

Adam Shipowick
Land Use Planner
T (416) 367-6251
F (416) 361-2774
ashipowick@blg.com

Borden Ladner Gervais LLP
Scotia Plaza, 40 King St W
Toronto, ON, Canada M5H 3Y4
T 416.367.6000
F 416.367.6749
blg.com



December 13, 2012

Delivered by Email

City of Toronto
Planning and Growth Management Committee
100 Queen Street West
Toronto, Ontario
M5H 2N2

Dear: Chair and Members of the Committee

**Re: City of Toronto Revised Draft Zoning By-law
Service Corporation International (Canada) Limited**

We act on behalf of Service Corporation International (Canada) Limited ("SCI") for multiple funeral home properties. We have reviewed the following SCI properties in the context of the new revised draft City of Toronto Zoning By-law (the "New By-law") released on June 18, 2012 and its subsequent November 8, 2012 update:

- 4115 Lawrence Avenue East, Scarborough (Giffen-Mack Funeral Home & Cremation Centre)
- 660 Kennedy Road, Scarborough (Jerrett Funeral Home)
- 61 Beverly Hills Drive, North York (Toronto Central Care Centre and Delmoro Funeral Home)
- 6191 Yonge Street, North York (Jerrett Funeral Home)
- 2704 Yonge Street, Toronto (Trull Funeral Home & Cremation Centre)
- 467 Sherbourne Street, Toronto (Rosar-Morrison Funeral Home & Chapel)
- 1111 Danforth Avenue, Toronto (Trull Funeral Home & Cremation Centre)
- 2570 Danforth Avenue, Toronto (Giffen-Mack Funeral Home & Cremation Centre)

We have reviewed the New By-law, paying particular attention to issues which caused SCI to appeal the then new zoning by-law in 2010, as well as others that have emerged since that time.

The issues of concern to SCI identified below are either general, in that they apply to more than one of the funeral homes, or site specific and pertain to just one of the funeral homes (identified accordingly).

General Issues

1. Setbacks

Setbacks in the New By-law continue to be a concern to SCI. These concerns include:

- 7.5 metre parking space setback on certain corner lots abutting residential zones;
- 1.5 metre parking space setback on all other lots abutting residential zones;
- Prohibition on parking spaces being located in the front yard; that is, closer to the lot line than the required front yard setback; and
- A requirement that a fence be located along the entire portion of the lot line abutting a residential zone.

The New By-law has a general requirement that parking spaces be set back at least 0.5 metres from a lot line. SCI does not agree with the additional setback required when a Commercial Residential lot is used for funeral home purposes; these setback requirements affect the maximization of parking spaces on a given site. Parking is vital to funeral homes, and an integral component in accommodating visiting patrons comfortably. Further, funeral homes are often located adjacent to residential areas in order to be part of the community they serve. Because funeral homes must accommodate cars, often as part of a procession, space on site is at premium. Transit is not a reasonable alternative to accommodating vehicles; for example, processions from funeral homes to cemeteries. With the additional imposition of a fence, there is no land use compatibility reason for the additional setbacks. Therefore, SCI requests that the City reduce these setback standards in recognition of funeral homes' unique operations and requirements.

2. Loading

A City Staff Report released in advance of the June 18, 2012 draft of the New By-law, includes a short discussion on funeral homes. The Report states, "Funeral Homes should be exempted from the loading space requirement required for 'All Other Uses'".

We have reviewed the New By-law and cannot find an express exemption of funeral homes from loading space requirements. SCI requests that the City include an express exemption in the New Zoning By-law.

3. Location and 61 Beverly Hills Drive

The New By-law states that funeral homes are permitted only on lots that abut a “major street” as defined on the “Policy Areas Overlay Map”. All of the funeral homes reviewed and mentioned above are located on a major street, with the exception of 61 Beverly Hills Drive.

SCI objects to Section 150.120.30, Lot Requirements, which requires funeral homes to be located on a designated major street. Beverly Hills Drive is a service corridor running parallel to a major highway and, for all intents and purposes, functions as a “major street”. SCI sees no good planning reason why a funeral home cannot function adequately and appropriately on such a street, or similar streets, across the city.

Site Specific Issues

1. 467 Sherbourne Street

Our review of the New By-law indicates that the lot at 467 Sherbourne, together with the parking lot at 469 Sherbourne, have been divided on the zoning map into an east half and a west half. We can see no rationale for this division. It is of consequence, because the zoning for the east half recognizes an historic site specific by-law (Exception 756; By-law 21512), which acknowledged the funeral home use that otherwise would not be permitted in the existing, and now proposed, residential zoning applicable to 467 Sherbourne. This same recognition does not extend to the west half of the two lots, and SCI believes that it should. Similarly, the zoning for the west half of the two lots carries forward a commercial use exception that permits commercial uses in the residential zone as long as they were in place as of January 31, 1976, and the non-residential gross floor area has not expanded since (Exception 970; section 12(1)232). SCI believes that the commercial use exception should also apply to the eastern half of the two lots.

2. 6191 Yonge Street

This property is subject to Exception 277. The New By-law contains a typographical error (“278”) in Chapter 900.11.10 that should be corrected to read 277.

We would be pleased to discuss the foregoing requests with City staff.

Thank You,
BORDEN LADNER GERVAIS LLP



Adam Shipowick

cc: Ulli Watkiss (City of Toronto Clerk)
Joe D'Abramo (Director of Zoning By-law and Environmental Planning, City of Toronto)
Jay Branton (Service Corporation International (Canada) Limited)

TOR01: 5064477: v4