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Our File No. 121596

BY EMAIL (clerk@toronto.ca)

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

Attention: Ulli S. Watkiss, City Clerk

Dear Mayor Tory and Members of Council:

Re: Accessible Parking Regulations
PG 18.5 – Technical Amendments to By-law 569-2013 respecting Accessible Parking Spaces
City Council Meeting of March 28, 2017
875-887 Queen Street East, City of Toronto

We are writing on behalf 875 Queen Lofts Inc., the owner of the property municipally known as 875-887 Queen Street East in the City of Toronto ("subject property"). The subject property is impacted by the proposed amendments to Zoning By-law No. 569-2013 respecting accessible parking spaces.

We have reviewed the recommendations of the January 23, 2017 Report titled Technical Amendments to By-law 569-2013, and the draft Zoning By-law Amendment appended thereto. Although this proposed Zoning By-law Amendment was framed as a technical amendment made for the purpose of harmonizing existing accessible parking regulations with Provincial Legislation, we note that the proposed amendments are different from and more onerous than the standards outlined in the *Accessibility for Ontarians with Disabilities Act,* 2005, S.O. 2005, c. 11 ("AODA") and amending Regulation 191/11, and do not in our submission constitute merely technical amendments to Zoning By-law 569-2013.

We have been informed that as a result of recent discussions between City Staff and representatives of BILD, City Staff may now be proposing a series of revisions to the draft Zoning By-law, including the addition of transition provisions and alterations to the accessible parking space dimensions. Once a revised proposal is released, we would appreciate the opportunity to review same with our client and provide comments.

Accordingly, we are writing to request that consideration of this proposed Zoning By-law amendment be deferred in order to allow members of the public, including our client, an opportunity for input.

Our client's concerns with the current draft By-law include the following:

1. Dimensions of Accessible Parking Spaces

   The increased (5.9 metre) length exceeds the 5.6 metre length of standard parking space dimensions in the City. The 5.6 metre parking space length on a 6.0 m wide drive aisle standard contained in Zoning By-law 569-2013 and the general Zoning By-laws of the former municipalities results in a particular parking grid and structural column location. The new accessible parking space dimensions do not "fit" into the standard parking garage grid upon which buildings in the City are designed. In many instances, it will not be possible to accommodate the increased dimensions of accessible parking spaces without losing standard parking spaces, and therefore requiring relief from other parking requirements of the Zoning By-law. No technical justification has been provided for the increased length, and we note that it is not required by the AODA.

2. No Transition/Grandfathering for Active Developments

   Currently, there is no provision in the proposed amendment to provide any transition for developments currently in the design and development approval process. Our client has completed its rezoning process, and as drafted, the proposed amendments would require our client to redesign its project to comply. In our submission, it is essential that the By-law includes provisions grandfathering sites with pre-existing planning applications from these new standards.

3. Lack of Public Consultation

   To our knowledge, there was no public consultation respecting these proposed revisions prior to the Staff Report being considered by the Planning and Growth Management Committee on February 23, 2017. We have not seen any technical studies to support the proposed amendments, which as noted above exceed the requirements of both the in force City Zoning By-laws and the AODA. Furthermore, as noted above, we understand the proposed draft By-law put forward in the Staff Report is now being revised. Given the impacts of the proposed changes, we respectfully request that Council provide an appropriate opportunity for consultation and input before the proposed By-law, in either its present or amended form, is considered for enactment.

Accordingly, we respectfully request Council to refer the matter back to staff for further consideration and input from interested stakeholders. We ask to be provided with notice of any future meetings related to this matter and for notice of passage of any Zoning By-law resulting there from.

Thank you very much for your consideration of this request.

Yours truly,

AIRD & BERLIS LLP

Kim M. Kovar
KMK/jt/mn

cc: Client

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