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Our File No. 124695

BY EMAIL

Toronto City Council
c/o Marilyn Toft
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mayor Tory and Members of Council:

**Re: Item CC22.9
Port Lands Official Plan Modification Local Planning Appeal Tribunal
Appeals - Request for Direction**

Aird & Berlis LLP represents Manufacturers Life Insurance Company which holds a long-term land lease with respect to properties municipally known as 20 Polson Street and 176 Cherry Street. These properties are located in Polson Quay within the Port Lands.

Our client is a party to the LPAT hearing scheduled to commence on September 1, 2020 with respect to the Official Plan Modification ("OPM") for the Central Waterfront Secondary Plan ("OPA 257").

Our client has significant concerns regarding the proposed modifications prepared by the City as set out in the confidential attachment to the above noted item.

In particular, the City's proposed modifications in relation to the Cement Terminal on Polson Quay would entrench this industrial use in a manner that is incompatible with the vision set out in the Port Lands Planning Initiatives Framework and OPA 257 - to transform the Port Lands into a vibrant mixed-use living and working environment. Far from supporting this vision, the proposed modifications would undermine the significant investment of public funds in the Port Lands to date. As long as the Cement Terminal continues to operate in the Port Lands, the Don Mouth Naturalization Project cannot be fully realized and the public will be denied full use and enjoyment of this crucial piece of public infrastructure.

In addition to our client's pre-existing concerns with the OPM, which gave rise to a number of its Issues in the upcoming hearing, our client has particular concerns with the following proposed modifications (modifications are underlined):

4.2.2 b) The Cement Terminal on Polson Quay is an important operation for the broader city. 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 dock wall for its operations. The continued operation of the Cement Terminal is permitted. Expansion of and change to the operation is permitted in accordance with the Planning Act and subject

to appropriate technical studies and regulatory requirements. In the event that the Cement Terminal relocates elsewhere, new Port and Industrial uses on the site will not be permitted.

Permitting the continued operation, expansion and change to the Cement Terminal is inconsistent with the City's vision for the Port Lands.

Our client also objects to the following policy:

4.6.2 For the purposes of this Area Specific Policy, sensitive uses are defined as follows:

a) A noise sensitive use means a place of residence, such as a building with one or more dwelling units, dwelling rooms or bed-sitting rooms except where a residence is located within the property of a stationary source, any outdoor living area associated with a place of residence, a noise sensitive commercial use, such as a hotel with rooms or suites, or a noise sensitive institutional use, such as public schools, health care facilities or child care centres; and

b) An air quality sensitive use means a place of residence, a child care facility, a health care facility, a senior citizen's residence, a long-term care facility, or school including certain learning institutions such as universities and colleges

In our opinion it is inconsistent with established practice and a potential threat to public health to exclude new recreational spaces, public parks and promenades from the definition of sensitive uses.

In our client's view, any policy contemplating the recognition of continued industrial uses such as the Cement Terminal in or adjacent to a Regeneration Area as set out in OPA 257 must also state that notwithstanding that recognition, sensitive land uses will not be prevented or inhibited by the continued presence of industrial uses.

Our client's consultants continue to review the City's most recent modifications and additional objections may be raised in their witness statements.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

AIRD & BERLIS LLP

Christopher Williams

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