

Final Report - 1744 to 1750 Ellesmere Road – Class 4 Noise Area Classification (NPC-300)

Date: March 25, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 24 - Scarborough-Guildwood

Planning Application Number: 10 242510 ESC 38 SA

SUMMARY

This report provides information on a development at 1744 to 1750 Ellesmere Road for a 15-storey residential building containing 242 affordable rental housing units, and recommends that City Council designate the subject lands as a Class 4 Area under relevant provincial noise guidelines administered by the Ministry of Environment, Conservation and Parks (MECP).

A Class 4 Area designation allows for higher daytime and night-time 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.

A Noise and Vibration Impact Study was prepared in support of the development at 1744 to 1750 Ellesmere Road which opines that the site is an appropriate candidate for a Class 4 Area designation. A peer review of this study supported this conclusion.

A Class 4 Area designation will allow existing commercial facilities in the vicinity of the site and the TTC McCowan Yard to the north of the site, to rely on the associated 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 known as 1744 to 1750 Ellesmere Road as a Class 4 Noise Area pursuant to 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.

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

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 application for Site Plan Control for the subject lands was received by City Planning on August 19, 2010. A minor variance application to facilitate the proposal for 150 affordable rental dwelling units (A0108/10SC) was approved by the Committee of Adjustment on December 1, 2010.

A second minor variance application (A0200/20SC) for a total of 242 affordable rental dwelling units was approved by the Committee of Adjustment on October 14, 2020. The approval has been appealed to the Toronto Local Appeal Body (TLAB).

Subsequently, the applicant appealed the Site Plan Control application (File no. 10 242510 ESC 38 SA) to the Local Planning Appeal Tribunal (LPAT), citing Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. As a result of the LPAT appeal, the TLAB appeal of the minor variance application has been forwarded to the LPAT, so that both appeals are heard together. At this time, a hearing has not been scheduled. It is the applicant's belief that this approach would expedite the hearing of the matter which staff support.

APPLICATION BACKGROUND

Purpose

The purpose of this report is to recommend that City Council classify 1744-1750 Ellesmere Road as a Class 4 Area in accordance with the Ministry of Environment (now Ministry of Environment, Conservation and Parks) Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (Publication NPC-300).

Proposal

The site plan control and minor variance applications propose the construction of a 15-storey residential building with 242 affordable rental housing units, funded by the City of Toronto's Open Door Affordable Housing Program.

Parking for 87 vehicles and 182 bicycles are proposed at grade and within a single-level underground parking structure. The total proposed GFA is 23,421 square metres which results in a net floor space index (FSI) of 3.96.

Approximately 504 square metres of indoor amenity space is proposed. Amenity space includes a multipurpose room and laundry area. Approximately 795 square metres of outdoor amenity area is proposed at grade.

Vehicular access is proposed via two driveways off of Ellesmere Road.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-informationcentre/>

Site and Surrounding Area

The subject property is located north of Ellesmere Road and east of McCowan Road. The site is approximately 5,900 square metres in area and has approximately 120 metres of frontage on Ellesmere Road. It is designated *Mixed Use Areas* in the Official Plan, and accordingly, sensitive uses are permitted. The subject property is located within the McCowan Precinct of the Scarborough Centre Secondary Plan. It is zoned City Centre Office (CCO) and City Centre Residential (CCR) in the Former City of Scarborough Employment Districts Zoning By-law No. 24982 (Progress Employment District).

Abutting uses include the TTC McCowan Yard to the northwest; Toronto Community Living further west, commercial uses (a restaurant and garden supplies retailer) to the east, and low-rise residential dwellings to the south.

Provincial Noise Guidelines

In October 2013, the MECP released the Environmental Noise Guideline: Stationary and Transportation Noise Sources – Approval and Planning (NPC-300) which replaces four different noise guidelines and was created for the purposes of both Environmental Approval of stationary noise sources by the MECP and for land use approvals by municipalities.

The guidelines seek to address conflicts between stationary sources (industrial/commercial activity) and noise sensitive land uses (such as residential).

Class 4 Noise Area

The NPC-300 guidelines include the option of classifying a new acoustical environment area as "Class 4" where relaxed (higher) daytime and night time sound level limits, for both indoor and outdoor areas, may be considered. A Class 4 Area permits receptor-based noise control measures (noise walls, specific construction techniques and materials, etc.) to be used within a proposed new sensitive land use within the vicinity of a stationary noise source.

Class 4 Areas require formal classification by the land use planning authority. City Council is the land use planning authority.

Source of Noise

The major noise source potentially impacting the proposed development is the TTC's McCowan Yard which is located along the northwestern boundary of the site. The Yard is used as a maintenance facility, layover area for trains, and an area in which to build train consists. The yard is a stationary noise source and is operational 24 hours a day, seven days a week. The TTC McCowan Yard may be shut down and deactivated when the Line 3 Scarborough RT which is serviced by the McCowan Yard is deactivated and later replaced by the extension of the Line 2 Bloor-Danforth Subway Line.

COMMENTS

Required Environmental Mitigation Measures

A Noise and Vibration Impact Study prepared by HGC Engineering was submitted in support of the development application and a peer review was conducted by the City's peer reviewer, GHD. Both the study and peer review response confirm that the site can be appropriately considered for a Class 4 noise area classification by the City, and concluded that specific noise control measures should be incorporated within the design of the development.

A Class 4 Noise Area classification will allow for TTC to use this noise classification and sound level limits in applications for required provincial approvals.

In tandem with the Class 4 area classification, the Noise and Vibration Impact Study recommended the following noise mitigation measures:

- central air conditioning or an alternative heating and cooling system;
- standard building constructions will be required for the exterior facades of the proposed building;
- an acoustical clearance letter for development rooftop noise sources upon completion of detailed design to ensure appropriately selected equipment;
- warning clauses should be included in the property and tenancy agreements and offers of purchase or sale for the dwelling units in the residential building relating, but not limited to: road traffic noise, the stationary noise conditions and the presence of the adjacent and nearby retail/commercial uses; and
- upgraded glazing be considered for portions of the north and west facades, in order to lessen the impact of noise from work car movements on the track loop, which may occur several times per year.

A warning clause will also be required to be included in agreements and offers of sale and purchase or lease advising residents and tenants of the proposed development that these lands have been formally classified as a Class 4 area by the City and that higher sound level limits are permitted.

Required noise control measures, as appropriate will be secured through the site plan approvals process. As noted earlier, the site plan control application has been appealed to the LPAT. A Noise Control Conformance stamp, by a qualified acoustical engineer, confirming that the recommended measures are included on the plans will be required.

CONTACT

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SIGNATURE

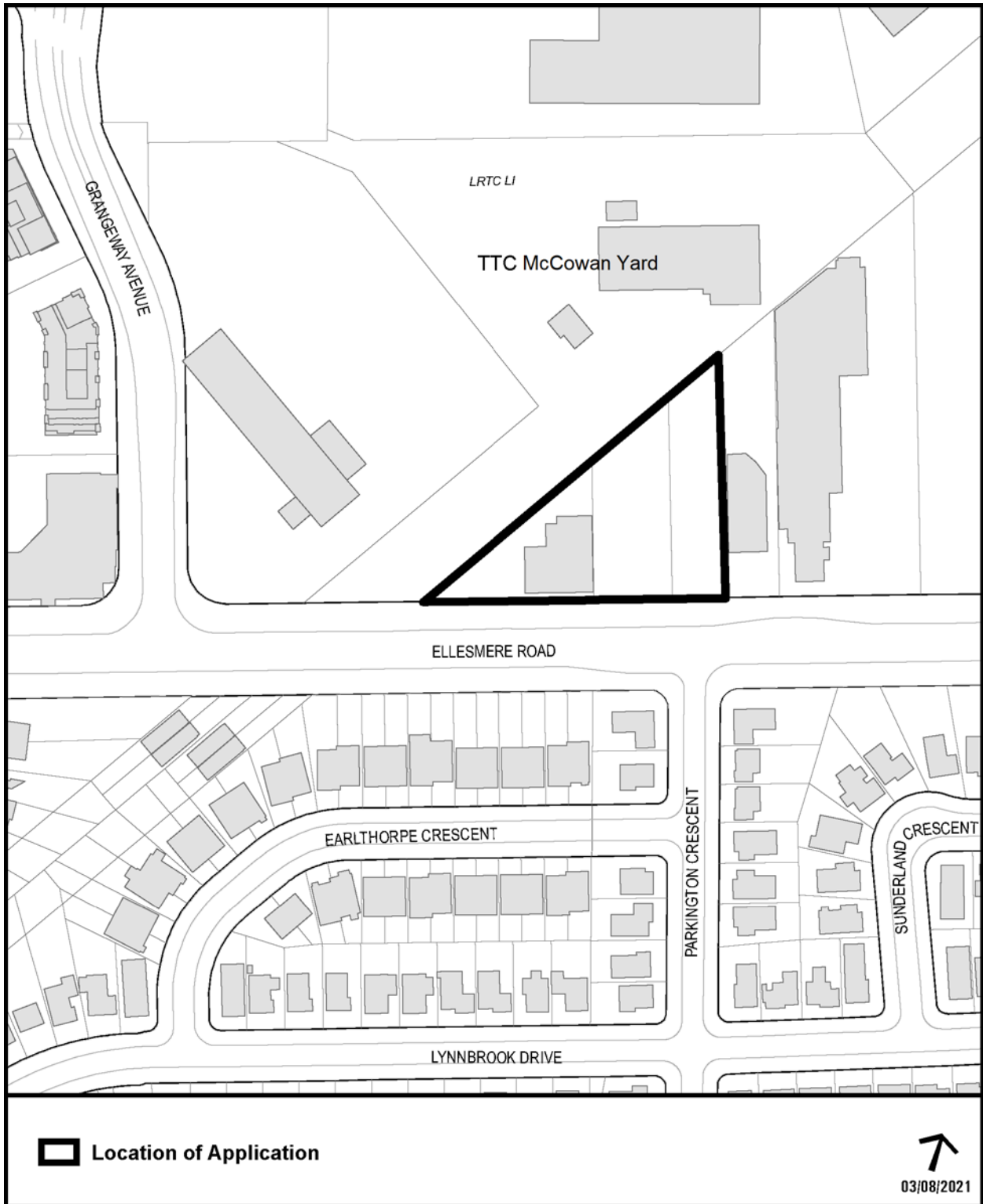
Paul Zuliani, MBA, RPP, Director
Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map
Attachment 2: Site Plan

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Attachment 2: Site Plan

