



Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## **Ontario Ministry of the Environment, Conservation and Parks NPC-300 Guideline – 17175 Yonge Street Staff Report to Council**

Report Number: 2024-66

Department(s): Planning and Building Services

Author(s): Kaitlin McKay, Senior Planner - Development

Meeting Date: November 11, 2024

### **Recommendations**

1. That the report entitled Ontario Ministry of the Environment, Conservation and Parks NPC-300 Guideline – 17175 Yonge Street dated November 11, 2024 be received; and,
2. That the designation of 17175 Yonge Street to a Class 4 Noise Area be approved; and,
3. That Council approve the By-law, substantially in accordance with Attachment 1, authorizing the designation; and,
4. That Trinity Coptic Foundation and Malone Given Parsons be notified of this action; and,
5. That the owners of 17155 Yonge Street and their tenant be notified of this action; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to recommend the classification of 17175 Yonge Street as a Class 4 Noise Area to acknowledge the existing surrounding noise sources.

### **Background**

An Official Plan Amendment and Zoning By-law Amendment application were approved in 2023 to permit the development of a 10-storey mixed use building on the property municipally addressed as 17175 Yonge Street. A Site Plan application has also been Ontario Ministry of the Environment, Conservation, and Parks NPC-300 Guideline – 17175 Yonge Street

submitted and the application is nearing completion. As part of the site plan application, a review of noise levels has been undertaken by the Town's Consulting Engineer R.J. Burnside (RJB).

The Ontario Ministry of the Environment, Conservation and Parks (MECP) provides guidance to what is acceptable noise levels for new developments. When new residential units are proposed, the applicant is to demonstrate that the noise levels within the new residences are within acceptable levels in accordance with the MECP Noise Guideline.

In 2013, the MECP released guideline Publication NPC-300, "Environmental Noise Guideline – Stationary and Transportation Noise Sources – Approval and Planning (NPC-300)". This is the guideline to which developments are held to meet and includes a standard that is appropriate for urban infill development contexts.

Specifically, NPC-300 introduced a new area classification called a Class 4 Area. A property's classification is based on the acoustic environment typical for the specific area; whether it be urban (Class 1 Area), rural (Class 3 Area), or a mixture of both (Class 2 Area). The Class 4 Area intends to capture new developments in close proximity to existing commercial/industrial operations.

NPC-300 defines a Class 4 area as, "...an area or specific site that would otherwise be defined as Class 1 or 2 and which:

- is an area intended for development with new noise sensitive land use(s) that are not yet built;
- is in proximity to existing, lawfully established stationary source(s); 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.

Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas."

NPC-300 acknowledges the constraints with infill developments and permits less stringent noise criteria for Class 4 Areas. Typically for Class 1 to 3 Areas, acceptable sound levels for residential units assumes the windows would be open, while the limits for a Class 4 Area assumes the windows to be closed. Therefore, the level of acceptable noise from surrounding uses can be higher.

Classifying an area as Class 4 requires formal confirmation from the land use planning authority (Council) during the planning process.

## Discussion

For this case specifically, the existing off-site noise sources are:

- The fast-food restaurant located immediately south of the property (17155 Yonge Street);
- The gas bar and car wash (17145 Yonge Street); and,
- The existing restaurant (currently vacant) located immediately north of the property (17215 Yonge Street).

The applicant's Environmental Noise Assessment indicates that the existing restaurant north of the subject land and the gas bar/car wash facility are anticipated to meet the Class 1 limits.

The main noise sources are rooftop mechanical units and activities from the drive-through facility at the fast-food restaurant. The applicant has explored mitigation measures to meet the Class 1 limit for this property, including working with the established adjacent commercial use to mitigate noise from their mechanical units located on the roof. The applicant has also requested to install sound barriers on the fast food restaurant property; however, that work was not approved by the adjacent property owner and as a result it was determined that mitigation was not feasible and a Class 4 designation would be applicable in this case.

The proposal meets the definition of a Class 4 area as described in the background section of this report.

Future residents of 17175 Yonge Street would be made aware of possible noise exceedance from pre-existing sources through a clause in the Purchase and Sale Agreements or Lease Agreements. Additionally, if this report is approved, the Site Plan agreement would include conditions that the applicant must address, including:

- The owner covenants and agrees to implement all recommendations in the Environmental Noise Assessment Report and the Supplementary Letter to Environmental Noise Assessment letter accepted by the Town;
- The owner covenants and agrees to include a warning clause in the Site Plan Agreement, Offer of Purchase and Sale, lease/rental agreements, and condominium declarations for all residential units. The warning clause shall read;  
*"Purchasers are advised that this development is a Class 4 receptor area/site under Ministry of Environment, Conservation and Parks noise guideline NPC-300 and that it is assumed that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation system which will allow windows and exterior doors to remain closed. Notwithstanding any noise mitigation in the design of this development and individual dwellings, noise from the adjacent commercial facilities may be at times interfere with some*

*activities of the dwelling occupants. In the event of such an occurrence, residents are advised to close the windows.”*

- The owner covenants and agrees to provide certification from an acoustical consultant that the appropriate measures have been installed per accepted Environmental Noise Assessment Report and Supplementary Letter to Environmental Noise Assessment letter.

## **Conclusion**

It is recommended to designate the property known as 17175 Yonge Street as a Class 4 Area to allow for more contextually appropriate criteria on the subject property in accordance with the MECP Guideline NPC-300. If approved, any applicable conditions would be included within the Site Plan Agreement.

## **Business Plan and Strategic Plan Linkages**

- Community and economic vibrancy
- Extraordinary places and spaces

## **Consultation**

Engineering Services and the Town’s Consulting Engineer R.J. Burnside (RJB) have been consulted.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

Attachment 1 – Draft By-law authorizing the re-designation

## **Submitted by**

Kaitlin McKay, MCIP, RPP, Senior Planner – Development

## **Approved for Submission**

Adrian Cammaert, MCIP, RPP, Manager, Planning Services

Jason Unger, MCIP, RPP, Director, Planning & Building Services

Peter Noehammer, P. Eng., Commissioner, Development & Infrastructure Services

## **Contact**

Kaitlin McKay, Senior Planner – Development

[kmckay@newmarket.ca](mailto:kmckay@newmarket.ca)