

150 Symes Road- Zoning By-law Amendment Application to Remove the Holding Symbol (H)– Request for Interim Directions

Date: June 28, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 11 – York South-Weston

Planning Application Number: 18 105853 WET 11 OZ

SUMMARY

This report responds to an application where staff are currently not in a position to provide a Final Report to City Council, but which could be appealed to the Local Planning Appeal Tribunal due to a lack of decision during the break in Council's meeting schedule (July to December, 2018).

The report sets out outstanding issues related to the application and makes an initial determination as to whether the application is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

This application proposes to amend City of Toronto Zoning By-law No. 569-2013 (as amended by By-law No. 1057-2014 and By-law No. 778-2015), former City of Toronto Zoning By-law No. 438-86 (as amended by By-law No. 1055-2014) and former City of York Zoning By-law 1-83 (as amended by By-law No. 1056-2014) to remove the Holding Symbol ('H') thereby permitting two outdoor commercial patios.

The proposal at this time is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017) and does not adequately address the conditions required to remove the Holding Symbol (H) as the applicant has not fully demonstrated how the proposed commercial patios would affect the ability of existing industrial uses along Glen Scarlett Road to operate and has failed to identify any required and appropriate mitigation measures.

Issues to be resolved, as outlined in this report, include: the resolution of the matters raised by the City's peer reviewer on the applicants submitted odour assessment and communication strategy.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct City staff to continue to negotiate with the applicant to resolve the outstanding issues detailed in this report.
2. City Council direct the City Solicitor and appropriate City staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of City Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 28, 2014 City Council passed Official Plan Amendment No. 261 (By-law 1054-2014) and Zoning By-law Nos. 1055-2014, 1056-2014 and 1057-2014, which permit additional potentially sensitive non-residential uses on the lands at 150 Symes Road. The range of uses permitted include office, light industrial, brewery, commercial school, clinic, indoor recreation uses such as a rock-climbing, fitness and dance, as well as multi-purpose rooms for art gallery and private event uses, including food service (indoors and outdoors). The development includes the re-use of the existing heritage building and existing service garage, plus the addition of four new buildings on the west and north portions of the site. City Council's decision can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG35.5>

On August 25, 2015 City Council passed By-law No. 54-2015 to grant authority for the execution of a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the owner of the property at 150 Symes Road.

On August 25, 2015 City Council also passed By-law No. 778-2015 to amend Zoning By-law 1057-2014 with respect to 150 Symes Road to make technical amendment to By-law No. 1057-2014.

On March 3, 2017 the Director, Community Planning, Etobicoke York District issued the Statement of Approval for the Site Plan Approval application for Phase 1 for the reuse of the historic building and existing service garage building.

On April 18, 2018 the Director, Community Planning, Etobicoke York District issued Notice of Approval Conditions for Phase 2 to permit the construction of four one-storey buildings having a gross floor area of approximately 3,555 m².

ISSUE BACKGROUND

Proposal

This application proposes to amend City of Toronto Zoning By-law No. 569-2013 (as amended by By-law No. 1057-2014 and By-law No. 778-2015), former City of Toronto Zoning By-law No. 438-86 (as amended by By-law No. 1055-2014) and former City of York Zoning By-law 1-83 (as amended by By-law No. 1056-2014) to remove the Holding Symbol ('H') to permit two outdoor commercial patios. When originally filed (January 16, 2018), the application was for only a rooftop patio. The application was revised on April 3, 2018 to add an at grade patio. The patio at grade would be accessory to the brewery (Junction Craft Brewing) and the rooftop patio would be accessory to the event space (The Symes) (see Attachment 4: Ground Floor Plan and Attachment 5: Rooftop Plan).

In order to remove the Holding Symbol (H), the applicant is required to provide a mitigation plan which demonstrates that the impact of odour from surrounding industrial facilities on the outdoor patios can be mitigated at the subject lands and the owner must confirm that communication has been initiated with the surrounding industrial facilities to develop a strategy to reassure them that the proposed outdoor patios will not compromise the ability of the facilities to operate efficiently. The applicant is also required to provide a noise study that evaluates how the outdoor patios would affect the ability of the existing industrial uses along Glen Scarlett Road to operate and identify any required and appropriate mitigation techniques to be incorporated into the development.

Site and Surrounding Area

The site is located at the southwest corner of Symes Road and Glen Scarlett Road. The site is irregular in shape and has an approximate area of 2.3 ha (5.69 acres), with frontages of 250 m on the northern boundary and 50 m on the eastern boundary on Symes Road. The grade of the site drops significantly from south to north on the western portion of the site.

On the eastern portion of the site is a three-storey brick building known as the Symes Road Incinerator that has been listed on the City's Inventory of Heritage Properties and a one-storey service garage. The remainder of the site is vacant.

The surrounding land uses include:

North: along the north side of Symes Road is a natural open space corridor known as Lavender Creek which contains trails and a hydro corridor.

South: an industrial building containing two breweries, a solar panel manufacturer, a gym/training centre and a vehicle storage lot for a car dealership which fronts onto St. Clair Avenue West.

West: detached and semi-detached houses fronting the south side of Terry Drive and the east side of Blakley Avenue.

East: on Glen Scarlett Road is an industrial area including uses such as meat packers, a rendering and leather processing plant, recycling plant and manufacturing.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs;
- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character;
- Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- Ensuring the necessary infrastructure is provided to support current and projected needs.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its Official Plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Official Plan Amendment 231 (OPA 231) was adopted by City Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the Local Planning Appeal Tribunal. Through OPA 231 this site was designated *Core Employment Areas* and is subject to Site and Area Specific Policy (SASP) No. 425. The site is within an Employment Area as identified on the Urban Structure Map 2.

Employment Areas will be used exclusively for business and economic activities in order to:

- Protect and preserve Employment Areas for current and future business and economic activities;
- Provide for and contribute to a broad range of stable full-time employment opportunities;
- Provide a stable and productive operating environment for existing and new businesses by preventing the establishment of sensitive land uses in Employment Areas; and
- Maintain the market attractiveness of the Employment Areas for employment uses.

Sensitive land uses where permitted outside of, but adjacent or near to, Employment Areas will be appropriately designed, buffered and/or separated from impactful industries as necessary to prevent or mitigate adverse effects from noise, vibration, traffic, odour and other emissions and contaminants upon the occupants of the new development, and lessen complaints and their potential costs to businesses. The costs of studies and mitigation measures shall be borne by the developer of the new residential or other sensitive land uses outside of, but adjacent or near to, the Employment Area.

Core Employment Areas are places of business and economic activity. Uses permitted in *Core Employment Areas* are manufacturing, warehousing, wholesaling, transportation facilities, offices, research and development facilities, utilities, industrial trade schools, media facilities and vertical agriculture.

Secondary uses, which support the primary employment uses, permitted in *Core Employment Areas* are: hotels, parks, small-scale restaurants and catering facilities of a maximum size set out in the applicable Zoning By-law(s), and small-scale service uses that directly serve business needs such as courier services, banks and copy shops of a maximum size as set out in the Zoning By-law(s). Small scale retail outlets that are ancillary to and on the same lot as the principal use may be permitted up to a maximum size set out in the applicable Zoning By-law(s).

The site is subject to a site specific Official Plan policy. In 2014, By-law No. 1054-2014 implemented OPA No. 261 which added SASP 425 to the site. It states:

In addition to all the uses provided for in the *Employment Areas* designation, the following uses shall be permitted:

- a) Service commercial, and indoor recreational and entertainment uses are permitted through the enactment of a Zoning By-law;
- b) Institutional uses, including post-secondary trade schools that are ancillary to and/or supportive of the site's employment uses are also permitted through the enactment of a Zoning By-law;
- c) The above noted uses are potentially sensitive uses. Prior to the enactment of any Zoning By-law Amendment a study will be submitted by the applicant, in consultation with the Ministry of the Environment if required, that evaluates to the City's satisfaction, how the potentially sensitive use would affect the ability of existing industrial uses along Glen Scarlett Road to operate efficiently and identify to the satisfaction of the City any required and appropriate mitigation techniques to be incorporated into the development at 150 Symes Road in order to address:
 - i. Odour and noise that are discharged from existing industrial uses on Glen Scarlett Road; and
 - ii. The potential impacts of traffic entry to and exit from the site, parking and noise which may arise as a result of the redevelopment and which may impact the nearby local residential areas.
- d) Appropriate soil and groundwater studies must be undertaken in order to confirm to the City that the applicable provincial requirements have been met for the uses proposed.

The Heritage Conservation policies in Section 3.1.5 of the Official Plan require that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impacts on it.

The Holding By-laws policies in Section 5.1.2 state that a holding provision may be placed on lands where the ultimate desired use of the lands is specified but development cannot take place until conditions set out in the by-law are satisfied. Policy 5.1.2.2. identifies matters that the holding provision can apply to such as the provision of professional or technical studies to assess potential development impacts.

The outcome of staff analysis and review of relevant Official Plan policies and designations, including Site and Area Specific Policy No. 425 noted above, are summarized in the Comments section of this report.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

The site is subject to City of Toronto Zoning By-law No. 569-2013, former City of Toronto Zoning By-law No. 438-86 and former City of York Zoning By-law No. 1-83 (see Attachment 3: Existing Zoning By-law Map). The site is zoned (H) E 1.0 (x212) in accordance with Zoning By-law No. 569- 2013, as amended by site-specific By-law Nos. 1057-2014 and 778-2015. The site is zoned (H) I3 in accordance with Zoning By-law No. 438-86, as amended by site-specific By-law No. 1055-2014. Lastly, the site is zoned (H) BE in accordance with Zoning By-law No. 1-83, as amended by site-specific By-law No. 1056-2014.

The Holding provisions in the site-specific By-laws prevent the use of an outdoor patio until required studies have been completed to the satisfaction of the City. The lands zoned with the "(H)" symbol shall not be used for an outdoor patio purpose until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol shall be enacted by City Council when the following condition(s) has been fulfilled to the satisfaction of City Council:

(b) Outdoor Patio

An amending by-law to remove the "(H)" symbol may be enacted by City Council once the owner has submitted:

- (i) A mitigation plan satisfactory to the City which demonstrates that the impact of odour from surrounding industrial facilities on the outdoor patio can be mitigated at the subject lands and that the owner confirms that communication has been initiated with the surrounding industrial facilities to develop a strategy to reassure them that the proposed outdoor patio will not compromise the ability of the facilities to operate efficiently; and
- (ii) A noise study to the satisfaction of the City that evaluates to the City's satisfaction, how the outdoor patio would affect the ability of the existing industrial uses along Glen Scarlett Road and identify to the satisfaction of the City any required and appropriate mitigation techniques to be incorporated into the development.

Site Plan Control

The site is subject to a Site Plan Agreement which permits the re-use of the existing heritage building and existing service garage. A Statement of Approval for the Site Plan Approval application was issued by the Director, Community Planning, Etobicoke York District on March 3, 2017. The proposal to add two patios would not require a new Site Plan Control application. However, if physical changes are required to be made to the building to address any mitigation measures, staff would need to review the changes to determine the appropriate process to evaluate those revisions.

Reasons for Application

An application to amend the Zoning By-law is required to remove the holding symbol (H) to permit the proposed patio uses.

Application Submission

The following reports/studies were submitted in support of the application:

- Site Plan and Elevations;
- Acoustical Review dated December 21, 2017 and prepared by Jade Acoustics;
- Odour Mitigation dated June 22, 2018 and prepared by ORTECH Consulting Inc.;
- Odour Mitigation dated March 16th, 2018 and prepared by ORTECH Consulting Inc.;
- Odour Mitigation dated May 18th, 2017 and prepared by ORTECH Consulting Inc.;
- Odour Assessment prepared by ORTECH Consulting Inc. (ORTECH 2014);
- Two letters, as the applicant proposed communication strategy, dated January 16th and March 29th, 2018 prepared by Goodmans LLP; and
- Odour Strategy contained in an e-mail from Goodmans LLP dated June 27, 2018.

Agency Circulation

The application, together with the applicable reports noted above, has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

The Zoning By-law Amendment Application to Remove the Holding Symbol (H) does not require a community consultation meeting.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

At this time, the applicant has not demonstrated to the City's satisfaction that the proposed application is consistent with the PPS (2104) and conforms with the Growth Plan as the review of the application is not yet complete and the applicant has not fully demonstrated to date how the proposed patios would affect the ability of existing industrial uses along Glen Scarlett Road to operate efficiently.

The applicant has not demonstrated that the proposed use is consistent with Policy 1.2.6.1 which requires sensitive land uses to be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants and to ensure the long-term viability of major facilities.

As such, at this time staff are of the opinion the proposal is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017) and does not adequately address the conditions required to remove the Holding Symbol (H) at this time as the applicant has not fully demonstrated how the proposed commercial patios would affect the ability of existing industrial uses along Glen Scarlett Road to operate and has failed to identify any required and appropriate mitigation measures.

Land Use

This application has been reviewed against the Official Plan policies described in the Issue Background Section of this report as well as the policies of the Toronto Official Plan as a whole. The accessory patios which are proposed as part of this application are provided for in the Official Plan and permitted by the Zoning By-law subject to the applicant providing the appropriate studies and communication plan acceptable to the City. The applicant has submitted an Acoustical Review, Odour Assessment and Communication strategy. Comments on these studies are provided below.

Holding Symbol Provisions

In support of the original application to permit additional potentially sensitive non-residential uses on the lands at 150 Symes Road, the owner submitted an odour assessment prepared by ORTECH. This study was peer reviewed by Golder Associates, who concluded at that time that there was a potential for odour impacts on the development. Golder noted that the odour assessment indicated that on one of the three days sampled, odours were detectable at the proposed development and that no evidence was provided as to how future odour complaints would be mitigated. Golder recommended that further review be undertaken for outdoor activities. At that time, the applicant could not satisfactorily demonstrate that the outdoor activities (patio) would

not affect the ability of existing industrial uses along Glen Scarlett Road to operate efficiently and was unable to identify to the satisfaction of the City any required and appropriate mitigation techniques to be incorporated into the development at 150 Symes Road to address odours that are discharged from existing industrial uses on Glen Scarlett Road.

As a result, a Holding Symbol (H) was added to the zoning for the property. The Holding Symbol (H) restricts outdoor patios until the owner submitted the following:

- (i) A mitigation plan which demonstrates that the impact of odour from surrounding industrial facilities on the outdoor patio can be mitigated at the subject lands and that the owner confirms that communication has been initiated with the surrounding industrial facilities to develop a strategy to reassure them that the proposed outdoor patio will not compromise the ability of the facilities to operate efficiently; and
- (ii) A noise study that evaluates how the outdoor patio would affect the ability of the existing industrial uses along Glen Scarlett Road to operate and identify any required and appropriate mitigation techniques to be incorporated into the development.

Odour/Air Quality

In support of the current application to remove the Holding Symbol (H), the applicant provided an Odour Assessment prepared by ORTECH Consulting Inc. to examine the potential odour impacts on the proposed outdoor rooftop patio. ORTECH Consulting Inc. concluded that emissions from surrounding industrial properties are not expected to impact patrons on the proposed outdoor rooftop patio. ORTECH Consulting Inc. concluded that given the outdoor patio is located on the lower roof level directly south of the higher roof level, the higher roof portion would act as a barrier for the dispersion of odours and that odour mitigation measures are not necessary. However, ORTECH did note that a small portion of the patio, at the southeast corner, would be directly exposed to stack emissions in the absence of an intervening barrier.

ORTECH Consulting Inc. noted that for the patio at grade, no part of the patio would be directly exposed to the stack emissions from the adjacent industrial property and that the building would act as the mitigation to any odour impact and that no additional odour mitigation measures are necessary.

The City has retained Golder Associates Ltd. to peer review the ORTECH Odour Study and related materials. Golder has completed its peer review of the material and have advised that additional information is required.

Golder has indicated there is not sufficient information in the reviewed assessment to determine whether:

- The surrounding facilities (not just limited to Bank Brothers) have the potential to impact the proposed patios at the property;

- The sampling is representative of a full season of potential meteorological conditions that could generate odour complaints; and
- The existing surrounding facilities can demonstrate compliance with odour thresholds should they be required to revise their Environmental Compliance Approval or Air Emissions Environmental Activity and Sector Registry.

Golder has advised that the applicant could undertake the following to achieve the above objectives:

- Update the assessment of odour to consider the current sources of odour in the area, in particular the two new breweries southwest of the property which have direct line of sight to both patios and the three meat packing plants to the east, which may have a direct line of sight to the rooftop patio;
- Update the assessment to include a broader range of meteorological conditions to demonstrate adverse effects would not occur at the two proposed patios; and
- Extend communication to additional surrounding facilities (not just limited to Bank Brothers and Urban Drum) to develop a strategy to reassure them that the proposed patios would not compromise their ability to operate efficiently. As part of the discussions, a collective strategy could be developed to address potential odour concerns and/or complaints.

In response to the peer review's recommendations ORTECH undertook a further odour assessment. ORTECH undertook the work on Monday, June 18, 2018. It was noted that odour emissions from Bank Brothers are likely to be strongest on Mondays when the facility starts up after being closed for the weekend. ORTECH noted there were odours detected from the Bank Brothers plant which was operating at the time of the assessment. ORTECH commented that the odour emissions appeared to be discharged from two large access doors at the plant which border on Glen Scarlett Road which were opened at the time of the assessment. ORTECH noted that "the odour intensity was strong near the doors but was localized and only extended for about 25 m downwind from the doors".

ORTECH undertook three ground-level air samples at about 08:00 a.m. on the opposite side (south side) of Glen Scarlett Road at about 15 metres from the doors near the intersection with Symes Road. The odour intensity in the air samples was described as ranging from a "slight odour" to a "strong odour" and had an average of a "moderate odour". The odour was described as dead stock and it was clearly discharged from the open doors of the Bank Brothers plant.

ORTECH concluded that "there was no indication that these localized fugitive odours discharged from the Bank Brothers plant during the evening hours on June 18 would cause an odour impact at either of the two outdoor patios proposed for the 150 Symes Road building, based on the odour observations made during the trip to the area".

ORTECH noted the distance between the Bank Brothers plant and the patios of approximately 75 metres exceeds the 25 metre distance from the open doors to the downwind location along Glen Scarlett Road where the fugitive odours had dissipated and could not be detected.

Golder had originally recommended that the applicant undertake additional field work to obtain four seasons of assessment. It is the opinion of the applicant that the assessment should relate to the times that patios might be used in Toronto. The applicant has noted the assessments provided to date were undertaken in March and June.

As the ORTECH report (June 22, 2018) has just been recently submitted, staff have not had the opportunity to have it peer reviewed.

Communication Strategy

In support of the application, the applicant provided the City with two letters that had been sent to two adjacent industrial properties, Bank Brothers and Universal Drum as the proposed communication strategy required to remove the Holding Symbol (H). The letters advise these operators of the proposal to add a rooftop patio to the development. Staff note that the letters did not include the at-grade patio as at the time of the initial application, it did not include the at-grade patio.

In its peer review, Golder also reviewed the letters and commented that the owner should extend communication to additional surrounding facilities (not just limited to Bank Brothers and Urban Drum) to develop a strategy to reassure them that the proposed patios would not compromise their ability to operate efficiently. As part of the discussions, a collective strategy could be developed to address potential odour concerns and/or complaints. Staff are of the opinion the applicant should develop a communication strategy that includes the at grade patio and addresses the peer reviewer's comments.

In response to the peer reviewer's comments the applicant provided an Odour Strategy on June 27, 2018. The strategy included further correspondence which were sent Bank Brothers and Universal Drum and correspondence from Bank Brothers that it has no objections to the proposed patios. The applicant has indicated Universal Drum has not responded. As part of the strategy the operators of the patios would communicate with Bank Brothers and Universal Drum within a year's period to ensure an open dialogue can be maintained.

The strategy noted that the small portion of the patio, at the southeast corner, that would be directly expose to stack emissions would only be used for pedestrian circulation and service area and would not be used for seating.

As this strategy has just been recently submitted, staff have not had the opportunity to fully consider it and have it peer reviewed.

Noise Impact

The applicant provided an Acoustical Review prepared by Jade Acoustics Inc. to examine how the proposed outdoor rooftop patio may impact existing industrial uses. Jade Acoustics Inc. concluded that the proposed outdoor patio use is not considered a noise sensitive receptor as defined by NPC-300, and is not considered a receptor based on the City of Toronto Noise By-law and therefore will not affect the ability of the

industries to operate in compliance with their Environmental Compliance Approval. The conclusion of the report was accepted by staff.

Heritage Impact & Conservation Strategy

The main building on the site, which the proposed patios would be associated with, is designated under Part IV of the *Ontario Heritage Act*. At this time, the applicant is only proposing to add the patio and required railings. Heritage Preservation Services staff have indicated the proposed patios and railings are an acceptable modification to the designated heritage building. However, any mitigation measure to address potential odours that would result in further changes to the designated building, would also have to be reviewed by Heritage Preservation Services staff to ensure there is no negative impact on the heritage building. At this time no mitigation measures have been proposed.

Site Plan Approval

As noted above, the Statement of Approval for the Site Plan Approval application for Phase 1 which included the reuse of a historic building and existing service garage building was issued on March 3, 2017. The proposed patios and associated railing would be a revision to the approved plans. Given the minor nature of the changes currently proposed, it is staff's opinion these changes can be considered through a request to deem the patios substantially in accordance with the Statement of Approval, if approved. However if additional changes are required to address any mitigation measures, staff will need to review such changes to determine the appropriate process to evaluate those revisions.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. At this time, the applicant has not adequately addressed the conditions required to remove the Holding Symbol (H). Staff are of the opinion that the proposal at this time is not consistent with the PPS (2014) and conflicts with the Growth Plan (2017). Further, the proposal is not in keeping with the intent of the Toronto Official Plan and has not satisfactorily addressed the Holding Symbol (H) provisions, particularly as it relates to demonstrating how the proposed patios would affect the ability of existing industrial uses along Glen Scarlett Road to operate efficiently. In addition, the applicant is required to resolve the matters raised by the City's peer reviewer on the odour assessment and communication strategy.

Staff recommend that City Council direct City staff to continue to negotiate with the applicant to try to resolve the outstanding issues detailed in this report. Staff also recommend that City Council direct the City Solicitor, and appropriate City staff, to attend and oppose the application in its current form should the application be appealed to the Local Planning Appeal Tribunal (the "LPAT") on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 4: Ground Floor Plan
Attachment 5: Rooftop Plan
Attachment 6: East Elevation
Attachment 7: South Elevation
Attachment 8: West Elevation

APPLICATION DATA SHEET

Municipal Address: 150 SYMES ROAD **Date Received:** January 16, 2018

Application Number: 18 105853 WET 11 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Application submitted to remove the Holding Symbol "H" to permit two commercial patios on the site.

Applicant	Agent	Architect	Owner
CATHERINE LYONS			SYMESBRIDGE INC.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	(X212)
Zoning:	E1.0	Heritage Designation:	Yes
Height Limit (m):		Site Plan Control Area:	Yes

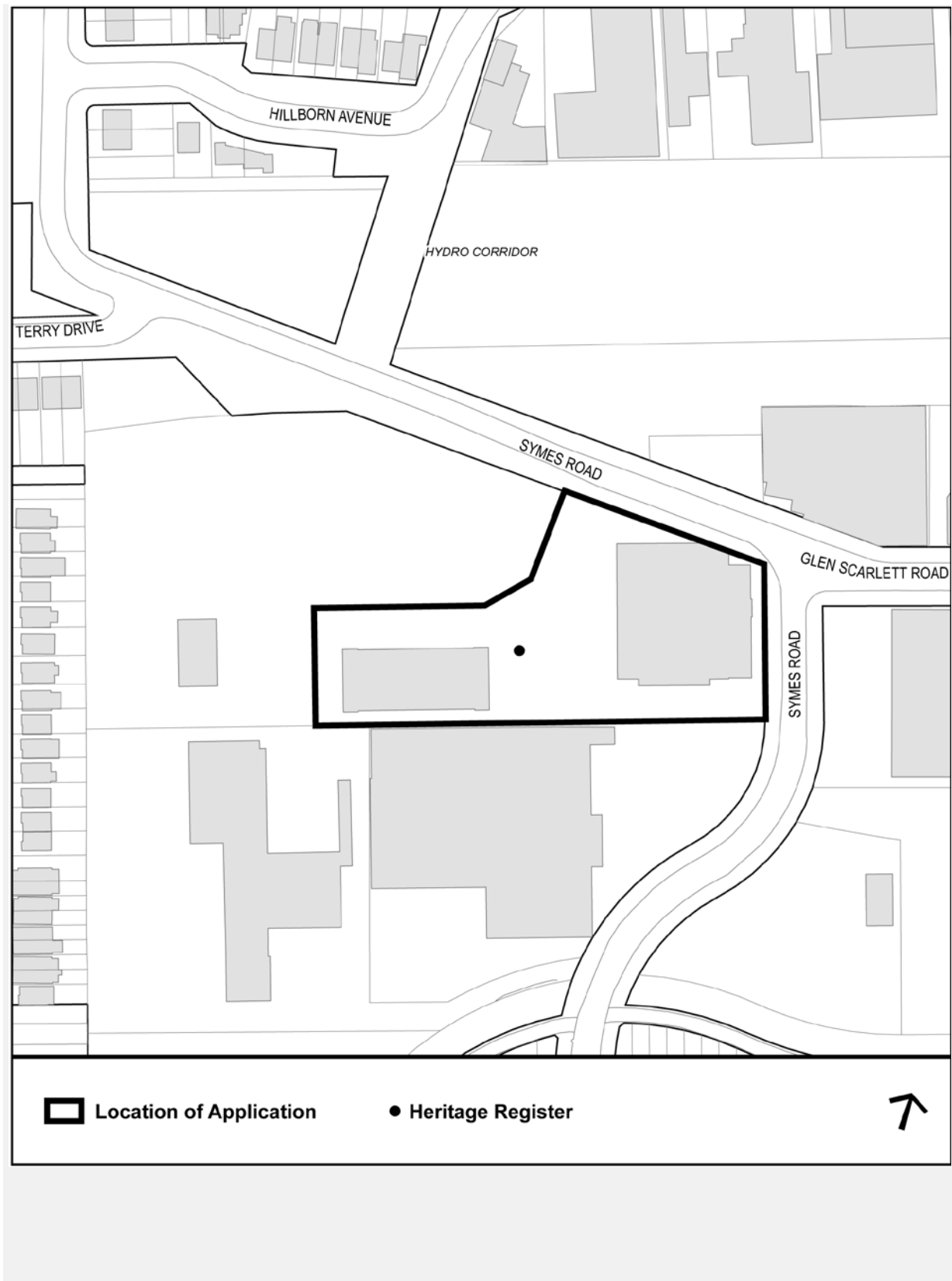
PROJECT INFORMATION

Site Area (sq m): 23,035 Frontage (m): 250 Depth (m): 50

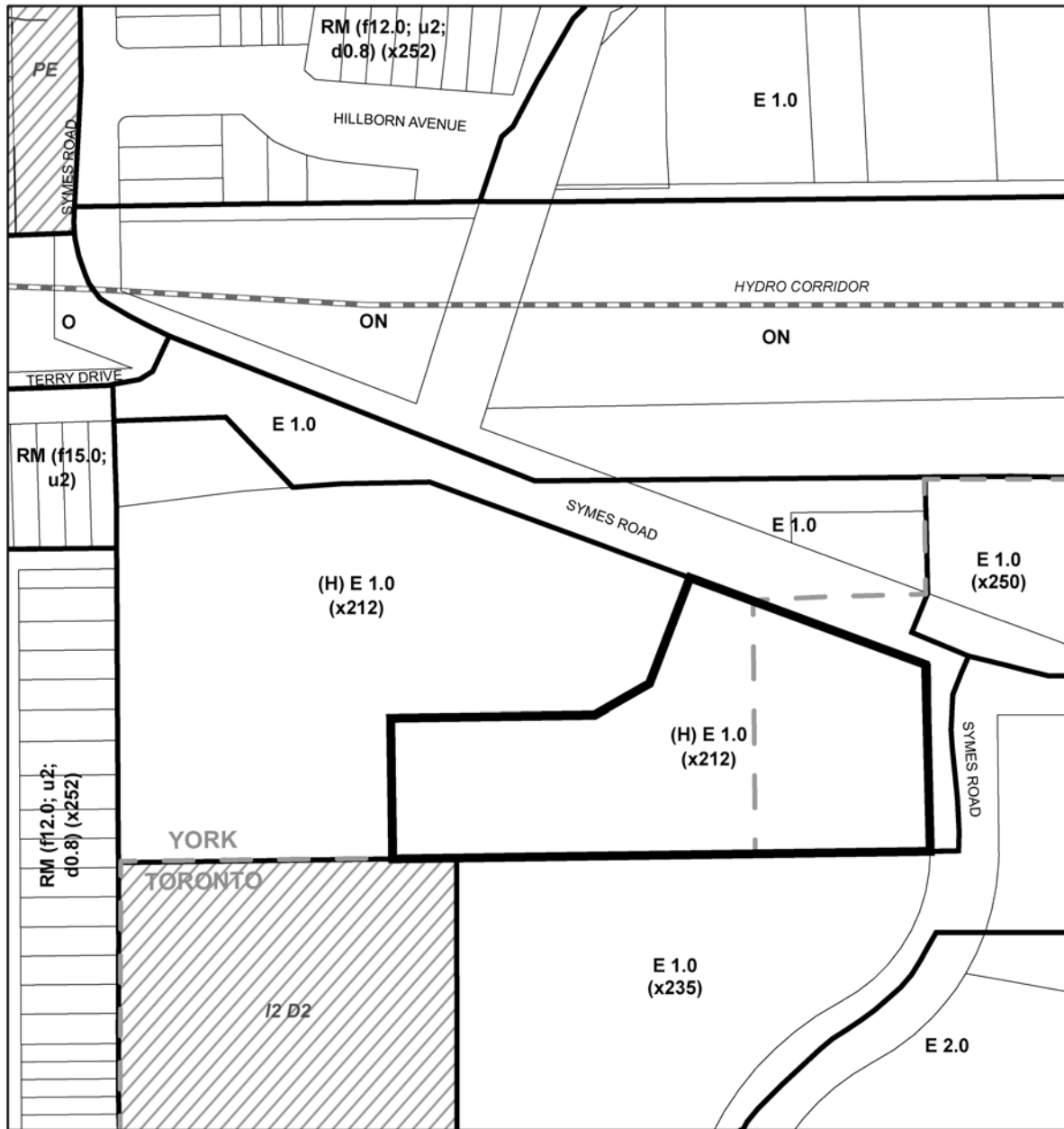
Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):				
Residential GFA (sq m):				
Non-Residential GFA (sq m):	5,322	5,322	0	8,877
Total GFA (sq m):	5,322	5,322	0	8,877
Height - Storeys:	3	3	0	3
Height - Metres:	18	18	0	18

Lot Coverage Ratio (%): 0.23 Floor Space Index: 0.39

Attachment 2: Location Map



Attachment 3: Existing Zoning By-law Map



Zoning By-law 569-2013

150 Symes Road

File # 18 105853 WET 11 0Z



Location of Application

RM Residential Multiple
E Employment Industrial

O Open Space
ON Open Space Natural



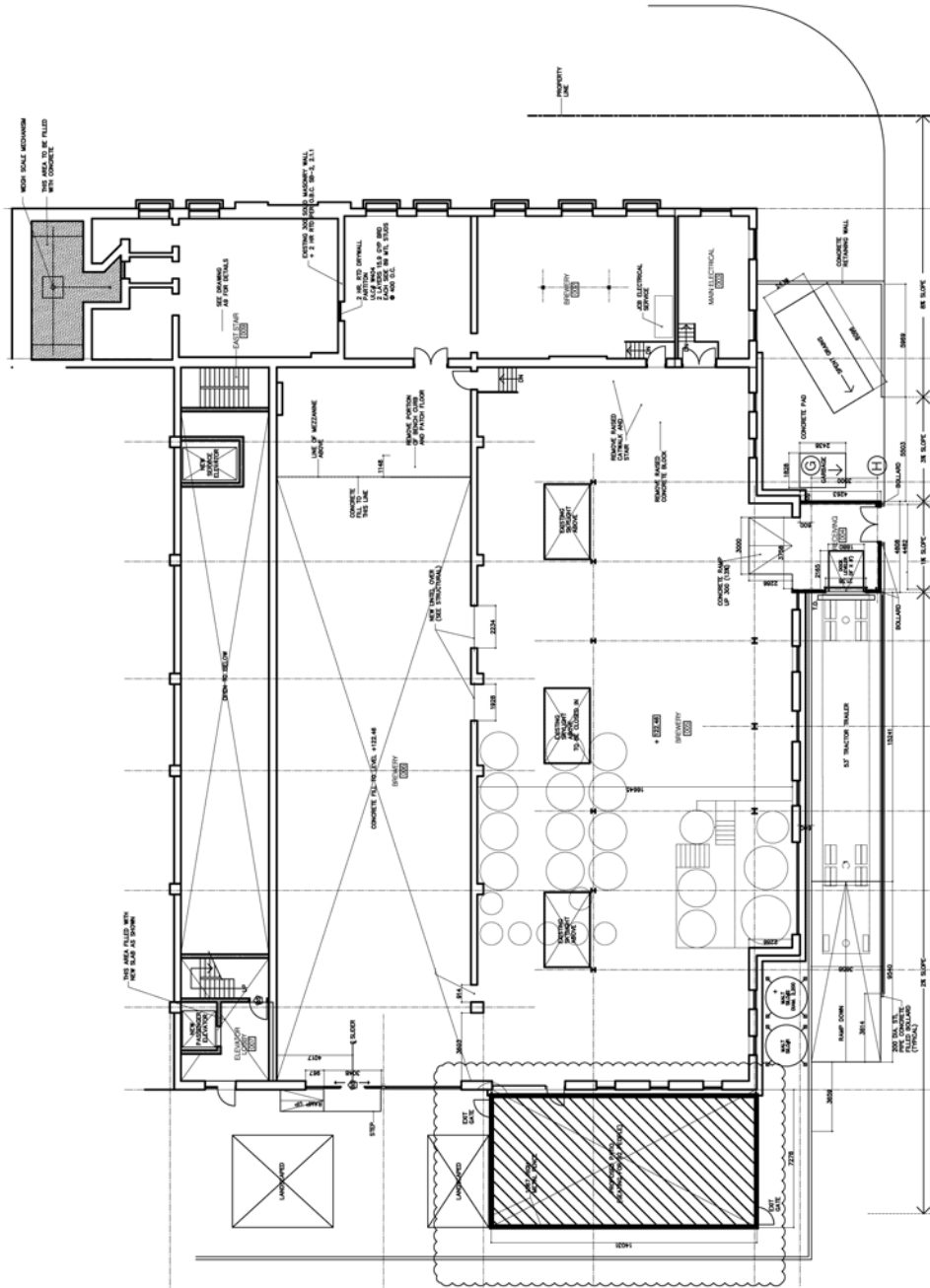
See Former City of York By-Law No. 1-83
PE Prestige Employment Zone

See Former City of Toronto By-Law No. 438-86
I2 Industrial District



Not to Scale
Extracted: 05/22/2018

Attachment 4: Ground Floor Plan



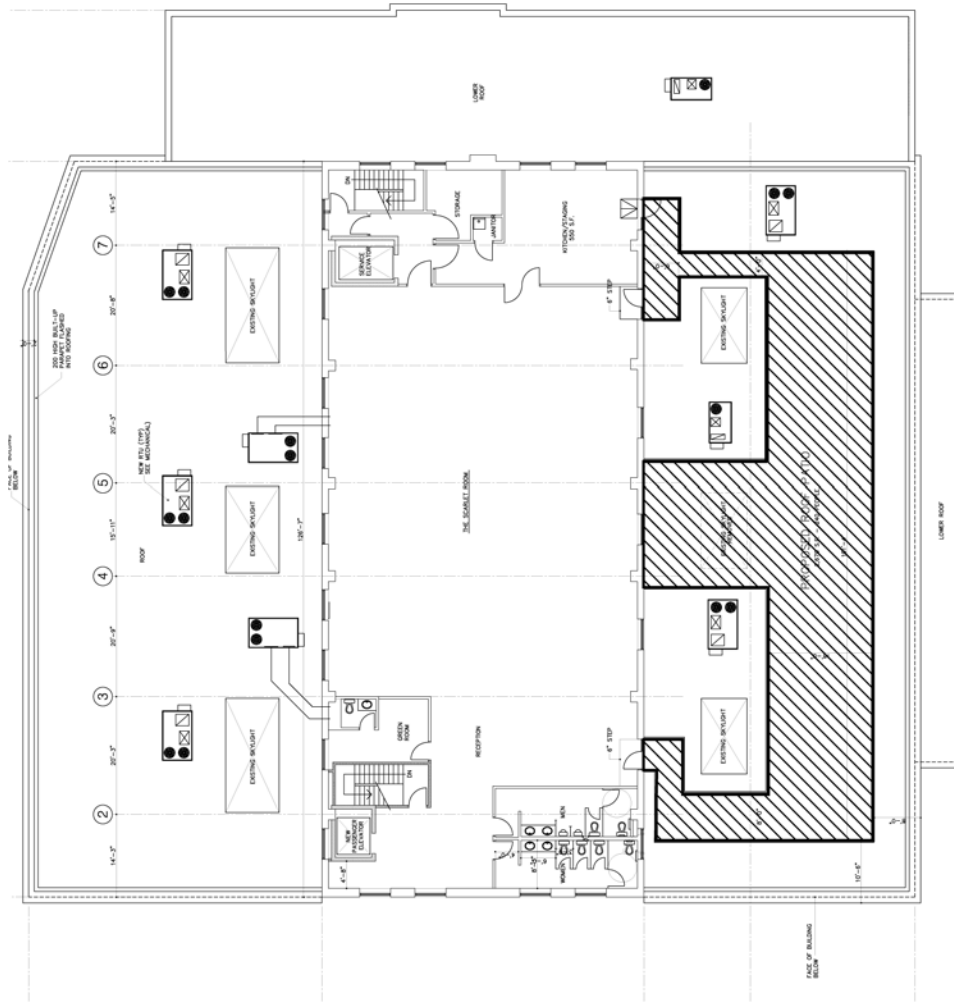
150 Symes Road

Ground Floor Plan
Applicant's Submitted Drawing

Not to Scale
05/22/2018

File # 18 105853 WET 11 0Z

Attachment 5: Rooftop Plan

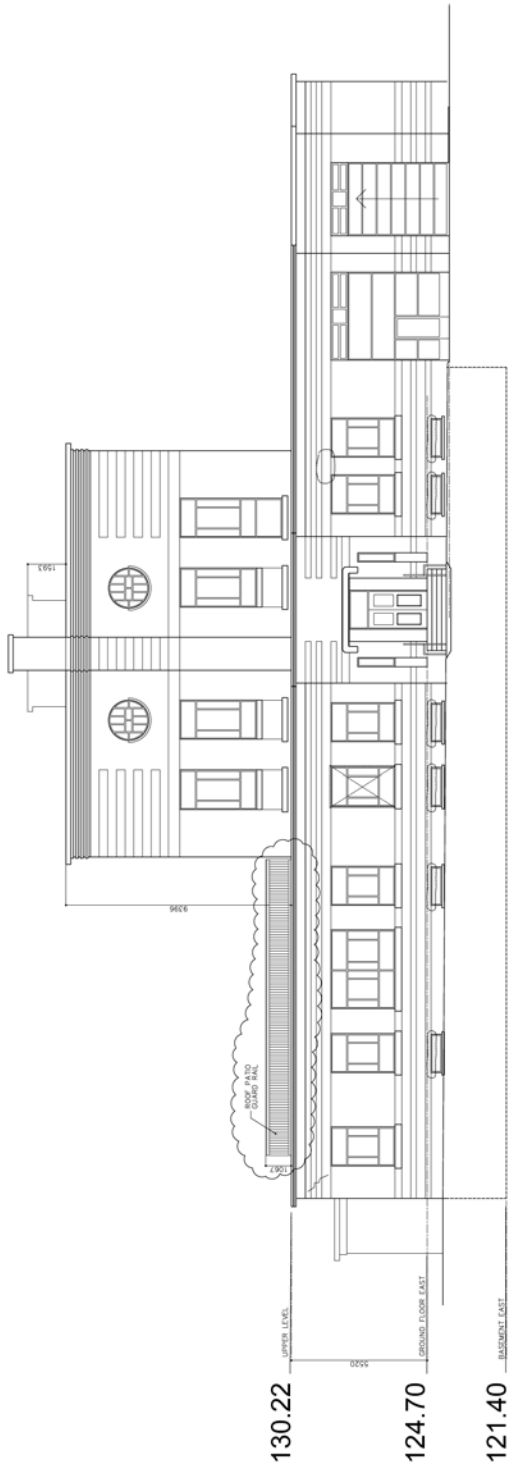


150 Symes Road

File # 18 105853 WET 11 0Z

Rooftop Plan
Applicant's Submitted Drawing
Not to Scale
05/22/2018

Attachment 6: East Elevation



East Elevation

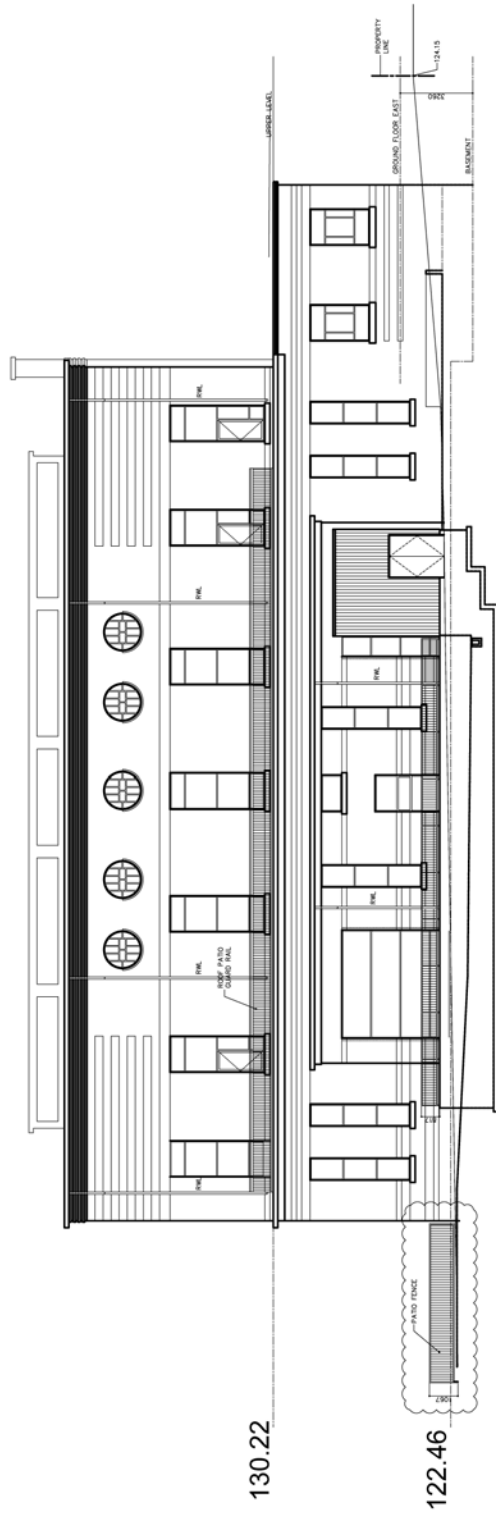
Applicant's Submitted Drawing

Not to Scale
05/22/2018

150 Symes Road

File # 18 105853 WET 11 0Z

Attachment 7: South Elevation



South Elevation

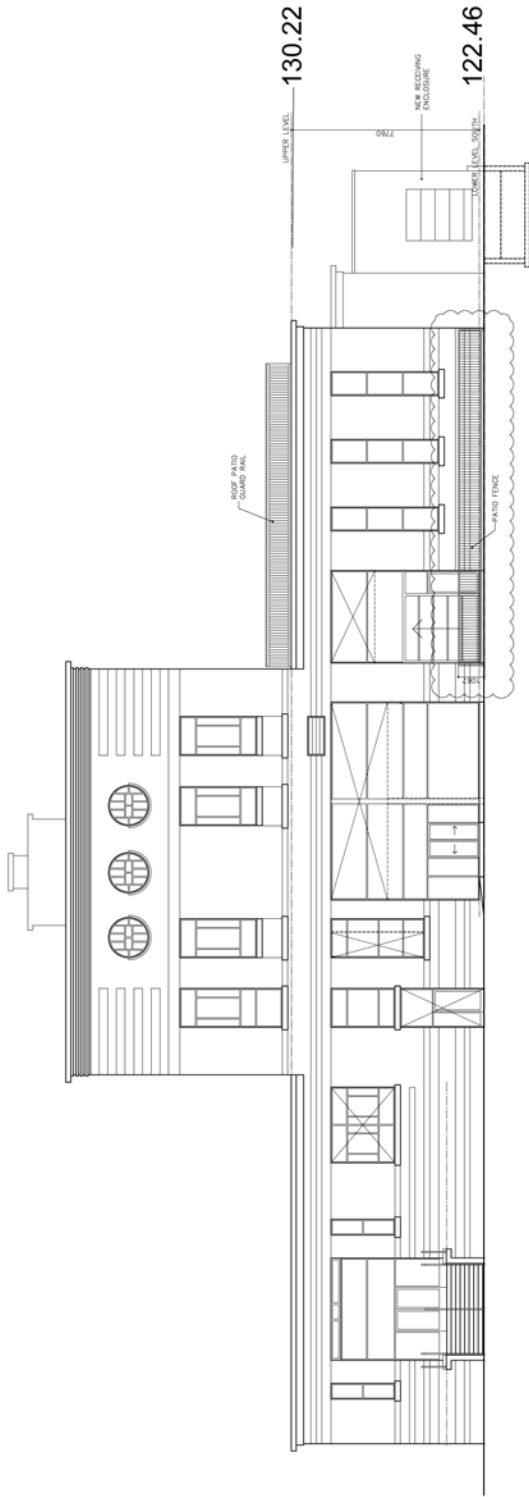
Applicant's Submitted Drawing

Not to Scale
05/22/2018

150 Symes Road

File # 18 105853 WET 11 0Z

Attachment 8: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
05/22/2018

150 Symes Road

File # 18 105853 WET 11 OZ