



Reply to the Attention of	Mary Flynn-Guglietti
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Date	December 2, 2014

VIA E-MAIL (teycc@toronto.ca; clerk@toronto.ca)

Toronto and East York Community Council
 Toronto City Hall
 100 Queen Street West
 2nd Floor, West Tower
 Toronto, Ontario
 M5H 2N2

**Attention: Ros Dyers,
 Secretariat Contact, Toronto and East York Community Council**

Dear Chair and Members:

**Re: Submissions on behalf of the owner of
 19 Forest Hill Road
 TE2.3 – St. Clair Avenue West – Review of Area
 Specific Policy No. 221 – Official Plan Amendment**

We are the solicitors retained to act on behalf of the owner of the property municipally known as 19 Forest Hill Road (the “**Property**”). The Property is located in a residential neighbourhood north of St. Clair Avenue West, west of Avenue Road, east of Dunvegan Road and south of Heath Street West. The Property is located immediately north of the area subject to the St. Clair Avenue West Area Specific Policy No. 221 (“**Policy 221**”). We have had an opportunity to review the Staff Reports dated July 15, 2014 and November 18, 2014 regarding the St. Clair Avenue West Review of Area Specific Policy No. 221 – Official Plan Amendment (the “**Staff Report**”) and, while we are generally supportive of the policies put forward under the proposed Official Plan Amendment 279 (“**OPA 279**”), we wish to request important revisions to the built form policies of OPA 279, as set out in greater detail below, in order to ensure appropriate development within the St. Clair Avenue West area and preservation of the character and stability of the existing neighbourhood.

The area subject to Policy 221 and OPA 279 is designated as an “**Apartment Neighbourhood**” under the City of Toronto Official Plan (the “**OP**”) and Policy 221 currently provides that “development in Apartment Neighbourhoods will generally be in the range of 4 to 6 storeys in height”. OPA 279 proposes to permit mid-rise buildings along St. Clair Avenue West with maximum permitted building heights equivalent to the width of the adjacent right-of-

way (30 metres for St. Clair Avenue West and 20 metres for Forest Hill Road). This would effectively increase the maximum permitted building height from 6 storeys to approximately 9 storeys. Importantly, in order to achieve this maximum building height, OPA 279 requires that proposed developments satisfy specific built form and design criteria as follows:

“1. Buildings will be permitted to a maximum height of 9 storeys, provided that they comply with the following:

- (a) A minimum of 5 hours of continuous sunlight must be achieved on the north sidewalk of St. Clair Avenue West from March 21 to September 21.
- (b) The building will have a maximum wall height facing streets of 5 storeys, above which the building must step back from the main building wall.
- (c) No part of the building is located above the angular plane drawn from the abutting street lot line, commencing at a height of 24 metres above the street level, and then angling upwards at an angle of 45 degrees away from street over the site.
- (d) No part of the building is located above the angular plane drawn from each lot line abutting a *Neighbourhoods* designation, commencing 7.5 metres from the lot line at a height of 10.5 metres, and then angling upwards at an angle of 45 degrees away from the lot line over the site.
- (e) The building will be well set back from the curb line of St. Clair Avenue West to provide ample space for tree planting, pedestrian clearway, street furniture and lighting, as well as for landscaped open space within the site.
- (f) The building will be set back along side streets to provide a transition to the front yard setback of adjacent residential properties.
- (g) The building will have a minimum separation of 5.5 metres from side walls containing windows of adjacent buildings. Greater separation may be required if the adjacent windows are primary windows.
- (h) The building façade will be articulated or "broken up" to limit expanses of uninterrupted facade.
- (j) The building will preserve the existing sunlight access conditions such that it will cast no new net shadows on Glen Gould Park between 10:00 AM and 4:00 PM on September 21.
- (i) The mechanical penthouse and residential indoor and outdoor amenity space may be located on top of the 9th storey, provided that they are limited in size and comply with policies 1(a), 1(c), and 1(d).”

Pursuant to the OP, Apartment Neighbourhoods are stable areas of the City that are not intended to accommodate a significant amount of growth. The OP also does not identify the segment of St. Clair Avenue West subject to OPA 279 as an “Avenue”. Accordingly, in order to maintain the stability of the St. Clair Avenue West Apartment Neighbourhood and

surrounding single detached neighbourhoods and in light of the proposed increase to the maximum permitted height we respectfully request the following revisions to the built form policies of OPA 279 as follows (additions are underlined and deletions are ~~struck-out~~):

“1. Buildings will be permitted to a maximum height of 9 storeys, provided that they comply with each of the following:

...

(c) No part of the building is located above the angular plane drawn from the abutting street lot line, commencing at a height ~~of 24 metres~~ above the street level equivalent to 80% of the width of the abutting right-of-way, and then angling upwards at an angle of 45 degrees away from street over the site.

(d) No part of the building is located above the angular plane drawn from each lot line abutting a *Neighbourhoods* designation, commencing 7.5 metres into the site from the lot line at a height of 10.5 metres, and then angling upwards at an angle of 45 degrees away from the lot line over the site.

...

(f) The building will be set back along side streets a minimum of 6 metres to provide a transition to the front yard setback of adjacent residential properties.

...

(i) The mechanical penthouse and residential ~~indoor and outdoor~~ amenity space ~~may be located on top of the 9th storey, provided that they are limited in size and shall~~ comply with policies 1(a), 1(c), and 1(d), be limited in size and minimize the use of illuminated building features.”

We respectfully submit that the revisions set out above strengthen the built form policies of OPA 279 for the following reasons:

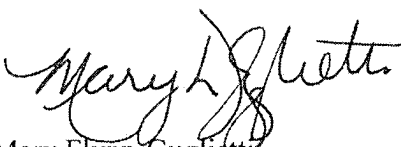
- **Revision to 1.:** The addition of “each of” provides clarity that each of the built form criteria listed must be achieved in order to attain the maximum permitted building height.
- **Revision to (c):** The proposed revision provides for consistent application of the angular plane (commencing at 80% of the width of the right-of-way) for all streets within the St. Clair Avenue West area which is consistent with the intent expressed in the Staff Report. While a 24 metre commencement of the angular plane may be appropriate for St. Clair Avenue which has a width of 30 metres (24 metres being 80% of the width of the right-of-way), other streets within the study area have narrower rights-of-way and should have correspondingly different commencements of the angular plane. For example, Forest Hill Road has a 20 metre right-of-way, therefore, the angular plane would more appropriately commence at a height of 16 metres (being 80% of the 20 metre right-of-way), as

opposed to at a height of 24 metres which is over 100% of the right-of-way.

- **Revision to (d):** The proposed revision provides clarity that the direction of the measurement of the commencement of the angular plan is away from Neighbourhood designations.
- **Revision to (f):** The inclusion of a definitive setback provides for greater protection of the character and stability of the adjacent single detached neighbourhood by eliminating the subjective nature of the policy which could result in the advancement of setbacks for new buildings that are out of character with the immediate context.
- **Revision to (i):** The proposed revision prevents the development of a building that is effectively 11-storeys in height (i.e. the development of a 9-storey building that further includes additional storeys for indoor amenity space and mechanical levels) which, we respectfully submit, is contrary to the intent of OPA 279 which seeks to limit the maximum building height to 9 storeys or less.

We wish to inform you that my client and I are prepared to meet with City staff to discuss the concerns and revisions set out above. We understand that the City will be holding a statutory public meeting at 9:30am on December 4, 2014 to consider the proposed OPA 279. We trust that Council members will take the opportunity to consider our written submissions.

Yours truly,



Mary Flynn-Guglietti

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CC: 19 Forest Hill Road
Mr. Michael Gagnon & Mr. Richard Domes, Gagnon & Law Urban Planners
Councillor Josh Matlow, Ward 22
David Driedger, City of Toronto