

By email pgmc@toronto.ca

11 October 2017
10P20

Chair and Members
Planning and Growth Management Committee
City of Toronto
100 Queen Street West
Toronto, Ontario M5H 2N2

Dear Sir/Madam,

**RE: Port Lands Planning Initiative- Agenda Item 23.6;
Comments on behalf of Lafarge Canada Inc.;**
Lafarge Cement Terminal, 54 Polson Street (“Cement Terminal”);
Lafarge Concrete and Aggregate Depot, 535 Commissioners Street.

I am writing on behalf of Lafarge Canada Inc. (“Lafarge”) with respect to the above noted properties to provide comments on the City’s Port Lands Planning Initiatives, particularly the Port Lands Planning Framework, the Port Lands Official Plan Modification to the Central Waterfront Secondary Plan (CWSP Modifications), the Villiers Island Precinct Plan and the classification of the area as Class 4 under Environmental Noise Guidelines.

Lafarge owns the lands at 54 Polson Street, at which it operates a Cement Terminal which distributes cement throughout the Toronto area. Lafarge also operates a Concrete Batching and Aggregate Depot at 535 Commissioner Street, which is leased from the Toronto Port Authority (land) and TEDCO (dockwall). Both facilities depend upon road access and water/dockwall access to ship its products.

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Lafarge has actively participated in the extensive planning process in the Port Lands. Lafarge is appreciative of the efforts of staff to address land use compatibility issues. However, despite ongoing dialogue, significant concerns remain. Attached hereto is our letter of April 12, 2017 in which we express our concerns on the March 2017 version of the Port Lands Official Plan Modification to the Central Waterfront Secondary Plan (CWSP). Many of the concerns expressed in April remain. These are summarized below.

Port Lands Official Plan Modification to the Central Waterfront Secondary Plan (CWSP)

As detailed in our April letter, our comments may be summarized as follows:

- The Cement Terminal should continue to be designated **General Use Areas (Industrial Areas)**, with policies permitting and encouraging the Cement Terminal use and Industrial uses.
- The Concrete and Aggregate Depot should continue to be designated **Heavy Industrial Areas (Industrial Areas)**, with policies permitting and encouraging the Concrete Batching and Aggregate Depot use and Industrial uses.
- Lands within the Port Lands should not be rezoned to permit sensitive uses until and unless it has been demonstrated that these uses are compatible with the Cement Terminal. The CWSP Modification should also require that compatibility issues be addressed through site plan approval, when the details of a proposed development are known.
- It is critical to the future of the port, marine and other industrial uses that the CWSP provide that rezoning to permit development of sensitive land uses cannot proceed unless and until: (i) appropriate noise, odour, air

emission, and traffic studies are completed by the proponent of such uses, with the participation of the affected industry, (ii) that such studies be peer reviewed by the City and (iii) that any required source mitigation has been agreed to by the affected industry.

- We remain very concerned that the CWSP Modification has been put forward without the finalization of a Goods Movement Strategy and the identification of truck routes that are reliable and redundant. Roads in the Port Lands are being planned without truck and goods movement considerations. This approach does not achieve the Goods Movement objectives identified in the Port Lands Planning Framework, section 4.6 and may limit the options for goods movement in the Port Lands. In our opinion, this is a fundamental error in the CWSP Modification.
- We recommend that the City complete a Goods Movement Strategy before approval of the CWSP Modification, and before specific ROW's and cross sections for the major roads in the Port Lands are identified. In our opinion, Sections 2.1.2 and 2.1.3 and Maps A, B, C and D are premature as they seek to define the character and function of key streets, without mention of goods or truck movement, and prior to the completion of a Goods Movement Strategy. Many of these routes will certainly continue and/or be enhanced as truck routes. Roadways such as Cherry Street, The Don Roadway and Leslie Street will be key goods movement corridors and should be recognized accordingly.

Villiers Island Precinct Plan

- The Villiers Island Precinct Plan should include additional reference to the requirement that development occur in a manner that is compatible with the existing and continuing port, marine and industrial uses in the Port

Lands. For instance, this should be included as one of the Guiding Principles, section 2.2,

- As noted above, it is premature to approve the Villiers Island Precinct Plan until the Good Movements Strategy has been completed and appropriate reliable and redundant truck routes have been identified. There is no mention of truck movements in Section 2.5, Structuring Moves or Section 3.2, Mobility, Transportation and Access.

MOECC Environmental Noise Guidelines

We agree that the Port Lands should be classified as a Class 4 area under MOECC Environmental Noise Guidelines (NPC 300). This classification recognises the environment that will necessarily exist given the interface between the existing industrial, port and marine uses and the proposed new residential and other sensitive uses introduced by the Port Lands planning initiatives.

We appreciate the opportunity to address Planning and Growth Committee, and look forward to continuing to work with the City and Waterfront Toronto as these matters goes forward.

Yours very truly,



Paul E. Johnston, MCIP, RPP
Principal
Johnston Litavski

cc: Lafarge Canada Inc.

Mary Bull/ Peter Gross, Wood Bull; Stew Ekins, Paradigm

By email portlands@toronto.ca

12 April 2017
10P20

Cassidy Ritz
Senior Planner
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Dear Ms. Ritz,

**RE: Draft Official Plan Amendment for the Port Lands- Land Owners and Users
Advisory Committee (“LUAC”) Meeting March 29;
Comments on behalf of Lafarge Canada Inc.;
Lafarge Cement Terminal, 54 Polson Street (“Cement Terminal”);
Lafarge Concrete and Aggregate Depot, 535 Commissioners Street.**

I am writing on behalf of Lafarge Canada Inc. (“Lafarge”) with respect to the above noted properties to provide comments on the draft Official Plan Amendment for the Port Lands (“OPA”), provided at the LUAC meeting on March 29, 2017.

As you know Lafarge owns the lands at 54 Polson Street, at which it operates a Cement Terminal which distributes cement throughout the Toronto area. Lafarge also operates a Concrete Batching and Aggregate Depot at 535 Commissioner Street, which is leased from the Toronto Port Authority (land) and TEDCO (dockwall). Both facilities depend upon road access and water/dockwall access to ship its products.

Our comments have been organized as follows:

- Lafarge Cement Terminal Land Use Designation
- Lafarge Concrete and Aggregate Depot Land Use Designation
- Lafarge Cement Terminal Specific Policy- Section 4.1.2 (b)
- Policies to protect the Cement Terminal, Concrete and Aggregate Depot, and Industrial Uses from Incompatible Sensitive Land Uses, and the role of the Port
- Goods Movement / Transportation
- Implementation / Matters for Clarification.

Summary

As detailed in the body of the letter, our comments may be summarized as follows:

- The Cement Terminal should continue to be designated **General Use Areas (Industrial Areas)**, with policies permitting and encouraging the Cement Terminal use and Industrial uses.
- The Concrete and Aggregate Depot should continue to be designated Heavy Industrial Areas (Industrial Areas), with policies permitting and encouraging the Concrete Batching and Aggregate Depot use and Industrial uses.
- In our opinion, the draft policies fail to fully recognize the continuing use, and fail to protect the Cement Terminal from new sensitive uses. Lands should not be rezoned to permit sensitive uses until and unless it has been demonstrated that these uses are compatible with the Cement Terminal. We have recommended revised Cement Terminal specific policies in section 4.1.2 b).

- It is critical to the future of the Port and Marine and other Industrial uses that the OPA provide that rezoning to permit development of sensitive land uses cannot proceed unless and until appropriate noise, odour, air emission, and traffic studies are completed by the proponent of such uses, with the participation of the affected industry, and that such studies be peer reviewed by the City.
- We remain very concerned that the OPA has been put forward without a Goods Movement study, and that roads in the Port Lands are being planned without truck and goods movement considerations. In our opinion, this is a fundamental error in the OPA.

Lafarge Cement Terminal Land Use Designation

The Cement Terminal lands are currently designated “**General Use Areas (Industrial Areas)**” on Map 1 of the Former City of Toronto Official Plan. The Cement Terminal lands are also located within the “**Port Industrial District**”, and, as such, are subject to the policies in subsection 14.35 to 14.40 of the Former City of Toronto Official Plan. Among other matters, these policies identify the Port Industrial District as one of the City’s chief industrial areas, and the policy of Council is to maintain and improve this area for industrial, shipping and port uses.

The Cement Terminal lands are proposed to be redesignated to “**Regeneration Areas**” on Map E- Land Use Plan. The lands are also included within the Polson Quay District and are proposed to be redesignated **Productions, Interactive and Creative (PIC) Mixed Use**.

We submit that the proposed redesignation to **Regeneration Areas** and **Productions, Interactive and Creative (PIC) Mixed Use** is not appropriate, is not consistent with the Provincial Policy Statement, does not reflect the current use

of the lands, or the desirability of permitting and encouraging the continuing use of the lands, for the reasons set out in Policy 4.1.2 b).

We submit that the Cement Terminal should continue to be designated **General Use Areas (Industrial Areas)**, with policies permitting and encouraging the Cement Terminal use and Industrial uses.

Lafarge Concrete and Aggregates Depot Land Use Designation

The Concrete and Aggregates Depot lands are currently designated “**Heavy Industrial Areas (Industrial Areas)**” on Map 1 of the Former City of Toronto Official Plan. The Concrete and Aggregates Depot lands are also located within the “**Port Industrial District**”, and, as such, are subject to the policies in subsection 14.35 to 14.40 of the Former City of Toronto Official Plan. Among other matters, these policies identify the Port Industrial District as one of the City’s chief industrial areas, and the policy of Council is to maintain and improve this area for industrial, shipping and port uses.

The Concrete and Aggregates Depot lands are proposed to be redesignated to “**Regeneration Areas**” on Map E- Land Use Plan. The lands are also included within the East Port District, and *Port* and *Industrial* uses will be permitted within this area.

We submit that the proposed redesignation to **Regeneration Areas** is not appropriate, is not consistent with the Provincial Policy Statement, does not reflect the current use of the lands, or the desirability of permitting and encouraging the continuing use of the lands.

We submit that the Concrete and Aggregates Depot should continue to be designated “**Heavy Industrial Areas (Industrial Areas)**” with policies permitting and encouraging the Concrete Batching and Aggregates Depot use and Industrial uses.

Lafarge Cement Terminal Specific Policy- Section 4.1.2 (b)

Policies specific to the Cement Terminal are vitally important to the continued operation and viability of the Cement Terminal. The OPA recognizes in general terms the Cement Terminal's important role in the Toronto and region economy and construction industry.

However, in our opinion, the draft policies fail to fully recognize the continuing use, and fail to protect the Cement Terminal from new sensitive uses, until and unless it has been demonstrated that these uses are compatible with the Cement Terminal. Land use compatibility is essential to the ongoing operation and viability of the Cement Terminal.

We recommend that policy 4.1.2 b) be amended to:

“The Plan recognizes that the Lafarge Cement Terminal on Polson Quay is an important operation for the broader City that should be maintained. The Terminal provides cement powder delivered by vessel for distribution throughout the City and region, reducing truck traffic on the City’s and region’s streets and contributing to building and maintaining the City. It is a symbol of the Waterfront’s industrial heritage and an important economic activity relying on lake access and the dockwall for its operations. Expansion of the operation is permitted in accordance with the Planning Act and subject to appropriate studies and meeting regulatory requirements. Future developments must demonstrate prior to rezoning that there are no undue negative impacts on the Lafarge Cement Terminal activities.

When considering development approval applications and public realm initiatives, regard shall be had to all applicable provincial and municipal policies, regulations and guidelines to ensure that compatibility will be achieved and maintained with regard to noise, dust, odour and air quality to achieve the goals of:

- *Preventing undue adverse impacts from the proposed land uses on the Cement Terminal, and;*
- *Preventing undue adverse impacts on new land uses from the Cement Terminal.*

Sensitive land uses may be prohibited in the implementing zoning by-laws, limited and or protected through phasing, massing and siting, buffering and design mitigation measures in proximity to the Lafarge Cement Terminal to ensure compatibility. In addition, noise and air emission reports shall be required in support of development approval requests. Such environmental reports shall demonstrate that there will be no undue negative impacts on the Cement Terminal, and specify how compatibility will be achieved and maintained between the Cement Terminal and the proposed development and may include measures aimed at minimizing impacts. Such reports shall be peer reviewed by the City.”

Policies to protect the Lafarge Cement Terminal, Concrete and Aggregates Depot, and Industrial Uses from Incompatible Sensitive Land Uses, and the role of the Port

It is critical to the future of the Port and Marine and other Industrial uses that the OPA provide that rezoning to permit development of sensitive land uses not proceed unless and until appropriate noise, odour, air emission, and traffic studies are completed by the proponent of such uses, with the participation of the affected industry, and that such studies be peer reviewed by the City.

Section D22, first paragraph- We recommend that the clause ***“While remaining an important and active Port, with associated industrial area,”*** be added at the beginning of the paragraph to recognize the continuing role of the Port and associated Marine and Industrial Uses which is intended and expressed elsewhere.

Section 2.1 – We recommend that this section be renumbered Section 2.2 and a new 2.1 provided, which states, ***“That the Port Lands are currently an important hub for Port related uses and are home to important existing industries.***

Toronto Harbour and its related maritime facilities will remain active and should be protected, as the Port Lands evolve and re-connect to the City”.

Section 2.1.3(c) s– We recommend that this Section be amended or deleted as it is not clear how the needs of Port shipping vessels can be balanced with recreational vessels. Port vessels should have priority in a working port.

Section 2.16 – We recommend that the last sentence of Section 2.1.6 be amended by adding the following: ***“, while ensuring sensitive land uses do not negatively impact existing industries and port uses.”***

Section 3.12 – We recommend that this Section be amended to, ***“Strategically consolidate and relocate some existing uses, where appropriate, to create opportunity, improve public access and future proof portions of the Port Lands.”*** We do not understand the meaning of “future proof”. This should be clarified.

Section 4.1.1-a) -We recommend that this Section be amended to, ***“Mixed use Residential uses are permitted in Villiers Island, subject to full compliance with the policies of this Plan which address land use compatibility and policy 4.1.2(b) which addresses the continuing use of the Lafarge Cement Terminal.”***

Section 4.1.1 c) – We recommend that this Section be amended to clarify that source mitigation and receptor mitigation will be required prior to rezoning to permit sensitive land uses, and that the full responsibility for compatibility rests with the proponent of the sensitive use.

We recommend that this Section be amended to: - ***“Source mitigation at the Cement Terminal on Poulson Quay and appropriate receptor mitigation will be required prior to rezoning lands for sensitive uses in Villiers Island. Appropriate source mitigation will be determined through a detailed noise and air quality assessment and in agreement with the operator of the Cement Terminal on Polson Quay. Full responsibility for compatibility rests with the proponent of the sensitive use.”***

Section 4.1.2(c) – We recommend that this Section be amended to, ***“Residential and other sensitive uses will only be permitted in a zoning bylaw in the Polson Quay and South River districts subject to policy 4.1.2. (b), and completing detailed noise and air quality, vibration and traffic assessments provided it can be demonstrated to the satisfaction of the City that: ……”***

Section 4.1.2(d)- We recommend this Section be amended to: ***“Prior to rezoning any lands for sensitive uses, appropriate source mitigation, and any other mitigative measures, will be determined through detailed noise and air quality, vibration and traffic assessments and in agreement with the operator of the Lafarge Cement Terminal on Polson Quay and other existing industrial operators south of the Ship Channel. Noise and air quality studies and traffic assessments shall be peer reviewed by the City.”***

Section 4.1.3 b)- We recommend the last sentence be amended to: - ***“Additionally, appropriate mitigation of noise sources associated with the Cement Terminal on Polson Quay will be required for residential or other sensitive land uses prior to rezoning lands for such uses.”***

Section 4.2.5 b)- We recommend that “aggregate depot and storage” be added as a permitted use.

Section 4.4.1- We recommend that this Section be amended by deleting the phrase “where possible”.

Section 4.4.2- We recommend that this Section be amended to: - ***“Land use compatibility issues between existing industrial uses and sensitive land uses have been identified. Receptor mitigation is insufficient to appropriately mitigate noise and air quality impacts. Prior to rezoning for sensitive land uses, a package of measures, including but not limited to separation distances, buffer uses, source mitigation and receptor mitigation, will be required. These measures are subject to agreement with the industrial use.”***

Section 4.4.3 – We recommend Traffic and Truck Access studies be added as required studies, and an indication that such reports will be peer reviewed by the City.

Section 4.4.4 – We recommend that this Section be amended to delete the phrase **“continued industrial operations”** and replace it with **“existing industrial operations”**.

Add a new Section 4.4.5 and renumber, ***“The proponents of new sensitive land uses in proximity to existing industrial uses will be responsible for the preparation of all required studies and for implementing any required mitigation measures.”***

Section 4.5.1 and Map 3C – South side of Polson across from the Terminal is shown as a Priority Retail Frontage. Map 3C should be changed to either eliminate the section across from the Terminal, or show it as a Secondary Retail Frontage.

Section 5.4 – This Section should be deleted.

Section 7.6 - This Section is premature and should be deleted.

Section 10.3 d). Lafarge operates its Concrete and Aggregate Depot with the necessity of outdoor storage of aggregate and other materials. It would not be possible to do otherwise. This policy should be deleted.

Section 15.5.1 We recommend that this policy be amended to, ***“Detailed noise and air quality studies, or other environmental studies shall be required, where sensitive uses are proposed.”***

Section 15.10 c) – Studies to address compatibility of sensitive land uses with industrial land uses should be prepared and reviewed prior to considering zoning lands to permit sensitive uses, not as a holding condition. This policy is not appropriate and should be deleted.

Goods Movement / Transportation

We remain very concerned that the OPA has been put forward without a Goods Movement study, and that roads in the Port Lands are being planned without truck and goods movement considerations. In our opinion, this is a fundamental error in the OPA.

We recommend that the City do the following:

- 1) complete a truck movement strategy before adopting the OPA, and, in any case, before specific ROW's for the major roads in the Port Lands are identified; and
- 2) prepare detailed road cross-sections for each of the major roadways based on their intended role and function. It should be noted that ROW's were not provided for Leslie Street and Carlaw Avenue between Commissioners Street and Lake Shore Boulevard East.

Sections 2.1.2 and 2.1.3

In our opinion, Sections 2.1.2 and 2.1.3 are premature as they seek to define the character and function of key streets, without mention of goods or truck movement, and prior to a Goods Movement study being completed. Many of these routes will certainly continue and/or be enhanced as truck routes. Roadways such as Cherry Street, The Don Roadway and Leslie Street will be key goods movement corridors and should be recognized accordingly.

Cherry Street is a primary truck route to the Cement Terminal and should be recognized as such. Section 2.1.2 a) indicates Cherry Street will provide a pedestrian route and multi use trail, which is inconsistent with this role.

Commissioners Street is a primary truck route to the Concrete and Aggregate Depot and should be recognized as such.

Section 2.1.3 – “Accommodating continued truck traffic” is included in the description for Unwin Avenue but not mentioned in the remaining signature east-west connections. Lake Shore Boulevard and Commissioners Street are key goods movement corridors.

Schedule A - Proposed Rights of Way (ROW) for Major Roads

This schedule should be deleted until a Goods Movement study has determined road requirements in the Port Lands.

Section 9.1.2

In our opinion, this paragraph should be restated as follows, ***‘Lane widths will depend on the role and function of the respective roadways to assist in balancing the needs of all users of the roadways including pedestrians, cyclists and truck traffic.’***

Section 9.1.5

Again, in our opinion, the City should have previously identified “Critical” goods movement corridors prior to bringing forth this OPA. Rather than saying that they will be identified there should be a commitment that they be identified as part of the Transportation and Servicing Master Plan or a stand-alone Goods Movement Study.

Section 9.1.9

It is not appropriate to indicate that pedestrian and cycling amenities (like street furniture, bicycle parking, public art, etc.) will be provided on all streets until a Goods Movement study has been completed.

Section 9.13.1

We recommend the last sentence should be restated, ***“Dedicated truck routes that enable the most direct and reliable routes for the movement of goods in, through and out of the area will be established in consultation with industrial operators as part of the Transportation and Servicing Master Plan or a stand-alone Goods Movement Study”.***

Section 9.13.2

In our opinion, this section should apply to the entire Port Lands and not just specifically PIC, Light Industrial and Production, Port and Port Industrial areas. Trucks will need to access, circulate, maneuver, load and unload in residential and commercial / retail and institutional use areas as well. ***“Minimizing rights-of-way widths”*** should also be deleted from the end of the sentence.

Section 9.14.4(c) – This section should be amended to: ***“accommodate goods movement and the staging of production vehicles, particularly in PIC and Light Industrial and Production districts.”***,

New Sub-Section 9.14.4(d) - We recommend that the following Sub-Section be added: ***d) ensure that the movement of trucks can be made safely and***

efficiently at or near intersections or when maneuvering in or out of driveways from adjacent land uses.

Implementation / Matters for Clarification

Schedule C – The Port Lands Area Specific Policy:

Section 1 – *“The Port Lands Area Specific Policy will be read in conjunction with the Port Lands Planning Framework, dated XXX, 2017 to provide context and to assist in clarifying intent and purpose.”*

The Port Lands Planning Framework has not been released for review. If the Framework is to be used to clarify intent and purpose it should be incorporated in to the Amendment and be available for review and comment. Alternatively, this reference should be removed.

Maps C & D are missing from the document.

Schedule 1 – Map A – Roads Plan – We could not find the corresponding (5) on the map to Note (5) Additional Bridge Needed.

Conclusion

These comments are being provided prior to the April 12 deadline. We note that this matter has been under consideration by the City for a lengthy period, certainly prior to the public meetings held in November 2015. In our view the 2-week period for comments is unduly limited considering this lengthy process, and the significant implications of this OPA. In addition, supporting studies including the Port Lands Planning Framework are not available for review. As a result, we reserve the right to make further comments in the future.

We appreciate the opportunity to participate in the LUAC, and look forward to continuing to work with the City and Waterfront Toronto as this matter goes forward.

Yours very truly,



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