# DEVINE PARK LLP

PLANNING AND DEVELOPMENT LAWYERS

**Patrick J. Devine**
patrick.devine@devinepark.com
D 416.645.4570

**Devine Park LLP**
250 Yonge St., Suite 2302
P.O. Box. 65
Toronto ON M5B 2L7

T 416.645.4584
F 416.645.4569

Matter No. D204-01

March 27, 2017

**DELIVERED BY EMAIL (clerk@toronto.ca)**

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

**Attention: Ms. Ulli S. Watkiss, City Clerk**

Dear Mayor and Members of Council:

**RE: Council Agenda Item PG18.5 – "Technical Amendments to By-law 569-2013"**
**Proposed Changes to Accessible Parking Standards and Regulations**
**Consideration by City Council on March 28, 2017**
**Letter Submitted on behalf of Duration Investments Limited**

We are solicitors for Duration Investments Limited, the owner of the property municipally known as 308 to 314 Jarvis Street and 225 Mutual Street, in the City of Toronto (the "**Property**"). We are writing on behalf of our client to provide written submissions respecting the above-noted Item, which is being considered by Council at its meeting beginning March 28, 2017.

On February 23, 2017, the Planning and Growth Management Committee (the "**Committee**") adopted the above-noted item, which recommends certain amendments to Zoning By-law 569-2013 (the "**By-law**") respecting accessible parking spaces (the "**Amendments**"). The supporting staff report indicated that the Amendments are intended to bring the By-law into conformity with the *Accessibility for Ontarians with Disabilities Act* and certain regulations thereto (the "**Act**").

On behalf of our client, we wish to convey concerns respecting both the substantive aspects of the Amendments, as well as the absence of transition provisions for pre-existing development applications. Notwithstanding the stated intention in the staff report, the Amendments include standards that exceed those set out in the Act, including an expanded width and length of accessible spaces and an increased number of required spaces. Our client is therefore concerned that the Amendments have the potential to impose onerous and unnecessary restrictions on the proposed development of the Property.

Our client also has considerable concerns with the lack of transitional provisions for pre-existing development applications. Failure to include transitional provisions could have a significant negative impact on projects that are at an advanced stage of the planning and permitting process, and which have already undergone substantial review. We respectfully submit that the proposed amendments should therefore include grandfathering or transitional provisions for pre-existing development applications, as was the case when the By-law itself was passed in 2013.

In addition to the above, we support the submissions to the Committee made by BILD dated February 22, 2017, and by Thomas Woodhall of BA Group dated February 23, 2017, which further detail both substantive and procedural concerns with the Amendments.

Please accept this letter as our client's written submission respecting the Amendments prior to enactment by Council. We respectfully request notification of any further actions or decisions made by City Council or City committees respecting this matter.

Should you require further information or have any questions/concerns about the above, please do not hesitate to contact the undersigned.

Yours very truly,

**Devine Park LLP**

Patrick Devine

Patrick Devine

PJD/AGF/mp

**cc:** Duration Investments Limited