

**Zoning By-law Amendment for the Consumers Road Employment Area – Final Report**

<b>Date:</b>	August 24, 2011
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 33 – Don Valley East
<b>Reference Number:</b>	09 172371 NNY 33 OZ

**SUMMARY**

In October 2009 City Council enacted an interim control by-law for the Consumers Road Employment Area prohibiting new places of worship for a period of one year. In August 2010 Council extended the interim control by-law for one additional year to October 2011 pending the completion of a study of places of worship in this area. This report reviews the policies and regulations pertaining to places of worship in this area.

The current zoning of lands within the Consumers Road Employment Area does not implement the intent of the Official Plan. There is a disconnect between Plan policy direction and its implementation. The Plan indicates that *Employment Districts* are to be protected from the encroachment of non-economic functions and promoted for economic activity and that the prime economic function of *Employment Areas* is business and economic activity. Current zoning permits places of worship as-of-right on all properties in the employment area subject to provisions related to impacts on residential zones.



Within this current zoning framework there is no opportunity to fully examine the impacts of places of worship on employment uses.

This report proposes to amend Zoning By-law No. 7625 for the Consumers Road Employment Area to prohibit places of worship in this area. A proposal for a new place of worship would require a rezoning. An existing place of worship would be permitted to continue. The approach recommended in this report would enable staff to undertake a comprehensive review of the impacts of a proposal for a place of worship on a site by site basis.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend former City of North York Zoning By-law No. 7625 for the lands shown as the Consumers Road Employment Area substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. In the event the proposed amendment is appealed to the Ontario Municipal Board, the City Solicitor and City Staff be authorized to appear before the Ontario Municipal Board in support of the recommendations contained within this report.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

City Council, at its meeting of October 1, 2009, enacted Interim Control By-law 889-2009 for the Consumers Road Employment Area for a period of one year. The By-law prohibited new places of worship from locating in the Consumers Road Employment Area. City Council also directed City Planning staff to review the existing regulations pertaining to places of worship for the area and to determine if new regulations are required.

On August 27, 2010 City Council enacted Interim Control By-law 1028-2010 extending the period of interim control for an additional period of one year to October 1, 2011. The staff report recommending the initial Interim Control By-law is available at the following web link: <http://www.toronto.ca/legdocs/mmis/2009/mm/bgrd/backgroundfile-23984.pdf>

On February 8, 2011 City Council enacted By-law 199-2011, a By-law that exempts 270 Yorkland Boulevard, a property owned by Abu-Huraira Mosque Inc., from interim

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control. The owner had filed a Site Plan Control application to permit additions and alterations to the building just prior to the enactment of the By-law and was unaware that interim control would affect their application. Given the timing of the application, City Council deemed it appropriate to exempt the site from interim control.

## **ISSUE BACKGROUND**

### **Site and Surrounding Area**

The Consumers Road Employment Area encompasses the lands bounded by Sheppard Avenue east to the north, Victoria Park Avenue to the east, Highway 401 to the south and Highway 404 to the west (see Attachment No. 1). This employment area is one of a series of employment districts located along the Highway 404/Don Valley Parkway corridor.

### **Previous Studies**

Places of Worship have been studied in the North York area in the past.

In 1987, former City of North York Council established the Mayor's Task Force on Places of Worship. The recommendations of the Task Force resulted in changes to the North York Zoning By-law No. 7625 including a new definition, increased parking rates, new landscaping requirements, establishing a maximum gross floor area, creating separation distances between places of worship and adding places of worship as a permitted use in C1 and C2 (Commercial) zones and all of the M (Industrial) zones.

In 1994, former City of North York Council passed two Interim Control By-laws that prohibited places of worship in select industrial zones and directed Planning staff study the appropriateness of the zoning regulations that applied to places of worship in these areas. The recommendations of the study resulted in changes to North York Zoning By-law No. 7625 including a restriction on the location and the amount of floor space of places of worship in relation to the type of road upon which they are located; limitations on front yard parking; and revised parking rates.

Details of the zoning regulations are summarized in the Zoning section of this report.

### **Official Plan**

The Consumers Road Employment Area is identified as an *Employment District*, on Map 2, Urban Structure, in the Official Plan. The Plan states *Employment Districts* are to be protected and promoted exclusively for economic activity in order to maintain and grow the City's tax base, attract new, and expand existing employment clusters, develop quality *Employment Districts* that are globally competitive, nurture Toronto's economic base, and provide a range of employment opportunities for Toronto residents.

In addition to being identified as an *Employment District* on Map 2, the Consumers Road Employment Area is designated *Employment Area* on Map 19 of the Official Plan (Attachment No. 4). Uses that support the function of *Employment Areas* include offices,

manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small-scale stores and services that serve area businesses and workers. Within *Employment Areas*, places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges or universities may locate only on major streets, as shown on Map 3. The major streets for this *Employment District*, as identified on Map 3, are Sheppard Avenue East, Victoria Park Avenue, a portion of Consumers Road, the south leg of Yorkland Boulevard and Yorkland Road (see Attachment No. 2). Properties along these streets account for over 82% of the land area in the Consumers Road Employment Area.

The Official Plan also establishes development criteria in *Employment Areas* for these areas to function well and be attractive. The criteria includes, but is not limited to, avoiding excessive car and truck traffic on the road network, creating an attractive streetscape and screening parking, loading and service areas.

The study area is not subject to any Site and Area Specific Policies in the Official Plan.

At its May 6, 2009 meeting Planning and Growth Management Committee requested the Chief Planner to review the Employment Areas policies of the Official Plan and assess the impact of the policies on the prime economic function of employment areas. The Chief Planner reported back to Planning and Growth Management Committee in May 2010 with possible amendments to policies 4.6.1, 4.6.2 and 4.6.3 dealing with permitted uses in *Employment Areas* and obtained instruction from Committee to undertake community consultation on these proposals. In the fall of 2010 staff held two public open houses and a number of stakeholder meetings on these proposals.

The May 2010 staff report noted that a significant increase in places of worship within *Employment Areas* has raised concern with respect to the long-term stability and viability of these important areas of business activity and economic growth. The report indicates that over the years, places of worship have located in *Employment Areas* across the City for a variety of reasons including zoning permission, space availability and cost. The report notes between 2002 and 2009, the number of places of worship in *Employment Districts* increased substantially from 196 to 317.

The further review of Official Plan employment policies and designations is being undertaken as part of the Official Plan Review and Municipal Comprehensive Review.

## **Zoning**

The Consumers Road Employment Area is zoned MO (Industrial-Office Business Park Zone). The MO Zone permits a range of industrial, office and commercial uses as well as some institutional uses including places of worship. Section 6(26) of the former City of North York Zoning By-law No. 7625 contains specific development standards related to places of worship in industrial areas, and prescribes minimum separation distances;

maximum number of places of worship per block; parking requirements; maximum gross floor area; and landscape open space requirements as follows:

- A maximum gross floor area of 2,787 m<sup>2</sup>.
- For sites in industrial zones that are located closer than 500 metres from a lot in a residential zone and are on a road that is not an arterial or minor arterial road:
  - Only one place of worship per block is permitted; and
  - No place of worship on a lot that abuts a road that is not an arterial or minor arterial road may be located within 500 metres of another place of worship on a lot that abuts a road that is not an arterial or minor arterial road.

The intent is to limit the number of places of worship that are closer than 500 metres from a residential zone and where traffic created by the place of worship would impact the nearby residential area.

- The zoning by-law defines arterial and minor arterial roads. In the case of the Consumers Road Employment Area, the arterial roads are Sheppard Avenue East and Victoria Park Avenue. There are no minor arterials within the employment area (see Attachment No. 2).
- The zoning by-law sets a minimum parking standard for places of worship of 1 parking space per 4.7 m<sup>2</sup> of floor area of the main worship area, or 1 parking space per 21 m<sup>2</sup> of gross floor area, whichever is greater.
- In addition, the zoning by-law requires that
  - all parking spaces are to be provided on the same lot as the place of worship;
  - parking spaces are to be located in the rear and side yards only, except that 4 parking spaces are permitted in the minimum front yard setback; and
  - where the front yard exceeds 9 metres, the excess yard may be used for parking.

## **Community Consultation**

A community consultation meeting was held on July 19, 2011 to provide background on the study area and obtain input from the community on the impact of places of worship in the area, whether the use should be permitted and whether changes to the current regulations should be considered. Three members of the public attended the meeting. No concerns were expressed by the attendees. Following the meeting Planning staff received

two phone calls and two emails from members of the public. Aside from indicating they had not received the notice in a timely fashion, no concerns were expressed.

## **COMMENTS**

### **Purpose and Objectives of the Study**

As requested by City Council, a planning study was undertaken by the City Planning Division. With the changes in provincial and municipal policies regarding employment areas and the protection of employment lands, in addition to recent pressure to convert employment lands in the area to non-employment uses, Council considered it appropriate to review the current planning policies and zoning permissions pertaining to places of worship in this area and, if necessary, recommend revised planning policies and/or zoning standards.

The study reviewed the location and characteristics of existing land uses including the size, location, and parking requirements of existing places of worship. In addition, an analysis of employment uses within the study area was undertaken which included identifying employment trends and changes over time, and tracking vacancy rates in the area.

### **Land Uses in the Consumers Road Employment Area**

The Consumers Road Employment Area comprises approximately 79 hectares (195 acres) of land. It is one of several office parks established in the 1960's along the Don Valley Parkway/Highway 404 corridor.

Within the study area, Sheppard Avenue East and Victoria Park are identified as *Avenues* in the Official Plan. These two roads are major arterial roads that are intended to have 36 metre right-of-way widths. Map 4 of the Official Plan identifies Sheppard Avenue East as a planned Higher Order Transit Corridor extending easterly from the existing Don Mills subway station. There is a recently approved Environmental Assessment for the TTC Sheppard East LRT. The planned LRT line would run underground from the Don Mills station beneath Highway 404 and would emerge above grade at a planned Consumers Road stop. East of Consumers Road, the LRT line would run at grade within the centre median of Sheppard Avenue East, with an additional stop at Victoria Park Avenue within the study area. There are ongoing discussions regarding the possible conversion of the Sheppard Avenue LRT line to a full subway.

The south side of Sheppard Avenue East between Highway 404 and Victoria Park Avenue can be characterized as having a broad mix of uses. Within the study area the mix of existing and approved uses include low density, automobile-oriented commercial uses; low rise and high rise office uses; and high density residential uses, including Monarch's Heron's Hill development at Yorkland Road and the proposed Atria IV development at Settlers Road.

The west side of stretch of Victoria Park Avenue between Sheppard Avenue East and Highway 401 is developed with office buildings and large surface parking lots.

There are about 60 buildings in the employment area. The area is comprised primarily of office buildings, ranging in height from 1 to 18 storeys, surrounded by large surface parking lots. In 2010, the area contained 611 establishments and almost 20,000 employees, an increase of 5% and 20% respectively from 2007 levels. Office employment comprises over 95% of the total employment in the area. The area has attracted many high profile companies including Shoppers Drug Mart, Enbridge Gas Distribution, Direct Energy, Rogers Communications, Sun Life Assurance, Universal Music and Hallmark Canada.

There are five places of worship located in the employment area (see Attachment 2) which include: 45 Hallcrown Place; 225 Consumers Road; 260 Yorkland Boulevard; 270 Yorkland Boulevard; 280 Yorkland Boulevard. Two of the existing places of worship have located in this area in the past five years (270 and 280 Yorkland Boulevard). An application for Site Plan approval is being processed for 270 Yorkland Boulevard to renovate and expand the existing building to accommodate a range of uses including a place of worship, community centre, gymnasium and classrooms for religious educational purposes. As noted previously, in view of date of submission of the application, City Council exempted the property from interim control.

The place of worship at 45 Hallcrown Place was established in 1979 while the places of worship at 225 Consumers Road and 260 Yorkland Boulevard were established in 1995 and 1996 respectively.

The following table summarizes pertinent site data of the existing places of worship in the Consumers Road Employment Area:

<b>Location</b>	<b>Lot Area</b>	<b>Bldg. Gross Floor Area</b>	<b>Size of Worship Area</b>	<b>No. of Parking Spaces</b>
45 Hallcrown Place	10,460m <sup>2</sup>	6,033m <sup>2</sup>	1,044 m <sup>2</sup>	99 spaces
225 Consumers Road	4,127m <sup>2</sup>	1,875m <sup>2</sup>	423m <sup>2</sup>	70 spaces
260 Yorkland Blvd.	11,978m <sup>2</sup>	4,016 m <sup>2</sup>	764 m <sup>2</sup>	179 spaces
270 Yorkland Blvd.	6,315m <sup>2</sup>	6,013 m <sup>2</sup>	1,848 m <sup>2</sup>	145 spaces
280 Yorkland Blvd.	3,511 m <sup>2</sup>	3,511 m <sup>2</sup> (Proposed)	714 m <sup>2</sup> (Proposed)	100 spaces (Proposed)

At least two of the places of worship have additional uses associated with them such as a day nursery and classroom space for religious education. As shown in the table, with the exception of 225 Consumers Road, the places of worship are large buildings with gross

floor areas that exceed the size limit of 2,787 m<sup>2</sup> in the existing Zoning By-law. Each of them has obtained Committee of Adjustment approvals to address zoning matters pertaining parking, gross floor area or location.

### **Importance of the Area as a Viable Employment District**

Staff in Business Services of Economic Development and Culture report the Consumers Road Employment Area is a functional, unique and important district that generates positive economic impact for the City. The area has a relatively stable employment base, has experienced growth in value added sectors and contains several high profile head offices. Its central position in the GTA has attracted and retained companies seeking a location with excellent access to Highways 401 and 404, and proximity to Pearson International Airport and downtown Toronto. Companies with head offices in the area include Shoppers Drug Mart, Enbridge Gas Distribution, Universal Studios Canada and Hallmark.

Economic Development and Culture staff note the office vacancy rate in the area is higher than the City of Toronto average. This reflects the overall trend for offices to relocate from the suburbs to the downtown core and also the predominance of Class B and Class C space in this area. Class B and Class C buildings attract tenants looking for value and a non-marquee office presence. It is not unexpected to find higher vacancy rates and more difficulty in attracting and retaining tenants in Class B and Class C buildings. Higher vacancy rates provide opportunities for price sensitive businesses to lease office space within the City and enables them to access the excellent transportation infrastructure and significant labour force within a reasonable commuting distance.

Although the Consumers Road Employment Area has not experienced any new office development it generally maintains an inflow/outflow of both new and established businesses. Investment and upgrades continue in the maintenance of these office buildings and the area remains a vibrant and active place of employment.

### **Impacts of Places of Worship on Employment Areas**

Economic Development and Culture staff work to attract and retain employment uses in the Consumers Road Employment Area through the use of property tax incentives, Gold Star Service and sector development services. In their opinion, permitting places of worship in employment areas is in direct conflict with these efforts. To assist in achieving the employment forecasts for 2031 as discussed in the Growth Plan for the Greater Golden Horseshoe and provide certainty in land use, Economic Development and Culture staff advise the supply of land in Employment Districts employment lands must be protected from sensitive and other non-employment uses. Places of worship in employment areas have the potential to create land use conflicts that can harm or reduce the amount of economic activity taking place. These conflicts can include:

- traffic congestion; disruption to truck movements; parking scarcity especially at peak use times and traffic congestion created by pick up-drop off points;

- places of worship often include additional activities and operate as community hubs involving daycare, educational facilities, senior services, banquet halls, and outdoor recreational facilities. These additional uses increase the potential for conflict.
- the ability to obtain a Certificate of Approval from the Ministry of Environment. Certificates of Approval seek to mitigate conflict from noise, dust and odour from industrial uses. The proximity of industrial sites to sensitive uses such as place of worship can alter the Certificate of Approval requirements making mitigation more onerous and costly. The consequences of not successfully obtaining a Certificate could lead to termination of its operation or accruing fines until mitigation measure are in place. Depending on the type of industry this will not only impact adjacent parcels but a much broader "area of influence" within the area.
- The City's Noise By-law contains an even more stringent requirement for noise in relation to places of worship. The By-law states "*No person shall make, cause or permit the emission of sound that disturbs a religious ceremony in a place of worship.*" The City should be limiting the exposure of employment uses to this risk.
- Places of worship replace potential commercial/industrial assessed value with a tax exempt use and therefore reduce overall tax revenues. This increases the property tax burden on other assessed properties which is not in the City's financial advantage. Typically municipal taxes paid by the owners of commercial/industrial properties are significantly higher than the costs incurred to provide these properties with services. The taxes paid by this sector therefore subsidize other property classes.

In view of the above, staff are recommending the zoning by-law be amended to prohibit new places of worship from locating within the boundaries of the Consumers Road Employment Area on an as-of-right basis. Planning staff support this recommendation. The objective of the By-law regulation dealing with places of worship in industrial areas is to mitigate the impact of traffic generated by places of worship on nearby residential areas. It is not effective at mitigating the impacts of places of worship on employment uses. Requests for permission to establish a place of worship should be considered through an amendment to the zoning by-law. Such application would enable staff to undertake a more comprehensive review of a proposal including, among other matters, an assessment of the concerns expressed by Economic Development and Culture staff.

### **North York Zoning By-law No. 7625**

The current zoning of lands within the Consumers Road Employment Area does not implement the intent of the Official Plan. There is a disconnect between Plan policy direction and its implementation. The Plan indicates that *Employment Districts* are to be protected from the encroachment of non-economic functions and promoted for economic

activity and that the prime economic function of *Employment Areas* is business and economic activity. Current zoning permits places of worship as-of-right on all properties in the employment area subject to provisions related to impacts on residential zones. As such, there is no opportunity to fully examine the impacts of places of worship on employment uses.

The current as of right zoning permission has the potential to create a large number of places of worship in the area. In view of the concerns expressed by Economic Development and Culture staff and Official Plan policy staff is recommending North York Zoning By-law No. 7625 be amended to prohibit places of worship in the Consumers Road Employment Area. A legally established place of worship would be considered legal non-conforming. A new place of worship would require a rezoning application. The recommendation would enable staff to fully assess a proposal for a place of worship on a site by site basis including the concern expressed by Economic Development and Culture staff regarding land use conflicts. As well, it would assist in addressing the discrepancy between Zoning By-law No. 7625 and Official Plan policy dealing with the location of places of worship in the Consumers Road Employment Area.

### **City of Toronto By-law**

On May 18, 2011 City Council repealed City wide Zoning By-law 1156-2010 and directed staff to prepare a revised By-law for City Council approval. Among other matters, the new By-law attempted to address the existing disconnect or discrepancy between the Official Plan policy direction and its implementation by prohibiting them in new employment-industrial zoning categories.

By-law 1156-2010 established an Employment Industrial Office Zone (EO) which was to apply to employment lands such as the lands in the Consumers Road Employment Area and establish Institutional Zoning categories to accommodate uses such as hospitals, educational uses, schools and places of worship. The purpose of the EO zone was to provide for a mix of manufacturing and office land uses that could co-exist with each other in an employment setting. Places of worship were not included as a permitted use to be consistent with Official Plan policy. While an existing place of worship would be considered legal no-conforming, new places of worship would require a rezoning. Until such time as a new zoning by-law is enacted, it is appropriate to apply this approach for places of worship in employment areas to the Consumers Road Employment Area.

### **Conclusion**

There are five places of worship in the Consumers Road Employment Area. The roles of some places of worship have evolved over time, and as such, their land use needs have changed. Many places of worship will continue to be community or regional religious centres, acting as centres for social, recreational, and educational activities for the patrons of that congregation, and at times, the larger community. It is an objective of the Official Plan to protect employment districts from non-economic functions and promote them exclusively for economic activities.

This report proposes to amend the Zoning By-law for the Consumers Road Employment Area to prohibit places of worship in this area. Applications to establish a place of worship would now require rezoning to allow for a comprehensive review of the impacts of places of worship on the employment uses on a site by site basis. A legally established place of worship would be considered legal non-conforming.

## **CONTACT**

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## **SIGNATURE**

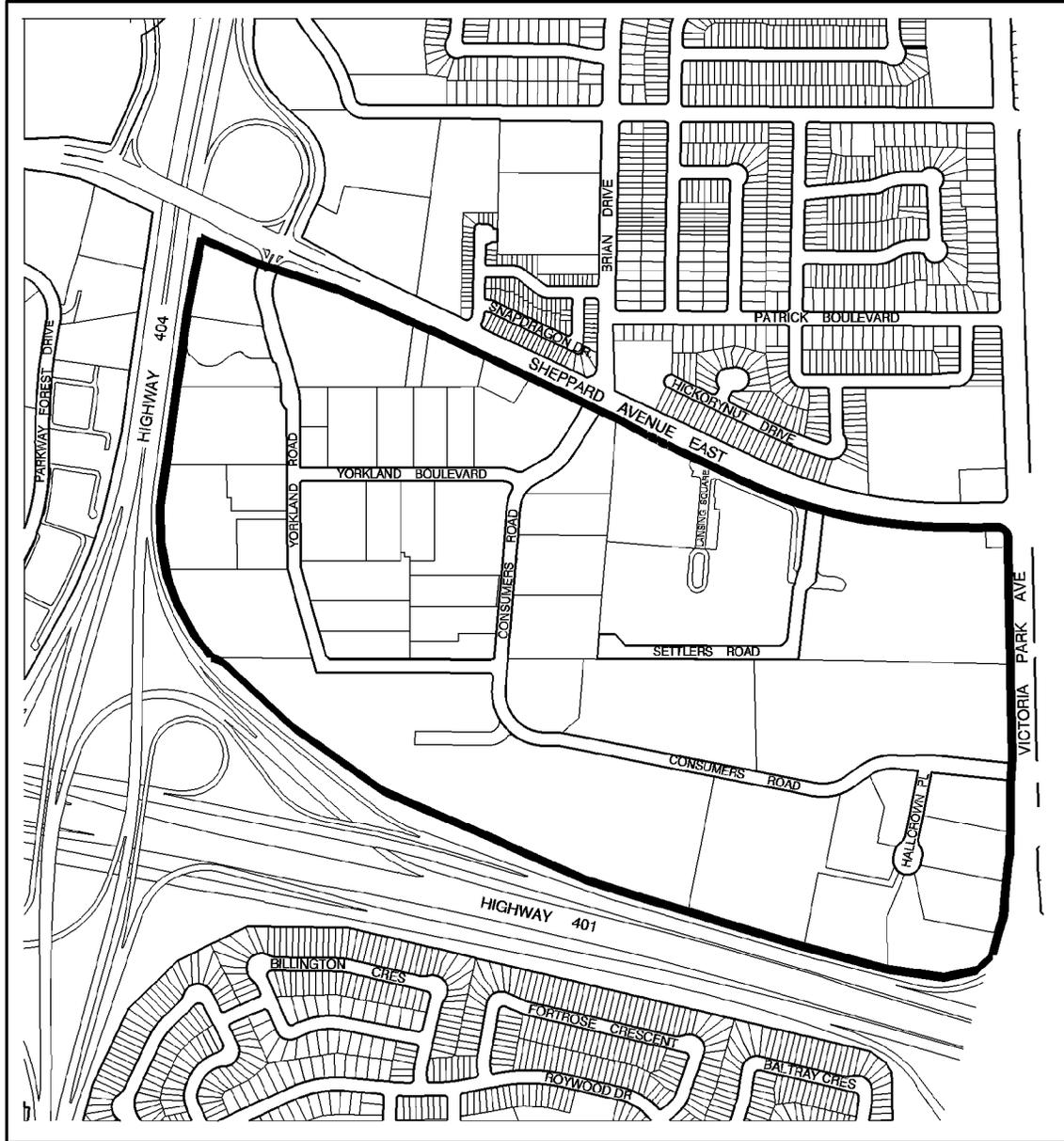
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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Consumers Road Employment Area  
Attachment 2: Map of Existing Places of Worship  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Draft Zoning By-law

# Attachment 1: Consumers Road Employment Area



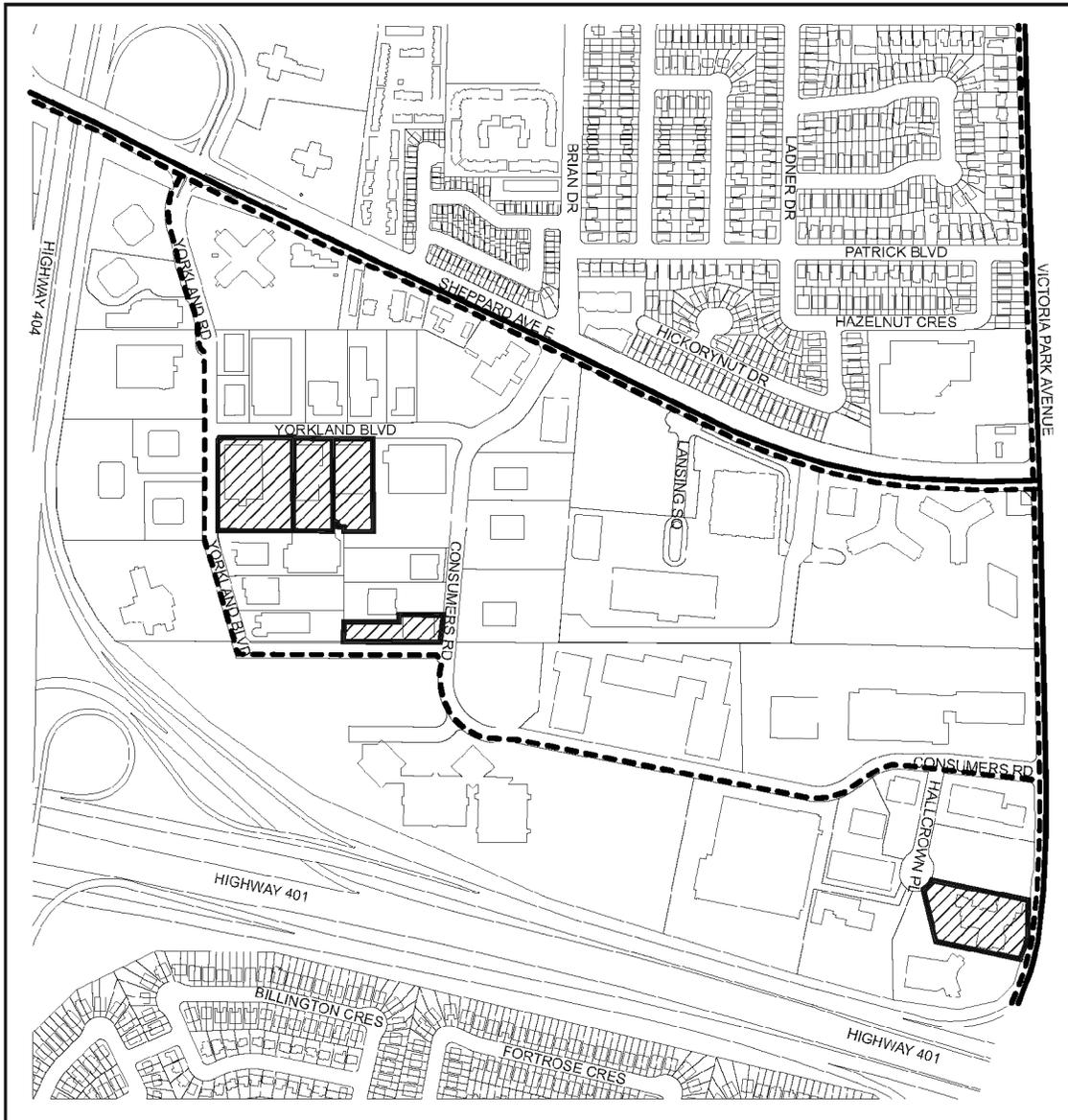
## Area of Interim Control Bylaw

File # 09 172371 NNY 33 0Z

Date: 07/15/2011  
Approved by: S. Forrester



## Attachment 2: Map of Existing Places of Worship



### Consumers Road Employment Area

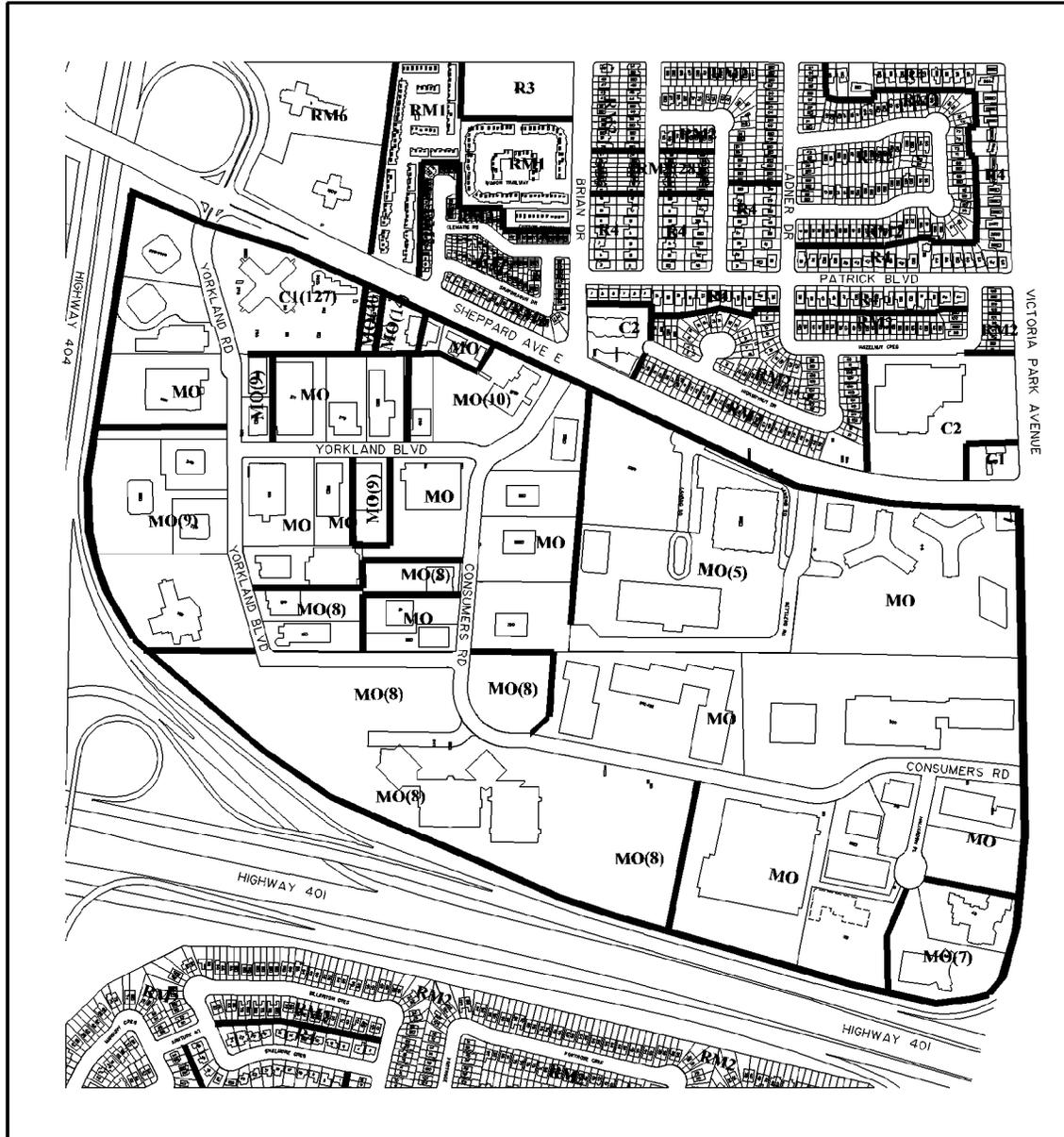
### Existing Places of Worship

File # 09 172371 NNY 33

-  Place of Worship
-  Major Streets as shown on Map 3 of Official Plan
-  Arterial & Minor Arterial Roads as per North York Zoning By-Law 7625



### Attachment 3: Zoning



**TORONTO** City Planning  
Zoning

### Consumers Road Employment Area

File # 09 172371 NNY 33 0Z

- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

- C1 General Commercial Zone
- C2 Local Shopping Centre Zone
- MO Industrial Office Business Park Zone

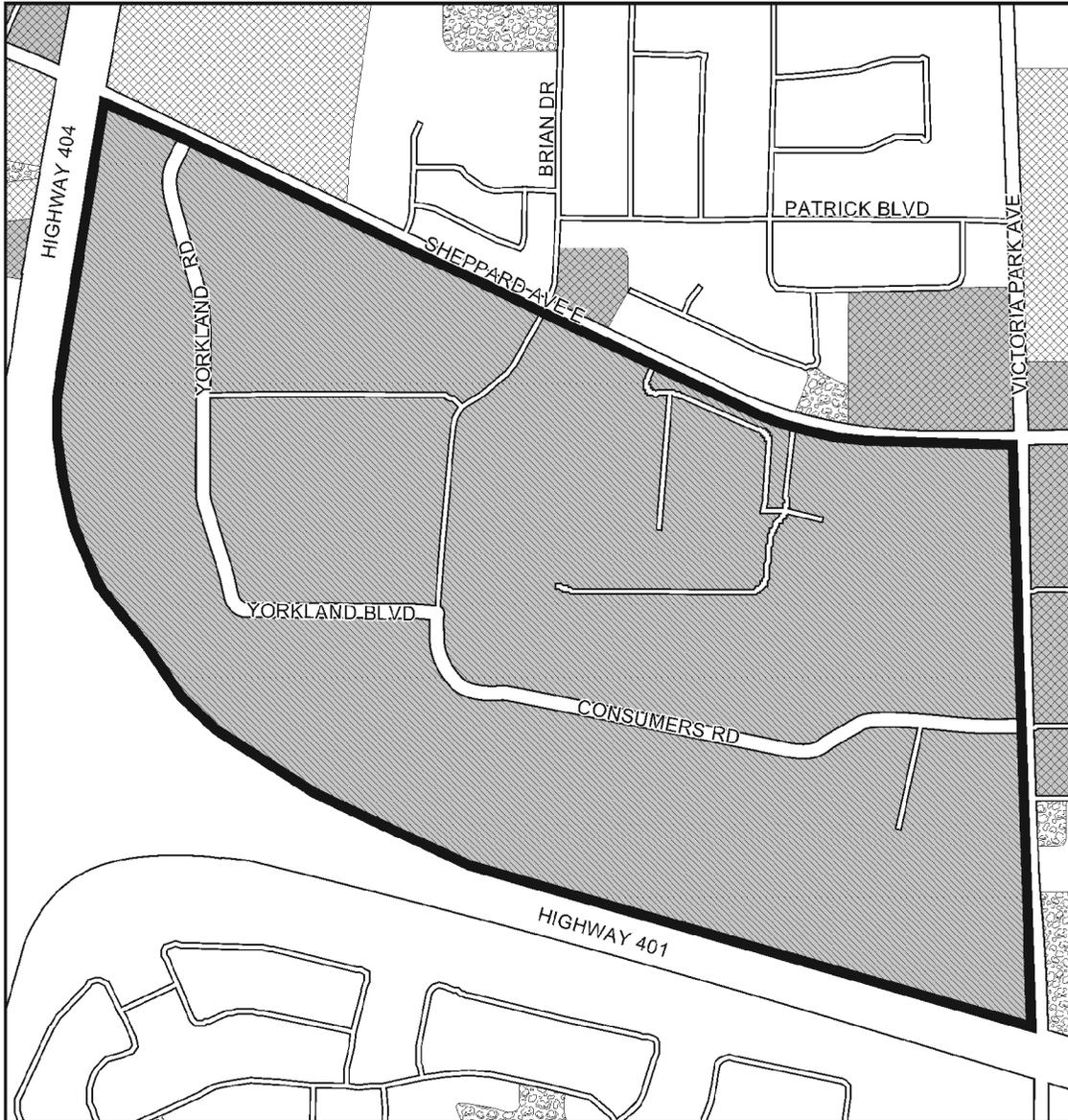
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
Zoning By-law 7625  
Extracted 07/15/2011

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## Attachment 4: Official Plan



**TORONTO** City Planning  
**Official Plan**

### Consumers Road Employment Area

File # 09 172371 NNY 33

 Site Location	 Parks & Open Space Areas
 Neighbourhoods	 Parks
 Apartment Neighbourhoods	 Employment Areas
 Mixed Use Areas	

  
 Not to Scale  
 07/15/2011

## **Attachment 5: Draft Zoning By-law Amendment**

Authority: North York Community Council Item No. as adopted by City of Toronto Council on ~, 2011.  
Enacted by Council: ~, 2011

### **CITY OF TORONTO Bill No. ~ BY-LAW No. --2011**

#### **To amend former City of North York Zoning By-law No. 7625**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Section 34(2)(b) Use Qualifications of By-law No. 7625 of the former City of North York is amended by adding the following new subsection:

#### **“(vii) Place of Worship**

A place of worship shall not be permitted on any lands shown within the heavy lines on the map below, except that a place of worship is permitted provided it existed on the same lot on September 12, 2011, and in such case Section 6(27) shall be deemed not to apply."

