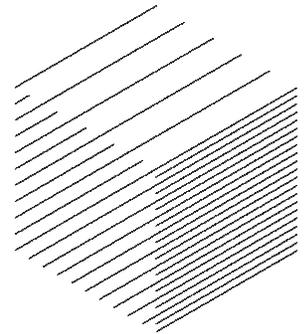


March 5, 2013

City of Toronto City Clerk's Office
Toronto City Hall
100 Queen Street West
10th Floor, West Tower
Toronto, Ontario
M5H 2N2

**Walker, Nott, Dragicevic
Associates Limited**
Planning
Urban Design



Attention: Ms. Frances Pritchard
Administrator, Planning and Growth Committee

Dear Ms. Pritchard,

Re: Proposed New Zoning Bylaw
York Cemetery – 101 Senlac Road, North York
Necropolis Cemetery – 200 Winchester Street, Toronto
Mount Pleasant Cemetery, 375 Mount Pleasant Road, Toronto
Pine Hills Cemetery, 625 Birchmount Road, Scarborough
Prospect Cemetery, 1450 St. Clair Avenue West, Toronto
City of Toronto
Our File: 12.591

90 Eglinton Avenue East
Suite 701
Toronto, Ontario
M4P 2Y3
Tel. 416/968-3511
Fax. 416/960-0172
e-mail: admin@wndplan.com
web: www.wndplan.com

On behalf of our client, Mount Pleasant Group of Cemeteries ("MPGC"), we are submitting this letter in response to the most recent draft proposed City of Toronto Zoning Bylaw (November 8, 2012).

This letter outlines continuing areas of concern or areas requiring further clarification with respect to our client's lands noted above and should be read in conjunction with the input outlined within our previous submissions which date back to May 17, 2010.

Within our previous submissions we had noted a number of inconsistencies and requested the opportunity to engage in dialogue with City staff prior to the adoption of the zoning bylaw. This was an attempt to ensure these inconsistencies did not result in certain provisions which would have the effect of rendering buildings non-compliant or unnecessarily limiting development.

We had the opportunity to sit down with Staff to discuss our concerns on July 11, 2011. Since that time, there has been limited discussions or correspondence with Staff despite submissions outlining our Client's concerns being filed. We appreciate the magnitude of the exercise the City is undertaking in the preparation of a new comprehensive bylaw but it is unfortunate that more dialogue could not occur in order to resolve issues/inconsistencies.

The following modifications have been presented in the latest draft (November 8, 2012) of the Zoning Bylaw and in part address concerns raised in earlier submissions to Staff:

- The total floor area permission for all buildings is to be regulated by a floor space index value of 0.15 (Section 90.70.40.40)
- The height limit for the *Open Space – Cemetery (OC) Zone* has been increased from 12 metres to 15 metres (Section 90.70.40.10)
- The Conservation Overlay Maps have been removed (**Note:** There are still inconsistencies and question areas regarding the provisions within Chapter 5 –

Peter R. Walker, FCIP, RPP
Wendy Nott, FCIP, RPP
Robert A. Dragicevic, MCIP, RPP
Senior Principals

Andrew Ferancik, MCIP, RPP
Senior Associate

Martha Coffey
Controller

General Regulations, in terms of setback/separation requirements from top-of-bank, which are described in further detail below)

- The inclusion of provisions within Chapter 2 which offer continued recognition of existing variances

There, however, remain a number of matters which need further discussion including:

- **Setback Requirements from Various Uses** (i.e. Crematorium, Mausoleum, Columbarium, and other cemetery buildings)

Concerns had previously been raised, that if the standards proposed were applied, many of the buildings and structures (including those approved but not built) may well be rendered non-conforming. It has been suggested that the standards be replaced by the existing provisions of City of Toronto Zoning Bylaw (438-86), with the exception of the York Cemetery (which would remain subject to Zoning Bylaw 7625, as amended by Zoning Bylaw 28955).

- **Clarification of Certain Definitions** (i.e. *Funeral Visitation Centre vs. Funeral Establishment, Cemetery* as defined within the *Funeral, Burial and Cremation Services Act*.)

It was previously noted that an amendment was approved in 1993 (Bylaw No. 425-93) resulting in Exception 12 (1) (313) which applied to all major cemeteries in the former City of Toronto (including three of the above noted sites – Mount Pleasant, Prospect (north portion) and Necropolis). This exception resulted in the recognition of specific uses such as cemetery, columbarium, crematorium and mausoleum as defined by the *Cemeteries Act* within the City of Toronto's Zoning Bylaw 438-86. In addition, the wording provided for "associated uses", being uses that would normally relate to the needs of the cemetery operation.

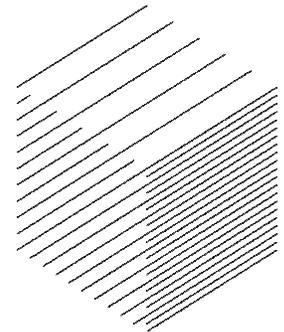
There are Provincial legislative changes which have been proclaimed in 2012 which effect cemeteries. The *Funeral, Burial and Cremation Services Act* ("FBSCA") was approved by the Province in February 2011 and took full effect on July 1, 2012. The FBSCA repealed and replaced both the *Cemeteries Act* and the *Funeral Directors and Establishment Act*, and provides for an updated definition of Cemetery.

The proposed definition of *Cemetery* within the City's Draft Zoning Bylaw does not make reference to this new legislation and should do so.

Under the FBSCA, *visitation centres* will be licensed under one of two descriptors: Funeral Establishment Class 1 or Funeral Establishment Class 2. The physical difference between the two classes of Funeral Establishments relates only to the preparation of human remains for burial. The proposed definition provided for within the Draft Zoning Bylaw allows for a *Funeral Visitation Centre* that "does not include the care and preparation of human remains." A Funeral Visitation Centre without embalming is not consistent with new legislation regarding these uses and should be revised to reflect the provisions provided for under the FBSCA. Under the new legislation, a Funeral Establishment Class 1 without embalming is identical to a Funeral Visitation Centre. In our view the proposed bylaw should reflect and implement the recently approved legislative allowances.

- **Parking Standards for Cemetery and Visitation Centre**

The draft Zoning Bylaw identifies a minimum parking rate of 2.0 parking spaces for each 100 m² of gross floor area for both *Cemetery* and *Visitation Centre* uses. In our opinion, there is no need to provide parking in formalized parking areas. There is a significant amount of parking accommodated on internal roadways

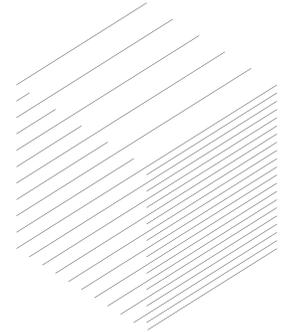


within cemeteries, which would contribute to the overall available parking provided, and this has been the case for decades, without impact to surrounding road operations.

- **Mapping**

An exception (OC x10) is now referenced on a portion of the York Cemetery Site (currently zoned CEM-2 within North York Zoning Bylaw 7625); however the exception makes no reference to the existing Bylaw 28995.

In conjunction with the mapping are questions regarding the interpretation of the setback/separation requirements from the top-of-bank for lands under the jurisdiction of the Toronto and Region Conservation Authority (TRCA). Chapter 5 outlines the general regulations applying to all zones, and there are provisions identified within this chapter that make reference to setback distances and restrictions for lands under the jurisdiction of the TRCA. These provisions (i.e. Section 5.10.40.70 and 5.10.40.80) note that the restrictions apply to all lands, with the exception of lands within the Open Space Zone category, which the *Open Space – Cemetery (OC) Zone* would fall within. Clarification is needed to determine, if the wording is intended to exempt lands within the OC zone from these setback requirements.



As described above, while there has been some progress made, upon review of the most recent draft of the zoning bylaw, there are still a number of issues, in terms of both mapping and zoning provisions as they relate to cemeteries and their associated uses, which need to be addressed.

Mount Pleasant Group of Cemeteries is prepared to meet with City staff to discuss and hopefully resolve these concerns, and it would be beneficial to meet with City staff and discuss these items prior to adoption of the Zoning Bylaw as proposed.

On behalf of the Mount Pleasant Group of Cemeteries, we would also like to request receipt of any and all future reports with respect to the City's new zoning bylaw and request notice of any meetings of Council, Committees of Council, Community Council and/or public meetings where the new zoning bylaw is to be considered, and notification of the City of Toronto's passage of a new zoning bylaw for the City.

We trust that this request is sufficiently clear to allow for a direct response to this submission. Should there be any questions or additional information required, please do not hesitate to contact the undersigned.

Yours very truly,

WALKER, NOTT, DRAGICEVIC ASSOCIATES LIMITED
Planning · Urban Design

Robert A. Dragicevic, MCIP, RPP
Senior Principal

cc: Mr. Glen Timney, Vice President Corporate Development, MPGC
Mr. Joe D'Abramo, Director, Zoning Bylaw and Environmental Planning Section