



THE ANNEX RESIDENTS' ASSOCIATION

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September 23, 2024

Toronto East York Community Council
City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Members of Toronto East York Community Council

**Re: 2024 TE16.3 - 41- 45 Spadina Road - Zoning By-law Amendment and Rental Housing Demolition
Applications - Decision Report**

The Annex Residents' Association (ARA) is the oldest residents' association in the City. Our catchment is from Avenue Road in the east to Bathurst Street in the west and from Bloor Street West to the CPKC tracks along Dupont Street to the north. The subject site, Spadina Gardens, falls within our catchment. It is the subject of the documentary Charlotte's Castle linked below.

<https://www.tv.org/video/documentaries/charlottes-castle>

We write in solidarity with the residents of Spadina Gardens with whom we have collaborated since this application was first proposed. As noted in the Staff Report, we have issued a Project Position Statement setting out our concerns regarding the application.

The application is nothing if not novel. It proposes to construct a 10 storey, 70 unit building supported by a pedestal hovering six metres over a four storey 24 unit designated heritage asset all while the latter remains occupied. No comparable example of this construction methodology has been provided despite several requests.

This is not a demoviction, at least not yet.

Understandably the application has generated a great deal of apprehension among the residents. They are searching for answers to some basic questions. We put these into four categories:

1. **Constructability**

Is the proposal even constructible? The residents have asked that a “second opinion” be provided by a structural engineer. The response to this basic question and to the request for a “second opinion” is that this is a zoning application to establish the building envelope and that the constructability issue will be addressed later in the process at the site plan and building permit stages. Hardly reassuring.

This is the direct result of the timelines imposed by Bill 109 which has seen the separation of zoning from site plan, the latter being an opaque process.

2. **Health and safety during construction**

What will be the impact of construction on the health and safety of the residents who will remain *in situ* during the prolonged construction period? No answer is proffered.

3. **Heritage**

What will the impact of construction on the integrity of the heritage building, both to its exterior as well as to its interior, both of which are designated? What steps are being taken to preserve the existing heritage asset? Is a vibration impact study scheduled to establish benchmark conditions? Is necessary maintenance being undertaken now, or is has such work been put on hold?

4. **Livability**

What will life be like for residents post completion, assuming that no misfortune occurs? The suites in the heritage building have no mechanical means of ventilation because the design of the existing building featured cross ventilation and direct ventilation to all bedrooms. No work to the existing heritage building has been identified. How will adequate ventilation and natural light be provided.

Essentially the residents are seeking information to develop an understanding of the impact on them of what is being proposed.

Unfortunately, instead of answers the applicant offers blandishments and vague assurances, taking refuge in the process that pushes answers down the road. The applicant takes the position that it has already done more by way of consultation than it is required to do.

The applicant has stated that just because zoning has been approved it doesn't mean that the project will be built, presumably referring to constructability and costing issues. This is not helpful.

The core issue is that the residents have a high degree of anxiety and the applicant has to date not offered much to alleviate this anxiety.

The situation falls into the Donald Rumsfeld's rubric of “known knowns”, “known unknowns” and “unknown unknowns”. The concerns expressed by the residents are in the “known unknowns” category. They very much feel that they are pawns in an experiment. For them this is not an academic exercise.

The applicant should be doing a better job of illuminating the known unknowns if it wishes to earn the trust and support of the residents

While mindful of Bill 109, this application could benefit for more deliberation and consultation with those primarily affected and not be driven by an arbitrary timeline.

As is typical of recent applications that have been approved, we expect that a number of conditions will be included with zoning approval of the building envelope. We propose that the following conditions be added to those included in the Decision Report before you:

1. A construction management plan is provided acceptable to tenants who are expected to shelter in place.
2. Plan B outlining what steps will be taken to accommodate existing tenants should it be impossible to safely live below and within the construction site. This should include guarantees to move back into suites post construction and moving allowances and appropriate alternative accommodation.
3. Completion of a vibration impact study scheduled to establish benchmark conditions. Documentation of existing conditions and evidence that ongoing necessary maintenance is being undertaken to protect the heritage resource.
4. An engineering study to confirm adequate access to natural light and ventilation in all units in the heritage building post construction.
5. Resolution of infrastructure impacts particularly with respect to the developer's proposal of accommodating additional sanitary discharge in capacity found in the stormwater allocation of the combined sewers along Lowther Avenue and Spadina Road. To allow this continues to exacerbate the continuing flooding evident in areas of the city.
6. Provision of four accessible parking spaces as required by City of Toronto. Accessible options for residents proposed by the developer are subway stations with elevators located approximately 400-500 metres from the building. These should not qualify as acceptable alternatives for disabled residents in the building.
7. Tenants be consulted through the Site Plan Review process as the required supplementary reports are provided and details are discussed.

We conclude by recognizing the exemplary work of Planning Staff in communicating with the residents and doing their best to be responsive in the context in which the application is made.

Sincerely,

Elizabeth Sisam and Henry Wiercinski
Co-chairs Planning + Development Committee, Annex Residents Association

C: Councillor Dianne Saxe, Ward 11
Oren Tamir, Manager, Community Planning, City of Toronto
Chris Pereira, Planner Community Planning, City of Toronto
Spadina Gardens Tenants Association