

TORONTO STAFF REPORT

June 19, 2003

To: Midtown Community Council

From: Acting Director, Community Planning, North District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law 7625
185 Graydon Hall Drive
Kurt and Julita Pieckenhagen
TD CMB 2002 0006
Ward 34 Don Valley East

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit an additional use (Banquet Hall) at 185 Graydon Hall Drive and to amend the provisions of the zoning by-law with respect to outdoor music. Amendments to parking space standards are also required.

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 substantially in accordance with the draft Official Plan Amendments attached as Attachments No. 7 and No. 8.
- (2) amend Zoning By-law 7625 for the City of North York substantially in accordance with the draft Zoning By-law Amendments attached as Attachments No. 9 and No. 10.



- (3) Authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and draft Zoning By-law Amendments as may be required.

Background:

Site History

In May 2001, an outdoor social function was held at Graydon Hall Manor which included the use of a large tent in the rear yard and amplified music, both of which are in contravention of the zoning by-law. As a result of complaints from adjacent residents, a Notice of Violation was issued. The owners ceased the disturbance and have since filed Official Plan and zoning amendment applications.

Proposal

Graydon Hall Manor exists today as a private commercial and recreational facility with a 2,784 m² floor area and 116 parking spaces. The development includes an historic manor which is listed in the City's Heritage Inventory, an attached two-storey coach house and a one-storey addition which accommodates an athletic facility and convenience store. The applicant proposes to use 1,774 m² for a banquet hall.

Also proposed is an outdoor component to the banquet hall use where weddings, receptions and private parties could be held in the outdoor garden area located in the rear of the facility. The applicant indicates that musical accompaniment is a key component of the banquet hall business and wishes to have outdoor music that takes the form of; the playing of single musical instruments such as a cello or flute or string quartets, both amplified to a low level and non amplified; and, recorded music amplified to a low level.

The site plan is shown in Attachment 1, elevations are contained in Attachment 2 and project data is contained in Attachment 5.

Site and Surrounding Area

The property is 1.6 hectares in area and Graydon Hall Manor is located in the centre of the site, with a parking area to the north and gardens to the south of the building. Tennis courts are located in the southern yard of the facility and are occasionally used for parking. The abutting uses are as follows:

North: 100 & 150 Graydon Hall Drive (24 and 25 storeys respectively) apartment buildings

South: public open space (Graydon Hall Park) with connections to Rene Gordon Public School

East: George S. Henry Secondary School

West: 75 Graydon Hall, a 25-storey condominium apartment building

North York Official Plan

The site is designated Local Open Space (LOS) which permits recreational uses, community centres, libraries, day nurseries, fire and ambulance stations, police stations, essential public utilities and horticultural uses such as nurseries and allotment gardens. A Banquet Hall is not a permitted use and an Official Plan Amendment is required. The Official Plan is shown in Attachment 4.

New Official Plan

The new City of Toronto Official Plan, adopted by City Council November 26, 2002, designates the property as Parks which permits recreational and cultural facilities, conservation projects, cemeteries and public transit and public works facilities. The application to add a banquet hall as a permitted use to the Parks designation requires an Official Plan Amendment.

Zoning By-law

The site is zoned Open Space and has a site specific exception which permits:

- the uses in the Open Space (01) zone,
- a one-family detached dwelling;
- a dwelling unit for a caretaker which is part of the main building;
- a recreational club including lawn bowling greens, tennis courts, swimming pool and other recreational facilities;
- commercial uses including retail stores and personal service shop;
- a restaurant and accessory uses provided there are no take-out facilities and the location of the restaurant and accessory uses are restricted to the existing manor house and the patio at the rear of the house.

Exception regulations prohibit an adult entertainment parlour and outside advertising signs. Maximum floor areas are identified for the retail stores and service shops (185.8 m²), indoor and outdoor restaurant areas (363 m² and 181.5 m² respectively) and meeting rooms (186 m²). A minimum of 82 parking spaces is required. There are further regulations concerning the preservation and maintenance of the exterior elevations of the manor house and ensuring a neat and orderly appearance of the landscaped grounds and formal garden.

At its meeting of January 16, 2003, the Committee of Adjustment granted approval to permit restaurant use within the existing addition to the manor house.

Zoning By-law 7625 does not provide for outdoor music in any zone and therefore this would not be permitted for banquet halls.

The existing zoning is shown in Attachments 3A and 3B.

Community Consultation

A Community Consultation meeting was held on January 29, 2003 with the applicant, the local Councillor, staff and approximately 20 residents in attendance.

The main issue discussed at the meeting was an incident in May 2001, where a large tent was placed on the gardens at the rear of the Manor and, along with amplified outdoor music resulted in a significant disturbance for neighbourhood residents. The residents indicated that other outdoor events with amplified music also created disturbances. The owner's solicitor indicated they will not engage in activities that are in contravention of the by-law and that they will agree to abide by restrictions that reduce the impact of outdoor amplified music. The owner's solicitor indicated that the owners wish to provide musical accompaniment to outdoor weddings and parties.

Some residents from the adjacent condominium, 75 Graydon Hall, were opposed to the application to permit a Banquet Hall as a new permitted use because of past experiences with outdoor events at Graydon Hall Manor that generated excessive noise. They indicated that during private functions such as weddings they were unable to enjoy the use of their balconies and that the noise caused them a disturbance even with their unit windows closed. These residents indicated that noise also comes from the front overflow parking lot at the end of the evening when people are leaving an event and getting into their cars.

Other residents, from the condominium and elsewhere in the community, indicated that as long as reasonable arrangements with respect to noise could be made, the new uses might be acceptable to them. Other residents, from elsewhere in the community, indicated support for the proposed new uses indicating the facility is an asset to the neighbourhood and that the noise was not a significant disturbance for them.

Five letters, including one letter signed by three owners, have been received from residents of condominium units in 75 Graydon Hall Drive objecting to the application for a banquet hall.

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. The issues of appropriate land use, outdoor music, parking space size and heritage preservation with respect to the applications to amend the Official Plan and zoning by-law are discussed below.

Comments:

Land Use

The application to amend the Official Plan and zoning by-law to permit a banquet hall is supported on the basis of (a) the nature of the uses already permitted on the site, (b) restrictions on outdoor music and, (c) the suitability of the site for the proposed use.

a) Current Permitted Uses

The Local Open Space designation in the North York Official Plan permits parks uses, community centres, libraries, day nurseries and police, fire and ambulance stations. The existing site specific zoning by-law permits a wide range of commercial and recreational uses including a restaurant and outdoor patio, retail and service shops and meeting rooms. A banquet hall on this site is an appropriate extension to these uses and is in keeping with the characteristics of other uses permitted in the Local Open Space designation.

b) Restrictions on Outdoor Music

The applicant indicates that musical accompaniment is a key component to the proposed outdoor banquet hall uses. They wish to have the playing of single musical instruments such as a cello or a flute, or string quartets which may be amplified. They also wish to provide recorded music for weddings and private parties and indicate that such music would be amplified to a low level so as not to disturb the adjacent residents.

Zoning By-law 7625 does not provide for outdoor music for any uses. However, a banquet hall and associated outdoor uses are recommended as appropriate for this site. The applicant indicates that outdoor musical accompaniment is key to their banquet hall business. It is recommended therefore that non-amplified music be permitted outdoors subject to two restrictions to protect adjacent residents from potential noise impacts. The restrictions are:

1. a prohibition on outdoor amplified music which will be applied to both musical instruments and recorded music; and,
2. permission for non amplified outdoor music on a temporary basis for a one year period to allow the situation to be monitored.

This accommodates the owners request for outdoor music, but limits the music to non amplified musical instruments. Amplified music, even at a low volume, would not be permitted. The proposed zoning amendment does not permit amplification and allows the situation to be monitored and assessed after a one year period. The owner has the opportunity to request City Council to consider extending the use after the one year temporary use period ends.

c) Site Suitability

The application to permit a banquet hall does not involve any new construction. There will be no increase in gross floor area and no change to the appearance of the existing development. The banquet hall use will replace existing uses which includes former restaurant space and current office, meeting rooms and storage space. Of the total floor area, approximately half is proposed for the banquet hall use. The owners intent is to have an outdoor component to the banquet hall where weddings, receptions and private parties could be held in the outdoor garden area located in the rear of the facility.

Uses adjacent to Graydon Hall Manor include four high rise apartment buildings, a school and open space. Adjacent residential uses are well separated from the subject property. The adjacent use that is closest to Graydon Hall Manor is the 25 storey, 197-unit condominium located at 75 Graydon Hall Drive. The condominium is on a large lot and is set back 50 metres (164 ft.) from the shared property line. The proposed outdoor use that is associated with the banquet hall will take place in the rear gardens which is further away from the condominium at a distance of 90 metres (295 ft.) as shown on Attachment 6.

The site is large, 1.6 ha (4 acres) with a low intensity commercial recreation use which is well separated from neighbouring high rise residential buildings. The addition of a banquet hall in this setting is compatible with the area and suitable for the site. The size of the site allows for satisfactory traffic circulation and sufficient parking.

Parking

The existing site specific zoning by-law requires 82 parking spaces. There are 116 existing surface parking spaces which are located in front of the Manor at the north end of the property. The applicant has submitted a Parking Study which indicates that 116 spaces are sufficient to satisfy existing and future parking demands for the site. Works & Emergency Services staff concur with these conclusions.

The present parking spaces do not meet the zoning requirement for the 5.5 metre (18 ft.) parking space depth. The existing parking space depths range from 5.1 metres (16.7 feet) to 5.3 metres (17.4 feet). The by-law requirements in terms of number of spaces are met and there is no significant operational problem created by the reduction from the zoning standard. Accordingly, the proposed zoning by-law provides an exemption for parking space depth.

Heritage

The Georgian style house was built in 1936 and is listed on the City of Toronto Heritage Inventory. During 1999 and 2000 the Manor and coach house and the landscaped grounds were restored by the owners and the heritage features have been maintained. The requirement to mark parking spaces located in the historic forecourt of the Manor and whether the property should be designated at this time are the two heritage issues associated with this application.

It is recommended that the 17 space overflow parking area located in the forecourt immediately to the north of the Manor not be marked as this would detract from the appearance of the paving stone material which contributes to the heritage character of the property. An exemption from marking these parking spaces is contained in the proposed zoning by-law.

Designation of Graydon Hall Manor under the Heritage Act is not recommended at this time as no increase in floor area or internal or external changes are proposed. Upon a proposal for change to floor area or a change in use that requires internal or external changes, Heritage Preservation Services would consider the property for designation under the Heritage Act.

Conclusions:

The amendments to the Official Plan and zoning by-law to permit a Banquet Hall are recommended on the basis that this is an appropriate use for the property and, due to the size of the subject property and the adjacent properties and large existing building setbacks, would be compatible with adjacent residential uses. In order to accommodate the applicant's request for outdoor music while providing protection for adjacent residents it is recommended that non amplified music be permitted on a one year temporary basis. This allows the situation involving outdoor music to be monitored over the one year period and the owner has the opportunity to request City Council to consider extending the use. The supply of parking is satisfactory for the existing and proposed uses on the site.

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List of Attachments:

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Application Data Sheet

Attachment 6: Separation Distances between Graydon Hall Manor and condominium

Attachment 7: Draft Official Plan Amendment No. 540 (former North York Official Plan)

Attachment 8: Draft Official Plan Amendment no. 11 (Official Plan)

Attachment 9: Draft Zoning By-law Amendment

Attachment 10: Temporary Use Zoning By-law