

Committee of the Whole (2) Report

DATE: Tuesday, June 18, 2024

WARD(S): 5

TITLE: 1150 CENTRE STREET CLASS 4 AREA DESIGNATION
ZONING BY-LAW AMENDMENT FILE Z.21.028 AND SITE
DEVELOPMENT APPLICATION DA.23.050

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To recommend that Council designate 1150 Centre Street (“Subject Lands”) owned by 1150 Centre Street GP Inc. (the “Owner”) as a Class 4 Area pursuant to the Ontario Ministry of the Environment, Conservation and Parks (“MECP”) Noise Guideline NPC-300.

Report Highlights

- Based on the findings of the noise studies prepared and the peer review undertaken by the City’s noise consultant, 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.

Recommendations

1. THAT the Subject Lands be designated as a Class 4 Area pursuant to the Ontario Ministry of the Environment, Conservation and Parks (MECP) Noise Guideline (NPC-300) (Stationary and Transportation Sources – Approval and Planning);
2. THAT 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. Approval of a related site plan development application by Vaughan Council or Delegated Staff Authority;
 - b. Agreement to provide notice to any subsequent owner as well as any prospective purchasers or tenants 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;
 - c. Agreement to register warning clauses on title to the satisfaction of the City; and
 - d. 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.

Previous Reports/Authority

The following are links to the previous reports prepared regarding the Subject Lands:

[Extract from Council Meeting Minutes of September 28, 2022 \(Item 7, Report No. 36 of the Committee of the Whole\)](#)

[Report No. 15 of the Committee of the Whole \(Closed Session\) meeting of March 8, 2023](#)

Analysis and Options

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

The Subject Lands are shown on Attachment 1 and are located on the northeast corner of Centre Street and Vaughan Boulevard, approximately 800 m east of Dufferin Street. The Owner is proposing to permit the development of a three-storey townhouse block and one twelve-storey residential tower.

Application History

The zoning by-law amendment (Z.21.028) application is currently under appeal at the Ontario Land Tribunal (“OLT”) for non-decision and an interim approval order was issued on July 4, 2023. The site plan application (DA.23.050) is the subject of a motion before the OLT to determine its completeness. The City and the Owner are currently in discussions and working towards finalizing both matters. The Owner is working towards clearing the outstanding Holding (H) provisions of the zoning by-law amendment that received interim approval from the OLT. One of the Holding (H) provisions is for confirmation that the Subject Lands have been classified as a Class 4 Area pursuant to MECP NPC-300.

The Owner submitted an Environmental Noise Feasibility Study for the Subject Lands.

In support of the zoning by-law amendment application, the Owner submitted an Environmental Noise Feasibility Study, prepared by Valcoustics Canada Ltd. (“Valcoustics”), dated June 16, 2021. The noise feasibility study was subsequently updated based on feedback provided by the City and reissued on April 19, 2023 (the “Noise Study”). It was identified in the Noise Study that noise emanating from the adjacent commercial building to the east at 1136 Centre Street would have an impact on the proposed noise sensitive uses of the Subject Lands, resulting in an exceedance of the applicable Class 1 noise limits prescribed in MECP’s NPC-300 Guidelines. The Noise Study identified potential off-site mitigation measures to be implemented at the adjacent commercial property which would allow the proposed development to meet Class 1 noise limits. However, the adjacent commercial landowner confirmed to the Owner through a letter that they were not willing to provide consent for the implementation of noise mitigation measures on their property. As a result, Valcoustics recommended that a Class 4 Area designation be applied to the Subject Lands.

The City retained Jade Acoustics Ltd. (“Jade”) to complete a peer review of the Valcoustics Noise Study to determine if the Class 4 Area designation was a reasonable designation to be applied for this development. Jade’s peer review report, dated November 29, 2023, concluded that *“the adjacent commercial owner is not consenting to mitigation at source, therefore, designating the site as Class 4 is appropriate.”*

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.

It should be noted that an updated noise report, titled "Detailed Environmental Noise Impact Study", prepared by Valcoustics, dated May 10, 2024, was submitted by the Owner. This report was prepared to incorporate the most recent detailed drawings in support of the Site Plan Application. This updated report did not materially alter the conclusions of the prior version of the report, with Valcoustics continuing to recommend that a Class 4 Area designation be applied to the Subject Lands.

Financial Impact

There are no financial impacts 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 an amending by-law 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, 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: Frank Suppa, Director, Development Engineering, ext. 8255.

Attachments

1. Location Map

Prepared by

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