



DATE: September 19, 2022
TO: Mayor and Members of Council
FROM: Haiqing Xu, Deputy City Manager, Planning and Growth Management
RE: COMMUNICATION - COMMITTEE OF THE WHOLE (2),
SEPTEMBER 20, 2022

ITEM #6, REPORT #36

**27 DEVELOPMENTS INC.
OFFICIAL PLAN AMENDMENT FILE OP.18.011
ZONING BY-LAW AMENDMENT FILE Z.18.018
WARD 2 – 8440 HIGHWAY 27
VICINITY OF HIGHWAY 27 AND LANGSTAFF ROAD**

Recommendation

The Deputy City Manager, Planning and Growth Management recommends:

1. THAT Recommendation 3 of the Committee of the Whole (2) Report dated September 20, 2022, be deleted and replaced with the following:
 - “3. THAT the Hotel and ancillary uses proposed for the Subject Lands be designated as a Class 4 area pursuant to the Ministry of the Environment, Conservation, and Parks Noise Guideline NPC-300 (Stationary and Transportation Sources – Approval and Planning), and that an amendment to the City’s Noise By-law Schedule 4 include the Subject Lands upon approval of the implementing zoning by-law by Vaughan Council for Zoning By-law Amendment File Z.18.018;”

Background

In August 2013, the Ministry of Environment, now Ministry of the Environment, Conservation and Parks (‘MECP’) released Environmental Noise Guidelines NPC 300 (‘NPC-300’) that addresses the condition where existing stationary noise sources, such as industrial or auxiliary transportation facilities, are in proximity to proposed noise sensitive land uses. The new MECP noise guidelines establish a class system of designating the various acoustic environments and defines the appropriate sound level criteria for each Class. The Class designation of lands is established by the land use planning approval authority.

At the September 17, 2018, Committee of the Whole Public meeting, Goodmans LLP, representing Costco Wholesale Canada ('Costco') (90-111 Line Drive, formerly 8682 Highway 27) provided an oral submission. It had also provided a written submission dated January 26, 2018. Goodmans LLP provided comments respecting implications for Costco to maintain its 'MECP' noise approval as a result of the proposed development as it applies to its existing and/or proposed expansions to its operations.

Uncertainty was raised by Costco, who retained Valcoustics, around whether the proposed development is considered a sensitive use under NCP-300. A solution to eliminate the uncertainty is to designate the Subject Lands as a Class 4 acoustical area ('Class 4 designation').

Recommendation 3 of the staff report currently recommends the noise mitigation measures identified by the consultant be incorporated into the site plan approval process, with the amendment to the noise by-law occurring prior to the occupancy permit stage where the construction of the recommended noise mitigation measures be verified. Since the writing of the report, Goodmans LLP has raised concern over the timing of the implementation of the Class 4 designation, requesting it to correspond with the passing of the zoning by-law amendment. Third parties (i.e. Costco) have no status to appeal a Site Development Application under the *Planning Act* if they are not satisfied with the site plan or conditions of approval.

On this basis, the Development Planning Department is agreeable to requiring the Class 4 designation and associated noise by-law amendment upon approval of the implementing zoning by-law by Vaughan Council. The implementing zoning by-law for the proposed development, if approved, will be specific to the uses requested. Any future changes to the permitted uses on the Subject Lands would require a future zoning by-law amendment, which would in turn require a re-evaluation of the uses and built form with respect to noise.

Accordingly, the Development Planning Department recommends that Recommendation 3 of the Committee of the Whole (2) Report dated September 20, 2022, be deleted and replaced with the condition attached hereto to this Communication.

Conclusion

The Development Planning Department and Development Engineering Department has no objection to the above amendment to Recommendation 3 of the September 20, 2022 CW(2) staff report.

Respectfully submitted,



Haiqing Xu
Deputy City Manager, Planning and Growth Management