

September 29, 2015

Delivered Via Email: clerk@toronto.ca

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Dear Ms. Toft:

**Re: 270-288 Church Street, 101-105 and 111 Bond Street – Zoning Amendment Application – Reference No. 14 157484 STE 27 OZ
Written Submission for Consideration by Toronto City Council on September 30, 2015 – Agenda Item TE10.7**

We are the lawyers for the Merchandise Shared Facilities Committee and each of the residential condominium corporations (Metropolitan Toronto Condominium Corporation Nos. 1247, 1314, 1369 and Toronto Standard Condominium Corporation No. 1565) which make up the Merchandise building located at 155 Dalhousie Street in Toronto (the “**Merchandise Lofts**”). Together, the Merchandise Lofts have over 1,000 residents.

The following comments are intended for consideration by Toronto City Council at its meeting on September 30, 2015.

Ryerson University is proposing a 27-storey mixed-use building (plus a 2-storey mechanical penthouse) with a total height of 104 metres at 270-288 Church Street.

Below please find our client’s concerns in relation to the proposed development at the above-noted address:

Shadow Impacts

1. Our client’s primary concern relates to the shadow impacts that the proposed development will have on the Merchandise Lofts. Specifically, our client is concerned with how the proposed development will affect the Merchandise Lofts’ rooftop amenity space as well as certain units in the building known as atrium units, which will lose all sunlight at certain times of the year.

The atrium units in the Merchandise Lofts do not have outside-facing windows; they only face into the atrium. As one can imagine, the proposed shadow impacts are of particular concern for these units as, if the atrium lies in shadow, no sunlight will be able to reach those units.

Also, despite the assertions contained in the Staff Report dated August 20, 2015 to the contrary, there will be shadow impacts from the proposed development on the outdoor amenity area of the Merchandise Lofts.

We respectfully submit that the City's staff report in relation to the proposed development does not adequately consider the seriousness of the effects that the proposed shadowing will have on the Merchandise Lofts.

Traffic

2. Our client also has concerns in relation to the overall traffic impact of the proposed development on the Merchandise Lofts as well as the surrounding neighbourhood.

With four levels of underground parking and bicycle amenities, there will be a substantial increase in pedestrian, bicycle and vehicular traffic on the Church and Dundas Street corridors – particularly as traffic approaches Dundas Square (an already congested area for both pedestrians and vehicles).

We respectfully submit that the City's road network in the area does not have adequate capacity to accommodate the predicted traffic volumes generated by the proposed development.

Noise

3. The proposed development contemplates a significant amount of outdoor amenity space which will presumably be used by both students and faculty/staff.

We respectfully submit that the City has not adequately considered the noise impacts that the Merchandise Building will encounter as a result of this outdoor amenity space.

Community Context

4. Finally, our client is concerned by the overall size of the proposed development, especially in relation to the surrounding buildings. Put simply, the proposed development does not fit in with the existing community context.

A 27-storey building (plus a 2-storey mechanical penthouse), with a total height of 104 metres, will dwarf many of the neighbouring buildings.

We respectfully submit that the City has not adequately considered how the proposed development fits within the architectural landscape of the surrounding buildings, most of which do not exceed 10 stories in height. The proposed development would become the neighbourhood behemoth, casting a long shadow both literally and figuratively.

Conclusion

In conclusion, our client is quite concerned about the impacts that the proposed development will have on the Merchandise Lofts and, indeed, the surrounding community.

We respectfully submit that the City has not adequately considered the following in relation to the proposed development: 1) shadowing impacts; 2) traffic impacts; 3) noise; or, 4) community context.

Put simply, the proposed development is excessive and far beyond what a reasonable individual could support for the neighbourhood.

As such, Council should not approve the proposed zoning amendment until the proposed development is scaled back sufficiently to adequately mitigate the negative impacts outlined above and to more appropriately fit within the existing community context.

Should you have any questions, please do not hesitate to contact our office.

Yours truly,

MILLER THOMSON LLP

Per:



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ED/dms

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