

INTERIM DECISION AND ORDER

Decision Issue Date Thursday, April 28, 2022

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): STEPHANIA SLABY

Appellant(s): TORONTO CONDO PLAN 1468

Applicant(s): BERNARD H WATT ARCHITECT

Property Address/Description: 307 Riverside Dr

Committee of Adjustment File

Number(s): 21 124504 STE 04 MV (A0291/21TEY)

TLAB Case File Number(s): 21 202909 S45 04 TLAB

Hearing date: January 25, 2022

Deadline Date for Closing Submissions/Undertakings:

DECISION DELIVERED BY TLAB Panel Member S. Gopikrishna

REGISTERED PARTIES AND PARTICIPANT

Appellant	STEPHANIA SLABY
Appellant's Legal Rep	WILLIAM H ROBERTS
Appellant	TORONTO CONDO PLAN 1468
Appellant's Legal Rep	PETR SMIRNOV
Applicant	BERNARD H WATT ARCHITECT
Party (TLAB)	TERRA FIRMA HOMES CORPORATION
Party's Legal Rep.	AMBER STEWART

Expert Witness	TERRY MILLS
Expert Witness	FRANCO ROMANO
Expert Witness	SEBASTIAN BRAVO
Expert Witness	ZARA GEORGIS
Participant	JAMES HARRISON
Participant	SVETLANA CELSI
Participant	MARGARETA ILEANA DUDU
Participant	LORETTA DIFRANCESCO
Participant	MILOS DUKIC
Participant	PETER TRINZ
Participant	BRAD ARCHER

INTRODUCTION AND BACKGROUND

The purpose of this Interim Order and Decision is to provide direction to the Parties involved in the Appeal respecting 307 Riverside Drive.

The Proceeding respecting the Appeal at 307 Riverside Drive commenced on January 25, 2022. When I was made aware that one of the individuals participating in the Processing was inconvenienced because they were in a physical setting that was not conducive to their participating comfortably in the Hearing, I requested the Applicants to present the details of their proposal, followed by hearing the evidence of community members who had elected to be Participants in this Proceeding. I herewith acknowledge the Applicants, and Participants for their cooperation, and willingness to follow my suggestion; my intention being to make the best use of hearing time, while being sensitive to individual needs.

I understand that there has been no communication from the Parties about the identification of more dates to complete this Proceeding.

To expedite scheduling matters, I herewith ask the Parties to have a discussion amongst themselves, and identify four different dates (or more, where possible) in June 2022, and send an email to the TLAB by the end of day on May 13, 2022 informing the latter about which dates have been identified. I will have a discussion with the TLAB staff to select dates that best work for us, from the days selected by the Parties, before having a Notice of Hearing issued to continue with the Proceeding.

While the Community Members are welcome to participate by observing the Proceedings, their availability will not be taken into consideration for scheduling purposes.

I also ask the Applicants to provide an updated Sun and Shadow Study, consistent with the City of Toronto's Guidelines for Sun Shadow Studies.

The Sun and Shadow Studies, prepared by Bernard Watt Architect, included in the Expert Witness Statement, submitted to the TLAB on December 24, 2021, are not consistent with the City of Toronto's Guidelines, because they don't illustrate the scale of the drawings, or utilize different colours to better illustrate differences between different settings (e.g. existing and proposed) . I would also like to request the Applicants to please consider illustrating the shadows that could be cast by a building built as of right, so that I can better understand the impact of the proposal.

The Applicants may submit the updated Sun and Shadow Studies by the end of day on May 20, 2022 (Friday). I herewith reproduce the City of Toronto's Guidelines for Sun-Shadow Studies below- these Guidelines can be found at

<https://www.toronto.ca/city-government/planning-development/application-forms-fees/building-toronto-together-a-development-guide/application-support-material-terms-of-reference/>

The Model

A typical model will include all streets, blocks, parks and open spaces as well as buildings to a distance adequate to show the shadow impacts during requested times.

Modeling will have two parts, the first showing the existing situation and the second showing the proposed development in its context. The proposed development context should include other approved but not built buildings within the model area. These should be indicated graphically as different from the proposal and the built context.

Shadow diagrams should be plotted in colour to a standard metric scale and include a bar scale on each sheet labelled in 1,2,5,10,20, 100 and 200m increments. A reference base plan should also be plotted at a metric standard scale.

"As of right" or other site specific applicable shadow conditions should be indicated clearly by a contrasting colour single-line overlay with explanatory notation provided in a printed legend (i.e., red for "as of right" on the subject property, yellow for approved but not yet built adjacent development).

Test Times

Sun/Shadow tests should be done for March 21 and September 21 at the following hours:

- 9:18 a.m.
- 10:18 a.m.

- 11:18 a.m.
- 12:18 p.m.
- 1:18 p.m.
- 2:18 p.m.
- 3:18 p.m.
- 4:18 p.m.
- 5:18 p.m.
- 6:18 p.m.

These times allow for the measuring of hours of sunlight windows as described in the Sun, Wind and Pedestrian Comfort Bosselmann/Dunker study.

Development that proposes additional shadow impacts on parks and open space, including natural areas, will require sun/shadow tests at hourly increments for both June 21 and December 21 to provide additional information on the impacts of shadows on these important public places.

Additional times may also be requested to respond to specific site contexts.

All times are based in the Eastern Time Zone and must take into account Daylight Saving Time.

Format of the Study

The final study will include:

- A letter summarizing the study and the sun/shadow impacts of the proposed development and any and all measures that will be taken to minimize shadow impacts by the development on neighbouring streets, parks, open spaces, natural areas, public squares and other shadow sensitive properties (such as schoolyards, cemeteries, etc);
- Images of sun/shadow tests using models, either real or digital, that clearly indicate the development site, its boundary, the foot print and mass of buildings within the test site, and any streets, parks and open spaces on/neighbouring this site; and
- Images of the sun/shadow situation for the existing context and with the proposal (a single page or pages side by side are preferred as this will assist in understanding the impacts).
- 8 bound paper copies of the study for distribution and review by appropriate agencies.
- One digital copy of the development massing model

INTERIM DECISION AND ORDER

1. The Parties involved with the Appeal respecting 307 Riverside Drive need to have a mutual discussion, and identify four (or more, where possible) dates in June 2022, on which they are available to proceed with the Appeal respecting 307 Riverside Drive. The Parties are instructed to send an email to the TLAB, with these dates, by the end of day on May 13, 2022.
2. The Applicants are asked to resubmit the Sun and Shadow Studies for the proposed building, after ensuring that the diagrams are consistent with the City of Toronto's Guidelines for Sun and Shadow Studies. The deadline for submitting the updated Sun and Shadow Study is the end of the day on May 20, 2022.

So orders the Toronto Local Appeal Body

X



S. Gopikrishna
Panel Chair, Toronto Local Appeal Body