

1450 St. Clair Avenue West – Approval Under the Funeral, Burial, and Cremation Services Act (Formerly the Cemeteries Act) – General Report

Date:	May 28, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 17 - Davenport
Reference Number:	13 158054 WET 17 SA

SUMMARY

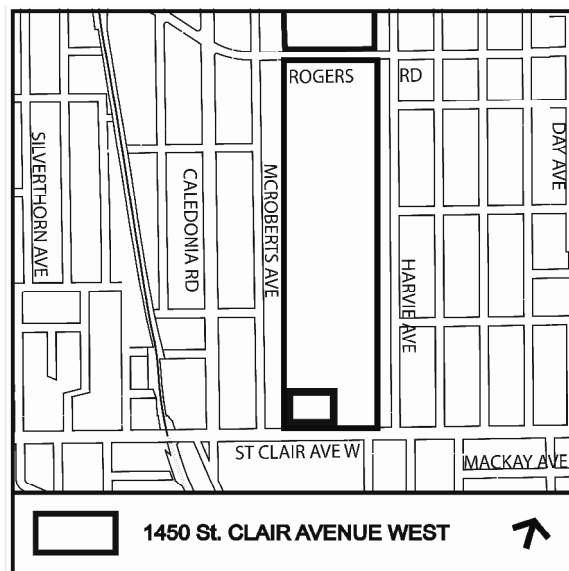
This report recommends that City Council grant approval under the *Funeral, Burial, and Cremation Services Act* (formerly the *Cemeteries Act*) to permit expansion of the existing Garden Court Mausoleum in Prospect Cemetery at 1450 St. Clair Avenue West. The mausoleum is located in the southwest portion of the cemetery along the St. Clair Avenue West frontage.

The application proposes to add a third floor to the existing two storey mausoleum and to make internal alterations to the first and second storeys. The proposed expansion would add approximately 2,599 m² of new floor area and 1,648 crypts. The mausoleum's exterior walls are to be retained. The proposed addition includes a roof that would enclose a portion of the mausoleum's outdoor courtyard.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council grant approval of the



- proposal to increase the capacity of Prospect Cemetery at 1450 St. Clair Avenue West with a mausoleum expansion containing approximately 1,648 crypts, subject to:
- (a) a statement of Site Plan Approval being issued by the Director of Community Planning, Etobicoke York District; and
 - (b) the owner paying for the cost of publishing the “Notice of Decision” of Council’s approval in a local newspaper.
2. City Council authorize the City Clerk, subsequent to Council’s approval of the proposal and under the requirements of the *Funeral, Burial, and Cremation Services Act* to:
- (a) publish the “Notice of Decision” of Council’s approval of the mausoleum expansion in a local newspaper; and
 - (b) send a copy of City Council’s decision to the applicant and the Registrar, Ministry of Consumer Services, Cemeteries Regulation Unit.
3. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application consultation meeting was held with the applicant on April 11, 2013 to discuss complete application submission requirements.

ISSUE BACKGROUND

Prospect Cemetery is located on the north side of St. Clair Avenue West, east of Caledonia Road. The property extends from St. Clair Avenue West in the south to Eglinton Avenue West in the north. It is partially situated in both the former City of Toronto and the City of York. The cemetery is owned and operated by Mount Pleasant Group of Cemeteries and has been operational and licensed at this location since 1890.

The owner submitted a site plan application to permit the expansion of the existing Garden Court Mausoleum. A proposal to increase the capacity of a cemetery, including expansion of a mausoleum, requires approval from the Registrar of the Ministry of Consumer Services under the *Funeral, Burial, and Cremation Services Act*. Prior to applying for consent from the Registrar, the owner is required under Part XI, Section 83(2) of the *Act* to first obtain approval from the local municipality. Once a decision has been reached, Part XI, Section 84(4) of the *Act* requires that the municipality publish a “Notice of Decision,” in a local newspaper with respect to the approval of the mausoleum

expansion to increase capacity of the cemetery. The owner of the property has agreed to pay for the cost of publishing Council's decision on the application.

An appeal to the Ontario Municipal Board (OMB) may be made within 15 days after publication of the "Notice of Decision". The applicant, Registrar appointed under the *Act*, or any person with an interest in the matter may appeal the decision to the OMB.

COMMENTS

Proposal

A Site Plan application has been submitted to permit an expansion to the existing Garden Court Mausoleum in Prospect Cemetery. The existing mausoleum is two storeys in height and consists of 2,409 m² and 2,204 m² of floor area on the first and second floors, respectively. There are currently 3,345 crypts and 890 columbaria niches in the mausoleum.

The proposed expansion would add 2,599 m² of floor area. The proposed addition of a third storey and internal alterations to the mausoleum's existing first and second storeys would add 1,648 new crypts; 123 new crypts on the second floor and 1,525 new crypts on the third floor. The exterior walls of the mausoleum would be retained. A roof is also proposed that would cover part of the mausoleum's existing outdoor courtyard (see Attachment 1: Site Plan and Attachment 2: Elevations).

Landscaping and street furniture upgrades are proposed along Prospect Cemetery's St. Clair Avenue West frontage.

Site and Surrounding Area

The Garden Court Mausoleum is located in the southwest portion of the cemetery along the St. Clair Avenue West frontage. It is west of the main entrance gates on St. Clair Avenue West and setback approximately 6.1 m from the south property line and approximately 8 m from the west property line. The area affected by this proposal involves approximately 0.22 ha (0.53 acres) of the total 42.49 ha (105 acres) site. The mausoleum is located along the west side of the cemetery's internal road system.

The cemetery contains a chapel, maintenance building, offices and four mausoleums. One mausoleum is located in the northern portion of the cemetery in the former City of York. The other three mausoleums, including the Garden Court Mausoleum, are located in the southern portion of the property in the former City of Toronto.

Surrounding land uses include:

North: Mixed commercial and residential uses along Eglinton Avenue West with detached and semi-detached dwellings further north.

- South: Joseph J. Piccininni Community Centre, Earls court Park, mixed commercial and residential uses along St. Clair Avenue West and detached and semi-detached dwellings further south.
- East: Detached, semi-detached and low rise apartment buildings, a convenience store and a Bell Canada building.
- West: Detached and semi-detached dwellings.

Official Plan

The lands are designated *Other Open Space Areas* on Map 17 – Land Use Plan in the Official Plan. *Other Open Space Areas* are comprised of golf courses, cemeteries and public utilities.

Zoning

The subject lands are zoned Green Space (G) under former City of Toronto Zoning By-law No. 438-86 (see Attachment 3). Section 12 (1) 313 of the By-law is a permissive exception permitting as-of-right a cemetery, columbarium, crematorium and mausoleum.

Site Plan Review

An application for site plan approval was submitted in April, 2013. This application has been circulated to relevant Divisions and agencies. Site Plan Approval under delegated authority will be completed in the near future provided approval of the proposed mausoleum expansion is granted by City Council under the *Funeral, Burial, and Cremation Services Act*.

Community Consultation

On May 25, 2013 representatives of the property owner met with area residents at a community consultation meeting as requested and facilitated by the Ward Councillor and attended by Planning staff. The owner also held four previous meetings with area residents and crypt rights holders. The Ward Councillor was consulted as to the need for a formal public hearing to ascertain community interest in the proposed mausoleum expansion. The Councillor has advised that based on the consultation that has occurred previously with area residents, a formal public hearing is not required.

Conclusions

The proposed mausoleum expansion is a permitted use under former City of Toronto Zoning By-law No. 438-86. It is recommended that City Council approve the proposal to increase the capacity of Prospect Cemetery and the “Notice of Decision” be published in a local newspaper as set out by the *Funeral, Burial, and Cremation Services Act*. The owner has agreed to pay for the cost of publishing the notice of Council’s decision.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

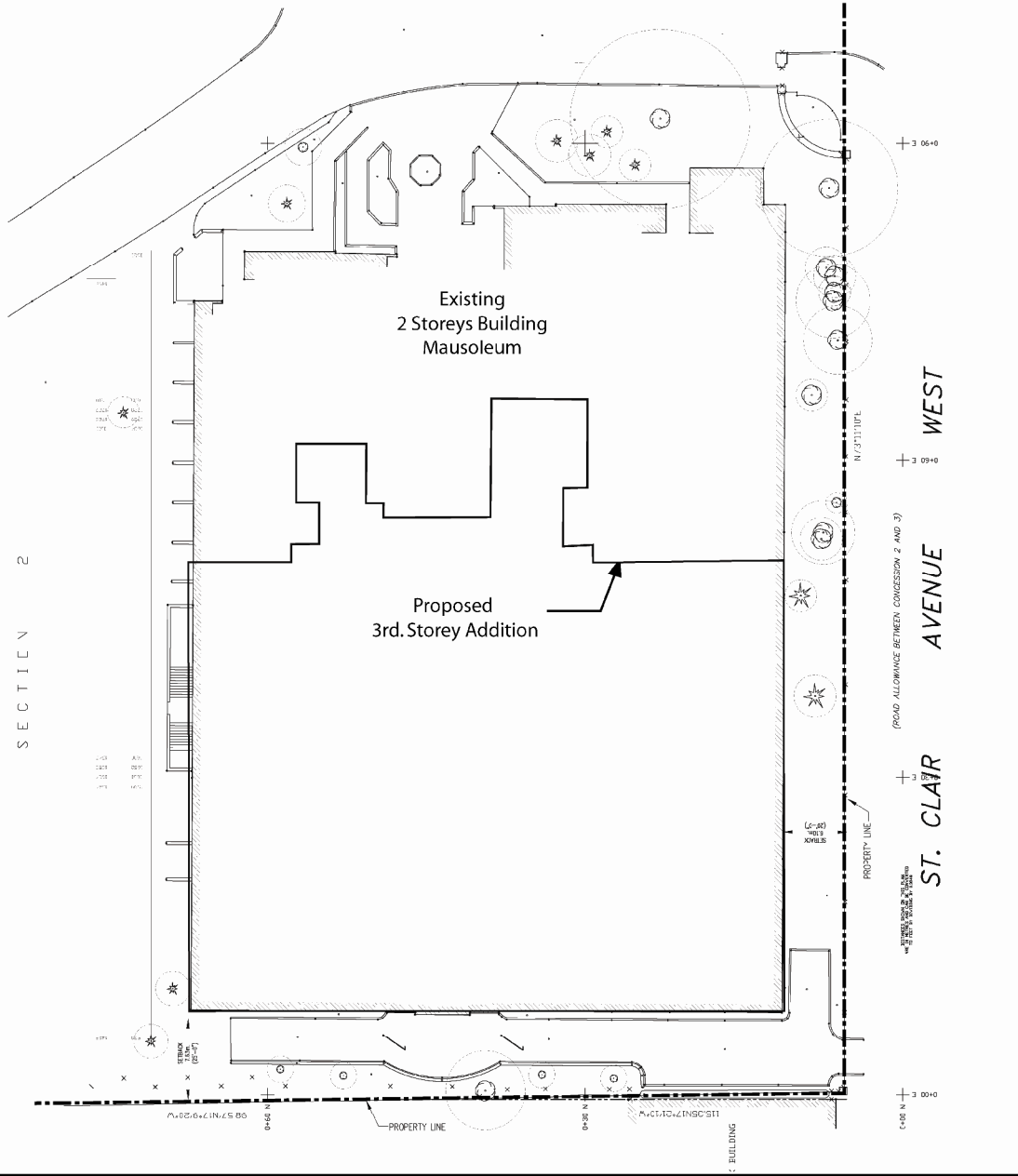
Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

1450 St. Clair Avenue West

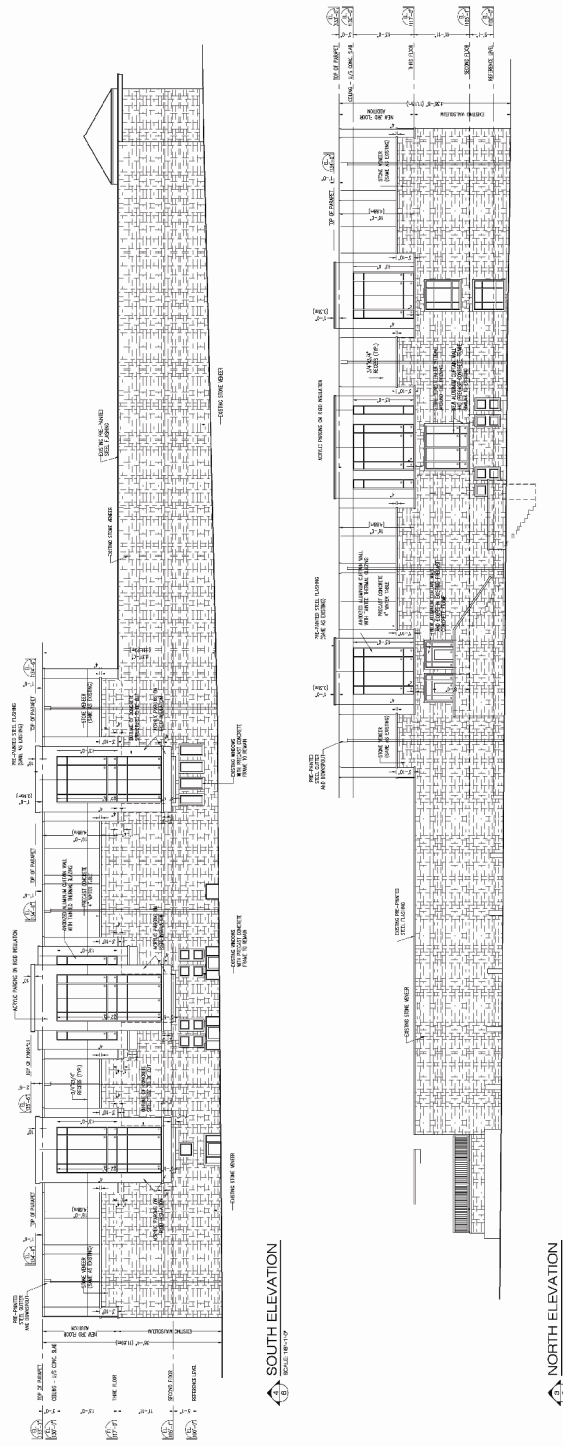
Applicant's Submitted Drawing

Not to Scale
05/15/2013



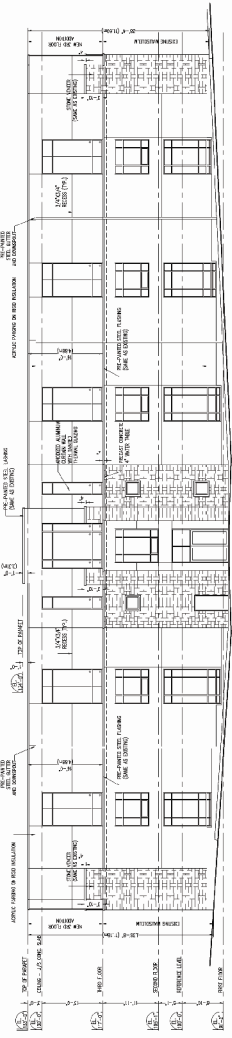
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Attachment 2: Elevations

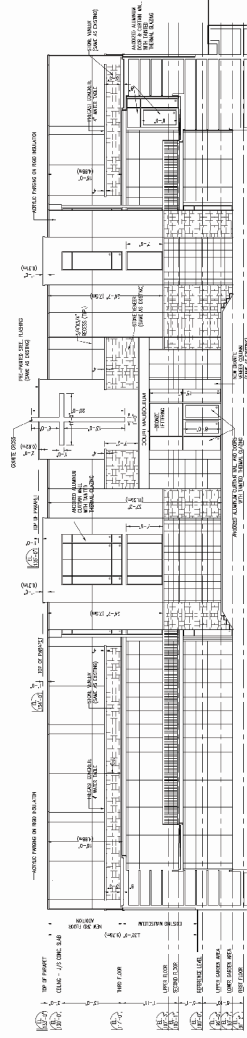


Elevations
1450 St. Clair Avenue West
 Applicant's Submitted Drawing
 No 1 to Scale
 05/14/2013

Elevations
1450 St. Clair Avenue West
 Applicant's Submitted Drawing
 No 1 to Scale
 05/14/2013



WEST ELEVATION
SCALE: 1/8" = 1'-0"



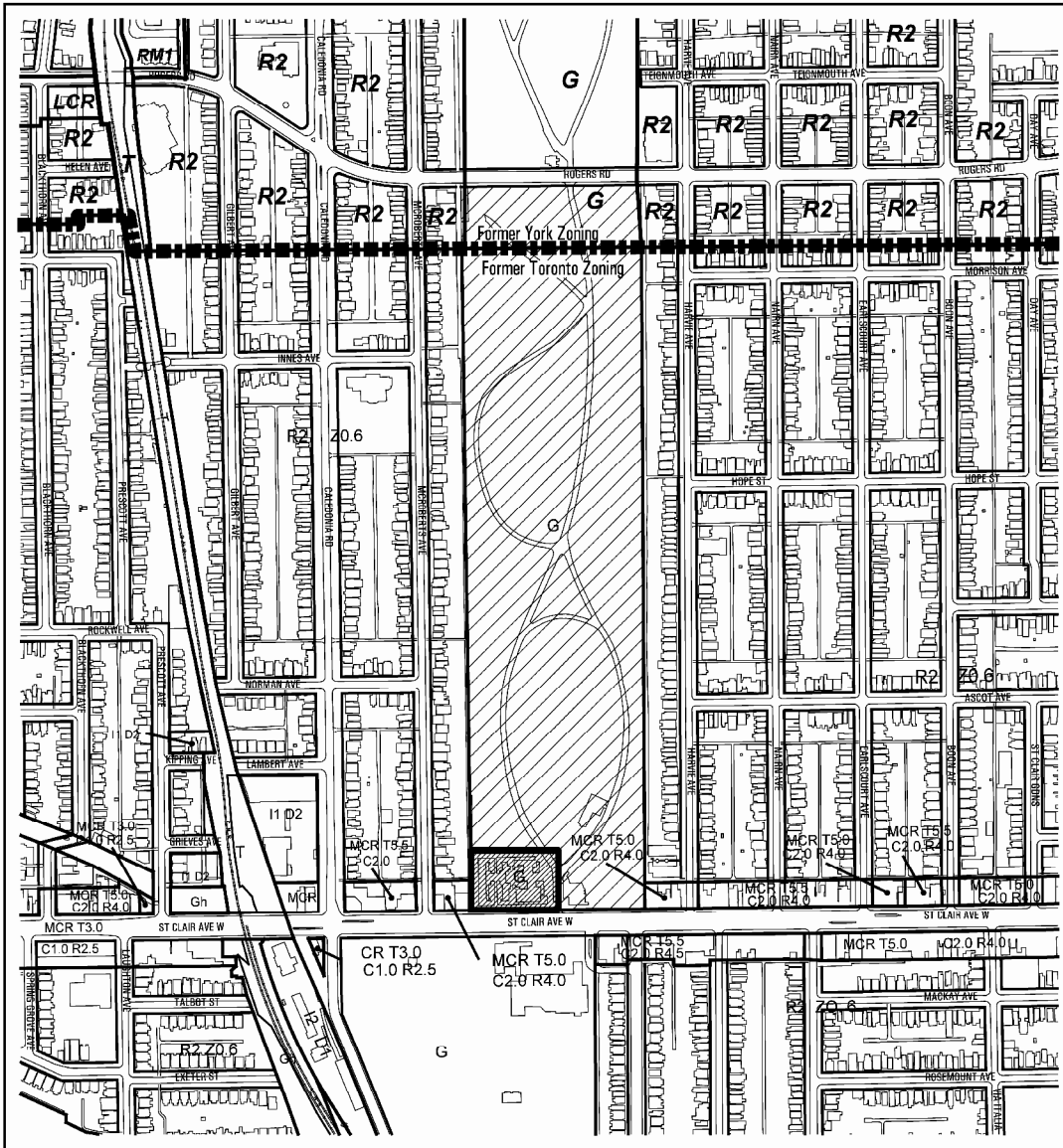
EAST ELEVATION
SCALE: 1/8" = 1'-0"





1450 St. Clair Avenue West
File # 13 158054 WET 17 SA

Elevations
Applicant's Submitted Drawing
No t to Scale
05/14/2013

Attachment 3: Zoning



TORONTO City Planning
Zoning

-  Prospect Cemetery
-  Garden Court Mausoleum Site

1450 St. Clair Avenue West

File # 13 158054 WET 17 SA

Former York Zoning By-law 1-83
R2 Residential Zone
RM1 Residential Multiple Zone
G Green Open Space
T Transportation & Utilities

Former Toronto Zoning By-law 438-86
R2 Residential District
G Parks District
CR Mixed-Use District

MCR Mixed-Use District
I1 Industrial District
Gh Parks District

Toronto Zoning By-law 438-86
Not to Scale
Extracted 05/08/2013



Attachment 4: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	13 158054 WET 17 SA
Details		Application Date:	April 26, 2013

Municipal Address: 1450 ST CLAIR AVE W

Location Description: CON 3 FB PT LOT 32 ABUTTING YORK **GRID W1703

Project Description: Proposed 3rd storey addition to an existing 2-storey mausoleum. The proposed mausoleum expansion would result in some internal alterations to the first and second floors. The exterior walls of the existing mausoleum would not be altered and would be retained with the third floor addition essentially enclosing portions of the existing 2-storey structure by the addition of a roof over the court mausoleum.

Applicant:	Agent:	Architect:	Owner:
WALKER NOTT DRAGICEVIC ASSOC LTD			THE TRUSTEES OF THE TORONTO GENERAL BURYING GROUNDS

PLANNING CONTROLS

Official Plan Designation:	Other Open Spaces	Site Specific Provision:	
Zoning:	Greenspace(G)	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	424,919.92	Height:	Storeys:	3
Frontage (m):	191		Metres:	12.45
Depth (m):	1,900			
Total Ground Floor Area (sq. m):	4,906			Total
Total Residential GFA (sq. m):	0		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	10,815		Loading Docks	0
Total GFA (sq. m):	10,815			
Lot Coverage Ratio (%):	1.33			
Floor Space Index:	0.03			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m):	0
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	0	Office GFA (sq. m):	0
2 Bedroom:	0	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	10815
Total Units:	0		

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