

933-935 The Queensway - Class 4 Noise Area Classification (NPC-300)

Date: March 29, 2022

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 19 156707 WET 03 OZ

SUMMARY

The report recommends City Council classify the site at 933-935 The Queensway as a Class 4 Noise Area under Provincial Noise Guidelines (NPC-300) as administered by the Ministry of Environmental, Conservation and Parks (MECP).

A Class 4 Noise 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 noises control measures.

A Noise and Vibration Impact Study and Land Use Compatibility/Mitigation Study (Air Quality and Noise) were prepared in support of the development (the "Studies"). A third party peer review of the Studies supports the recommendation for a classification of the site to Class 4 Noise Area (among other environmental mitigation requirements). The owner has agreed to all of the environmental mitigation requirements set out in the peer reviewers report, including the classification of the site to a Class 4 Noise Area.

A Class 4 Noise Area classification would allow the existing commercial/industrial uses close to the subject site to rely on this noise classification and related 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 933-935 The Queensway, currently subject to the Rezoning Application (File No. 19 156707 WET 03 OZ) and Site Plan Approval Application (File No. 20 104057 WET 03 SA), 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).

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

FINANCIAL IMPACT

City Planning confirms 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 Preliminary Report regarding a development proposal at this site was considered by Etobicoke York Community Council on September 16, 2019. The Preliminary Report outlined that City Planning staff did not support the proposal as it was not consistent with the Provincial Policy Statement and does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe nor the Official Plan. However, the Preliminary Report also noted staff's desire to continue working with the applicant to achieve a redevelopment proposal that is more in keeping with both provincial and municipal policies. The Preliminary Report is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY8.4>

On August 4, 2020, the applicant appealed the application to the former Local Planning Appeal Tribunal (LPAT), now Ontario Land Tribunal (OLT), citing City Council's failure to make a decision on the application within the time period prescribed by the Planning Act.

A Request for Directions Report regarding the development proposal (dated December 10, 2020) from the Director, Community Planning, Etobicoke York District was considered by City Council at its meeting of February 2, 3 and 5, 2021. City Council directed the City Solicitor and City Planning staff to attend at the OLT and oppose the Zoning By-law Amendment application. The report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.EY21.3>

The OLT has held two case management conferences on November 4, 2020 and on March 8, 2021. A 10-day hearing is scheduled to commence on March 7, 2022.

On December 7, 2021, counsel for the owner submitted a Settlement Offer which included revised plans. City Planning staff supported the revised plans subject to several conditions including that the owner must secure and design any required mitigation measures identified in the Studies, peer reviewed at the owner's expense to the satisfaction of the Chief Planner and Executive Director, City Planning.

A Legal Services report recommending approval of the application subject to certain conditions was adopted by City Council at its meeting on December 15, 16 and 17, 2021. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.CC38.11>

The revised development consists of an 11-storey mixed-use building (including a mezzanine), 36.3 metres in height (excluding the mechanical penthouse), with 191 residential dwelling units and a total gross floor area of 16,832 m². The development would have a 7-storey base (including mezzanine), commercial/retail at grade, and a 6-storey (including mezzanine) southeastern wing of the building containing 2-storey grade related units on Queen Elizabeth Avenue with units above. There would be a total of 817 m² amenity space provided, comprised of 398 m² of indoor amenity space and 419 m² of outdoor amenity space.

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

<http://app.toronto.ca/AIC/index.do?folderRsn=dzZ5FwxTSlA9KoMCMwzc7A%3D%3D>

BACKGROUND

Purpose

The purpose of this report is to recommend that the lands at 933-935 The Queensway be classified as a Class 4 Noise Area in accordance with the Ministry of Environment's Environmental Noise Guideline: Stationary and Transportation Noise Sources - Approval and Planning (Publication NPC-300). This classification was recommended by the peer reviewer, who evaluated the Studies and is necessary to allow for infill and redevelopment in proximity to existing stationary sources of noise while still protecting residences from undue noise.

Provincial Noise Guidelines

The MECP published guidelines 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 Noise Area classification was introduced by the Ministry of Environment 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 Noise 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 Noise Area classification which is determined during the land use planning process."

Class 4 Noise Area

A Class 4 Noise 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 at the sensitive land use. 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 infill development goals in accordance with their land use policies in proximity to industrial uses.

Site and Surrounding Area

The site is located on the south side of The Queensway and west of Canmotor Avenue. The lands are located east of the intersection of The Queensway and Islington Avenue (See Attachment 1). The subject lands are approximately 2,690 m² in size and have approximately 42 metres of frontage on The Queensway, 70 metres of frontage on Queen Elizabeth Boulevard and 17 metres of frontage on Canmotor Avenue. The site is L-shaped and slopes down from The Queensway frontage to the rear (south) portion of the site.

Surrounding land uses include:

North: Immediately to the north are commercial, retail and mixed use buildings 1-2 storeys in height along The Queensway. A few lots further to the northeast is an existing 6-storey mixed-use mid-rise building at 892 The Queensway and a recent Zoning By-law Amendment application approval for an 8-storey mixed-use mid-rise building at 880-

890 The Queensway. Further north, beyond The Queensway are low-rise residential dwellings in *Neighbourhoods*.

West: A 3-storey townhouse development containing 74 free-hold residential units within *Mixed Use Areas*, commercial uses beyond and Islington Avenue.

East: Canmotor Avenue and 1-2 storey commercial uses on The Queensway. Further east, at 859 The Queensway, the lands are approved for an 11-storey mixed-use building.

South: Immediately to the south is Queen Elizabeth Boulevard and 1-2 storey industrial uses located in *Core Employment Areas* as designated by the Official Plan and Provincially Significant Employment Zones as per the Growth Plan Mapping. Further south is the Gardiner Expressway.

Official Plan

The site is identified as *Avenues* on Map 2 - Urban Structure in the Official Plan and the lands are designated *Mixed Use Areas* on Map 15 - Land Use Plan of the Official Plan (See Attachment 2).

Zoning By-laws

The lands are subject to the former City of Etobicoke Zoning Code as amended by Site Specific Zoning By-law 514-2003 (The Queensway Avenue By-law). The majority of the lands are zoned Limited Commercial – Avenues Zone (AV), while the rear southeastern portion of the lands is zoned Class 1 Industrial Zone (I.C1).

While the majority of the lands fronting The Queensway are not subject to city-wide Zoning By-law 569-2013 (as site-specific zoning was established through the Avenues Study), the rear southeastern portion of the lands (currently a parking lot) is zoned Employment Industrial Zone (E1.0) in city-wide Zoning By-law 569-2013.

COMMENTS

Required Environmental Mitigation Measures

The following reports were provided by the owner in support of the development applications:

- Land-Use Compatibility/Mitigation Study (Air Quality and Noise), dated November 15, 2021, and prepared by RWDI;
- Noise and Vibration Impact Study, dated November 15, 2021, and prepared by Valcoustics Canada Ltd.;
- Addendum #1 to the Noise and Vibration Impact Study, dated December 20, 2021, and prepared by Valcoustics Canada Ltd.;

- Response to Peer Review Comments, dated December 17, 2021, and prepared by RWDI; and
- Opinion on Air Quality Mitigation Measures, dated February 7, 2022, and prepared by RWDI.

The Studies were peer reviewed by a third party environmental consultant, Hemmera Envirochem Inc., retained by the City of Toronto. The peer review of the Studies determined that the development was designed to sufficiently mitigate any potential adverse effects with respect to air quality contaminants based on the implementation of all mitigation measures below. The owner has agreed to implement these mitigation measures:

- Air particle filtration with a MERV rating of no less than 12 be used for all air intakes;
- The air make-up handling unit be located above the 11th floor and oriented towards Queen Elizabeth Boulevard; and
- Residential energy recovery ventilator (ERV) air intakes oriented towards The Queensway Avenue be located at or above the 3rd floor.

The Noise and Vibration Impact Studies prepared by Valcoustics Canada Ltd. is of the opinion that 933-935 The Queensway is an appropriate site to be classified as a Class 4 Noise Area given the number of existing industrial/commercial establishments in the close vicinity. The study states that having those establishments meet NPC-300 Class 1 sound level limits is not technically and economically feasible. The study recommends the requirement for a Class 4 Noise Area classification for the development in conjunction with various noise control requirements.

The peer review agrees that the current Class 1 classification would place responsibility on the existing industry to provide onerous mitigation measures to ensure MECP requirements are met due to the introduction of residential uses at 933-935 The Queensway. A Class 4 Noise Area classification of the development site will protect the surrounding existing commercial and industrial activities.

The peer review confirms that the development can be appropriately considered for a Class 4 Noise Area classification by the City, provided that the specific noise control measures outlined in Section 5 of the submitted Noise and Vibration Impact Study by Valcoustics Canada Ltd. are incorporated within the design. The submitted Noise Impact Study, Section 5 identified noise control requirements such as: mandatory air conditioning for all residential units to allow windows and exterior openings to remain closed; STC ratings for windows and construction; installation of a 2.4-metre sound barrier at the Level 7 common amenity terrace; warning clauses; and mechanical equipment noise mitigation. The final peer review report by Hemmera Envirochem Inc., dated February 7, 2022, outlines the comprehensive list of required noise control requirements.

The submitted Noise Impact Study has considered indoor noise levels when developing the STC requirement for walls and windows. The assessment was based on assumption of 50% wall and window areas which is typically reviewed through the detailed design stage. The final design of the openings in the building facade would be

refined during the Site Plan application review process. However, City Planning staff will include a provision in the zoning by-law to limit the amount of openings and glazing on the building façade to implement the direction from the City's retained environmental consultant, Hemmera Envirochem Inc. The owner has agreed to a provision in this regard.

The owner has agreed to all of the environmental requirements set out in the peer reviewer's report, including the classification of the site to a Class 4 Noise Area. All recommended mitigation measures identified above and associated with the classification of Class 4 Noise Area will be included in the Section 37 Agreement and/or Site Plan Approval conditions. The final design of noise mitigation measures and applicable warning clauses would be secured through the Site Plan application review process.

Conclusion

The Class 4 Noise 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. All recommended mitigation measures identified above and associated with the classification of Class 4 Noise Area will be included in the Section 37 Agreement and/or Site Plan Approval conditions.

The Class 4 Noise Area classification of the site in no way impacts the Council decision to approve the Zoning By-law Amendment application.

CONTACT

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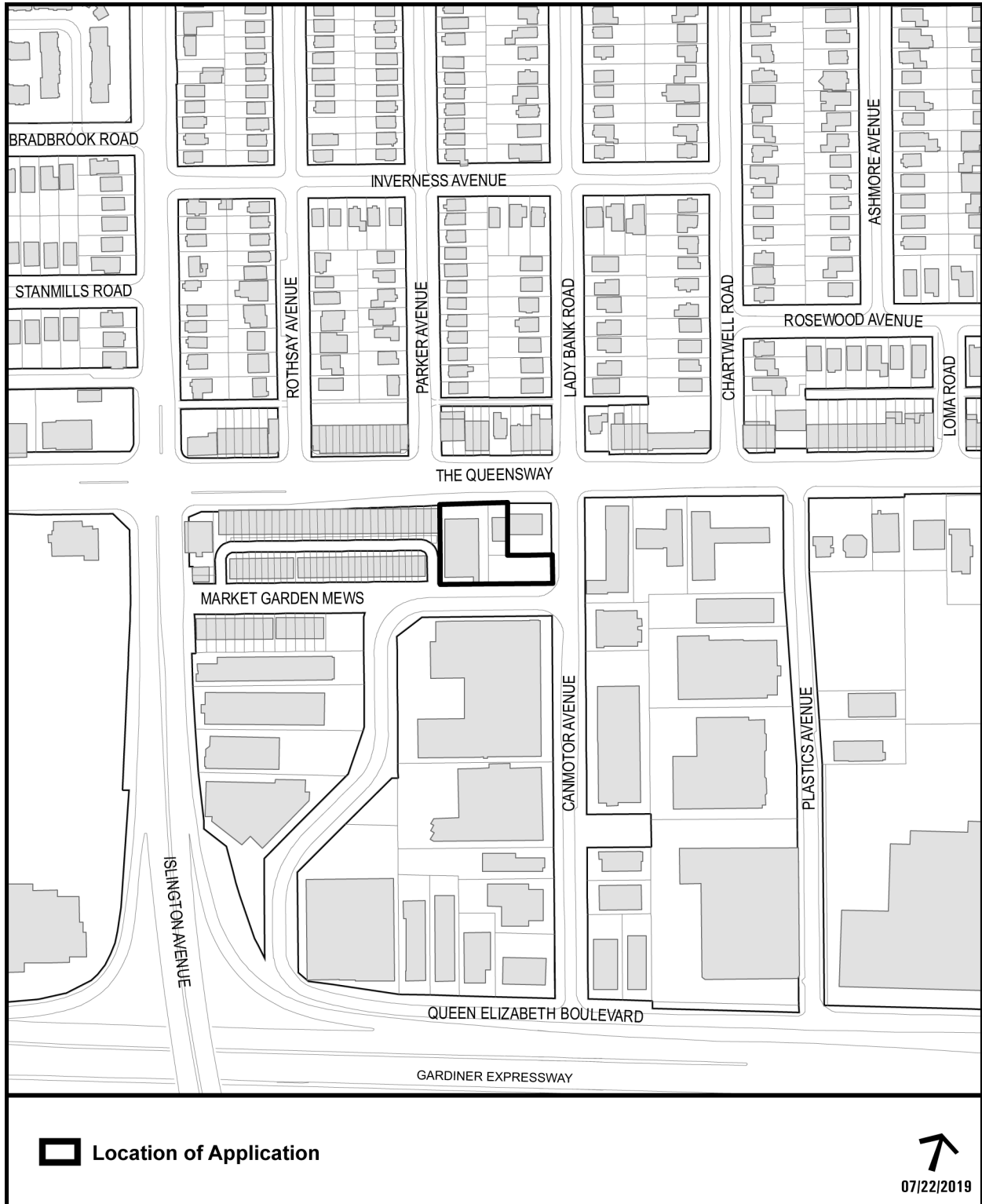
SIGNATURE

Michael Mizzi, MCIP, RPP
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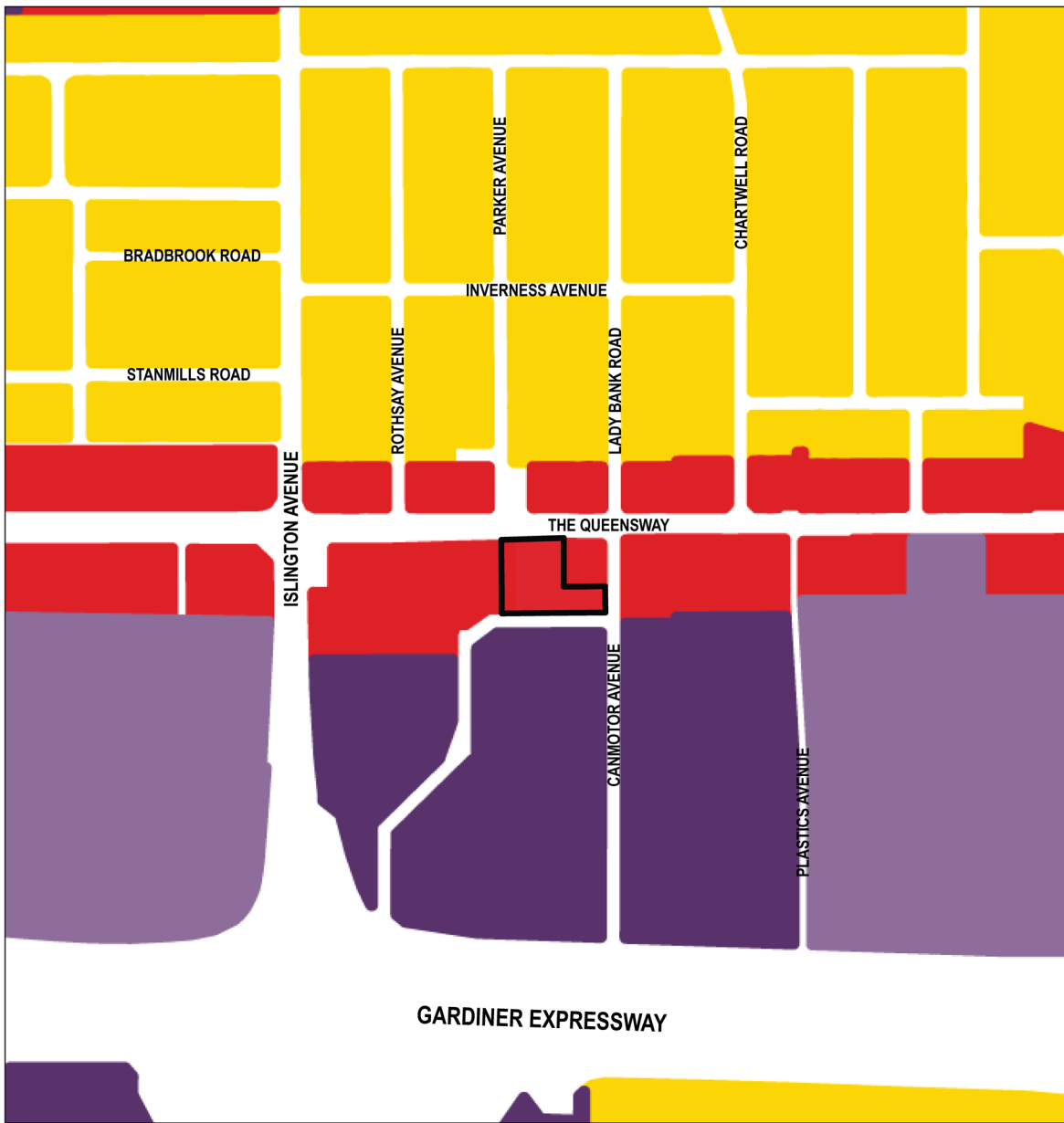
ATTACHMENTS

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

933-935 The Queensway

File # 19 156707 WET 03 0Z

- Location of Application
- Neighbourhoods
- Mixed Use Areas
- General Employment Areas
- Core Employment Areas

Not to Scale
 07/26/2019