



City of North Bay Report to Council

Report No: CSBU-2023-002

Date: November 30, 2022

Originator: Peter Carello, Senior Planner – Current Operations

Business Unit:

Department:

Community Services

Planning & Building Department

Subject: Proposed Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of Saeed Mahmood and Sadia Quadri – 12 Judge Avenue

Closed Session: yes ☐ no ☒

Recommendation

That the proposed Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of the property owners, Saeed Mahmood and Sadia Quadri – 12 Judge Avenue in the City of North Bay to rezone the property from a “Residential Third Density (R3)” zone to a “Residential Multiple First Density Special Holding (RM1 Sp.H)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2023-02 be approved.

Background Site Information

Legal Description:

See Appendix A

Site Description:

The subject property is 12 Judge Avenue. This property is an existing lot of record located at the intersection of Judge Avenue and Memorial Drive.

The property has a total lot area of 0.1042 hectares and lot frontage of 31.1 metres on Judge Avenue, as shown on Figure 1 below and the attached schedules.

Figure 1: Satellite Imagery of Subject Property and Surrounding Area



Surrounding Land Uses:

The subject property is located south of the West Ferris overpass and just west of the intersection of Lakeshore Drive and Judge Avenue. Properties along Lakeshore Drive are zoned for commercial uses and are largely used as such. Some of the more defining commercial uses in the vicinity include a retail shop immediately adjacent to the subject lands, a mini putt, a strip mall and a coffee shop.

Properties to the west, northwest and southwest are all zoned for residential uses. Most of these uses are various forms of low density residential (predominantly single detached dwellings and semi-detached dwellings). There are several apartment buildings in the general area, including a condominium building located to the west of the property on Judge Avenue with frontage on Lake Nipissing.

Immediately north of the subject property is a municipally owned park (Lee Park), which includes a youth playground and a sliding hill. Amelia Park and Veterans Field, which both have baseball and soccer facilities, are also both a short distance from the subject lands. There is also a public beach to the north. There are multiple public lake accesses to Lake Nipissing found throughout the area.

The Ontario Northland rail line is nearby, a little less than 250 metres north and east of the subject property. Associated with this rail line are the Ontario Northland remanufacturing and repair centre, which is a large industrial operation.

CP Rail also has operations located less than 1000 metres to the north of the subject lands.

Proposal

Goodridge Goulet Planning & Surveying Ltd. on behalf of the property owners, Saeed Mahmood and Sadia Quadri, has submitted a Zoning By-law amendment application to rezone the property located at 12 Judge Avenue from a "Residential Third Density (R3)" zone to a "Residential Multiple First Density Special (RM1 Sp.)" zone. The purpose of this application is to permit the conversion of the existing triplex into a five-unit apartment building.

The special zone would recognize the existing rear yard setback and to permit stacked parking.

As noted within this report, the two rail operations present in the area (Ontario Northland and Canadian Pacific) have requested that the owner complete specific measures to recognize the proximity of the proposed residential units to the rail. The City's Official Plan requires several protective measures be put in place, including the preparation of an acoustic study. In order to accommodate these requirements, staff are recommending that the property be placed in a Holding Zone until such a time that these requirements are met.

Summary

The subject property is an existing lot of record that is developed with a triplex. It is in the City's Settlement Area (as identified by the Official Plan) with access to the full range of public services.

The applicants have proposed to rezone the property in order to permit the conversion of the structure into a five-unit apartment building.

The subject property and the conversion of the building would take place within an existing neighbourhood and would be considered infill and intensification. This type of development is encouraged by the Official Plan and the Provincial Policy Statement to take place in a community's Settlement Area.

The City's Official Plan includes more specific policy regarding locations and characteristics that are positive markers for high density residential use. The proposed development is largely consistent with the characteristics identified by the Official Plan as being favorable for multi-residential development. A more detailed evaluation of these policies is described in further detail in the Official Plan section of this report.

This rezoning request was circulated to the internal departments and external agencies that comment on these types of applications. The application was also circulated to all members of the public within 120 metres of the subject property. There were no objections or concerns noted from any of the circulated parties.

Representatives from both the Ontario Northland and the CP Rail responded to the notice of the application requesting that measures be put in place to protect their operations. These measures include the completion of a noise abatement study and implementation of notices to future purchasers or tenants of the potential nuisances that may arise from the presence of the rail facilities.

Planning staff agree with the substance of the comments made by both rail companies. The Provincial Policy Statement the City's Official Plan contain policies that mirror these comments. Planning staff are recommending placing the property in a Holding Zone in order to give the applicant time to address the comments made by Ontario Northland and CP Rail.

The applicant has asked to vary the Zoning By-law to permit stacked parking. Generally speaking, stacked parking is discouraged as it limits vehicular movement on the property. This can lead to other problems, such as on street parking. However, there is a natural gas facility on the west part of the property that limits parking from being located on this part of the lot. It is staff's opinion that it is preferable to allow stacked parking as opposed to permitting vehicular movements in the area surrounding the natural gas station.

It is my professional opinion that the proposed Zoning By-law Amendment is in conformity with the Official Plan and the Growth Plan for Northern Ontario (GPNO 2011), and the end use is consistent with the Provincial Policy Statement (PPS 2020).

Provincial Policy

Growth Plan for Northern Ontario (GPNO 2011)

The Growth Plan for Northern Ontario (GPNO 2011) was introduced on March 3rd, 2011. All Planning Applications must consider this Plan as part of the evaluation process. Section 3(5)(b) of the Planning Act requires that decisions made under the Planning Act need to conform to the Provincial Plan or shall not conflict with it, as the case may be.

The GPNO 2011 is broad in scope and is aimed at shaping development in Northern Ontario over the next 25 years. It outlines strategies that deal with economic development, education, community planning, transportation/infrastructure, environment, and Aboriginal peoples. This Plan is primarily an economic development tool that encourages growth in Northern Ontario. Specific Planning related policies, including regional economic planning, the identification of strategic core areas, and targets for intensification have not yet been defined by the Province or incorporated into the Official Plan.

Section 4 of the GPNO (Communities) deals with land use planning matters. This Section speaks to creating a vision for a community's future. The City of North Bay achieves this through the implementation of the Official Plan. As discussed in greater detail later in the report, it is my opinion the proposed development conforms with the City's Official Plan.

In my professional opinion, the proposed Zoning By-law Amendment conforms with the policies and direction provided by the Growth Plan for Northern Ontario (GPNO 2011).

Provincial Policy Statement (PPS 2020)

The current Provincial Policy Statement issued by the Provincial government came into effect on May 1, 2020. This proposal has been reviewed in the context of the Provincial Policy Statement (PPS 2020).

There are several passages of the PPS 2020 that encourage "residential Intensification". Residential Intensification is defined as:

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas;
- e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.

Relative to the other residential uses in the area, the property is a large, underutilized lot in a previously developed area. The proposed development would result in new residential units. It is staff's opinion that the proposed rezoning meets the definition of residential intensification.

The Preamble to Part IV (Vision for Ontario's Land Use Planning System) states that "*Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.*"

Section 1.4.3 of the PPS 2020 further states that:

Planning authorities shall provide for an appropriate range and mix of

housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

The general intention of these policies is to focus higher levels of density and population growth to the Settlement Area, where public services and other development is located. Concentrating development in this manner reduces the need for infrastructure expansion and the amount of land consumed by a municipality. This helps preserve more lands outside the Settlement Area in a natural state.

Should the proposed rezoning be approved, two new residential units would be created. This would be consistent with these policies of the PPS 2020.

The subject property is located in proximity to the Ontario Northland Rail facility, as well as the CP Rail yards. Rail yards are considered a "Major Facility" under the PPS 2020; residential dwelling units are considered a sensitive land use.

The Provincial Policy Statement provides the following direction to the location of major facilities and sensitive land uses. Section 1.2.6 (Land Use Compatibility) is as follows:

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

The intention of these policies is to generally discourage sensitive land uses from locating in close proximity to major facilities in order to prevent various forms of conflict. Staff are recommending placing the subject property in a Holding Zone in order to address this proximity through the preparation of an acoustic study.

In my professional opinion, the end use of the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS 2020).

Official Plan

The property is currently designated "Residential" in the City of North Bay's Official Plan.

Much like the PPS 2020, the Official Plan encourages higher levels of density to be located within the Settlement Area where appropriate levels of municipal services are available.

Section 1.4.2 of the Official Plan states that "*North Bay endorses the principles of "smart growth" by concentrating growth within the Settlement Area in a manner that new development has easy access to employment lands, commercial lands, residential lands, parks, trails and public transit. North Bay continue the practice of concentrating growth within the Settlement Area in a manner that allows new development to have easy and efficient access to employment, residential, commercial and park areas.*" By concentrating higher levels of development in this manner, it creates efficient development patterns and is a more environmentally friendly approach to community building.

The subject property is situated in an existing established neighbourhood. It has access to the full range of public services, including municipal sewer and water, access to parks, major road accesses and transit.

The Official Plan has a series of policies that identifies characteristics that are favourable for high density residential development. Relevant policies are quoted below:

2.1.12.2 High and medium density developments should include common facilities, such as parks or open space.

- 2.1.12.3 High density developments will be encouraged to locate in suitable areas including:*
- a) the Central Business District and its immediate vicinity, or*
 - b) in close proximity to major shopping areas, community facilities, open space and recreational facilities, or*
 - c) in peripheral locations around residential neighbourhoods with access to major collector or arterial roads, or*
 - d) when designed as an integral part of a new Plan of Subdivision.*
- 2.1.12.4 Apartment buildings shall be sited so that they:*
- a) enhance the visual image of the City;*
 - b) create focal points that emphasize important locations in the City;*
 - a) do not unduly overshadow or interfere with visual amenities of lower density residential areas by reason of their bulk; and*
 - b) relate compatibly with existing buildings and with the character of the immediate area, and do not constitute an intrusion into an established area of lesser density.*
- 2.1.12.7 In the development of new apartment buildings, the City may require that a minimum amount of the land, or an equivalent amount of cash, be dedicated for park or open space purposes.*
- 2.1.12.8 In considering applications for higher density residential uses, it shall be clearly demonstrated to the satisfaction of the City that no undue pressure will result on:*
- a) arterial or collector roads;*
 - b) parks, open space and recreational facilities;*
 - c) schools; and*
 - d) sewers and water mains.*
- 2.1.12.9 Apartments shall not be approved where major traffic flows will result on local streets serving low density residential development.*
- 2.1.12.10 Apartment buildings shall be separated from adjacent dwellings by a distance sufficient to maintain adequate privacy, amenity and the value of surrounding property.*
- 2.1.12.11 The City shall ensure that existing and future low density residential uses shall be protected from future high density residential development through the use of adequate setbacks and buffering.*

2.1.12.12 There shall be no development of high density residential units except by site plan control, as provided for in the Planning Act.

It is staff's opinion that the subject property is largely consistent with these policies of the Official Plan. The following is intended to summarize how the property relates to these policies of the Official Plan:

- The subject property is in close proximity to the Central Business District, approximately 350 metres south of this Planning District. There is a full range of public services available, including near direct access to the #2 and #4 transit routes that travel on Lakeshore Drive. Shopping facilities are both nearby and in the larger area. There are major parks that immediately abut the property and in the larger area. These parks include Lee Park, the Kate Pace Way, Veterans Field and Amelia Park/Beach.
- The property is immediately adjacent to a long strip of commercially designated lands. There are numerous commercial operations in the area, including a strip mall, a mini putt, a restaurant (Tim Horton's) and several retailers. There are other commercial operations in the larger area.
- The property is in very close proximity to an arterial road (Lakeshore Drive) and has direct access to a parkway (Memorial Drive).
- The property is located at the periphery of a residential neighbourhood, as identified by the Official Plan.
- In staff's opinion, the size and scale of the existing building is currently compatible with the neighbourhood and does not overshadow other buildings. The owner is proposing to construct the new dwelling unit within the existing structure. Should the rezoning be approved, the building would continue to be operate compatibly with the neighbourhood.
- There is no indication that the increase in the number of units will place undue pressure on the road network, parks, schools or public sewer/water.
- If approved, the owner would be subject to a Site Plan Control Agreement.

The Ontario Northland rail line is located approximately 250 metres to the north of the subject property; the Canadian Pacific Rail yard is located approximately 1000 metres from the property. The Official Plan contains policies that guide development near rail lines. These policies are:

Rail Land/Employment Lands

- 4.11.6 Development on lands adjacent to railway or industrial uses shall be protected from nuisance. Noise abatement will be achieved through the siting of buildings, berms, and screen fencing for outdoor spaces. Acoustical insulation and building design will be utilized for indoor spaces to achieve*

acceptable noise levels. Visual separation, adequate setbacks, and landscaping will be required where appropriate.

- 4.11.7 Before approval is issued, a noise assessment as provided for in the Ministry of Environment guideline LU-131 "Noise Assessment Criteria in Land Use Planning" should be prepared by an acoustical consultant to address all potential noise sources which may impact on the site.*
- 4.11.8 The acoustical noise study is subject to the review and approval of the City of North Bay.*
- 4.11.9 The acoustical consultant are required to certify that the site plan meets the requirements of the acoustical study and certify that the plans submitted for the building permit are in accordance with the acoustical study.*
- 4.11.10 Developers of residential units shall inform, in writing, all prospective tenants or purchasers that the property is adjacent to an important main line rail operation and that it is in an area subject to noise and vibration caused by these railway operations, that these operations are essential, and that such noise and vibration may be increased in the future due to changing demands or methods of operating.*

The proponent has not provided an acoustical noise study at this time. Staff is recommending placing the property in a Holding Zone until such a time that the study is completed.

Section 4.11.10 once would have been captured under Site Plan Control. Recent changes to the Planning Act prohibit the municipality to place residential developments under ten units under Site Plan Control. As a result, the City no longer has a mechanism to implement this policy..

It is my professional opinion that the Zoning By-law Amendment is appropriate and conforms to the City of North Bay's Official Plan.

Zoning By-Law No. 2015-30

The subject property is presently zoned "Residential Third Density (R3)". The R3 zone permits the following uses:

- Single detached dwelling
- Semi-detached dwelling
- Duplex dwelling
- Group home type 1
- Accessory bed and breakfast

- Accessory home based business
- Parks and playgrounds
- Day nursery; and
- Institutional uses.

The applicant proposed to rezone the property to a “Residential Multiple First Density Special (RM1 Sp.)” zone. The RM1 Sp. zone permits the following uses:

- Apartment Dwellings
- Boarding, Lodging or Rooming House
- Group Home Type 2
- Accessory Home Based Business
- Accessory Non-Residential Use
- Parks, Playgrounds and Non-profit uses
- Day Nursery
- Institutional Uses

The proposed Special Zone request would recognize the existing rear yard setback and would permit stacked parking.

Correspondence

This proposal was circulated to property owners within 120 metres (400 feet) of the subject lands, as well as to several municipal departments and agencies that may have an interest in the application. A summary of the comments received is outlined below. A full copy of all correspondence received is included in Appendix B, attached to this report.

Of the agencies that provided comments, the North Bay Mattawa Conservation Authority offered no concerns or objections.

The Engineering Department offered no objections but noted specific requirements that would need to be provided at the time of development, should the rezoning be approved.

Canadian Pacific Rail offered no specific objections to the proposal but did request that specific wording be placed in offers of purchase and sale or tenancy agreements. A full copy of CP’s correspondence is attached as an appendix to this report.

Previously, the City would have capture this requirement via the Site Plan Control Agreement which is registered on title. Recent changes to the Planning Act prevents the City from implementing Site Plan Control for residential developments with less than ten units, as a result, the City does not have a mechanism to implement the request from Canadian Pacific Rail. Staff have provided a copy of the correspondence from CP to the Owner of the property.

Ontario Northland also offered no specific objections but did note applicable

policies that outline the manner that development near rail facilities must take place. As noted previously, this includes an acoustic study and implementing measures that would advise future purchasers or tenants of the potential nuisances that may be caused by the presence of rail facilities.

The City is recommending placing the property in a Holding Zone to allow the developer to complete the acoustic study. As noted previously, the City no longer has a mechanism to capture notices on title that would advise future purchasers or tenants of the potential nuisances that may be caused by the presence of rail facilities. Staff have provided a copy of the correspondence from Ontario Northland to the Owner of the property.

One item of correspondence was received from the public, but it did not offer any objections to the proposed development.

No other correspondence was received on this file.

Financial/Legal Implications

There are no financial or legal implications to the City of North Bay

Corporate Strategic Plan

- | | |
|--|---|
| <input type="checkbox"/> Natural North and Near | <input checked="" type="checkbox"/> Economic Prosperity |
| <input checked="" type="checkbox"/> Affordable Balanced Growth | <input checked="" type="checkbox"/> Spirited Safe Community |
| <input type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

- Promote and support public and private sector investment
- Facilitate the development of housing options to service the entire community, with consideration to socio-economic characteristics of the community
- Facilitate the development of housing options to service the needs of the community

Options Analysis

Option 1

Approve the proposed Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of the property owners, Saeed Mahmood and Sadia Quadri – 12 Judge Avenue in the City of North Bay to rezone the property from a “Residential Third Density (R3)” zone to a “Residential Multiple First Density Special Holding (RM1 Sp.H)” zone.

This option would approve the Zoning By-law amendment, subject to the property being placed in a Holding Zone to address issues related to the proximity to the rail line, including the provision of an acoustic study.

Option 2

Approve the proposed Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of the property owners, Saeed Mahmood and Sadia Quadri – 12 Judge Avenue in the City of North Bay to rezone the property from a “Residential Third Density (R3)” zone to a “Residential Multiple First Density Special (RM1 Sp.)” zone.

This option would approve the rezoning without a holding zone. This option is not recommended, as the City would not have an ability to require the acoustic study required to meet the policies of the Official Plan.

Option 3

Deny the proposed Zoning By-law amendment.

Recommended Option

Option 1 is the recommended option.

That the proposed Zoning By-law Amendment by Goodridge Goulet Planning & Surveying Ltd. on behalf of the property owners, Saeed Mahmood and Sadia Quadri – 12 Judge Avenue in the City of North Bay to rezone the property from a “Residential Third Density (R3)” zone to a “Residential Multiple First Density Special Holding (RM1 Sp.H)” zone for the property legally described in Appendix A to Report to Council No. CSBU 2023-02 be approved

Respectfully submitted,

Name: Peter Carello, MCIP, RPP

Title: Senior Planner, Current Operations

We concur with this report and recommendation.

Name Beverley Hillier, MCIP, RPP

Title: Manager, Planning & Building Services

Name: Ian Kilgour, MCIP. RPP

Title: Director, Community Development and Growth

Name: David Euler, P.Eng., PMP

Title: Chief Administrative Officer

Personnel designated for continuance:

Name: Peter Carello, MCIP, RPP

Title: Senior Planner, Current Operations

Appendix A

PIN 49168-0354 (LT)

LT 3-5 PL 90 West Ferris; North Bay; District of Nipissing

Appendix B – Correspondence

Engineering Department

1. We will require a stormwater management (SWM) brief for the proposed development which meets our technical standards for quality and quantity control. A full SWM report may be required if the SWM brief identifies any issues.
2. The following engineering civil plans/drawings are required:
 - a. Site Servicing (if any new services are being proposed and/or existing services are being upgraded/retired);
 - b. Grading Plan;
 - c. Pre and post development drainage plans;
 - d. Erosion and sediment control.
3. All the drawings and SWM reports must be designed and stamped by a Professional Engineer licensed to practice in the province of Ontario. Documents must be sealed prior to being submitted to the City for review.
4. Private Approaches (entrance and exits) will need to meet the City's Private Approach By-Law 2017-72.
5. It will be the proponent's responsibility to confirm servicing requirements and conduct necessary testing.
6. The developer must enter into a Service Contract with the Engineering Department for any services, restoration work or work in general on City property.
7. A security deposit of 10% of the value of all on-site works (excluding the building) will be required. An engineering estimate of the on-site works is to be provided in order to determine the security deposit value. A deposit of \$1,000 will be required as a minimum.

At this stage, these comments are very high level and upon receiving further information and detailed plans we will have additional comments to provide.

CP Rail

Good Afternoon,

RE: Comments on 12 Judge Avenue, within 1000m of CP Rail yard

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

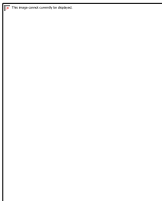
CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



CP Proximity Ontario
CP_Proximity-Ontario@cpr.ca
7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

North Bay Mattawa Conservation Authority



August 18, 2022

Corporation of the City of North Bay
200 McIntyre St. E.,
P. O. Box 360
NORTH BAY, Ontario P1B 8H8

Attention: Peter Carello, Senior Planner-Current Operations

Dear Mr. Carello:

**Re: Zoning By-law Amendment – Saeed Mahmood
 12 Judge Avenue
 City of North Bay
 Our File No.: PZB07-NB-22**

This office has received and reviewed the above zoning by-law amendment which proposes to rezone the property from a "Residential Third Density (R3)" to a "Residential Multiple First Density Special (RM1 Sp.)" zone. The purpose of the application is to permit the conversion of the existing triplex into a five-unit apartment building. The Special Zone request would recognize the existing rear yard setback and would permit stacked parking.

The following comments are based on a review of the application with respect to our delegated responsibility from the province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement, 2020 (PPS, 2020) and our regulatory authority under Ontario Regulation 177/06 Development, Interference with Wetlands & Alteration to Shorelines & Watercourses (DIA). The Conservation Authority also provides advice as per our Plan Review Agreement with the Municipality regarding Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the Provincial Policy Statement (PPS, 2020).

The subject property does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest. It is our opinion that the application is consistent with Section 3.1 of the PPS 2020. The property is not subject to Ontario Regulation 177/06 or to the policies of NBMCA at this time, and as such, a DIA permit is not required from this office. The Conservation Authority is satisfied that the application is consistent with the policies as set out in Sections 2 and 3 of the PPS 2020. We have no objection to this application.

Trusting this is satisfactory. Should you have any questions, please do not hesitate to contact me at (705) 471-7636. For administrative purposes, please forward any decisions and resolutions regarding this matter.

Yours truly,

Paula Scott (she/her)
Director, Planning & Development/Deputy CAO

End. (1)

Ontario Northland



555 Oak Street East, 555, rue Oak est
North Bay, Ontario North Bay (Ontario)
P1B 8L3 P1B 8L3

1.800.363.7512
www.ontarionorthland.ca

BY ELECTRONIC TRANSMISSION: peter.carello@cityofnorthbay.ca

1 September 2022

The Corporation of the City of North Bay
200 McIntyre Street East
P.O. Box 360
North Bay, ON P1B 8H8

Attention: Peter Carello
Senior Planner

Dear Sir:

**RE: Application for Zoning By-Law Amendment
12 Judge Street**

Thank you for the opportunity to provide comments on the above noted Application for Zoning By-Law Amendment.

Ontario Northland has significant rail operations in proximity to the location of the subject property. In particular, the Ontario Northland Shops complex is approximately 278 metres from the subject property, the Ontario Northland railyard is approximately 300 metres from the subject property and the Ontario Northland main line is approximately 340 metres from the subject property. In addition, the subject property is located approximately 230 metres from the Ottawa Valley Railway mainline and an Ontario Northland spur.

We understand that the purpose of the application is to permit the conversion of an existing triplex into a five unit apartment building. Both the existing and the new use of the property are *sensitive uses* under the Provincial Policy Statement 2020 (PPS). The rail facilities are *major facilities* under the PPS. The following policies would be applicable to the redevelopment.

Policies

The Provincial Policy Statement ("PPS") contains the following policies:

1.2.6 Land Use Compatibility

- 1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.
- 1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:
- a) there is an identified need for the proposed use;
 - b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
 - c) *adverse effects* to the proposed *sensitive land use* are minimized and mitigated; and
 - d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

City of North Bay Official Plan

Rail Land/Employment Lands

- 4.11.6 Development on lands adjacent to railway or industrial uses shall be protected from nuisance. Noise abatement will be achieved through the siting of buildings, berms, and screen fencing for outdoor spaces. Acoustical insulation and building design will be utilized for indoor spaces to achieve acceptable noise levels. Visual separation, adequate setbacks, and landscaping will be required where appropriate.
- 4.11.7 Before approval is issued, a noise assessment as provided for in the Ministry of Environment guideline LU-131 "Noise Assessment Criteria in Land Use Planning" should be prepared by an acoustical consultant to address all potential noise sources which may impact on the site.
- 4.11.8 The acoustical noise study is subject to the review and approval of the City of North Bay.

4.11.9 The acoustical consultant are required to certify that the site plan meets the requirements of the acoustical study and certify that the plans submitted for the building permit are in accordance with the acoustical study.

4.11.10 Developers of residential units shall inform, in writing, all prospective tenants or purchasers that the property is adjacent to an important main line rail operation and that it is in an area subject to noise and vibration caused by these railway operations, that these operations are essential, and that such noise and vibration may be increased in the future due to changing demands or methods of operating.

Ontario Northland has developed Guidelines for Development in Proximity to Ontario Northland Railway Operations which are attached to this letter.

Ontario Northland requests that approval of the zoning by-law amendment and any other planning instruments and the issuance of the building permit take into account the relevant PPS policies, the North Bay Official Plan policies and the Ontario Northland Guidelines in setting conditions for such approvals.

If you have any questions or require additional information relating to our comments about the proposed zoning by-law amendment, please contact the writer.

Regards

A handwritten signature in black ink, appearing to read 'Jaques' with a stylized initial 'D'.

Donna Jaques

Tel: 705-472-4500, ext. 316

Cell: 705-477-4456

Email: donna.jaques@ontarionorthland.ca

August 2022

Guidelines for Development in Proximity to Ontario Northland Railway Operations

New Residential Development – Building Setbacks

Freight Rail Yard: 300 metres
Principle Main Line: 30 metres
Secondary Main Line: 30 metres
Principle Branch Line: 15 metres
Secondary Branch Line: 15 metres
Spur Line: 15 metres

Setback distances are measured from the property line of the railway land to the building face.

Setbacks may be reduced by up to 5 metres if the height of the safety berm is increased or a crash wall is constructed (note – this is generally for developments adjacent to the railway operations).

Sensitive Use Development – Noise Mitigation

Noise Impact Studies should be required where the development of a sensitive use is within the minimum noise influence areas:

Freight Rail Yard: 1,000 metres
Principal Main Line: 300 metres
Secondary Main Line: 250 metres
Principal Branch Line: 150 metres
Secondary Branch Line: 75 metres
Spur Line: 75 metres

Proponents should consult section 2.4 of the Canadian Transportation Agency report *Railway Noise Measurement and Reporting Methodology* for guidance on the recommended content and format of a noise impact study.

Site design should take into consideration the location of the rail corridor, existing sound levels, topography, and nearby buildings. Noise barriers, acoustic shielding from other structures, and the use of appropriate windows, doors, ventilation, and façade materials can all minimize the acoustic impacts of railway operations.

All Development – Vibration Mitigation

Vibration studies should be undertaken if the development is within the minimum vibration influence area of 75 metres from a railway corridor or rail yard.

All Development Adjacent to the Rail Right-of-Way – Safety Barriers

Where full setbacks are provided, safety barriers are constructed as berms for properties that are adjacent to the rail right-of-way. Where full setbacks are not provided, safety barriers may be constructed as crash walls.

All Development Adjacent to the Rail Right-of-Way – Security Fencing

Developments adjacent to the rail right-of-way must, at a minimum, include a 1.83 metre high chain link fence along the entire mutual property line, to be constructed by the owner entirely on private property.

All Development Adjacent to the Rail Right-of-way - Stormwater Management and Drainage

The proponent should consult with the affected railway regarding any proposed development that may have impacts on existing drainage patterns.

Development should not discharge or direct stormwater, roof water, or floodwater onto a railway corridor.

Any proposed alterations to existing rail corridor drainage patterns must be substantiated by a suitable drainage report, as appropriate.

Any development-related changes to drainage must be addressed using infrastructure and/or other means located entirely within the confines of the subject development site.

Stormwater or floodwater flows should be designed to:

- maintain the structural integrity of the railway corridor infrastructure;
- avoid scour or deposition; and prevent obstruction of the railway corridor as a result of stormwater or flood debris.

Public Correspondence

Hi Peter

I received a notice regarding changes to zoning for 12 Judge.

I have no objections to this proposal ,
provided it doesn't interfere with my property, business and tenant parking
at 1 Lakeshore and 2 Judge Ave,

North Bay, Ontario

Thank you

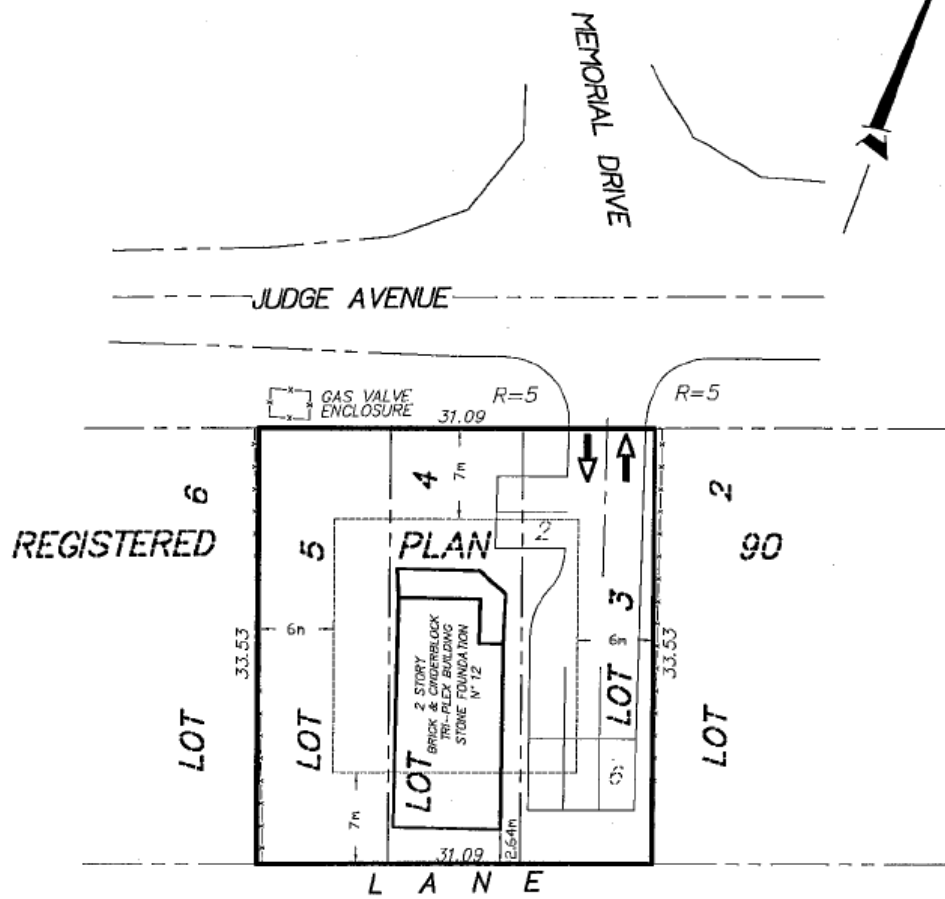
Sharlene Santos

Northern Occasions

Schedule A



SKETCH TO ACCOMPANY
ZONING BY-LAW AMENDMENT APPLICATION
12 JUDGE AVENUE, CITY OF NORTH BAY



LOT	1042.45 m ²
BUILDING	141.18 m ²
DECK	23.52 m ²
LOT COVERAGE:	13.6%

DISTANCES SHOWN ON THIS SKETCH ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

THIS SKETCH WAS PREPARED EXCLUSIVELY FOR SAIED MAHMOUD AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHERS.

NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE, OR ALTER THIS PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF PAUL GOODRIDGE, OLS.

THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR MORTGAGE OR TRANSACTION PURPOSES. IT IS TO BE USED SOLELY FOR THE EXPRESS PURPOSE STATED HEREON.

LANDS SHOWN IN BOLD OUTLINE TO BE RE-ZONED FROM RESIDENTIAL FIRST DENSITY (R1) TO RESIDENTIAL MULTIPLE FIRST DENSITY SPECIAL (RM1Sp) TO PERMIT A TOTAL OF FIVE APARTMENT UNITS.

SPECIAL ZONE CATEGORY REQUIRED TO REDUCE REAR YARD SETBACK FROM 7.0 m TO 2.4 m RECOGNIZING EXISTING POSITION OF STRUCTURE.

GODRIDGE GOULET
PLANNING & SURVEYING LTD.

ONTARIO LAND SURVEYOR - LAND USE PLANNER - DEVELOPMENT CONSULTANTS
UNIT 1 - 490 MAIN STREET EAST, NORTH BAY, ON P1B 1B5
705-483-1770 pmf.goodridge@egg.ca

FIELD	OFFICE	FILE
N/A	K. THOMPSON	13-49-22