Goodmans LLP

Barristers & Solicitors

Bay Adelaide Centre
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

March 23, 2016

Our File No.: 000031

DELIVERED BY E-MAIL AND COURIER

Mayor and Members of Council
c/o City Clerk's Office
Toronto and East York Community Council
City Hall, 2nd Floor
100 Queen Street West
Toronto, Ontario M5H 2N2

Attn: Marilyn Toft, Manager, Council and By-laws

Re: Item PG18.5 – Proposed Technical Amendments to By-law 569-2013

We are solicitors for a number of property owners identified in Schedule "A" to this letter. Our clients have development applications in various stages of the approval process.

On February 23, 2017, the Planning and Growth Management Committee adopted the above-noted item, which recommends amendments to By-law 569-2013 (the "**By-law**") relating to accessible parking spaces. Our clients have significant concerns with the proposed amendments. These concerns relate to both the technical details of the proposed amendments and the absence of transition provisions for pre-existing development applications.

The technical problems with the proposed amendments are well summarized in the letter of Thomas F. C. Woodhall of BA Group, which was submitted to the Planning and Growth Management Committee. A copy of Mr. Woodhall's letter is attached as Schedule "B". As outlined in Mr. Woodhall's letter, the stringent standards proposed go above and beyond what is required to bring the By-law into compliance with the *Accessibility for Ontarians with Disabilities Act* and could make it difficult to accommodate accessible parking spaces safely in many parking structures.

Furthermore, in the absence of appropriate transition provisions, the proposed amendments will likely have significant unanticipated consequences. If implemented as currently proposed, the amendments could require the redesign of proposals that have already been the subject of substantial review, or which may have already received final approval but do not yet have a building permit. Accordingly, we respectfully request that the proposed amendments include an appropriate transition provison that exempts pre-existing applications from the new standards. A similar approach to transition was included in Zoning By-law 569-2013.

Please provide us with notice of any decisions on this matter.

Yours very truly,

GOODMANS LLP



David Bronskill

DJB/ML

Goodmans LLP

SCHEDULE A

	Property Owner/Developer	Municipal Address
1.	100 Broadway Developments Inc.	100 Broadway Avenue
2.	117-127 Broadway Devleopments Inc.	117-127 Broadway Avenue
3.	1673688 Ontario Limited	2112-2114 Yonge Street
4.	2449422 Ontario Limited	390-398 Spadina Road
5.	2465855 Ontario Ltd.	900 York Mills Road
6.	2525 Bathurst Developments Inc.	2525 Bathurst Street
7.	543 Richmond Street West Holdings Inc.	543-553 Richmond Street West
8.	BRL Realty Limited	City-wide, including 327-333 College Street & 303 Augusta Avenue and 48-58 Scollard Street & 1315-1325 Bay Street
9.	Broccolini River Street LP	83-97 River Street and 2-4 Labatt Avenue
10.	Canderel Group	City-wide, including 1075 Bay Street and 777 Bay Street, 1243 Islington Avenue
11.	CCB Bathurst Street Investments Inc.	149 Bathurst Street
12.	Capital Developments	City-wide, including 39-41 Roehampton Avenue
13.	CentreCourt Developments Inc.	City-wide, including 411 Church Street, 319, 321 and 319 Jarvis Street
14.	CHC MPAR Holdings Inc.	412 Church Street
15.	City Front Developments Inc.	400 Front Street West
16.	Cityzen Development Group	City-wide, including 89 Church Street and 154 Front Street East
17.	Conica Glen Homes Corp.	45 Oaklands Avenue and 131 Farnham Avenue
18.	Cromwell Management Inc.	City-wide, including 2 Clarendon Avenue, 33 Isabella Street
19.	Empire Communities	City-wide, including 1603-1607 Eglinton Avenue West
20.	Fieldgate Urban	City-wide, including 2915 Bloor Street

Goodmans LLP

	Property Owner/Developer	Municipal Address
		West, 1200 Dundas Street West, 1285 Queen Street East
21.	Freed Developments	346 Davenport Road, 200 Keewatin Avenue, 328-358 Dupont Street
22.	Greatwise Developments Corporation	City-wide, including 240, 246 and 260 Wellesley Street East, 77 Howard Street & 650 Parliament Street and 314-317 & 325 Bogert Avenue
23.	Heathwood Homes (Altamont) Limited	11-19 Altamont Road
24.	Latch Developments Ltd.	3237 Bayview Avenue
25.	Lifetime Wellington Street West Inc.	485-489 Wellington Street West
26.	Malibu Investment Inc.	9 Tippett Road, 4-6 Tippett Road
27.	Manulife Financial	625 Church Street
28.	MOD Developments Downtown Properties Inc.	505 Richmond Street West
29.	Muir Park Development Inc.	2851 Yonge Street
30.	Mutual Street Inc.	59-71 Mutual Street
31.	North Drive Investments	City-wide, including Bloor Street West and 2800 Bloor Street West
32.	Nyx Capital Corp.	3049-3051 Bayview Avenue & 2 Blithfield Road
33.	Pabs Limited Partnership	City-wide, including 89-101 Roehampton Avenue
34.	Parallax Development Corporation	City-wide, including 203 College Street
35.	Plazacorp Investments Limited	170 Spadina Avenue, 2442-2454 Bloor Street West
36.	Project Don Valley Inc.	5 Defries Street
37.	Rockport (Queen and Leslie) Inc.	1327-1339 Queen Street East
38.	Roselawn & Main Developments LP	2400, 2428, 2434 2440 & 2444 Yonge Street
39.	Sentinel (Sherbourne) Land Corporation	177, 183 & 197 Front Street, 15-21 Lower Sherbourne Street, 200 The Esplanade

Goodmans LLP

	Property Owner/Developer	Municipal Address
40.	Sentinel (Church) Holdings Inc.	221-229 Church Street
41.	Shiplake Developments Ltd.	City-wide, including 470, 490 and 530 Wilson Avenue
42.	Sierra Building Group	City-wide, including 492-498 Eglinton Avenue East and 3-7 Cardiff Road
43.	Spadina Towers Inc.	666 Spadina Avenue
44.	TAS Design Build	City-wide, including 7 Labatt Avenue/77 River Street, 2 Tecumseth Street, 385 The West Mall
45.	Tricon Capital Group	City-wide, including 57 Spadina Avenue
46.	Urban Capital Property Group Inc.	1050 Sheppard Avenue West
47.	WAM Development Group	66 Wellesley Street East, 552-570 Church Street
48.	Westmoreland & Main Urban Properties Inc.	980-990 Bloor Street West
49.	Yonge Lawrence Dev LP	49-51 Lawrence Avenue East & 84 Weybourne Crescent

Goodmans LLP

SCHEDULE B

THOMAS F. C. WOODHALL LETTER TO THE PLANNING AND GROWTH MANAGEMENT COMMITTEE

[*See next page*]

BA Group

February 23, 2017

Chair Shiner and the Planning & Growth Management Committee

RE: Amendments to By-law 569-2013 (Section 200.15)

Councillors,

I am writing in relation to the proposed amendments to By-law 569-2013 (Section 200.15) which seek to bring the City of Toronto's zoning requirements around accessible parking spaces in line with the requirements set out in the Provincial legislation known as the Accessibility for Ontarians with Disabilities Act (AODA). I understand that BILD is also submitting correspondence to the Committee regarding the need for transitional provisions to avoid negative impacts on in-process development applications.

My firm has extensive experience with the design of above- and below-grade parking structures and surface parking facilities. We welcome an opportunity to harmonize Provincial legislation with the City of Toronto's zoning by-law. We believe this presents an opportunity to reduce confusion, provide for appropriate and efficient designs, and ensure that the transportation needs of users with mobility issues are being met.

I present, on BA Group's behalf, two principal areas of concern with the proposed changes that we believe will have a negative impact on design and may result in frequent requests by development applicants for relief from the proposed rules. Simply, these potential issues could be resolved by more closely following the AODA, rather than layering additional requirements upon it. Attached are figures illustrating a few of the specific situations discussed below.

"Type" of Accessible Parking Space

Accessible parking spaces, under the AODA, fall into two 'types'. "Type A" spaces are 3.4m in width, designed to be "van accessible" and permit the side loading of accessible vehicles. "Type B" spaces are 2.4m in width and are designed for the use of those with mobility issues that require proximity to entrances/exits but do not require extra parking space width. Both "types" of spaces are required to be adjacent to an accessible aisle 1.5m that is wide. The AODA permits the required accessible parking supply to be split 50/50 between the two types of spaces (i.e., if 6 accessible spaces are required, 3 can be "Type A" and 3 "Type B").

The proposed changes to the by-law would require that all accessible parking spaces in the City of Toronto be sized as a "Type A" space. We are not aware of any technical studies which indicate that the 50/50 mix of "Type A" and "Type B" spaces required by the AODA are deficient, requiring "Type B" spaces to be widened.

The impact to development of the proposed change is significant. The current width of 3 City of Toronto parking spaces (the typical number of spaces that fit within a typical structural grid in an above- or below-grade parking structure) is 7.8m plus the width of adjacent columns (Figure 1). Three typical spaces can be replaced with 2 AODA-compliant accessible parking spaces (3.4m "Type A" + 1.5m aisle + 2.4m "Type B" = 7.3m, Figure 2). Replacing 3 typical spaces with 2 proposal-compliant accessible spaces results in a required width of 8.3m (Figure 3). This exceeds the typical structural grid used in above- or below-grade parking facilities and may require structural changes near accessible spaces.

BA Consulting Group Ltd.
300 – 45 St. Clair Ave. W TEL 416 961 7110
Toronto ON M4V 1K9 EMAIL bagroup@bagroup.com

Length of Accessible Parking Spaces

The AODA specifies the width of accessible parking spaces, but does not specify the length. It is our understanding that this was specifically omitted from the Province's legislation such that the accessible parking space dimensions could be easily integrated into local zoning by-laws, which often have different parking space length and drive aisle width requirements.

The proposed changes to Section 200.15 of By-law 569-2013 include the provision of a length requirement for accessible spaces of 5.9m. This is longer than the length requirement for a typical City of Toronto parking space of 5.6m.

This additional 0.3m does not offer significant advantages to the loading and unloading of passengers from accessible vehicles. Rear loading vehicles would still need to utilize a significant portion of the drive aisle to load/unload passengers regardless of space length. Attached is an information sheet from an accessible vehicle retrofit provider. As noted the ramp length for one of their installations is approximately 45" (or 1.14m). If this was fitted on the back of a 2012 Dodge Caravan (a 95th percentile design vehicle with a length of 5.15m typically used for this purpose) the total length for a rear loading vehicle with the ramp deployed would be 6.29m. Application of standard parking space design principles would require the provision of a 0.3m (1 foot) buffer in front of the vehicle which would result in a total parking space length of 6.59m. The provision of a parking space that is 5.9m in length would not provide any benefit to this condition, as a user loading into the vehicle would be positioned within the drive aisle regardless of if the parking space was sized to 5.6m or 5.9m in length.

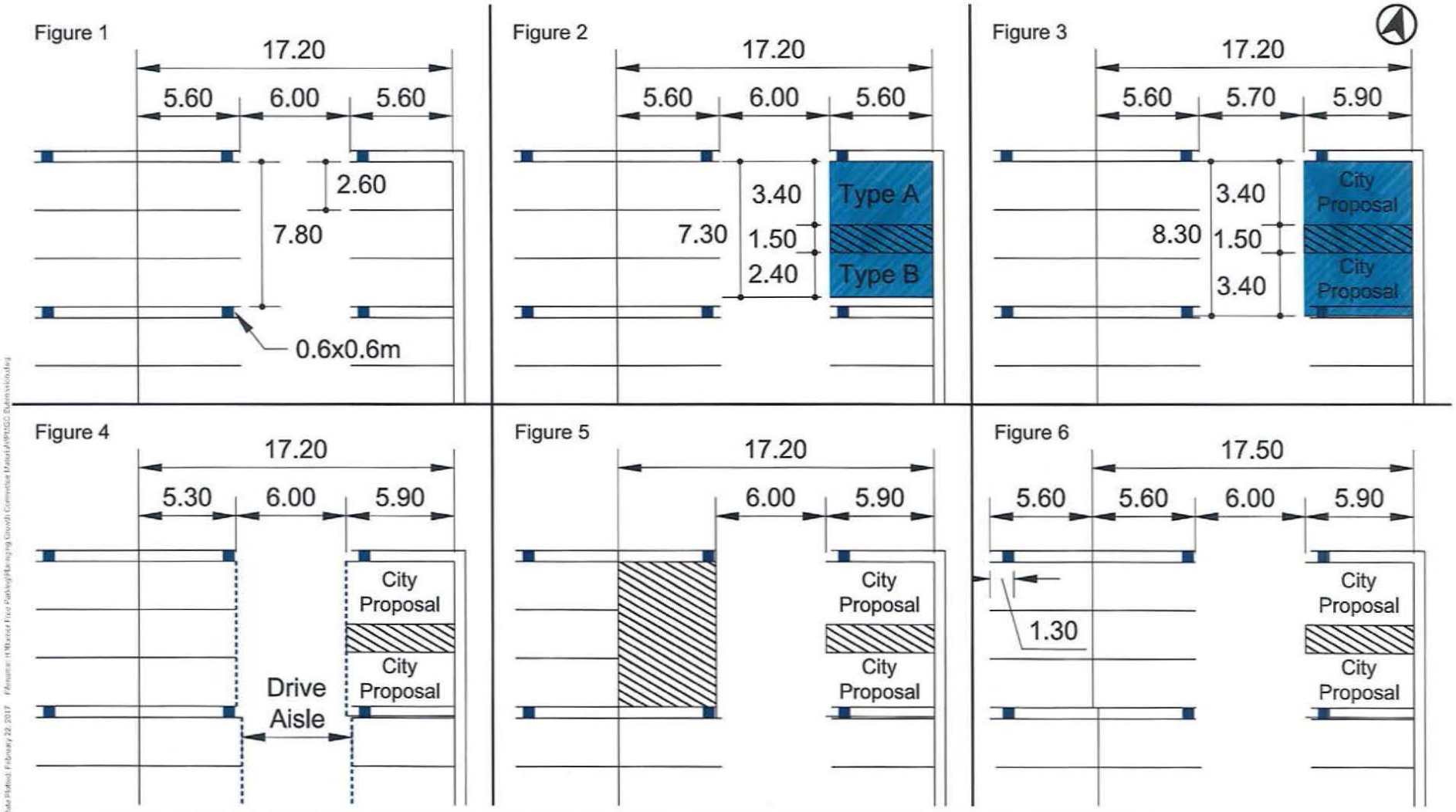
However, there are significant impacts to structured and surface parking facilities by lengthening accessible spaces to 5.9m from 5.6m. An additional 0.3m would require that typical parking spaces opposite the accessible spaces (those on the other side of the drive aisle) would need to be moved to permit the 6.0m drive aisle required under the bylaw. This has three unintended impacts.

1) Drivers, travelling down the drive aisle, would see the 6.0m aisle "jog" to the side as they travelled, resulting in a less safe condition within the parking area (Figure 4).
2) Parking spaces opposite the barrier free spaces may become shorter (5.3m in length) which would require by-law relief (Figure 4). Without relief all parking spaces within the impacted zone would be forced to shift (with parking spaces also shifting the entirety of the parking area) or resulting in the creation of unusable space within the parking area (Figure 5).
3) If structural grids could not be adjusted to accommodate the shifts required by the longer spaces, some parking spaces might violate the City's "obstruction rule" within the By-law (200.5.1.10 (D)), resulting in the need to seek relief from the rule through a variance or Site Specific By-law (Figure 6).

Our recommendation would be to adopt the sharing rules (between Type A and Type B spaces) as set out in the AODA and to adjust the length requirement to 5.6m so as to be compliant with the AODA and to be compatible with other critical zoning by-law parking dimensions.

Sincerely,
BA Consulting Group Ltd.

Thomas F. C. Woodhall, M.Sc.(Eng.), P.Eng., Associate



BA Group

Proposed Adjustments to Accessible Parking Spaces
Submitted to the Planning & Growth Management Committee

Project:	PGMC Submission
Project No.	0000-00
Date:	February 22, 2017
Revised:	–

Scale 1:200 0 1 2 3 4 5 10m

Drawing No. Figures 1 - 6

BraunAbility

Life is a Moving Experience®

Dodge Power Rear-Entry

With a power door and 30" wide power ramp, the BraunAbility® Dodge Power Rear-Entry is the perfect choice for those who travel by themself. A rear-entry vehicle's low-angle ramp makes it easy to access the interior through the rear hatch. The unique design of this mobility upgrade makes it possible to use standard parking spaces when accessible parking is unavailable.

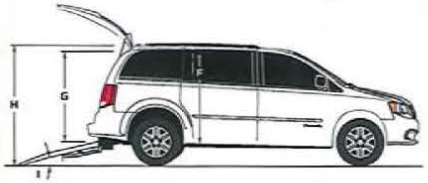
A variety of seating options can be installed to best meet your needs, based on the number of passengers you need to accommodate.

Visit your local BraunAbility® dealer and start experiencing a new level of convenience today.

800.THE.LIFT 800.843.5438

braunability.com







Dimensions

All dimensions are for reference only.

Lowered Floor Length - Long Option	A	87"
Lowered Floor Width	B	31"
Ramp Width (Usable Clear Opening)	C	30"
Ramp Length (Power)	D	45"
Distance Between 2nd Row OEM Flip & Fold Seats (Unfolded)	E	7"
Distance Between 2nd Row Aftermarket Bucket Seats	E	21"
2nd Row Wheelchair Location Interior Height	F	57"
Entrance Height	G	54"
Overall Height (Hatch Closed - with Roof Rails)	H	75.5"
Overall Height (Hatch Closed - without Roof Rails)	H	73"
Ramp Angle	I	11°

Due to manufacturing tolerances both with the OEM vehicle and the conversion components, all dimensions may vary slightly from those shown.

© 2016 BraunAbility®. All rights reserved. All illustrations, descriptions and specifications in this brochure are based on the latest product information at the time of publication. The Braun Corporation reserves the right to make changes at any time without notice.