

Q&A – SP.1604.006/01 – H&R Reit – 2175 Cornwall Road (July 2021)

Planning staff are processing a site plan application submitted by McIntosh Perry Consulting on behalf of the land owner (H & R Reit) for the expansion of an existing parking lot and introduction of a second driveway on lands municipally known as 2175 Cornwall Road.

The Amazon warehouse operation is an as-of-right use permitted within the Town of Oakville Zoning By-law (subject to the removal or amendment of the Minister's Zoning Order in accordance with applications previously submitted to the province.)

Ontario Planning Legislation

Section 41 of the *Planning Act* outlines what municipalities can review as part of the Site Plan process and the type of conditions a municipality can impose.

Site plan approval is a tool to manage the functionality and appearance of the site rather than “permitted uses”. Building heights and setbacks, and the number of permitted or required parking spaces are addressed through zoning.

Subsection (4) - The site plan approval process involves the review of detailed drawings which illustrate the physical arrangement and layout on the property such as the location of buildings, driveways, parking areas, pedestrian sidewalks, landscaping, fences, light fixtures, waste collection areas, snow storage, stormwater drains, municipal services and similar facilities. Municipal staff and commenting agencies review the drawings to ensure they comply with development standards, regulations and policies.

Subsection (7) – Municipalities can impose conditions of approval relating to:

1. Road widenings – as required by the Official Plan of Town/Region
2. Access to/from Roads – curbs, access ramps, traffic direction signs
3. Loading and Parking Facilities – covered or uncovered, driveways, surfaces
4. Walkways / Pedestrian Access
5. Accessibility for People with Disabilities
6. Lighting
7. On-site Landscaping – including walls, fences, hedges, trees, shrubs or other groundcover, for the landscaping of the lands or the protection of adjoining lands
8. Garbage/Waste – vaults, central storage, collection areas, enclosures
9. Municipal Easements – related to watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board
10. Grading and Drainage – includes disposal of storm, surface, and waste water

Subsection (12) – Only the applicant/landowner can appeal the municipality's lack of a decision within 30 days of submission of the application. The applicant/landowner can also appeal the conditions imposed by the municipality. On an appeal, the Tribunal

determines the details of the drawings/conditions that will be approved as opposed to refusing a development.

Third parties (such as abutting neighbours) have no right of appeal for a site plan application.

UPDATE: On November 23, 2020, the application was appealed to the Local Planning Appeal Tribunal (“LPAT”) based on the town’s failure to make a decision on the application within the 30 day timeframe set out in the Planning Act. Filing an appeal allows for the scheduling of a hearing to determine the matters in dispute. Unless the appeal is withdrawn, LPAT will make the final decision on the application instead of the town. As of the date of writing of this report, the town has not received notice of a hearing date in this matter. Hearings of this nature may be scheduled on 30 days’ notice to the town and applicant.

Public Questions/Comments and Town Responses in Red:

R. Belissimo Questions – April 25, 2021

1. The traffic lights at Cardiff must not allow vehicles to exit 2175 Cornwall and head south onto Cardiff. Vehicles exiting 2175 Cornwall onto Cornwall must turn either right (head westbound) or left (head eastbound)-and not be allowed to go straight across Cornwall (southbound) into our neighborhood.

Response: It is the Town’s intention to restrict the southbound through movement from the realigned east access into the neighbourhood streets (Cardiff Dr) to mitigate any infiltration of non-local traffic. The Town will restrict the southbound through movement at the intersection through by-law and signage.

2. In addition, the traffic lights at Cardiff must also not allow vehicles to use our neighbourhood to head north into 2175 Cornwall from Cardiff.

The concern is that employees and delivery drivers will use our residential streets for their commercial purposes endangering our residents and children, etc. like my 8-year-old daughter who regularly rides her bike in the area.

Response: Staff has noted the concern and will restrict the northbound through movement at the intersection through by-law and signage.

3. No U-turn signs must be installed at Cornwall / Ford, Cornwall / Maplegrove, and Cornwall/Cardiff.

Response: The traffic studies and peer reviews do not provide justification for restricting U-turns at these intersections. Such restrictions may cause other impacts within the traffic corridor and should not be imposed without justification/assessment. Staff will review the potential for such restrictions at a later date should the need arise.

4. New west entrance - must only be right-in and right-out. The suggestion that proper sight lines can be achieved by cutting back vegetation to allow for left turns is not

practical for 2 reasons. The independent traffic review indicated that the access was unsafe because the sightlines that would be unsafe would be the sight lines from the curb on Cornwall, not the sight lines from back behind the sidewalk, berms and vegetation. In any case the vegetation will grow back and potential snow accumulation along the boulevard will negate the effect of any temporary clearing efforts to allow for safe left turns to be made in or out of the west driveway.

Response: Sight distance guidelines are not met for heavy trucks to make left turns using the west entrance on Cornwall Road. Town staff will prohibit this movement for these vehicles through by law and signage. Site distance guidelines for other vehicles are met, and left turns will be permitted for these vehicles.

5. A center median should also be installed on Cornwall in front of the west entrance to avoid left turns into or left turns out of the facility at the west entrance.

Response: A centre median would interfere with turn movements which can be accommodated and are part of the overall traffic management plan. The left turn lane on Cornwall road provides space for vehicles planning to turn left into the west entrance to wait to find a gap from opposing movement. Town staff will prohibit left turn movements for heavy vehicles using the west entrance on Cornwall Road through by-law and signage.

6. Noise - the proposed noise wall barely meets the noise bylaw standard even with noise control measures. We suggest the parking area be moved further north until the appropriate sound levels are below the standards, and/or the berm be made higher along Cornwall as suggested by Valcoustics Canada Ltd. It is not acceptable that we hear truck reversing alarms at all hours of the day. The fact that reverse alarms are a provincial workplace requirement is irrelevant. If the operation is not compatible with the environment it is located in, it shouldn't be located there.

Response: The first Valcoustics peer review report suggested that the noise wall/berm (2.5 m-4.5m) may need to be increased in height. With the current submission the noise wall/berm was revised and is proposed to be 5.0-5.7 m in height. The recommendations of the revised Noise study state that the noise generated is expected to comply with the applicable MECP sound limits. The current Valcoustics peer review comments requested additional information from the applicant's consultant before they can agree with the applicant's revised report.

7. Noise - we ask that "no engine breaks" signs be installed along Cornwall and Ford.

Response: The comment is noted and action will be reviewed at a later date if problems arise.

8. Roof Top Mechanical Equipment Screening – will the screening have sound attenuating properties and what are the resulting decibel reductions?

Response: The current Valcoustics peer review comments requested additional information from the applicant's consultant before they can agree with the applicant's revised report. These facilities remain under review.

9. Town Funding to Mitigate Noise – will the Town set aside funds to provide a credit to the households impacted by the increased noise levels towards noise mitigation improvements to their homes?

Response: The town does not provide funding of this nature.

10. In addition, will the Town design and fund a new noise wall along the south side of Cornwall Road from the fire hall to and including Dunvegan Park? This will be necessary because as pointed out by Valcoustics Canada Ltd. residences will hear the reverse alarms even with mitigation efforts; ie. *“It must be noted that even with the mitigation measures, the back-up alarms **will likely be audible at the residences along Cornwall Road.**”* That is just **not acceptable**. That is exactly why good municipal planning does not permit truck / van storage and dispatch yards across from an established residential neighborhoods.

Response: The town is requiring the applicant to install all works necessary to achieve compliance with applicable provincial guidelines and town by-laws, which do not require that such noises be completely inaudible. To date, neither the applicant's noise consultant nor the town's peer reviewer have indicated that an additional noise wall on the south side of Cornwall would be warranted. The town does not provide or fund additional noise attenuation beyond prescribed levels.

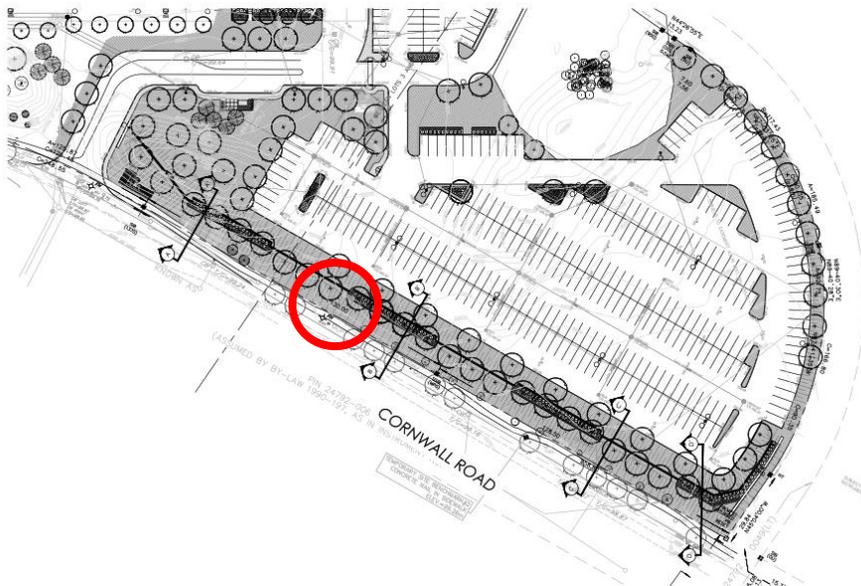
11. Kentucky Coffee Trees - we ask that these trees not be cut down. There is no reason to remove them as the submission allows for the 689 parking stalls they requested.

Response: The removal of these trees are not currently proposed and is not required to accommodate the proposed parking. A total of 58 Kentucky Coffee trees have been found on the subject lands ranging in DBH from 1 to 19 cm. The current proposal shows the retention of these trees, however the applicant has advised that they have continued to be in discussions with the Ministry of Environment, Conservation and Parks (MECP) to determine if these trees are landscape trees (from former Sheridan nurseries) and not subject to the provision of the *Endangered Species Act* as opposed to indigenous trees which may be protected. The applicant has also consulted the MECP to determine if an Overall Benefit Permit is required for their removal. Staff understand that this species has not been considered indigenous to the Greater Toronto Area and is a species which has been fairly commonly planted as a landscape specimen in the region. The subject lands were previously occupied by Sheridan Nurseries which cultivated ornamental trees and shrubs and it is expected that these trees originated as part of the nurse operation. Should the applicant obtain a permit

from the MECP to remove these trees following final site plan approval a permit would be required from our Urban Forestry section under the Private Tree By-law. If a permit from the MECP to remove these trees was obtained prior to final site plan approval the landscape plan would need to be revised to reflect the removal if proposed as part of a redesign of the parking lot.

12. Existing East driveway - we seek clarification that this driveway will be closed off.

Response: The existing east entrance will be closed with the new east entrance aligned with Cardiff Drive. While the landscaping plans illustrate the noise wall/berm crossing the existing driveway, the Town has requested that the existing driveway be labelled on any Functional Design drawings as "Discontinued" for clarification.



13. Please advise of the status of following items included in the motion approved by council on January 27, 2021 allowing this development to proceed.

2. Request staff to seek best efforts by the applicant to achieve the following:
- a) implement the infrastructure to accommodate electric vehicles on site;
 - b) seek a prohibition on the utilization of drones on site;

- c) *that the internal traffic flow be designed to reduce the need for vehicles reversing, negating the need for back up alarms which will impact the residential community;*
- d) *encourage the tenant to use Beryl Road to access Winston Churchill Boulevard as their northerly route rather than Ford Drive; and*
- e) *encourage the tenant to avoid increased use of 'flex drivers' as a way of circumventing site limitations.*

Response: Staff have raised these issues with the applicant and requested that the applicant discuss them with their proposed tenant. Most of these items are beyond the scope of matters which the Town can require as conditions of site plan approval and the extent to which any of these matters may be incorporated into future agreements remains subject to discussion. In terms of item 2c) the applicant has advised that it will not be revising the parking layout to reduce the need for vehicles reversing.

14. Final Site Plan Approval - we note that the site plan was never approved by council in accordance with the motion made by yourselves last year, with the Authority of the Planning Act, so we assume this will go back to council for final approval. Kindly confirm.

Response: On November 23, 2020, the application was appealed to the Local Planning Appeal Tribunal (now the "Ontario Land Tribunal or "OLT"). Unless the appeal is withdrawn, OLT will make the final decision on the application instead of the town. On January 27, 2021, Council approved a settlement of the appeal and will not be considering the matter further.

Additional Question May 13, 2021

15. Although the tenant of 2175 Cornwall is Amazon, there will be numerous transportation companies (not Amazon) storing and dispatching Single Unit Trucks ("Delivery Vans") from 2175 Cornwall. How will the Town address the occupancy / zoning certificates for these transportation companies operating at 2175 Cornwall Road?

Response: (Falls outside of the scope of Section 41 of the Planning Act) - Zoning Certificates of Occupancy authorized by section 34(6) of the *Planning Act* and section 1.4 c) of Zoning By-law 2014-014 are required in relation to changes in the "use" of the building/land rather than the "user" or the processes by which the "use" is accomplished. As a result, the Town will only require one Zoning Certificate of Occupancy.

1. Traffic into and out of the residential area around Cardiff.

- To address the concerns of residents living in the Cardiff Rd neighbourhood that vehicles will exit the site by driving south on to Cardiff and onto other residential streets, we propose that the Cardiff signals should have only left and right traffic light filters, in both directions (i.e., no southward exit from, or northward entrance to, the site).
- In addition, signage that indicates 'No through traffic' should also be required in addition to left and right turn only signals at the lights.
- These two solutions combined will help restrict potential traffic flow into the residential area to the south.
- There may be additional solutions that should also be considered.

Response: The Town intends to restrict the southbound through movement from the realigned east access into the neighbourhood streets (Cardiff Dr) to mitigate any infiltration of non-local traffic. This will be accomplished through by-law amendments and signage.

Response: Staff has noted the concern and will restrict the northbound through movement at the intersection through by-law and signage.

2. Tailbacks at Cornwall/Ford

- There is a lot of discussion on the impact of eastbound tailbacks at the Cornwall/Ford intersection. At certain times these are expected to extend back beyond the rail crossing/Fire Hall area, and MP offers no real solutions, just suggesting better signage or crossing gates at the rail tracks.
- This tailback is a significant issue because it has the potential to back up vehicles exiting the site to eastbound Cornwall, which in turn may motivate delivery vehicles to use the residential street network (Cardiff, Dunvegan, Constance etc.) versus waiting on Cornwall. It may also prevent residents from exiting the neighbourhood. MP states that it should be studied further, with which we agree.
- What solutions do the Planning staff have under consideration to resolve this issue?

Response: Staff from the Transportation and Engineering Department will monitor the issue of left turn lane spillover and will mitigate if necessary through a combination of signal timing modifications and adjustments to pavement markings where physically possible.

3. Westbound right turn at Cornwall/Ford

- The significantly increased volume of traffic going south on Ford Dr. and turning right at the Cornwall intersection needs to be accommodated.
- Changes to traffic signals at this intersection and the Royal Windsor/Ford intersection a short distance to the north should be implemented to ensure safe turning and flow of traffic at each intersection.

Response: The existing southbound right turn lane is able to accommodate the worst case scenario. The peer review didn't identify any operational issue at the intersection with this movement. Once the Amazon site is operational, there will be an opportunity to review and modify signal timings at impacted intersections, if required.

4. The East Bound left turn lane at Cardiff's proposed new east access driveway.

- Any road widening to accommodate this left turn lane should only be undertaken on the north side of Cornwall. It is unacceptable to bring a four-lane arterial road closer to residents' homes and to reduce the sidewalk and boulevard width.

Response: Staff is working with the applicant to maximize the widening taken on the north side of Cornwall Road, through functional planning. This work must also take into consideration minimizing the impacts on utilities and trees.

5. We recommend that there should be no left (eastbound) turns permitted into or out of the western access, as proposed in MP's Figure 8U and the text.

- It is clearly not safe to do so, as not only is there a sightline issue (a lot of space and text is given to this discussion, which probably indicates that it should not be an option), there is also a long-left turn lane proposed for entry into the site for eastbound traffic entering at both east (Cardiff) and west accesses.

Response: Sight distance guidelines are not met for heavy trucks making left turns out of the west access on Cornwall Road. Town staff will prohibit this movement through by law and signage. Site distance guidelines for other vehicles are met, and left turns will be permitted for these vehicles. The continuous eastbound left turn lane will serve both entrances. At the west access, vehicles will have to wait for an adequate gap in westbound traffic. The eastbound left turns at Cardiff Dr will be controlled by the traffic signals.

- If that eastbound left turn lane extends from before the west entrance along to Cardiff, as is proposed, how could one safely exit eastbound from the west access when that left turn lane is full unless they turn right and then perform a U-turn to join the eastbound traffic, clearly an unacceptable safety risk.

Response: Left turn movements from this access will not include heavy trucks which will be prohibited through by-law and signage. All other vehicles will need to follow the rules-of-the-road and only make the left turn when it is safe to do so. In cases where

the eastbound left turn lane is occupied by other vehicles, the left-turning vehicle would have to wait until the queue clears.

- Also, a left turn lane into the west access from eastbound Cornwall would require the road to be widened to the south; it is unacceptable to bring a four-lane arterial road closer to residents' homes and to reduce the sidewalk and boulevard width.

Response: Staff is working with the applicant to maximize the widening taken on the north side of Cornwall Road, through functional planning. This work must also take into consideration minimizing the impacts on utilities and trees.

- Finally, to preserve the sightlines for an eastbound exit from the west access there would need to be some tree removal from the wetland at and around that bend in the road west of the west access, and this would be a continuing process as regrowth occurs.
- On both safety and environmental grounds, we therefore strongly oppose left (eastbound) turns from the west access. An effective design of the west access must be part of this site plan approval process to protect traffic and pedestrian safety.

Response: Sight distance guidelines are not met for heavy trucks making left turns out of the west access on Cornwall Road. Town staff will prohibit this movement through by law and signage. Site distance guidelines for other vehicles are met, and left turns will be permitted for these vehicles. The continuous eastbound left turn lane will serve both entrances. At the west access vehicles will have to wait for an adequate gap in westbound traffic. The eastbound left turns at Cardiff Dr will be controlled by the traffic signals.

- We recommend that a central median be installed on Cornwall from the west access along to Cardiff to prohibit left turns into or out of the site at the west access.

Response: The current site plan permits left turns in and out of the west access. As noted previously, due to sight line concerns, left turns out by heavy vehicles will be prohibited.

There may be additional solutions that should also be considered.

- What solutions do the Planning staff have under consideration to resolve this issue?

Response: The possible solution, when the adequate sight distance is available for passenger cars only, is to prohibit the left turn of heavy vehicles at the west access on Cornwall road. This will require signing the movement at the west access and by-law amendments and is addressed above.

Conclusion: A third party consulting firm has thoroughly made a peer review of traffic reports and confirms the proposed Amazon facility can safely be accommodated with

the addition of auxiliary lanes at both existing relocated east and proposed west entrances on Cornwall road. However, staff is recommending the prohibition of both northbound and southbound through movements and will control these prohibitions using bylaw and signage tools at the proposed intersection of Amazon driveway/Cardiff at Cornwall road. Town staff will monitor left turn lane spillover at area intersections including Cornwall/Ford, and mitigate as required through pavement marking and signal timing modifications.

6. Noise Abatement

- The external Noise Study conducted by Valcoustics Canada at the Town's request state that MP's proposed noise mitigations are insufficient. We agree with this, and we are not convinced that the on-site noise wall/berm being proposed will sufficiently attenuate site-generated noise such that it does not disturb the residents south of Cornwall.
- The source or reason for the noise (i.e., mandatory reverse beeping signals on all Amazon delivery vehicles) is not relevant and mitigation to reduce levels to identified limits must be implemented.
- Both rooftop mechanicals and on-site traffic noises (including "reverse beeping") need to be properly screened, and we believe that the currently proposed attenuation measures will be inadequate to provide that.
- In addition to the noise wall proposed for the site itself, we recommend construction of a new concrete noise barrier on the south side of Cornwall abutting the residential neighbourhood to replace the existing wood fence to further address the significant noise issues related to the new Amazon facility as outlined in the reports. This should be part of the site plan approval process to ensure noise levels are within acceptable standards throughout the site and across the different operational scenarios (i.e., Amazon Prime days, flex drivers, holiday periods).
- There may be additional solutions that should also be considered.

Response: The first Valcoustics peer review report suggested that the noise wall/berm (2.5 m-4.5m) may need to be increased in height. With the current submission the noise wall/berm was revised and is proposed to be 5.0-5.7 m in height. The recommendations of the revised Noise study state that the noise generated is expected to comply with the applicable MECP sound limits. The current Valcoustics peer review comments requested additional information from the applicant's consultant before they can agree with the applicant's revised report.

To date neither the applicant's noise consultant nor the Town's peer reviewer has raised an issue with respect to the need for a second noise wall located on the south side of Cornwall Road. Valcoustics indicated that if inaudibility were desired this would require the back up alarm sound levels at the residences to be well below the minimum ambient

sound levels (not just the numerical guideline objectives). Valcousticts also indicates that there is no requirement for back-up alarms to be inaudible at a point of reception since they are used in accordance with good safety practices.

7. Light Intrusion

- We believe that the existing town-installed noise wall separation on the south side of Cornwall will not be sufficient to avoid substantial light intrusion from exiting trucks onto the upper floors of the residences on Cardiff.
- Since bedrooms are usually located on the upper floors of residences, there is substantial risk of light disturbance at night.
- We suggest that the new noise wall along the south side of Cornwall Rd., as proposed above, be built high enough to block light intrusion into residences.
- There may be additional solutions that should also be considered.

Response: The town's specific authority to impose conditions related to "lighting" under section 41(7) of the *Planning Act*, is to require the owner to provide "facilities for the lighting, including floodlighting of the land or of any buildings or structures thereon." Light from vehicles exiting a facility is generally beyond the scope of section 41 of the *Planning Act*, other than to the extent that the issue can be addressed through management of the location and orientation of exits.

8. Landscaping

- We appreciate the additional landscaping proposed by the applicant.
- Preservation of a maximum number of trees benefits the community for both environmental and aesthetic reasons.
- The retention of the Kentucky Coffee trees addresses this concern. Furthermore, they are a Species at Risk, and retaining them in this area is a key consideration. With the reduction in the parking lot size, retaining these trees is now feasible.

Response: The removal of these trees are not currently proposed and is not required to accommodate the proposed parking. A total of 58 Kentucky Coffee trees have been found on the subject lands ranging in DBH from 1 to 19 cm. The current proposal shows the retention of these trees, however the applicant has advised that they have continued to be in discussions with the Ministry of Environment, Conservation and Parks (MECP) to determine if these trees are landscape trees (from former Sheridan nurseries) and not subject to the provision of the *Endangered Species Act* as opposed to indigenous trees which may be protected. The applicant has also consulted the MECP to determine if an Overall Benefit Permit is required for their removal. Staff understand that this species has not been considered indigenous to the Greater Toronto Area and is a species which has been fairly commonly planted as a landscape specimen in the region. The subject lands were previously occupied by Sheridan Nurseries which cultivated ornamental trees and shrubs and it is expected that these trees originated as part of the nurse operation. Should the applicant obtain a permit

from the MECP to remove these trees following final site plan approval a permit would be required from our Urban Forestry section under the Private Tree By-law. If a permit from the MECP to remove these trees was obtained prior to final site plan approval the landscape plan would need to be revised to reflect the removal if proposed as part of a redesign of the parking lot.

9. Flood Mitigation

- The Joshua Creek Flood Mitigation study by the Town is underway with potential flood mitigation measures identified for public review.
- The site will change substantially with a 350% increase in paved surfaces to accommodate the new parking lot. These changes will have an impact on potential flood mitigation measures for Joshua Creek, and this issue needs to be addressed as part of the SPA.
- What flood scenarios have been modelled for this property, e.g., Regional storm events, 100 Year storms?

Response: The Town and CH are working together on the Joshua Creek Flood Mitigation study and on the review of the current site plan application.

The SWM report submitted as part of the site plan approval process illustrates that there is spare storage capacity in the existing stormwater management pond on the site to store additional runoff from the site. In addition, storage is available on the existing and proposed parking lot on the site, and on the roof of the existing building. The impacts of the extra increase in impervious area has been addressed to the Town's satisfaction.

In addition CH has reviewed the site plan application from the the Regional storm perspective and has "signed off" on this site plan. Lastly, the applicant retained a Professional Engineer to review the existing and proposed on-site stormwater management for design events up to and including the 100 year event and has certified that the site operates acceptably under the 100 year event. Town staff agree with this assessment.

10. Summary

We continue to believe that 2175 Cornwall Road is not an appropriate site for the facility that is currently being proposed for it under this SPA. Outstanding issues around light intrusion, noise levels, site ingress and egress, support our concern. Since these are issues on which the Town can impose conditions for site plan approval, we respectfully request that those conditions which thoroughly and substantively resolve residents' concerns are brought forward by Town staff and are met by the applicant to receive approval for this site plan.

Response: Comments on the manner in which the issues identified can and will be addressed are provided in response to specific questions. Final site plan approval will

not be supported by the town until the matters falling within the scope of site plan authority have been addressed in a manner that meets or exceeds applicable standards.