

SUMMARY OF POLICY REVIEW

The following policies, amongst others, apply to the proposal.

Theme and Policy	Summary of Policy or Issue	Staff Response
Provincial Planning Statement		
Land Use Compatibility Policy 3.5.1 and 3.5.2	<p>Major facilities and sensitive land uses shall be planned and developed to minimize potential adverse effects from noise, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.</p> <p>Planning authorities shall protect the long-term viability of existing or planned major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse effects to the proposed sensitive land use are minimized and mitigated, and potential impacts to major facilities are minimized and mitigated in accordance with provincial guidelines, standards, and procedures.</p>	<p>The proposed development is for the establishment of 40 back-to-back townhouse dwellings and two single detached dwellings on the subject lands, which represent a sensitive land use. The subject lands are in proximity to an existing Canadian National Railway yard, which constitutes a major facility.</p> <p>The policies require that impacts, including noise, be minimized and that sensitive land uses only be permitted if adverse impacts are minimized and mitigated. Noise and Vibration Impact Studies, prepared by Thornton Tomasetti dated November 28, 2022, and December 5, 2024, and addendum January 25, 2023, have been undertaken to review the noise impacts of the existing rail yard on the proposed sensitive land use, and the Noise and Vibration Impact Studies, prepared by Jade Acoustics dated February 27, 2023 and February 26, 2024, were peer reviewed by an acoustical consultant retained by Canadian National Railway. Canadian National Railway has stated that they have no objection to designating the lands as a Class 4 Area, subject to the proponent entering into a development agreement with CNR and granting an environmental easement.</p> <p>Noise mitigation measures have been identified in the Noise and Vibration Impact Study, including central air</p>

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		<p>conditioning, noise barriers, warning clauses and enclosed noise buffers. The mitigation measures will ensure that the proposed residential development will be in accordance with provincial guidelines, standards and procedures based on the lands being designated as a Class 4 Area. These mitigation measures will be implemented through the Site Plan Control process.</p> <p>The proposal is consistent with these policies.</p>
Urban Hamilton Official Plan		
<p>General Policies for Noise and Vibration Emissions</p> <p>Policy B.3.6.3.1</p>	<p>Development of noise sensitive land uses in the vicinity of highways, parkways, arterial roads, railway lines, railway yard, or uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p>	<p>A noise sensitive land use is proposed for the subject lands and is in the vicinity of a railway line and railway yard. A Noise and Vibration Impact Study, prepared by Thornton Tomasetti dated December 5, 2024, has been undertaken demonstrating that the proposed sensitive land use complies with all applicable provincial and municipal guidelines for a residential use within a Class 4 Area.</p> <p>The proposal complies with this policy.</p>
<p>Railway Corridors and Yards General Policies</p> <p>Policy B.3.6.3.14, B.3.6.3.15, B.3.6.3.16, and B.3.6.3.17</p>	<p>A noise study shall be submitted prior to or at the time of application submission, for development of residential uses on lands within 400 metres of a rail yard.</p> <p>The City shall consult with and circulate all noise studies to the appropriate railway company due to proximity to railway lines or yards.</p>	<p>The subject property is located immediately adjacent to a rail yard and therefore the proposed residential development is within 400 metres of a rail yard.</p> <p>As part of the Urban Hamilton Official Plan Amendment application UHOPA-17-026, Zoning By-law Amendment application ZAC-16-046, and Site Plan Control application DA-19-015, an evaluation of the noise studies occurred. After the completion of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications, and the Site Plan Control</p>

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	<p>All proposed development adjacent to railways or railway yards shall ensure the appropriate safety measures are provided to the satisfaction of the City and in consultation with the railway company.</p> <p>As a condition of approval of a development application in proximity to a railway line or railway yard, appropriate warning clauses shall be included.</p>	<p>application was conditionally approved, an updated noise study recommending Class 4 Area designation was submitted and evaluated. The City has consulted Canadian National Railway and circulated the Noise and Vibration Impact Studies for their review. Comments from Canadian National Railway stating that they do not have an objection to the re-designation of the lands to a Class 4 Area have been received by the staff (see Appendix I to Report PED23172a).</p> <p>Noise and Vibration Impact Studies that have been undertaken have identified required mitigation measures and warning clauses that will need to be implemented through the Site Plan Control application process.</p> <p>The proposal complies with these policies.</p>
<p>Noise, Vibration and other Emissions from Stationary Sources, Including Railway Yards</p> <p>Policy B.3.6.3.18 and B.3.6.3.19</p>	<p>The City shall ensure that development with the potential to create conflicts between sensitive land uses and point sources or fugitive air emissions, complies with all applicable provincial legislation, provincial and municipal standards, and guidelines. The City may require proponents of such proposals to submit a noise feasibility study.</p> <p>Development with the potential to create conflict between sensitive land uses and a noise point source may include development of sensitive land uses in the vicinity of facilities including railway yards.</p>	<p>The proposal is for a sensitive land use in the vicinity of a railway yard facility. The applicant has demonstrated through the submission of a Noise and Vibration Impact Study that the proposed sensitive land use will comply with provincial legislation and the provincial standards of the Ministry of the Environment, Conservation and Parks, Environmental Noise Guideline (NPC-300). The Noise and Vibration Impact Study has identified noise mitigation measures and noise warning clauses that will need to be implemented to mitigate potential conflicts between the existing railway yard and the proposed sensitive land use.</p> <p>The proposal complies with these policies.</p>

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Environmental Noise Guidelines (NPC-300)		
Noise Classification Area	<p>Class 1 Area means an area with an acoustical environment typical of a major population centre where the background sound level is dominated by the activities of people, usually road traffic, often referred to as “urban hum”.</p> <p>Class 4 Area means an area or specific site that would otherwise be defined as Class 1 or 2 Area and which:</p> <ul style="list-style-type: none"> • Is an area intended for development with new noise sensitive land uses that are not yet built; • Is in proximity to existing, lawfully established stationary sources; 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. 	<p>A federally regulated railway yard is a stationary noise source that may not require Ministry of the Environment, Conservation and Parks approval as per the definition of stationary sources in NPC-300.</p> <p>The use of Class 4 Area is meant to be a tool to allow municipalities to approve a noise sensitive land use with alternative noise limit levels in an area of existing stationary noise sources. The proposal is for a new sensitive land use (residential) that is not yet developed on the subject lands and there are no existing sensitive land uses on-site. The subject property is in proximity to an existing lawfully established stationary noise source (rail yard), and the applicant is seeking authorization from Council for a change from a Class 1 Area to a Class 4 Area noise classification. It has been demonstrated through the Noise and Vibration Impact Study, prepared by Thornton Tomasetti dated December 5, 2024, that subject to the establishment of noise mitigation measures, the proposed development will comply with the criteria for a Class 4 Area.</p>
Stationary Noise Source	<p>In the Environmental Noise Guidelines (NPC-300), a federally regulated railway yard represents a stationary noise source that may not require Ministry of the Environment, Conservation and Parks approval.</p> <p>Whether provincial approvals are required or not, a federally regulated</p>	<p>The existing Canadian National Railway yard is a federally regulated railway yard and therefore the noise source may not require Ministry of the Environment, Conservation and Parks approval. While the railway yard may not require approval from the Ministry of the Environment, Conservation and Parks, it is subject to the maximum noise levels of the Environmental Noise Guidelines (NPC-300). By extension the establishment of new sensitive land uses in proximity to a federally regulated railway yard is required to comply with the</p>

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	railway yard is subject to the sound level limits in the guidelines.	maximum permitted noise levels in the provincial guidelines (NPC-300).
Stationary Noise Source Maximum Noise Levels	<p>Maximum sound level for stationary noise sources of 50 dBA daytime and 45 dBA nighttime for the plane of the window for a Class 1 Area.</p> <p>Maximum sound level for stationary noise sources of 60 dBA daytime and 55 dBA nighttime for the plane of the window for a Class 4 Area.</p>	<p>The Noise Impact Study, prepared by Thornton Tomasetti c/o Robert Fuller dated December 5, 2024, (see Appendix D to Report PED23172a) identified that the proposed development will include mitigation measures including enclosed noise buffers. The highest predicted noise impact from the rail yard is 76 dBA, and the proposed enclosed noise buffer with a minimum Sound Transmission Class rating of 28 (STC-28) will achieve a noise level of 55 dBA for the exterior plane of the window that is interior to the enclosed noise buffer and will comply with maximum permitted nighttime noise level.</p> <p>The 55 dBA noise level at the exterior plane of the window would exceed the 50 dBA daytime and 45 dBA nighttime noise level at the plane of window for a Class 1 Area but would comply with the 60 dBA daytime and 55 dBA nighttime level for the plane of the window for a Class 4 Area.</p>
Indoor Sound Level Limits	Maximum indoor sound level from rail noise sources is 40 dBA for living and dining areas, and 35 dBA for sleeping areas.	The acoustical consultant, Thornton Tomasetti c/o Robert Fuller, has confirmed that the interior sound level for both living areas and sleeping areas are expected to be below 35 dBA.
Enclosed Noise Buffer	In NPC-300 an enclosed noise buffer is an enclosed area outside the exterior wall of the building such as a balcony to buffer windows of noise sensitive spaces.	The proposed development is seeking to utilize enclosed noise buffers to mitigate the stationary noise from the adjacent Canadian National Railway rail yard. Based on the definition for enclosed noise buffers, they can only be used within the context of the Ministry of the Environment, Conservation and Parks approval in a

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Enclosed Noise Buffer		<p>Class 4 Area. The proposed use of enclosed noise buffers is part of the rationale for the request to re-designate the lands from a Class 1 Area to a Class 4 area. The Class 4 Area designation will help to formalize the use of enclosed noise buffers as a mitigation measure so that Canadian National Railway can rely on these mitigation measures, and that the measures will be implemented and maintained.</p> <p>The proposed enclosed noise buffers represent a noise mitigation measure that was mutually agreed to between the applicant and Canadian National Railway and represents a common mitigation measure for new residential development in the vicinity of rail yards.</p>
Determination of Area Class	Class 4 Area classification is based on the principle of formal confirmation of the classification by the land use planning authority. Such confirmation would be issued at the discretion of the land use planning authority and under the procedures developed by the land use planning authority, in the exercise of its responsibility and authority under the <i>Planning Act</i> .	The Environmental Noise Guidelines (NPC-300) place the authority to authorize the classification of a property as a Class 4 Area to land use planning authorities. The proposed request for reclassification is seeking authorization from Council to be considered a Class 4 Area in accordance with the NPC-300 Guidelines.