

June 28, 2021

To: Councillor Ana Bailão, Chair
Council Members of the Planning and Housing Committee
10th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Attention: John D. Elvidge, City Clerk
Nancy Martins, Administrator Planning and Housing Committee

Re: Item PH25.5 - Zoning Conformity for Official Plan Employment Areas - Phase 1 Final Report and Phase 2 Update

Dear Chair Bailão and Council Members of the Planning and Housing Committee (“PHC”),

We are the land use planning consultants for Owens Corning Insulating Systems Canada LP (“Owens Corning”), the owners of the property municipally-known as 3450 McNicoll Avenue (“subject lands”) in the City of Toronto. Owens Corning has an existing industrial operation (the “Toronto Plant”), which operation is classified as a Class III Industrial operation pursuant to Provincial D-6-1 Industrial Categorization Criteria, and is a “major facility” per the Provincial Policy Statement, and in the City of Toronto Official Plan.

3450 McNicoll Avenue Thorncliffe Park Drive is zoned as “EH 0.7 (x26) Employment Heavy Industrial Zone” in By-law 569-2013, and designated in the Toronto Official Plan as “Core Employment Areas”. Additionally, the subject lands are within a *Provincially-Significant Employment Zone (“PSEZ”)*, as delineated by the Minister of Municipal Affairs and Housing.

Zoning permissions for sensitive land uses within Owens Corning’s D-6-3 Guidelines Class III influence area of existing industrial operations are proposed. The zoning conformity exercise provides the City the opportunity to amend the employment zones to remove incompatible sensitive land uses, as proposed by Staff, to bring the By-law into conformity with the uses contemplated in the General and Core Employment Land Use Designations in the Official Plan.

Our client recognizes that existing sensitive land uses in employment areas and employment zones that are proposed by the City are to be continue to be permitted as part of Phase 1, it is our opinion that there needs to be adequate notification to Owens Corning of any proposal, change or expansion of sensitive uses, and the provision of land use compatibility and mitigation studies, peer reviewed by the City and the Owens Corning.

These reports and studies are required by Policy 2.2.4 of the Official Plan, and in two recent development applications for Minor Variance in proximity to Owen Corning's operation, the requirements for land use compatibility and mitigation studies and/or considerations as well as proper notification, had been overlooked by the Applicant, Planning Staff, and the Planning Approval Authority for a proposals seeking to expand sensitive land uses within and adjacent to an Employment Area, PSEZ, and within the influence area of a Major Facility.

Regarding the proposed exceptions, Owens Corning recognizes that there are lands proposed either to continue and/or to introduce sensitive land uses within areas zoned for industrial and employment uses, Core Employment Area designations, PSEZ's, and in the influence areas of Owens Corning as a *Major Facility*. Owens Corning is concerned that in areas zoned for heavy industrial, in the PSEZ and in the *Core Employment Areas* designation, existing and permitted sensitive land uses may supersede any land use compatibility objectives in those areas and obligations to Official Plan policies discounted.

The existence and permission of those sensitive land uses within the potential influence areas and the actual influence areas of Owens Corning's operation are listed on the table in Schedule A, to this letter. An influence area map is provided in Schedule B.

My client requires assurance from the City in order to protect their current and future industrial operation at 3450 McNicoll Avenue from any claims of any proponents, owners and/or occupants of sensitive land uses within Owen Corning's influence area. This is especially as the City-initiated zoning amendment before the Committee today proposes to continue and/or permit sensitive land use situated within my client's Class III industrial facility's area of influence. There may be adverse effects that have yet to be realized by the Parties without the provision of a Compatibility/Mitigation Study, as required by the Official Plan.

On behalf of our clients, we respectfully request to be engaged when Phase 2 of the proposed zoning framework is underway and requests that the City provide Owens Corning Canada LP, their Counsel Miller Thompson LLP and C2 Planning of any notices of future meeting, reports, decisions or consultations regarding this matter. Please find our mailing addresses below:

Owens Corning Insulating Systems Canada LP, EHS Department
Attn. Alan Chan, EHS Leader
3450 McNicoll Ave
Scarborough,
ON M1V 5J7

Miller Thompson LLP
Attn. Tara Piurko, Partner
Scotia Plaza
40 King Street West, Suite 5800
P.O. Box 1011
Toronto, Ontario
M5H 3S1

C2 Planning
Attn. Christian Chan
Suite 138 – 157 Adelaide Street West
Toronto ON
M5H 4E7

Thank you and Regards,
Christian Chan MCIP/OPPI (Provisional/Candidate)
16-858-2254
christian@c2planning.com

A handwritten signature in blue ink, appearing to read 'Christian Chan', written in a cursive style.

SCHEDULE A:

Location of Exempted Lands within PSEZ's and Owens Corning's D-6-3 Guidelines Potential and Actual Influence Areas.

Summary:

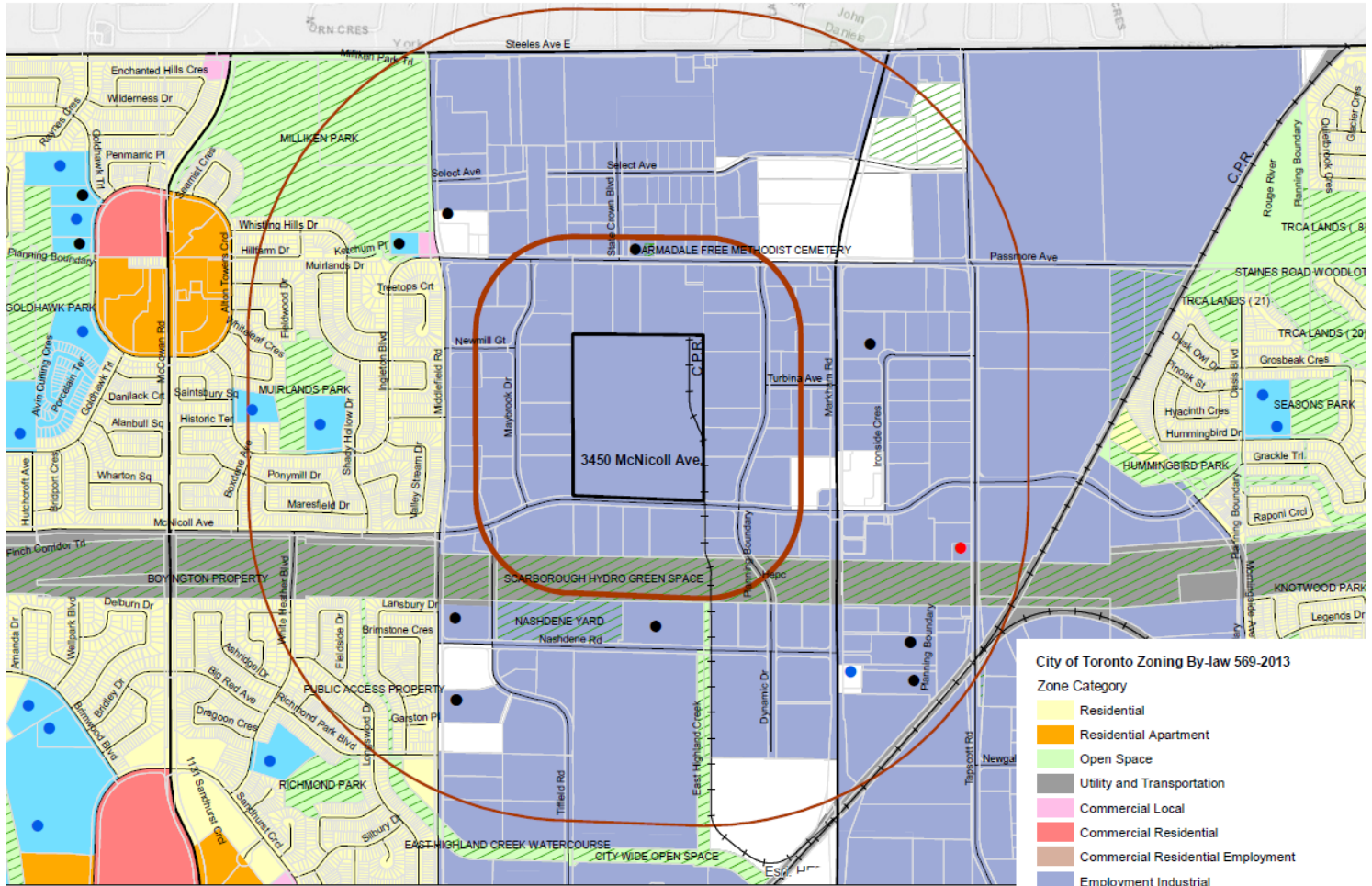
- A) *Number of Exempted Lands in Potential Influence Area of Owens Corning McNicoll Ave. Operation: 4*
- B) *Number of Exempted Lands in Actual Influence Area of Owens Corning McNicoll Ave. Operation: 1*

Exception Proposed	In PSEZ?	Within TIN Member 300m influence area, or 1000m potential influence area?
By-law 569-2013		
3330 McNicoll Avenue, 3500-3520 McNicoll Avenue, and 3501-3555 McNicoll Avenue, add an exception to permit a recreation use and performing arts studio.	YES – IN PSEZ 5	YES – IN INFLUENCE AREA OF OWENS CORNING
159 Dynamic Drive, add an exception to permit a lawfully existing ice arena.	YES – IN PSEZ 5	IN POTENTIAL INFLUENCE AREA OF OWENS CORNING
SCARBOROUGH BYLAW 24982		
2781 Markham Road, add an exception to Tapscott Employment District (West) to permit a place of worship and ancillary community centre. 3223 Kennedy Road and 255 Milliken Boulevard, add an exception to Milliken Employment District to permit a place of worship and ancillary recreational and community uses.	YES – IN PSEZ #5 YES – IN PSEZ #6 YES – IN PSEZ #6	YES – 2781 MARKHAM ROAD IS IN POTENTIAL INFLUENCE AREA OF OWENS CORNING TORONTO

SCHEDULE B:

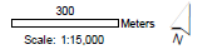
Influence Area: Owens Corning's D-6-3 Guidelines Potential and Actual Influence Areas.

D-6-3 Guidelines Class III Potential Influence Area of 3450 McNicoll Avenue, Owens Corning Toronto Plant



- City of Toronto Zoning By-law 569-2013**
- Zone Category**
- Residential
 - Residential Apartment
 - Open Space
 - Utility and Transportation
 - Commercial Local
 - Commercial Residential
 - Commercial Residential Employment
 - Employment Industrial
 - Institutional
 - See former Zoning By-law

- Legend**
- Fire Facility
 - Place of Worship
 - School
 - D-6-3 Class III Industrial Minimum Separation Distance Recommended, 300m
 - D-6-3 Class III Industrial Potential Influence Area, 1,000m



C2Planning, November 26, 2019. Sources: Toronto Open Data