

July 30, 2021

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Via Email

Mr. Mark Kehler
Planner I
Planning & Economic Development

City of Hamilton,
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Mr. Kehler:

**RE: 222-228 Barton Street East & 255-265 Wellington Street North, Hamilton
Official Plan Amendment and Zoning By-law Amendment Application
(UHOPA-20-008 & ZAC-20-013)**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions), has been retained to act as the authorized planning consultant for 467052 Ontario Limited c/o Mr. Steven Joyce (Owner). UrbanSolutions submitted an application for an Official Plan and Zoning By-law Amendment for the lands known municipally as 222, 226 & 228 Barton Street East & 255, 257, 261, 263 & 265 Wellington Street North, in the City of Hamilton on December 20, 2019.

UrbanSolutions has received comments from the municipal departments and external agencies regarding the above noted application and participated in the City's Design Review Panel which was held on August 13, 2020. In keeping with the virtual meeting held on May 21, 2021 with yourself and Shannon McKie, the applicant is aiming to redesignate the subject property from a Class 1 to a Class 4 designation in order to sufficiently mitigate noise concerns. Through the meeting with the City, three key questions were identified to justify a redesignation to a Class 4 designation:

- 1) What mitigation measures are required for Class 1 (Urban) designation?
- 2) Why can't we meet the Class 1 designation mitigation measures? and,
- 3) What mitigation measure are required for a Class 4 (Special Cases) designation?

A subsequent meeting was held with the applicant and RWDI Consulting Engineers to discuss the required mitigation measures for a Class 1 and Class 4 designation. RWDI then revised their supporting material to speak to the three questions noted above. Please find enclosed the Environmental Noise Feasibility Addendum prepared by RWDI Consulting Engineers which provides justification for the proposed Class 4 redesignation and outlines the preferred mitigation measures if a Class 4 designation is approved.

In response to the three questions stemming from the May 21, 2021 meeting, we offer the following:

- 1) What mitigation measures are required for Class 1 designation?

In order to sufficiently mitigate within a Class 1 designation, mitigation measures at the stationary source (Hamilton General Hospital) are required including a series of silencers and acoustic barriers, as noise levels from this source exceed the standard MOE noise requirements. Additionally, the subject lands require mitigation measures to account for the non-stationary noise sources produced from the roadway and vehicular traffic.

2) Why can't we meet the Class 1 designation mitigation measures?

As noted in the Noisy Study Addendum prepared by RWDI Consulting Engineers, the mitigation measures required for the Class 1 are not feasible as there will be considerable costs for the installation of various silencers and acoustic barriers which would fall on both the applicant and the hospital. Alternatively, Council can deem the subject lands to be a Class 4 noise area which allows for a minor noise exceedance from the standard MOE requirements beyond what is permitted at the Provincial level.

In addition, the subject property must conform with the design characteristics highlighted in the West Harbour (Setting Sail) Secondary Plan, James Street North Mobility Hub Study and Barton Street-Kenilworth Avenue Commercial Corridor Study. These policy documents emphasize development which provides a pedestrian-focused streetscape with intensification along these corridors. Bearing this in mind, while a noise wall on the subject lands will mitigate the noise impacts from the non-stationary sources, it is not in keeping with the policies outlined in the above noted policy documents.

Noise barriers and screenings at the source Rooftop equipment would not be feasible, as these screenings would require further analysis to determine if the hospital rooftop can support the added weight structurally. A similar delegation request was heard by Planning Committee on June 15th, 2021 for the lands municipally known as 323 Rymal Road East. This application evaluated non-stationary noise sources inclusive of the road and traffic noises as well as stationary noises caused from Turner Park and Library from the mechanical equipment. Further, installing mitigation measures at the Hamilton General Hospital is not a viable option as it transfers the costs and maintenance responsibilities to the Hamilton General Hospital. This option is not viable as it is beyond the control of the applicant.

In addition, the Class 4 designation has been used on surrounding future residential development areas near Pier 6, 7 and 8 due to the proximity to existing industrial areas. As this is a common scenario within the Downtown Secondary Plan Area, Council passed a general resolution in response to various delegations over the years to allow the City's Chief Planner to deem an area to be a Class 4 noise area through the Site Plan Control process.

3) What mitigation measures are required for a Class 4 designation?

There are five (5) options for mitigation measures in a Class 4 designation. Option 1 requires the entire façade along Barton Street East and Wellington Street North to be blank walls with no windows. This is obviously not the favoured approach as it directly contradicts the urban design principles highlighted in the Urban Hamilton Official Plan and the West Harbour (Setting Sail) Plan and the provisions of the Ontario

Building Code. Additionally, this approach would not be desirable for the residents living in these units as they would not have access to any natural light or a view of outside.

Option 2 would allow the proposed development to have operable windows that are solely connected to non-noise sensitive spaces. Examples of non-noise sensitive spaces would include within corridors, retail spaces, closets and bathrooms. Again, this is not the preferred mitigation method as providing operable windows within corridors would require a reconfiguration of the interior of the building to place the windows in these areas. This presents a design challenge and would limit the total number of residential units. Furthermore, this alternative would still exclude residents from ample access to fresh air and natural light throughout their units, specifically in habitable rooms. For these reasons, Option 2 is not viable.

Option 3 would allow glazing in noise sensitive spaces; however, it would be inoperable glazing. This solution is typically seen in commercial or institutional buildings such as retirement homes and university residences. This is becoming a more common mitigation measure as intensification occurs and more infill developments are proposed. Although, this option is only permitted for institutional and commercial uses. Accordingly, this option cannot be implemented for the proposed development.

Option 4 presents enclosed buffer balconies or windows as a mitigation measure. This consists of the outer window of the enclosed noise buffer being inoperable while the inner window is operable. The objective of the enclosed noise buffer balcony is to attenuate the sound levels at the outer plane of the window glazing to comply with Class 4 sound limits. Option 4 is our preferred mitigation method as it does not require any changes to the building's design on the impacted facades and sufficiently addresses noise concerns.

The fifth noise mitigation option is to redesign the proposed development and configure the site so that the podium and tower are primarily at the rear of the site backing onto the adjacent townhouses. This is not preferred as it goes against urban design principles which promote the implementation of step backs to the surrounding lower rise-built forms. Further, this redesign will not create a pedestrian-friendly streetscape as it will not support the continuous street wall presence which is encouraged in the West Harbour (Setting Sail) Secondary Plan and James Street North Mobility Hub Study and Barton Street-Kenilworth Avenue Commercial Corridor Study. At this stage of the Zoning By-law and Official Plan Amendment application this would be a challenging solution to execute as a significant redesign would be required.

RWDI prepared a preliminary massing model to depict what Option 5 redesign of the proposed development could look like in order to meet Class 4 limits on all facades, this is shown on Figure 1 below. On August 13, 2020 the applicant participated in the Design Review Panel which is composed of architects, urban designers, planners, etc. who provided comments on the proposed development. The comments included: *"The panel recommends providing a consistent mid-rise building height along the entire Barton Street East frontage with step-backs to reduce shadow impacts"* and *"The reduced three storey building height along the southerly portion of the Wellington Street North frontage is effective at providing a transition to the adjacent residential uses to the south"*. As shown on Figure 1, the proposed development

as well as the Design Review Panel's comments recommend built form that is not similar to the outlined massing required to comply to meet the noise requirements.



Class 4 Mitigation Options – Environmental Noise Feasibility Study
Barton and Wellington Development
RWDI#1900805
July 23, 2021

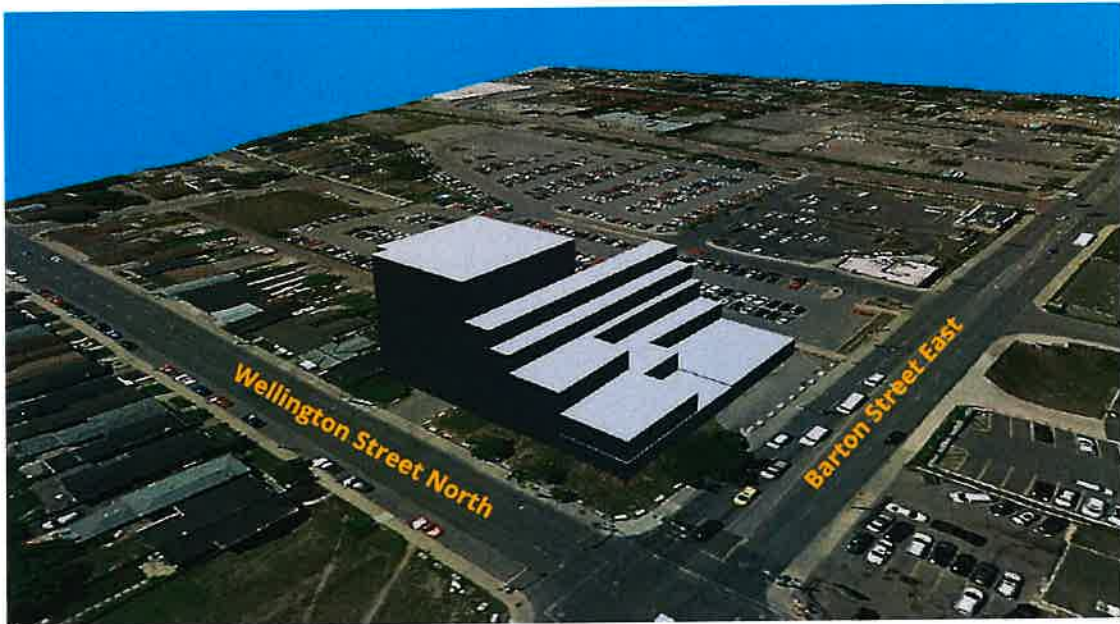


Figure 1: Building Massing to Comply with Class 4 Limits at All Facades

The subject lands are located in the Zone of Noise Influence within the West Harbour (Setting Sail) Secondary Plan which notes in A.6.3.4.5.11 & 12: “New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be encouraged” and “Sound barriers in the form of berms or free-standing walls are not preferred and should be avoided wherever possible”. As mentioned previously, Option 4 is the preferred mitigation method. The installation of enclosed windows provides each unit with access to natural light, yet will limit noise levels to comply with the MECP guidelines. These specific mitigation measures will go through a more detailed review during the future Site Plan Control process where the specific details will be determined in coordination with the noise consultant and the City to allow for this development to proceed. This has been previously implemented and approved using enclosed buffer windows or balconies in the City of Hamilton for the development located at 17 Ewen Road which obtained a redesignation to Class 4.

In addition to the enclosed noise buffer balconies or windows, noise warning clauses can also be incorporated to future Rental/Lease and Purchase and Sale Agreements which are noted in the

Environmental Noise Feasibility Study Addendum prepared by RWDI that is enclosed. These warning clauses include:

Type D: *“This This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.”*

TYPE F: *“Purchasers/tenants are advised that sound levels due to the adjacent Hamilton General Hospital are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.”*

In keeping with Item 2 of this letter, as the subject lands are outside of the Downtown Secondary Plan area, we are looking for direction from Planning Committee to approve a Class 4 designation on the subject property as it recognizes the existing noise conditions of the site produced by the Hamilton General Hospital.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

Kind Regards,
UrbanSolutions



Matt Johnston, MCIP, RPP
Principal



Laura Drennan, BA, CPT
Planning Technician

cc: Mr. Steven Joyce, 467052 Ontario Limited (via email)
Councillor Jason Farr, Ward 2 (via email)
Mr. Sergio Manchia, UrbanSolutions Planning & Land Development Consultants Inc. (via email)