



IBI Group  
308-30 Eglinton Avenue West  
Mississauga ON L5R 3E7 Canada  
tel 905 890 3550  
fax 905 890 7081

**PG21.1.248**

March 6, 2013

City of Toronto  
Planning and Growth Management Committee  
10<sup>th</sup> Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

Dear Chair Milczyn and Members of the Committee:

**CITY OF TORONTO DRAFT CITY-WIDE ZONING BYLAW  
CANADIAN TIRE REAL ESTATE LTD. COMMENTS  
CANADIAN TIRE GAS STATION - 835 YONGE STREET**

We are pleased to provide additional comments on the Draft City-Wide Zoning Bylaw (ZBL) on behalf of our client, Canadian Tire Real Estate Limited (CTREL). As you may be aware, CTREL owns a Canadian Tire gas station located at 835 Yonge Street, at the northeast corner of Yonge Street and Davenport Road/Church Street. We provided a comment letter to Mr. Joe D'Abramo on October 9, 2012, indicating our client's concerns regarding the limited size and unique configuration of this property. As such, we requested that site-specific standards in the new City-Wide ZBL be provided that recognize the existing standards on the property. A copy of this letter is attached.

We have reviewed the modifications to Section 150.92 of the ZBL (Vehicle Fuel Station), highlighted in the City's response letter dated February 11, 2013. A copy of this letter is attached. We appreciate that exemption clauses for existing vehicle fuel stations have been added to this section that recognize lawfully existing standards. We note that these exemption clauses regarding minimum lot frontage, minimum lot depth, building setbacks, canopy setbacks and maximum canopy heights for vehicle fuel stations, are considered lawfully existing as they apply to our client's site.

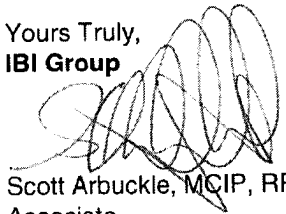
However, our client continues to have concerns that these revised standards may preclude CTREL from making necessary future modifications to their site. Such modifications would generally be minor in nature, and may be required as part of potential rebranding programs, improvements for vehicle/truck access, gas bar expansions, signage, or other changes to appropriately respond to customer needs and evolving shifts in the retail market.

Due to the limited size and unique configuration of our client's property, it is important to understand that such modifications may not be feasible within the confines of the site's existing standards. Furthermore, potential modifications may impact standards beyond those highlighted in the exemption clauses for vehicle fuel stations. Standards related to landscaping or parking, for instance, are not highlighted in these clauses, and as such, may result in the site's non-compliance should a minor modification be proposed. It is our client's desire to ensure that modifications can occur on their site without having to apply for zoning bylaw amendments or minor variances, which can be timely and costly.

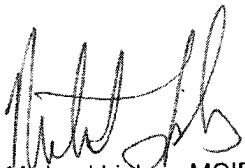
Recognizing the foregoing and recognizing the unique configuration of the site, we request that a site-specific standard be applied to the site that acknowledges the existing zoning provisions, as guided by the former City of Toronto Bylaw 438-86. We note that the adjoining properties, including the existing Canadian Tire Retail Store located at 839 Yonge Street, are guided by the standards of Bylaw 438-86 in the Draft City-Wide ZBL. Applying such a site-specific standard will provide CTREL with the assurance that minor modifications can take place while adhering to the zoning standards that are in effect. It will also provide our client with the assurance that the City understands the unique nature and location of this gas station not only located within the City's downtown area, but along the Yonge Street corridor.

We would like to thank you for your consideration of our request, and would be available to arrange a meeting, should you wish to discuss this further. If you have any questions regarding our comments, please do not hesitate to contact the undersigned.

Yours Truly,  
**IBI Group**



Scott Arbuckle, MCIP, RPP  
Associate



Michael Lipkus, MCIP, RPP

cc. Mr. Joe D'Abramo, Director (Acting), City of Toronto  
Ms. Emily Chan, Canadian Tire Real Estate Limited

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**IBI Group**  
308-30 Eglinton Avenue West  
Mississauga ON L5R 3E7 Canada  
tel 905 890 3550  
fax 905 890 7081

October 9, 2012

Mr. Joe D'Abramo, Director (Acting)  
Zoning By-law and Environmental Planning  
City Planning – City of Toronto  
Metro Hall, 55 John St., 22<sup>nd</sup> Floor  
Toronto, ON  
M5V 3C6

Dear Mr. D'Abramo:

**CITY OF TORONTO DRAFT CITY-WIDE ZONING BYLAW  
CANADIAN TIRE REAL ESTATE LTD. COMMENTS  
CANADIAN TIRE GAS STATION - 835 YONGE STREET**

We are pleased to provide comments on the Draft City-wide Zoning Bylaw on behalf of our client, Canadian Tire Real Estate Limited (CTREL). We have reviewed the Draft Zoning Bylaw (ZBL), released in June 2012, and understand that the City is currently finalizing the consultation period for the project, and will release a revised draft in November 2012.

As you may be aware, CTREL has land holdings throughout the City of Toronto that offer a variety of services and stores to its customers. These include Canadian Tire retail stores, gas stations, PartSource, Marks's Work Warehouse, and Sport Chek. As the retail market continues to evolve, it is essential that Canadian Tire be able to adapt their stores and services in a manner that appropriately responds to the needs of their customers. In some cases, this involves making modifications to existing property assets, which may include building additions, elevation modifications, site reconfigurations, signage, etc.

Our comments specifically relate to the zoning provisions that are proposed for the Canadian Tire gas station located at 835 Yonge Street, at the northeast corner of Yonge Street and Davenport Road/Church Street. This gas station is currently guided by the former City of Toronto By-law 438-86. We note that the site currently complies with the provisions of this ZBL.

The Draft ZBL rezones the site from Commercial Residential (CR T4.0 C1.75, R4.0 132 190 304) to Commercial Residential (CR 4.0 c1.75; r4.0, SS1, x1902). CTREL does not have issues with the proposed zoning of their property, as the modifications do not differ much from the current zoning standards. Our comments specifically relate to the new Vehicle Fuel Station standards, set out in Section 150.92 of the Draft ZBL. Due to the site's use as a gas station, the Vehicle Fuel Station standards apply to the large majority of the site, rather than those provided in the CR Zone.

CTREL understands the complexities of establishing a comprehensive and all-encompassing set of standards that apply to vehicle fuel stations across the city. However, due to the compact urban form of the surrounding area, the site's location in the downtown area, and the dimensions of this specific gas station, some of the Vehicle Fuel Station standards do not comply with the site. This may preclude CTREL from making modifications to the site that would be required to appropriately respond to customer needs and evolving shifts in the retail market.

The following outlines the areas of non-compliance and concerns with respect to the Vehicle Fuel Station Standards of the Draft ZBL:

#### **Lot Frontage**

Section 150.92.30(3) states that a lot containing a vehicle fuel station must have:

- (A) a minimum lot frontage of 30.0 metres; and
- (B) a minimum lot depth of 45.0 metres.

The Canadian Tire gas station has a lot frontage of 20.6m and lot depth of 36.7m, resulting in non-compliance with the proposed zoning standards. We note that the current zoning regime requires a minimum 6.0m lot frontage.

#### **Minimum Side Yard Setback**

Section 150.92.40(1)(A) states that if a lot contains a vehicle fuel station the following applies:

- (A) the minimum side yard setback for a building or structure is the greater of:
  - (i) 3.0 metres;
  - (ii) 4.5 metres if the lot abuts a lot in a residential zone;
  - (iii) 7.5 metres if a side lot line abuts a street; and
  - (iv) The minimum side yard setback required for the zone in which it is located.

In the case of this site, the 3.0m side yard setback applies for the setback on the north side of the property. Due to the configuration and size of the site, this side yard setback totals 0.0m, which is the result of the gas station kiosk located directly alongside the north property line. This location has allowed the fuel islands and gas storage to be appropriately located on the site. We stress that due to the size constraints and configuration of the site, an alternative location for the kiosk is not feasible.

#### **Fuel Island Setback**

Section 150.92.40(1)(D) states that a fuel pump island must be set back a minimum of:

- (i) 7.5 metres from a lot line that abuts a lot line in a Residential Zone category; and
- (ii) 6.0 metres from any other lot line.

The current fuel island setback is 5.8m, whereas the 6.0m setback standards apply to the site.

Based on these areas of non-compliance, we recommend that a provision be added to the ZBL that acknowledges the existing zoning provisions on the site, as guided by the former City of Toronto By-law 436-86.

If this is not feasible, we request that a site-specific zoning bylaw be implemented to recognize the existing standards on the property. This will provide CTREL with the confidence that their gas station at 835 Yonge Street will continue its operation, and that the City recognizes its current conditions and importance in providing fuel services in the downtown area. Incorporating a site-specific bylaw will also provide CTREL with the assurance that minor modifications on the site can take place (i.e. elevation modifications, facade improvements, signage, etc.) without having to apply for zoning bylaw amendments or minor variances, which can be timely and costly.

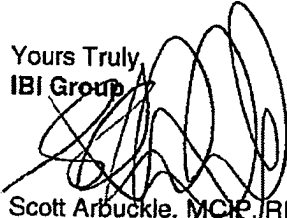
Furthermore, we understand that the Transition Protocol assists in identifying and rationalizing properties that will be left out of the new ZBL, but over time will be transitioned into the ZBL document. If our above-noted request for a site-specific bylaw is not possible, we ask that this site not be included in the new ZBL at this time. We feel due to the unique size and

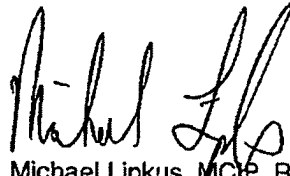
Toronto Draft City-Wide Zoning By-law

October 9, 2012

configuration of the property, its location in downtown Toronto, and the fact that the site's current conditions do not comply with the above-noted zoning standards, further discussion with City staff is required. This will provide the opportunity to further understand the zoning regime guided by the former City of Toronto By-law 438-86 as it applies to the site, and to determine proper zoning provisions that can apply to the property.

We would like to thank you for your consideration of our request, and would be available to arrange a meeting, should you wish to discuss this further. If you have any questions regarding our comments, please do not hesitate to contact the undersigned.

Yours Truly,  
IBI Group  
  
Scott Arbuckle, MCIP, RPP  
Associate

  
Michael Lipkus, MCIP, RPP

cc. Ms. Sophie Malcangi, MCIP, RPP, Canadian Tire Real Estate Limited

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February 11, 2013

Mr. Scott Arbuckle & Mr. Michael Lipkus  
IBI Group  
308-30 Eglinton Avenue West  
Mississauga, Ontario  
L5R 3E7

Dear Mr. Arbuckle & Mr. Lipkus,

**RE: Canadian Tire Real Estate Ltd. – Gas Station at 835 Yonge Street, Toronto**

Further to your letter dated October 9, 2012, I am writing to address the matters you raise in this letter regarding requirements for lot frontage, setbacks, and fuel island setbacks for an existing vehicle fuel station at 835 Yonge Street. We are proposing to include exemption clauses for existing vehicle fuel stations in the City that may not meet the standards regarding minimum lot frontage, minimum lot depth, building setbacks, canopy setbacks or maximum canopy height for vehicle fuel stations found under Section 150.92 of the proposed new Zoning By-law. The proposed regulations are as follows:

"150.92.30.21

Vehicle Fuel Station- Permitted Lot Frontage Requirements for Lawfully Existing Lots

- (1) If a **lawfully existing vehicle fuel station** is on a **lot** that has a **lawful lot frontage** which is less than the minimum **lot frontage** required in regulation 150.92.30.20 (1), that **lawful lot frontage** is the minimum **lot frontage** required for that **lawfully existing vehicle fuel station** on that **lot**.

150.92.30.31

Vehicle Fuel Station- Permitted Lot Depth Requirements for Lawfully Existing Lots

- (1) If a **lawfully existing vehicle fuel station** is on a **lot** that has a **lawful lot depth** which is less than the minimum **lot depth** required in regulation 150.92.30.30 (1), that **lawful lot depth** is the minimum **lot depth** required for that **lawfully existing vehicle fuel station** on that **lot**.

150.92.40.71

Vehicle Fuel Station- Permitted Building Setbacks for Lawfully Existing Buildings or Structures

- (1) If a **lawfully existing vehicle fuel station building** or **structure** has a **lawful building setback** that is less than the minimum **building setback** required in regulation 150.92.40.70

(1), that **lawful building setback** is the minimum **building setback** required for that **lawfully existing vehicle fuel station building or structure** on that lot.

150.92.60.21

Vehicle Fuel Station - Permitted Minimum Distance for Lawfully Existing Canopy

(1) If a **lawfully existing vehicle fuel station** has a canopy above the fuel pumps that is **lawfully** closer to a **lot line** abutting a street than is permitted in regulation 150.92.60.20 (1)(A), that **lawful** distance from a **lot line** abutting a street is the minimum distance required for a canopy above the fuel pumps for that **lawfully existing vehicle fuel station**.

150.92.60.21

Vehicle Fuel Station - Permitted Minimum Distance for Lawfully Existing Fuel Pump Island

(2) If **lawfully existing vehicle fuel station** has a fuel pump island that is **lawfully** closer to a **lot line** than is permitted in regulation 150.92.60.20 (1)(B), that **lawful** distance is the minimum distance required for a fuel pump island from that **lot line** on the **lot** for that **lawfully existing vehicle fuel station**.

150.92.60.41

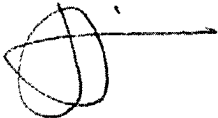
Vehicle Fuel Station - Permitted Height for Lawfully Existing Canopy

(3) If a **lawfully existing vehicle fuel station** has a canopy above the fuel pumps that has a **lawful** height greater than the permitted maximum height in regulation 150.92.60.40 (2), that **lawful** height is the permitted maximum height for a canopy for that **lawfully existing vehicle fuel station**."

Please note that references to regulation numbering has changed since the November 8, 2012 Draft Zoning By-law. The above reflects the current working draft numbering.

If you have any additional comments, suggestions or questions with respect to this letter, please contact the assigned planner in my office, Ian Graham, at 416-397-0243 or [igraham2@toronto.ca](mailto:igraham2@toronto.ca)

Yours Truly,



Joe D'Abramo  
Acting Director, Zoning By-law Project & Environmental Planning  
City Planning Division

cc. Tom Wall, Legal Services