

**3551 Victoria Park Avenue – Rezoning and Site Plan Applications – Refusal Report**

<b>Date:</b>	August 15, 2011
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Director, Community Planning, Scarborough District
<b>Wards:</b>	Ward 39 – Scarborough-Agincourt
<b>Reference Number:</b>	09 187694 ESC 39 OZ & 09 187701 ESC 39 SA

**SUMMARY**

These applications were made after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant has filed a zoning by-law amendment application to permit a place of worship within a listed heritage house located at 3551 Victoria Park Avenue. The applicant has also filed an application for site plan approval. The Islamic Society of Willowdale has been operating a place of worship at this location for approximately 4 years and is seeking permission to legalize the use.

This report reviews and recommends refusal of the applications to amend the zoning by-law and for site plan approval for the reasons outlined in this report including:

- a) the applicant has not provided an adequate number of parking spaces to serve the proposed use; and,
- b) the proposal constitutes overdevelopment of the site.



## **RECOMMENDATIONS**

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

1. City Council refuse the zoning by-law amendment application (file 09 187694 ESC 39 OZ) and site plan application (file 09 187701 ESC 39 SA) to permit a place of worship for the lands at 3551 Victoria Park Avenue, for the reasons outlined in this report.
2. In the event of an appeal, the City Solicitor and appropriate City staff be authorized to attend the Ontario Municipal Board hearing in opposition to the applications.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant on March 9, 2009 to discuss their proposal and the submission requirements for a complete application. The applicant identified the intended use to be primarily a place of worship, along with classes for use by its members during the day and on weekends. Staff described the rezoning process and identified submission requirements. The applicant was also provided with staff contacts at Heritage Preservation Services and requirements regarding the historically listed home.

## **ISSUE BACKGROUND**

### **Proposal**

On November 13, 2009, Hossein Eftekhari, on behalf of the Islamic Society of Willowdale, applied for a zoning by-law amendment for permission to convert a two-storey detached residential home fronting on Victoria Park Avenue to a place of worship. While the site is a through lot to Iangrove Terrace, vehicular access is gained exclusively from Victoria Park Avenue. The existing building has a gross floor area of 285 square metres, all of which would be utilized as a place of worship, with ancillary offices and reading rooms. The applicant is also proposing to demolish the attached 2-car garage in order to access 19 of the proposed 23 parking spaces located at the rear of the site. While the applicant had previously suggested that the building would offer educational classes, the submission provides no information in this regard. See Attachment 4: Application Data Sheet.

### **Site and Surrounding Area**

The 1,525 square metre (0.37 acre) site is located on the east side of Victoria Park Avenue, south of McNicoll Avenue. The site is currently occupied by a two-storey detached residential building with an attached 2-car garage, which is listed on the City's

inventory of heritage properties. The site also contains a significant number of mature trees surrounding the home.

The surrounding uses in all directions are exclusively detached and semi-detached 1 and 2-storey residential uses. Properties located on the east side of Victoria Park Avenue, north and south of the site (with the exception of the subject site), have their frontage and vehicular access from Iangrove Terrace with rear yards abutting Victoria Park Avenue. A pedestrian path connecting Victoria Park Avenue and Iangrove Terrace is immediately adjacent to the subject site along the north property line. Located further north beyond the residential uses is a hydro corridor. See Attachment 3: Zoning.

### **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 Toronto Official Plan designates the site as "Neighbourhoods". Neighbourhoods are considered stable areas and are made up of residential uses in lower-scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low-scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

Low-scale, local institutions play an important role in the rhythm of daily life in Neighbourhoods and are permitted by the official plan. These uses include schools, places of worship, community centres and libraries.

Development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) prevailing patterns of rear and side yard setbacks and landscaped open space;
- b) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and,
- c) conservation of heritage buildings, structures and landscapes.

No changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

In addition to the policies found within the Neighbourhoods section of the Toronto Official Plan, policies that relate to Built Form also apply. They include Policy 3.1.2.1 which states:

"New development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by preserving existing mature trees wherever possible and incorporating them into landscaping designs."

and Policy 3.1.2.2 which states that:

"New development will locate and organize vehicular parking, access, service areas and utilities to minimize their impact in the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by limiting surface parking between the front face of the building and the public street or sidewalk."

## **Zoning**

The subject site is located within the Agricultural Uses (AG) zone under the L'Amoreaux Community North By-law No. 12466. The zone reflects historic uses in the area and only permits agricultural uses and day nurseries. Exception No. 89 also applies to this site which permits a single family dwelling and lists criteria for floor area, lot area and setbacks. See Attachment 3: Zoning.

## **Site Plan Control**

The proposed development is not currently within a site plan control area. However, in considering a favourable zoning amendment application for these lands, staff would recommend that these lands be subject to site plan control. An application for site plan approval has been submitted by the applicant.

## **Tree Preservation**

As indicated previously, the site contains many mature trees which are subject to the City's Tree Preservation By-law. The applicant has submitted an arborist report which was reviewed by Forestry staff.

## **Heritage Preservation**

The application has been circulated to Heritage Preservation Services (HPS) for comment as the existing building, known as the Riseborough House, is listed as being of architectural and/or historical interest. A Heritage Impact Assessment has been submitted for review.

## **Reasons for Application**

The applicant proposes a use which is not permitted in the AG zone in the L'Amoreaux Community North By-law No. 12466.

## **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale Report
- Arborist Report
- Traffic Operations Assessment
- Site Stormwater Management Report
- Heritage Impact Assessment
- Archaeological Assessment

A Notification of Complete Application was issued on July 13, 2011.

## **Community Consultation**

A community consultation meeting was held on April 26, 2010 at Epiphany of Our Lord Catholic School. The meeting was well attended by the congregation, area residents, the local councillor and the applicant. Issues raised by the community included: increased traffic, adequacy of on and off-site parking, pedestrian safety, loss of trees and greenspace and inappropriate land use at this location. A petition by area residents with photos depicting the existing on-street parking condition on Iangrove Terrace during a service was also presented to staff by residents. Residents voiced concerns regarding the difficulty of manoeuvring in and out of their personal driveways.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **COMMENTS**

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

The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

While places of worship are provided for in the Neighbourhoods designation of the Toronto Official Plan, it is the intensity of use related to the size of the site and lack of parking which leads staff to recommend refusal. Changes to established neighbourhoods must be sensitive, gradual and generally fit into the existing physical character. A key objective of the official plan is that new development respect and reinforce the general physical patterns of a Neighbourhood.

As mentioned above, the existing place of worship has been in operation since 2007 which has allowed staff to visit, observe and record the operations of the use at the site over a long period of time. What has been observed, specifically on Fridays and other religious holidays, are a significant number of attendees (150-300) travelling by car to the site. Once the site is overloaded with vehicles, off-site spillover parking occurs predominantly along Iangrove Terrace, Apache Trail and Navaho Drive. Due to the high number of attendees travelling by car to the site on a regular basis (Fridays, religious days and the month of Ramadan) and the lack of adequate on-site and secured off-site parking, staff consider the intensity of the use to be too great resulting in significant negative off-site impacts and safety concerns.

The site is a through lot with front and rear lot lines adjacent to 2 streets; Victoria Park Avenue and Iangrove Terrace, respectively (see Attachment 3: Zoning). The subject site is the only residential property in the surrounding area which gains access from Victoria Park Avenue. All other homes are reverse lots with their front yard and internal entrances off their respective streets. The current proposal does not respect the parking pattern and seeks to provide a total of 23 parking spaces on the site with 19 spaces being located adjacent to Iangrove Terrace. The proposal inappropriately paves over the majority of the site and removes existing landscaping for parking adjacent to the front yard of adjoining properties. This is contrary to Built Form Policy 3.1.2.1 which seeks to preserve existing mature trees and incorporate them into landscaping designs, and Policy 3.1.2.2 which seeks to limit surface parking between the face of the building and the public street. It also does not meet the intent of Policy 4.1.5 which seeks to respect and reinforce the existing physical character in established neighbourhoods, including, in particular, the prevailing pattern of rear and side yard setbacks and landscaped open spaces.

Staff could support some parking located at the rear of the site but would require the owner to improve the existing site and complement the front yards of adjacent homes with an appropriate landscape buffer. Specifically, a landscape strip with a minimum width of 3 metres should be provided in order to maintain some of the existing mature trees and accommodate new landscaping. Currently, only a 1.39 metre-wide strip is proposed adjacent to Iangrove Terrace. Likewise, staff can support three of the four parking spaces proposed adjacent to Victoria Park Avenue, but would require the removal of the fourth space to accommodate landscaping to screen the parking from view from the public sidewalk.

These improvements would better respect the existing physical characteristics of the surrounding neighbourhood and landscaped features of the site.

### **Parking and Traffic Impacts**

The applicant has submitted a traffic operation assessment which was circulated to both the Transportation Planning section within City Planning and the City's Transportation Services Division.

The applicant originally proposed a total of 18 parking spaces to serve the development. As a result of concerns expressed by staff and the community respecting the amount of available parking, the proposal was later increased to provide a total of 23 parking spaces. However, the location and layout of over half (12) of the spaces is not acceptable as they either encroach into landscape buffer strips or are operationally non-functional, including 2 spaces located directly on the property line (see Attachment 1). The remaining 10 spaces situated along the eastern property line encroach into the 3-metre landscaped buffer strip staff would be requiring for the preservation of existing mature trees in addition to increased plantings.

The existing zoning by-law, which establishes a parking requirement based on the gross floor area of the building, would require 22 spaces for the facility. However the applicant's Traffic Impact and Parking Study indicated that on a typical Friday, 59 vehicles attend the site resulting in approximately 36 vehicles overflowing onto local residential streets. The consultant concludes that on days where parking demand exceeds supply, visitors to the place of worship could park at an off-site commercial property or at the nearby waste transfer station (located approximately 200 metres north of the site). Such an agreement would have to be secured through a long-term lease. In the time since the application was submitted in 2009, the owner has not secured a long-term, off-site parking solution to address the regular parking demand.

Staff maintain that parking generated as a result of this application should be contained on-site and not spill over onto local internal neighbourhood roads. As an acceptable secondary option, the owner must secure and provide for adequate off-site parking located in the immediate area (not in a Neighbourhood), but not more than 300 metres away. It should be noted that parking is also prohibited on Victoria Park Avenue.

The recently repealed City of Toronto Zoning By-law No. 1156-2010 included new parking rates for places of worship based on fixed and variable seating in addition to the physical location of the use. These rates were derived based on a comprehensive study conducted by IBI Group in 2009, and took into account the operational requirements of the various emerging faith groups. In contrast, the prevailing Scarborough zoning by-law includes parking standards for places of worship which were developed in the 1980's mainly based on the then traditional places of worship. As directed by Council, staff are meeting with objectors to repealed By-law 1156-2010 and will bring forward a modified comprehensive by-law in the spring of 2012.

The subject proposal's parking requirement, based on the repealed By-law 1156-2010, would be a minimum of 88 spaces in comparison to a minimum requirement of 22 spaces under the prevailing Scarborough zoning by-law. Transportation Planning staff are of the opinion that parking numbers suggested by the applicant's consultant are underestimating the traffic generated by the use and that a minimum requirement of 88 spaces (as per repealed By-law 1156-2-010) is more reflective of the typical demand observed on numerous occasions at the subject site.

## **Streetscape**

The introduction of a new use into the neighbourhood must respect and reinforce the existing physical pattern of the neighbourhood. The applicant has failed to provide an appropriate plan demonstrating how the proposal's rear yard will interface with the existing front yards along Iangrove Terrace. Staff have repeatedly asked for improvements to plans showing this relationship. In addition, due to the proposed parking lot occupying much of the rear yard, insufficient space will exist to plant trees and shrubs along the east property line fronting on Iangrove Terrace. Except for replacing a wood fence along the property line, the applicant has not proposed any enhancements on Iangrove Terrace.

Similarly, the applicant has not fully addressed staff's requirement to improve the streetscape along Victoria Park Avenue. Currently the site has a circular driveway from Victoria Park Avenue. The applicant is proposing removal of the circular drive in favour of a single driveway to the rear along the northern property line. However, the site plan still shows a second curb cut and driveway stub parallel to the southern property line leading to a landscaped area (see Attachment 1: Site Plan). It is staff's opinion that this curb cut and driveway stub should be eliminated and sodded. Likewise, and as mentioned earlier, the westernmost parking space should be removed and landscaped to screen the 3 remaining spaces from view from the Victoria Park Avenue sidewalk.

## **Heritage Impacts**

This property was listed by the City of Scarborough because of its age and architectural significance as one of Scarborough's few remaining "Confederation" farmhouses. While it was added to the amalgamated City of Toronto Inventory of Heritage Properties in September 2006, there is no heritage report accompanying the listing. This is a common occurrence in the City for older listings with Heritage Preservation Services (HPS) staff currently researching the property's history and preparing a designation report outlining the history, significance and heritage attributes of the property. When this report is completed, HPS staff will present it to the Toronto Preservation Board, Community Council and City Council recommending designation of the property under the Ontario Heritage Act.

The property, although reduced in size, is still legible as the remains of a 19<sup>th</sup> century farmstead associated with the pioneer settlement called L'Amoreaux. The farmhouse in the centre of the property is a circa 1860-1875 typical 1 ½ storey house with a centre door, flanked by two windows on the ground floor, and a dormer window over the door with a gable roof. The kitchen tail addition appears to be original, and there are later additions on each side of the tail. The house is surrounded by a large lot with green space all around. The original cladding is not known at this time as the house has been covered with aluminum siding.

The house faces on Victoria Park and is easily recognizable as a reminder of the past on a street where all the other houses face away towards new internal suburban streets. The property has mature trees to the front and sides and at the rear, which supports the heritage context by providing a green frame for the farmhouse that recalls its rural past.



The proposal to convert the property to a place of worship does not indicate any need for renovation or alteration of the house itself. It is proposed to remove a mid-20<sup>th</sup> century garage addition in order to provide a two-lane driveway to the back of the property. The proposed site plan will impact on the 19<sup>th</sup> century appearance of the house by inserting four parking spaces in the front yard and by removing mature trees. The site plan could be improved with the removal and landscaping of the western most parking space.

Designation of the property would make it eligible for the City's Heritage Grant Program, and the owners could be encouraged to enhance the heritage character of the property by removing the aluminum cladding on the house and restoring the original cladding beneath.

### **Toronto Green Standard**

As no new construction is proposed on the site, the applicant is not required to meet the Toronto Green Standards.

### **Conclusion**

The conversion of the existing heritage home to a place of worship at 3551 Victoria Park Avenue represents an overdevelopment of the site. Based on the submitted plans and studies, the required parking cannot be accommodated on the site in accordance with the official plan policies and no off-site parking has been secured. Specifically, staff estimate parking demand to be 88 spaces whereas only 23 spaces are proposed. These 23 spaces result in the paving over of significant portions of the landscaped yards and in the removal of mature trees. When regard is had for landscaping and accessibility only 11 spaces can appropriately be accommodated on site. For these and the other reasons outlined in this report, staff recommend that City Council refuse the proposal and direct staff to defend this position at the Ontario Municipal Board, if required.

**CONTACT**

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**SIGNATURE**

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Raymond David, Director  
Community Planning, Scarborough District

**ATTACHMENTS**

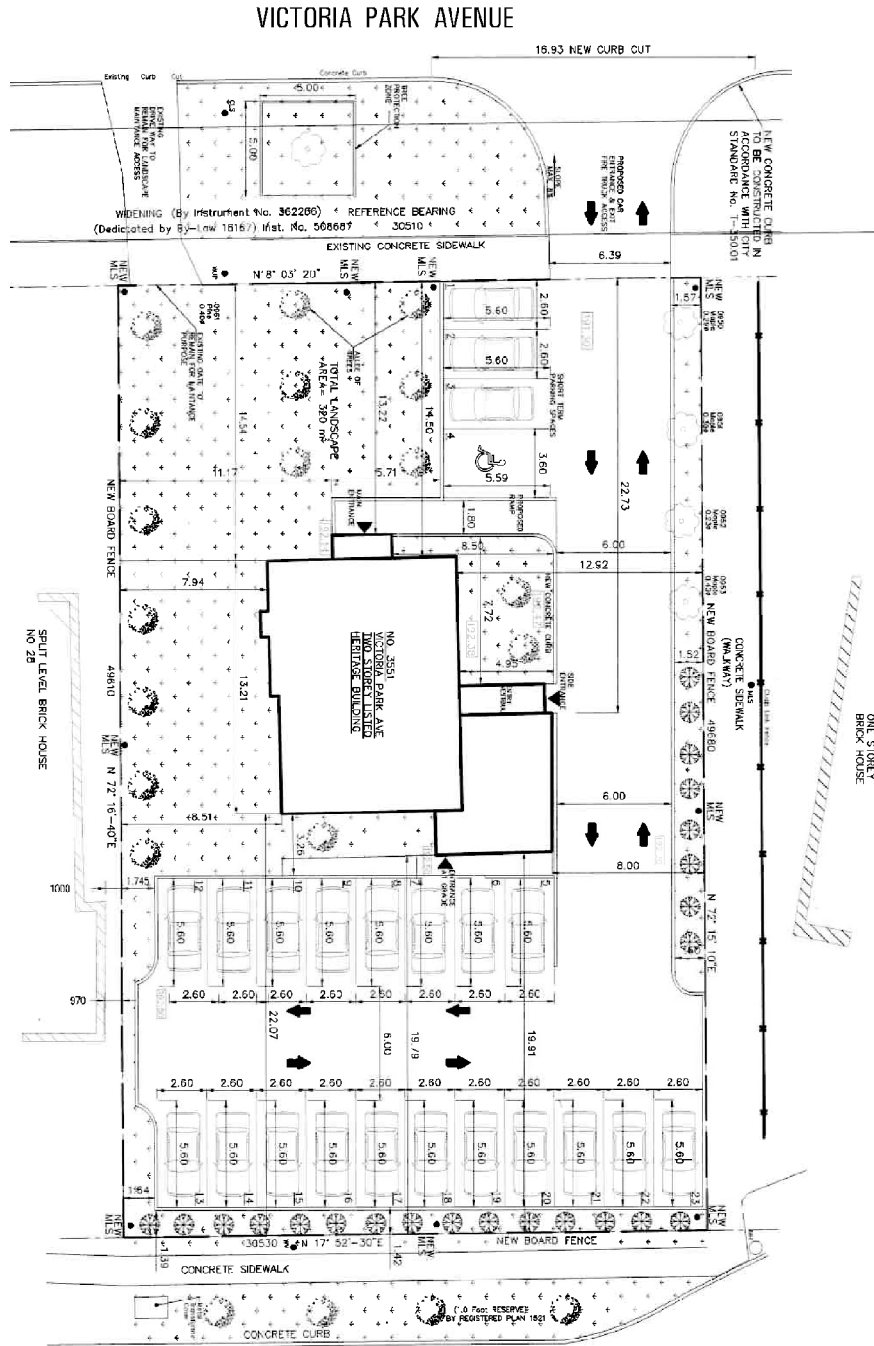
Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

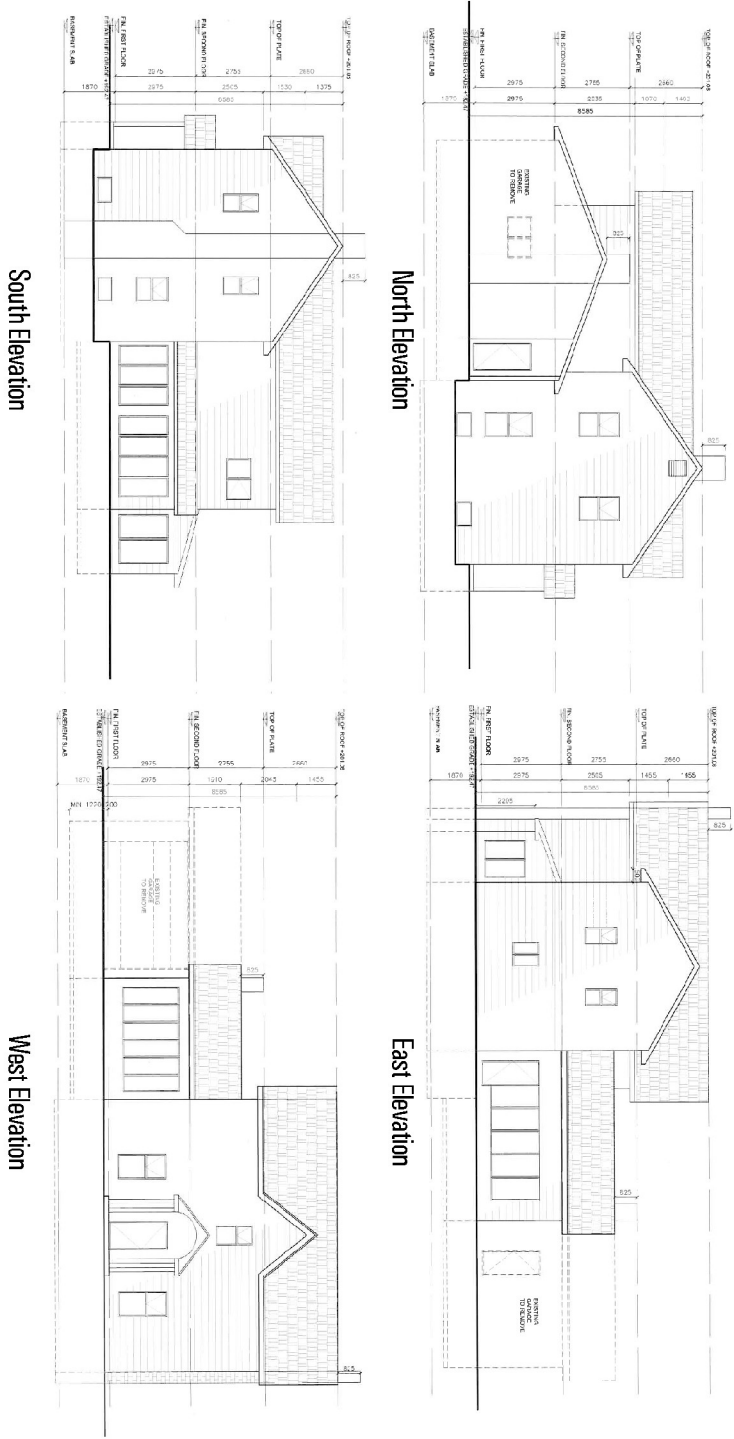
Applicant's Submitted Drawing

Not to Scale  
07/07/11

3551 Victoria Park Avenue

File # 09 187701 0Z

## Attachment 2: Elevations



### Elevations

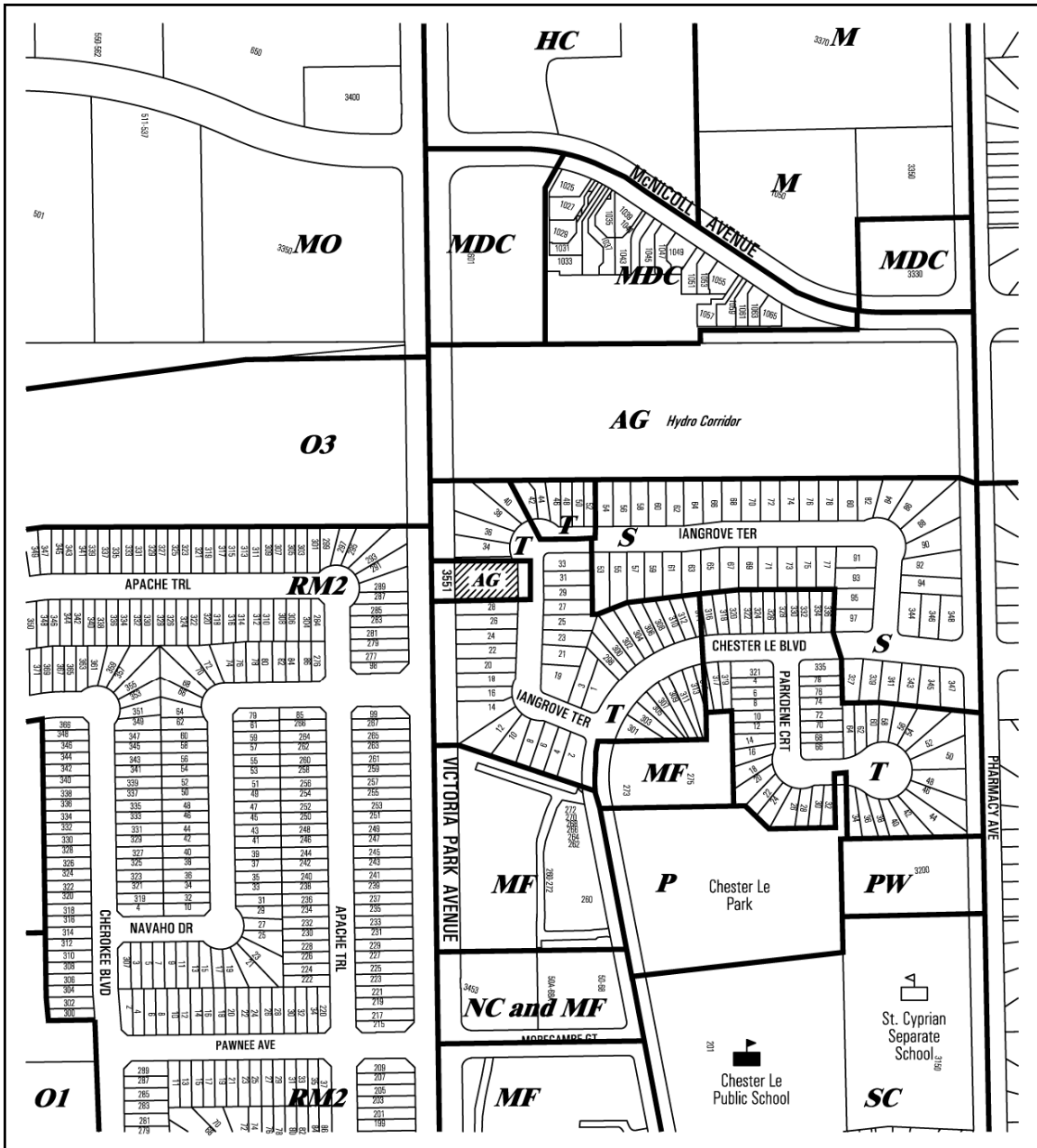
Applicant's Submitted Drawing

Not to Scale  
07/07/11

### 3551 Victoria Park Avenue

File # 09-187701 OZ

### Attachment 3: Zoning



**Toronto** City Planning  
Division  
**Zoning**

3551 Victoria Park Avenue  
File # 09-187701 SA; 09-187694 OZ

- |                                       |                                                |                                                          |                                                                        |
|---------------------------------------|------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------------------|
| <b>S</b> Single-Family Residential    | <b>MDC</b> Industrial District Commercial Zone | <b>AG</b> Agricultural Uses                              | <b>L'</b> Amoreaux Com./Steels Emp. and North York Bylaws Not to Scale |
| <b>T</b> Two-Family Residential       | <b>M</b> Industrial Zone                       | <b>RM2</b> Multiple-Family Dwellings Second Density Zone | 11/25/09                                                               |
| <b>MF</b> Multiple-Family Residential | <b>PW</b> Placel(s) of Worship                 | <b>MO</b> Industrial-Office Business Park Zone           |                                                                        |
| <b>NC</b> Neighbourhood Commercial    | <b>SC</b> School                               | <b>O1</b> Open Space Zone                                |                                                                        |
| <b>HC</b> Highway Commercial Zone     | <b>P</b> Park                                  | <b>O3</b> Semi-Public Open Space Zone                    |                                                                        |



## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	09 187694 ESC 39 OZ 09 187701 ESC 39 SA
Details	Rezoning, Standard	Application Date:	November 13, 2009

Municipal Address: 3551 VICTORIA PARK AVE  
 Location Description: CON 4 PT LT35 RP 64R1773 PT 2 \*\*GRID E3901  
 Project Description:

Applicant is seeking to rezone the Heritage (Risebrough House) property from Single Family Dwelling to Place of Worship. The existing home is to be generally preserved (removal of attached garage) with the addition of a driveway and rear yard parking. A concurrent Site Plan Control application has also been submitted.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
HOSSEIN EFTEKHARI			ISLAMIC SOCIETY OF WILLOWDALE

### PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	AG (Agricultural)	Historical Status:	Y- Listed
Height Limit (m):		Site Plan Control Area:	N

### PROJECT INFORMATION

Site Area (sq. m):	1525	Height:	Storeys:	2	
Frontage (m):	30.5		Metres:	8.5	
Depth (m):	49.68				
Total Ground Floor Area (sq. m):	170				<b>Total</b>
Total Residential GFA (sq. m):	0		Parking Spaces:	23	
Total Non-Residential GFA (sq. m):	285		Loading Docks	0	
Total GFA (sq. m):	285				
Lot Coverage Ratio (%):	11.14				
Floor Space Index:	0.19				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	285	0
Total Units:	0			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Michael Mestyan, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>416-396-7026</b>