

169 – 175 Jones Ave and 35 Peyton Lane - Site Plan Application - Request for Direction Report

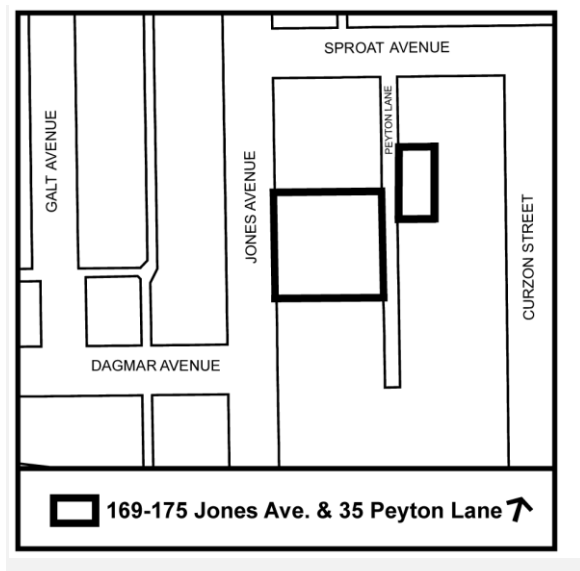
Date:	October 20, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	15-149723 STE 30 SA

SUMMARY

2427451 Ontario Inc. and 2383872 Ontario Inc. submitted a Site Plan Approval application on April 30, 2015 that proposes to convert the existing church at 1690175 Jones Avenue to 14 residential units and to construct 12 stacked townhouses on the southern portion of the property. A surface parking area is proposed for the adjacent property at 35 Peyton Lane to accommodate the parking requirement for the 12 residential units in the former church. The Committee of Adjustment in its decision of June 9, 2016, refused the variances for the properties. That decision has been appealed by the owner to the Ontario Municipal Board (OMB). The applicant also referred the Site Plan Approval application to the OMB on June 17, 2016, as a means to consolidate the matters at the OMB. The basis for the referral is Council's failure to make a decision on the application within the prescribed timeframe (30 days).

The current Site Plan Approval application is a substantial revision to the development proposal previously considered by Council when it adopted site-specific Zoning By-law 840-2010. The property has come under new ownership since that time. In the opinion of City Planning staff, the current proposal by the new owner is superior to the former.

The purpose of this report is to review the current proposal as submitted to the City and referred to the OMB.



An OMB hearing on the applications is scheduled to begin on January 4, 2017. This report recommends that the City Solicitor, together with City Planning staff, attend the OMB hearing in support of the current proposal with appropriate conditions pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) hearing to support the owner's Site Plan Approval appeal respecting the lands at 169-175 Jones Avenue and 35 Peyton Lane subject to pre-conditions and conditions of Site Plan Approval to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the city Solicitor.
2. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve the Site Plan for the subject lands until such time as a Site Plan Agreement has been entered into between the City and the owner and any preconditions to Site Plan Approval are fulfilled all to the satisfaction of the City.

Financial Impact

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

DECISION HISTORY

At its meeting of July 6 to 8, 2010, City Council adopted an Official Plan Amendment and Rezoning application to permit the conversion of the existing church on the property to a residential building with 19 units and to permit the construction of a 4-storey apartment building with 20 units.

In August 25, 2010, the Committee of Adjustment approved an application for consent for the creation of 3 lots at 35 Peyton Lane and granted permission for the construction of one new house on each of the created lots. The consent approval was subject to a number of conditions, including that the owner provide confirmation that adequate servicing arrangements had been made with the City. The owner appealed the consent conditions to the OMB. In its decision of October 22, 2012 the OMB allowed the appeal in part and attached a number of conditions which deal with the servicing of the proposed lots. Since 2010, the property has been sold to the current owner.

On December 16, 2010 by By-law 33-2011, the former St. Clements Church was designated by City Council under Part IV of the Ontario Heritage Act. On May 3, 2016, City Council approved alterations to the heritage property at 175 Jones Avenue, based on the alterations proposed by the new owner, in accordance with Section 33 of the Ontario Heritage Act and required that prior to Site Plan Approval that the owner enter into a Heritage Easement Agreement with the City.

On June 9, 2016, the Committee of Adjustment considered minor variance applications to permit the conversion of the existing church into 14 dwelling units and the construction of a total of 2 townhouse and 10 stacked townhouse units on the southern portion of the lot. Parking for the proposed townhouses is to be provided in parking stackers at the rear of the property and the required parking for the units in the converted church is to be provided in a surface parking area on the property on the east side of the public lane, known as 35 Peyton Lane.

ISSUE BACKGROUND

Proposal

The proposed development includes the conversion of the existing St. Clements Anglican Church into a residential building containing 14 dwelling units and for the construction of two three-storey townhouses and ten two-storey stacked townhouses on the southern portion of the lot. Parking for the converted place of worship will be provided on a surface parking lot at 35 Peyton Lane and parking for the townhouses will be provided in parking stackers at the rear of the property, accessed from the public lane.

The buildings will have a total gross floor area of 3,998 square metres and a density equal to 1.78 times the area of the 169 to 175 Jones Avenue lot. The height of the converted church will not change from the existing height of 14.5 metres. The height of the townhouses will be 12.75 metres. All of the units within the church building will be accessed through the existing front doors of the church. The two townhouses fronting onto Jones Avenue will have access directly from Jones Avenue. The remaining townhouses will have access through the courtyard between the two buildings.

Detailed statistics can be found on the Application Data Sheet, attached as Attachment No. 3 to this report.

Site and Surrounding Area

The 169 to 175 Jones Avenue site is located on the east side of Jones Avenue between Gerrard Street East and Dundas Street East. It is approximately 2,261 m² in size and contains a vacant church building and an adjoining vacant lot (formerly used for industrial purposes). The lot at 35 Peyton Lane is located across the public lane to the rear of the Jones property and currently contains storage buildings that were previously used by a landscaping business.

Lands surrounding the property include:

North: Residential uses (primarily single and semi-detached houses), commercial amenities along Gerrard Street East and Riverdale Collegiate Institute;

West: Jones Avenue and residential uses (primarily single and semi-detached houses);

East: Peyton Lane and abutting residential uses (primarily single and semi-detached houses); and further to the east Leslieville Junior Public School (with local park facilities and daycare); and

South: Residential uses (primarily single, semi-detached houses and multiple dwelling residences); St. Joseph Elementary School, low rise apartment buildings (Queen Street East and Curzon Street), Leslie Grove Public Park, and a variety of commercial uses along Queen Street East; and a Branch of the Toronto Public Library (at the southwest corner of Dundas Street East and Jones Avenue).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. The PPS states that the Official Plan is the most important vehicle for implementing the PPS. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed application for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated as *Neighbourhoods* in the Official Plan which are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions. The stability of the physical character of *Neighbourhoods* is one of the keys to Toronto's success.

Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development criteria in Section 4.1.5 of the Official Plan state that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, in particular:

- a. Patterns of streets, blocks and lanes, parks and public building sites;
- b. Size and configuration of lots;
- c. Height, massing, scale and dwelling type of nearby residential properties;
- d. Prevailing building type(s);
- e. Setbacks of buildings from the street or streets;
- f. Prevailing patterns of rear and side yard setbacks and landscaped open space;

- g. Continuation of special landscaped or built-form features that contribute to the unique physical character of a neighbourhood; and
- h. Conservation of heritage buildings, structures and landscapes.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods. The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework. Council's decision and the staff report can be found at: app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5.

The heritage policies in the City of Toronto's Official Plan, as recently amended by OPA 199, provide the policy framework for heritage conservation in the City. The Official Plan Heritage policies require that:

- "Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada, as revised from time to time and adopted by Council."
- "Proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City."
- "The adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada."
- "New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it."
- "Where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged."
- "The owner of a designated heritage property will be encouraged to enter into a Heritage Easement Agreement where the City considers additional protection beyond designation due to the location, proposed alteration, and/or the nature of that property."

At its meeting of July 6 to 8, 2010, City Council adopted OPA 118 to create Site and Area Specific Policy #343. The policy permits a building with a maximum of 39 residential units and one level of underground parking, provided that the building includes the church building that

existing on the site in 2009, as converted. The amendment to the Official Plan was required because the in-force *Neighbourhoods* policies (as well as the emerging policies of OPA 320) would otherwise require the development to respect and re-inforce the prevailing lot patterns and configuration of surrounding properties. The existing church has existed on the property for more than 100 years. This infill residential project will conserve a local heritage resource, have heights, massing and scale appropriate for the site and be compatible with the adjacent residential area.

This proposal has been reviewed against the policies described above, OPA 118 and the policies of the Official Plan as a whole.

Zoning

The properties are subject to Zoning By-law 438-86. The property at 169 to 175 Jones Avenue is subject to Site Specific By-law 840-2010 which permits the conversion of the church building and the construction of four-storey residential building. The by-law limits the number of residential units to 39, including 19 in the converted church and 20 in the new residential building. By-law 840-2010 also limits the amount of residential gross floor area and building height and provides for parking ratios and other matters typically found in site specific by-laws. Zoning By-law 569-2013 does not apply to the property.

The property at 35 Peyton Lane is governed by both the former City of Toronto Zoning By-law 438-86 and By-law 569-2013. Both by-laws permit residential uses up to an area of 0.6 times the area of the lot with a height limit of 10 metres.

Committee of Adjustment Applications

At its meeting of June 9, 2016, the Committee of Adjustment considered two Minor Variance applications for the proposed development. One was for the property at 169 to 175 Jones Avenue and the second for 35 Peyton Lane.

For 169 to 175 Jones Avenue, variances requested to the site specific by-law (840-2010) were as follows:

- No portion of any above grade building or structure to be erected or used on the lot shall extend beyond the building envelope delineated by heavy lines on Map 2 attached to and forming part of this By-law. The new buildings will be located outside of the heavy lines shown on the revised Map 2 attached hereto.
- The maximum permitted height is 12.75 m. In this case, the new townhouse buildings will have a height of 14.75 m.
- The maximum permitted residential gross floor area above and below grade on the lot is 4,000 m². In this case, the new residential gross floor area will be equal to 4,205 m².

- One type G loading space is required to be provided with access from the rear public lane. In this case, no type G loading space will be provided.
- The minimum required number of parking spaces is 32, of which 29 spaces shall be dedicated to occupants, and 3 spaces shall be dedicated to visitors. In this case, 11 occupant parking spaces will be provided in the form of stack parking at 169-175 Jones Avenue, and 16 occupant parking spaces will be provided off site at 35 Peyton Lane. Zero visitor parking spaces will be provided.
- Residential parking must be provided on the same lot as the use for which it is intended. In this case, residential parking will be provided at 35 Peyton Lane which is not located on the same lot as the residential uses at 169-175 Jones Avenue.
- The minimum required dimensions for a parking space shall be 2.6 m width and 5.6 m in length, plus an additional 0.3 m for each side of the parking space which is obstructed. In this case, the parking spaces which are obstructed on one side will be 2.6 m in width and 5.4 m in length, and the parking spaces which are not obstructed will be 2.6 m in width and 5.4 m in length.
- A minimum of 33 parking spaces shall be provided on the lot, of which 5 parking spaces shall be reserved for visitors and one parking space shall be a car-share parking space. In this case, 11 resident parking spaces will be provided on the lot in the form of stack parking, zero visitor parking spaces will be provided and zero car-share parking spaces will be provided.
- The minimum required number of bicycle spaces to be provided on the lot is 47, of which 39 shall be for occupants, and 8 shall be for visitors. In this case, 18 bicycle spaces will be provided on the lot, of which 14 will be for occupants, and 4 will be for visitors.
- The minimum required landscaped open space on the lot is 855 m², of which 245 m² of outdoor residential amenity space shall be provided in a consolidated area adjacent to Jones Avenue. In this case, 864.6 m² of landscaped open space will be provided on the lot and 95.2 m² of outdoor residential amenity space will be provided, which is not located adjacent to Jones Avenue.
- The minimum required indoor residential amenity space which shall be provided within the building in a multi-purpose room containing a kitchen and washroom is 75.3 m². In this case, 0.0 m² of residential amenity space will be provided within the townhouse building.

For 35 Peyton Lane, requested variances to the Zoning By-laws 438-86 and 569-2013 were as follows:

- Bylaw- 569-2013 - Off-site parking is not permitted in the Residential Zone. In this case, off-site parking will be permitted in the Residential Zone category for the

purpose of providing parking for the redevelopment of the lands at 169-175 Jones Avenue.

- By-law 438-86 - A parking station is a permitted use provided that the portion of the lot upon which the parking station is located is fenced and suitable landscaped. In this case, the portion of the lot occupied by the parking station will not be fenced nor suitably landscaped.
- By-law 438-86 - A parking station is a permitted use provided that no portion of the parking station is located closer to a residential building than 6.0 meters and not closer to the parking station fence than 1.8 m. In this case, the parking station will be located less than 6.0 m from a residential building and will not have a parking station fence.
- By-law 438-86 - A parking station is a permitted use provided that no portion of the parking station is located closer to the front lot line of a lot than the distance between the front wall of any residential building located on an adjoining lot and the front lot line of the lot upon such residential building is erected, and in no case closer to the front lot line of the lot than 6.0 m. In this case, the parking station will be located less than 6.0 m from the front lot line.
- By-law 438-86 - The minimum required landscaped open space is 30% of the area of the lot (156.86 m²). In this case, the lot will have a landscaped open space area equal to 8.33 % (43.4 m²).

Planning staff had no concerns with the proposed variances; they provided a report to the Committee of Adjustment that requested that the same decision should be made for both applications, since the two applications for minor variance relate to the same development. The committee members expressed some concern with respect to the process for the parking area at 35 Peyton Lane and felt that it should have been subject to a rezoning application rather than a minor variance process. As such, the Committee refused both applications.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have reviewed the proposal and have determined that it is consistent with the PPS and conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Development Proposal and Requested Variances

This report contains no recommendations with respect to Council's positions on the appeal of the refused minor variances. The following comments on the merits of the development proposal are provided to assist Council to understand staff's recommendation to support Site Plan Approval of a proposal that requires variances from the site-specific zoning by-law in force on the property.

The proposed development of the property at 169 to 175 Jones is for residential uses in a *Neighbourhood* and respects the character of the surrounding area. The siting of the townhouses results in a height, massing and scale that is appropriate for the site and is compatible with the adjacent and nearby properties. The proposed density of the development has been reviewed and is deemed appropriate for the site and can be adequately serviced.

The adaptive reuse of the church will preserve a significant heritage landmark building, standing in this neighbourhood since 1913. The proposed alteration of the church with the current proposal is much less impactful and invasive than the previous proposal in 2010, resulting in the better retention of the heritage attributes. Heritage staff have reviewed the conservation plan and are satisfied that the conservation and required Heritage Easement Agreement will result in a suitable reuse of the church building. The creation of a landscaped courtyard maintains views to the heritage building and results in an outdoor amenity for the tenants of the renovated church building and the new townhouses.

The requested variances are not of concern to Planning staff. The original development scheme approved by City Council in 2010 was for the conversion of the church and the construction of a new 4 storey apartment building. The current proposal replaces the apartment building with grade related townhouses, which in comparison is more compatible with the surrounding neighbourhood. The original development scheme proposed private open space in front of the apartment building. The current scheme provides for this space within a courtyard between the two buildings, but maintains an adequate view corridor to the heritage church building from Jones Avenue. The applicant provided a parking study for the proposal, which has been reviewed and accepted by Transportation Services staff.

With respect to the property at 35 Peyton Lane, the current use is a legal non-conforming storage facility for a landscaping business. The OMB has previously approved the construction of 3 detached houses on this lot. While it was not a permitted use, the OMB determined that 3 houses were 'more compatible' with the neighbourhood than the existing landscaping business.

The property at 35 Peyton Lane does not have frontage on a City Street and staff remain of the opinion that neither the existing use nor the construction of three houses are the appropriate development of the laneway property. In contrast, the proposal to provide a surface parking area in this location is desirable for 3 reasons: it will eliminate the existing non-conforming use of the land; the 3 detached houses will not be built on the lot, which were a concern to both the city and neighbours; and the integrity of the existing church will be maintained, as the surface parking will take the place of an underground parking facility built under the existing building, as originally proposed. The variances for the two properties with respect to parking will require the two properties to rely upon each other for zoning compliance.

The proposed use of the property at 35 Peyton Lane for parking is consistent with the surrounding area, where parking is accessed from the public lane. The design of the parking area has been carefully considered through the Site Plan Approval process to ensure that it is paved with permeable surfaces, is properly landscaped, and has lighting that maintains safety for the users of the parking, while not conflicting with the neighbouring residential uses.

Site Plan Approval

A Site Plan Approval application was submitted on April 30, 2015 and is under review by City Divisions. The following reports were submitted with the application, in addition to a complete set of plans and drawings:

- Functional Servicing and Stormwater Management Report;
- Parking Justification;
- Heritage Impact Addendum and Conservation Report; and
- Tree Declaration.

The applicant has been working with City staff to address any outstanding Site Plan Approval matters and staff will be in a position to recommend conditions of approval prior to the OMB hearing. There have been no significant concerns expressed by any City Division. Staff will include appropriate conditions of approval in the Site Plan Agreement to secure the development.

Conclusion

The proposal converts an existing church building to a residential use, adds townhouses south of the converted building, secures on site open space and maintains a heritage building in the neighbourhood. The height, massing and scale of the proposed townhouses are compatible with the adjacent and nearby residential properties and is appropriate development for the site. This report recommends that the City Solicitor, together with Planning staff and any other appropriate staff, attend the OMB hearing in support of the current proposal.

CONTACT

Leontine Major, Senior Planner
Tel. No. (416) 397-4079
E-mail: lmajor@toronto.ca

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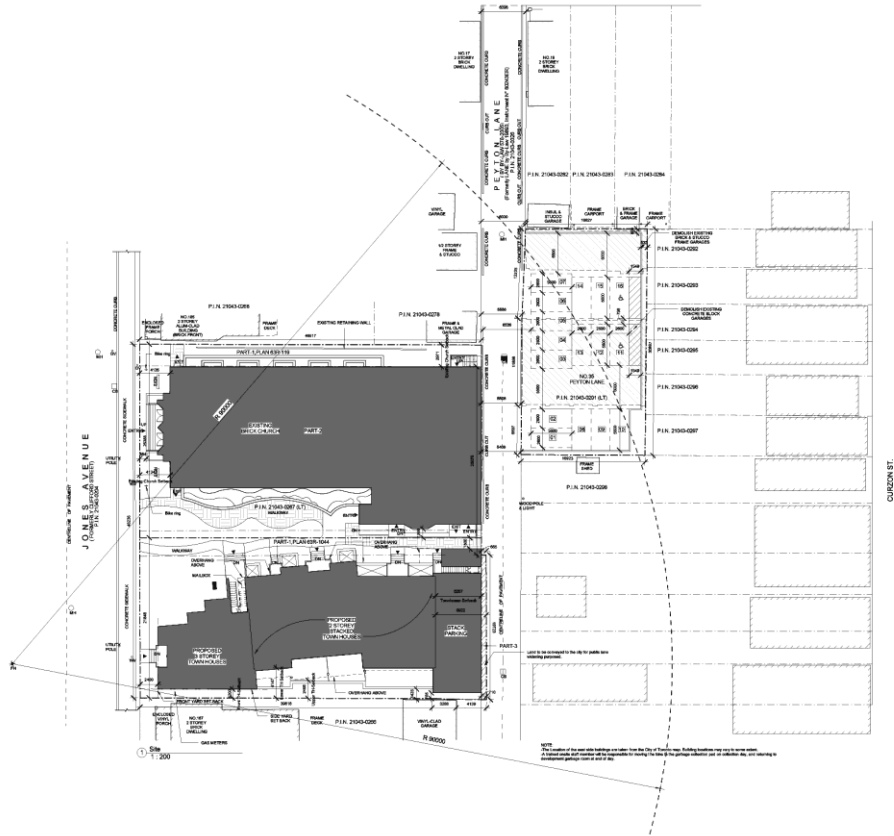
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: East Elevation
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

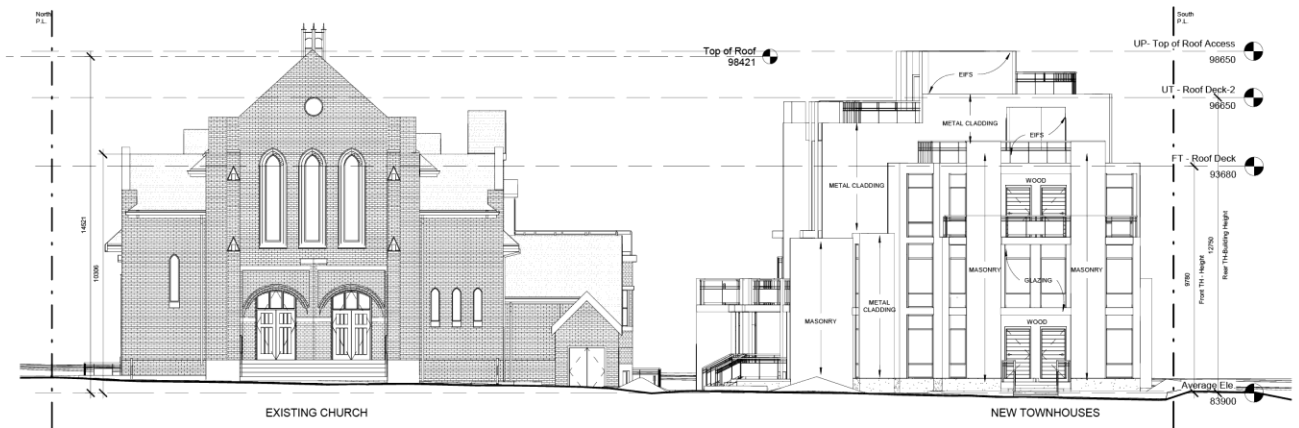
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169 -175 Jones Ave. & 35 Peyton Lane

le # 15 149723 STE 305A

Attachment 2: West Elevation



West Elevation

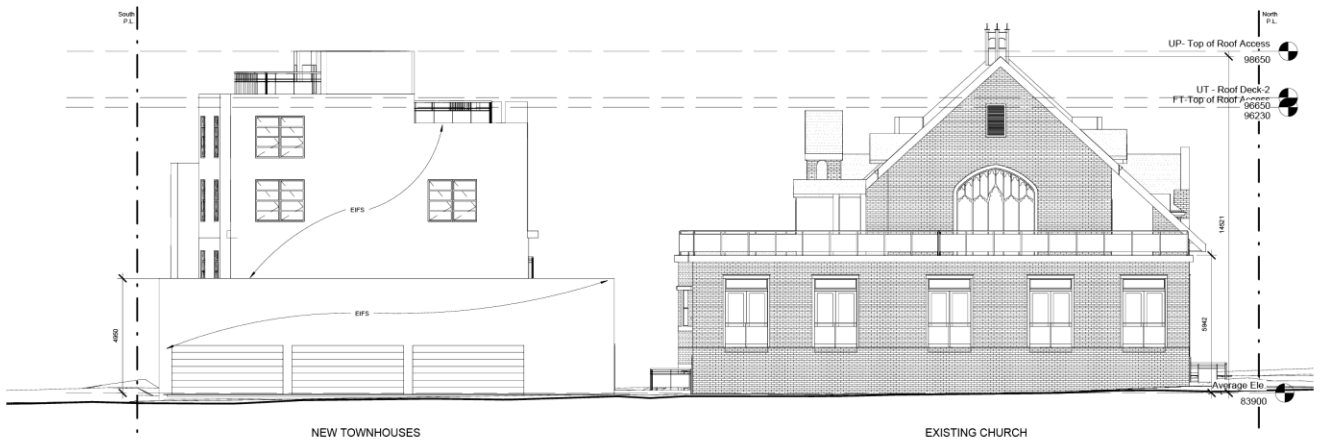
Applicant's Submitted Drawing

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10/29/2016

169 - 175 Jones Ave. & 35 Peyton Lane

le # 15 149723 STE 305A

Attachment 3: East Elevation



East Elevation

Applicant's Submitted Drawing

Not to Scale
10/29/2016

169 - 175 Jones Ave. & 35 Peyton Lane

le # 15 149723 STE 305A

Attachment 4: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	15 149723 STE 30 SA
Details		Application Date:	April 30, 2015
Municipal Address:	169 to 175 JONES AVE and 35 PEYTON LANE		
Location Description:	CON 1 PT LOT 11 **GRID S3011		
Project Description:	Site Plan Control application to permit the construction of 14 residential units through the rehabilitation and the adaptive reuse of the existing church building on the subject property and the construction of 12 townhouse units configured within stacked townhouse blocks on the vacant southerly lot parcel.		

Applicant:	Agent:	Architect:	Owner:
Jane McFarlane Weston Consulting	Jane McFarlane Weston Consulting	Van Elslander + Associates Architects	801 Sheppard Avenue West Ltd

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Y
Zoning:	R2 Z0.6	Historical Status:	Y
Height Limit (m):	10, 0, 0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2768	Height: Storeys:	4
Frontage (m):	48.23	Metres:	14.5
Depth (m):	46.6		
Total Ground Floor Area (sq. m):	1438		Total
Total Residential GFA (sq. m):	3998	Parking Spaces:	27
Total Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	3998		
Lot Coverage Ratio (%):	52		
Floor Space Index:	1.44		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	3998
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	1	Office GFA (sq. m):	0
2 Bedroom:	7	Industrial GFA (sq. m):	0
3 + Bedroom:	18	Institutional/Other GFA (sq. m):	0
Total Units:	26		

CONTACT: PLANNER NAME: Leontine Major, Senior Planner
TELEPHONE: (416) 397-4079