

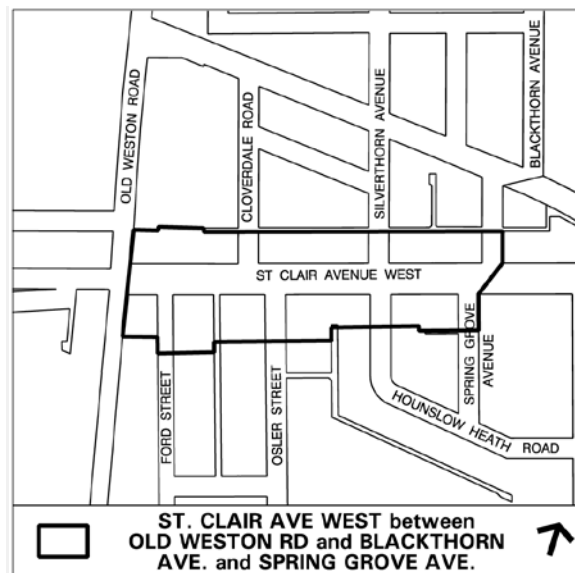
City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information Report

| | |
|--------------------------|--|
| Date: | December 15, 2015 |
| To: | Etobicoke York Community Council |
| From: | Director, Community Planning, Etobicoke York |
| Wards: | Ward No. 17 – Davenport |
| Reference Number: | 05 189781 WET 11 TM |

SUMMARY

The purpose of this report is to respond to the direction of Etobicoke York Community Council from the meetings of September 8, 2015 and November 10, 2015 to report back to the January 19, 2016 meeting of the Etobicoke York Community Council. The direction of Etobicoke York Community Council included:

- that a Community Working Group be established;
- that staff consider, in consultation with the Community Working Group, deleting any "Holding Provisions" on the revised draft modification to Official Plan Amendment No. 84;
- to provide appropriate notice of any future meetings and community consultation to be held by the City;
- to schedule a community consultation meeting;
- to bring forward any recent communications between the City of Toronto and National Rubber



Staff report for action – City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information Report

Technologies (NRT) on this planning file including any recent comments on the planning studies and a copy of the appeal filed by NRT to the Ontario Municipal Board;

- to report back to the October 6, 2015 meeting of Etobicoke York Community Council on the failure to communicate and how to rectify the process; and
- to report in more detail on the results of the May 27, 2015 public consultation meeting hosted by Planning staff to present Golders' findings to the local community.

RECOMMENDATIONS

The City Planning Division recommends that this report be received for information.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of September 8, 2015 Etobicoke York Community Council considered a report dated August 21, 2015 titled City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Supplementary Report #5 (Item EY8.7). A copy of this report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82594.pdf>

Community Council referred this report back to the Director, Community Planning, Etobicoke York District with several requests, including:

- that a Community Working Group be established;
- that staff consider, in consultation with the Community Working Group, deleting any "Holding Provisions" on the revised draft modification to Official Plan Amendment No. 84;
- to provide appropriate notice of any future meetings and community consultation to be held by the City;
- to schedule a community consultation meeting;
- to bring forward any recent communications between the City of Toronto and NRT on this planning file including any recent comments on the planning studies and a copy of the appeal filed by NRT to the Ontario Municipal Board; and
- to report back to the October 6, 2015 meeting of Etobicoke York Community Council on the failure to communicate and how to rectify the process.

The decision document can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY8.7>

At its meeting of October 6, 2015 Etobicoke York Community Council considered a report dated September 17, 2015 titled City-Initiated St. Clair Avenue Study – Between

Staff report for action – City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information Report

Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information (Item EY9.3). A copy of this report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83901.pdf>

Community Council deferred consideration of this report to its meeting on November 10, 2015. A copy of the decision document can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY9.3>

At its meeting of November 10, 2015 Etobicoke York Community Council considered Item EY9.3 as deferred from the October 6, 2015 Community Council meeting. The Item was adopted with amendments and included the following direction:

- requested that the direction with respect to Item EY8.7 be included in the next report submitted by City Planning on this matter;
- requested the Director, Community Planning, Etobicoke York District to include certain persons on the Community Working Group (list provided in the decision) and to canvas Councillors Palacio and Nunziata for any additional local community group representatives that are interested in being part of the Working Group; and
- requested the Director, Community Planning Etobicoke York District, to report in more detail on the results of the May 27, 2015 public consultation meeting hosted by Planning staff to present Golders' findings to the local community.

A copy of this decision (Item EY10.6) can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY10.6>

ISSUE BACKGROUND

At its meeting of November 10, 2015 Etobicoke York Community Council provided direction to staff through Decision EY10.6 further to the previous direction provided September 8, 2015 by Etobicoke York Community Council through Decision EY8.7. The decision history is summarized above and both decisions are attached for reference.

COMMENTS

Staff were directed to report back on a series of matters. These matters are addressed below.

Community Working Group

In Decision EY8.7, through Recommendations 1 and 3, Etobicoke York Community Council directed staff to establish a Community Working Group comprised of members of the local community, representatives from NRT, local Business Improvement Areas, community groups in the near proximity of Wards 17 and 11, and Councillors Palacio and Nunziata. Additional detail was provided through Recommendation 2 of Decision EY10.6, as to the people to be included on the Community Working Group. Staff will continue to work with the Councillors of Wards 17 and 11 to further define the appropriate local community group representatives to be part of the Working Group and

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to provide the appropriate notice of any future meetings and community consultations to be held by the City in respect of all items concerning the St. Clair Avenue Study and Official Plan Amendment No. 84.

Community Consultation Meeting

Staff were also directed to schedule a community consultation meeting. At this time, staff are working with the office of each of the Ward Councillors to determine a date for the community consultation meeting. The meeting will be scheduled in the first quarter of 2016 and appropriate notice will be provided in consultation with the Ward Councillors.

Holding Provision

Staff were also directed through Decision EY8.7 to consider, in consultation with the Community Working Group, the deletion of any "Holding Provisions" on the revised draft modification to Official Plan Amendment No. 84. Once the Community Working Group meetings are held, staff will follow through on this direction.

Communications between the City of Toronto and NRT

Staff were directed to bring forward any recent communications between the City of Toronto and NRT on this planning file including any recent comments on the planning studies. Current staff checked with the staff previously involved in this matter and determined that the only correspondence was an email from Manuel Estragadinho, Vice President, NRT to Luisa Galli, City of Toronto Community Planning, dated June 3, 2015. The email advised that NRT would be meeting with Councillor Nunziata on Monday June 8, 2015 and that the meeting was arranged by the owner of 6 Lloyd Avenue.

There was also a request to provide a copy of the appeal of OPA 84 filed by NRT to the Ontario Municipal Board. The appeal letter is attached to this report as Attachment 3.

Community Consultation Meeting May 27, 2015

In the staff report dated September 17, 2015 that was before Etobicoke York Community Council at its meeting of October 6, 2015 and deferred to November 10, 2015, staff provided a response to the direction to report back on the communication issue that had occurred.

Etobicoke York Community Council also requested further detail on the results of the May 27, 2015 public consultation meeting hosted by Planning staff to present Golder's findings to the local community. Community consultation meetings are typically summarized in staff reports with a focus on the main issues that are raised at the meetings. The staff report that was before Etobicoke York Community Council at the meeting of September 8, 2015 provided a summary in the body of the report with some additional details provided in Attachment 4, Technical Memorandum, from Golder Associates Ltd., dated June 1, 2015 regarding some of the technical questions that were posed to the consultant at the meeting.

Staff report for action – City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information Report

The meeting was held at Pope Paul Catholic School on May 27, 2015. There were approximately 40 people in attendance. The meeting began at 7:00 p.m. with a presentation by Planning staff after which there was opportunity for questions and comments. The meeting ended at approximately 9:15 p.m. The concerns expressed by the community included:

- concerns about the lack of notification of the meeting;
- comments about OPA 84;
- concerns about NRT including: how they operate; the concerns the community had with their operation; their lack of participation in the process; and their lack of participation with the community;
- comments about the MOECC process in terms of how it addresses sites such as NRT in terms of odour and the input they consider through their process;
- technical questions that were addressed to the consultant from Golders Associates Ltd.;
- desire of the community to have a working group moving forward; and
- request for the presentation to be posted on the City of Toronto website.

CONTACT

Sarah Henstock, MCIP, RPP
Manager, Community Planning
Tel. No. 416-394-2610
E-mail: shensto@toronto.ca

SIGNATURE

Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Decision EY8.7, Etobicoke York Community Council
Attachment 2: Decision EY10.6, Etobicoke York Community Council
Attachment 3: Appeal of OPA No. 84 to the Ontario Municipal Board by NRT
Attachment 4: Summary of Comments, May 27, 2015 Community Consultation Meeting

Staff report for action – City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information Report

Attachment 1: Decision EY8.7, Etobicoke York Community Council

08/12/2015

Agenda Item History - 2015.EY8.7



Tracking Status

- This item was considered by Etobicoke York Community Council on September 8, 2015. The Etobicoke York Community Council has referred this item to an official or other body without making a decision. Consult the text of the decision for further information on the referral.

Etobicoke York Community Council consideration on September 8, 2015

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| EY8.7 | ACTION | Referred | | Ward:17 |
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City-Initiated St. Clair Avenue Study - Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue - OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment - Supplementary Report #5

Community Council Decision

Etobicoke York Community Council referred this Item back to the Director, Community Planning, Etobicoke York District, with the following requests:

1. Establish a Community Working Group comprised of members of the local community, representatives from the National Rubber Technologies (NRT), local Business Improvement Areas, community groups in the near proximity of Wards 17 and 11, including Councillors Palacio and Nunziata.
2. Consider the following, in consultation with the Community Working Group:

That any "Holding Provisions" on the revised draft modification to Official Plan Amendment No. 84, attached as Attachment 1 to the report dated August 21, 2015, from the Director, Community Planning, Etobicoke York District, as a settlement to the appeal of OPA No. 84 for the western part of the St. Clair Avenue Study, be deleted in their entirety.
3. Provide appropriate notice based on the direction of Councillors Palacio and Nunziata, of any future meetings and community consultations to be held by the City in respect to all items concerning the St. Clair Avenue study and Official Plan Amendment No. 84.
4. Schedule a Community Consultation Meeting with notice to be determined with Councillors Palacio and Nunziata, as well as newspaper ads placed in the Villager and Guardian area publications.
5. Bring forward to the Etobicoke York Community Council any recent communications between the City of Toronto and NRT on this planning file, any recent comments made on the planning studies, and a copy of the appeal filed at the Ontario Municipal Board by NRT.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY8.7>

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Staff report for action – City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information Report

6. Report back to the October 6, 2015 meeting of the Etobicoke York Community Council on why and how this failure to communicate occurred in this instance, and how to rectify this process moving forward.

Origin

(August 21, 2015) Report from the Director, Community Planning, Etobicoke York District

Summary

At its meeting of September 10, 2013, Etobicoke York Community Council deferred consideration of a Planning Report (Item EY26.6 – Supplementary Report #3) on the St. Clair Avenue Study between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue and requested staff to hold a public consultation meeting on the proposed policy framework and regulatory approach set out in the Draft Modification to Official Plan Amendment No. 84.

A status report on the findings and outcome of the community consultation meeting was considered by the Etobicoke York Community Council at its meeting of January 15, 2014. The report also advised that Planning staff had retained the services of an environmental consulting firm to peer review the Draft Modification but had yet to assess the report findings.

An additional report (EY31.4 – Supplementary Report #4) on the findings of the peer review process and recommended modifications to the proposed policy framework was prepared for the February 25, 2014 meeting of the Etobicoke York Community Council. The item was referred back to staff who were directed to obtain a further report from the environmental consulting firm and comment on a number of matters associated with mitigating odour impacts on other residential sites.

This report provides a summary of the additional work undertaken by Golder Associates Limited, the environmental consultant retained by the City, and recommends approval of the revised Draft Modification to Official Plan Amendment No. 84 (OPA 84) as outlined in the previous Supplementary Report #4.

Background Information

(August 21, 2015) Report from the Director, Community Planning, Etobicoke York District regarding the City-Initiated St. Clair Avenue Study - Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue - OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment - Supplementary Report #5
(<http://www.toronto.ca/legdocs/mmis/2015/ey/bqrd/backgroundfile-82594.pdf>)

Communications

(September 4, 2015) Letter from Daniel B. Artenosi, Overland LLP (EY.New.EY8.7.1)
(<http://www.toronto.ca/legdocs/mmis/2015/ey/comm/communicationfile-54763.pdf>)

Speakers

Don Panos
Gabriel Di Martino, Vice President, Development Planning, Graywood Developments
Daniel Artenosi, Overland LLP
Louie Santaguida, Stanton Renaissance

Motions

1 - Motion to Refer Item moved by Councillor Cesar Palacio (Amended)

That Etobicoke York Community Council refer this Item back to the Director, Community Planning, Etobicoke York District, with the following requests:

1. Establish a Community Working Group comprised of members of the local community, representatives from the National Rubber Technologies (NRT), local Business Improvement Areas, community groups in the near proximity of Wards 17 and 11, including Councillors Palacio and Nunziata.

2. Consider the following, in consultation with the Community Working Group:

That any "Holding Provisions" on the revised draft modification to Official Plan Amendment No. 84, attached as Attachment 1 to the report dated August 21, 2015, from the Director, Community Planning, Etobicoke York District, as a settlement to the appeal of OPA No. 84 for the western part of the St. Clair Avenue Study, be deleted in their entirety.

3. Provide appropriate notice based on the direction of Councillors Palacio and Nunziata, of any future meetings and community consultations to be held by the City in respect to all items concerning the St. Clair Avenue study and Official Plan Amendment No. 84.

4. Schedule a Community Consultation Meeting with Notice to be determined with Councillors Palacio and Nunziata, as well as newspaper ads placed in the Villager and Guardian area publications.

Vote (Refer Item)

Sep-08-2015

| | |
|------------------------|---|
| Result: Carried | Majority Required - EY8.7 - Palacio - Motion 1 |
| Yes: 9 | Vincent Crisanti, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Rob Ford, Mark Grimes (Chair), Stephen Holyday, Frances Nunziata, Cesar Palacio |
| No: 0 | |
| Absent: 2 | John Campbell, Giorgio Mammoliti |

2 - Motion to Amend Motion moved by Councillor Frances Nunziata (Carried)

That Etobicoke York Community Council amend Motion 1 by Councillor Palacio by adding the following:

1. Request the Director, Community Planning to bring forward to the Etobicoke York Community Council any recent communications between the City of Toronto and NRT on this planning file, any recent comments made on the planning studies, and a copy of the appeal filed at the Ontario Municipal Board by NRT.

Vote (Amend Motion)

Sep-08-2015

| | |
|------------------------|---|
| Result: Carried | Majority Required - EY8.7 - Nunziata - Motion 2 |
| Yes: 9 | Vincent Crisanti, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Rob Ford, Mark Grimes (Chair), Stephen Holyday, Frances Nunziata, Cesar Palacio |
| No: 0 | |

Absent: 2

John Campbell, Giorgio Mammoliti

3 - Motion to Amend Motion moved by Councillor Justin J. Di Ciano (Carried)

That Etobicoke York Community Council amend Motion 1 by Councillor Palacio by adding the following:

1. Request the Director, Community Planning to report back to the October 6, 2015 meeting of the Etobicoke York Community Council on why and how this failure to communicate occurred in this instance, and how to rectify this process moving forward.

Source: Toronto City Clerk at www.toronto.ca/council

Attachment 2: Decision EY10.6, Etobicoke York Community Council

08/12/2015

Agenda Item History - 2015.EY10.6



Tracking Status

- This item was considered by Etobicoke York Community Council on November 10, 2015 and was adopted with amendments.

Etobicoke York Community Council consideration on November 10, 2015

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| EY10.6 | ACTION | Amended | | Ward:17 |
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City-Initiated St. Clair Avenue Study - Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue - OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment - Information Report

Community Council Decision

Etobicoke York Community Council:

1. Requested that the direction given with respect to Item EY8.7, headed "City-Initiated St. Clair Avenue Study - Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue - OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment - Supplementary Report #5", approved unanimously by the Etobicoke York Community Council on September 8, 2015, be included in the next report submitted by City Planning on this matter.

2. Requested the Director, Community Planning, Etobicoke York District, to include the following persons on the Community Working Group:

- William Ross
- Helen Mah
- Joe Melo
- Don Panos
- Melissa Hordyk
- Sam De Cario
- Louie Santaguida
- Councillor Frances Nunziata
- Councillor Cesar Palacio
- NRT Representatives
- Community Planning staff,

and to canvass Councillor Nunziata and Councillor Palacio for any additional local community group representatives that are interested in being part of the Working Group.

3. Requested the Director, Community Planning, Etobicoke York District, to report to the January 19, 2016 meeting of the Etobicoke York Community Council on the results of the

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EY10.6>

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Staff report for action – City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information Report

public consultation meeting hosted by Planning staff to present Golders' findings to the local community on May 27, 2015; whereby public input and comments (documented by Planning staff) from area residents, business owners, and developers including their legal representatives with interests in local properties have been omitted from the August 21, 2015 and September 17, 2015 reports from the Director, Community Planning, Etobicoke York District.

Origin

(September 17, 2015) Report from the Director, Community Planning, Etobicoke York District

Summary

The purpose of this report is to respond to the direction of Etobicoke York Community Council to report back to the October 6, 2015 meeting of the Etobicoke York Community Council on why and how attendees at a May 27, 2015 public consultation meeting, and other interested parties, were not notified that a Planning report on this matter was being considered by Community Council on September 8, 2015, and how to rectify this situation moving forward.

Background Information

(September 17, 2015) Report from the Director, Community Planning, Etobicoke York District regarding OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment - Information Report - City-Initiated St. Clair Avenue Study - Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue
(<http://www.toronto.ca/legdocs/mmis/2015/ey/bqrd/backgroundfile-84631.pdf>)

Motions

1 - Motion to Amend Item (Additional) moved by Councillor Cesar Palacio (Carried)
That Etobicoke York Community Council:

1. Request that the direction given with respect to Item EY8.7, headed "City-Initiated St. Clair Avenue Study - Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue - OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment - Supplementary Report #5", approved unanimously by the Etobicoke York Community Council on September 8, 2015, be included in the next report submitted by City Planning on this matter.
2. Request the Director, Community Planning, Etobicoke York District, to canvass Councillor Nunziata and Councillor Palacio for additional local community group representatives that are interested to be part of the "Community Working Group".
3. Direct the Director, Community Planning, Etobicoke York District, to report to the January 19, 2016 meeting of the Etobicoke York Community Council on the results of the public consultation meeting hosted by Planning staff to present Golders' findings to the local community on May 27, 2015; whereby public input and comments (documented by Planning staff) from area residents, business owners, and developers including their legal representatives with interests in local properties have been omitted from the August 21, 2015 and September 17, 2015 reports from the Director, Community Planning, Etobicoke York District.

2 - Motion to Amend Item (Additional) moved by Councillor Frances Nunziata (Carried)
That Etobicoke York Community Council request the Director, Community Planning, Etobicoke York District to include the following persons on the "Community Working Group":

1. William Ross
2. Helen Mah
3. Joe Melo
4. Don Panos
5. Melissa Hordyk
6. Sam De Carlo
7. Louie Santaguida
8. Councillor Frances Nunziata
9. Councillor Cesar Palacio
10. NRT Representatives
11. Community Planning staff.

3 - Motion to Adopt Item as Amended (Carried)

Source: Toronto City Clerk at www.toronto.ca/council

Attachment 3: Appeal of OPA No. 84 to the Ontario Municipal Board by NRT

STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9
Tel: (416) 869-5500 Fax: (416) 947-0868 www.stikeman.com

James W. Harbell
Direct: (416) 869-5690
E-mail: jharbell@stikeman.com

DELIVERED

November 27, 2009
File No.: 121770-1003

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CITY OF TORONTO
CITY CLERK'S OFFICE
SECRETARIAT SECTION

City of Toronto
City Clerk's Office Secretariat,
10th Floor, West Tower
Toronto City Hall
Toronto, ON M5H 2N2

Attention: Ms. Merle MacDonald, Committee Administrator

Dear Ms. MacDonald:

**Re: Official Plan Amendment No. 1102-2009
Amendment No. 84 to the City of Toronto Official Plan
St. Clair Avenue West between Bathurst Street and Keele
Street, Toronto
City of Toronto File Nos. 05 189781 WET 11 TM (Etobicoke
York District) and 06-115914 SPS 00 TM (Toronto East York
District)
Notice of Appeal**

We are the solicitors for National Rubber Technologies Corp. ("NRT") who own and operate the existing rubber recycling and manufacturing facility at 35 Cawthra Avenue (the "Property"), south east of the intersection of Keele Street and St. Clair Avenue West. NRT and its predecessor companies have operated in this area since 1927.

We submitted a detailed letter to the City dated July 21, 2009, attached, outlining our concerns with the heights proposed by the City above the existing height limit of 16 metres for the portion of St. Clair Avenue West between Old Weston Road and Blackthorn and Spring Grove Avenues. We recognize that the related Zoning By-law Amendment has left this area for further determination in conjunction with a peer review of NRT's concerns indicated in the above-noted letter. However, as the Official Plan Amendment refers to the (area specific) Urban Design Guidelines which in turn, refer to heights of 7 to 9 storeys and in some instances, 12 storeys, for lands on both sides of St. Clair Avenue West between Keele Street and Glenholme Avenue, we must appeal the Official Plan Amendment in order to protect our client's interests, should any new development applications be

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filed in proximity to NRT's property, while the peer review to determine appropriate heights between Old Weston Road and Blackthorn and Spring Grove Avenues is being undertaken.

Should Official Plan Amendment No. 84 be modified to state that: "notwithstanding the Urban Design Guidelines, any height increases above 16 metres (5 storeys) within the area shown on Map A 1 for the lands between Old Weston Road and Blackthorn and Spring Grove Avenues, will not be authorized or approved until a City-directed study evaluating potential odour impacts from nearby industry on residential buildings with heights greater than 16 metres, has been completed", or similar language to that effect, our client's concerns would be addressed.

For these reasons and such others as counsel may advise and the Ontario Municipal Board may permit, we hereby appeal the Official Plan Amendment No. 84 to the City of Toronto Official Plan, passed as By-law 1102-2009 in its entirety, to the Ontario Municipal Board. In this regard, please find enclosed a completed Ontario Municipal Board form and our firm cheque in the amount of \$125, which represents the required filing fee.

Should you have any questions with respect to the matters discussed herein, kindly contact the writer or our land use planner, Vicky Simon (416) 869-5628, at your earliest convenience.

Yours very truly,



James W. Harbell

JWH/vs

cc: Ms. Luisa Galli, *Community Planning*
Mr. Greg Bavington, *National Rubber Technologies Corp.*

STIKEMAN ELLIOTT

COPY

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5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

James W. Harbell
Direct: (416) 869-5690
E-mail: jharbell@stikeman.com

DELIVERED

July 21, 2009
File No.: 121770-1003

Ms. Luisa Galli
Planner
City of Toronto
City Planning Division
Etobicoke York District
2 Civic Centre Court
3rd Floor
Toronto, ON M9C 5A3

Dear Ms. Galli:

**Re: City Initiated Avenue Study for St. Clair Avenue West
between Bathurst Street and Keele Street, Toronto
- Study No. 05-189781 WET 11 TM and 06-115914 SPS 00 TM
("Avenue Study")**

As you know, we are the solicitors for National Rubber Technologies Corp. ("NRT") who own and operate the existing rubber recycling and manufacturing facility at 35 Cawthra Avenue (the "Property"), south east of the intersection of Keele Street and St. Clair Avenue West. NRT and its predecessor companies have operated in this area since 1927.

Further to our letter to the Planning and Growth Management Committee of June 4, 2009, respecting the Avenue Study, our client retained ORTECH Environmental ("ORTECH") to investigate the potential impacts of its air emissions on residential buildings of greater height than the 16 metres currently permitted by the Zoning By-law, along St. Clair Avenue West in the vicinity of its Property. NRT's air emissions are controlled by a Certificate of Approval issued by the Ministry of Environment.

As you will recall, during the 41 day Ontario Municipal Board hearing respecting the proposed residential development at 6 Lloyd Avenue, (ultimately denied by the Board in its October 21, 2008 Decision) extensive evidence was given by NRT's (and Canada Bread's) consultants respecting potential odour impacts on the high rise residential buildings proposed. The Board noted in its decision:

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[that] "Canada Bread and NRT argued that these emissions will inevitably trigger complaints from new residents of the tall buildings proposed; these complaints will result in Provincial Orders being issued under the provisions of the *Environmental Protection Act*. Both Canada Bread and NRT indicated that they would not be able (either economically or from a practical engineering perspective) to comply with a Provincial Order by applying mitigation measures at source. This would oblige the Minister to shut down their operations, they contend, throwing "hundreds of well-paid unionized employees out of work ". This prospect was one of the main concerns of the third respondent in this case-the City of Toronto-though certainly not the only concern."

ORTECH's current analysis of the proposed increase in heights along St. Clair Avenue West is based on the same inventory of emissions used in the 6 Lloyd Avenue Hearing. As you will recall from the Lloyd Avenue hearing, an exceedence of 1 odour unit "ou" is considered to leave an industry vulnerable to complaints that might ultimately constrain their operations to the extent that they are forced to shut down. The attached aerial mapping prepared by ORTECH, indicates building heights within a 100 metre wide corridor on both sides of St. Clair Avenue West in the vicinity of NRT's Property at which the 1 ou level may be exceeded.

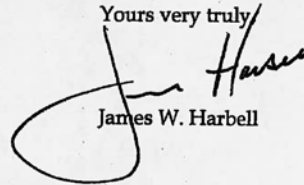
You will note that within the City's current Study Area from Old Weston Road extending to east of Cloverdale Road/Osler Street, exceedences of 1 ou would be expected at heights above 16 metres, ie. above the currently permitted height limit. To the east of that, such exceedences could be expected to almost Blackthorn Avenue/ Spring Grove Avenue above a height of 24 metres. Accordingly, our client's position is that it would be bad planning to propose increases in height within these areas based on the City's own peer review work related to the Lloyd Avenue issue. As a result, we anticipate the City will share this concern, based on the ORTECH study now completed. East of Blackthorn Avenue/Spring Grove Avenue, the 1 ou limit would not be exceeded until the building height reached 39 metres, which would be well above the increase in heights contemplated under the proposed Official Plan and Zoning By-law amendments within the Study Area, and accordingly our client has no issue with the increase in permitted heights proposed within this latter area.

Although the current Study Area/proposed amendments pertain to lands east of Old Weston Road, we are aware that the lands between Keele Street and Old Weston Road will be the subject of a separate Study and expect that there will be a further Avenue Study for St. Clair Avenue West extending westwards along Keele Street, so we have provided additional information concerning potential emissions impacts for lands west of Old Weston Road, to inform the future Studies planned.

ORTECH's modelling is based on confidential information and should you, other City representatives or consultants, wish to review or meet to discuss the detailed air emissions analysis, this could be arranged provided that the appropriate Confidentiality Agreements were entered into.

Should you have any questions with respect to the matters discussed herein,
kindly contact the writer or Vicky Simon at your earliest convenience.

Yours very truly/



James W. Harbell

JWH/lis

cc: Mr. Greg Bavington, *National Rubber Technologies Corp.*
Mr. Gregg Lintern, *Director, Community Planning*
Mr. Aaron Platt, *City of Toronto, Legal Services Division*
Mr. Brian Haley, *City of Toronto, Legal Services Division*

Attachment 4: Summary of Comments
May 27, 2015 Community Consultation Meeting

Notification:

Concerns about lack of notification – clarified that interested parties and property owners were notified by mail – 6 Lloyd Avenue did not get notice

Official Plan Amendment No. 84 and Avenue Study:

- OPA settlement - explore options for how mitigation costs could be shared between developers;
- feel OPA 84 is reasonable and balanced, there is an enticement for industry to agree
- This area is in dire need of revitalization;
- In 2006 given the nature of the mature economic area it was determined to have a study of St. Clair Avenue West;
- Credit City staff to support the idea;
- The constraining part is NRT – they didn't participate in the meetings until later in the process;
- The community has declined, positive change is desired; and
- Councillor Nunziata will also continue to pursue what the community deserves.

NRT and Air Quality:

- the existing industry (NRT) is approved to work in the area, there are high standards for concentrations from NRT and restrictions placed on Air Quality;
- NRT had an operation at Symington and Kingley, apparently there had been complaints from the residential community and NRT had done nothing to address the complaints;
- community feels it is being held ransom by NRT;
- noted that NRT is operating within the law;
- noted that no one was present from NRT;
- is it the fundamental concern of an odour consultant to provide an opinion on land use compatibility;
- the potential they should reduce likely potential for odour;
- MOECC does not see "at receptor" mitigation measures as an appropriate mitigation measure to regulate odour;
- what comfort level does a developer have that NRT will comply – clarified that NRT would be forced to comply, they would not be in a position to fight;
- clarified that Ministry of Housing does not have direct input, they would have input through MOECC;
- the consultant noted that he is not commenting on the need of the community or the need for industry to co-exist;
- does development have to pay for all of it (i.e., mitigative measures);
- Noted that City staff are engaging a consultant to defend a polluter – consultant clarified that he was not hired to defend the polluter;

Staff report for action – City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Information Report

- Councillor Palacio will call for a statutory public meeting to be held in the evening;
- economic development - need to be part of the process – noted that industry will not build in the area;
- NRT - needs to be part of the community and start to work with the City to allow the area to be reurbanized;
- need to promote the area with the right people - want the community to move forward;
- issues with NRT - should follow the protocol - labour issues with the facility;
- NRT does not hire local residents, feel NRT are not needed as they only have 100 jobs;
- NRT had a fire and did not advise residents;
- if MOECC received a complaint and investigates they may be required to remedy the adverse impact and issue an enforcement action;
- direction of winds may not be where you get the greater intensity of odours, depends on the type of wind as to how odour is dispersed;
- MOECC dictates the wind and climate data that must be used;
- how do you get NRT to come to the table and have a discussion;
- set a working group with community developers and NRT;
- solution – economic one – give NRT tax incentives – difficult for them to upgrade the building;
- request to post the presentation on the city website; and
- request to formulate a working group to go over the concerns;

Meeting adjourned at 9:15pm

Approximately 40 people in attendance

Meeting Location: Pope Paul Catholic School