

**Extension of Interim Control By-law 616-2009,
Day Nurseries in High Park Avenue Study Area from
Glenlake Avenue to Dundas Street West**

Date:	April 7, 2010
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 - Parkdale-High Park
Reference Number:	09 141286 WET 13 OZ

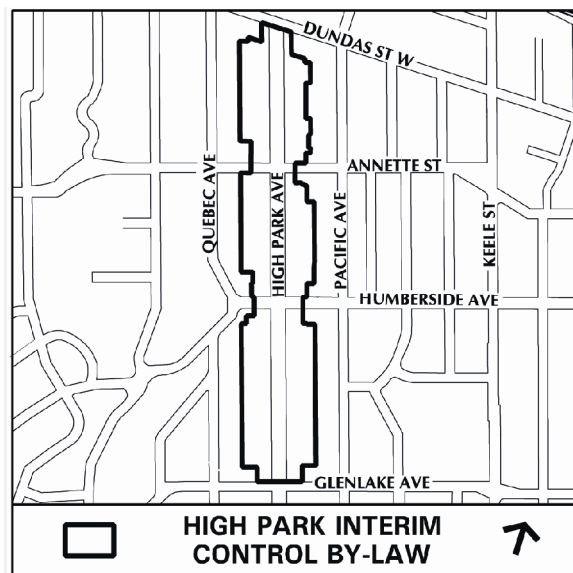
SUMMARY

This report recommends an extension to Interim Control By-law 616-2009 for a one year period to complete the study of the zoning regulations and planning policies affecting Day Nursery uses in house-form buildings on High Park Avenue in a residential zone.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Interim Control By-law 616-2009 for the High Park Avenue study area, substantially in accordance with the proposed By-law attached as Attachment 2 to this report, to extend by one year the period of time which the By-law is in effect.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the By-law as may be required.



Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

City Council, at its meeting of May 27, 2009 enacted Interim Control By-law No. 616-2009. The purpose of this By-law was to prohibit Day Nursery uses from establishing on the lands in the High Park Avenue study area, bounded by Glenlake Avenue to the south; Dundas Street West to the north; and, the rear lot lines of properties fronting onto High Park Avenue to the east and west (see Attachment 1 – High Park Avenue Study Area Map) for a period of one year, in order to conduct a study to evaluate appropriate standards and regulations for this use in house form buildings within the aforementioned affected study area.

ISSUE BACKGROUND

On May 14, 2009, Etobicoke York Community Council considered a Motion submitted by Councillor Saundercook and made the following decision:

1. Directed the Director, Community Planning, to report to the May 25, 2009 meeting of City Council on:
 - a. the establishment of “private home day care” and “day nursery” operations within residential zones of the former City of Toronto and the Etobicoke York District;
 - b. the potential impact of those operations on communities in the Etobicoke York District, including traffic, parking, access, noise and safety to pedestrians.

A copy of the Motion (EY27.40) can be viewed at the following link:
(<http://www.toronto.ca/legdocs/mmis/2009/ey/bgrd/backgroundfile-21197.pdf>)

There are four key concerns associated with day nursery uses:

- i) the general nature of the uses and associated regulations (Zoning, Day Nurseries Act, Building Code);
- ii) the location of Day Nursery uses in Neighbourhoods-designated areas in large house-form buildings on large lots and the potential proliferation of these uses;
- iii) the intensity of the uses and the potential adverse off-site impacts and conflicts with more sensitive uses; and
- iv) the potential impact on the physical residential character of Neighbourhoods resulting from their operation and associated signage.

COMMENTS

Section 38(2) of the Planning Act authorizes Council to amend an interim control by-law to extend the period of time that it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law. Since the enactment of Interim Control By-law 616-2009, the new draft Toronto Zoning By-law has been introduced for public consultation. Further reporting on the draft zoning by-law will occur later this year. The new draft Zoning By-law proposals would not permit new Day Nurseries as-of-right in house form buildings within the study area. The draft Zoning By-law is also proposing new performance standards for Day Nurseries. The draft By-law is expected to be presented to City Council in July of this year, which may affect the ongoing study of this area.

It is appropriate to amend Interim Control By-law 616-2009 for an additional year. The extension will enable staff to complete the review of the policies and regulations for Day Nurseries in the High Park Avenue study area, provide an opportunity for additional public consultation, and provide Day Nursery stakeholders an additional avenue to provide input and feedback regarding the future regulatory disposition of Day Nurseries.

CONTACT

Philip Carvalino, Senior Planner
Tel. No: 416-394-8233
Fax No: 416-394-6063
E-mail: pcarval@toronto.ca

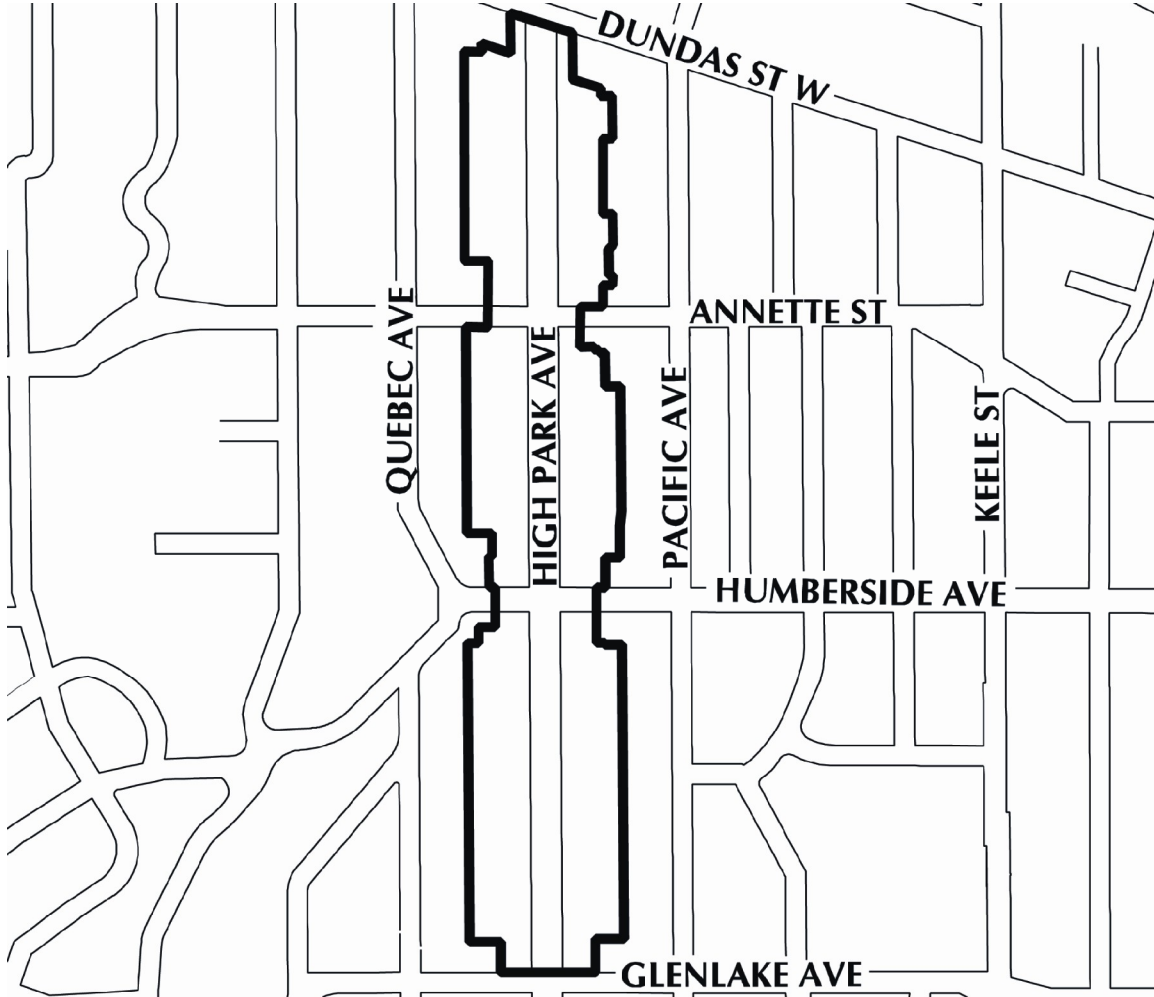
SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: High Park Avenue Study Area Map
Attachment 2: Proposed Amendment to Interim Control By-law 616-2009

Attachment 1: High Park Avenue Study Area Map



Map 1

Not to Scale
05/25/09



High Park Avenue Study Area

File # 09_141286

Attachment 2: Proposed Amendment to Interim Control By-law 616-2009

Authority:
Enacted by Council:

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

To amend By-law 616-2009 to extend the period of interim control affecting those lands generally bounded by Glenlake Avenue to the south, Dundas Street West to the north, the rear lot lines of properties fronting the West side of High Park Avenue to the west, and the rear lot lines of properties fronting the east side of High Park Avenue to the east.

WHEREAS the Council of the City of Toronto enacted By-law 616-2009 at its meeting of May 27, 2009, and directed that a review be undertaken of the regulations and policies pertaining to Day Nursery uses in house-form buildings within a study area on High Park Avenue; and

WHEREAS Council at its meeting of April xxxx, 2010 adopted the recommendations of the report dated February xxx, 2010 from the Director, Community Planning Etobicoke York District recommending an extension of the period of interim control to two years;

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

1. By-law 616-2009 is amended by deleting from Section 2 the words “one year” and replacing them with the words “two years”.

ENACTED AND PASSED this ~ day of April, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)