

Ellesmere Employment Study – Final Report

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| Date: | April 24, 2015 |
| To: | Scarborough Community Council |
| From: | Acting Director, Community Planning, Scarborough District |
| Wards: | Ward 37 – Scarborough Centre & Ward 40 – Scarborough-Agincourt |
| Reference Number: | 14 148048 ESC 37 OZ |

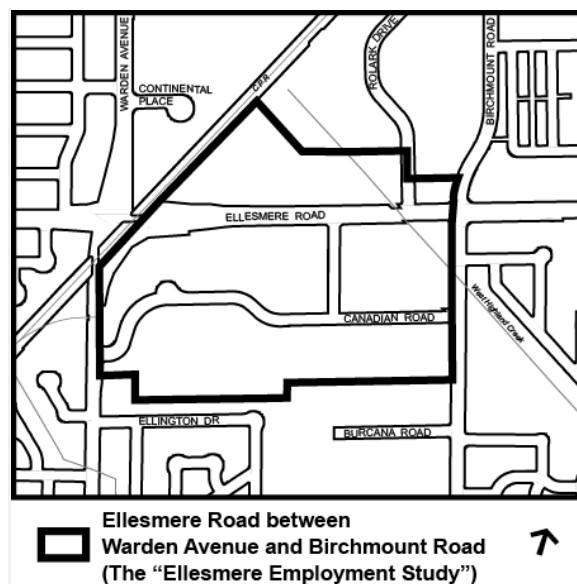
SUMMARY

Staff have concluded a City-initiated planning study of employment lands adjacent to Ellesmere Road and Canadian Road, between Warden Avenue and Birchmount Road, referred to as the Ellesmere Employment Study (the "Study"). The Study has reviewed compatibility of land uses which are currently permitted in the Study Area, shown outlined on the key map below. The Study has also assessed consistency of existing use permissions in the Study Area with Provincial Policies, the City's Official Plan Employment Policies including Official Plan Amendment No. 231 enacted in December 2013, and the City's consolidated Zoning By-law 569-2013.

In addition, the Study included a detailed consideration of planning and permit issues associated with recycling and recovery uses, permission for which was temporarily suspended in the Study Area through the enactment of Interim Control By-law No. 1431-2013 on November 13, 2013, as extended in August 2014 by By-law No. 972-2014 by a further six months to now expire on May 14, 2015.

Considerable research and analysis has been conducted to date, as well as public area business and stakeholder consultations. The results of the Study are set out in Attachment 3 (Ellesmere Employment Study – Final Report – April 2015) to this report.

The purpose of this report is to advise on the results of the Study, which concludes that zoning amendments should be implemented to add construction and demolition waste materials to the list or currently prohibited 'recovery' uses within the Employment Industrial (E) zoned lands within the Study



Area under the consolidated Zoning By-law No. 569-2013, and to apply this same expanded list as prohibited 'recycling' uses within the remainder of the Study Area that continues to be regulated under the former City of Scarborough Employment Districts Zoning By-law No. 24982. Additionally, the industrial zoning currently applying to 20 Canadian Road under By-law No. 24982 is proposed to be replaced with Parks (P) zoning to better reflect the Ellesmere Park and Community Centre.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of Scarborough Employment Districts Zoning By-law No. 24982 for the lands at 426, 441, 451, 477, 505, 520 and 555 Ellesmere Road; 11, 20, 21, 31 and 100 Canadian Road; 2, 12, 20 and 21 Principal Road; 1407 and 1411 Warden Avenue; 1550 Birchmount Road; and 2 Rolark Drive, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to report dated April 24, 2015.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 11, 21, 31 and 100 Canadian Road, and 1550 Birchmount Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to report dated April 24, 2015.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On September 20, 1993, the Council of the former City of Scarborough amended and adopted recommendations embodied in Report No. 18 of the Planning Committee, respecting new employment land use policies and zoning regulations in industrial districts. The Official Plan and relevant zoning by-laws were amended to expand the range of permitted uses in industrial districts, to add permissions for offices (excluding medical and dental offices), retail ancillary to permitted industrial uses, research and development, indoor recreational uses, training and educational facilities and recycling uses, including accompanying performance standards. The relevant reports and Council extracts on this item may be viewed in the "Related Links" area of the Study webpage, www.toronto.ca/ellesmerestudy.

On May 9, 2013, City Council enacted a new harmonized city-wide Zoning By-law No. 569-2013, available online at www.toronto.ca/zoning. By-law 569-2013 introduced a new definition for "recovery facilities", replacing the "recycling" terminology previously used in some of the former area municipality zoning by-laws. Recovery facilities are now listed as permitted uses only in the Employment Heavy Industrial (EH) zone, and are conditionally permitted in the Employment Industrial (E) zone if they do not involve the recovery of concrete, asphalt, heavy metals, hazardous chemicals or petrochemicals, industrial gas, rubber or asbestos.

On November 13, 2013, City Council enacted Interim Control By-law No. 1431-2013, which prohibited recycling and recovery facilities for a period of one year on the Ellesmere Employment Study lands. Council also directed that the Chief Planner and Executive Director, City Planning undertake a study for the Ellesmere Employment Study lands, 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. The Council record in this regard is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.MM41.37>

The Ellesmere Employment Study – Update Report (July 2014) prepared by Planning staff was considered at Scarborough Community Council on August 12, 2014. City Council subsequently on August 25, 2014 enacted By-law No. 972-2014 to extend Interim Control By-law No. 1431-2013 by a further six months to now expire on May 14, 2015. The Council record in this regard, including the Study Update Report, is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SC34.20>

On January 8, 2014, the owner of 21 Principal Road (proponent of a construction and demolition waste recycling facility) appealed Interim Control By-law No. 1431-2013 to the Ontario Municipal Board. The owner subsequently on June 9, 2014 also referred its site plan application for the facility to the Board, requesting that the appeals be heard together. The Board on September 29, 2014 issued its decision allowing the first appeal in part by excluding the subject property from Interim Control By-law No. 1431-2013. A final Order approving the site plan was withheld until numerous conditions set out in the decision have been satisfied. The Board's decision is available at:

<http://www.omb.gov.on.ca/e-decisions/pl140034-sep-29-2014.pdf>

ISSUE BACKGROUND

The Ellesmere Employment Study Area is an established, successful employment cluster within the South West Scarborough *Employment District*. Encompassing lands north and south of Ellesmere Road and Canadian Road, between Warden Avenue and Birchmount Avenue, the Study Area is approximately 41 hectares in size and includes primarily lands designated as *Employment Areas* by the City of Toronto Official Plan (OP), as well as forming part of an *Employment District*.

These lands are retained as employment lands through the City's Official Plan Municipal Comprehensive Review exercise (OPA 231), and are designated partially *Core Employment Areas* and partially *General Employment Areas*. (Official Plan mapping related to the Study area is contained in Section 4 of Attachment 3, the Ellesmere Employment Study Final Report.)

In light of existing uses and recent applications to expand and establish new permitted sensitive uses in the Study Area, including schools, places of worship and community centres, as well as a site plan application to establish a construction and demolition waste recycling transfer facility, Planning staff recommended and were directed to undertake a review assessing the compatibility of established employment uses with the array of use permissions that exist through in-force zoning in the Study Area. Staff have also reviewed the compatibility of land use permissions

with the City's policy direction established through OPA 231 and to be further implemented through the City's comprehensive Zoning By-law 569-2013.

Staff have given particular consideration to recycling use permissions in the Study Area. Both the former Scarborough and new consolidated City of Toronto zoning by-laws permit recycling/recovery facilities through much of the Study Area. The former Scarborough By-law generally permits sensitive uses such as education and training facilities, places of worship in certain locations, and community centres on most of the lands still regulated thereby. Heavier industry such as some recycling/recovery uses and sensitive uses are generally not compatible with such uses without generous separation distances and appropriate screening and mitigation measures.

STUDY CONSULTATIONS

City Staff

While the Study has been led by Community Planning staff, additional assistance and information was contributed by City Planning staff from the Official Plan Review and Zoning Teams, Transportation Planning, Research and Information, and Graphics and Visualization. Planning staff from other offices were also consulted on relevant employment area land use studies, including the study currently underway as directed by Planning and Growth Management Committee in June 2014 on a city-wide approach to deal with concrete batching facilities, as well as other development proposals of interest to the Study.

Additional input and assistance with the Study was also provided by staff from other City Divisions including Economic Development and Culture, Transportation Services and MLS.

Public Consultations

Planning staff, with assistance from Economic Development and Culture and MLS staff, conducted community and area business owner consultation meetings on June 16, 2014 and June 25, 2014 respectively. The purpose of the meetings was to advise as to the objectives of the Study and progress to date, the context of recent changes in Official Plan policy and zoning regulation, to provide an opportunity to raise and discuss comments or concerns on the question of possible land use conflicts within and adjacent to the Study area, and to describe next steps in the planning process.

Additional consultation meetings with residents and area business owners to present the new zoning directions now proposed were held on March 24, 2015. The results of these consultations are discussed further in Attachment 3.

COMMENTS

As the largest city in Canada and heart of the GTA, Toronto is ideally positioned to play a key role in improving Canada's environmental-efficiency metrics, both in terms of reducing domestic, commercial/institutional and industrial waste generation, and particularly the diversion of wastes from landfill by supporting recovery of wastes through recycling and remanufacturing into new products. Such actions can also greatly reduce impacts on the environment (e.g. carbon emissions) from continued extraction, transportation and processing of virgin raw materials.

A wide variety of waste materials, to varying degrees, can now be recycled into new products using available and continually emerging new technologies. The recycling and remanufacturing sector now constitutes a very significant component of the City's economic and employment base. Given Toronto's continued high levels of new construction, infill redevelopment and demolition in particular, wastes generated from this activity, approximately 30% of all waste generated in the City, can be expected to continue at high and potentially increasing levels. Fortunately, over 90% of this type of waste has the potential to be recycled for re-use.

Toronto is therefore an ideal marketplace for both the recovery of reusable waste materials for recycling, and remanufacturing industries as well. Despite these needs and challenges, however, a significant challenge remains as to where such recycling/recovery operations can be suitably located. Many types of recycling and remanufacturing can be considered to be fairly innocuous and benign, such as electronics recycling, having limited attributable impacts on neighbouring properties and which can be readily located, enclosed within a building, among other industrial uses. Other larger operations that may require larger sites for outdoor storage, produce higher volumes of heavy truck traffic or generate noise, dust, odour and similar nuisances, require more cautious planning consideration. While many industries, particularly waste recovery facilities, are highly regulated provincially by the Ministry of the Environment and Climate Change, the City's challenge is to further ensure their appropriate location through land use policy and zoning regulation, so as to minimize potential conflict with other nearby desirable and necessary uses.

Within the Ellesmere Study Area, non-industrial uses predominate on a land area basis. These include two large-format retail stores, two office buildings including a new medical centre, a City park and community centre, a new private elementary school and place of worship with associated cultural centre currently under construction, and various commercial services including restaurants and retail stores. There is currently only one existing recycling facility (for clothing/textiles) within the Study Area at 2 Rolark Drive. The OMB in September 2012 also conditionally approved the site plan for a proposed new construction and demolition waste recycling/recovery facility at 21 Principal Road.

Recycling/recovery facilities are permitted uses under the employment policies and land use designation of the Official Plan, as now amended through OPA No. 231. The former City of Scarborough Employment Districts Zoning By-law No. 24982 conditionally permits 'recycling' within all zones permitting 'industrial' uses. The comprehensive new Zoning By-law No. 569-2013 permits 'recovery' uses in just two of the four new employment zones. They are permitted without particular conditions in the Employment Heavy Industrial Zone (EH), while the Employment Industrial Zone (E) applies conditions with certain prohibited use limitations on type of recovery facility permitted. Of the two, only the (E) zone currently applies to a limited number of properties in the Study Area.

It is important to clarify that both by-laws treat recycling/recovery as the 'collection, separating and sorting of recyclable materials' only. These definitions do not extend to include actual reprocessing and remanufacturing of the wastes, so an industry which may utilize recovered recyclable materials in its processes remains an industrial use like any other.

Across the larger Scarborough area, the Study has identified 28 existing recycling industries, as further discussed in Attachment 3. These include 8 textile/clothing recyclers, 8 scrap metal recyclers, 3 reprocessing concrete and asphalt, 3 recycling paper and cardboard, 2 electronics

recyclers, 2 auto salvage/wreckers, 1 tree salvage for lumber operation and 1 existing construction and demolition waste sorting/recovery facility.

With very few exceptions, all of these recycling operations are currently on lands designated *Employment Areas* under the Official Plan. Similarly with very few exceptions, these operations are also now located within the new *Core Employment Areas* land use designation established through OPA 231. That amendment, when in final effect once related appeals are resolved, also removes existing permissions for such sensitive uses as places of worship, elementary schools and most types of recreational uses.

Under the former City of Scarborough Employment Districts Zoning By-law No. 24982, almost all of the 28 Scarborough sites have base industrial zoning permissions. The heavier types of recycling activity involving outdoor handling and storage, such as the concrete, asphalt and scrap metal recyclers, are also generally zoned to permit outdoor storage with many also zoned to permit Special Industrial (MS) uses as well (e.g. chemical manufacturing and metal smelting).

The by-law also prohibits recycling uses within 100 m from a residential zone, as measured between property boundaries. Within the Study area, this means that due to their proximity to residential zones, recycling uses are already not permitted on all properties on the west side of Birchmount Road and the south side of Canadian Road. While the City's comprehensive Zoning By-law 569-2013 relaxes the separation requirement from a residential zone down to 70 m within the Study area, all but one of the same properties subject to that by-law would still not be permitted recovery facility uses. In zoning terms, therefore, the only portion of the Study area where recycling uses are currently permitted (under the Employment District Zoning By-law 24982 only) are just the ten properties fronting Ellesmere or Principal Roads, only two of which are actively used today for industrial purposes with a third site currently vacant.

CONCLUSIONS

Waste recycling/recovery industries are increasingly vital from both an environmental and economic standpoint, and adequate provisions to accommodate them at appropriate locations within the City of Toronto is essential. Most recycling industries are generally indistinguishable from, and operate compatibly with, other types of industrial uses. Through the review of applicable provincial guidelines and regulations, zoning regulatory approaches utilized in other Ontario municipalities and recycling industrial characteristics undertaken through the Study, it is clear that certain types of recycling/recovery activity merit particular careful consideration.

OPA 231 now limits more sensitive uses such as places of worship and elementary schools within the new *General Employment* and *Core Employment Areas* designations. The amendment remains under appeal, however, and further amendments particular to sensitive uses or recycling/recovery uses at the level of Official Plan policy have been determined through the Study to not be warranted for application to the Study Area in the interim.

Recycling/recovery activities such as concrete, asphalt, scrap metal, hazardous materials and construction and demolition wastes recovery can require expansive outdoor storage areas, process significant volumes of waste materials, and potentially generate higher volumes of noise, dust, odours, vibration and/or greater numbers of heavy trucks. Such impacts may not be conducive with other industrial activities or nearby sensitive land uses. These types of activities

can reasonably be considered to be 'heavy' industry and should be suitably located through available and appropriate zoning controls.

The Study has concluded that additional zoning regulations are appropriate to better regulate potentially incompatible recycling/recovery uses, beyond just the current separation distancing requirements from residential zones under both the former City of Scarborough Employment Districts Zoning By-law No. 24982, and By-law 569-2013. The draft by-law amendment in Attachment 2 will, by way of Exception, add construction and demolition waste materials to the list of eight prohibited recovery uses within the Employment Industrial Zone (E) of By-law 569-2013 that currently applies to the south-east quadrant of the Study area. Since By-law 569-2013 remains under appeal, however, Planning staff do not believe it appropriate to otherwise extend the general application of this by-law fully to all of the Study area at this time.

The amendment in Attachment 1 will then apply this same expanded list of (now nine) prohibited recycling uses under the former City of Scarborough Employment Districts Zoning By-law 24982, also by Exception, to all industrial zones within the Study area that currently permit recycling uses. To address site plan approval granted by the OMB of a construction and demolition waste recycling facility at 21 Principal Road, Planning staff are recommending the application of 'transitioning' provisions similar to those under By-law 569-2013. This will enable the specific project approved by the Board to proceed to building permit, construction and operation, while ensuring that zoning permission for such a use does not otherwise continue indefinitely should the project not proceed to development. This amendment will also remove the current industrial zoning on Ellesmere Park and replace it with a more appropriate Parks (P) zoning designation.

The recommended zoning amendments for the Ellesmere Employment Study Area will ensure that future employment uses will be compatible with existing industry and sensitive uses contained within the Study Area.

CONTACT

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SIGNATURE

Joe Nanos, Acting Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment (By-law No. 24982)

Attachment 2: Draft Zoning By-law Amendment (By-law No. 569-2013)

Attachment 3: Ellesmere Employment Study Report

Attachment 1: Draft Zoning By-law Amendment (By-law No. 24982)

Authority: Scarborough Community Council Item ~ as adopted by City of Toronto Council
on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend former City of Scarborough Employment Districts Zoning By-law No. 24982
(Ellesmere and Wexford Employment Districts), as amended,
With respect to lands on the north and south sides of Ellesmere Road and Canadian Road
between Warden Avenue and Birchmount Road, including
426, 441, 451, 477, 505, 520 and 555 Ellesmere Road;
11, 20, 21, 31 and 100 Canadian Road;
2, 12, 20 and 21 Principal Road;
1407 and 1411 Warden Avenue;
1550 Birchmount Road;
and 2 Rolark Drive.**

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. SCHEDULE "A"** of the Employment Districts Zoning By-law (Wexford Employment District) No. 24982 is amended by deleting the existing Industrial (M), General Industrial (MG) and Industrial Commercial (MC) Zones and associated Performance Standards, and replacing it with Parks Zone (P) for the lands shown cross-hatched on the attached Schedule '1'.
- 2. SCHEDULE "C" EXCEPTIONS LIST**, of the Employment Districts Zoning By-law (Ellesmere and Wexford Employment Districts) No. 24982 is amended by adding the following Exception No. 847 as follows:

847. On those lands identified as Exception No. 847 on the attached Schedules '1' and '2' the following provisions shall apply:

(a) The **recycling** of the following materials is not permitted:

- i) Asphalt;
- ii) Concrete;
- iii) Hazardous chemicals;
- iv) Heavy metals (arsenic, lead, mercury and cadmium);
- v) Petrochemicals;

- vi) Industrial gas;
- vii) Rubber;
- vii) Asbestos;
- ix) Building construction and demolition waste material.

3. SCHEDULE "C" EXCEPTIONS LIST, of the Employment Districts Zoning By-law (Wexford Employment District) No. 24982 is amended by adding the following Exception No. 848 as follows:

848. On those lands identified as Exception No. 848 on the attached Schedule '1' the following provisions shall apply:

(a) Notwithstanding Exception No. 847:

- i) Nothing in this By-law will prevent the erection or use of a building or structure for a construction and demolition waste material **recycling** facility for which a 'Receipt of Complete Submission' acknowledgement letter was issued for a site plan application prior to the date of passage of this By-law, if the project in question complies with the provisions of the Employment Districts Zoning By-law No. 24982 as it read on the date of passage of this By-law; and
- ii) Where a project qualifies under sub-clause i) above:
 - 1) Final site plan approval may be granted if the project complies with the provisions of the Employment Districts Zoning By-law No. 24982 as it read on the date of passage of this By-law, all requirements of the Planning Act, and Section 114 of the City of Toronto Act, 2006, S.O. 2006, c.11 Schedule A;
 - 2) A building permit for the project may be issued if the project in question complies, or the building permit application for the project is amended to comply, with the provisions of the Employment Districts Zoning By-law No. 24982 as it read on the date of passage of this By-law, and with the final site plan approval.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'



Zoning By-Law Amendment

Ellesmere Employment Study
File # 14 148048 ESC 37 OZ

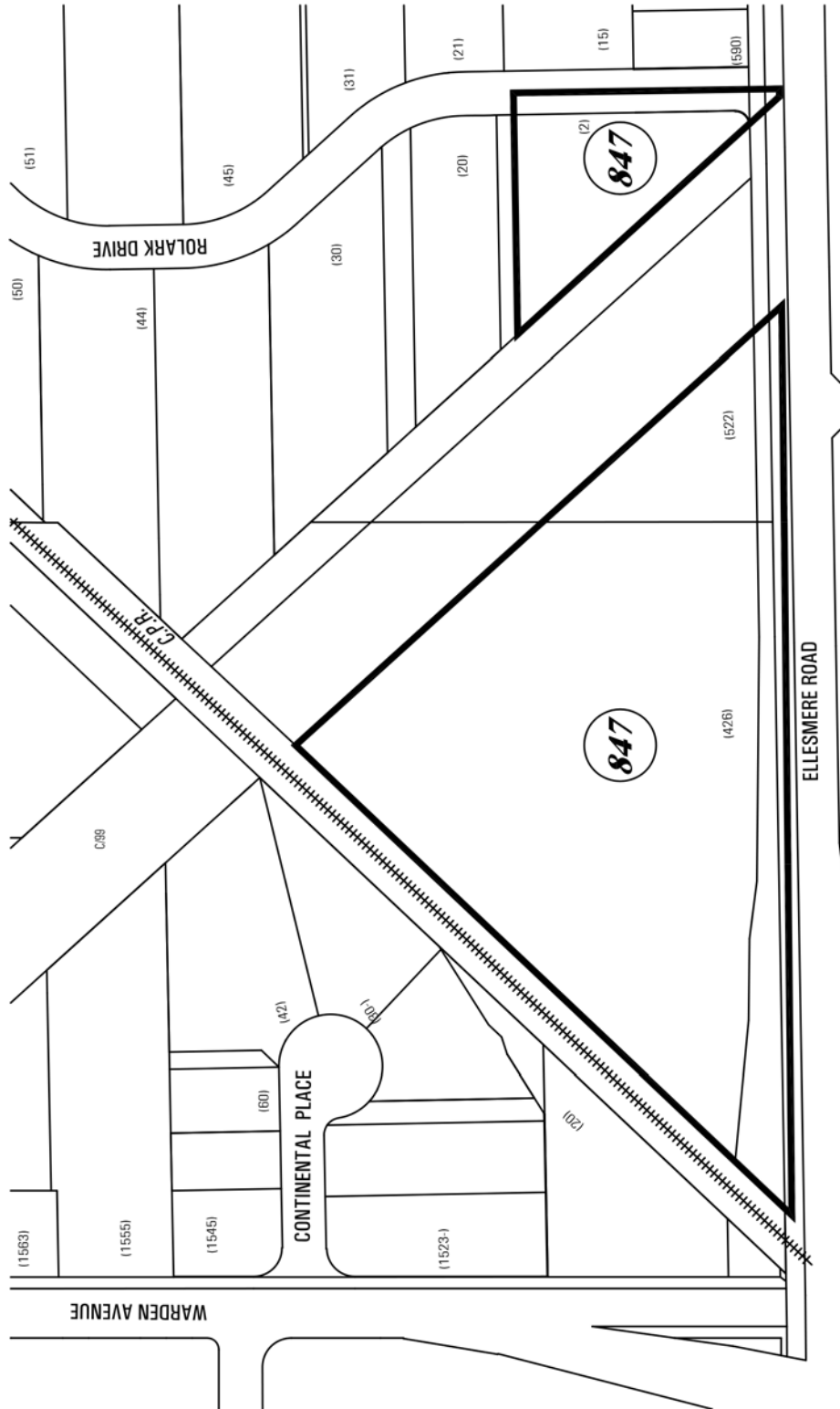


Area Affected By This By-Law

Ellesmere Employment By-law
Not to Scale
04/24/15



Schedule '2'



City Planning
Division

Ellesmere Employment Study

File # 14 148048 ESC 37 OZ

Zoning By-Law Amendment



Area Affected By This By-Law

Ellesmere Employment By-law
Not to Scale
04/17/15



Authority: Scarborough Community Council ##, as adopted by City of Toronto Council on ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. [XXXX- 2015]

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 11, 21, 31 and 100 Canadian Road, and 1550 Birchmount Road

Whereas Council of the City of Toronto has the authority pursuant to 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 for the lands outlined by heavy black lines to E 1.0 (x7), as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Site Specific Exception 900.20.10(7) so that it reads:

(7) Exception E7

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) In addition to the types of recovery facilities listed in Regulation 60.20.20.100(8)(A), a building construction and demolition waste material **recovery facility** is also not permitted.

Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on month ##, 20##.

Name,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

