

MUNICIPAL, PLANNING & DEVELOPMENT LAW

30 March 2017

Sent via E-mail  
[dwoolfs@toronto.ca](mailto:dwoolfs@toronto.ca)

Mr. Daniel Woolfson  
Planner, City of Toronto  
Toronto & East York District  
Toronto City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Mr. Woolfson:

**Re: 309 Cherry Street, Phase 2  
Application for Zoning By-law Amendment  
Noise and Vibration Feasibility Study**

***Background***

We are the solicitors for Lafarge Canada Inc. ("Lafarge"). Lafarge owns the lands known municipally as 54 Polson Street at which they operate a mineral aggregate operation in the form of a cement facility (the "Polson Facility"). Lafarge has operated out of the Port of Toronto for over 80 years and the Polson Facility is an important supplier of cement used in the manufacture of concrete for construction projects in the City. Lafarge intends to continue operating the Polson Facility in the future.

We have reviewed the application materials with respect to a proposed rezoning for a portion of the lands known municipally as 309 Cherry Street (the "Phase 2 Application" and the "Phase 2 Lands"). The Phase 2 Application proposes to introduce sensitive uses on the Phase 2 Lands which are less than 300 metres from the Polson Facility. The Polson Facility operates 365 days a year, 24 hours a day and the operation results in both air and noise emissions. Therefore, our client has serious concerns with respect to land use compatibility between the two uses.

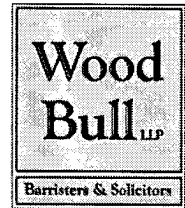
***Noise Study***

The applicant's Noise and Vibration Study, dated 13 January 2017, prepared by HCG (the "Noise Study"), acknowledges that noise from the Polson Facility was audible during a site visit of the Phase 2 Lands and recommends that a separate assessment of the Polson Facility be undertaken to determine the

Peter A. Gross Direct: (416) 203-7573 [pgross@woodbull.ca](mailto:pgross@woodbull.ca)

65 Queen Street West Suite 1400 Toronto Ontario M5H 2M5 T (416) 203-7160 F (416) 203-8324 [www.woodbull.ca](http://www.woodbull.ca)

30 March 2017



impacts of the Polson Facility on the Phase 2 Lands. In this regard, the Noise Study did not undertake any meaningful assessment of the Polson Facility.

The Noise Study also did not assess noise from other sources, such as the go-cart track or adjacent restaurant patio as those sources were not in operation at the time of the site visits. In addition, Polson Pier was not assessed for noise impact on the Phase 2 Lands, notwithstanding that Polson Pier has a history of noise complaints from sensitive uses located closer to it than the Phase 2 Lands.

Based on the studies to date, land use compatibility between the Phase 2 Lands and surrounding uses has not been established. In this regard, the applicant's own consultant acknowledges that further assessment is necessary. Further, without such assessment, the mitigation proposed by HCG in the form of warning clauses is entirely inadequate and in no way establishes that the existing uses would be compatible from a land use perspective.

Until further assessment of the surrounding uses, including the Polson Facility is undertaken, peer reviewed by the City and reviewed by Lafarge, the Phase 2 Application is unsupportable and does not represent good planning.

### ***Prematurity***

The Phase 2 Application is premature until the Villiers Island Precinct Plan is approved. Our client has been actively engaged in the planning process through the stakeholder consultation process for the precinct and objects to the Phase 2 Application proceeding in advance of a comprehensive plan being in place for the area. It is expected that the plan will appropriately address matters such as compatibility between future sensitive uses and existing industrial uses, such as the Polson Facility. In addition, the Phase 2 Application is premature until Official Plan No. 257 is brought into force for the Phase 2 Lands.

The City's position in regard to the Phase 2 Application should be consistent with its position in regard to the application for Phase 1 of the development that was submitted in 2012 (the "Phase 1 Application"). The Phase 1 Application is currently before the Ontario Municipal Board but no proceedings are scheduled at this time with respect to that appeal.

### ***Conclusion***

Therefore, we request that the City not make a decision with respect to the Phase 2 Application until such time as the applicant has completed the required assessment of the surrounding uses, including the Polson Facility, our client's consultants have been given the opportunity to review and comment on the assessment and the Villiers Island Precinct Plan has been approved.

30 March 2017



Should you have any questions in regard to the matters raised herein, please feel free to contact the undersigned.

Yours very truly,

**Wood Bull LLP**

A handwritten signature in black ink that reads "Peter A. Gross". The signature is written in a cursive, flowing style.

Peter A. Gross

c. Client