

From: [Jane Pepino](#)
To: [Toronto East York Community Council](#)
Subject: My comments for 2021.TE27.36 on September 9, 2021 Toronto and East York Community Council
Date: September 9, 2021 8:03:17 AM

To the City Clerk:

Please add my comments to the agenda for the September 9, 2021 Toronto and East York Community Council meeting on item 2021.TE27.36, Parking Amendments - Sackville Street and Amelia Street

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

Comments:

As Counsel for the ratepayer parties to the appeal by the owner against the refusal by the City's Committee of Adjustment , I feel obliged to respond to the submissions of both Mr. Flett, on behalf of the appellant, and those few others who have written in support of " daycare".

We reject any support for the incomplete and illconsidered report before you , and request the report be referred back to staff for full consideration not only of the evidence out of the TLAB hearing, but also current evidence of parking demand within 100m of the proposed daycare. Alternatively, the report should be refused outright.

The entire argument in support of " daycare" ignores the fact that minor variances must meet the 4 Planning Act tests of meeting the intent of the City's OP and bylaw, as well as being appropriate only and desirable in its circumstances and having no detrimental impact.

First, it was clear on the record of the TLAB appeal that this application was for FOR PROFIT daycare, and would in no way address the need for accessible spaces. In any event, even the appellant's own planner agreed that " need" for daycare, as was the position of the City's Committee of Adjustment, was not relevant to whether the requirements of the Planning Act for minor variances were met.

Next, the report of the Transportation Department entirely fails to address the requirements for the application, as well as the direct instruction set out in the condition proscribed by the TLAB. : that is to determine the NUMBER of parking spaces required to allow the proposal to operate SAFELY and to satisfy the requirements of the Ministry of Education for operational effectiveness.

The Transportation report before you utterly fails the first requirement: it does not evidence any knowledge of the contrary opinion and evidence adduced at the hearing, successfully challenging the Appellant's supposition that 4 parking spaces were sufficient to permit safe operations. To the contrary, the appellants' own traffic expert acknowledged that a higher number would be required to ensure no blockage of these below standard streets. Particularly, the City's own expert opined under oath that safe operation of these streets would require a higher number of pick up and drop off spaces to be taken from the parking supply to avoid unsafe street blockages. This has not been addressed or analyzed by the report before you. It should not be considered complete , particularly since changes in the number and location of the proposed " reserved" spaces changes the degree of practicality, as well as the degree and direction of detrimental impact.

At a minimum , no decision can be made on this particular small part of the proposal, until it is known whether in fact a licence will issue , dependent in large part on knowledge of who the operator will be. In turn, that will define what the licensing body considers to be adequate for safe operation of the daycare, with acceptable impact on the surrounding neighbours.

In addition, there are the various other aspects of the TLAB conditions that name the required consents, licences and permits which are required, all of which are interrelated. Dealing with any one without knowing the status of the

others does not satisfy the intent of the TLAB ruling. Each application to satisfy the various conditions is connected to , even reliant on the other, to permit a decision to be finally made that the application satisfies the tests of the Planning Act . Contrary to the assertions of Mr. Flett, this application is premature, and the report before you, entirely incomplete.

Yours truly

Jane Pepino
Sent from my iPad