

April 28, 2026

VIA E-MAIL TO teycc@toronto.ca

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File 17162.00001

Dear Committee Members:

**Re: 390-398 Spadina Road
Zoning By-law Amendment Application
City File No. 25 266399 STE 12 OZ
Written Submissions in Opposition**

We are counsel for Foresthill Manor Limited ("**Foresthill Limited**"), 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 contains a 4-storey mixed-use building erected in 1931, with 4 retail units on the Spadina Road frontage and 32 purpose-built rental residential units on the rest of the first floor and the upper floors, known as "**Forest Hill Apartments**".

Since 1995, Forest Hill Apartments has been listed on the City's Inventory of Heritage Properties.

Forest Hill Apartments are directly adjacent to the northern property line of 390-398 Spadina Road (the "**Subject Property**"). The owner of the Subject Property has proposed a Zoning By-law Amendment to facilitate the development of a fourteen (14) storey building on the Subject Property, attached to a three-storey podium (the "**Proposed Development**").

We and our client have reviewed the application materials provided for the Proposed Redevelopment, including the Planning Rationale Report filed by its planning consultants WND Associates, dated October 2025. For reasons set out herein, Foresthill Limited opposes the Proposed Development in its current configuration and respectfully requests that Community Council defer consideration of the application to allow for further engagement and revisions to the proposal.

History of the Application

A previous application for a zoning by-law amendment on the Subject Property was made to the City of Toronto (the “**City**”) in 2015. That application contemplated a nine (9) storey building with limited setbacks from the north property line and was opposed both by the previous owners of Forest Hill Apartments, and by the City.

Following settlement discussions, this application was revised and approved through a settlement decision at the (then constituted) Local Planning Appeal Tribunal (“**LPAT**”) in 2018 (the “**Original Decision**”). The Original Decision contemplated a building with:

- a decrease in height from 9 storeys to 8 storeys;
- an increased setback of 5.5m from the north property line;
- new setbacks on the northern portion of the building at parts of the fourth, fifth, sixth, and seventh storeys (the “**North Stepbacks**”); and
- the thoughtful reveal of the southern façade of Forest Hill Apartments through a stepdown from four storeys to three storeys on the north side of the proposed building (the “**Notch**”).

The Original Decision was supported by the previous owners of Forest Hill Apartments and the City before the LPAT and represented the thoughtful and contextual approach to development on the Subject Property in relation to both Forest Hill Apartments, and the public realm.

The application for the Proposed Development was submitted in 2025. As indicated, the Proposed Development is 14 storeys, does not contain the Notch, and does not contain any of the previously contemplated setbacks from the northern property line. While it maintains a setback of 5.5m from the north property line, as will be explained below, the mitigating effects of this setback on Forest Hill Apartments would be diminished considering the Proposed Development’s new 14 storey height.

The Proposed Development is Overbearing on Forest Hill Apartments and Does Not Represent Good Planning

The Proposed Development fails to provide an appropriate built-form transition to the Forest Hill Apartments and would result in unacceptable and largely unmitigated impacts related to shadowing, reduced sunlight, and loss of privacy.

The built form approved under the Original Decision expressly addressed these concerns through the incorporation of the North Stepbacks, which moderated massing along the shared property line. By contrast, the Proposed Development eliminates these mitigation measures and, notwithstanding the nominal 5.5-metre setback from the north property line as required by the City’s Official Plan, would functionally create a building canyon that significantly constrains access to sunlight and sky views for Forest Hill Apartments.

By way of comparison, the Original Proposal contemplated a maximum vertical separation of 10.225 metres between the third-storey windows on the south façade of Forest Hill Apartments and the top of the approved building. The Proposed Development increases that same vertical relationship to 42.05 metres, representing a 411% increase in massing directly adjacent to an existing rental apartment building.

The elevation drawings from the north face of the Original Proposal, as compared to the Proposed Development, are set out below in Table 1.

Original Proposal (2018)	Proposed Development (2026)

Table 1 - Elevation Comparison on North Face of Building – Original Decision

Figure 1 illustrates the extreme loss of sky views experienced from a second-storey window of the Forest Hill Apartments, where the angle to the top of the Proposed Development exceeds 80 degrees, reinforcing the overbearing nature of the proposed massing.

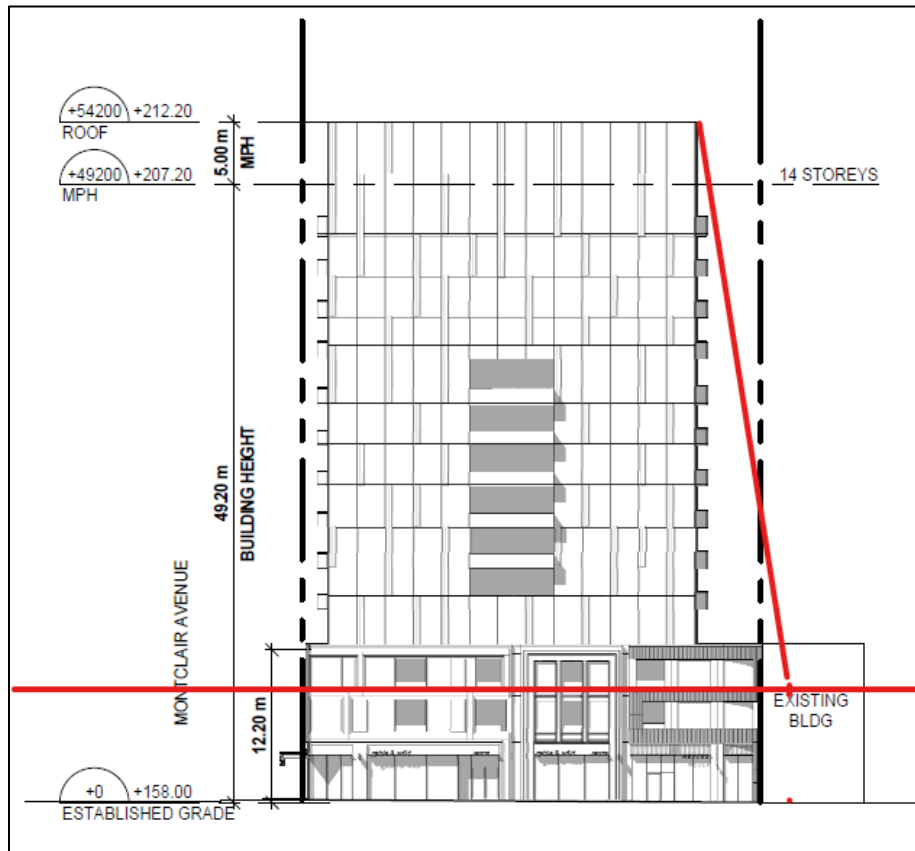


Figure 1 – North Elevation of Proposed Development Illustrating Severe Obstruction of Sky Views from Forest Hill Apartments

Policies in Section 3.1.2(3) of the Official Plan require that “...New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- c) *creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;*
- d) *providing for adequate light and privacy;*

- e) *adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas;*

Respectfully, we submit that the Applicant does not appear to have given due consideration to these built form policies prescribed by the Official Plan.

While our client acknowledges that planning policy and development conditions within the City have evolved since the issuance of the Original Decision, the current planning context cannot justify the magnitude of overbearing massing proposed. Although the Subject Property is located within a Protected Major Transit Station Area and subject to a minimum density target of 6.0 FSI, the Proposed Development exceeds that requirement, with a proposed density of approximately 7.6 FSI, and therefore has the flexibility to accommodate a modest reduction in density while still satisfying applicable policy objectives.

The Subject Property is not located on an Avenue, as defined on Map 2 of the City's Official Plan. Moreover, the City's 2024 Draft Mid-Rise Design Guidelines articulate a proportional relationship between building height and right-of-way width. While those Guidelines contemplate that a 14-storey building may be appropriate on streets with a right-of-way width of approximately 45 metres, Spadina Road has a right-of-way width of less than 25 metres. Against this context, the scale of the Proposed Development is inconsistent with applicable built-form guidance.

The Shadow Study for the Proposed Development Confirms Significant Net New Shadowing

The Shadow Study prepared in support of the Proposed Development indicates that the Proposed Development would introduce new shadow impacts on the Forest Hill Apartments. We submit that the extent and duration of these new shadows fail to achieve the Official Plan's objectives of providing for adequate light and of adequately limiting shadowing resulting from new development.

Specifically, the Shadow Study shows that, on the spring and fall equinoxes, the Proposed Development would introduce new shadows such that no direct sunlight would reach the southern-facing windows of the Forest Hill Apartments from approximately 10:18 a.m. to 4:18 p.m. On the summer solstice, new shadowing is shown to occur from approximately 11:18 a.m. to 3:18 p.m., and on the winter solstice, from approximately 10:18 a.m. to 2:18 p.m.

As detailed in Tables 2, 3, and 4, the configuration of the Proposed Development would therefore result in a net loss of approximately six hours of sunlight on the spring and fall equinoxes, and a

net loss of approximately four hours of sunlight on both the summer and winter solstices. Whereas the built form approved under the Original Decision allowed for continued sunlight access through the incorporation of the North Stepbacks, the Proposed Development eliminates these mitigation measures and does not retain comparable sunlight protection.

	9:18	10:18	11:18	12:18	1:18	2:18	3:18	4:18	5:18
Existing Condition									
Proposed Development									

Table 2 - Net New Shadows (Spring and Fall Equinoxes). Shaded cell indicated shadow at 404 Spadina's south-facing windows

	9:18	10:18	11:18	12:18	1:18	2:18	3:18	4:18	5:18
Existing Condition									
Proposed Development									

Table 3 - Net New Shadows (Summer Solstice). Shaded cell indicates shadow at 404 Spadina's south-facing windows.

	9:18	10:18	11:18	12:18	1:18	2:18	3:18	4:18	5:18
Existing Condition									
Proposed Development									

Table 4 - Net New Shadows (Winter Solstice). Shaded cell indicates shadow at 404 Spadina's south-facing windows

The Revised Plan Does Not Respect the Heritage Attributes of Forest Hill Apartments

Policy 3.1.6.5 of the City's Official Plan requires that development "on or adjacent to a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property". As indicated above, the Forest Hill Apartments are listed on the City's Heritage Register, and development on the Subject Property must therefore be evaluated through this policy lens.

As noted, Forest Hill Apartments have been listed in the City's Heritage Register since 1995 and are identified in the applicant's Heritage Impact Assessment report (the "HIA") as a pre-war apartment building that contributes to the historic main-street character of Forest Hill Village. The building was designed by Herbert G. Duerr, a prominent architect commissioned to design Cineplex Odeon theatres throughout the 1920s and 1930s. The Forest Hill Apartments are the only known apartment building designed by Duerr, constructed in 1939, and exhibit his distinctive architectural expression, including highly refined brickwork and detailing. The building retains a remarkable degree of integrity, including the preservation of original architectural drawings from the 1930s, which remain on display within the building.

As described in the HIA, the building's cultural heritage value is expressed through its four-storey scale and form, brick masonry construction, street-facing articulation with at-grade commercial uses, and its three-dimensional legibility along Spadina Road. Accordingly, the Forest Hill Apartments possess significant cultural heritage value which we submit warrants enhanced consideration in assessing the Proposed Development.

A critical component of the settlement leading to the Original Decision was the inclusion of the north-side Notch, which revealed the three-dimensional form of the Forest Hill Apartments along Spadina Road and mitigated the visual and spatial impacts of new development. The Proposed Development eliminates this feature and instead introduces a contiguous three-storey street wall. In our submission, this approach fails to conserve the integrity of the Forest Hill Apartments and undermines the contextual relationship that formed a basis of the Original Decision.

When combined with the significant increase in height and massing, the Proposed Development risks visually subordinating the Forest Hill Apartments and eroding the spatial context that allows its heritage attributes to be understood and appreciated from the public realm. In our submission, greater sensitivity is required to ensure compliance with Official Plan Policy 3.1.6.5, and with Forest Hill Apartments.

Notice

We thank Community Council for its review of our client's written submission.

We also request that we be provided with notice of any decision made in respect of the Proposed Development.

Kindness,

WeirFoulds LLP

A handwritten signature in blue ink, appearing to read 'S. Rouleau'.

Sylvain Rouleau
Partner

A handwritten signature in blue ink, appearing to read 'N. Koschany'.

Nikolas Koschany (they/them)
Associate

cc: Client