

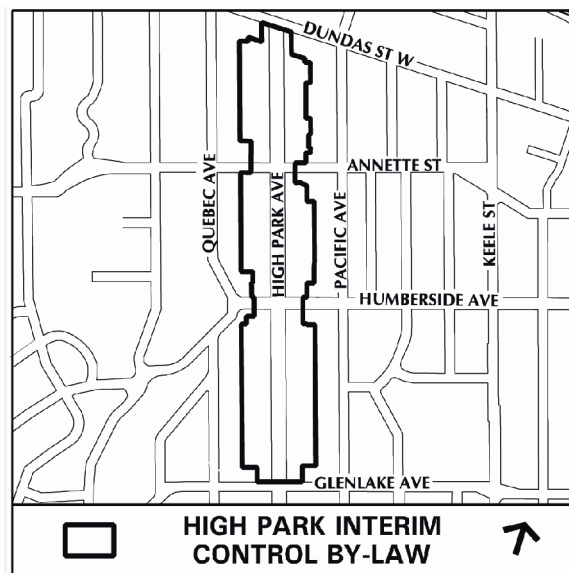
**Proposed Interim Control By-law: Day Nurseries in High Park Avenue Study Area from Glenlake Avenue to Dundas Street West**

<b>Date:</b>	May 25, 2009
<b>To:</b>	City Council
<b>From:</b>	Chief Planner and Executive Director, City Planning
<b>Wards:</b>	Ward 13 - Parkdale-High Park
<b>Reference Number:</b>	09 141286 WET 13 OZ p://PUB/2009/Cluster B/PLN/cc09 141286

**SUMMARY**

This report responds to the direction of Etobicoke York Community Council and seeks Council’s direction to conduct a study of the zoning regulations and planning policies, focusing on Day Nursery uses in house-form buildings on High Park Avenue in a residential zone.

This report also proposes to enact an Interim Control By-law to prohibit Day Nursery uses on any property within the proposed study area for a one year period. The study will evaluate the appropriateness of the current zoning permissions associated with Day Nurseries as they relate to operations within house-form buildings in residential zones. The study area is proposed to be limited to High Park Avenue, bounded on the south by Glenlake Avenue and Dundas Street West to the north (see Attachment 1 – Study Area Limits). The Interim Control By-law will enable staff to review the impact of Day Nurseries within this area, and, if necessary, recommend revised zoning standards.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council direct the Chief Planner and Executive Director to undertake a study to assess impacts generated by Day Nurseries on residential uses for the lands 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.
2. Pursuant to Section 38 of the *Planning Act*, City Council enact an Interim Control By-law substantially in accordance with the proposed By-law attached as Attachment 2.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Interim Control By-law as may be required.
4. City Council authorize the City Solicitor and necessary City staff to appear at the Ontario Municipal Board in the event of an appeal to the Interim Control By-law.

### Financial Impact

The recommendations in this report have no financial impact.

## ISSUE BACKGROUND

On May 14, 2009, Etobicoke York Community Council adopted 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, which are:

- i) the general nature of the uses and associated regulations (Zoning, Day Nurseries Act, Building Code);
- ii) locations 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 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 operations (traffic, noise) and associated signage.

## COMMENTS

The Official Plan contemplates local institutions and community uses, including Day Nurseries and Private Home Day Care in Neighbourhoods, with future development reinforcing the existing character of the community, as an overriding principle.

The essential difference between the Private Home Day Care and Day Nursery uses is intensity. The Private Home Day Care use is intended as an accessory to a residential use, and limited to a maximum of five children, while the Day Nursery use is a more intense commercial operation, with the potential for upwards of 60 children. Both uses are necessary from a community services perspective. Private Home Day Care has a limited local draw due to the low intensity of the operation and lack of advertising. Day Nursery use has the potential for a broader draw and greater intensity of use. This Interim Control By-law will not prohibit Private Home Day Care uses.

Day Nursery uses in residential neighbourhoods result in significant off-site impacts, which include, but are not necessarily limited to:

1. Traffic Impacts – As a result of the intensity of the Day Nursery use, traffic on roads is impeded by parent drop-off and pick-up activity. High Park Avenue is a well travelled thoroughfare, with parking prohibitions. As a result of the lack of site regulations (parking, loading) associated with the use in a house-form building, there may be traffic conflicts on High Park Avenue.
2. Noise – A Day Nursery requires a proportionate amount of active outdoor amenity space in relation to the number of children. In residential zones, there may be a noise conflict with abutting residential properties that may detract from the enjoyment of their private outdoor amenity space. Potential mitigation measures that would be required through a Site Plan process would not be implemented, as Site Plan Approval is not required.

Current zoning regulations in the former City of Toronto R2 Residential zones mean that these uses may be allowed “as of right”. The generous size of the lots on High Park Avenue, and the standards in the current by-law are relatively accommodating. Variances were not required for the most recent applications to proceed. As well, the projects are not subject to Site Plan review. There is a perception that these uses are

being allowed into the neighbourhood with little “control” or public review of their potential impacts.

Although High Park Avenue is a local street, it is very busy. It is a bus route, and many school children from local schools use the street morning and afternoon. The potential traffic to and from day nursery operations is of concern. As well, parking and turning on-street will conflict with traffic circulation.

The street is distinctive since many of the lots and many of the homes are larger than the prevailing size in the neighbourhood. This combination suggests that there is an opportunity for further conversion to day nursery operations.

The operation of the day nursery may have noise impacts on the adjacent homes. As some of the homes on the street are listed heritage buildings, there is also a concern that the conversion of adjacent or nearby homes will affect the character of the area.

There are a number of Heritage properties within the proposed study area (166, 178, 191, 204, 220 and 260 High Park Avenue), that are recognized for their unique architectural characteristics and residential character. Although Day Nurseries would operate within an existing building, associated signage may adversely impact the residential character of the neighbourhood and the Heritage properties. The residential character of High Park Avenue may be affected by Day Nurseries, which typically promote their service through signage on the building.

The Zoning By-law Project, which is in the consultation stage, is proposing that the standards for Private Home Day Care remain as they are in force today. They will be permitted in residential zones to a maximum of five children to serve the local community. There will be no parking requirement associated with the use.

However, Day Nurseries are being considered for removal from house-form buildings in residential zones as a permitted use. They are proposed to be limited to “CR” Commercial Residential zones and Institutional zones.

Parking requirements for Day Nurseries will range from 1.0 parking spaces for every 100 square metres of floor area, to the downtown and Avenues requirement of a minimum 0.4 and maximum of 0.8 parking spaces for every 100 square metres of floor area.

Section 38 of the Planning Act authorizes City Council to pass Interim Control By-laws enabling Council to temporarily restrict a land use while the City studies/reviews the land use policies for affected uses. The proposed Interim Control By-law contained in Attachment 2, seeks to prohibit Day Nursery uses within the High Park Avenue Study Area while the review is under way. The Interim Control By-law would not prevent lawfully existing Day Nurseries from continuing to operate.

## **Conclusions**

It is recommended that Council approve a study to review the land use and zoning permissions in the High Park Avenue Study Area, as they relate to Day Nurseries only, and if necessary, bring forward recommendations setting out land uses and development regulations. It is recommended that the proposed Interim Control By-law (Attachment 2) for the properties in the study area be enacted for a one year period. The enactment of an Interim Control By-law for the lands identified in Attachment 1 will allow the City to undertake the necessary review of the land use policies as they apply to Day Nurseries in the Study Area.

## **CONTACT**

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## **SIGNATURE**

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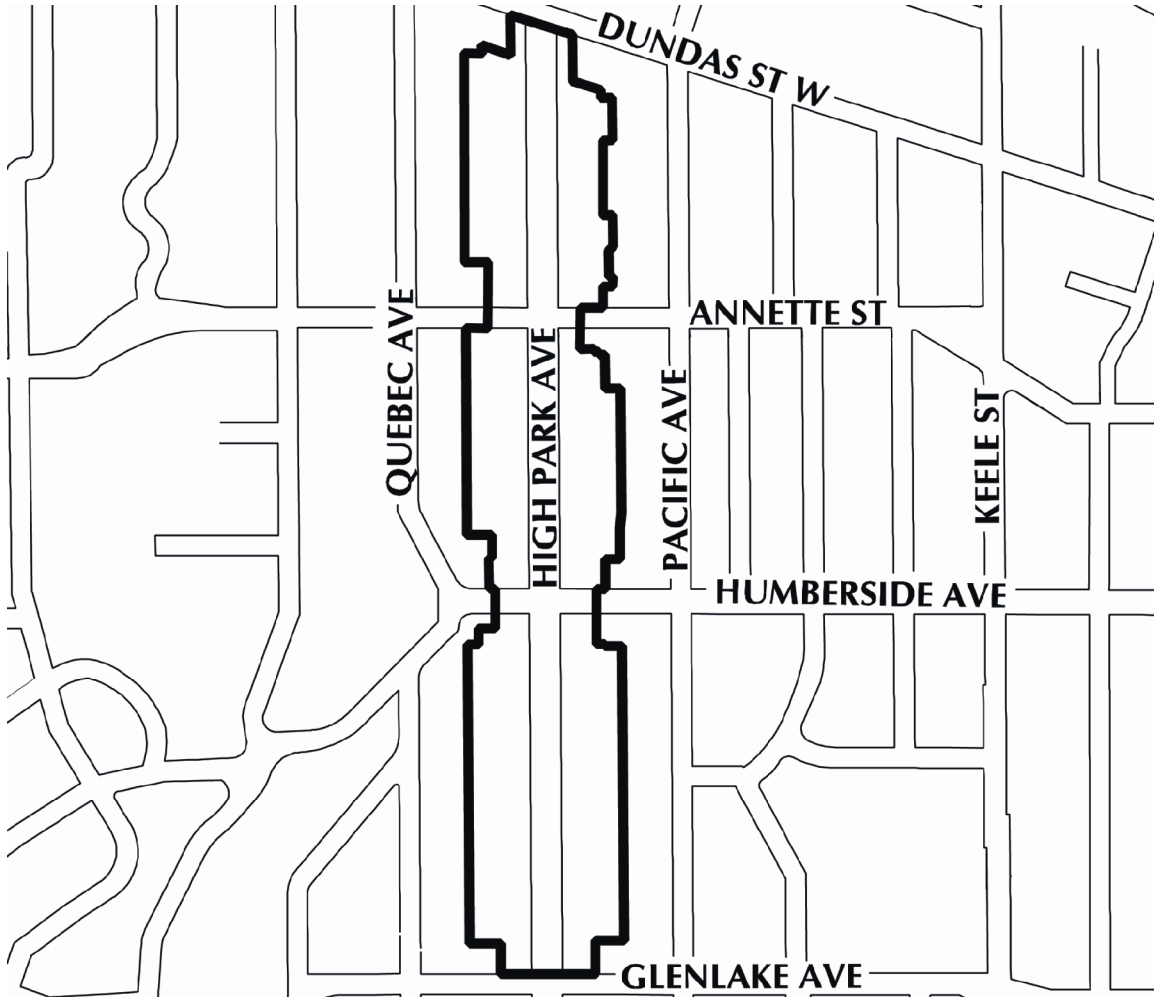
Gary Wright  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

Attachment 1: High Park Avenue Study Area

Attachment 2: Proposed Interim Control By-law

# Attachment 1: High Park Avenue Study Area



Map 1

Not to Scale  
05/25/09



High Park Avenue Study Area

File # 09\_141286

**Attachment 2: Proposed Interim Control By-law**

Authority: ~  
Enacted by Council: ~

**CITY OF TORONTO**

**Bill No. BY-LAW No. ~-2009**

**To pass an Interim Control By-law 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 has, by adopting Item 27.40 of the Etobicoke York Community Council at its meeting of May 25 and 26, 2009, directed that a review be undertaken in respect of the appropriate land uses permitted on High Park Avenue, between Dundas Street West and Glenlake Avenue, in the former City of Toronto; and

**WHEREAS** authority is given to Council by subsection 38 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass an Interim Control By-law for a period of time which shall not exceed one year from the date of passage of the By-law for such purposes as are set out in the By-law;

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

1. *Day Nursery* uses are prohibited on any of the lands shown within the heavy lines on Schedule A attached to this by-law.
2. This By-law expires one year from the date of its enactment by Council.

ENACTED AND PASSED this day of, A.D. 2009.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

