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January 30, 2013

VIA DELIVERY AND FACSIMILE

Mayor Ford and Members of Council
Toronto City Hall,
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Dear Mayor Ford and Members of Council:

**Re: City-Wide Zoning By-law Project
Special Meeting of the Planning and Growth Management Committee
February 13, 2013
Toronto Faith Coalition Inc.
Places of Worship Provisions**

We are the solicitors for Toronto Faith Coalition Inc., which is an organization which represents the Pentecostal Assemblies of Canada, African Canadian Christian Network, the Free Methodist Church in Canada, the Toronto churches of the Canadian Baptists of Ontario and Quebec (Toronto Baptist Ministries), The Christian and Missionary Alliance Church of Canada - Eastern Canadian District, the Church of God in Ontario, Church of God of Prophecy Canada - Eastern Canada, Catch the Fire family of churches, Spanish Association Unidos Para Orar, Korean Ontario Church Association, MisionGTA Christian Network, The Apostolic Church in Canada, Church of Jesus Christ of Latter-Day Saints (Mormons), Can-Sikh Cultural Centre, Etobicoke Church Network (Light House Fellowship Assembly), The Triumphant Church Of God and coordinated the concerns of B'nai Brith Canada, the Hindu Temple Society of Canada, Jaffari Islamic Centre, Ontario Sikh and Gurdwara Council, Canada Christian College, Hindu Sabha and many individual congregations and temples. These diverse faith groups all share a desire to continue establishing places of worship in the Toronto.

Please treat this letter as a written communication within the meaning of section 34(19)(2) of the *Planning Act* from the Coalition and the faith groups it represents. Please place this letter before the February 13, 2013 meeting of the Planning and Growth Management Committee at which it will consider the draft of the new City-Wide Zoning By-law (the "**Draft By-law**").

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Support for Planning Recommendations

At the Planning and Growth Management Committee's meeting of October 12, 2012, planning staff were asked to meet with representatives of the faith communities and our clients are thankful for that opportunity. The meetings were very fruitful. Those consultations helped both our clients and your staff reach a greater understanding of each other's respective concerns. The by-law as originally proposed would have prohibited places of worship in all Residential and Employment zones and in many commercial areas. That would have been a significant change from the current regime and not reflective of what was intended to be a harmonization process. Staff have moved significantly to satisfy our client's concerns and we are fully supportive of all of the recommended amendments to the Draft By-law set out in Attachment 1 of the *Final Report on the City-wide Zoning By-law* dated January 22, 2013. We urge you to adopt those recommendations, which go a good way towards recognizing that places of worship must continue to be permitted to locate throughout the City where they can serve all of its inhabitants.

Interpretation of Provision Affecting R Zone

Staff have advised us that the proposed amendment to section 10.10.20.20(8)(C) is intended to have the same effect as the current provisions in subsections 6(2)15 and 6(2)17 of By-law 438-86, which contain four additional words: "that is or was". We have asked for written confirmation that this is the case and provided it can be provided, the Coalition is pleased that existing and new places of worship will continue to be permitted in the R zone, provided they are located in a purpose-built building.

A Few More Amendments Needed

There remain a small number of concerns which the planning staff recommendations do not fully address. They are:

1. **Part-Time Rentals** - Part-time rentals of other facilities by places of worship should be clearly permitted. In order for a use, such as the place of worship use, to be permitted in a particular location it must be specifically listed as being permitted. Section 1.20.2 is the "How to Read this By-law – Text" section and it explicitly states in subsection (14) that "[I]f a use is not listed as permitted, it is not allowed." A community centre or library is permitted in more locations in zones such as the RT or RM zones than is proposed for a place of worship. If a faith group rents a portion of a community centre for several hours each week for religious services, that use, defined in the by-law as a "place of worship" use, would not be allowed. Yet the part-time use of a facility such as a community centre for a place of worship is not, we understand intended to be prohibited. Nor is there any reason that it should be prohibited. To ensure the City's intention is clear, the Coalition proposes a clarifying provision which is set out in Appendix A. This provision would not change the intent of the by-law but merely clarify it.



2. **Parking Standards** - The parking standards remain problematic:
- a. Tandem parking should be permitted for places of worship. The City-commissioned IBI Places of Worship Parking study specifically recommends "provisions for allowing tandem parking". The by-law already allows some tandem parking. Revisions to the tandem parking section, 200.5.0(5), are set out in Appendix A.
 - b. The IBI Places of Worship Parking Study recommended specific numbers of parking spaces be provided for each square metre of worship area. The study specifically recognizes that the "worship area" to which those standards should apply is not the entire space used by a congregation in a religious service. The study comes to those standards starting with the assumption that a seated person occupies a certain amount of space and that you can determine how many people occupy a worship area by dividing that figure into the worship area. As a result, areas that are not used for seating, kneeling or prostration by the congregation should not have the parking standard applied to them. The current proposed amendments apply the parking standards to almost all (90%) of the total area used during a religious service. The Coalition believes that where there is fixed seating, only those areas actually used for seating should have that standard applied to it. Where there is variable seating or no seating, the Coalition suggests that less than 70% of such an area is on average devoted to seating or praying and a 70% standard should be used. The revised section 200.5.10.1 (11) is set out in Appendix A.
 - c. The proposed parking standards discriminate against places of worship in comparison to other assembly uses. The increases in the parking standard as you move from Policy Area 1 through to 4 and then to the rest of the City are disproportionately larger for places of worship than for other assembly uses. That difference is not supported by any data in the IBI study. In fact, the IBI studies for places of worship and other places of assembly cite the same auto modal splits for both types of uses for the Downtown, Centres, Avenues and the rest of the City (see Appendix B). The Coalition suggests the same increases in the parking standards for the other assembly uses in the Draft By-law (Place of Assembly, Nightclub, Club, Adult Entertainment) should be used for places of worship. A comparison of those standards is attached as Appendix C and the revised section 200.5.10.1 is set out in Appendix A.
3. **EL Zone Permission** - Places of worship should be permitted to locate in the Employment Light Industrial (EL) zone, in which the Manufacturing Use is not permitted. The EL zone should conditionally permit places of worship as the Employment Office (EO) zone does. The use would, as it is in the EO zone, be limited to major roads and in size. The Coalition agrees that places of worship should not be permitted in the other two Employment zones, the Employment Industrial (E) zone or the Employment Heavy Industrial (EH) zone. Historically, places of worship have located in residential areas or nearby commercial areas where they still serve residential neighbourhoods. More recently, they have also located themselves in many of the lighter industrial or employment areas, appropriately serving faith groups that are more evenly distributed across the City and practitioners of religions that

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require or encourage periodic communal prayers throughout the working day. Locating places of worship in light industrial employment areas serves the workers in those and adjacent employment zones. Proposed revisions to sections 60.10.20.20 and 60.10.20.100 are set out in Appendix A.

The Coalition asks that Council support these amendments to the Draft By-law so that the faith community can continue to contribute to the well-being of the City. The faith community not only enables and encourages the residents of the City to be good members of our society; it provides significant economic and social benefits to the City. The faith groups support educational institutions which attract students from the rest of Canada and the world. They provide, often for free or on a heavily subsidized basis, social and other services such as food, daycare, seniors' social services, youth activities, refugee housing and assistance, English, skills and other forms of training and various levels of housing and emergency shelters to the communities around them, relieving the City and other levels of government from the obligation of providing those services out of tax revenues. Many of the services provided are unique and would not otherwise exist but for the faith community and places of worship.

There must be significant choices for new places of worship to locate as demand for new places of worship increases with the City's population growth. The need for more places of worship will also continue to be driven by the diversity of the City's population, as different religious, cultural and ethnic groups meet for worship together in their own languages and traditions.

Your staff's recommendations are a healthy start to finding places for the faith community but the Coalition's requests in this letter are crucial to ensuring that the faith communities in Toronto continue to play an important part in making our City a great City.

Thank you for your consideration.

Yours very truly,

GOWLING LAFLEUR HENDERSON LLP



David C.K. Tang

DCT:gvd

Encls. Appendixes A, B & C

cc. Joseph D'Abramo

Kevin Begley

Catherine Gravely

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Appendix A

Toronto Faith Coalition Inc.'s Place of Worship Additional Amendments

1. Clarify Part-Time/Rental Use Permissible

Insert regulation 150.50.1(2) pertaining to part-time rental by religious organizations

(2) Part-Time Place of Worship Use

Notwithstanding anything else in this by-law, any Premises used as a **Place Of Assembly, Entertainment Place Of Assembly, Education Use, Religious Education Use, Community Centre, library, Recreation Use, school** regulated under the Education Act, R.S.O. 1990, c.E.2, **Post-Secondary School or Apartment Building** may also be used as a **place of worship** provided the place of worship is not the full-time principal use of the **premises** and, in the case of an **apartment building**, is located only in **amenity space** on a part-time basis.

2.(a) Tandem Parking

Revise regulation 200.5.1.10(5) to add place of worship to tandem parking permissions

200.5.1.10(5) Tandem Parking Spaces

(5) Tandem Parking Spaces

A required **parking space** may not be a **tandem parking space**, except when it is required for a **secondary suite, group home, duplex building or a place of worship** provided however that not more than 50% of the required **parking spaces** for a **place of worship** can be **tandem parking spaces**.

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2.(b) Area to which Parking Rates Apply

Revise regulation 200.5.10.1 regarding "parking rates – general" by inserting new regulation 200.5.10.1 (11)

200.5.10 Parking Rates

200.5.10.1 General

(11) Place of Worship Parking Rates

For the purpose of calculating parking space requirements for a **place of worship**, the worship area is the area occupied by permanent or fixed seating in the main area of a **place of worship** used for expression of worship through religious services, rites or ceremonies or if there is no seating or variable seating, 75% of the main area of a place of worship used for expression of worship through religious services, rites or ceremonies.

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2.(c) Parking Rates

Revise regulation 200.5.10.1 regarding Table 200.5.10.10 – "Parking Space Rates and Parking Space Occupancy – Place of Worship"

200.5.10 Parking Rates**200.5.10.1 General**

Land Use	Parking Rate	AM	PM	Even
Place of Worship	<p>Parking Spaces must be provided at the greater of:</p> <p>Parking Spaces must be provided at the greater of:</p> <p>(A) if there is permanent or fixed seating in a Place of Worship then:</p> <p>(i) if located in Policy Area 1 (PA1):</p> <p>(a) a minimum rate of 9 for each 100 square metres of worship area; and</p> <p>(b) a maximum rate of 22 for 100 square metres of worship area; and</p> <p>(ii) if locate in Policy Area 2 (PA2):</p> <p>(a) a minimum rate of 13.5 for each 100 square metres of worship area; and</p> <p>(b) a maximum rate of 27 for 100 square metres of worship area; and</p> <p>(iii) if located in Policy Area 3 (PA3) and Policy Area 4 (PA4):</p> <p>(a) a minimum rate of 16.5 for each 100 square metres of worship area; and</p> <p>(b) a maximum rate of 33 for 100 square metres of worship area; and</p> <p>(iv) at a minimum rate of 21 for each 100 square meters of worship area if located in any other area of the City</p> <p>(B) if there is no seating or variable seating in a Place of Worship then:</p> <p>(i) if located in Policy Area 1 (PA1):</p> <p>(a) a minimum rate of 11 for each 100 square metres of worship area; and</p> <p>(b) a maximum rate of 22 for 100 square metres of worship area; and</p> <p>(ii) if locate in Policy Area 2 (PA2):</p> <p>(a) a minimum rate of 16.5 for each 100 square metres of worship area; and</p> <p>(b) a maximum rate of 27 for 100 square metres of worship area; and</p> <p>(iii) if located in Policy Area 3 (PA3) and Policy Area 4 (PA4):</p> <p>(a) a minimum rate of 20.2 for each 100 square metres of worship area; and</p> <p>(b) a maximum rate of 33 for 100 square metres of worship area; and</p> <p>(iv) at a minimum rate of 25.7 for each 100 square meters of worship area if located in any other area of the City</p>	100%	100%	100%

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3. Same Permissions For EL Zone As EO Zone

Revise regulation 60.10.20.20 (1) (B) to include Place of Worship as a permitted use with conditions

60.10.20.20 Permitted Use – with Conditions

(1) Use with Conditions – EL Zone

In the EL zone:

(B) the following uses are permitted under the letter "o" in the zone label if they comply with the specific conditions associated with the reference number(s) for each use in Clause 60.10.20.100:

Place of Worship (21, 22)

Insert regulations 60.10.20.100 (21) and 60.10.20.100 (22) pertaining to conditions

60.10.20.100 Conditions

(21) Place of Worship – Interior Floor Area and Major Street

In the EL zone, a **place of worship**:

(A) may not have an **interior floor area** that exceeds 5,000 square metres; and

(B) must be on a **lot** with a **front lot line** or **side lot line** abutting a major **street** as shown on the Policy Area Overlay Map.

(22) Place of Worship

In the EL zone, a **place of worship** must comply with the specific use regulations in Section 150.50.

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Appendix B

**Excerpts from City-Commissioned
IBI Parking Standards for Places of Worship Report
and
IBI Parking Standards for Places of Assembly Report
Setting out Automobile Modal Splits for
Downtown, Centres, Avenues & Rest of City**

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IBI GROUP FINAL REPORT

CITY OF TORONTO

REVIEW OF THE CITY OF TORONTO ZONING BY-LAW PARKING STANDARDS FOR PLACES OF WORSHIP

Exhibit 5-2: Auto Mode Split Implied by Existing Place of Worship Parking Standards

Former Municipality	Existing Parking Standard		Implied Auto Mode Split	
	1 per 40 persons capacity ⁽¹⁾			
City of Toronto	1 per 40 persons capacity ⁽¹⁾		8%	-
City of Toronto Downtown	<3 per 40 seats (min)	-1 per 5 seats (max)	23% (min)	63% (max)
East York	13.3 spaces/100m ² GFA ⁽²⁾		152%	-
Eobikoke	1 per 5 persons capacity of the main assembly area ⁽²⁾		63%	-
North York	greater of 21.3 spaces/100m ² worship area or 4.7 spaces/100m ² GFA		73%	-
Scarborough	7.7 spaces/100m ² GFA		88%	-
York	10.5 spaces/100m ² GFA		121%	-

Note: Calculation assumes 2.5 occupants/vehicle, 1.1 m² worship area/person capacity, and facility occupancy of 80%. For GFA based standards, worship area is assumed to account for 30% of total GFA.

(1) 1 space per 40 persons of normal capacity attendance in a R1 or R1S district. There are no requirements if the place of worship is located in other residential or commercial districts.

(2) The requirement can be met by a parking facility on the lot or within 300m of the lot.

(3) Where a banquet hall, bingo hall, church hall, or other accessory use, on the same site, can accommodate more people than the main assembly area, the parking requirements for such uses shall apply instead.

5.2 Proposed Parking Standards for Places of Worship

For the purpose of developing parking standards for different urban geographies in the City, the following travel behaviour is assumed:

- Downtown and Central Waterfront, 50% auto mode split;
- Centres, 70% auto mode split;
- Avenues, 70% auto mode split; and
- Rest of City, 80% auto mode split.

2006 Transportation Tomorrow Survey data was used to estimate auto mode splits by analyzing home-based discretionary trips for Toronto's 16 Survey Area Planning Districts. In addition, the facility/parking occupancy factor is reduced below 80% for the Downtown and Central Waterfront, Centres, and Avenues as discussed below.

Exhibit 5-3 presents the assumed auto mode split and facility/parking occupancy level and corresponding proposed minimum and maximum parking standards for each geographic category. Different parking standards are proposed for places of worship with and without fixed seating, reflecting the higher person capacity typical of worship spaces without fixed seating.

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IBI GROUP FINAL REPORT

City of Toronto
REVIEW OF THE CITY OF TORONTO ZONING BY-LAW PARKING STANDARDS FOR PLACES OF ASSEMBLY

4.2, a further adjustment factor (75%) is applied to account for the fact that in many places with non-fixed seating (e.g. convention centres), not all spaces are used simultaneously. Parking ratios have been rounded to the nearest half space for simplicity.

Exhibit 5-2: Base Assumptions and Proposed Standards by Geographic Category

Area	Facility/ Parking Occupancy Factor	Assumed Auto Mode Split	Simultaneous Occupancy Factor	Proposed Parking Standard (spaces / 100m ² GFA)
				Minimum
Downtown and Central Waterfront	50%	50%	75%	3.0
Centres	60%	70%	75%	4.5
Avenues	70%	70%	75%	5.5
Rest of City	80%	80%	75%	7.0

The base standard for the 'Rest of City' category is based on an auto mode split of 80% and design facility/parking occupancy factor of 80%. As discussed, this corresponds to a typical weekly peak attendance. Auto mode splits are reduced for other 'policy' areas based on higher levels of transit service and the more walkable environments typical of these areas. For the Downtown and Central Waterfront, Centres, and Avenues the facility/parking occupancy factor has been further reduced to account for the fact that a portion of the regular peak parking demand can be handled by near-by off-site facilities (e.g., on-street parking or off-street parking on a different site).

5.3 Proposed Parking Standards for Places of Assembly - Fixed Seating

Exhibit 5-3 presents the assumed auto mode split and proposed minimum parking standards for each geographic category. These standards are based on a combination of the first-principles analysis using an assumed auto occupancy of 2.0 persons per car (see page 14) and a design capacity of 80%. Standards have been rounded to the nearest half. As with standards for places of assembly with no fixed seating, the standards have been reduced for avenues, centres and the downtown and central waterfront. These reductions are rational and also reflect the fact that there would be more off-street parking available in the Downtown and centres.

Exhibit 5-3: Base Assumptions and Proposed Standards by Geographic Category

Area	Facility/ Parking Occupancy Factor	Assumed Auto Mode Split	Proposed Parking Standard (spaces / 100m ² GFA)
			Minimum
Downtown and Central Waterfront	50%	50%	5.0
Centres	60%	70%	8.0
Avenues	70%	70%	8.5
Rest of City	80%	80%	10.0

Appendix C

Comparison of Change in Parking Standards by Location Between Places of Worship and Other Assembly Uses

A	B	C	D	E	F	G	H
Location	Most Assembly Uses* Parking Standard	Most Assembly Uses* Parking Standard by Location as percentage of PA1 rate	Place of Worship – Fixed Seating Proposed Minimum Parking Standard in Draft By-law	Place of Worship – Variable Seating Proposed Minimum Parking Standard in Draft By-law	Place of Worship Parking Standard by Location as percentage of PA1 rate	TFC's Proposed Minimum Parking Standard – Fixed Seating Using Same Percentage Increases as Other Assembly Uses (Column C)	TFC's Proposed Minimum Parking Standard – Variable Seating Using Same Percentage Increases as Other Assembly Uses (Column C)
PA1	3.0	100%	9.0	11.0	100%	9.0	11.0
PA2	4.5	150%	15.0	18.0	169%	13.5	16.5
PA3	5.5	183.3%	18.0	22.0	200%	16.5	20.2
PA4	5.5	183.3%	18.0	22.0	200%	16.5	20.2
Rest of City	7	233.3%	23.0	27.0	262%	21.0	25.7

* Plae of Assembly, Nightclub, Club, Adult Entertainment uses