

Committee of the Whole (2) Report

DATE: Tuesday, April 16, 2024

WARD: 4

TITLE: ZANCOR HOMES (STEELES) LP: OFFICIAL PLAN
AMENDMENT FILE OP.21.028, ZONING BY-LAW AMENDMENT
FILE Z.21.057 – 2600 & 2700 STEELES AVENUE WEST CLASS
4 AREA DESIGNATION

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To recommend that Council designate 2600 & 2700 Steeles Avenue West (“Subject Lands”) owned by Zancor Homes (Steeles) LP (the “Owner”) as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks (“MECP”) Noise Guideline NPC-300.

Report Highlights

- On November 29, 2022, Council adopted Planning Staff's recommendation to approve the Owner's Official Plan Amendment (OP.21.028) and Zoning By-Law 1-88 and 001-2021 Amendment (Z.21.057) applications (collectively, the "Applications") for the Subject Lands.
- OPA 99 and site-specific Zoning By-Laws 039-2023 and 040-2023 were passed on April 25, 2023.
- On May 29, 2023, the United Parcel Service Ltd. ("UPS") appealed By-laws 039-2023 and 040-2023 (the "Appeals") to the Ontario Land Tribunal (the "OLT"). In their Appeals, UPS described concerns related to the impact of sensitive residential land uses on the operation of their distribution facility and any future expansion of same.
- Based on the expert analysis, opinion, and conclusions of the peer review undertaken by the City's noise consultant, Development Engineering staff support the recommendation that a Class 4 Area designation for the Subject Lands is appropriate to facilitate the Owner's development and to maintain compatibility with the surrounding lands.

Recommendations

1. THAT the Subject Lands be designated as a Class 4 Area pursuant to the Ministry of the Environment, Conservation and Parks (MECP) Noise Guideline (NPC-300) (Stationary and Transportation Sources – Approval and Planning), subject to approval from the OLT in determining the Appeals;
2. THAT, subject to approval of Recommendation 1, the City's Noise By-law 121-2021 Schedule 4 be updated to include the Subject Lands, conditional upon the Owner satisfying the following:
 - a. Submission of a detailed noise impact assessment and provision of any recommended noise control measures, to the satisfaction of the City;
 - b. Approval of the related site plan development application by Vaughan Council or Delegated Staff Authority;
 - c. Agreement to provide notice to prospective purchasers that the dwellings are located in a Class 4 Area and that agreements respecting noise mitigation may exist, and if so, to be registered on title;
 - d. Agreement to register warning clauses on title to the satisfaction of the City; and
 - e. Submission of a copy of the registered plan of survey (i.e. R-Plan) showing the boundaries of the lands used for the designation of the Class 4 Area, to the satisfaction of the City.

Background

MECP Environmental Noise Guidelines NPC-300 outlines the various noise designation Classes.

The MECP Environmental Noise Guidelines NPC-300 establishes a “Class” system of designating various acoustic environments to evaluate noise impacts on sensitive land uses. A Class 4 Area designation is intended for development with new, noise sensitive uses that are in proximity to existing, lawfully established industrial/commercial facilities so that land use compatibility can be achieved. The Class 4 Area designation presents a solution to noise impacts on new sensitive land uses by permitting higher sound level limits and allowing for a greater range of noise mitigation measures. NPC-300 stipulates that formal confirmation of a Class 4 Area designation is required from the land use planning authority during the planning process.

The Subject Lands are located in proximity to established industrial and commercial facilities.

The Subject Lands are shown on Attachment 1 and are located approximately 425 m east of the UPS Operations Hub at 2900 Steeles Avenue West, and adjacent to other industrial facilities. The Subject Lands are approximately 200 m south of the railway corridor associated with the CN MacMillan Rail Yard. The noise emanating from these established industrial uses will have an impact on the proposed noise sensitive uses of the Subject Lands.

Council approved the Applications subject to Holding conditions.

On November 29, 2022, Council adopted Planning Staff’s recommendation to approve the Owner’s Applications for the Subject Lands. This endorsement included direction from Staff to impose a number of Holding “(H)” conditions on the Zoning By-law Amendment related to noise:

- The submission of a detailed noise impact assessment and provision of any recommended noise control measures, to the satisfaction of the City;
- The execution and registration on title of any necessary agreements between the Owner and the owners of surrounding lands;
- The Owner successfully obtaining a resolution passed by Vaughan Council classifying the Subject Lands as a Class 4 Area, and an amendment to the City’s Noise Bylaw Schedule 4 to include the Subject Lands, conditional on approval of the related Site Development Application.

The Owner submitted a Noise and Vibration Feasibility Study on November 21, 2021.

This Noise and Vibration Feasibility Study prepared by HGC Engineering (“HGC”) (the “2021 Noise Study”) and submitted in support of the Applications recommended a Class

4 Area designation for the Subject Lands “to assist in achieving compatibility with existing commercial/industrial uses in the area”. It should be noted that the 2021 Noise Study identified the presence of the UPS facility and determined that further investigation was not necessary based on the distance of this facility from the Subject Lands.

In response to comments from UPS’s land use planning consultant, the Owner’s noise consultant, HGC, completed an update to their 2021 Noise Study in June, 2022, which included UPS’s facility (including their possible expansion to the east). Based on the results of their additional analysis, HGC concluded that “*the proposed development is anticipated to be compatible with the UPS facility, including potential future expansion of the facility to the east.*” An addendum was also prepared by HGC in October, 2022, to update the results of their assessment based on updated architectural drawings for the proposed development.

The City retained Aeroustics Engineering (“Aeroustics”) to complete a peer review of the HGC reports and associated noise updates. Aeroustics’ peer review report, dated January 19, 2023, noted that HGC’s conclusions were “*likely valid*”; however, “*it [was] recommended that approval of a Class 4 designation be conditional*” on additional analysis of updated building massing as identified in the updated architectural drawings.

UPS appeals the Zoning By-Laws 039-2023 and 040-2023 to the OLT.

OPA 99 and site-specific Zoning By-Laws 039-2023 and 040-2023 were passed on April 25, 2023. On May 29, 2023, UPS submitted their Appeals to the OLT, appealing By-law 039-2023 and 040-2023. In their Appeals, UPS described concerns related to the impact of sensitive residential land uses located in the vicinity of their distribution facility, and the impacts this may have to their existing operations as well as the impacts to a potential expansion.

With respect to noise, the Appeals focus on whether the use, operation, and development of the UPS lands have been considered when determining the appropriate noise classification for the Subject Lands, and the appropriate noise mitigation measures.

Previous Reports/Authority

The following are links to the previous reports prepared regarding the Subject Lands:
[Extract from Council Meeting Minutes of November 29, 2022 \(Item 5, Report No. 38, of the Committee of the Whole\)](#)

Analysis and Options

On December 13, 2023, UPS provided updated modelling data.

As part of the Appeals, additional acoustical information was provided to the City and to the Owner by UPS, including noise models related to the potential future expansion of the UPS facility. It should be noted that Development Engineering is not aware of any submitted applications for an expanded UPS facility at this time and as such, the UPS expansion was treated as theoretical.

The Owner provides an updated Noise and Vibration Feasibility Report on February 28, 2024.

Based on the additional information provided by UPS and their noise consultant, an updated Noise and Vibration Feasibility Report was issued by HGC dated February 28, 2024, in the context of the mediation with UPS. This report identified two surrounding land uses which could result in exceedances of the Class 1 noise criteria, including loading bays at an adjacent industrial building as well as coupling/uncoupling noise from the eastern staging area of the UPS facility. As a result, HGC concluded that *“A Class 4 classification is recommended for [the Subject Lands], to assist in achieving compatibility with existing commercial/industrial uses in the area.”*

The noise consultants for UPS and the City reviewed the updated Noise and Vibration Feasibility report along with additional modeling data of the UPS facility, including a predictable worst-case scenario which indicated higher noise impacts than were previously considered. HGC provided an additional letter based on this additional data and the discussions resulting from the ongoing mediation dated April 5, 2024 and included as Attachment 2. HGC noted in their additional letter that *“these results suggest that UPS may not be in compliance with the Class 1 noise limits...at the future development but will still be in compliance with the Class 4 noise limits that were recommended in [HGC’s] study.”* HGC concluded that in their opinion, *“it [was] even more imperative that the City provide a Class 4 designation of the [Subject Lands] to allow for development to proceed.”*

The City’s peer review noise consultant, Aercoustics, also prepared an additional peer review letter dated April 8, 2024 and is included as Attachment 3. Based on the updated modeling provided by UPS and incorporated into HGC’s assessment, Aercoustics recommended *“that a Class 4 designation be considered for the proposed development lands.”*

Based on the expert analysis, opinion, and conclusions of the peer review undertaken by the City's noise consultant, Aercoustics, Development Engineering staff support the recommendation that a Class 4 Area designation for the Subject Lands is appropriate to facilitate the Owner's development and to maintain compatibility with the surrounding lands.

Financial Impact

There are no requirements for new funding associated with this report.

Operational Impact

Staff from the Development Engineering Department will work with staff from By-Law & Compliance, Licensing and Permit Services Department to bring forth a report to a future Council meeting to amend the City's Noise By-law Schedule 4 to add the Subject Lands to the Class 4 Area list, upon satisfaction of specified conditions noted in this report.

Broader Regional Impacts/Considerations

There are no broader regional impacts or considerations with this report.

Conclusion

Based on the findings of the noise studies prepared and the peer review undertaken by the City's noise consultant, Aercoustics, Development Engineering staff are recommending that the Subject Lands be designated as a Class 4 Area pursuant to the MECP's Noise Guideline NPC-300, and that the City's Noise By-law Schedule 4 be updated to include the Subject Lands, upon satisfaction of specified conditions noted in this Report.

For more information, please contact: George Missios, Environmental Engineer, Development Engineering Department, extension 3679.

Attachments

1. Location Map.
2. HGC Engineering Memo entitled "*Re: Comments on Class 4 Designation, 2600 & 2700 Steeles Avenue West*", dated April 5, 2024.
3. Aercoustics Engineering Ltd. Memo entitled "*Noise & Vibration Feasibility Study Peer Review, 2600 & 2700 Steeles Avenue West Residential Development*", dated April 8, 2024.

Prepared by

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Andy Lee, Manager, Development Services and Environmental Engineering, ext. 8711.

Frank Suppa, Director, Development Engineering, ext. 8255.

Approved by

A handwritten signature in black ink, appearing to read 'V. Musacchio'.

Vince Musacchio, Deputy City Manager
Infrastructure Development

Reviewed by

A handwritten signature in black ink, appearing to read 'Nick Spensieri'.

Nick Spensieri, City Manager