

## **2450 Victoria Park Avenue – Class 4 Noise Area Classification (NPC-300)**

**Date:** June 10, 2022

**To:** North York Community Council

**From:** Director, Community Planning, North York District

**Ward:** 17 – Don Valley North

**Planning Application Number:** 17 255293 NNY 33 OZ & 21 220581 NNY 17 SB & 21 220587 NNY 17 SA

### **SUMMARY**

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The report recommends City Council classify the site at 2450 Victoria Park Avenue as a Class 4 Noise Area under Provincial Noise Guidelines (NPC-300) as administered by the Ministry of Environment, 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 noise control measures.

An Environmental Noise Feasibility Study was prepared in support of the development (the "Noise Study"), and a third party peer review of the Noise Study was undertaken. The Noise Study confirms that the site at 2450 Victoria Park Avenue can be appropriately considered for a Class 4 Area classification.

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**

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The City Planning Division recommends that:

1. City Council classify the lands municipally known as 2450 Victoria Park Avenue, currently subject to Zoning By-law Amendment Application (File No. 17 255293 NNY 33 OZ), Draft Plan of Subdivision Application (File No. 21 220581 NNY 17 SB), and Site Plan Application (File No. 21 220587 NNY 17 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**

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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**

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On October 30, 2017, the applicant submitted a Zoning By-law Amendment Application for the lands municipally known as 2450 Victoria Park Avenue. The Zoning By-law Amendment Application proposed to redevelop the lands with a total of four mixed use buildings ranging in height from 11 to 44 storeys. A new 2,915 square metre onsite public park and two new east-west private roads were also proposed as part of the application. The existing seven-storey (7,755 square metres) office building on the lands was also proposed to be demolished.

A Preliminary Report dated March 15, 2018 on the application was before North York Community Council on April 4, 2018. North York Community Council deferred consideration of the Preliminary Report to allow staff to continue discussions and to prepare a subsequent report, at the appropriate time, in light of the appeals filed with the LPAT regarding the Zoning By-law Amendment application. This report is the subsequent report, as directed by North York Community Council. The City Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY29.12>

On March 23, 2018, the applicant appealed their proposal to the Local Planning Appeal Tribunal ("LPAT", now the Ontario Land Tribunal or "OLT") due to Council's failure to make a decision within the statutory timeframe.

On February 26, 2019, City Council adopted a Request for Direction Report directing the City Solicitor, together with appropriate staff, to attend the LPAT hearing to oppose the Zoning By-law Amendment Application in its present form for the reasons set out in the January 23, 2019 Request for Directions Report from the Director, Community Planning, North York District. City Council also authorized City staff to continue discussions with the applicant to address the issues set out in the Request for Directions. The City Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY3.4>

On June 18, 2020, counsel for the owner submitted a Settlement Offer which included revised plans. City Planning staff supported the revised plans subject to several conditions, one of which being that the City undertake a peer review of the submitted Environmental Noise Assessment Report, and secured any recommended mitigation measures in the amending by-laws and the Section 37 Agreement, all to the satisfaction of the Chief Planner and Executive Director, City Planning, including classifying the Property as a Class 4 noise area pursuant to relevant provincial noise guidelines Publication NPC-300 (Ministry of the Environment and Climate Change Environmental Noise Guideline- Stationary and Transportation Sources - Approval and Planning), if appropriate. The City Council decision is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC23.2>

On August 27, 2020, a virtual settlement hearing took place with the LPAT. The revised submission now proposes four mixed use buildings ranging in height from 11 to 28 storeys. The current plans also include a 2,850 square metre onsite public park, as well as a new public east-west road. The settlement also secured 6,203 square metres of non-residential gross floor area. (See Attachment 4).

The LPAT decision was issued on November 25, 2020 and included several pre-conditions to be fulfilled prior to the issuance of the LPAT 's final order. The applicant is currently working on fulfilling these pre-conditions, and have also submitted associated Site Plan Control and Draft Plan of Subdivision applications. The LPAT decision is available at: <https://www.omb.gov.on.ca/e-decisions/pl180306-Nov-25-2020.pdf>

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

<http://app.toronto.ca/AIC/index.do?folderRsn=MUKtZjWhFHG2sLVwTs3xuA%3D%3D>

## **BACKGROUND**

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### **Purpose**

The purpose of this report is to recommend that the lands at 2450 Victoria Park Avenue 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 site is located at the southwest corner of the intersection of Consumers Road and Victoria Park Avenue. Please see Attachment 1 for the Location Map. The site is within the Consumers Road Business Park, which is bounded by Sheppard Avenue East to the north, Victoria Park Avenue to the east, Highway 401 to the south and Highway 404 to the west. The business park is comprised primarily of buildings containing non-residential uses developed in the 1970's with large surface parking lots.

The site is generally rectangular in shape, has an area of approximately 1.93 hectares (19,324 m<sup>2</sup>) and a frontage of approximately 160 metres on Victoria Park Avenue, 131 metres on Consumers Road, and 142 metres on Hallcrown Place. It is currently developed with a seven-storey office building at the northeast corner of the site, a two-storey office building along the Consumers Road frontage and a 294-space surface parking lot on the southern portion. The site is subject to a 15.2 metre wide east-west City stormwater and sanitary sewer easement that bisects the site, extending from Hallcrown Place to Victoria Park Avenue.

Surrounding land uses include:

**North:** Consumers Road, which has a planned right-of-way width of 27 metres. On the opposite side of Consumers Road is a five-storey Enbridge office building, loading space and surface parking lot.

**South:** St. Mary's Armenian Apostolic Church and Community Centre at 45 Hallcrown Place, the Radisson Hotel at 55 Hallcrown Place, the Armenian Youth Centre of Toronto at 50 Hallcrown Place and Highway 401 beyond.

**East:** Victoria Park Avenue which has a right-of-way width of 36 metres. Due to close proximity of the interchange with Highway 401, the street includes six lanes of traffic (three each way) as well as off- and on- ramp approaches. On the opposite side of Victoria Park Avenue are retail buildings with restaurants and service uses fronting onto Victoria Park Avenue. To the east of these are single detached dwellings on lands designated *Neighbourhoods* by the City's Official Plan.

**West:** Hallcrown Place, which is a cul-de-sac public street which terminates at the Radisson Hotel at 55 Hallcrown Place and the Armenian Youth Centre at 45 Hallcrown Place. On the west side of Hallcrown Place, opposite the subject site, is a seven-storey office building (515 Consumers Road) and an 11-storey office building (505 Consumers Road).

## **Official Plan**

The site fronts Victoria Park Avenue, which is identified as an *Avenue* 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 site is zoned Industrial Office Business Park (MO) in the former City of North York Zoning By-law No. 7625 (See Attachment 3). The MO zone permits office uses, a number of manufacturing uses, institutional uses, hotels, financial institutions and commercial type uses such as retail stores, restaurants, and personal service shops. The maximum permitted gross floor area for all uses on site is 150% of the lot area. Retail stores and service shops are permitted up to a maximum gross floor area of 20%

of the gross floor area of the largest floor of the buildings on the lot. Residential uses are not permitted.

The subject lands will be rezoned to permit the proposed four mixed use buildings ranging in height from 11 to 28 storeys, a new public road, and a proposed public park, upon issuance of the final order by the OLT pending clearance of the aforementioned pre-conditions.

## **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 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 relaxed guideline limits at residential receptors than would be permitted within a Class 1 area. For example, while the strictest Class 1 Area exclusionary sound limits would be 45 dBA outside the proposed building, it is 55 dBA within a Class 4 Area. It is noted that the different criteria for stationary noise for Class 4 as opposed to Class 1 exclusively applies to the exterior of the building, meaning that the acoustic environment inside a residential unit in a Class 4 Area shall be acceptable, as in a Class 1 Area. As such, mandatory air conditioning is required as part of the Class 4 designation, allowing the occupants to reduce exterior noise by closing windows and still be able to maintain a comfortable environment indoors. In this regard, 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 proposed development (see Attachment 4) 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, and stationary noise impacts from surrounding commercial and industrial land uses, in particular the nearby Enbridge Gas Distribution Inc. facility.

Transportation noise sources include Highway 401, Victoria Park Avenue, and Consumers Road. The level of noise from these sources has been predicted and has been used to identify mitigation measures.

There are several industrial and commercial stationary noise sources located in close proximity to the site, in particular the Enbridge Gas Distributions Inc. facility located north of the proposed development on the opposite side of Consumers Road. Significant noise sources at the facility include the rooftop cooling (cooling towers, air-cooled condensers, and HVAC units) and paint booth exhaust fans.

Noise sources have also been identified from various nearby commercial and institutional buildings, in particular the HVAC units from the Enbridge facility (approximately 70 metres to the closest unit), the commercial building at 515 Consumers Road (approximately 40 metres from the subject property), the commercial plaza at 2555 Victoria Park Avenue (approximately 60 metres from the subject property), and the Armenian Community Centre of Toronto and St. Mary Armenian Apostolic Church at 45 Hallcrown Place (approximately 20 metres from the subject property). Due to the types of units, the high number of units requiring mitigation, number of surrounding buildings contributing to the excesses and the height of the development receptors, application of noise control measures at the proposed development is considered to be excessively costly and may not be technically feasible. As a result, it is not feasible to meet the Class 1 requirements, and a Class 4 classification is being sought.

## **COMMENTS**

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### **Land Use Planning Policies**

#### ***Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans***

The Provincial Policy Statement (2020) in Section 1.2.6. speaks to the need to ensure that major facilities and sensitive land uses are planned and developed to avoid, minimize, and/or mitigate potential adverse effects from noise to ensure the long-term

operation and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures. This can be done by, among other considerations, ensuring that alternative locations for the proposed uses have been evaluated and there are no reasonable alternative locations, and ensuring that potential impacts to the industrial, manufacturing or other uses are minimized and mitigated. Further, the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) also speaks to the protection of employment areas.

In this regard, the classification of the subject lands to a Class 4 area as informed by a peer reviewed environmental noise assessment report, in addition to the implementation of recommended mitigation measures, is consistent with the Provincial Policy Statement and conforms with the Growth Plan.

### **Official Plan**

The subject site is designated *Mixed Use Areas*, while the aforementioned noise sources are on lands designated *Mixed Use Areas* as well as *General Employment Areas*. Section 2.2.4 states that sensitive land uses, including residential uses, where permitted or proposed outside of and adjacent to or near to *Employment Areas* or within the influence area of major facilities, should be planned to ensure they are appropriately designed, buffered, and/or separated from such uses. It also stated that in introducing, developing, or intensifying sensitive land uses in such locations, Council may consider the extent to which the applicant and major facilities or other employment uses have exchanged relevant information, as well as the reasonableness of implementing any recommended mitigation measures.

In this regard, the classification of the subject lands to a Class 4 area as informed by a peer reviewed environmental noise assessment report, in addition to implementation of recommended mitigation measures, conforms with the Official Plan.

### **Required Environmental Mitigation Measures**

A peer review of the Environmental Noise Feasibility Study submitted in support of the development applications was conducted by Cambium Inc., noise consultants retained by the City of Toronto. The peer review confirms that the proposed development meets the specific criteria listed for Class 4 consideration in NPC-300 in that it is in proximity to existing lawfully established stationary sources, which includes in particular Enbridge operating under an approved Environmental Compliance Approval (Air and Noise). The peer reviewer noted that the decision to classify lands as Class 4 is at the discretion of the land use planning authority (ie. City Council) as per NPC-300 guidelines. However, the peer reviewer is generally satisfied with the methodology used in the submitted Environmental Noise Feasibility Study. Based on consultation between the peer reviewer, City Planning and Economic Development staff, with consideration of both technical and planning aspects of this specific site, the Class 4 request is considered appropriate.

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 and Plan of Subdivision application was submitted on October 4, 2021 and is currently under review.

Recommended noise mitigation measures are discussed below.

### ***Transportation Noise Impacts***

An assessment of transportation noise impacts was completed. Based on transportation façade sound levels, upgraded glazing will be required to meet the MECP Publication NPC-300 Indoor Sound Level Criteria. Acoustic barriers will also be required for the proposed Building B and Building C (Attachment 4) common amenity spaces, with a 2.75 metre to 3 metre noise barrier and/or a combination of perimeter barriers and localized acoustical screening to be included in the landscape design.

Ventilation requirements include both forced air heating with the provision for air conditioning, and required air conditioning for several facades of each building in the proposed development.

Revised and/or additional mitigation measures may be required and secured through the ongoing review of the Site Plan Application.

### ***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 development. However, central air conditioning will be required in order to further mitigate the noise impacts. The industrial stationary noise requires appropriate warning clauses to make the future occupants aware of the noise situation.

### **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 nearby commercial and industrial uses, in particular those in the surrounding Consumers Road Business Park, City Planning staff are seeking Council's approval of the classification of the development at 2450 Victoria Park Avenue 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.

## **CONTACT**

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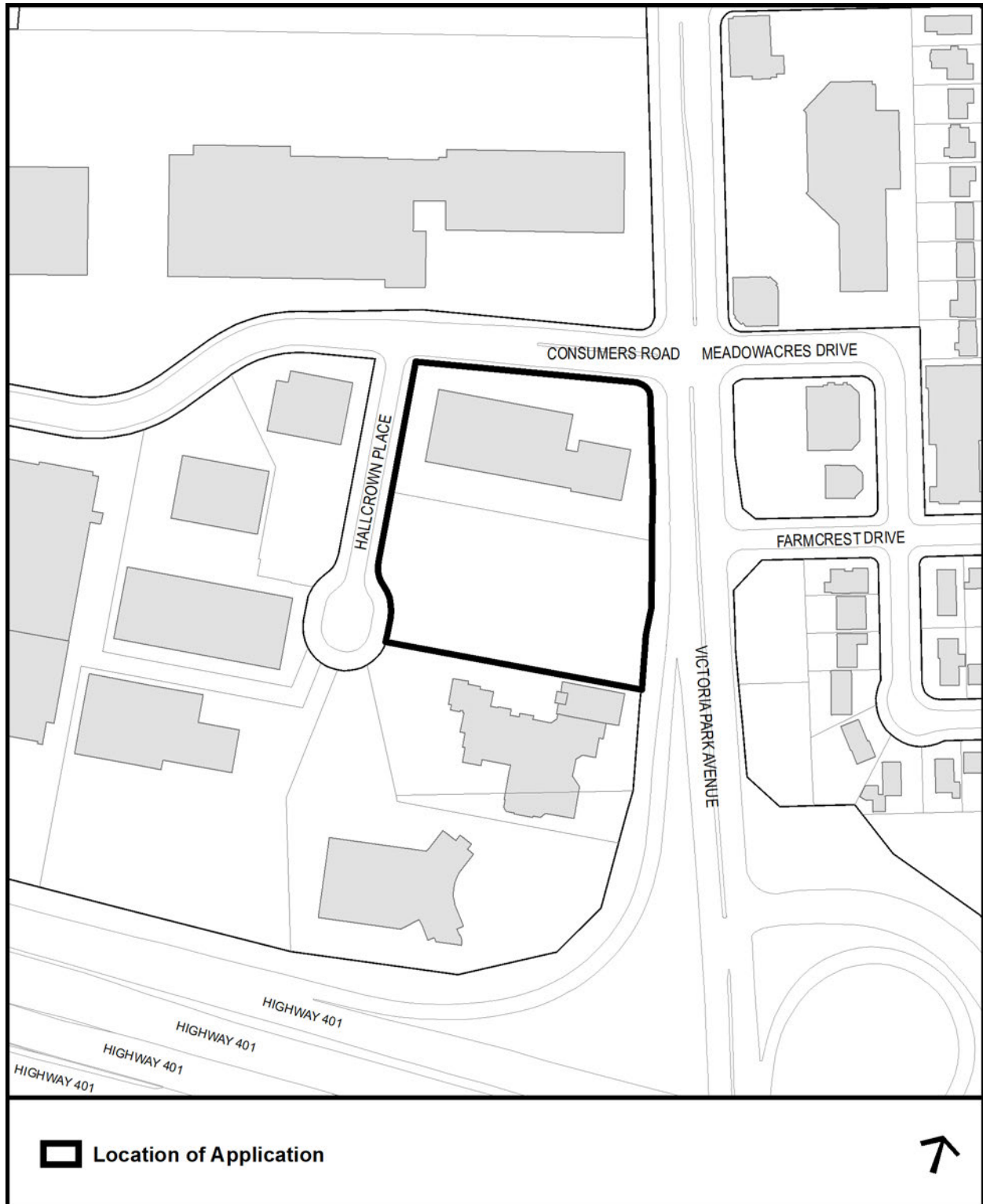
## **SIGNATURE**

David Sit, MCIP, RPP  
Director, Community Planning  
North York District

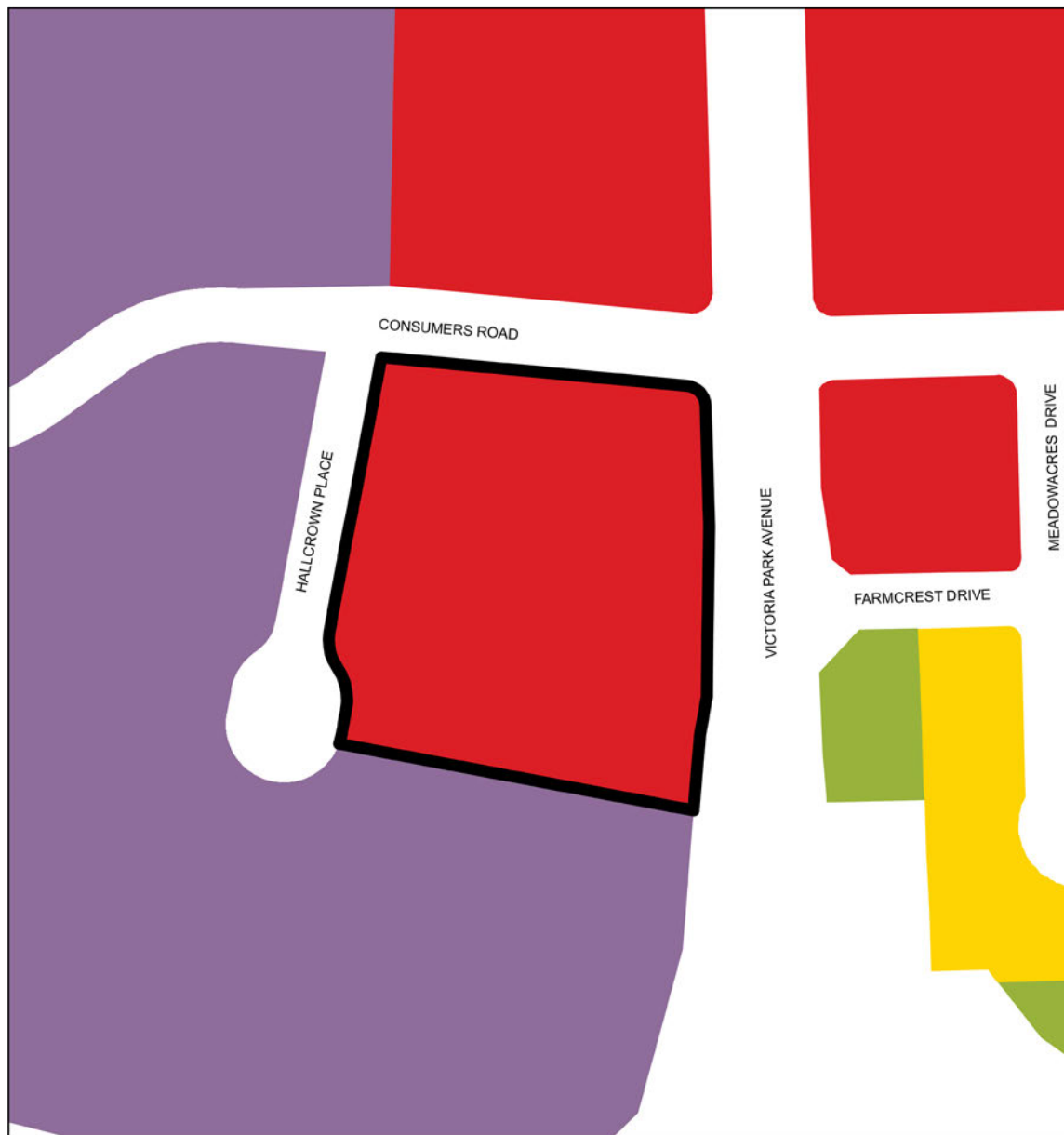
## **ATTACHMENTS**

Attachment 1: Location Map  
Attachment 2: Official Plan Land Use Map  
Attachment 3: Former North York Zoning By-law 7625 Map  
Attachment 4: Site Plan

## Attachment 1: Location Map



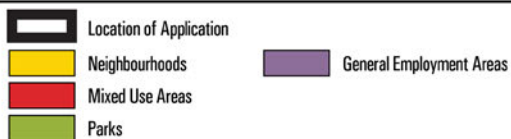
## Attachment 2: Official Plan Land Use Map



### Official Plan Land Use Map #19

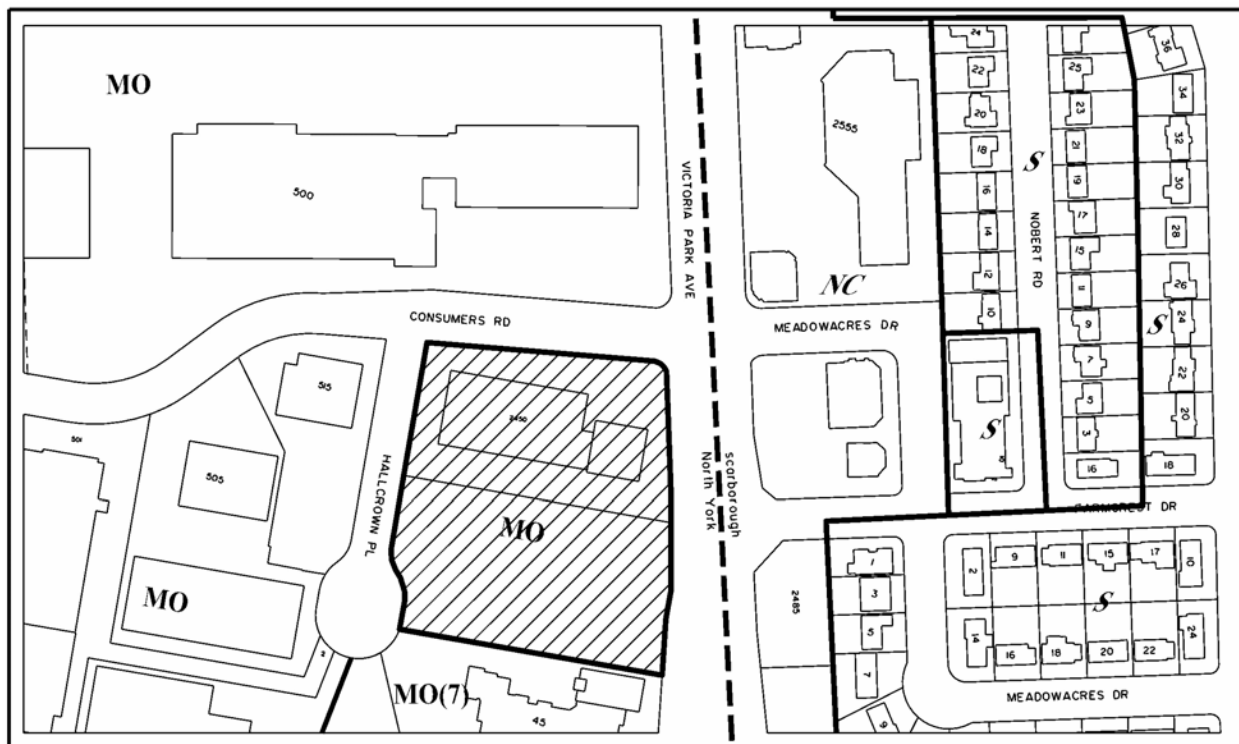
2450 Victoria Park Avenue

File # 17 255293 NNY 33 0Z



↑  
Not to Scale  
05/18/2022

# Attachment 3: Former North York Zoning By-law 7625 Map



**Toronto**  
Zoning By-Law No. 7625

2450 Victoria Park Avenue

File # 17 255293 NNY 33 02

MO Industrial-Office Business Park Zone

Sullivan Community Zones Scarborough  
S Single Family Dwelling  
NC Neighbourhood Commercial



NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

Not to Scale  
Extracted 12/04/2017

Staff Report for Action - Class 4 Noise Area Classification – 2450 Victoria Park Avenue

