

November 5, 2012

Delivered Via Email (scc@toronto.ca)

Chair and Members
Scarborough Community Council
Scarborough Civic Centre
150 Borough Drive
TORONTO, Ontario
M1P 4N7

Attention: City Clerk
c/o Ms. Yvonne Davies, Administrator
Scarborough Community Council

Michael J. Wren
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File: 21362.525

Dear Sirs/Mesdames:

**Re: Scarborough Community Council
Statutory Public Meeting – Official Plan & Zoning By-law Amendments
City Initiated Highland Creek Village Area Study
Agenda Item SC20.35, November 6, 2012 (7:00 p.m.)**

We represent Roman Catholic Episcopal Corporation for The Diocese of Toronto, in Canada (the “Archdiocese”) in respect of Saint Joseph’s Parish, which is located at 280 Old Kingston Road in the City of Toronto.

We understand that Community Council will be considering the above-noted item at a Statutory Public Meeting on November 6, 2012 and we take this opportunity to advise Community Council that our client is **not** in support of the Official Plan and Zoning By-law Amendment wording being proposed by staff.

Specifically, while members of the Parish have participated in the Area Study over the last year, the specific Official Plan and Zoning By-law Amendment details were only made available last week with the release of the agenda materials. Upon review of the detailed wording two areas of concern were identified that significantly impact on the continuing operation of St. Joseph’s Parish.

You will recall that St. Joseph’s Parish is located at the northwest corner of Morrish Road and Old Kingston Road with municipal addresses of 200 Morrish Road and 280 to 290 Old Kingston Road. The Parish has been part of the Highland Creek community for over 155 years.

The Church was expanded in 1997, at which time the City granted site plan approval for the current parking configuration located immediately to the west of the Church. The City's Committee of Adjustment also granted minor variances at that time to permit parking on that portion of the lot. The Committee of Adjustment also granted additional permissions in 2010 for a further expansion of the parking lot, which received site plan approval in 2011 (but has not yet been constructed).

In respect of the proposed Official Plan language, the area-specific wording for Policy Area #1 (Main Street – north side of Old Kingston Road) regarding the built form (height) does not reflect, nor does it accommodate, the existing or future church architecture. Modifications to this language are required in order to respect and support the continued and future institutional uses.

In respect of the proposed Zoning language, a number of inconsistencies and changes are of concern, including:

- The St. Joseph's Parish property continues to be the subject of three separate (split) Zoning categories, including a new "CR" zone, with separate performances standards, regulations and uses – it would be appropriate to introduce regulations to ensure that the Zoning (whether as one combined Zone or continued as three separate Zones but with a site specific exemption provision) recognizes and balances the use as a Place of Worship and cemetery over the whole of the lands with related ancillary uses and regulations. There is also some confusion in respect of which Zoning currently applies to the Church and the Cemetery. The Staff Report indicates it is to remain in an "I" Institutional zone, however our client has previously been advised by the City that the Zoning is in fact "PW" (Place of Worship) and "HC" (Highway Commercial).
- The new zoning does not recognize the existing minor variance approvals for associated and related parking facilities, and would require a new set of variances for the new parking lot if it were to proceed subsequent to the enactment of this proposed By-law.
- The new zoning does not recognize or accommodate church architecture in respect of its minimum and maximum heights and setbacks.
- The new zoning proposes to introduce a significant increase in required parking, without the benefit of any rationale or study. As we understand it, staff propose to apply the Place of Worship parking regulations that had previously been proposed in the now repealed By-law 1156-2010, and contrary to the recent October 12, 2012, direction given to planning staff by Planning and Growth Management Committee to meet with the Faith Group Communities to review, among a number of matters, the Zoning performance measures proposed for Places of Worship (including parking) in the By-law that is to replace the repealed By-law 1156-2010.
- The proposed new Zoning By-law would introduce new standards for a portion of the St. Joseph's Parish property, which would conflict with regulations applicable to the balance of the property.



While the Archdiocese is generally in support of the City's initiatives, it wishes to ensure that any implementation is effected in a fair, equitable, and clear fashion, consistent with the needs and expectations of its parishioners.

For the reasons set out above, our client is not in a position to fully support the current recommendations. It would, however, welcome additional consultation between City staff and Archdiocese representatives. In that regard, the Archdiocese and its representatives would be available to meet with City staff to discuss these concerns in greater detail as you finalize the related policy and zoning measures in support of this study.

Finally, we also take this opportunity to request the Clerk to continue providing us with written Notice of any subsequent meetings, public meetings, considerations or decisions of this matter, by either Community Council or City Council.

We trust that you will find the above of some assistance in your consideration of this matter. Should you have any questions, please contact the undersigned, or our planning consultant Mr. Paul Stagl (416-784-2952).

Yours very truly,
MILLER THOMSON LLP



Michael J. Wren
MJW/lk

c.c. Councillor R. Moser, Ward 44 Scarborough East
Mr. D. Finnegan, Archdiocese of Toronto
Rev. Fr. Michal Jurkowski, C.S.Sp., Pastor, Saint Joseph's Parish
Mr. P. Stagl, MCIP, RPP, Opus Management Inc.

