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DECISION/ORDER NO:

1102



PL030067

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Cabbagetown South Association, Kathleen Kelly, Robin Kelly and others have appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 1098-2002 of the City of Toronto
OMB File No. R030015

Cabbagetown South Association, Kathleen Kelly, Robin Kelly and others have appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Toronto to approve Proposed Amendment No. 244 to the Official Plan for the City of Toronto
Approval Authority File No. TE CMB 2002 0004
OMB File No O030010

APPEARANCES:

Parties

Counsel/*Agent

City of Toronto

R. Balfour*

St. Jude Community Homes

S. Diamond*
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Cabbagetown South Association

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Advocacy Centre for Tenants Dream Team

M. Truemner*
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M. Mannes

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DECISION DELIVERED BY S. W. LEE AND M. HUBBARD AND ORDER OF THE BOARD

St. Jude Community Homes seeks to convert and renovate a vacant industrial building for supportive housing. Designed for 29 bachelor units and 1 one bedroom unit, the building is proposed to accommodate single people with problems of schizophrenia who are able to and desirous of living independently.

The building is a former Ault Dairy structure. It fronts onto Milan Street and in close proximity to Dundas Street East in the city of Toronto (the City). The requisite Official Plan Amendment (OPA) and Zoning By-law to enable the project to come to being were enacted by the City. They were appealed by a number of residents living in the vicinity and a resident association.

At the hearing, the Board heard evidence from the supporters and the objectors of this proposal. The supporters are the City of Toronto, St. Jude, and the Dream Team. The City and St. Jude presented planning, traffic and architectural evidence in favour of the proposal. The objectors are principally the appellants. They presented planning and architectural evidence against the proposal. The Board also heard poignant evidence from the residents living or working in the area. A large number of them expressed great misgivings with a few exceptions that hold a different view.

Despite the considerable time consumed for evidence and the charged emotion exhibited at the hearing, the issues are twofold. First, there are matters of built form, which are manifested in the area of height, massing and overlooks. Secondly, there are also the larger concerns relating to adding more supportive housing to this vicinity and this site in particular.

Before making our findings on these two key areas, the Board needs to highlight some of the features of this neighbourhood that cause the concerns of the residents.

The vicinity of the subject site, which lies in the South Carlton area, is not the most salubrious location of the City. Unlike others, this neighbourhood lacks a vitality and vigour that seem to be the trademark of this vibrant city. Many of the buildings along Dundas Street East are in need of business and tenants. The anecdotal evidence this panel heard indicates that this is an area with the main streets where the destitute are to be found alongside the drug dealers. It is easy to understand why the residents feel such anger and anguish as this panel has witnessed in the evening session convened at the proceedings. The residents are the only ones who countenance the underbelly of this metropolis on a sustained and daily basis with little respite or relief in sight.

At this same time, this panel is struck by the unmistakable sense of community that is vividly manifested. This very hearing was caused by the

active and relentless effort of those living at the addresses of Milan Street and Ontario Street and beyond. However, the most ringing endorsement for the area is that new homes had been built and smart residential enclaves in the interior streets are springing up and being preserved. Hard working and responsible people had decided to plant their roots in this vicinity and are to stay. Indeed, in the long term this may prove to be the foundation of a better horizon, albeit a long and hard road that still lies ahead.

Except for the installation of the solarium and the mechanical penthouse, the Board finds that there is no significant expansion of footprint or the increase in height of the existing building. The evidence is plain that the post development impact is insignificant from the standpoint of shadow or vistas. The height impact of the mechanical penthouse is mitigated by the proposed setbacks from the building edges, thereby reducing the visibility of the structure from Milan. As for the concern that the mechanical penthouse may be visible from Dundas Street, the Board is of the view that such concerns are not worthy of serious consideration if one were to take into account the panoramic vista one presently can gain from that thoroughfare.

Once the building is renovated and its brick façade tinted and cleaned, it is our finding that the streetscape will be altogether improved. This building has always been part of this eclectic vicinity and this proposal is a good opportunity to salvage a building left in a derelict state. The existing building does not give rise to a sense of enclosure to the street and the proposed alterations will not diminish or detract from the streetscape.

As for the concerns for overlook, considerable effort from the architect for St. Jude has been expended to mitigate the overviews. The west facing windows would be placed at an angle located within an inverted cut of the walls. Furthermore, the window to window distance at this phase would be 8.1 metres. The Board notes that it is a pre-existing condition. We agree with the opinion expressed by the architect Mr. Gates that it is a condition one can accept in the urban fabric.

All in all, it is this panel's finding that proposed building mass and its height would not be jarring or an affront. In this connection, the Board finds none of the policies aiming to protect the neighbourhood's character in the City's Official Plan (OP) and the Carlton South Part II Plan would be breached.

We will turn to the second area of the concerns. In this connection, the concerns for supportive housing can be further subdivided into three areas.

There is the concern that the unit size is small and that the residents of the proposed development would be victimized because of their vulnerability in this neighbourhood. The Board finds the former concern not borne out by evidence and the latter concern somewhat disingenuous. This proposal is publicly funded and will be under the punctilious scrutiny of the Ministry of Health. The unit size has been studied by the architect. We have not been proffered any evidence in design that demonstrates that the proposed size would make the units uninhabitable or inappropriate. As for the second concern, it is our finding that the need for housing for the mentally ill cries out for urgent recognition. It is not a tenable argument to say that because the mentally ill deserves better, one must wait for another building opportunity. In planning, as in life, there is no reason to allow the best to defeat the good.

Mr. Romano, the planner for the appellants and the residents group, raised a concern for the housing mix. It is his interpretation of the OP policies that each project ought to contain a mix of housing type, appropriate to the needs of households of varying size and composition. Since this project caters to 100% to the singles, it is his contention that the policies are breached. The Board agrees with counsel for the City that a dose of common sense should apply. These policies should be interpreted on a macro rather than a micro basis. The latter interpretation would lead to an absurd result and would represent a defeat of affordable or supportive housing aimed for any specific disadvantaged group.

Residents, including the appellants, are very concerned about the high concentration of social housing in this vicinity. Why an area would attract more supportive housing than another is a complicated question, involving an array of factors. What is abundantly clear is that the Part II Plan does recognize that phenomenon and does not seek to specifically exclude further influx of supportive housing. However, most importantly, St. Jude had a wonderful track record of being able to provide high quality and stable housing. In the words of Mr. Smith, there is a proxy site nearby, another residence at 431 Dundas Street, which has proven that St. Jude could deliver a good product as well as being a good neighbour. It is our finding that the presence of

this project would neither mar nor sully the quality of the neighbourhood and the apprehension that it will diminish the residential enclave would not come to pass.

In view of these findings, the Board concludes that the appeals ought to be dismissed. The Board Orders the approval of the OPA and the amendment of the By-law in accord with Exhibits 16 and 15B respectively.

S. W. LEE
MEMBER

M. HUBBARD
VICE-CHAIR