

2025-01-09



**CONSENT (CHANGE OF CONDITION) APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 470 Mutual Street
Legal Description: Lot 131 and Part of Lot 130, Reg Plan 300
File No.: D08-01-23/B-00169, B-00170 & B-00173
Report Date: January 9, 2025
Hearing Date: January 15, 2025
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Overlay
Zoning: R3A (Residential Third Density, Subzone A)

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has concerns with** the applications.

The consent application heard on September 6, 2023, was intended to sever the subject property into three separate parcels of land for the construction of three new two-storey townhouse dwellings. There was an accompanying minor variance application (D08-02-23/A-00154, A-00155 & A-00159).

Section 10.2.1 in the Official Plan requires development proposals for a new noise sensitive land-use to complete a noise study in the following locations:

“ a) Within 100 metres of:

- i. The right of way of an **existing** or proposed **arterial road** or collector or major Collector Street identified on Schedule C4; or
- ii. The right-of-way of a rapid transit or **transit priority corridor** identified on Schedule C2; or
- iii. Lands designated as Industrial and Logistics or Mixed Industrial identified on the B-series of schedules, or lands zoned for industrial use; or
- iv. From an **existing stationary noise source** described in provincial certificate of approval under the Environmental Protection Act.

...”

The proliferation of environmental noise has potential to negatively affect quality of life and human health, and the goal of environmental noise control is to provide guidance between land uses that are noise sensitive and land uses that are sources of noise.

Staff recommended imposing a condition requiring a noise study to be completed and a development agreement registered on the property to implement any recommended noise control attenuation measures and also deal with any covenants/notices recommended in the approved study. The site is in close proximity to many existing noise sources, including being located approximately 33 metres away from McArthur Street, which is recognized as an arterial road and transit priority corridor, as well as within 100 metres of stationary noise sources located at 435 McArthur and 440 McArthur Ave).

Timeline:

- Sept 6, 2023: Consent application heard by COA.
- Sept 15, 2023: Decision issued.
- Oct 26, 2023: Building permit for townhouse is applied for.
- Jun 18, 2024: Building permit for townhouse is issued.
- Oct 24, 2024: Inspection completed for the framing of the building.
- Jan 7, 2025: Inspection completed for building foundation.
- Jan 7, 2025: Inspection completed for excavation.

If the Committee of Adjustment decides to exempt the consent application from the noise study requirement, staff recommend the following condition wording:

That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (Transit Priority Corridor, arterial road, & stationary noise sources (car dealerships)) and may therefore be subject to noise and other activities associated with that use.”

The Agreement shall be to the satisfaction of Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and

Building Services Department, or their designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

Margot Linker

Erin O'Connell

Margot Linker
Planner II, Development Review All Wards
Planning, Development and Building
Services Department

Erin O'Connell
Planner III, Development Review All Wards
Planning, Development and Building
Services Department