



Report to: Development Services Committee

Report Date: March 8, 2011

SUBJECT: PRELIMINARY REPORT - UPDATE
Fung Loy Kok Institute of Taoism
378 Steeles Avenue
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 08 125397

PREPARED BY: Gary Sellars, Senior Planner, West District (ext. 2960)

RECOMMENDATION:

That the staff report entitled "Preliminary Report – Update, Fung Loy Kok Institute of Taoism, 378 Steeles Avenue, West of Laureleaf Road, Applications for a Zoning By-law Amendment and Site Plan Approval to permit a place of worship" be received as input to the statutory Public Meeting scheduled for March 8, 2011.

PURPOSE:

The purpose of this report is to provide an update to the proposal outlined in the Preliminary Report dated January 13, 2009 (Appendix "A").

BACKGROUND:

On January 13, 2009, Development Services Committee considered a Preliminary Report (Appendix "A") with respect to rezoning and site plan approval applications submitted by Fung Loy Kok Institute of Taoism for 378 Steeles Avenue. The applicant, a registered charitable religious organization, is seeking a rezoning and site plan approval to permit a place of worship. Committee authorized the scheduling of a Public Meeting for the applications.

The applicant was originally proposing to use the existing two storey single detached dwelling, with a small rear addition, for the proposed place of worship (482 m² [5192 ft²]). 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, including increased traffic, inadequate on site parking, noise, air and light pollution, the applicant has revised the proposal in consultation with staff. The revised proposal includes demolition of the existing dwelling and construction of a new 304m² (3,272 ft²) two

storey, flat roof building, 8m (26 ft) in height. Thirty (30) parking spaces are proposed (Figures 4 and 5). Features of the revised proposal include the following:

Building Design

- the building is centrally located on the property, similar to the location of the existing dwelling
- the second storey is elevated by seven sets of supports and cantilevered to allow for parking beneath and to the north and south of the building
- the second storey is accessed by two sets of open air stairs and an elevator
- a covered open air elevated terrace (approx. 120m²) 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; no lighting is proposed to the rear of the building
- solar panels are located on the roof to generate electric power for the municipal grid, in accordance with arrangements with Power Stream

Landscaping

- 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 five 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 will be provided adjacent to all property lines
- 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

DISCUSSION:

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

component is offered by the Taoist Tai Chi Society of Canada which is registered with the Canada Revenue Agency as a charitable health organization.

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 with respect to the possible use of the proposed place of worship for primarily tai chi classes which would be a fitness facility – commercial use. Commercial uses are 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 as places of worship, more specifically one in Dickson Hill on Highway 48 where they say the predominant use is tai chi classes and the facility is marketed as a health and fitness club. By-law Enforcement staff are investigating these concerns with respect to this property.

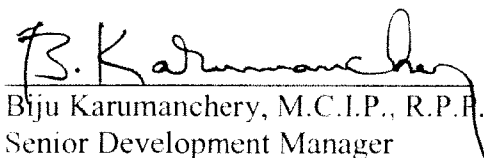
In response to the above noted concerns, the applicant has advised that commercial classes in tai chi open to the general public will not be available at the 378 Steeles Avenue site. Tai chi will be restricted to those who are Taoist and will be of a religious nature.

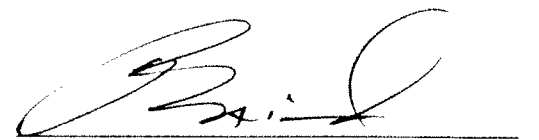
Staff recommend that, should approval be granted for the proposed place of worship, clauses be included in the zoning by-law amendment to specifically limit the use of the premises to place of worship and appropriate accessory uses and exclude any services or activities offered to the general public. The Legal Department has advised that in the event that commercial activity were to encroach on or supplant the proposed place of worship use, that would be a matter for 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. At the request of staff, the applicant's revised proposal includes 30 parking spaces in compliance with the Town's Parking By-law for places of worship. Compliance with the Parking By-law requirements will ensure that should a different worship group acquire this property, required parking will be in place.

RECOMMENDED BY:


Biju Karumanchery, M.C.I.P., R.P.P.
Senior Development Manager


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" – Preliminary Report, dated January 13, 2009

APPLICANT:

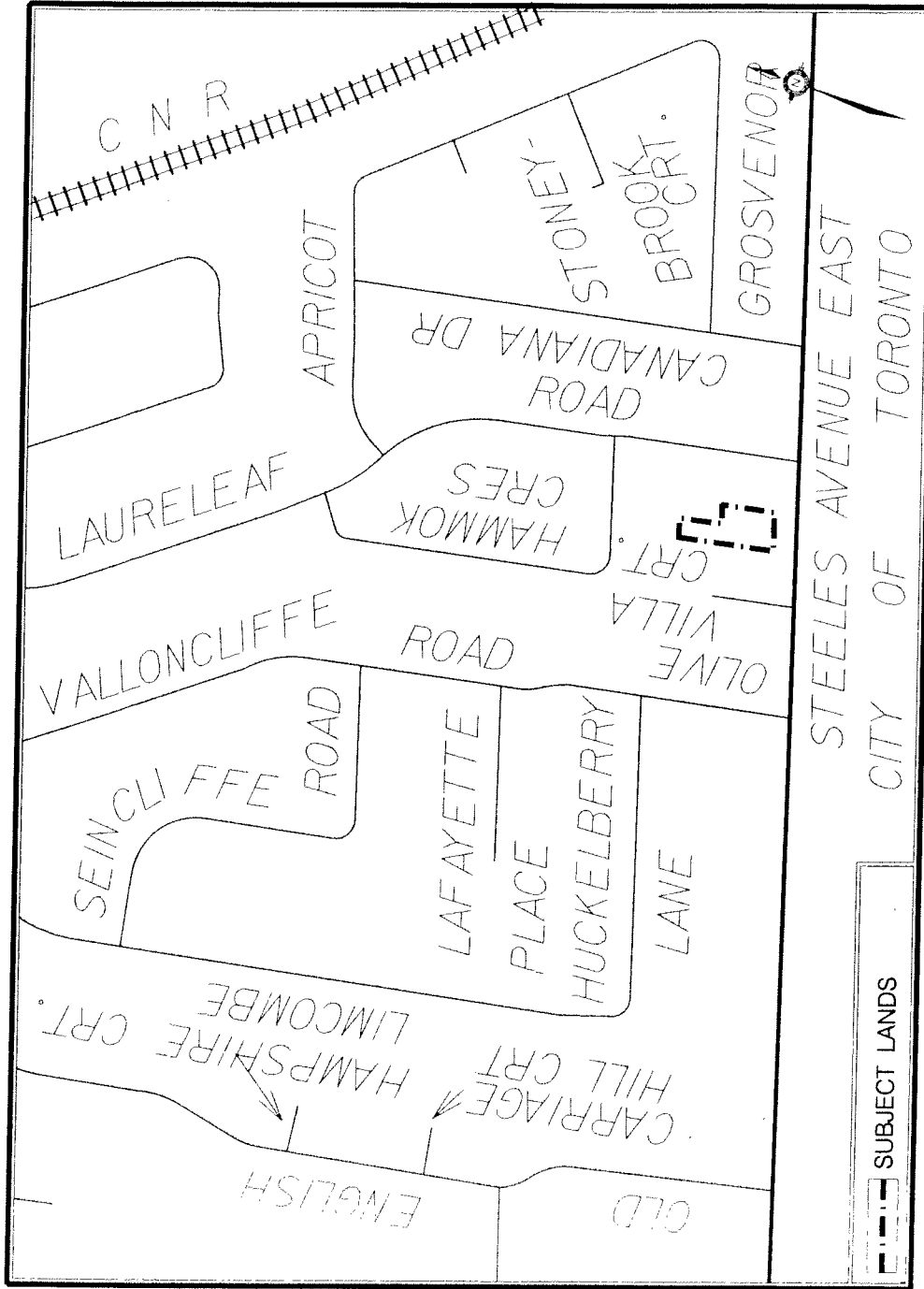
Chris Farano
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AGENT:

Bousfields Inc.
Attn. John Bousfield
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M5E 1M2

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Fax: (416) 947-0781



BY-LAW 1767

SR2

HAMMOCK CRESCENT

LAURELEAF ROAD

CANADIANA DRIVE

SR3

R2

AMEND 2005-355

STEELES AVENUE EAST

AREA CONTEXT /ZONING

APPLICANT: FUNG LOY KOK INSTITUTE OF TAOISM
378 STEELES AVENUE EAST

FILE No: ZA08125376:SC08125397(GS)



DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GS

SCALE 1:



SUBJECT LANDS

DATE: 01/21/11

FIGURE No.2

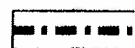
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AIR PHOTO 2009

APPLICANT: FUNG LOY KOK INSTITUTE OF TAOISM
378 STEELES AVENUE EAST

FILE No: ZA08125376;SC08125397(GS)



SUBJECT LANDS

DATE: 01/21/11



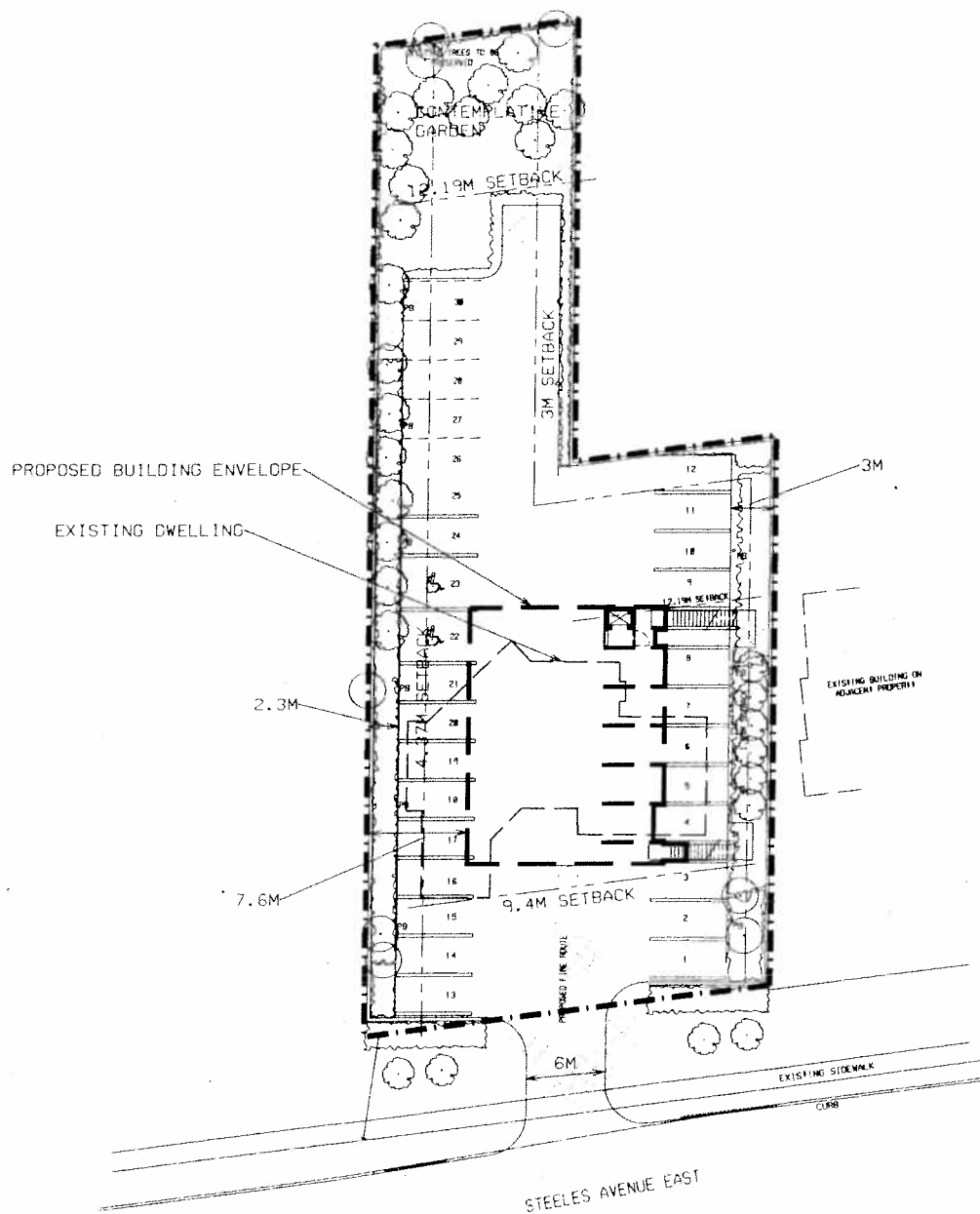
DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GS

SCALE 1:

FIGURE No.3



SITE PLAN

APPLICANT: FUNG LOY KOK INSTITUTE OF TAOISM
378 STEELES AVENUE EAST

FILE No: ZA08125376;SC08125397(GS)

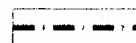


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DWN BY: DD

CHK BY: GS

SCALE 1:



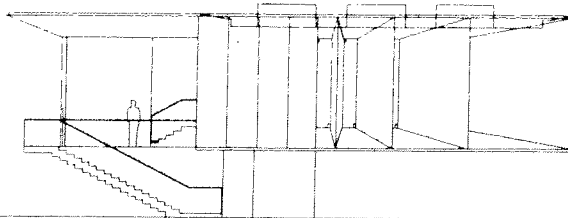
SUBJECT LANDS

DATE: 01/21/11

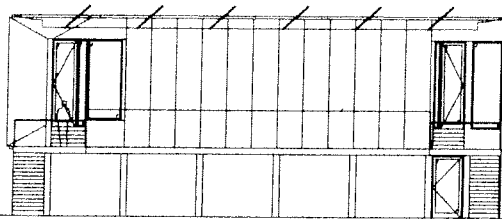
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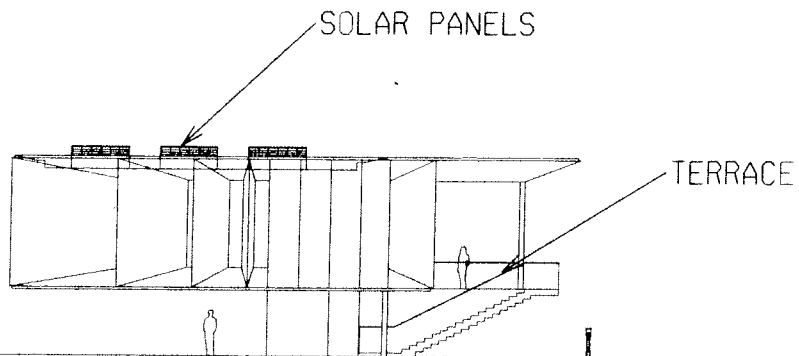
NORTH ELEVATION



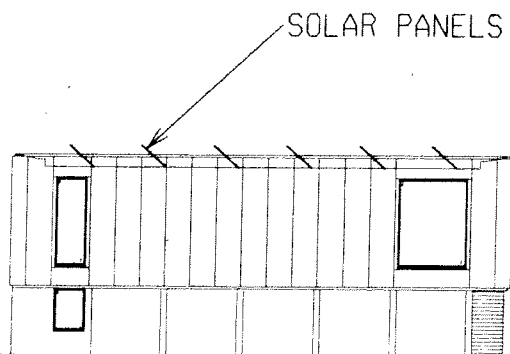
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



ELEVATIONS

APPLICANT: FUNG LOY KOK INSTITUTE OF TAOISM
378 STEELES AVENUE EAST

FILE No: ZA08125376;SC08125397(GS)



DEVELOPMENT SERVICES COMMISSION

DWN BY: DD

CHK BY: GS

SCALE 1

DATE: 01/21/11

FIGURE No.5

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Report to: Development Services Committee

Report Date: January 13, 2008

SUBJECT:

PRELIMINARY REPORT

378 Steeles Avenue East

Applications by Fung Loy Kok Institute for Zoning By-law
Amendment and Site Plan Approval to permit a place of
worship at 378 Steeles Avenue East
File No. ZA.08-125376 & SC.08-125397

PREPARED BY:

Teema Kanji, Senior Planner - West Development Team

RECOMMENDATION:

That the staff report entitled "Preliminary Report: 378 Steeles Avenue East Applications by Fung Loy Kok Institute for Zoning By-law Amendment and Site Plan Approval to permit a place of worship at 378 Steeles Avenue East" (ZA.08-125376 & SC.08-125397), be received;

That a Public Meeting be held to consider the proposed Zoning By-law Amendment (ZA.08-125376) submitted by Fung Loy Kok Institute;

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 preliminary information regarding applications submitted by Fung Loy Kok Institute at 378 Steeles Avenue East for Zoning By-law Amendment and Site Plan Approval to permit an existing single detached house to be used as a place of worship, and to recommend that a statutory Public Meeting be held to consider the proposed zoning by-law amendment.

BACKGROUND:**Complete Application**

The Zoning By-law Amendment application submitted by Fung Loy Kok Institute at 378 Steeles Avenue East was deemed complete on September 19, 2008.

Property and Area Context

The subject property is L-Shaped, has an area of approximately 0.44 acres (0.18 ha) and is located on the north side of Steeles Avenue, west of Laureleaf Road (Figure 1). The property is bounded to the north, south across Steeles Avenue and west by existing single detached houses. The lands to the east were approved in December 2005 by Council to be developed with eight (8) single detached houses (Figure 3).

There is an existing single detached house on the property with some mature trees. An arborist report has been prepared for the site.

Proposal

The proposed place of worship is to accommodate The Fung Loy Kok Institute and Taoist Tai Chi Society of Canada, which is a registered religious charitable organization.

The applicant indicates that the typical membership is one hundred people. The membership does not convene in a large body for weekend services and special festivals. The members organize classes at specified times throughout the week to attend activities, such as Tai Chi classes and practices, with an average of 10 to 15 people per class.

The applicant is proposing to use the existing two storey single detached house as a place of worship with parking at the rear of the property (Figure 4 & 5). A portion of the garage is proposed to be demolished to allow for a 6 metre driveway along the easterly property line. A 1.5 metre landscaping strip is proposed along the east, north and a portion of the west property line (Figure 4). A small 71.8 m² (772.8 ft²) addition is proposed to the back of the building, as well as alterations to the interior of the building to construct a worship area, lounge and training area. The total building gross floor area of the house would be approximately 482.33 m² (5191.91 ft²) once the proposed renovations are completed.

The existing circular driveway at the front of the property is proposed to function as a full moves access and a right-only access onto Steeles Avenue (Figure 4).

Official Plan

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 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 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, but the proposal will be reviewed against the criteria established in the Official Plan.

Zoning By-law amendment required

The site is currently 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.

OPTIONS/ DISCUSSION:

Revisions to Parking By-law required

The Parking By-law requires that parking for a place of worship including any accessory use areas except accessory residential uses be the greater of:

(a) 1 space per 4 persons of the worship area capacity; or

The site plan indicates that the worship and training area can accommodate 40 people, which would result in a parking requirement of 10 parking spaces.

(b) 1 space per 9 square metres of the net floor area of the worship area(s) and any accessory use areas.

The net floor area of the worship area and accessory uses is approximately 470 m², which would result in a parking requirement of 52 parking spaces.

The Parking By-law requires 52 parking spaces, however only 18 parking spaces are proposed, resulting in a deficiency of 34 parking spaces.

The applicant has submitted a Parking Assessment Study (August 2008) conducted by Poulos & Chung. According to the study, the parking demand of the proposed place of worship is governed by the gross floor area of the training area (for Tai Chi classes and similar activities) within the building as opposed to the main worship area within the building. The analysis determined that a parking supply of 15 parking spaces is sufficient to meet the peak parking demands of the proposed place of worship, and that the on-site parking supply of 18 parking spaces is acceptable.

Several building and property infractions cited for this property

Several building infractions have been cited for this property since October 2007, which have included building without a permit, illegal use of the property and for property standard issues (i.e. construction debris, garbage etc.). The Town has initiated legal action.

Town has received objection letters from residents

To date, the Town has received eight objection letters from residents which have expressed concerns with the following:

- Failed to follow proper steps to obtain a building permit prior to interior demolition
- Failed to obey stop work orders
- Insufficient parking being proposed on site
- Insufficient parking to accommodate religious festivals
- Overflow of parking onto local streets
- Noise and light pollution
- Additional traffic onto Steeles Avenue East
- Size of house too small to accommodate a place of worship

Concerns /Issues to be resolved

The following is a brief summary of concerns/issues raised to date. These matters, and any others identified through the circulation and detailed review of the proposal, will be addressed in a final staff report to be presented to Committee at a later date.

- Conformity of proposal with Official Plan criteria;
- Appropriateness of the use in an area context;
- Building infractions need to be corrected;
- Residents concerns need to be addressed;
- Insufficient landscape buffer screening being provided along perimeter of the property adjacent to residential properties;
- A hammer head turnaround provided at the rear of the property to improve site circulation. This will result in the loss of one parking space;
- Tandem parking space located near entrances to building would need to be removed;
- Insufficient parking on-site to support proposed place of worship based on the Town's Parking By-law. The parking by-law requires 52 parking spaces, whereas 18 parking spaces are proposed for a deficiency of 34 parking spaces;
- A Parking Study has been prepared for the property and must be peer reviewed;
- Arborist Report and Noise Impact Assessment have been prepared for the property and must be reviewed by staff;
- There is a potential for outdoor lighting from the proposed parking area to impact the abutting residential properties. An illumination plan must be submitted to the Town for review;
- A Traffic Study must be submitted to the Town for review;
- Access permit for Steeles Avenue East required from the City of Toronto.

It would be appropriate to hold a Public Meeting to obtain further comments on this proposal.

FINANCIAL TEMPLATE

There are no financial implications for the Town in this report.

ALIGNMENT WITH STRATEGIC PRIORITIES:

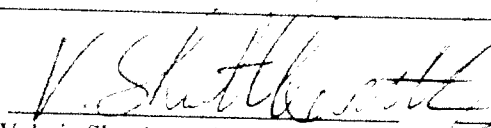
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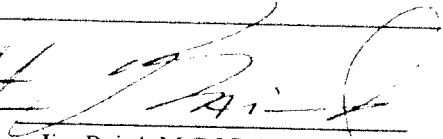
DEPARTMENTS CONSULTED AND AFFECTED:

The applications have been circulated to internal departments and external agencies for comment.

RECOMMENDED

BY:


Valerie Shuttleworth, M.C.I.P. R.P.P.
Director, Planning & Urban Design


Jim Baird, M.C.I.P. R.P.P.
Commissioner, Development Services

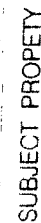
ATTACHMENTS:

- Figure 1: Location Map
- Figure 2: Zoning and Area Context
- Figure 3: Air Photo
- Figure 4: Proposed Site Plan
- Figure 5: Proposed Elevations

Applicant/Agent: Bousfields Inc.
c/o John Bousfield
3 Church Street, Unit 200
Toronto, ON
M5E 1M2

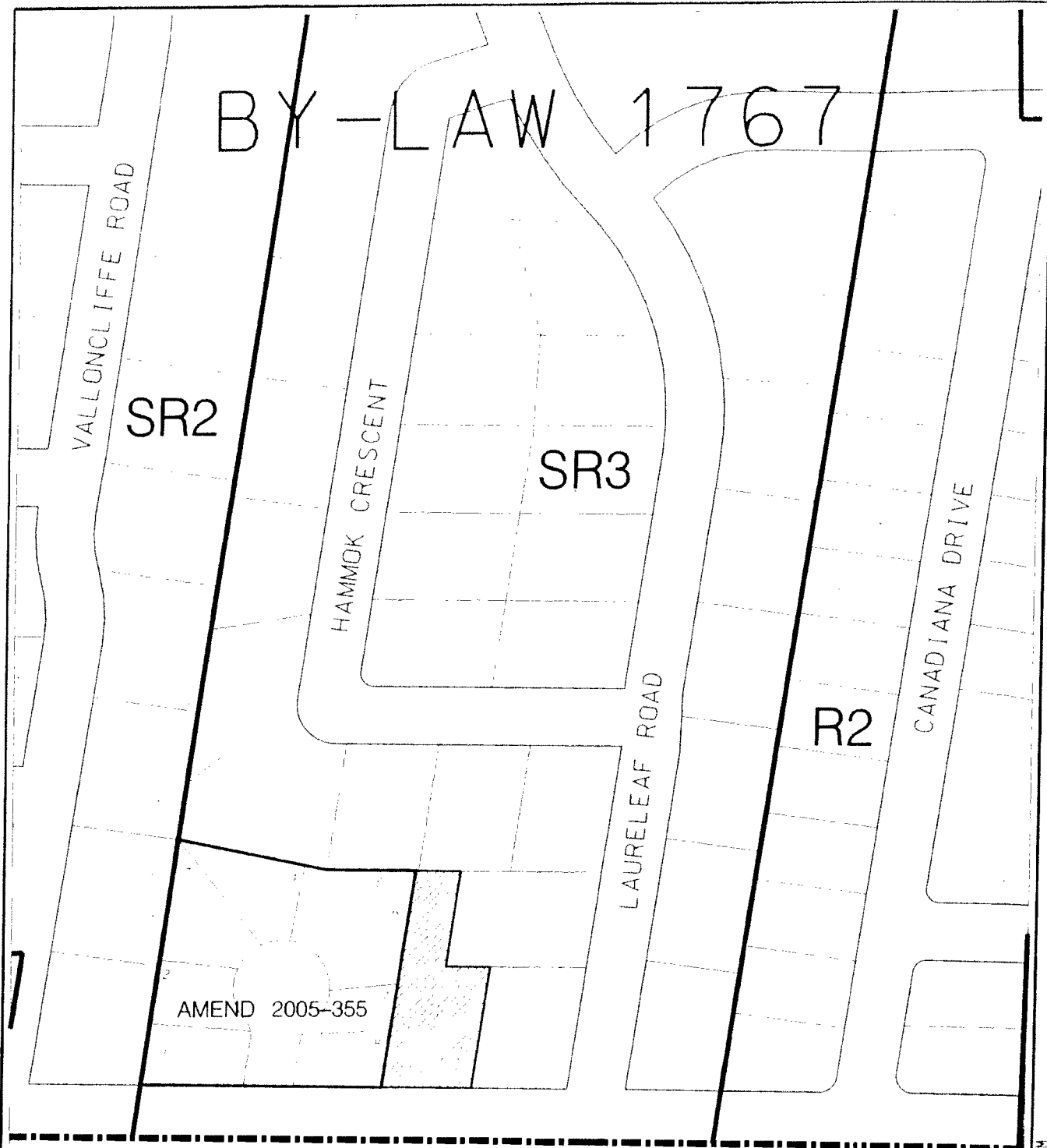
Tel: (416) 947-9744
Fax: (416) 947-0781

File path: Amanda\File 08 125376\Documents\Recommendation Report



STEELES AVE. E.

BY-LAW 1767



STEELES AVENUE EAST

AREA CONTEXT /ZONING

APPLICANT: 378 STEELES AVE. EAST
378 STEELES AVE. EAST

FILE No: ZA 08125397 & SC 08125397 (TK)

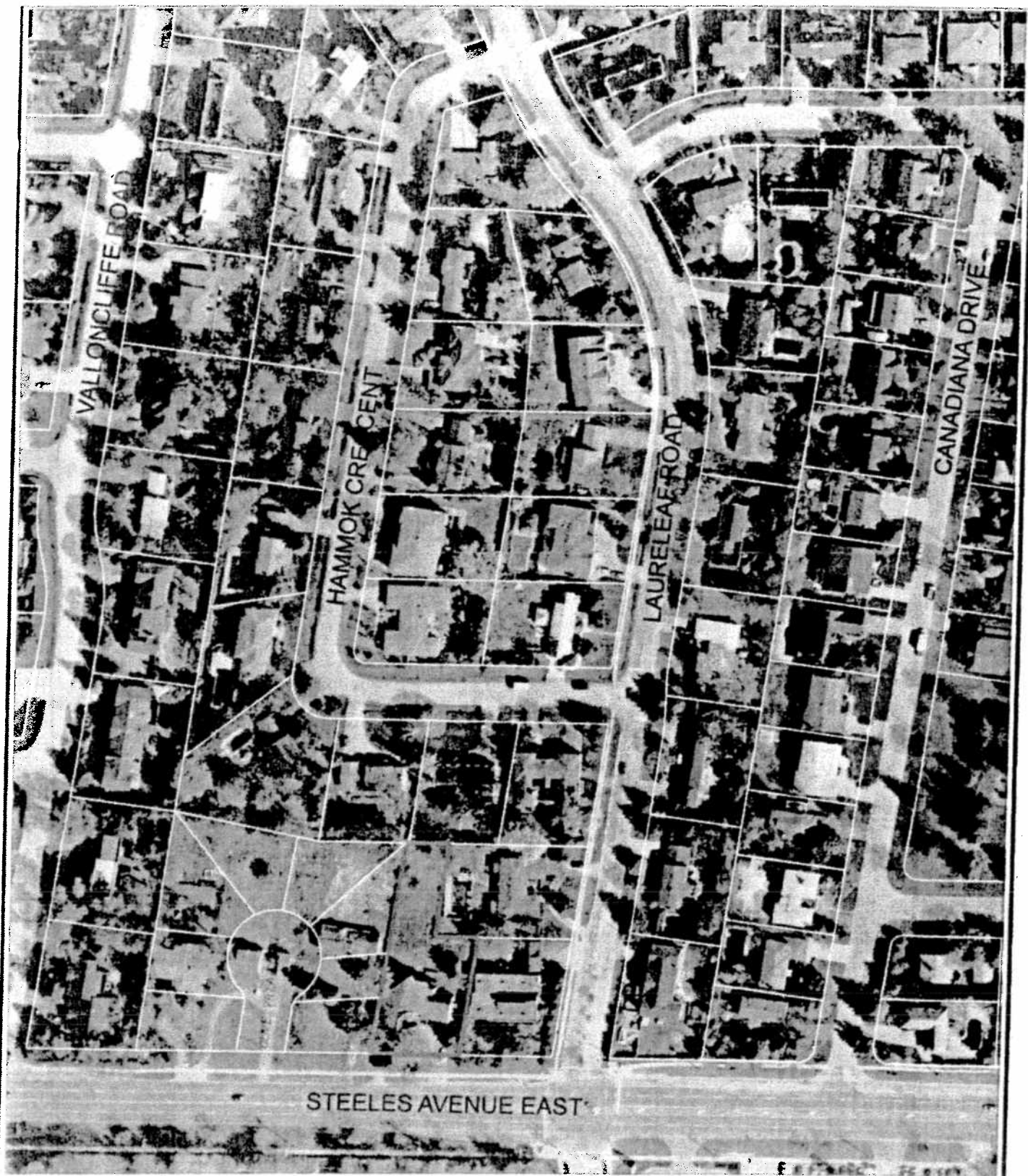
MARKHAM DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW CHK BY: TK SCALE: 1

SUBJECT PROPERTY
DATE: 12/1/08

FIGURE No.2

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AIR PHOTO (2007)

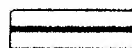
APPLICANT: 378 STEELES AVE. EAST
378 STEELES AVE. EAST

FILE No: ZA.08125397 & SC.08125397 (TK)



DEVELOPMENT SERVICES COMMISSION

DWN BY: CPW CHK BY: TK SCALE: 1



SUBJECT PROPERTY

DATE: 12/1/08

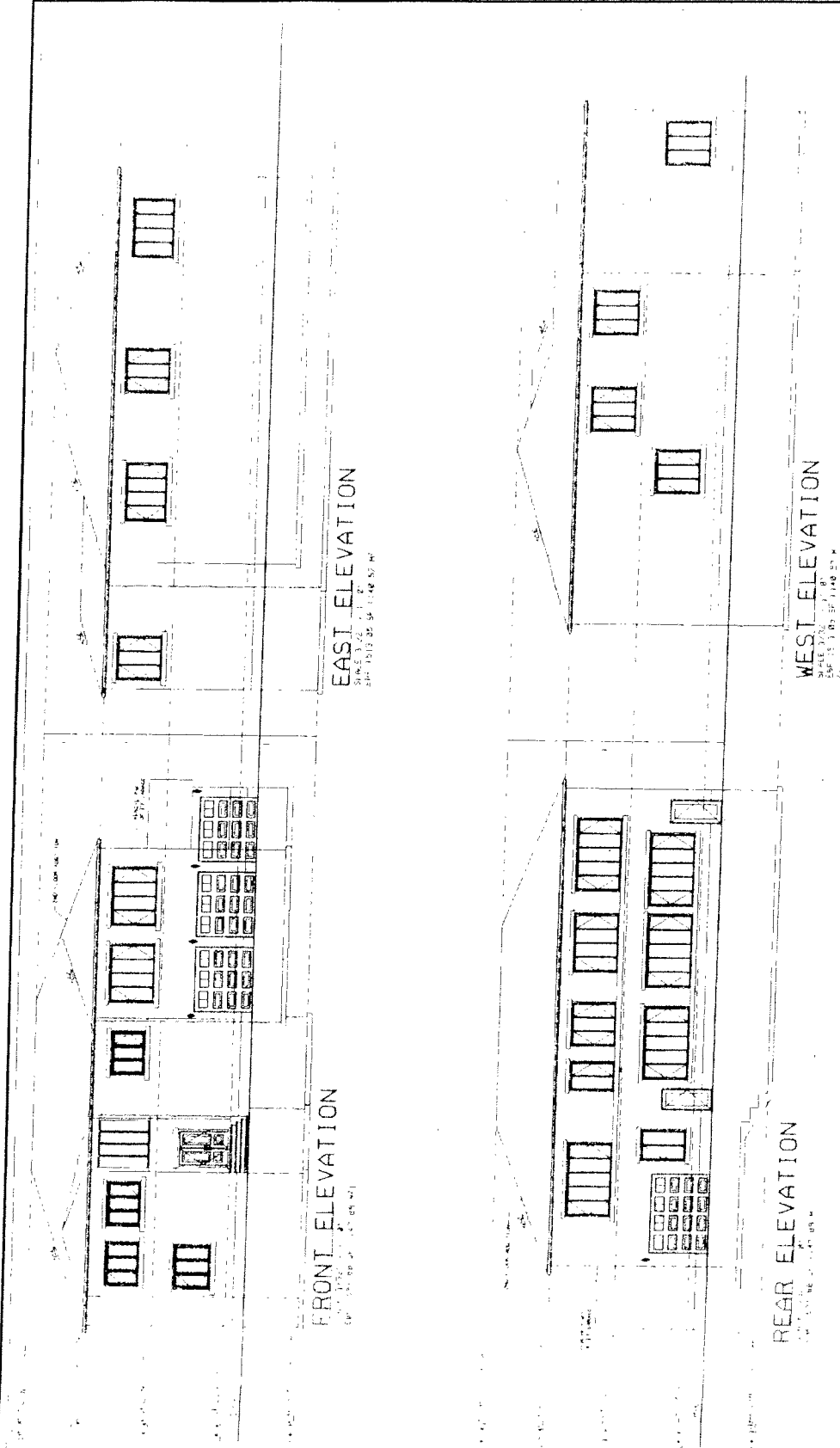
FIGURE No.3



DATE 12/1/08

FIGURE No.4

12/12/2008 10:27:00 AM



ELEVATIONS

APPLICANT: 378 STEELES AVE. EAST
378 STEELES AVE. EAST

FILE No. ZA 08125397 & SC 08125397 (TK)



DEVELOPMENT SERVICES COMMISSION

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DRAWN BY: CPW CHECKED BY: TK SCALE: 1"

DATE: 12/11/08

FIGURE No. 5