

Consolidated Clause in Toronto South Community Council Report 5, which was considered by City Council on June 22, 23 and 24, 2004.

6

**Draft By-laws - Official Plan Amendment and Rezoning -
36 Whitewood Road (St. Paul's, Ward 22)**

City Council on June 22, 23 and 24, 2004, amended this Clause in accordance with the following staff recommendations contained in the Recommendations section of the supplementary report dated June 18, 2004, from the Commissioner of Urban Development Services:

“It is recommended that City Council:

(1) delete Recommendation (4) and replace it with the following:

‘require the applicant, prior to the issuance of a building permit, to enter into a Site Plan Agreement under Section 41 of the Planning Act;’;

(2) delete Recommendation (6) and replace it with the following:

‘require that the applicant submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;’; and

(3) delete Recommendation (7) and replace it with the following:

‘require that the applicant submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit, a street lighting review to determine the adequacy of the existing street lighting and identify any improvements that may be required.’ ”

Council also considered additional reports/communications, which are noted at the end of this Clause.

The Toronto South Community Council recommends the adoption of the report (May 21, 2004) from the Director, Community Planning, South District.

Action taken by the Committee:

The Toronto South Community Council held a statutory public meeting on June 8, 2004 and notice was given in accordance with the *Planning Act*.

The Toronto South Community Council submits the report (May 21, 2004) from the Director, Community Planning, South District:

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit a 4-storey mixed use church and seniors non-profit residential apartment building at 36 Whitewood Road.

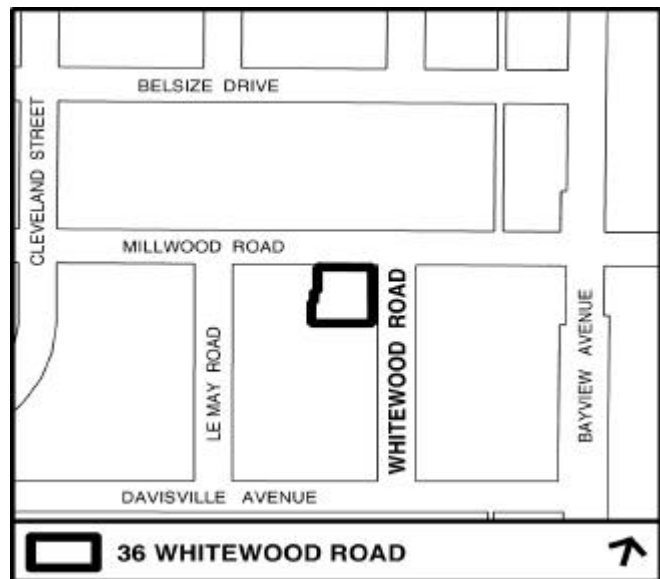
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8;
- (2) amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required;
- (4) require the applicant, before introducing the necessary Bills to City Council for enactment, to enter into a Site Plan Agreement under Section 41 of the Planning Act;
- (5) submit to the Commissioner of Works and Emergency Services, for review and acceptance, approved plans of the development, with sufficient horizontal and vertical dimensions of the exterior walls of the proposed building for the purpose of preparing building envelope plans for site specific exemption by-laws. Such plans should be submitted at least 3 weeks prior to the introduction of a bill in Council;



- (6) submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the introduction of bills in Council for the rezoning application, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate; and
- (7) submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the introduction of bills in Council for the rezoning application, a street lighting review to determine the adequacy of the existing street lighting and identify any improvements that may be required.

Background:

Proposal

An application was submitted by Robert Reimers Architect on August 14, 2003 to amend the Official Plan and Zoning By-law and for Site Plan Approval for 36 Whitewood Road. The application is to demolish the existing church building on the site and replace it with a 4-storey mixed-use church and seniors non-profit residential apartment building. The proposed building has 19 apartment units, 26 underground parking spaces and approximately 170 square metres of worship area on the first floor. Vehicular access is proposed from Whitewood Road. Please refer to Attachments 3 and 4 for Site Plan and Elevation details and Attachment 1 for site statistics.

Site and Surrounding Area

The site is located within a low density residential neighbourhood at the south-west corner of Millwood Road and Whitewood Road. The existing 3-storey church building sits in an L-shape configuration on the site with walls extending the length of the west and south property lines adjacent to 643 Millwood Road and 34 Whitewood Road, respectively.

The immediate area is comprised predominantly of 1 and 2 storey single and semi-detached houses.

One block to the east is the local retail and service shops and the higher density residential buildings of Bayview Avenue. Commercial uses within one block of the site include a grocery store, a dry cleaners, a bank and a video store. Houses on the east side of Whitewood Road (facing the site) flank or back onto those commercial uses.

Official Plan

The site is designated Low Density Residential Area in the Yonge-Eglinton Part II Plan of the former City of Toronto (refer to Attachment 6). This designation permits residential buildings up to a maximum density of 1.0 times the lot area.

At its meeting of November 26 – 28, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan in part, with modifications. The Minister's decision has been appealed in its entirety. The new Official Plan is now before the Ontario Municipal Board. The first pre-hearing on the new Official Plan was held on April 19 and 20, 2004. The next pre-hearing has been scheduled for September 14, 2004.

Zoning

The site is zoned R2 Z0.6 with a height limit of 9.0 metres (refer to Attachment 5). That designation permits residential buildings within a density of 0.6 times the area of the lot.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan approval has been submitted concurrently with the Official Plan and Zoning By-law amendment application.

Tree Preservation

The owner shall be required to protect 5 City-owned trees and to apply for City approval to remove 2 trees on City property.

Reasons for the Application

The applicant is proposing a total density of 2.0 times the lot area instead of the 1.0 or 0.6 times coverage permitted in the Official Plan and Zoning By-law respectively. The proposed height of 14.4 metres (to the top of the parapets) exceeds the 9.0 metre height limit for the property. Other areas of non-compliance with the Zoning By-law are identified in the Zoning Review, which is found in Attachment 7.

Community Consultation

At the direction of Toronto South Community Council, a community consultation meeting was held at Bethel Baptist Church on March 10, 2004. Concerns expressed at the meeting and in written comments subsequent to the meeting included:

- building height, particularly with respect to the shadowing and overlook of adjacent houses and their yards but also with respect to the massing of a 4-storey apartment building in a neighbourhood of predominantly 1 and 2-storey single family homes;
- the number of units was felt to be excessive for the neighbourhood;
- street parking is considered in short supply due to patrons of local (Bayview Avenue) businesses;

- the height of the mechanical penthouse which was considered too imposing on the street as a result of its size;
- the location and the potential for noise generation of the HVAC equipment; and
- the property line fencing should be shown as a combination of wood and living fence materials.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

(i) Land Use

The subject site is located within a low density residential neighbourhood which is comprised primarily of 1 and 2-storey single detached and semi-detached family homes with some townhouses and walk-up apartments throughout.

The 3.5-storey church building has been a physical presence at its current address and a part of the neighbourhood for over 74 years. The church has had a shrinking congregation to the point where it can no longer afford to occupy the building. Further, the church has indicated that its choices with respect to its future at 36 Whitewood Road are limited to two alternatives, which are:

- downsize on-site by demolishing the existing church building and incorporating a greatly reduced worship area into a mixed-non-profit seniors residential apartment and church building, or
- vacate the site and sell the property.

The church has been a long-time member of the neighbourhood and, in addition to Sunday services, it offers a range of community services that include, Brownies and Guides, after school programs, homework help, music programs, moms and tots coffee time as well as making space available for community needs.

The first alternative is the Churches desired choice. It achieves two benefits for the neighbourhood. First, it would maintain the church presence in the neighbourhood. Second, it provides affordable housing for seniors within a neighbourhood that is ideally suited for them. The site is walking distance to grocery stores, pharmacies and other retail stores, restaurants and banks and other services.

(ii) Height

The proposed mixed use, seniors apartment and church building is 4-storeys in height. The building measures approximately 13.6 metres to the top of the fourth floor roof-line, 14.4 metres to the top of the parapets and 15.24 metres to the top of the bell tower architectural feature (no bells are included). While the parapets (1 on Millwood Road and 2 on Whitewood Road) and the bell tower are included in the building height and require a zoning exemption, they do not form continuous roof lines at those heights.

The mechanical penthouse is exempted from the maximum height restriction. As originally proposed it extended the building's height to 17.4 metres. The mechanical penthouse has been redesigned to, be lower (16.6 metres) and smaller in area (79.2 square metres) and therefore less visibly obtrusive from the street.

The existing house to the south at 34 Whitewood Road is approximately 11 metres to the top of its roof line or approximately 2.6 metres lower than the proposed building. The existing building to the west at 643 Millwood Road is lower at approximately 8 metres to the top of its roof line. In response to neighbourhood concerns respecting height, two of the six fourth floor units have been deleted. As a result, the building is more sensitive to the height differences between the proposed building and these abutting and other existing houses in the neighbourhood.

The deletion of the western most fourth floor unit facing Millwood Road, effectively shows a progressive stepping up from the existing 2-storey houses on Millwood to the 3 storeys (approximately 9.2 metres or 0.2 metres over the permitted height limit) of the first apartment bay of the proposed building on the north elevation, to the 4-storeys of the same elevation at Millwood and Whitewood Roads.

The deletion of the southern-most fourth floor unit on Whitewood Road shows a stepping down in height from 4-storeys at the corner of Millwood and Whitewood Roads to 3-storeys (approximately 10.0 metres or 1.0 metre over the permitted height limit). The 3-storey, 10 metre height of the proposed building at this point (at the southern property line) would be lower than the 11.0 metre height of the roof-line of the adjacent house at 34 Whitewood Road.

The stepping down at the west and south ends of the proposed building concentrates the height of the building at the corner of Millwood and Whitewood roads and not on the abutting houses next to the shared property lines of the project. Height concentration at the corner also has the effect of centering attention on the bell tower and formal entrance area that straddles the corner and accentuates the church presence in the neighbourhood.

(iii) Massing

The existing 3-storey church building is built in an 'L' shape, tight to the west and south property lines. This built form and orientation presents a 3-storey brick wall to the rear yards of the adjacent houses on Millwood and Whitewood roads. The existing church also extends beyond the front walls of the adjacent homes on both streets. Open space on the site is currently focussed on the corner of Millwood and Whitewood roads with no rear yard open space.

The massing of the proposed building has the opposite configuration not unlike an upside down and backwards 'L' shape (see Attachment 2). Its' massing is pulled to the street edges and away from the neighbouring homes leaving a landscaped garden area adjacent to their rear yard lot lines instead of the existing brick wall. The building mass as well as its height are focussed at the corner.

In addition to the stepping down of building height (discussed in the previous section of this report), the proposed mansard roof (with dormers) on the 4-storey portion of the proposed building will tend to fade that floor into the visual background by virtue of its sloping design away from the street and its construction of darker, non-brick materials.

(iv) Shadow and Overlook

Staff have reviewed the applicant's shadow impact study and find that the proposed development maintains reasonable access to sunlight for the existing houses in the area.

An objective of the new Official Plan is to encourage the reinforcement of the existing physical patterns of established neighbourhoods. The new Official Plan also states that maintaining existing setbacks from streets and maintaining the prevailing patterns of rear and side yard setbacks and landscaped open space as a means of achieving that objective. The proposed development concentrates the building area on the street edges (as does the existing lotting pattern in the neighbourhood) rather than on the west and south lot lines of the abutting houses as does the existing church (refer to Attachments 2, 3 and 4).

The reorientation of the proposed building to the street edges improves the shadow impact on the rear yards of the houses immediately to the west on Millwood Road. This orientation also has the additional benefit of increasing rear yard privacy for adjacent homes on Millwood Road and Whitewood Road by increasing the distance between the windows of the proposed new units and existing homes.

The shadows cast on the north side of Millwood Road and on the east side of Whitewood Road move quickly across the houses in those locations. The proposed building would not have a significantly greater shadow impact on these existing homes than would as-of-right, 3-storey, housing forms such as townhouses or semi-detached houses should they be built on this site.

(v) Density and Unit Count

The applicant has reduced the number of units by 2 which brings the total unit count down from 21 as originally proposed to 19 and reduces the overall density to 2.0 from 2.1 times the lot area. The actual residential density (excluding the church component of the building) is approximately 1.76 times the lot area and is not significantly over the 1.0 times coverage permitted in the Official Plan for this site.

The City's new Official Plan states that an objective of the City's continuous development is to reinforce Toronto's low density residential neighbourhoods but acknowledges that these neighbourhoods may be interspersed with walk-up apartments. The new plan also acknowledges that 'local institutions' play an important role in 'the rhythm of daily life in the neighbourhoods' and that such institutions include places of worship and seniors housing.

The activity generated by 19 seniors apartment units (or the intensity of the use) can reasonably be expected to be far less than the activity generated by the same number or fewer non-seniors residential units.

(vi) Parking, Access and Traffic Impact

The applicant is proposing 26 parking spaces in a 2-level underground garage. There will be no surface spaces. Twenty six exceeds the 19 spaces (1 per unit) that are required of this development by By-law 438-86.

The By-law does not adjust the parking requirements for the proposed tenant group of residential buildings. For example, no distinction is made in the By-law between seniors or non-seniors apartment unit parking requirements. However, the City's Works Department estimated parking demands are based on study data of actual similar uses. In this case the Works Department estimated parking demand for a building containing 21 seniors apartment units and 167 m² of worship area is 7 spaces. Three for the seniors apartments and 4 for the church component. As an example of the lower parking demand by tenants of senior's housing, the main floor parking garage of the comparable seniors apartment building a few blocks away at 1387 Bayview Avenue rarely contains more than two cars.

The By-law has no parking requirement for the church component of the project. If parking were to required on the basis of Sunday church service demand, it could generate large asphalt surface parking areas in our neighbourhoods or multiple levels of expensive underground parking that would be largely vacant for much of the remainder of the week. The existing church currently has 4 surface parking spaces and the applicant is proposing to replace these with 4 underground spaces for the greatly reduced church area. This would be satisfactory.

Vehicular access to the garage is proposed from Whitewood Road and is considered acceptable by City Works.

The anticipated traffic impact will not be significant. Residents of seniors apartment buildings typically have low rates of automobile ownership and trip generation is often at non-peak hours.

(vii) Landscaped Open Space

The applicant is proposing that 40% of the area of the lot is to be landscaped open space. This exceeds the 30%, which is required by By-law 438-86. The landscaping includes a sitting area at the main entrance on Millwood Road and a new garden area (proposed to be a community garden for the residents of the building) at the rear of the development.

A 'living fence' which is a combination of fencing and vegetative materials along the west and south property lines is proposed.

The applicant's landscape plan and arborist's report show 2 City-owned trees that are proposed to be removed and replaced. City approval will be required. Some flowering crabapple trees on private property are proposed to be removed due to the walking hazard that the crabapple fruit poses to seniors.

The proposed removal and replacement of trees is acceptable to the City Forester.

(viii) Tenure

The proposed 19 non-profit apartments will be owned by the non-profit housing corporation which will offer a 'life lease' contract wherein seniors purchase the right to occupy specific units while overall ownership and land title remains undivided and held by the non-profit corporation of which the seniors and the church are members.

Conclusions:

The applicant is proposing a building that exceeds the current planning permissions respecting height and density. This is acceptable for reasons that include the following:

- the proposal would provide single floor apartment accommodation for seniors which is close to shopping and services, the TTC and other amenities;
- building height and massing are appropriately situated on the site to minimize impact on existing homes;
- sufficient underground parking is to be provided;
- traffic impact resulting from the seniors apartments is anticipated to be low;
- the proposed redevelopment is providing more than the required amount of landscaped open space; and
- the proposal maintains and continues the 74-year church presence as a service provider in the neighbourhood.

Contact:

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The Toronto South Community Council also had before it a communication (March 1, 2004) from Edna Beange, Stay at Home in Leaside, and a copy is on file in the office of the City Clerk.

The following appeared before the Toronto South Community Council:

- Lilly McIsaac;
- Dion Burke; and
- Jamie Cairns.

Attachment 8: Draft Official Plan Amendment

Draft Official Plan Amendment

CITY OF TORONTO

BY-LAW No. -2004

To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known in the year 2004 as No. 36 Whitewood Road

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

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. .

ENACTED AND PASSED this day of , A.D. 2004.

Deputy Mayor

City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the former City of Toronto Official Plan is hereby amended by adding the following Section 18 and the attached Map 18.

"18 Lands municipally known in the year 2004 as No. 36 Whitewood Road.

Notwithstanding any of the provisions of this Plan, City Council may pass by-laws applicable to the lands delineated by heavy lines on Map 18, to permit the erection and

use of a mixed use building containing a *place of worship* and *19 dwelling units* provided:

- (1) the maximum combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 1, 725 square metres; and
- (2) for the purpose of this Official Plan Amendment, each word or expression, which is italicized herein, shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended.

Attachment 9: Draft Zoning By-law Amendment

Draft Zoning By-Law

CITY OF TORONTO

BY-LAW No. 2004

To amend By-law No. 438-86 of the former City of Toronto, as amended with respect to lands known municipally in the year 2004 as No. 36 Whitewood Road

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

1. None of the provisions of Section 2 (1) with respect to the definition of height and bicycle parking space and Sections 4(2)(a), 4(10)(a), 6(1)(a), 6(3) PART I 1, 6(3) PART II 2(iii), 6(3) PART II 3.(A)(I), 6(3) PART II G, 6(3) PART II 4, 6(3) PART II 5(i) and 6(3) PART II 6(i) of By-law No. 438-86, 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 erection and use of a mixed use building and *accessory parking garage* containing a *place of worship* and *19 dwelling units*, provided:
 - (1) the *lot* on which the proposed building is to be located comprises the lands outlined by heavy lines on Plan 1, attached to and forming part of this By-law;
 - (2) no portion of the building above the finished ground level is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2, with the exception of:
 - (i) cornices, balustrades, canopies, underground garage ramps and associated ramp structures, stairs, stair enclosures, balconies, mullions, ornamental elements, landscape features, eaves, guard-rails, retaining walls, patios, decks, surface driveways and wheel chair ramps which may extend beyond the heavy lines shown on Plan 2;

- (3) the *height* of any buildings shall not exceed those *heights*, in metres above *grade*, following the symbol “H” shown on Plan 2,
- (4) the 3 *bicycle parking spaces-visitor* may be located within a bicycle locker;
- (5) the combined mixed-use *place of worship* and seniors residential non-profit apartment building shall be a permitted use;
- (6) the maximum combined *residential gross floor area* and *non-residential gross floor area* shall not exceed 1,725 square metres;
- (7) with the exception of any provisions noted herein, all other provisions and the defined terms of By-law No. 438-86 of the former City of Toronto, as amended, continue to apply.

ENACTED AND PASSED this day of , A.D. 2004.

Deputy Mayor

City Clerk

(Corporate Seal)

City Council – June 22, 23 and 24, 2004

Council also considered the following report dated June 18, 2004, from the Commissioner of Urban Development Services:

*Subject: Supplementary Report to Clause No. 6 of Toronto South Community Council Report No. 5
 Official Plan Amendment & Rezoning Application 03 166263 SMI 22 OZ
 Applicant: Bethel Baptist Church
 Architect: Robert Reimers Architect
 36 Whitewood Rd
 Ward 22 - St. Paul's*

Purpose:

This report recommends minor amendments to the report considered by Toronto South Community Council, being Clause No. 6 of Toronto South Community Council Report No. 5, relating to 36 Whitewood Road.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) *delete Recommendation (4) and replace it with the following:*

“require the applicant, prior to the issuance of a building permit, to enter into a Site Plan Agreement under Section 41 of the Planning Act;”;

- (2) *delete Recommendation (6) and replace it with the following:*

“require that the applicant submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;”; and



- (3) *delete Recommendation (7) and replace it with the following:*

“require that the applicant submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit, a street lighting review to determine the adequacy of the existing street lighting and identify any improvements that may be required;”.

Background:

This application is proceeding in a timely fashion but its Site Plan Agreement (refer to Recommendation (1) above) and the requirements listed in Recommendations (2) and (3) above are not completed. Under the recommendations of Clause 6 of Toronto South Community Council Report No. 5, the draft bills may not be introduced in Council until these requirements are fulfilled.

Accordingly, the recommendations of Clause 6, Report 5 are recommended to be revised to allow the bills to be introduced in Council at this meeting of June 22 to 24, 2004.

Comments:

The site plan approval process is nearing completion and the reports and plans which are currently required to be submitted by the developer for acceptance by the Commissioner of Works and Emergency Services prior to bills being introduced in Council have been submitted and are under review.

Conclusions:

The Site Plan Agreement and the requirements of Recommendations (2) and (3) above will secure the City's interests in this project in a satisfactory manner.

Contact:

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