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March 8, 2017

VIA EMAIL

Mayor John Tory and Members of Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: City Clerk

Attention: Ms. Nancy Martins, Planning and Growth Management Committeee

Your Worship and Members of Council:

RE: Technical Amendments to Zoning By-law 569-2013 – Item PG18.5
Proposed Amendments to Accessible Parking Requirements

We are the lawyers for Concert Real Estate Corporation and Concert Properties Ltd. (**"Concert"**), the owner and developer of the property located at 5365 Dundas Street West (the **"Site"**). The Site is being developed with a multi-phase mixed-use project based on a 2005 Ontario Municipal Board settlement with the City, and site-specific Official Plan and Zoning By-law Amendments which permit over 100,000 square metres of development.

Phase I of the development, a 28-storey, 283-unit residential tower, is currently under construction pursuant to minor variances approved by the Committee of Adjustment in 2014 and an approved Site Plan and Site Plan Agreement entered into between Concert and the City in September 2016.

Concert submitted a Site Plan Approval application for Phase II to the City in December 2016 (City File No. 16 268217 WET 05 SA). Phase II is comprised of 508 residential units in two towers of 24 and 20 storeys respectively, and 625 square metres of retail space along the Dundas Street frontage of the Site (**"Phase II"**). Concert has received initial comments from the City regarding the Phase II application.

We have reviewed the recommendations of the Staff Report and the draft amendments to By-law 569-2013 that are contained in the above-noted Item PG18.5. We have also reviewed the submissions made by others, including by BILD Toronto and by the BA Consulting Group Ltd. Although the Staff Report indicates that the proposed amendments to the accessible parking requirements in By-law 569-2013 are intended to be consistent with the Accessibility for Ontarians with Disabilities Act (**"AODA"**), we understand that, in fact, the proposed amendments would make the accessible parking requirements more onerous than the AODA

standards and would, in some cases, require significant revisions to parking layouts and the organization of underground and structured parking garages.

While the Site is not subject to By-law 569-2013, we are concerned on behalf of Concert that the requirements as set out in the Staff Report and accompanying draft By-law will be used to require changes to the design and layout of the parking garage for Phase II. Our client is concerned that the new requirements, which have been presented by City Staff as being consistent with the AODA standards, but which are in fact more onerous than the AODA standards, will result in a parking arrangement which is inefficient, redundant, and potentially unsafe (for example, with respect to the change in parking space length and resulting changes in drive aisle width or alignment). Our client is also concerned with the lack of any transitional or grandfathering provisions for pre-existing development applications.

We respectfully submit that these amendments should be revised so that they match the AODA standard, and that they be supplemented by the kind of transitional provisions that were included at the time By-law 569-2013 was enacted. Without such provisions, the proposed amendments could create significant implications for pipeline projects, like Phase II, at various stages of the planning and permitting process.

Please provide us with notice of City Council's decision in this matter, as well as the decision of any committee of Council or any further public meetings and any resulting Zoning By-law Amendment. Our contact information is provided above and below.

Yours truly,
Overland LLP



Per: Christopher J. Tanzola
Partner

Encl.

c. A. Gray/H. McQueen (Concert)