

September 3, 2015

Etobicoke York Community Council

c/o Rosemary MacKenzie
Etobicoke Civic Centre
Main floor, 399 The West Mall
Toronto, ON
M9C 2Y2

Dear Members of Etobicoke York Community Council:

**RE: 170 & 194 EVANS AVENUE – MINOR VARIANCE APPLICATION AND CITY APPEAL
ETOBICOKE YORK COMMUNITY COUNCIL MEETING 8, AGENDA ITEM EY8.76
OUR FILE: 1564A**

On behalf of their client, 851653 Ontario Inc., a Minor Variance application was submitted for the property located at 170 and 194 Evans Avenue (the "Subject Lands") in May, 2015. Please see the attached air photo and bird's eye view of the Subject Lands. The application sought relief from the Etobicoke Zoning Code (in-effect) and City of Toronto Harmonized Zoning By-law 569-2013 (approved/appealed) in order to permit a Private School and Day Nursery (Phoenix Montessori School) with an outdoor accessory play area to a maximum up to 279 sq m, as well as relief of setbacks from a parking space to a lot line.

The Committee of Adjustment approved the requested variances based on the following planning rationale provided at the time:

1. Approval of the proposal will allow Phoenix Montessori School to operate in Etobicoke, continuing its operations which have been servicing Etobicoke residents and workers for over 17 years. 170 and 194 Evans Avenue is an appropriate location for the School, providing easy accessibility to area residents and workers close to the Gardiner Expressway.
2. The daycare is located on the edge of the employment area – an appropriate location for service uses.
3. The existing building at 170 and 194 Evans Avenue has been vacant for numerous years without any success before Phoenix Montessori School leasing the premises. The Private School and Day Nursery will fill this vacant building with a renewed use through a long term lease. It will invigorate the property while supporting the surrounding employment area.

4. The design of the Phoenix Montessori School use on the property is such that it will not impact the adjacent road network, with more than sufficient parking being provided on the property, utilizing an appropriately designed entrance with a long driveway ramp (which will avoid cars backing up onto Evans Avenue).
5. There are no employment uses in the immediate area of the property which will be negatively impacted by the proposed Private School and Day Nursery. In fact the immediate employment uses to the west support the variance (see attached letter).
6. Following the appeal, Novus Environmental Inc. was retained to further evaluate any negative impacts created by the Private School and Day Nursery on adjacent employment uses. Novus Environmental Inc. concluded:

- All applicable air quality regulations and the noise guideline limits for emissions from surrounding industries are anticipated to be met at the subject property.
- No adverse effects from air quality, dust, odour, or noise from surrounding local industries are anticipated.
- No adverse effects on local industries abilities to obtain or maintain their required Environmental Compliance Approvals are anticipated.
- No adverse effects on local industries abilities to maintain compliance with the City Noise Bylaw are anticipated.
- A noise barrier is required to address noise transportation noise for the proposed outdoor play area, as detailed in our report. With this barrier in place, no adverse effects from transportation noise is anticipated.
- From an air quality and noise perspective, there is no reason the proposed change to a school use and the associated minor variances should not be permitted.

See attached summary letter by Novus Environmental Inc. A full copy of the report is available upon request. The conclusions of Novus Environmental Inc. address the compatibility issues raised by City staff. I note that City staff has not undertaken any specific study of the property.

7. The Official plan designates the subject lands as being within an Employment District with a land use designation of Employment Area. The Official Plan permits a broad range of employment and supporting uses including "small scale stores and services that serve area businesses and workers".
 - a. The Phoenix Montessori School use is permitted in an Employment Area as a "service that serve area businesses and workers".
 - b. While the Phoenix Montessori School use will serve the broader community, it will also serve area workers. The requested variances will provide a use which would provide child care and educational services to employees in the area who would be able to take advantage of this service which will be conveniently located close to their jobs.

- c. 21 existing jobs at the Phoenix Montessori School will be maintained, thus supporting Toronto's economic health and the Official Plan's desire to provide a broad and inclusive approach to employment areas.
- 8. The subject lands are zoned Class 1 Industrial (IC1) (in-effect Etobicoke Zoning Code) and Employment Industrial (E 1.0) (approved/appealed By-law 569-2013). Of note:
 - a. 'Day Nursery' is a permitted use in the in-effect Etobicoke Zoning Code as a 'Daycare' and the Private School is permitted as a "School". These uses have been permitted uses in the IC1 Zone for numerous years without being of concern.
 - b. An outdoor play area is not specifically identified in either of the By-laws. However, it is a requirement of the Province for a licensed Daycare/Day Nursery or Elementary/Private School. In my opinion the outdoor play area would be associated and accessory with a permitted use. The variance for the outdoor play area is therefore a technical variance to ensure that the Provincial license is not unduly delayed by a lack of clarity on this portion of the use.
 - c. The variance for the setback from a parking space to a lot line is based on a provision from the approved/appealed By-law 569-2013 – the variance will recognize the previously approved and constructed parking that is existing on the property, legalizing a condition that meets the in-force Etobicoke Code.

Based on the above, and in addition to the summary/recommendation letter prepared by Councillor Mark Grimes (August 6, 2015), we respectfully recommend that the City withdraw their appeal to the Ontario Municipal Board pertaining to the Minor Variance application for 170 and 194 Evans Avenue.

Thank you.

Yours truly,

MHBC



David A. McKay, BES, MSc, MCIP, RPP
Vice President & Partner

cc: Barry Horosko, Horosko Planning Law
Scott Pentans, Novus Engineering
Clients



Data Source: First Base Solutions Aerial Flown 2014

Context Map

LEGEND

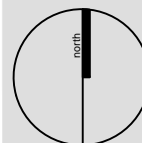
Subject Lands

170 Evans Avenue
Etobicoke, Ontario

DATE: September 3, 2015

SCALE 1 : 4,000

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PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

230-7050 WESTON ROAD WOODBRIDGE, ON, L4L 8G7
P: 905 761 5588 F: 905 761 5589 | WWW.MHBCPLAN.COM



170 Evans Avenue

City of Toronto, Ontario

Bird's Eye View

DATE: September 3, 2015

NOT TO SCALE

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MTCC CONDO CORPORATION #1200

200 Evans Avenue, Suite 102
Toronto, Ontario M8Z 1J7
416 252 9861 fax: 416 252 1578
email: culmone@on.aibn.com

June 2, 2015

City of Toronto Planning Division
Committee of Adjustment – Etobicoke/York Panel
2 Civic Centre Court
Etobicoke, Ontario M9C 5A3

Attn: Ms. Susan Pringle, Manager and Deputy Secretary-Treasurer
Committee of Adjustment, Etobicoke/York Panel

Re: Committee of Adjustment Application No. A 228/15EYK
170 & 194 Evans Avenue
851653 Ontario Inc. Owner/Applicants

Dear Ms. Pringle,

I, John Culmone as president and on behalf of the Condominium Board of Condominium Corporation 1200 representing the property unit owners located at 200 Evans Avenue which is located to the west of the subject property noted above have been approached by the applicant's representative with respect to the application to use the vacant building for the purpose of a Private School/Day Nursery.

It is our opinion that the proposed use of the property and building for a Private School/Day Nursery represent a good use of a site that has been underutilized for many years. The Phoenix Montessori School would be a valuable community asset to this mixed use neighbourhood.

Should the Committee see fit, the board members of Condominium Corporation 1200 have no objection to the passing of the variances requested.

Yours Truly,



John Culmone,
President, MTCC Condo Corp. #1200

September 3, 2015

Horosko Planning Law
300 North Queen Street, Suite 101
Toronto, ON,
M9C 5K4

Attn: Mr. Barry Horosko

**Re: Environmental Noise and Air Quality Feasibility Assessment
170 & 194 Evans Avenue School
Toronto, Ontario
Summary of Conclusions**

Novus Environmental Inc. (Novus) was retained by the Phoenix Montessori School to conduct an environmental air quality and noise assessment for their proposed school to be located at 170 and 194 Evans Avenue, in Toronto (Etobicoke), Ontario.

Our analysis and opinions are detailed in a Novus report entitled:

- “Environmental Noise and Air Quality Feasibility Assessment, 170 & 194 Evans Avenue School, Toronto, Ontario”, dated September 3, 2015.

This letter presents a summary of our conclusions.

In reviewing the compatibility of the mixed uses on the property, Novus reviewed the existing and proposed land uses in the area, conducted a site visit and screening level modelling, and reviewed publicly available information on air quality and noise emissions.

We considered a number of applicable Ministry of the Environment and Climate Change (MOECC) guidelines, policies, and regulations, including Guideline D-6, Publication NPC-300 and Regulation 419/05. We considered the potential for impacts from air quality, dust, odour and noise to affect the proposed school use.

The following are the major findings of our assessment:

- All applicable air quality regulations and the noise guideline limits for emissions from surrounding industries are anticipated to be met at the subject property. No adverse effects from air quality, dust, odour, or noise from surrounding local industries are anticipated.
- No adverse effects on local industries abilities to obtain or maintain their required Environmental Compliance Approvals are anticipated.
- No adverse effects on local industries abilities to maintain compliance with the City Noise Bylaw are anticipated.
- A noise barrier is required to address noise transportation noise for the proposed outdoor play area, as detailed in our report. With this barrier in place, no adverse effects from transportation noise is anticipated.
- From an air quality and noise perspective, there is no reason the proposed change to a school use and the associated minor variances should not be permitted.

Should you have any questions or comments, please feel free to contact me.

Sincerely,

Novus Environmental Inc.



R. L. Scott Penton, P.Eng.
Principal / Specialist