



Fraser Milner Casgrain LLP  
77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON, Canada M5K 0A1

MAIN 416 863 4511  
FAX 416 863 4592

March 5, 2013

**Mark A. Piel**  
mark.piel@fmc-law.com  
DIRECT 416 863 4744  
File No.: 544544-1

**SENT VIA E-MAIL (pgmc@toronto.ca)**

**PG21.1.194**

Chair and Members  
Planning and Growth Management Committee  
City of Toronto  
c/o City Clerk's Department  
10th Floor, West Tower, City Hall  
100 Queen St W  
Toronto ON M5H 2N2

Attention: Committee Administrator

Dear Chairman and Members of the Committee:

**Re: Item PG21.1 - Statutory Public Meeting on March 6th, 2013 re City-wide Zoning By-law  
- Submission on behalf of the Ontario Conference of the Seventh-day Adventist Church**

Please be advised that we are the solicitors for the Ontario Conference of the Seventh-day Adventist Church (the "Conference"). Our client has an interest in the properties listed in the attachment accompanying this letter. The Conference has monitored the process with respect to the proposed new City-wide Zoning By-law and wants to ensure that its existing zoning rights with respect to the properties listed in the attachment are not impacted in any way, and that the properties are appropriately zoned under the new Zoning By-law.

We had an opportunity to participate in several recent meetings with City Planning staff and other faith group stakeholders, including the Catholic Archdiocese, the Incorporated Synod of the Diocese of Toronto, The United Church of Canada, The Salvation Army, and the Toronto Faith Coalition Inc. (representing a number of different faith groups).

Our client takes this opportunity to thank your Committee for having directed City Planning staff to coordinate these faith group stakeholder consultations.

We also take this opportunity to thank City Planning staff for their efforts during this last period in resolving some of the major issues respecting zoning permissions and regulations for Places of

Worship. A number of issues were discussed in some detail with City Planning staff and the results of those discussions are reflected in the January 22nd, 2013 staff report. We are writing to provide our endorsement of some of those details. Nonetheless, the Conference continues to be concerned with some aspects of the proposed Zoning By-law.

**THE CONFERENCE ENDORSES CERTAIN STAFF RECOMMENDATIONS REGARDING ADOPTION OF THE PROPOSED ZONING BY-LAW**

The Conference endorses staff's recommendations that Places of Worship be permitted as-of-right in all residential zones, including R, RD, RS, RT, RM, RA and RAC Zones, subject to various performance standards.

Our client also supports staff's recommendations that Places of Worship be permitted in all CR and CRE Zones, with the previous Policy Areas 3 and 4 exclusions to these permissions now being dropped. Our client also endorses the built-form exemptions for Places of Worship architecture.

We understand City Planning staff is recommending that Places of Worship also be permitted within "EO" Employment Zones, with an exemption for existing Places of Worship in other Employment Zones, if located on a Major Street. Our client endorses and supports the general intent of those recommendations but does have a continuing concern respecting existing Place of Worship permissions (as noted below).

Other recommendations of City Planning staff respecting height (steeple) regulations and definitions are similarly generally supported by our client, subject to comments noted below.

Parking recommendations and related Places of Worship Area definitions are also generally supported by our client but, again, subject to the comments noted below.

**THE CONFERENCE REMAINS CONCERNED WITH ASPECTS OF THE DRAFT ZONING BY-LAW**

Our client has previously identified a number of issues for City Planning staff and remains concerned with certain aspects of the proposed Zoning By-law, including but not limited to the following:

1. Places of Worship in Employment Zones

City Planning staff's report recommends permitting existing Places of Worship in EO Zones and the remaining Employment Zones. With respect to all Employment Zones save the EO Zone, Places of Worship will only be permitted provided they are located on a lot that abuts a Major Street.

The Conference currently has twelve properties that are located within Employment Zones, of which eight are not located on a lot that abuts a Major Street. The Conference prefers that these eight properties not be rendered legal non-conforming but rather that the proposed Zoning By-law be revised so that all existing Places of Worship be permitted without any locational condition.

2. **Prevailing By-laws**

The Conference currently has an interest in five properties for which zoning is provided by Prevailing By-laws as identified in the proposed Zoning By-law. We are concerned that the Prevailing By-law regulations of the proposed Zoning By-law do not appropriately recognize the approved site-specific regulations in the Prevailing By-laws together with their appropriate Zoning By-law context.

3. **Site Specific Exceptions**

The Conference currently has an interest in three properties which rely on site-specific provisions that are based on prior zoning approvals. We are concerned that the proposed Zoning By-law does not appropriately recognize the approved site-specific regulations together with the appropriate Zoning By-law context.

4. **Certain Sites Continue to Be Split-Zoned**

We have previously identified a concern about three current properties that will be split-zoned under the proposed Zoning By-law. Our client continues to prefer that these sites be dealt with by way of appropriate Chapter 900 exceptions in the proposed Zoning By-law rather than having two (or more) zones for each of these properties.

5. **Performance Standards**

We remain concerned with proposed Zoning By-law performance standards regarding

- new waste storage requirements;
- ancillary buildings in "IPW" Zones being limited to 15% of the lot; and
- the limitation on parking in a front yard, which limits pick-up and drop-off arrangements, handicapped parking access and ceremonial functions.

The inclusion of these performance standards will have negative impacts on some of the Conference's existing sites and their ability to continue to function in a legal conforming manner.

6. **Involvement in School-related Stakeholder Consultations**

With respect to public and private school regulations and permissions, our client remains disappointed that they have not been invited or included in any school-related stakeholder consultations with City Planning staff, despite repeated requests to participate in those discussions.

We note that no changes or revisions to the school regulations have been introduced in the latest version of the proposed Zoning By-law. This is a concern, considering the significant progress made with City Planning staff on the matter of Places of Worship

regulations and permissions, and given that Places of Worship and private school facilities are frequently linked and share common interests.

7. Procedural Concerns

Given the revisions to the proposed Zoning By-law that City Planning staff are now recommending be approved by the Committee, we remain concerned that the process of final City Council adoption does not permit us to fully review a consolidated version of the proposed Zoning By-law with all recommendations, including any that might be introduced by the Committee itself, before the matter goes to City Council for enactment.

8. Toronto Faith Coalition Comments

In addition to these comments, the Toronto Faith Coalition Inc., by letter addressed to the Committee dated January 30th, 2013, raised a number of issues with the proposed Zoning By-law. The Conference supports, from that letter, the Faith Coalition's:

- requested clarification that City Planning staff's recommended changes to Chapter 10.10.20.20(8)(C) be further clarified so that it reads "be in a building that is or was originally constructed as a place of worship";
- requested clarification respecting tandem parking for Places of Worship;
- request for parking standards that reflect only the fixed seating area of a Place of Worship and, where there is variable seating, that parking standards are determined in relation to 75% of such area; and
- request for Places of Worship parking standards that reflect a more consistent comparison to other Policy Area assembly-type uses.

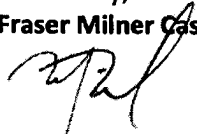
In addition to the above general concerns, our client has continuing concerns with respect to its individual property interests. The attachment included with this letter shows our client's properties, with related comments.

In light of these concerns, we would encourage the Committee to direct City Planning staff to continue with the faith group stakeholder and school stakeholder consultations in order to finalize all outstanding concerns prior to the approval of City Planning staff's recommendations regarding the proposed Zoning By-law by the Committee.

Kindly provide the writer with notice of all further actions with respect to this matter, including Notice of Passing of the proposed Zoning By-law. In addition, kindly ensure that this written submission is forwarded to City Council for its consideration prior to the adoption of the proposed Zoning By-law in the event the Committee adopts City Planning staff's recommendations in the January 22nd, 2013 report.

Should you require anything further with respect to this matter, kindly contact the writer at your earliest convenience.

Yours truly,  
Fraser Milner Casgrain LLP

A handwritten signature in black ink, appearing to read 'M. Piel', written over the company name.

Mark A. Piel  
MAP/ss

Enclosure

1482498\_1|NATDOCS

**Ontario Conference of the  
Seventh-Day Adventist Church**

**Proposed (2013) Toronto Citywide Zoning By-law Considerations**

**List of Related Properties  
City of Toronto  
(February 21, 2013)**

| Property  | Official Plan Designation  | Current Zoning          | Proposed Zoning By-law 1156-2010 (repealed)                       | Proposed Zoning February 13, 2013 (Based on Mapping dated November 8, 2012) | Comment   |
|---|--|-------------------------|---|---|---|
| Mount Olive Seventh-Day Adventist Church<br>1030 Albion Rd.                                     | Mixed Use Area (front)<br>Neighbourhood Area (rear)                  | CL (front)<br>R2 (rear) | CR 2.0 (c2.0; r1.5) SS3 (front)<br>RD (f13.5; a510; d0.45) (rear) | CR 2.0 (c2.0; r1.5) SS3 (front)<br>RD (f13.5; a510; d0.45) (rear)           | Map A-49<br>Split zoning carried forward<br>Location: Major Road (Albion)   |
| Toronto West Seventh-Day Adventist Church<br>1621 Albion Rd.                                    | Neighbourhood Area   | I                       | I   | I   | Map A-19<br>Location: Major Road (Albion)   |
| Ghanaian Seventh-Day Adventist Church<br>Malton Seventh-Day Adventist Church<br>285 Attwell Dr. | Employment Area<br>Area Specific Policy #29 (Airport Operating Area) | I.C2                    | E 1.0   | E 1.0   | Map B-95<br>existing PW in "E", not on a Major Street, recognized only as legal non-conforming use per new ZB (proposed) – but OP permits PW on Major Road or if legally established – clarification or correction required – legal non-conforming status inappropriate |

|   |                        |  |  |  |   |
|---|------------------------|--|--|--|---|
| <p>Downsview Seventh-Day Adventist Church<br/>37 Bakersfield Street</p>   | <p>Employment Area</p> | <p>M3 (8) (front)<br/>M3 (rear)<br/>M3(8) = outside storage location limitations</p> | <p>EH 1.0 (x5) (front)<br/>EH 1.0 (rear)</p> | <p>EH 1.0 (x5) (front)<br/>EH 1.0 (x45) (rear)</p> | <p>Map E-268<br/>Split zoning carried forward<br/>x5 = Prevailing Section 64.32(8) NY By-law 7625<br/>x45 = Prevailing By-law – Airport Hazard Map<br/>existing PW in "EH", not on a Major Street, recognized only as legal non-conforming use per new ZB (proposed) – but OP permits PW on Major Road or if legally established – clarification or correction required – legal non-conforming status inappropriate</p> |
| <p>Shiloh Seventh-Day Adventist Church<br/>1090 Bellamy Rd. N.</p>  | <p>Employment Area</p> | <p>M-357-913-991-1054-1141-1146</p>  | <p>E 0.7 (x165)</p>                          | <p>E 0.7 (x165)</p>                                | <p>Map M-733<br/>x165 = 15 metre setback from CL of creek<br/>Location: Major Road (Bellamy)<br/>existing PW in "E", on a Major Street, recognized per new ZB (proposed) – OP permits PW on Major Road or if legally established</p>  |
| <p>Toronto Central Adventist Church<br/>156 Bentworth Av.<br/>TACS (Community Centre)<br/>150 Bentworth Av.</p> | <p>Employment Area</p> | <p>MC(83)(H)<br/>MC(83) = PW not subject of separation distance</p>                  | <p>"Not Part of this By-law"</p>             | <p>"Not Part of this By-law"</p>                   | <p>Map F-327<br/>Shared site</p>  |

|  |                           |             |                                  |                                  |  |
|--|---------------------------|-------------|----------------------------------|----------------------------------|--|
| <p>Toronto Korean Seventh-Day Adventist Church<br/>4150 Chesswood Dr.</p>  | <p>Employment Area</p>    | <p>M3</p>   | <p>EH 1.0</p>                    | <p>EH 1.0 (x45)</p>              | <p>Map E-268<br/>New Church<br/>Location: Major Road (Chesswood)<br/>x45 = Prevailing By-law – Airport Hazard Map<br/>existing PW in "EH", on a Major Street, recognized per new ZB (proposed) – OP permits PW on Major Road or if legally established</p>                           |
| <p>Hope Seventh-Day Adventist Church<br/>280 Culford Rd.</p>   | <p>Neighbourhood Area</p> | <p>R4</p>   | <p>RD (f15.0; a550) (x5)</p>     | <p>RD (f15.0; a550) (x5)</p>     | <p>Map F-323</p>   |
| <p>Immanuel Seventh-Day Adventist Church<br/>418 Drewry Av.</p>  | <p>Neighbourhood Area</p> | <p>R4</p>   | <p>RD (f15.0; a550) (x5)</p>     | <p>RD (f15.0; a550) (x5)</p>     | <p>Map E-261</p>   |
| <p>Willowdale Seventh-Day Adventist Church<br/>535 Finch Av.W.<br/><br/>Crawford Academy<br/>531 Finch Av.W.</p> | <p>Institutional Area</p> | <p>RM3</p>  | <p>"Not Part of this By-law"</p> | <p>"Not Part of this By-law"</p> | <p>Map E-272<br/>Shared site<br/><br/>Prior CofA approval for Church expansion – not yet constructed<br/>School expansion remains at PPR stage</p>   |
| <p>Western Toronto Korean Seventh-Day Adventist Church<br/>18 Haas Rd.</p>                                       | <p>Employment Area</p>    | <p>I.C2</p> | <p>E 1.0</p>                     | <p>E 1.0</p>                     | <p>Map A-57<br/><br/>existing PW in "E", not on a Major Street, recognized only as legal non-conforming use per new ZB (proposed) – but OP permits PW on Major Road or if legally established – clarification or correction required – legal non-conforming status inappropriate</p> |



|  |  |  |                               |                                |   |
|--|--|--|-------------------------------|--------------------------------|---|
| Toronto Yugoslavian Seventh-Day Adventist Church<br>160 Hendon Av.           | Neighbourhood Area   | R4   | RD (f15.0; a550) (x5)         | RD (f15.0; a550) (x5)          | Map E-263   |
| Bethel Seventh-Day Adventist Church<br>511 Horner Av.                        | Neighbourhood Area   | R3   | RM (u3) (x18)                 | RM (u3) (x18)                  | Map D-226   |
| Toronto Kingsview Village Seventh-Day Adventist Church<br>70 Kingsview Blvd. | Neighbourhood Area<br>Area Specific Policy #29<br>(Airport Operating Area) | R2   | RD (f13.5; a510)              | RD (f13.5; a510; d0.45)        | Map B-99  |
| Toronto Chinese Seventh-Day Adventist Church<br>3988 Midland Av.             | Employment Area  | MDC<br>Exc #36<br>Place of Worship Permitted Use | "Not Part of this By-law"     | "Not Part of this By-law"      | Map M-685<br>Location: Major Road (Midland)   |
| Luso Brazilian Seventh-Day Adventist Church<br>122 Mimico Av.                | Neighbourhood Area   | R3   | RM (d1.0) (x22)               | RM (d1.0) (x478)               | Map D-223<br>x478 = alternate lot, frontage, yard & height requirements for residential |
| Toronto Japanese Seventh-Day Adventist Church<br>19 Mortimer Av.             | Neighbourhood Area   | R2A  | RS (f10.5; a325; d0.75)(x312) | RS (f10.5; a325; d0.75) (x312) | Map K-607<br>Location: Major Road (Mortimer)  |

|   |  |  |                                   |                       |  |
|---|--|--|-----------------------------------|-----------------------|--|
| Scarborough<br>Seventh-Day<br>Church<br>24 Nelson St.                 | Neighbourhood<br>Area  | NC-25-34-75-<br>86<br>Exc #12<br>Place of Worship<br>permitted per<br>25-34-75-86<br>regs (BI 16745)<br>Eglinton Community | "Not Part of this By-law"         | CL 0.3 SS3 (x112)     | Map N-769<br>CL x112 = setbacks from Bellamy +<br>rear yard setback of 7.5m + 33% GFA  |
| Filipino<br>Seventh-Day<br>Church<br>788-796 Sheppard Av W            | Mixed Use Area<br>Mixed Use<br>Area "B"<br>Sheppard<br>West/Dublin<br>Secondary Plan | R4   | RD (f15.0; a550) (x9)<br><br>PA-3 | RD (f15.0; a550) (x9) | Map E-283<br>Location: Major Road (Sheppard)   |
| Toronto<br>Seventh-Day<br>Church<br>900 Sheppard Av. W.               | Mixed Use Area<br>Mixed Use<br>Area "B"<br>Sheppard<br>West/Dublin<br>Secondary Plan | R4   | RD (f15.0; a550) (x5)<br><br>PA-3 | RD (f15.0; a550) (x5) | Map E-282<br>Location: Major Road (Sheppard)   |
| Mount Zion Seventh-<br>Day Adventist Church<br>140 St. Regis Cres. S. | Employment<br>Area   | M2   | E 1.0                             | E 1.0 (x318)          | Map E-267<br>x318 = Prevailing By-law - Airport<br>Hazard Map<br>existing PW in "E", not on a Major<br>Street, recognized only as legal non-<br>conforming use per new ZB<br>(proposed) - but OP permits PW on<br>Major Road or if legally established -<br>clarification or correction required -<br>legal non-conforming status<br>inappropriate |

|   |                           |   |   |   |  |
|---|---------------------------|---|---|---|--|
| <p>Toronto Seventh-Day Adventist Church<br/>60 St. Regis Cres. S.</p>                               | <p>Employment Area</p>    | <p>M2</p>   | <p>E 1.0</p>  | <p>E 1.0 (x318)</p>                               | <p>Map E-267<br/>X318 = Prevailing By-law – Airport Hazard Map<br/><br/>existing PW in "E", not on a Major Street, recognized only as legal non-conforming use per new ZB (proposed) – but OP permits PW on Major Road or if legally established – clarification or correction required – legal non-conforming status inappropriate</p>  |
| <p>Scarborough Seventh-Day Adventist Church<br/>Metro East School<br/>4342-4354 Lawrence Av. E.</p> | <p>Neighbourhood Area</p> | <p>S<br/>Exc #38<br/>PW<br/>Exc #38 private educational institution &amp; day nursery uses also permitted</p> | <p>RD (f15.0; a696) (x452)<br/>IPW 0.16 (x54)<br/>"Not Part of this By-law"</p> | <p>RD (f15.0; a696) (x452)<br/>IPW 0.16 (x54)</p> | <p>Map Q-894<br/>Location: Major Road (Lawrence)<br/><br/>Split zoning carried forward<br/><br/>RD x452 = residential performance regulations + "Educational Use" permitted to a maximum 1,400 sm + day nursery permitted<br/><br/>IPW x54 = existing height &amp; existing lot coverage + setbacks + Place of Worship parking requirement at 7.7 spaces per 100 sm of GFA</p> |
| <p>Toronto Perth Seventh-Day Adventist Church<br/>220 Bethridge Road</p>                            | <p>Employment Area</p>    | <p>I.C3<br/>I.C2</p>  | <p>E 1.0</p>  | <p>E 1.0</p>                                      | <p>Map B-78<br/><br/>existing PW in "E", not on a Major Street, recognized only as legal non-conforming use per new ZB (proposed) – assumes Hwy 27 frontage would not qualify – but OP permits PW on Major Road or if legally established – clarification or correction required – legal non-conforming status inappropriate</p>   |

|  |  |      |                               |                                |   |
|--|--|------|-------------------------------|--------------------------------|---|
| Toronto East Seventh-Day Adventist Church<br>170 Westwood Av.        | Neighbourhood Area   | R2A  | RS (f10.5; a325; d0.75)(x312) | RS (f10.5; a325; d0.75) (x312) | Map K-608   |
| Heritage Ghanaian Seventh-Day Adventist Church, 226 Milvan Dr        | Employment Area  | M1   |                               | EL 1.0                         | Map A-9<br>existing PW in "EL", not on a Major Street, recognized only as legal non-conforming use per new ZB (proposed) – but OP permits PW on Major Road if legally established – clarification or correction required – legal non-conforming status inappropriate  |
| Philadelphia Seventh-Day Adventist Church<br>65 Grand Marshall Drive | Employment Area  | M    |                               | E 0.7                          | Map P-860<br>GFA increased to 0.7 from current 0.5, basement GFA exclusion not carried forward<br>Surrounding lands employment excluded from By-law<br>Major Street – corner lot with Sheppard Ave East<br>existing PW in "E", on a Major Street, recognized per new ZB (proposed) – OP permits PW on Major Road if legally established |
| Portuguese Seventh-Day Adventist Church<br>280 Carlingview Drive     | Employment Area<br>Area Specific Policy #29 (Airport Operating Area) | I.C2 |                               | E 1.0                          | Map B-93<br>Major Street – Carlingview<br>existing PW in "E", on a Major Street, recognized per new ZB (proposed) – OP permits PW on Major Road if legally established  |