



Staff Report for Council Meeting

Date of Meeting: January 27, 2021

Report Number: SRPI.21.006

Department: Planning and Infrastructure
Division: Infrastructure and Engineering Services

Subject: **SRPI.21.006- Council Direction for Summitcrest Drive Noise Investigation**

Purpose:

To seek Council's direction with respect to resident's request for a noise barrier and to provide Council with options to address rail noise complaints.

Recommendation(s):

- a) That Staff Report SRPI.21.006 be received;
- b) That Staff be directed to advise the residents of Summitcrest Drive that the City's obligations with respect to noise mitigation for the Summitcrest community have been satisfied; and
- c) Staff be directed to continue to assist the residents of Summitcrest Drive to work with CN Rail and Metrolinx to determine the impacts of the GO Rail expansion on the community and any mitigation requirements.

Contact Person:

Dan Terziewski, Director of Development Engineering and Transportation, 905-747-6358

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

Summitcrest Drive is a local residential road bounded by Devonsleigh Boulevard to the north, Canadian National Railway (CNR) tracks to the east, Newberry Park to the south and Richmond Hill High School to the west. This neighbourhood was developed in the early 1990s and a number of dwelling units on Summitcrest Drive have direct exposure to the CNR tracks, known as Bala Subdivision, with frontages facing or side yards abutting the railway. In the recent years, CNR has expanded its facility and operation in the vicinity of Summitcrest Drive, which included the addition of a second railway track.

Council received a resident letter expressing concerns of excessive sound levels on Summitcrest Drive due to rail traffic on CNR tracks. To reduce rail noise impact, the residents requested that the City build a noise barrier along the west side of the railway, adjacent to Summitcrest Drive.

In response to this request, a Councillor initiated meeting was hosted to engage the public on their noise concerns and request, to present what noise mitigation measures were identified and implemented as part of the development approval process for this subdivision, and what steps could be taken to confirm that these measures are still working.

Notwithstanding the above, residents expressed their concerns during the meeting about continuously increasing noise disturbance from rail traffic due to the recent CNR expansion of the Bala Subdivision.

Residents also noted that matured trees located between the railway and Summitcrest Drive were removed in recent years increasing residents exposure to the railway, both visually and from an auditory perspective.

The Ministry of Environment, Conservation and Parks (MECP) provides guidelines for the mitigation of noise in new developments

When noise sensitive land uses, including residential uses, are proposed within close proximity to air, rail or road transportation and/or stationary noise sources, a noise impact study is required as part of the development approval process.

The intent of a noise study is to assess the predicted sound level at critical receptors within the development and at the proposed dwellings. When excess sound levels are identified, the study will include recommendations for mitigation measures to address the noise impact.

The Ministry of Environment, Conservation and Park (MECP) provides noise guidelines to be used whenever new residential communities are being planned and developed. These guidelines are contained in Publication NPC-300, "Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning".

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This document provides guidance on how to prepare noise impact studies, including the prediction of sound levels from existing transportation sources, identification of critical indoor and outdoor noise sensitive areas within the development, acceptable indoor and outdoor sound level limits, and ways to mitigate excess sound levels.

The document also provides guidance with respect to standard noise warning clauses to be included in planning approvals and home purchase documents, when warranted. The purpose of these clauses is to advise purchasers and tenants of the potential annoyance due to existing sources of noise; to warn them of excesses above the acceptable sound level limits; and to give notice that despite the inclusion of noise mitigation measures in their dwelling, that sound levels may increase over time.

A Noise Impact Study was completed as part of the Subdivision Approvals

In 1989, S.S. Willison and Associates prepared a noise report in support of the subject subdivision, which includes 3 to 136 Summitcrest Drive and 1 to 111 Pine Bough Manor. The study identified rail traffic on Bala Subdivision as the predominant source of noise for the development. This is consistent with other residential neighbourhoods within the City located along the rail corridor, where rail noise is identified as the predominant noise source. These developments are identified in Attachments #1, 2, and 3.

At the time of the study, a single-track rail operation was assessed for the railway corridor. In order to achieve acceptable indoor and outdoor sound levels in the subdivision, as per the MECP noise guidelines, a series of noise mitigation measures were required for the development.

Noise mitigation measures were included in the Subdivision and residents were advised of existing and potential future noise impacts as part of their purchase agreements

The inclusion of noise mitigation measures was required for a number of dwellings, ranging from noise barriers for outdoor living areas, the supply of central air conditioning systems, provisions for the installation of future central air conditioning systems, and building upgrades.

There was also a requirement to by CN Rail to construct a noise/safety earth berm adjacent to the railway corridor.

Noise warning clauses were also to be registered on title and included in all financial agreements and offers of sale and purchase or lease. These warning clauses were required to inform homeowners and tenants of the potential annoyance due to an existing source of noise and/or to warn of excesses above the sound level limits.

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CN Rail also protected their future interests within their 300 metre railway corridor with warning clauses

As the rail corridor predated this development, additional noise warning clauses were also required by CNR as part of the subdivision approval in order to protect their interests. These warning clauses identified that CNR has a right-of-way within 300 metres of the railway, and that there may be alteration to or expansion of the rail facilities and its operation within the right-of-way in the future. This may affect the living environment of the residents in the vicinity. The warning clause indicated that in spite of the inclusion of the noise mitigation measures in the design of the subdivision and individual units, CNR will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the right-of-way.

GO Transit rail service has expanded rail service along the CNR corridor

Since the completion and occupancy of the subdivision development, CNR recently expanded its operations along the Bala Subdivision and constructed a second rail track to support GO Transit rail service expansion to the Gormley GO Station and Bloomington GO Station. Notwithstanding the inclusion of noise attenuation measures implemented at the time of subdivision construction, the increases in rail traffic may be contributing to the concerns raised by residents.

The Province has implemented protocols that guide the expansion of GO Rail services near existing noise sensitive land uses. The document entitled, MOEE/GO Transit Draft Protocol for Noise and Vibration Assessment, identifies the framework within which criteria is used to assess noise and vibration from proposed GO Transit rail projects and expansion. The purpose of this document is establish noise and vibration objectives for GO Transit rail projects, methods of assessment, and the framework for the assessment of mitigation where impacts are identified.

The impact assessment includes assessing and comparing pre-project and post-project sound levels. When a “significant or greater” noise impact is predicted, the potential to mitigate will be evaluated based on administrative, operational, economic and technical feasibility. If mitigation is deemed feasible, the mitigation measure shall ensure that the predicted sound level from the GO Transit rail project is as close to, or lower than, the rail service objective.

Based on Staff’s field review of the area, it appears that no additional noise mitigation measures have been implemented as part of the railway expansion. Staff made several attempts to reach out to Metrolinx regarding the railway infrastructure and operation expansion and to request a copy of the EA or any noise assessment prepared for this work. To date, Staff have not received any responses. Staff will continue to pursue communications with CNR and Metrolinx with respect to this assessment.

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Should any additional information be identified, Staff will continue to inform the community and to assist the Summitcrest residents of their concerns, notwithstanding that the City's obligations with respect to noise requirements for the Summitcrest Community have been satisfied through the development approval process.

The City's obligations with respect to Noise Mitigation have been met

Staff have reviewed the subdivision file and the associate noise impact assessment and have determined, to the best of their ability, that the City's obligations with respect to the noise mitigation for this subdivision were satisfied at the time of construction.

As previously mentioned, the MECP guidelines noise warning clauses have been included in the purchase and sales agreements for these properties, to warn purchasers and tenants of future potential increases in noise levels despite the inclusion of noise mitigation measures; and that CNR has reserved the right to alter or expand its rail facilities and its operation and will not be responsible for any claims arising from the use of such facilities and/or operations on, over or under the right-of-way in the future.

Noise experienced along Summitcrest Drive is not exclusive to this neighbourhood

It is imperative to recognize that the rail noise experienced by residents along Summitcrest Drive is not exclusive to this neighbourhood. Other residential neighbourhoods (as shown in Attachments #1 to #3) are also subject to a similar rail noise where dwelling units have direct exposure to the railway tracks.

Council should be aware that there could be further implications and exposure that could arise should the City conduct additional noise investigations or identify that further noise mitigation is beneficial. These implications could include requests for similar investigations in other neighbourhoods, and expectations to have the City implement mitigation measures across the entire corridor and may not be financially sustainable. Furthermore, the implementation of any mitigation measures within the CNR right-of-way would require their approval by CNR.

Financial/Staffing/Other Implications:

As the City's obligations with respect to noise impacts were satisfied through the development approvals process, Staff recommend that the cost of any further noise investigations and mitigation be borne by the residents of the Summitcrest Drive residents, Metrolinx, and/or CNR.

As such, there are no financial implications to the City at this time.

Relationship to the Strategic Plan:

The recommendations of this report are consistent with the City's Strategic Plan to ensure a healthy community by assessing the source of noise impact to the

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environment and community, and safeguarding the community from excess noise and improving the quality of living in the community.

Conclusion:

In response to resident's request to install noise barriers on Summitcrest Drive, Staff have reviewed the Subdivision file and Noise Impact Assessment conducted for the Summitcrest Drive community. Staff are satisfied that the City's obligations with respect to the MECP Noise Guidelines have been satisfied as part of the development approval process. Staff recommend that the City continue to rely on the recommendations of this work, and the noise warning clauses included in the purchase agreements for the related homes.

Notwithstanding the above, Staff are of the understanding that, since the approval of the subdivision, CNR has expanded the tracks at this location in order to permit Metrolinx to expand their GO Rail service to Bloomington. Staff recommend that they continue to assist the residents of Summitcrest Drive to work with CNR and Metrolinx to determine the extent of the assessments undertaken as part of this rail expansion, and if any additional mitigation is warranted or practical for the Community.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format, please call the contact person listed in this document.

- Attachment #1 – Residential neighbourhoods adjacent to CN Bala subdivision, between Stouffville Road and Elgin Mills Road East
- Attachment #2 – Residential neighbourhoods adjacent to CN Bala subdivision, between Elgin Mills Road East and 16th Avenue
- Attachment #3 – Residential neighbourhoods adjacent to CN Bala subdivision, between 16th Avenue and Highway 7

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Report Approval Details

Document Title:	SRPI.21.006 - Summitcrest Drive Noise Impact Assessment.docx
Attachments:	- SRPI.21.006 - Attachment - 1.pdf - SRPI.21.006 - Attachment - 2.pdf - SRPI.21.006 - Attachment - 3.pdf
Final Approval Date:	Jan 8, 2021

This report and all of its attachments were approved and signed as outlined below:

Dan Terzievski - Jan 8, 2021 - 9:40 AM

Paolo Masaro - Jan 8, 2021 - 2:23 PM

Task assigned to Kelvin Kwan was completed by delegate Paolo Masaro

Paolo Masaro on behalf of Kelvin Kwan - Jan 8, 2021 - 3:28 PM

MaryAnne Dempster - Jan 8, 2021 - 3:51 PM