TORONTO **Member Motion**

City Council

Notice of Motion

MM55.47	ACTION			Ward:41

Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision Respecting 3300 McNicoll Avenue - by Councillor Michael Thompson, seconded by Deputy Mayor Norman Kelly

**** Notice of this Motion has been given.***
**** This Motion is subject to referral to the Scarborough Community Council. A two-thirds vote is required to waive referral.***
**** This Motion relates to an Ontario Municipal Board and has been deemed urgent.***

Recommendations

Councillor Michael Thompson, seconded by Deputy Mayor Norman Kelly, recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend at the Ontario Municipal Board in support of the appeal with respect to the Committee of Adjustment decision to approve the minor variance application (A090/14SC) for 3300 McNicoll Avenue and authorize the City Solicitor to retain an independent land use planner, if necessary.

Summary

The owner of the condominium unit municipally known as 3300 McNicoll Avenue A211 applied to the Committee of Adjustment Scarborough Panel to obtain a minor variance from the provisions of the Zoning By-law to continue using units 211 and 213 for educational and training purposes (Kumon Math and Reading Program) without a time limit. These uses are not included in the list of permitted uses under the Industrial District Commercial (MDC) designation in the Zoning By-law. The applicant received approval for the above use in 2006 for a period of two years, in 2008 for a period of five years and in 2013 for a period of two years. The 2013 approval was appealed to the Ontario Municipal Board (OMB) by the condominium board and subsequently the OMB reduced the approved time period to one year.

Owens Corning Canada is located nearby at 3450 McNicoll Avenue in the Tapscott Marshalling Yards Employment District. Owens Corning manufacturers thermal and acoustical insulation and employs 150 - 200 staff. As Ontario Ministry of the Environment (MoE) has identified Kumon as a sensitive land use, Owens Corning may be required to include measures to mitigate the impacts of any new process equipment it intends to use when applying for a MoE Certificate of Compliance or for an amendment to current certificates. These mitigation measures can be costly and may inhibit or preclude Owens Corning Canada's

ability to expand and/or introduce new product lines at this location. It has opposed the minor variance referenced above.

At its meeting on July 10, 2014, the Committee of Adjustment approved the application to permit educational and training uses at 3300 McNicoll Avenue without a time limit. Owens Corning has appealed the Committee of Adjustment decision.

As noted in the report from the Chief Planner and Executive Director, City Planning Division, (PG26.6, Planning for a Strong and Diverse Economy: Official Plan/Municipal Comprehensive Reviews - Proposed Economic Health Policies and Proposed Policies and Designations for Employment Lands, http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG26.6)

> "Toronto's Employment Areas are places where new businesses can locate and grow and existing businesses can expand in a stable operating environment without having their operations impacted by the introduction of sensitive uses. They are home to almost a third of the jobs and 90 per cent of the industry in Toronto and have low vacancy rates and an enviable amount of new investment. Toronto's Employment Areas are important contributors to the tax base and home to 40 per cent of our export-oriented jobs that provide important economic multipliers felt throughout the local economy. Toronto's Employment Areas are finite and geographically bounded. The policies for Employment Areas emphasize their preservation for current and future business activities."

The Provincial Growth Plan also contains detailed policies to allow municipalities to preserve and grow employment and, among other things, requires municipalities to plan for, protect and preserve 'employment areas' for current and future uses; defining employment areas as areas designated in the official plan for business activities including but not limited to manufacturing, warehousing, offices and associated retail.

It is recommended that the City seek party status in order to appear at the hearing of the appeal by Owens Corning of the Committee of Adjustment decision in regard to 3300 McNicoll Avenue (A090/14SC).

This Motion is urgent as the Ontario Municipal Board hearing on this matter may be scheduled before the next meeting of City Council.

(Submitted to City Council on August 25 and 26, 2014 as MM55.47)

Background Information (City Council)

Member Motion MM55.47
Committee of Adjustment Scarborough Panel - Public Hearing Notice and Notice of Decision on Minor Variance/Permission for 3300 McNicoll Avenue
(http://www.toronto.ca/legdocs/mmis/2014/mm/bgrd/backgroundfile-72975.pdf)