

Papazian

Heisey

Myers

Barristers & Solicitors

B.B. Papazian Q.C.

P.F. Rooney

A.B. Forrest

M.C. Pearce

Q.R. Hanna

M.S. Myers

R.G. Goodman

C.G. Carter

P. Cho

M.W. Mulholland

A.M. Heisey Q.C.

J.L. Harper

M.J. Hackl

D.L. Branton

A. Milliken Heisey

Direct: 416 601 2702

Assistant: 416 601 2002

heisey@phmlaw.com

April 6, 2010

via email: pgmc@toronto.ca

Councillor Norm Kelly and Members
Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attn: Chair Norm Kelly and Members of the Committee

Dear Sirs/Mesdames:

**Re: Draft Comprehensive Toronto Zoning Bylaw, Bicycle Parking Regulations
PGMC Meeting of April 21, 2010**

I am the solicitor for the Toronto Cyclists Union (the "Union"), a citizen based advocacy group representing the interests of Toronto's year round cyclists.

The Union and Toronto planning staff have met twice to discuss the Union's suggested amendments to the Bicycle Parking Regulations of the Draft Zoning Bylaw that are outlined in the Union's letters to the Planning and Growth Management Committee dated December 22, 2009 and the Toronto Cycling Advisory Committee dated March 3, 2010.

Several substantive issues were discussed at these meetings, resulting in consensus between City planning staff and the Union on many fronts.

The revised proposals contained in this letter attempt to reflect some of those discussions and further input from the Toronto cycling community and explain the few areas where there are ongoing differences.

The Union respectfully submits the revised suggested amendments to the Draft Zoning Bylaw contained in this letter for further consideration in substitution for the original proposals contained in my letters of December 22, 2009 and March 3, 2009.

Standard Life Centre, Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9

T: 416 601 1800

F: 416 601 1818

1. Municipal Shelters and Crisis Care:

The Union is informed that City planning staff supports a zoning requirement of two bicycle parking facilities for municipal shelters and crisis care facilities. The Union would support the inclusion of such a standard in the zoning bylaw.

2. Long-Term Bicycle Parking Location Requirements:

The Union proposed a new bylaw provision be added to the Zoning Bylaw to read:

“Long-Term bicycle parking spaces shall be located in a secure enclosed bicycle parking area and shall be at grade or no more than one level below grade.”

The Union has been advised that the latest draft of the comprehensive zoning bylaw incorporates these requirements and the Union would support the bylaw in this respect.

The Union however believes that the current bylaw definition of Long Term Bicycle Parking has been insufficiently precise and has resulted in apartment storage lockers being classified as Long Term Bicycle Parking. It is the Union's position that Bicycle Parking should be treated more importantly in the Bylaw and be provided in single purpose facilities. As an example owners of condominium apartment units, even those who do not own cars, cannot normally use their car parking spot in a residential building's parking garage for the storage of household goods. It should be the same for Long Term Bicycle Parking Spaces.

Accordingly the Union is requesting the following provision be added to the Zoning Bylaw:

“ Long term bicycle parking spaces shall not be contained within a locker that has any use other than providing long term bicycle parking.”

3. Short-Term Bicycle Parking Location Requirements:

The Union had submitted that minimum proximity requirements for Short-Term Bicycle Parking to means of ingress or egress needed to be addressed in the Zoning Bylaw and that the bylaw should be amended to provide that all Short-Term Bicycle Parking must be located within thirty (30) metres of an at-grade pedestrian entrance to a building.

The Union has been advised by planning staff that this requirement is contained in the most recent draft of the comprehensive zoning bylaw and the Union supports the inclusion of this recommendation by City staff.

However we understand the last draft of the zoning bylaw does not extend the requirement to development in the CR and RA zones. The Union believes the requirement should be extended to these zoning categories.

4. Short Term Bicycle Parking Closer to Egress and Ingress than Non-disabled Vehicular Parking:

Disabled parking is given locational preference in relation to non-disabled vehicular parking in garages and parking lots.

It is the Unions position that a similar signal needs to be sent in respect of bicycle parking in relation to non-disabled vehicular parking in the City's zoning bylaw.

Planning Staff does not support an amendment to achieve locational preferences for bicycle parking over non-disabled vehicular parking.

It is the Union's position that the Zoning Bylaw needs to send the signal that bicycles are more convenient to use than cars and that bicycles are a preferred means of transport over the automobile.

A provision giving locational preference to bicycle parking over non-disabled car parking will help ensure that bicycle parking is located in areas of high vehicular and pedestrian activity, increasing visibility for parked bicycles and reducing theft and vandalism.

5. Post-Secondary School Residences:

City planning staff has agreed that a bicycle parking standard for university residences is appropriate and is recommending a minimum standard of .25 bicycle parking facilities per bed-sitting room or room, which the Union supports.

6. Education Uses:

We have been advised by City planning staff that their proposed bicycle parking standard of 3 bicycle parking spaces plus .1 bicycle parking spaces for 100 square meters of Education Uses is premised on a projected modal split of 4% of city-wide trips being conducted by bicycle.

Given the age and economic circumstances of students at post secondary institutions, the modal split of university students must be significantly higher than that of the general population. Accordingly City staffs proposed bicycle parking standard for Education uses is too low in the Union's estimation.

We have reviewed bicycle parking standards in other jurisdictions. A summary review of those standards indicates the following:

1. In Portland, Oregon, a 6% modal split for student cyclists is considered appropriate.
2. In Seattle, Washington, a 10% modal split for student cyclists is the standard.
3. In various British jurisdictions a bicycle parking facility is provided for each and every single student enrolled at a University, for example Cambridge.

Interestingly the bicycle parking requirement for Education Uses in the proposed draft bylaw is far lower than parking required for automobiles which seems counterintuitive.

The proposed bicycle parking standard for Education Uses is 3 bicycle parking facilities plus .1 bicycle parking facility per 100 square meters of building.

The automobile parking standard in the City's Bylaw ranges between 1.5-2.0 motor vehicle parking spaces per 100 square meter of building.

The Car Parking Standard for Post Secondary Schools located in Policy Areas 1, 2 and 3 in the City of Toronto Comprehensive Zoning Bylaw is 15-20 times higher than the bicycle parking standard for the same use.

The Union submits that the bicycle parking standard for Education Uses should be the same as that for motor vehicles. The Union submits that the proposal to require the same amount of parking for bicycles as for automobiles is reasonable and proportionate.

7. Boarding and Lodging House Bicycle Parking Standards:

The Union requests that the Committee approve the same bicycle parking standard recommended by City staff for University residences, .25 per boarding room or rooming house, boarding and/or lodging houses. The limited economic circumstances of the residents of boarding and lodging houses are often similar to that of students.

The failure to provide such a parking standard should be rectified in the final approved zoning bylaw.

8. Short-Term Bicycle Parking Definition:

The requirement that bicycle parking racks be securely anchored is fundamental to secure bicycle parking. Although this requirement is already found in the Guidelines, the Union believes this provision is sufficiently important to be enshrined in the final text of the Draft Zoning Bylaw. Comparable zoning bylaw provisions are already in force in

jurisdictions in the Greater Toronto Area, such as in the Town of Milton Zoning Bylaw 156-2009, Section 5.14.1.

9. No Exemption from Bicycle Parking Standards for Minimum Size Buildings:

The Union understands that the current version of the Draft Zoning Bylaw exempts buildings from the bicycle parking requirements where the total cumulative gross floor area of all uses is less than 150 square metres. The Union has been informed by City planning staff that consideration is being given to increase the 150 square metre exemption to 200 square metres.

The reason for this is that the current draft of the zoning bylaw requires 3 parking spaces no matter what the size of the building is.

Rather than exempt smaller buildings from the bicycle parking standard the Union proposes that the minimum number of bicycle parking spaces for any building under 200 square metres be reduced to 2 bicycle parking spaces and that the minimum of 3 bicycle spaces spots should apply only to buildings in excess of 200 square meters.

As part of such an approach the Union is recommending that the City consider amending the bylaw to allow for the provision of the required bicycle parking off site in the adjacent road allowance.

The City has permitted provision of required bicycle parking off site where proponents have provided bicycle parking rings on the boulevard of adjacent streets on an *ad hoc* basis.

As an example of this practical approach we attach a copy of an Ontario Municipal Board decision (*Re Fourtro Holdings, In Equity, 1400 Eglinton Avenue West*, OMB File Number PL020998) where the City permitted a developer to provide four bicycle parking rings on the street boulevard where the bicycle parking was not provided on site. A process to formalise this kind of approach through the zoning bylaw needs to be developed.

10. Zoning Incentives to Provide Additional Bicycle Parking and Reduce Car Parking:

The zoning bylaw currently provides insufficient or no incentive to developers to provide additional bicycle parking facilities in new developments and reduce motor vehicle parking in new development. The Union believes that developers and consumers are a better mechanism for determining the provision of motor vehicle parking in zoning bylaws.

The Union is proposing that the Zoning Bylaw permit the reduction of one required motor vehicle parking space required under the Zoning Bylaw for every five bicycle parking facilities provided in excess of the minimum bicycle parking requirements subject to a restriction that no more than 25% of the required motor vehicle parking may be reduced by the provision of additional bicycle parking.

11. Corner Lots with Frontage on Road with Bicycle Lane:

The Union had originally requested that the Zoning Bylaw be amended to provide that on a lot with frontages on two public roads, vehicular driveways, loading docks and pedestrian access, in addition to passenger drop off shall be on the road without a bicycle lane or that is not designated as a bicycle route.

The Union has reconsidered this position and believes that the ultimate solution to the issue raised by this proposed zoning provision is the physical separation of bicycle lanes from automobile traffic.

Accordingly the Union will withdraw this request and address the issue of physical separation of bicycle lanes at the Public Works and Infrastructure Committee when the Committee considers the Bikeway Plan in April.

12. No New or Widened Driveways onto Roads With Bicycle Lanes:

The Union had requested the following provisions be added to the Draft Zoning Bylaw:

No New Private Driveway or Driveway Widening:

No new loading dock entrances, private driveways or driveway widenings after the date of the passage of this bylaw shall be permitted from any lands having frontages on a public road or lane that are designated as bicycle routes or contain a bicycle lane or path as shown on Schedule “” to this bylaw.

The Union would be satisfied in response to this request if PGMC requests Public Works and Infrastructure Committee to direct that Transportation Services of the City of Toronto develop access guidelines for proposed vehicular access on to roads designated as bicycle routes or roads with bicycle lanes that encourage and require consolidation of vehicular access and minimization of access points on to such roads similar to the Access Guidelines we understand were formerly in place for Metropolitan Toronto arterial roads.

Recommendations and Requested Action by the Committee

1. The Zoning Bylaw should be amended to require that Long term bicycle parking spaces shall not be contained within a locker that has any use other than providing long term bicycle parking.
2. The short term bicycle parking locational requirements in the Zoning Bylaw be amended to extend to all zoning categories including CR and RA zones.
3. The following provision be inserted in the Zoning Bylaw:

“No at-grade or one level below grade non-disabled car parking spaces shall be located closer to ingress or egress than Short Term and Long Term Bicycle Parking located at grade or one level below grade”
4. The Education Use provisions of the Zoning Bylaw be amended to increase the bicycle parking requirement from 3 bicycle parking spaces and 1 bicycle parking space per 100 square metres of Education Uses to 2 bicycle parking spaces per 100 square metre of building dedicated to Education Uses.
5. The provisions of the zoning bylaw affecting Boarding and Lodging Houses be amended to create a new provision requiring .25 bicycle parking spaces per boarding room or rooming house room in all rooming, boarding and/or lodging houses.
6. Amend the definition of Short-Term Bicycle Parking in 230.5.1.5(3)(B) to read as follows:

“Short-Term Bicycle Parking shall be bicycle parking spaces for use by visitors to a building and must contain a parking rack or device to provide attachment to a locked bicycle that is securely anchored to the ground or a structure or building, with the exception of where a bicycle locker is used”
7. Amend the Zoning Bylaw to delete the exemption from the bicycle parking requirements for buildings less than 150 square metres in size and amend the Zoning Bylaw to provide that 3 bicycle parking spaces be required for all buildings greater than 200 square metres in size and 2 bicycle parking spaces be provided for all buildings 200 square metres or less in size.
8. The Committee direct planning staff to prepare a draft amendment for consideration by the Committee at its meeting in May, 2010 permitting the provision of bicycle parking, required in the zoning bylaw, in a location approved by the City Works Department, off site in a public road allowance within a distance of 50 metres of the property.

9. Amend the Zoning Bylaw to permit a reduction of one motor vehicle parking space, to a maximum of 25 % of the total motor vehicle parking spaces required under the Zoning Bylaw, for every five bicycle parking facilities provided in excess of the minimum bicycle parking requirements required under the Zoning Bylaw.
10. The Committee adopt a resolution requesting that Public Works and Infrastructure Committee direct Transportation Services of the City of Toronto to develop access guidelines for proposed vehicular access and loading docks on to roads that are designated as bicycle routes or roads with bicycle lanes on the Bikeway Plan. The guideline would require consolidation of vehicular access points where possible and minimization of access points on to such roads similar to the Access Guidelines that were formerly in place for Metropolitan Toronto arterial roads.

The Union looks forward to appearing before the Committee to present these submissions.

Please acknowledge receipt of this letter in writing.

Yours very truly,



A. Milliken Heisey

cc.

*Joe D'Abramo
Dan Egan
Yvonne Bambrick
Toronto Coalition for Active Transportation
Advocacy for Respect for Cyclists
Sierra Club Ontario*