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June 23, 2021

Toronto East York Community Council
C/O Ellen Devlin
2nd Fl., West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Councillor Perks and members of the Committee:

**RE: TE26.8 – 1075 Bay Street – Zoning Amendment Application
Objection of MTCC #734**

We are the lawyers for the Metro Toronto Condominium Corporation #734 (“MTCC #734”) in respect of the above referenced matter. MTCC #734 represents the common interests of the owners living at 1055 Bay Street, a 23-storey building built in the late 1980s that is commonly referred to as Polo Club I. Our client’s lands are to south of the subject site across Inkerman Street.

MTCC #734 objects to the proposed zoning by-law amendment to permit the construction of a 59 Storey building.

Of particular concern in respect of this application is the recommendation of the City’s planning staff in its report to the Committee dated June 4, 2021 to permit an 11-storey “base building” at the site that will stand some 42.60 meters in height with floor-to-ceiling heights ranging between 4.1 to 8 meters. In effect, the proposed base building would be comparable in height to our client’s building to the south.

The report would appear to further suggest that a 3-metre step-back of the 6th to the 11th floors (beginning at 23.7m in elevation) is an improvement to the current condition. In our client’s view this alleged improvement overlooks numerous Official Plan and Secondary Plan policies that would justify greater setbacks, first in respect of the base building and then in respect of the tower. The report appears to conclude that the range of street wall heights along Bay Street is 2-3 storeys. While a taller street wall height may be appropriate in some contexts, it does not appear to our clients that the impact of permitting a 5 storey, 23.7m street wall height to the edge of the south property line considered mitigating the impacts of too little separation between our client’s property and the proposed development.

The upper storey private outdoor amenity spaces also raise serious concerns in respect of privacy between users of the proposed amenity space and those living in units on the north side of our client's building.

Our clients are further concerned about the Type G loading space proposed to be located off Inkerman Street. Although relevant, the June 4, 2021 report does not mention that underground parking provided at our client's site is only accessible from Inkerman Street. Notwithstanding the intention of widening Inkerman to allow traffic flows in both directions, we are concerned that site servicing traffic to 1075 Bay Street (garbage, recycling and organic waste) will conflict with incoming traffic (and potentially outgoing) traffic from our client's property. Drivers looking to enter our client's parking levels do so by way of a right-turn onto Inkerman Street from northbound Bay Street or via an uncontrolled left turn lane from southbound Bay Street onto Inkerman Street. Our client is very concerned that congestion on Inkerman Street caused by the servicing needs of the proposed building will cause dangerous backups on south and northbound Bay Street that at the most create the potential for collisions and the least further congest Bay Street.

Our clients are concerned in a large part because it is their experience that the ability to maneuver a front-loading refuse collection vehicle into the proposed Type G loading space may be theoretically possible, however, whether such vehicles do enter those spaces is a function of the skills of the vehicle's driver. We understand there are several examples in our client's neighbourhood where planned loading areas go unused while garbage and recycling bins are wheeled out to lanes for collection.

It also not clear that sufficient room within the waste collection area has been allocated to account for the increase in waste generated by packaging from online commerce deliveries. Insufficient capacity in sorting areas leads to overflow occupying the area designated for garbage, recycling and organic waste collection.

The above concerns regarding servicing from Inkerman Street leads our clients to believe there is a very good prospect for congestion on Inkerman Street that will cause serious adverse impacts to inbound and potentially outbound traffic from its site. Further, the noise generated from servicing in what will eventually be a 10m – 13m wide canyon between the proposed building and our client's building will generate unacceptable noise levels for those living on the north side of 1055 Bay Street.

Our clients further note that the dearth of play areas for local families will likely make the proposed on-site POPS a popular place for children, raising the question of how advisable it is for large trucks to back-up onto Inkerman Street. We note that an inquiry into current pedestrian activity on the lane did not project what future pedestrian activity might be with the addition of the open space. Further, it appears the Applicant's traffic consultant provided information to City of Toronto staff in respect of pedestrian volumes on Inkerman Street alone, but the more relevant data are the number of pedestrians who currently use the mid-block connection between St. Mary and Inkerman which does not appear to be accounted for in the traffic impact study or the June 4, 2021 report.

It is not clear to our clients why the site cannot be serviced through a common vehicle access off St. Mary, which is wider, benefits from a recently installed (not yet operational) traffic control signals at Bay Street and would reduce adverse traffic impacts on Inkerman Street. This is further supported by the Applicant's traffic consultant's updated analysis indicating good levels of service are expected from the St. Mary Street/Bay Street intersection after the automated signals become operational.

Given the above concerns, which remain unresolved from our client's perspective, we strongly urge the Committee to refuse the recommendation to Council to amend the zoning at 1075 Bay Street.

Yours truly,

ERIC K. GILLESPIE
PROFESSIONAL CORPORATION

Per:

A handwritten signature in black ink, appearing to read 'Ian Flett', with a stylized, cursive script.

Ian Flett