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March 16, 2017
File No.: 138852.1001

City Council
c/o City Clerk's Office
Toronto City Hall
13th Floor West Tower
100 Queen Street West
Toronto ON M5H 2N2

Attention: Ulli S. Watkiss, City Clerk

Dear Sirs/Mesdames:

Re: PG18.5 Technical Amendments to By-law 569-2013
Accessible Parking Regulations
Bill Proceeding to Council Meeting on March 28, 2017

We are solicitors for Humbold Properties and related companies (the "**Clients**"), relative to 217 Adelaide Street West (217 Adelaide Street Holdings) and their various other land holdings in the City of Toronto. Our Clients also have broad land interests in the City of Toronto and acquire additional interest in lands in the City from time to time.

We have reviewed the recommendations of the Staff Report and the draft amendment to By-law 569-2013 (Agenda Item PG18.5). Through this amendment, the City proposes to revise the accessible parking regulations in Section 200.15 of By-law 569-2013 (the "**Amendments**") in an attempt to make the zoning by-law consistent with the Provincial *Accessibility for Ontarians with Disabilities Act* (the "*Act*") and Ontario Regulation 191/11, Integrated Accessibility Standards (the "**Standard**").

We are writing to express our Clients' concerns with respect to the Amendments.

The Amendments go much further than required by the *Act* and the Standard. The Amendments propose to increase the length of accessible parking spaces from 5.6 metres to 5.9 metres. The *Act* and the Standard do not specify

accessible parking space length, and City staff have not provided a rationale or justification for the proposed increase. The Amendments also propose that all accessible parking spaces be 3.4 metres in width, whereas the Standard allows 50% of the spaces to be provided at 3.4 metres in width and 50% of the spaces to be provided at 2.4 metres in width.

Our Clients are also concerned that the Amendments do not contain any transition or grandfathering provisions. It is unreasonable, unfair and prejudicial if the Amendments are imposed on properties that are subject to rezoning and/or site plan approval applications that have already been submitted and are presently under review or appeal. The Amendments are especially prejudicial for developments that have secured rezoning and/or site plan approvals, but are pending building permit issuance. The underground levels of a building are the most rigidly organized areas of a development project because the structural supports, slopes and drive aisle requirements are not amenable to reconfiguration. The flexibility to accommodate the revised standards of the Amendments is diminished with every successive development application and approval. Transition provisions for the Amendments are therefore necessary.

Properties subject to a zoning by-law amendment obtained on or after July 1, 2016 are particularly vulnerable as recent changes to the *Planning Act* do not allow a minor variance to be sought within two years of the amendment without obtaining Council's leave to do so. Without transition provisions for the Amendments, there is no certainty that such properties will be able to secure the required relief through the minor variance process should the proposed development not comply with the Amendments.

For the reasons outlined above, we respectfully request that the Amendments be referred back to City staff for further consideration. We also reserve the right to raise further issues and concerns with respect to the Amendments.

We ask to be provided with notice of all upcoming meetings of Council and Committees of Council at which the Amendments will be considered, and we ask to be provided with notice of Council's decision with respect to the Amendments.

If you have any questions or require further information, please contact the undersigned. Thank you for your attention to this matter.

Yours truly,



FOR Calvin Lantz
Partner

CL/
cc. Robert Singer
Suzie Kotzer-Fischer