

3140, 3150 and 3170 Dufferin Street and 60 and 68 Apex Road – Class 4 Noise Area Classification (NPC-300) – Final Report

Date: April 9, 2026

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 8 - Eglinton-Lawrence

Planning Application Number: 21 203752 NNY 08 OZ

Related Planning Application Number: 23 164435 NNY 08 OZ, 21 203753 NNY 08 SB, 23 164446 NNY 08 SA

SUMMARY

This Report recommends that City Council classify the lands at 3140, 3150 and 3170 Dufferin Street and 60 and 68 Apex Road as a Class 4 Area under relevant provincial noise guidelines administered by the Ministry of Environment, Conservation and Parks (MECP) to implement an approved mixed use development comprised of two buildings with four residential towers and non-residential space at-grade.

A Class 4 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.

A Noise and Vibration Impact Study prepared in support of the development of the lands at 3140, 3150 and 3170 Dufferin Street and 60 and 68 Apex Road confirms that the development can be appropriately considered for a Class 4 Area classification. This Study has been peer reviewed by a consultant retained on behalf of the City, who agrees that this site is a candidate for Class 4 Area classification.

A Class 4 Area classification endorsed by City Council resolution would allow for existing industrial or commercial operations close to the subject site to use this noise classification and sound level limits in applications for required provincial approvals including operation certificates.

RECOMMENDATIONS

The Director, Community Planning North York District recommends that:

1. City Council classify the lands municipally known as 3140, 3150 and 3170 Dufferin Street and 60 and 68 Apex Road as a Class 4 Noise Area pursuant to Publication NPC-300 (Ministry of Environment, Conservation and Parks Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning) shown as Attachment 1 to this report.

2. City Council forward its decision on this classification to the Ministry of Environment, Conservation and Parks.

FINANCIAL IMPACT

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 Zoning By-law Amendment application and a Draft Plan of Subdivision application were submitted on August 25, 2021, and were determined to meet the complete application submission requirements of the *Planning Act* and the Toronto Official Plan as of September 2, 2021.

An Official Plan Amendment application was submitted on June 27, 2023 and was determined to meet the complete application requirements of the *Planning Act* and the Toronto Official Plan as of March 6, 2024.

A Site Plan Control application was submitted on June 28, 2023 and was determined to meet the complete application requirements of the *Planning Act* and the Toronto Official Plan as of June 29, 2023.

On July 19, 2024, the applicant appealed the Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control applications to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame prescribed in the *Planning Act*.

City Council considered a joint settlement offer for this site and the adjacent site at 3180 Dufferin Street at its meeting of May 21 and 22, 2025. The link to the report can be found here: [Agenda Item History - 2025.CC30.10](#).

On July 16, 2025, the OLT approved the Official Plan Amendment and approved, in principle, the Zoning By-law Amendment subject to certain conditions being satisfied. The appeals of the failure of the City to make a decisions with respect to the Draft Plan of Subdivision and Site Plan Control applications were adjourned *sine die*.

BACKGROUND

Purpose

The purpose of this report is to recommend that the lands at 3140, 3150 and 3170 Dufferin Street and 60 and 68 Apex Road be classified as a Class 4 Area in accordance with the Ministry of Environment, Conservation and Parks' Environmental Noise Guideline - Stationary and Transportation Noise Sources - Approval and Planning

(Publication NPC-300). This is necessary in order to allow for residential redevelopment in proximity to existing stationary sources of noise while still protecting residences from undue noise.

Site and Surrounding Area

Description: The site is generally rectangular in shape with an area of 15,386 square metres and frontage on Dufferin Street and Apex Road. See Attachment 1 for the Location Map. The site currently contains an existing commercial plaza.

Surrounding Uses

North: A vacant car dealership, Samor Road, and other commercial and employment uses, including a five-storey office building.

South: Apex Road and commercial and employment uses including the Yorkdale Ford vehicle dealership.

East: Dufferin Street, commercial uses along the east side of Dufferin Street, and low-density residential uses farther east.

West: Employment uses.

Official Plan Designation and Zoning By-law

The subject site is designated *Mixed Use Areas* per Map 17 of the Official Plan and fronts Dufferin Street which is an *Avenue* per Map 2 of the Official Plan. The property is also located within the Dufferin Street Secondary Plan (OPA 294) and the Yorkdale Protected Major Transit Station Area (OPA 570/SASP 713).

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The OLT approved an Official Plan Amendment that provides a site-specific policy within the Dufferin Street Secondary Plan to facilitate the mixed use development on this site and the adjacent site at 3180 Dufferin Street.

The OLT approved in principle a site-specific draft Zoning By-law Amendment that would bring the site into Zoning By-law 569-2013 and permit the mixed-use development by implementing performance standards for gross floor area, building heights, building setbacks, amenity areas and bike parking, among other items.

Provincial Noise Guidelines

Provincial noise guidelines (NPC-300) 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 Area

The above-noted guidelines introduce the option of a new acoustical environment area to be established where higher daytime and nighttime sound level limits from those otherwise permitted in an urban area may be considered.

The Class 4 Area classification is intended to allow for infill and redevelopment of residential uses and associated outdoor living areas in proximity to existing stationary sources of noise, such as industry or transit, while still protecting residences from undue noise. The impact of such higher levels is mitigated by specified noise control measures, such as building design measures at the sensitive land use.

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 alleviates some of the burden from proximate noise-generating industry, making it 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.

COMMENTS

Provincial Planning Statement

The Provincial Planning Statement (2024) contains policies related to land use compatibility. Policies within Section 2.8 direct that on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible minimize and mitigate, potential impacts on the long-term economic viability of employment uses. Policies regarding land use compatibility are contained in Section 3.5, which speak 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.

The applicant has submitted a satisfactory Noise and Vibration Impact Study, which recommended site-specific measures including a Class 4 designation. These measures will help to meet the policy objectives in the Provincial Planning Statement.

Official Plan Policies

The Official Plan contains policies related to *Employment Areas* land use compatibility. Section 2.2.4 of the Official Plan (Employment Areas: Supporting Business and Employment Growth) identifies that *Employment Areas* are finite and geographically bounded. It is the City's goal to conserve *Employment Areas*, now and in the longer term, to expand existing businesses and incubate and welcome new businesses that will employ future generations of Torontonians.

Policy 2.2.4.5 identifies that sensitive land uses, including residential uses, where permitted or proposed outside of and adjacent to or near to *Employment Areas* or within 3140, 3150 and 3170 Dufferin St & 60 and 68 Apex Rd -
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the influence area of major facilities, should be planned to ensure they are appropriately designed, buffered and/or separated as appropriate from *Employment Areas* and/or major facilities as necessary to: prevent or mitigate adverse effects from noise, vibration, and emissions, including dust and odour; minimize risk to public health and safety; prevent or mitigate negative impacts and minimize the risk of complaints; ensure compliance with environmental approvals, registrations, legislation, regulations and guidelines at the time of the approval being sought for the sensitive land uses, including residential uses; and, permit *Employment Areas* to be developed for their intended purpose.

As noted above, the subject lands are designated *Mixed Use Areas*, which permits residential uses on the site. The lands are also subject to the Dufferin Street Secondary Plan, which requires a 20-metre rear yard setback for buildings with sensitive uses on sites that border *Employment Areas* to minimize adverse effects. The Official Plan Amendment approved by the OLT sets out site-specific policies for a privately owned publicly accessible space (POPS); public park; and residential, commercial and retail uses within the 20-metre setback from *Employment Areas* upon completion of a satisfactory land use compatibility study. The applicant has submitted a Land Use Compatibility/Mitigation Study (Air Quality) which concluded that the 20-metre setback is not required from an air quality perspective. Similarly, the Noise and Vibration Impact Study concluded that the proposed development is feasible from a noise and vibration perspective subject to the classification of the lands as a Class 4 Area and the implementation of other recommended mitigation measures. Both the Land Use Compatibility/Mitigation Study (Air Quality) and the Noise and Vibration Impact Study have been peer reviewed and were found to be acceptable by the peer reviewer. Implementation of the recommended mitigation measures, including the Class 4 Area classification, will help to meet the policy objectives in the Official Plan.

Required Environmental Mitigation Measures

A Noise and Vibration Impact Study prepared by RWDI and dated September 5, 2025 was submitted in support of the development applications and was peer reviewed by noise consultants retained by the City of Toronto.

The Study notes that the major noise sources potentially impacting residential development on the site include transportation sources and stationary sources. Transportation noise sources include road traffic on surrounding streets, including Dufferin Street, Apex Road, and Samor Road. Stationary source noise impacting the site is mainly from HVAC equipment on neighbouring commercial buildings, and truck activity at loading docks associated with adjacent facilities.

The Study found that, due to the elevated transportation sound levels in the area, acoustical design of the façade components, including spandrel, window glazing, and exterior doors, is recommended to be specified for the proposed development. The Study recommends a window glazing sound insulation requirement of STC 32 or higher. The Study also recommends that the dwellings be provided with air conditioning to allow for windows and doors to remain closed as a noise mitigation measure. Additionally, prospective purchasers or tenants should be informed of the provision of central air conditioning to allow windows and exterior doors to remain closed by a warning clause "Type D" within future purchase and sale, and lease agreements.

The Study also found that sound levels attributable to the stationary sources associated with the neighbouring residential and commercial buildings exceed the Class 1 Area noise criteria (see Attachment 2 for sources included in the Stationary Sources Noise Model). The exceedance is attributed to cumulative noise emissions from multiple surrounding sources, as well as truck activities at the permitted facility located at 53 Apex Road. As implementing mitigation measures for all surrounding noise sources and truck operations at 53 Apex Road is not considered feasible, the Study recommended a request for a Class 4 designation to address the exceedances due to stationary sources. Predicted sound levels from surrounding stationary sources are predicted to comply with the Class 4 Area noise criteria. The Study notes that a warning clause "Type F" within future purchase and sale, and lease agreements is required for all units of the development to inform potential occupants of the stationary noise associated with nearby commercial developments.

In summary, the Study found that transportation and stationary source sound levels at the proposed development were predicted to be above the default NPC-300 Class 1 applicable limits and recommended the following noise control measures:

- Installation of air-conditioning so that all suites' windows can remain closed;
- Upgraded suite window glazing with sound isolation performance of STC 32 or higher;
- Application of at-receptor mitigation by closing windows of the development, together with an enabling Class 4 Area designation from the City of Toronto; and
- The inclusion of noise warning clauses related to:
 - Transportation sound levels at the building façade; and
 - Class 4 Area Notification.

The potential mitigation measures will be refined at the Site Plan Control application stage, and will be secured in the Site Plan Control Agreement.

Conclusion

The NPC-300 provides 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 surrounding businesses within close proximity of the site, Development Review staff are recommending Council approve the classification of the development at 3140, 3150 and 3170 Dufferin Street and 60 and 68 Apex Road as a Class 4 Area as defined by the Ontario Ministry of Environment, Conservation and Parks noise guidelines NPC-300. In addition, staff recommends that this approval be forwarded to the Ministry for their records.

The noise impacts on the development are anticipated to be controlled through the mitigation measures and warning clauses referenced above. The recommended mitigation measures identified above, and those identified through subsequent noise studies required through the Site Plan Control application, will be included in the Site Plan Approval conditions, as appropriate.

A Class 4 Area classification will allow for industrial and manufacturing operations to use this noise classification and sound level limits in applications for required provincial approvals including operating certificates. Development Review staff recommend the classification of 3140, 3150 and 3170 Dufferin Street and 60 and 68 Apex Road as a Class 4 Area be made by Council Resolution.

CONTACT

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SIGNATURE

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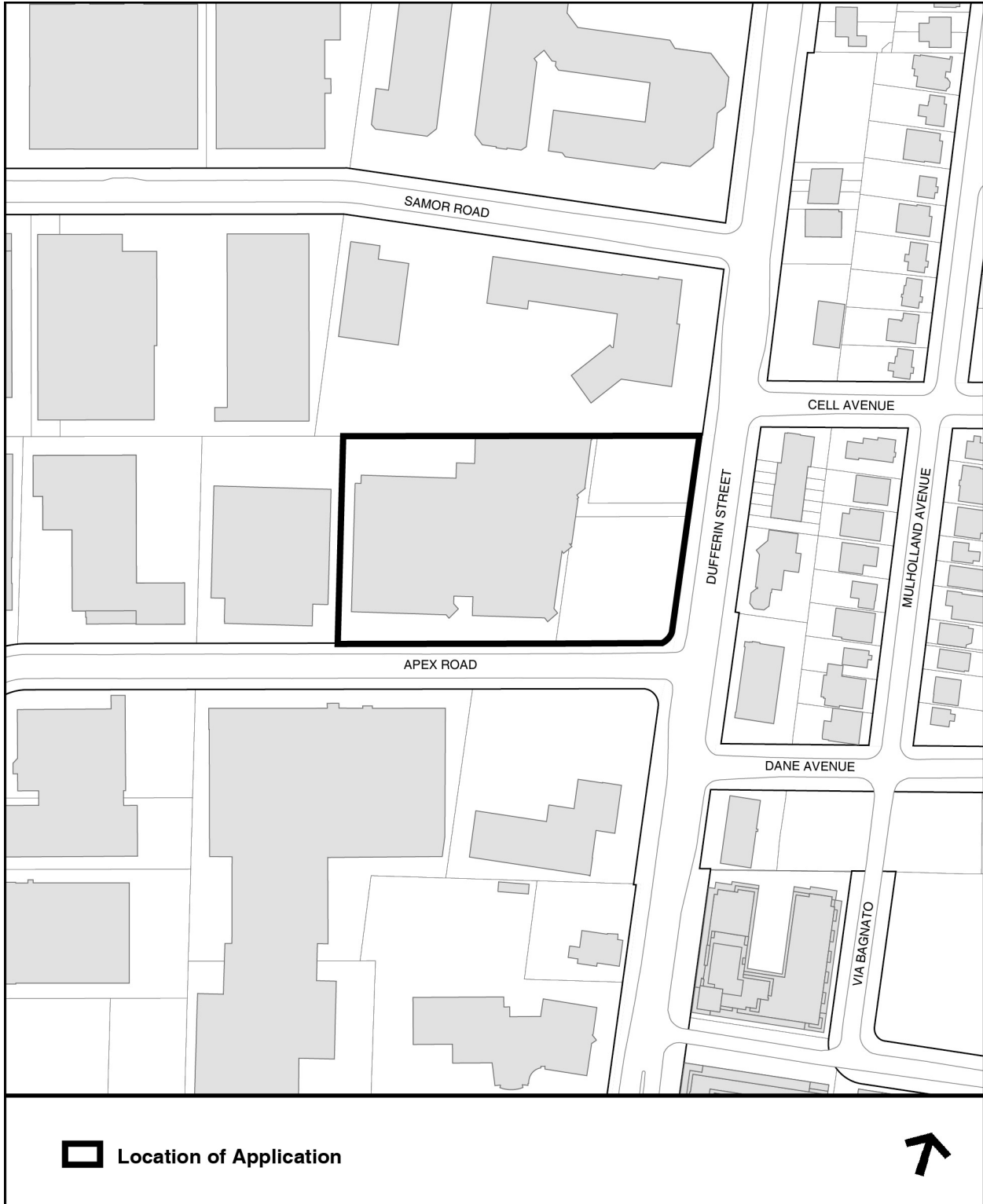
ATTACHMENTS

City of Toronto Information/Drawings

Attachment 1: Location Map

Attachment 2: Sources included in the Stationary Sources Noise Model

Attachment 1: Location Map



Attachment 2: Sources included in the Stationary Sources Noise Model

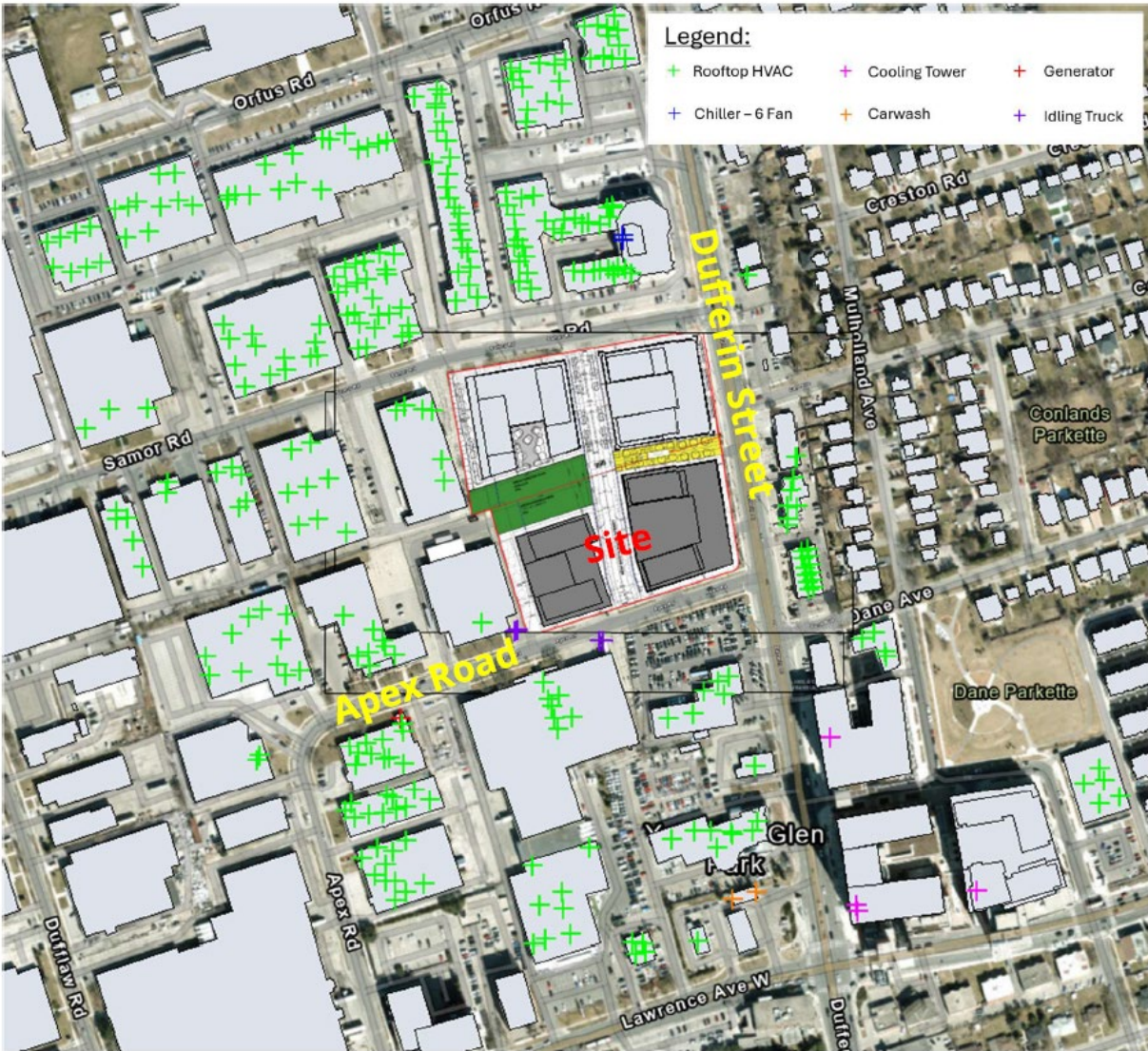


Figure 4a: Sources included in the Stationary Sources Noise Model