

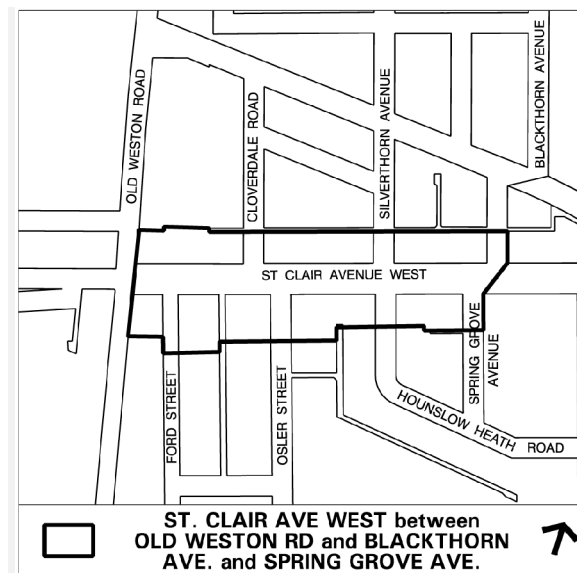
City-Initiated St. Clair Avenue Study – Between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue – OMB Official Plan Amendment Appeal and Potential Zoning By-law Amendment – Supplementary Report #4

Date:	February 6, 2014
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 17 - Davenport
Reference Number:	05 189781 WET 11 TM

SUMMARY

At its meeting of September 10, 2013, Etobicoke York Community Council deferred consideration of a Planning report (Item EY26.6) 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 and report back no later than January 2014 with a revised Draft Modification that reflected comments gathered at the public consultation meeting.

A 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 to yet assess the report findings and potential impacts to the proposed policy framework.



At this meeting, Etobicoke York Community Council directed Planning staff to report to the February 25, 2014 meeting of Community Council on the outcome of the peer review process.

This report provides a summary of the findings from the peer review process and recommends approval of a revised Draft Modification to Official Plan Amendment No. 84.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council adopt Recommendations 1 to 3 contained in the report (dated August 21, 2013) 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 #3 from the Director, Community Planning, Etobicoke York District, subject to replacing Attachment 1 in that report with Attachment 1: Revised Draft Modification to Official Plan Amendment No. 84, appended to this report dated February 6 2014 and revising the recommendation accordingly so that the recommendation now read as follows:
 - " 1. City Council authorize the City Solicitor, City staff and any other necessary consultants to attend the Ontario Municipal Board to support a modification to Official Plan Amendment No. 84, for the lands along St. Clair Avenue West between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue substantially in accordance with the Revised Draft Modification to Official Plan Amendment No. 84 attached as Attachment 1 to the report dated February 6 2014, as a settlement to the appeal of OPA No. 84 for the western segment of the St. Clair Avenue Study.
 2. City Council direct City staff to schedule a public meeting and bring forward an amendment to Zoning By-law 1103-2009, for the lands along St. Clair Avenue West between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue substantially in accordance with the proposed draft Zoning By-law Amendment attached as Attachment 2, subject to the City receiving an OMB decision approving the draft Modification to Official Plan Amendment No. 84 substantially in accordance with the draft Modification in Attachment 1.
 3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Modification to Official Plan Amendment No. 84 and the proposed draft Zoning By-law Amendment as may be required."

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its meeting of September 10, 2013 Etobicoke York Community Council considered a report dated August 21, 2013 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 #3 (Item EY26.6). A copy of the report can be found at the following link:
<http://www.toronto.ca/legdocs/mmis/2013/ey/bgrd/backgroundfile-60847.pdf>

Community Council deferred consideration of the report to its meeting of November 19, 2013 and further requested the Director, Community Planning, Etobicoke York District to hold a public consultation meeting as it pertains to the policy framework and regulatory approach of the proposed Draft Modification to Official Plan Amendment No. 84 and report back to the Etobicoke York Community Council with a revised Draft Modification prior to proceeding to the Ontario Municipal Board so that the policy framework and regulatory approach could reflect the community comments gathered at the public consultation meeting. The decision document can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY26.6>

A public consultation meeting was held on October 16, 2013. At its meeting of October 17, 2013, Etobicoke York Community Council further directed staff to report no later than January 2014 on the outcome of the public consultation meeting and any modifications to the proposed policy framework and regulatory approach. The decision document can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.EY28.41>

A 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 to yet assess the report findings and potential impacts to the proposed policy framework. The Director, Community Planning, Etobicoke York District was directed to report to the Etobicoke York Community Council meeting on February 25, 2014 on the outcome of the peer review process and any modifications to the proposed policy framework and regulatory approach of the proposed Draft Modification to Official Plan Amendment No. 84. The report and decision document can be found at the following link:
<http://app.toronto.ca/tmmis/viewagendaitemhistory.do?item=2014.ey30.6>

COMMENTS

In addition to holding a community consultation meeting as directed by Etobicoke York Community Council, Planning staff retained the services of Golder Associates Limited, a firm with expertise in air quality assessments, to conduct a peer review of the proposed policy framework and Draft Modification to Official Plan Amendment No. 84. The findings from each of these initiatives are discussed below.

Community Consultation

As noted in the January 10, 2014 report, the community consultation meeting held on October 16, 2013 provided an opportunity for the public to ask questions and share their comments on the Draft Modification to Official Plan Amendment No. 84 as a settlement to the Ontario Municipal Board appeal of OPA 84. Numerous comments were provided on the proposed settlement and potential odour issues in the area. There was general consensus that the segment of St. Clair Avenue West between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue was in need of revitalization. However, there were differing views on how revitalization could be achieved and whether the proposed use of a Holding "H" symbol would support or hinder this objective.

As a result of the comments received, Planning staff concluded there was no consensus on the impact of the policy framework and regulatory approach on future redevelopment in the area. As such, it was determined that it would be appropriate to have the Draft Modification peer reviewed to obtain an objective opinion on the reasonableness and practicality of the approach.

Peer Review

The City retained the firm of Golder Associates Limited (Golder), an environmental consulting firm with expertise in air quality and odour impact assessment and mitigation, to provide a peer review of the Site and Area Specific Policy framework and regulatory approach that is proposed as a modification to Official Plan Amendment No. 84 and an associated draft Zoning By-law Amendment, as a settlement of the outstanding appeal to Official Plan Amendment No. 84 for the western segment of St. Clair Avenue West.

Golder reviewed Planning reports related to the City-Initiated St. Clair Avenue Study between Bathurst Street and Keele Street as well as the recent Planning report dated August 21, 2013. The objective of the peer review was to improve upon and revise where necessary the proposed regulatory approach. Specifically, Golder was required to prepare a report with conclusions and recommendations and to comment and advise on:

- Any significant deficiencies or concerns with the proposed policy framework and regulatory approach as set out in the proposed Draft Modification to Official Plan Amendment No. 84;
- Any suggested revisions that should be considered to improve the proposed policy framework and regulatory approach being mindful of the intent to address National Rubber Technology's (NRT) concerns with the impact of air emissions on taller residential buildings in the area and the objective of the City to allow for mixed use redevelopment at greater densities and heights along this segment of St. Clair Avenue West; and
- The reasonableness and practicality of the proposed Draft Modification from a land use planning perspective in controlling development.

Golder has concluded that the proposed policy framework and regulatory approach is reasonable and practical to the City, NRT and any potential developer.

However, Golder suggested a change in the sequence of actions to be undertaken to fulfill the criteria for lifting the Holding "H" symbol. Golder recommended that the required Odour and Air Quality Assessment relating to any proposed development with residential uses above 16.5 m be completed first. This Assessment should include a stack height and air pollution control optimization study that would objectively analyze and determine potential mitigation measures (such as increased stack heights or other control measures) required to meet emission compliance regulations to prevent adverse impacts on proposed residential development above a height of 16.5 m.

The results of this Assessment would then be used as the basis for the preparation of an Engineering Feasibility Study to assess the feasibility and costs of implementing the identified mitigation. The results of the Engineering Feasibility Study would then form the basis of a Written Mitigation Statement prepared by the proponent's consulting engineer for submission to the City that would outline the intended height of the development proposal and the intended off-site mitigation measures to be completed and the cost of their implementation. These studies and assessments would then be peer reviewed on behalf of and at no cost to the City.

Planning staff concur with these suggested changes. A revision to the Criteria for Lifting of the Holding "H" symbol set out in the Draft Modification to Official Plan Amendment No. 84 attached as Attachment 1 to the Planning report dated August 21, 2013 is required to change the sequence of actions. In addition, the definitions for the Engineering Feasibility Study, Odour and Air Quality Assessment, Written Mitigation Statement and Odour and Air Quality Peer Review have been revised to clarify the purpose and requirements of these studies. The Revised Draft Modification to Official Plan Amendment No. 84 attached as Attachment 1 to this report incorporates the necessary changes and is recommended to replace the Draft Modification to Official Plan Amendment No. 84 attached as Attachment 1 to the Planning report dated August 21, 2013. The Solicitors for NRT have advised that the revised definition for Odour and Air Quality Assessment is acceptable.

In addition, Golder has noted that the framework does not provide for any mediation process should a disagreement or divergence of opinion arise between NRT and the development proponent in relation to the findings of the studies to be undertaken, mitigation measures to be implemented or their respective costs. Accordingly, Golder has recommended that a third party air quality engineer/consultant, agreeable to both parties be retained to assist in resolving any impasse as necessary.

Planning staff concur that a mediation process to resolve issues of disagreement would be beneficial. However, staff are of the opinion it would not be appropriate to include a mediation requirement as a policy provision that would bind any development proponent and NRT because the requirement to satisfy the criteria for lifting the Holding "H" symbol is the responsibility of the development proponent. Further, a mediation process

could be undertaken with both parties in agreement without the need for a formal policy directive or City involvement.

Golder has also indicated that it should be clarified that NRT would be responsible for ensuring that no adverse effect would result from any process change or physical change to the operation of its facility. In such instances, should NRT change operations or processes at its facility following the lifting of the Holding "H" symbol and other mitigation has been put in place in relation to a residential development proposal, it is understood that NRT would be required, at its own expense, to update its Environmental Compliance Approval (ECA) and obtain the necessary approvals from the Ministry of the Environment. Therefore, there is no need to provide for this clarification in the proposed policy framework.

Golder was provided with a copy of the Revised Draft Modification to OPA No. 84, (Attachment 1) presented in Attachment 1, and concurred with the revisions. A copy of the Golder Associates Peer Review report is appended as Attachment 2.

Conclusion

The Revised Draft Modification to Official Plan Amendment No. 84 attached as Attachment 1 to this report incorporates changes suggested by the Peer Review report and is recommended to replace the Draft Modification to Official Plan Amendment No. 84 attached as Attachment 1 to the Planning report dated August 21, 2013. The proposed revised policy framework and regulatory approach is considered reasonable and practical to all parties including the City, NRT and any potential developer. As noted in the August 21, 2013 report, the Ministry of the Environment has no issue with the use of the Holding "H" symbol in the proposed policy framework as a regulatory approach to facilitating opportunities for the development of sensitive uses in an area where potential adverse impacts from industrial uses exist. Further, the proposed framework provides a balanced approach to dealing with and mitigating potential adverse impacts from incompatible land uses.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Revised Draft Modification to Official Plan Amendment No. 84
Attachment 2: Golder Associates Ltd. Peer Review, dated January 9, 2014

Attachment 1: Revised Draft Modification to Official Plan Amendment No. 84

REVISED DRAFT MODIFICATION TO OFFICIAL PLAN AMENDMENT NO. 84

For certain lands abutting St. Clair Avenue West between Old Weston Road and Blackthorn Avenue and Spring Grove Avenue

Modification to Amendment No. 84 to the Official Plan of the City of Toronto as follows:

1. Chapter 7 of the City of Toronto Official Plan, entitled Site and Area Specific Policies, Policy No. 326 is amended by deleting and replacing the text of paragraph (f) with the following:

No changes will be made through rezoning, minor variance or consent or other public action that are out of keeping with the vision for St. Clair Avenue West and the purpose and intent of the "Area A" lands as described above.

2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 362 to certain lands abutting St. Clair Avenue West between Old Weston Road and Blackthorn Avenue and Spring Grove Avenue, as follows:

“362 Certain lands to the north and south of and fronting on St. Clair Avenue West between Old Weston Road and Blackthorn Avenue and Spring Grove Avenue as identified on Map A:

- (a) All development along St. Clair Avenue West between Old Weston Road and Bathurst Street shall conform to the overall vision for change as identified in the St. Clair Avenue Study. This vision encourages an intensified, transit-oriented urban environment which promotes a vibrant pedestrian realm and experience. This goal shall be achieved through the implementation of an area specific zoning by-law and Urban Design Guidelines.
- (b) Intensification of the residential use portion of a development on lands within the outlined area shown on Map A between Old Weston Road and Blackthorn Avenue and Spring Grove Avenue (the subject area) may be controlled via the use of a Holding "H" symbol and permitted following the fulfillment of criteria as set out herein to allow lifting of the Holding "H" symbol. Such criteria shall include the receipt by City Council of a report from the Chief Planner or designated Director of Community Planning respecting compliance with the required criteria including confirmation that any mitigation measures required for the Development Proposal will foster an appropriate living environment within the residential units and in a mixed use community

coexisting with nearby employment uses.

- (c) City Council may enact a zoning by-law pursuant to Section 34 and 36 of the Planning Act, with an Holding "H" symbol in respect of the residential uses on lands within the area shown on Map A.

Definitions

- (d) For purposes of this Site and Area Specific Policy, the following terms have the following definitions:
 - (i) "Development Lands" means the lands for which an application to lift the Holding "H" symbol has been filed.
 - (ii) "Development Proponent" means the landowner or agent acting for the landowner who is the applicant for a Development Proposal and is seeking Council approval to lift the Holding "H" symbol on the Development Lands.
 - (iii) "Development Proposal" means the specific residential component of a development proposed by the Development Proponent for the Development Lands.
 - (iv) "Employment Lands" means the lands known municipally as 35 Cawthra Avenue.
 - (v) "Employment Land Use" means any industrial employment use including its facilities on the Employment Lands operating on the date that this By-law was enacted, and includes any full, partial or expanded form of such use.
 - (vi) "Employment Land User" means the employer engaged in an Employment Land Use on the Employment Lands.
 - (vii) "Engineering Feasibility Study" means an engineering study that is completed by a qualified consulting engineer, who has worked in consultation with and is acceptable to the Employment Land User, at the Development Proponent's expense, which includes in its terms of reference:
 - a. a review of the Odour and Air Quality Assessment report and the mitigation measures recommended in the reports; and

- b. an assessment of the technical feasibility and cost of implementing the off-site mitigation measures recommended by the Odour and Air Quality Assessment Report to mitigate adverse air quality impacts in relation to the Development Proposal.
- (viii) "Mitigation Certification" means a document completed by a qualified architect and/or qualified consulting engineer, that stamps and certifies that any required on-site mitigation measures on the Development Lands identified by the Air Quality and Odour Assessment and Air Quality and odour assessment peer review are expressly described and detailed in the Site Plan Submission drawings, Notice of Approval Conditions or Site Plan Agreement, as applicable.
- (ix) "Odour and Air Quality Assessment" is an odour and air quality study prepared by a qualified consulting engineer at the Development Proponent's expense that:
- a. Includes a stack height and air pollution control optimization study to assess the adverse air quality impacts including odour impacts to Ontario Ministry of the Environment standards as applicable (e.g. the Summary of Standards and Guidelines to Support Ontario Regulation 419: Air Pollution - Local Air Quality February 2008 PIBS # 6569e and Jurisdictional Screening Level (JSL) List - A Screening Tool for Ontario Regulation 419: Air Pollution - Local Air Quality February 2008 PIBS # 6547e Version 1) from the Employment Land Use in relation to the Development Proposal at a requested height increase beyond what the existing zoning for the Development Lands permits.
 - b. Recommends, first and foremost as necessary, off-site mitigation measures on the Employment Lands and the Employment Land Use, such as stack height adjustments and the provision of other discharge control measures and/or if required any on-site advisory clauses and mitigation measures that will not (appreciably) lessen a reasonable living experience within the Development Proposal (i.e. on-site mitigation measures may include restricting outdoor amenity spaces or balconies, the location and size of operable windows or air intakes above a height of 16.5 m), to meet a standard of one odour unit (1 OU) using the Methodology for Modeling Assessments of Contaminants with 10 Minute Average Standards and

Guidelines under O. Reg. 419/05 included in Standards Development Branch Technical Bulletin April 2008, as amended or replaced from time to time.

- (x) "Odour and Air Quality Peer Review" means a third party peer review and report of the Odour and Air Quality Assessment, Engineering Feasibility Study, Written Mitigation Statement and NRT commentary. This is to be completed by a qualified consulting engineer at the expense of the Development Proponent for and under the direction of the City.
- (xi) "Written Mitigation Statement" means a statement prepared by a qualified consulting engineer outlining the intended height of the Development Proposal, the intended off-site mitigation measures to be installed and maintained on the Employment Lands and the Employment Land Use to address any potential adverse impact on the proposed residential uses, and the associated cost of implementing such mitigation, all based on the accepted Engineering Feasibility Study.

Criteria for Lifting of the Holding "H" Symbol

- (e) The Holding "H" symbol applicable to the MCR zoning under former City of Toronto By-law 438-86, as amended, for lands within the outlined area shown on Map A may be lifted by City Council, and such lands may be used for buildings where any residential use component exceeds the heights permitted prior to the lifting of the Holding "H" symbol, upon receipt by City Council of a report from the Chief Planner or designated Director of Community Planning that confirms that any mitigation measures required for the Development Proposal will foster an appropriate living environment in a mixed use community coexisting with nearby employment uses and will establish appropriate living conditions within the residential units and indicates compliance with all of the following mandatory requirements:
 - (i) The existence of an Employment Land Use at 35 Cawthra Avenue which is operational or has not ceased operations for a period of more than two years.
 - (ii) Submission of an Odour and Air Quality Assessment to the City, with a copy to the Employment Land User. The Development Proponent will confirm to the City that the Employment Land User has been provided with a copy of the Odour and Air Quality Assessment. The Employment Land User will have 45 days after receipt of the Odour and Air Quality Assessment to provide its comments to the City.

- (iii) The submission of an Engineering Feasibility Study to the satisfaction of the City, with a copy to the Employment Land User. The Development Proponent will confirm to the City that the Employment Land User has been provided with a copy of the Engineering Feasibility Study. The Employment Land User will have 45 days after receipt of the Engineering Feasibility Study to provide its comments to the City.
- (iv) The submission of a Written Mitigation Statement to the satisfaction of the City, with a copy to the Employment Land User. The Development Proponent will confirm to the City that the Employment Land User has been provided with a copy of the Written Mitigation Statement. The Employment Land User will have 45 days after receipt of the Written Mitigation Statement to provide its comments to the City.
- (v) Completion of an Odour and Air Quality Peer Review, which has as its conclusion that the peer reviewer concurs with the methodology, findings and recommendations regarding mitigation of the Odour and Air Quality Assessment, Engineering Feasibility Study, Written Mitigation Statement with due consideration given to any comments that the Employment Land User or its solicitor has provided regarding the items (e.g. ii, iii, iv) above.

Securing of Off-Site Mitigation Measures

- (vi) Off-site mitigation will be secured via written confirmation, to be received in a timely manner and shall not be unreasonably withheld, signed and stamped as applicable, to the satisfaction of the Director of Community Planning, Etobicoke York District, from:
 - a. the Development Proponent's consulting engineer and the Employment Land User's consulting engineer that the recommended off-site mitigation measures if any contained in the Engineering Feasibility Study, Written Mitigation Statement, Odour and Air Quality Assessment and Odour and Air Quality Peer Review to support the Development Proposal have been completed, are operational and have been demonstrated to mitigate air quality and odour impacts to acceptable Ministry of the Environment standards; and/or
 - b. the Employment Land User's solicitor that other

arrangements to achieve the recommendations, if any, contained in the Engineering Feasibility Study, Written Mitigation Statement, Odour and Air Quality Assessment and Odour and Air Quality Peer Review, including financial and implementation arrangements between the Employment Land User and the Development Proponent, have been made to ensure completion of the mitigation measures prior to residential occupancy.

Site Plan Requirements

- (vii) The fulfillment of the following Site Plan requirements for a Development Proposal for which an application has been made to lift the Holding "H" symbol:
- a. submission of a Site Plan Application for the Development Proposal accompanied by a Mitigation Certification, a copy of which shall be provided to the Employment Land User;
 - b. confirmation that the off-site mitigation required if any, under Subsection 2.(e)(vi) herein has been secured;
 - c. issuance of Notice of Approval Conditions which contains conditions requiring:
 - (i) that the Site Plan Agreement with respect to the Development Proposal will contain a provision requiring all mitigation measures to be listed on all plans and drawings for any Building Permit submission and that a Mitigation Certification be submitted as part of any application for a Building Permit; and
 - (ii) entering into a Site Plan Agreement, to which a Mitigation Certification is attached as a schedule, that requires any on-site mitigation measures to be implemented prior to the first occupancy of any residential unit on the Development Lands. The Development Proponent will provide a copy of said Site Plan Agreement to the Employment Land User when the agreement is executed.

Lifting Criteria for Holding "H" Symbol Not Required

- (f) Where the Employment Land Use has ceased operation and is not replaced by another operation of the same or similar use for a period of two years measured from the date of closure of the original operation, City Council may lift the Holding "H" symbol without regard for any unfulfilled Holding "H" symbol removal criteria noted herein.

No Minor Variance for Exceeding Height

- (g) No additional height for a development with residential uses beyond the applicable maximum residential height zoning permissions within the subject area shall be granted through a minor variance.

"Area A" Lands

- (h) Those lands identified on Map B as "Area A" generally contain only a single detached dwelling or a pair of attached semi-detached dwellings which, when cleared of structures, facilitate through mitigation by the introduction of open space and distance, mid-rise buildings with heights between 7 storeys (24 m) and 9 storeys (30 m) on lands designated *Mixed Use Areas* and identified on Map A.
- (i) The intent and purpose of "Area A" lands are to prevent the destabilization of lands designated *Neighbourhoods* and their character from encroachment by mixed use developments by:
 - (i) Securing a minimum standard of open space, distance and sky view from nearby lands designated *Neighbourhoods* and 7 to 9 storey (24 to 30 m) developments on the lands identified on Map A;
 - (ii) significantly minimizing shadow impacts of development on nearby lands designated *Neighbourhoods*;
 - (iii) providing a visible, soft-landscaped delineation between mixed use developments with frontage on St. Clair Avenue West and nearby lands designated *Neighbourhoods*;
 - (iv) creating rear lanes where servicing, loading, and vehicle access shall be located for all new developments with frontage on St. Clair Avenue West; and
 - (v) where sufficient lands exist, providing additional temporary commercial parking to service those lands identified in Map A.

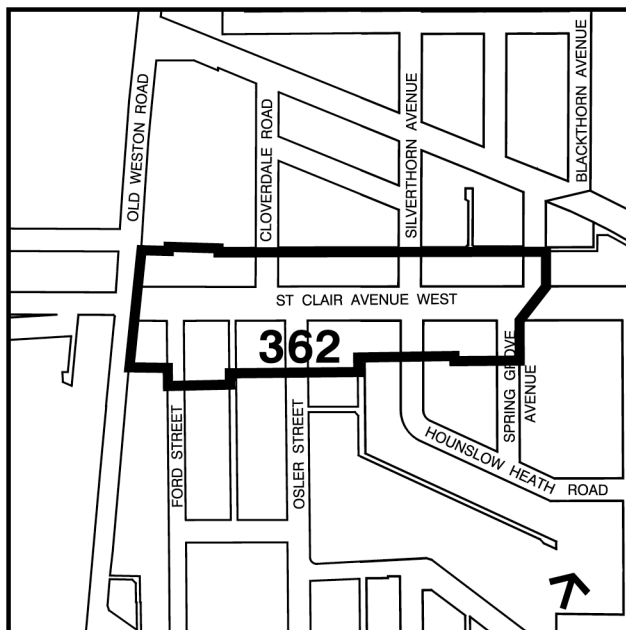
- (j) "Area A" lands shall only be used:
 - (i) to create new, or widen existing public lanes adjacent to lands with frontage along St. Clair Avenue West or create private driveways where appropriate;
 - (ii) to provide a soft-landscaped strip between those lands designated *Mixed Use Areas* fronting on St. Clair Avenue and nearby lands designated *Neighbourhoods*; and
 - (iii) to permit a commercial parking in association with those lands designated as a *Mixed Use Area* where additional lands provide for this use.

- (k) Lands located in "Area A" that have not been conveyed or leased to the City or its agencies:
 - (i) shall not be severed from ownership of the lands with frontage on St. Clair Avenue West designated as a *Mixed Use Area* and where such lands are developed as a condominium, the lands identified in Area A shall form part of the common elements of such condominium corporation; and
 - (ii) shall be maintained by the owner of the adjacent lands with frontage on St. Clair Avenue West.

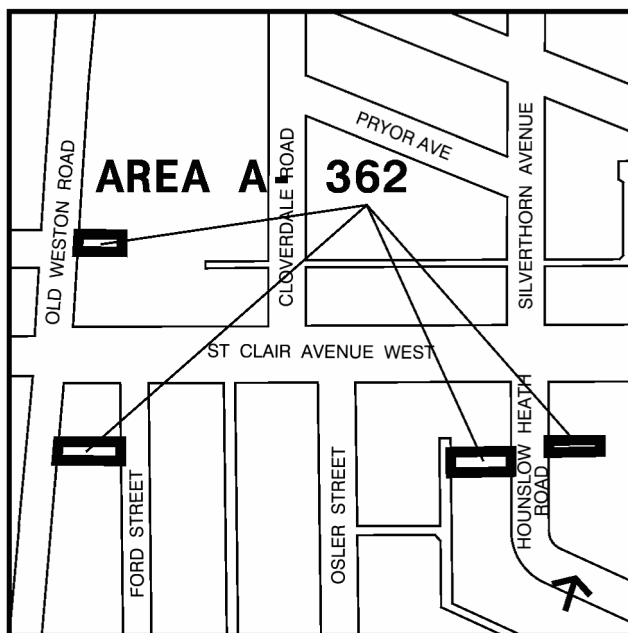
Vision for St. Clair Avenue

- (l) No changes will be made through rezoning, minor variance or consent or other public action that are out of keeping with the vision for St. Clair Avenue West and the purpose and intent of the "Area A" lands as described above.
3. Map 28, Site and Area Specific Policies, is amended by adding certain lands to the north and south of and fronting on St. Clair Avenue West between Old Weston Road and Blackthorn Avenue and Spring Grove Avenue, as shown on the map above as Site and Area Specific Policy No. 362.
4. Map B to Site and Area Specific Policies No. 362 shall form part of this amendment."

MAP A



MAP B



Attachment 2: Golder Associates Ltd. Peer Review



January 9, 2014

Project No. 13-1151-0278

Lou Moretto
City of Toronto
Manager, Community Planning
City Planning Division
2 Civic Centre Court
Toronto, Ontario M9C 5A3

RE: PEER REVIEW OF SITE AND AREA SPECIFIC POLICY FOR DEALING WITH ODOUR/AIR EMISSIONS ON BUILDINGS GREATER THAN 16.5 MIN HEIGHT-CITY INITIATED ST. CLAIR AVENUE STUDY

Dear Mr. Moretto,

The following is Golder Associates Ltd (Golder) Peer Review and comments on the above proposed City of Toronto policy in dealing with odours and air quality through a modification to Official Plan Amendment No. 84 related to the St Clair Avenue Study for a segment of St. Clair Avenue West between Old Weston Road and Blackthorn Avenue/Spring Grove Avenue (Areas Affected). Specifically, the policy allows for a mechanism and decision making process which will allow for residential development above a height of 16.5 m along St. Clair Avenue between Old Weston Road and Blackthorn Avenue by taking into account local industrial concerns, such as National Rubber Technologies (NRT), on their ability to function within their Environmental Compliance Approval (ECA) as granted by the Ontario Ministry of the Environment (MOE).

The following reports have been reviewed as part of the Peer Review

- 1) 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 #3 -August 21, 2013.
- 2) City-initiated St. Clair Avenue Study for St. Clair Avenue West between Bathurst Street and Keele Street – Supplementary Report No. 2 – September 29, 2009.
- 3) City-initiated St. Clair Avenue Study for St. Clair Avenue West between Bathurst Street and Keele Street – Supplementary Report – June 2, 2009.
- 4) City-initiated St. Clair Avenue Study for St. Clair Avenue West between Bathurst Street and Keele Street – Final Report – May 11, 2009.
- 5) Letter from Doris Dumais (Ministry of the Environment) to Jim Harbell (Stikeman Elliott)-August 14, 2013.

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5 COMPANIES
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Comments

The Areas Affected will have an "H" Holding Symbol and be limited to a height of 16.5 m based on City discussions with NRT in relation to the OMB appeal of OPA No.84 and from odour modelling carried out by Ortech (NRT's consultants) which was Peer Reviewed by Church & Trought (previous City Peer Reviewer). This suggests that NRT (or whoever is the current owner/operator) will not cause adverse effects (i.e. odours) at residential dwellings below 16.5 m in height under NRT's current operations which should be documented under NRT's existing ECA. It will be NRT's responsibility for ensuring no adverse effect on any dwellings below 16.5 m due to any process change or physical change from the operation of the facility in the future. NRT will be required to update their ECA under the Environmental Protection Act (EPA) and demonstrate that NRT does not have an adverse effect on dwellings below 16.5 m based on any future regulatory requirements. This requirement should be clear to all parties.

The "H" Holding Symbol can be removed from the Areas Affected once conditions under Section 2 of the "*Draft Modification to Official Plan Amendment No. 8*" have been met. These conditions include;

- 1) The submission of an Engineering Feasibility Study (technical and financial on extending NRT's stacks beyond 22.1 m and/or other NRT mitigation measures which will result in not causing an adverse effect at residential dwellings in buildings greater than 16.5 m in height as well as those below.
- 2) The submission of a Written Mitigation Statement which indicates the Development Proposal's intended height in the Affected Area, mitigation measures on the NRT site and the costs for implementation based on the Engineering Feasibility Study.
- 3) The submission of an Odour and Air Quality Study which assesses the information in the Written Mitigation Statement and recommends mitigation measures.
- 4) Submission of a Peer Review Report on the above reports and conclusions, including comments provided by NRT.

The costs for the above studies and reports will be at the expense of the Development Proponent within Areas Affected. With the exception of the Peer Review, all reports are to be submitted to NRT and the City, with comments to be provided by NRT within 45 days. In addition, the recommended mitigation measures at NRT must be verified, operational and effective on buildings with residential dwellings at heights above 16.5 m prior to the removal of the "H" holding symbol. A letter from NRT's solicitor is also required which states that the mitigation measures at NRT will be completed prior to residential occupancy of the Areas Affected. Clearly, any costs, including mitigation at NRT, due to increasing the residential building heights at the Areas Affected will be borne by the developer.

The level of effort and framework suggested are reasonable and practical. Golder suggests a change in the process which allows for the Odour and Air Quality Study to be completed first. The Odour and Air Quality Study would include a stack height and air pollution control optimization study to determine mitigation measures such as the optimum stack height and potential level of control required to meet regulations for the proposed residential development in the Areas Affected. This would allow for an objective analysis to be completed of the potential impact on the development proposed with residential uses above a 16.5 m height. This study would be used by an engineering firm to evaluate the feasibility and costs of implementation of various measures or combination of measures.

The framework does not provide for any mediation between NRT and developers should an impasse be found. The MOE will not get involved in resolving any impasse and the City will be required to stay neutral. It is suggested that an unbiased third party air quality engineer/consultant, agreeable to both parties, be assigned to help resolve the impasse. The third party reviewed could be that person.

Conclusions and Recommendations

Golder was retained to review the framework and regulatory approach as set out in the draft Modification of Official Plan Amendment No. 84. It is our opinion that the proposed modification is reasonable and practical to all parties including the City, NRT and a potential developer. The following recommendations are suggested:

- 1) Clarification that NRT will be responsible for ensuring compliance with regulatory compliance should any process changes be made.
- 2) The Odour and Air Quality Study should be completed prior to the Engineering Feasibility Study to allow for an objective analysis of mitigation options or a combination of measures.
- 3) A neutral third party air quality specialist should be designated to resolve any potential impasse.

Closure

Should you have any questions or concerns, kindly contact the undersign at 416-271-9380 or aciccone@golder.com.

GOLDER ASSOCIATES LTD.



Anthony Ciccone, Ph.D., P.Eng.
Principal

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