

673 Warden Avenue - Class 4 Noise Area Classification (NPC-300) - Decision Report - Approval

Date: October 11, 2024

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 20 - Scarborough Southwest

Related Planning Application Number: 22 203398 ESC 20 OZ and 22 203397 ESC 20 SA

SUMMARY

This report recommends that City Council designate the lands known municipally as 673 Warden Avenue as a Class 4 Noise Area under the NPC-300 noise guidelines administered by the Ministry of Environment, Conservation and Parks (MECP).

On May 22, 2024, City Council adopted a settlement offer related to the Zoning By-law Amendment application for the subject site which permits the lands at 673 Warden Avenue to be redeveloped with a 27-storey mixed use building with a 6-storey podium. The development would have a total gross floor area of approximately 21,909 square metres, of which 21,560 square metres is residential GFA and 348.4 square metres is non-residential GFA. A total of 314 residential units are proposed.

A detailed Land Use Compatibility Assessment, including Noise Impact Study, was prepared by Gradient Wind Engineering Inc. to support the proposed development at 673 Warden Avenue. This assessment recommends the site for a Class 4 designation as defined in the Ministry of Environment, Conservation and Parks publication NPC-300. The study was peer-reviewed by Valcoustics Canada Ltd., the engineering consultant for an adjacent non-residential landowner (Tradition Fine Foods) which offers concurrence with the recommendation that a Class 4 area designation for the site is appropriate.

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 such higher levels would be mitigated by noise control measures that are part of the development. Similarly, the slight increase in permitted noise levels provides for the continued operation of surrounding employment uses and compatibility with those uses and new residential uses on the subject lands. The Class 4 designation would apply to this development site only. Any future developments on other sites in proximity to employment uses in the Warden Woods Secondary Plan area would be subject to a separate peer-review process.

RECOMMENDATIONS

The Director, Community Planning, Scarborough District recommends that:

1. City Council designate the lands municipally known as 673 Warden Avenue, 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 2.
2. City Council direct the Executive Director, Development Review Division 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 Development Review 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

Warden Woods Secondary Plan

The subject lands are located within the Warden Woods Secondary Plan area. City Council adopted the Warden Woods Secondary Plan as Official Plan Amendment 1145 to the former City of Scarborough Official Plan on October 28, 2005. The approval also included Zoning By-laws 950-2005, 951-2005 and Urban Design Guidelines for the area. The Secondary Plan was subsequently appealed by some property owners to what was formerly known as the Ontario Municipal Board ("OMB"), now constituted as the Ontario Land Tribunal ("OLT").

On May 26, 2008, the OMB approved a modification to the Toronto Official Plan, to add the Warden Woods Community Secondary Plan. The Secondary Plan provides a comprehensive framework to guide the coordinated development of a new residential and mixed-use neighbourhood with adequate community facilities, excellence in urban design, and a balanced transportation system.

The Secondary Plan provides that existing industrial uses within the Warden Woods area will be accommodated through the use of appropriate buffering, screening and other attenuation measures provided by developers of new residential uses between residential uses and employment uses.

The Warden Woods Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2017/11/97c6-cp-official-plan-SP-30-WardenWoods.pdf>

On July 22, 2022, City Council adopted Official Plan Amendment 570, which included the delineation of the Warden Protected Major Transit Station Area (the "Warden PMTSA") through Site and Area Specific Policy 648 ("SASP 648"). The Warden PMTSA has a minimum population and employment target for 200 residents and jobs combined per hectare. The minimum density identified on Map 2 of SASP 648 for the Site is 3.0 FSI. The Site is located at the south limit of the Warden PMTSA. OPA 570 was submitted to the Minister of Municipal Affairs and Housing (the "Minister") for approval. No decision has been rendered by the Minister at the time of writing this Report. City Council's decision can be found at: <https://secure.toronto.ca/council/agenda-item.do?item=2022.PH35.16>

Zoning By-law Amendment Application (22 203398 ESC 20 OZ) and Site Plan Control Application (22 203397 ESC 20 SA)

On September 14, 2022, the initial applications for Zoning By-law Amendment and Site Plan Control approval on the subject site were submitted to permit the construction of a mixed-use building of 15-storeys plus rooftop amenity space and mechanical penthouse. The proposed building included retail space on the ground floor and 274 residential dwelling units. The total gross floor area ("GFA") of the proposed development was 18,965 square metres, comprised of 18,759 square metres of residential GFA and 206 square metres of commercial GFA, resulting in a Floor Space Index (FSI) of 6.9 times the area of lot.

On May 1, 2023 the applicant appealed the applications to the Ontario Land Tribunal (the "OLT") due to City Council failing to make a decision on the Zoning By-law Amendment Application; and the Chief Planner and Executive Director, City Planning failing to make a decision on the Site Plan Control Application within the time frames prescribed under the *Planning Act*.

On November 8 and 9, 2023, City Council adopted a Request for Directions report from the Director, Community Planning, Scarborough District (dated October 2, 2023) regarding the Zoning By-law Amendment application (Application 22 203398 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. The City Council decision may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2023.SC8.4>

On May 22, 2024, City Council adopted a Request for Directions report from the City Solicitor on a revised application which recommended that City Council accept the With Prejudice Settlement Offer for the site subject to conditions. The revised proposal results in an increase in height from 15 to 27-storeys, an increase in total and non-residential gross floor area and an increase in residential units from 274 to 314. The redesign of the building has appropriate regard for the tall building guidelines and the Warden Woods Secondary Plan. The revised building design has an improved interface with the public realm and surrounding properties which is achieved through floor plate design, setbacks and stepbacks. The materials about the revised application have been made public and the Council decision may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2024.CC18.6>

The OLT conducted a settlement hearing on the Zoning By-law Amendment on September 5, 2024. At the conclusion of the hearing, the Tribunal issued a Decision that approved, in principle, the proposed Zoning By-law Amendment, subject to satisfaction of certain conditions including confirmation that Council has made a decision to designate the site as Class 4 pursuant to NPC-300. The Tribunal adjourned the appeal of the Site Plan Control Application to allow the parties an opportunity to work through that application cooperatively.

THE SITE

The subject site is located on the northeast corner of Warden Avenue and Bell Estate Road, approximately 760 metres south of St. Clair Avenue East and approximately 650 metres south of the entrance to Warden Subway Station on the Bloor-Danforth Line. The subject site is rectangular in shape with a total area of approximately 2,753 square metre (0.68 acre), with frontages of approximately 70 metres on Warden Avenue and 38 metres on Bell Estate Road, and a depth of approximately 40 metres. Refer to Attachment 1, Location Map and Attachment 2, Site Plan and Class 4 Designation Area.

BACKGROUND

Purpose

The proposed development is within the potential influence area of one Class II industry known as Tradition Fine Foods, located at 663 Warden Avenue. Tradition Fine Foods operates as a baked goods manufacturing centre. The main noise emission sources from this operation are two natural gas-fired ovens, fourteen natural gas-fired comfort heating units, twenty blowers and two induced draft cooling towers. The employment site is located approximately 120 metres to the south of the proposed development, which is greater than the minimum recommended separation distance for a Class II industry. Between Tradition Fine Foods and 673 Warden Avenue is a low-rise residential neighbourhood which is directly adjacent to the facility.

Tradition Fine Foods requires an EASR (Environmental Activity and Sector Registry) permit from the Ministry of Environment, Conservation and Parks (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 subject site 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 development site, and as discussed in greater detail below, 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 use that can continue operations under the terms of their EASR permit.

Provincial Noise Guidelines

The MECP has published guidelines that address noise issues as they relate to land use planning and permitting requirements (as part of an Environmental Compliance Approval or Environmental Activity and Sector Registry permit) 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 MECP in 2013. It is intended to allow for residential infill and redevelopment in proximity to existing stationary sources of noise while allowing industry to operate in compliance with its environmental noise permits, and protecting residences from undue noise. A Class 4 Area classification allows for 5 dBA 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 classification by the land use planning authority. City Council is the relevant land use planning authority.

COMMENTS

A Land Use Compatibility Assessment containing a Noise and Vibration study was prepared by Gradient Wind Engineering Inc. The study found that the sound level from Tradition Fine Foods exceeds the Class 1 sound level limits of the MECP noise guideline NPC-300 however, the excess noise is minor at less than 4 dBA. The Class 4 designation would allow for higher sound level limits. Gradient Wind Engineering Inc. confirmed that all sound receptors both plane of window (window opening in a residential unit for example) and outdoor points of reception like outdoor amenity areas in the proposed development would comply with the sound level limits under the NPC-300 guidelines at Class 4.

In addition to the designation of the subject lands as Class 4 - Infill Areas, the following noise control measures were recommended for the proposed development:

- All dwelling units to be supplied with air-conditioning so that occupants of the building can close windows to maintain a quiet and comfortable environment.
- Design, installation, operation, and maintenance of air filtration at the fresh air intakes of the mechanical systems serving all habitable areas, including the addition of air conditioning.
- The areas that would not require filtered air would be parking garages and utility spaces. Minimum Efficiency Reporting Value (MERV) 9-12 certification filters should

be used for this development in all occupied spaces. Details of the air filtration system will be designed by the mechanical engineers during the detailed design phase.

- The inclusion of noise warning clauses in all Lease, Purchase and Sale Agreements, as drafted below:

Purchasers/tenants are advised that sound levels due to the adjacent industry facility are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed.

The Noise and Vibration Study contained in the Land Use Compatibility Assessment was peer reviewed by Valcoustics Canada Ltd., the consultants for Tradition Fine Foods Ltd. Valcoustics Canada Ltd.'s peer review agrees with the conclusions of the Gradient Wind Engineering Inc.'s Land Use Compatibility Assessment and the recommendation for the Class 4 designation.

Development Review Division staff accept the findings of Gradient Wind Engineering Inc. and the peer review of concurrence for the Class 4 designation although it was not a City initiated peer-review. A City initiated peer-review will be required as part of the Site Plan Control process once the amenity space and potential mitigation are designed to confirm that the appropriate sound levels are met.

CONCLUSION

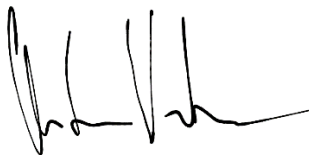
Development Review Division staff supports the proposed Class 4 designation, along with anticipated mitigation measures to be secured on site through Site Plan Control. The Class 4 designation for the lands would allow the Tradition Fine Foods facility to continue its operations in compliance with its EASR permit, and the onsite noise mitigation measures on the subject site will address noise impacts on the future residents of the site. The recommended on-site mitigation measures in the Land Use Compatibility Assessment will be secured through the Site Plan Control process.

Should City Council designate the lands municipally known as 673 Warden Avenue as a Class 4 Noise Area, City staff will forward a copy of the City Council Decision Document to the MECP.

CONTACT

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SIGNATURE



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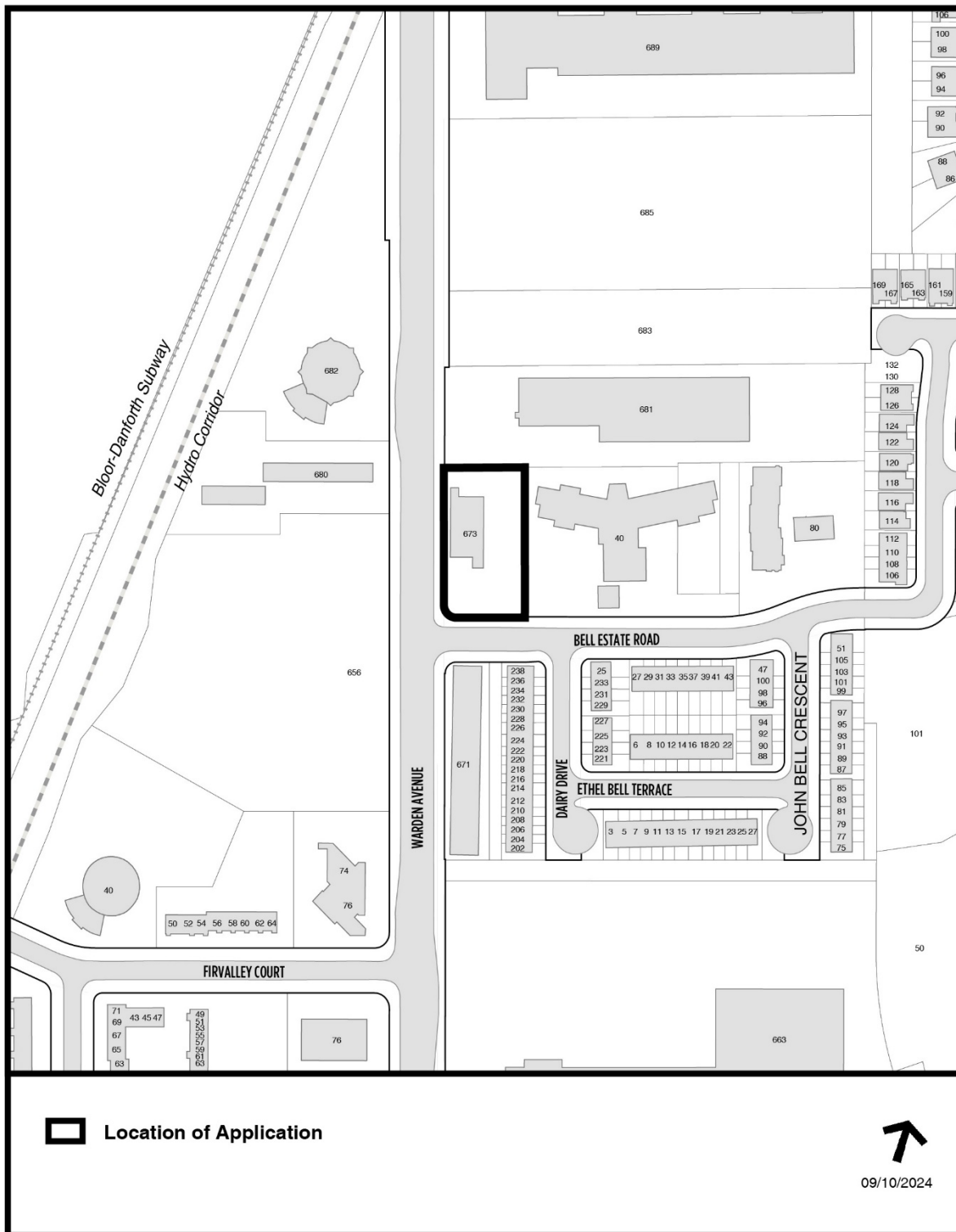
ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

Attachment 2: Site Plan and Class 4 Designation Area

Attachment 1: Location Map



Attachment 2: Site Plan and Class 4 Designation Area

