

**Village of Yorkville - City Initiated Zoning Amendment
Front Setbacks
Cumberland St (98-164 north side, 153-159 south side)
Yorkville Ave (70-140 north side, 63-137 south side)
Bellair St (25-29 east side, 18-26 west side)
Final Report**

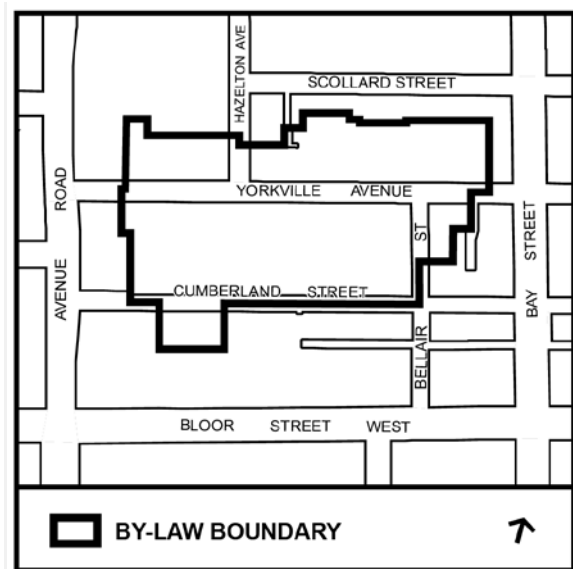
Date:	September 29, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	17 114901 SPS 00 OZ

SUMMARY

This City-initiated Zoning By-law Amendment would increase the minimum front setback required for buildings in the Village of Yorkville. The minimum front setback would increase from 0.0 metres to the greater of 3.0 metres; or, where an existing building setback is greater than 3.0 metres, the average of 3.0 metres and the building's existing main front wall setback.

The proposed Zoning By-law Amendment will protect and enhance the public realm of the Village of Yorkville, a key attribute of its character, by providing sufficient space for informal gathering areas, unobstructed pedestrian clearways, and pedestrian amenities including trees, seating and other street furniture, as incremental development occurs.

The Official Plan identifies the Village of Yorkville as an Area of Special Identity in



Site and Area Specific Policy (SASP) 211. The proposed Zoning By-law Amendment would apply to properties within the Village of Yorkville fronting on Cumberland Street, Yorkville Avenue and Bellair Street, between Avenue Road and Bay Street.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, as amended, for the lands at 98-164 Cumberland Street (north side), 153-159 Cumberland Street (south side), 70-140 Yorkville Avenue (north side), 63-137 Yorkville Avenue (south side), 25-29 Bellair Street (east side), and 18-26 Bellair Street (west side) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to report dated September 29, 2017.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 98-164 Cumberland Street (north side), 153-159 Cumberland Street (south side), 70-140 Yorkville Avenue (north side), 63-137 Yorkville Avenue (south side), 25-29 Bellair Street (east side), and 18-26 Bellair Street (west side) substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 3 to report dated September 29, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council direct the Director of Community Planning, Toronto and East York District, to consult with the local community and to report to Toronto and East York Community Council on a possible City-initiated zoning by-law amendment related to street level land uses along Scollard Street as part of the ongoing Bloor-Yorkville Area Official Plan review.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposed Zoning By-law Amendment

The Zoning By-law would be amended to require a minimum setback of the main wall of buildings from the front lot line that is the greater of: 3.0 metres from the front lot line, or, the average of 3.0 metres and the existing front wall setback. This requirement would apply to all properties within the Village of Yorkville within frontages on Yorkville Avenue, Cumberland Street and Bellair Street, between Avenue Road and Bay Street. The properties include 98-164 Cumberland Street (north side), 153-159 Cumberland Street (south side), 70-140 Yorkville Avenue (north side), 63-137 Yorkville Avenue (south side), 25-29 Bellair Street (east side), and 18-26 Bellair Street (west side). See Attachment No. 1 for the boundary of the area.

The purpose of this City initiated Zoning By-law Amendment is to amend the existing Zoning By-Law provisions within the Village of Yorkville to preserve, protect and enhance its character. The Official Plan identifies three defining characteristics of the Village of Yorkville in Site and Area Specific Policy (SASP) 211: (a) low-scale buildings including converted houses with additions set back from the street line; (b) contiguous retail shops and services with limited frontages along the street, with entrances often located a half level above or below the street level; and (c) generous street furnishings and boulevard treatments.

In recent years, a number of Site Plan Control applications have been submitted to the City for new low scale developments within the Village of Yorkville. Planning staff have negotiated, on a site by site basis, that buildings be set back from the front lot line although both Zoning By-laws 569-2013 and 438-86 in this area require no front setback.

Recent proposals seeking to move the main wall up to the edge of the front lot line would remove the areas that currently serve as informal gathering spaces and support the growth of public and private street trees. The proposed amendments to the Zoning By-laws are required to ensure that the unique street proportions of the Village of Yorkville are maintained and that adequate space for the pedestrian realm is provided to implement the intent of the Official Plan as set out in SASP 211.

While the proposed setback requirement will apply to all properties in the Village of Yorkville, properties on the Heritage Register will be conserved in accordance with the City's Official Plan policies.

Village of Yorkville

The Village of Yorkville is a unique area of low and mid-rise buildings with small shops, galleries, restaurants, and outdoor cafés at the ground level. On Cumberland Street, iconic brick-fronted house form buildings line the street with specialty boutiques and cafes located at a half level below or above the street level. There is a vibrant public life in the area as a result of the pedestrian scale environment. Village of Yorkville Park has become the public focal point in this precinct, with a variety of seating offering opportunities to relax and socialize for residents, tourists, and workers.

Existing sidewalk widths along Yorkville Avenue are generally 4.0 metres on the north and south sides; along Cumberland Street are 3.0 metres on the north side and 2.0 metres on the south side; and, along Bellair Street are 3.0 metres on the east and west sides.

Existing building setbacks range from 0.0 metres to 6.0 metres on Yorkville Avenue, 0.0 metres to 6.5 metres on Cumberland Street and 0.0 metres to 3.0 metres on Bellair Street.

Buildings with split level entrances with stairs at the front property line are typically set back 3.0 metres to the main building wall.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- Planning for healthy, active communities which are promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity (Policy 1.5.1(a));
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character (Policy 1.7.1(d));
- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment; and,
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit.

The City of Toronto uses the Provincial Policy Statement ("PPS") to guide its official plan and to inform decisions on other planning and development matters. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;

- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan also requires the City to ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards (Policy 2.2.1.3(e)).

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Official Plan

The Village of Yorkville is within the *Downtown and Central Waterfront*, as shown on Map 2, of the Official Plan's Urban Structure map. As part of the Official Plan's growth strategy, the *Downtown* is identified, along with *Centres* and *Avenues*, as an area of intensification. The Official Plan outlines a growth strategy for the City that highlights the importance of the *Downtown* as one of a number of locations where growth in employment and residential uses are encouraged. While significant growth is anticipated and encouraged in the *Downtown*, the plan does state that this growth will not be spread uniformly across the whole of *Downtown*.

The Village of Yorkville is designated as *Mixed Use Areas* in the land use maps of the Official Plan. The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria including: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent

streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Public Realm section (3.1.1) in the Official Plan emphasises the importance of great streets. The plan states that buildings work together to create great streets, plazas, parks and public places. Buildings create the “walls” for the city’s great outdoor “rooms”. Quality architectural, landscape and urban design and construction will be promoted by ensuring new development enhances the quality of the public realm (Policy 1d).

Policy 5 continues that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities. New and existing City streets will incorporate a Complete Streets approach and be designed to perform their diverse roles by serving as community destinations and public gathering places and balancing the needs and priorities of the various users and uses within the right-of-way, including provision for: the safe and efficient movement of pedestrians of all ages and abilities, cyclists, transit vehicles and users, goods and services vehicles, emergency vehicles, and motorists across the network; space for other street elements, such as utilities and services, trees and landscaping, green infrastructure, snow and stormwater management, wayfinding, boulevard cafes, marketing and vending, and street furniture.

Sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements (Policy 6). Policy 13 states that universal physical access to publicly accessible spaces and buildings will be ensured by requiring that plans for all new buildings and additions meet the City’s accessibility guidelines.

The Built Form section (3.1.2) of the Official Plan states that our personal enjoyment of our streets and open spaces depends largely on the visual quality, activity, comfortable environment, and perception of safety in those spaces. Most of the qualities are influenced directly by the built form of adjacent buildings.

Toronto’s streets, parks and open spaces are defined by the façades of many buildings. The individual façades of buildings that form the edge of a street or a park are read together as a common wall that defines the public realm. Street proportion is the ratio of the height of buildings along the edges of the street and the width of the space between the buildings. Street proportion gives a measure to certain qualities of the street including its access to sunlight and sky view.

Pedestrian amenity is provided by those architectural and landscape elements including, lighting, trees, decorative paving, seating, bicycle rings, water features, etc. that promote the safe and comfortable use of adjacent streets and open spaces.

Policy 1 states that new development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by: a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. If located at a site that ends a street corridor, development should acknowledge the prominence of that site; b) locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk; c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and d) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Policy 3 specifies 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: a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development.

The Future of Retailing section (3.5.3) of the Official Plan states that in order to provide local opportunities for small businesses and maintain the safety, comfort and amenity of shopping areas, zoning regulations for ground floor commercial retail uses in new buildings in new neighbourhoods or in *Mixed Use Areas* along pedestrian shopping strips where most storefronts are located at the front lot line, may provide for a maximum store or commercial unit size based on the following considerations: the prevailing sizes of existing stores and commercial units in the area and the rhythm and flow of storefronts on the strip (Policy 4).

Site and Area Specific Policy (SASP) 211

The Village of Yorkville is identified as an Area of Special Identity in the Bloor-Yorkville/North Midtown area that is bounded by Avenue Road to the west, Bloor Street to the south, the Rosedale Ravine and Yonge Street to the east, and the CPR rail corridor to the north. SASP 211 of the Official Plan recognizes that the Bloor-Yorkville/North Midtown area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the north edge of the *Downtown* and provides for transition in density and scale.

In the Village of Yorkville Area of Special Identity, "new developments will be contextually appropriate to the Area's individual settings and development patterns through building height, massing, setbacks, rooflines, and profile architecture expression, as well as vehicle access and loading". Development in and adjacent to the Village of Yorkville "will respect and reinforce the existing character of:

- Low-scale buildings including converted houses with additions set back from the street line
- Contiguous retail shops and services with limited frontages along the street, with entrances often located a half level above or below the street level; and
- Generous street furnishings and boulevard treatments".

Site and Area Specific Policy 225

SASP 225 of the Official Plan encourages pedestrian walkways, at or below grade, and new parks in locations illustrated on the map within the Policy. The Village of Yorkville contains several mid-block connections identified in SASP 225.

Zoning

Former City of Toronto Zoning By-law 438-86

The Village of Yorkville area is zoned Commercial Residential, CR T3.0 C2.5 R3.0, which permits a variety of non-residential and residential uses. The permitted density is 3.0 times the area of the lot with a maximum building height of 18.0 metres.

Zoning By-law 438-86 does not include any provisions to control the setback of buildings within mixed use zones in this area. However, the Zoning By-law requires the provision of common outdoor space, which is an exterior area that provides amenities for the benefit and enjoyment of pedestrians and adjoins and is directly accessible from a street. Common outdoor space is required when the non-residential gross floor area exceeds 625 metres and a lot has a frontage greater than 12.0 metres.

City of Toronto Zoning By-law 569-2013

On May 9, 2013, City Council enacted a new city-wide Zoning By-law for the City of Toronto. Zoning By-law 569-2013 has been appealed in its entirety and is now before the Ontario Municipal Board. While the By-law 569-2013 is under appeal, the provisions of both Zoning By-laws 438-86 and 569-2013 are in effect.

The area is zoned Commercial Residential, CR 3.0(c2.5; r3.0) SS1 in By-law 569-2013. The uses, densities and height limits are consistent with those outlined in Zoning By-law 438-86.

Zoning By-law 569-2013 introduces a provision that requires 75% of the main wall of a building facing a front lot line to be at or between the front lot line and a maximum of 3.0 metres from the front lot line.

Bloor-Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines give guidance to improve the physical quality of the area and ensure new development respects the area’s special character. The main planning objectives of the Design Guidelines include:

- enhancement of Areas of Special Identity and historic buildings;
- protection of residential areas from adverse impacts of commercial and/or higher density development;

- improvement of public realm and publicly accessible areas; and
- excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area has a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. Among them, the Village of Yorkville precinct is described by the Guidelines as the heart of Bloor-Yorkville/North Midtown area. It is a low-rise mixed-use district of finely scaled buildings. The Guidelines direct new developments in the Village of Yorkville to be compatible with the existing form and use. To support the safety and quality of the public realm, the Guidelines recommend that new development give particular consideration to minimizing vehicular and shadow impacts. New development is also encouraged to integrate appropriate pedestrian infrastructure such as mid-block pedestrian connections and sidewalk improvements.

TOcore

‘TOcore: Planning Downtown’ is an initiative to prepare a 25-year plan for Toronto’s Downtown along with a series of five infrastructure-related strategies, which will address: parks and public realm, community services and facilities, mobility, energy, and water. This plan, working in tandem with its accompanying strategies, will provide a blueprint to manage the growth and intensification being experienced and anticipated to continue in the Downtown.

The Downtown study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east. A new Downtown Plan will be developed for the Downtown geography, establishing a renewed vision and local development policies to guide growth and development. The Downtown Plan will provide an integrated planning framework and structure addressing elements of land use, built form, housing, office, institutional, retail, parks and open spaces, community facilities, streets, transit, energy and water. Emphasis is being placed on keeping Downtown an inclusive and affordable place for vulnerable populations.

TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

On September 7, 2017, Planning and Growth Management Committee adopted a staff report titled "TOcore: Proposed Downtown Plan". Attached to the report were the Proposed Downtown Plan Policies. Planning and Growth Management Committee added a recommendation at its meeting, requesting City Planning staff consider the Proposed Downtown policies during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

Additional information is available on the study website at: www.toronto.ca/tocore.

Heritage

The following properties within the Village of Yorkville are on the Heritage Register:

- 26 Bellair Street (81 Yorkville Avenue) (listed)
- 77 Yorkville Avenue (designated);
- 79 Yorkville Avenue (listed);
- 100 Yorkville Avenue (designated); and
- 130 Bloor Street West (153 Cumberland Street) (designated).

Bloor-Yorkville/North Planning Framework & Implementation Strategy

The Bloor-Yorkville/North Midtown: Planning Framework and Implementation Strategy (August 2015) was prepared by The Planning Partnership, Greenberg Consultants Inc., ERA Architects., and Michael Spaziani Architect Inc., on behalf of the Bloor-Yorkville Business Improvement Association, ABC Residents Association, Greater Yorkville Residents Association, and the Yonge Bay Bloor Business Association. The objective of the Planning Framework and Implementation Strategy is to address concerns over tall buildings and intensification. It outlines where development should and should not occur, the types of uses and built form that are appropriate, how future development applications will be analyzed, and the future planning approval processes that are required.

The report describes the Village of Yorkville as a mixed use precinct with low to mid-rise buildings. The report highlights the area's vibrant village centre character, with fine-scale built form and pedestrian-oriented environment. It recommends policies that maintain and reinforce existing characteristics of the Village of Yorkville including low scale buildings, setbacks and streetscape treatments.

The report suggests that the primary façade of buildings in the Village of Yorkville be located 0.0 to 2.0 metres from the front lot line. This position is not supported by all of the stakeholder groups in Yorkville, or by City Planning staff which is recommending a larger front setback as discussed in this report.

Community Consultation

City Planning staff, in consultation with the Ward Councillor hosted a community consultation meeting on June 27, 2017 at the Stone Church (45 Davenport Road) to discuss the proposed City initiated Zoning By-law Amendment. City Planning staff presented the policy framework and an overview of the proposal. Following the presentation, City staff facilitated questions and comments from the attendees and then invited the community to share their comments in smaller break-out tables.

A variety of topics were discussed during the comments, questions and answer period including:

- handling of sidewalk cafes within the front setback
- space for landscaping and pedestrian clearway

- safety along the sidewalk
- whether Scollard Street should be included
- property taxes

Comments provided at the break-out table discussion included:

- providing room for wheelchair accessibility
- more trees and street lighting
- new buildings are changing the house-form character
- maintain the Victorian architectural expression in new buildings
- keep the mid-block connections

Since the community meeting, Planning staff spoke and met with individual land owners regarding the proposed zoning by-law amendment. In particular staff met with the owner of 133 Yorkville Avenue who requested to be exempt from the proposed zoning by-law amendment because their building currently contributes to an existing north-south mid-block connection by providing a setback from its west property line. Planning staff concluded that no property should be exempt from the new front setback provision.

COMMENTS

Purpose and Intent of the Proposed By-law

The vibrant pedestrian realm and generous street proportion of the Village of Yorkville is a vital component of its character. The existing setbacks and split level stairs are referenced in SASP 211 as a defining character of the Village of Yorkville Area of Special Identity. The setbacks and split level stairs currently extend the public realm into a semi-public space within the outdoor "room" of buildings as described by the Official Plan, supporting the "social arena" and street life of the community.

Recent development applications include proposals to remove the existing staircases and to locate the main front wall of buildings at the front lot line. While converting split-level entrances with stairs to ground level entrances enhances accessibility, it is also important to provide building setbacks to preserve the village character of the area.

The purpose and intent of the City initiated Zoning By-law Amendment is to increase the minimum front setback of buildings to:

- preserve, protect and enhance the character of the village;
- preserve and enhance the street proportions (i.e. outdoor "room");
- preserve and enhance the existing informal seating areas (i.e. the steps);
- provide sufficient space for pedestrian comfort and safety, lighting, tree planting and cafés;
- preserve a rhythm of storefronts well set back from the property line; and
- enhance and expand the public realm.

Provincial Policy Statement and Provincial Plans

This City initiated Zoning By-law Amendment has regard for the matters of provincial interest in the *Planning Act*, namely Section 2(r) which includes the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposal is consistent with the PPS and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The recent updates to the PPS and Growth Plan for the Greater Golden Horseshoe have introduced new policies related to the public realm. This City initiated Zoning By-law Amendment responds to the policy direction in the PPS and Provincial Plans which calls for healthy, active communities which are promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity (Policy 1.5.1(a)); and encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character (Policy 1.7.1(d)).

The Growth Plan also requires the City to ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards (Policy 2.2.1.3(e)).

TOcore: Proposed Downtown Plan

The Proposed Downtown Plan identifies Cumberland Street, Bellair Street and Yorkville Avenue within the Village of Yorkville as Priority Retail Streets (Map 13) and as a High Intensity Pedestrian Area (Map 14).

The Proposed Downtown Plan states that new buildings will fit with the existing and planned context, and contribute to the high-quality spaces within the public realm that surrounds them.

In much of Downtown, historically sidewalks are narrow and crowded with minimal space for pedestrian amenities. An expanded public realm is necessary to provide for the comfort and safety of all users. Some of the greatest opportunities to expand the public realm are along the street frontage. Setting buildings back at grade to expand the boulevard increases the space between buildings, improves access to sunlight and sky-view, and provides transition from private to public space. It also allows for improvements such as increased space for pedestrians; street trees; weather protection; gathering spaces that are landscaped, well lit, and furnished; and other landscaping and amenities. Where conditions allow, spaces for seating, sidewalk cafes, marketing areas and other gathering places should be provided. These spaces improve pedestrian mobility and encourage informal gathering and public life.

Proposed Policy 6.9 states that development will contribute to an improved and expanded public realm by providing setbacks from the property lines adjacent to streets to provide space and clearways for anticipated pedestrian volumes and a range of pedestrian amenities, including but not limited to: widened sidewalks and walkways; street trees and

other landscaping; street furniture; landscaped open space; patios; retail displays; transit shelters; and pedestrian weather protection.

A key objective of the Proposed Downtown Plan is to prioritize the pedestrian experience to maintain and enhance the walkability of Downtown. Further enhancements to the pedestrian network to improve comfort, convenience and safety – including wider sidewalks with pedestrian clearways and streetscape enhancements – will ensure that walking is the first choice of travel mode for trips throughout the Downtown.

Proposed Policy 10.5 states that pedestrian and public realm improvements will create vibrant public space that encourage public life.

The proposed Zoning By-law Amendment would conform to and implement the pedestrian and public realm policies in the Proposed Downtown Plan.

Heritage

Heritage policies are found under Section 3.1.5 of the Official Plan. The Official Plan states that significant heritage resources will be conserved by listing and designating properties of architectural and/or historic interest on the City's Heritage Register.

Heritage resources on the City's Heritage Register will be conserved. Properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada (Policy 4), as revised from time to time and as adopted by Council. Proposed alterations, development, and/or public works (Policy 5) 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 and to the satisfaction of the City.

The adaptive re-use (Policy 6) of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

Furthermore, Policy 26 refers to conserving the cultural heritage values, attributes and character and to mitigate visual and physical impacts and Policy 27 promotes the conservation of whole or substantial portions of buildings and discourages the retention of facades alone.

While the proposed setback requirement will apply to all properties in the Village of Yorkville, properties on the Heritage Register will be conserved in accordance with the City's Official Plan policies.

Scollard Street

Since the topic of Scollard Street was raised at the community meeting, Planning staff met with some landowners along Scollard Street to discuss its existing character and future potential. These discussions indicate that the current restaurant prohibition along the Scollard Street may limit its opportunity to become a vibrant street like Yorkville

Avenue, Bellair Street, and Cumberland Street, and that removal of the restaurant prohibition is worthy of further consideration.

To respond to the concerns raised regarding the vibrancy of Scollard Street, this report recommends that City Council direct City Planning to study the appropriate land uses at street level.

Conclusion

The Village of Yorkville, as described in the Bloor-Yorkville/North Midtown Urban Design Guidelines, is the heart of the Bloor-Yorkville area, and is internationally known for its charming retail shops, trendy cafes and pedestrian mews. It is active during the day and evening and it acts as both a regional commercial area, and significant tourist attraction.

There is a distinct character to the Village of Yorkville which includes low-scale buildings well set back from the sidewalk, with generous street furnishings and boulevard treatments. These setbacks create an outdoor "room" with benches and patios, setting the stage for the area's vibrancy. This City initiated Zoning By-law Amendment will ensure buildings are set back from the street to protect and enhance the character of the Village.

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SIGNATURE

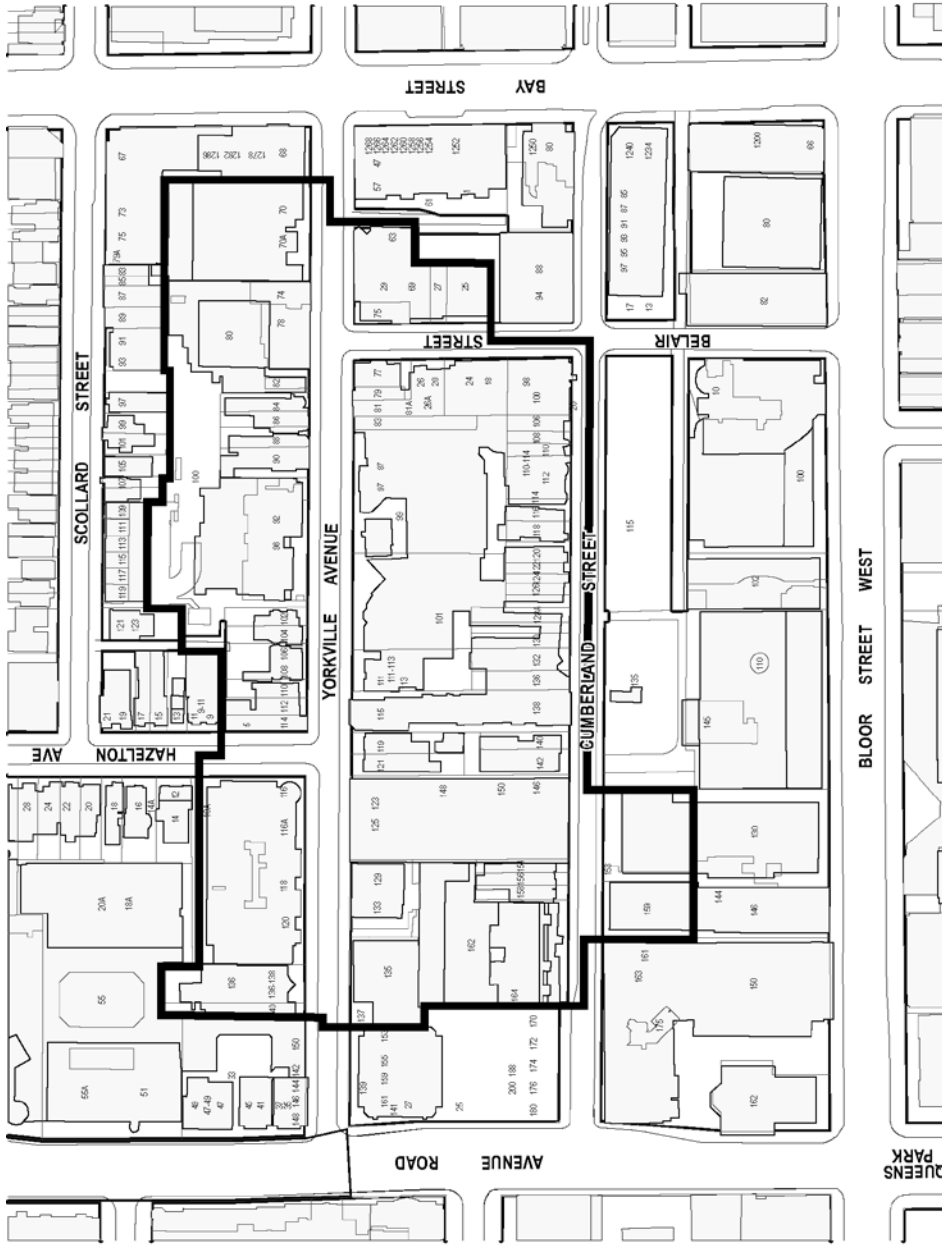
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Property Data Map – Zoning By-law Boundary
Attachment 2: Draft Zoning By-law Amendment (438-86)
Attachment 3: Draft Zoning By-law Amendment (569-2013)

Attachment 1: Property Data Map



Village of Yorkville

Property Data Extract

— Boundary

Not to Scale
02/23/2017

File # 17_114901_SPS.00.02

Attachment 2: Draft Zoning By-law Amendment (438-86)

Authority: Toronto and East York Community Council Item TEY~ as adopted by City of Toronto Council on ~, 2017

CITY OF TORONTO

BY-LAW XX-2017

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2017 as, 98-164 Cumberland Street (north side), 153-159 Cumberland Street (south side), 70-140 Yorkville Avenue (north side), 63-137 Yorkville Avenue (south side), 25-29 Bellair Street (east side), and 18-26 Bellair Street (west side).

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. No person shall erect or use a building or structure on a *lot* on or between the odd numbered addresses of 69-135 Yorkville Avenue, the even numbered addresses of 70-140 Yorkville Avenue, the odd numbered addresses of 153-159 Cumberland Street, the even numbered addresses of 98-164 Cumberland Street, the odd numbered addresses of 25-29 Bellair Street, and the even numbered addresses of 18-28 Bellair Street, having any part of the building or structure closer to the *front lot line* the greater of:
 - (i) 3 metres; or
 - (ii) the average of the existing *front lot line* setback and 3 metres.

Attachment 3: Draft Zoning By-law Amendment (569-2013)

Authority: Toronto and East York Community Council Item TEY~ as adopted by City of Toronto Council on ~, 2017

CITY OF TORONTO

BY-LAW XX-2017

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as, 98-164 Cumberland Street (north side), 153-159 Cumberland Street (south side), 70-140 Yorkville Avenue (north side), 63-137 Yorkville Avenue (south side), 25-29 Bellair Street (east side), and 18-26 Bellair Street (west side).

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. Zoning By-law 569-2013, as amended, is further amended by adding to Exception Number 1209 in Article 900.11.10 under the heading 'Site Specific Provisions' a new regulation (D) so that it reads:
 - (D) Despite regulation 40.10.40.70 (1)(A), on or between the odd numbered addresses of 69-135 Yorkville Avenue, the even numbered addresses of 70-140 Yorkville Avenue, the odd numbered addresses of 153-159 Cumberland Street, the even numbered addresses of 98-164 Cumberland Street, the odd numbered addresses of 25-29 Bellair Street, and the even numbered addresses of 18-28 Bellair Street, the **main wall of building** facing a **front lot line** must be set back the greater of:
 - (i) at least 3 metres from the **front lot line**; or
 - (ii) the average of the existing **front lot line** setback and 3 metres.
2. Zoning By-law 569-2013, as amended, is further amended by adding to Exception Numbers 2271 and 2489 in Article 900.11.10 under the heading 'Site Specific Provisions' a new regulation (B) so that it reads:
 - (B) Despite regulation 40.10.40.70 (1)(A), on or between the odd numbered addresses of 69-135 Yorkville Avenue, the even numbered addresses of

70-140 Yorkville Avenue, the odd numbered addresses of 153-159 Cumberland Street, the even numbered addresses of 98-164 Cumberland Street, the odd numbered addresses of 25-29 Bellair Street, and the even numbered addresses of 18-28 Bellair Street, the **main wall of building** facing a **front lot line** must be set back the greater of:

- (i) at least 3 metres from the **front lot line**; or
- (ii) the average of the existing **front lot line** setback and 3 metres.

3. Zoning By-law 569-2013, as amended, is further amended for 114 Yorkville Avenue, identified on Diagram 1 of this by-law by a heavy black outline, by amending the zone label on the Zoning By-law Map in Section 990.10, from 'CR 3.0 (c2.5; r3.0) SS1' to 'CR 3.0 (c2.5; r3.0) SS1 (x123)' and by adding to Article 900.11.10 a new Exception Number 123, to read as follows:

Exception CR 123

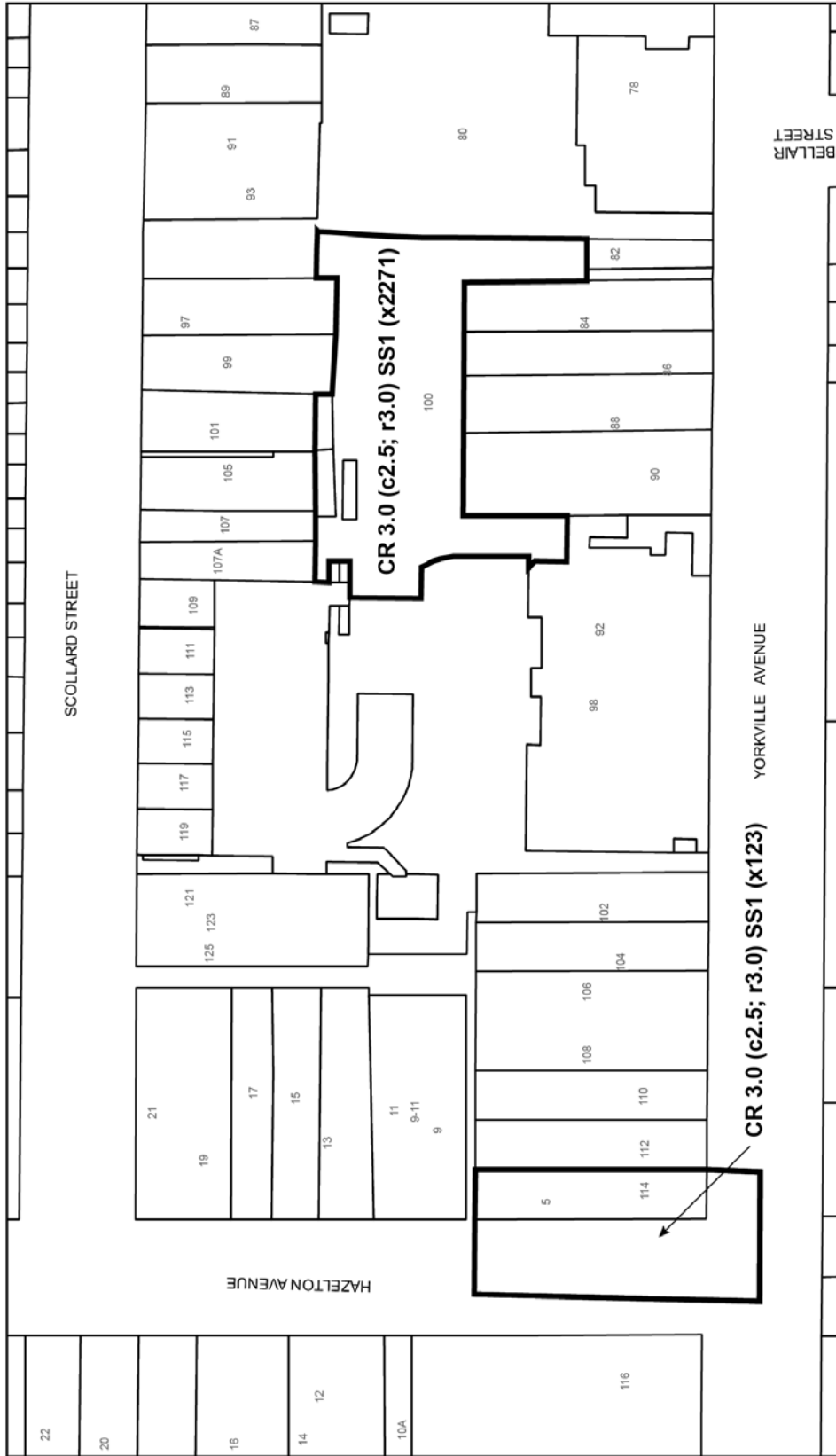
The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) Despite regulation 40.10.40.70 (1)(A), on or between the odd numbered addresses of 69-135 Yorkville Avenue, the even numbered addresses of 70-140 Yorkville Avenue, the odd numbered addresses of 153-159 Cumberland Street, the even numbered addresses of 98-164 Cumberland Street, the odd numbered addresses of 25-29 Bellair Street, and the even numbered addresses of 18-28 Bellair Street, the **main wall of building** facing a **front lot line** must be set back the greater of:
- (i) at least 3 metres from the **front lot line**; or
 - (ii) the average of the existing **front lot line** setback and 3 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

4. Zoning By-law 569-2013, as amended, is further amended for 100 Yorkville Avenue, identified on Diagram 1 of this by-law by a heavy black outline, by amending the zone label on the Zoning By-law Map in Section 990.10, from 'CR 3.0 (c2.5; r3.0) SS1' to 'CR 3.0 (c2.5; r3.0) SS1 (x2271)'.



Toronto
Diagram 1

100 & 114 Yorkville Avenue

File # 17 114901 SPS 00 0Z



City of Toronto By-Law 569-2013
 Not to Scale
 9/19/2017