



**STAFF REPORT
ACTION REQUIRED**

Avenue Study for St. Clair Avenue West from Keele Street/Weston Road to Scarlett Road – Supplementary Report

Date:	April 8, 2011
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 11, York South/Weston
Reference Number:	cc11021

SUMMARY

This is a Supplementary report requested by Etobicoke York Community Council at their meeting of March 22, 2011. In recommending approval of the Official Plan Amendment and Zoning By-law Amendments to implement the Avenue Study for the portion of St. Clair Avenue West between Keele Street/Weston Road and Scarlett Road, Community Council requested staff to bring forward amendments to the draft zoning by-law to permit commercial-residential uses on lands at 2237 to 2283 St. Clair Avenue West subject to an 'H' holding symbol. Community Council also recommended that staff consult with the Ward Councillor and bring forward an amendment to the draft Official Plan to set out the conditions for the removal of the 'H' holding symbol. These amendments are brought forward for consideration by Council as requested by Community Council.

The report also recommends minor changes to the proposed site specific Official Plan Amendment and draft zoning changes for the retail plaza at 2133 St. Clair Avenue West and 88 Ethel Avenue that meet the original intent of the documents presented at the statutory public meeting, but are intended to provide further comfort to the owner as to the continued permission of the existing retail use.

Finally, in the event that Zoning By-law 1156-2010 (new city-wide zoning by-law) is repealed, the report authorizes the City Solicitor to make any required technical changes to the amendments to the Official Plan and Zoning By-laws in the Final Bills to implement the intent of the documents adopted by Council.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Should Council wish to implement the recommendations of Etobicoke York Community Council pertaining to the lands on the south side of St. Clair Avenue east of Cobalt Avenue that:
 - i) Attachment 1 to the Staff Report dated March 4, 2011, the draft amendment to the Official Plan, be further amended by deleting proposed Site and Area Specific Policy 357 and replacing it with the Site and Area Specific Policy 357 attached to this report as Attachment 1.
 - ii) Council amend the draft amendment to Zoning By-law 1156-2010, found in Attachment 2 to the Staff Report dated March 4, 2011 by:
 - a) Deleting a portion of Map 2 and replacing it with the portion of Map 2 attached to this Report as Attachment 2.
 - b) Adding the following exception to the draft amendment as Section 8A immediately following Section 8:

'8A. Exception CR(x____) is added to Article 900.11 so that it reads:

'Exception CR(x____)

The lands subject to this exception must comply with the following:

A. Prior to the removal of the 'H' symbol on these lands, the uses permitted and site standards applied on these lands are those provided for in an 'EC1.0(E1.0,C1.0) zone district.'
2. Council authorize the City Solicitor to amend the draft amendment to the Official Plan for the final Bills to reiterate that the retail permissions for lands affected by Site and Area Specific Policies 358 and 359 may be related and that full range of solely retail uses are permitted on these lands until such time as the owners may apply for residential redevelopment.
3. Council authorize the City Solicitor, in the event that By-law 1156-2010 is repealed by Council, to provide in the final Bills such technical amendments to the draft Official Plan and Zoning By-laws as may be required to implement the intent of the documents adopted by City Council.
4. Pursuant to Section 34(17) of the Planning Act, Council determine that no further public notice is to be given in respect of the changes set out in Recommendations 1 to 3 above.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of March 22, 2011, Etobicoke York Community Council held a statutory public meeting for the implementation of the Avenue Study for St. Clair Avenue West from Keele Street/Weston Road to Scarlett Road. The staff recommendations were amended by Community Council with respect to lands on the south side of St. Clair Avenue West, east of Cobalt Avenue with the intention of permitting residential uses within 100 metres of the property boundary of a facility that slaughters animals, renders animals or processes dead animals for animal feed provided that a series of studies show that future residents would not suffer material adverse impacts. Community Council further requested that zoning permission for mixed commercial residential on these lands be subject to a holding 'H' symbol, with the conditions for lifting the 'H' symbol to be set out in the Official Plan. Etobicoke York Community Council directed the Director, Community Planning, Etobicoke York District, and the Acting Director, Policy and Research to consult with the Ward Councillor and report directly to City Council on April 12, 2011 regarding the terms of the recommended conditions for lifting the 'H' symbol and the necessary alterations to the proposed amendments to the Official Plan and Zoning By-law 1156-2010.

ISSUE BACKGROUND

The proposed amendments to the original staff report dated March 4, 2011 were recommended by Community Council in response to the deputation by Corsetti Meats, owners of 2237, 2255 and 2283 St. Clair Avenue West. The report and documents before Community Council recommended that the majority of the Corsetti lands be redesignated from 'Employment Area' to 'Mixed Use Area' but that the zoning in the new By-law 1156-2010 permit only the commercial-employment uses permitted in an 'EC' zone district. A new Site and Area Specific Policy 357 in the Official Plan was recommended that would provide that any rezoning to permit residential units was conditional upon being at least 100 metres from a facility that involves the slaughtering of animals, the rendering of animals, or the processing of dead animal stock for the purposes of animal feed. As the lands owned by Corsetti Meats are located within 100 metres of Maple Leaf Poultry, a very large chicken slaughterhouse and processing plant at 100 Ethel Avenue, this site specific Official Plan provision would prevent the redevelopment of the Corsetti lands for residential purposes so long as the chicken slaughterhouse remained in place.

The amendments recommended by Community Council would permit these lands to be zoned for residential uses despite the nearby presence of an animal slaughterhouse provided studies were carried out to the satisfaction of a peer reviewer and the Chief Planner that future residents would not suffer material adverse impacts from the slaughterhouse. Representatives of Maple Leaf Foods, operators of the slaughterhouse, appeared at Community Council opposed to the request by Corsetti Meats for residential permissions on their lands.

COMMENTS

Existing Uses and Study Participation

The lands at 2237-2255 St. Clair Avenue West are owned by Corsetti Meats which cuts up and packages 'warm' meat from nearby slaughterhouses. The operation does not currently occupy the entire building and may be required to relocate when a scheduled road widening compromises its loading area on the St. Clair Avenue frontage. The owners of Corsetti meats also own the adjacent property at 2283 St. Clair Avenue West that contains a used car lot and had also been proposed to be rezoned to 'EC' in By-law 1156-2010. The 'EC' zoning would allow for the existing industrial use but would also permit redevelopment for commercial retail, service or office uses which would not conflict with adjacent meatpacking and nearby slaughterhouse uses.

The owners of Corsetti Meats participated throughout the Avenue Study and requested residential permissions on their lands. City Planning advised that permitting new residential buildings in this location would not be compatible with the existing nearby industrial uses and would not be good planning or supportable. City Planning did recommend the redesignation of the Corsetti lands to 'Mixed Use Area' with a policy prohibiting residential use within 100 metres of an animal slaughterhouse, so that in the event that Maple Leaf Poultry closed their plant in the future, a residential building on the Corsetti lands could proceed through a rezoning process.

Incompatibility of Residential Uses and an Animal Slaughterhouse

Immediately to the south of Corsetti Meats, on the north side of Ryding Avenue, is ACD Meats, a company that receives and packages meats. At 105, 109 and 116 Ryding Avenue and 100 Ethel Avenue to the west and the south is Maple Leaf Poultry, a very large poultry slaughterhouse and poultry processor that employs between 675 and 700 employees. The plant receives live chickens and slaughters and processes them around the clock, operating on shifts. As well as their facilities on the south side of Ryding Avenue, Maple Leaf Poultry uses 116 Ryding Avenue on the north side for storage and shipping and actively shunts trailers to and from that site.

Large trucks and tractor trailers arrive frequently throughout the night, many of which contain live animals. These 'live trailers' are first delivered to the 'hotel' then they are shunted to the 'kill bay' and are shunted back. Trucks are shunted hourly between 9:00 p.m. and 5:00 p.m., including throughout the night. The operation generates noticeable odours and the Ministry of Environment Certificate of Approval under which Maple Leaf Poultry operates deals primarily with odour control measures, odour complaint response, odour performance limits and odour testing.

Should a future resident complain to the Ministry of the Environment about the noise or odours and a Ministry Officer confirms the impact exists, the source industry is asked what they will do to mitigate the noise or odours and assumes the cost of all further mitigation measures. Representatives of Maple Leaf Poultry spoke at the statutory public

meeting to this potential limitation on their ability to operate on this site if residential buildings were to be constructed on the Corsetti site. In the event that residential development should occur and in the event that Maple Leaf Poultry find it difficult to continue operations on this site because of complaints of future residents and relocates their operations to their other site in the GTA, the City would lose a major employer and a significant taxpayer.

Locating a sensitive residential use so close to a major animal slaughterhouse is a major issue and likely to affect future residents on the Corsetti lands. While there are older low-rise homes on Cobalt and Ryding Avenue within 100 metres of the Maple Leaf Poultry plant, the residents have lived with the operation that they have always been aware of. Complaints to the Ministry are more likely from the new residents of apartments/condominiums who look down on the industrial operation and smokestacks from above when they occupy their units.

The recommendations of Community Council making residential permissions conditional upon studies showing no material adverse impact from the slaughterhouse on future residents will no doubt lead to studies that show how a building can be built to attempt to mitigate the noise and odours of the slaughterhouse, such as having no openable windows, doors or other openings or balconies on several sides of the building. However, it is hard to police future alterations to units whose occupants may wish to have open windows. Even if a residential building was sealed tight residents would still experience impacts coming to and leaving their building and in the required outdoor amenity space. The question arises what public good is served by knowingly allowing a sensitive residential use near an animal slaughterhouse. Council must determine why it should encourage residential buildings whose design and liveability is constrained by impactful industry next door? An examination of the development pipeline in Toronto shows there is no shortage of sites for condominium approvals in Toronto. Within the study area, the revitalization of this portion of St. Clair Avenue West may proceed apace as only three potential residential intensification sites are in Mixed Use Areas within 100 metres of this slaughterhouse and, of those, only the owners of the Corsetti Meats site have deputed to have more immediate residential permissions.

The amendments requested by Community Council pertaining to the Corsetti lands are being brought forward as part of this report. However, Council should be aware that City Planning staff do not support these amendments as good planning and could not therefore appear at any future Ontario Municipal Board Hearing in support of them.

Placing and Removing the 'H' Holding Provision

In discussions with the Ward Councillor's office, who put forward the motions regarding the 'H' holding provision, it was clarified that the intent was to have the provision apply only to the lands owned by Corsetti Meats at 2237, 2255 and 2283 St. Clair Avenue West. The amendments to the 'H' holding provisions in the draft amendments to the Official Plan and new harmonized Zoning By-law 1156-2010 are therefore being applied

only to those intended properties, and not 2211 St. Clair Avenue West which was inadvertently added to the Community Council resolutions.

In Attachment 2 to the Staff Report, the amendment to Zoning By-law 1156-2010, the lands at 2237, 2255 and 2283 St. Clair Avenue West will be shown on Map 2 Zone Districts as 'CR3.0(c1.0,r2.5) SS2 (x____)(H)'. This proposed zoning and density is in keeping with the rest of the CR zoning to the west between Cobalt Avenue and Runnymede Road and implements Council's Mid-rise Development Guidelines. To clarify which uses are permitted on these lands prior to the lifting of the 'H' symbol a new Exception CR(x____) would be added to Article 900.11 of By-law 1156-2010 that reads as follows:

Exception CR(x____)

The lands subject to this exception must comply with the following:

- A. Prior to the removal of the 'H' symbol on these lands, the uses permitted and site standards applied on these lands are those provided for in an 'EC1.0(e1.0,c1.0)' zone district.'

Etobicoke York Community Council have requested Planning staff to consult with the Ward Councillor and report directly to Council on recommended conditions for lifting the 'H' symbol. Staff have consulted with the Ward Councillor's office. The conditions for the removal of the 'H' are already largely set out in the motions adopted by Etobicoke York Community Council that provide for residential uses on the Corsetti lands within 100 metres of animal slaughterhouses provided studies show no material adverse impact on future residents to the satisfaction of a peer reviewer and the Chief Planner. In addition, the 'H' holding symbol should not be lifted until a development proposal has been submitted that is to the satisfaction of the Chief Planner. Site and Area Specific Policy 357 in Attachment 1 to the Staff Report, the draft Amendment to the Official Plan, should be deleted and replaced by the following in order to set out clearly the conditions for lifting the 'H' holding symbol on the zoning for the Corsetti lands.

'357 Lands at 2211, 2237, 2255, 2283 and 2336 St. Clair Avenue West

- a) Subject to paragraph (b) below, the development of any residential unit(s) is conditional upon any residential unit being a distance of at least 100 metres from the property line of a lot containing an industrial facility that either slaughters animals, or renders animals or processes dead animal stock for animal feed. Prior to the development of residential units on the portion of the lands on the south side of St. Clair Avenue West, the lands known municipally as 2211, 2237, 2255 and 2283 St. Clair Avenue West may be used for manufacturing, warehousing and service uses permitted in an 'EC' zone in City of Toronto By-law 1156-2010 or the non-residential uses permitted in a 'CR' zone in City of Toronto Zoning By-law 1156-2010.
- b) Residential units within 100 metres of the property line of a lot containing an industrial facility that either slaughters animals, or renders animals or processes

dead animal stock for animal feed may be permitted on the lands known municipally as 2237, 2255 and 2283 St. Clair Avenue West where it has been demonstrated, through studies to the satisfaction of both the Chief Planner and a peer reviewer(s) selected by the City and paid for by the applicant that future residents on these lands would not experience material adverse noise, vibrations, traffic, odour or other emission effects generated from such a nearby industrial facility. City Council may enact a zoning by-law pursuant to Sections 34 and 36 of the Planning Act with an "H" Holding Symbol in respect of residential uses on the lands municipally known as 2237, 2255 and 2283 St. Clair Avenue West.

- c) The 'H' holding symbol applicable to the CR zoning under By-law 1156-2010 and for the lands known municipally as 2237, 2255 and 2283 St. Clair Avenue West may be removed by City Council and these lands may be used for residential and/or residential/commercial purposes upon receipt by City Council of a report from the Chief Planner that confirms:
 - i) that a development proposal has been submitted that is to the satisfaction of the Chief Planner, and
 - ii) the studies referred to in paragraph (b) above have shown that future residents on those lands would not experience material adverse noise, vibration, traffic, odour or other emission effects generated from the nearby industrial facility that involves either the slaughter of animals, or rendering of animals, or processing of dead animal stock for animal feed.

City Council may also lift the 'H' holding symbol where the industrial activity that was the basis of implementing the 'H' holding symbol has ceased and is not replaced by another operation of the same or similar use for a period of one year from the date of closure of the original operation.'

The Lands Owned by Starbank Developments at 2133 St. Clair Avenue West

Starbank Developments leases the lands at 2133 St. Clair Avenue West and 88 Ethel Avenue that contains a one-storey retail complex with extensive surface parking anchored by a Metro supermarket. A representative of Starbank Developments deputed at Community Council on March 22, 2011 and indicated his client's concern with both the Official Plan and Zoning By-law proposals for his client's lands. Staff have since met with the solicitors and planners for Starbank Developments and are recommending some minor changes to provide more clarity and comfort for Starbank Developments.

Starbank Development has recently received a Committee of Adjustment approval of a further retail expansion on the site and will soon enter into a site plan agreement and obtain building permits. Starbank is concerned that this expansion could be delayed should there be any provisions of the new Zoning By-law 1156-2010 which would not permit the proposal currently being reviewed. They have requested the same courtesy shown to Trinity Development at the northeast corner of Weston Road and St. Clair

Avenue that is in a similar position, by removing their lands from Zoning By-law 1156-2010 and letting the predecessor Zoning By-law 438-86 as amended continue to apply. This is an acceptable approach and is shown on a revised Map 2 to Attachment 2 to this Staff Report. As the permissions for this site in predecessor By-law 438-86 as amended by By-law 538-2001 are similar with a slightly lower density than in the proposed amendment to By-law 1156-2010 no further notice should be required to accommodate this change.

Starbank Development has many long-term sub-leases to retail operations and has no intention of redeveloping this site for any other purposes in the foreseeable future. In the draft amendment to the Official Plan in Attachment 1 to the Staff Report, their lands are split-designated. The northerly portion of the site fronting on to the south side of St. Clair Avenue West is designated 'Mixed Use Area' but under proposed Site and Area Specific Policy 358 no residential uses are to be permitted until a number of conditions are fulfilled. This designation permits an existing retail complex such as currently exists. The southerly portion remains designated as an 'Employment Area' and Site and Area Specific 359 provides for retail at any scale and access from any one of 5 nearby streets in order to ensure that the existing retail complex continues to be permitted. Starbank Development has requested language in the Official Plan that clarifies that the retail permissions in Site and Area Specific policies 358 and 359 may be related and that full and solely retail uses are permitted on these lands until such time as the owners may apply for residential redevelopment. This is fully keeping with the intent of the draft Official Plan Amendment that was before the statutory public meeting at Community Council. The City Solicitor and planner are continuing discussions to that end and the recommendations of this report would authorize the City Solicitor to insert such comfort language into the Official Plan Amendment at the time of the bills coming forward to Council.

Authorization for Technical Changes in the Event By-law 1156-2010 is Repealed

At its meeting of March 24, 2011 Planning and Growth Management Committee requested the Chief Planner and Executive Director, City Planning, to report directly to City Council on April 12, 2011 on a by-law to repeal Zoning By-law 1156-2011. At the time of the drafting of the Official Plan Amendment and Zoning By-laws before the statutory public meeting on March 22nd, and at the time of the statutory public meeting itself, there was no foreknowledge of the Committee's directions with respect to the City's harmonized Zoning By-law. In the event that Council repeals Zoning By-law 1156-2010, technical amendments will be required to the Official Plan amendments and the amendments to the predecessor Toronto Zoning By-law 438-86 and York Zoning By-law 1-83 to remove references to By-law 1156-2010 in the Official Plan Amendment and to implement the zoning provisions approved by Community Council solely within the predecessor Zoning By-laws.

As these changes are purely technical changes to reflect the intent of the zoning provisions discussed and voted upon at the statutory public meeting at Community Council, no further notice of such technical changes should be required.

CONTACT

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SIGNATURE

Gary Wright
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City Planning Division

ATTACHMENTS

Attachment 1: Revised Site and Area Specific Policy 357, Section 2(g) of
Amendment to the Official Plan
Attachment 2: Revised Portions of Map 2, draft amendment to By-law 1156-2010

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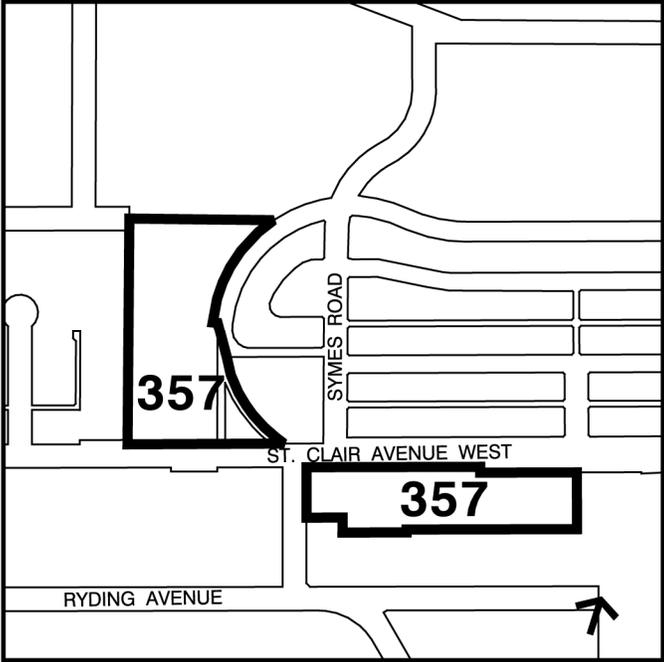
**Attachment 1: Revised Site and Area Specific Policy 357, Section 2(g) of
Amendment to the Official Plan**

'357 Lands at 2211, 2237, 2255, 2283 and 2336 St. Clair Avenue West

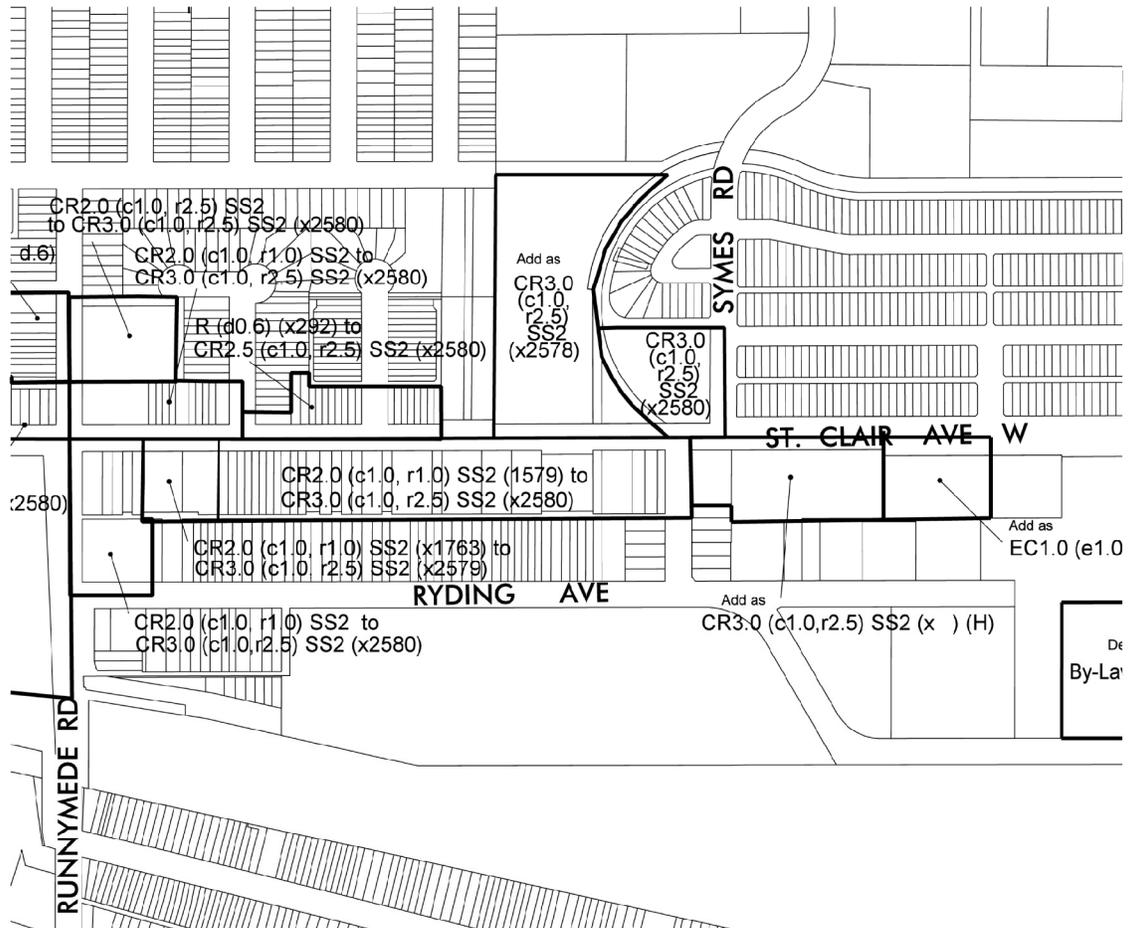
- d) Subject to paragraph (b) below, the development of any residential unit(s) is conditional upon any residential unit being a distance of at least 100 metres from the property line of a lot containing an industrial facility that either slaughters animals, or renders animals or processes dead animal stock for animal feed. Prior to the development of residential units on the portion of the lands on the south side of St. Clair Avenue West, the lands known municipally as 2211, 2237, 2255 and 2283 St. Clair Avenue West may be used for manufacturing, warehousing and service uses permitted in an 'EC' zone in City of Toronto By-law 1156-2010 or the non-residential uses permitted in a 'CR' zone in City of Toronto Zoning By-law 1156-2010.
- e) Residential units within 100 metres of the property line of a lot containing an industrial facility that either slaughters animals, or renders animals or processes dead animal stock for animal feed may be permitted on the lands known municipally as 2237, 2255 and 2283 St. Clair Avenue West where it has been demonstrated, through studies to the satisfaction of both the Chief Planner and a peer reviewer(s) selected by the City and paid for by the applicant that future residents on these lands would not experience material adverse noise, vibrations, traffic, odour or other emission effects generated from such a nearby industrial facility. City Council may enact a zoning by-law pursuant to Sections 34 and 36 of the Planning Act with an "H" Holding Symbol in respect of residential uses on the lands municipally known as 2237, 2255 and 2283 St. Clair Avenue West.
- f) The 'H' holding symbol applicable to the CR zoning under By-law 1156-2010 and for the lands known municipally as 2237, 2255 and 2283 St. Clair Avenue West may be removed by City Council and these lands may be used for residential and/or residential/commercial purposes upon receipt by City Council of a report from the Chief Planner that confirms:
 - iii) that a development proposal has been submitted that is to the satisfaction of the Chief Planner, and
 - iv) the studies referred to in paragraph (b) above have shown that future residents on those lands would not experience material adverse noise, vibration, traffic, odour or other emission effects generated from the nearby industrial facility that involves either the slaughter of animals, or rendering of animals, or processing of dead animal stock for animal feed.

City Council may also lift the 'H' holding symbol where the industrial activity that was the basis of implementing the 'H' holding symbol has ceased and is not

replaced by another operation of the same or similar use for a period of one year measured from the date of closure of the original operation.'



Attachment 2: Revised Portions of Map 2, draft amendment to By-law 1156-2010



**St. Clair Avenue West from
Keele Street/Weston Road to Scarlett Road**

Map 2- Zone Districts

09 192880 SPS 00 TM

 Area Affected By This By-Law


Note to Scale
11/02/14



 Area Affected By This By-Law


Note to Scale
11/02/14