

DATE: DECEMBER 11, 2017

TO: HONOURABLE MAYOR BEVILACQUA AND MEMEBERS OF COUNCIL

FROM: JASON SCHMIDT-SHOUKRI, DEPUTY CITY MANAGER PLANNING & GROWTH
MANAGEMENT

**RE: COMMUNICATION – ITEM 21, REPORT NO. 44
CLASS 4 AREA NOISE CLASSIFICATION
RUTHERFORD LAND DEVELOPMENT CORP.
OFFICIAL PLAN AMENDMENT FILE OP.06.028
ZONING BY-LAW AMENDMENT FILE Z.06.075
WARD 4 – VICINITY OF THE SOUTHEAST CORNER OF JANE STREET AND RUTHERFORD
ROAD**

Recommendation

The Deputy City Manager, Planning and Growth Management and the Director of Development Engineering, in consultation with the Director of Development Planning and the City Solicitor, recommend:

1. THAT the Rutherford Land Development Corporation site located at the southeast corner of Jane Street and Rutherford Road (municipally known as 2901 Rutherford Road and described as Part 1 on Plan 65R-26506) as a Class 4 Noise Area pursuant to the Ministry of the Environment and Climate Change's Noise Guideline NPC-300, conditional upon the following:
 - a. The Ontario Municipal Board's approval of Official Plan Amendment File OP.06.028 and site specific Zoning By-Law Amendment File Z.06.075;
 - b. submission of a detailed noise impact assessment and provision of any recommended noise control measures, to the satisfaction of the City;
 - c. approval of the related site development application by Vaughan Council;
 - d. agreement to provide notice to prospective purchasers that the dwellings are located in a Class 4 Noise Area and that agreements respecting noise mitigation may exist and if so, to be registered on title; and
 - e. agreement to register warning clauses on title to the satisfaction of the City.

Purpose

The purpose of this report is to designate the Rutherford Land Development Corporation site at the southeast corner of Jane Street and Rutherford Road as a Class 4 Noise Area pursuant to the Ministry of the Environment and Climate Change's (MOECC) Noise Guideline NPC-300 subject to certain pre-conditions.

Background - Analysis and Options

The Rutherford Land Development Corporation (RLDC) is proposing to develop their lands at the southeast corner of Jane Street and Rutherford Road as high-rise mixed-use in keeping with the Council approved Vaughan Mills Centre Secondary Plan. The RLDC lands are in proximity to existing industrial uses including a stamping plant and the CN MacMillan rail yard. The noise emanating from these industrial uses will have an impact on the proposed noise sensitive uses on the RLDC lands.

On December 8, 2017, RLDC submitted a preliminary Environmental Noise and Vibration Report, prepared by Jade Acoustics. This report assesses the impact of the stationary and impulse noise sources originating from the adjacent industrial uses on the proposed mixed-use development. The impact on the

development was evaluated using MOECC noise criteria for stationary sources applicable to a Class 1 and a Class 4 area. Class 1 is generally defined as an acoustic environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic. A Class 4 means an area or specific site that would otherwise be defined as Class 1 which is proposed for development with new noise sensitive land use(s) in proximity to existing stationary noise sources typically associated with industrial uses.

The noise report examines several development phasing scenarios. The conclusions of the report indicate that noise mitigation measures are required to achieve Class 1 sound level limits for many of the residential units on the south and east facing residential podiums and towers in both Phase 1 and Phase 2.

Generally, noise mitigation can be implemented at the source and/or at the receptor. In this case, at source mitigation is considered impractical given the many noise sources in the area so receptor based noise mitigation measures, such as enclosed noise buffers (balconies), are being proposed for most buildings. This form of receptor mitigation measure can only apply to multi-rise multi-unit buildings in a Class 4 designated area.

Accordingly, it is recommended that the RLDC site be designated as a Class 4 Noise Area subject to the conditions listed in the recommendations of this report. Notwithstanding the Class 4 designation, staff will require RLDC to implement noise attenuation measures to achieve Class 1 sound level limits within the development wherever practically and economically feasible.

Conclusion

Based on the findings of the preliminary Environmental Noise and Vibration Report, prepared by Jade Acoustics, staff are recommending that the RLDC site be designated as a Class 4 Noise Area pursuant to the MOECC's Noise Guideline NPC-300 subject to conditions. The Class 4 designation allows RLDC access to higher guideline limits and the use of receptor-based noise mitigation measures, such as enclosed buffer balconies.

Respectfully submitted



for Jason Schmidt-Shoukri, Deputy City Manager
Planning and Growth Management



Andrew Pearce, Director,
Development Engineering

Copy to: Daniel Kostopoulos, City Manager
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