

501 Alliance Avenue – Official Plan and Zoning By-law Amendment Applications – Final Report

Date:	June 3, 2011
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 11 – York South-Weston
Reference Number:	05 121496 WET 11 OZ

SUMMARY

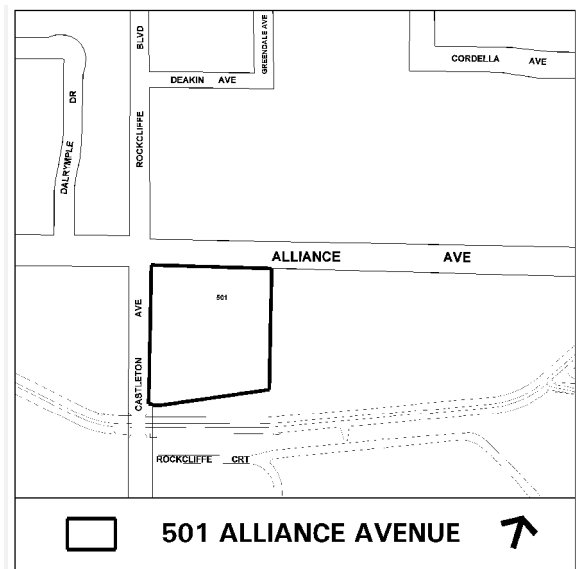
This application proposes to permit a vocational school within the existing four storey building at 501 Alliance Avenue. In addition, the applicant is seeking a site specific zoning amendment to revise the parking requirement for the site.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment 6.
2. City Council amend Zoning By-law 1-83 the former City of York Zoning By-law substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7.



3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the issuance of the Notice of Approval Condition for the Site Plan Approval Application and that the owner satisfy all the pre-approval conditions in the Notice of Approval Conditions including the following:
 - a) require the owner to remove the existing encroachment and restore the area to a natural condition at their sole expense to the satisfaction of Toronto Region Conservation Authority (TRCA), Urban Forestry and in consultation with Parks, Forestry and Recreation (Development Application Unit);
 - b) require the owner to design and construct/re-instate the parkland to the satisfaction of TRCA, Urban Forestry and in consultation with Parks, Forestry and Recreation (Development Application Unit). Prior to this approval, the owner is required to submit an itemized Cost Estimate, Landscape/Planting Plan and Details that show the re-instatement of the parkland to the satisfaction of the TRCA, Urban Forestry and General Manager of Parks, Forestry and Recreation;
 - c) require the owner to post a Letter of Credit as security for the construct/re-instate of the parkland equal to 120% of its value; and,
 - d) require the owner, upon satisfactory completion of the parkland improvements work, to guarantee such work and associated materials. The owner will provide certification from their Landscape Architect certifying all work has been completed. As-built drawings will be submitted to Parks, Forestry and Recreation (Development Application Unit). At that time, the submitted letters of credit will be released, less 20% which shall be retained for a two-year period as a performance guarantee.
5. In the event of failure to comply with Recommendation 4 above within a six month period from City Council's consideration of this report, that City Council deem that the conditional approval decision be rescinded and that the Manager, West District, Municipal Licensing and Standards, be requested to take appropriate actions.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The property was formerly occupied by the Cooper Company, which utilized the existing building for manufacturing, warehousing and distribution of sporting goods. Under Committee of Adjustment decision CA 72-56 Cooper's were permitted to utilize the entire building for their use with the parking on-site. One of the conditions of the Committee of Adjustment was that upon discontinuing the Cooper's use, the parking requirements of the existing zoning by-law needed to be complied with for future uses.

The site was previously subject to Rezoning Application TC ZBL 2001 0042, to permit the private school. As the application was inactive for an extended period of time, this file was closed.

Recently the site has been subject of an offer to purchase by The Downing Street Group. The Downing Street Group's planning consultant is the authorized agent and has been actively addressing all outstanding site plan matters.

ISSUE BACKGROUND

Proposal

The applicant is seeking permission for a private vocational school, which is currently operating on the third floor of the existing building. The private vocational school use has a gross floor area of approximately 3,600 square metres. (See Attachment 1-Site Plan and Attachment 2- 3rd Floor Plan). The building, in addition to the private vocational school, is currently being utilized for a variety of uses, including a restaurant, a banquet hall, a laboratory, office uses, garment manufacturing, light industrial, a private school, storage and retail uses.

In addition, the applicant is seeking a site specific zoning amendment to revise the parking requirement for the site.

The proposal is for an internal modification to the existing building and no changes are proposed to the exterior of the building or the site, other than landscape and streetscape improvements. The existing building has a total gross floor area of approximately 29,608 square metres (1.9 FSI). A total of 270 parking spaces are proposed to accommodate the uses in the entire building (see Attachment 5 –Application Data Sheet).

Site and Surrounding Area

The site is located at the southeast corner of Rockcliffe Boulevard and Alliance Avenue. The site has an area of approximately 15,461 square metres and is occupied by a four-storey building and 270 parking spaces (105 surface and 165 in a below grade parking garage).

The surrounding land uses are as follows:

North: Frank Oke Secondary School

South: Black Creek Flood Control Channel, Works and Emergency Services Operations Yard, and vacant industrial subdivision lands

East: Industrial and commercial uses fronting Alliance Avenue

West: Black Creek Park and semi-detached dwellings on the north side of Alliance Avenue

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The application was filed prior to June 16, 2006 and is not subject to the policies of the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site as *Employment Areas* (Map 14). The site is not within an Employment District as identified on the Urban Structure Map 2. There are no Secondary Plan or Site Specific policies that apply to this area. (See Attachment 3).

Employment Areas are intended to provide locations for industrial, design, office, research, business services and major retail activities. 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. Official Plan *Employment Areas* policies are implemented through the zoning by-law's employment zone regulations and provisions. The proposed private vocational school use is a use that is not expressly permitted by the Official Plan *Employment Areas* policies.

The Plan contains policy direction with respect to business and trade schools and branches of community colleges or universities in *Employment Areas*. While these uses are not directly supportive of the primary employment function of these areas, the Plan provides for limited permissions of these uses in *Employment Areas*. The limited locations for these permissions are set out in Policy 4.6.2., which states that, "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 - Right-of-Way Widths Associated With Existing Major Streets".

In addition, the Official Plan provides development criteria to ensure that development supports the economic function of the *Employment Areas* and the amenity of adjacent areas; providing adequate parking and loading on-site; providing landscaping to create attractive streetscapes and screening of parking, loading and service areas; and, sharing driveways and parking areas wherever possible.

The southern portion of the site is located within the Natural Heritage System as identified on Map 9 - Natural Heritage of the Official Plan. The Official Plan requires all development in or near the natural heritage system to be evaluated to assess the development's impact on the natural heritage system and identify measures to mitigate negative impacts on and/or improve the natural heritage system.

The site is located within Special Policy Area No. 4, Rockcliffe Park: Black Creek, on Map 10 - Special Policy Areas Key Map and Map 11- Special Policy Areas Area Specific Maps of the Toronto Official Plan. This Special Area Policy section of the Plan is still subject to an appeal at the Ontario Municipal Board.

In the former City of York this site is located in Special Policy Area on Schedule F - Special Policy Areas of the City of York Official Plan. Section 22.5 of that Official Plan, states that the areas identified by Schedule F are subject to Toronto and Region Conservation Authority (TRCA) review. In the Special Policy Areas new buildings, structures or additions must be protected from flooding to at least the 350-year flood level. This application has been reviewed by the TRCA to address this policy.

Zoning

The subject property is zoned Prestige Employment (PE) (see Attachment 4 – Zoning Map). The zoning permits a wide range of non-residential uses including, but not limited to industrial, office, retail, restaurant, recreational uses and day nurseries. The proposed private vocational school use is not identified as a permitted use in a PE zoning district.

Site Plan Control

The proposed development is subject to Site Plan Control. A site plan application was submitted and is being processed concurrently with the Official Plan and Zoning By-law Amendment Applications (Site Plan Application 05 121515 WET 11 SA).

Tree Preservation

This application is subject to the provisions of By-law 780-2004, regarding tree protection.

Ravine Protection

A portion of the property is protected under the City of Toronto Municipal Code, Chapter 658 - *Ravine and Natural Features Protection*. The Ravine and Natural Features Protection By-law is applicable throughout the City of Toronto and regulates certain activities within protected areas as defined in Schedule A of the by-law. Specifically, the

purpose of the by-law is to promote the management, protection and conservation of ravines and associated natural and woodland areas, and to prohibit and regulate the injury and destruction of trees, filling, grading and dumping in defined areas. A permit is required to conduct any of the above activities on ravine protected lands. The issuance of permits may be subject to condition.

The site is also located within a flood plain and therefore, is subject to TRCA review.

Community Consultation

A Community Consultation Meeting was held on September 22, 2005 at Rockcliffe Middle School. Approximately 10 people attended the meeting. Issues raised by the community were parking problems in the area, concerns about the type of school that is being proposed, the need for recreation facilities in the area and the concerns with the operation of the night club, which has since closed and vacated the premises. The community was generally supportive of the proposed development.

Reasons for the Application

Official Plan and Rezoning Applications are required to permit the proposed private vocational school.

The parking standard needs to be amended to account for all the uses in the existing building and the gross floor area they occupy.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards and conditions of Site Plan Approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

As the applications were filed prior to June 16, 2006 the proposal is not subject to the policies of the Growth Plan for the Greater Golden Horseshoe.

Land Use

The applications propose to legalize the existing private vocational school that is currently in operation. The private school currently occupies a portion of the third floor and has an approximate floor area of 3,600 square metres (12 percent of the building's floor area). Based on the information provided by the applicant, the existing school employs 13 staff, (5 full time administrative staff and 8 teachers) with a current enrolment of just 90 students.

With respect to business and trade schools and branches of community colleges or universities in *Employment Areas*, the Plan recognizes that these uses have special locational needs. Policy 4.6.2., states that within *Employment Areas*, places of business and trade schools and branches of community colleges or universities may locate only on major streets as shown on Map 3 - Right-of-Way Widths Associated with Existing Major Streets.

The policy's locational requirements for schools in *Employment Areas*, recognizes that the location of these uses in the heart of *Employment Areas* can adversely affect or be affected by area businesses. While neither Alliance Avenue nor Rockcliffe Boulevard are major streets on Map 3, both streets do form a local boundary of the employment area with parkland located across Rockcliffe Boulevard to the west, a neighbourhood north of Alliance Avenue, and a designated natural area to the south. The site is also adjacent to two schools Frank Oke Vocational School (north) and Rockcliffe Sr. Public School (south- west). It is not anticipated that the private school will have a negative impact on the continuing operation of the employment area, which is largely to the east and further south. In fact, the school has operated on this site for a number of years (although without the appropriate approval) with no concerns raised by the business in the area or the community.

It is recommended that the private school be limited in the zoning by-law to the maximum gross floor area of 3,600 square metres.

Density, Height, Massing

The proposal is for an internal modification to the existing building to accommodate the additional private vocational school use and no changes are proposed to the exterior of the building or the site.

Traffic Impact

The forecast volume of vehicle traffic generated by the existing and proposed development is not expected to significantly impact the level of service of the abutting street network to the extent that road capacity or operations would be adversely affected. On this basis, the applicant was not required to submit a traffic impact study in conjunction with the subject proposal.

The site is well serviced by public transit (two public transit surface routes: Runnymede Route #71B and Rogers Road Route #161) providing the students with convenient transportation to and from the school.

It is not anticipated that the private vocational school use will have a negative impact on the local traffic movements within this Employment Area.

Parking

The applicant's traffic engineering consultant, Marshall Macklin Monaghan Limited, submitted a revised Parking Study Update dated April 25, 2006, examining the peak parking demand associated with the existing and potential future uses on this site.

Transportation Services concur with the consultant's conclusion that given the different peaking characteristics of the existing and potential uses on this site, the existing parking supply of 270 parking stalls appears more than adequate to accommodate the peak parking demands. It is recommended that the site specific by-law for this site specify a minimum parking requirement of 0.90 stalls per 100 square metres of gross floor area.

In addition, there are 21 parking stalls currently located in the Rockcliffe Boulevard municipal boulevard, which the owner currently leases from the City.

To protect this existing shared parking profile, it is recommended that the site specific by-law restrict the amount of floor area dedicated to restaurant and banquet hall uses to a maximum of 3,190 square metres.

Site Access

Vehicle access to this site is currently provided by two full-movement access driveways to Alliance Avenue, and one full-movement access driveway to Rockcliffe Boulevard. The applicant proposes to maintain these access driveways. The location of the existing access driveways is acceptable to Transportation Services; however, the applicant is required to redesign the existing driveways according to City of Toronto Design Standard. These improvements will be secured in the Site Plan Approval application.

Encroachment

Currently, a portion of the turning area for the loading facilities encroaches into the parkland containing the Black Creek channel, on the southern property line. This encroachment into the parkland has existed for some time and was undertaken without permission of the City. The owner has requested to lease this portion of open space adjacent to Black Creek to facilitate their truck loading. TRCA, Urban Forestry and Parks, Forestry and Recreation do not support the encroachment. Nevertheless truck loading with the use of smaller trucks can be accommodated without encroachment into the parkland area and this is acceptable to Transportation Services.

Urban Forestry has requested that the owner remove the encroachment on the City's parkland as the lands are within the area protected under the City's Ravine and Natural Features Protection By-law. Encroachment into the minimum protection zone of a tree is considered an injury to a tree. The loss of growing space for publicly owned trees and the loss of public land is considered a contravention of the By-law. The encroachment and loss of open space is also contrary to the Official Plan.

The TRCA has advised that they do not support the encroachment as this area is hydraulic floodway and further encroachments closer to the channel should not be permitted.

This report recommends that prior to enactment of the amending Official Plan and Zoning Bills, the owner be required to remove the existing encroachment and restore the area to a natural condition at their sole expense to the satisfaction of TRCA, Urban

Forestry and in consultation with Parks, Forestry and Recreation (Development Application Unit).

Open Space/Parkland

In regard to the application of the Alternate Parkland Dedication Rate By-law 1420-2007, Parks, Forestry and Recreation Staff has advised that the proposed use is deemed to be commercial because it is a private school. The site is in the middle quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per the Alternative Parkland Dedication Rate By-law.

As this application does not propose any new gross floor area, Parks, Forestry and Recreation has advised that this application is exempt from Parkland Dedication.

Streetscape

Streetscape and on site landscaping improvements are proposed to provide better pedestrian access to the building and to beautify the site. These improvements will be secured in the Site Plan Approval process.

Natural Heritage System - Special Policy Area

The site is located within a Special Policy Area on Schedule F of the former City of York Official Plan where new development within the floodplain must be protected from flooding to at least the 350-year flood level. The site is also subject to the Authority's Fill Construction and Alteration to Waterways Regulation (Ontario Regulation 166/06) and Special Policy Area (SPA).

The Toronto Region Conservation Authority has advised that since the proposal is limited to internal structural modifications to allow the use of the third floor for a private vocational school for either adults or adolescents and that no expansion of the existing building footprint is proposed, the proposed uses would not be prohibited under the SPA of the Provincial Policy Statement. The proposal does not require a permit from the TRCA.

Toronto Green Standard

The proposal is for an internal modification to the existing building and no changes are proposed to the exterior of the building. As such, opportunities to implement sustainable development measures are limited, other than landscape improvement and restoration of the encroachment area to a natural condition. The Toronto Green Standard has not been applied as the applications were filed in 2005, prior to Council's adoption of the standard. However, The Downing Street Group has indicated they are currently looking into installing solar energy panels on the roof.

Development Charges

Toronto Building has advised that development charges would not apply to this proposal for internal modifications to accommodate the private vocational school.

CONTACT

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SIGNATURE

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Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: 3rd Floor Plan

Attachment 3: Official Plan

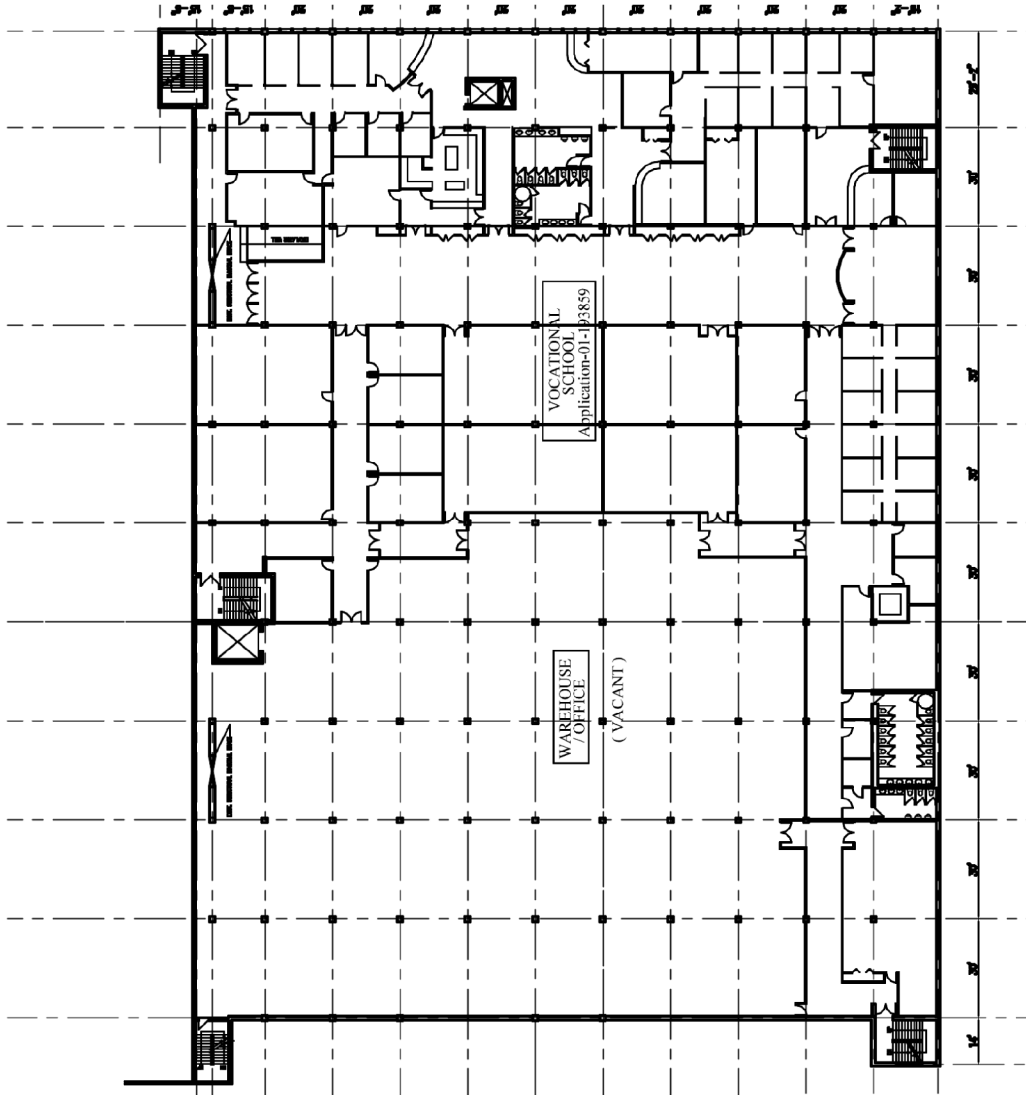
Attachment 4: Zoning

Attachment 5: Application Data Sheet

Attachment 6: Draft Official Plan Amendment

Attachment 7: Draft Zoning By-law Amendment

Attachment 2: Third Floor Plan



3rd Floor Plan

Applicant's Submitted Drawing

Not to Scale
06/06/2011



501 Alliance Avenue

File # 05_121496

Attachment 3: Official Plan



TORONTO City Planning
Official Plan

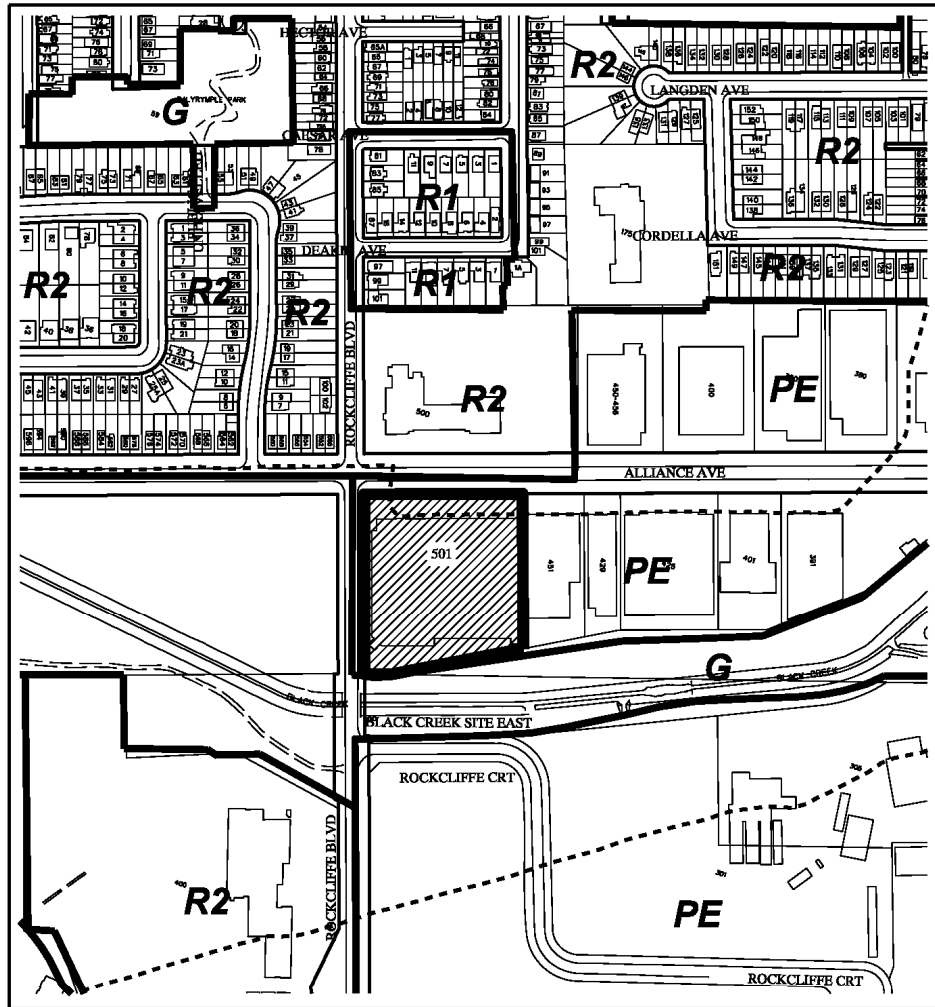
501 Alliance Avenue

File # 05 121496



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 Not to Scale
 10/15/10

Attachment 4: Zoning



Toronto City Planning
Zoning

501 Alliance Avenue
File # 05_121496

Former York Zoning By-law 1-83
R2 Residential Zone
PE Prestige Employment Zone
G Green Open Space

↑
Not to Scale
Zoning By-law 1-83 as amended
Extracted 05/25/2011/JM

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 121496 WET 11 OZ
Details	OPA & Rezoning, Standard	Application Date:	April 8, 2005

Municipal Address: 501 ALLIANCE AVENUE, TORONTO ONTARIO
 Location Description: PL 5098 PT BLK G **GRID W1109
 Project Description: Proposed amendments to the Official Plan and Zoning By-law to permit a vocational school within an existing mixed use building containing office/warehouse/banquet hall uses.

PLANNING CONTROLS

Official Plan Designation:	Employment Area	Site Specific Provision:	N/A
Zoning:	Prestige Employment	Historical Status:	N/A
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	15,461	Height:	Storeys:	0	
Frontage (m):	0		Metres:	0	
Depth (m):	0				
Total Ground Floor Area (sq. m):	11097.4				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	270	
Total Non-Residential GFA (sq. m):	29,615		Loading Docks	5	
Total GFA (sq. m):	29,615				
Lot Coverage Ratio (%):	71				
Floor Space Index:	1.91				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	2,700	0
1 Bedroom:	0	Office GFA (sq. m):	4,000	0
2 Bedroom:	0	Industrial GFA (sq. m):	19,315	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	3,600	0
Total Units:	0			

Attachment 6: Draft Official Plan Amendment

Authority: Unknown 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 adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2010, as 501 alliance Avenue

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

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. The attached Amendment No. 154 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

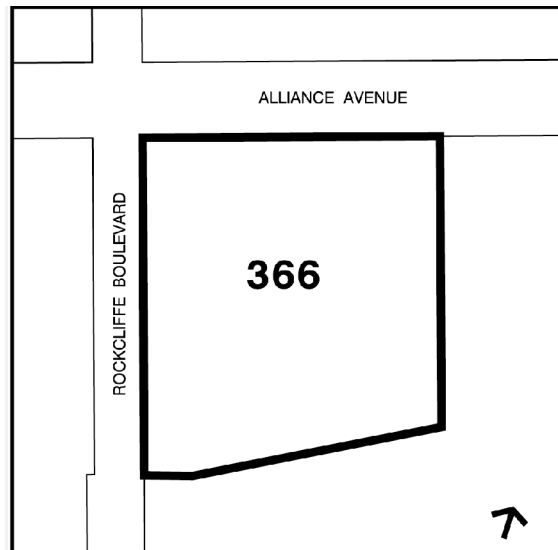
AMENDMENT NO. 154 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2010 AS
501 ALLIANCE AVENUE

The following text and schedule constitute Amendment No. 144 to the Official Plan for the City of Toronto, being an amendment to provisions of Chapter 7 and the Maps 25 and 28 of Chapter 7:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 366 for lands known municipally in 2010 as 501 Alliance Avenue, as follows:

"366. 501 Alliance Avenue

A Private Vocational School is permitted."



2. Chapter 7, Maps 25 and 28, Site and Area Specific Policies, is revised to add the lands known municipally in 2010 as 501 Alliance Avenue shown on the map above as Site and Area Specific Policy No. 366.

Attachment 7: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~ 2011.
Enacted by Council: ~ 2011

CITY OF TORONTO

BY-LAW No. ~ -2011

To amend former City of York Zoning By-law No. 1-83, as amended, in respect to 501 Alliance Avenue.

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 held at least one public meeting in accordance with the *Planning Act*;

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

SECTION 16 AMENDED:

1. That Section 16 of Zoning By-law 1-83, as amended, of the former City of York, be further amended by adding a new Subsection 16(439) as follows:

“16(439) LANDS – 501 Alliance Avenue

Notwithstanding the provisions of Section 3.2 1 and Section 13.5 of this By-law, the existing building on the lands municipally known as 501 Alliance Avenue, as shown on Schedule “A” attached hereto,

- i) may be used as a *private vocational school* provided the gross floor area of the existing building devoted to a *private vocational school* does not exceed 3,600 square metres and the *private vocational school* use is limited to one floor of the existing building;
- ii) the owner shall provide parking at a minimum ratio of 0.90 parking stalls per 100m² of gross floor area for the existing building; and,
- iii) the maximum gross floor area of the existing building devoted to restaurant and/or banquet hall uses shall not exceed 3,190 square metres.

For the purposes of this exception *private vocational school*: means premises in which education or training is provided, including a private career college approved by the Ministry of Training, Colleges and Universities, but shall NOT include elementary education regulated under the Education Act, R.S.O. 1990, c. E.2, as amended.