

May 28, 2014

File No.: 237611-321

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

City of Toronto Clerk's Office
Planning and Growth Management Committee
City of Toronto
100 Queen Street West
10th Floor, West Tower
Toronto ON M5H 2N2

Attention: Nancy Martins, Secretariat Contact

Dear Madam:

RE: Item PG33.7 - Final Report on Areas for Proposed Residential Apartment Commercial (RAC) Zone

We have been retained as counsel to The Governing Council of The Salvation Army in Canada, the owner of a number of properties in the City of Toronto.

We are writing to express our concerns with this proposed amendment to City of Toronto Zoning By-law 569-2013 (the "**By-law**").

The By-law adopted by City Council on May 9, 2013, but currently under appeal to the Ontario Municipal Board, permits place of worship uses in apartment buildings to a maximum of 600 square metres of interior floor area. The amendment proposes to reduce that permission to 110 square metres of interior floor area.

Staff have justified this reduction in permitted interior floor area as an attempt to reduce traffic and parking impacts associated with place of worship uses in the Residential Apartment Commercial (RAC) zone and to attract a "local audience capable of walking to the facility as opposed to driving."

There is no reason to believe that a reduction in the permitted maximum interior floor area for a place of worship in the RAC zone will do more to attract a local audience. What the proposed reduction may do is create disincentives for "non-local" individuals to drive to a particular site because of a lack of provided parking, assuming that there are no alternative modes of transportation available to those same individuals.

If the latter is the true objective, it can certainly be achieved by other means. Establishing a maximum number of permitted parking spaces for places of worship in the RAC zone would be one such approach.

We note the By-law already includes variable required parking rates for places of worship relative to identified policy areas in the City. We fail to see why, if the specific policy intention with the RAC zone is to provide a variety of goods and services within apartment buildings or a cluster of apartment buildings that are currently underserved with a view to better support the creation of healthier communities, parking would be required at the same rate for other areas of the City.

Furthermore, we note that Staff are not proposing similar reductions to the permitted interior gross floor area for a number of commercial and non-residential uses, such as medical offices, clubs, and retail stores. These uses will remain capped at the adopted 200 square metres of interior floor space per establishment. Other than the objective of creating healthier communities, Staff's latest report does not explain why place of worship uses will now have a maximum interior floor area that is less than these commercial and non-residential uses.

Finally, we are reviewing the schedules attached the proposed amendment with our client to determine if any of the identified RAC zones would apply to lands in which they have an interest and we may advise the City of additional concerns in due course.

Please forward this correspondence to City Council together with the Committee's recommendations for this Item for its consideration and provide us with notice of any decision by City Council or the Committee with respect to this Item.

Yours truly,
Dentons Canada LLP



Mark A. Piel
MAP/6s

c.c. The Governing Council of the Salvation Army in Canada