



Toronto Industry Network C/O Paul Scrivener and Associates
28 Bannatyne Drive, Toronto, ON – M2L 2N9
Phone&Fax: (416) 444-8060
Email: ph_scrivener_associates@allstream.net

Toronto Industry Network

September 13, 2019

Councillor Gord Perks, Chair
Members of the Toronto & East York Community Council

2nd floor, West Tower, City Hall
100 Queen St. W.,
Toronto, ON
M5H 2N2

Attn: Ms. Ellen Devlin

Dear Councillor Perks and Members of Community Council,

RE: Item TE8.13 - Port Lands Zoning Review Study - Final Report – Motion Request

As you may be aware, The Toronto Industry Network (“TIN”) is an incorporated organization made up of mostly large manufacturers with facilities in Toronto, or manufacturing/business associations with members engaged in manufacturing.

Subject to the below comments and concerns and resulting from TIN Port Lands Group’s (TIN-PLG) recent meeting with City Planning Staff, TIN respectfully requests the Committee to **move that:**

City Council direct that the Chief Planner and Executive Director, City Planning and the General Manager, Economic Development and Culture, meet with the Toronto Industry Network and their members affected by the proposed Zoning Bylaw Amendments of By-law 569-2013 to resolve outstanding matters and report back to the October 2, 2019 Council meeting.

TIN Port Lands Group recognizes that the proposed zoning by-law amendments are intended to implement the land use directions found in the Port Lands Planning Framework (the “PLPF”). TIN-PLG has also been made aware by Planning Staff that the TIN-PLG member operations are protected from the new regulations of the proposed Zoning By-law Amendment, and the existing building, parking, bulk and open storage operations are to continue as they are on their respective sites and will have legal non-conforming and legal non-complying status. Existing TIN-PLG member operations will not require compliance with the regulations proposed in the Zoning By-law amendment, and only will require compliance and conformity for any future Planning Act applications on their sites. TIN Port Lands Group members require this assurance.

TIN Port Lands Group members have industrial and aggregate operations and operations that utilize the Shipping Channel Dock Walls in the lands identified in the proposed Zoning By-law Amendment. TIN-PLG Member operations are situated on the following sites: 54 Polson Street, 535 Commissioner’s Street, 595 Commissioner’s Street (Lafarge Canada); 651 Commissioner’s Street (VCimentos/St. Mary’s Cement); 309 Cherry Street (Quantex Technologies); 29 Basin Street Unit C and 35 Basin Street Unit D (The Waterford Group); and 236R, 240 and 320 Unwin Avenue (K+S Windsor Salt).



TIN Port Land Members still have concerns that arise from the review of the PLPF and the proposed implementing Zoning By-law Amendment for the East Port and South Port lands. TIN-PLG's requested Motion is based on the following concerns and to seek continuing clarification from City Planning Staff, and potentially other City Divisions on:

Buffering of Future Intended PIC Land Uses:

A distance buffer of approximately 125 metres is provided between the south dock wall, to the north side dock wall of the Shipping Channel (width of the Shipping Channel). The lands to the adjacent to and north of the Shipping Channel are proposed to be primarily Production, Interactive and Creative land uses, as seen in Figure 33 of the PLPF.

- TIN-PLG has concerns that the Class II and Class III industrial operations, having recognized (provincial D-series guidelines) Potential Areas of Influence and Minimum Separation Distances will not provide an appropriate buffering area from the "E2.0" – zoned lands in the proposed Zoning By-law Amendment to the future PIC-Corelands 125 metres to the north of the Shipping Channel.
- TIN-PLG seeks clarification from Staff if the Zoning Bylaw Amendment appropriately addresses the proximity of the future PIC land uses across the Shipping Channel from the "E 2.0" zoned lands, in relation to the provincial D-series Guidelines for Class II and Class II Industrial Facilities Minimum Separation Distances and Potential Areas of Influence, and if NPC-300 Guidelines for mitigation at receptor will be implemented as part of any future site plan agreements for the PIC lands.

Working Dock Wall Interfaces:

Figure 59 of the PLPF shows the Water Transport configuration of the Shipping Channel, showing areas for "Working Ships" and "Laid-up Ships". Ostensibly, the port-oriented uses permitted in Article 900.20.10 Exception 39 (B)(ii) and in Diagram 2 of the proposed Zoning By-law Amendment will be located along the areas identified in Figure 59 as the "Working Ships" dock walls.

- Continuing discussion is required between City Staff and TIN-PLG members regarding Recommendation 7 on Item TE8.13, with respect to potential performance standards in the development of Port + Industrial Urban Design Guidelines. TIN-PLG has concerns regarding the areas designated as Transport Canada MARSEC Level 1 areas along the dock wall and the interfaces between the existing and future working docks in the areas along the Shipping Channel's dock walls that are designated as "Water's Edge Promenade" and "Future Water's



Edge Promenade” in Figure 33: Land Use Direction in the PLPF. Port operations need to be secure and this Recommendation jeopardizes that requirement.

- In the Shipping Channel, there is approximately 5000 linear metres of existing “working dock” wall. Next to those working docks, are lands with open and bulk storage, and heavy industry sites. As per figure 59 in the PLPF, approximately 2280 linear metres, or only 45.40% of the current “working dock” walls will be retained in the Shipping Channel.
- It is TIN-PLG’s position that this is a serious reduction in “working dock” wall, contrary to the statements in page 25 of the Staff Report, “A key component of the Zoning Review is to recognize that marine dock wall access is essential to a working port and is reserved for industries that require marine shipping to operate. “There needs to be a clear provision that will allow the Port to expand its operating capacity.

K+S Windsor Salt Location 236R, 240 and 320 Unwin Avenue – Land Use and Operational Uncertainty:

- Some of the Port's companies, such as salt handlers, provide services that are essential to the operation of the city. Although not subject to the regulations proposed in the Zoning By-law Amendment, Open Space is permitted in the “E2.0” proposed Zoning by-law designated lands in which K+S Windsor Salt operates.
- TIN-PLG is concerned with the land use and operational size uncertainty related to the K+S Windsor Salt operation, as it is dependent on the lease conditions and timelines on TPLC/TEDCO/CreateTO Lands, as well as subject to an as-yet unknown timeline for the Capital Plan and expenditure for the Don Greenway South, which is proposed to bisect the existing Windsor Salt operation.

Concerns that have been clarified:

TIN-PLG commends City Planning Staff in their efforts to protect existing heavy industrial uses, existing operations and activities on TIN-PLG member sites. The City writes that the zoning by-law amendments will make it easier for the public to understand the City’s requirements and intent for these districts. Notwithstanding the above, TIN-PLG agrees to an extent that certain concerns have been resolved and clarified in our review of the Staff Report and in meeting with City Staff, namely:

Opaque Visual Barrier:

- A required opaque visual barrier in the form of a fence, berm, retaining wall, or landscaped buffer along the Open Storage perimeter along the dock wall in the Shipping Channel would impede the transfer of materials from ships to shore along those perimeters. City Staff have



clarified to TIN-PLG that the existing barriers on TIN-PLG member sites will remain as-is and will be considered legally non-complying with the proposed Zoning By-law opaque visual screening standards as proposed in Article 900.20.10 Exception 39 (F). Any Planning Act application on TIN-PLG sites would require future compliance to Article 900.20.10 Exception 39.

Parking:

- On page 8 of the Staff Report, the community consultation provided comments for parking, stating that there is a concern that the new "one access" provision will result in conformance issues with the two access arrangement of the site, which is essential for the functioning of industrial sites. City Staff have clarified to TIN-PLG that the existing parking configurations on TIN-PLG member sites will remain as-is and will be considered legally non-complying with the proposed Zoning By-law parking regulations.
- In the Proposed Zoning By-law Amendment Article 900.20.10 Exception 39 (P) (i) provides that parking may not be in the front yard. TIN-PLG shares the view in the public comments on Page 8 of the Report that "Parking in the front yard should be permitted on a lot, allowing shipping and loading operations to take place in the side and rear yards. "TIN-PLG operations in the Port Lands have visitor and employee parking in the front yard. City Staff have clarified to TIN-PLG that existing parking configurations on TIN-PLG member sites will remain as-is and will be considered legally non-complying with the proposed Zoning By-law parking regulations.
- TIN-PLG understands that City Planning Staff have noted that existing parking rate standards for their operations are maintained on the TIN-PLG member sites, and will remain as-is and will be considered legally non-complying with the proposed Zoning By-law parking rate regulations.

Open and Bulk Storage:

- The Official Plan land use maps and the Port Lands Planning Framework land use directions show that the Shipping Channel has a small strip of land that is designated as Parks in the Official Plan and Natural Open Space and Future Water's Edge Promenade in the PLPF. City Staff have clarified and it is TIN-PLG's understanding that the existing bulk and open storage configurations (no opaque visual barrier on the dock walls) on TIN-PLG member sites will remain as-is and will be considered legally non-complying with the proposed Zoning By-law regulations. It is also understood that new industrial operations are to have enclosed storage and/or to provide buffers and screening of open and bulk storage on their sites.



- Many of TIN-PLG operations and sites are located along the Shipping Channel’s dock walls. On page 25 of the Staff Report a 130 metre (approximately 425 foot) buffer is mentioned to protecting and permitting port-priority uses along the dock wall. This 130 metre buffer is approximate to the property lines for the south dock-wall related TIN-PLG operations, such as K+S Windsor Salt. It is important to protect and buffer these dock wall operations.

Recognition of Existing Operations:

- TIN-PLG appreciates City Planning Staff’s recognition of the existing TIN Member aggregate processing operations in the Port Lands in the proposed Zoning By-law Amendment, in that Asphalt Plant, Cement Plant and Concrete Batching Plants are permitted uses in Article 900.20.10 Exception 39 (C).

The Toronto Industry Network welcomes the opportunity to provide the TEYCC with the comments and concerns stated above on the *Port Lands Zoning Review Study – Final Report*.

We wish to have further opportunities to discuss the proposed Zoning By-law Amendment with the City to clarify and resolve TIN’s comments as set out above, and we also request to be provided notice of the City’s decision regarding Toronto & East York Community Council Item 8.13.

Sincerely,

A handwritten signature in blue ink, which appears to read 'Leena Kaleva', is centered on a light-colored rectangular background.

Leena Kaleva

Toronto Industry Network (TIN) Port Lands Group Lead,

Manager, Bulk Distribution Services – Ontario and Great Lakes

K+S Windsor Salt Ltd. | K+S Sel Windsor Ltée.

: +1 905.795.1771 ext.2 | F: 905.565.1551 | M: +1 416.254.5702

lkaleva@windsorsalt.com