indicating no objections to the Class 4 Area classification request. Accordingly, Development Engineering staff will provide conditions related to noise matters to be addressed through the finalization of the Site Plan approval process.

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.*
6. *Completion of communities.*
7. *Small scale infill development.*

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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. Planning staff has reviewed the submission and is satisfied that the proposal fulfills Criteria 4 through 7 as follows:

- the subject lands are located in close proximity to public bus transit services along Major Mackenzie Drive East and at the nearby intersection of Major Mackenzie Drive East and Leslie Street;
- the subject development is committed to sustainable design, targeting to meet EnerGuide rating standards for the proposed dwelling units;
- the subject lands are located in proximity to various neighbourhood amenity spaces;
- the subject lands are located within a draft Plan of Subdivision that dedicates a municipal parkland block for the residents in the community; and,
- the subject development represents a form of medium density residential use which provides for a range of dwelling types and provides a compact form of development.

Pursuant to Criteria Number 5 (Sustainable and Innovative Community and Building Design), the applicant has submitted a Sustainability Metrics Tool (the "Metrics") in support of the Site Plan application that demonstrates an overall score of 39 points which achieves a 'Good' rating for Site Plan applications for proposals submitted prior to January 1, 2023.

At the time of writing of this report, the applicant's Metrics submission remains under review by City departments with respect to the appropriateness and technical feasibility of implementing the proposed sustainability measures. In this regard, staff will continue to work with the applicant towards the finalization of its Metrics submission. Staff further notes that the Metrics proposed by the applicant in support of its allocation request are comprised of both external 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.

On the basis of the preceding, staff supports the applicant's municipal servicing assignment request. In an effort to streamline the servicing allocation assignment process for the proposed development, staff recommends that Council delegate its authority to assign the required servicing allocation of 618.45 persons equivalent to the Commissioner of Planning and Building Services to facilitate the development proposal.

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 **Goal Two - Strong Sense of Belonging** by providing alternative housing types. The applicant has committed to achieving sustainability metrics relating to rainwater re-use, solar readiness and a supplementary standard sheet has been provided regarding the energy efficiency of the dwelling units. The sustainability

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commitments intend to promote water use efficiency, reduce greenhouse gas emissions, and encourage on-site renewable energy generation. Additionally, the proposed internal sidewalks, pedestrian and cycling connections to the adjacent proposed development and to Major Mackenzie Drive East provide access to public transit and to broader neighbourhood amenities, thereby contributing to encouraging zero-emission modes of transportation.

Climate Change Considerations:

The recommendations of this report are generally aligned with the City's Climate Change Considerations as it relates to the applicant's proposed Sustainability Metrics. On the basis of the plans and reports submitted to the City, the applicant's development proposal contemplates the integration of various features, including solar readiness and the re-use of building materials that address either climate change mitigation and/or adaptation. As indicated in the earlier sections of the report, the technical review of the proposed design and features remains in process at the time of writing of this report.

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 in order to facilitate the construction of a medium density residential development on its land holdings. Accordingly, it is recommended that Council assign up to 618.45 persons equivalent of servicing allocation to the proposed development and delegate the authority to release servicing allocation to the Commissioner of Planning and Building Services in accordance with By-law 109-11, as amended. Further, it is recommended 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”, Ontario Regulation 698/20, Zoning Order filed December 2, 2020
- Map 1, Aerial Photograph
- Map 2, Official Plan Designation
- Map 3, Existing Zoning
- Map 4, Original Draft Approved Plan of Subdivision
- Map 5, Revised Draft Approved Plan of Subdivision
- Map 6, Proposed Site Plan
- Map 7, Proposed Elevation Plans

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Report Approval Details

Document Title:	SRPBS.24.001 - Request for Approval - Servicing Allocation and Noise Classification Requests.docx
Attachments:	- Appendix A 698.20.docx - Map 1.docx - Map 2.docx - Map 3.docx - Map 4.docx - Map 5.docx - Map 6.docx - Map 7.docx
Final Approval Date:	Jan 31, 2024

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

Deborah Giannetta - Jan 30, 2024 - 2:35 PM

Gus Galanis - Jan 30, 2024 - 3:29 PM

Darlene Joslin - Jan 31, 2024 - 10:29 AM