

**City-Initiated St. Clair Avenue Studies – OPAs 84 and 144
between Blackthorn Avenue/Spring Grove Avenue and
Scarlett Road – OMB Official Plan Amendment Appeals
Status Update**

Date:	April 12, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York
Wards:	Ward 17 – Davenport and Ward 11 – York South-Weston
Reference Number:	05 189781 WET 11 TM, 09 192880 SPS 00 TM

SUMMARY

The purpose of this report is to respond to the direction of Etobicoke York Community Council from its meeting of February 22, 2017 to report to the May 2, 2017 meeting of Etobicoke York Community Council with an update on the St. Clair Avenue Studies for the following:

- The effect of the withdrawal of the appeal of OPA 84 by National Rubber Technologies Corporation (NRT) and what permissions are now in place for lands that fall within the area that was subject to the appeal;
- What permissions stemming from the adoption of OPA 84 and OPA 144 are now in full force and effect, and to which lands they apply; and
- Which sections of OPA 84 and OPA 144 remain under appeal and when these appeals might be resolved.

RECOMMENDATIONS

The City Planning Division recommends that Etobicoke York Community Council receive this report for information.

Financial Impact

There are no financial implications arising from this report.

DECISION HISTORY

At its meeting of February 22, 2017, Etobicoke York Community Council:

"Requested the Director, Community Planning, Etobicoke York District, to report to the May 2, 2017 meeting of Etobicoke York Community Council with an update on the St. Clair Avenue Study, the update to include information on the following:

- a. The effect of the withdrawal of the appeal of OPA 84 by National Rubber Technologies Corporation (i.e., what permissions are now in place for lands that fall within the area that was subject to this appeal?)
- b. What permissions stemming from adoption of OPA 84 and OPA 144 are now in full force and effect, and to which lands do they apply?
- c. Which sections of OPA 84 and OPA 144 remain under appeal and when might these appeals be resolved?"

This direction can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EY20.46>

Additional decision history for OPA 84 may be found in the staff report dated December 15, 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 – Information Report (Item EY11.4) that was considered by Etobicoke York Community Council at its meeting of January 19, 2016. A copy of the report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2016/ey/bgrd/backgroundfile-86927.pdf>

At its meeting of April 12, 2011 City Council considered a report dated March 4, 2011 titled Avenue Study for St. Clair Avenue West from Keele Street/Weston Road to Scarlett Road (Item EY5.2). A copy of this report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2011/ey/bgrd/backgroundfile-36365.pdf>

ISSUE BACKGROUND

COMMENTS

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

Effect of the Withdrawal of the Appeal of OPA 84

Staff were requested to provide information regarding the effect of the withdrawal of the appeal of OPA 84 by National Rubber Technologies Corporation (NRT) including what permissions are now in place for lands that fall within the area that was subject to this appeal.

In a letter dated December 23, 2016 to the Ontario Municipal Board (OMB), NRT withdrew its appeal of OPA 84. The City of Toronto subsequently received a letter from the OMB dated March 8, 2017 acknowledging the withdrawal of the appeal by NRT and stating that there are no further appeals to OPA 84. In accordance with Subsection 17(30) of the *Planning Act*, the withdrawal of appeal brings OPA 84, as adopted, in to full force and effect for the area between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue.

The policies for the St. Clair Avenue Study (OPA 84) are now enacted for the whole of the area for those lots fronting on St. Clair Avenue West between Old Weston Road and Bathurst Street as identified in By-law No. 1102-2009. A copy of the By-law can be found at the following link:

<http://www.toronto.ca/legdocs/bylaws/2009/law1102.pdf>

Land Use Permissions of OPA 84 and OPA 144

Staff were requested to provide information on what land use permissions stemming from the adoption of OPA 84 and OPA 144 are now in full force and effect, and to which lands they apply.

OPA 84:

City Council on October 27, 2009 passed By-law 1102-2009 to adopt Official Plan Amendment No. 84 and passed By-law 1103-2009 to amend the former City of Toronto Zoning By-law 438-86. These planning instruments implemented the findings and recommendations of the St. Clair Avenue Study conducted for the segment of St. Clair Avenue West between Bathurst Street and Keele Street.

Council also adopted staff's recommendation (contained in Supplementary Report #2 dated September 29, 2009) that the area between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue be excluded from the Official Plan and Zoning By-law Amendments until such time as staff investigated potential odour impacts from a nearby industry on the possible development of buildings with residential uses at heights greater than 16 metres. This recommendation was in response to a letter received from the solicitors for National Rubber Technologies Corp., at 35 Cawthra Avenue, who advised that the proposed zoning permissions for taller residential buildings along a portion of St. Clair Avenue West may be impacted by air emissions resulting from the operation of this facility. Accordingly, the Zoning By-law provisions for the western segment of St. Clair Avenue West that existed prior to study were left in place. City Council also authorized the Chief Planner and Executive Director, City Planning to retain the necessary consultant(s) to peer review this information and report on the regulatory recommendations for the affected area.

Both Official Plan Amendment No. 84 and Zoning By-law 1103-2009 were appealed to the Ontario Municipal Board (OMB). The Official Plan Amendment was appealed in its entirety by National Rubber Technologies. The Zoning By-law Amendment was appealed by the Goldman Group in relation to its site at 743 St. Clair Avenue West.

National Rubber Technologies subsequently narrowed its appeal of OPA 84 to the section of St. Clair Avenue West between Old Weston Road and Blackthorn/Spring Grove Avenues and withdrew its appeal to the remainder of the corridor to the east. The appeal by the Goldman Group in relation to its site at 743 St. Clair Avenue West was favourably resolved at the OMB. As a result, the OMB approved OPA 84 and Zoning By-law 1103-2009 for the St. Clair Avenue West corridor between Bathurst Street and Blackthorn/Spring Grove Avenues. However, the appeal to OPA No.84 for the segment of St. Clair Avenue West between Old Weston Road and Blackthorn/Spring Grove Avenues remained outstanding.

As noted above, now that NRT has withdrawn their appeal, OPA 84 is now in full force and effect for the lands along St. Clair Avenue West between Old Weston Road and Bathurst Street. Given that a Statutory Public Meeting in accordance with the *Planning Act* was held for the whole of the lands within the Avenue at the Planning and Growth Management Committee meeting of June 4, 2009, City Planning and Legal staff will be bringing the implementing Bills for the Zoning By-law to City Council for the lands west of Blackthorn Avenue and Spring Grove Avenue.

At this point in time, the Avenue policies of OPA 84 apply to all the lands within By-law No. 1102-2009 and the Avenue Zoning applies to the lands east of Blackthorn Avenue/Spring Grove Avenue in accordance with Zoning By-law No. 1103-2009. A copy of By-law no. 1103-2009 can be found at the following link:

<http://www.toronto.ca/legdocs/bylaws/2009/law1103.pdf>

OPA 144:

The St. Clair West Avenue Study for the segment west of Keele Street/Weston Road to Scarlett Road resulted in Official Plan Amendment 144. OPA 144 was enacted by City Council at its meeting of September 22, 2011 and was subsequently appealed to the Ontario Municipal Board. An OMB decision dated August 16, 2016 ordered that OPA 144 come into effect for all lands to the west of Runnymede Road. The remaining lands east of Runnymede Road to Weston Road/Keele Street remain under appeal. A copy of OPA 144 (By-law no. 1168-2011) can be found at the following link:

<http://www.toronto.ca/legdocs/bylaws/2011/law1168.pdf>

At this point in time for the lands west of Runnymede Road, the Avenue policies of OPA 144 (By-law No. 1168-2011) are in force and the Avenue Zoning of By-law No. 1169-2011 is now operational. The lands east of Runnymede Road within OPA 144 and Avenue Zoning By-law No. 1170-2011 remain under appeal. A copy of Zoning By-law No. 1169-2011 can be found at the following link:

<http://www.toronto.ca/legdocs/bylaws/2011/law1169.pdf>

Remaining Appeals of OPA 84 and OPA 144

Staff were requested to provide information on which sections of OPA 84 and OPA 144 remain under appeal and when these appeals might be resolved. As noted above, there are no further remaining appeals to OPA 84 and all land use policy permissions at the Official Plan level are in effect.

OPA 144 still has four remaining appeals for the lands east of Runnymede Road and the matter remains before the OMB. At this point in time, it is unknown when these appeals will be resolved. A Mediation session was held on March 31, 2017 which outlined the positions of the appellants and the City and is likely to result in a further Mediation session later in 2017.

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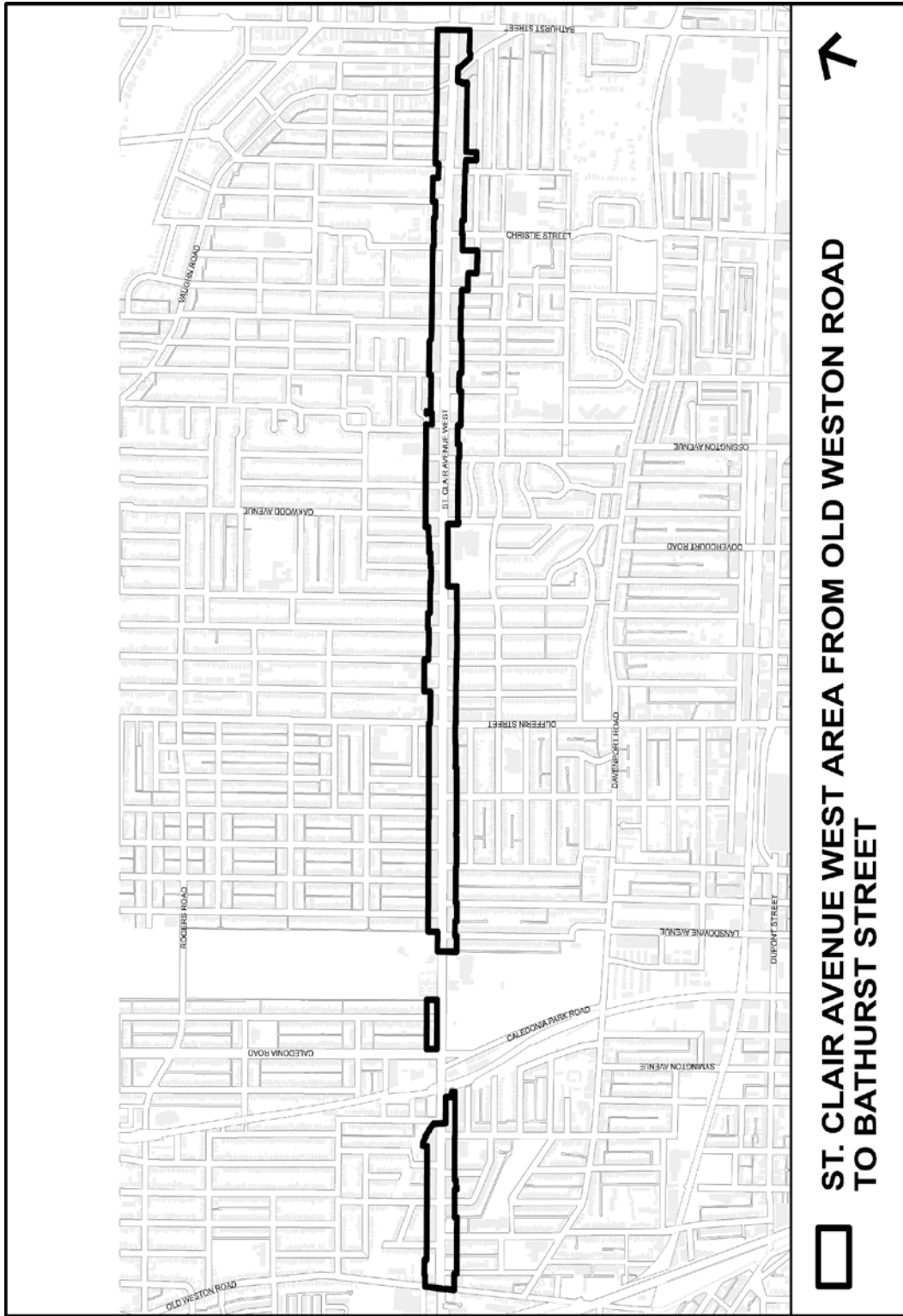
SIGNATURE

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

ATTACHMENTS

Attachment 1: Map of Area Subject to OPA 84
Attachment 2: Map of Area Subject to OPA 144

Attachment 1: Map of Area Subject to OPA 84



Staff report for action – OPAs 84 and 144 between Blackthorn Avenue/Spring Grove Avenue and Scarlett Road – OMB Official Plan Amendment Appeals Status Update

Attachment 2: Map of Area Subject to OPA 144

