



**City of Kingston  
Report to Council  
Report Number 24-180**

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**To:** Mayor and Members of Council  
**From:** Paige Agnew, Commissioner, Growth & Development Services  
**Resource Staff:** Tim Park, Director, Planning Services  
**Date of Meeting:** July 9, 2024  
**Subject:** Class 4 Noise Area – 900-920 Gardiners Road

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**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

**Executive Summary:**

The subject property is located on the eastern side of Gardiners Road, between Princess Street and Taylor Kidd Boulevard (Exhibit A – Key Map). The property is currently developed with a 7-storey apartment building and surface parking.

The lands are currently subject to an enhanced Site Plan Control pre-application (File Number D02-010-2023) to regulate intensification of the lands with three new zone-compliant 6-storey apartment buildings. The new buildings would add approximately 300 new homes on the site, in addition to the existing apartment building which is proposed to remain.

As part of the Site Plan Control pre-application, the owners have submitted a Noise Impact Study completed by Pinchin. The study indicates the noise impact from external stationary sources on the subject lands would exceed the Class 1 noise limits by between 1 and 6 decibels at select onsite receptors. These exceedances are attributed to multiple properties in the area. The Noise Impact Study and associated acoustical modelling were Peer Reviewed by a third party (JE Coulter) at the owner's expense.

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The owners are unable to implement off-site mitigation measures on the various sites as would be required to achieve Class 1 noise levels. The owners are requesting that the lands be considered a Class 4 area to allow for the residential development to proceed without off-site mitigation. This request is in accordance with the parameters established by the province for acceptable noise impacts.

Staff are supportive of this re-classification for the noise regulations on the site as the applicants have demonstrated they have reviewed all options for noise management. Class 4 areas have been supported on several other developments (especially in dense, mixed-use areas of the City where there are a number of established noise sources) to allow for re-development applications to proceed along with the proper onsite mitigation for residents of the new buildings.

**Recommendation:**

**That** the lands at 900-920 Gardiners Road be designated as a Class 4 Area under the Provincial Environmental Noise Guideline – Stationary and Transportation Noise Sources – Approval and Planning (NPC 300).

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Paige Agnew, Commissioner,  
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

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**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation, & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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**Options/Discussion:****Background**

The lands are currently subject to an enhanced Site Plan Control pre-application (D02-010-2023) to regulate intensification of the lands with three new zone-compliant 6-storey apartment buildings. The new buildings would add approximately 300 new homes on the site, in addition to the existing apartment building which is proposed to remain.

As part of the Site Plan Control pre-application, the owners have submitted a Noise Impact Study completed by Pinchin, which reviewed transportation noise impacts and stationary source noise impacts both on-site and on surrounding sensitive uses. The Noise Impact Study indicates that the noise impact on the development from transportation noise sources would be within Class 1 sound level limits. The study similarly indicates that impacts from stationary sources to support the development on off-site receptors do not exceed NPC-300 criteria.

The noise impact from external stationary sources on the subject lands would exceed the Class 1 noise limits by between 1 and 6 decibels at select onsite receptors. These exceedances are attributed to multiple properties in the area, including the Cataraqui Centre, and various commercial and residential buildings along Princess Street and Gardiners Road which have established external noise sources.

With respect to the classification system under the Ministry of the Environment, Conservation, and Park's NPC-300 Guidelines, the following are the definitions for the four classification types:

- 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".
- Class 2 area means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas:
  - sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and
  - 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).
- Class 3 area 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.
- Class 4 area means 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;

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- 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.

The difference in maximum allowable sound levels for daytime and nighttime sound levels is ten decibels for daytime sound levels (Class 1 – 50 decibels, Class 4 – 60 decibels) and night-time sound levels (Class 1 – 45 decibels, Class 4 – 55 decibels). The Provincial [website](#) provides some examples of typical noises and their sound levels, with sounds below 60 decibels described as “faint to moderate” sounds. For context, the provided 40 decibel sound example is a refrigerator, the 50 decibel sound example is moderate rainfall, and the 60 decibel sound example is a dishwasher.

The owner has indicated that they have contacted adjacent owners of properties with stationary noise sources resulting in noise exceedances in an effort to explore off-site mitigation opportunities, however this has not been fruitful. Alterations to multiple properties would be required to meet Class 1 levels, which is not considered reasonable for the development. Alternatively, to achieve Class 1 sound levels without off-site mitigation, a substantial redesign of the site would be required, which would likely result in a significant loss of proposed housing units and would not be aligned with current zoning permissions in place for the site. This is not seen as desirable from a land use planning perspective.

Given the above, the owners are requesting that the lands be considered a Class 4 area to allow for the residential development to proceed without off-site mitigation. This request is in accordance with the parameters established by the province for acceptable noise impacts. The Site Plan Control agreement will include further conditions related to the recommendations of the noise study, including provision of central air conditioning systems and inclusion of warning clauses in rental agreements.

The Noise Impact Study and associated acoustical modelling were Peer Reviewed by a third party (JE Coulter) at the owner’s expense. The Peer Review confirms that a Class 4 designation is a reasonable measure for the site. The Peer Review recommends items for revisions to the Noise Impact Study which will be required to be addressed by the owner prior to final Site Plan Control approval to ensure any recommendations are included in the conditions of the site plan agreement.

### **Analysis**

Noise assessments are an important part of the development approvals process to assess impacts on and from new developments. In a re-urbanizing and intensifying City, it has not been uncommon for new developments to come forward with mitigation measures to reduce the impacts of noise on new residential buildings from existing nearby buildings. Mitigation measures are the first step in dealing with the impacts of noise. Examples of mitigation include equipping all residential homes with air conditioning so occupants can close their windows and doors to reduce sound while maintaining habitable temperatures in their homes, sound mufflers on mechanical equipment, and more robust cladding on buildings to absorb sound.

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Where mitigation alone cannot reduce noise impacts, new development can consider a reclassification to a Class 4 noise area to raise allowable noise impacts. This does not mean that where Class 4 noise levels are deemed acceptable that mitigation measures are not required. Staff work with applicants of a Class 4 noise area on a combination of re-classification and mitigation.

With the application of Class 4 on this site, the applicants are providing air-conditioning for each of the homes allowing occupants to close their doors and windows at night to lower indoor sound levels.

The designation as a Class 4 area allows the development to proceed within allowable provincial standards while not significantly modifying nearby privately-owned buildings. Approval of the Class 4 designation would support the intensification of the site with approximately 300 new homes in a desirable location.

### **Public Engagement**

The public has been provided opportunity to comment on associated minor variance applications to support the development (D13-046-2022 & D13-012-2024); no comments were received on either application. On-site signage has been posted as a courtesy for the Site Plan Control pre-application file (D02-010-2023).

The owner has indicated that they have contacted adjacent owners of properties with stationary noise sources resulting in noise exceedances for the site in an effort to explore off-site mitigation opportunities, however this has not been fruitful.

In accordance with NPC-300, where a noise sensitive land use in a Class 4 area has been approved in proximity to a stationary source, the proponent or land use planning authority should provide a copy of the approved noise impact study for the noise sensitive land use to the owners of the stationary source(s). The formal confirmation of the area classification from the land use planning authority should also be provided. This will allow the owners of the stationary source(s) to use the appropriate classification and sound level limits in applications for MOE approvals.

### **Existing Policy/By-Law**

The *Planning Act*

Official Plan

Zoning By-Law Number 76-26

NPC-300

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**Financial Considerations**

None

**Contacts:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Garret Hoegi, Manager, Development Engineering, 613-546-4291 extension 3294

**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

Exhibit A     Key Map

Exhibit B     Proposed Site Plan



# Committee of Adjustment Key Map

Address: 900-920 Gardiners Road  
File Number: D02-010-2023

 Lands to be Designated Class 4 Noise Area



