

Consolidated Clause in Planning and Transportation Committee Report 3, which was considered by City Council on April 12, 13 and 14, 2005.

7

**Status Report - Birchcliff Quarry Lands Study
File 03 180350 ESC 36 TM - Birchcliff Community
(Wards 35 and 36 - Scarborough Southwest)
(Ward 32 - Beaches - East York)**

City Council on April 12, 13 and 14, 2005, adopted this Clause without amendment.

The Planning and Transportation Committee recommends that Council adopt the staff recommendations in the Recommendations Section of the report (February 18, 2005) from the Commissioner of Urban Development Services.

Purpose:

To report on the approach for undertaking the land use study for the lands east of Victoria Park Avenue, south of the CN rail line, north of Gerrard Street and west of Clonmore Drive (the Birchcliff Quarry Lands). Also, to update Council on the Gerrard/Clonmore multi-unit residential development on lands that are within the Birchcliff Quarry Lands study area.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) endorse the Study Approach for the Birchcliff Quarry Lands as outlined in Attachment 2;
- (2) direct staff to report back to the May 2005 meeting of the Planning and Transportation Committee with the Phase 1 report on the Community Profile of the Birchcliff Quarry Lands study area; and
- (3) direct the Commissioner of Urban Development Services in consultation with the Commissioners of Works and Emergency Services, Corporate Services and Economic Development Culture and Tourism, to report to the May 2005 meeting of the Planning and Transportation Committee on a process for undertaking an environmental review of the City owned lands within the larger Birchcliff Quarry Lands area, that includes a review of the existing Provincial legislation and regulations that apply to the lands, the

extent of environmental investigations that are needed on the lands, the expertise required to undertake these investigations and the associated costs, and explores opportunities to involve other landowners of the Quarry Lands in an environmental review on their lands in concert with the City, and in cost-sharing for undertaking such a review.

Background:

The Birchcliff Quarry Lands (Quarry Lands) comprise approximately 20 hectares (49 acres) and are outlined on Attachment 1. The largest individual ownership in this quadrant is the Gerrard/Clonmore site which has been the subject of previous applications for apartment development. The Gerrard/Clonmore apartment site is approximately 7.5 hectares (18.5 acres) and is situated on the eastern side of the Quarry Lands.

In 1969, the former Borough of Scarborough Council approved zoning for the Gerrard/Clonmore site to permit four apartment buildings with a total of 1455 units. The apartment development is yet to be built and the site remains vacant. In the past, the apartment site and other lands in the area were used as a sand and gravel quarry and as a municipal landfill. Other industrial uses may also have operated in the area. As a result of the former uses, there are environmental issues on the apartment site and within the broader Quarry Lands area.

In 2003, the owner of the apartment lands applied to the Committee of Adjustment to reduce the required minimum unit sizes for the apartments. The application raised concern in the community. The Committee of Adjustment deferred the application. A confidential report was presented to Council on the matter, at its meeting of September 22, 23, 24 and 25, 2003.

Council directed staff to:

- (1)
 - (a) negotiate with the applicant to achieve an improved development form;
 - (b) request that the variance application now before the Committee of Adjustment be further deferred;
 - (c) request the applicant to bring forward a site plan control application; and
 - (d) request the applicant to respond to environmental matters set out in this report, and
- (2) Council also directed the Commissioner of Urban Development Services to carry out a study of land use policies in respect of that area of land lying east of Victoria Park Avenue, south of the CN rail tracks and fronting on Gerrard and Clonmore.

This report responds to Council's directions.

Comments:

Staff met with the landowner of the Gerrard/Clonmore apartment site in October of 2003 and in May of 2004 to discuss Council's directions. The results of these discussions are outlined below:

- (a) Negotiate with the applicant to achieve an improved development form:

The zoning by-law for the Gerrard/Clonmore site, which was passed in 1969, established performance standards for the permitted apartment uses that are precise with respect to the development form. The by-law includes provisions on how to calculate the maximum number of units based on the area of the site and this provides for 1455 units. It establishes the size of the units and includes provisions to determine the mix of one, two and three bedroom units. The by-law also establishes the location of a proposed new road, and includes setbacks from the new road, existing roads and property boundaries for buildings. These setbacks provide little flexibility with respect to the location of the buildings on the site or the form of the development. As a result, the current Zoning By-law limits the ability to change the form of the development while still achieving the overall permissions established by the by-law.

Staff met with the landowner in May of 2004, to discuss a study of the larger Quarry Lands including the apartment site. The landowner was agreeable at that time to participate in a study. The study provides an opportunity to further explore the development form and the restrictions presented by the zoning by-law.

- (b) Request that the variance application now before the Committee of Adjustment be further deferred.

At its meeting on October 15, 2003 the Committee of Adjustment deferred the application sine die.

- (c) Request the applicant to bring forward a site plan control application:

Staff have requested that the applicant submit a site plan control application. A site plan control application has not yet been submitted. Prior to development, a site plan control approval application would be required to be submitted to the City for review and approval. A site plan control application to develop these lands was submitted by a previous owner in 1988, but was closed by the City in 2002 after years of inactivity.

- (d) Request the applicant to respond to environmental matters set out in this report:

The owner has provided the City with copies of two environmental reports submitted to the Ministry of the Environment (MOE): Landfill Gas Control Report for the Proposed Development prepared by Dames & Moore, Canada in 1996, and Risk Assessment for the Proposed Development of the Gerrard Street East and Clonmore Drive Landfill site prepared by SNC, Lavalin Engineers & Constructors Inc. in 2000.

An Environmental Review was also commissioned by the former City of Scarborough in 1991 for the proposed apartment development. The environmental review was undertaken at the direction of the Minister of the Environment, who in 1990 required the review after considering a petition to have the lands designated for an Environmental Assessment under the Environmental Assessment Act. The Minister declined to designate the site, but required the City of Scarborough to retain a consultant to undertake a review of the proposed development and report on the waste situation.

The City retained McLaren Engineering to undertake the review and it was completed in 1992. The McLaren report was reviewed by the MOE, which asked for additional information. Over the following three years, the consultant undertook further investigations on the site in response to MOE requests. In 1995, the City informed both the MOE and the landowner that the City had met its obligations under the terms of the 1990 Minister's Order and it was up to the proponent to obtain a final approval from the Ministry.

As a result of these past environmental investigations, there is more information about the environmental condition of the apartment site than on the remainder of the Quarry Lands.

Birchcliff Quarry Lands Study – Study Approach:

An approach for undertaking the study of the Quarry Lands and for considering environmental issues in the area is outlined below.

(i) Birchcliff Quarry Lands:

The study will focus on the Birchcliff Quarry Lands (Quarry Lands), situated on the north side of Gerrard Street, south of the CN rail line, east of Victoria Park Avenue and west of Clonmore Drive (Attachment 1). The area has a varied topography with natural vegetation consisting mostly of grassy meadow. There are forested patches on the eastern portion near Clonmore Drive, and extending along the northern boundary of the area. There are wetland pockets on the southern portion of the site near Gerrard Street.

Most of the Quarry Lands are vacant. There are commercial uses including two plazas, three service stations, a car wash and a fast food restaurant. There are nine properties on the Quarry Lands. The City owns one property of about 6.7 hectares (16.7 acres), a portion of which is leased and is used as a driving range. The CN main line that extends along the northern boundary of the Quarry Lands carries a high level of rail traffic including commuter, passenger, freight and switcher trains.

(ii) Planning Context:

Most of the Quarry Lands are designated for High Density Residential uses in the Birchcliff Community Secondary Plan. There are Highway Commercial and mixed use Commercial/Residential designations along Gerrard Street. A Neighbourhood Park designation is in the center of the area. There are two waste disposal sites identified within the Secondary Plan.

The lands along the south side of the rail line are designated Special Study Area. This Special Study Area is associated with the former Scarborough Transportation Corridor (STC). The STC was intended to provide for the extension of the Gardiner Expressway through southern Scarborough to connect to Highway 401. The expressway would have crossed the Quarry Lands. Land use studies for portions of the former STC have been ongoing since 1996. Some of these studies have been completed. The land use study proposed for this section of the STC has not been initiated.

In the new Official Plan, all of the Quarry Lands are designated Mixed Use Areas, with the exception of a Parks and Open Space Areas designation in the center of the area. The policies of the new Official Plan provide for a broad range of commercial, residential, institutional and parks and open space uses in the Mixed Use Areas. The Parks and Open Spaces Areas are generally intended for recreational and cultural activities and facilities.

The current zoning permits a variety of uses on the Quarry Lands. Some of the existing commercial establishments, as well as vacant lands along the rail line, are zoned for Community Commercial uses. There is an area zoned Park abutting the west side of the Gerrard/Clonmore apartment site. There are no facilities in this park. There is a large area on the western half of the Quarry Lands, including land owned by the City, that is zoned Agriculture. The driving range, a service station and a car wash are within this area and there are also permissions in the Zoning By-law for industrial uses in the Agriculture Zone.

(iii) Neighbourhoods Surrounding the Quarry Lands:

The Quarry Lands are in an older area of the City. Although they are located in the former City of Scarborough, the context of the Quarry Lands includes neighbourhoods west of Victoria Park Avenue in the former City of Toronto and Borough of East York. The larger study area extends from Main Street in the west to Birchmount Road in the east, Danforth Avenue to the north and Kingston Road to the south (Attachment 1).

The larger study area was established to give a broader understanding of the neighbourhoods which surround the Quarry Lands: existing land uses, housing, population (number, age, households, immigration, and language), physical infrastructure (capacity of water, storm and sanitary sewer services), transit, road conditions and capacity, and social services and facilities (schools, parks, libraries, daycares and other services). This information will provide a foundation to determine if infrastructure improvements, or additional facilities and services are needed to support future development of the Quarry Lands.

The neighbourhoods to the east and south of the Quarry Lands consist mostly of single and semi-detached houses and townhouses, with some apartment buildings. There is a mix of commercial and apartment uses along Kingston Road to the south. The area north and west is a mixed use area, with a broad range of commercial, residential and industrial uses. This includes Danforth Avenue to the north. A large format Loblaws and service station were recently built on the west side of Victoria Park Avenue opposite the lands. A new neighbourhood is developing on the lands west of the Loblaws.

There is a high level of transit service in this area. There is bus service on Victoria Park Avenue, Main Street, Gerrard Street, and Danforth Avenue; streetcar service on Main Street, Gerrard Street and Kingston Road; and the Bloor Danforth subway with stations at Victoria Park Avenue and Main Street; and a GO Station at Main Street and Danforth Avenue. There is also a community bus that serves this area, with the route extending from the plaza (Shoppers World) at Victoria Park Avenue and Danforth Avenue, to the East York Civic Centre and East General Hospital.

(iv) Study Purpose:

The study considers the future development of the Quarry Lands in a comprehensive fashion. It is the first step in the process of integrating the Quarry Lands into the community in the context of the directions and policies provided by the new Official Plan. The study will provide a framework for planning the new neighbourhood; for considering the infrastructure, streets, parks and local services that exist and that may be needed to support new development and to connect this new neighbourhood with the surrounding fabric of the City.

(v) Study Objectives:

The main objectives of the study are to:

- (i) develop a consultation process that engages the landowners, residents, and other stakeholders in identifying a vision for the future use of the Quarry Lands and principles for future development;
- (ii) identify options for the future development of the Quarry Lands that are consistent with the directions and policies of the new Official Plan;
- (iii) prepare concept plan(s) for the future use of the Quarry Lands; and
- (iv) identify options for the implementation of the concept plan(s) over the longer term.

(vi) Study Process:

The study is proposed to proceed in three phases as follows:

Phase 1: Study Area Profile: Review and analysis of the existing land uses, natural environment, environmental constraints, planning context, housing, demographics, physical infrastructure, transit, transportation network, and community and social services and facilities within the study area.

Phase 2: Vision for the area: Determine principles for development and a vision for the Quarry Lands, and prepare concept plans that reflect this vision.

Phase 3: Implementation Plan: Explore options for implementation including a process for the review of concept plans as new information on the environmental conditions within the area becomes available.

(vii) Phase 1 – Study Area Profile:

Staff have initiated the Phase 1 work and are preparing a study area profile that includes a review of existing land uses, natural environment, environmental constraints, planning context, demographics, transit and transportation services, physical infrastructure, and community services and facilities within the study area. This information will be used to guide the Phase 2 work to develop a vision for the future use of the Quarry Lands and the preparation of concept plans. Staff anticipate completing the Phase 1 report of the Community Profile in March 2005, and this will be presented for the consideration of the Planning and Transportation Committee at its meeting in May 2005.

(viii) Consultation:

A community group, the Friends of the Quarry Lands was formed in 2003, after the minor variance application for the apartment site was submitted. A community meeting was organized by the local community in July of 2003 and approximately 500 residents attended. Staff attended this meeting. An executive committee representing the Friends of the Quarry Lands has been established to represent the larger community. Staff have met with the representatives of the group to discuss the study, and they support the study approach to consider the future use of the Quarry Lands.

Staff met with the owners of the Gerrard/Clonmore apartment site in the spring of 2004 to discuss the study. At that time, they agreed to participate in a study of the larger Quarry Lands. Staff have not had discussions with other property owners within the Quarry Lands area to date. These owners will be contacted to determine their interest in participating in the study.

Other stakeholders will also be invited to participate in the study. Community agencies and service providers, the Toronto District School Board (TDSB), the Toronto Catholic School Board (TCSB), CN Rail, GO Transit, the Toronto Transit Commission (TTC), the Toronto and Region Conservation Authority (TRCA) and the Ministry of the Environment (MOE) are some of the organizations that may have an interest in the study.

(ix) Limitations on the Scope of the Study – Environmental Issues:

The Quarry Lands are situated in an older urban area, surrounded by established neighbourhoods. The past uses on the Quarry Lands present obstacles to the future development of the area. Information on the nature and extent of contaminants and remedial measures that are needed prior to development is available for the Gerrard/Clonmore apartment site, the largest property within the area. This information will be used to inform the study.

The City property, about 6.7 hectares (16.7 acres), is the second largest on the Quarry Lands. The lands are leased and used for a driving range, and local residents use the land for passive recreational activities. Due to the current public use of the City lands, and Council's desire to undertake a land use study that includes the City lands, it is important that more information be known about past uses on the City property, and the potential impacts of these uses. This information would assist in preparing concepts plans and in

exploring options for implementing the concept plans over the longer term. In order to undertake environmental investigations on the City lands, outside consultants with expertise in this area would need to be hired.

In addition to the Gerrard/Clonmore apartment site, there are seven other privately owned properties on the Quarry Lands. Five of these are developed with commercial uses, and two of these properties; a .89 hectare (2.2 acre) and a 0.09 hectare (0.23 acres) property are vacant. These property owners have not been approached to determine whether they would have an interest in participating in undertaking an environmental review on their properties in concert with the City.

Staff propose that a separate report on these matters be presented for the consideration of the Planning and Transportation Committee. The report would include a review of the City lands in the context of existing Provincial environmental legislation and regulations, the nature of the environmental investigations that are needed on the City lands, the expertise that is needed to undertake these investigations and the associated costs. The report will also explore opportunities to work with other landowners in the area to undertake an environmental review on their lands in concert with the City. This would provide a more complete understanding of the environmental conditions in the larger area and provide an opportunity to discuss the possibility for cost-sharing of the environmental review.

Other Issues – Ontario Municipal Board Appeal:

At its meeting of November 26, 27 and 28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board and pre-hearing conferences are taking place. The next pre-hearing conference has been scheduled for March 29, 2005 and it is anticipated that the Board will set the hearing date at that time.

Gerrard Clonmore Developments Ltd., the owner of the apartment site, has appealed the new Official Plan with regard to the Mixed Use Areas designation of the lands on the north side of Gerrard Street. As agreed by the parties at the first prehearing conference in April 2004, all appeals were divided into five categories based on the specifics of each appeal. Gerrard Clonmore Developments' appeal is on the list pertaining to sites that are either awaiting finalization of on-going planning studies, or for which planning applications are going to be submitted in the near future. Following the most recent prehearing conference in December 2004, the Board directed that parties with appeals on this list provide an update at the next prehearing conference as to the status of their appeals and the progress of the planning studies and applications. An update on the status of the Quarry Lands planning study will be provided to the Ontario Municipal Board at the March 29, 2005 prehearing conference.

Conclusions:

At its meeting of September 22, 23, 24 and 25, 2003 Council directed that staff conduct a study of the Birchcliff Quarry Lands. A study of the Quarry Lands is appropriate as it provides the opportunity to begin the process of integrating these lands within the larger community. It is intended to provide a framework for considering future development in the area, by determining the general development pattern that is desired, potential street layouts, the range of uses that are appropriate, and the parks and open space areas, all in the context of the directions and policies of the new Official Plan.

Issues with respect to the past industrial uses and the potential impacts of these uses on the City lands should be explored further. Staff recommend that a separate report on these matters be presented for the consideration of the Planning and Transportation Committee.

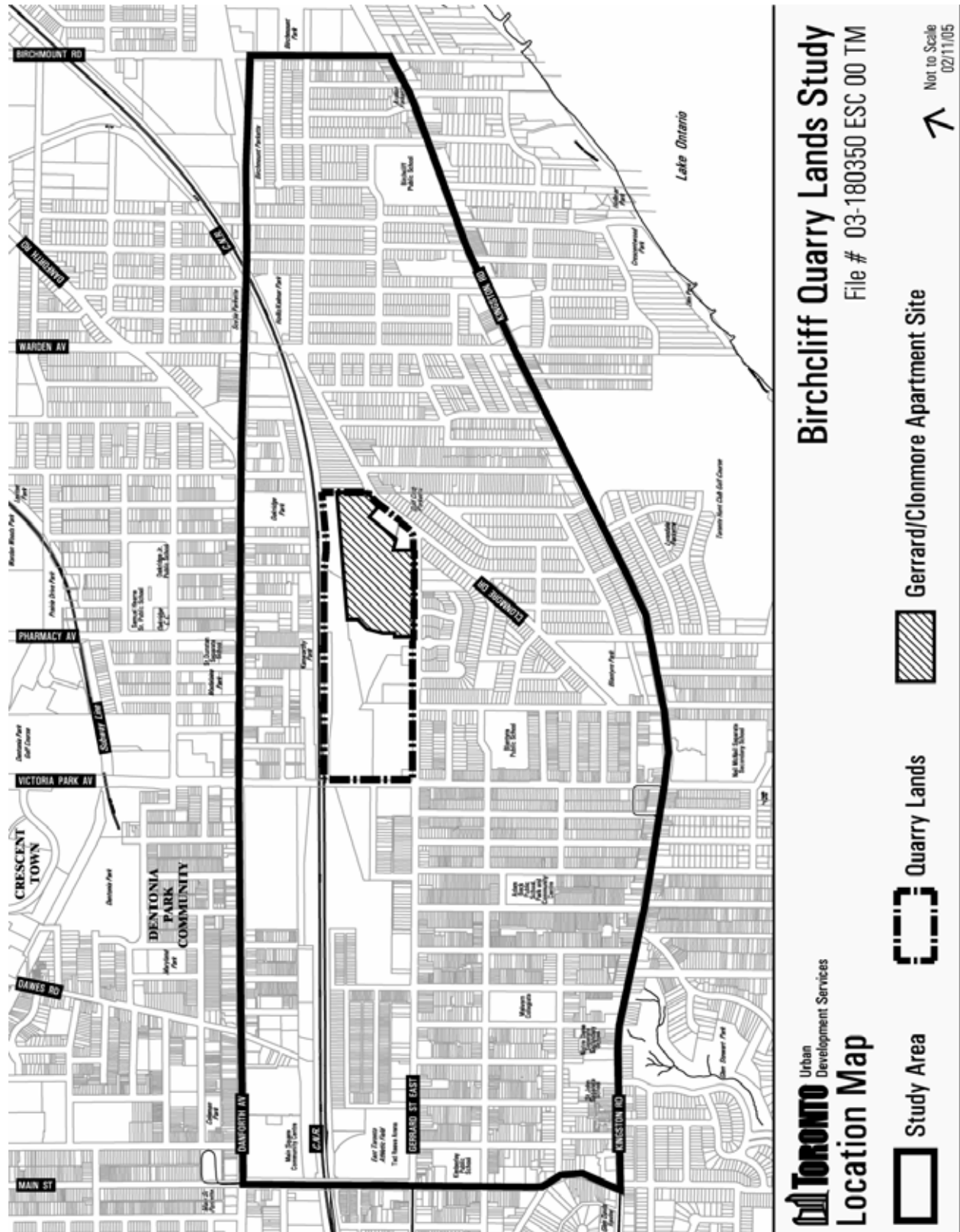
Contact:

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Fax: (416) 396-4265, E-mail: smcalpin@toronto.ca

List of Attachments:

Attachment 1 – Birchcliff Quarry Lands, Study Area and Apartment Site
Attachment 2 – Study Approach for the Birchcliff Quarry Lands

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Attachment 2 – Study Approach for the Birchcliff Quarry Lands

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(ix) Limitations on the Scope of the Study – Environmental Issues:

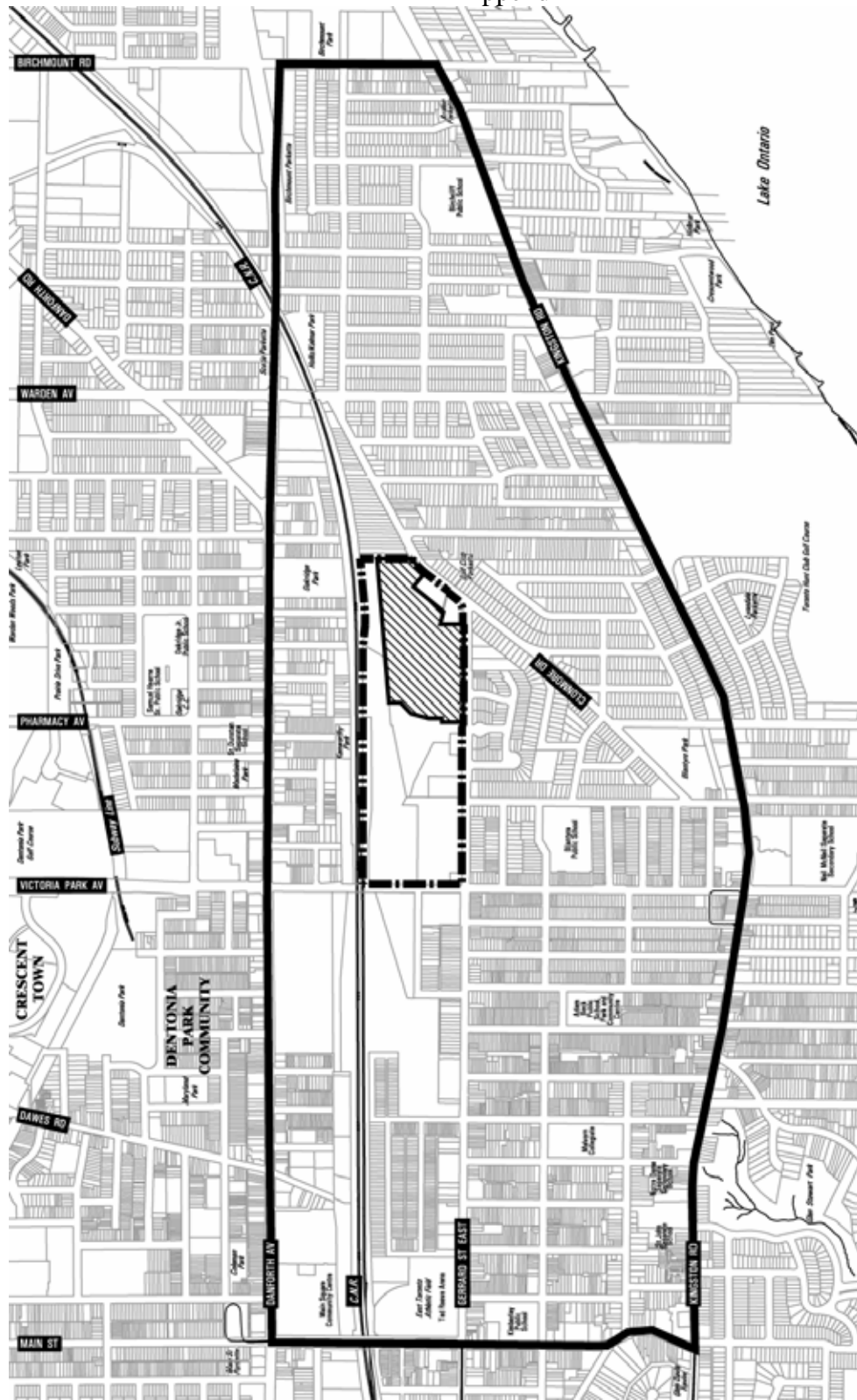
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Appendix 'A'



Toronto Urban Development Services
Location Map

Birchcliff Quarry Lands Study
File # 03-180350 ESC 00 TM

Not to Scale 02/11/05

Study Area

Quarry Lands

Gerrard/Clonmore Apartment Site

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