

150 Eighth Street – Class 4 Noise Classification (NPC-300)

Date: June 1, 2021

To: Etobicoke York Community Council

From: Acting Director, Community Planning, Etobicoke York District

Ward: 3 – Etobicoke-Lakeshore

Planning Application Number: 18 272227 WET 03 OZ

SUMMARY

This report recommends City Council classify the site at 150 Eighth Street as a Class 4 Noise Area under Provincial Noise Guidelines (NPC-300) as administered by the Ministry of Environment, Conservation and Parks (MECP).

A Final Report on the Zoning By-law Amendment application was adopted with amendments by City Council on September 30, 2020. The Report recommended the approval of the Zoning By-law Amendment application, to permit a 6-storey residential building. The application was adopted subject to conditions, including, prior to introducing the necessary Bills to City Council for enactment, a peer review process was required of the submitted Noise Impact Study, which was to be completed by a third party peer reviewer retained by the City.

The third party peer review of the submitted Noise Impact Study recommends classification of the site to Class 4 Noise Area. A Class 4 classification endorsed by City Council resolution would allow for the existing industrial operations to continue to operate with the introduction of residential uses on the proposed development site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council classify the lands at 150 Eighth Street as a Class 4 Area pursuant to Publication NPC-300 (Ministry of Environment, Conservation and Parks (MECP) Environmental Noise Guideline- Stationary and Transportation Sources - Approval and Planning).

2. City Council direct the Chief Planner and Executive Director, City Planning or his/her designate to forward a copy of the City Council Decision Document to the Ministry of Environment Conservation and Parks (MECP).

FINANCIAL IMPACT

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

DECISION HISTORY

A Final Report on the Zoning By-law Amendment application was adopted by Etobicoke York Community Council on September 9, 2020, and subsequently City Council adopted it with amendments on September 30, 2020. The Report recommended the approval of the Zoning By-law Amendment application, to permit a 6-storeys residential building and included a recommendation that prior to introducing the necessary Bills to City Council for enactment, the owner would be required to complete a peer review process of the submitted Noise Impact Study by a third party peer reviewer retained by the City, to the satisfaction of the Chief Planner and Executive Director, City Planning.

A link to the final report and decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.EY17.2>

BACKGROUND

The Ministry of Environment, Conservation and Parks (MECP) has published guidelines that address noise issues as they relate to land use planning and permitted requirements (as part of an Environmental Compliance Approval) for industrial and commercial establishments, or transportation facilities located in proximity to sensitive land uses, including residential uses. In 2013, the Ministry of Environment and Climate Change (now MECP) released "Environmental Noise Guideline, Stationary and Transportation Sources - Approval and Planning (Publication NPC-300)", which replaced previous guidelines.

NPC-300 is a Provincial Guideline published in 2013 that provides guidance for the appropriate control of source of noise emissions to the environment. The purpose of NPC-300 is as follows:

- To provide sound level limits that are applied by the MECP 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 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; and Class 4- Infill Areas.

Depending on the receptor area classification, different guideline sound limits apply. The Class 4 Area classification was introduced by the Ministry in 2013. It is intended to allow for residential 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 of specific site that would otherwise be defined as Class 1 or Class 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."

A Class 4 Area classification allows for higher daytime and nighttime sound level limits than would otherwise be permitted in relation to a noise sensitive land use such as residential dwellings and associated outdoor living areas. The impact of such higher levels is mitigated by specified noise control measures. Class 4 alleviates some of the burden from the proximate noise-generating industry making it easier for industry to remain in compliance with MECP requirements while also allowing municipalities to achieve sensitive land use redevelopment goals in accordance with their land use policies in proximity to industrial uses.

COMMENTS

Required Environmental Mitigation Measures

Golder Consultants, the third party peer reviewer of the submitted Noise Impact Study, has identified the industrial uses surrounding 150 Eighth Street as potential concerns, in particular the adjacent Lake Shore Lumber yard, the Canpar Express transport facility located on the north side of Birmingham Street and the Willowbrook Railway Yard located 875 m to the north of the site. The submitted Study identified noise control requirements such as central air conditioning for all residential units as well as upgrades to the façade of the proposed residential building in order to comply with the MECP criteria for indoor sound levels. The final design of noise mitigation measures and applicable warning clauses would be secured through the Site Plan application review process.

It was recommended by the third party peer reviewer that this site be classified as a Class 4 Area to address noise from the neighbouring stationary sources, as the current Class 1 classification would place responsibility on the existing industry to provide onerous mitigation measures to ensure MECP requirements due to the introduction of a residential building at 150 Eighth Street. A Class 4 Area classification of the development site will protect the surrounding existing industrial and commercial activities.

Conclusion

The Class 4 Area classification is recommended for the site and is an appropriate mechanism to facilitate the redevelopment of the site, while allowing for the existing and future non-residential users to operate. The environmental noise impacts on the development can be adequately controlled through the feasible mitigation measures, facade design and warning clauses mentioned above and can be secure through the Site Plan application review process.

The Class 4 Area classification of the site in no way impacts the Council decision to approve the Zoning By-law Amendment application and would require no revisions to the site specific Zoning By-law Amendments.

CONTACT

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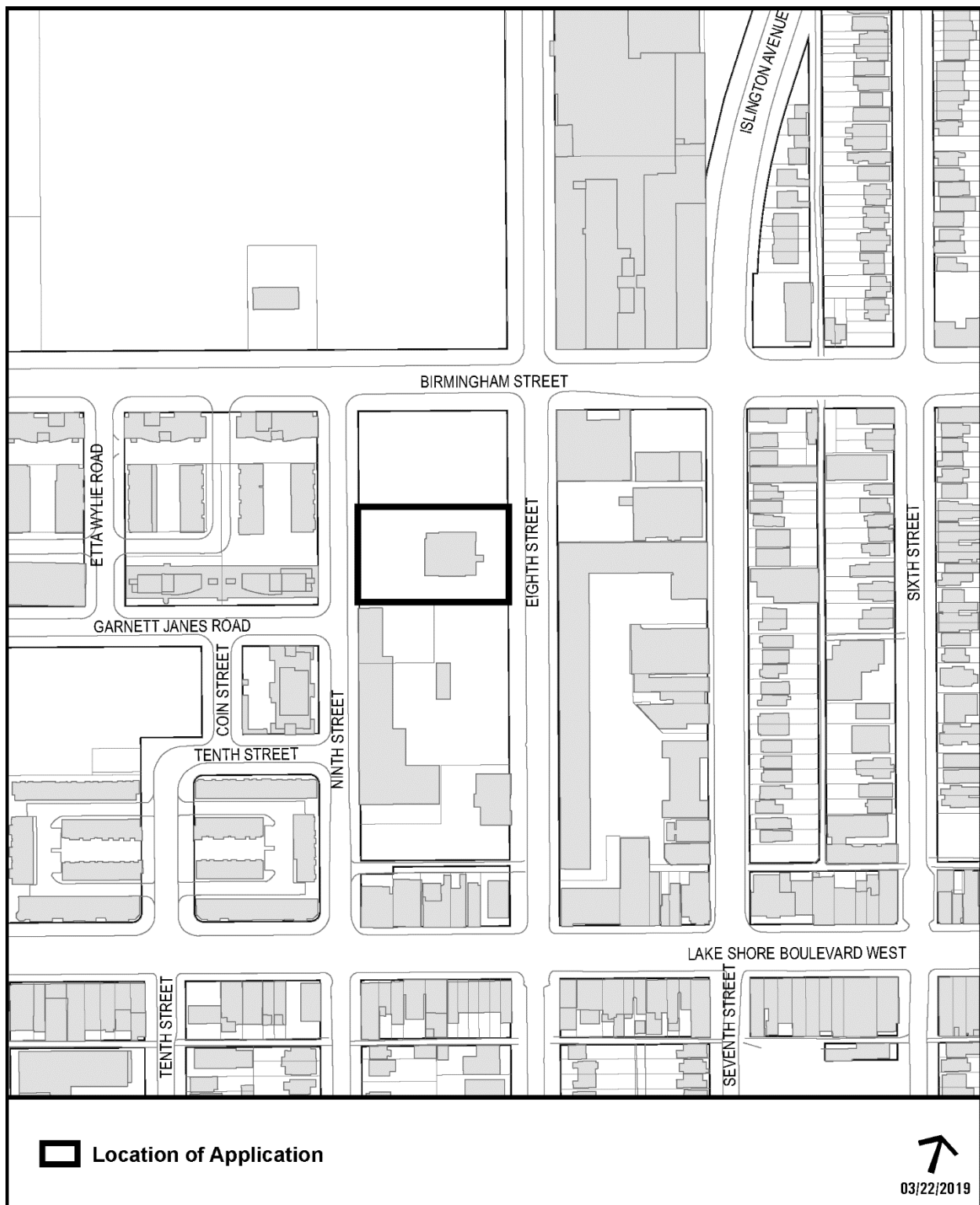
SIGNATURE

Angela Stea, MCIP, RPP
Acting Director, Community Planning
Etobicoke York District

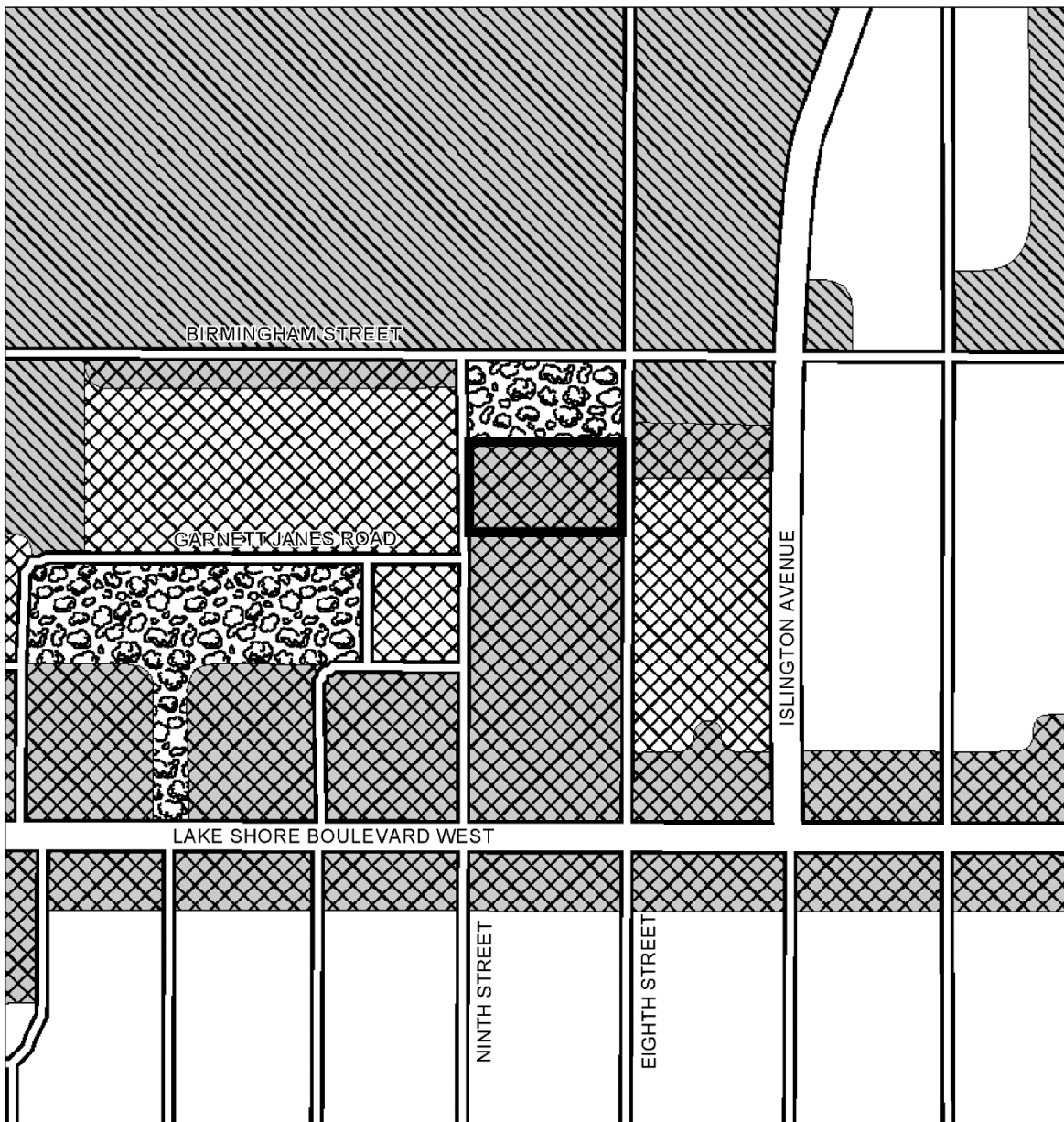
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Official Plan Land Use Map

Attachment 1: Location Map



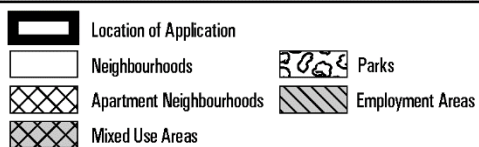
Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map #15

150 Eighth Street

File # 18 272221 WET 03 0Z



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Not to Scale
03/22/2019