

File No.: 19-9930

May 7, 2020

VIA EMAIL ONLY

The Corporation of the Town of LaSalle
5950 Malden Road
LaSalle, ON
N9H 1S4

Attention: Larry Silani
Director of Development & Strategic Initiatives

**Request for Class 4 (NPC-300) Designation
Proposed Creekside Condominium Development
Ellis Street and Trinity Avenue, LaSalle ON**

On behalf of our client, Valente Development Corporation Inc. /Creekside LaSalle Ltd. (Creekside), we are responding to your email of March 27, 2020, requesting additional information related to the Class 4 designation (NPC-300 Guidelines) of the subject lands and in keeping with our clients on-going negotiations with Loblaws Inc. (Loblaws). We would suggest that this letter be read in conjunction with our March 13, 2020 letter to the Town.

The questions raised in your March 27, 2020 email were as follows:

- 1. The wording of the resolution that you wish Council to adopt – with sufficient detail and the appropriate language that is needed for Council to make this designation;*
- 2. Confirmation from your noise expert, as to the form of notice (if any) that has to be given by Council before they adopt such a Council resolution. Does anyone other than the developer that is requesting this designation need to be notified?*
- 3. A draft of the warning clause that you will be using to inform prospective purchasers/tenants of the noise that they can expect to hear from the Zehrs Store; and*
- 4. A copy of the revised site plan/elevation drawings – depicting the changes that are being made to address the noise issues, as agreed to with Loblaws*

After receiving information from our client and various team members, we provide the following response for your consideration:



3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

Dillon Consulting
Limited



1. **Council Resolution:** We suggest the following draft recommendation to Council:

That Report XX/2019 **BE FURTHER AMEDNED** by adding the following additional recommendations:

"That LT 5 PL 1555 SANDWICH WEST; LT 6 PL 1555 SANDWICH WEST; LT 7 PL 1555 SANDWICH WEST S/T R1120784; S/T R1300816; LASALLE, BEING ALL OF PIN 70546-0431 (LT) situated on the southwestern corner of Ellis Street and Trinity Avenue, **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning).

THAT the Director of Development & Strategic Initiatives or their designate **BE DIRECTED** to incorporate additional or modify existing, mitigation measures including warning clauses required for a Class 4 designation pursuant to the Publication NPC-300 in the site plan approval and site plan agreement.

THAT the Director of Development & Strategic Initiatives or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving Class 4 area classification and a copy of any Site Plan Control Agreement for the subject lands that incorporates noise mitigation measures to Loblaws Inc.

2. **Requirement for Notice:** It is our opinion that no public notice is required for a Council of a municipality to designate lands as Class 4 under the NPC-300 Guidelines. The designation of an area as Class 4 solely rests with the planning authority of a municipality. The planning authority is to rely on the definitions and descriptors provided in the Ministry of Environment Conservation and Parks (MECP) Noise Publication NPC-300 in determining appropriate noise area classification. Please see below an extract from NPC-300:

Subsection B9.2: "Class 4 area classification is based on the principle of formal confirmation of the classification by the land use planning authority. Such confirmation would be issued at the discretion of the land use planning authority and under the procedures developed by the land use planning authority, in the exercise of its responsibility and authority under the Planning Act."

To the best of our knowledge and confirmed with MECP, no notification is required prior to adopting a council resolution pertaining to approval of a Class 4 designation under the NPC-300 guidelines, nor is there a need to seek input from stationary noise source owners (Loblaws).

However, subsequent to designating the subject site as Class 4, the planning authority or the proponent should provide a copy of the Noise Impact Study to the owners of the stationary noise source (i.e., Loblaws). Please see below extract from NPC-300:

Subsection B9.3: "Where a noise sensitive land use in a Class 4 area has been approved in proximity to a stationary source, the proponent or the land use planning authority should provide a copy of the approved noise impact study for the noise sensitive land use to the owners of the stationary source(s). The formal confirmation of the area classification from the land use planning authority should also be provided. This will allow the owners of the stationary source(s) to use the appropriate classification and sound level limits in applications for MOE approvals."

The proponent has provided a copy of the Noise Study to both the Town and Loblaws.

3. **Warning Clauses:** In our March 13, 2020 letter to the Town we reference Warning Clause F, as per Section C8.3 of the NPC-300. In addition, we suggest Warning Clause E. They are as follows:

Warning Clause E:

Purchasers/tenants are advised that due to the proximity of the adjacent grocery store, noise from the grocery store may at times be audible.

Warning Clause F:

Purchasers/tenants are advised that sound levels due to the adjacent grocery store are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.

4. **Revised Site Plan Control Drawings:** To assist Council and the Town in their deliberations, we have included a revised set of Site Plan and Building Elevation drawings for consideration (refer to Appendix "A" – Site Plan and Elevations). The most significant changes from the previous version is:
 - a. The removal of balconies on the west side of Building B and the north side of Building C both elevations are facing the Loblaws loading dock and roof top cooling units;
 - b. The addition of Garages C1 and C2 adjacent to the northern property line shared with Loblaws; and

The Corporation of the Town of LaSalle

Page 4

May 7, 2020

- c. The addition of a 1.8m pressure treated wood fence to be constructed as a noise barrier (20kg/m2 density) on our clients' lands adjacent to the shared Loblaws property line.

We trust the above information is of assistance and the matter can proceed to Council for approval at your earliest opportunity. Please do not hesitate to contact us should you require additional information or clarification.

Yours sincerely,



Karl Tanner, MCIP RPP

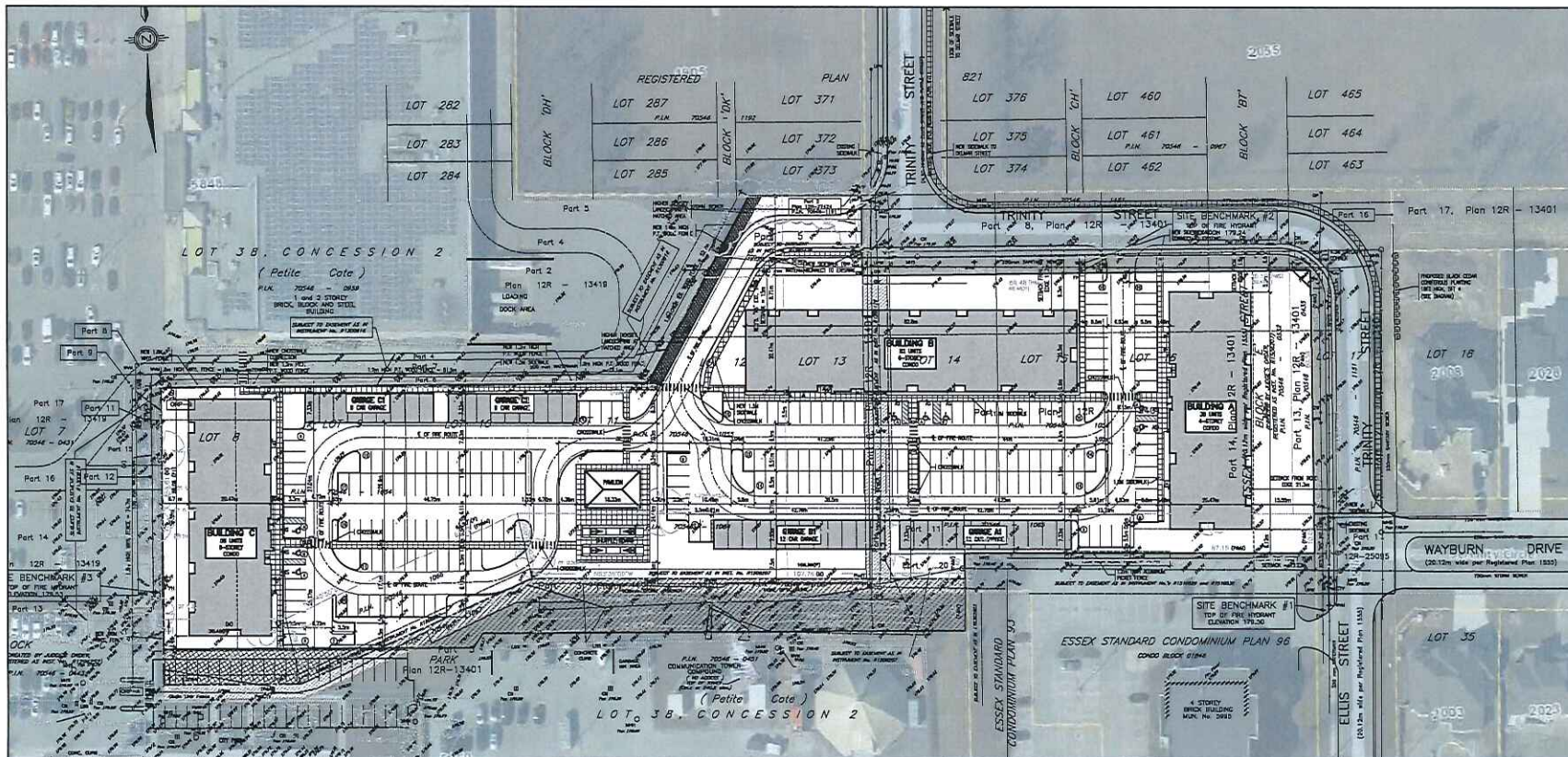
Partner

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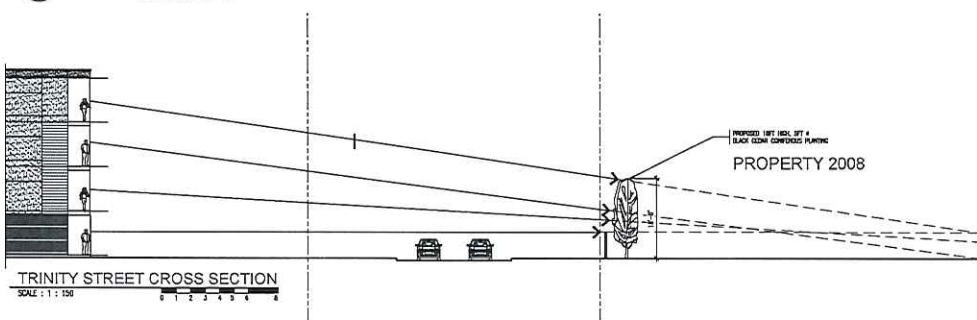
cc: Mr. J. Hewitt, LLB – Legal Counsel
Mr. P. Valente – Creekside LaSalle Inc.
Mr. J. Baker, LLB – Baker Busch LLP
Dr. A. Iravani, P.Eng. – Dillon Consulting Limited
Mr. S. Berrill, B.Arch OAA – ADA Architects

APPENDIX A

Site Plan and Elevations



SITE PLAN
SCALE 1:1,300



SITE DATA - SEE ZONING ORDINANCE AL, B1 & C2 (NO PROPOSED)

	REQUIRED	PROPOSED
A. LOT AREA	30,000.00 m ²	30,000.00 m ²
B. BUILDING AREA	30,000.00 m ²	30,000.00 m ²
C. BUILDING C	30,000.00 m ²	30,000.00 m ²
D. BUILDING D	30,000.00 m ²	30,000.00 m ²
E. BUILDING E	30,000.00 m ²	30,000.00 m ²
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I. BUILDING I	30,000.00 m ²	30,000.00 m ²
J. BUILDING J	30,000.00 m ²	30,000.00 m ²
K. BUILDING K	30,000.00 m ²	30,000.00 m ²
L. BUILDING L	30,000.00 m ²	30,000.00 m ²
M. BUILDING M	30,000.00 m ²	30,000.00 m ²
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O. BUILDING O	30,000.00 m ²	30,000.00 m ²
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U. BUILDING U	30,000.00 m ²	30,000.00 m ²
V. BUILDING V	30,000.00 m ²	30,000.00 m ²
W. BUILDING W	30,000.00 m ²	30,000.00 m ²
X. BUILDING X	30,000.00 m ²	30,000.00 m ²
Y. BUILDING Y	30,000.00 m ²	30,000.00 m ²
Z. BUILDING Z	30,000.00 m ²	30,000.00 m ²

DRILLING UNITS	PARKING REQUIRED	PARKING PROVIDED
BUILDING A = 30	BUILDING A = 30 x 1.5 = 45	BUILDING A = 30
BUILDING B = 30	BUILDING B = 30 x 1.5 = 45	BUILDING B = 30
BUILDING C = 30	BUILDING C = 30 x 1.5 = 45	BUILDING C = 30
TOTAL 176 UNITS	TOTAL 267	TOTAL 267

NOTE:
PROPOSED PARKING REQUIRED
SEE SPECIFIC ZONING
ORDINANCE FOR VARIANCE

SITE DATA - SEE ZONING BUILDING A, B & C (NO PROPOSED)

	REQUIRED	PROPOSED
A. LOT AREA	30,000.00 m ²	30,000.00 m ²
B. BUILDING AREA	30,000.00 m ²	30,000.00 m ²
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	REQUIRED	PROPOSED
A. BUILDING LOT COVERAGE (C)	6.8 %	6.8 %
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X. BUILDING LOT COVERAGE (Z)	6.8 %	6.8 %

10/04/19 CLIENT REVIEW 02

09/11/19 CLIENT REVIEW

date (m/d/y) issued for:

general notes:

1. THIS PLAN IS AN INSTRUMENT OF SERVICE ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEY DATA AND INFORMATION.
4. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS FROM THE APPROPRIATE PARTIES.
5. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
6. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL SUPPORT.
7. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL COUNSEL.
8. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ACCOUNTING SERVICES.
9. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TAX ADVICE.
10. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EMPLOYMENT SERVICES.

stamp:

architectural
design
associates inc. architect

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@architecturaldesignassociates.com web - architecturaldesignassociates.com

project:
NEDIN CONDOS

client:
VALENTE DEVELOPMENT CORPORATION

title:
SITE PLAN

scale:
AS SHOWN

drawn by:
RD

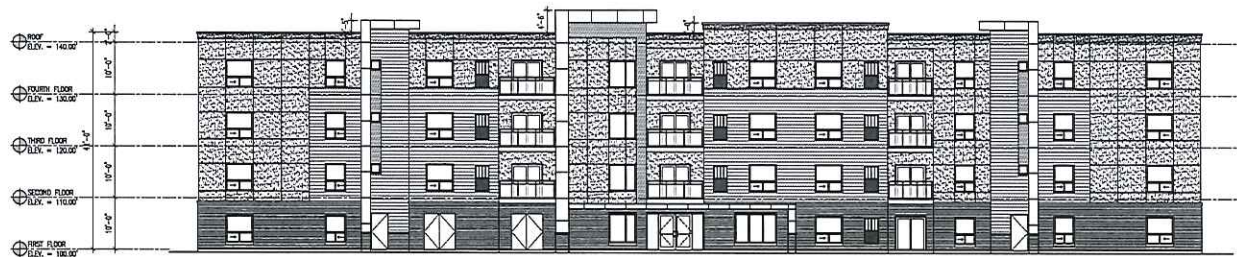
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2019/09/11

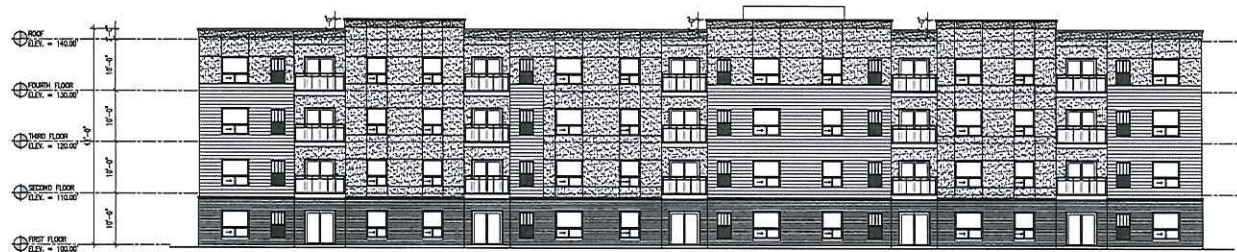
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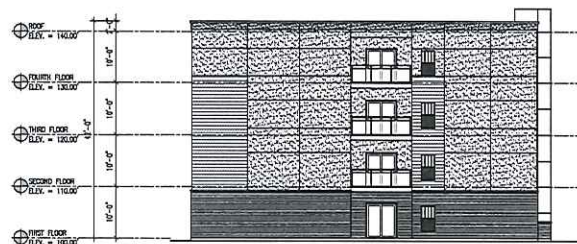
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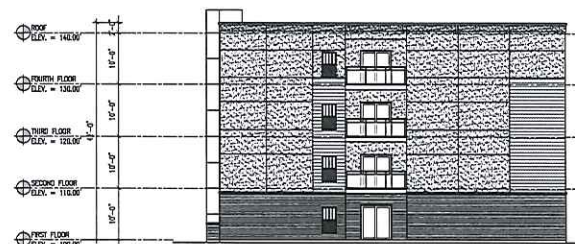
FRONT (WEST) ELEVATION - BUILDING A
SCALE : 3/32" = 1'-0"



BACK (EAST) ELEVATION - BUILDING A
SCALE : 3/32" = 1'-0"



SIDE (NORTH) ELEVATION - BUILDING A
SCALE : 3/32" = 1'-0"



SIDE (SOUTH) ELEVATION - BUILDING A
SCALE : 3/32" = 1'-0"

FIN. NO.	FINISH DESCRIPTION
1	BRICK - COMMON
2	EIFS
3	HARDC SCING 6"
4	HARDC SCING 4"



09/19/19 OWNER REVIEW

date (m/d/yyyy) sized for:

general notes:

1. THIS DRAWING IS AN INSTRUMENT OF SERVICE ONLY AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER.
2. CONSULTANTS SHALL VERIFY AND BE RESPONSIBLE FOR ALL INFORMATION AND CONDITIONS ON THE JOB AND THAT THEY SHALL BE CORRECTED BY THE CLIENT.
3. CONSULTANTS ARE LIMITED TO THE INFORMATION PROVIDED BY THE CLIENT AND ARE NOT TO BE RESPONSIBLE FOR ANY INFORMATION NOT PROVIDED BY THE CLIENT.
4. THE CLIENT SHALL BE RESPONSIBLE FOR THE DESIGN OF THE BUILDING AND SHALL BE RESPONSIBLE FOR THE DESIGN OF THE BUILDING.
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1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@adainc.ca www.adainc.ca

project:
NEDIN CONDOS

client:
VALENTE DEVELOPMENT
CORPORATION

file:
PROPOSED ELEVATIONS
BUILDING A

scale: AS SHOWN

drawn by: AS

checked by: SMB

date: SEPTEMBER 2019

corr. no.: 2019-093

sheet no.:

A3.1a

09/19/19 OWNER REVIEW

date: (mm/dd/yyyy) sheet: 1c

general notes:

1. THIS DRAWING IS AN INSTRUMENT OF SERVICE ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. CONSULTATIONS SHALL BE MADE WITH THE CLIENT AND THE ARCHITECTURAL FIRM FOR ANY CHANGES TO THE DESIGN AND THE CLIENT SHALL BE RESPONSIBLE FOR ANY CHANGES TO THE DESIGN.
3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF THE INTERIOR FINISHES OR THE DESIGN OF THE INTERIOR FURNITURE.
4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF THE INTERIOR LIGHTING OR THE DESIGN OF THE INTERIOR PLUMBING.
5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF THE INTERIOR ELECTRICAL OR THE DESIGN OF THE INTERIOR MECHANICAL.
6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF THE INTERIOR LANDSCAPE OR THE DESIGN OF THE INTERIOR SITEWORK.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF THE INTERIOR SECURITY OR THE DESIGN OF THE INTERIOR ACCESSIBILITY.
8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE DESIGN OF THE INTERIOR SUSTAINABILITY OR THE DESIGN OF THE INTERIOR WELLNESS.

stamp:

A architectural
D design
associates inc. architects

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email: info@valentedevelopment.com www.valentedevelopment.com

project:
NEDIN CONDOS

client:
VALENTE DEVELOPMENT
CORPORATION

file:
PROPOSED ELEVATIONS
BUILDING B

scale: AS SHOWN

drawn by: AS

checked by: SMB

date: SEPTEMBER 2019

current no.: 2019-093

sheet no.:

A3.1b



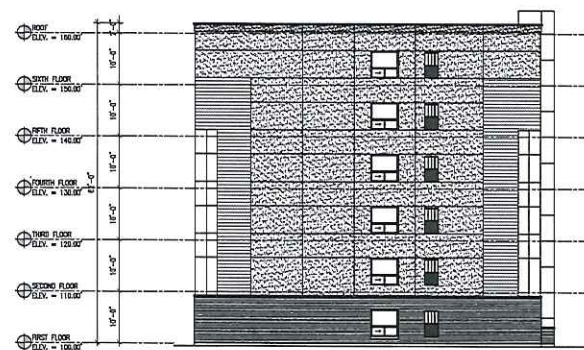
FRONT (SOUTH) ELEVATION - BUILDING B

SCALE: 1/32" = 1'-0"



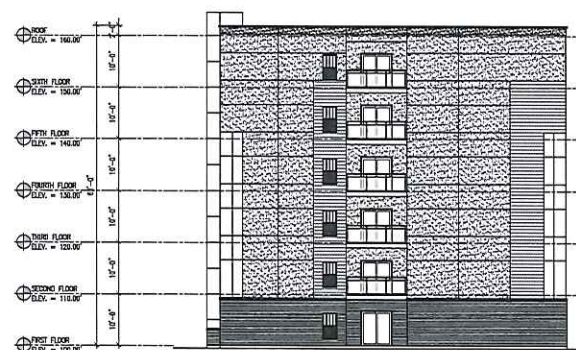
BACK (NORTH) ELEVATION - BUILDING B

SCALE: 1/32" = 1'-0"



SIDE (WEST) ELEVATION - BUILDING B

SCALE: 1/32" = 1'-0"



SIDE (EAST) ELEVATION - BUILDING B

SCALE: 1/32" = 1'-0"

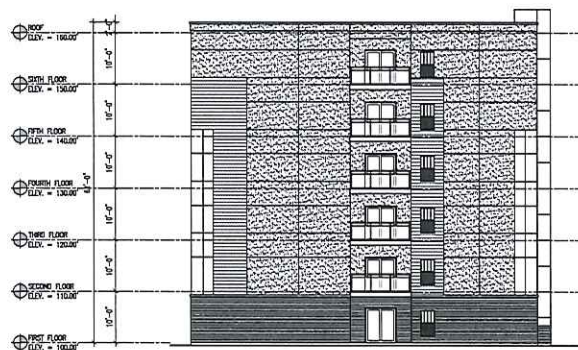
EXTERIOR FINISH SCHEDULE	
FINISH	DESCRIPTION
1	BRICK VENEER
2	EIFS
3	HARDC SCISS 6"
4	HARDC SCISS 4"
5	HARDC PANELS



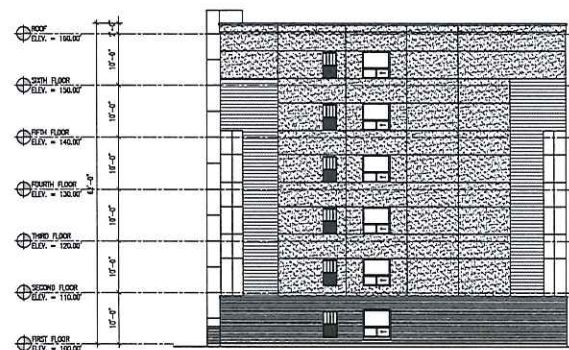
FRONT (EAST) ELEVATION - BUILDING C
SCALE : 3/32" = 1'-0"



BACK (WEST) ELEVATION - BUILDING C
SCALE : 3/32" = 1'-0"



SIDE (SOUTH) ELEVATION - BUILDING C
SCALE : 3/32" = 1'-0"



SIDE (NORTH) ELEVATION - BUILDING C
SCALE : 3/32" = 1'-0"

EXTERIOR FINISH SCHEDULE	
NO.	FINISH
1	ROUGH CONCRETE BRICK VENEER
2	EIFS
3	HARDE SOING 8"
4	HARDE SOING 4"
5	HARDE PANELS



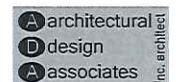
09/19/19 OWNER REVIEW

date (mm/dd/yyyy) issued by:

general notes:

- THIS DRAWING IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE FIRM.
- CHANGING SHALL NOT BE SCALE.
- CONSTRUCTION SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE DRAWING SHALL BE CORRECTED AT OWNER'S RISK.
- CONSTRUCTION IS LIMITED TO PROVISIONS IN THE GENERAL CONTRACT AND SPECIFICATIONS. ANY CHANGES SHALL BE MADE BY ADDENDUM AND AT THE OWNER'S RISK.
- CONSTRUCTION SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE DRAWING SHALL BE CORRECTED AT OWNER'S RISK.
- THIS DRAWING IS NOT A CONTRACT AND IS NOT A SUBSTITUTE FOR THE CONTRACT AND SPECIFICATIONS.

stamp:



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project:
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client:
VALENTE DEVELOPMENT
CORPORATION

title:
PROPOSED ELEVATIONS
BUILDING C

scale: AS SHOWN

drawn by: AS

checked by: SMB

date: SEPTEMBER 2019

comm. no.: 2019-093

sheet no.:

A3.1c

Larry Silani

From: Tanner, Karl <ktanner@dillon.ca>
Sent: May 22, 2020 10:32 AM
To: Larry Silani
Cc: Hewitt, Jeffrey J.
Subject: Fwd: Creekside Condominium Developments (Valente Development)
Attachments: Class 4 Letter to Town of LaSalle, May 7, 2020.pdf

Larry

Further to your response, it's unfortunate that you have not received the attached information that was sent to your legal counsel a couple of weeks ago. As you are aware, the Class 4 designation is critical to a settlement with Loblaw's. Please let me know when direction has been received and Council Meetings will resume.
Regards
Karl



Karl Tanner MCIP RPP
Partner
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M - 519.791.2168
KTanner@dillon.ca
www.dillon.ca

Please consider the environment before printing this email

Note: I will be working remotely from home for the foreseeable future.

Remember to stay safe and help out those in your family & community that can benefit.

----- Forwarded message -----

From: Jeff Hewitt <jeff@hewittlaw.ca>
Date: Sat, 9 May 2020 at 07:33
Subject: Creekside Condominium Developments (Valente Development)
To: Domenic Dadalt <ddadalt@lasalle.ca>
Cc: Tanner, Karl <ktanner@dillon.ca>, Peter Valente <pvalente@valentecorp.com>

Domenic,

Attached, please find correspondence from Dillon Consulting regarding the above-noted development for consideration by Council.

If you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

Jeff