

**469 & 471 Merton St  
Rezoning Application – Final Report**

<b>Date:</b>	October 22, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	08 231986 STE 22 OZ

**SUMMARY**

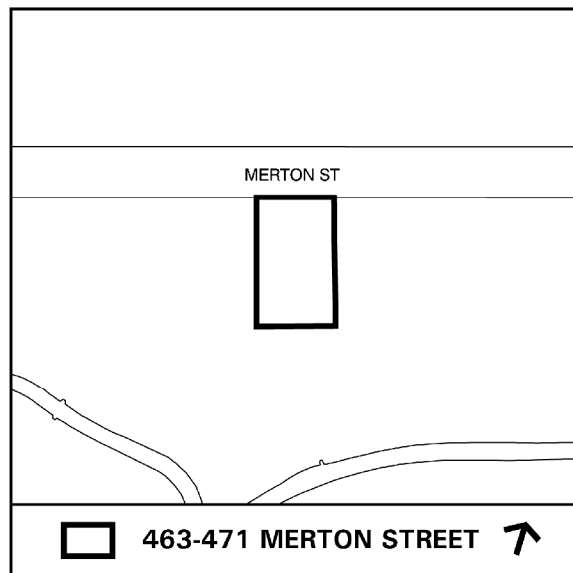
This application is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to expand the existing Sunnybrook School building which is a private school located at 469 Merton Street. The applicant proposes to construct a 2-storey plus basement addition on the adjacent property to the east at 471 Merton Street. The existing house at 471 Merton Street would be demolished.

While City Planning staff are concerned about the expansion of existing private schools within *Neighbourhoods*, the City Planning Division considers that this specific private school expansion proposal is satisfactory and is recommending approval given that:

The existing building plus the proposed addition will have no significant built-form impact on the adjacent homes.

A maximum permitted gross floor area (1,433 m<sup>2</sup>) of any building(s) on the site has been included in the draft site-specific zoning by-law (refer to Attachment 7) at a floor area that represents the existing



building plus the proposed addition. If the proposed draft by-law is approved and if the current or any future owner of the school wished to add gfa beyond the amount of floor area of the existing building plus the addition, a rezoning would be required. However Planning staff believe that in its proposed expanded state the school building will be at the maximum size that could be supported on this residential street.

The proposed addition is not intended to allow for additional students. The school's enrolment has been capped in the draft site-specific zoning by-law at a maximum of 150 full-time students. The school has never had more than 150 students. Therefore the school with the proposed addition, operating at or below the enrolment cap, is not expected to generate more traffic on the street. If the current or any future owner of the school wished to increase its enrolment beyond 150 students, a zoning amendment would be required. However, Planning staff consider that 150 students is the maximum number that could be supported in a private school on this residential street.

The school's purchase of the property at 471 Merton Street (the portion of the site that would contain the proposed addition) has expanded the curb-side drop-off and pick-up area by approximately 7.5 metres. The combined area of the existing school frontage plus the newly acquired lot provides frontage that is now able to accommodate up to 5 cars at a time.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. The draft bills not proceed to City Council until a revised landscape plan and a letter of undertaking to do the work is submitted by the applicant to the satisfaction of the Director of Community Planning, Toronto and East York District.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

In 1997, the Sunnybrook School applied to the Committee of Adjustment for approval of minor variances with respect to gross floor area and building depth to permit a 1-storey and basement addition to the rear of the then-existing school building at 469 Merton Street. The Committee of Adjustment refused that application and Sunnybrook School appealed that decision to the Ontario Municipal Board.

The school revised its plans which resulted in a modified list of zoning variances. The revised plans were subsequently presented to and approved by the Ontario Municipal Board subject to the conditions of a Settlement Agreement. The Settlement Agreement was between the School and the neighbours to the east and west at 471 and 457 Merton Street respectively. The addition was built according to the conditions.

## **ISSUE BACKGROUND**

### **Proposal**

Sunnybrook School, currently located at 469 Merton Street, has acquired the property to the east at 471 Merton Street. The school proposes to expand their current facility by demolishing the existing house on that lot and building a 2-storey (plus basement) addition. The proposed addition is intended to: provide more space in some classrooms; improve some existing facilities such as a larger music room; and to provide some new facilities such as an art room and a French room. The school has indicated that the proposed expansion will not result in an increased student enrolment.

### **Site and Surrounding Area**

The subject site is located on the south side of Merton Street, east of Mt. Pleasant Road and contains a 2-storey brick school building with finished basement and surface parking for 5 cars (including 1 handicapped space). The school has a hard-surfaced play area in its rear yard which abuts the Mount Pleasant cemetery to the south. The front yard is primarily used for parking and is landscaped with paver stones and 3 large permanent planter boxes.

The school was established in a smaller building at its current Merton Street address in the early 1960's and has been part of this primarily low-density neighbourhood for 49 years.

The site is surrounded by the following uses:

North: single detached and semi-detached houses and duplexes

South: the Mount Pleasant Cemetery

East: single detached and semi-detached houses, duplexes and other multiplex housing forms

West: single and semi-detached housing forms, a gas station on the north side of Merton Street at Mt. Pleasant Road, two 4 to 10-storey apartment buildings.

### **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 Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is designated as *Neighbourhoods* in the Official Plan. The *Neighbourhoods* designation permits a range of lower scale residential land uses, which may be interspersed by 4-storey walk-up apartment buildings and apartment buildings (taller than 4-storeys) which were legally constructed prior to the approval date of the Official Plan.

Low-scale institutional uses such as schools are also permitted in *Neighbourhoods* designations (Section 4.1.1). Schools in *Neighbourhoods* are to provide open space for student outdoor activities and for landscaping. Schools are to be designed and operated to limit noise, privacy impacts and traffic impacts on neighbouring residents (Section 4.1.2).

## **Zoning**

The site, including 469 Merton Street (the location of the existing school building) and the adjoining 471 Merton Street (a house now owned by the Sunnybrook School) are both zoned R2 Z0.6 (refer to Attachment 5).

A private school is a permitted use in an R2 zone provided that it is within a building that was originally constructed for that use. Most of the current building was built as a nursery school in the early 1960's. The use of the building as a private elementary school was approved by the Committee of Adjustment in 1989. External additions to the school were approved by the OMB in 1998, subject to conditions which were included in a Settlement Agreement that was entered into by the School, and the owners of 471 and of 457 Merton Street (refer to 'Comments' section below for details respecting this agreement).

The new proposed addition would be constructed on the part of the site which is currently occupied by a single detached house which was not originally constructed for use as a private school. A by-law amendment is required to permit the school use at 471 Merton Street.

## **Site Plan Control**

This application is not subject to Site Plan control. However, a number of Advisory Comments were included in the reports to Community Planning from other City Departments. Advisory Comments are included at Attachment 8 of this report.

The application is subject to Residential Demolition Control.

## **Reasons for Application**

By-law 438-86 permits a private school in an 'R' zone if it is located in a building that was originally constructed for that use. The existing building at 469 Merton Street was originally constructed as a nursery school. The Committee of Adjustment granted variances in 1989 that, among other things, allowed the School to operate as a private elementary school. The existing building at 471 Merton, the site of the proposed addition, was originally constructed as a 2-storey detached house. An application for rezoning is required to permit the addition to be used for the purposes of a private school in an R2 zone.

The proposed addition exceeds the maximum allowable depth for a building. It will also create the condition of having less than the permitted separation between facing walls of the same building. Amendments will be required to permit these variances to the Zoning By-law.

The proposed draft by-law (refer to Attachment 7) is comprehensive and applies to the entire expanded site. The expanded site includes the area containing the existing school building and the area of the site which is proposed to contain the new addition.

## **Community Consultation**

A community consultation meeting was held at Hodgson Senior Public School on March 10, 2009. Concerns raised by local residents at that meeting included:

- traffic congestion and blockage of private driveways on Merton Street resulting from student drop-off and pick-up;
- (school) staff parking on Merton Street;
- the potential for Sunnybrook School to increase their student enrolment resulting from the proposed expansion;
- the potential for drainage problems on abutting residential rear yards that may be caused by the re-grading of the school's rear playground area to a higher finished grade; and
- the addition should be constructed of (painted) brick to better blend with neighbourhood houses and the existing school building.

## **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.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposed addition to Sunnybrook School is consistent with the Provincial Policy Statement (PPS). Section 1.1.1(b) of the PPS recognizes that healthy, safe, liveable communities are sustained by accommodating an appropriate range of uses, including institutional uses.

The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. Section 2.2.2 ('Managing Growth') states that population growth will be accommodated by (among other things) encouraging cities to develop as complete communities. 'Complete communities' is defined in the Growth Plan as communities that meet people's needs for daily living throughout an entire lifetime by providing community infrastructure including schools.

### **Settlement Agreement (1998)**

The proposed addition would not comply with some of the conditions of the settlement agreement (1998) that was ordered (by the OMB) to be entered into by the school and the two adjacent landowners on its east and west sides.

The City is not party to the settlement agreement and therefore it is not necessary for the City to unwind the conditions of the agreement.

Two of the conditions of the 1998 settlement are of particular interest to the broader neighbourhood and not just the original adjacent property owners. These are that:

- the school would be restricted from further expansions; and
- the school would cap its enrolment at a maximum of 150 students at any given time.

These issues are discussed further in the Land Use and the Density Sections of this report.

### **Land Use**

A private school is a permitted land use in the *Neighbourhoods* designation of the Official Plan. The Zoning By-law permits private schools in certain 'R' zones if they occupy buildings that were originally constructed for such land uses. The Sunnybrook School was granted a minor variance in 1989 that allowed the existing school as a permitted land use in an R2 zone. The proposed addition will need similar zoning relief.

The proposed 2-storey, 398.67 square metre addition to the school would replace the existing house at 471 Merton Street. The intended use of the additional space is for improved facilities for the current student enrolment number. The school's enrolment is proposed to be restricted in the site specific by-law to a maximum of 150 students as it was in the Settlement Agreement of 1998. The School is in agreement with this by-law restriction on enrolment and has indicated (in written material submitted to and on file with the City with the rezoning application) that:

- it is not possible to increase its capacity beyond this enrolment cap with this addition and neither do they have any intention of doing so at this time or at any time in the future;
- an expansion of the existing grades of JK to grade 6 to include grades 7 and 8 is not feasible as the school does not have the outdoor or indoor facilities that would be required for middle school students at this Merton Street location;
- parents choose Sunnybrook School for their children because of the School's small size and low student-to-teacher ratio and the School has a mandate to continue to provide this type of learning environment for its students; and
- the proposed expansion is not large enough to provide 2 classes per grade, which is what the School would have to do in order to increase the number of JK to grade 6 students and maintain their low student-to-teacher ratio.

The school has further stated (in written materials submitted with their application) that the proposed addition is not intended to allow for increased enrolment but it is intended to improve the existing facilities and to add new facilities as follows:

- three of the existing eight classrooms are undersized and would be made larger;
- one of the home room classrooms is in the basement and would be moved above-grade;
- specialty class rooms would be added or expanded. Art and French rooms would be added and a larger music room would be provided;
- teacher work space and administration space would be provided or expanded;
- additional storage space would be provided; and
- the playground area at the rear of the existing school would be expanded onto the new lot.

## **Density, Height, Massing**

### **Density**

Prior to the School's purchase of no. 471 Merton Street, the existing building had a density of approximately 0.88 times its lot area. The lot at that time included nos. 463 & 469 Merton Street. That density, which was approved by the Ontario Municipal Board in 1998, exceeds the lot area that is permitted by the Zoning By-law by approximately 0.2 times the lot area.

The existing building plus the proposed addition has a density of approximately 0.91 times the larger lot area that now includes 471 Merton Street. That density marginally exceeds the existing school density and the as-of-right (under By-law 438-86) densities by 0.03 and 0.31 times the lot area respectively.

Notwithstanding that the proposed addition is not a residential structure, the density of the addition alone is 0.31 times its lot area (471 Merton Street). That density represents approximately half of the gross floor area which could be built at 471 Merton Street if a new residential building was to replace the existing house on this lot (provided such building complied with all other provisions of By-law 438-86).

Staff consider that if this application is approved, the school will have reached its maximum size for the efficient and safe operation of a private elementary school in this neighbourhood. Staff are recommending that the gross floor area of the school be capped in the site specific zoning by-law at a maximum of 1,433.00 m<sup>2</sup> which is the equivalent of the floor area of the existing school plus the proposed addition. Any future proposals to expand the school building (beyond that which is recommended for approval in this report) would require an amendment to the site-specific by-law. Staff are of the opinion that the existing school, plus the proposed addition represent the maximum gfa that should be permitted for a private school use at this location on Merton Street.

### **Height**

At 7.4 metres in height (to the midpoint of the roof line), the proposed addition is under the 9.0 metre limit permitted for the area.

### **Massing**

In order to achieve the amount of expanded classroom space that is considered necessary by the School, the proposed addition extends approximately 1.74 metres deeper into its rear yard on the west side of the site than would be permitted by By-law 438-86. Despite its larger building depth, the addition still maintains a rear yard setback of approximately 26.5 metres at its shallowest point. (The required rear yard setback is 7.5 metres).

The design of the proposed addition compensates for its minor increase in building depth by setting the building back 0.61 metres more from the east property line than the existing setback of the house that is currently on the lot at 471 Merton Street. The proposed addition has few windows in its east elevation and the west flank of the existing house at 475 Merton Street which faces the school's addition, contains no windows.



In summary, with respect to density, height and massing, the proposed design with its: modest increase in density; a height that is approximately 1.6 metres lower than is permitted; a building depth which marginally projects deeper into the lot than permitted; and a building mass that arranges the addition on the site in a manner that is sensitive to the neighbouring house to the east; will not have a negative impact on the neighbourhood.

### **Sun, Shadow, Wind**

The proposed addition causes no significant loss of sun, shadow or wind impacts on the surrounding homes. The proposed addition is on the east side of the existing building. It would provide a wider setback than currently exists between the home immediately to the east and the house that is to be demolished which is located at 471 Merton Street. The neighbouring house to the east has no windows facing the proposed addition.

### **Parking, Traffic Impact and Access**

#### **Parking**

The school employs 18 full-time staff members. No parking is required in By-law 438-86 for a private school use. However the school (in the 2008-09 school year) had: 5 front yard parking spaces interspersed amongst large concrete planter boxes; leased 4 off-site spaces across the street; 1 staff member rented a parking space; and 2 staff members had TTC passes. The school also encourages further transit use by staff by offering subsidies for TTC Metro Passes. Similar parking arrangements (plus one additional space that is to be constructed on the east front yard of the expanded property) will be used throughout the 2009 – 2010 school year. This means that up to 6 of 18 staff members will need daytime street parking or make alternative travel to work arrangements.

The school is proposing a driveway to extend from Merton Street to the expanded playground area at the rear of the school. A gate will separate the driveway from the playground. The driveway is intended to be used as an emergency vehicle (fire and ambulance) access to the playground and to the rear of the school. It must be kept clear of parked vehicles and other obstacles at all times. The draft by-law (refer to Attachment 7) restricts parking in the driveway.

#### **Traffic Impact and Access**

Section 4.1.2 of the Official Plan requires that schools are to be designed and operated to limit traffic impacts on neighbouring residents. The school has submitted a traffic study with its rezoning application that looks at the impact that the proposed addition might have on existing traffic patterns in the neighbourhood.

The traffic consultants based their study on the basis of a maximum sustained enrolment of 150 students. However, the school's enrolment will fluctuate up to a maximum of 150 students as would be permitted in the site-specific by-law and may periodically generate slightly fewer student drop-off and pick-up trips than projected by the consultants.

The school instituted a new traffic plan in October of 2008. The new plan was established, in part, as a response to neighbourhood concerns with respect to the

neighbourhood traffic generated in the area by student drop-offs and pick-ups. The school's traffic consultants and City planning staff independently observed drop-off and pick-up procedure. The school's new traffic plan generally operates as follows:

**i) Morning Drop-Off**

The school is open to students at 7:45 and classes begin at 8:45. The school indicates that staggered drop-off occurs over the duration of this hour in the morning and that the build-up of traffic (primarily in the westbound lanes, back from the traffic signal at Mt Pleasant Road.) is typically a result of other local traffic and short-cutting commuters and is not usually Sunnybrook-related.

This observation was verified by City planning staff who visited the site during a.m. peak hours and observed that the morning drop-off system worked reasonably well. The drop-off zone is located in the eastbound lane of Merton Street while traffic congestion occurs in the westbound lane resulting from queuing back from the traffic signal at Mount Pleasant Road. Based on staff observations, Sunnybrook School does not appear to be a major contributor to traffic problems on Merton Street during the morning peak period.

**ii) Afternoon Pick-Up**

The afternoon student pick-up occurs over the 20-minute period between 3:40 and 4:00 p.m. All students with surnames beginning with A to H are picked up between 3:40 and 3:50 p.m. Students with surnames beginning with I to Z are picked up between 3:50 and 4:00 p.m. Four teachers are used to assist the continuous flow of pick-up traffic. After-school programs are run for students on Mondays, Wednesdays and Thursdays in the fall and winter terms. This means that typically 20 – 30 students are picked up after the peak pick-up period and street traffic originating from the school is reduced during this period on those days.

City planning staff observed that parents picking up students did not significantly impede non-Sunnybrook traffic on Merton Street. A few vehicles did park in the drop-off zone for longer than the (school) permitted 10 minute wait time. A few U-turns were made in front of the school, but no students were picked up from the eastbound lane adjacent to the drop-off zone (in other words, no double parking was observed). No students were picked up from the westbound lane (the opposite side of the street).

The school's traffic consultants noted that while the proposed addition is not intended to accommodate additional students, the purchase of 471 Merton Street does provide an additional 7.6 metres of school frontage for drop-off and pick-up operations. This, in addition to the school's new traffic plan, may explain the lack of school-related congestion that was observed.

The consultant's traffic counts and observations were based on all vehicle trips related to the school including:

- student drop-offs and pick-ups inside and outside of the designated zone along the south side of Merton Street in front of the school: and
- staff vehicle trips during school hours.

The consultants estimated that a school enrolment of 150 students is forecast to generate 90 two-way vehicle trips in the roadway in the school morning peak hour and 51 trips in the school afternoon peak hour. The consultants concluded that these peak hour drop-offs and pick-ups can be accommodated within the expanded pick-up and drop-off area.

The City's Transportation Services Division has reviewed the consultant's report and agrees with their conclusion. Continuous education of parents and others who drive students to and from the school would seem to be the solution for any traffic issues that may be caused by the school.

### **Stormwater Drainage**

Some residents of adjacent properties who were in attendance at the Community Consultation meeting expressed concerns that the re-grading of the school's rear yard could cause drainage problems in their respective yards. Section 3.1.18.1(1) of the Ontario Building Code requires that the building shall be located and the building site graded so that water will not accumulate at or near the building and will not adversely affect any adjacent properties. The Buildings Department will check the building permit application drawings to ensure that the proposed grading and drainage will result in stormwater flows being dissipated on site.

### **Open Space/Parkland**

This application is exempt from the parks levy requirement under Chapter 165-7 of the former City of Toronto Municipal Code, which remains in full force and effect.

There are two pocket parks within this (long) block of Merton Street. The proposed addition will include an expanded outdoor play area at the rear of the site. Outdoor student activities will continue to take place in this area during recess, lunch time and during limited, regulated before and after school periods. Since the number of students would not increase with the proposed addition, the intensity of use of this outdoor area will remain unchanged.

### **Streetscape**

Section 4.1.1 of the Official Plan permits low scale institutions such as schools (no distinction is made in the Plan between public and private schools) within *Neighbourhoods*. The Plan also specifies that permitted physical changes within established *Neighbourhoods* must be sensitive and generally fit within the existing physical character. A key objective of the Plan is that new development must respect and reinforce the general physical patterns in a *Neighbourhoods* area.

The proposed expansion has been designed with house-form features and building materials such as a mansard roof and painted brick and fits well into the surrounding streetscape context. The school has broken up its hard-surfaced front yard parking (in previous years) with raised planters and a park bench. The planters and park seating enhance the streetscape and will be maintained.

The school proposes to use turfstone pavers for the area in front of the addition. Turfstone pavers are paver stones that are porous and allow rainwater to permeate the soil to maintain tree root growth (there is a mature linden tree in the front yard of the neighbouring property to the east). Turfstone pavers also allow grass to grow through their centres thereby 'greening' the look of the otherwise hard-surfaced front yard parking area.

The school is proposing to erect a decorative wrought-iron fence on the east property line which is to extend from the front wall of the neighbouring house on the east side of the school to the sidewalk at Merton Street. A line of evergreen hedging has also been proposed to be planted by the school on this neighbour's side of the fence. The hedging would extend approximately from the front wall of that house to the south side of the sidewalk.

A revised landscape plan that shows the turfstone pavers, the wrought-iron fence and the row of evergreen hedging shall be required to be submitted to the satisfaction of the Director of Community Planning for Toronto and East York prior to the Bills proceeding to City Council.

### **Toronto Green Standard**

The proposed development is a small addition to an existing school building. However, it has been designed to meet 29 targets of the City's Green Development Standards.

Targets that have been met include:

- bicycle parking exceeds the required 1 space per 1,250 m<sup>2</sup> of non-residential floor space;
- the parking supply does not exceed the minimum requirement of the zoning by-law (thereby encouraging transit use);
- zero use of CFC-based refrigerants and Halons in fire suppression;
- 46% of all building materials, including adhesives, sealants, paints, coatings, carpets, composite wood and agrifiber products, are low-emitting;
- stormwater on-site retained to the same level of annual volume of overland runoff allowable under pre-development conditions; and
- all runoff retained on the site from small design rainfall events (typically 5 mm).

## **Development Charges**

It is estimated that the development charges for this project will be \$3,803.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Tim Burkholder, Planner  
Tel. No. (416) 392-0412  
Fax No. (416) 392-1330  
E-mail: tburk@toronto.ca

## **SIGNATURE**

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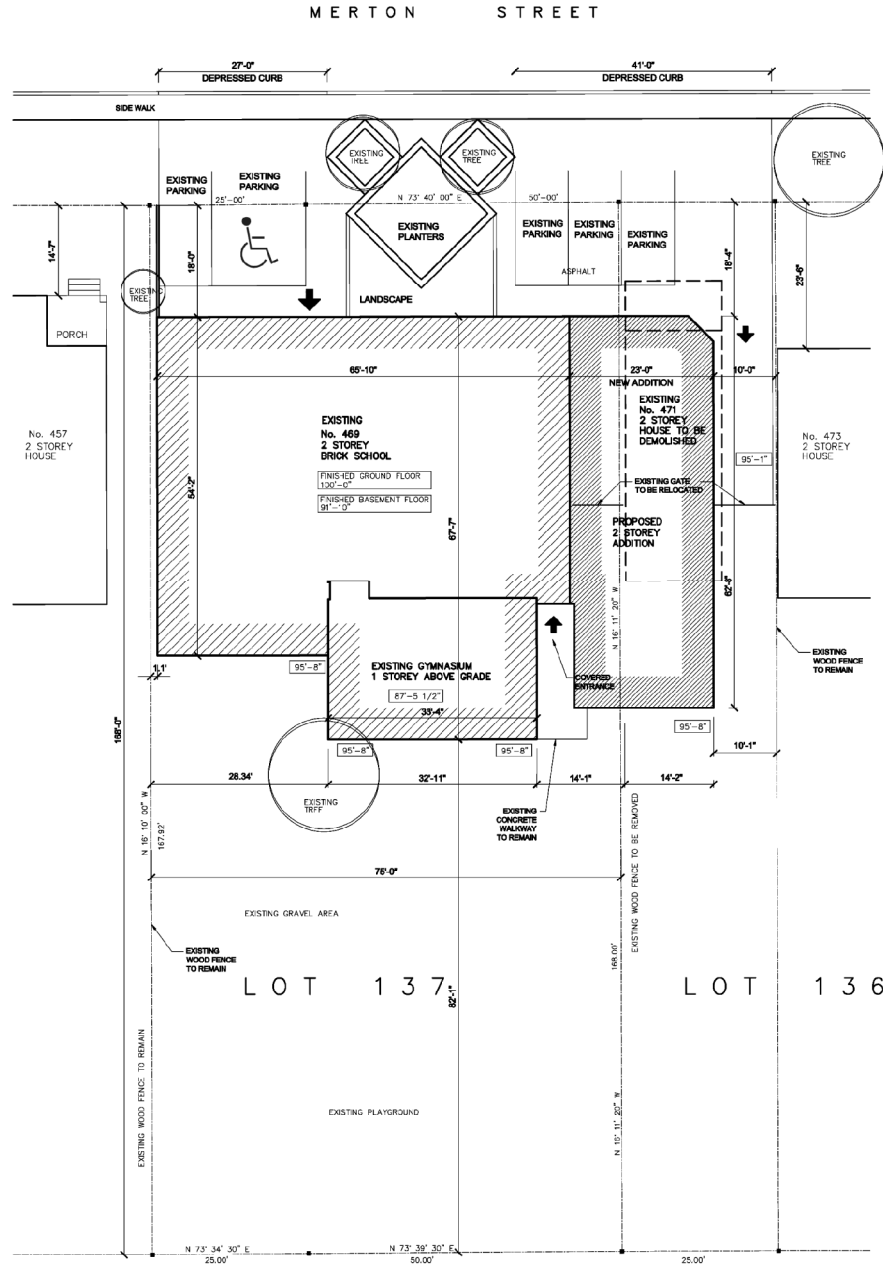
Raymond David, Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: Zoning  
Attachment 6: Application Data Sheet  
Attachment 7: Draft Zoning By-law Amendment  
Attachment 8: Advisory Comments

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

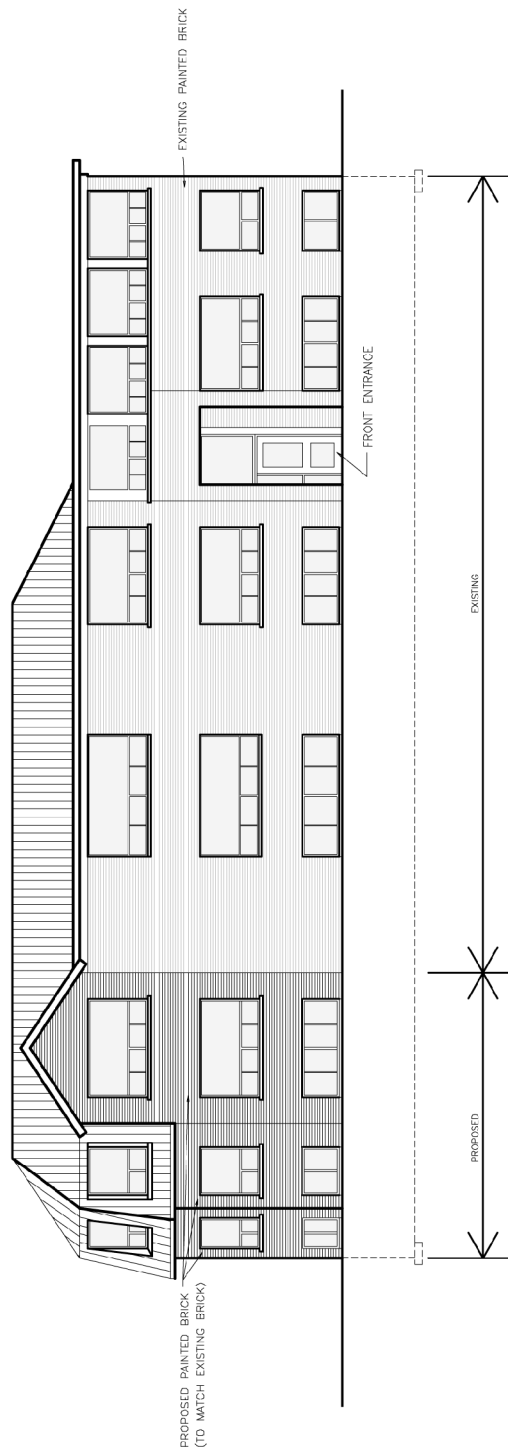
Not to Scale  
02/10/09



## 463 - 471 Merton Street

File # 08\_231986

## Attachment 2: North Elevation



North Elevation

### Elevations

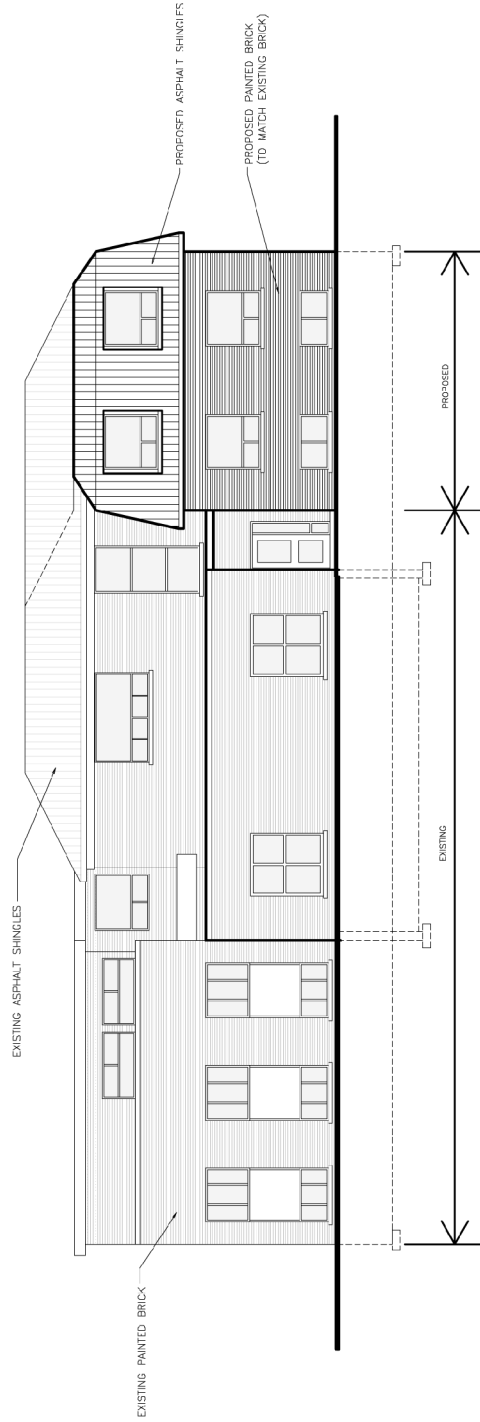
463 - 471 Merton Street

Applicant's Submitted Drawing

Not to Scale  
10/05/2009

File # 08\_231986

**Attachment 3: South Elevation**



**South Elevation**

**Elevations**

**463 - 471 Merton Street**

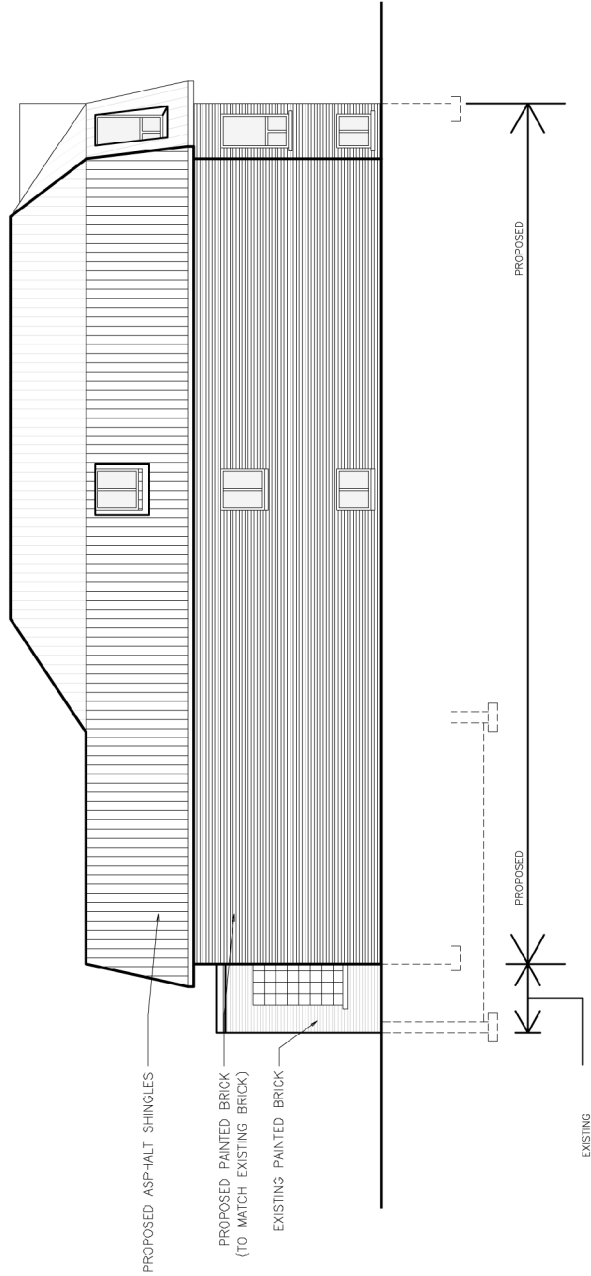
Applicant's Submitted Drawing

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File # 08\_231986



**Attachment 4: East Elevation**



**East Elevation**

**Elevations**

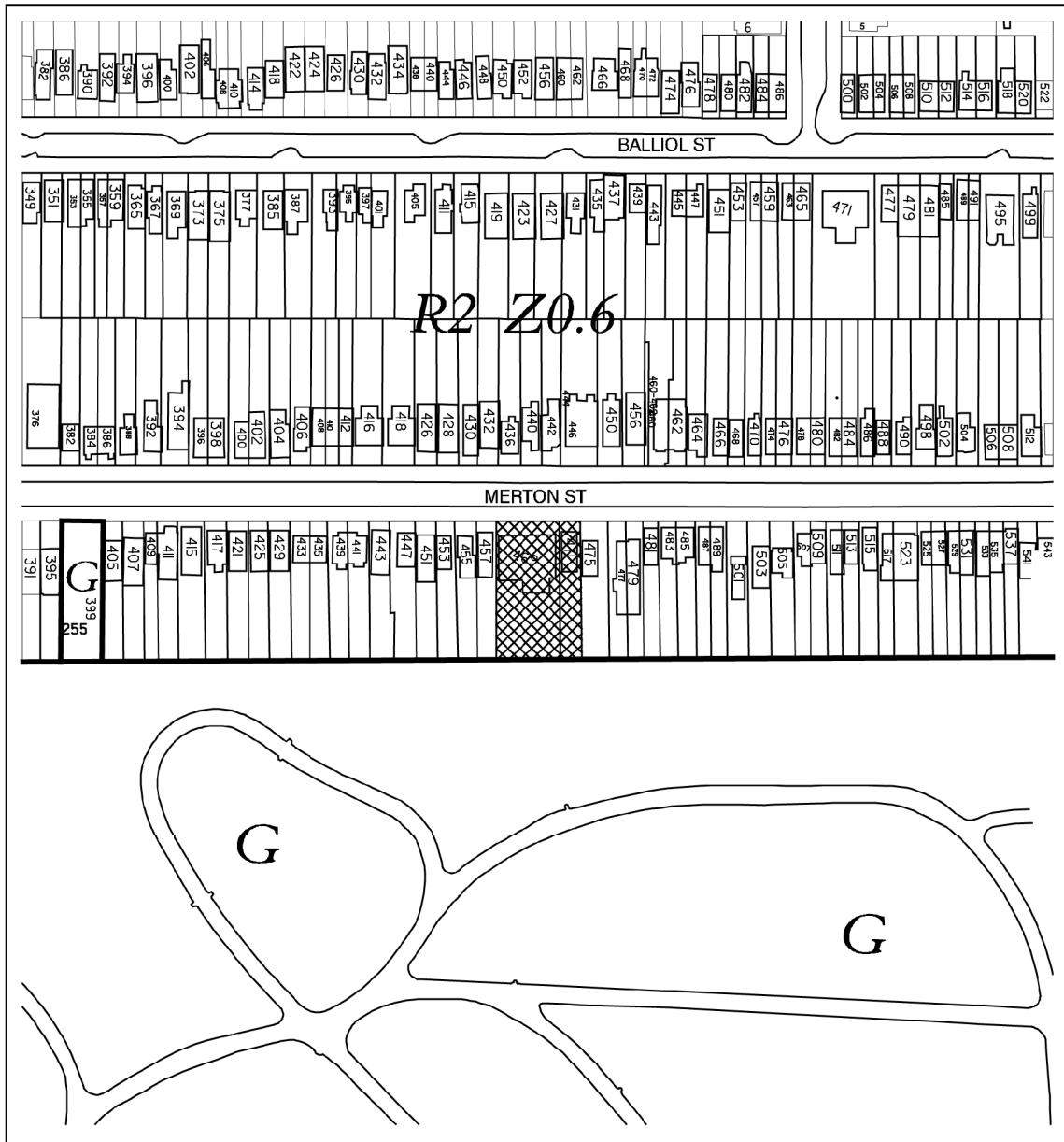
Applicant's Submitted Drawing

Not to Scale  
10/06/2009

**463 - 471 Merton Street**

File # 08\_231986

# Attachment 5: Zoning



**TORONTO** City Planning  
Zoning

463 - 471 Merton Street

File # 08\_231986

- G Parks District
- R2 Residential District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 02/10/09 - DR

## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	08 231986 STE 22 OZ
Details	Rezoning, Standard	Application Date:	December 24, 2008

Municipal Address: 469 MERTON ST  
 Location Description: PL M5 PT LT137 \*\*GRID S2209  
 Project Description: Rezoning application for a proposed two-storey side addition to an existing private school on the portion of the lands municipally known as 471 Merton Street. Site is comprised of 4693-471 Merto Street inclusive.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BOUSFIELDS INC. TONY VOLPENTESTA		J.H.RUST ARCHITECT INC. KIJEWski HUBERT	748901 ONTARIO LIMITED

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R2 Z0.6	Historical Status:	
Height Limit (m):	9	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1561	Height:	Storeys:	2
Frontage (m):	30.48		Metres:	7.1
Depth (m):	51.2			
Total Ground Floor Area (sq. m):	496.97			<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	5
Total Non-Residential GFA (sq. m):	1433.01		Loading Docks	0
Total GFA (sq. m):	1433.01			
Lot Coverage Ratio (%):	32			
Floor Space Index:	0.92			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	924.34
Total Units:	0		508.67

## Attachment 7: Draft Zoning By-law

Authority: Toronto and East York Community Council Item ●● as adopted by City of Toronto Council on \_\_\_\_\_, 2009

Enacted by Council: \_\_\_\_\_, 2009

### CITY OF TORONTO BY-LAW No. xxx-2008

#### **To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 469 and 471 Merton Street.**

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*; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth;

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

1. None of the provisions of Sections 6(2) 15, 6(3) Part I 1, 6(3) Part II 5, 6(3) Part II 6, of Zoning By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the use of the existing structure and the erection and the use of the addition as a private elementary school, including uses *accessory* thereto, on the *lot* provided:
  - (1) the *lot* consists of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (2) the maximum *non-residential gross floor area* of any buildings erected on the *lot* shall not exceed 1,433 square metres;
  - (3) the enrolment shall not exceed 150 full-time equivalent students that may be in attendance on the campus at any one time;
  - (4) no portion of any building above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, except for cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills/surrounds, guardrails, balustrades, railings, stairs, stair enclosures,

wheelchair ramps, vents, underground garage ramps and their associated structure, fences, screens, and landscape and public art features;

- (5) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2;
- (6) a minimum of 6 *parking spaces* shall be provided and maintained on the *lot*;
- (7) no parking shall be permitted within any portion of the driveway that extends along the east property line; and
- (8) the owner shall incorporate, in the construction of the building, exterior materials generally as shown on the north and east elevation drawings.

2. Definitions:

For the purposes of this By-law, the terms set forth in italics have the same meaning as such terms have for the purposes of By-law 438-86, as amended, except for the following:

3. Section 13 of By-law 438-86 shall be amended by adding, 'By-law xxxx' respecting 469 and 471 Merton Street.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 200\_\_\_\_.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

## **Attachment 8: Advisory Comments**

The following are advisory comments from City Divisions:

1. The owner shall remove all existing accesses, curb cuts, traffic control signs, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.
2. The owner shall construct and maintain all facilities necessary to permit City collection of solid waste materials in accordance with the Yellow Bag Program which is subject to the terms and conditions in Chapter 841 of the City of Toronto Municipal Code.
3. The owner must make separate applications to the General Manager of Transportation Services for permits to carry out any works involving the construction in, or occupancy of the Merton Street public right-of-way.
4. The owner must make a separate application for the review and approval of the General Manager of Transportation Services for the proposed boulevard parking spaces within the Merton Street right-of-way.
5. The owner shall be advised that for assessment and Official Record municipal numbering purposes, the owner is required to apply for revised municipal numbering.
6. The owners shall be advised that they are financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.
7. The owner shall obtain approval from Toronto Hydro Street Lighting Incorporated (THSLI) for removing and/or relocating any utility with attached municipal street lighting and for any upgrades.
8. The owner shall be advised that all elements of the proposed streetscape plans, within the limits of the City's right-of-way must comply with City standards and specifications.
9. The owner shall be advised that this development is subject to Development Charges and Educational Development Charges.