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File No.: 130514.1002
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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. Watkss, 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 RioCan Management Inc. and related companies (the "**Clients**"), with respect to the properties attached in Appendix "A". 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. If it is determined that the proposed technical amendment to Zoning By-law 569-2013 related to accessible parking regulations applies to our Clients' properties, then the following concerns are pertinent.

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.

If the Amendments are imposed on a development project that has yet to obtain a building permit, our Clients may be forced to seek further zoning relief or an amendment to existing site plan approvals simply to obtain a building permit. It may also be physically impossible to accommodate the revised parking standards, thereby compromising the entire development project. 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,



Calvin Lantz
Partner

CL/mcb
cc. Melissa Bruzzese, *RioCan Management Inc.*

APPENDIX "A"
List of Properties

1. 1293 Bloor Street West
2. 1860 Bayview Avenue
3. 2955 Bloor Street West
4. 2990 Eglinton Avenue East
5. 549-555 College Street West
6. 600 University Avenue
7. 649 Queen Street West
8. 740 Dupont
9. 85 Bloor Street West
10. 410-446 Bathurst Street
11. Dufferin Plaza – 3150 Dufferin Street
12. Empress Walk – 5095 Yonge Street
13. Kennedy Commons – 2021 Kennedy Road
14. Lawrence Square – 700 Lawrence Avenue West
15. Queensway Cineplex – 1025 The Queensway
16. RioCan Hall – 126 John Street
17. RioCan Leaside Centre – 815-845 Eglinton Avenue East
18. RioCan Marketplace – 2061-2215 Steeles Ave & 81 Gerry Fitzgerald Drive
19. RioCan Yonge Eglinton Centre – 2300 Yonge Street
20. Shoppers World Danforth – 3003 Danforth Ave
21. Shoppes on Queen West – 585 Queen Street West
22. Stock Yard Village – 1980 St Clair Ave West
23. Sunnybrook Plaza – 660 Eglinton Avenue East
24. The Shops at Summerhill – 1099 Yonge Street
25. White Shield Plaza – 2300 Lawrence Avenue East
26. Yonge Sheppard Centre – 2 Sheppard Avenue East
27. Yonge Street & Eglinton Avenue, North East Corner
    - Previously known as 2263, 2283, 2275, 2281 Yonge Street, 10 Eglinton Ave East, 25, 25R Roehampton Avenue
    - New municipal address is 8 Eglinton Ave East, 15 Roehampton Ave, 2267 Yonge Street, 2263 Yonge Street
28. 602 King Street
29. 491 College Street & 289 Palmerston Avenue
30. RioCan Scarborough Centre – 1970 – 2040 Eglinton Avenue East
31. Markington Square – 3201 – 3227 Eglinton Avenue East
32. Albion Centre - 1530 Albion Road
33. Victoria Crossing - 2480-2490 Gerrard St East
34. RioCan Warden - 800 warden Ave
35. 85 Bloor Street
36. 2453-2457 Yonge Street
37. RioCan Shoppes on Avenue – 1745 Avenue Road