



CRH Canada Group Inc.
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DELIVERED VIA EMAIL

June 22, 2020

City of Vaughan
Office of the City Clerk
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Vaughan ON
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clerks@vaughan.ca

COMMUNICATION – C21
Council – June 29, 2020
Committee of the Whole (Public
Hearing)
Report No. 28, Item 3

Dear the Office of the City Clerk,

RE: Zoning By-law Amendment File Z.15.029
Draft Plan of Subdivision File 19T-15V010
Blackthorn Development Corp.
10316 Keele Street

CRH Canada Group Inc. ("CRH") operates a concrete batching operation at 10351 Keele Street on lands designated "General Employment" and in very close proximity to the property subject to the above-noted application for the development to create a block of 20, three-storey townhouse units served by a common element road.

Coco Paving Inc. ("Coco"), our immediate neighbour to the north, at 10431 and 10445 Keele Street and also designated "General Employment", operates an asphalt plant operation and is also in very close proximity to the proposed development.

The existing concrete batching plant on CRH's lands has been in operation for approximately 49 years and Coco's asphalt plant has been in operation for 37 years. These operations are strategic locations for each respective company and for the long term. I am providing these comments for City staff and Council's consideration on behalf of both CRH and Coco.

If approved, this application will bring a new sensitive lands use (residential) within approximately 150 m of a Class II Industrial land use (concrete batching plant operation on CRH's lands) and within approximately 318 m of a Class III Industrial land use (asphalt plant operation on Coco Paving's lands).

It is, therefore, the applicant's responsibility to demonstrate that this new development is appropriately designed and built in a manner that prevents land use incompatibility and potential adverse effects.

Until the applicant provides the appropriate studies and necessary information, it is not possible to adequately assess the proposed development and we feel that this proposed development is premature. Based on the information provided to date, it does not appear that the applicant has: (1) completed an adequate noise study; (2) demonstrated



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consistency with applicable provincial policies, including the new Provincial Policy Statement; (3) demonstrated conformity to the York Official Plan; (4) demonstrated conformity to the City of Vaughan Official Plan; and (5) completed an adequate compatibility analysis to ensure that the proposed development represents good planning. Further, we are not aware of any consideration of the Ministry of Environment Conservation and Parks D-6 Guidelines and NPC-300 was being addressed in this application.

MINISTRY OF THE ENVIRONMENT CONSERVATION AND PARKS ("MECP") D-6 GUIDELINES

The MECP sets out guidelines to manage compatibility between industrial facilities and sensitive land uses (Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses).

Generally, these guidelines have been incorporated into the City of Vaughan Official Plan 2010 under Sections 5.1.2.3 (b), 5.2.1.2, and 9.2.2.10 (d) respectively.

Section 4.1.1 of the D-6 Guideline identifies influence areas (areas within which adverse effects may be experienced) of 300 metres for Class II facilities and 1000 metres for Class III industrial land uses. Pursuant to section 4.5.1 of the D-6 Guideline, unless actual influence areas are known, no sensitive land shall be permitted within the potential influence areas of Class II and Class III industrial land uses, without evidence to substantiate the absence of a problem.

Section 4.3 and Appendix 'C' of the D-6 Guidelines provides "Recommended Minimum Separation Distances" for Redevelopment, Infilling, and Mixed Use Areas in adjacent to existing industrial uses within which no sensitive land uses shall be permitted, subject to very limited circumstances.

In association with Section 4.3, Section 4.10 of the D-6 Guidelines provides further detail on minimum separation distances where infilling, urban development and a transition to mixed use is taking place. In such cases, the Guidelines recommend that the applicant (or municipality) provide a "justifying impact assessment (i.e. a use specific evaluation of the industrial processes and the potential for off-site impacts on existing and proposed sensitive land uses). Mitigation is the key to dealing with less than the minimum to the greatest extent possible".

Based on our review of the applicant's reports for the proposed development application, there is no evidence that the existing industrial operations, including the concrete batching plant and asphalt operations, have been taken into account in the design and layout of the proposed residential subdivision.

As well, the applicant must be required to provide the necessary impact assessment as recommended in the D-6 Guidelines, which would consider the types and levels of potential adverse impacts that would result from a "worst case scenario".



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MECP ENVIRONMENTAL NOISE GUIDELINES ("NPC-300")

Since the 2010 VOP was adopted, the Province released new noise criteria guidelines on October 21, 2013 entitled "Environmental Noise Guideline – Stationary and Transportation Noise Sources – Approval and Planning, Publication NPC-300" ("NPC-300").

NPC-300 is intended to address the control of sources of noise emissions to the environment by providing sound level limits for stationary sources such as industrial establishments. Compliance with the NPC-300 Guidelines must be demonstrated by applicants when filing Environmental Compliance Approval (ECAs) under the Environmental Protection Act (ECA). NPC-300 is to be used in conjunction with the Guideline D-6 and does not supercede it.

Similar to the D Series Guidelines, NPC-300 is intended for use by land use planning authorities that exercise decision-making authority under the Planning Act in the preparation of local noise policies/guidelines, Official Plans, Official Plan Amendments, comprehensive zoning by-laws, zoning by-law amendments, and other applications made pursuant to the Planning Act.

As noted above, the applicant's reports for the proposed development do not provide evidence that such studies in accordance with the NPC-300 Guidelines have been conducted in support of the proposed residential development (and associated outdoor amenity space) to demonstrate land use compatibility with existing industrial uses in the surrounding area.

Until such further study is completed, we anticipate providing a more detailed review of the proposed development. At this time, we respectfully ask that City Staff direct the applicant and their respective consultants to consider what we have described above so that we can discuss CRH and Coco's concerns in further detail. Approving the development applications as currently prepared will be premature and unjust to the future residents of this development.

Should you have any questions with respect to the foregoing, please do not hesitate to contact the undersigned with a copy to Mr. Anthony Rossi at ARossi@cocogroup.com as well as our joint legal counsel Mr. Steven Ferri, Loopstra Nixon LLP sferri@loonix.com.

Regards,

A handwritten signature in blue ink, appearing to read "Ferri", is positioned above the typed name of the sender.

Jessica Ferri, MCIP RPP
Manager of Policy and Planning
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c.c Anthony Rossi, Coco Paving Inc.
Steven Ferri, Loopstra Nixon LLP