



## THE METROPOLE

09 February 2012

The Toronto and East York Community Council  
City Hall — West Tower 2<sup>nd</sup> Floor  
100 Queen St W  
Toronto ON M5H 2N2

Ladies and Gentlemen

**Re Agenda Item 2012.TE13.10 (Comprising Revised Application 11 190645 STE 28 OZ)**

Please consider that this letter and its appendix comprise Metropolitan Toronto Condominium Corporation Number 1170's response to the above-noted Agenda Item and/or Revised Application. Please consider, also, that this letter comprises only an initial response, and that it is without prejudice to any subsequent responses that MTCC 1170 might choose to offer.

As for accreditation, MTCC 1170's Board Meeting Minutes (Section 08a of Meeting 110929R and Section 11a of Meeting 120126R) confirm my authority to represent MTCC 1170 and to present arguments on the Corporation's behalf. Additionally, Section One of Appendix One to the Minutes of Board Meeting 110929R emphasises MTCC 1170's concerns about traffic. (All Minutes referenced herein are available at [www.mtcc1170.com](http://www.mtcc1170.com).)

Appendix One to the Minutes of Board Meeting 110929R indicates that MTCC 1170's Board is aware of the law pertaining to two potentially vexatious issues; namely, the right to light and the right to a view. Hence, this letter will address neither issue. Instead, MTCC 1170 wishes to direct the Community Council's attention to an issue that I raised in e-mail to Ms Sarah Henstock on 16 September 2011 (the possibility that the proposed building's parking garages will use Colborne Street for ingress and egress). Relevant portions of that e-mail appear below — in indented paragraphs.

Probably, I am not the first person who has contacted you about being incredulous regarding the 40 Scott Street study; specifically, the allegation that 360+ more vehicles will add only one minute to the amount of time necessary for 7 King Street East's residents to achieve ingress/egress into/from our two parking garages via Colborne Street. Having had considerable training and experience in sampling and statistical analysis, I can assure you that broad parameter estimates such as "only 1 minute" are rarely attainable on a reliable or persistently replicable basis in real-life situations. Therefore, MTCC 1170 reiterates its suggestion that ingress to the 40 Scott Street building's parking garage should be **from** Colborne Street and egress should be **into** Wellington Street. Acceptance of this suggestion might mean that the impact on Colborne Street could be within the "only 1 minute" that the study indicates...

Having questioned the above-noted study's reliability, do I have anything better to offer? Indeed, I do. MTCC 1170 has a swivel/pan/zoom CCTV camera mounted on the south side of our building. It is capable of "seeing" and recording all events in Colborne Street between Yonge Street and the confluence of Victoria and Scott Streets. MTCC 1170 is prepared to provide you with DVDs containing a record of the traffic

in Colborne Street. We are confident that these DVDs will refute the 40 Scott Street developers' apparently optimistic study.

The other [issue] that MTCC 1170 asks you to pursue is the frequency of filming in Victoria, Scott, and Colborne Streets. As you are well aware, you can do this by contacting the Toronto Film and Television Office. Aside from street-blockage by actors, crews, and cameras, there is also the problem of film-companies' vehicles parked in the aforementioned streets (as recorded by our CCTV camera — initially installed in honour of 8 Colborne Street). When you add filming to the Greyhound buses that park in front of 8 Colborne Street (The Cosmopolitan condo/hotel), my characterisation of Colborne Street as a zoo becomes more readily understandable.

Please contact our Property Manager, Nancy Bijelic, at 416.861.8320 to obtain copies of recordings from our Colborne Street CCTV camera.

Did Ms Henstock, or any other City employee, ever contact MTCC 1170's Property Manager to obtain CCTV recordings of traffic in Colborne Street? Certainly, I have no knowledge of any such contact and/or request.

However, sometime between 14 September 2011 and 22 December 2011, the City and the developer did seem to discuss vehicular access to/from Wellington Street. During the Community Consultation on 14 September 2011, the developer appeared to indicate that all ingress/egress would be via Colborne Street. On 22 December 2011, the City disseminated a "revised" development application that includes the statement, "...vehicular access off of Wellington Street has been deleted..." (<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=2896250>)

Why was it necessary, on 22 December 2011, to "delete" an item that had not, so to speak, been "on the table" on 14 September 2011? Can we reasonably conclude that ultimately fruitless discussion did occur — regarding vehicular access via Wellington Street? If so, why was the discussion fruitless (notwithstanding the concept's evident utility)?

Might we reasonably infer that gross overcrowding of Colborne Street is the trade-off that will permit the absence of kerb-cuts and the presence of a treed streetscape at or near 10 Wellington Street? If that inference is correct, it surely exemplifies an unacceptable imbalance between internalities and externalities. The entire St Lawrence Neighbourhood "internalises" the benefits accruing to a treed streetscape and to fewer or no kerb-cuts. However, those "benefits" have "externalities" that fall disproportionately on buildings that rely solely on an already-gridlocked Colborne Street for deliveries and garage-access. As noted above, the imbalance is unfair to those few buildings.

To put Colborne Street in context, the Community Council needs to consider its history since the mid-1960s. By about 1963, MTCC 1170 was in its first incarnation, as a National Trust office tower that had only three levels of underground parking. Immediately south was the Royal Sun Alliance Building (*ie*, the building slated for redevelopment) which also had, I assume, three levels of underground parking. Probably, this volume of traffic was reasonable for Colborne Street between Scott and Yonge Streets. In 1995, the City permitted a developer to begin converting the National Trust office tower into MTCC 1170. To increase available parking, the City allowed (or compelled) the developer to reinforce two above-ground floors and convert them into 97 additional parking stalls, for a total of 251 stalls. The 1995 increase, in and of itself, represented a 63% increase in the number of vehicles (and suites) that rely on Colborne

Street for deliveries and garage-access. However, the quantity of vehicles was manageable because access to the two buildings' parking garages was counter-cyclical. That is, in the mornings, almost all of Royal Sun Alliance's traffic was inbound, and almost all of MTCC 1170's was outbound, and *vice versa* in the evenings.

In 2003, that eminently viable dynamic changed when the City permitted a developer to erect a condominium hotel at 8 Colborne Street, but did not require the developer to provide an off-street loading/unloading zone for guests arriving by bus, limousine, taxi, *etc.* As this response's pictorial appendix shows, the City's omission of off-street unloading has had a considerable impact on MTCC 1170 (and, presumably, on Royal Sun Alliance).

Understandably, MTCC 1170 literally cringes at the prospect of the City's authorising an additional 343 parking stalls to the vehicular load in Colborne Street — especially since access to the two buildings' parking garages will no longer be counter-cyclical (as it was above). To preclude additional vehicular chaos, MTCC 1170 requests one of the following two remedies (listed in descending order of preference):

- 01 all vehicular access to/from 40 Scott Street/10 Wellington Street shall be solely via Wellington Street; or,
- 02 all vehicular ingress to 40 Scott Street/10 Wellington Street shall be solely via Colborne Street; and, all vehicular egress from 40 Scott Street/10 Wellington Street shall be solely via Wellington Street.



MTCC 1170 thanks the Community Council for its attention to this response and its appendix and, where applicable, to any other visual material that MTCC 1170 might be able to provide. MTCC 1170 stands ready to answer any questions arising herein.

Yours sincerely  
Metropolitan Toronto Condominium Corporation Number 1170



E K Bricknell  
President of the Board of Directors

Encl/

	<p>This photograph (like all subsequent ones) depicts the portion of Colborne Street between Scott Street and Yonge Street. As is fairly typical, a van and two trucks are illegally parked or “stopped” in a clearly-marked “no stopping” zone on Colborne’s south side. As is equally typical, passenger vehicles are stacked up on Colborne’s north side, possibly pending unloading at the Cosmopolitan Hotel. Limited space is available for westbound and/or eastbound traffic. Parking Enforcement appears unwilling or unable to prevent such scenarios.</p>
	<p>Between early spring and late autumn, this is an equally typical depiction of Colborne Street. Illegal parking/stopping persists on the south side. On the north side, a tour bus arrives at the Cosmopolitan Hotel, as do sundry passenger vehicles. At minimum, scenarios such as this prevent MTCC 1170’s residents from ingress to and/or egress from their loading dock and their lower parking garage. In many instances, ingress/egress to/from the upper parking garage is also impossible.</p>

Source of Photographs: The photographs displayed herein are still “captures” from a pan-zoom CCTV camera that MTCC 1170 deploys on its south wall. The chosen photographs exemplify only some of the problems that MTCC 1170’s residents face in Colborne Street. As for orientation, the temporary plywood door (right foreground in all photographs) indicates MTCC 1170’s loading dock. MTCC 1170’s lower parking garage is west of the loading dock; the upper parking garage, east.



In this picture, the tour bus has departed and passenger vehicles take its place to await unloading at the hotel. Illegal parking and/or stopping persists on the south side. Next to the fire hydrant, we see a white vehicle whose left front door appears to be open, as the driver stands nearby, possibly trying to ascertain when he will be able to unload. A dark blue passenger van seems to be trying to edge its way between the white vehicle's open door and the illegally parked truck on the south side. This is simply another typical day in Colborne Street...



This picture exemplifies two of Colborne Street's other realities. First, large trucks (such as the soft drink van and the hoist-truck) are common phenomena. Second, when the stack of hotel arrivals prevents large trucks (such as the hoist-truck) from reaching their destination, the inevitable outcome is that MTCC 1170 loses access to/from its parking garages and/or loading dock. To some extent, at least, similar scenarios will befall the proposed building at 40 Scott/10 Wellington. Put simply, Colborne is already well past its vehicular capacity.



This page's two pictures, two seconds apart, show a near-miss that is much more obvious on viewing the actual CCTV footage. A light-coloured passenger vehicle proceeds slowly westward, possibly awaiting the hoist-truck's departure. A blue passenger vehicle exits eastward from MTCC 1170's lower parking garage, its driver's vision partly obstructed by the light-coloured vehicle. On the south side of Colborne, a blue van begins moving eastward, unbeknownst to the driver of the blue passenger vehicle.



As the previous frame explains, actual CCTV footage captures this near-accident much more dramatically than "stills" can, especially as regards both vehicles' speed as they were drawing near to each other. Fortunately, the blue van's driver reacted quickly and there was no collision. However, the incident does exemplify two issues additional to overcrowding in Colborne Street. Visibility is one of those issues. Another is unpredictable behaviour, from frustration that residents feel when they are unable to exit the parking garages as quickly as they believe they should.



As this picture indicates, a west-bound light-coloured vehicle is attempting to find its way between illegally parked or “stopped” vehicles on the south side and a taxi that appears to be reversing from a position about 1.5 metres south of the kerb. Certainly, MTCC 1170 can present additional proof that 1.5 metres from a kerb is not an unusual parking and/or stopping distance for the neighbourhood’s taxis and limousines. The net result of course, is further diminution of an already-clogged street’s ability to cope with additional traffic.



On this picture’s left side, viewers can see the blue letters “it” on the right rear side of a parked truck (likely, a mobile paper-shredder). These, too, are a common phenomenon in Colborne Street. Leading a three-vehicle eastbound procession is a flatbed truck. Because the flatbed will have to use the westbound lane to pass the shredder, westbound access to MTCC 11170’s parking/loading facilities will be impossible. If the proposed residential building at 40 Scott/10 Wellington *must* use Colborne for entry and exit, the egregious access deficiencies depicted herein will only worsen. Welcome to Colborne Street...