



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: June 10, 2025

Report No: PED23172(a)

Subject/Title: Request for Class 4 Designation for Lands Located at
115 and 121 Vansitmart Avenue, Hamilton

Ward Affected: Ward 4

Recommendations

- 1) That Council deem the lands located at 115 and 121 Vansitmart Avenue, Hamilton as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks (MECP) Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning) and that the Class 4 Area designation apply only to the development on the lands located at 115 and 121 Vansitmart Avenue, identified on Appendix A attached to Report PED23172(a).

Key Facts

- The application is to deem the lands as a Class 4 Area to facilitate a residential development consisting of 40 back-to-back townhouses and two single detached dwellings.
- The applicant has demonstrated through the submitted Noise and Vibration Impact Study, prepared by Thornton Tomasetti, and through a peer review of the Noise and Vibration Impact Study undertaken by Jade Acoustics Inc. on behalf of Canadian National Railway, that the noise levels at the proposed residential development will achieve compliance with the guidelines established in section B7.1 Table B2 of the Ministry of the Environment, Conservation and Parks Noise Guidelines NPC-300 (Stationary and Transportation Sources – Approval and Planning).
- The outstanding issue identified in Planning Committee Report (PED23172) dated July 11, 2023, has subsequently been addressed, and Canadian National Railway does not object to the designation of the subject lands as a Class 4 Area under NPC-300.

- All noise mitigation measures identified in the Noise and Vibration Impact Study will be implemented through the Site Plan Control application.

Financial Considerations

Not applicable.

Background

A Zoning By-law Amendment application ZAC-16-046 and Urban Hamilton Official Plan Amendment application UHOPA-17-026 were considered by Planning Committee on June 5, 2018, and approved by Council on June 27, 2018. The effect of these applications was to facilitate a residential development on the subject lands.

A Site Plan Control application DA-19-015 was submitted and was conditionally approved for the development of 40 back-to-back townhouses on June 27, 2019. Through the Site Plan Control application, comments were received from Canadian National Railway respecting the proposed development. The conditional approval required that all noise mitigation measures required to achieve compliance with Ministry of the Environment, Conservation and Parks be identified on the final site plan. Special conditions respecting Canadian National Railway were added to the conditional approval letter dated June 27, 2019, including:

- 1) The owner shall enter into an agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement; and,
- 2) The owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN, to the satisfaction of the CN.

A Noise and Vibration Impact Study dated November 28, 2022 (see Appendix B to Report PED23172(a)) and an addendum letter dated January 25, 2023 (see Appendix C to Report PED23172(a)) were prepared by Thornton Tomasetti and submitted for approval, which recommended a re-classification from a Class 1 Area to a Class 4 Area for the subject lands.

The November 2022 Noise and Vibration Impact Study and January 2023 addendum noted that stationary noise source is predicted to exceed an applicable Class 1 Area sound level limit at the north façade of the northerly most townhouse block due to steady noise. The facades of this block are also impacted due to impulse noise if it is assumed that nine or more impulses will occur per hour. The study noted that the noise levels from the stationary noise source are predicted to meet the applicable Class 4 Area sound level limit at all facades, if it is assumed that at most two of the loudest impulses (train slack taking during departure) will occur per hour. Staff noted in Report PED23172 that as the noise study relied on an assumed number of loudest impulses

and did not identify the actual number of loudest impulses per hour that are occurring, staff were unable to confirm these assumptions and whether the proposed development would comply with the Ministry of the Environment, Conservation and Parks noise criteria.

The November 2022 Noise and Vibration Impact Study and January 2023 addendum outlined that the indoor noise levels resulting from on-site noise mitigation measures such as central air conditioning and enhanced window and wall construction will result in an indoor sound level of 40 dBA for both steady stationary noise and for impulse noise levels from the rail yard. Staff noted in Report PED23172 that the study did not provide an analysis of the indoor noise levels for living/dining rooms as opposed to the levels for bedrooms.

Staff advised in Report PED23172 that as the noise source at issue pertains to a Canadian National Railway yard, the Noise and Vibration Impact Study submitted with the delegation request was circulated to Canadian National Railway for comment, and that at the time of the preparation of Report PED23172, comments had not yet been received.

On March 16, 2023, the applicant submitted a delegation request requesting consideration of the changes from Class 1 Area to Class 4 Area. Planning Committee approved the delegation request to be heard at a future meeting on April 4, 2023. The delegation request was brought forward to the June 13, 2023, Planning Committee where the delegation was received and staff were directed to report back to the July 11, 2023, Planning Committee meeting with recommendations about granting a Class 4 noise exemption. Report PED23172 was prepared by staff in response to the direction of Planning Committee.

In Report PED23172, the recommendation of staff was, "That staff to be directed to report back upon receipt of comments from Canadian National Railway on the Class 4 Area designation, additional noise assessment information from the applicant and a peer review, if deemed necessary by staff and at the expense of the owner, of the updated noise and vibration study to confirm the assumptions made in the study relating to impulse sound levels and indoor noise levels for sleeping quarters." The recommendation of staff was approved by Planning Committee and the decision to designate the lands as a Class 4 Area was deferred. Staff were directed to report back upon receipt of comments from Canadian National Railway on the Class 4 Area designation and additional noise assessment information from the applicant.

In March 2024, the applicant submitted a Noise and Vibration Impact Study Peer Review, prepared by Jade Acoustics and dated February 27, 2023 (see Appendix E to Report PED23172(a)), and a Noise and Vibration Impact Study Peer Review, prepared by Jade Acoustics dated February 26, 2024 (see Appendix F to Report PED23172(a)), which were undertaken on behalf of Canadian National Railway to complete a peer review of the submitted technical materials to support the Class 4 Area classification.

On October 31, 2024, Canadian National Railway advised staff that they do not object to the designation of the subject lands as a Class 4 Area under the Ministry of the Environment, Conservation and Parks Environmental Noise Guidelines NPC-300. Further clearance from Canadian National Railway respecting the respective conditions of Site Plan Control application DA-19-015 are still required.

On January 17, 2025, the applicant submitted to staff an updated Noise and Vibration Impact Study, prepared by Thornton Tomasetti c/o Robert Fuller dated December 5, 2024 (see Appendix D to Report PED23172(a)), and provided an additional response dated February 19, 2025. On March 6, 2025, staff advised the applicant that the issues identified in Report PED23172 have been addressed.

Analysis

The subject lands are municipally known as 115 and 121 Vansitmart Avenue, in Hamilton and are located on the north side of Vansitmart Avenue. The subject lands are approximately 0.86 hectares in size with frontage of approximately 43.0 metres along Vansitmart Avenue (refer to Appendix A and A1 to Report PED23172(a)). The proposal to establish the subject lands as a Class 4 Area is to facilitate the establishment of 40 back-to-back townhouses and two single detached dwellings.

A full review of the applicable Provincial Planning Statement (2024), Urban Hamilton Official Plan policies, and Environmental Noise Guidelines NPC-300, is provided in Appendix G attached to Report PED23172(a).

Provincial Planning Statement (2024)

With respect to noise, policies 3.5.1 and 3.5.2 of the Provincial Planning Statement require that major facilities and sensitive land uses be planned and developed to minimize potential adverse effects from noise and ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines and standards. Planning authorities shall protect the long-term viability of existing major facilities by ensuring that the planning and development of adjacent sensitive land uses is only permitted if potential adverse effects to the proposed sensitive land uses are minimized and mitigated.

The subject lands are located adjacent to a Canadian National Railway yard which constitutes a major facility, and the proposed development represents a sensitive land use. Canadian National Railway has articulated that they have no objection to designating the lands a Class 4 Area, subject to the mitigation measures outlined within the applicant's supporting studies.

As outlined above, Noise and Vibration Impact Studies and Noise addendums have been prepared in support of the proposed development and a peer review of the Noise and Vibration Impact Studies has been undertaken by Jade Acoustics Inc. on behalf of Canadian National Railway and support the proposed development. Noise mitigation

measures have been identified in the Noise and Vibration Impact Studies and will be implemented through the Site Plan Control application.

The proposed request to change the designation to a Class 4 Area is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan

With respect to noise, policies B.3.6.3.1, B.3.6.3.14, B.3.6.3.15, B.3.6.3.16, and B.3.6.3.17, B.3.6.3.18, and B.3.6.3.19 of the Urban Hamilton Official Plan are applicable. Development of noise sensitive land uses in the vicinity of railway lines and railway yards shall comply with all applicable provincial and municipal guidelines and standards. The subject lands are located within 400 metres of a rail yard and a noise study is required, as well as consultation with, and circulation to, Canadian National Railway. The Urban Hamilton Official Plan states that the City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines.

As noted above, Canadian National Railway has been circulated and completed a peer review of the submitted technical materials and have no objection to designating the lands as a Class 4 Area. Noise mitigation measures that have been identified in the Noise and Vibration Impact Studies will be implemented through the Site Plan Control application as Conditions of Approval.

The proposed request to change the designation to a Class 4 Area complies with the policies of the Urban Hamilton Official Plan.

City of Hamilton Zoning By-law No. 6593

The majority of the property at 121 Vansitmart Avenue is zoned “RT-20-H/S-1762” (Townhouse – Maisonette) District, Holding, Modified, which permits the proposed 40 back-to-back townhouse dwellings. The remaining portion of the property at 121 Vansitmart Avenue is zoned “C-H/S-1762 and C/S-1822” (Urban Protected Residential, etc.) District, Modified, Holding, which permits single detached dwellings. The “RT-20-H/S-1762” and “C-H/S-1762” District were established through Zoning By-law Amendment application ZAC-16-046 and approved by By-law No. 18-165, which was adopted by Council on June 27, 2018.

City of Hamilton Zoning By-law No. 05-200

The property at 115 Vansitmart Avenue is zoned Low Density Residential – Small Lot (R1a) Zone, which does not permit the proposed back-to-back townhouse dwellings.

The property at 115 Vansitmart Avenue was zoned “RT-20-H/S-1762” (Townhouse Maisonette) District, Holding, Modified, through Zoning By-law Amendment application ZAC-16-046 by By-law No. 18-165; however, as part of the City Initiated Zoning for the Low Density Residential Zones, the zoning of the property at 115 Vansitmart Avenue was changed to the Low Density Residential – Small Lot (R1a) Zone in Zoning By-law No. 05-200 by By-law No. 22-197. The zoning of 115 Vansitmart Avenue as Low Density Residential – Small Lot (R1a) Zone will be addressed through a housekeeping amendment that will be brought before Planning Committee as part of a separate report at a future date.

Environmental Noise Guidelines (NPC-300)

Stationary noise sources in a Class 1 Area have a maximum daytime noise level of 50 dBA and a maximum nighttime noise level of 45 dBA. In a Class 4 Area the maximum daytime noise level is 60 dBA, and the maximum nighttime noise level is 55 dBA. The respective noise levels are measured from the exterior plane of the window, and in the case of the enclosed noise buffer this is the window that is the interior window of the enclosed noise buffer. In respect to the indoor sound level limits in section C3.2.3 table C-2, the indoor sound level limits for rail noise for living and dining areas is 40 dBA and 35 dBA for sleeping areas.

In the Noise and Vibration Impact Study (see Appendix D to Report PED23172(a)), prepared by Thornton Tomasetti c/o Robert Fuller, dated December 5, 2024, noise mitigation measures were identified and will need to be implemented in order to mitigate the noise levels generated by the existing Canadian National Railway yard in order to meet the maximum daytime and nighttime levels for a Class 4 Area under the Environmental Noise Guidelines NPC-300. The noise mitigation measures identified in the Noise and Vibration Impact Studies will be implemented through the Site Plan Control application as conditions of approval.

The Environmental Noise Guidelines NPC-300 stipulate that the classification of a property as a Class 4 Area is based on the formal confirmation of the classification by the land use planning authority. Therefore, for the lands to be recognized as a Class 4 Area, confirmation by Council is required.

Noise Analysis

A Class 4 Area designation will help to formalize the use of enclosed noise buffers as a mitigation measure so that the adjacent Canadian National Railway yard can rely on them being implemented and maintained. This will be further formalized through the development agreement between the applicant and Canadian National Railway, as required through the Site Plan Control process.

The Noise and Vibration Impact Study (see Appendix D to Report PED23172(a)), prepared by Thornton Tomasetti c/o Robert Fuller dated December 5, 2024, identified that an enclosed noise buffer with a Sound Transmission Class rating of 28 (STC-28)

would be required to mitigate the noise levels to 55 dBA at the exterior plane of the window for the proposed back-to-back townhouse dwelling units. Enclosed noise buffers would not be able to be utilized in the context of a Class 1 Area, and therefore a Class 4 Area designation is required to utilize the proposed method of noise mitigation.

Additionally, the applicants noise consultant Thornton Tomasetti has confirmed that based on the mitigation measures proposed, the interior sound level in the living and sleeping areas is expected to be below 35 dBA. This addresses the previously identified issue requiring that it be demonstrated that the indoor noise levels are appropriate for both living areas and sleeping areas.

Should the lands remain as a Class 1 area, enclosed noise buffers cannot be utilized, and alternative noise mitigation measures would be required to achieve compliance. As outlined in Report PED23172, based on preliminary modelling, a noise barrier wall in the range of 10.0 metres in height across the entire rear of the property and partway down the sides of the property would be required. A 10.0 metre high noise barrier wall would neither be practical in terms of construction, nor would it be desirable for the site, the area, or the adjacent residential properties.

Rationale for Recommendation

1. The proposal to classify the subject lands as a Class 4 Area has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024);
 - (ii) It complies with the Urban Hamilton Official Plan;
 - (iii) It complies with the Ministry of Environment, Conservation and Parks's Environmental Noise Guidelines (NPC-300); and,
 - (iv) The operating railway provider (Canadian National Railway) has no objection to the lands being classified as a Class 4 Area.

Alternatives

Council may choose to refuse to designate the lands as a Class 4 Area. In this case the applicant would be required to either revise their development proposal or establish any required noise mitigation measures so that the development conforms to the noise criteria of Ministry of the Environment, Conservation and Parks, for a Class 1 Area.

Relationship to Council Strategic Priorities

Priority 1: Sustainable Economic & Ecological Development

- 1.2: Facilitate the growth of key sectors.

Priority 2: Safe & Thriving Neighbourhoods

- Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Previous Reports Submitted

Report [PED23172](#) – Request for Class 4 Designation for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED23172) (Ward 4)

Consultation

The request for change in designation from a Class 1 Area to a Class 4 Area was circulated to Canadian National Railway. Refer to the comments provided in Appendix I attached to Report PED23172(a).

Appendices and Schedules Attached

Appendix A: Location Map

Appendix A1: Existing Land Use and Zoning

Appendix B: Noise and Vibration Impact Study by Thornton Tomasetti, dated November 28, 2022

Appendix C: Noise and Vibration Impact Study Addendum by Thornton Tomasetti, dated January 25, 2023

Appendix D: Noise and Vibration Impact Study by Thornton Tomasetti, dated December 5, 2024

Appendix E: Noise and Vibration Impact Study, Peer Review, by Jade Acoustics, dated February 27, 2023

Appendix F: Noise and Vibration Impact Study, Peer Review, by Jade Acoustics, dated February 26, 2024

Appendix G: Policy Review

Appendix H: Historical Background Report Fact Sheet

Appendix I: Consultation – Departments and Agencies Comments

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