

Consolidated Clause in Etobicoke York Community Council Report 4, which was considered by City Council on July 25, 26 and 27, 2006.

**13c**

**Status Report - Rezoning Application - Applicant: Grace Restoration  
(International) Ministries - 1736 Weston Road  
(Ward 11 - York South-Weston)**

*City Council on July 25, 26 and 27, 2006, referred this Clause back to the Etobicoke York Community Council for further consideration, and requested the Chief Planner and Executive Director, City Planning, and the City Solicitor, in consultation with the General Manager, Transportation Services, to report to the Etobicoke York Community Council on the new information provided by the Grace Restoration Church pertaining to the provision of off-site parking, the terms of the lease and other appropriate conditions of the temporary zoning.*

*Council also considered additional material, which is noted at the end of this Clause.*

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*City Council on June 27, 28 and 29, 2006, postponed consideration of this Clause to its next regular meeting on July 25, 2006.*

*Council also considered additional material which is noted at the end of this Clause.*

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*City Council on June 14, 2006, postponed consideration of this Clause to its next regular meeting on June 27, 2006.*

*Council also considered additional material, which is noted at the end of this Clause.*

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*City Council on May 23, 24 and 25, 2006, postponed consideration of this Clause to its special meeting on June 14, 2006.*

*Council also considered additional material, which is noted at the end of this Clause.*

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**The Etobicoke York Community Council recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (April 25, 2006) from the Director, Community Planning, Etobicoke York District.**

Purpose:

The purpose of this report to provide a status update on the subject rezoning application to permit a place of worship use at 1736 Weston Road and to seek direction from City Council regarding a request from the applicant to modify a condition of approval as it relates to parking for the proposal.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council refuse the applicant's proposal to revise the approved conditions to permit introduction of the Bill to rezone 1736 Weston Road to permit a Place of Worship on a temporary basis for a period not to exceed one year.

Background:

At its June 24, 25 and 26, 2003 meeting, City Council approved an application to permit a Place of Worship use at 1736 Weston Road, subject to the number of conditions, as set out in Clause 2 of Report 5 of the Humber York Community Council as adopted by City Council on June 24, 25 and 26, 2003 (Attachment 1). Since the Place of Worship had already occupied the building prior to obtaining the necessary zoning approvals, the applicant was required to satisfy the conditions within a 6 month period. The applicant did not fulfill the conditions within the required 6 month period and in this regard the Municipal Licensing and Standards Division started prosecution proceedings against the owner for non compliance with the Zoning By-law.

Ron Kanter, solicitor for the applicant, has submitted the attached letter dated January 20, 2006 indicating that the applicant is willing and able to meet most of the conditions, except for the conditions related to parking, refer to Attachment 2. The conditions required that prior to the introduction of the necessary Bill to Council to permit the place of worship, the owner provide and maintain a minimum 50 parking spaces in compliance the parking space dimensions of the Zoning By-law, a minimum of two to be located on-site and the remainder to be leased off-site within 300 metres of the site. In addition, the required number of off-site parking spaces to fulfill the minimum 50 space requirement were required to be surplus to the donor sites(s), registered on title of the donor site(s) and available at all times for use by the Place of Worship. The reasons for these conditions are provided in the final staff report dated May 9, 2003 embodied in Attachment 1.

The solicitor for the applicant has indicated that the Church is willing to provide 50 parking spaces on Sunday from 10:00 a.m. to 3:00 p.m., only, which, according to the applicant is the only period of significant parking demand. However, due to increased commercial activity on Sundays and redevelopment pressure, the Church is unable to lease spaces that are surplus to a donor site and registered on title.

In order to allow the application to move forward and the zoning by-law be adopted by Council, the applicant's solicitor is proposing the following:

- (1) The Church will satisfy (9) out of ten (10) conditions set by Council;
- (2) The Church will use its best efforts to provide 48 parking spaces off-site on Sundays from 10:00 a.m. to 3:00 p.m. If private owners terminate their agreements to provide spaces, the City is to be notified, and if the Church is unable to provide alternate parking arrangements satisfactory to the City, the Church will lose its temporary rezoning as a place of worship; and
- (3) Municipal Licensing and Standards will adjourn the date of the hearing of the charge of using 1736 Weston Road for a place of worship from February 7, 2006 to May 10, 2006 or later, to allow proposed modifications to the conditions to be considered by Etobicoke York Council at its meeting of May 9, 2006.

Comments:

With respect to the modifications proposed by the applicant, Staff stand by its original comments and recommended conditions as outlined in the final report dated May 9, 2003.

The applicant's solicitor has indicated that the place of worship will use its best efforts to secure leases for 48 off-site parking spaces within 300 metres for availability only on Sunday from 10:00 a.m. to 3:00 p.m.

In the event that the leases are terminated, and alternate parking arrangement to the satisfaction of the City cannot be secured, the owner is to notify the City so that the City can proceed to repeal the temporary zoning for the place of worship.

Staff has concerns with the proposal, in that there is no guarantee that the leased spaces will be surplus to the donor site, that they will not be exclusively available to the Church and that the spaces will not be available at times, other than Sundays when the property is being used for other church related activities or for social or assembly functions. It is recommended that the proposal not be accepted.

However, if Community Council is inclined to accept the proposal, it should adopt the following recommendations:

- (1) That Clause 2 of Report No. 5 of the Humber York Community Council as adopted by City Council on June 24, 25 and 26, 2003 be amended as follows:
  - (A) delete recommendation (3) in the final report dated May 9, 2003 and insert in its place the following:
    - (3) require the owner to, prior to the introduction of the necessary Bill to City Council, satisfy the following conditions:

- (a) enter into an agreement registered on title with the City to the satisfaction of the City Solicitor in consultation with the Director of Community Planning, Etobicoke York District, to require the owner, to:
  - (i) provide and maintain a minimum of 50 parking spaces that comply with the parking space dimensions of the Zoning By-law to serve the project, a minimum of two of which shall be located on-site and the remainder to be leased off-site within 300 metres of the site;
  - (ii) secure, by lease, the required number of off-site parking spaces to fulfill the minimum 50 space requirement within 300 metres of the site such that they are surplus to the donor site(s), available for use by the Church on Sundays from 10:00 a.m. to 3:00 p.m.;
  - (iii) provide a copy of any such lease agreement(s) to the City;
  - (iv) advise the Director of Community Planning, Etobicoke York District in writing forthwith if such lease(s) expire or are terminated; and
  - (v) agree to not object to or appeal any action undertaken by the City of repeal any by-law (temporary or otherwise) that permits the Place of Worship use, if the parking space lease(s) expire or are terminated.
- (b) provide and maintain adequate on-site rodent-proof storage facilities for garbage and recyclable materials generated between collections;
- (c) submit, at least three weeks prior to the introduction of Bills in Council, a plan of survey satisfactory to the Technical Services Division and final floor plans to confirm the area for worship and other accessory uses and rooms, all to the satisfaction of the Director of Community Planning, Etobicoke York District;
- (d) provide and maintain signage on the site and/or information within Church literature, of the location of any secured off-site parking spaces;
- (e) submit documentation and/or revised plans in accordance with Recommendation Nos. 3(a), 3(b) and 3(c), for the review and approval of the Technical Services Division;

- (f) submit a Landscape Plan with details and a cost estimate for landscape improvement of the front yard to the City Planning Division for approval;
  - (g) provide the City with an Undertaking, the content and wording to be subject to the approval of the City Solicitor, to provide for the following:
    - (i) that the owner will landscape the lands for the proposed development and maintain the landscaping in accordance with the approved plans;
    - (ii) that the landscape work will be completed within one year of the passing of the implementing Zoning By-law and following completion, maintained for a period of one year to ensure healthy growth; and
    - (iii) that the owner will provide an Irrevocable Letter of Credit, in a form satisfactory to the City Solicitor, in an amount satisfactory to the City, to guarantee that the landscaping work will be completed and maintained within the prescribed period;
  - (h) provide an Irrevocable Letter of Credit, in a form satisfactory to the City Solicitor in the amount of 100 percent of the estimated cost of the landscape development to guarantee the completion of the landscape work as referenced in the Undertaking;
- (B) delete recommendation (4) in the final report dated May 9, 2003 and insert in its place the following:
- (4) require the owner to satisfy all the conditions by September 30, 2006.

Conclusions:

The applicant has requested the City's consideration of a proposed modification to the conditions of approval for rezoning application for 1736 Weston Road. Staff recommend refusal of the proposal. However, in the event the further consideration is to be given, it is suggested that this report be deferred to Community Council's June 2006 meeting and that all interested public that commented or appeared at meetings in relation to this application be notified of Community Council's consideration of this matter at its June 2006 meeting.

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(Attachment 2, referred to in this report, was forwarded to all Members of the Etobicoke York Community Council with the agenda for its meeting on May 9, 2006, and a copy is on file in the City Clerk's Office, Etobicoke Civic Centre.)

**The Etobicoke York Community Council also submits Report 5, Clause 2 of the Humber York Community Council, which was adopted, without amendment, by City Council at its meeting held on June 24, 25 and 26, 2003. (Referred to as Attachment 1: Final Staff Report dated May 9, 2003).**

*(City Council on June 24, 25 and 26, 2003, adopted this Clause, without amendment.)*

**The Humber York Community Council recommends the adoption of the Final Report (May 9, 2003) from the Director, Community Planning, West District, subject to the following:**

- (1) that the zoning approval be on a temporary basis for a period of time not to exceed one (1) year, and that the Draft Zoning By-law be amended accordingly;**
- (2) that paragraph 1. v) in the Draft Zoning By-law be changed to "1. vi)" and the following new paragraph 1. v) be inserted therein:**

**"1. v) For the purposes of this Subsection and any use of an accessory area within the building that is used as a hall or area for social or assembly functions shall require the sponsorship, association and direct participation of the Grace Restoration (International) Ministries in the conduct of any activity that occupies such accessory area to constitute the accessory use."**
- (3) that should the proposed By-law be enacted and come into full force and effect, that the Alcohol and Gaming Commission of Ontario be requested not to issue any liquor licence or permit to the premises at 1736 Weston Road, unless the application for such permit or licence is filed by the Grace Restoration (International) Ministries, is event specific and is issued to, and held by, the Grace Restoration (International) Ministries; and**
- (4) that the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.**

The Humber York Community Council reports for the information of Council, having:

- (i) held a statutory public meeting on June 10, 2003, and that notice was given in accordance with the *Planning Act*; and**
- (ii) received the various communications.**

**The Humber York Community Council submits the following report (May 9, 2003) from the Director, Community Planning, West District:**

Purpose:

This report reviews and recommends approval of a rezoning application for a Place of Worship use at 1736 Weston Road. The zoning approval is recommended to be on a temporary basis for a period of three years and passage of the Temporary Use By-law is conditional on the owner fulfilling the conditions identified in the recommendations section of this report within a six-month period from City Council approval.

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 Zoning By-law No. 1-83 for the former City of York substantially in accordance with the draft Zoning By-law attached as Attachment No. 4;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law as may be required;
- (3) require the owner to, prior to the introduction of the necessary Bill to City Council, satisfy the following conditions:
  - (a) provide and maintain a minimum of 50 parking spaces that comply with the parking space dimensions of the Zoning By-law to serve the project, a minimum of two of which shall be located on-site and the remainder to be leased off-site within 300 metres of the site;
  - (b) secure the required number of off-site parking spaces to fulfill the minimum 50 space requirement within 300 metres of the site that are surplus to the donor site(s) and register on title of the donor site(s) the amount of parking to be provided for the Place of Worship use;
  - (c) provide and maintain adequate on-site rodent-proof storage facilities for garbage and recyclable materials generated between collections;
  - (d) submit, at least three weeks prior to the introduction of Bills in Council, a plan of survey satisfactory to the Commissioner of Works and Emergency Services and final floor plans to confirm the area for worship and other accessory uses and rooms, all to the satisfaction of the Director of Community Planning, West District;

- (e) provide and maintain signage on the site and/or information within Church literature, of the location of any secured off-site parking spaces;
- (f) submit documentation and/or revised plans in accordance with Recommendation Nos. 3(a), 3(b) and 3(e), for the review and approval of the Commissioner of Works and Emergency Services;
- (g) submit a Landscape Plan with details and a cost estimate for landscape improvement of the front yard to the Urban Design Section of the Urban Development Services Department for approval;
- (h) provide the City with an Undertaking, the content and wording to be subject to the approval of the City Solicitor, to provide for the following:
  - (i) that the owner will landscape the lands for the proposed development and maintain the landscaping in accordance with the approved plans;
  - (ii) that the landscape work will be completed within one year of the passing of the implementing Zoning By-law and following completion, maintained for a period of one year to ensure healthy growth; and
  - (iii) that the owner will provide an Irrevocable Letter of Credit, in a form satisfactory to the City Solicitor, in an amount satisfactory to the City, to guarantee that the landscaping work will be completed and maintained within the prescribed period;
- (i) provide an Irrevocable Letter of Credit, in a form satisfactory to the City Solicitor in the amount of 100 percent of the estimated cost of the landscape development to guarantee the completion of the landscape work as referenced in the Undertaking;
- (4) require the owner to satisfy all the conditions within a six-month period from City Council approval;
- (5) direct the Manager, West District, Municipal Licensing and Standards to take appropriate action in the event of failure to comply with all the conditions; and
- (6) request Staff to monitor the permitted Place of Worship use during the temporary use period to assess any adverse impact, following passage of the Temporary Use By-law.

Background:

(1) Site Description

The subject site is located on the west side of Weston Road between Wilby Crescent and Victoria Avenue, two blocks south of the Weston/Lawrence intersection. The immediate neighbourhood is a mix of high-rise residential buildings, retail stores and single detached dwellings, all clustered around a bend on Weston Road.



The existing two-storey (7.42 metres) high building on the site was used until recently as a banquet hall. Now occupied by the applicant, Grace Restoration Ministries, it is identified through signage as a “community centre.” The building has no side yard setbacks, and has modest setbacks from both its Weston Road frontage and its rear lot line along Wilby Crescent. The front and rear yards are both currently used for parking.

The retail seafood store immediately north of the site has several well-utilized parking spaces on site. The two-storey medical office building flanking Grace Restoration Ministries to the south appears to have two occupied parking spaces within its front yard.

Across the street from the site is a mid-sized grocery store with a well-utilized surface parking area. Parking in the immediate vicinity of the site is characterized by numerous cars parked curbside, despite a traffic sign warning of a “curbside hazard for 500 metres.”

## (2) Proposal

The owner proposes to amend the former City of York Zoning By-law No. 1-83 to permit the former banquet hall building to be used as a place of worship.

The project information is summarized as follows:

Previous Use:	Banquet hall
Existing Use:	Place of Worship/ Community Centre
Official Plan:	High Density Residential (HDR)
Zoning:	Main Street Commercial/Residential (MCR)
Lot Area:	878.71 square metres
Gross Floor Area:	1 375.48 square metres
Sanctuary Area of Place of Worship:	642.72 square metres (As stated in Traffic Report)
Maximum F.S.I.:	2.5
Proposed F.S.I.:	1.56
Proposed Height:	2 storeys (7.42 metres)
Maximum Height:	8 storeys (24 metres) 9 metres within 6 metres of front lot line
Parking Required by Zoning:	68 parking spaces (based on a sanctuary area of 642.72 sq.m. at a parking rate of 1 space for each 9.5 sq.m. of total gross floor area – the remainder of the building to be used as meeting rooms and hall accessory to the place of worship use)
Parking Proposed:	2 (at rear of building) - with arrangements to be made for off-site parking

For further information, please refer to Attachment 3 – Application Data Sheet.

### (3) Official Plan

#### (3.1) Former City of York

The site is subject to the Weston Road Secondary Plan, contained within the former City of York Official Plan. The Secondary Plan designates the site as a High Density Residential Area (HDRA) within the Weston Road Corridor. The emphasis of this designation is on intensely developed, street-related housing, predominantly in the form of apartment buildings, with ancillary uses. Also permitted are compatible institutions, which serve the general population, and supporting uses, including restricted minor commercial uses oriented to the local population.

“Places of Worship” are permitted uses within a HDR area, subject to the provisions of former City of York Zoning By-law No. 1-83.

#### (3.2) New Toronto Official Plan

The Minister of Municipal Affairs and Housing approved the City of Toronto Official Plan, with modifications, on March 17, 2003. This plan replaces the York Official Plan and Metropolitan Toronto Plan. The new Plan is not yet in full force, but it is Council’s adopted policy. The new Toronto Official Plan identifies this site as part of an “Apartment Neighbourhood” on its Land Use Plan City Wide Map (Map 12). Apartment Neighbourhoods are made up of apartment buildings, parks, local institutions, cultural and recreational facilities, as well as small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the Neighbourhoods Section are also permitted in Apartment Neighbourhoods. This includes local institutions such as places of worship, schools, community centres, amongst others, as they play an important role in the rhythm of daily life in neighbourhoods.

#### (3.3) Official Plan Policies for Temporary Uses

Both the former City of York and the new City of Toronto Official Plans also have Temporary Use provisions. Temporary Use By-laws may be enacted to permit the temporary use of lands, buildings or structures for a purpose that is prohibited by the zoning by-law. Temporary Use By-laws may allow a use on a trial basis or the temporary use of a building or property.

The former City of York Official Plan Policy 22.6 outlines circumstances and uses that a Temporary Use By-law can permit. These are to:

- (a) allow the use of an existing building(s), until the construction, rehabilitation or redevelopment of the land, buildings or structures for a use permitted by the Official Plan is warranted by future market conditions;
- (b) allow the use of land or building(s) for a seasonal or temporary use;
- (c) allow the use of buildings while a land use study is ongoing;
- (d) allow the operation of the use while the construction of a new permanent facility is constructed; and

- (e) allow the use of vacant land for the storage of motor vehicles, or a parking lot which would not otherwise be permitted.

In addition, the policies outline the following conditions that City Council must be satisfied with when enacting the Temporary Use By-law:

- (i) extensions of the period of temporary use may be permitted by subsequent By-laws, but generally should not continue for more than a total of six years;
- (ii) additional buildings or the expansion of existing building(s) may be permitted that do not encumber the long-term viability of the uses provided for in the Official Plan and Zoning By-law;
- (iii) the proposed temporary use must be compatible with adjacent land uses or measures to mitigate any adverse impacts must be applied;
- (iv) the use does not adversely impact traffic or transportation facilities in the area;
- (v) parking on the site must be sufficient for the use; and
- (vi) the site can adequately accommodate the proposed use, with attention to considering such matters as site layout, build design, access and provision of landscaping screening and buffering measures, and servicing.

The new Official Plan provisions for the application of Temporary Use By-laws are in Section 5.1.5. The Temporary Use By-law polices set out the following criteria for evaluating and determining if the temporary use is appropriate:

- (a) maintains the long term viability of the lands for the uses permitted in the Official Plan and Zoning By-law;
- (b) is compatible with adjacent land uses, or can be made compatible through site mitigation;
- (c) does not have an adverse impact on traffic, transportation or parking facilities in the area; and
- (d) is suitable for the site in terms of site layout, building design accessibility, provision of landscaping, screening and buffering and available services.

(4) Zoning

The site is zoned Main Street Commercial/Residential (MCR) in By-law No. 1-83, which permits townhouses, apartment buildings, retirement lodges and nursing homes, specific retail stores, offices, restaurants, several other non-residential uses, and a limited range of institutional uses. A “Place of Worship” is not identified as a permitted use.

The Zoning By-law parking standard for a place of worship is one parking space for every 9.5 square metres of the worship or sanctuary gross floor area. Any meeting room and hall accessory to and on the same lot as a place of worship, excluding rooms primarily devoted to religious instruction for children, are subject to a standard of one parking space for every 17 square metres of total net floor space where such rooms exceed a minimum size and are separated from each other. The total parking requirement for such rooms is reduced by five spaces and the number of spaces already required for the place of worship. Any remaining space requirement is added to the parking space requirement for the worship area to arrive at the total number of required spaces.

Based on the information provided with the application, the total sanctuary area of the place of worship is stated as 642.72 square metres, which requires a total of 68 parking spaces. No additional parking spaces must be provided for the accessory uses as the number of spaces required for the worship area exceeds the amount of spaces required for these other accessory rooms and areas. Only two parking spaces are to be provided on-site at the rear of the building.

(5) Reasons for the Application

The proposal requires a rezoning since the proposed “Place of Worship” use is not permitted in an MCR zone and the proposal does not meet the Zoning By-law parking requirement for places of worship.

(6) Site Plan Control

A Site Plan Application is not required since the proposal involves only a change in use with no additions and no alterations to change the usability of the building.

(7) Community Consultation

A Community Consultation meeting was held on November 27, 2001, to invite community input regarding the application. The people who attended the meeting were the property owner, members of the church, residents, Planning Staff and the local Councillor. In summary, the residents at the meeting generally supported the proposal and indicated that the church and youth oriented-services were needed in the community and the proposed use was an improvement over the banquet hall that previously operated on the site.

There were concerns related to the amount of parking in the area and this issue is addressed in the Comments section of this report.

(8) Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses have been considered to assist in evaluating the application and to formulate appropriate by-law standards. All departments and agencies, save and except, the Works and Emergency Services Department reported no comments or no objections. It should be noted that Works and Emergency Services Department comments primarily related to parking for the proposed use and are discussed in the Comments section of this report.

Comments:

(9) Parking

In the preliminary report dated October 2, 2001, prepared for this zoning application, issues related to parking were identified as requiring resolution.

As stated in the Zoning section of this report, a review of the submitted materials indicates that 68 parking spaces would be required to support the proposed place of worship use, based on a rate of one parking space for each 9.5 square metres of total gross floor area of the worship area.

Recognizing the substantial parking shortfall, with only two parking spaces available on the subject lands at the rear of the building, the applicant submitted parking demand studies, prepared by BA Consulting Group Ltd. In addition to reflecting the peak parking demand, the studies also identified possible off-site parking locations that would be available to the applicant, including local business parking lots and on street parking.

It should be noted that Transportation Staff have reviewed the submitted parking studies and have the following comments:

The Parking Demand Study, dated November 25, 2002, was prepared in support of the subject application by BA Consulting Group Ltd. in accordance with Recommendation No. 1 (a) of the Departmental memorandum dated March 1, 2002. Surveys of the parking demand generated by the subject "Place of Worship" were undertaken by the consultant on two separate occasions on Sunday, September 29, 2002 and October 6, 2002, between the hours of 9:30 a.m. and 1:30 p.m. Attendance at the two observed Sunday services ranged from 80 to 110 persons, although the consultant indicates that special occasion services, which occur two times a year, could draw in the order of 200 persons. Based on the results of the survey, the observed peak parking demand for the two Sundays were 42 and 36 vehicles, respectively, while the other respondents arrived by TTC, shuttle bus, taxi and/or walked.

The consultant's analysis indicates that a total parking supply of approximately 75 to 80 parking spaces are available on-street and off-street to accommodate Sunday services. It is the policy of this Department that the parking demand generated by a development project be satisfied on-site or secured off-site, and not rely on on-street parking to accommodate all or a portion of the parking demand. Furthermore, the parking spaces available off-site have been secured from businesses in the area that are closed on Sundays, including Star Fish Seafood, Royal Daycare and Custom Auto Trim. It is noted that the latter location is located at Premises No. 10 Wilby Crescent (Custom Auto Trim), which is subject to development applications for a proposed residential development, and as a result, the on-site parking spaces will not be available on Sundays in the near future.

Given the above, in order to accommodate the parking demand generated by this project, the owner is required to provide and maintain a minimum of 50 parking spaces, which may be provided on-site, or leased off-site. Any leased parking spaces must be located within a 300 metre radius of the site, and be surplus to the needs of the donor site on Sundays. The location, layout, access configuration, and lease arrangements for the off-site parking spaces

should be provided and indicated on the appropriate plans and documentation, and must be submitted for the review and approval of the Commissioner of Works and Emergency Services.

In regards to the current and proposed schedules of activities at the place of worship on weekdays and certain weeknights, the consultant has indicated that the observed peak parking demand and forecasted demand are very low and can be accommodated on-site. The parking spaces provided at the rear of the building must be identified on the site plan indicating the dimensions of the individual parking spaces. Also, the current practice of parking on the hard surface boulevard in front of the existing building, accessed off Weston Road, will not be permitted.

Planning Staff are in general agreement with Transportation Staff's findings that 50 parking spaces would be sufficient to support the proposed place of worship during regular Sunday service occasions, given its current worship area size. However, while 50 parking space requirement will accommodate the typical or average operation of the place of worship, it may not adequately address special occasion worship services and private banquet or assembly functions. Accordingly, rezoning approval should be considered on a trial or temporary basis as discussed in the following section.

It is also recommended that provisions be put in place that would limit the worship area to 642.72 square metres, in order to ensure that the proposed use will not further adversely impact parking availability in the area. As well, it is recommended that parking spaces be made available at all times of the week, and not limited to Sundays, for the following reasons:

- (i) a Zoning By-law cannot regulate the hours of operation of a use, including the proposed Place of Worship use, and therefore there is no assurance that service activities will only occur on Sundays, as presented; and
- (ii) the accessory uses associated with a Place of Worship use, such as youth-oriented activities, social activities, etc., will often occur during the week and in this regard, parking should be made available at all times for such activities.

Planning Staff also concur that the off-site parking spaces be located within 300 metres of the subject lands and be surplus to the donor site(s). Additionally, the owner is required to register on title of the donor site(s) the amount of parking to be provided for the Place of Worship use, and to submit documentation and plans to confirm the location and provision of leased spaces for review and approval by the Commissioner of Works and Emergency Services. As an alternative, cash payment in lieu of parking approval could be secured for some of the parking spaces.

#### (10) Landscape Improvements

The front yard area is currently used for parking. In order to comply with the current MCR zoning regulation, which does not permit parking in the front yard, and to contribute to enhancement of the streetscape for the immediate commercial area, landscape improvements within the front yard should be provided. While such improvements are typically secured through Site Plan Approval, this proposal will not require Site Plan Approval. It is therefore recommended that Council secure acceptable landscaping of the front yard prior to the adoption of the implementing Zoning By-law.

The owner will be required to submit a landscape plan with details to the satisfaction of City Staff. As well, the owner shall provide the City with an Undertaking and a Letter of Credit agreeing to landscape the lands for the proposed development and maintain the landscaping in accordance with the approved plans.

(11) Land Use and Consideration of a Temporary Use

The Weston Road Secondary Plan and the new Toronto Official Plan permits institutional uses such as “Places of Worship”. As noted in the previous Section, there is general concurrence that a 50 space parking requirement can accommodate the typical or average activity that has been observed for this place of worship. However, in certain circumstances such as when special worship services are held or when the building is used for private social functions, which could accommodate 200 or more people, provision of 50 spaces will not satisfy peak demand and could adversely impact parking supply in the area. In addition, over time it is expected that the congregation will grow and will result in additional parking demand.

For these reasons, a Zoning By-law that would permit the temporary use of the lands for a Place of Worship and accessory uses for a three year period is recommended. The Temporary Use By-law will allow Staff the opportunity to monitor the site to assess any adverse impact that may be caused by the circumstances noted above and determine whether or not the use should be permitted to continue beyond the initial three years

The Official Plan(s) permits uses on a temporary basis subject to certain criteria. The approval of the proposed Place of Worship use on a temporary basis generally complies with the Official Plan criteria for evaluating and determining if a temporary use is appropriate. It should be noted however that one of the criteria is that the temporary use does not adversely impact traffic, transportation or parking facilities in the area. Although the site may only accommodate two parking spaces, Staff is satisfied that the intent of the provision will be maintained if the owner secures the required off-site parking spaces to support the proposed use as surplus spaces on donor sites.

With respect to compatibility of use, the Weston Road Secondary Plan emphasizes high density residential redevelopment along the Weston Road Corridor, but also permits “compatible institutions.” The subject property is located within a street block consisting of various commercial retail and office uses. The Place of Worship use operates within the existing building and often at different hours than the abutting uses. In this regard, the proposed use is considered compatible with the abutting uses, provided the owner can secure the necessary parking.

Permitting a place of worship on this site on a temporary basis should not affect any future land assembly that would facilitate the high density residential redevelopment envisioned by the new Official Plan and the existing Secondary Plan for the area. At present there have been no applications submitted to redevelop the properties along this portion of Weston Road for residential purposes.

Conclusions:

The proposal to permit a Place of Worship as a temporary use, for a period of three years, would comply with the both the former City of York and the new Toronto Official Plan, subject to measures to secure parking for the use in the immediate area and improve the streetscape appearance of the use. These measures, amongst other matters, are included in the recommendation section of this report and are required to be addressed by the Owner within six-months from City Council approval, prior to the adoption of the implementing Zoning By-law.

Contact:

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(The following Attachments 1 to 4 referred to in the foregoing report were forwarded to all Members of the Humber York Community Council with the agenda for its meeting on June 10, 2003, and copies are on file in the office of the City Clerk, York Civic Centre:

Attachment 1: Site Plan  
Attachment 2: Zoning Map  
Attachment 3: Application Data Sheet  
Attachment 4: Draft Zoning By-law

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The following addressed the Humber York Community Council:

- Mr. Michael Hunter, representative of Grace Ministries (International);
- Ms. Norma Montague, Toronto;
- Ms. Sonia Brown; and
- Ms. Sham Balroop.

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The Etobicoke York Community Council also considered communications (May 5, 2006) and (May 9, 2006) from Ronald M. Kanter, Gardiner Roberts LLP.

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The following addressed the Etobicoke York Community on May 9, 2006:

- Ronald M. Kanter, Gardiner Roberts LLP;
- Sham Balroop;
- Staff Superintendent Michael Federico; and
- Rev. Barbara Lindsay, Grace Ministries (International).

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Recorded vote on a motion by Councillor Holyday to postpone this matter to the June 13, 2006 meeting:

Yes: Councillors Ford, Holyday and Saundercook  
No: Councillors Grimes, Hall, Mammoliti, Milczyn and Nunziata  
Absent: Councillors Di Giorgio, Lindsay Luby and Palacio

Motion lost.

Recorded vote on a motion by Councillor Nunziata to adopt the staff recommendation in the Recommendations Section of the report (April 25, 2006) from the Director, Community Planning, Etobicoke York District.

Yes: Councillors Grimes, Hall, Mammoliti, Milczyn and Nunziata  
No: Councillors Ford, Holyday and Saundercook  
Absent: Councillors Di Giorgio, Lindsay Luby and Palacio

Carried.

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***City Council – May 23, 24 and 25, 2006***

*Council also considered the following:*

*Communications:*

- *(May 9, 2006) entitled “Rezoning Application, Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11-York South-Weston”, submitted by Councillor Frances Nunziata, Ward 11, York South-Weston [Communication 23(a)]; and*
- *(May 23, 2006) from Ronald M. Kanter, Gardiner Roberts, Barristers and Solicitors, on behalf of Grace Restoration (International) Ministries [Communication 23(b)].*

***City Council – June 14, 2006***

*Council also considered the following:*

*Communications:*

- *(May 9, 2006) entitled “Rezoning Application, Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11-York South-Weston”, submitted by Councillor Frances Nunziata, Ward 11, York South-Weston [Communication 7(a)]; and*
- *(May 23, 2006) from Ronald M. Kanter, Gardiner Roberts, Barristers and Solicitors, on behalf of Grace Restoration (International) Ministries [Communication 7(b)].*

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***City Council – June 27, 28 and 29, 2006***

*Council also considered the following:*

*Communications:*

- *(May 9, 2006) entitled “Rezoning Application, Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11-York South-Weston”, submitted by Councillor Frances Nunziata, Ward 11, York South-Weston [Communication 5(a)];*
- *(May 23, 2006) from Ronald M. Kanter, Gardiner Roberts, Barristers and Solicitors, on behalf of Grace Restoration (International) Ministries [Communication 5(b)]; and*
- *(June 26, 2006) from Ronald M. Kanter, Gardiner Roberts LLP [Communication 5(c)].*

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***City Council – July 25, 26 and 27, 2006***

*Council also considered the following:*

*Communications:*

- *(May 9, 2006) entitled “Rezoning Application, Applicant: Grace Restoration (International) Ministries - 1736 Weston Road (Ward 11-York South-Weston”, submitted by Councillor Frances Nunziata, Ward 11, York South-Weston [Communication 4(a)];*
- *(May 23, 2006) from Ronald M. Kanter, Gardiner Roberts LLP, on behalf of Grace Restoration (International) Ministries [Communication 4(b)];*

- *(June 26, 2006) from Ronald M. Kanter, Gardiner Roberts LLP [Communication 4(c)];  
and*
- *(July 20, 2006) from S. Balroop [Communication 4(d)].*