



Suzan Hall

City Councillor
Ward 1 – North Etobicoke

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MEMO

To: Government Management Committee (April 28th meeting)
From: Councillor Suzan Hall
Date: April 9, 2010
Re: **Request for City purchase of 91 Baywood Road**

91 Baywood Road is located in Ward 1 – Etobicoke North. It currently has a cement batching plant on the site that was approved by City Council in April 2001. A decision was made without considering all pertinent information at the time.

For many years, residents in the immediate residential neighbourhood have voiced concerns about noise levels, air pollution, environmental degradation, health risks and increased heavy truck traffic. As well, an elementary school (Monsignor John Corrigan) is located east of the site where health impacts on school children have raised by staff and parents alike.

Municipal Licensing & Standards, Planning, City Legal and Ministry of the Environment have investigated numerous complaints. Since 2001, over 40% of residents have moved and property values have been impacted.

I am requesting that Real Estate division staff look into the feasibility of purchasing this site for the City. Given the creation of the upcoming harmonized zoning bylaw, the property can be reviewed for possible parkland, an athletic facility or another appropriate use. Given the city's dire financial situation the land could even be declared surplus and released to the market place once the zoning has been revised.

Prior to the advent of the cement plant, 91 Baywood Road was vacant C1 industrial land which prohibited cement batching plant uses. In 1978, certain industrial uses like cement batching were not included as permitted light industrial uses (Bylaw 1978-40). Even though industrial portion of the bylaws for all of the former municipalities were harmonized and codified, the specific bylaw for Baywood was untouched. Planning staff incorrectly allowed the cement batching use because they thought it was permitted when it was not. In 2001, this was rectified and zoning could not be applied retroactively.

The original cement plant operator proceeded to build the facility and equipment installation without obtaining site plan approval and required building permits. They were permitted to obtain the required approvals by city staff after the fact without penalty although many residents raised concerns of the failure to comply with municipal regulations.

The current cement operator cannot expand their business operations to satisfy customer demand due to firm community opposition and concerns about environmental impacts. On the

NOTICE OF MOTION

Request for City purchase of 91 Baywood Road

Moved by: Councillor

SUMMARY:

91 Baywood Road is located in Ward 1 – Etobicoke North. It currently has a cement batching plant on the site, with zoning approval given by City Council in April 2001. This decision was made without considering all pertinent information at the time.

Since then, impacted residents have voiced concerns about noise levels, air pollution, environmental degradation, health risks and excessive heavy truck traffic. An elementary school (Monsignor John Corrigan) located immediately east of the site has been greatly impacted as well.

Prior to the advent of the cement plant, 91 Baywood Road was vacant C1 industrial land which expressly prohibited cement batching plant uses. In 1978, certain industrial uses like cement batching were not included as permitted light industrial uses (Bylaw 1978-40).

The original cement plant operator proceeded to build the facility and equipment installation without obtaining site plan approval and required building permits. They were supported in obtaining the required approvals by city staff after the fact.

Though the industrial portion of the bylaws for all of the former municipalities were harmonized and codified, the specific bylaw for Baywood remained untouched. Therefore, planning staff incorrectly supported the cement batching use when it came to Council as Report No. 3 of the West Community Council in 2001. After approval was obtained, based on staff recommendations, this zoning error was identified and the zoning adjustment was grandfathered for 91 Baywood Rd.

Over the years, residents have had to endure dangerous dust and decibel levels and the reduction in the enjoyment of their properties, especially in the summer months. The Ministry of the Environment has also conducted various emissions tests. Presently, the current cement operator cannot expand the business operations to satisfy customer demand due to firm community opposition and concerns about environmental impacts.

RECOMMENDATIONS:

1. That City Real Estate and Legal Divisions review all pertinent information provided by Councillor Hall related to this property, verified through City documentation.
2. That City Real Estate confirm with Municipal Licensing and Standards, Toronto Public Health and the Ministry of the Environment on the impact that the cement factories have had on the community.

3. Based on the documentation and consultation review, consideration be given for the City to negotiate with the owners of 91 Baywood Road (Metrix Ready Mix Limited) to purchase the property at market value or commence expropriation proceedings.
4. Should it be purchased by the City, and City divisions are unable to utilize the land, the land could be declared surplus and released to the market place once the zoning has been revised to remove the grandfathering of the current use.
5. That a report by City Real Estate come back to the Government Management Committee with recommendations and options with respect to 91 Baywood Road.