

1891 Eglinton Avenue East - Class 4 Noise Area Classification (NPC-300) - Decision Report - Approval

Date: April 17, 2024

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 20 - Scarborough Southwest

Related Planning Application Number: 20 158264 ESC 20 OZ, 20 224755 ESC 20 OZ and 20 224768 ESC 20 SB

SUMMARY

This report recommends that City Council designate a portion of the lands known municipally as 1891 Eglinton Avenue as a Class 4 Noise Area under the NPC-300 noise guidelines administered by the Ministry of Environment, Conservation and Parks (MECP).

City Council accepted a settlement offer for a portion of the subject site which will result in lands at 1891 Eglinton Avenue East being redeveloped with a mixed use proposal consisting of a total of four buildings: three towers, with heights of 48 storeys (Building A), 44 storeys (Building B), 44 storeys (Building C), and one mid-rise building with a height of 12 storeys (Building D). The buildings would comprise a total gross floor area (GFA) of approximately 106,831 square metres of which 102,190 square metres is residential GFA and 4,641 square metres is non-residential GFA. A total of approximately 1,700 residential units are proposed.

A Detailed Noise and Vibration Impact Study was prepared by RWDI to support to the proposed development at 1891 Eglinton Avenue East which concludes that the proposed development site is suitable for a Class 4 designation as defined in the NPC-300 Environmental Noise Guideline. The study was peer-reviewed for the City by RJ Burnside & Associates Limited and they concluded that the Class 4 area designation for the proposed development site is supportable.

Under NPC-300, 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. Any impact of the permitted higher levels would be mitigated by noise control measures that are part of the development of sensitive uses. Similarly, the slight increase in permitted noise levels provide for the continued operation of surrounding employment uses without impact caused by the introduction of residential uses on the subject lands. The Class 4 designation would apply to the identified portion of 1891 Eglinton Avenue East shown in

Attachment 3 to this report and any future development of the site would be subject to further peer-review and potentially further reporting to City Council.

RECOMMENDATIONS

The Director, Community Planning, Scarborough District recommends that:

1. City Council designate the lands municipally known as 1891 Eglinton Avenue East, as a Class 4 Noise Area pursuant to Ministry of Environment Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning Publication NPC-300, August 2013, as shown in Attachment 3.
2. City Council direct the Interim 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

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

Eglinton Connects

In May 2014, City Council directed City Planning staff to undertake further study of the six focus areas that were identified in the Eglinton Connects Planning Study, including the Golden Mile. Further information regarding the Eglinton Connects Planning Study can be found at: <https://www.toronto.ca/legdocs/mmis/2014/pg/bgrd/backgroundfile-68062.pdf>

Golden Mile Market Analysis and Economic Study

The Golden Mile Market Analysis and Economic Strategy Study was completed in December 2016. The Study analyzed the existing economic and employment conditions in the Golden Mile. Further information regarding the Golden Mile Market Analysis and Economic Strategy Study can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC21.12>

Golden Mile Secondary Plan Study and Proposed Secondary Plan

In May 2016, City Planning staff initiated the Golden Mile Secondary Plan Study to develop a vision and comprehensive planning framework for the Golden Mile area that would include Secondary Plan policies and guidelines/strategies that direct:

- Built form, public realm, community infrastructure, and public art strategies;
- A transportation master plan and master servicing plan;
- Urban design guidelines; and
- Implementation/financial strategies.

In consultation with staff from other City divisions and agencies, City Planning staff worked with a team of land use planning, urban design, transportation, servicing, community services and public engagement consultants led by SvN Architects and Planners Inc. ("SvN"). The GMSP Study concluded its three phase study approach, including several public consultations and discussions with landowners, key stakeholders and interested persons and a Secondary Plan and proposed policies were prepared for consideration at a Statutory Public Meeting Scheduled for July 17, 2020.

On July 17, 2020, Scarborough Community Council commenced a Statutory Public Meeting on Official Plan Amendment 499 ("OPA 499"), including the Golden Mile Secondary Plan ("Secondary Plan") and associated Urban Design Guidelines. Scarborough Community Council adjourned the Public Meeting and deferred consideration on OPA 499 to the Scarborough Community Council meeting on October 16, 2020. The decision of Scarborough Community Council, the proposed OPA 499 and reports from City Planning may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC16.3>

On October 27, 28 and 30, 2020, City Council adopted Official Plan Amendment 499, which contains the GMSP. City Council also adopted the Golden Mile Urban Design Guidelines. City Council's decision may be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC18.1>

By-law 911-2020 adopting OPA 499 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2020/law0911.pdf>

On March 9, 2022 and March 29, 2023, City Council adopted a report from the City Solicitor regarding modifications to OPA 499, which contains the Golden Mile Secondary Plan. OPA 499 is under appeal before the Ontario Lands Tribunal (OLT) and not yet in full force and effect. City Council's decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2022.CC41.9> ; and

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC5.21>

Official Plan Amendment Application (20 158264 ESC 20 OZ) and Zoning By-law Amendment Application (20 224755 ESC 20 OZ)

City staff were authorized to review the Official Plan Amendment application and Zoning By-law Amendment applications for the subject lands concurrently with the Golden Mile Secondary Plan Study and in the context of OPA 499.

The Preliminary Report and Scarborough Community Council decision on the Official Plan Amendment can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC19.3>

The Preliminary Report and Scarborough Community Council decision on the Zoning By-law Amendment can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.SC23.6>

On April 14, 2021, the applicant filed appeals to the OLT citing the City's failure to make a decision on the requested Official Plan Amendment and Zoning By-law Amendment within the statutory timeframes set out in the *Planning Act*. On September 23, 2021, the OLT conducted a Case Management Conference on the appeals. Metro Ontario Real Estate Limited (40 Eglinton Square), IPEX Management Incorporated (807 Pharmacy Avenue) and Canadian Tire Corporation Limited (1901 Eglinton Avenue East) were added as parties to the proceedings.

On December 15, 2021, City Council adopted a Request for Directions report from the Director, Community Planning, Scarborough District (dated November 3, 2021) regarding the Official Plan Amendment application (Application 20 158264 ESC 20 OZ) and Zoning By-law Amendment application (Application 20 224755 ESC 20 OZ) and directed the City Solicitor and appropriate staff to oppose the appeals before the OLT and continue discussions with the applicant in an attempt to resolve outstanding matters through Item SC28.3. The City Council decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.SC28.3>

On March 29-31, 2023, City Council adopted a Request for Directions report from the City Solicitor on the Revised Applications and directed the City Solicitor and appropriate staff to oppose the appeals before the OLT and engage in mediation with the applicant should the hearing be adjourned. The City Council decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC5.33>

On July 19-20, 2023, City Council adopted a Status Update report from the City Solicitor on the Revised Applications and provided directions to the City Solicitor. The City Council decision may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.CC5.33>

On December 13, 2023, City Council adopted a Request for Directions report from the City Solicitor on the Revised Applications which recommended that City Council continue to oppose the With Prejudice on-the-record Revised Proposal and that City Council accept the Without Prejudice Settlement Offer for the Development Site subject to the Owner agreeing to modifications to the Without Prejudice Settlement Offer. Those modifications have been made public and the Council decision may be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC13.19>

A three-week OLT hearing was scheduled to commence on January 15, 2024 and was adjourned to March 11, 2024. After a settlement hearing on the Official Plan Amendment and part of the Zoning By-law Amendment (excluding the Future Potential Development Area as delineated in the Official Plan Amendment), on April 12, 2024, the Tribunal issued a Decision that approved, in principle, the proposed Official Plan Amendment and Zoning By-law Amendment, subject to satisfaction of certain conditions.

Draft Plan of Subdivision Application

Concurrent with the submission of the Zoning By-law Amendment application, a Draft Plan of Subdivision application was submitted which applied to the northerly (2.9hectare) portion of the lands at 1891 Eglinton Avenue East and consisted of three development blocks, right-of-way widenings on Eglinton Avenue East and Pharmacy Avenue, three new public streets (Street A, Street B and Street C), and a park block of 0.281 hectares.

A revised Draft Plan of Subdivision application was filed which contains three development blocks, right-of-way widenings on Eglinton Avenue East and Pharmacy Avenue, two new public streets (Street A and Street B), and a park block.

Consent to Sever Application

On October 6, 2022, the owner submitted a consent application pursuant to section 53 of the Planning Act under File 22 214112 ESC 20 CO, with additional documentation submitted subsequent to that application. The consent application proposes to sever the *Mixed Use Areas* and *General Employment Areas* portions of the lands municipally known as 1891 Eglinton Avenue. The Committee of Adjustment has not considered the consent application at this time. Information can be found at the Application Information Centre here:

<http://app.toronto.ca/AIC/index.do?folderRsn=q%2BB9dmTZXsAoPd9OoOykNw%3D%3D>

SITE AND DEVELOPMENT

The subject site is the north block of 1891 Eglinton Avenue East. The north block is further subdivided into the development area and the Future Potential Development Area. Refer to Attachment 1, Location Map and Attachment 2, Site Plan.

A mixed use development with a total of four buildings, comprised of three mixed-use towers with heights of 48 storeys (Building A), 44 storeys (Building B), 44 storeys (Building C) and one mid-rise building with a height of 12 storeys (Building D) are proposed. The buildings would comprise a total gross floor area of approximately 106,850 square metres, of which approximately 102,190 square metres is residential GFA and approximately 4,641 square metres is non-residential GFA. A total of approximately 1,700 residential units are proposed. No development is approved for the Future Potential Development Area.

BACKGROUND

Purpose

The proposed development is adjacent to two existing facilities that are regulated for noise; the Scarborough Toyota Dealership (1897 Eglinton Avenue East) which is directly to the east and the IPEX Inc. (807 Pharmacy Avenue) polyvinyl chloride facility which is approximately 200 metres to the south of the site. Both sites require an

Environmental Compliance Approval (ECA) from the MECP, a permission that allows businesses to operate their facility or site with environmental controls that protect human health and the natural environment.

The purpose of this report is to recommend that the portion of the lands at 1891 Eglinton Avenue East shown on Attachment 3, 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). The Class 4 designation will only apply to the current development area, illustrated on Attachment 2 and defined on Attachment 3. As discussed in greater detail below, the designation provides the opportunity to introduce sensitive uses to the site that will still be protected from undue noise impact in proximity to the existing employment uses that can continue operations under the terms of their ECA. The Future Potential Development Area as shown on Attachment 2 would need a separate peer-review process and a separate report recommending redesignation, depending on the appropriateness of the development advanced on those lands.

Provincial Noise Guidelines

The Ministry of Environment, Conservation and Parks (MECP) publishes guidelines that address noise issues as they relate to land use planning and permitting requirements (as part of an Environmental Compliance Approval) for industrial and institutional 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 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 while still protecting residences from undue noise. A Class 4 Area classification allows for higher daytime and nighttime sound level limits than would otherwise be permitted in relation to noise sensitive land use such as residential dwellings and associated outdoor living areas.

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

COMMENTS

A Noise and Vibration study was prepared by RWDI and the following noise control measures were recommended for the proposed development:

- Suite window glazing with sound isolation performance up to STC-34 for the residential floors of the building.
- Suite exterior balcony doors with sound isolation performance up to STC-28 (OBC standard) for the residential floors of the building.
- Installation of central air-condition so that all suite windows can remain closed.
- Construction of noise barriers for outdoor amenity areas.
- At-source mitigation for pellet unloading at IPEX Inc.
- The inclusion of noise warning clauses related to:
 - Transportation sound levels at the plane of window and in outdoor amenity areas (OLAs) and;
 - Class 4 Area Notification.

The study and a letter requesting the Class 4 designation were submitted through the development application review process and peer reviewed for the City by RJ Burnside & Associates Limited. RJ Burnside's peer review supports the Class 4 area designation for the proposed development, excluding the Future Potential Development Area.

Conclusion

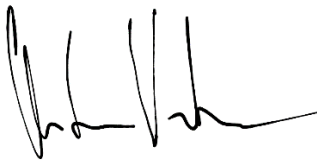
City Planning supports the proposed Class 4 designation along with anticipated mitigation measures proposed which would be secured on site or at source. The Class 4 designation for the lands, excluding the Future Potential Development Area, would address noise impacts on the site from the existing Scarborough Toyota Dealership and the IPEX Inc. polyvinyl chloride facility. The recommended on-site mitigation measures in the Noise Impact Assessment will be secured through the Site Plan Control process. City Planning understands that satisfactory arrangements to IPEX have been secured between the Owner and IPEX to address the at-source mitigation required on their lands to allow continued operations of the existing industrial facility. At this time, staff are not recommending the Class 4 Area designation for the Future Potential Development Area. Therefore, Staff recommendations are only confined to the area defined on Attachment 3 to this report.

Should City Council designate the lands municipally known as 1891 Eglinton Avenue East, excluding the Future Potential Development Area, as a Class 4 Noise Area, City staff will forward a copy of the City Council Decision Document to the Ministry of Environment, Conservation and Parks.

CONTACT

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SIGNATURE



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ATTACHMENTS

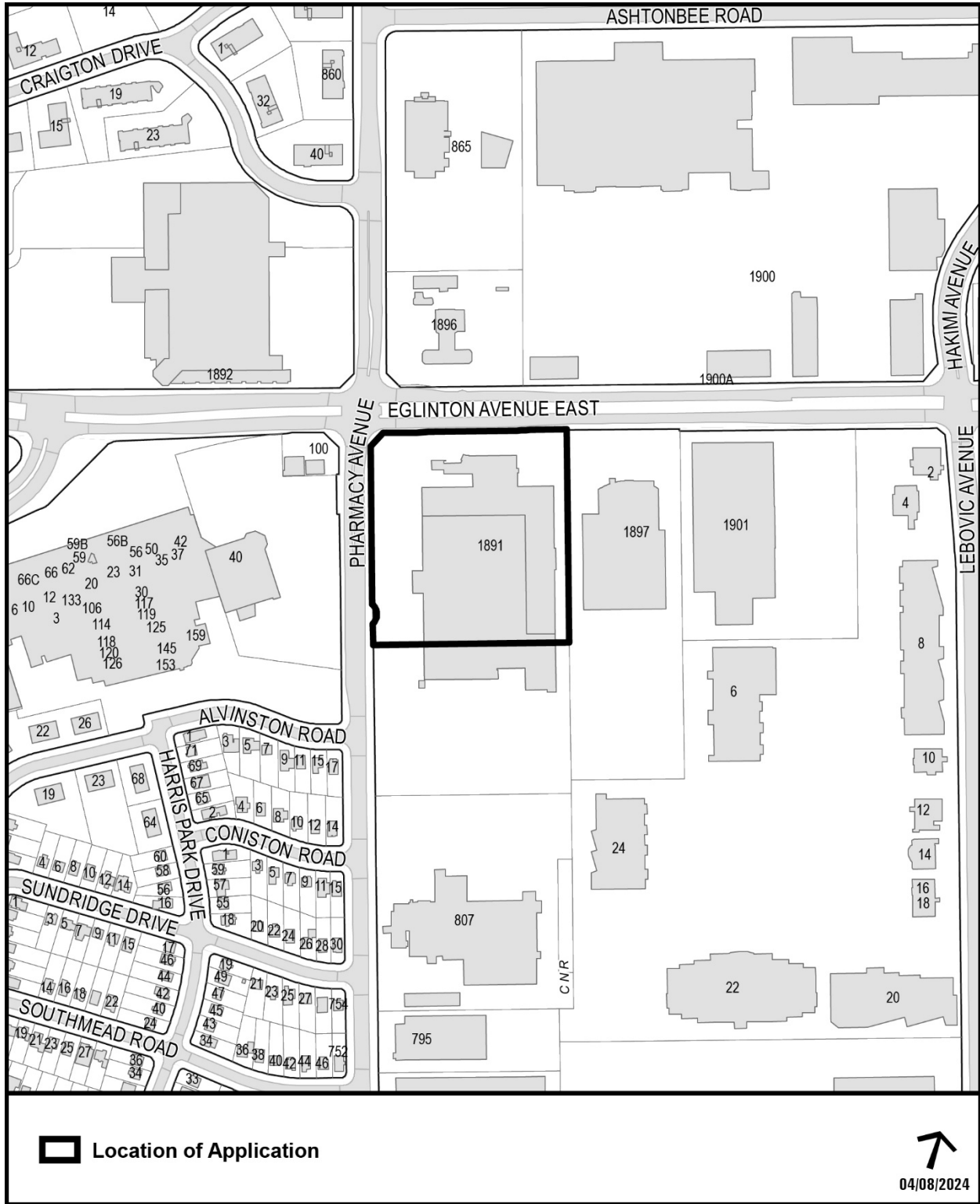
City of Toronto Drawings

Attachment 1: Location Map

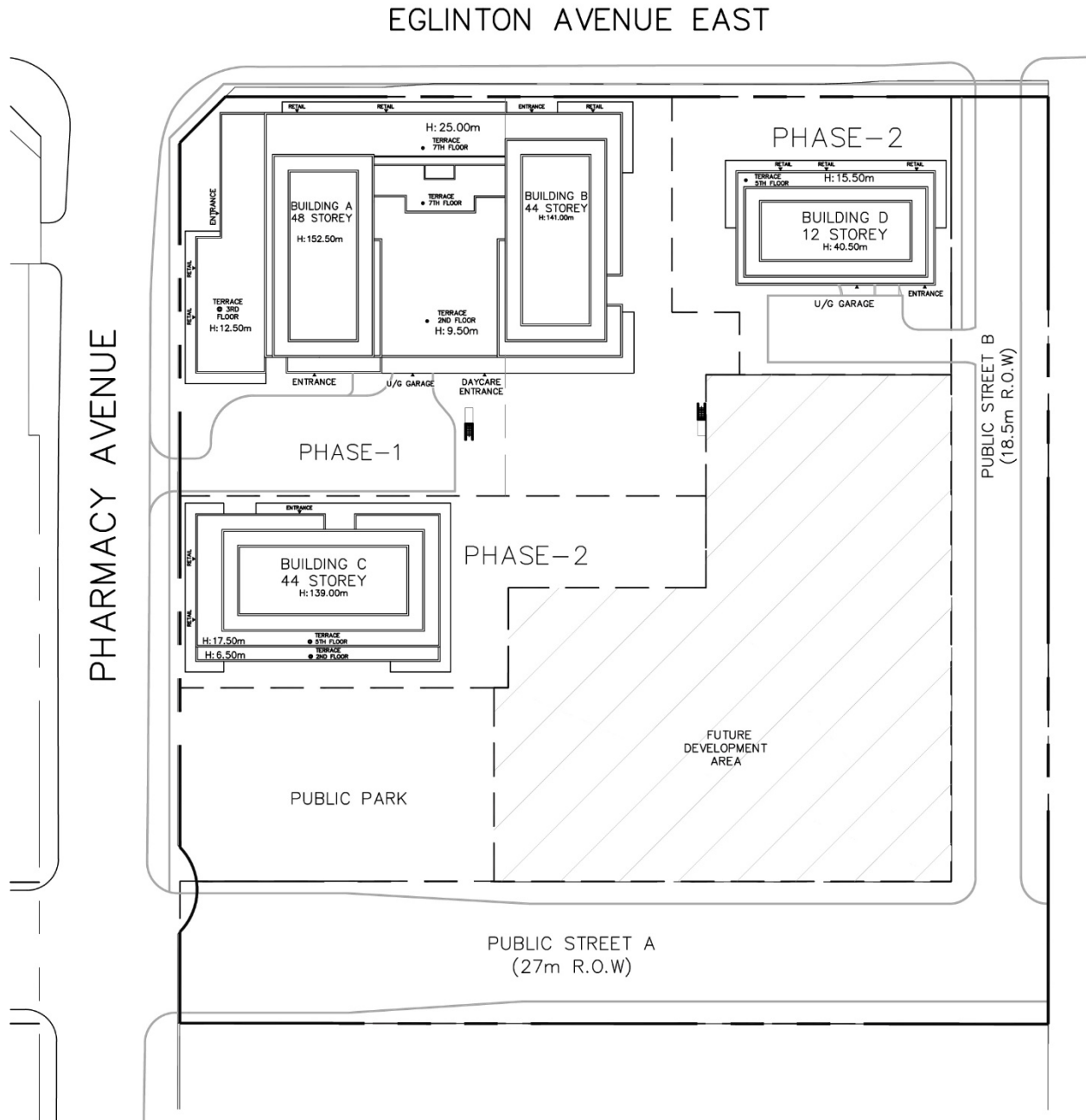
Attachment 2: Site Plan

Attachment 3: Class 4 Designation Area

Attachment 1: Location Map



Attachment 2: Site Plan



Site Plan



Attachment 3: Class 4 Designation Area

