



March 5, 2013

via email: pgmc@toronto.ca

Planning and Growth Management Committee
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Dear Members of Planning and Growth Management Committee:

**Re: Final Report on the City-wide Zoning By-law
Agenda Item: PG21.1**

We are the lawyers for the Governing Council of the University of Toronto (the "**University**"). The University has previously raised issues and concerns with the City regarding the City-wide Zoning By-law ("**Zoning By-law**"), and was an appellant at the Ontario Municipal Board before the prior Zoning By-law was repealed. The University has submitted written comments to the City and/or made deputations to the Planning and Growth Management Committee ("**Committee**") on nine occasions, to no avail.

At the Committee meeting of October 12, 2012, the Committee directed the Chief Planner and City Planning staff to attend a meeting of the University's Liaison Committee to review the concerns of the University as they relate to the St. George Campus. A City staff member did attend a meeting of the Liaison Committee on January 24, 2013, wherein the concerns of the University and the community were considered. However, the University has received no further response from the City.

We are once again writing to ask the Committee to direct amendments to the Zoning By-law to preserve the existing rights of the University. A failure to address these concerns will negatively, and unnecessarily, impact the University. The amendments requested are consistent with current zoning, conform to the Official Plan, and do not grant the University any further permissions than it enjoys today, as further described below.

1. Institutional Hospital Zone (IH) – The Zoning By-law proposes to create a new category of use, being the IH zone, which only permits a Post-Secondary School if in association with a Hospital and a Student Residence is permitted only if the building is operated by or on behalf of a Hospital. It is the University's position that there is no planning basis for such a qualification. The University is the owner of 124 Edward



Street, which is presently zoned Mixed Use (Q) and permits a University and a University Residence. The property is designated Institutional in the Official Plan which permits educational uses. The building located on the property is the Faculty of Dentistry, which contains faculty offices, instructional and research space and laboratories. However, the Faculty of Dentistry Building is not associated with a Hospital, and would therefore not be permitted in the IH zone. The University requests that the IH zone be amended to permit Post-Secondary Schools and Student Residences without qualification.

2. Residential Zones – Under the existing by-law, Public Schools is defined to include universities, which are a permitted use in residential zones. The Zoning By-law proposes to establish Post-Secondary Schools as a distinct use but has failed to recognize and continue the existing permissions for Post-Secondary Schools in residential zones. The University is the owner of a number of properties in and around the University of Toronto Area that are currently used for University purposes. The proposed exclusion of Post-Secondary Schools in these areas will significantly and negatively impact the University's use of these properties. For example:

(a) 254 and 256 McCaul Street - This property is presently zoned Residential (R3) which permits a Public School (University). The property is designated Mixed Use in the Official Plan which permits institutional uses. The property is proposed to be zoned Residential (R) which will not permit a Post-Secondary School. The building located on the subject lands contains University of Toronto offices and research space.

(b) 56 and 58 Spadina Road and 45 Walmer Road - This property is presently zoned Residential (R2) which permits a Public School (University) provided it is or was originally constructed for that purpose. The property is proposed to be zoned Residential (R) which will not permit a Post-Secondary School. There is a proposed site specific policy which states that at 45 Walmer Road a post-secondary school known as the University of Toronto Institute of Child Study is a permitted use, but the City failed to include 56 and 58 Spadina Road which form part of this facility. The property is designated Apartment Neighbourhood in the Official Plan which permits schools and local institutions. The Institute of Child Study contains offices, research and instructional space. Further redevelopment of the site for the Institute of Child Study is imminent.

(c) 702, 702A, 704 and 706 Spadina Avenue and 54 and 60 Sussex Avenue - These properties are presently zoned Residential (R3) which permits a Public School (University). These properties are proposed to be zoned Residential (R) which will not permit a Post-Secondary School. 702, 702A, 704 and 706 Spadina Avenue and 54 Sussex Avenue are designated Mixed Use in the Official Plan, which permits institutional uses. 60 Sussex Avenue is designated Neighbourhoods in the Official Plan, which also permits local institutional uses and schools. This site includes a



low rise building on Spadina Avenue, which contains commercial uses, and open space on Sussex Avenue, which is currently used for Post-Secondary School purposes.

The University requests that the Residential (R) zone be amended to permit Post-Secondary Schools in the vicinity of the University of Toronto Area.

5. 4925 Dufferin Street - This property is presently zoned Industrial Zone Two (M2), which permits College and University Uses. The property is proposed to be zoned Employment Industrial (E) which will not permit a Post-Secondary School. The property is designated Employment in the Official Plan which permits university uses along major streets, such as Dufferin Street. The property includes the Institute for Aerospace Studies with faculty offices, instructional space, storage and laboratories, the office of University of Toronto Press, and the University's library storage facility. The University requests that these lands be zoned to permit a Post-Secondary School in accordance with the Official Plan. The property is currently undergoing further development and future additions for Post-Secondary School use are likely.

6. South East Corner of Ellesmere Road & Military Trail and North East Scarborough Campus near Collins Road - These sites are owned by the University and are planned for development as part of the new Scarborough Campus Master Plan. The University requests that these sites be excluded from the Zoning By-Law similar to the remainder of the Scarborough Campus until the new Scarborough Campus Master Plan is complete and may be adopted as a Secondary Plan by the City.

7. Parking Standards for Post-Secondary Schools - The University provides facilities in buildings that include combinations of laboratories, classrooms, lecture halls, libraries, auditoria and offices. The St. George Campus has been planned to allow students, which form the majority of the population, to move from building to building taking their courses and undertaking research activity. Almost all courses require that students move between buildings. To facilitate this, the courses are scheduled to fall within a 10 minute walk, starting at ten minutes past the hour. Consequently, parking spaces, both vehicular and for bicycles, are distributed accordingly. The existing parking standards for the University of Toronto Area were developed through extensive collaboration between the City and the University and reflect the student and faculty use in and around the campus. While the majority of the St. George Campus lies within the defined "University of Toronto Area", for which the current parking standard applies, the University is also the owner of a significant number of properties outside of this area, including those discussed herein. These properties will be subject to the new proposed parking standard for Post-Secondary Schools. The increased standards being proposed fail to consider that parking for the University has already been addressed within the University of Toronto Area and therefore no additional parking is required. Moreover, the proposed standards are contrary to Official Plan policies encouraging transit use and the reduction of auto dependency. As a result, the University requests that no parking requirement be applied to Post-Secondary School uses on lands within a 5 minute walk of the University of Toronto Area, being a radius of 400 metres.



8. Bicycle Parking Standards for Post-Secondary Schools - Similar to vehicular parking, bicycle parking is already provided for within the University of Toronto Area on a communal basis, rather than per individual building, in recognition that students and faculty move from building to building. While the University is very supportive of encouraging bicycle use and provides numerous opportunities on campus for bicycle parking, the new proposed bicycle parking standards for Post-Secondary Schools are inappropriate in this context and it may not be possible for the University to provide bicycle parking for each building at the standards proposed. Therefore, the University requests that no bicycle parking requirement be applied to Post-Secondary School uses within 400 metres of the University of Toronto Area.

We trust the City will consider these concerns so that the University will not be negatively impacted by the Zoning By-law.

Yours truly,
Cassels Brock & Blackwell LLP

A handwritten signature in black ink, appearing to read "Signe Leisk". The signature is fluid and cursive, with a large initial 'S' and a long, sweeping tail.

Signe Leisk