

NOVÆ RES URBIS

GREATER TORONTO & HAMILTON AREA

WEDNESDAY,
FEBRUARY 19, 2020

Vol. 23
No. 8

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■ MILTON LOGISTICS HUB

UP IN THE AIR

Andrew Reeves

The fate of CN's proposed \$250 million intermodal and logistics hub in the **Town of Milton** now sits with the federal government after a Joint Review Panel (JRP) submitted its final report to federal **Environment and Climate Change** Minister **Jonathan Wilkinson** two days before the January 29 deadline for the project's environmental assessment.

CN is proposing to construct a logistics hub on a 400-hectare property it owns in Milton to transfer shipping containers from cargo trains onto transport trucks for shipment throughout the Greater Toronto and Hamilton Area (GTHA). First announced in March 2015, CN touted the project as an opportunity to strengthen the movement of goods throughout the region while attracting upwards of 1,000 direct and indirect jobs, many in new warehousing development. To move an additional 450,000 containers each year, CN is

seeking federal permission to realign and to double a portion of its existing main rail line, to modify two existing waterways to allow for the movement of up to 800 transport trucks through **Halton Region** daily. CN's proposal to build approximately 25 kilometres of new track automatically triggered a review under the *Canadian Environmental Assessment Act*.

However, significant concerns about possible negative health and environmental impacts of the project have been raised by local residents and Halton Region, leading to strong opposition to the logistics hub. "Our top priority has always been the health and safety of our community," **Stacey Hunter**, communications manager with Halton Region, told *NRU* in an emailed statement. "Since 2015, the Halton municipalities have expressed concern that the proposed hub is likely to cause significant adverse environmental and health impacts."

Those fears were "validated," Hunter said, during the environmental assessment conducted by the Joint Review Panel. This panel of independent experts appointed by the federal environment minister agreed that project construction and truck and rail movements would indeed have a lasting and harmful impact on local air quality. Analysis from CN found levels of benzo(a)pyrene, benzene, and particulate matter (PM) 2.5 and PM10 from diesel fuel exhaust and dust

would exceed provincial air quality criteria. "The Project, in combination with other [residential and commercial development] projects and activities that have been or will be carried out, is likely to cause a significant adverse cumulative environmental effect on air quality," the JRP report stated.

This reference to "combination with other projects" is crucial. While the air quality impacts of the logistics hub project alone

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1426689 Ontario Inc.'s proposal for 461 Green Road, Hamilton. See Standing Committee Agendas, page 7.

SOURCE: KNVMH ARCHITECTURE



UPCOMING DATES

FEBRUARY

- 19 Brampton Committee of Council, 9:30 a.m.
- Georgina Council, 6:30 p.m.
- Hamilton General Issues Committee, 9:30 a.m.
- East Gwillimbury Council, 1:00 p.m.
- Mississauga Council, 9:30 a.m.
- Richmond Hill Council Public Meeting, 7:30 p.m.
- 24 Brampton Planning & Development Committee, 1:00 p.m.
- Clarington Planning & Development Committee, 7:00 p.m.
- King Council/Committee of the Whole, 6:00 p.m.
- Markham Development Services Committee, 9:30 a.m.
- Mississauga Planning & Development Council, 6:00 p.m.
- Newmarket Committee of the Whole, 12:30 p.m.
- Oakville Council, 6:30 p.m.
- Oshawa Development Services Committee, 9:30 a.m.
- Pickering Council, 7:00 p.m.
- Whitby Committee of the Whole, 7:00 p.m.
- 25 Aurora Council, 7:00 p.m.
- Markham Council, 1:00 p.m.
- Mississauga Urban Design Advisory Panel, 12:45 p.m.
- 26 Brampton Council, 9:30 a.m.
- Durham Region Council, 9:30 a.m.
- Georgina Council, 9:00 a.m.
- Hamilton Council, 5:00 p.m.
- Mississauga General Committee, 9:30 a.m.

PERMANENT PEER REVIEW



Rob Jowett

City of Brampton planning staff have found peer review of development applications to be an important tool in improving the design quality of new projects.

At its meeting February 26, council will consider a staff recommendation to make the city’s urban design review panel a permanent part of the development application process. In its current configuration, the panel consists of eight members from different areas of the development industry who provide expert feedback on major planning applications on a volunteer basis. The panel has operated as a pilot program since March 2018.

“We’ve recognized for a while that having a stronger focus on design and providing a larger context... within a formal review process is really important,” Brampton policy

planning director **Bob Bjerke** told *NRU*. “It’s... prompted a little more attention [to design] from the [development] applicants and a good set of recommendations coming out from the panelists to really help inform the next steps and help get through some... thornier issues with some good suggestions.”

The panel includes members from several fields in the development industry, such as architects, landscape architects, and urban designers. If approved, staff would look to add a transportation engineer, a heritage conservation expert, and a public health professional.

“As one of the fastest-growing cities in Canada, we must work to ensure that our growth is well-designed and sustainable,” Wards 3 and 4 councillor and planning committee chair **Martin Medeiros** told *NRU*. “The

urban design review panel has been an invaluable tool that has supported our existing design review process in ensuring the quality development applications that enhance Brampton’s public spaces.”

Through its 2040 Vision, Brampton is looking to better control and guide an expected influx of new development applications, especially to build projects in major growth centres such as around the Bramalea GO Station and along Queen Street East. Among Brampton 2040 Vision’s goals is improving the overall design and built form of different development projects, both public and private. The Brampton urban design review panel reviews major medium and high-density developments, large institutional projects, parks, open spaces, streetscapes, and public realm plans, and significant city

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EXTRACTION APPROVED



Rob Jowett

A contentious quarry proposal in **Guelph-Eramosa Township** has been approved following years of legal disputes, and could set a precedent for future decisions.

In a decision released February 11, the **Local Planning Appeal Tribunal** (LPAT) approved a proposal by **James Dick Construction** (JDCL) to build a quarry on a 39-hectare site at the northeast corner of Highway 7 and Sixth Line. Known as the Hidden Quarry, it was first proposed in 2012, but has been subject to ongoing local opposition, including an LPAT challenge from the township, **Wellington County, Town of Halton Hills, Halton Region**, and the local advocacy group **Concerned Residents' Coalition Rockwood**. Halton Hills and Halton Region initiated the case following concerns regarding the anticipated trucking routes for aggregate that would be extracted from the site and its potential impacts on local water sources. The LPAT hearing took place May 21, 2019 to July 9, 2019.

"We think it's a good decision," James Dick Construction executive vice-president **Greg Sweetnam** told

NRU. "This was a case where we had sign-off from basically all of the peer reviewers that the township had hired, and from all of the review agencies that all signed off, so it was more of a political opposition to it, as opposed to a scientific opposition."

The quarry will be used to extract amabel dolostone, a limestone variant and a type of rock needed as a strong building material. Amabel dolostone is considered far superior for construction than other types of aggregate due to its strength, especially for building projects like skyscrapers and bridges. Sweetnam says that the provincial supply of dolostone is low and many buildings and infrastructure projects have been forced to rely on lower-quality but more widely available materials, significantly reducing the resiliency and lifespan of those projects.

Guelph-Eramosa refused to approve the quarry proposal primarily due to concerns about the impacts of the quarry operation and a perceived lack of benefits for the township itself. The resolution adopted by the township's council on April 15, 2019 directing its staff to attend the LPAT hearings

appealing JDCL's proposal states that the quarry would not provide any economic or employment benefits to the town. Chief administrative officer **Ian Roger** told *NRU* that the township could not provide further comment until council had reviewed the decision.

Around 95 per cent of the trucks travelling to and from the quarry would use Highway 7 to transport aggregate material to Brampton, including to a JDCL-owned concrete plant in Bolton. This would mean passing through the centre of the Acton and Georgetown communities, which have local businesses and residential uses along the highway. Halton Hills mayor **Rick Bonnette** told *NRU* that the town opposed the quarry proposal at the LPAT in order to protect residents and businesses from the effects of the trucks and negotiate a different haul route which would require the company to use Highway 401 instead. He says as many as 26 trucks per hour could be passing through the downtown areas of these communities, and the highway there is very narrow and operates more like a main street which is unsuitable for heavy truck traffic. The LPAT

agreed with JDCL that the town did not have the right to restrict the company's use of a provincial highway.

"Imagine every trucking company in Ontario having to have a new permit or new agreement to drive on a provincial highway through every municipality that the highway goes through," says Sweetnam. "We believe it was just politics that were driving that kind of a ridiculous argument, but yet, the town of Halton Hills spent big bucks at a long [LPAT] hearing to put forward that proposition."

Bonnette told *NRU* that he had previously requested that the provincial **Transportation Ministry** consider a trucking bypass route north of Acton, which would divert traffic from downtown, but to date, the proposal has been denied.

Bonnette says there were also environmental concerns that groundwater could become contaminated from the mining operations. Most of the Hidden Quarry's supply of dolostone is below the water table, and would be extracted through subaqueous mining, a relatively untested practice. The LPAT decision determined that there would not be a significant

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EXTRACTION APPROVED

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effect on water quality, and that JDCL would be held financially responsible if there was any change or future concern around water quality.

Bonnette says the town also opposed the quarry due to the potential adverse effects of these issues and the lack of benefits to Halton Hills, as the town would receive no taxation or job growth due to quarry operations.

“I think the life of this quarry is going to be... for 20

years, so that’s going to be a huge long-term impact,” says Bonnette. “It’s ridiculous that the town cannot even have a say on the designated haul routes. It’s unacceptable that our municipality will suffer the negative impacts of the quarry’s operations that do nothing for the community. We have no benefits. There’s no taxation, there’s no assessment that we can do. And there hasn’t even been a demonstrated need for yet another quarry operation.”

Bonnette points to the Acton Quarry as an example of why he does not believe a new quarry is necessary right now. **Dufferin Aggregates** operates a quarry around 22nd Side Road and Third Line which also extracts dolostone. Bonnette says the quarry has not operated in over a year due to lack of demand, and says that means that JDCL does not need to open a new quarry. The LPAT hearing did not assess or consider the market needs for dolostone.

The LPAT decision includes an interim order to approve JDCL’s proposed official plan amendment and rezoning for the site. The final order is withheld until several

conditions are met, such as site plan approval from both the county and Halton Region and pending provision of additional environmental impact assessments on surrounding natural areas.

Sweetnam says JDCL has no issue with the conditions set by the tribunal, and adds that full approval could set a legal precedent which would allow future quarry disputes to be settled more easily.

JDCL is also looking to build a quarry in the 29.4 ha Woodlawn Guelph Campbellville Pit at the intersection of Twiss Road and Reid Side Road in the **Town of Milton**, which has faced similar opposition. 🌱

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PERMANENT PEER REVIEW

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studies, such as secondary plans and design guidelines.

“The majority of the [review] is focusing on intensification areas,” Brampton urban design manager **Yvonne Yeung** told *NRU*. “So that will be midrise, high-rise, mixed-use products that really need the [design review panel] lens to understanding the public realm, to understanding [a project’s] transition with a context and also [to help] create the new urban vibe that the city is looking for.”

If made permanent and continued, the panel would be involved in several council priorities for this term, including creating complete communities and revitalizing existing neighbourhoods, unlocking the development potential of sites in uptown and downtown Brampton to

encourage local employment, especially within urban and town centres, creating community hubs, and generally attracting more investment and growth to the city. The design review aspect of the development application process mainly focusses on refining design features that would significantly improve the appearance and performance of a project, but which fall outside the scope of normal application review.

“The goal of the panel... is to provide independent recommendations or independent suggestions to tweak, to improve... to perfect projects,” **Urban Strategies** partner and panel chair **Eric Turcotte** told *NRU*. “It helps... city staff that are reviewing the application... and I think for the developer and for the architects... you can validate

some of the projects that are coming, but sometimes they are small things that can be done, that potentially can make quite a big difference to your project.”

Turcotte says he finds that applicants benefit from the peer review experience, and development industry members have expressed support for the panel’s continuation. He says it can be immensely valuable for a project to receive neutral feedback intended only to improve a project’s performance in a collaborative way. He says as a member of the **Waterfront Toronto** design review panel and a former member of the **City of Toronto** design review panel, he has seen first-hand the positive impacts that the panels can have. There are currently 15 other municipalities and organizations in Ontario with design review panels.

“It’s kind of another layer as part of the review process that just helps us to get a better understanding,” says Turcotte. “It’s quite useful that people

understand that there’s always a few different ways to look at things and we look to see how the project fits, how does it interact with the street, with the public realm, how the whole thing comes together as a whole. So... it’s looking at a project... very holistically.”

In addition to panel chair Turcotte, the Brampton design review panel also includes **The Planning Partnership** principal **Wai Ying Di Giorgio** as vice-chair, **DTAH** partner **Brent Raymond**, **Montgomery Sisam** director and principal, **Daniel Ling**, **City of Mississauga** urban designer **Jason Wu**, **Niagara Region** urban design manager **Khaldoon Ahmad**, **Moriyama & Teshima Planners** director **Nick Onody**, and **HOK** senior associate **Zaid Saleh**. Currently, design review panel members are chosen for a two-year term, however no members will be leaving should council support staff’s recommendation to move the panel into permanent status.



The Town of Aurora is currently seeking a **Manager, Policy Planning and Economic Development** to join our Planning and Development Services Department.

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The application deadline for both positions is **March 6, 2020**.

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UP IN THE AIR

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would be “low on [their] own,” the panel reported, they “become significant when combined with existing baseline exceedances and existing exposure ratios that are already near the maximum acceptable level.” In other words, air quality concerns related to the proposed hub project don’t exist in a vacuum and must be considered as part of a larger, already stressed airshed, a geographic boundary used for measuring comparable air quality.

While acknowledging that

the logistics hub will have environmental and human health impacts for the region, the JRP noted that Durham already has plans for massive residential, commercial, and industrial growth that will be powered by air quality-diminishing fossil fuels. The region has a population of 575,000 people and is on track to reach approximately 900,000 by 2041. This expansion alone will continue to degrade air quality and must be reckoned with. “Regional airshed management is no easy task,”

the report states, “but [existing] air quality trends [in the region] are not encouraging.”

Additionally, despite conceding that residents’ air quality concerns are justified, the JRP report found CN had taken a “reasonable and conservative approach” to measuring adverse impacts to air quality, and had identified useful mitigation efforts that could reduce idling truck emissions by 75 per cent and PM10 emissions by 59 per cent. The JRP recommended to Minister Wilkinson that CN be forced to implement the full suite of air quality protection measures as proposed, but stopped short of suggesting

Halton’s concerns were significant enough to halt the project.

CN’s modelling of what impact 800 trucks might have on local traffic, especially Britannia Road, Highway 401, and Highway 407, was also found to be reasonable by the JRP. “Truck traffic will negatively impact air quality and also lead to traffic congestion,” Hunter said. “This increases the health and safety risks to motorists, cyclists, pedestrians and families across Halton.” Yet here, too the panel found that Milton’s arterial road network had “sufficient capacity” to absorb the added

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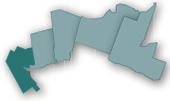
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COMMITTEE AGENDAS



HAMILTON

Approval recommended for Stoney Creek mid-rise

At its February 18 meeting,

Hamilton Planning Committee considered a final [report](#) recommending approval of official plan and zoning by-law amendment applications by **1426689 Ontario Inc.** for 461 Green Road. The applicant proposes to construct a 14-storey mixed-

use development with 465 m² of ground floor commercial space and 260 residential units above. The proposal includes 97 surface parking spaces and 293 underground parking spaces. 🌱

UP IN THE AIR

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trucks, including at peak traffic hours. And while 800 trucks entering and exiting the facility each day “seems to be a large and daunting number,” the Panel reported, “it represents a small percentage of the total number of vehicles, including trucks, currently operating on the arterial roads of Milton every day.” The number of vehicles currently using Milton’s road network, the JRP added, is several thousand each hour.

Halton’s opposition to the Milton logistics hub has deep roots. Alongside the **City of Burlington** (whose borders nearly abut the CN property), **Conservation Halton**, and other lower-tier municipalities, Halton Region sued CN in February 2018, arguing the project’s approval should be bound by municipal and provincial laws. Halton was backed by the Ontario

government which argued that the logistics hub was not a “vital interest” to CN, and therefore subject to provincial statutes. However, the Superior Court of Ontario stayed the challenge in October of that year, finding that the hub was a vital interest to CN, and awarding CN compensation to cover its legal fees, money that the company promptly donated to the **Milton District Hospital Foundation**.

CN senior media advisor **Alexandre Boulé** told *NRU* the company is “pleased” with the JRP’s findings and “remains committed to addressing their observations and recommendations.” The report recognizes that the direct project effects are “relatively small,” Boulé said, and that they “need to be understood in the context of the rapidly urbanizing and developing area of Milton, which has already

been and continues to be affected by past development and planned regional growth.”

On February 12, Halton Regional Council, chaired by former Liberal MP **Gary Carr** since 2006, endorsed a resolution calling on Ottawa to refuse the CN proposal based on the findings laid out in the Joint Review Panel report. “CN has consistently denied that its proposed project will negatively impact our community,” Carr said in a statement. “We are asking the federal government to do the right thing and refuse federal approval of the

proposed CN Milton Logistics Hub.” Milton Mayor **Gord Krantz** agreed, stating “This is the wrong location for the proposed truck-rail hub and it is not justified in these circumstances. The answer for the federal government is clear – don’t approve this project.”

Minister Wilkinson has until June 25, 2020 to issue a ruling on the logistics hub. 🌱



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LPAT NEWS

SETTLEMENT APPROVED FOR LAKEVIEW CONSENT AND VARIANCES

In a February 5 decision, LPAT member **David Brown** allowed appeals, in part, by **2802532 Ontario Ltd.** against the **Mississauga** Committee of Adjustment's refusal of its consent and minor variance applications for 1048 Roosevelt Road. 2802532 proposes to sever the 15.24 metre-wide property into two lots and to build a pair of semi-detached dwellings.

After filing appeals, 2802532 and the City reached a settlement on the basis of a reduction in height of the proposed dwellings from 9.88 to 9.5 metres—in line with the maximum permitted height

under the applicable zoning by-law.

Planner **David Sajecki** (**Sajecki Planning**) provided evidence on behalf of 2802532 and in support of the settlements. He indicated that the site is located within the Lakeview Local Area Plan, under the city's Official Plan, and that the amended proposal satisfies applicable policies requiring new housing to maintain and enhance the existing character of the area.

Sajecki testified that overall, the site represents modest intensification in close proximity to public transit, and that the requested consent and variances satisfy the applicable *Planning Act* tests.

On review of the executed settlement agreement and

Sajecki's uncontested evidence, the Tribunal found that the applications, as revised, met the statutory criteria and represent good planning. It allowed the appeals, authorizing the consent and variances subject to the conditions secured through the settlement.

Solicitors involved in this decision were **Manmeet Thind** and **Ashley Geller** (**Sutherland Law**) representing 2802532 Ontario Ltd. and **Raj Kehar** (**WeirFoulds**) representing City of Mississauga. [See *LPAT Case No. [PL190415](#)*.] 🌱

PEOPLE

Neil Garbe is no longer **City of Richmond Hill** city manager. Corporate and financial services commissioner **Mary-Anne Dempster** has been appointed interim city manager.

The **Ministry of Heritage, Sport, Tourism, and Culture** is establishing a Ministers' Film and

Television Advisory Panel to provide advice on supporting and growing the film and television industry in Ontario.

Members include **SPINVFX** founding partner, president, and executive producer **Neishaw Ali**, **TriBos Studios** president **Peter Apostopoulos**, **Entertainment**

Partners executive vice president **David Carter**, **Bell Media** English language original programming senior vice-president **Corrie Coe**, **Canadian Media Producers Association** business affairs senior director **Marcia Douglas**, **Ottawa Film Office** film commissioner **Bruce Harvey**,

Shaftesbury founder, chairman, and CEO **Christina Jennings**, **Canadian Film Centre** CEO **Slawko Klymkiw**, **FilmOntario** managing director and counsel **Cynthia Lynch**, **Cinespace Film Studios** vice-president **Jim Mirkopoulos**, **Motion Picture Association—Canada** president **Wendy Noss**,

NBC Universal Media tax counsel senior vice-president **Brian O'Leary**, **Alliance des producteurs francophones du Canada** executive director **Carol Ann Pilon**, **Trinetra Productions** director **Ramu Rau**, and **Take 5 Productions** president and CEO **John Weber**.