

815 to 845 Eglinton Avenue East – Class 4 Noise Area Classification (NPC-300) – Final Report

Date: March 19, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward 15: Don Valley West

Planning Application Number: 18 201865 NNY 26 SB

SUMMARY

This report recommends that City Council classify the development blocks at 815 to 845 Eglinton Avenue East as a Class 4 Area under relevant provincial noise guidelines administered by the Ministry of Environment and Climate Change (MOECC).

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.

An Environmental Noise Analysis prepared in support of the development with the lands at 815 to 845 Eglinton Avenue East confirm that the development blocks within the plan of subdivision can be appropriately considered for a Class 4 Area classification.

A Class 4 Area classification endorsed by City Council resolution would allow for existing industrial, manufacturing and transit operations close to the subject site, to use this noise classification and sound level limits in applications for required provincial approvals including operating certificates.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council classify the lands municipally originally known as 815 to 845 Eglinton Avenue East, currently subject to Plan of Subdivision Application No. 18 201865 NNY 26 SB, as a Class 4 Noise Area pursuant to Publication NPC-300 (Ministry of Environment and Climate Change Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning) with the exception of Block 2, the municipal park block, on the Block Key Plan for 818 to 845 Eglinton Avenue East as shown as Attachment 1 to this report.

2. The Chief Planner and Executive Director, City Planning or his/her designate be directed to provide 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

The property at 815-845 Eglinton Avenue East, located at the southeast corner of Laird Drive and Eglinton Avenue East, is the subject of an active Official Plan Amendment application filed on August 19, 2016 and subsequently appealed to the former Ontario Municipal Board (now Local Planning Appeal Tribunal - LPAT) on October 2, 2017 on the basis that Council failed to render a decision on the application within the prescribed time period (File No. 16 210199 NNY 26 OZ). Pre-hearing conferences were held on February 15, and September 7, 2018 and June 3, 2019 and a tele-conference was held on July 18, 2019.

A Preliminary Report regarding the proposed Official Plan Amendment application can be found here: <https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-99369.pdf>

On July 30, 2018, the applicant submitted a Zoning By-law Amendment and Plan of Subdivision applications and subsequently appealed them to LPAT on September 26, 2019 on the basis that Council failed to render a decision on the applications within the prescribed time period (File Nos. 18 201853 NNY 26 OZ and 18 201865 NNY 26 SB).

A Request for Directions Report regarding the proposed Official Plan Amendment application can be found here: <https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-139495.pdf>

A hearing was scheduled to commence on the Official Plan Amendment application on November 12 to 22, 2019. In light of the rezoning and plan of subdivision appeals and ongoing discussions between the applicant and City staff, the Official Plan Amendment hearing was converted to a case management conference (CMC) which took place at the LPAT on Thursday, November 14, 2019. The parties to the appeals agreed to pursue private mediation, which took place on November 18, 19 and 20, 2019, and included consideration of all three related applications. A settlement was reached at mediation. City Council adopted the recommendations with respect to the settlement at its meeting of November 26, 2019.

A Supplementary Request for Directions Report regarding the proposed Official Plan Amendment application can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-140690.pdf>

A hearing was scheduled February 5, 2020 and an oral decision was delivered at the hearing. The Order approved Official Plan Amendment 485, approved the zoning by-law amendments in principle, subject to them being in final form, as well as approved the draft plan in principal but withheld the formal approval until the final conditions of draft plan approval have been submitted to the Tribunal.

The development proposes a mixed-use development comprised of residential, commercial, and office uses with buildings of various heights of 1, 5, 10, 12, 18, 21, 29 and 34-storeys, a gross floor area of 137,858 m², a floor space index of 3.87, a 62 space child care facility, and a 3,770 m² public park. Also proposed are a private internal street and a new public street extension of Don Avon Drive.

BACKGROUND

Purpose

The purpose of this report is to recommend that the development blocks within the lands at 815-845 Eglinton Avenue East, excluding the public park block, be classified as a Class 4 Area in accordance with the Ministry of Environment's Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (Publication NPC-300). This is necessary in order to allow for infill and redevelopment in proximity to existing stationary sources of noise while still protecting residences from undue noise.

Site and Surrounding Area

The property is located at the southeast corner of Eglinton Avenue East and Laird Drive (See Attachment 2). It is approximately 3.46 hectares (8.8 acres) with a frontage of approximately 178 metres along Laird Drive, and approximately 200 metres along both Eglinton Avenue East and Vanderhoof Avenue.

The subject property at 815-845 Eglinton Avenue East currently contains a shopping centre, as well as a large surface parking lot. A development as described above in the decision history has been proposed and approved in principle by the LPAT on the property and the site will also contain the Laird Station Secondary entrance to Eglinton Crosstown LRT located at the northwest corner of the property.

Surrounding land uses include a mix of residential, commercial and employment uses. Residential uses fronting the north side of Eglinton Avenue East in three and four-storey walk-up apartments. Further north are residential uses in detached and semi-detached dwellings. Northwest, on the north side of Eglinton Avenue East, are commercial uses in two-storey buildings in a main-street form.

At the southwest corner of Laird Drive and Eglinton Avenue East is the under-construction Laird Station main entrance for the future Eglinton Crosstown LRT, and flanking Laird Drive are residential uses in detached dwellings and a restaurant. To the south are two-storey commercial office building, a large vacant industrial property and a one-storey industrial building and further to the south along Commercial Road and Industrial Street lie two large scale industrial uses. Adjacent to the site on the east is a Mercedes-Benz car dealership, service centre and associated office building.

Provincial Noise Guidelines

New provincial noise guidelines (NPC-300) were introduced in 2013 which replace and consolidate previous related guidelines. Among other matters, the guidelines provide advice, sound level limits and guidance that may be used when land use planning decisions are made under the Planning Act. They are intended to minimize the potential conflict between noise sensitive land uses and sources of noise emissions.

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.

Class 4 Noise Area

The above-noted guidelines introduce the option of a new acoustical environment area to be established where relaxed (higher) daytime and nighttime sound level limits from that otherwise permitted in an urban area, for both indoor and outdoor areas, may be considered.

The Class 4 classification is intended to allow for infill and redevelopment in proximity to existing stationary sources of noise, such as industry or transit, 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.

Class 4 areas require formal confirmation of the classification by the land use planning authority. City Council is considered to be that authority. The subdivision (see Attachment 1) warrants a Class 4 area classification at this time as they will contain residential dwelling units which are a noise sensitive land use.

Sources of Noise

The major noise sources potentially impacting residential development on the property are the transportation noise impacts from surrounding roads, vibration impacts from the future Eglinton Crosstown LRT and stationary noise impacts from surrounding commercial and industrial land uses, in particular the Crosstown station ventilation fans located on the subject site.

Transportation noise sources include the roads surrounding the site. These include, Eglinton Avenue East, Laird Drive, Wicksteed Avenue, Brentcliffe Road and Vanderhoof Avenue. The level of noise from these sources has been predicted and has been used to identify mitigation measures.

The major potential source of vibration in the area is the future Eglinton Crosstown LRT Line, currently under construction. The Crosstown is underground in this area.

There are several industrial and commercial stationary noise sources located in close proximity to the site. The closest of these commercial/industrial/transit uses to the proposed development is the Metrolinx Crosstown LRT station located at Laird Drive and Eglinton Avenue East. The station requires four ventilation fans, two located at the station entrance on the southwest corner and two through a ventilation shaft exiting the roof of Building B on the site.

To the southeast of the proposed site there are a number of commercial/retail plazas as well as a number of industrial uses. The surrounding commercial/industrial uses include a Mercedes Benz dealership and service centre located adjacent to the site to the east along Eglinton Avenue East, 55 Industrial Street (CBM Ready Mix Facility), 103 Vanderhoof Avenue (formerly Clearmount Plastics Limited), and 37 Commercial Road (Coco Paving facility).

The requirement for a Class 4 classification is driven by the Crosstown Station ventilation fans. Based on discussions with Metrolinx, no additional noise mitigation measures can be installed. As a result, it is not feasible to meet the Class 1 requirements, and a Class 4 classification is being sought.

COMMENTS

Required Environmental Mitigation Measures

A peer review of the submitted Preliminary Environmental Noise and Vibration Report submitted in support of the development applications was conducted by noise consultants retained by the City of Toronto. The peer review confirms that the lots within the proposed plan of subdivision can be appropriately considered for a Class 4 noise area classification by the City, provided specific noise control measures are incorporated within the design of the development. All recommended mitigation measures with regards to the classification change from Class 1 to Class 4 area will be included in the subdivision conditions, site plan conditions and/or Section 37 Agreement.

A Site Plan application has not been submitted for any phase of the development but will be required.

Excluded from this consideration is Block 2 on the draft plan of subdivision as it is not considered a development site (location of a proposed public park). This does not preclude the city's ability to design and program the park to address adjacency matters as appropriate.

Recommended noise mitigation measures are discussed below.

Transportation Noise Impacts

An assessment of transportation noise impacts was completed. Walls and windows meeting Ontario Building code minimum requirements will provide adequate indoor noise environments for all buildings and facades, with the exception of portions of the north facades of Buildings A/B and C. Based on the preliminary analysis, windows need to be Sound Transmission Class STC 31 to provide the mitigation required for noise due to road traffic for Buildings A/B and C.

An update to the specific noise mitigation requirements (i.e. exterior façade sound isolation) needs to be done as part of the Site Plan Application (SPA) process for each building. The updates should only account for any acoustical screening provided by any buildings within the proposed development that will have been completed at the time when the building seeking SPA will be constructed. The update is needed because the current noise study relies on assumed suite sizes; exterior wall and window areas; and the acoustical screening provided by the entire built out development.

The entire development requires air conditioning to allow their windows to remain closed for noise control purposes as well as appropriate warning clauses to make the future occupants aware of the noise situation.

Transportation Vibration Impacts

An assessment of transportation vibration impacts was completed and the vibration guidelines are met at all locations. Therefore, adverse impacts from vibration from the Crosstown LRT Line are not anticipated. Additional vibration mitigation to be included into the design of the building is not warranted.

The recommendations outlined in Section 5 of the Construction Vibration Assessment letter dated October 21, 2020 need to be followed. These include pre-construction surveys, pre-construction vibration measurements, identification of any required mitigation measures and a vibration monitoring program that must be followed during construction.

Stationary Noise Impacts

Stationary noise from the surrounding commercial and industrial facilities were assessed. Noise from these facilities meets the Class 4 guideline limits of MECP Publication NPC-300 at the proposed re-development. The industrial stationary noise requires an appropriate warning clauses to make the future occupants aware of the noise situation.

If Building C is to be constructed before Building B, a 2.44 m high sound barrier needs to be installed around the Metrolinx exhaust vent. This is needed because the Class 4 noise guideline limits are predicted to be exceeded at Building C if the Building B and the acoustical screening of the exhaust vent that it provides is not present.

An assessment of the sound emissions from each building (mechanical equipment, generators, etc.) should also be done at the time of SPA. This assessment should include the potential noise impacts onto the noise sensitive uses within the proposed development itself. This is needed because building designs are not complete at this stage and the information needed to complete this type of assessment is currently not available.

Conclusion

New Provincial noise guidelines (NPC-300) were introduced in 2013 which replace and consolidate previous related noise guidelines. Among other matters, the guidelines provide advice, sound level limits and guidance that may be used when land use planning decisions are made under the Planning Act. They are intended to minimize the potential conflict between noise sensitive land uses and sources of noise emissions.

To ensure the long term operation and viability of the existing industrial and manufacturing operations to the south and east of the site as well as the new LRT, City Planning staff are seeking Council's approval of the classification of the development blocks at 815-845 Eglinton Avenue East as a Class 4 Area as defined by the Ontario Ministry of Environment and Climate Change noise guidelines NPC-300. The environmental noise impacts on the development can be adequately controlled through the feasible mitigation measures, facade design and warning clauses mentioned above. All recommended mitigation measures with regards to the classification change from Class 1 to Class 4 area will be included in the subdivision conditions, site plan conditions and/or Section 37 Agreement.

A Class 4 Area classification will allow for industrial, manufacturing and LRT operations to use this noise classification and sound level limits in applications for required provincial approvals including operating certificates. City Planning staff recommend the classification of 815-845 Eglinton Avenue East lands as a Class 4 Area be made by Council Resolution.

CONTACT

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SIGNATURE

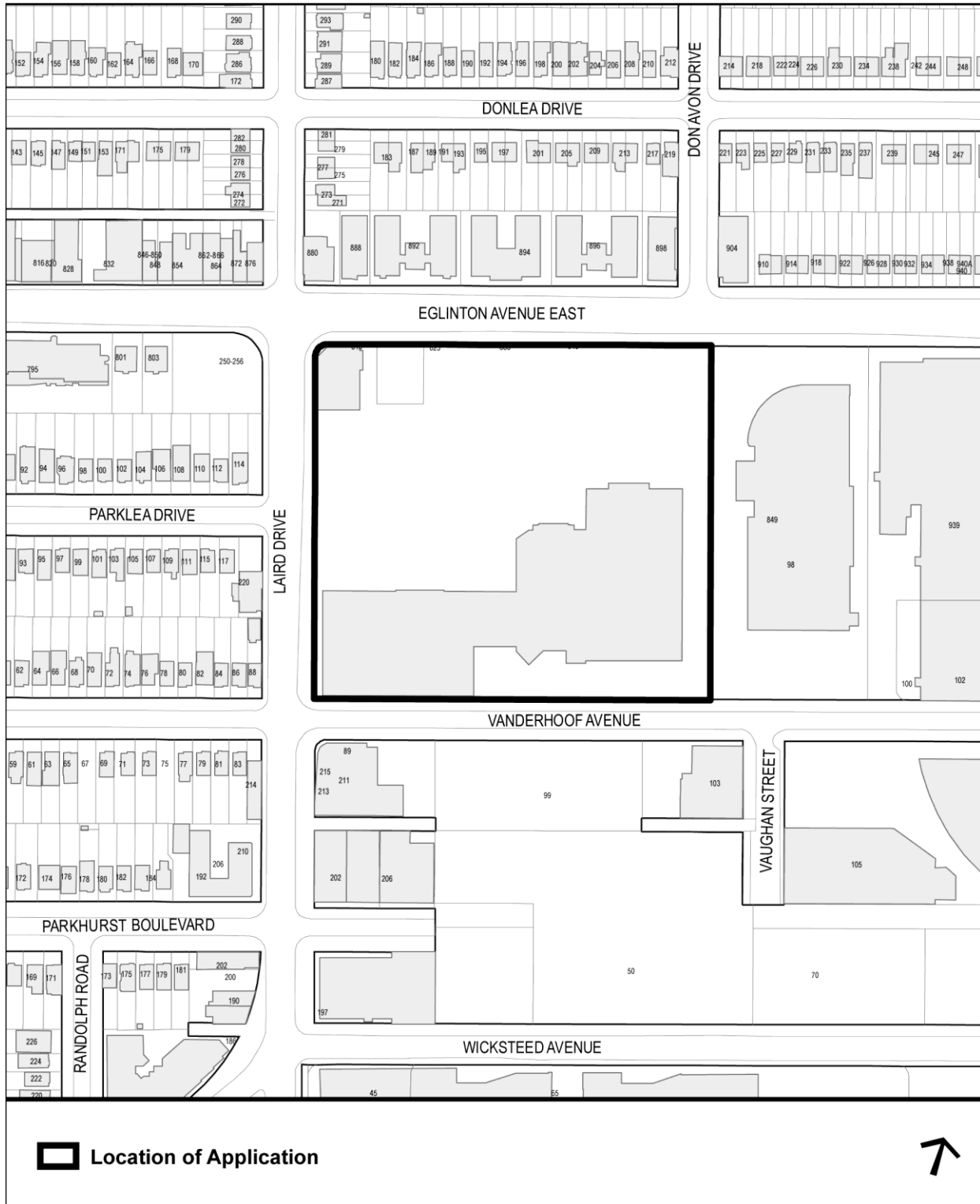
Giulio Cescato, Acting Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Drawings

- Attachment 1: Block Key Plan for 815-845 Eglinton Avenue East
- Attachment 2: Location of 815-845 Eglinton Avenue East
- Attachment 3: Proposed Development Context Plan
- Attachment 4: Context Plan Showing Stationary Noise Sources for 815-845 Eglinton Avenue East

Attachment 2: Location of 815-845 Eglinton Avenue East

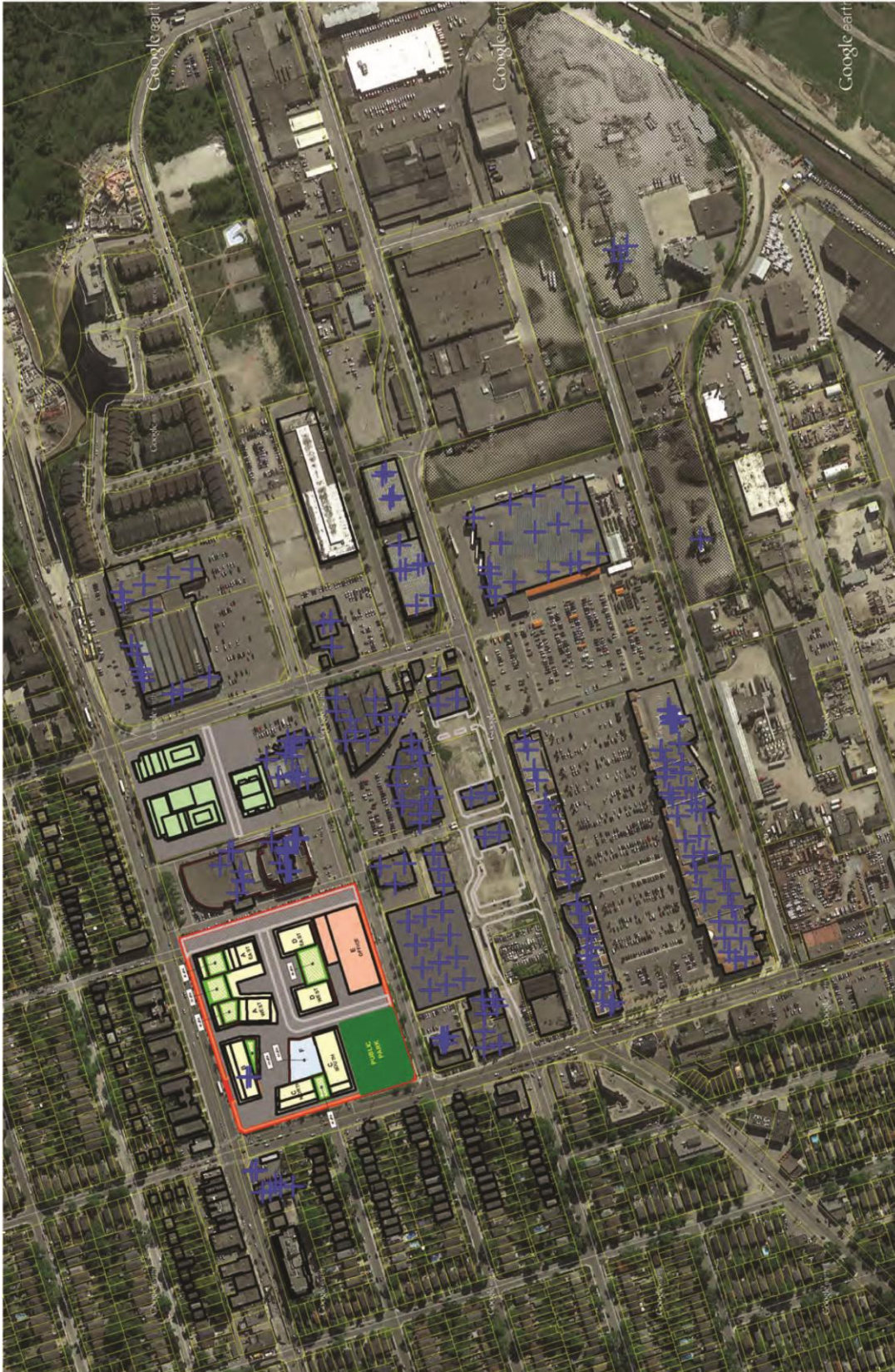


Attachment 3: Proposed Development Context Plan



Noise Impact Study: PROPOSED REDEVELOPMENT

Attachment 4: Context Plan Showing Stationary Noise Sources for 815-845 Eglinton Avenue East



Noise Impact Study-2: MODELLED STATIONARY SOURCE LOCATIONS