

**5415, 5421-5429, 5453, 5475, 5481, 5485 and 5487
Dundas Street West and 15 and 25 Shorncliffe Road –
Zoning Amendment and Removal of an “H” (Holding
Symbol) Applications – Supplementary Report**

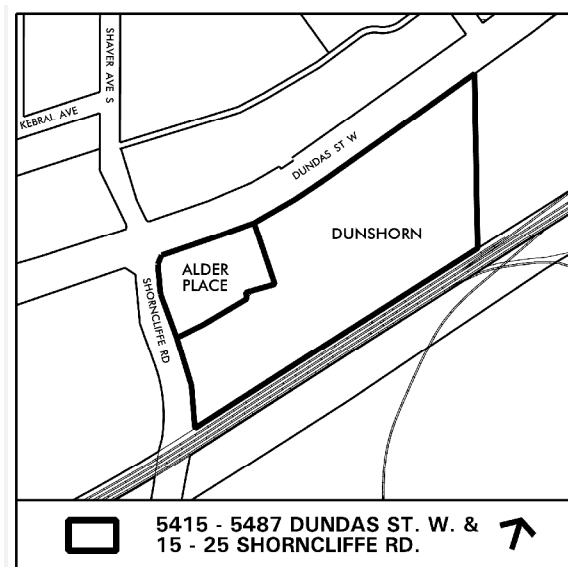
Date:	January 9, 2012
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	10 272799 WET 05 OZ, 11 107405 WET 05 OZ, 11 288365 WET 05 OZ

SUMMARY

City Planning was directed to report on the progress of negotiations between the two applicants for zoning amendments on the above properties (Dunshorn Holdings and Alder Place) regarding access to the private road planned for the Dunshorn site.

The applicants advise that they have reached agreement in principle on this issue.

The report recommends that the Bills enacting the zoning amendments for these lands not be introduced until the agreement has been finalized and registered on title to the lands. It also recommends deletion of a requirement related to mitigation of potential odours from nearby industries prior to introduction of the Bill for the Dunshorn zoning amendment.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council delete the requirement set out in Part 5 (a) (iii) (c) of Item EY11.5, headed "Final Report - 5415, 5421-5429, 5453, 5475, 5481, 5485 and 5487 Dundas Street West and 15 and 25 Shorncliffe Road – Zoning Amendment and Removal of an “H” (Holding Symbol) Applications", adopted by City Council on November 29, 30 and December 1, 2011 and the following be inserted in its place:
 - "c. written confirmation has been received from the Dunshorn property owner's solicitor and Dunshorn's consulting engineer that, if off-site mitigation measures are recommended by the Third Party Peer Review, a written agreement(s), including financial and implementation details, has been executed between the odour-emitting industry(s) affecting the development and Dunshorn to ensure that the measures will be completed and will be operational to mitigate air quality and odour impact, all to the satisfaction of the Director, Community Planning, Etobicoke York District."
2. Before introducing the necessary Bills to City Council for enactment, City Council require the Owners of Dunshorn and Alder Place to enter into an agreement with each other, and register same on title of all the relevant properties, regarding access to, construction, and maintenance of the Private Road, with confirmation of the above to be provided by a letter from Dunshorn's solicitor, to the satisfaction of the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council, at its meeting of November 29, 30 and December 1, 2011, adopted the Recommendations of Report EY11.5, as amended.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY11.5>

That report recommended approval of applications for zoning amendment from two applicants (Dunshorn and Alder Place) and, among other things, set out certain conditions to be met before the Bills enacting these zoning amendments could be introduced to Council. One of these conditions required the two applicants to reach an agreement regarding access to a private road on the Dunshorn lands. Council directed the Director, Community Planning, Etobicoke York District to report to the Etobicoke York Community Council at its meeting of January 10, 2012 if the applicants had not reached an agreement by December 31, 2011.

COMMENTS

Access to Private Road

The applicants (Dunshorn and Alder Place) have indicated to City Planning that they have reached agreement in principle regarding access for the Alder Place development to the private road proposed for the Dunshorn project. Negotiations continue to finalize the details of the agreement.

City Planning recommends that the Bills enacting the zoning amendments be introduced only after an agreement between the two applicants regarding access to, construction, and maintenance of the Private Road, satisfactory to the Director, Community Planning, Etobicoke York District, has been executed and registered on the title of all the relevant properties, to the satisfaction of the City Solicitor. The other conditions that must be satisfied prior to the introduction of Bills, as approved by City Council, would continue to apply.

Environmental Issues (Odour)

City Planning has completed a review of the Air Quality Analysis (AQA) submitted by Dunshorn, which identifies several potential industries south of the railway tracks which may emit dust and/or odour. The study concludes that air emissions should not be a concern for the proposed development. This study will be peer reviewed by a qualified consultant at the applicant's expense.

Given the nature of the industries identified, the conclusions of the AQA and the fact that these industries are operating under Certificates of Approval issued by the provincial Ministry of the Environment, it is unlikely that at-source mitigation measures will be required but this requires confirmation by the Peer Review.

In the event that mitigation measures are identified, a revised condition is being recommended. The condition requires that, if off-site mitigation measures are recommended by the Third Party Peer Review to support the development proposal, a written and executed agreement(s), including financial and implementation arrangements, must be entered into between the odour-emitting industry(s) impacting the development and Dunshorn. This agreement(s) will ensure that the necessary measures to mitigate air quality and odour impacts will be completed, all to the satisfaction of the Director, Community Planning, Etobicoke York District.

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SIGNATURE

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