



**MISSISSAUGA**

## **DECLARATION**

Subsection 17 of the Planning Act

**Applicant:** The City of Mississauga

**Municipality** City of Mississauga

**Our File:** OPA 58

I, Diana Rusnov, Deputy Clerk, solemnly declare,

1. That the decision in respect of the above-noted matter was made on December 14, 2016 when By-law Number 0266-2016 was enacted and that notice as required by subsection 17 of the Planning Act was given on December 22, 2016.
2. That no appeal to the Ontario Municipal Board of the decision in respect of the above-noted matter was received under subsection 17 of the Planning Act within the time specified for submitting an appeal.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me

at the City of Mississauga

in the Regional Municipality of Peel

This 11th, day of January, 2017.

Commissioner of Oaths

Declarant

DAVID LESLIE MARTIN, a Commissioner, etc.,  
Regional Municipality of Peel, for the  
Corporation of the City of Mississauga.  
Expires May 10, 2017.



MISSISSAUGA

**Notice of the Passing an Official Plan Amendment By-law (OPA 58)**

**City-Initiated By-law affecting various lands in proximity to railway corridors and major roads within the City of Mississauga**

**Date of Decision:** December 14, 2016  
**Date of Notice:** December 22, 2016  
**Last Date of Appeal:** January 10, 2017

On the date noted above, the Council of the Corporation of the City of Mississauga passed By-law 0266-2016, to amend the Official Plan, under Subsection 17 or 21 of the Planning Act, R.S.O., 1990, c.P.13, as amended.

**The Purpose and Effect:** The purpose of this Amendment is to add and amend policies in Mississauga Official Plan for consistency with current noise and railway proximity guidelines.

To view the Official Plan Amendment in its entirety please visit [www.mississauga.ca/portal/cityhall/publicnotices](http://www.mississauga.ca/portal/cityhall/publicnotices), or in person at the Office of the City Clerk, 300 City Centre Drive, 2nd Floor, Mississauga, Ontario.

**Location of Lands:** The lands affected by this Amendment are various lands in proximity to railway corridors and major roads within the City of Mississauga.

**When and How to File an Appeal:** Any appeal of the Official Plan Amendment to the Ontario Municipal Board must be filed with the Clerk of the City of Mississauga no later than **the 10<sup>th</sup> of January, 2017**. An appeal form is available from the OMB website at [www.omb.gov.ca](http://www.omb.gov.ca)

**The Notice of Appeal must:**

- 1) set out reasons for the appeal; and,
- 2) be accompanied by the fee required by the Ontario Municipal Board in the amount of \$300.00 payable by certified cheque or money order to the Minister of Finance, Province of Ontario, and
- 3) be accompanied by an administration fee of \$150.00, payable by Certified Cheque to the Treasurer of City of Mississauga.
- 4) Four (4) copies of the appeal package.

Only individuals, corporations or public bodies may appeal a decision of the City of Mississauga to the Ontario Municipal Board. A notice of appeal may not be made by an unincorporated association or group. However, a notice of appeal may be made in the name of an individual who is a member of the association or the group on its behalf.

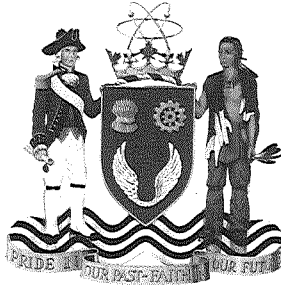
No person or public body shall be added as a party to the hearing of the appeal unless, before the By-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

**Getting Additional Information:** A copy of the OPA is available for viewing during regular office hours at the City of Mississauga at the address noted below, or from **Sharleen Bayovo** of the City of Mississauga, Planning and Building Department at (905) 615-3200 X-3018, or on the City's website at: [www.mississauga.ca/portal/cityhall/publicnotices](http://www.mississauga.ca/portal/cityhall/publicnotices).

**Mailing Address for Filing a Notice of Appeal**

City of Mississauga  
Office of the City Clerk,  
300 City Centre Drive, 2<sup>nd</sup> Floor, Mississauga ON L5B 3C1

**Amendment No. 58**  
**to**  
**Mississauga Official Plan**



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0266-2016

A by-law to Adopt Mississauga Official Plan Amendment No. 58

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, (the "*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act*, the Ministry of Municipal Affairs and Housing ("MMAH") authorized the Regional Municipality of Peel (the "Region") an approval authority, to exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region of Peel has advised that, with regard to Amendment No. 58, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan to align policies with updated noise and railway proximity guidelines;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. The document attached hereto, constituting Amendment No. 58 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this 14 day of December, 2016.

APPROVED AS TO FORM City Solicitor MISSISSAUGA			
MEM			
Date	2016	12	01

Bonnie Crombie  
MAYOR

Crystal Green  
CLERK

**Amendment No. 58**  
**to**  
**Mississauga Official Plan**

The following text attached constitutes Amendment No. 58.

Also attached but not constituting part of the Amendment are Appendices I and II.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated June 27, 2016, pertaining to this Amendment.

## **PURPOSE**

The purpose of this Amendment is to add and amend policies in Mississauga Official Plan for consistency with current noise and railway proximity guidelines.

## **LOCATION**

Various lands in proximity to railway corridors and major roads within the City of Mississauga are affected by this Amendment.

## **BASIS**

Mississauga Official Plan came into effect on November 14, 2012, save and except for those policies and land use designations which have been appealed to the Ontario Municipal Board.

Mississauga Official Plan includes policies pertaining to stationary and transportation noise sources and noise mitigation through site and building design, as well as rail safety setbacks. These policies are directly impacted by two new guidelines released in 2013: 1) *Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning, Publication NPC-300*; and 2) *Guidelines for New Development in Proximity to Railway Operations*.

The proposed Amendment will add and amend policies in Mississauga Official Plan to align them with current environmental noise and railway proximity guidelines. In particular, a new stationary noise policy is added to address a new noise classification area (Class 4) identified in NPC-300.

## DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 6.10.1.2, Stationary Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by adding "applicable" before and "environmental noise guideline" after Provincial Government in the last line.
2. Section 6.10.1.3, Stationary Noise, Value the Environment, of Mississauga Official Plan, is hereby deleted and replaced with the following:

The sound levels anticipated on the site of a proposed development will be established on the basis of the predictable worst case noise impact from the stationary source(s) in accordance with the applicable Provincial Government environmental noise guideline.

3. Section 6.10.1.4, Stationary Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by deleting "Ministry of the Environment" from the last sentence and replacing it with "Provincial Government environmental".
4. Section 6.10.1.5, Stationary Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by deleting "Ministry of the Environment" from the last sentence and replacing it with "Provincial Government environmental".
5. Section 6.10.1, Stationary Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by adding the following:

6.10.1.6 The use of the Class 4 area classification, as specified in the applicable Provincial Government environmental noise guideline, is at the City's discretion. The introduction of a Class 4 area will require Council approval.

- a. The use of Class 4 will only be considered where it can be demonstrated that:
  - the development proposal is for a new noise sensitive land use in proximity to an existing, lawfully established stationary noise source;
  - the development proposal for a new noise sensitive use does not impair the long term viability and operation of an employment use;
  - it is in the strategic interest of the City, furthers the objectives of Mississauga Official Plan and supports community building goals; and
  - all possible measures of noise attenuation have been assessed for both the proposed development site and the stationary noise source, including, but not limited to, building design and siting options for the proposed new noise sensitive use;

- b. Notwithstanding the above conditions, the use of Class 4 will receive more favourable consideration if the stationary noise source is a temporary situation and it is expected that the stationary noise source will be removed through future redevelopment; and
  - c. Mississauga will require that prospective purchasers be notified that the building is located in a Class 4 area and informed of any agreements as may be required for noise mitigation. A noise warning clause shall be included in agreements that are registered on title, including condominium disclosure statements and declarations.
6. Section 6.10.3.1, Road Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by deleting "subdivision" from the first sentence and replacing it with "building and site" and by deleting "A Noise Impact" from the second sentence and replacing it with "An Acoustic".
7. That Policy 6.10.3.2, Road Noise, Value the Environment, of Mississauga Official Plan, is hereby deleted and replaced with the following:

Residential development or development that includes outdoor living areas will not be permitted in locations where the mitigated outdoor noise levels are forecast to exceed limits specified by the applicable Provincial Government environmental noise guideline. A detailed noise study will be required to demonstrate that every effort has been made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline, for an outdoor living area (55 **dB**A or less). Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative reasons would excess noise above the limit (55 **dB**A) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 60 **dB**A.
8. Section 6.10.3.3, Road Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by deleting "Ministry of the Environment" from the last sentence and replacing it with "Provincial Government environmental".
9. Section 6.10.3.4, Road Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by deleting "criteria" from the first sentence.
10. Section 6.10.3.5, Road Noise, Value the Environment, of Mississauga Official Plan, is hereby amended by deleting all references to "Ministry of the Environment" and replacing it with "Provincial Government environmental".
11. Section 6.10.4.1, Road Noise, Safety and Vibration, Value the Environment, of Mississauga Official Plan, is hereby deleted and replaced with the following:



Where residential and other land uses sensitive to noise are proposed in close proximity to rail lines, it may be necessary to mitigate noise impact, in part by way of the building and site design. Residential development or any development that includes outdoor living areas will generally not be permitted in locations where the mitigated outdoor noise levels are forecast to exceed the limits specified by the applicable Provincial Government environmental noise guideline. A detailed noise study will be required to demonstrate that every effort has been made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline, for an outdoor living area (55 **dba** or less). Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative reasons would excess noise above the limit (55 **dba**) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 60 **dba**.

12. Section 6.10.4.2, Road Noise, Safety and Vibration, Value the Environment, of Mississauga Official Plan, is hereby amended by deleting "Ministry of the Environment" from the last sentence and replacing it with "Provincial Government environmental".
13. Section 6.10.4.3, Road Noise, Safety and Vibration, Value the Environment, of Mississauga Official Plan, is hereby amended by adding "industry best practices" after Provincial and Region of Peel Guidelines in the first sentence and by deleting and replacing the bullets with the following:
  - 1000 m of a Freight Rail Yard for noise;
  - 300 m of a Principal Main Rail Line for noise;
  - 250 m of a Secondary Main Line for noise;
  - 150 m of a Principal Branch Line for noise;
  - 75 m of a Secondary Branch Line for noise;
  - 75 m of a Spur Line for noise; and
  - 75 m of a rail yard and all rail lines for vibration.
14. Section Policy 6.10.4.4, Road Noise, Safety and Vibration, Value the Environment, of Mississauga Official Plan, is hereby amended by deleting "Ministry of the Environment" from the last sentence and replacing it with "Provincial Government environmental".
15. Section 6.10.4.6, Road Noise, Safety and Vibration, Value the Environment, of Mississauga Official Plan, is hereby deleted and replaced with the following:

Development applications for dwellings, significant additions thereto and places of public assembly, will incorporate an appropriate safety setback as necessary to meet industry best practices and the requirements of the

applicable rail company, to the satisfaction of the City, which takes into account safety barriers (e.g. berms, walls), topography, intervening structures and the surrounding pattern of development.

16. Section 9.5.1, Context, Build A Desirable Urban Form, of Mississauga Official Plan, is hereby amended by adding the following after the first paragraph:

Proposed development should respect railway operations and lines by way of building and site design and implementation of development mitigation measures as required.

17. Section 19.4.5, Development Application, Implementation, of Mississauga Official Plan, is hereby amended by deleting "Acoustical" from bullet number 22, and replacing it with "Acoustic".

18. Section 19.4.5, Development Application, Implementation, of Mississauga Official Plan, is hereby amended by adding the following after bullet number 22:

- Noise Impact Study (for stationary, road, rail and/or airport noise sources)

## **IMPLEMENTATION**

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

The lands will be rezoned to implement this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan July 13, 2016.

## **INTERPRETATION**

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

**APPENDIX I**  
**PUBLIC MEETING**

All property owners and residents within the City of Mississauga were invited to attend a Public Meeting of the Planning and Development Committee held on May 30, 2016 in connection with this proposed Amendment.

There were no comments submitted regarding the proposed amendment and therefore no changes were made to the original proposed policies.

City of Mississauga  
**Corporate Report**



<p>Date: 2016/06/07</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files:  <b>CD.01-MIS</b>            EC.19.ENV</p>
<p>From: Edward R. Sajecki, Commissioner of Planning and Building</p>	<p>Meeting date:            2016/06/27</p>

## Subject

**Recommendation Report (All Wards)**

**Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines - Report on Comments**

**File: ~~CD.01-MIS~~ EC.19.ENV**

## Recommendation

That the amendments to Mississauga Official Plan proposed in the report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines – Report on Comments", dated ~~June 7~~, May 30, 2016 from the Commissioner of Planning and Building, be approved.

City of Mississauga  
**Corporate Report**



<p>Date: 2016/06/07</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files: CD.01-MIS</p>
<p>From: Edward R. Sajecki, Commissioner of Planning and Building</p>	<p>Meeting date: 2016/06/27</p>

## Subject

### Recommendation Report (All Wards)

**Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines - Report on Comments**

**File: CD.01-MIS**

## Recommendation

That the amendments to Mississauga Official Plan proposed in the report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines – Report on Comments", dated June 7, 2016, from the Commissioner of Planning and Building, be approved.

## Background

On March 21, 2016, a public meeting of the Planning and Development Committee was held to consider the above noted amendments to Mississauga Official Plan (MOP).

## Comments

No member of the public was in attendance at the Planning and Development Committee meeting to speak to this item. Further, no written comments were received by the Planning and Building Department. As such, the proposed amendments as outlined in the report dated March 1, 2016 should be approved.

## Financial Impact

Not applicable.

## Conclusion

There are no changes proposed to the draft MOP policies presented in the report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and

railway proximity guidelines" dated March 1, 2016, from the Commissioner of Planning and Building.

## **Attachments**

Appendix 1: Corporate Report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines" dated March 1, 2016, from the Commissioner of Planning and Building.



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Angela Dietrich, Manager, Policy Planning

City of Mississauga  
**Corporate Report**

**PDC** MAR 21 2016



MISSISSAUGA

Date: March 1, 2016	Originator's files: EC.19.ENV
To: Chair and Members of Planning and Development Committee	Meeting date: March 21, 2016
From: Edward R. Sajecki, Commissioner of Planning and Building	

### Subject

**Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines**

### Recommendation

1. That a public meeting be held to consider the proposed amendments to Mississauga Official Plan (MOP) contained in the report titled "Proposed amendments to Mississauga Official Plan policies, respecting updated noise and railway proximity guidelines" dated March 1, 2016, from the Commissioner of Planning and Building.
2. That 142-148 Queen Street South be classified as a Class 4 area in accordance with the Environmental Noise Guideline, NPC-300.

### Report Highlights

- Amendments are required to update MOP policy to align with two updated guidelines released in 2013: "*Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning, Publication NPC-300*" (NPC-300); and "*Guidelines for New Development in Proximity to Railway Operations*";
- The new Class 4 area classification in NPC-300 has less stringent noise level limits for proposed new development in proximity to existing stationary noise sources; and
- The use of the Class 4 area classification is recommended for 142-148 Queen Street South under the discretion given to municipalities to do so under NPC-300.

### Background

Mississauga Official Plan (MOP) includes policies pertaining to stationary and transportation noise sources and noise mitigation through site and building design, as well as rail safety setbacks. These policies are directly impacted by two new guidelines released in 2013:

1. The Ministry of the Environment and Climate Change (MOECC) released the "*Environmental Noise Guideline: Stationary and Transportation Sources – Approval and*

*Planning, Publication NPC-300*" (NPC-300)<sup>1</sup>, consolidating and replacing four separate noise-related guidelines<sup>2</sup>; and

2. The Federation of Canadian Municipalities (FCM) and Railway Association of Canada (RAC) released the "*Guidelines for New Development in Proximity to Railway Operations*" (Railway Proximity Guidelines). The new guidelines replace and build on the FCM/RAC Proximity Guidelines and Best Practices Report (2004).

#### NPC-300 Class 4 Area

Of greatest interest is the MOECC's introduction of a new noise classification area (Class 4) in NPC-300, in relation to stationary noise sources. The use of Class 4 enables development of noise sensitive land uses (e.g. residential) in areas that would otherwise not be developable due to existing stationary noise sources, thereby potentially aiding in municipal intensification efforts.

The intent of the Class 4 classification is principally to protect established industries from development encroachment that would impact their future viability and ability to operate under their Environmental Compliance Approval (ECA) certificate. However, this intent does not preclude the use of Class 4 in areas with other stationary noise sources (e.g. rooftop equipment on a commercial building).

Stationary noise sources include facilities such as commercial and industrial facilities, warehousing and truck terminal facilities and works yards. Stationary sources are usually comprised of many sources of sound from various activities and equipment such as heating, ventilation and air conditioning (HVAC) equipment, fans and blowers, boilers and furnaces, routine loading and unloading activity and on-site movement of trucks and trailers.

The development of noise sensitive uses near stationary noise sources was precluded or extremely difficult to put into effect under the previous guidelines with only the below three area classifications:

- Class 1 (urban area) generally refers to "urban hum", where an acoustical environment is dominated by activities of people, usually road traffic;
- Class 2 (suburban area) is the same as Class 1 but has lower evening and night background sound; and
- Class 3 (rural area) refers to areas dominated by natural sounds and having little to no road traffic.

NPC-300 retains these three noise classifications and introduces the Class 4 classification, as defined in Appendix 1.

Compared to noise limits in a Class 1 area, Class 4 limits allow for higher noise levels - 5 dBA higher in outdoor areas and 10 dBA higher at window panes (plane of window). Meeting the Class 4 stationary sound level limits are based on the assumption of closed windows, necessitating a ventilation system (e.g. central air conditioning) at the noise sensitive receptor location. The previous MOECC guidelines did not recognize closed windows and a ventilation

<sup>1</sup> "NPC" is the acronym for Noise Pollution Control.

<sup>2</sup> *Publication LU-131 – Noise Assessment Criteria in Land Use Planning*. October 1997; *Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation*. October 1997; *Publication NPC-205 – Sound Level Limits for Stationary Sources in Class 1 and 2 Areas (Urban)*. October 1995; *Publication NPC-232 – Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)*. October 1995.



system as an acceptable means of mitigation for stationary noise exceedances, regardless of the classification.

### Comments

Although ambient noise levels are part of living in an urban environment, excessive noise levels can adversely impact quality of life and, in extreme circumstances, public health. The most common source of noise complaints in Mississauga is from aircraft and motorized vehicles on highways and local roadways. Rail and industrial activities are also a source of noise in the city.

As the city continues to develop and intensify, particularly with mixed uses, noise will continue to be of concern. Special attention must be given to land use compatibility and the incorporation of noise attenuation methods.

MOP noise-related policies discourage sound barriers and encourage mitigation at the sound source. Where sound cannot be mitigated at its source, noise abatement measures such as appropriate site planning, spatial separation, and building design techniques are preferred, wherever possible.

This report proposes MOP policy amendments and new MOP policy that is mindful of the City's noise context and noise mitigation approach. The purpose of this report is twofold:

- to address the Class 4 area classification and recommend a related MOP policy; and
- to identify minor amendments required to the MOP policy to align with the new regulations identified above.

### Potential Use of Class 4 in Mississauga

The use of the Class 4 area classification may enable development of noise sensitive land uses (e.g. residential) in transition areas where the City wants redevelopment to occur, such as in Intensification Areas. It is not expected that there will be a significant need to use Class 4, particularly since Intensification Areas that allow for residential uses are mostly separated from Business Employment and Industrial designated areas where stationary noise sources would more typically be found. However, there may be circumstances where older development in Intensification Areas may have noise that is difficult to mitigate and the use of Class 4 may be an appropriate solution, recognizing that the noise source may eventually be eliminated through redevelopment. It should be noted, that existing noise sensitive uses cannot be made Class 4, unless replaced, redeveloped or rebuilt.

### New Policy – Class 4 Area

NPC-300 delegates authority for the use of the Class 4 area classification to the municipality. With noise policies in MOP that reference the applicable Provincial Government environmental noise guideline, the City has the authority to use the Class 4 classification now, without the requirement for new, implementing MOP policy. Similar to the Class 1, 2 and 3 area classifications, the use of Class 4 would be determined through the development review process and the development agreement would reference the Class 4 classification.

However, allowing for sensitive land uses in proximity to existing stationary noise sources should be approached cautiously and used only in exceptional circumstances. Applicants should make every effort to mitigate noise before a Class 4 classification would be considered.

Staff recommend a new MOP policy to provide clarity and transparency regarding the use of the Class 4 classification, the conditions for considering the use of Class 4 and the need for Council approval, as outlined in Appendix 2 (Policy 6.10.1.6).

In the interim, staff will consider Class 4 requests on a case-by-case basis and with the requirement of Council approval.

#### 142-148 Queen Street South

Staff were in the process of reviewing the use of the Class 4 when a request to be classified as Class 4 was received from the property owner of 142-148 Queen Street South, who is seeking to develop a three-storey mixed-used building on the property. Through the review of the Site Plan Application (file SP 13/026 W11), it was found that a rooftop mechanical unit on the adjacent plaza at 136 Queen Street South created a noise source that exceeds the criteria. Staff have reviewed on-site and at-source mitigation options and concluded that these were not acceptable or desirable. In this instance, a Class 4 classification would be appropriate as the proposed development is consistent with MOP. It is recommended that the property be classified as Class 4 under the discretion given to municipalities to do so under NPC-300 and that appropriate advisory clauses be registered on title.

#### Other Amendments

The existing MOP policies and figures need to be updated to align with NPC-300 and the Railway Proximity Guidelines. The proposed minor amendments are outlined in Appendix 2 and figure modifications in Appendix 3. The amendments generally include:

- standardized reference to the Provincial Government environmental noise guideline;
- terminology updates;
- reference to industry best practices;
- noise influence area updates for Noise Impact Study requirements near rail lines; and
- a railway specific policy.

#### Future Noise Policy Amendments

Staff are working on policy amendments specific to aircraft noise within the Airport Operating Area and will bring these forward to Council in the near future.

#### **Strategic Plan**

Under the strategic pillars, Connect: Completing Our Neighbourhoods and Green: Living Green, the Strategic Plan identifies the need to develop walkable, connected neighbourhoods and nurture the health of people and the environment. The use of the current environmental noise guidelines and railway proximity guidelines helps to protect growing communities from stationary and transportation noise sources, and provides appropriate development mitigation measures for safety in proximity to railways.

#### **Financial Impact**

Not applicable.

4.2 - 7

4.9 - 5

Planning and Development Committee

2016/03/01

5

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Originators files: File names

### Conclusion

MOP policies need to be updated to align with the current environmental and railway proximity guidelines. A public meeting should be held to consider the proposed amendment.

### Attachments

Appendix 1: Noise Classification Areas

Appendix 2: Proposed Mississauga Official Plan Amendments, Chapter 6

Appendix 3: Proposed Mississauga Official Plan Figure Updates, Chapter 6



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Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Sharleen Bayovo, Interagency Planner

<b>APPENDIX 1 – NOISE CLASSIFICATION AREAS</b>	
<b>Noise Classification</b>	<b>Definition</b>
<b>Class 1 area</b> (urban areas)	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”.
<b>Class 2 area</b> (suburban areas)	Means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas: <ul style="list-style-type: none"> <li>• Sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and</li> <li>• Low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours).</li> </ul>
<b>Class 3 area</b> (rural areas)	Means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as: a small community; agricultural area; a rural recreational area such as a cottage or a resort area; or a wilderness area.
<b>Class 4 area</b> (intensification areas)	Means an area or specific site that would otherwise be defined as Class 1 or 2 and which: <ul style="list-style-type: none"> <li>• Is an area intended for development with new noise sensitive land use(s) that are not yet built;</li> <li>• Is in proximity to existing, lawfully established stationary source(s); and</li> <li>• Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.</li> </ul> <p>Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas.</p>

Noise Classification Areas (adapted from Environmental Noise Guideline, Publication NPC-300)

**APPENDIX 2 - PROPOSED MISSISSAUGA OFFICIAL PLAN AMENDMENTS**

\*Amendment Key: Deletions are shown as ~~effkeatts~~; additions are *italicized and underlined*.

POLICY/SECTION	ISSUE	RECOMMENDATIONS TO AMEND MISSISSAUGA OFFICIAL PLAN (MOP)
<b>Chapter 6 – Value the Environment</b>		
<b>6.10.1 Stationary Noise</b>		
6.10.1.2	Align with new NPC-300 Environmental Noise Guideline	That Policy 6.10.1.2 be amended as follows:  Industrial, commercial or utility development will not be permitted where the noise transmitted to existing or proposed residential areas, or other noise sensitive use, exceeds the mitigated outdoor and plane of window noise criteria established by the <u>applicable</u> Provincial Government <u>environmental noise guideline</u> .
6.10.1.3	Align with new NPC-300 Environmental Noise Guideline	That Policy 6.10.1.3 be amended as follows:  The sound levels anticipated on the site of a proposed development will be established on the basis of a <u>the predictable worst case noise impact from the stationary source(s) "worst case" scenario using only methods acceptable to the in accordance with the applicable</u> Provincial Government <u>environmental noise guideline</u> .
6.10.1.4	Align with new NPC-300 Environmental Noise Guideline	That the last sentence of Policy 6.10.1.4 and Policy 6.10.1.5 replace "Ministry of the Environment" with "Provincial Government environmental", as follows:  <del>...Ministry of the Environment</del> <u>Provincial Government environmental</u> noise guideline.
6.10.1.5	Align with new NPC-300 Environmental Noise Guideline	That the following Policy be added to Section 6.10.1, Stationary Noise:  <u>6.10.1.6 The use of the Class 4 area classification, as specified in the applicable Provincial Government environmental noise guideline, is at the City's discretion. The introduction of a Class 4 area will require Council approval.</u>
<b>NEW</b> 6.10.1.6	Align with new NPC-300 Environmental Noise Guideline	

		<p>a. <u>The use of Class 4 will only be considered where it can be demonstrated that:</u></p> <ul style="list-style-type: none"> <li>• <u>the development proposal is for a new noise sensitive land use in proximity to an existing, lawfully established stationary noise source;</u></li> <li>• <u>the development proposal for a new noise sensitive use does not impair the long term viability and operation of an employment use;</u></li> <li>• <u>it is in the strategic interest of the City, furthers the objectives of Mississauga Official Plan and supports community building goals; and</u></li> <li>• <u>all possible measures of noise attenuation have been assessed for both the proposed development site and the stationary noise source, including, but not limited to, building design and siting options for the proposed new noise sensitive use;</u></li> </ul> <p>b. <u>Notwithstanding the above conditions, the use of Class 4 will receive more favourable consideration if the stationary noise source is a temporary situation and it is expected that the stationary noise source will be removed through future redevelopment; and</u></p> <p>c. <u>Mississauga will require that prospective purchasers be notified that the building is located in a Class 4 area and informed of any agreements as may be required for noise mitigation. A noise warning clause shall be included in agreements that are registered on title, including condominium disclosure statements and declarations.</u></p>
<b>6.10.3 Road Noise</b>		
6.10.3.1	Terminology amendment	<p>That Policy 6.10.3.1 be amended as follows:</p> <p>Where residential and other land uses sensitive to noise are proposed in close proximity to Provincial Highways, it may be necessary to mitigate noise impact, in part, by way of <u>subdivision building and site design. A Noise Impact An Acoustic Feasibility Study will be submitted prior to approval in principle of such land uses located within 50 m of arterial and</u></p>

		<p>major collector rights-of-way and within 100 m of a Provincial Highway right-of-way, or as required by the City or Region.</p>
6.10.3.2	<p>Align with new NPC-300 Environmental Noise Guideline</p>	<p>That Policy 6.10.3.2 be amended as follows:</p> <p>Residential development or development that includes outdoor living areas will not be permitted in locations where the mitigated outdoor noise levels are forecast to exceed limits specified by the applicable Ministry of the Environment <u>Provincial Government environmental noise guideline by 5 dBA or more</u>. A detailed noise study will be required to demonstrate that every effort has been made to achieve the sound level criteria <u>limits</u> specified by the applicable Ministry of the Environment <u>Provincial Government environmental noise guideline</u>, for an outdoor living area <u>(55 dBA or less)</u>, and the noise study shall prove to the satisfaction of the City that the noise level in the outdoor living area, after applying attenuation measures, is the lowest level aesthetically, technically, administratively and economically practical. The attenuated outdoor noise criteria may be exceeded by five dBA if a warning (consistent with Provincial Government Guidelines) regarding noise levels, is provided to prospective residents of the development area. <u>Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative reasons would excess noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 5 dBA.</u></p>
6.10.3.3	<p>Align with new NPC-300 Environmental Noise Guideline</p>	<p>That the last sentence of Policy 6.10.3.3 replace "Ministry of the Environment" with "Provincial Government environmental", as follows:</p> <p>... Ministry of the Environment <u>Provincial Government environmental noise guideline</u>.</p>
6.10.3.4	<p>Align with new NPC-300 Environmental Noise Guideline</p>	<p>That the first paragraph of Policy 6.10.3.4 be amended as follows:</p> <p>Where residential and other land uses sensitive to noise are proposed within 500 m of a freeway, 250 m of a provincial highway or 100 m from other roads, development proponents will be required to submit detailed noise studies delineating mitigative noise</p>

		<p>measures required to meet Provincial Government criteria and Region of Peel noise guidelines.</p>
<p>6.10.3.5</p>	<p>Align with new NPC-300 Environmental Noise Guideline</p>	<p>That the last sentence of the first paragraph of Policy 6.10.3.5 replace "Ministry of the Environment" with "Provincial Government environmental", as follows:  <del>... Ministry of the Environment</del> <u>Provincial Government environmental</u> noise guideline.</p> <p>That the last sentence of Policy 6.10.3.5 replace "Ministry of the Environment" with "applicable Provincial Government environmental", as follows:  <del>... applicable Ministry of the Environment</del> <u>Provincial Government environmental</u> noise guideline.</p>
<p><b>6.10.4 Rail Noise, Safety and Vibration</b></p>		
<p>6.10.4.1</p>	<p>Align with industry standards, as outlined in "Guidelines for New Development in Proximity to Railway Operations", May 2013</p> <p>Align with new NPC-300 Environmental Noise Guideline</p>	<p>That Policy 6.10.4.1 be amended as follows:</p> <p>Where residential and other land uses sensitive to noise are proposed in close proximity to rail lines, it may be necessary to mitigate noise impact, in part by way of the <u>subdivision building and site design</u>. <del>A Noise Impact Study will be submitted prior to approval in principle of such lands located within 100 m of a Principal Main Rail Line right-of-way or within 50 m of a Secondary Main Rail Line.</del> Residential development or any development that includes outdoor <u>living areas</u> passive and recreational areas will generally not be permitted in locations where the mitigated outdoor noise levels are forecast to exceed the limits specified by the applicable <del>Ministry of the Environment</del> <u>Provincial Government environmental</u> noise guideline <del>by five dBA or more</del>. A detailed noise study will be required to demonstrate that every effort has been made to achieve the outdoor-sound level criteria <u>limits</u> specified by the applicable <del>Ministry of the Environment</del> <u>Provincial Government environmental</u> noise guideline, <u>for an outdoor living area (55 dBA or less)</u>, and the noise study shall prove to the satisfaction of the City that the noise level in the outdoor living area, after applying attenuation measures, is the lowest level aesthetically, technically, administratively and economically practical. <u>Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative</u></p>



		<p><i>reasons would exceed noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 5 dBA.</i></p>
6.10.4.2	Align with new NPC-300 Environmental Noise Guideline	<p>That the last sentence of Policy 6.10.4.2 replace "Ministry of the Environment" with "Provincial Government environmental", as follows:</p> <p><del>... Ministry of the Environment</del> <u>Provincial Government environmental</u> noise guideline.</p>
6.10.4.3	Align with industry standards, as outlined in "Guidelines for New Development in Proximity to Railway Operations", May 2013	<p>That Policy 6.10.4.3 be amended as follows:</p> <p>Mississauga will require that the owner/developer engage a qualified noise consultant to undertake an analysis of noise and vibration and recommend abatement measures as necessary to meet Provincial and Region of Peel Guidelines, <u>industry best practices</u> and the requirements of the applicable rail company, to the satisfaction of the City, where sensitive land uses and other noise or vibration sensitive development that includes sleeping quarters, reading rooms and offices, are proposed within:</p> <ul style="list-style-type: none"> <li>• <u>1000 m of a Freight Rail Yard for noise;</u></li> <li>• <u>500 300 m</u> of a Principal Main Rail Line for noise;</li> <li>• 250 m of a Secondary Main Line for noise;</li> <li>• <u>150 m of a Principal Branch Line for noise;</u></li> <li>• <u>75 m of a Secondary Branch Line for noise;</u></li> <li>• <u>75 m of a Spur Line for noise; and</u></li> <li>• <del>400 m of either railway lines for noise; and</del></li> <li>• <u>75 m of a rail yard and all rail lines for vibration.</u></li> </ul>
6.10.4.4	Align with new NPC-300 Environmental	<p>That the last sentence of each paragraph of Policy 6.10.4.4 be amended to replace "Ministry of the Environment" with "Provincial Government environmental", as follows:</p> <p><del>... applicable Ministry of the Environment</del> <u>Provincial Government environmental</u> noise</p>

	Noise Guideline	guideline.
6.10.4.6	Align with industry standards, as outlined in "Guidelines for New Development in Proximity to Railway Operations", May 2013	That Policy 6.10.4.6 be amended as follows:  Development applications for dwellings, significant additions thereto and places of public assembly, will incorporate an appropriate safety setback as determined by the City in consultation with the appropriate railway company, necessary to meet industry best practices and the requirements of the applicable rail company, to the satisfaction of the City, which takes into account berms, safety barriers (e.g. berms, walls), topography, intervening structures and the surrounding pattern of development.
<b>Chapter 9 – Build A Desirable Urban Form</b>		
<b>NEW</b>	Align with industry standards, as outlined in "Guidelines for New Development in Proximity to Railway Operations", May 2013	That the following Policy be added to Section 9.5.1 Context: <ul style="list-style-type: none"> <li>Proposed development should respect railway operations and lines by way of building and site design and implementation of development mitigation measures as required.</li> </ul>
<b>Chapter 19 - Implementation</b>		
19.4.5	Terminology amendment and addition	That bullet number 22, under Policy 19.4.5, be amended as follows:  19.4.5 Some or all of the following studies, reports and/or documents may be required as part of a complete application submission for an official plan amendment, rezoning, draft plan of subdivision or condominium or consent application...

		<ul style="list-style-type: none"><li>• Acoustical Feasibility Study (for stationary, road, rail and/or airport noise sources)</li></ul> <p>That a new bullet following bullet number 22, be added as follows:</p> <ul style="list-style-type: none"><li>• <u>Noise Impact Study (for stationary, road, rail and/or airport noise sources)</u></li></ul>
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**APPENDIX 3 - PROPOSED MISSISSAUGA OFFICIAL PLAN FIGURE UPDATES**
**Chapter 6 – Value the Environment, Section 6.10 Noise**

That Figure 6-20 be replaced with the following four Figures:

**Outdoors and Plane of Window Sound Level Limits – Stationary Sources, Steady and Varying Sound**
**Exclusion Limit Values of One-Hour Equivalent Sound Level ( $L_{eq}$ ,  $dB_A$ )  
Outdoor Points of Reception**

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 19:00	50	50	45	55
19:00 – 23:00	50	45	40	55

**Exclusion Limit Values of One-Hour Equivalent Sound Level ( $L_{eq}$ ,  $dB_A$ )  
Plane of Window of Noise Sensitive Spaces**

Time of Day	Class 1 Area	Class 2 Area	Class 3 Area	Class 4 Area
07:00 – 19:00	50	50	45	60
19:00 – 23:00	50	50	40	60
23:00 – 07:00	45	45	40	55

\*  $L_{eq}$  – The A-weighted sound level of a steady sound carrying the same total energy in the specified time period as the observed fluctuating sound.

\*\*  $dB_A$  – The A-weighted sound pressure level. Noise measured in decibels weighted to express loudness as perceived by human hearing.

Figure 6-20: Outdoors and Plane of Window Sound Level Limits – Stationary Sources, Steady and Varying Sound (adapted from Environmental Noise Guideline, Publication NPC-300)

<b>Outdoors Sound Level Limits – Stationary Sources, Impulsive Sound</b>					
<b>Exclusion Limit Values for Impulsive Sound Level (<math>L_{LM}</math>, dBAI) * Outdoor Points of Reception</b>					
<b>Time of Day</b>	<b>Actual Number of Impulses in Period of One-Hour</b>	<b>Class 1 Area</b>	<b>Class 2 Area</b>	<b>Class 3 Area</b>	<b>Class 4 Area</b>
<b>07:00 – 23:00</b>	9 or more	50	50	45	55
	7 to 8	55	55	50	60
	5 to 6	60	60	55	65
	4	65	65	60	70
	3	70	70	65	75
	2	75	75	70	80
	1	80	80	75	85
<p>* <math>L_{LM}</math> – Logarithmic Mean Impulse Sound Level  dBAI – The A-weighted sound pressure level of an impulsive sound measured with a sound level meter set to "impulse" response.</p>					

Figure 6-XX: Outdoors Sound Level Limits – Stationary Sources, Impulsive Sound (adapted from Environmental Noise Guideline, Publication NPC-300)

<b>Plane of Window Sound Level Limits – Stationary Sources, Impulsive Sound</b>				
<b>Exclusion Limit Values for Impulsive Sound Level (<math>L_{LMi}</math> dBAI) Plane of Window – Noise Sensitive Spaces (Day/Night)</b>				
<b>Actual Number of Impulses in Period of One-Hour</b>	<b>Class 1 Area (0700-23:00)/ (23:00-07:00)</b>	<b>Class 2 Area (0700-23:00)/ (23:00-07:00)</b>	<b>Class 3 Area (07:00-19:00)/ (19:00-0:700)</b>	<b>Class 4 Area (0700-23:00)/ (23:00-07:00)</b>
9 or more	50/45	50/45	45/40	60/55
7 to 8	55/50	55/50	50/45	65/60
5 to 6	60/55	60/55	55/50	70/65
4	65/60	65/60	60/55	75/70
3	70/65	70/65	65/60	80/75
2	75/70	75/70	70/65	85/80
1	80/75	80/75	75/70	90/85

\*  $L_{LM}$  – Logarithmic Mean Impulse Sound Level  
dBAI – The A-weighted sound pressure level of an impulsive sound measured with a sound level meter set to "impulse" response.

Figure 6-XX: Plane of Window Sound Level Limits – Stationary Sources, Impulsive Sound (adapted from Environmental Noise Guideline, Publication NPC-300)

Noise Classification	Definition
<b>Class 1 area</b> (urban areas)	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".
<b>Class 2 area</b> (suburban areas)	Means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas: <ul style="list-style-type: none"> <li>• Sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and</li> <li>• Low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours).</li> </ul>
<b>Class 3 area</b> (rural areas)	Means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as: a small community; agricultural area; a rural recreational area such as a cottage or a resort area; or a wilderness area.
<b>Class 4 area</b> (intensification areas)	Means an area or specific site that would otherwise be defined as Class 1 or 2 and which: <ul style="list-style-type: none"> <li>• Is an area intended for development with new noise sensitive land use(s) that are not yet built;</li> <li>• Is in proximity to existing, lawfully established stationary source(s); and</li> <li>• Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.</li> </ul> <p>Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas.</p>

Figure 6-XX: Noise Classification Areas (adapted from Environmental Noise Guideline, Publication NPC-300)

That Figure 6-23 be replaced with the following Figure:			
Outdoor and Indoor Sound Level Limits – Road and Rail			
Type of Space	Time Period	Equivalent Sound Level <i>L<sub>eq</sub></i> * (Time Period) (dBA) **	
		Road	Rail
Outdoor Living Areas (OLA)	0700 – 23:00, 16 hours	55	55
Living/dining, den areas of residences, hospitals, nursing homes, schools, daycare centres, etc.	0700 – 23:00, 16 hours	45	40
Living/dining, den areas of residences, hospitals, nursing homes, etc. (except schools or daycares)	23:00 – 7:00, 8 hours	45	40
Sleeping quarters	0700 – 23:00, 16 hours	45	40
	23:00 – 7:00, 8 hours	40	35
Sleeping quarters of hotels/motels	23:00 – 7:00, 8 hours	45	40
Sleeping quarters of residences, hospitals, nursing/retirement homes, etc.	23:00 – 7:00, 8 hours	40	35
General offices, reception areas, retail stores, etc.	0700 – 23:00, 16 hours	50	45
Nursing/retirement homes, theatres, places of religious assembly, libraries	0700 – 23:00, 16 hours	45	40
Individual or semi-private offices, conferences rooms, reading rooms, etc.	0700 – 23:00, 16 hours	45	40
<p>* <i>L<sub>eq</sub></i> – The A-weighted sound level of a steady sound carrying the same total energy in the specified time period as the observed fluctuating sound.</p> <p>** <i>dBA</i> – The A-weighted sound pressure level. Noise measured in decibels weighted to express loudness as perceived by human hearing.</p>			
Figure 6-23: Outdoor and Indoor Sound Level Limits – Road and Rail (adapted from Environmental Noise Guideline, Publication NPC-300)			