

June 15, 2015

Our File No.: 141723

Via Email

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

Attention: Ros Dyers, Secretariat

Dear Sirs/Mesdames:

**Re: TE7.16 – Forest Hill Village – Urban Design Guidelines
390-398 Spadina Road**

We are solicitors for the owners of the properties known municipally as 390-398 Spadina Road in the City of Toronto (the “Subject Property”). We are writing to express our client’s concerns in respect of the proposed Forest Hill Village Urban Design Guidelines (the “Draft Guidelines”) as they would potentially apply to the Subject Property.

On April 30, 2015, our client submitted a rezoning application in respect of the Subject Property (the “Application”). The Application is to permit a 9-storey mixed-use residential and retail building on the northwest corner of Spadina Road and Montclair Avenue. As noted in the planning rationale included in support of the Application, among other things, the proposed rezoning is good planning, conforms with the Official Plan (including the Mixed Use Areas designation, which is a designation anticipated to accommodate 70% of the City’s growth) and represents an appropriate intensification proposal for this corner.

Although it is our client’s position that the Draft Guidelines would not apply to the Application because the Draft Guidelines will be enacted after submission of the Application, our client still has significant concerns regarding the Draft Guidelines given that the City may still seek to apply them to the Application, as suggested in the preliminary staff report regarding the Application. In particular:

- The study leading to the Draft Guidelines was premised on a limiting mandate from City Council, which asked City staff to prepare urban design guidelines to “protect” the small town feeling of this distinctive district. While our client understands the existing built form context of this area, to conclude (as the draft Guidelines do) that the existing built form is the

only acceptable built form for this area is not consistent with the Mixed Use Areas designation for the Subject Property. It is telling that the Draft Guidelines make no reference to the land use designations in the Official Plan when discussing the planning context for the area.

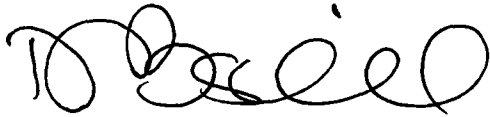
- The Draft Guidelines use mandatory language, such as “should” and “maximum”, as opposed to language more typically found in guidelines such as “encourage”. The mandatory language does not appropriately reflect the status of the Draft Guidelines. Policy 5.3.2.1 of the Official Plan specifically provides that guidelines, while they express Council policy, are not part of the Official Plan and do not have the status of policies in the Official Plan.
- The Draft Guidelines do not recognize the entire context of the Subject Property, including the adjacent land use designations and all of the adjacent existing built form context. The Draft Guidelines also do not distinguish this block from other blocks in the study area, particularly with respect to the different built-form context immediately adjacent to the Subject Property (5-8 storey apartment buildings vs grade-related residential uses abutting the balance of the properties in the study area).
- The Draft Guidelines are vague in the application of the proposed street enclosure (guideline 3.1.1). While draft guideline 3.1.1 suggests a “skyview” or angular approach to additional building height, but the accompanying text appears to suggest a maximum street wall of 12 metres. Further, the covering staff report treats this suggestion as a maximum height for the entire study area. This inconsistency should be clarified prior to any decision regarding the Draft Guidelines.
- If the staff report is correct that the intention is to impose a maximum height of 12 metres in the study area, then the Draft Guidelines are in conflict with the Growth Plan, inconsistent with the Provincial Policy Statement and in conflict with the Official Plan. It is simply incorrect to suggest that the existing zoning permission for the Property will permit appropriate intensification when the Property is designated for growth in the Official Plan.
- The Draft Guidelines do not recognize that guidelines should not be uniformly applied to an entire area. It is typical for guidelines presented to the City to allow flexibility to address site-specific constraints/opportunities and different policy contexts (i.e. character zones). For example, the study leading to the mid-rise guidelines recognized that not all performance standards will apply across the Avenues and that character and function can even differ between blocks on the same Avenue.

We hope that our client’s concerns with the Draft Guidelines could be addressed through either appropriate amendments or a clear statement from the City that the Draft Guidelines will not apply to the Application.

We would appreciate receiving notice of any decision made by the City in respect of the Draft Guidelines. Please do not hesitate to contact the undersigned if additional information is required.

Yours very truly,

Goodmans LLP

A handwritten signature in black ink, appearing to read 'David Bronskill', written in a cursive style.

David Bronskill

DJB/

cc: Client/Consultants

6464227