

Reply to the Attention of	Mary Flynn-Guglietti
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Our File No.	234382
Date	May 9, 2016

**Delivered by E-mail to pgma@toronto.ca**

City of Toronto  
Second Floor, Suites C48  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: Ms. Nancy Martins, Administrator  
Planning and Growth Management Committee**

Dear Chair and Members of the Planning and Growth Management Committee:

**Re: Mimico-Judson Secondary Plan and Urban Design Guidelines  
Item No. PG 12.8 of May 11, 2016 Agenda  
Dunpar – 49-53 and 55 Judson Street**

We are counsel to 1742875 Ontario Inc. and 1720194 Ontario Inc. (“**Dunpar**”), owners of lands municipally known as 49 – 53 and 55 Judson Street (the “**Dunpar Lands**”). The Dunpar Lands are all located within the Mimico-Judson Regeneration Area. Our clients, together with their consultants Mr. Peter Smith of Bousfields Inc., Mr. James Tate of Tate Economic Research Inc. and Mr. John Coulter of J.E. Coulter Associates Limited have been actively involved in the Mimico-Judson Regeneration Areas Study that was initiated in 2013, upon Council’s redesignation of the area from *Employment Areas* to *Regeneration Areas* as part of the Municipal Comprehensive Review of employment lands.

We have had an opportunity to review the recommended Secondary Plan and Guidelines that resulted from the Mimico-Judson Regeneration Area Study and the March 16, 2016 staff report (the “**Staff Report**”) and respectfully submit that staff’s proposal to redesignate the Dunpar Lands from *Regeneration Areas* to *Core Employment Areas* is neither appropriate nor desirable and is inconsistent with provincial policy and the City’s own Official Plan policies. As noted in the Staff Report, the Mimico-Judson Secondary Plan (“**MJSP**”) policies are based on four guiding principles being retaining and expanding business through land use certainty and flexible mixed use regeneration, unlocking underutilized lands for transit supportive mixed use development and protecting and supporting existing operations and future expansion

opportunities at the Willowbrook Maintenance Facility and fostering a connected and complete community.

In the fall of 2016 Dunpar submitted an application to amend the Official Plan and Zoning By-laws of the City of Toronto on the Dunpar Lands. The proposed mixed use redevelopment would result in the reuse of the subject lands, a derelict brownfield site, for a mix of uses, including residential and employment uses in within a Major Transit Station Area. The redevelopment proposal includes three blocks of 4 storey townhouses along the south side of Judson Street, containing a total of 72 units, and two blocks of 2-storey commercial condominium units on the southerly portion of the site, containing a total of 28 units. The site is located at the interface of an older residential neighbourhood, containing a mix of housing types including single and semi-detached dwelling units. The proposed townhouses will result in a more compatible land use with the existing residential uses to the north, while the proposed office commercial uses on the southerly portion of the site will function as a land use buffer. The proposed mix of residential and employment uses conforms with the policies applicable to lands located within a Major Transit Station Area and will result in land use intensification that will help to achieve the population and employment forecasts as set out in the provincial Growth Plan and the City's Official Plan.

We respectfully submit that Staff's rejection of either an all residential use option or a mixed use option for the Dunpar Lands is predicated on a fundamental misunderstanding of the nature and character of the Willowbrook coachyard. We are attaching for Committee's review a copy of Dunpar's Noise Consultant, J.E. Coulter Associates letter report dated May 6, 2016 wherein Mr. Coulter found that the sound levels in the Willowbrook coachyard are not very high and that it is a relatively quiet operation, especially in the context of flat switching freight yards. The Willowbrook coachyard is not a freight yard and comparison to freight yards is a basic misunderstanding of the facility and certainly no basis for precluding residential development.

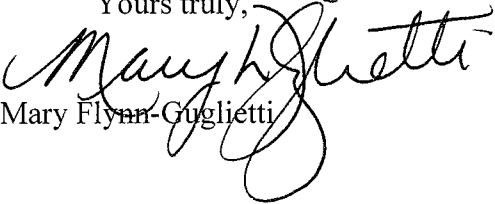
In addition we are attaching the Tate Economic Research Inc. ("**TER**") April 28, 2016 letter report wherein TER, after reviewing the Hemson Report prepared for the City of Toronto in support of the Secondary Plan, concludes that the "employment only" option, which is the option recommended by City Staff is not economically viable. Accordingly, it is unreasonable for City Staff to recommend "employment only" uses for the Dunpar Lands when the City's own economic consultant has concluded that "employment only" uses will not be economically viable.

Lastly we are attaching the Planning Report of Peter Smith of Bousfields Inc. dated May 6, 2016, wherein Mr. Smith concludes that the "employment only" option for the Dunpar Lands is contrary to the intensification objectives of the provincial Growth Plan and the City's Official Plan and would not achieve the employment objectives of the *Regeneration Area policies*. It is Mr. Smith's planning opinion that the "*residential with employment buffer*" option as submitted in a site specific redevelopment application in the fall of 2016, Dunpar would result in mixed-use intensification in accordance with the provincial and city policies. The "*residential with employment buffer*" would also result in an improved relationship and greater compatibility with the low-rise residential neighbourhood to the north and would improve the appearance of the site and the pedestrian character of Judson Street.

We therefore request the Planning and Growth Management Committee to delete the *Core Employment Area* recommended land use for the Dunpar Lands to a *Mixed Use Area* land use, as such a designation will not result in any adverse impacts on the *Neighbourhoods* to the north. As well the mix of uses proposed by Dunpar for the Dunpar Lands will enable an appropriate buffer to be established between residential uses to the north and coach yard to the south. The introduction of residential uses will make a greater contribution to the revitalization of the Mimico-Judson Area than what would occur if the site were retained exclusively for employment uses.

I will be attending the Planning and Growth Management Committee Meeting of May 11, 2016 to make a deputation on this matter and would be pleased to answer any questions.

Yours truly,

  
Mary Flynn-Guglietti

/jl  
Encls.

cc: Councillor Grimes  
Alex Puppi, Dunpar Developments Inc.  
Peter Smith, Bousfields Inc.  
James Tate, Tate Economic Research Inc.  
John Coulter, J. E. Coulter Associates Limited

Project No. 14139

May 6, 2016

Alexander Puppi  
Manager of Land Development  
1742875 Ontario Inc.  
c/o Dunpar Developments Inc.  
105 Six Point Road  
Etobicoke, ON M8Z 2X3

Dear Mr. Puppi:

**Re: *Proposed Mimico-Judson Secondary Plan*  
*Proposed Mimico-Judson Urban Design Guidelines*  
*49-55 Judson Street***

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As requested, we have reviewed the March 16, 2016 staff report regarding the above-noted matter in relation to Dunpar's lands located at 49-55 Judson Street (the "subject site"). We wish to provide the following comments.

In summary, it is our opinion that staff's proposal to redesignate the subject site from *Regeneration Areas* to *Core Employment Areas* is neither appropriate nor desirable for the reasons set out in detail below. Instead, we recommend that the site be redesignated to *Mixed Use Areas*.

In our opinion, a mix of uses on the site, including residential uses along the Judson Street frontage, would result in a number of land use planning benefits consistent with the objective of "regeneration". In our opinion, it would create an improved interface with the residential community to the north, would be compatible with surrounding uses, including the Willowbrook rail yard, and would result in the efficient use of land and infrastructure in proximity to the Mimico GO station. The redesignation of the site to *Core Employment Areas*, as recommended by staff, would not achieve those planning benefits and, importantly, would not result in regeneration.

The detailed comments below address this fundamental land use issue as well as other aspects of the proposed Secondary Plan and Urban Design Guidelines.

#### Land Use

From a land use planning perspective, the fundamental objective of the Mimico-Judson Secondary Plan and the Urban Design Guidelines should be to facilitate regeneration, consistent with the in-force *Regeneration Areas* designation.

In this regard, as set out in Section 4.7 of the Official Plan, *Regeneration Areas* are intended to provide for a broad mix of commercial, residential, light industrial, institutional and live/work uses in an urban form in order to revitalize areas that are largely vacant or underutilized. These areas are intended to create new jobs and homes that use existing infrastructure, restore, re-use and retain existing buildings that are economically adaptable for re-use, and achieve streetscape improvements and the extension of the open space network. The Official Plan specifically provides that, in *Regeneration Areas*, commercial, residential, live/work, institutional and light industrial uses can be mixed within the same block or even the same building.

In our opinion, the redesignation of the subject to *Mixed Use Areas* would be consistent with the intent of the *Regeneration Areas* designation as set out above and would also be supportive of the planning directions applicable to the site in the Growth Plan. The subject site is located within a 260 metre radius of the Mimico GO station and, accordingly, would be considered part of a “major transit station area” as defined by the Growth Plan. The Growth Plan includes specific policies that support a mix of uses and increased residential and employment densities to support the viability of existing and planned transit service levels in “major transit station areas”.

The March 16, 2016 staff report indicates that the recommended Mimico-Judson Secondary Plan is the outcome of the results of the Regeneration Areas Study completed for the area (which led to the Mimico-Judson Regeneration Area Study Final Report, dated May 2015). In our opinion, the recommendation of the May 2015 Final Report to redesignate the site (and the Judson Area generally) back to *Employment Areas* was based on a misunderstanding of both the land use context and the resulting policy context.

In this regard, the study considered three options for the Judson Street area: an “all-residential” option, an “all-employment” option and a “residential with employment buffer” option. The May 2015 Final Report and the March 16, 2016 staff report are based generally on the “all-employment” option, while Dunpar’s development proposal for the subject site is virtually identical to the “residential with employment buffer” option.

It appears that the rejection of the “all-residential” option in the May 2015 Final Report was based on a fundamental misunderstanding of the nature and character of the Willowbrook coach yard and an associated misunderstanding of the applicable policies and guidelines. The statement that an “all-residential” scenario would “set a new precedent” on the basis of the rail yard and line research undertaken by the consulting team is flawed because the rail yard “precedents” studied by the consulting team (the CPR Toronto Yards and the

Junction Stockyards) are not comparable to the Willowbrook Yard, which is a coach yard and not a “freight yard”.

The FCM/RAC Rail Proximity Guidelines (May 2013), which are the most recent guidelines to address this topic, are very clear that the recommended 300 metre separation distance is applicable only to “freight rail yards”. The explanatory text explains that it is the specific freight yard activities that are listed (e.g. shunting cars, idling locomotives, wheel and brake retarder squeal, clamps used to secure containers, bulk loading/unloading operations, shakers, etc.) that give rise to land use compatibility concerns. These activities are characteristic of a freight yard, and not of a coach yard such as the Willowbrook Yard.

The consulting team appear to have relied on the July 1995 MOE D-6 Guidelines, rather than the more recent and more specific FCM/RAC Guidelines. Even at that, the D-6 Guidelines did not identify rail yards as a Class III industry notwithstanding the consulting team’s opinion in that regard but, more importantly, the D-6 Guidelines did not specifically address freight rail yards, as distinct from coach yards.

Although the May 2015 Final Report acknowledges some of the functional distinctions between a freight yard and what they term a commuter yard (e.g. shunting of trains), the consulting team’s reports do not make any distinction between the type of activities that occur at the Willowbrook Yard and those that take place at the studied “precedents”. They also fail to make any reference to the May 2013 FCM/RAC Guidelines.

Furthermore, the consulting team’s recommendations were made in the absence of any advice from a noise and vibration consultant. The GHD Noise and Vibration Study was not completed until October 9, 2015, well after the May 2015 Final Report. J.E. Coulter Associates, one of the authors of the FCM/RAC Guidelines, reviewed the GHD report and concluded that it in fact provides information that reinforces the Coulter noise report (see May 6, 2016 letter from J.E. Coulter Associates). Specifically, the GHD report found little shunting in the Willowbrook rail yard and dismissed it as a factor; it found that the sound levels in the yard were not very high; it found that the small Union-to-Pearson trains were very quiet; and it found no significant noise sources on the roof of the GO maintenance building and no significant vibration.

In this regard, the City has recently approved rezoning for a residential stacked townhouse development at 250-256 Royal York Road, to the southeast of the Willowbrook yard (By-law 1001-2014). Through that process, the City determined, in consultation with its peer review consultant, that the proposed residential uses would be compatible with the rail yard, subject to the recommended noise and vibration mitigation measures, which could similarly be

incorporated as a condition of development for the subject site.

Finally, the final staff report also states that retaining lands adjacent to the yard for employment uses would result in land use separation that would protect for future expansion of Metrolinx operations. It is unclear whether the “future expansion” that is being referenced involves acquisition of the subject site by Metrolinx or whether the future expansion is anticipated to take place within the existing Metrolinx lands. If it is the former, it is our opinion that it would be inappropriate to use the land use planning process to restrict the use of the subject site in anticipation of a potential future acquisition. If it is the latter, no evidence has been provided in support of the proposition that residential uses would need to be precluded in order to protect for such expansion.

The “all employment” option recommended by the consulting team and by City staff would not provide for a mix of uses, contrary to the direction provided by both the Growth Plan for “major transit station areas” and the Official Plan for *Regeneration Areas*. Based on the fact that the subject site has been underutilized and derelict for some time, there is no basis on which to expect that redesignation to *Employment Areas* will lead to reinvestment and redevelopment for employment purposes. To the extent that the site and broader area were to remain vacant and derelict over the longer term, the land use relationship with the low-rise residential neighbourhood to the north would continue to be an undesirable one.

As noted in the accompanying letter from Tate Economic Research (April 28, 2016), the Hemson report prepared for the City (October 2015, again following the May 2015 Final Report) found that “...none of the standalone employment options are currently viable for new development”.

Furthermore, in our opinion, the statement in the Final Report that the “all employment” option has a “largely positive relationship with the low scale uses to the north” is unsupported and incorrect. Finally, to the extent that the lands continue to be vacant or underutilized over the long term, the proposed “all employment option” is contrary to the intensification objectives of the Official Plan and the Growth Plan as set out in Section 5.1 above, and would not achieve the “employment objectives of the *Regeneration Areas* policies”, as stated in the Final Report.

In our opinion, the “residential with employment buffer” option is the preferred option for the site. It would result in mixed-use intensification in accordance with Provincial and City policies.

It would result in the creation of 72 new residential units and approximately 5,566 square metres of non-residential gross floor area, which would be estimated to

generate 140-160 new jobs based on an assumed ratio of one job for each 35-40 square metres of non-residential gross floor area. This jobs estimate assumes that the commercial office units will accommodate employment uses such as business offices, medical offices, studios, custom workshops and business services. As noted in the accompanying letter from Tate Economic Research, the October 2015 Hemson report found that the “residential with employment buffer” option was economically viable.

In our opinion, the proposed non-residential uses would not be considered to be “sensitive land uses” and, accordingly, would not be required to be set back from the coach yard or from the principal main line to the south. At the same time, they would be the type of non-noxious employment uses permitted by the *Mixed Use Areas* designation that are considered to be fundamentally compatible with residential uses. Accordingly, despite the generalized concern raised in the consulting team’s Final Report that the mixed-use option would result in a closer interface between employment and residential uses, potentially resulting in land use conflicts, the specific proposal would not be expected to result in land use conflicts given the type of employment uses and built form being proposed.

The “residential with employment buffer” option will also result in an improved relationship and greater compatibility with the low-rise residential neighbourhood to the north and would improve the appearance of the site and the pedestrian character of Judson Street. Furthermore, the final concern raised by the consulting team with respect to the mixed-use option (i.e. that there may insufficient room to accommodate new employment investment on the southerly portion of the lands) is effectively answered by the specific development proposal being put forward.

Based on the foregoing analysis, it is our opinion that a *Mixed Use Areas* designation is appropriate for the subject site. It will provide for the proposed mix of residential and employment uses, and will not result in any adverse impacts on the *Neighbourhoods* to the north. The mix of uses proposed for the subject site will enable an appropriate buffer to be established between residential uses to the north and the coach yard to the south. The introduction of residential uses will make a greater contribution to the revitalization of the Mimico-Judson Area than what would likely be achieved if the site were retained exclusively for employment uses.

#### Mimico-Judson Greenway

The Mimico-Judson Greenway (shown on Maps 35-2 and 35-4), the increase in the right-of-way width to 23 metres (item 4 of the draft Official Plan Amendment) and the associated policies (especially 4.6(b)) are potentially problematic. We question whether there is any basis to take the widening to facilitate a “greenway” or whether this is more appropriately treated as parkland dedication



or a Section 37 benefit. If the latter, Policy 9.14 should be amended to include the Mimico-Judson Greenway as an eligible Section 37 benefit.

#### Housing

Proposed Policy 7.1 would require a minimum of 50% of the units in new development to have three or more bedrooms. In our opinion, this proposed policy cannot be reasonably achieved across the secondary plan area, nor has sufficient rationale been provided to support the introduction of such a policy. The proposed development of the subject site would include 72 townhouse units, all of which would be two-bedroom units that would provide desirable grade-related family housing. A more flexible approach to the provision of housing choices should be incorporated in the secondary plan.

#### Section 37

In our opinion, Policy 9.15, which would require that Section 37 be applied to all residential gross floor area, is not appropriate. Without any justification for such variance, it varies from the approach articulated in Section 5.1.1 of the City-wide Official Plan, which has specific size thresholds and anticipates the application of Section 37 to an incremental increase above a specific base density (not a zero base density).

#### Holding Provisions

Policy 9.17 regarding the use of Holding (H) provisions is problematic, especially in terms of the proposal to require portions of the Mimico-Judson Greenway as a condition of lifting the H. In our opinion, such an approach represents an inappropriate use of Section 36 of the Planning Act, which is intended to address prematurity issues and is not intended to be used as an alternative mechanism to secure community benefits.

#### Urban Design Guidelines

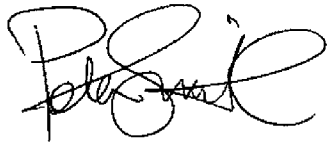
The proposed Mimico-Judson Urban Design Guidelines are premised on the “all employment” land use scenario for the Judson sub-area; to that extent, it is our opinion that numerous revisions are required to the guidelines in order to reflect a mixed-use approach for the lands i.e. the “residential with employment buffer” scenario.

In particular, we note that the guidelines specify a 7.5 metre setback from Judson Street in addition to the 3.0 metre right-of-way widening that has been proposed to accommodate the Mimico-Judson Greenway. City Planning staff have advised that the 7.5 metre setback is predicated on the assumption of an employment land use on the south side of Judson Street. If, instead, a mixed-use option were adopted with residential uses fronting Judson Street, as we are recommending, the required setback could and should be significantly reduced (to 3.0 metres or less).

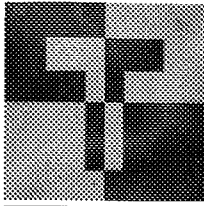
We trust that the foregoing is satisfactory for your purposes. However, if you have any questions, please do not hesitate to contact me or Caitlin Allan of our office.

Yours very truly,

**Bousfields Inc.**



Peter F. Smith, B.E.S., MCIP, RPP



## **TATE ECONOMIC RESEARCH INC.**

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Mr. Alexander Puppi  
Manager of Land Development  
1742875 Ontario Inc.  
c/o Dunpar Developments Inc.  
105 Six Point Road  
Etobicoke, ON  
M8Z 2X3

April 28, 2016

**Re: Commercial Opportunities Study  
49 – 55 Judson Street, Toronto**

Dear Mr. Puppi:

Further to your request, Tate Economic Research Inc. ("TER") has reviewed the Hemson Consulting Limited report titled "Mimico-Judson Regeneration Areas: Economic Trends and Opportunities Study", dated October 2015 ("Hemson Report"). The Hemson Report was prepared for the City of Toronto. It was discussed at the public consultation meeting on April 12th, 2016 held at St. Leo Catholic School, which I attended along with other members of the Dunpar team.

The Hemson Report "...examines the economic feasibility and development potential of the Mimico-Judson Regeneration Areas."<sup>1</sup> The intended outcomes of the Hemson Report are twofold:

1. Inform the formulation of evidence-based land use policy for the Mimico-Judson Regeneration Areas.
2. Provide strategies to attract both new investment to and retain existing businesses within the study area.<sup>2</sup>

### **Proposed Dunpar Development Concept: 49 – 55 Judson Street**

Dunpar Developments Inc., through an associated company, 1742875 Ontario Inc. ("Dunpar") owns lands at 49 – 55 Judson Street, within the Mimico-Judson Regeneration Area ("Site"). Dunpar is proposing a mixed use development for the Site. This proposed development will include employment uses on the

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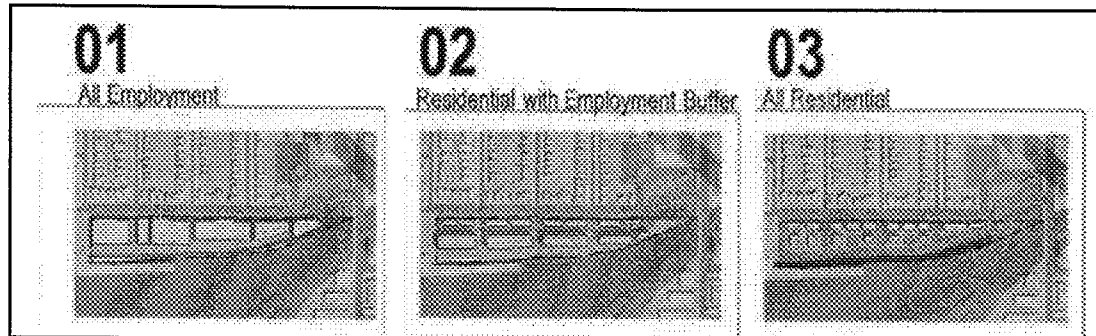
<sup>1</sup> "Mimico-Judson Regeneration Areas: Economic Trends and Opportunities Study", dated October 2015, prepared by Hemson Consulting Ltd., Page 1.

<sup>2</sup> Hemson Report, Page 3.

southern portion of the Site and townhome residential uses on the northern portion, fronting onto Judson Street.

We note that Urban Strategies inc. (“USi”) was retained by the City and prepared a report titled “Mimico-Judson Regeneration Area Study, Final Report” dated April 2015 (“USi Report”). The USi Report included three development options for the Judson Lands, which include the Site. These options are outlined below:

**FIGURE 2: USi DEVELOPMENT SCENARIOS**



The development concept proposed by Dunpar is consistent with USi’s *Option 02, Residential with Employment Buffer*, outlined above.

### **Land Use Findings of Hemson Report**

In a general sense, the Hemson Report indicates that any redevelopment opportunities at the Judson lands are limited by proximity to the Willowbrook Rail Yard. For example, the Hemson Report states: “Any proposed development... should not compromise the function and long term viability of the rail yard.”<sup>3</sup>

In addition, the Hemson Report states: “...operations in the rail yards have a direct effect on the development potential and land-use permissions for the Judson lands, due to their immediate adjacent location.”<sup>4</sup>

The Hemson Report further states “...rail yards, by their nature are far from ideal for residential development. Accordingly, the combination of these challenges effectively limits the types of potential development that is viable and appropriate on the Judson lands to small-scale employment uses.”<sup>5</sup>

It is our interpretation of the Hemson Report that, that the Site, given its location adjacent to the Willowbrook Yard is only being considered by Hemson for employment uses. “All Employment” is one of the scenarios outlined by USi.

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<sup>3</sup> Hemson Report, Page 10.

<sup>4</sup> Hemson Report, Page 17.

<sup>5</sup> Hemson Report, Page 26.

### **Economic Viability Findings of Hemson Report – Employment Only**

The Hemson Report includes six development scenarios which were tested to determine economic viability. Both employment and residential development concepts were analysed using a pro forma model based on current market factors.

There were three options tested that related to employment lands. The results of the pro forma analyses are summarized below:

- Option a) – Low-rise flex space – “...new construction would not be viable at this time”<sup>6</sup>
- Option b) Low-rise office employment – “...insufficient to warrant new development on its own”<sup>7</sup>
- Option c) Mid-rise office employment – “...would not be able to support such an expensive option on its own.”<sup>8</sup>

Overall, the Hemson Report concludes: “...none of the standalone employment options are currently viable for new development.”<sup>9</sup> Furthermore, the Hemson Report states: “new employment development is not likely to occur on its own.”<sup>10</sup>

Based on this analysis, TER concludes that *Option 01 – Employment Only*, as outlined by USi, is not economically viable. In other words, Hemson’s recommended development strategy is demonstrated to be uneconomic by Hemson’s own analysis.

### **Economic Viability Findings of Hemson Report – Mixed Use Development**

The Hemson Report indicated that *Option 03 - Residential Only* is economically viable. It also indicated that the option preferred by Dunpar, *Option 02 – Residential With Employment Buffer*, is also economically viable. The Hemson Report states: “Mixed-use scenarios showing combinations of uses are financially viable. In these scenarios, it is assumed that a portion of the site GFA would be dedicated to non-residential uses, either as a portion of a predominantly residential building, or as a standalone structure as part of a larger site development.”<sup>11</sup>

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<sup>6</sup> Hemson Report, Page 37.

<sup>7</sup> Hemson Report, Page 37.

<sup>8</sup> Hemson Report, Page 37.

<sup>9</sup> Hemson Report, Page 40.

<sup>10</sup> Hemson Report, Page 40.

<sup>11</sup> Hemson Report, Page 41.

## **Summary of Findings**

The Hemson Report concludes that the Judson Lands can be developed for Employment Only uses, due to their proximity to the Willowbrook Rail Yard. However, the Hemson Report also concludes that the proposed development of Employment Only uses on the Judson Lands is not economically viable.

The Hemson Report concludes that a Mixed Use Scenario (such as the one proposed by Dunpar) is economically viable.

Thank you for the opportunity to conduct this research on behalf of Dunpar Developments Inc. We look forward to discussing our results with you.

Yours truly,  
TATE ECONOMIC RESEARCH INC.

A handwritten signature in black ink, appearing to read 'James P. Tate', is written over the typed name.

James P. Tate  
President

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May 6, 2016

Dunpar Homes  
105 Six Point Road  
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Attention: Alexander Puppi

**RE: JUDSON STREET, ETOBICOKE**

Gentlemen:

I have reviewed the Noise and Vibration study prepared by GHD ("Conestoga Rovers") with respect to the Mimico-Judson Regeneration Area and conclude that the report provides information that reinforces the noise report prepared on behalf of Dunpar by J.E. Coulter Associates Limited (the Coulter Report). It found little shunting in the Willowbrook Yard and dismissed it as a factor. It found the sound levels in the yard are not very high. It found the small Union-to-Pearson trains were very quiet. It found no significant noise sources on the roof of the GO maintenance building and no significant vibration. All these speak to the conclusion we arrived at that this relatively quiet operation especially in the context of flat switching freight yards, which the City keeps trying to compare with the Willowbrook facility. Examples of other rail yards in the report, such as the CASO Yard in Windsor, are without foundation. The CASO Yard is where the rail company marshals its cross-border traffic and services the general Windsor automotive parts and automotive vehicle rail traffic. This yard shunts (bangs loudly) at all hours. The sound levels are 20 dB higher than the Willowbrook Yard.

To find a similar rail yard to Willowbrook, you must use New York or Chicago as a comparison where they have yards that exclusively store and maintain commuter and standard passenger rail equipment. The Willowbrook Yard is a coach yard and not comparable to a freight yard with significant switching (see attached Wikipedia Data giving a primer on rail yards and a list of Canadian and U.S. rail yards marked for those yards that appear to be dedicated "Coach Yards"). Besides the CASO Yard, the Conestoga Rovers report refers to the Bathurst GO layover site, among others. It is located between Spadina and Bathurst, just south of Front Street. The report speaks of mitigation measures that have been implemented to reduce the noise impact, however, it does not claim that the MOECC noise guidelines are being met. It also fails to consider the residential uses on the north side of Front Street. In any case, if Conestoga Rovers is going to make comparisons between GO facilities and the planning mitigation response to them, they should not be comparing the unmitigated conditions along Judson Street to the mitigated condition at Bathurst and Front; they should be considering the possibility of mitigation at Judson as well.

Consider what Conestoga Rovers accepted as reasonable to the east of Royal York Road, as well as a considerable portion of the railway leading to Union Station and well beyond. The sound levels on the façades facing the railway will be in the high 70s. Development in this area will need crash walls and heavy façades with laminated and double laminated heavy glazing. It will have to be air conditioned. Ignoring the HVAC cost, the premium incremental cost for being next to the railway will be around \$500,000 for a 30-storey building, if it doesn't need vibration isolation, and another \$200,000 to \$400,000 if it does require major vibration isolation. Clearly, we have learned that developing next to rail facilities comes at a premium, a cost that has been ignored in the comparisons. The Judson site is not an exception in the fact that it needs noise mitigation, although the solution, using a commercial office building as buffer, looks different than most rail side conditions in the area.

By comparison, the sound levels among the residences in the proposed Dunpar development are 60 dB now. We propose to lower these to MOECC's stationary noise guidelines using a commercial buffer. The sound levels will be in the low 50 dB range and extra shielding will be provided for the existing housing across the street. This proposal takes the Willowbrook Rail Yard and locally turns it into a Class 1 development under MOECC's D6 guidelines.

The Directions Report prepared by City Planning dated October 28, 2015 writes off the Judson Street possibilities because there is noise at night. That is precisely the challenge our noise report successfully addresses.

In conclusion, hard data in the GHD ("Conestoga Rovers") report supports our recommendations. The discussion and inappropriate comparisons to other rail yards indicates that a severely limited review of comparable facilities has been carried out.

The Judson site will be a much more livable community than most developments along the City's lakeshore, where the Gardiner Expressway and rail transit corridors have been developed. These recently developed sites have buildings overlooking the transportation noise sources such that barriers, like the Judson proposal uses, would be of little value to them. The City has been heavily developing residential uses in this transportation corridor for more than 20 years, resulting in much noisier living conditions than anything the Judson site will have. The Judson proposal needs to be considered in its full and proper context from the perspective of what has been learned about noise control design and railway systems elsewhere under similar constraints.

Yours truly,

**J.E. COULTER ASSOCIATES LIMITED**



John E. Coulter, B.A.Sc., P.Eng.

JEC:pt

Enclosure