

1165 O'Connor Drive –**Class 4 Noise Area pursuant to NPC-300**

Date: February 24, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York

Ward 19: Beaches-East York

Current Use on Site: One-storey commercial building. Currently vacant but formerly used for sales of automotive accessories.

SUMMARY

This report provides information on a 4-storey stacked, back-to-back townhouse development at 1165 O'Connor Drive and recommends City Council classify the subject lands as a Class 4 Noise Area pursuant to Publication NPC-300 (Ministry of Environment and Climate Change Environmental Noise).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council classify the lands at 1165 O'Connor Drive as a Class 4 Noise Area pursuant the Ministry of Environment (now Ministry of Environment, Conservation and Parks) Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning Publication NPC-300, August 2013.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

ISSUE BACKGROUND

Application Description

1165 O'Connor Drive is located on the southwest corner of Yardley Avenue and O'Connor Drive with a 30.5 metre frontage on O'Connor Drive and a 38 metre frontage on Yardley Avenue. 1165 O'Connor Drive is a rectangular shaped site totalling 1,141 square metres. Vehicular access is from Yardley Avenue. See Attachment 1 for a location map of the subject lands.

The proposal is to construct a 4-storey stacked, back-to-back townhouse development with one level of below-grade parking and roof-top amenity spaces. A total of 20 residential units are proposed with three surface parking spaces and 17 underground parking spaces. The units will have individual access from O'Connor Drive as well as the back of the building. The total gross floor area and floor space index of the development are 2,312 square metres and 2.01, respectively. See Attachments 3 of this report for the site plan.

The subject site at 1165 O'Connor Drive is within the area of influence of an Employment Area as identified in the Official Plan. The property at 1200 O'Connor Drive, owned and operated by Mondelez Canada Inc., is designated Core Employment Areas in the Official Plan. The 4-storey stacked, back-to-back townhouse development has been designed with appropriate noise mitigation features. Designation of the subject lands as a Class 4 Noise Area pursuant to Publication NPC-300 (Ministry of Environment, Conservation and Parks) is necessary to permit the proposed development and to protect the Core Employment Areas on the north side of O'Connor Drive.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Toronto Official Plan Policies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation.

The application is located on lands shown as Mixed Use Areas on Map 19 in the Official Plan's Land Use maps. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. See Attachment 2: Official Plan Land Use Map.

This segment of O'Connor Drive is also identified as Avenues in the Official Plan's Urban Structures map. Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

Official Plan Amendment (OPA) 231

Official Plan Amendment 231 (OPA) was adopted by Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the OMB.

The lands on the west side of O'Connor Drive are designated Core Employment Areas and are not subject to a site or area specific appeal to OPA 231. Core Employment Areas play an important role in the Plan's growth management strategy. Sensitive land uses, including residential uses, where permitted or proposed outside of and adjacent to or near to Core Employment Areas or within the influence area of major facilities, should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from Core Employment Areas and/or major facilities as necessary.

Lands on the westerly side of O'Connor Drive are also identified as Employment Areas in the Official Plans Urban Structures map. Employment Areas are to be used exclusively for business and economic activities and are an essential cornerstone of our diverse and thriving civic economy.

Zoning By-laws

The development site is subject to two Zoning By-laws. Under former East York Zoning By-law 6752, the subject lands are zoned Commercial C. The C zone permits commercial, institutional, residential, and other uses with corresponding development standards.

Under the City-wide Zoning By-law 569-2013, the subject lands are zoned CR 2.5 (c2.5 r1.0) SS2 (x1163). The CR zone permits a variety of commercial and residential uses with a maximum height restriction of 10.5 metres and three-storeys. Commercial uses have a maximum floor space index of up to 2.5 times the area of the lot and residential uses have a maximum floor space index of 1.0 times the area of the lot.

The lands on the westerly side of O'Connor Drive are zoned Mixed Commercial Industrial MCI (e)(H) in the former East York Zoning By-law 6752, as amended. The MCI (e)(H) zone permits administrative offices related to industrial operations, assembly of manufactured goods and materials, warehousing, and other employment related uses.

The City's Zoning By-law 569-2013 may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Committee of Adjustment

On September 26, 2018, the Toronto and East York panel of the Committee of Adjustment approved minor variances for the proposed stacked, back-to-back townhouse development with respect to floor space index, exterior stair encroachment, visitor parking spaces, height, height of first storey, amenity space, platform on third storey, landscape strip, location of parking space, building type, and main wall setbacks. Approval was subject to the following conditions:

- The applicant shall submit a written request to the City Planning Division to consider a Class 4 designation for the subject lands.

- The applicant shall obtain City Council approval for the classification of the site as a Class 4 area in accordance with the Provincial Environmental Noise Guideline NPC-300.
- The applicant shall pay for the costs incurred by the City with respect to retaining a qualified consultant to complete a peer review of the noise study provided by Mondelez Canada Inc.
- The building shall be constructed substantially in accordance with the plans filed with the Committee of Adjustment, on May 11, 2018.
- All fourth floor windows on the west façade facing O'Connor Drive are designed and installed as Enclosed Noise Buffers as defined in Provincial Environmental Noise Guideline NPC-300. There are no windows on the southern façade.
- A noise and visual barrier wall shall be installed on the top floor to protect the fifth floor outdoor amenity area as follows:
 - (i) the barrier shall be opaque and located along the entire length of the O'Connor Drive frontage and the first panel in from O'Connor Drive on the south frontage; and
 - (ii) the height of the barrier shall be 1.8 m measured from the floor level of the 5th floor outdoor living area.
- All units shall be supplied with a ventilation / air conditioning system to allow windows and exterior doors to remain closed.
- Submit written confirmation to the Director, Community Planning, Toronto and East York District, that the owner of the subject property and Mondelez Canada Inc. have entered into a Noise Mitigation Agreement and that the said agreement has been registered on title.

With respect to condition 2 above concerning the classification of the site as a Class 4 area, the Committee of Adjustment's decision in no way fetters City Council's decision in this regard. City Council has the authority to approve the classification of the site as a Class 4 area in accordance with the Provincial Environmental Noise Guideline NPC-300.

Mondelez Canada Inc. appealed the Committee of Adjustment decision to the Toronto Local Appeal Body (TLAB) on October 15, 2018. The appellant withdrew the appeal and TLAB issued a decision on November 23, 2018. Conditions of Site Plan Approval will secure certain noise mitigation measures that are to be incorporated into the proposed development.

Site Plan Control

The applicant has filed a site plan control application to permit the 20 unit stacked, back-to-back townhouse development. Conditions of Site Plan Approval will secure certain noise mitigation measures that are to be incorporated into the proposed development.

COMMENTS

Staff have reviewed the proposed development and determined that a low-rise stacked, back-to-back townhouse development at this location is consistent with the Provincial

Policy Statement (2014) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and conforms to the City's Official Plan.

1165 O'Connor Drive is designated Mixed Use Areas in the Official Plan and is identified as being on an Avenue. Mixed Use Areas and Avenues are a designation and location where growth is encouraged. Site and Area Specific Policy 400, the O'Connor Drive Urban Design Guidelines as well as the recently completed O'Connor Drive Streetscape Master Plan are also applicable to the subject site. The O'Connor Drive Urban Design Guidelines have a district structure plan that identifies the site as suitable for Low/Mid rise Mixed Use building. Low rise residential development at this location reflects the particular character of this block.

The as-of-right zoning for the subject site permits residential uses but the form of a stacked, back-to-back townhouse structure required an amendment along with other variances from the Zoning By-law. The proposed stacked, back-to-back townhouse development is appropriate and planning staff are satisfied with the design of the development. Elements of the design necessary for noise mitigation will be secured through site plan approval.

Noise Issue

1165 O'Connor Drive is located on the easterly side of O'Connor Drive which has mixed residential and commercial permissions. Recent applications have sought to intensify residential permissions vis-à-vis increased heights and density. But the westerly side of O'Connor Drive has existing employment uses, is designated Core Employment Areas, and is identified as Employment Areas in the Official Plan's Urban Structures map. Official Plan policy 2.2.4.5 requires that sensitive land uses, including residential uses, proposed outside of and adjacent to Employment Areas or within the influence area of major facilities should be planned to ensure they are appropriately designed to: prevent or mitigate adverse effects; minimize risk to public health and safety; prevent or mitigate negative impacts and minimize the risk of complaints; ensure compliance with existing environmental approvals, registrations, legislation, regulations and guidelines; and permit Employment Areas to be developed for their intended purpose. The existing employment uses on the westerly side of O'Connor Drive must be protected in accordance with Official Plan policy.

NPC-300 is a Provincial Guideline published in 2013 that provides guidance for the appropriate control of sources of noise emissions to the environment. It is not determinative planning policy for land use planning decisions.

The purpose of the NPC-300 is as follows:

- To provide sound level limits that are applied by the MOECC to stationary sources, such as industrial and commercial establishments and auxiliary transportation facilities;
- To provide advice, sound level limits and guidance that may be used when land use planning decisions are made under the Planning Act;
- To provide sound level limits that may be incorporated into noise control by-laws, which may be developed by municipalities; and

- To provide sound level limits that may be applied under the provisions of the Aggregate Resources Act.

NPC-300 classifies noise sensitive receptors by area. The four classes of receptors are as follows: Class 1 – Urban Areas Class 2 – Suburban/Semi-Rural Areas Class 3 – Rural Areas Class 4 – Infill areas.

Depending on the receptor area classification, different Guideline sound limits apply. The Class 4 classification was introduced by the Ministry in 2013. It is intended to allow for infill and redevelopment in proximity to existing stationary sources of noise, such as industry, while still protecting residences from undue noise. It should be noted that a Class 4 area is defined as an area or specific site that would otherwise be defined as Class 1 or 2 and which:

- Is an area intended for development with new noise sensitive land use(s) that are not yet built;
- Is in proximity to existing lawfully established stationary sources; and
- Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.

Class 4 allows for somewhat higher noise levels at residential receptors than would be permitted within a Class 1 area. Class 4 alleviates some of the burden from the proximate noise-generating industry making it is easier for industry to remain in compliance with Ministry requirements while also allowing municipalities to achieve sensitive land use redevelopment goals in accordance with its land use policies in proximity to industrial uses.

Given that the site is identified for growth and the proposed stacked, back-to-back townhouse development has been appropriately designed it is recommended that City Council classify the subject lands as a Class 4 Noise Area in accordance with the Provincial Environmental Noise Guideline NPC-300.

CONTACT

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SIGNATURE

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Director, Community Planning, Toronto and East York District

ATTACHMENTS

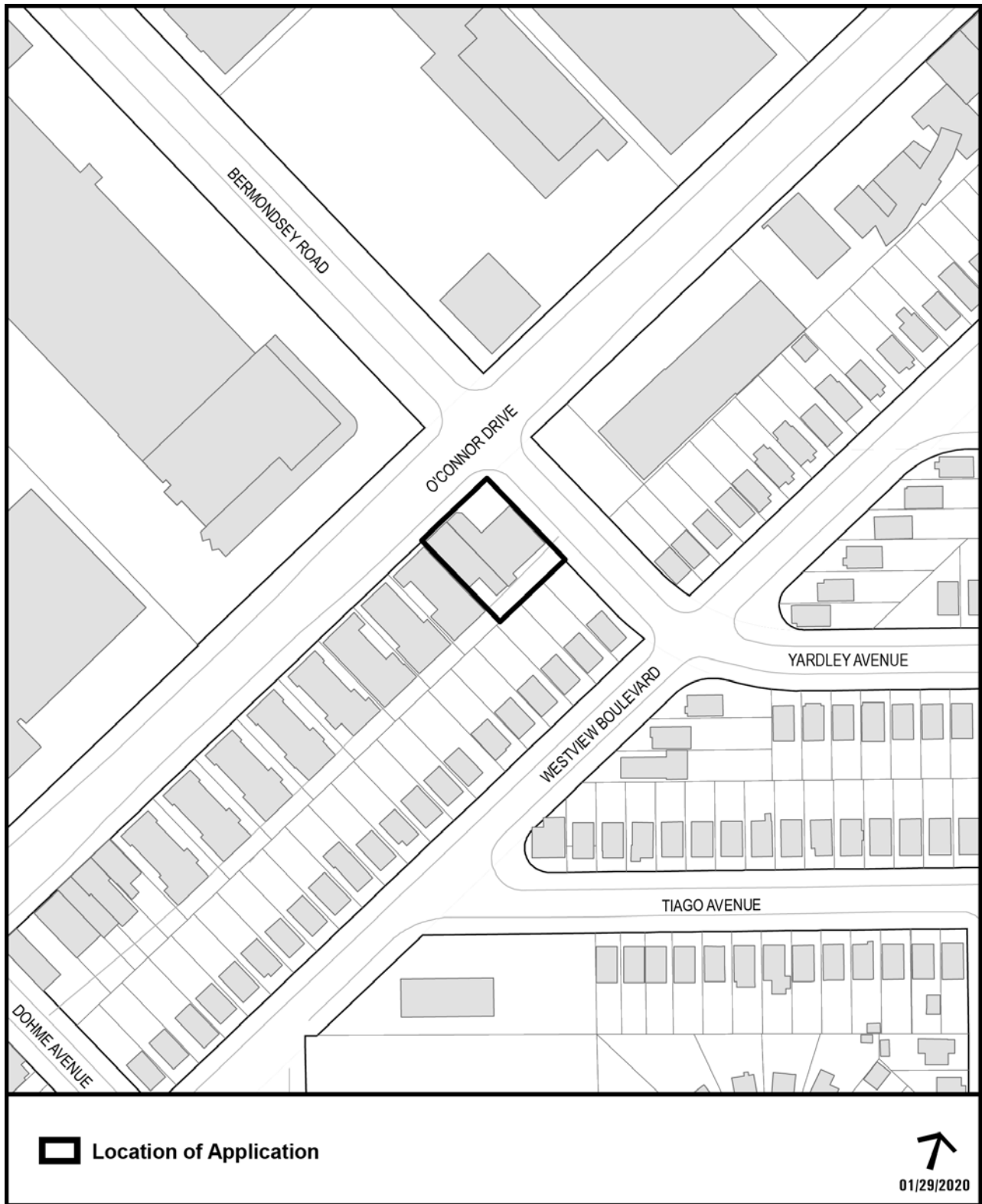
City of Toronto Drawings

Attachment 1: Location of Application

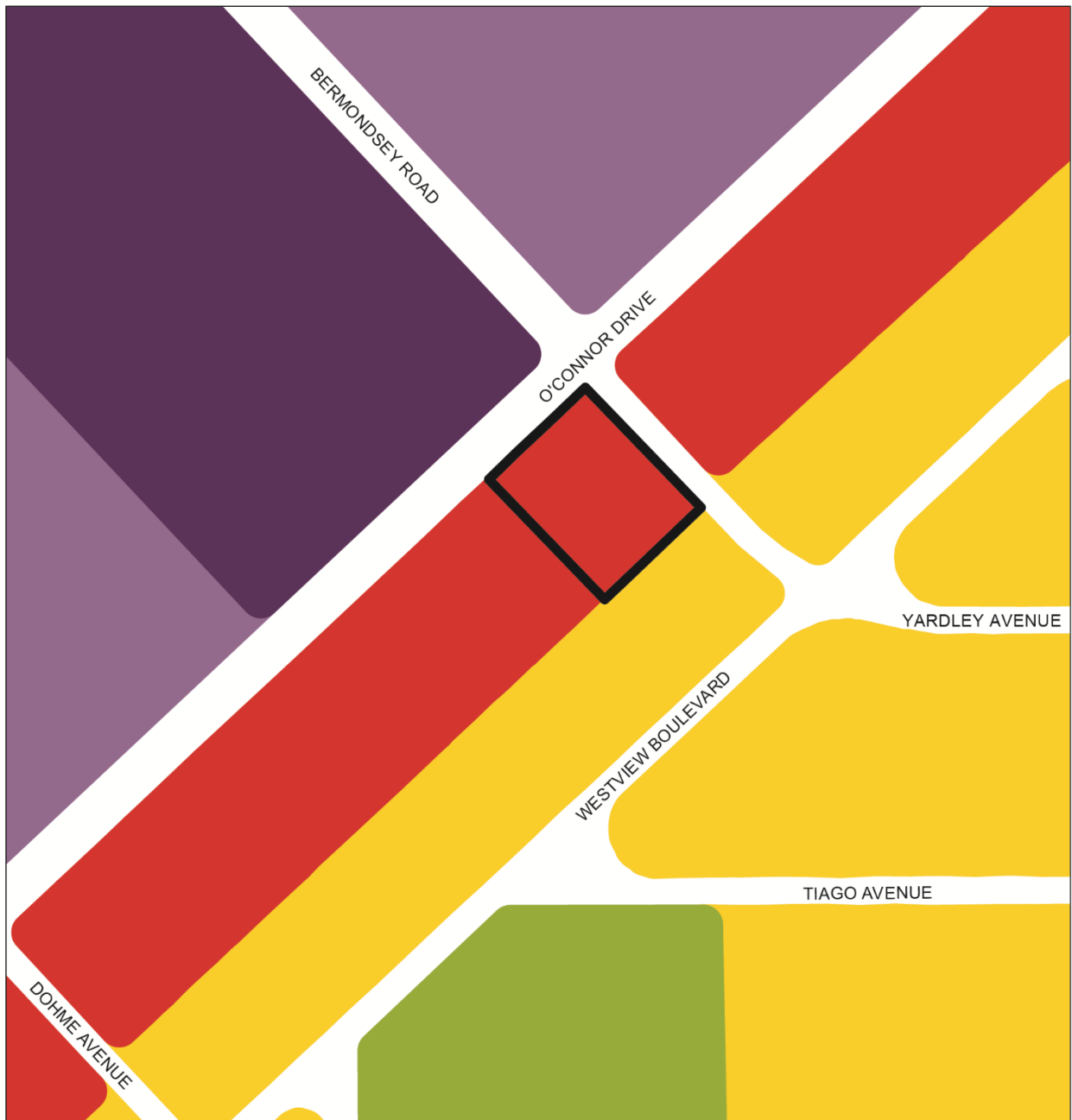
Attachment 2: Official Plan Land Use Map

Attachment 3: Site Plan

Attachment 1: Location of Application



Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map

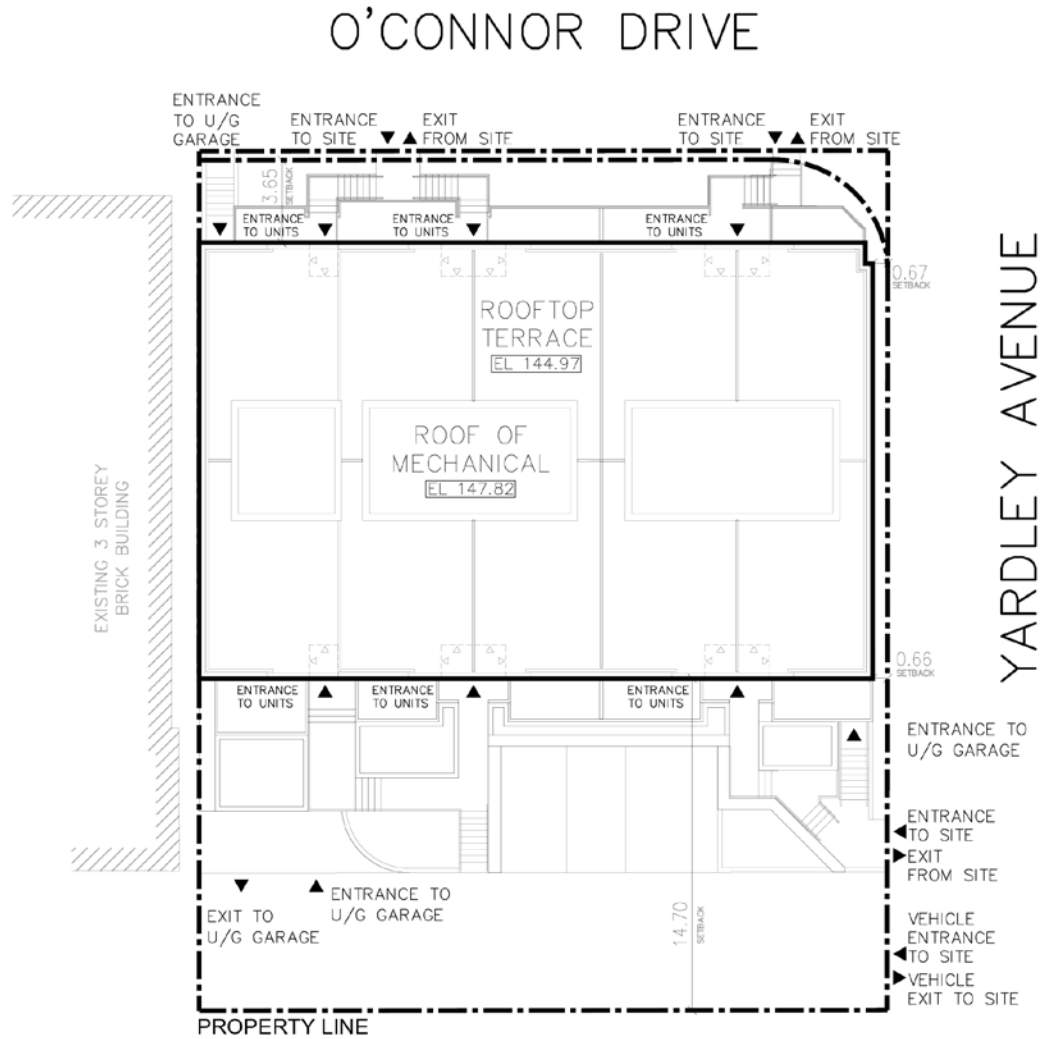
1165 O'Connor Drive

File # 17 132489 STE 31 SA

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|---|--|--|
|  Location of Application |  Parks & Open Space Areas |  General Employment Areas |
|  Neighbourhoods |  Parks |  Core Employment Areas |
|  Mixed Use Areas | | |


Not to Scale
01/29/2020

Attachment 3: Site Plan



Site Plan

