

March 4, 2013

Frances Pritchard
Committee Administrator
Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West
10th Floor, West Tower
Toronto, ON M5H 2N2

PMG
Planning
Consultants

227 Bridgeland Avenue
Toronto, Canada M6A 1Y7
Tel. (416) 787-4935
Fax. (416) 787-0004
E-Mail: pmg@pmgplanning.ca



**Re: March 6, 2013 Committee Meeting
Item PG21.1, Final Report on the Draft City-Wide Zoning By-law**

2919 Bathurst, 488 & 490 Coldstream Avenue

Dear Ms. Pritchard,

We represent Congregation Kahal Avreichim, the registered owner of 2919 Bathurst Street, an active synagogue. We also represent Rabbi Jacob Sofer and Reizl Sofer, who are the registered owners of 488 Coldstream Avenue, and 490 Coldstream Avenue. We have received notice that the recommendation report for the Proposed New City-wide Zoning By-Law will be brought to Planning and Growth Management Committee on March 6, 2013. We request that this correspondence be sent to PGMC members, and staff involved in the New Zoning Project.

City of North York Zoning By-law No. 7625, which is currently in effect, zones 2919 Bathurst Street as RM4, which permits a range of residential housing types including apartments up to 0.85 FSI and 11.5 metres in height, plus religious institutions. The site is presently occupied by a 453.5 m² (4,882 square feet) (main floor area) synagogue with a partially finished basement, related surface parking and landscaping. The synagogue has been operating for approximately 10 years in an existing building on the site, which was previously used as a retail establishment.

The City's New City-wide Zoning By-Law proposes to zone 2919 Bathurst Street as RM (f21.0; a925 d0.85) (x474). The November 8, 2012 version of the new By-law recognized the right for this lawfully existing place of worship to remain as a legal use. The changes recommended in the January 22, 2013 staff report would change the status of this currently legal use to legal non-conforming simply because the building was originally not constructed as a place of worship and because the lot area is less than 2,000 m². The February 26, 2013 staff report does nothing to rectify this problem.

By-Law No. 7625 zones 488 Coldstream Avenue and 490 Coldstream Avenue as Residential R6, which permits single detached dwellings and places of worship. The sites are each occupied by a single detached house.



490 Coldstream Avenue was purchased in December 2006, and 488 Coldstream Avenue was purchased in July 2009 to allow for the construction of a new synagogue, along with an associated residential development generally on the lands at 2919 Bathurst. The lands were assembled with the full understanding that a place of worship was permitted as-of-right in the zoning for all the lands, and that the 2919 Bathurst portion of the lands could also be developed for more intensive residential purposes. No applications have been filed with the City to date, as we are currently working with Congregation Kahal Avreichim to develop the building program for the project.

The City's New City-wide Zoning By-Law proposes to zone 488 Coldstream Avenue and 490 Coldstream Avenue as RD (f12.0; a370) (x1463). The November 8th version of the new By-law removes the as-of-right permission for a place of worship from these lands. The changes recommended in the January 22 and February 26, 2013 staff reports would not legalize a place of worship on these properties, as currently defined, due to the lot frontage, lot area, and lack of frontage on a major street. We also have no assurances that the permission would be put back on these lands if the title is merged with the Bathurst lands, or if the permission would remain on these lands if a future severance is created in association with any redevelopment of these properties.

We also have concerns with the notice that was issued describing these provisions. The notice states "The use of a place of worship is permitted in the Residential (R), Residential Detached (RD), Residential Semi-detached (RS), Residential Townhouse (RI), Residential Multiple (RM), Residential Apartment (RA), Residential Apartment Commercial (RAC), Commercial Residential (CR), Commercial Residential Employment (CRE), Employment Office (EO) and Institutional Hospital (IH) zones with qualifications pertinent to each zone." The use generally exists as-of-right in comparable zones in the underlying (in-place) zoning by-law. The notice implies that this will remain, providing a false sense of security to potentially interested parties. The notice fails to state that the "qualifications" will in reality remove the permission from a vast majority of properties which currently enjoy a place of worship as-of-right permission. The notice also fails to mention that any place of worship in any residential zone located in a building not originally built for that purpose, will lose their as-of-right permission. The notice fails to meet the intent of the proposed by-law, which is to add such significant restrictions that existing as-of-right permissions are being removed.

The current Official Plan, Section 4.1 Policy 1 allows places of worship with no such restrictions on lands designated Neighbourhoods. The proposed by-law is therefore not in keeping with the governing Official Plan. The January 22, 2013 staff report refers to future revised Official Plan policies that may come through the Official Plan Review, but until those policies have been through a public review, approval and appeals process, they have no standing to guide the Zoning By-law now being considered by Council. We therefore request that the proposed

places of worship regulations be revised to remain in keeping with the intent of the governing Official Plan and current Zoning By-laws.

Should the City not chose to abide by its Official Plan for all places of worship, we would request that a site-specific policy be added to Chapter 900 allowing a place of worship on the lands at 2919 Bathurst Street, 488 & 490 Coldstream Avenue as per the current regulations, and without the restrictions imposed through the recommendations in the January 22, 2013 staff report.



Yours truly,

PMG Planning Consultants

A handwritten signature in black ink, appearing to read 'Hessie Rimon', written over a horizontal line. The signature is enclosed in a large, hand-drawn oval.

Hessie Rimon
P.Eng., M.Sc., MCIP, RPP
President

c.c. Mr. Joe D'Abramo, Director, City Planning
Councillor Karen Stintz
Rabbi J. Sofer
B. Feintuch, LLP