

June 10, 2015

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VIA E-MAIL - [TEYCC@TORONTO.CA](mailto:TEYCC@TORONTO.CA)

File 99904

Toronto and East York Community Council  
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100 Queen Street West  
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**Attention: Rosalind Dyers, Community Council Secretariat**

Dear Chair Layton and Members of Community Council:

**Re: Forest Hill Village - Urban Design Guidelines - Final Report**  
**Reference No. 15 106811 STE 22 TM**  
**TEYCC Agenda Item TE7.16 - Meeting of June 16, 2015**

We act as counsel for Manordale Holdings Limited (“**Manordale**”), which is the registered owner of the property known municipally as 404 Spadina Road, Toronto. Our client’s property is located on the west side of Spadina Road mid-block between Lonsdale Road and Montclair Avenue, in the heart of Forest Hill Village. The property is known as “Forest Hill Apartments” and consists of a 4-storey mixed-use building erected in 1931, with 4 retail units on the Spadina Road frontage and 32 residential rental units on the rest of the first floor and the upper floors<sup>1</sup>. Since 1995, the property has been listed on the City’s Inventory of Heritage Properties.

We and our client have reviewed the Staff Report dated May 22, 2015 (the “**Report**”) in respect of the above matter, together with the draft “Forest Hill Village Urban Design Guidelines” dated June 2015 (the “**Guidelines**”). On behalf of Manordale we wish to provide the following comments on the Report and the Guidelines.

At the outset, Manordale commends City Planning Staff for their thorough and comprehensive analysis and review which culminated in the preparation of the Guidelines. Manordale concurs with the reasons for the study and in particular, the need for clear, reasonable and attainable guidelines to help “provide clarity for both the community and potential developers”.

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<sup>1</sup> The draft Forest Hill Village Urban Design Guidelines contain numerous current and historic photographs of the Manordale building: see, for example, page 4 (where a portion of the façade is visible at the extreme left), page 11 (top left photo), page 12 (top panorama photo), page 15 (bottom right photo), pages 17-19 (bottom left photo), page 20 (extreme left of photo) and page 41. It is also the second property referenced on page 42 of the Guidelines.

As the Community Council is no doubt aware, Forest Hill Village has not been immune from the intensification pressures and demand for infill residential development within existing neighbourhoods across much of the City. Those development pressures are evident from the current applications for redevelopment at 390-398 Spadina Road (immediately adjacent to the Manordale property) and at 377 Spadina Road / 17 Montclair Avenue.

As noted in the Report, however, what sets this area apart from other neighbourhoods experiencing similar development pressures is its distinct small town character and its ongoing role as the historic commercial district for the former Village of Forest Hill. Manordale shares the concerns identified in the Report (and implemented in the Guidelines) with respect to the role and function of Forest Hill Village and its distinct character. In particular, it concurs with the need for "preservation of the existing character within Forest Hill Village including materiality, scale, size of commercial units, and a desire to maintain independent stores". Toward that end, it supports the Guidelines respecting retention of the long-standing height limit of 4 storeys (although we acknowledge that building heights greater than 4 storeys may be capable of accommodation provided that other key policy objectives are also achieved, such as respecting the scale, character and form of heritage buildings); the need for improvements to the sidewalks and pedestrian realm; and the need to ensure that the traffic and parking issues resulting from an already-constrained parking supply are not materially worsened as a result of new development.

There is only one specific aspect of the Report and Guidelines with which Manordale takes issue: namely, the suggestion (at page 6 of the Report) that new buildings "should have setbacks that generally match those of adjacent buildings, and should be built to the side property line in order to help frame the street edge". This principle has been incorporated as Guideline 3.1.4 on page 19 of the Guidelines, which provides that "*New developments in Character Zone A should be built to the side property line (zero side yard setback). Character Zone B remains unchanged.*" Manordale's concerns with this Guideline are three-fold.

First, Manordale acknowledges the merits of an urban design guideline based upon this principle as a general matter. However, as a general principle it must yield to the specific context and interrelationship between a proposed new building and adjacent existing buildings which may have other attributes deemed worthy of protection, such as heritage properties.

The need for a more tailored approach in such circumstances is guided and informed by the existing heritage policies in the City's Official Plan. We refer, in particular, to Policy 3.1.5.2, which directs that "Development adjacent to properties on the City's Inventory of Heritage Properties will respect the scale, character and form of the heritage buildings and landscapes".

In our respectful submission, this provides specific policy direction to incorporate an increased setback from a heritage building and/or setbacks at higher levels in order to ensure respect for its scale, character and form, and an extra measure of protection to ensure that those attributes are not overwhelmed by the massing, scale or sheer proximity of the proposed development. This is of particular importance for new buildings that are proposed at heights exceeding the maximum permitted height of 12 metres (the maximum height reflected in Guidelines 3.1.1 and 3.1.2), as is the case with the current development proposal for 390-398 Spadina Road.

Second, even in the absence of heritage considerations, while a zero side yard setback may be appropriate at the front lot line so that the continuity of the street wall is maintained, it may be appropriate in some circumstances for the side yard setback to increase beyond the front wall of the building, perhaps at the ground floor and certainly at upper floors. In this regard, we note that Policy 4.5.2(c) of the Official Plan requires that the massing and location of new buildings must "...provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights, particularly [but not only] towards lower-scale *Neighbourhoods*."

Third, in the specific context of the Manordale building, Guideline 3.1.4 as currently proposed by Staff appears to be in conflict with Staff's own Preliminary Report dated May 22, 2015 respecting the proposed redevelopment at 390-398 Spadina Road, which states in part as follows (at page 7):

*"...To the north the proposed building does not provide adequate transition to the adjacent 4-storey heritage building. The first three storeys of the proposed building are approximately equal in height to the adjacent 4-storey building, while the remaining 6 storeys are set back 2.4 metres from the north property line with primary windows facing north and balconies extending to the property line on the 6<sup>th</sup> to the 9<sup>th</sup> floors."*

The staff report also states on Page 9 that:

*"...The proposed building has primary windows and balconies on the north façade that will create privacy and overlook issues for residents of the adjacent 4-storey apartment building and the proposed development."*

For these reasons, we respectfully submit that Guideline 3.1.4 as currently proposed by Staff is:

- 1) unduly vague in that it does not specify where zero lot line condition setbacks may be desirable. In particular, the Guideline does not recognize the importance of massing new buildings in a way that mitigates impacts, to the greatest extent possible, on existing buildings – particularly heritage buildings; and

- 2) in conflict with the Preliminary Report regarding the redevelopment application for 390-398 Spadina Road.

On this basis, we propose that Guideline 3.1.4 on page 19 of the Guidelines be modified to read as follows (changes highlighted for ease of reference):

*“New developments in Character Zone A should be built to the side property line (zero side yard setback) **except where increased setbacks and/or stepbacks are warranted – for instance, to respect the scale, character and form of adjacent heritage buildings.** Character Zone B remains unchanged.”*

With this proposed modification, our client would support the Guidelines in their entirety.

Thank you for the opportunity to make these written submissions. We look forward to receiving the Community Council’s recommendation to Council in due course.

Yours truly,

**WeirFoulds LLP**



Barnet H. Kussner

c: Client

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