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VIA E-MAIL AND REGULAR MAIL

File 14018.00001

Chair and Members
Planning and Growth Management Committee
City of Toronto
City Hall, 10th Floor West, West Tower
Toronto, Ontario M5H 2N2

**Attention: Merle MacDonald
Committee Administrator, City Clerk's Department**

Dear Ms. MacDonald:

**Re: Comments on the City of Toronto's Proposed City-wide Zoning By-law
88 Sunrise Avenue and 22 Hobson Avenue, City of Toronto**

We are counsel for the Islamic Community of Afghans in Canada ("ICAC"), registered owner of two adjacent properties located at 88 Sunrise Avenue and 22 Hobson Avenue (the "Sites"), in the City of Toronto (the "City"), formerly the City of North York. The purpose of this correspondence is to provide our client's concerns in respect of the City's proposed City-wide Zoning By-law (November 8, 2012 draft version) as it applies to the two Sites.

ICAC is a registered charitable organization whose purposes are wholly religious and educational – primarily, to provide facilities for religious prayer and religious education services to members of its congregation. Its building facilities are currently located at 22 Hobson Avenue. Its immediate adjacent property at 88 Sunrise Avenue provides the following ancillary, complementary and related uses:

1. In the short term, to provide an outdoor amenity space in connection with ICAC's religious prayer and religious education services, including the holding of outdoor events when weather permits, and to provide additional parking facilities solely for attendees of ICAC's religious prayer and religious education services; and
2. In the long term, for future expansion of the existing religious facilities onto the 88 Sunrise Avenue Site in accordance with the active site plan application filed with the City (described below).

On August 3, 2011, a complete site plan application (#11 250127 NNY 34 SA) (the “**Site Plan Application**”) was filed with the City. The Site Plan Application encompasses both Sites as part of a comprehensive and fully integrated redevelopment concept - in effect, comprising a Master Plan for the entire campus consisting of a relocated place of worship and community centre. The predominant purpose of the Site Plan Application is to permit the construction of a new place-of-worship, with ancillary uses, at the 22 Hobson Avenue Site. Once the new place of worship is constructed and available for occupancy, the existing building at 88 Sunrise Avenue will be converted to a community centre, a use permitted under existing zoning. We will shortly be making a second site plan submission to the City to address the circulation comments received to date.

Since the two Sites qualify under the City’s transition protocol, we have requested the City’s Zoning team to leave these two Sites out of the new proposed City-Wide Zoning By-law.

With respect to the City’s 5-Year Official Plan Review and the Municipal Comprehensive Review., we are particularly interested in Staff’s Report dated October 23, 2012 entitled “Draft Policies and Designations for Employment” which was considered by the Planning and Growth Management Committee during its meeting held on November 8, 2012. Under the proposed policies contained in this Staff Report (released for the purpose of public consultation), changes to the Employment designations and land use policies are being proposed. Insofar as they affect the two Sites, Staff proposes to redesignate these lands from Employment Areas to Core Employment.

The Sites are designated “Employment Areas” in the City’s current Official Plan. Policy 4.6.2 provides the following:

“Within Employment Areas, places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges or universities may locate only on major streets as shown on Map 3. All existing places of worship, recreation and entertainment facilities, business and trade schools and branches of community colleges or universities legally established before the approval date of this Official Plan within Employment Areas are permitted.”

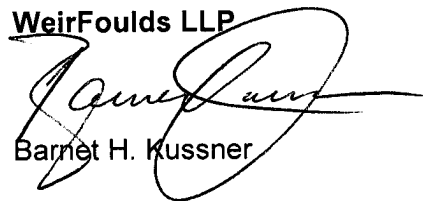
The proposed Core Employment designation and land use policies, as drafted, will not permit institutional uses. Further, there is no protection for existing institutional uses or recognition of permitted uses under existing land use planning controls.

The Site Plan Application is anticipated to be finalized and approved in due course. In our respectful opinion, the complete Site Plan Application should be assessed under the policies in place at the time of application. Accordingly, we do not support the intended redesignation of the two Sites from Employment Areas to Core Employment, unless that change is accompanied with a site-specific exemption for the two Sites in order to permit the implementation of the proposed site plan.

We would be pleased to discuss this matter further with the PGMC or City Staff, as appropriate. In the interim, should you have any questions or need clarification, please do not hesitate to contact Paul Chronis, Senior Planner in our office, at (416) 947-5069.

Yours truly,

WeirFoulds LLP



Barnett H. Kussner

BHK/PC:cl

cc: Jennifer Keesmaat, Chief Planner and Executive Director, City of Toronto
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