

**Bloor Street East Neighbourhood Association (BENA)**  
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May 9, 2016

Toronto East York Community Council  
 City Clerk's Office  
 City Hall, 2<sup>nd</sup> Floor  
 100 Queen Street West  
 Toronto, Ontario N5H 2N2  
 Attention: Rosalind Dyers, Administrator, Toronto East York Community Council

Delivered by email: [teycc@toronto.ca](mailto:teycc@toronto.ca)

Dear Members of the Committee of the Toronto East York Community Council:

**Re: TE16.10 Final Report – 1-11 Bloor Street West, 768-784 Yonge Street and 760-762 Yonge Street – Zoning Amendment Application**

The Bloor Street East Neighbourhood Association (BENA) is incorporated under the laws of Ontario as a non-profit corporation. Included in BENA's objectives is the responsibility to promote development that is in the best interests of the neighbourhood. In carrying out its objectives, BENA welcomes and supports development that it believes is in keeping with good planning that has a positive, lasting effect on our city, our community and our residents. While the subject Development is not within our immediate boundaries, we are the neighbours to east and such are significantly affected by the subject Zoning Amendment. The subject property is within the boundaries of the Greater Yorkville Residents Association (GYRA).

BENA is writing in support of the request by GYRA, to request a deferral of the Final Report to allow for further considerations of major flaws in the development and address issues not contained in the Report.

At the invitation of Councillor Wong-Tam, BENA participated in all of the Working Group Meetings for the project. Additionally members of our Executive have read and become familiar with the Applicant's Reports and Plans, Initial and Final Staff Reports, attended both of the Design Review Panel meetings and attended the Heritage Conservation Board Meeting. In the process we have had conversations with the Planning Department; the City Transportation Staff and Public Health. It is after having done our due diligence on this file that we have come to the conclusion that the Final Report is premature and leaves too much to future ill-defined considerations. Our analysis and recommendations are restricted to internal issues and to the cycling and infrastructure issues and is not exhaustive. Other deficiencies are contained in other submissions including the GYRA's submission and we request that you take them into consideration as a whole rather than individually.

Listing of Major Issues with the Draft Bylaw including Deficiencies (detailed explanations are in the attachment)

- Draft bylaw 4. (I)vii – Required 7 short term parking spaces are inadequate; requires additional analysis
- Draft bylaw 4. (L) Long Term and Short Term bicycle spaces can be below grade (do not meet the Green Standards)
- No provisions for the minimum 10% family sized units; and
- No provisions that address the Bird Friendly Guidelines

We also believe that major site plan issues such as the deficiency in elevators may affect the detail contained in the draft by-law including 4. (I)(K) which outlines the required parking spaces in the draft by-law.

Attached please find a detailed analysis of some of these and other deficiencies and our recommendations in the attachment to this letter.

Respectfully Submitted;

Linda A Brett, President BENA  
On behalf of the Executive of BENA  
cc. Councillor Wong-Tam, Councillor Ward 27  
Greater Yorkville Residents Association  
Church Wellesley Neighbourhood Association  
Oren Tamir, Senior Planner  
Jamie McEwan, Manager Mid-Town, Community Planning  
Greg Lintern, Director, Community Planning  
The Bloor/Yorkville BIA  
Bcc the Executive of BENA

## **Bloor Street East Neighbourhood Association (BENA)** **Attachment**

### **Reasons for Submission**

We have concluded that it appears that the development has been tailored to the needs of a Retail Operation and the 416-unit Residential Condominium is designed as an afterthought with little regard for how it will function. As a result we also believe that required but omitted infrastructure, such as the addition of Pedestrian Path Connections, may substantially alter the foundation on which the report is based.

### **Identified Issues**

#### **Potential Future Path Connection (fundamental issue)**

The report recommends, as a condition of approval, that knock out Panels at the Concourse Level are included for future Pedestrian Path Connections and acceptable linkages to all of the connections. At -Working Group Meeting #5 the Applicant's Consultants agreed that the Valet Drop off and Temporary Parking Spots area would likely have to be redesigned if the knock outs to the south were ever opened up. However, this area is fundamental to the Application and Traffic Flow.

**Recommendation:** The final design of this area together with a final traffic flow should be completed prior to the acceptance of the Development and not left for Site Plan. The approval should be after consultation with, and the approval of the Bloor/Yorkville BIA and or Council not left entirely to the City Staff as per the condition in the report.

#### **Infrastructure not provided that may affect the specifics in the Draft by-law and conditions (fundamental issues):**

The following are examples of specific infrastructure that is not provided in the Applicant's current design:

- Management offices
- Dock Manager office
- Supply and infrastructure support space
- Superintendents offices
- Vehicle washing station required for the stackers
- Odor control and other health safety measures for the 10<sup>th</sup> floor garbage facility
- Noise mitigation measures for 24/7 loading dock not defined
- Security office space for security monitoring and guards

This list is not exhaustive; however it contains those elements that are obvious to us and based on our own buildings and their deficiencies and/or inclusions.

**Recommendation:** The Applicant should be required to demonstrate that sufficient space allowance has been made for the necessary additional infrastructure as well as address the current inadequate elements. Note that each time the plans have been revised to meet the building or fire code infrastructure and design elements, such as temporary parking spaces or elevators have been removed.

#### **Bicycle Access and Safety Consideration (Deficiencies not identified in the Report)**

The Staff report does not address the City of Toronto Green Standards as it relates to the bicycle parking. The requirement for 9 ground floor temporary bike spots is contained in the Applicant's documents and indicates none are provided. As well, their Transportation Report indicates that the Toronto Green Standards have not been met. Per the Applicant's Transportation Report Toronto Green Standards require:

- "Short term bicycle parking to be located in a highly visible location or at-grade or on the first parking level below-grade.

- Long term spaces may be located on the first or second storey of the building, or 1<sup>st</sup> level below grade. Bicycle parking below that level is permitted if half the level above is dedicated to bicycle parking. This requirement is also in the Zoning by-law, but in the Toronto Green Standards it applies to resident as well as commercial bicycle parking spaces.”

We also suggest that the transportation access to the bicycle parking is unsafe and unclear. One either has to enter through the public laneway competing with three condominium garage entrances (including this development) and the all inclusive loading docks for this development or the sidewalk on Bloor Street to the pedestrian laneway.

The private lane containing the pedestrian access connecting to the public lane also present safety issues for pedestrians as well particularly in regards to safety and security, and unauthorized entry by non-residents. We also note that the disjointed flow of the building is a safety issue should emergencies arise. Corridor layouts and inconspicuous entrances may pose a risk for emergency and first-response personnel, as well as evacuation in such event that it is necessary.

**Recommendation:** In order to address other cycling, pedestrian and safety issues, the following studies should also be undertaken.

- Pedestrian circulation study inclusive of the internal and immediate surroundings (PATH and street-level networks)
- Cycling circulation study inclusive of the internal and immediate surroundings
- Emergency evacuation study and plan

### Operation of a Condominium Corporation

We suggest that a review of the functionality of the Condominium be required as part of the application, commissioned by a third-party specializing in operating and maintaining condominium facilities, such as suppliers to Condominiums Corporations. Such a party should not be affiliated with the Applicant, and their primary source of income should not be derived from the Development Industry.

This review may reveal that the seven temporary parking spots in the draft by-law and report cannot meet the needs as stated. Additionally, the two Service Elevators in the plans may not be sufficient to meet both the needs of the retail and the Condominium despite having a Dock Manager. Schedule 1 provides a listing of some of the service providers that may require on-site parking, access to their vehicles and Service Elevators in order to satisfy the above.

It is difficult, if not impossible, to build in elevators and other major infrastructure after a building is built, thus ensuring it is right from the plans going forward a crucial omission not to be overlooked.

**Recommendation:** Accredited Professionals could be sourced through the Canadian Condominium Institute (CCI) and/or its sister organization the Association of Condominium Managers of Ontario (ACMO).

The report on the internal infrastructure of the Development should address the building’s ability to:

- Support of the daily activities within the structure
- Support of the annual maintenance plan within the structure
- Support the life cycle capital replacement plan using identified internal and external resources

### Conclusion

We understand that some of our requests are not required in the Planning Process to approve this Application and some might be appropriate during the Site Plan Process. However we suggest a plan needs to be in place to ensure that these identified issues are addressed up-front and in the Final Report.

This Site and Application are unique, in that they impact a very highly visible and sought after location in the City. We suggest that a more rigorous approach than a “tick the box and go” Approvals Process is appropriate for this Development Application.

This report, particularly our section on the Condominium requirements, is also suggesting another layer of Consumer Protection, which is lacking in our general legislative process. Fire Regulations and Building Codes speak to safety not functionality; whereas landmark structures such as this Application are defined over their lifetime in their appropriateness to the site, and their usefulness. The Condominium Act, which is a consumer protection Act, comes into force after the turnover of the Condominium portion, but at a point too late to ensure that a building functions as intended during the design. City Staff protects City lands and City access and clearly has an important

list of requirements to cover. However, consumer protection for a fully functional building is absent from the process, and major flaws are identified by the end users too late in the process to affect any reasonable change. Ensuring that the City remains vibrant and prosperous, while enhancing its openness and inclusivity is fundamental to our interest in this Site. Our intent in this report is not to negatively impact the existing process, but to augment it in order to ensure that the Application is complete, and suitable for this highly important site at Bloor and Yonge. We hope that the members of the Toronto and East York Community Council find this Report useful and informative. We certainly hope that, through this Report and the ongoing activities of City Staff, we ensure that this Site becomes the landmark and icon in the City's future and desired by the Neighbourhood.

**Bloor Street East Neighbourhood Association (BENA)**

**Supporting Schedule**

**Common Condominium Servicing Requirements that may require short term Parking and/or Access to a Service Elevator (Source - Condominium Annual Service Plan Template)**

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<b>Frequency</b>	<b>Item</b>
P	Waste Stack Cleaning
P	Roof Anchor Inspection
SA	Full load Generator Test
A	Thermo graphic Scan of Electrical Wiring
P	Window Washing
P	HVAC Maintenance
P	Pest Control
P	Pool Maintenance
P	Fitness Equipment Maintenance
M	Elevator Maintenance Contract
P	Elevator Cab and Common Element Maintenance
5 Y	Elevator Stress Load Testing
M	Fire Protection - Monthly Fire System Inspection
	Fire Protection - Annual Fire System Inspection (Full inspection including in suite)
A	
P	Common Element Carpet Cleaning
P	Fire equipment Inspections
5 Y	Hydrostatic Testing of Fire Hoses
P	Access Control and Security Features (Cameras) Inspections
P	Mechanical Contracts other than HVAC
P	Bi-sorter Maintenance and Repairs
P	Compactor, Garbage room and garbage bin Cleaning
U	TSSA Inspectors
P	Other Items required by TSSA and/or Ministry of Labour
P	Plumbing Repairs (both building and residential units)
P	Local Garage repairs
P	Repairs per inspections included above
	Building Envelope Repairs/ Maint (Can take a significant amount of time)
I	
P	Resident Renovations
P	Resident Move In/Out

**Legend**

- D = daily
- M = monthly
- SA = semi annually
- A = Annual
- P = periodically
- U = unknown
- I = infrequently
- 5Y = every 5 years