



Report to: Development Services Committee Date Report Authored: September 13, 2011

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**SUBJECT:** RECOMMENDATION REPORT  
Fung Loy Kok Institute of Taoism  
378 Steeles Avenue East  
West of Laureleaf Road  
Applications for a Zoning By-law Amendment and Site Plan  
Approval to permit a place of worship  
File No.: ZA 08 125376 and SC 07 125397

**PREPARED BY:** Gary Sellars, Senior Planner, West District (ext. 2960)  
**REVIEWED BY:** Ron Blake, Development Manager, West District (ext. 2600)

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**RECOMMENDATION:**

- 1) That the Staff report entitled "Recommendation Report, Fung Loy Kok Institute of Taoism, 378 Steeles Avenue East, West of Laureleaf Road, Applications for a Zoning By-law Amendment and Site Plan Approval to permit a place of worship", be received;
- 2) That the application submitted by Fung Loy Kok Institute of Taoism to amend Zoning By-law 1767, as amended, be approved and the draft by-law attached as Appendix "B", be finalized and enacted without further notice;
- 3) That the application submitted by Fung Loy Kok Institute of Taoism for site plan approval be endorsed in principle, subject to the conditions outlined in Appendix "A";
- 4) That site plan approval be delegated to the Director of Planning and Urban Design or designate, to be issued following execution of a site plan agreement. Site Plan Approval is issued only when the Director has signed the plans;
- 5) That the site plan endorsement shall lapse after a period of three (3) years from the date of endorsement in the event that a site plan agreement is not executed within that period;
- 6) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to provide background information and evaluate the applications for zoning by-law amendment and site plan approval to permit a place of worship.

**BACKGROUND:****Property and Area Context**

The subject property is located on the north side of Steeles Avenue, west of Laureleaf Road and has a frontage of 31m (102 ft.). The property is L-shaped and has an area of approximately 0.18 ha. (0.44 acres). There is a vacant two storey single detached dwelling on the property with some mature trees. To the north, east and south across Steeles Avenue are single detached dwellings. The dwellings to the south are rear lotted on Steeles Avenue. An eight lot single detached subdivision, accessed by a cul-de-sac, was recently registered for the lands to the west. A newly constructed lane based townhouse project is located farther west at Steeles Avenue and Valloncliffe Road. In addition to residential uses on this stretch of Steeles Avenue, there are commercial and institutional uses which include a retail plaza and gas station at the southeast corner of Laureleaf Road and Steeles Avenue and a gas station, place of worship and garden centre on the north side of Steeles Avenue near Bayview Avenue.

**Official Plan and Zoning**

The property is designated URBAN RESIDENTIAL – Low Density Housing by OPA No.1 (Thornhill Secondary Plan). This land use designation represents the majority of residential areas within the Thornhill Secondary Plan and is intended to reflect the prevailing established character of these portions of the community. This land use designation permits low density housing and a range of public, institutional and recreational uses servicing residential areas. A place of worship may be permitted, subject to the provisions of the Town's Official Plan (Revised 1987), as amended and the Secondary Plan.

The Town's Official Plan permits places of worship within the URBAN RESIDENTIAL land use designation subject to certain criteria (i.e. appropriate access, impact of traffic, built form, location etc.) and requires an Official Plan amendment for sites greater than 2.5 hectares. The property has an area of approximately 0.18 ha. and therefore an Official Plan amendment is not required. The proposal has been reviewed against the criteria established in the Official Plan for places of worship as is discussed later in this report.

The property is zoned Single Family Special Residential Third Density (SR3) under By-law 1767, as amended (Figure 2). A zoning by-law amendment is required to permit a place of worship.

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**Proposal**

The applicant, a registered charitable religious organization, is seeking a rezoning and site plan approval to permit a place of worship.

The applicant was originally proposing to accommodate the proposed place of worship in the existing (482 m<sup>2</sup> [5192 ft<sup>2</sup>]) two storey single detached dwelling. Eighteen (18) parking spaces were proposed at the rear of the building. The Ward Councillor held a community information meeting on April 15, 2009 to obtain comments from area residents with respect to the applicant's proposal. As a result of concerns that were expressed by area residents with respect to impacts of the proposed use on the adjacent residential community, in terms of inadequate on site parking, potential noise, air, light pollution and increased traffic, the application has been revised as outlined in this report.

The revised proposal includes demolition of the existing dwelling and construction of a new 304m<sup>2</sup> (3,272 ft<sup>2</sup>) flat roof building cantilevered 1 storey above the existing grade with a total height of 8m (26 ft.) above existing grade. Thirty (30) parking spaces are proposed (Figure 4) in accordance with the Town's updated parking requirements for Places of Worship (By-law 28-97, as amended). Features of the revised proposal include the following:

**Building Design** (Figures 4 and 5)

- The building is centrally located on the property, similar to the location of the existing dwelling;
- the building is cantilevered 1 storey above grade by seven sets of support columns to allow for parking and circulation beneath the building. Additional parking is provided north of the building;
- the building is accessed by two sets of open air stairs and an elevator;
- an open air elevated terrace (approx. 120m<sup>2</sup>) with a 1.5m opaque railing and guard panel is attached to the east side of the building;
- the front and rear building cladding includes sets of four vertical fins with windows in between;
- lighting for the parking area is proposed on the underside of the building and on low level bollards where necessary; proposed lighting to the north of the building will be removed to minimize light impacts on adjacent properties;
- solar panels are located on the roof to generate electric power for the municipal grid, in accordance with arrangements with Power Stream; the panels will be low profile and partially concealed by the parapet.

**Landscaping** (Figure 4)

- A contemplative garden is located at the rear of the property; existing trees will be retained in this area and new landscaping will be provided;
- a reinforced grass paving system for six parking spaces in the rear yard will blend in with the adjacent garden (the applicant does not anticipate that these parking spaces will be utilized);

- landscaped buffers include: a 2.3m buffer adjacent to the west property line; a 3m buffer adjacent to the east property line, and a 12.19m buffer adjacent to the north property line;
- indigenous plant species will be used;
- 1.8m wood privacy fencing will be provided on the west, east and north property lines, and a 1.2m screening wall will be provided adjacent to Steeles Avenue;
- the existing circular driveway access from Steeles Avenue will be replaced with a single driveway to allow for increased landscaping.

**Stormwater Management**

- Roof top storage and a controlled discharge rate will be utilized;
- a permeable pavement storage and percolation system will be used in the parking area;
- a bioswale will be provided adjacent to the east property line.

**Statutory Public Meetings**

Two Statutory Public Meetings have been held for this proposal (March 8, 2011 and May 10, 2011). The key matters raised included:

- place of worship vs. commercial use
- potential increase in traffic and congestion
- stormwater management proposal
- compatibility (impacts from noise, air and light pollution) with surrounding residences
- building design
- loss of privacy for surrounding residences
- size and use of the proposed terrace
- impact on the stability of the residential area
- concentration of places of worship and overflow parking
- overdevelopment

These issues will be addressed in the next section of this report.

**OPTIONS/ DISCUSSION:**

This section will evaluate the proposed development in accordance with the criteria identified in the Official Plan with respect to proposed places of worship and address the issues identified by the community with respect to the proposal.

**Proposed Place of Worship Use**

The applicant is registered with the Canada Revenue Agency as a charitable religious organization. The applicant has advised that the premises on the subject property will be used in a way that is consistent with its letters patent (CRA registration), more particularly, establishing the building as a Taoist temple and shrine that will carry on the teachings and practices of the Taoist religion. These teachings and practices are

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described as being for the dual cultivation of both body and mind and include Taoist Tai Chi, Taoist Chanting, Taoist Meditation and Ceremonies.

The Tai Chi component of the Fung Loy Kok Institute of Taoism (FLKI) is generally offered at its other sites by the Taoist Tai Chi Society of Canada (TTCSC) which is registered with the Canada Revenue Agency as a charitable health organization. A membership application and \$20.00 fee is required by TTCSC. The applicant has advised that at their 378 Steeles Avenue site the Tai Chi will be offered by FLKI and the membership application will be required by FLKI and the fee will be payable to FLKI. The application includes a description of Taoist Tai Chi and the religion of Taoism (Appendix "C"). The applicant has advised that Taoist Tai Chi is an integral part of the religion of Taoism.

The applicant has further advised that there will be no large festivals at this location. Large gatherings take place at the Fung Loy Kok International Centre near Orangeville.

Concerns have been expressed by area residents that the proposed place of worship might be used primarily for tai chi classes, which would be a fitness facility – classified as a commercial use. Commercial uses are generally not permitted in the Urban Residential designation of the Town's Official Plan. The resident's concerns have been expressed based on their observations of other properties that are operated by the applicant, more specifically in Dickson Hill on Highway 48 where the Bayview Glen residents are concerned that the predominant use is tai chi classes and the facility is marketed as a health and fitness club. As a result of concerns raised by the Bayview Glen residents, By-law Enforcement staff have undertaken an investigation of the Dickson Hill property, which is still ongoing.

Staff recommend that the zoning by-law amendment limit the use of the proposed premises to a place of worship used for the practice of religious rites, and appropriate accessory uses, and that it specifically prohibit a commercial fitness centre (see Appendix "B"). In this case the religious rites would include Taoist Tai Chi, Taoist Chanting, Taoist Meditation and Ceremonies. In the opinion of Town Legal and Planning staff, tai chi classes offered by the worship group would be deemed a permitted accessory use; the charging of a fee for these classes would not offend the accessory use.

In order for the proposed use to be in compliance with the zoning by-law amendment it would have to meet the following criteria:

- the worship group has to be registered with the Canada Revenue Agency as a charitable religious organization that offers practices of religious rites
- the property and building have to be clearly identified as a place of worship (Taoist Temple and Shrine that carries on the teachings and practices of the Taoist religion)
- the property and building cannot be marketed or promoted as a fitness centre
- tai chi classes are only permitted as an accessory use and shall exclude any assembly areas with potential occupancy greater than the worship area(s)

The Legal Department has advised that in the event that commercial activities such as a fitness centre were to encroach on or supplant the proposed place of worship use, the zoning by-law provisions would be enforced by By-law Enforcement.

**Parking**

The applicant's original proposal included 18 parking spaces, entirely in the rear yard. The applicant had indicated that 18 parking spaces would be sufficient for their facility and submitted a parking study in support of this. The applicant's revised proposal includes 30 parking spaces, in compliance with the Town's Parking By-law requirements for places of worship. Compliance with the Parking By-law requirements will ensure that should a different worship group acquire this property, the required parking will be in place.

**Traffic**

Steeles Avenue is a City of Toronto road. The City of Toronto's Traffic Planning and Right-of-Way Management Department has reviewed the current proposal and has advised the Town that they have no objection to it subject to the applicant obtaining an access permit.

A traffic study was submitted by the applicant in support of their current proposal. The Town's Engineering Department and the City of Toronto has reviewed the study and advises that it is satisfactory and that they have no objection to the proposal from a traffic operations perspective.

Comments submitted by the Bayview Glen Residents Association with respect to their review of the traffic study and concerns with respect to increased traffic and traffic movements to and from the site were sent to the Town's Engineering Department. The Transportation issues mentioned in the letter and in discussions with staff have been addressed to the satisfaction of Markham and Toronto transportation staff.

**Locational criteria of Official Plan**

The Official Plan states that an application to permit a place of worship shall be evaluated in accordance with locational criteria, one of which is a location on an arterial road or Provincial Highway at the intersection with another public road. The subject property is located on an arterial road (Steeles Ave.) one lot away from the intersection with Laureleaf Road. The intent of this criteria is to allow for potentially two accesses to a site; one from the arterial road and one from the local road. In the existing context it would be problematic to have an access from Laureleaf Road due to the existing configuration of the road with a central median and proximity to the Laureleaf and Steeles Avenue intersection. The City of Toronto has advised that they have no objection to the proposed location of the place of worship with access limited to Steeles Avenue and the Traffic Study supports this. It is also noted that the proposed place of worship will be relatively small in scale, with limited traffic impacts.

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### **Stormwater Management**

The Engineering Department and the City of Toronto have reviewed the proposed stormwater control system and site servicing and grading plans, and have advised that they are acceptable.

### **Compatibility**

#### Building (see Figure 4)

The proposed two storey building is centrally located on the property, similar to the location of the existing two storey dwelling. The building's 304m<sup>2</sup> (3,272 ft<sup>2</sup>) gross floor area and 8m (26 ft) height are also similar to the existing dwelling on the property and other dwellings on adjacent lots. The proposed building is in compliance with the existing building setbacks, height and lot coverage standards of the residential zoning applicable to this property. The only non-compliance is the maximum building depth (16.8m permitted, 19.7m proposed) (Appendix "D"). The proposed building depth is similar to the depth of the existing dwelling on the property.

The Community has expressed concern that the building design is out of character with the community. However, the building is of a residential size and scale, and there are several examples of other modernistic buildings in the community.

#### Landscaped Buffers/Fencing (see Figure 4)

Landscaped buffers and 1.8m (6 ft.) fencing are proposed to minimize impacts of the proposed development on adjacent residential properties. The buffers include: a 2.3m wide buffer adjacent to the west property line, a 3m wide buffer adjacent to the east property line and a 12.19m wide buffer in the form of a landscaped garden will be located adjacent to the west half of the north property line. Parking space number 12 will be relocated further to the rear to accommodate a 3m buffer along the eastern half of the north property line. Aspen trees are proposed for the westerly buffer and coniferous cedar trees for the easterly buffer; the cedars will screen the proposed terrace from the adjacent properties. Existing trees will be retained where possible.

The reinforced grass paving system for six parking spaces in the rear yard will blend in with the adjacent landscaped garden in the northwest portion of the site. The applicant does not anticipate that these parking spaces will be utilized.

The proposed landscape plan has been reviewed by the Urban Design Department and they have advised that it is generally acceptable.

#### Noise

A noise study was submitted by the applicant in support of their original proposal that included rear yard parking. The study concluded that no noise attenuation measures would be required. A peer review of the study found it to be acceptable. An updated noise study will be required as a condition of site plan approval for the current proposal to ensure that appropriate noise attenuation measures are provided, if required.

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### Lighting

Lighting for the parking area is proposed on the underside of the building; no lighting is proposed to the rear of the building. Low level bollard lighting may also be used where necessary. Car lights will be screened from adjacent properties by the landscaped buffers and fencing. A lighting analysis will be required as a condition of site plan approval to ensure that any impact on adjacent residential properties will be mitigated to an acceptable level.

### Terrace

In response to concerns expressed by staff and the community, the proposed terrace (approx. 120m<sup>2</sup>) on the eastern side of the building has been modified to minimize its potential use by large groups by the introduction of two skylights and a landscape planter. Cedar trees will screen the proposed terrace from the adjacent properties. A provision in the zoning by-law amendment will also restrict permitted place of worship uses and accessory uses on the property to a wholly enclosed building to prevent outdoor worship-related gatherings (including tai chi) on the terrace or in the rear garden.

### **Other Community Concerns**

#### Impact on the stability of the residential area

Concerns have been expressed by the community that the proposed place of worship will affect the stability of the residential Bayview Glen community and it is felt that by recently approving two new residential developments on Steeles Avenue in the area of the subject lands, the Town has established a precedent for this section of Steeles Avenue to be residential.

Staff do not consider the stability of the residential community to be at risk from a small place of worship located on an arterial road at the periphery of the community. Other non-residential uses are located on this section of Steeles Avenue, including a retail plaza and gas station at the southeast corner of Laureleaf Road and Steeles Avenue and a gas station, place of worship and garden centre on the north side of Steeles Avenue near Bayview Avenue. The predominant pattern of development along this section of Steeles Avenue is anticipated to continue to be upgrades to existing residential dwellings and minor residential infill.

#### Concentration of places of worship and overflow parking

There are currently four places of worship within the Bayview Glen community, three on Bayview Avenue and one on Steeles Avenue, east of Bayview Avenue. The community has been experiencing overflow parking on local streets from these places of worship with little resolution to the problem despite attempts by the Town to restrict such parking. The community is concerned that the proposed place of worship will add to the overflow parking problem.

The existing places of worship were subject to the Town's old parking standard for such uses (the greater of 1 space per 6 seats or 1 space/17m<sup>2</sup> gross floor area) whereas the proposed place of worship is subject to the Town's new parking standard (the greater of 1 space per 4 persons of the worship area capacity or 1 space/9m<sup>2</sup> net floor area of the



worship area) adopted by the Town in 2003. The applicant is providing 30 parking spaces in accordance with the new, higher standard. In addition, the applicant has advised that they do not anticipate that there will be any more than 15 to 20 members on site at any one given time and that when two or more services are held in one day there will be a gap of several hours between them. The applicant has also advised that there will be no large festivals at this location. Large gatherings take place at the Fung Loy Kok International Centre near Orangeville.

The applicant's compliance with the Town's new Parking By-law requirements will ensure that should a different worship group acquire this property, the required parking will be in place.

#### Overdevelopment

The majority of the property is being utilized for building and parking purposes and the community is concerned that this is an indication the property is too small for the proposed development and this will result in unacceptable noise, light and air pollution from cars.

As mentioned earlier, a noise study was submitted for the original development proposal, which also included rear yard parking and no requirements for noise attenuation were identified. An updated noise study will be required for the current proposal as a condition of site plan approval. Privacy fencing and extensive landscaped buffers are being proposed to mitigate the impacts of the parking area on adjacent properties.

The proposed building's 304m<sup>2</sup> (3,272 ft<sup>2</sup>) gross floor area and 8m (26 ft) height are also similar to the existing dwelling on the property and other dwellings on adjacent lots.

#### **Draft Zoning By-law Amendment (Appendix "B")**

The proposed draft zoning by-law amendment includes the following key elements:

A place of worship is permitted as an additional use within the existing residential zoning

A definition for place of worship

All place of worship uses and accessory uses shall be permitted only within a wholly enclosed building

A maximum gross floor area and height (310m<sup>2</sup> and 8m respectively)

Commercial Fitness Centre is prohibited

Minimum building setbacks and landscaping buffers

#### **CONCLUSION:**

Staff are of the opinion that potential impacts of the proposed development on adjacent residential properties and the community can be mitigated to an acceptable level with the site design, landscape & zoning provisions proposed.

#### **FINANCIAL CONSIDERATIONS:**

Not applicable

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**HUMAN RESOURCES CONSIDERATIONS:**

Not applicable

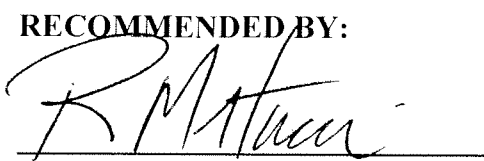
**ALIGNMENT WITH STRATEGIC PRIORITIES:**

Growth Management, environmental and transportation objectives have been considered.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

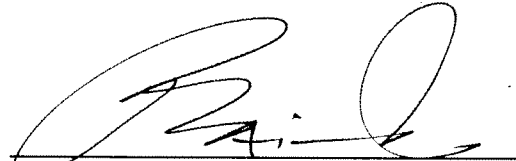
The proposed development has been circulated to Town departments and external agencies. All comments/requirements of these departments and agencies are or will be reflected in the final plans, or will be secured in the site plan agreement.

**RECOMMENDED BY:**



Rino Mostacci, M.C.I.P., R.P.P.

Director of Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.

Commissioner of Development Services

**ATTACHMENTS:**

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Air Photo

Figure 4 – Site Plan

Figure 5 - Building Elevations

Appendix “A” – Conditions of Site Plan Approval

Appendix “B” – Draft Zoning By-law Amendment

Appendix “C” – FLKI Membership Application

Appendix “D” – Zoning By-law 1767, as amended Residential Standards

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