

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 11, 2017

Item 21, Report No. 44, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on December 11, 2017, as follows:

By approving the following in accordance with Communication C4 from the Deputy City Manager Planning & Growth Management, dated December 11, 2017, as amended, to read as follows:

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), be designated 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.***

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**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

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management and the Director of Development Engineering, dated December 5, 2017:

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 staff report to Council at its meeting on December 11, 2017 respecting the designation of the lands at 2901 Rutherford Road (described as Part 1 on Reference Plan 65R-26506) as a Class 4 Noise Area.

Economic Impact

There is no economic impact associated with this report

Communications Plan

There is no communication plan associated with this report.

Purpose

The purpose of this report is to advise the Committee of the Whole that staff are reviewing a request from the owner of the lands at 2901 Rutherford Road (described as Part 1 on Reference Plan 65R-

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26506) to designate the parcel as a Class 4 Noise Area pursuant to the Ministry of the Environment and Climate Change's Noise Guideline NPC-300 and staff will report to Council at its meeting on December 11, 2017 with recommendations.

Background - Analysis and Options

The Rutherford Land Development Corp. (RLDC) is proposing to develop their lands at the southeast corner of Jane Street and Rutherford Road. These lands are located within the Vaughan Mills Centre Secondary Plan (VMCSP), which was adopted by Vaughan Council on March 18, 2014, and approved, with modifications, by York Region on July 11, 2014. The VMCSP designated the RLDC lands as "High-Rise Mixed-Use" with a "Neighbourhood Park" designation at the east limit. The VMCSP has been appealed to the Ontario Municipal Board (OMB) by several parties including RLDC.

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.

In 2013, the Ministry of the Environment released Environmental Noise Guideline NPC-300 that replaces several existing publications. NPC-300 addresses the condition where existing stationary noise sources, such as industrial or auxiliary transportation facilities, are in proximity to proposed noise sensitive land uses (e.g., residential). The new Ministry of the Environment noise guidelines establish a class system of designating the various acoustic environment and define the appropriate sound level criteria for each Class. A Class 4 Area designation allows for the use of higher noise guideline limits and the use of receptor-based noise mitigation measures, such as enclosed buffer balconies. These new guidelines are intended for use in intensification developments with noise sensitive land-uses in proximity to existing industrial areas. The Class 4 Area classification of a specific site or area is established through formal confirmation by the land use planning authority.

On December 5, 2017, RLDC requested that a Class 4 Area classification be granted to its site. In support of this request, RLDC will be submitting a Noise Impact Study to the City by December 8, 2017 for review. Staff will report to Council on December 11, 2017 with an overview of the conclusions of the RLDC Noise Impact Study together with recommendations.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This report supports the following priorities set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- Continue to cultivate an environmentally sustainable City of Vaughan
- Continue to ensure the safety and well-being of citizens

Regional Implications

The Region approved the Vaughan Mills Centre Secondary Plan with modifications on July 11, 2014.

Conclusion

Staff will report to Council on December 11, 2017 with an overview of the findings and recommendations of the RLDC Noise Impact Study and recommendations with respect to designating the lands located at 2901 Rutherford Road (described as Part 1 on Reference Plan 65R-26506) be designated as a Class 4 Noise Area pursuant to the Ministry of the Environment's Noise Guideline NPC-300.

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Attachment

1. Location Map

Report prepared by:

Andrew Pearce, Director, Development Engineering, Ext 8255

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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
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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
Barbara McEwan, City Clerk
Claudia Storto, City Solicitor
Mauro Peverini, Director of Development Planning
Mark Christie, Director of Policy Planning and Environmental Sustainability

**CLASS 4 AREA NOISE CLASSIFICATION
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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 staff report to Council at its meeting on December 11, 2017 respecting the designation of the lands at 2901 Rutherford Road (described as Part 1 on Reference Plan 65R-26506) as a Class 4 Noise Area.

Economic Impact

There is no economic impact associated with this report

Communications Plan

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Purpose

The purpose of this report is to advise the Committee of the Whole that staff are reviewing a request from the owner of the lands at 2901 Rutherford Road (described as Part 1 on Reference Plan 65R-26506) to designate the parcel as a Class 4 Noise Area pursuant to the Ministry of the Environment and Climate Change's Noise Guideline NPC-300 and staff will report to Council at its meeting on December 11, 2017 with recommendations.

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higher noise guideline limits and the use of receptor-based noise mitigation measures, such as enclosed buffer balconies. These new guidelines are intended for use in intensification developments with noise sensitive land-uses in proximity to existing industrial areas. The Class 4 Area classification of a specific site or area is established through formal confirmation by the land use planning authority.

On December 5, 2017, RLDC requested that a Class 4 Area classification be granted to its site. In support of this request, RLDC will be submitting a Noise Impact Study to the City by December 8, 2017 for review. Staff will report to Council on December 11, 2017 with an overview of the conclusions of the RLDC Noise Impact Study together with recommendations.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

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- Continue to cultivate an environmentally sustainable City of Vaughan
- Continue to ensure the safety and well-being of citizens

Regional Implications

The Region approved the Vaughan Mills Centre Secondary Plan with modifications on July 11, 2014.

Conclusion

Staff will report to Council on December 11, 2017 with an overview of the findings and recommendations of the RLDC Noise Impact Study and recommendations with respect to designating the lands located at 2901 Rutherford Road (described as Part 1 on Reference Plan 65R-26506) be designated as a Class 4 Noise Area pursuant to the Ministry of the Environment's Noise Guideline NPC-300.

Attachment

1. Location Map

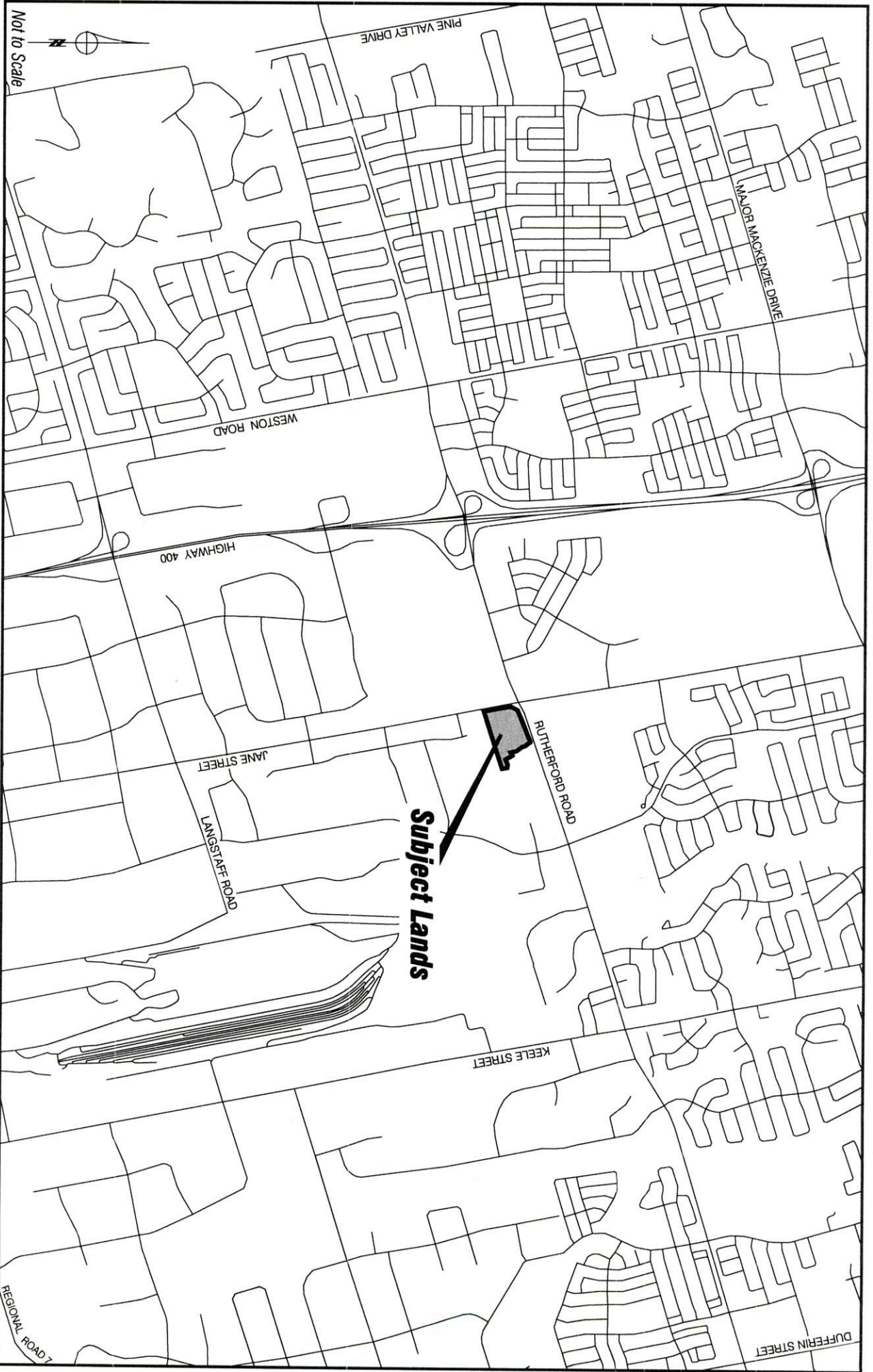
Report prepared by:

Andrew Pearce, Director, Development Engineering, Ext 8255

Respectfully submitted,

JASON SCHMIDT-SHOUKRI,
Deputy City Manager,
Planning and Growth Management

ANDREW PEARCE,
Director, Development
Engineering



Context Location Map

LOCATION:

Part of Lot 15, Concession 4

APPLICANT:

Rutherford Land Development Corp.

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VAUGHAN

Development
Engineering Department

Attachment

FILES:

OP.06.028 & Z.06.075

DATE:

December 5, 2017

