

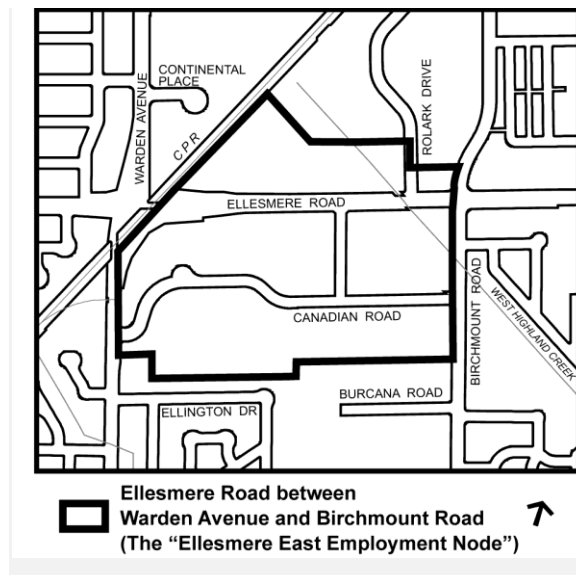
Ellesmere Road – Interim Control By-law – Final Report

Date:	November 8, 2013
To:	City Council
From:	Chief Planner and Executive Director, City Planning
Wards:	Ward 37 – Scarborough Centre
Reference Number:	P:\2013\Cluster B\PLN\City Council\CC13096 13 243191 ESC 37 OZ

SUMMARY

Staff are recommending a study of land use permissions in the area between Warden Avenue and Birchmount Road, north and south of Ellesmere Road (the "Ellesmere East Employment Node Land Use Study"). This Ellesmere East Employment Node Land Use Study will assess the compatibility of established employment uses with the array of use permissions that exist through in-force zoning, in particular the permission for recycling/recovery facilities.

This report proposes that an Interim Control By-law be adopted to prohibit new recycling/recovery facilities for the lands north and south of Ellesmere, between Warden Avenue and Birchmount Road (the "proposed study area", mapped at Attachment 1) for a period of one year.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Council direct the Chief Planner and Executive Director of the City Planning Division to undertake a study for the lands generally between Warden Avenue and Birchmount Road, north and south of Ellesmere Road, as identified on Attachment 1 to this report, to review the existing land use permissions and regulations pertaining to the proposed study area and determine if new policies and standards are required to reduce land use conflict, and if so, to bring forward new policies and zoning regulations for this area.
2. Pursuant to Section 38 of the *Planning Act*, City Council enact the Interim Control By-law to prohibit Recycling/Recovery Facilities, attached as Attachment 2 to the final report dated November 8, 2013 from the Chief Planner and Executive Director, City Planning Division, for a period of one year to study the land use permissions contained within the Former Borough of Scarborough Employment Districts Zoning By-law Number 24982 and City of Toronto By-law 569-2013, as they apply to the proposed study area.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Interim Control By-Law as may be required.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

The portion of land on either side of Ellesmere Road within the proposed study area is designated as *Employment Areas* under the Official Plan, and forms part of an Employment District. The character of employment in this area has evolved over the past 20 years to include a range of office, manufacturing, retail, institutional, medical office, educational and other employment uses. The purpose of the Ellesmere East Employment Node Land Use Study is to assess the compatibility of established employment uses with the array of use permissions that exist through in-force zoning in the proposed study area.

In particular, both the former Scarborough and new consolidated City of Toronto by-laws permit the use category of recycling/recovery facilities through much of the proposed study area. These facilities can generate land use conflicts with more sensitive permitted employment uses due to the nature of their operations: they typically require substantial truck traffic, and can generate significant environmental impacts (noise, dust, etc.).

City staff will prepare a final report following conclusion of the Ellesmere East Employment Node Land Use Study, in the fourth quarter of 2014. The study recommendations may include:

- Official Plan and/or Zoning By-law amendments affecting all or part of land within the proposed study area
- Other area-specific planning tools

Context

Ellesmere Road is a major east-west arterial in Scarborough connecting Victoria Park in the west to Kingston Road and the 401 in the east. It has a significant concentration of designated *Employment Areas* along its length, including lands within the proposed study area, an Employment District between Kennedy Road to west of Brimley Road and the concentration of *Employment Areas* designated lands north of Ellesmere, east of the Scarborough Centre. The proposed study area includes primarily *Employment Areas*, with a designated *Park* adjacent to Warden Avenue.

The proposed study area has seen progressive reinvestment over the past 20 years, and now contains a range of office, manufacturing, retail, institutional, medical office, educational and other employment uses. The direction of this evolution seems to be towards more sensitive employment uses.

There are a number of active land use applications in the proposed study area:

441 Ellesmere Road	Proposed Place of Worship and Community Centre
520 Ellesmere Road	Medical office building (under construction)
451 Ellesmere Road	Proposed private school for elementary children
21 Principle Road	Proposed recycling/recovery facility

Official Plan

The City of Toronto Official Plan designates the majority of the lands within the proposed study area as *Employment Areas*. Section 4.6 of the Official Plan includes policies on *Employment Areas*, characterizing them as places of business and economic activity. Uses that support this function consist of: 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 are permitted, provided they locate only on major streets as shown on Map 3. Ellesmere, Warden, and Birchmount within the Study area are major streets illustrated on Map 3. All existing places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges and universities legally established before

the approval of the Official Plan within *Employment Areas* are permitted. Within the proposed study area, a variety of such uses lawfully exist along the major street frontages.

Permitted large scale, stand-alone retail stores also exist in the proposed Study Area, fronting on Ellesmere Road (Home Depot) as well as on Canadian Road (Costco). Both stores predate the current Official Plan policies which limit these uses to locations fronting onto major streets as shown on Map 3, that also form the boundary of the *Employment Areas*.

The *Employment Areas* policies also contain criteria which describe how development within *Employment Areas* will contribute to keeping these places competitive, attractive and highly functional. These criteria include: supporting the economic function of the *Employment Area*; encouraging the establishment of key clusters of economic activity with significant value-added employment and assessment; avoiding excessive car and truck traffic on the road system within the *Employment Areas* and adjacent areas; mitigating the effects of noise, vibration, dust, odours or particulate matter that will be detrimental to other businesses or the amenity of neighbouring areas; ensuring attractive streetscapes and minimization of nuisance impacts through the use of landscaping; and placing limits on outdoor storage.

Zoning

Under the former Scarborough Zoning By-law Number 24982, the proposed study area includes areas zoned Industrial Zone (M), General Industrial Zone (MG), Mixed Employment Zone (ME), Industrial District Commercial Zone (MDC), Industrial Commercial Zone (MC), Office Uses Zone (OU) and Institutional-Public Service Zone (I-PS). As is customary under the former Scarborough By-laws, many of the properties in the proposed study area are subject to more than one zone category.

Within the proposed study area, a number of properties have had their use permissions varied by the Committee of Adjustment. These include:

1620 Birchmount Road	additional personal service shop permissions
426 Ellesmere Road	permission for a home improvement warehouse
520 Ellesmere Road	permission for medical and dental offices, restaurants, accessory health care related retail uses
590 Ellesmere Road	permission to use 100% GFA for retail and restaurant uses
100 Canadian Road	permission to use a portion of office space on ground floor as a retail store
1411 Warden Avenue	permission to expand gas bar

The new City of Toronto By-law No. 569-2013 does not zone the majority of the lands within the proposed study area. It does capture certain sites adjacent to Birchmount Road, zoning these Employment Industrial (E).

COMMENTS

The Ellesmere East Employment Node Land Use Study will assess the compatibility of established employment uses with the array of use permissions that exist through in-force zoning, in particular the permission for recycling/recovery facilities.

Industrial Uses are a defined term under the former Scarborough Employment By-law, including a wide range of assembling, manufacturing, processing, warehousing, recycling, research and development uses, and associated ancillary uses. Recycling was added to the definition of Industrial Uses in 1994 by the former City of Scarborough. Industrial Uses, including recycling uses, are permitted/prohibited as follows:

Permitted

Industrial Zone (M)

General Industrial Zone (MG)

Special Industrial Zone (MS)

Mixed Employment Zone (ME)

Employment Zone (E)

Prohibited

Office Uses Zone (OU)

Industrial Commercial Zone (MC)

Industrial District Commercial Zone (MDC)

Highway Commercial Zone (HC)

Under the Scarborough Employment By-law, properties commonly are assigned more than one zone category. The result of this application in the potential study area is that recycling facilities are broadly permitted in areas where there are also permissions for more sensitive employment uses. Within the potential study area, only the small commercial properties adjacent to Birchmount Road do not permit "industrial uses" and therefore recycling facilities.

The Scarborough Employment By-law separately defines recycling as, "the collection and sorting of recyclable materials". Recyclable material is defined in turn as, "re-usable material which can be separated for the purpose of recycling. Recyclable material shall not include food waste; hazardous waste, as defined by the regulations, as amended, under the Environmental Protection Act, as amended; materials that cause noxious odours; and organic waste".

The consolidated City of Toronto By-law 569-2013 pulls out certain of the uses that are collected under the Scarborough Industrial Use definition in order to allow discrete consideration of their permissions, including recovery facilities. Recovery facilities are permitted unconditionally in the Employment Heavy Industrial Zone (EH) and subject to conditions in the Employment Industrial Zone (E), and are not permitted in the Employment Light Industrial Zone (EL) or Employment Office Industrial Zone (EO).

Recovery facilities are defined in By-law 569-2013 as "premises used for separating or sorting recyclable material. A salvage yard is not a recycling facility." Recyclable material is defined as "material that is separated into specific categories for purposes of reuse, recycling or composting". Conditions on recovery facilities in the "E" zone include that it may not be an asphalt, concrete, heavy metal, hazardous chemical, petrochemical, industrial gas, rubber or asbestos recycling facility.

An analysis of the current and emerging employment land use profile in the proposed study area is required in order to assess the appropriateness of current permissions, including recycling facilities. This may result in recommendations for new policies and standards should certain land uses permissions be deemed incompatible with the established land use context.

The employment uses in the proposed study area have evolved over the last 20 years to include a variety of land uses and now contains a range of office, manufacturing, retail, institutional, medical office, educational and other employment uses. The direction of this evolution seems to be towards more sensitive employment uses. The nature of some recycling/recovery operations differ from traditional industrial uses, and can generate land use conflicts with more sensitive permitted employment uses due to the nature of their operations.

Adverse effects that may result from incompatible land uses in an established employment area that will be considered in the Ellesmere East Employment Node Land Use Study include:

- the economic function of the *Employment Area* and the amenity of adjacent areas may be adversely affected (Official Plan Policy 4.6.6 a));
- the ability to build upon the cluster of office, manufacturing, retail, institutional, medical office, educational and other employment uses to accelerate value-added employment and assessment in the area may be compromised (Official Plan Policy 4.6.6 b));
- excessive car and truck traffic may be generated, straining the road system within the *Employment Area* and adjacent area (Official Plan Policy 4.6.6 c)); and
- detrimental impacts from noise, vibration, dust, odours or particulate matter associated with permitted uses may impact other businesses and/or the amenity of neighbouring areas (Official Plan Policy 4.6.6 f)).

The inclusion of recycling facilities within the definition of Industrial Use will be reviewed given the passage of the consolidated Zoning By-law 569-2013 which treats recycling (referred to as "recovery facilities") as a discreet separate use. As well, further study is needed to determine the appropriateness of recycling/recovery permissions in the proposed study area; and the relationship of these uses to adjacent established businesses, schools, retail stores and places of worship, as well as to nearby neighbourhoods.

Section 38 of the *Planning Act* authorizes City Council to pass Interim Control By-laws to temporarily restrict a land use for a period of time not exceeding one year while the City reviews the land use polices for the affected properties. This report proposes that an Interim Control By-law be adopted to prohibit new recycling/recovery facilities for a period of one year in the proposed study area.

CONCLUSION

It is recommended that Council enact the attached proposed Interim Control By-law for the area set out in Attachment 1 to this report to prohibit for a period of one year recycling as defined in Clause IV to Scarborough Employment District Zoning By-law 24982 and recovery facilities as defined at Chapter 800 of the City of Toronto Zoning By-law 569-2013.

The Ellesmere East Employment Node Land Use Study will include a review of land use permissions and will enable the City, if necessary, to bring forward recommendations setting out changes to the land use policies.

CONTACT

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SIGNATURE

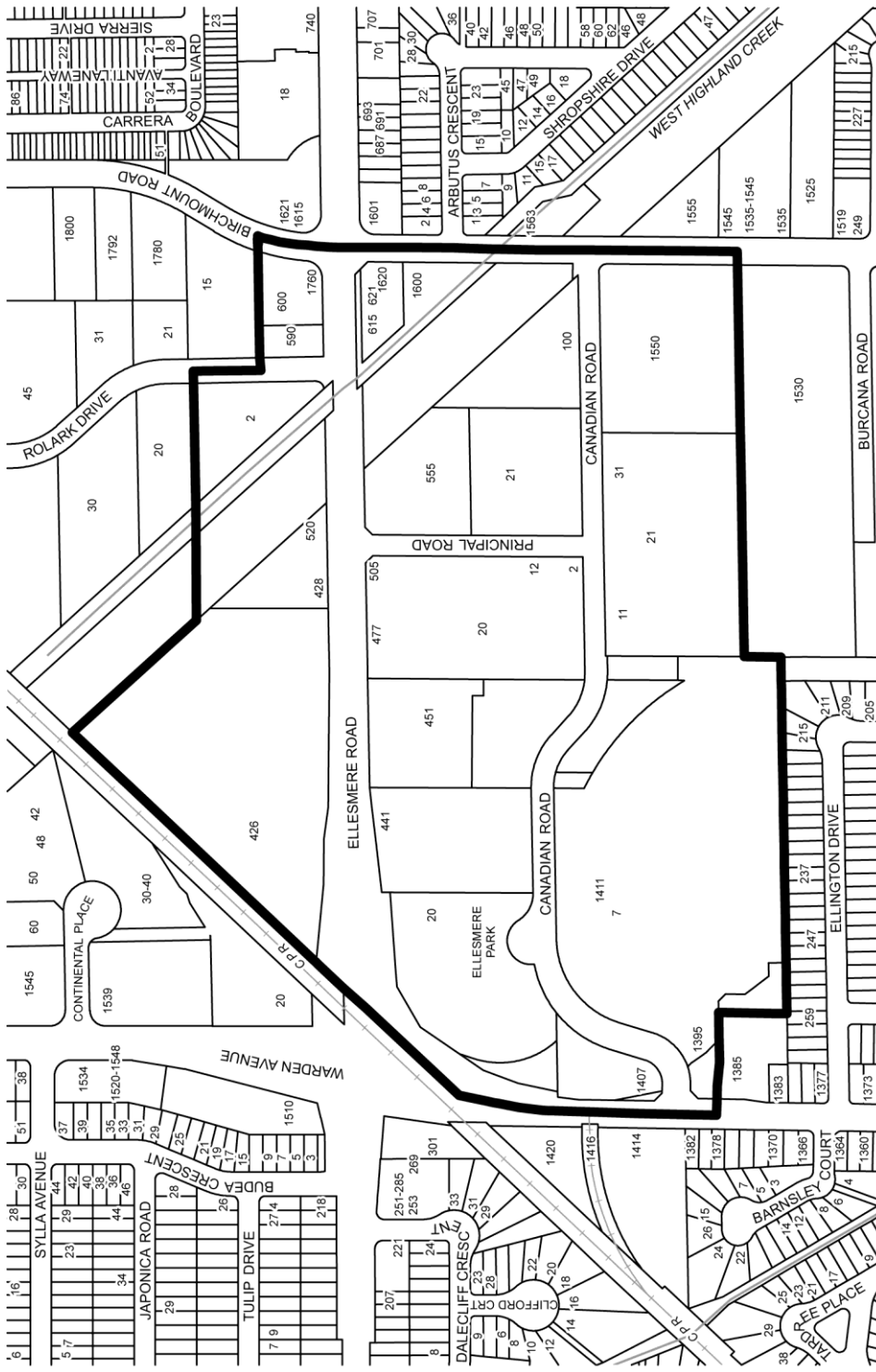
Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director

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ATTACHMENTS

Attachment 1: Boundaries of Ellesmere East Employment Node Land Use Study
Attachment 2: Draft Interim Control By-law

Attachment 1: Boundaries of Ellesmere East Employment Node Land Use Study



Attachment 1: Boundaries of the Ellesmere East Employment Node Study

File # 13 243191 ESC 37 OZ
 Not to Scale
 11/01/13

Ellesmere Road between Warden Avenue and Birchmount Road
 (The "Ellesmere East Employment Node")



Attachment 2: Interim Control By-Law

Authority: Motion M~, moved by Councillor ~, seconded by Councillor ~,
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No.

BY-LAW No. ~-20~

To effect interim control for lands generally bounded by Warden Avenue and Birchmount Road, immediately north and south of Ellesmere Road, as detailed in Schedule '1' to this By-law.

Whereas Council of the City of Toronto has, by adopting [Motion M~] [report dated ~] at its meeting of ~, 20~ , directing that a study be undertaken reviewing land use permissions of the employment lands north and south of Ellesmere Road, between Warden Avenue and Birchmount Road; and

Whereas authority is given to Council by Section 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass an Interim Control By-law for a period of time not exceeding one year from the date of passage of the By-law for such purposes as set out in the By-law;

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

1. On the lands shown within the heavy lines on the attached Schedule '1' to this by-law **Recycling**, as defined at Clause IV to Scarborough Employment District Zoning By-law Number 24982, and **Recovery Facilities**, as defined at Chapter 800 of City of Toronto Zoning By-law 569-2013 shall be prohibited uses.
4. This By-law shall expire one year from the date of enactment by City Council.

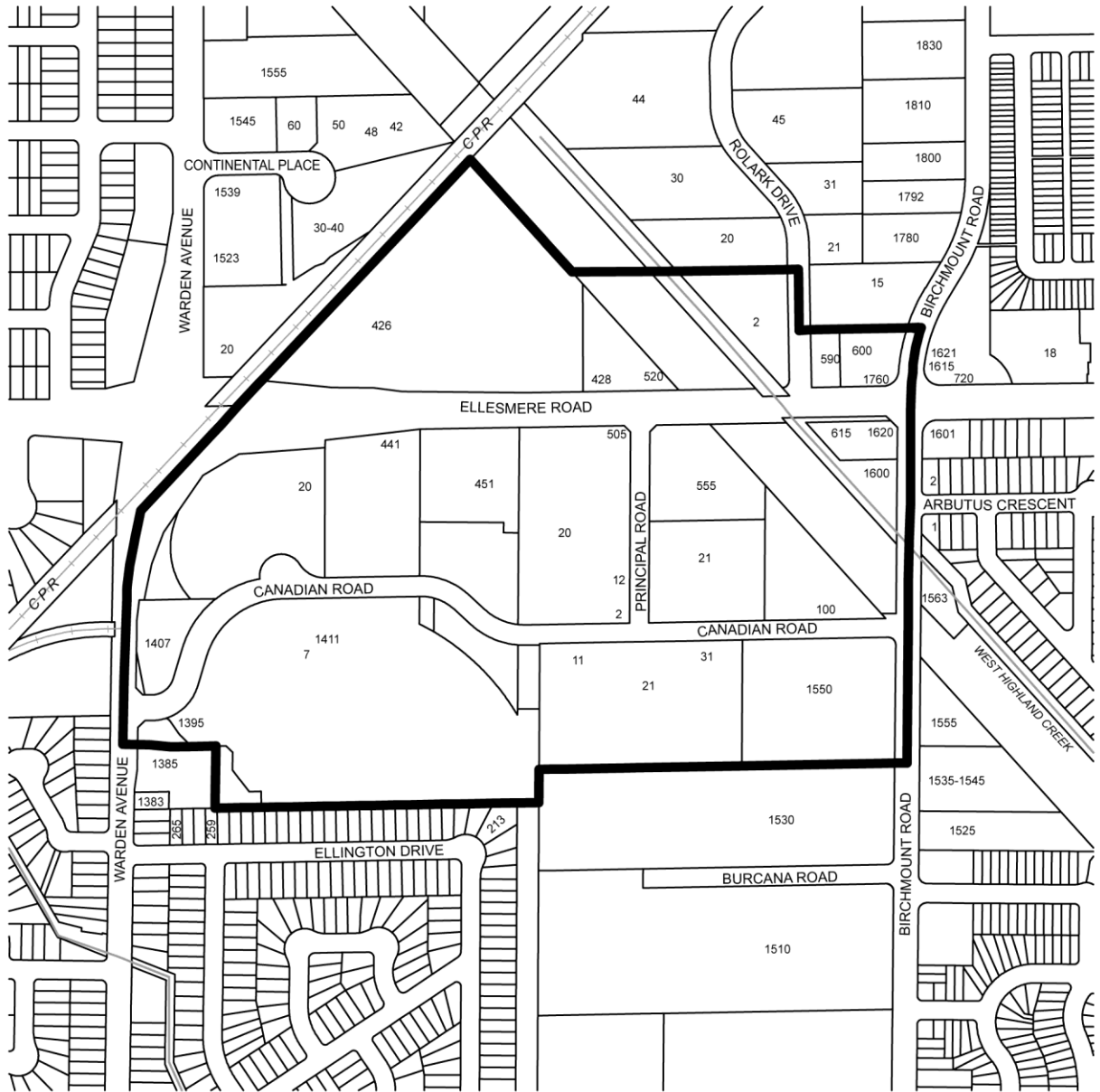
ENACTED AND PASSED this ~ day of ~ , A.D. 20~.

Francis Nunziata,
Speaker

ULLI S. WATKISS
City Clerk

(Seal of the City)

Schedule '1'




Zoning By-Law Amendment

Ellesmere Road between Warden Avenue and Birchmount Road
(the "Ellesmere East Employment Node")

File # 13 243191 ESC 37 0Z

 Area Affected By This By-Law

 Not to Scale
10/01/13