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**SENT VIA E-MAIL (PGMC@TORONTO.CA)**

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File No.: 201696-18

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: Administrator, Planning and Growth Management Committee

Dear Members of the Committee:

**Re: PG22.3 - Official Plan Five Year Review: Official Plan Amendment to Adopt New Heritage and Public Realm Policies (Statutory Meeting)**

We have been retained as counsel to Upper Canada College ("UCC"), the owner of the properties municipally known as 200 Lonsdale Road, 220 Lonsdale Road, and 77 Kilbarry Road (hereinafter the "UCC Campus").

We are writing to express our concerns with the proposed new policies for the Toronto Official Plan respecting heritage resources and the public realm and ask the Committee to not adopt City Planning staff's recommendations in the report dated September 20th, 2012 for, but not limited to, the following reasons.

#### **Background**

As you are probably aware, UCC is Canada's pre-eminent private school for boys. The UCC Campus contains a wide assortment of buildings and facilities that are part of operating the school. The buildings range from Toronto landmarks such as the Roger's Clock Tower to more modern buildings such as a twin-pad ice arena. Existing buildings have also been renovated, such as the gatehouse building on the UCC Campus which is now an onsite day care. A key element of the UCC Campus is that its physical form is not static, but evolving with the life of the school.

**Concerns with Proposed Official Plan Amendment**

**1. Possible Conflicts between Existing Zoning Permissions and Proposed Policies**

UCC appreciates the City's efforts to protect heritage resources and the effort that City Planning and Heritage Preservation staff expended to produce the proposed Official Plan Amendment has no doubt been considerable. UCC is concerned, however, with the proposed amendments. It is not clear to us how City Planning staff will interpret and apply these policies.

The permissions for many of the uses and buildings on the UCC Campus have come through a very large number of planning approvals over a span of decades, including minor variances that allow for the day care and a site specific by-law that significantly redistributed the density that existed on the site and reflected the private school use of the property.

We are concerned that these approvals may be negatively impacted by the proposed heritage policies and that subsequent development applications which implement these approvals may be seen by City Planning staff as not conforming to the proposed Official Plan policies.

**2. Proposed Policies Regarding Significant Views**

UCC is also concerned with the proposed policies regarding the protection of view corridors. No. 18 on Map 7A marks the "Upper Canada College Spire" as a "Regional Significant View". The view corridor is marked on Map 7A as leading north along Avenue Road. Proposed policy 3.1.1.9 speaks to views of landmark buildings from streets and other public places and requires private development to maintain, frame, and where possible, create views to these landmarks from the public realm.

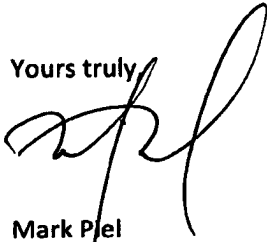
Proposed policy 3.1.1.10 speaks to the preservation of views without obstruction to landmark buildings, but, unlike proposed policy 3.1.1.9, it does not specify from where those views originate. We presume the views referred to in these policies are views from the public realm and not views from locations on the UCC Campus, however, we are not certain our presumptions are in accordance with City Planning staff's interpretation of these proposed policies.

Finally, proposed policy 3.1.1.11 states that new buildings and building additions will not "obstruct or detract" from significant views. The meaning of "detract" is not included in the proposed policies and we are concerned with the ambiguity associated with the use of this term in this context.

Accordingly, we are registering these concerns with this proposed Official Plan Amendment in its entirety, and request that the Committee not adopt the recommendations of the City Planning staff report dated September 20th, 2012 at this time.

Please do not hesitate to contact the undersigned in order to discuss the contents of this letter.

Yours truly,

A handwritten signature in black ink, appearing to be 'M. Piel', written over the text 'Yours truly,'.

Mark Piel  
Associate

/map

c.c. Upper Canada College