

6 Lloyd Avenue - Official Plan Amendment and Rezoning Application - Status and Directions Report

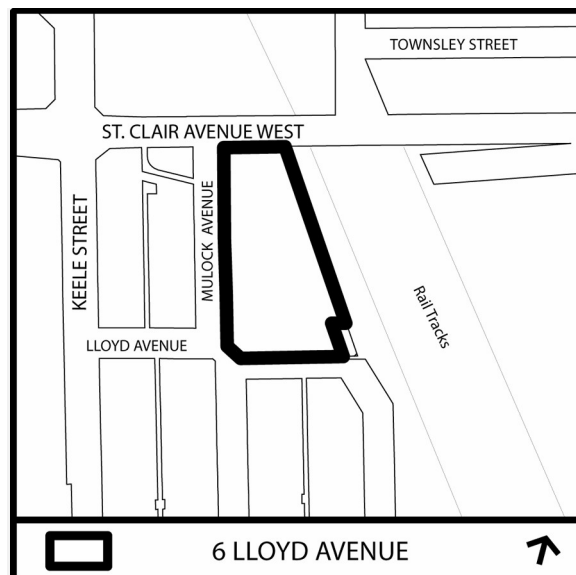
Date:	August 24, 2007
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 11 – York South-Weston
Reference Number:	File No. 05 151779 WET 11 OZ

SUMMARY

The purpose of this report is to provide an update on the Ontario Municipal Board (OMB) proceedings related to the appeal of the Official Plan Amendment and rezoning application to permit the conversion of an employment area at 6 Lloyd Avenue for a residential development. The report also reviews and recommends refusal of a revised development proposal that was submitted to the City on March 15, 2007 and is to be considered at a future OMB hearing scheduled to begin on November 20, 2007.

The current proposal has been revised from the previous residential development that was discussed in the August 2006 staff report. The revised application proposes to convert an employment area to a mixed use area to permit a high density residential development with an employment use building. It includes three building components: a 2, 8 and 18-storey tiered residential building along St. Clair Avenue West, a 2, 8 and 21-storey tiered residential building in the interior of the site along Mulock Avenue and a 2-storey employment use building along Lloyd Avenue. The development site has also been enlarged to include all the properties east of Mulock Avenue.

The issues and comments discussed in the August 2006 report continue to apply to the revised proposal as it relates to its



consistency with the Provincial Policy Statement (PPS), the Official Plan Employment Areas, Avenue and Built Form polices, as well as land use compatibility issues. Staff is recommending refusal of the revised application for the following reasons:

1. The proposed development is not consistent with the employment policies of the Provincial Policy Statement. The material submitted in support of this revised application was unable to demonstrate that the site was not required for continued employment purposes or that there was a need for the conversion to residential.
2. The proposed development is not consistent with the Employment Area policies of the Official Plan. The property is designated Employment Areas and conversion to a non-employment use would destabilize an existing stable employment area.
3. The proposed development is not consistent with the Built Form policies of the Official Plan. The proposal does not have appropriate regard for the established pattern of the existing low density area and would be introducing a new building form (high rise residential) into the area that does not exist in terms of height, scale and massing. As a result it does not fit harmoniously into the existing planned context in order to limit adverse impacts on neighbouring uses.
4. The proposed development is not consistent with the Avenue policies of the Official is premature as it is preceding the completion of an Avenue Study. If the application is approved, it has the potential to set a precedent for the remainder of the Avenue which may not be in keeping with the vision that is being created.
5. The proposed development is not compatible with existing employment uses in the area and would be adversely impacted by odour and noise. Conversely, the proposed development has the potential to adversely impact existing employment uses, by creating growth and expansion hardship to a greater extent than exist today. Other adverse impacts may arise such as conflict or safety concerns between industrial truck and increased vehicular and pedestrian traffic generated by the development. The proposal will not contribute to creating a strong, liveable and healthy community that protects for public health and facilitates economic growth as set out in the Planning Act, PPS and the City of Toronto Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, City staff and any necessary consultants to attend at a future Ontario Municipal Board hearing to oppose the application as represented by the revised proposal outlined in this report.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

City Council on February 5, 6, 7 and 8, 2007 adopted the recommendations contained in the August 28, 2006 report from the Director of Community Planning, Etobicoke York District to refuse the Official Plan and Rezoning application as well as the Site Plan Approval application for 6 Lloyd Avenue.

<http://www.toronto.ca/legdocs/mmis/2007/ey/bgrd/backgroundfile-525.pdf>

As the applicant had appealed the Official Plan Amendment and rezoning application to the Ontario Municipal Board, on the basis that the City had not made a decision within the statutory period, City Council also directed that the City Solicitor and appropriate City staff attend the Ontario Municipal Board, to support City Council's decision to refuse these applications.

To date, three OMB Pre-hearing conferences have been held and another is scheduled for October 5, 2007 to determine the Procedural Order for the OMB hearing. The hearing is to begin on November 20, 2007 and has been scheduled for 14 days. Private sector parties to the proceedings include CN Railway, Canada Bread and National Rubber Technologies, all existing businesses abutting or in close proximity to the application site.

The first OMB pre-hearing was held on April 11, 2007 to identify parties and timelines for the matter going forward. At that time, the applicant's solicitor advised the Board that they intended to pursue a revised proposal, rather than the March 2006 proposal discussed in Planning's August 2006 Refusal Report. In order to give the City an opportunity to review the revised proposal and for City Council to determine its position, all parties agreed to a timeframe that would permit the preparation of a staff report for the Etobicoke York Community Council meeting on September 10, 2007 and City Council on September 26, 2007. These timelines are set out in OMB Decision/Order No. 0997 issued on April 13, 2007.

On June 29, 2007 and July 20, 2007 the City brought forward a motion to dismiss the applications on the grounds that the applicant (Terrisan) did not own or control the portion of the revised development site made up of the residential properties on the east side of Mulock Avenue. Originally, the applicant's solicitor was to respond to this motion on September 7, 2007. However, as of August 16, 2007, the City was notified by the applicant's solicitor that this motion was no longer relevant as the applicant had either purchased or entered into agreements of purchase and sale for all these properties with the exception of 161 Mulock Avenue. In this case, written consent has been obtained from the current owners for the inclusion of their property as part of the revised redevelopment proposal.

ISSUE BACKGROUND

Proposal

On March 15, 2007, prior to the commencement of the first OMB Pre-hearing Conference a revised proposal was submitted to the City. The additional supporting

materials and drawings noted in OMB Decision/Order No. 0997 as being required to review the revised proposal were submitted on May 30, 2007 and June 22, 2007.

The revised application proposes to amend to the City of Toronto Official Plan and the former City of Toronto Zoning By-law No. 438-86 to permit the redesignation of the subject lands from Employment Areas to Mixed Use Areas and to rezone the site from an I4 Industrial District to a CR Mixed Use District.

The revised proposal consists of two high density residential buildings with a total of 418 dwelling units and a freestanding two-storey 2 300 square metres employment use building located along the Lloyd Avenue frontage. The residential component includes a 2, 8 and 18-storey tiered building (Building A) along St. Clair Avenue West, and a 2, 8, and 21-storey tiered building (Building B) in the interior of the site fronting onto Mullock Avenue. The residential buildings (A and B) are connected and linked by way of 4-storey multi-level above-and below-grade parking structure which is situated along the east side of the site adjacent to the CNR corridor and has been designed to act as a crash wall. Landscaped amenity space is proposed on the rooftop of the parking structure.

Pedestrian access to the residential portion of the site is from Mullock Avenue. Vehicular access is from both Mullock Avenue and Lloyd Avenue, across the proposed employment portion of the site. The proposed development is to be constructed in three phases commencing with Building A on St Clair Avenue W., and ending with the employment use building (Building C) on Lloyd Avenue. A detailed summary of the revised proposal as submitted by the applicant and its comparison to the proposal described in the August 28, 2006 planning report is shown in a chart in Attachment 5.

Site and Surrounding Area

The subject property has been enlarged from 0.924 hectares (2.28 acres) to 1.06 hectares (2.62 acres). The revised development site now includes all the properties in the area bounded by Lloyd Avenue to the south, Mullock Avenue to the west, St. Clair Avenue to the north and the CN/CP corridor to the east. This includes the residential dwellings on the east side of Mullock Avenue that did not form part of the previous development site. The former three-storey Benjamin Moore paint facility that existed on the site has recently been demolished.

The subject lands are located in an area characterized by a mix of low rise industrial, commercial and residential uses. The surrounding land uses discussed in the August 2006 remain unchanged and include:

North: a new 3-storey storey townhouse development across St. Clair Avenue West.

South: a mix of low rise residential dwellings and industrial uses (i.e. NRT, Canada Bread, Benjamin Moore, Topper Linen Supply and various auto body shops).

East: CN/CP railway corridor. East of the rail corridor is a mix of low rise industrial, commercial and residential uses.

West: On the west side of Mulock Avenue are semi-detached dwellings, an auto body shop and a motor vehicle inspection station.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Conformity with the PPS is discussed later in this report.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The applications for the subject property were submitted prior to the Growth Plan coming into force on June 16, 2006.

COMMENTS

The comments and issues discussed in the August 28, 2006 report from the Director of Community Planning, Etobicoke York District continue to apply to the revised proposal unless otherwise noted in this report.

Consistency with the Provincial Policy Statement (the PPS)

The applications seek approval to permit the conversion of an industrial property to mixed use. As discussed in the August 28, 2006 report, the subject property is designated Employment Areas in the City's Official Plan. The Provincial Policy Statement contains a number of policies related to employment areas including the requirement for planning authorities to plan for, protect and preserve these areas for current and future uses. The PPS also permits the conversion of lands within employment areas to non-employment uses only through a comprehensive review that has demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

An Addendum Employment Needs Study prepared by urbanMetrics and an updated planning rational from Armstrong Hunter was submitted in support of the revised proposal. City Planning is still of the opinion that the proposal is not consistent with the PPS as these studies have failed to demonstrate that the site was not required for continued employment purposes or that there was a need for the conversion to residential. This was also the conclusion of Hemson Consulting and Barry Morrison who have been retained by Canada Bread, to peer review these reports on its behalf.

Suitability for Employment Purposes

Although the current proposal includes a 2-storey, 2 300 square metres employment use building, the fundamental land use issue of an employment area conversion remains including the failure to demonstrate that the site is not required for continued employment purposes. The issues and concerns noted in the August 28, 2006 report

continue to apply to the revised proposal and no changes to the previous comments are warranted.

In the review of the revised proposal, the Economic Development Division remains strongly opposed to this application and believe that it is not in the best interest of the City of Toronto and should be refused as:

1. The current application undermines the employment-land retention policies of the City of Toronto Official Plan.
2. The redesignation and rezoning of this site would destabilize a stable employment area which provides jobs for approximately 750 people (i.e. NRT 400⁺ employees, Canada Bread 150⁺ employees, Topper Linens 100⁺ employees).
3. The subject property is a viable employment site and its conversion would result in the loss of future Commercial/Industrial Assessment.
4. Introducing a high density residential development would have significant impacts upon existing local businesses.
5. Such a conversion would set a dangerous precedent for future conversion applications.
6. Removal of this significantly large employment site from Toronto's employment properties would deteriorate an already depleted inventory and would eliminate the potential for future job creation.

Compatibility with Surrounding Land Uses

As a means of addressing the compatibility issues noted in the August 2006 report, the proposal was revised to include an employment use building fronting onto Lloyd Avenue. The purpose of this building, as noted in the applicant's planning rational was to increase the distance and create a buffer from the proposed residential buildings and the existing industries to the south. It is explained that this creates the necessary gradation of land uses, thus ensuring a properly integrated, transitional and compatible form of development with the adjacent land uses, in particular with the lands to the south.

As discussed in the August 2006 report, for consistency with the PPS and the Official Plan, the proposed redevelopment of the subject lands should not result in environmental conditions or mitigation measures which negatively impact upon future residents or the existing uses and planned context. In order to assess potential land use compatibility issues and environmental impacts for the revised proposal, a number of reports were submitted for review. These reports included a Revised Air Quality/Odour Studies, Revised Noise Control Study, Updated Vibration Impact Study, Revised Pedestrian Wind Study, Railway Collision Impact Assessment, Functional Servicing Report, Revised Traffic Impact Study and Revised Sun/Shadow Study.

Some of these reports were also peer reviewed by third party consultants that were retained by either Canada Bread or National Rubber Technologies (NRT). These industries submitted copies of their consultant's peer review reports to the City which

were considered in conjunction with the review of the revised proposal and supporting documentation. These peer review consultants (Pinchin Environmental for Canada Bread and Ortech Environmental for NRT) noted that their previous comments related to potential adverse impacts continue to apply to the revised proposal. They conclude that odour and noise emissions from their represented industries would adversely impact the proposed residential portion of the development and that the proposed mitigation measures to be applied to the residential buildings are incomplete and impractical. In the case of Canada Bread, Pinchin notes that the facility will be out of compliance with its existing Certificate of Approval issued by Ministry of the Environment even though there will be no changes in current noise emissions for Canada Bread. They also state that Canada Bread will be faced with implementing expensive abatement measures and that the existence of the proposed development may preclude new uses of the facility thus impacting its utility as a bakery and/or reducing its value as an industrial property

As was done with the previous proposal, the City retained the firm of Golder Associates (Golder) to peer review the applicant's revised Air Quality/Odour Studies, Noise Control Study and Vibration Impact Study. As part of their review, consideration was also given to peer review reports from Pinchin and Ortech prepared on behalf Canada Bread and National Rubber Technologies. The peer review by Golder, concludes the following:

1. The existing land use and built form context appears to create no compliance issues related to Canada Bread and NRT.
2. The proposed high rise development will raise the following issues
 - i) the proposed development may affect the practical ability of either industry to mitigate potential air, odour or noise impacts in the future, and
 - ii) the proposed development may result in restrictions on the future operations, including changes or expansions of Canada Bread and NRT.

The Updated Peer Review Report from Golder is attached as Attachment 8.

In addition to the Provincial and Official Plan policies cited in the August 2006 report, the Provincial Policy Statement (PPS) also sets out the vision for Ontario's land use planning system and states that strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns that should take precedence over short-term considerations. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and facilitate economic growth.

The revised proposal does not support this vision. The revised Air Quality/Odour Studies, Noise Control Study and Vibration Impact Study were unable to demonstrate that the revised proposal was compatible with the existing or future employment uses in the area. Instead, the conclusions of the peer review consultants note that the proposed development could be adversely impacted by odour and noise from the current industrial

operations of Canada Bread and NRT. Due to these impacts, industry may be required to implement abatement measures or alter their operations. There was no information provided by the proponent to indicate that required abatement measures or changes to operations at either Canada bread or NRT would be practical. Future expansions to their operations would be restricted as a result of the proposed development. This demonstrates that the conversion of this property would adversely impact the continued viability of the existing employment uses and their confidence in continuing existing or planned operations at their locations. It would lead to destabilizing this employment area. This would be contrary to the policies of the PPS and Official Plan which state that employment areas are to be protected and preserved for current and future uses.

The proposal would also not contribute to a liveable and healthy community as the impacts from odour and noise would detract from future resident's enjoyment of their property. As well, these impacts may become a future public health issue that could be raised among the 418 new households that would result from this development should it proceed. Moreover, given the proximity and siting of the proposed development other adverse impacts may arise such as heightened conflict or safety concerns between as heavy industrial truck activity and increased vehicular traffic and pedestrian activity traffic generated by the development. All other issues discussed in the August 28, 2006 report continue to apply to the revised proposal as it relates to matters of Provincial interest and the Official Plan policies associated with controlling development so as to minimize and protect against adverse impacts.

Avenue Study

The Official Plan places the northern portion of the site within an Avenue corridor along St. Clair Avenue West. A City initiated Avenue Study, led by the consulting firm of Office for Urbanism, commenced in the winter of 2006 for the segment of St. Clair Avenue West between Keele Street and Glenholme Avenue. The consultant's final report with their findings and recommendations has yet to be submitted to the City. A timeline for reporting on final recommendations as well as an implementation strategy will follow the submission of the consultant's final report.

The planning rationale, dated March 15, 2007, submitted in support of the revised proposal makes reference to a series of potential built form guidelines that were presented at the open houses and public meetings conducted as part of the Avenue Study. It explains that the revised proposal exhibits some of these proposed built form guidelines and that a high density residential development is appropriate for an Avenue. It should be noted that the material presented at these meetings were preliminary in nature and may not represent the final recommendations of the Avenue Study. In addition, although the Avenues are targeted for growth, investment and incremental transformation, the type and character of this transformation is guided by the underlying land use designation which in this case is Employment Areas. The Official Plan does not contemplate the redesignation of a site to another land use (i.e. employment to mixed use) because it is located with an Avenue corridor. Instead, policy 4 of Section 2.2.3 states that the land use designation policies of Chapter Four of the Plan apply to and prevail on lands broadly show on Map 2 as Avenues.

As noted in the August 28, 2006 report, this application is premature as it is preceding the completion of the Avenue Study. Given that the first phase of the development includes an 18-storey residential building along St. Clair Avenue West, the revised proposal has the potential to set a precedent for the form and scale of the reurbanization along the Avenue. This may not be in keeping with the vision and implementation strategy that is being developed, and will ultimately be considered by Council.

Local Context and Built Form

The revised proposal includes a high density residential component comprised of two buildings with heights of 18-storeys and 21-storeys. These buildings are attached to a 4-storey above-grade parking garage. The 2-storey stand alone employment building is located on the southern portion of the site fronting onto Lloyd Avenue and is separated from the residential buildings and parking garage.

As discussed in the August 2006 report, the subject lands are located within the south east quadrant of the former Old Stockyards Industrial District. This area is characterized by low rise residential and mixed use development. Historically, new development in this area was required to reinforce the traditional low rise built form and be well integrated into the surrounding urban area while having regard for the traditional elements of the neighbourhood structure and character (former Part II Plan of the former City of Toronto Official Plan). These built form policies and objectives have been carried forward in Section 3 of the new Official Plan and remain relevant to the revised proposal as discussed in the previous report.

The revisions to the proposal have not resulted in a project that responds better to the local existing and planned built form and land use context. While the revisions have included an employment building and the application site now includes additional assembled lots that now comprise all properties on the block, the revised proposal has increased the amount and height of residential development. The result is a precedent for significant change in a form, scale, land use and access arrangement that does not respect the existing or planned built form and land use context or implement Official Plan policy directions. Redevelopment in the area should be more oriented to and relate to St Clair Avenue West and Keele Street at a scale and mass appropriate for Avenues and main streets, with appropriate transition in scale and land use, responsive to the pattern of development in the interior of this mixed use precinct and responsive to the need to carefully manage impact. As noted above, it also presumes the outcome of the St Clair Avenue Study process.

The proposed residential buildings are tall buildings that represent a form that does not exist in the area in terms of height, scale and massing. In addition to the built form policies discussed in August 2006 report, Section 3.1.3 of the Official Plan states that tall buildings come with larger civic responsibilities and obligations than other buildings. They require additional built form principles be applied to their siting and design to ensure that they fit within their existing and/or planned context and limit local impacts. The City's "Design Criteria for Review of Tall Building Proposals", adopted by City

Council in July 2006 for future development applications, provides guidelines for the design, evaluation and approval of tall buildings. The guidelines are intended to implement the built form policies of the City's Official Plan, particularly, the tall buildings policies of Section 3.1.3. As the revised proposal was submitted following adoption of these guidelines and provides for an increased in height over the previous proposal reported on in the August 2006 report, consideration of the guidelines was undertaken for the revised proposal. The proposed residential portion of the development is not consistent with these Tall Building Guidelines as it relates to site context and organization, building mass and pedestrian realm criteria

The August 2006 report makes reference to designing the proposal to create an acceptable interface or buffer to the adjacent industrial uses to the south and west to minimize nuisance impacts. The revised proposal includes an employment use building to be used as a buffer between the existing industry to the south and the proposed residential buildings. As this building is to be constructed as part of the last phase of the development, any benefits that may be derived from this treatment may not be realized until much later in the future and possibility after the residential buildings have been constructed and occupied. No buffer treatment is proposed to the employment uses to the west. Moreover, the placement of a 2-storey employment building as a visual buffer is ineffective as the proposed residential buildings directly behind it are 8 to 10 times taller and look down onto the existing adjoining employment and residential uses in the areas.

Other more specific concerns related to the proposed revised development include:

- (i) Designing the proposed development to create an acceptable transition, interface or buffer to the adjacent industrial uses to the south and west of the subject property to minimize nuisance impacts;
- (ii) Generally, a 45 degree angular plane, taken from the low density residential property lines to the north and west of the proposed high density residential buildings, is recommended in order to achieve appropriate separation distances and transition with regard to light, view, privacy and scale.
- (iii) The proposed sound barrier walls to be placed on top of the podium parapet are problematic and unacceptable from an urban design perspective as it creates a compound-like environment for the residential outdoor amenity spaces located on the parking garage deck;
- (iv) The proposed buildings and any grade related units should preferably have main entrances located on a public street and not a private driveway for reasons of access and address;
- (v) Comfortable and attractive pedestrian connections are required to be provided from the proposed development to the municipal sidewalk on St. Clair Avenue West;

- (vi) The proposed built form should be compatible with the vision for St. Clair Avenue West identified through the Avenue Study with regard to height and mass and should be compatible with the surrounding City fabric with regard to light, view and privacy;
- (vii) Private outdoor amenity areas in the form of patios and common outdoor areas which function as rear yards are not to be located in the front yards between the buildings and the public street; and
- (viii) Common outdoor amenity areas are to be located away from existing or potential noise sources.
- (ix) The total gross floor area (GFA) and floor space index (FSI), as noted on the applicant's drawings, do not include the GFA of the proposed above grade parking structure. This does not provide an appropriate representation of the proposed density. The former City of Toronto Zoning By-law No. 438-86 does not exclude it from its definition of non-residential gross floor area.

The comments and issues noted in the August 28, 2006 staff report continue to apply to the residential component of the revised proposal. The proposed residential component is not consistent with the Built Form polices of the Official Plan and does not have appropriate regard for the established pattern of the existing low density area in terms of the proposed density, scale, massing and height. As well, it does not fit harmoniously into the existing planned context in order to limit impacts on neighbouring uses.

Land Assembly

The August 28, 2006 staff report notes that land assembly would assist in addressing a number of the redevelopment issues and conflicts that were associated with the previous development, particularly as it related to residential dwellings on the east side of Mulock Avenue. In the revised proposal, the development site has been modified to include all the properties located east of Mulock Avenue.

Other Issues

1. No comments were received from Go Transit or CN Railway as to whether the revised proposal and supporting material and reports addressed their concerns as noted in the August 28, 2006 report.
2. Should the applications be approved it is recommended that community benefits be negotiated with the applicant and secured in a Section 37 agreement as outlined in Attachment 6 to this report.
3. Technical Services have commented that should a development as represented by the current proposal proceed on the site, the following conditions would apply and be required to be included in a site-specific zoning by-law or other development agreement:

- (a) The owner will be required to convey a strip of land 4.94 metres wide along the St. Clair Avenue West frontage of the subject property, to satisfy the Official Plan requirement for a minimum 30 metre right-of-way.
- (b) To accommodate the road allowance improvements associated with the future construction of the dedicated streetcar line along St. Clair Avenue West, the Toronto Transit Commission advises that the proposed above-and below-grade building structure adjacent to the St. Clair Avenue West frontage maintain a minimum 2.0m setback from the revised St. Clair Avenue West property limit.
- (c) To protect for the future conveyance of property for road allowance improvement purposes at the Mulock Avenue/Lloyd Avenue intersection requires that any site-specific bylaw establish a minimum 5.0 metres building setback from the existing street line at the south-west corner of the property adjoining the Lloyd Avenue/Mulock Avenue intersection, and a minimum 4.5 metres building setback along the Lloyd Avenue frontage of the subject site.
- (d) For the proposed residential condominium component, Transportation Services requires the following minimum on-site parking requirements:
- Bachelor dwelling units – 0.70 stalls per dwelling unit.
 - One-bedroom dwelling units - 0.80 stalls per dwelling unit.
 - Two-bedroom dwelling units – 0.90 stalls per dwelling unit.
 - Three or more bedroom dwelling units - 1.10 stalls per dwelling unit.
 - An additional 0.15 stalls per dwelling unit shall be provided for the exclusive use of visitors.
- (e) For the proposed office/commercial component, Transportation Services requires that on-site parking be provided at a minimum parking ratio of 3.0 stalls per 100 square metres of gross floor area.
- (f) Parking stalls must have minimum dimensions of 2.6 metres in width by 5.6 metres in length, aligned perpendicular to a minimum 6.0 metres wide vehicle manoeuvring aisle; notwithstanding, parking stalls for the physically disabled must provide a minimum width of 3.65 metres, and be situated as close as practicable to the principal entrance(s) to the both the residential and employment buildings.
- (g) Loading facilities be provided on-site for both the residential and employment buildings according to Zoning By-law No. 438-86.
- (h) The existing combined sewer on Mulock Avenue will have to be reconstructed to a larger size to accommodate flows from this development. The Applicant is responsible for all costs associated with reconstructing the

combined sewer. Financial securities for this reconstruction must be provided prior to the enactment of the zoning by-law.

- (i) The applicant must provide pressure and flow testing results for the existing watermains on Mullock Ave. and Lloyd Ave. to ensure that the existing watermains are suitable to service the proposed development. The applicant will be required to provide any necessary upgrades to the existing watermains should the watermain pressure and flow testing results indicate that improvements will be required. Financial securities for any required upgrades must be provided prior to the enactment of the zoning by-law.
- (j) Draft Official Plan and zoning by-law amendments were submitted to reflect the revised proposal. The applicant is recommending that the subject lands be redesignated from Employment Areas to Mixed Use and rezoned from I4 D7 to CR. These amendments should be revised to more appropriately reflect the proposed uses being high-rise residential and employment. Also, the proposed draft zoning by-law should be further revised to incorporate provisions to allow for the servicing of the lands to address the comments as raised by Technical Services.

CONTACT

Luisa Galli, Planner, MCIP, RPP

Tel: 416-394-6007; Fax: 416-394-6063; E-mail: lgalli@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP

Director, Community Planning, Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Official Plan

Attachment 4: Zoning

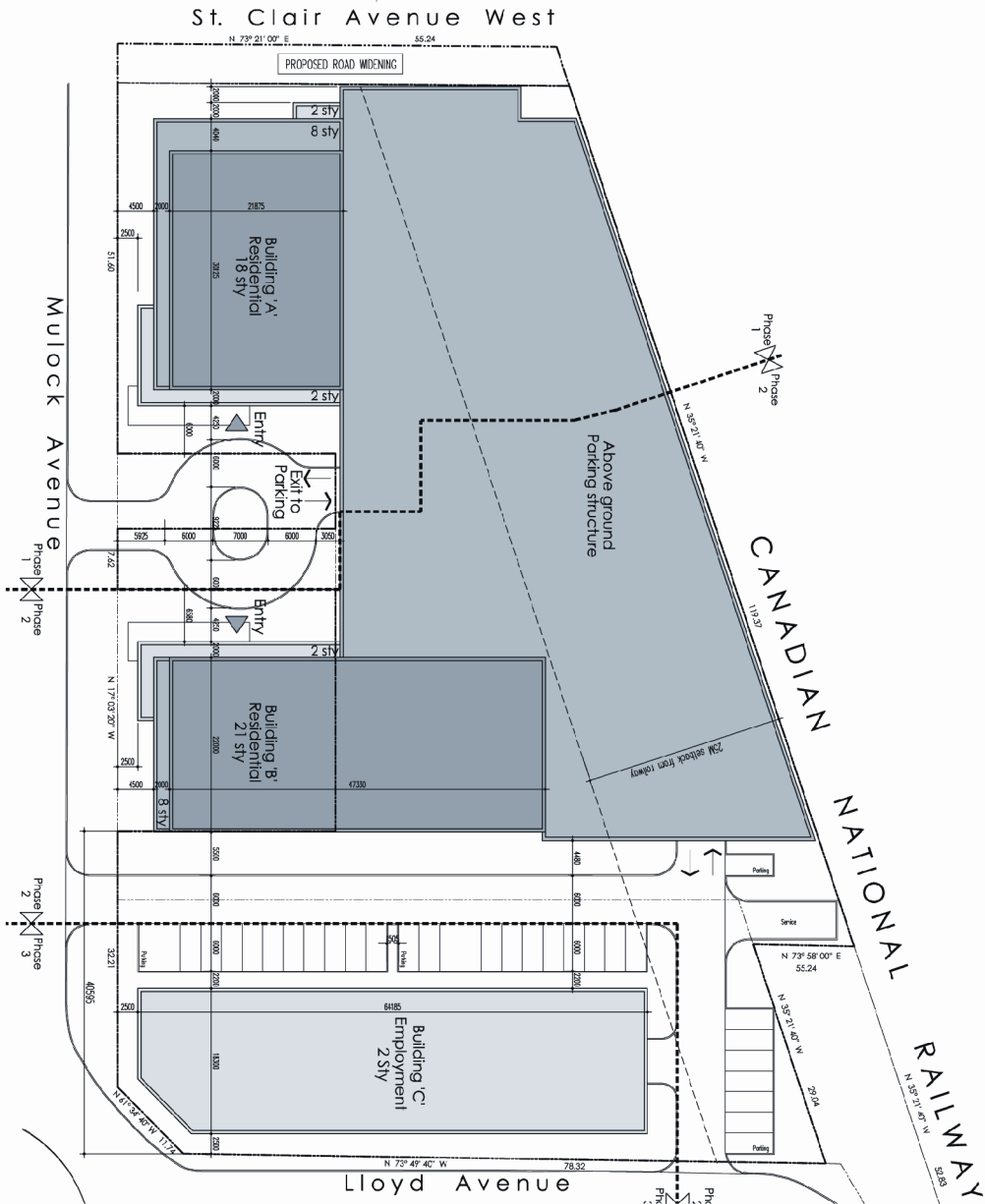
Attachment 5: Comparison of Proposals

Attachment 6: Section 37 Matters

Attachment 7: Application Data Sheet

Attachment 8: Golder Associates Technical Memorandum –Updated Peer Review for 6
Lloyd Avenue Proposal

Attachment 1: Site Plan



Site Plan

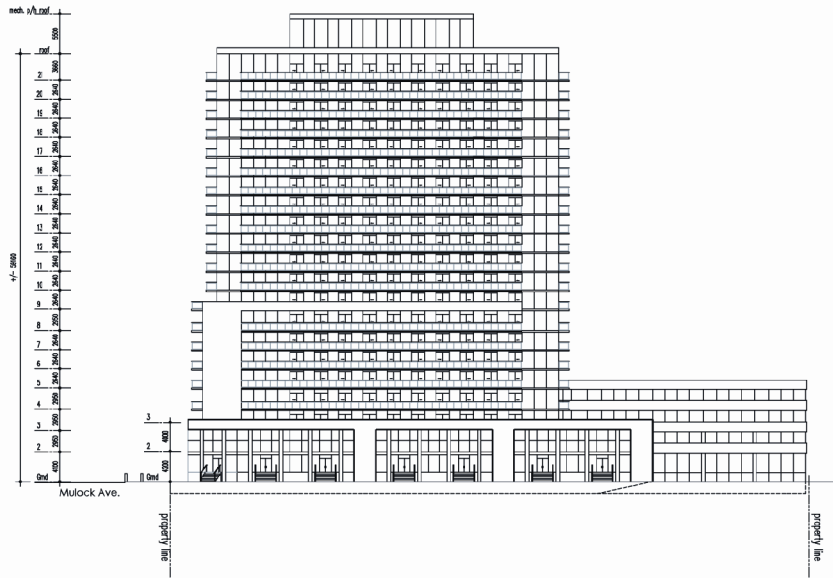
6 Lloyd Avenue

Applicant's Submitted Drawing

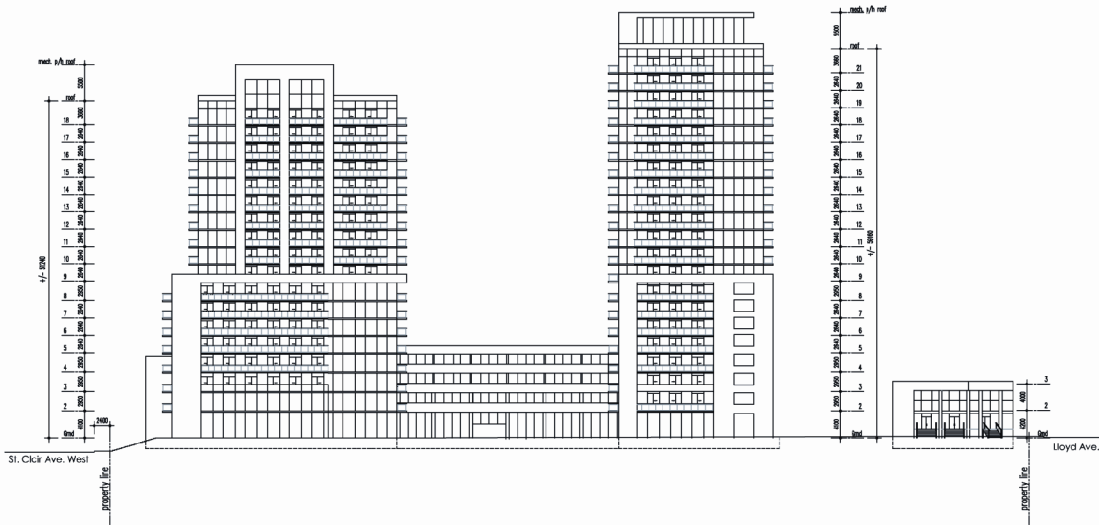
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Attachment 2: Elevation A



SOUTH Elevation - LLOYD AVE



WEST Elevation - MULCOCK AVE

Elevations

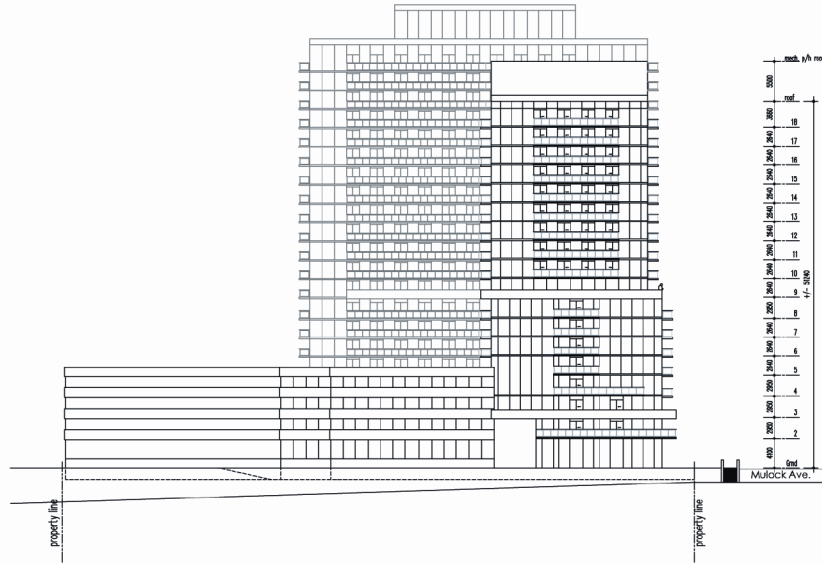
Applicant's Submitted Drawing

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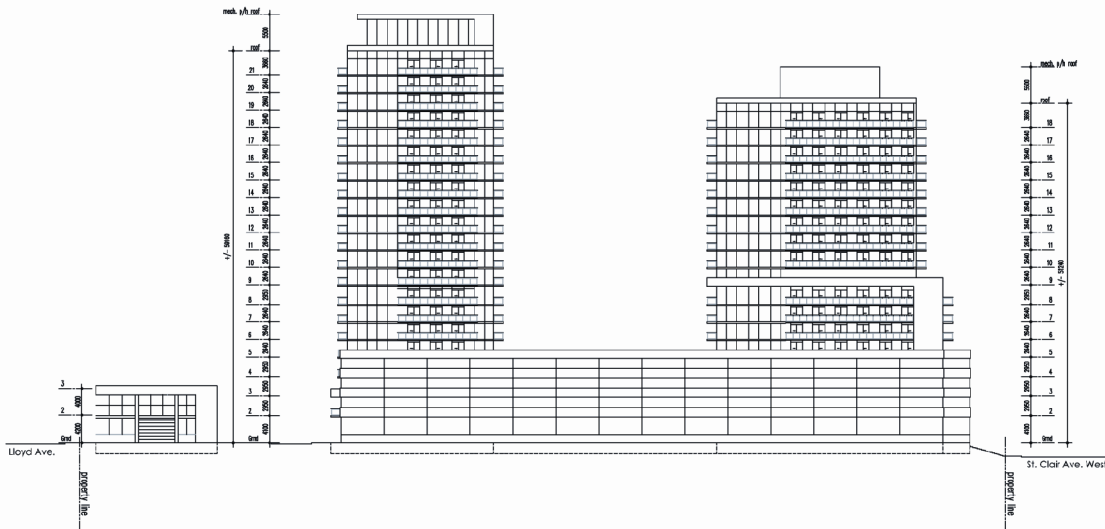
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Attachment 2: Elevation B



NORTH Elevation - ST. CLAIR AVE



EAST Elevation - RAILWAY LANDS

Elevations

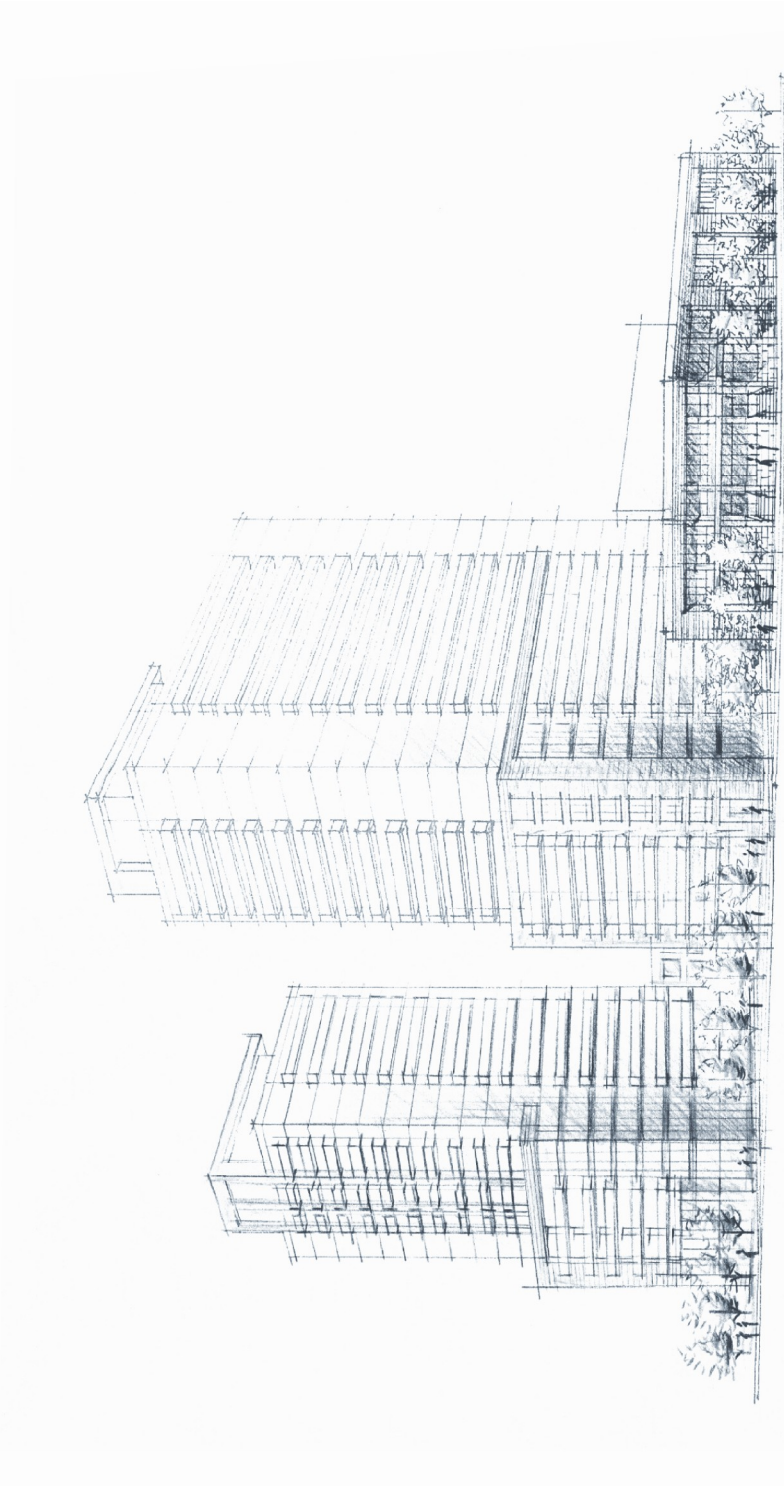
Applicant's Submitted Drawing

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6 Lloyd Avenue

File # 05_151779

Attachment 2: Elevation C



PERSPECTIVE Elevation

Elevations

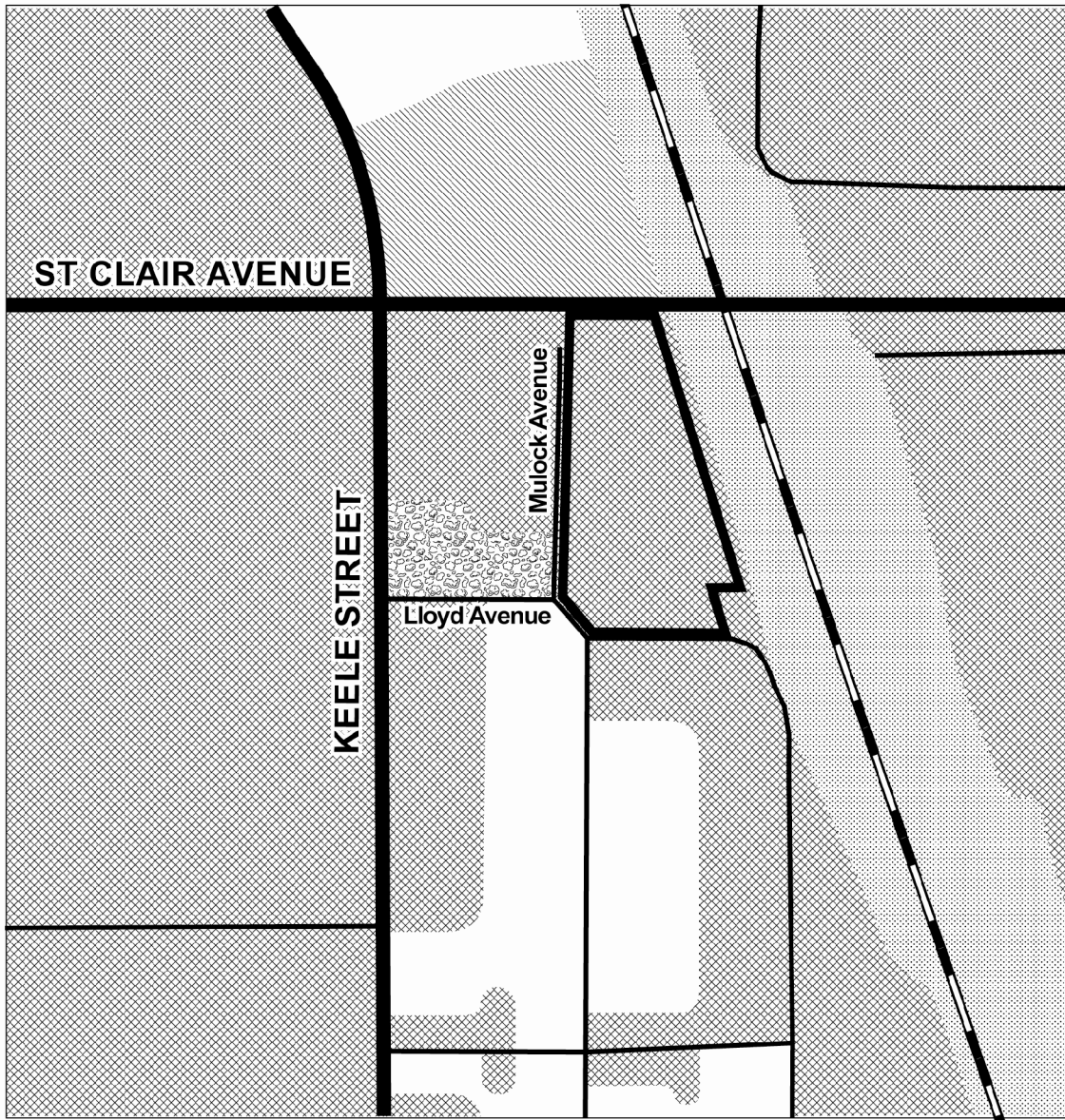
6 Lloyd Avenue

Applicant's Submitted Drawing

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File # 05_151779


Attachment 3: Official Plan



TORONTO City Planning
Official Plan

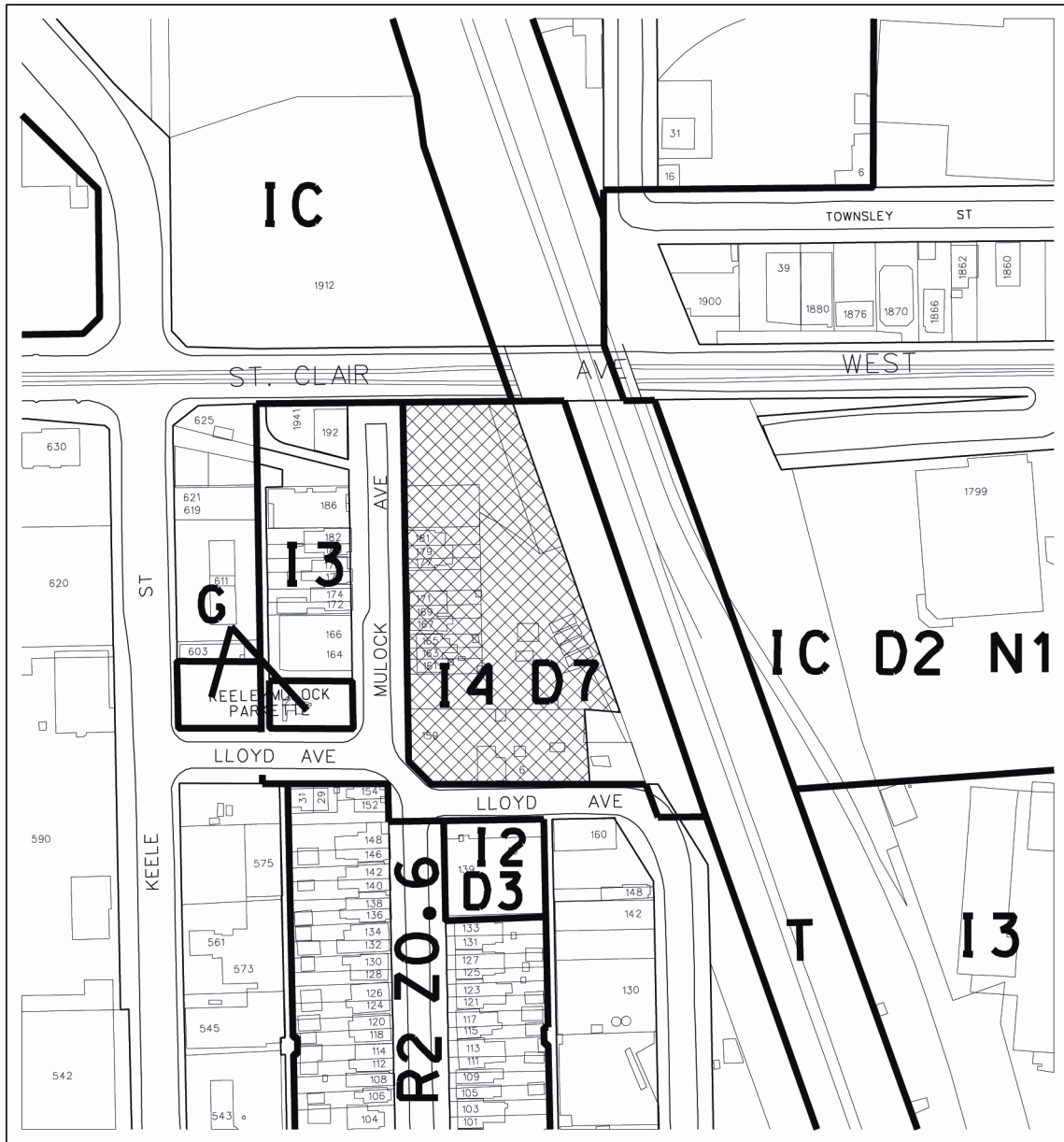
6 Lloyd Avenue

File # 05_151779

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|---|--|
|  Site |  Parks |
|  Neighbourhoods |  Employment Areas |
|  Mixed Use Areas |  Utility Corridor |

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Attachment 4: Zoning



6 Lloyd Avenue
File # 05_151779

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|-------------------------|------------------------|
| G Parks District | IC Industrial District |
| R2 Residential District | T Industrial District |
| I2 Industrial District | |
| I4 Industrial District | |



Not to Scale
Zoning By-law 438-86 as amended
Extracted 08/02/07 - MH

Attachment 5: Comparison of Proposals

	March 2006 Proposal as discussed in Aug 2006 Staff Report	March 2007 Proposal
Description	Residential development that includes a 2 and 6-storey tiered building (Tower A) along Lloyd Ave, a 14-storey building (Tower B) adjacent to the east side of the property and a 2, 8 and 10-storey tiered building (Tower C) along St. Clair Avenue W. Each building is connected to a 4-storey above grade parking structure.	Mixed Use development that includes a 2, 8 and 18-storey tiered residential building (Building A) along St. Clair Ave W, a 2, 8 and 21-storey tiered residential building (Building B) along Mulock Ave and a 2-storey employment building (Building C) along Lloyd Ave.. The residential buildings (A & B) are connected to a 4-storey above grade parking structure.
Site Area	0.924 ha (2.28 acres)	1.06 ha (2.62 acres)
GFA Breakdown Residential Employment Non-Residential (parking)	29,510 m ² n/a 14,970 m ²	34,217 m ² 2,300 m ² 20, 316 m ² (estimate) *
Total GFA - excluding parking - including parking	29,510 m ² 44,480 m ²	36,517 m ² 56,833 m ² (estimate) *
Floor Space Index - excluding parking - including parking	3.19 4.81	3.95 5.36 (estimate) *
Proposed Building Height Tower C/Building A Tower B/Building B Tower A/Building C Parking Structure	1, 8 & 10 storeys (40 m) 14 storeys (46 m) 2 & 6 storeys (22 m) 4 storeys	2, 8 & 18 storeys (55 m) 2, 8 & 21 storeys (65 m) 2 storeys (12 m) 4-storeys
Number of Units	400	418 units
Parking Spaces Residential Visitor Employment Bicycle	406 344 62 n/a 300	551 418 64 69 200

Information as per Applicant's submitted drawings

Summary of Changes in March 2007 Proposal

- Increased GFA , building heights and parking spaces
- Increased property size
- New employment use – up to 200 employees (1 employee/11.6 m² (gross))

* Based on approximate calculation by planning staff

Attachment 6: Section 37 Matters

Section 37

In accordance with the motion previously before Council and additional staff requirements, should the applications be approved it is recommended that the following community benefits be negotiated with the applicant and secured in a Section 37 agreement:

1. a payment of \$12,500 to the City, prior to issuance of any above grade building permit, to be used at the discretion of the General Manager, Parks, Forestry and Recreation for tree planting and general landscape or streetscape enhancements in the local area beyond the site;
2. a payment of \$560,000 (\$1400/unit) to the City, prior to issuance of any above grade building permit, to be used at the discretion of the General Manager, Parks, Forestry and Recreation for a waterplay structure and park improvements at Viella Tarragona Park on Gunns Road , north of St. Clair Avenue West; and
3. a payment of 1% of the gross construction costs to the City, prior to issuance of any above grade building permit, for public art in accordance with the City's Public Art Program.
4. a negotiated payment is to be submitted, prior to the issuance of any building permits, to address any deficiencies in local community services and facilities related to the need to support new population.
5. financial securities are to be submitted, prior to the issuance of any building permits, for any required infrastructure upgrades as identified by Technical Services.

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 151779 WET 11 OZ
Details	OPA & Rezoning, Standard	Application Date:	June 28, 2005

Municipal Address: 6 LLOYD AVE, TORONTO ON

Location Description: CON 2 FTB PT LOT 35 PLAN 698Y LOTS 31 TO 34 37 42 TO 44 LANE (E LOT 32) PT CAWTHRA AVE CLOSED BLK A NTE **GRID W1110

Project Description: Revised Proposal as of March 2007 - Mixed use development comprised of two 18 and 21 storey residential buildings with a total of 418 units along St Clair and Mulock and 2300 sqm employment use along LLOYD Avenue.

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	I4 D7	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	10602.15	Height:	Storeys:	21
Frontage (m):	78.32		Metres:	65
Depth (m):	131.26			
Total Ground Floor Area (sq. m):	0			Total
Total Residential GFA (sq. m):	34217		Parking Spaces:	689
Total Non-Residential GFA (sq. m):	2300 (excl. parking garage)		Loading Docks	1
Total GFA (sq. m):	36517 (excl. parking gargaes)			
Lot Coverage Ratio (%):	62 % (estimate)			
Floor Space Index:	3.95 (excl. parking gargaes)			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	34217	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	2300	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	Not Provided	0
Total Units:	418			

CONTACT: PLANNER NAME: Luisa Galli, Planner
TELEPHONE: (416) 394-6007

Attachment 8: Golder Peer Review Report

TECHNICAL MEMORANDUM

Golder Associates Ltd.

2390 Argenta Road
Mississauga, ON, Canada L5N 5Z7

Telephone: 905-567-4444
Fax Access: 905-567-6561

TO: Luisa Galli and Brian Haley **DATE:** August 23, 2007
FROM: Jennifer Ahluwalia, Martin Rawlings and Joe Tomaselli **JOB NO:** 07-1112-0079
EMAIL: jahluwalia@golder.com; mrawlings@golder.com; jtomaselli@golder.com
RE: Updated Peer Review for 6 Lloyd Avenue Proposal

Scope of Work

At the request of the City of Toronto Planning Department (the City), Golder Associates Ltd. (Golder) reviewed the information submitted regarding a proposal by Terrasan Corporation (the Proponent) for the development of residential condominiums on the site of a former industrial property at 6 Lloyd Avenue in the City of Toronto (the Project). The City have received objections to the proposed development from both Canada Bread and NRT (formerly NRI) Industries Inc. (the Objectors), located in the vicinity of the Project.

Additional information was submitted to the City from the Proponent after modifications to the proposed development were made in March of 2006. Golder provided the City with a revised report based on these submissions in August of 2006.

This report documents additional changes to the proposed development that were submitted to the City in April of 2007. It is Golder's understanding that these changes include the following:

- the FSI, excluding parking, will increase to 3.95 from 3.19;
- the incorporation of new "Employment" use building will be located along the Lloyd Avenue frontage;
- the FSI for the Employment component of the development will be approximately 0.22;
- the locations of the three buildings were changed as follows:
 - Building "A", a residential building, will be replaced by Building "C", an employment building
 - Building "B", a residential building, will remain in the middle of the site as a revised Building "B"
 - Building "C", a residential building, will remain in the same location along St. Clair Avenue, and will be renamed Building "A"
- the heights of the three building were changed as follows:

- the height of revised Building “A” will be changed from 10 storey to a combined tiered design of 2, 8 and 18 storeys
- the height of revised Building “B” will be increased from 14 storeys to a combined tiered design of 2, 8 and 21 storeys
- the height of revised Building “C”, and employment building, will be 2 storeys

Golder’s purpose (for all submission reviews) was/is to provide a Peer Review of the Air Quality/Odour Study prepared by the Proponent’s consultant (i.e., RWDI Air Inc.), as well as the associated correspondence and supporting documents identified by the City. For this most recent review Golder has been asked to expand our scope to include the review of a Noise Control Study prepared by the Proponent’s consultant (i.e., MMM), as well as the associated correspondence and supporting documents identified by the City. In preparing the Peer Review of the Air Quality/Odour Study and Noise Control Study, we have tried to address the following six questions:

- Have the issues identified in Golder’s final report been effectively addressed in the updated submission provided by RWDI Air Inc. on behalf of Terrasan Corp?
- Are the methods used by the Proponent’s consultant sound, and defensible in terms of supporting the proposed Official Plan and Zoning By-Law amendment?
- Are there shortcomings with the assessment completed by the Proponent’s consultant?
- Has sufficient work been conducted to identify all sources of noise, air and/or odour emissions that could impact the Project?
- Have the proper protocols been used in the analysis completed by the Proponent’s consultant?
- Has sufficient information been collected to support the conclusions? If no, what additional information would be required to support the conclusions provided by the Proponent’s consultant?

Materials Reviewed

In providing input regarding the project, Golder completed a review of the information submitted by both the project proponent as well as those opposed to the development. The information reviewed included the public domain information from the proponent and objectors, as well as confidential information provided by NRI Industries to the proponent’s consultant, and confidential information derived by the proponent’s consultant from the information provided by NRT. To support our recommendations, Golder also reviewed public information that may have relevance with regards to the proposed development. In addition, at the initial stages of this review Golder met with representatives of NRT (formerly NRI Industries Inc.), the chief objector to the proposed development.

This update to the Peer Review dated August 2006 is based on the review of materials that were provided by the proponent and the objectors to the proposed development. Materials

reviewed/consulted previously are documented in Golder's Peer Review dated August 2006. The following information was provided to Golder by the City of Toronto.

- [1] Letter from RWDI to Stephen Armstrong (Armstrong Hunter & Associates), regarding the review of environmental air quality in light of the site changes, dated March 14, 2007.
- [2] Letter from Armstrong Hunter & Associates to Mr. Gregg Lintern (the City of Toronto), regarding the proposed site changes, dated March 15, 2007.
- [3] Letter from RWDI to Stephen Armstrong (Armstrong Hunter & Associates), regarding the Pedestrian Wind Assessment, dated May 22, 2007.
- [4] Letter from RWDI to Jim Kotsopoulos (Armstrong Hunter & Associates), regarding the updated Air Quality/Odour Study, dated May 28, 2007.
- [5] Report from MMM to Jim Kotsopoulos (Armstrong Hunter & Associates), Noise Control Study, dated May 2007.
- [6] Letter from Pinchin Environmental Ltd. to Michael Bowman (Osler, Hoskin & Harcourt LLP), regarding the review of the air quality, odour and noise issues related to the proposed development on behalf of Canada Bread, dated June 25, 2007.
- [7] Letter from Ortech Environmental to Greg Bavington (National Rubber Technologies Corp.), regarding the review of the air quality and odour related to the proposed development on behalf of NRT, dated June 27, 2007.
- [8] City of Toronto Request for Comments, dated May 31, 2007.
- [9] Golder's Report "Summary of Updated Peer Review for the Air Quality/Odour Study", dated August 2006.
- [10] Ontario Municipal Board Decision/Order No: 0997, dated April 13, 2007.

The above public domain information was supplemented with confidential technical information provided to Golder from the RWDI on July 4, 2007.

Summary of Issues

Air Quality

Air quality issues refer to air concentrations of compounds that are regulated in Ontario. The following are the primary comments and findings of Golder regarding air quality:

- The updated reports demonstrated that current operations at Canada Bread and NRT (formerly NRI) would be in compliance at the proposed development (6 Lloyd Avenue property).
- Previous studies never demonstrated this conclusion, instead they relied on the fact that because Canada Bread and NRT are currently in compliance that they will remain to be so.
- Levels predicted at the new development (especially high-level receptors) suggest that future expansions by existing industry in the area (e.g., Canada Bread and/or NRT) would be restricted as a result of the proposed development (6 Lloyd Avenue property).
- The mitigation of any future air quality impacts from changes to the nearby industries (i.e., Canada Bread and NRT) would need to be done at the source, and would be the responsibility (technically and financially) of the respective industry.

Odour

Odour issues relate to air concentrations that cause odours that are detectable to people. The following are the primary comments and findings of Golder regarding odours:

- Updated reports confirm there is a potential for odour impacts at the proposed development from existing industry (i.e., Canada Bread and NRT).
- Canada Bread odour impacts may currently exceed 1 OU at the existing residences (this cannot be confirmed because whole odour data does not exist for this facility). The MOE has not imposed the 1 OU compliance limit on Canada Bread at this time because existing residents have not complained about odours from this industry. However, if this changes (i.e., the MOE receives complaints), Canada believes that they have a practical mechanism to mitigate impacts on the existing residences by increasing stack heights. However, this mitigation technique will be nullified with the introduction of high-rise receptors in the proposed development.
- Canada Bread is comfortable that odour impacts at existing residences due to any proposed expansions could be practically mitigated by increasing the height of their stacks. However, this mitigation technique will only work if the type of receptors within the area of impact of Canada Bread remains consistent with the nature of those that currently exist (i.e., low rise).
- In summary, the proposed development (6 Lloyd Avenue property), would eliminate any benefits that are achieved through increasing stack heights for current or expanded operations at Canada Bread.
- Modelling results indicate that NRT does not have any odour impacts at existing receptors. The introduction of the proposed development (6 Lloyd Avenue) would result in infrequent odour impacts that exceed 1 OU. While the Proponent's consultant is of the opinion that this type of impact would be acceptable to the MOE, Golder believes that there are no guarantees that this type of impact, infrequent or not, would be acceptable to the MOE.

- It is likely that the proposed development (6 Lloyd Avenue) would result in restrictions to any future changes to the operations at NRT.
- The Proponent's consultant is of the opinion that mitigating the impacts of Canada Bread and NRT could be achieved at the proposed development through changes to the design of the actual development. However, it is Golder's opinion that the design changes proposed in the RWDI report are not sufficient to prevent potential impacts on the proposed development. In addition, from the industry's perspective, while the MOE may be willing to accept that mitigation through the elimination of a receptor is acceptable for the manner in which the industry operates today there is no guarantee that they would be satisfied with this approach if a complaint is lodged and/or the industrial facility would like to expand its operations. Should this situation arise the onus would be on the individual industry both technically and financially to ensure that appropriate mitigation measures are implemented.

Noise with respect to the Design of the Proposed Development

The MOE has published LU-131, "Noise Assessment Criteria in Land Use Planning Publication", which provides direction on noise criteria and design requirements with respect to the planning of sensitive land uses, which includes residential developments. This document distinguishes between the assessment and effective mitigation of transportation and stationary noise sources. The responsibility to ensure that applicable noise criteria are met is that of the developer. The MMM study finds that the facility can be designed to meet LU-131 requirements.

Transportation Noise Sources

It is the MOE's position that the sound level criteria from transportation noise sources can be effectively mitigated through the incorporation of controls into the design of the development. The MMM study determined that the development can be designed with controls to ensure that the MOE noise criteria are met, with controls to be confirmed by an acoustical consultant once detailed designs are established. Golder agrees that the development can be designed with mitigation to ensure MOE's sound level criteria from transportation noise sources are met.

- The study determined that road traffic from Keele Street is not a significant source of noise due to the distance to the development, presence of intervening buildings and dominant noise levels from traffic along St. Clair Avenue and adjacent rail. Along the west façade of the proposed development, these noise levels from these corridors will be partially shielded by the development itself, which was incorporated into the modelling. However, Keele Street would have full exposure and therefore traffic noise from Keele Street may be more dominant, more so at elevated receptor heights where the shielding effect of intervening buildings will be minimized.
- Building construction requirements were provided for the South façade, but support calculations were not provided.

Stationary Noise Sources

The MMM noise study determined that the MOE sound level criteria with respect to stationary sources would be effectively addressed by the design of the development in controlling transportation noise sources. However, it is Golder's position that the measures used to mitigate noise impacts from transportation sources would not be sufficient to mitigate noise from stationary sources. The MOE's position is that noise impacts from stationary sources should be mitigated through controls at the source, rather than through the design of the proposed development.

- When assessing the noise impacts of the Canada Bread operations, the MMM noise study, on page 11 states that, "there will not be any impact from flour deliveries on the indoor noise environment" because all units within the development will have central air-conditioning and many suites will also have significant window glazing upgrades. However, according to the MOE LU-131 publication this is, "immaterial because the criteria for stationary source sound levels apply to the plane of window".

Noise Impacts Related to the Adjacent Industrial Facilities (Compliance with MOE Permitting Requirements for Stationary Noise Sources

Under the requirements of LU-131, if the noise impact is a result of stationary sources it is the developer's responsibility to determine a means of mitigation. As the MOE prefers mitigation of stationary source be implemented at the source, this requires cooperation between the developer and owner of the stationary source. However, for existing or zoned sensitive receptors current regulations require that the onus is on the owner of the stationary source to mitigate noise impacts to compliance. The MMM noise study determined that all facilities in the vicinity of the proposed development are in compliance with MOE requirements—this was not confirmed independently. The MMM noise study found that for the identified industries there are existing receptors, which are closer to the industries than the proposed development, and since the industries are in compliance for the existing receptors they would be in compliance for the proposed development. It is Golder's opinion that an absence of noise complaints does not demonstrate compliance with MOE requirements.

- Identified industries may not currently be in compliance with MOE noise limits, it could just be a fact that there is the absence of complaints.
- Existing receptors may be shielded or have less directional noise from rooftop stationary noise sources at the industries, however a multi-storey building may not experience this shielding, and may have more directional noise as suites will be looking down at the sources.
- There are possible mitigation measures that could be implemented at the source, which may include silencers, directional hoods, enclosures, operational changes, or replacement of noisy equipment.

- Any future modification or expansion plans to any of the industrial sites will require that the industry demonstrate compliance to receptors in the vicinity of the site, which would include the proposed development if approved.

Detailed Peer Review

RWDI Letter Memo Submitted March 14, 2007

This memo was prepared for the developer and was an updated assessment of the air quality and odour issues related to the 6 Lloyd Avenue property. The updated assessment incorporated:

- design changes for the proposed development received by RWDI March 5 and 9, 2007;
- the use of United States Environmental Protection Agency (U.S. EPA) AERMOD dispersion model to assess air quality impacts from NRT (i.e., individual air contaminants from NRT).

Assessment of Canada Bread

RWDI stated that “Baking odours from the [Canada Bread] facility may infrequently be directed toward the proposed development. As such, the facility was not considered to be an air quality concern.” RWDI also states that “emission sources for the facility include natural gas combustion sources, flour silos and baking ovens”. They go onto say that they have continually contacted Canada Bread to obtain emission information and feedback and have had no response to date.

Golder’s Position

Golder believes that the conclusion provided by RWDI regarding whether or not Canada Bread should be an air quality concern is unsubstantiated. There is no evidence of background assessments done by RWDI; it is implied that because facility is only a “provider of bread products” that sources of air emissions are not going to be a concern. Baking ovens, flour silos, and natural gas fired equipment can be significant sources of oxides of nitrogen (NO_x), particulate matter and volatile organic compounds; each are considered to be criteria air contaminants by the Ministry of Environment for Ontario (MOE).

Odours from Canada Bread are not explicitly addressed in this RWDI memorandum, unless the intent was to include under umbrella of air quality.

Efforts to obtain emissions data for Canada Bread were unsuccessful, making it difficult for them to properly assess the facility, however lack of cooperation is not an excuse for RWDI to provide unsubstantiated conclusions regarding air quality and/or odour impacts at the proposed development.

Emissions data for most industrial facility that holds a valid Certificate of Approval for Air (especially within the last 4 to 5 years) is available from the MOE through the Freedom of Information Act; an avenue that the consultant later took advantage of.

To be fair the evaluation of Canada Bread was not within the stated purpose of this memo and this facility, in a report submitted later by the proponents consultant does provide a more fulsome assessment of impacts.

Assessment of NRT

RWDI updated the air quality assessment of emissions for NRT using the U.S. EPA AERMOD assessing potential impacts of the facility on the proposed development (6 Lloyd Avenue property) all compounds modelled were below MOE criteria as prescribed under Ontario Regulation 419/05 (O.Reg.419/05).

Golder's Position

Golder recommended that impacts of air quality contaminants be assessed using the AERMOD dispersion model because it is the MOE recommended model and the modelling that was conducted previously was limited in its inclusion meteorological conditions.

The modelling was provided to Golder and input/output data was reviewed but not re-run. While the general modelling approach seems reasonable, concerns expressed in the August 2006 Peer Review persist regarding the relative placement of the. emission sources and points of reception.

Odour modelling for the site predicts impacts at the proposed development. RWDI predicted that modelled impacts at Building C (the employment building) would decrease and Buildings A and B increased in frequency.

RWDI recognizes that odour impacts are subjective and that the MOE does not yet have a prescribed approach for assessing odours. As such they suggest that to be proactive that they are pursuing the option of implementing mitigation measures against NRT at the receptors (i.e., new residences resulting from proposed development).

Golder's Position

This is a fair conclusion that the MOE will not accept the level of modelled impacts at the proposed development. This will leave NRT vulnerable to the MOE imposing the 1 OU guideline as a condition into their CofA(Air) which could limit the way they currently operate and any potential opportunities to expand their operations in the future.

RWDI's solution of mitigation at receptors is fair; however, the MOE is not firm on an assessment method. It is possible that the MOE would not find mitigation at receptors an acceptable strategy for reducing odour impacts at individual facilities. Golder believes that this is a strong possibility

because it is consistent with Noise regulations. RWDI acknowledges that mitigation at sources is also a solution but does not explore the feasibility of such mitigation. Thus, the proposed development may put NRT and Canada Bread at a disadvantage because “at source” mitigation may not be financially and/or technically feasible. As a result, this could limit future changes to the operations at either Canada Bread or NRT.

The design features as summarized previously in July 25, 2006 report. In short, the development is exploring incorporating design features to reduce infiltration of outside air into the living space (“mitigation at receptor”). They also propose to relocate/minimize outdoor amenity spaces. Design modifications include:

- enclose balconies on the south faces of the towers;
- incorporate an air pressurization system to provide positive pressure relative to the outside air;
- equip the building with central air conditioning; and/or
- design the mechanical system to allow for the future installation of carbon filtration of the fresh air intakes (as a precautionary step.).

Golder’s Position

Assuming that the MOE accepts the strategy of “mitigation at receptor” outdoor amenity spaces are still vulnerable. Odour complaints may result in the MOE imposing the 1 OU guideline as a condition of the CofA(Air) for the facility.

The design modifications to the proposed development need to be assessed more fully.

- enclosing the balconies of the south side may not be sufficient because the south side may be on the windward side of the building, directly downwind, but the building wake on the leeward side of the building could result in impacts at balconies on the north face;
- providing central air does not mean people would not open their windows;
- allowing for charcoal filters; will this be able to treat emissions from NRT, if required this means that complaints have been registered; NRT still vulnerable to the 1 OU guideline limit.

Lastly, RWDI talks about an “Emissions Warning Clause” to warn of unpleasant odours.

Golder’s Position

An “Emissions Warning Clause” is not protective of MOE action.

RWDI Letter Report Submitted May 28, 2007

The scope of this report was to assess air quality and odour impacts at the proposed development (6 Lloyd Avenue property) based on an updated building design (March 2007). The assessment focused on impacts resulting from two prominent industries within the area of the proposed development, namely NRT and Canada Bread. The assessment of impacts for both facilities was

done using the U.S. EPA AERMOD dispersion model which is one of the dispersion models recommended by the MOE.

Golder's Position

This is an acceptable choice of model. Only precaution is that AERMOD does not have the ability to evaluate calm meteorological conditions, a condition that may result in higher than modelled impacts at elevated receptors (i.e., high-rise apartments/condos).

The evaluation of NRT did not change from what was documented in the March 14, 2007 memo (Section 4.2) therefore the comments provided above are still relevant.

RWDI acknowledges other industry in the area with the potential to impact the proposed development. They refer to the previous reports for their judgements on these impacts.

Golder's Position

Golder peer reviewed the "other industries" and their potential for impacts on the proposed development previously. Golder agrees that the judgements made related to these industries by RWDI previously are still appropriate for the updated building design proposed by Terrasan in March 2007.

RWDI describes Canada Bread's emission to include particulate matter, natural gas combustion products and various volatile organic compounds (VOCs) from the bread-making process. Emissions are primarily released from short stacks. A whole odour assessment has not been prepared for the facility because the MOE has not required that the facility conduct such an assessment nor that they comply with the 1 OU guideline limit as a condition of their Certificate of Approval (CofA) for Air.

Golder's Position

This is not surprising. In areas where industry has been present for a long time (Canada Bread has been at this location for 40 years) the local residents, although they may detect odours do not typically complain. In many cases this is because they have developed a tolerance for the impacts and/or they are not aware of whom they could complain to. The MOE will not typically impose the 1 OU guideline limit as a compliance condition in a CofA(Air) unless they have received warranted complaints from sensitive receptors (e.g., local residents).

RWDI documents that they used emissions data provided by the MOE through the Freedom of Information Act, as well as data that they solicited directly from Canada Bread.

Discussion of Regulatory Requirements

The report provides a discussion on regulatory requirements for the evaluation of air quality contaminants and odours.

The report identifies that Ontario Regulation 410/05 (recently promulgated) has 3 schedules that are to be phased in over time. Currently Schedule 1 applies to Canada Bread, Schedule 3 will apply in 2020.

Golder's Position

This is correct. Should Canada Bread discover that they do not meet Schedule 1 or 2 standards (not assessed by RWDI), they have the option to be "sped up" to Schedule 3 standards at any time. This requires the use of a more advanced dispersion model to demonstrate compliance with Schedule 3 standards (like AERMOD). In addition Canada Bread would have to resubmit a complete CofA(Air) application to the MOE.

RWDI identifies particulate matter, oxides of nitrogen (NO_x), carbon monoxide, and sulphur dioxide as contaminants emitted from Canada Bread. In addition, they also acknowledge that there are other VOCs emitted from the facility that do not have point of impingement (POI) limits (i.e., specified standards under Schedule 1, 2, and/or 3).

RWDI focussed the air quality study that they conducted on particulate matter and oxides of nitrogen (NO_x) because they felt that these compounds were the limited contaminants from the facility.

Golder's Position

For the scope of this study, identifying compounds as "facility limiting contaminants" so that they can focus the air quality study is standard practice. However there is very little evidence to support their choice of compounds so Golder cannot comment on the validity of their choice.

Lastly, RWDI states that Schedule 1 and 2 compliance is demonstrated through the use of O.Reg.346 dispersion model and that Schedule 3 compliance is demonstrated through the use of advanced models like AERMOD. RWDI states that standards in Schedule 3 are evaluated at POIs where POIs are defined as a point off-property from the source and the type of land use off-property is not distinguished in the regulation.

Golder's Position

The other compounds with no POIs are still approved under the O.Reg.419/05 CofA(Air) approval process. The approval of these types of compounds requires that the industry applying for such approval (i.e., Canada Bread) demonstrate that either their emissions are below a "de minimus"

limit or that they submit a “Maximum Ground Level Concentration Acceptability” (MaxGLCA) request. A MaxGLCA request undergoes a toxicological assessment performed/reviewed by the MOE standards development branch and is based on site specific conditions. It is a fair assumption that the MOE will accept that concentrations that are lower than those provided in the original submission will be accepted by the MOE.

RWDI provides a detailed discussion regarding regulatory requirements related to odours, similar to what was provided in previous reports. The highlights include:

- effects of odours vary widely from one person to another;
- difficult to assess odours and set appropriate limits for them;
- March 2005 the MOE released a discussion paper to develop an odour policy framework;
- typical odour limits imposed on CofA(Air)’s is 1 OU (i.e., 50% detection by population);
- the MOE recognizes that complaints are typically in the 3 to 5 OU range;
- the MOE is looking at adopting the Frequency, Intensity, Duration, Offensiveness, Location or “FIDOL” approach to assess odours;
- June 2006 the MOE released another position paper indicating that for some industries compounds with low odour thresholds the MOE will tolerate a frequency of exceedence of their odour threshold at sensitive receptors;

Golder’s Position

In summary these comments suggest that

- although existing residents may not complain about current odour impacts, new residents may be adversely impacted;
- it is difficult to determine what kind of assessment methodology the MOE will settle on, leaving existing industry vulnerable should they be asked to assess/mitigate their odour impacts;
- it is reasonable to assume that the 1 OU guideline limit will still be incorporated into the demonstration of compliance to some extent and that facilities like Canada Bread will need to conduct a whole odour assessment (i.e., not compound specific) which will show impacts at existing residents (NRT has already done so).
- the expectation that frequency of exceedence is incorporated into assessment methodology (implied in RWDI’s discussion) for whole odours is premature at this time.

Dispersion Modelling Approach

The modelling scenarios evaluated were based on Canada Bread’s current operations without the Terrasan receptors and then with the Terrasan receptors (including high-level receptors). The current operations were assumed to be 24 hours per day, 7 days per week in order to give Canada Bread flexibility with their future operating hours.

Golder's Position

The choice of modelling scenarios was good. This allows for the evaluation of the new impacts that would be introduced as a result of the newly proposed development.

It is typical practice to assess a facility's operations using extended operations; how much actual flexibility is provided based on extending the hours of operations to 24/7 is not easily determined based on the limited information provided herein. So Golder's only caution is that the "flexibility" that RWDI suggests may be overrepresented.

The source allocation approach followed an approach typically used in O.Reg.346 modelling because RWDI was limited in the information that was available to them.

Golder's Position

This is a fair approach based on the limited information available to them. However, caution should be used when applying this approach because in some cases high exit velocity / high exit temperature exhaust stacks may escape the building wake effects making this approach inappropriate.

For the evaluation of odours from the facility RWDI used a relative assessment approach by arbitrarily applying an odour emission rate of 1000 ou/s from each emission source at the facility.

Golder's Position

This was a good approach because it enables us to gain an understanding of how the newly proposed residential receptors from the development will be impacted relative to the existing residences. However, caution should be used here because no real conclusions can be drawn from this information because overall baseline impacts are not known.

Building information was incorporated for the Canada Bread study from Canada Bread and the proposed development.

Golder's Position

This is good practice, although it is not usually done for compliance purposes. However, if both of these buildings were included to be thorough other buildings that may have influence should also be included (e.g., NRT).

Receptors used include a ground-level multi-tiered grid and discrete receptors at elevated locations intended to represent existing and proposed residences.

Golder's Position

This choice of receptors is acceptable, although they should have considered receptors in common/amenity spaces also.

Results

The results of the assessments indicate compliance with Schedule 3 standards.

NO_x limits would be no more than 30% of the standard at Building C, and particulate matter no more than 16% of the standard at the same building.

For odour the relative assessment indicates that Building C impacts would be 16% less than the existing residents experience, and Building A and B would be 52% less and 45% less, respectively.

Golder's Position

While it seems reasonable that RWDI would arrive at these conclusions it is important to note that these results reflect current operations, operations under meteorological conditions that do not include calms (a limitation of the model), and with the assumption that all short stack emissions would always be caught in the building wake (possibly underestimating the impact of these source emissions at high-level receptor locations downwind).

Mitigation at Receptor

RWDI recognizes that odour impacts are subjective and that the MOE does not have a definitive approach for assessing odours. As such, as a precautionary measure they stated that they are pursuing "mitigation at receptors".

Golder's Position

This is a contradictory statement by RWDI because they appear to indicate previously in this report that there may not be impacts at the proposed development.

Regardless, it is a fair conclusion that Canada Bread is vulnerable to the MOE imposing the 1 OU guideline as a condition into their CofA(Air) at any time (i.e., from existing residents or from the introduction of new residents as a result of the new development). With the 1 OU limit as a condition of their compliance a whole odour assessment and eventual mitigation would be necessary. This could limit their current operations and their opportunities for expansion.

RWDI's solution of "mitigation at receptors" is fair; however, the MOE is not firm on an assessment method. It is possible that the MOE would not find "mitigation at receptors" an acceptable strategy for reducing odour impacts at individual facilities. Golder believes that this is a strong possibility

because it is consistent with existing noise regulations. RWDI acknowledges that mitigation “at source” is also a solution but does not explore the feasibility of such mitigation. Thus, the proposed development may put NRT and Canada Bread at a disadvantage because “at source” mitigation may not be financially and/or technically feasible. As a result, this could limit future changes to the operations at either Canada Bread or NRT.

The design features as summarized previously in July 25, 2006 report. In short, the development is exploring incorporating design features to reduce infiltration outside air into the living space they also propose to relocate/minimize outdoor amenity spaces.

Design modifications include:

- enclose balconies on the south faces of the towers;
- incorporate an air pressurization system to provide positive pressure relative to the outside air;
- equip the building with central air conditioning; and/or
- design the mechanical system to allow for the future installation of carbon filtration of the fresh air intakes (as a precautionary step.).

Golder’s Position

Assuming that the MOE accepts the strategy of mitigation at receptor outdoor amenity spaces are still vulnerable. Complaints resulting for an odour experience in these areas may force the hand of the MOE to impose the 1 OU guideline as a condition of compliance for the facility.

The design modifications to the proposed development need to be assessed more fully.

- enclosing the balconies of the south side may not be sufficient because the south side may be on the windward side of the building, directly downwind, but the building wake on the leeward side of the building could result in impacts at these balconies. (see Figure 1);
- providing central air does not mean people would not open their windows;
- allowing for charcoal filters; if required this means that complaints have been registered; NRT still vulnerable to the 1 OU guideline limit.

Lastly, RWDI talks about an “Emissions Warning Clause” to warn of unpleasant odours.

Golder’s Position

An “Emissions Warning Clause” is not protective of MOE action.

Canada Bread’ Updated Peer Review (Air/Odour Only)

Canada Bread, through Osler, Hoskin & Harcourt LLP commissioned Pinchin Environmental to conduct a peer review of air quality, odour and noise assessment work that was done for the proposed Terrasan development to be located at 6 Lloyd Avenue.

Comments on the RWDI Memo of March 14, 2007

In summary, Canada Bread's position is that with the introduction of the proposed high-rise development they are vulnerable to odour complaints due to the introduction of new residents to the area. Complaints received by the MOE could result in "MOE action" which would be to "order the company to evaluate odour emissions and to mitigate impact if above the guideline of 1 odour unit". This requirement would also become a condition of their CofA and apply not only to receptors located at the newly proposed development but at existing receptors (i.e., residences) within the area that currently tolerate the odours.

Under MOE action, Canada Bread feels that mitigation at source would be imminent. Their primary concern is that "source mitigation methods appropriate for control of odour from Canada Bread will have very high capital cost, as well as high ongoing operating costs". They go on to say that "an otherwise feasible means of odour mitigation, improved dispersion (taller stacks), will not be an option for Canada Bread in the future if the tall residential towers are constructed".

Golder's Position

The opinion of Canada Bread's consultant is consistent with Golder's concerns. Canada Bread's. Additional information provided within their review is the opinion that aside from improved dispersion (increased stack heights) the only other viable option would be to install expensive (high capital and operating cost) odour treatment equipment.

Additional comments that Canada Bread's consultant provided that differed from Golder's include:

- odour detectable in common areas (parking areas, access roads, etc.) may result in complaints and therefore potential MOE action;
- the "Emissions Warning Clauses provides no assurances that subsequent purchasers or tenants would be made aware of the issue". Regardless of the warning clause, Pinchin still believes that this does not protect them against complaints and potential MOE action.

Golder's Position

Golder agrees with both of these comments.

Comments on RWDI's Air Quality/Odour Study of May 28, 2007

Canada Bread's primary concern with this document is that the proponent's consultant's evaluation of compliance (with respect to air quality) reflects only the current operating conditions. Canada Bread believes that the existence of the proposed development at 6 Lloyd Avenue would be a barrier to future uses or expansion of the Canada Bread facility.

Reducing off-property impacts from their current or expanded operations is generally achieved through raising stack heights (a proven low cost solution). However, with the introduction of a new high-rise building, which will result potentially higher impacts that at low-level receptors (i.e., existing residents) Canada Bread may be forced to use a more costly solution to reducing impacts which would “reduce the value of the property to prospective buyers”, “could become a barrier to future changes to the plant, or even limit the viability of future operations”.

In regards to odour, the same concerns as above hold true, however there is an additional risk that Canada Bread may need to turn to mitigating their impacts at source based on how they operate today due to the introduction of new residents to the area which may complain of odours from their facility.

Canada Bread’s consultant conducted their own “relative odour assessment” to assess the impacts of Canada Bread should they be required to reduce their impacts off-site (either due to MOE action or because they are expanding their operations). The assessment used the U.S. EPA AERMOD dispersion model to predict odour impacts at existing residents and at those that would be introduced as a result of the proposed development and assumed that all odour was emitted from a single stack 20 m above grade.

The results showed that impacts were much higher at the high-level receptors than at the low-level receptors. These results are the opposite to RWDI’s findings in their relative odour assessment of Canada Bread’s odour impacts; supporting Pinchin’s claim that stack extensions are not a viable option for reducing Canada Bread’s odour impacts.

Golder’s Position

Golder agrees with the above comments.

NRT’s Updated Peer Review

NRI Industries (now National Rubber Technologies Corp. (“NRT”)) consultant provided a letter review of RWDI’s memo dated March 14, 2007 and their report dated May 28, 2007.

Their letter review reiterates a number of their previous comments that they feel were not addressed appropriately. NRT is firm on their position that the introduction of high-rise receptors from the proposed development will result in odour impacts potentially resulting in complaints that could put NRT in a non-compliance situation. They also believe that the new development may inhibit their potential to expand their operations in the future.

Golder's Position

Golder agrees with the above comments.

MMM Report

Transportation

This study updates previous noise assessments prepared dated June and December 2005. It incorporates information from design changes. It is stated within the study that, "Keele Street will have a negligible noise impact on the development given that the noise from St. Clair Avenue and the adjacent rail lines will be dominant."

Golder's Position

The study determined that road traffic from Keele Street is not a significant source of noise due to the distance to the development, presence of intervening buildings and dominant noise levels from traffic along St. Clair Avenue and adjacent rail. Along the west façade of the proposed development, these noise levels from these corridors will be partially shielded by the development itself, which was incorporated into the modelling. However, Keele Street would have full exposure and therefore traffic noise from Keele Street may be more dominant, more so at elevated receptor heights where the shielding effect of intervening buildings will be minimized. From the traffic data provided in Appendix A, it is evident that there could be more traffic along Keele Street than St. Clair Avenue. In the assessment of CanAmera Foods stationary noise sources, it was sited that, "...transportation road noise from St. Clair Avenue and Keele Street ...will result in a considerable increase in background sound level".

Stationary Noise Sources

The study sites that there is an, "existing residential development" closer to the facility than the proposed development. "Also, since current residential uses are already located closer to the facility compared to the proposed development, it is anticipated that the CanAmera Foods facility will not have any stationary noise impact on the proposed development".

Golder's Position

Golder does not feel that there was sufficient evidence presented to support this conclusion. Has there been an Acoustic Assessment prepared for the facility assessing impacts at these receptors? There may just be a lack of complaints from existing resident in the vicinity of the facility. The only way to ensure that any facility is in compliance with MOE noise guidelines is through the preparation of an Acoustic Assessment of the facility under review. Note: the existing residential development may be shielded or have less directional noise from rooftop stationary noise sources associated with the CanAmera facility, however a multi-storey building may not experience this shielding, and may have more directional noise as suites will be looking down at the sources.

Through site visit, MMM staff observed that, “that a number of potential noise sources on the NRI rooftop were vented through tall vertical stacks, which have little or no directivity to the site” and that, “sound level measurements were recorded from the rooftop of the former Benjamin Moore building on the 6 Lloyd Ave. site at the highest elevation possible.”

Golder’s Position

It is unclear how high the measurements were taken. Would the measured levels reflect the expected noise impacts at a suite looking down at the site from the 21st storey? The suites within the proposed development, at higher elevations, may have more directivity to the site noise sources, thereby, possibly increasing the noise impacts.

The study finds that the ambient noise environment was dominated by, “St. Clair Avenue traffic and streetcar noise”, and that there was an audible source of noise from the site.

Golder’s Position

It seems like the verification of compliance was completed by comparing against existing noise levels. As stated in the study the ambient noise environment was in-part dominated by streetcar noise. The MMM noise control study appears to correctly include rail traffic noise in determining the impact of transportation noise sources on the development. However, in determining the compliance of the stationary noise sources, a noise study is not to include noise from short duration noise sources (i.e. train pass-bys) as per the direction of the MOE. The MMM study did not remove rail noise when assessing compliance for the industries, thereby possibly predicting an overly elevated background noise level.

The study sites that, “there is much closer existing residential uses”, and that, “Since the NRI plant does not have a noise impact on these existing houses, it supports the conclusion that with the much greater setbacks, the NRI plant will not have a noise impact on the proposed 6 Lloyd Avenue development”.

Golder’s Position

A description of how a lack of noise impact was assessed was not provided. Has there been an Acoustic Assessment prepared for the facility assessing impacts at these receptors to ensure a lack of noise impact? A lack of complaints is not an indication of a lack of impact. The only way to ensure that any facility is in compliance with MOE noise guidelines is through the preparation of an Acoustic Assessment of the facility under review. Note: the existing residential development may be shielded or have less directional noise from rooftop stationary noise sources associated with the NRI facility, however a multi-storey building may not experience this shielding, and may have more directional noise as suites will be looking down at the sources, thereby, possibly increasing the noise impacts.

In assessing noise impacts from the Canada Bread operations, the study sites that the proposed development will be at a greater distance than existing dwellings.

Golder's Position

As with Golder's finding for the other industries, the existing residential developments may be shielded or have less directional noise from rooftop stationary noise sources associated with the Canada Bread facility, however a multi-storey building may not experience this shielding, and may have more directional noise as suites will be looking down at the sources.

The MMM study states that, "Although the blower sound source was observed to be located off of the Canada Bread site, the blower sound was reviewed as a stationary source on the Cawthra Avenue right-of-way. Normally, sources of sound along the road are assessed as vehicular traffic noise only."

Golder's Position

Golder is in agreement that the noise from the truck blower should be assessed as a stationary source. Vehicles parked on the Cawthra Avenue right-of-way, and connected to the building through hoses, would no longer be deemed vehicle traffic noise, but would be considered part of the facility operations.

Within the study, MMM finds that, "As a result of the required setback of the proposed 6 Lloyd Avenue residential buildings from the CN/CP rail corridor, there will not be any direct exposure of the residential building facades to the flour blower noise", and "The flour delivery truck produces an unattenuated free-field sound level that is in the order of 82 dBA (reference distance of 15 metres) when the blower is pumping out the flour. Based on this reference sound level, it is estimated that the sound level resulting from the flour unloading will range up to 56 dBA along the top floor of both the east and south facades of Building B.

Golder's Position

The lack of direct exposure of a receptor point to a source does not directly infer that there will be no noise impact. Noise predictions are required to ensure that the intervening building provide adequate shielding. The study summarizes that predictions were completed with a resulting noise impact of 56 dBA at various building facades. These blower trucks are typically tonal in character. In accordance to MOE requirements, resulting noise impacts of a tonal noise source are to have a 5-dB penalty applied. Upon reviewing the sample calculations provided, it does not seem that a tonal penalty was added. As such, resulting noise impacts of the blower truck should be closer to 61 dBA when predicted in accordance with MOE expected practices.

The study finds that, "the range of maximum sound levels produced by flour delivery, occurring at the nearest and most exposed façade receptors at 6 Lloyd Avenue, is slightly less than the 57

to 58 dBA ambient sound level (resulting from background traffic noise) occurring at the site during the daytime period. Accordingly, the flour delivery sound levels are within the applicable sound level criteria for stationary sources of sound.”

Golder’s Position

MMM found that the ambient noise sound level, during the day, is approximately 57 to 58 dBA. The study does not indicate if this included rail traffic, if so, these values would be higher than the MOE prescribed ambient noise levels if determined in accordance with typical MOE practices. Typically, these types of facilities can receive deliveries (such as flour deliveries) during night time periods, where the ambient noise levels would lower. Without a tonal penalty, the MMM study found that the impact noise levels, from the blower truck alone, would be within 1 and 2 dB of the ambient noise level during daytime periods, it is expected that the night time ambient noise levels are lower than the daytime periods. If the facility receives a blower truck delivery during the nighttime period, where the ambient noise levels are lower, the noise impacts of the blower truck would exceed the ambient noise levels, more so if a tonal penalty of 5 dB is added to the noise impact levels, as required by MOE practices. Also, the study finds that the noise impact of the blower truck alone is within 1 dB of the ambient noise levels, if the assessment included all equipment associated with the facility operations (predicted worst case conditions noise impacts, as required by MOE practices), there would be a predicted cumulative noise impact, which could be above the ambient noise levels.

Within the study, MMM states that, “It should also be noted that due to the impact of railway noise, all units at 6 Lloyd Avenue will have central air-conditioning and all windows on the east, south and north façades will also have significant window glazing upgrades (see Section 3.5). These significant upgraded railway noise control measures will also ensure that there will not be any impact from flour deliveries on the indoor noise environment of the 6 Lloyd A venue development.”

Golder’s Position

The MOE does not typically accept Air Conditioning or upgraded building component as a control measure for stationary noise sources.

Within the study MMM argues that, “since the windows along the south façade of Building B will be designed to mitigate the greatest overall noise source (i.e. rail traffic) in the area, the indoor noise environments of the immediate south facing dwellings will not be impacted by any adjacent sources of stationary sound.”

Golder’s Position

The MOE does not typically accept Air Conditioning or upgraded building component as a control measure for stationary noise sources.

In sub-section 4.1 Conclusions of Section 4 Conclusions and Recommendations, the MMM study finds that, “There will be no stationary noise impacts on the proposed development”.

Golder’s Position

As stated in this document, Golder does not believe that effective assessments have been completed to support this statement.

Canada Bread’ Updated Peer Review (noise only)

In the Canada Bread Peer Review prepared by Pinchin Environmental, Pinchin found that MMM, “...correctly calculates the hourly impact of flour delivery at Canada Bread.” They went on to state that “...since the sound emitted from the blower system is tonal, a 5 dB penalty must be applied”.

Golder’s Position

Golder agrees with this finding.

Conclusions

In preparing the Peer Review of the Air Quality/Odour Study and Noise Control Study, we have tried to address the following six questions:

- Have the issues identified in Golder's final report been effectively addressed in the updated submission provided by RWDI Air Inc. on behalf of Terrasan Corp?
- Are the methods used by the Proponent's consultant sound, and defensible in terms of supporting the proposed Official Plan and Zoning By-Law amendment?
- Are there shortcomings with the assessment completed by the Proponent's consultant?
- Has sufficient work been conducted to identify all sources of noise, air and/or odour emissions that could impact the Project?
- Have the proper protocols been used in the analysis completed by the Proponent's consultant?
- Has sufficient information been collected to support the conclusions? If no, what additional information would be required to support the conclusions provided by the Proponent's consultant?

After completing a review of all of the work completed to support the proposed development, including the work to support the latest revision to the proposed development, as well as the submission from the parties objecting to the proposed development, the following conclusions have been reached regarding these points.

- Some of the issues identified by Golder in their peer review have been addressed in the work prepared to support the revised development. For example, the Proponents consultant (i.e., RWDI) did use the AERMOD dispersion model to evaluate air quality compliance and odour impacts with respect to the development. However, there was no discussion related to the practicality of mitigating odour impacts on the proposed development. The Proponents consultant talks about modifications to the proposed development to limit exposure, but does not address issues related to mitigation that may be required at nearby industries as a result of the proposed development. They do not consider whether the proposed high-rise development could nullify the practical mitigation available to the nearby industries.
- The air quality assessment completed to support the revised application made use of the AERMOD dispersion model to evaluate air quality compliance. The assessment demonstrated that air quality compliance at the proposed development could be achieved with the current operations at both Canada Bread and NRT (formerly NRI).
- In discussing the potential odour concerns associated with Canada Bread, the Proponents consultant did not evaluate the potential impact that the proposed development could have on current and future operations. Odour levels near the ground at the proposed development were shown to be similar to, or less than the levels expected at the existing residences in the area. While increasing stack heights was identified by Canada Bread as the only proven cost effective solution for odour control for the baking process, the proposed high-rise development would nullified any potential benefits.
- The odour assessment of NRT indicated that odour impacts may occur occasionally.
- The revised odour assessment continues to discuss measures that could be incorporated into the design of the proposed development to reduce the likelihood of odour complaints.

However, none of these measures address the potential for the adjacent industries to be required to reduce the predicted odour levels at the proposed development.

This review also considered the noise assessments completed to support the proposed development and reached the following conclusions:

- The design of the proposed development is appropriate to address the noise impacts associated with transportation noise sources.
- The Proponent's consultant indicated that the existing industries appear to be in compliance at the existing receptors in the area. However, an acoustic assessment was not presented for each of the nearby industries (i.e., Canada Bread and NRT) to support this position.
- Golder does not agree with the Proponent's consultant that the measures used to mitigate noise impacts from transportation sources would be sufficient to mitigate noise from stationary sources. The MOE's position is that noise impacts from stationary sources should be mitigated through controls at the source, rather than through the design of the proposed development. The Proponent's consultants did not consider whether "at-source" mitigation measures for current or future noise impacts at the proposed development from either Canada Bread or NRT were practical.

The overall conclusion drawn from this Peer Review process is that, while there currently appear to be no compliance issues related to the two Objectors (i.e., Canada Bread and NRT), the proposed high-rise development may affect the ability of either industry to mitigate potential air, odour or noise impacts in the future. As a result, the proposed development may result in restrictions on the future operations, including changes or expansions, of Canada Bread and NRT.

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