



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

**167, 169 177 and 181 Maplehurst Avenue – Site Plan
Control Application – Appeal to the Ontario Municipal
Board**

Date:	September 15, 2011
To:	City Council
From:	City Solicitor
Wards:	Ward 23 - Willowdale
Reason for Confidential Information:	This report contains advice or communications that are subject to solicitor-client privilege in connection with a site plan currently before the Ontario Municipal Board. This report contains advice to Council from the City Solicitor concerning pending litigation.
Reference Number:	

SUMMARY

The applicant has submitted a proposal for a private school with one level of below grade parking on a site which is currently four residential lots on Maplehurst Avenue. The school use is permitted in both the Official Plan and Zoning By-law but the proposal is subject to site plan control. On April 21, 2011 the applicant appealed the Site Plan Control application to the Ontario Municipal Board based upon the City's failure to render a decision on the application within thirty days.

On August 22, 2011, the Ontario Municipal Board scheduled a hearing of the site plan appeal for five days commencing September 26, 2011. This report is seeking Council's instruction as to how to proceed at the hearing.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council adopt the recommendations in the Confidential Attachment.
2. The recommendations be made public once adopted by Council.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

COMMENTS

The applicant proposes to redevelop four residential lots located at 167, 169, 177 and 181 Maplehurst Avenue with a 2 storey (9.5 metre) building for private school uses. The proposal would have a total of 30 parking spaces of which 4 would be at-grade and the remainder within a one level below grade parking garage. Access and egress for the parking, student drop off area and loading space is proposed from Dudley Avenue and now from Maplehurst as well.

The proposal would have a total gross floor area of 1,339m², lot coverage of 30% and a Floor Space Index (FSI) of 0.6. The proposal incorporates a playground area between the proposed building and the southerly lot line.

This corner site is comprised of four residential lots and has an area of 2.230m², with a frontage of 61 metres along Maplehurst Avenue and a flankage of 37 metres along Dudley Avenue. Residential buildings presently exist on each of the four lots.

The original site plan submitted proposed only one access point to the below grade garage off of Dudley Avenue. In response to concerns of City staff, the applicant has amended the original proposal to add a second access point onto Maplehurst Avenue.

The proposed private Montessori school complies in all respects with the provisions of the zoning by-law.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 - Confidential Information