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VIA E-MAIL ONLY

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**RE: Applications: 19 195542 STE 11 OZ & 20 214271 STE 11 SA
315 – 325 Spadina Avenue – Zoning By-law Amendment Application
Planning Application No.: 19 195542 STE 11 OZ**

To the Honourable Members of Toronto City Council:

Please be advised that Rodrigues Paiva LLP is counsel to 2837426 Ontario Inc., o/a the Concerned Citizens of Chinatown.

On May 5, 2021, the City of Toronto (“the City”) will be making a decision on the 315 – 325 Spadina Avenue Zoning By-law Amendment Application. I have been following the development of this proposal and on behalf of the Concerned Citizens of Chinatown, I am writing to express my concerns with the application in its present form.

We submit that the City should reject this application in its present format for the reasons stated below and because it generally fails to conform to the City of Toronto Official Plan and because the application is not consistent with the principles of sound land use planning.

Proposal does not fit the Character of the Neighbourhood

The proposed development does not fit the character of the Chinatown neighbourhood. Although Councillor Kristyn Wong-Tam takes the position that development has changed but not eradicated Chinatown, I respectfully disagree with this claim. The Spadina/Chinatown core of the City represents and reflects an important part of its social, cultural and architectural history. Chinatown exists as an area of low-rise buildings; it is a community and has its own identity within the City. The City’s position as a multicultural hub can only be maintained if differences in style

and height are embraced rather than eliminated. The City's Downtown Plan and City's Official Plan require that the existing character of mixed-use areas be maintained.

By delaying a decision on this application until after the Heritage Study is complete, the City will have a better appreciation for the unique character of Chinatown and ensure that this new development will complement the existing built form and heritage attributes of the area. We appreciate that the clergy principle means that this particular development application is judged on the policies in place at the time the development was made and is not impacted by subsequent policy changes; however, the City can still require that this development fit the existing neighbourhood.

Built Form

At 13 storeys, the proposed building does not fit with the current streetscape of low-rise buildings. There will be no gradual transition between this building and its immediate surroundings. It also sets a new precedent for the height of future new buildings in the immediate vicinity. The development's proposed setbacks do not change the fact that this will be a 13-storey building surrounding by 2 – 3 storied buildings.

The City's Downtown Plan and Official Plan emphasize that not all sites can accommodate the maximum scale of development anticipated in each of the Mixed Use Areas while also supporting the liveability of the development and the neighbourhood.

315 – 325 Spadina Avenue is in an area designated mixed-use and the width of the right-of-way determines the height of the building. In this case the maximum height of the building would be 40 meters – the proposed development exceeds this limit and is not consistent with the City's Zoning By-Law or Official Plan.

Parking

The building does not provide sufficient parking. The side streets are already congested with visiting traffic to the area which has also impacted the neighbouring Kensington Market area.

34 parking spaces are inadequate for the proposed number of residential units and commercial spaces. The increased visitor and residential traffic created by a building of this size will not only cause parking issues, but it will also impact the flow of traffic in the immediate vicinity and surrounding communities. These latter impacts have not been adequately addressed in the application materials or at the Public Consultation Meeting held in December 2020.

Community Space

There is a lack of both indoor and outdoor community spaces in Chinatown. The proposed development makes no effort to address the need of the community. The application should be re-envisioned to include a communal area. As is, the development does not emphasize or support social interaction – which is a key cultural component of the area.

Planning Act

Section 2 of the Planning Act requires the council to make planning decisions that take into consideration the provision of cultural and recreational facilities, the adequate provision of affordable housing as well as promoting a built form that encourages a sense of place and provides safe and accessible public spaces. This application is deficient in all these requirements.

Shadow Impacts

The proposed development creates negative shadow impacts on the properties in the vicinity that will hinder the character of the neighbourhood and is contrary to the heavily retail-nature and mixed-use area. This is contrary to the City's Official Plan and Downtown Plan which note that shadow impacts should be considered in determining the scale of development.

Affordable Housing

Everyone agrees that affordable housing is a critical need for the residents of Chinatown. The developer has offered to allot 22 units as affordable housing by providing a cash contribution towards affordable housing as its s.37 of the *Planning Act* contribution.

22 units would equal approximately 10 percent of the total gross floor area of the dwelling units within the development. This “carrot” from the developers will only be provided if the development is approved as is; if the application is appealed then my understanding is that it will withdraw the provision of any affordable housing units. In short, affordable housing is being used to push through a development that is ill-suited to the needs and character of the neighbourhood.

The developers should enter into an Agreement pursuant to Section 37 of *the Planning Act* before this application should be considered by the City Council. The number of affordable housing units should increase to a minimum of 50% of the total gross floor area and be guaranteed in perpetuity rather than for a set period of 25 years, or if the Open-Door Affordable Housing Program incentive is approved, for 40 years.



Chinatown Toronto is a racialized community where the average income is 30% less than the City's average. The City can support this cultural community hub by requiring a greater cash contribution from the developers to secure housing that is within the financial reach of its inhabitants.

Conclusion

Finally, certain City personnel have made questionable comments about the Local Planning Appeal Tribunal ("LPAT") throughout the course of the public consultation process and at the Meeting of the Toronto and East York Community Council held on April 21, 2021 including erroneous statements that this development would be unable to be appealed to the LPAT, or that it should not be appealed because only politicians should make decisions on planning in the City of Toronto.

The function of the LPAT is to evaluate development and planning matters based on sound land use planning principles, to ensure consistency and conformity with the Growth Plan and Provincial Policy Statements based on evidence (not based on political opinion), and serves as a critical function for access to justice for members of the community.

It is appreciated that the City cannot prevent development; however, it has the tools to properly shape it. In this particular case, there has been strong community backlash for valid reasons.

The application as submitted does not conform to the City's Official Plan and Downtown Plan and is not consistent with the principles of sound land use planning.

We respectfully ask that the City reject this proposal as submitted.

Yours very truly,

RODRIGUES PAIVA LLP

A handwritten signature in blue ink that reads 'Michael Paiva'.

Per: Michael J. Paiva, Partner

bcc. Toronto City Councillors (via e-mail)