

January 30, 2018

**HAND DELIVERED**

City of Toronto City Council  
Mayor and all Members thereof  
City Clerk's Office  
City Hall, 100 Queen Street West  
Floor 12, West Tower  
Toronto, Ontario  
M5H 2N2  
Attention: City Clerk

Dears Sir/Madam:

**RE: Zoning By-law Amendment to Zoning By-law 438-86, as amended, and Zoning By-law 569-2013, as amended, with respect to the lands in the Village of Yorkville fronting onto Cumberland Street, Yorkville Avenue, and Bellair Street - City Initiated Zoning Amendment Front Setbacks Toronto and East York Community Council TE27.7 adopted by Toronto City Council at its meeting held on November 7, 8 and 9, 2017 (the "Proposed Amendments")**

Please ensure that the enclosed correspondence is brought to the attention of Toronto City Council prior to commencement of the Toronto City Council meetings commencing January 31, 2018 and, in particular, prior to Council deliberating and dealing with the zoning by-law amendment referenced in the attached letter.

Yours very truly,

**BLANEY McMURTRY LLP**



Christopher Kropka

CK/pk

Enclosures

January 30, 2018

**BY EMAIL AND HAND DELIVERED**

City of Toronto City Council  
Mayor and all Members thereof  
City Clerk's Office  
City Hall, 100 Queen Street West  
Floor 12, West Tower  
Toronto, Ontario  
M5H 2N2  
Attention: City Clerk

- and -

**BY EMAIL AND HAND DELIVERED**

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

**Attention: Ellen Devlin, Committee Administrator**

Dears Sirs/Mesdames:

**RE: Zoning By-law Amendment to Zoning By-law 438-86, as amended, and Zoning By-law 569-2013, as amended, with respect to the lands in the Village of Yorkville fronting onto Cumberland Street, Yorkville Avenue, and Bellair Street - City Initiated Zoning Amendment Front Setbacks Toronto and East York Community Council TE27.7 adopted by Toronto City Council at its meeting held on November 7, 8 and 9, 2017 (the "Proposed Amendments")**

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We are the solicitors for Funtauna Investments Limited (the registered owner of the properties municipally known as 111-113 Yorkville Avenue, 115 Yorkville Avenue, 138 Cumberland Street, and 140 Cumberland Street in the City of Toronto), and Amalfi Realty Investments Inc. (the registered owner of the property municipally known as 119 Yorkville Avenue in the City of Toronto) (collectively hereinafter referred to as the "**Properties**"). The Properties are within the Village of Yorkville boundaries identified in the Proposed Amendments to increase the minimum front setback requirements.

On behalf of our clients, we hereby notify you that our clients object to the Proposed Amendments relating to the amending of Zoning By-Laws 438-86 and 569-2013 with respect to the lands in the Village of Yorkville fronting onto Cumberland Street, Yorkville Avenue, and Bellair Street.

### **Notice Not Received**

Our clients have not received proper notice and have not had the ability to completely assess the impacts that the Proposed Amendments will have on their Properties and the future redevelopments of their Properties.

### **Proposed Amendments Not Good Planning**

Our clients further object to the Proposed Amendments on the basis that they do not represent the good and proper planning.

Yorkville Village is a unique and vibrant area within the City of Toronto and has a special character due to the variety of buildings and irregular streetscapes which provides for a visually and esthetically interesting and pleasing environment. Pedestrians through Yorkville Village are more easily engaged with the shops and restaurants located at or close to the street line which, in our submission, benefits both the retailers and the visitors to and regular occupants of the premises within or nearby to Yorkville Village. East of the Four Seasons development along Cumberland through to Bellair is a prime example. A large number of the properties located on this stretch, are at or on the lot line in terms of their front yard setback. Imposing uniformity in front yard setbacks will, in our submission, encourage the character and feel of a planned community which is the direct antithesis of the special character of Yorkville Village. Imposing a uniform front yard setback would, in our submission, due to the high value of the properties and land in the area encourage redevelopment with increasing heights and will lead to more uniformity in building forms and types.

We enclose a copy of the PIN map (i.e. Property Index Number Map) of the Yorkville area which includes the area which is subject to the proposed amendments. You will note that this indicates a wide variety of lot and building sizes and shapes. In our submission, the increase of the front yard setbacks will have the effect of resulting in greater densification with greater building heights which will over time lead to an environment of a fundamentally different character than the special and unique environment that currently exists in Yorkville Village presently. To preserve and enhance the unique and eclectic character of Yorkville Village, development proposals should be considered on a site by site basis and taking account of the circumstances relevant to each individual specific application. If uniform setbacks are imposed on redevelopment, it would be difficult to preserve presently existing structures of architectural heritage value which may contain features as such and which may not currently be on the Heritage Register.

In the Staff Report pertaining to the Proposed Amendments which is dated September 29, 2017 (the “**Staff Report**”), the ostensible reason for the Proposed Amendments is stated as follows:

**“ ... 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.”**

On page 7 (bottom) and page 8 (top) of the Staff Report, City staff have stated as follows:

**“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”.**

We note under the heading “Zoning” on page 8 of the Staff Report, the following is set forth:

**“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.”**

The foregoing are collectively called the (“Policies”)

Our clients’ property located at 115 Yorkville Avenue/138 Cumberland Street contains a laneway running through from Yorkville Avenue to Cumberland Street which is sometimes referred to as Old Yorke Lane. This property is adjacent to other properties owned by our clients and such as the one located at 111-113 Yorkville Avenue, which already has a significant setback from the street. Another one of the Properties is 119 Yorkville Avenue which again has a significant setback from the street and also 140 Cumberland Street which again has a significant setback from the street. In the case of 111-113 Yorkville Avenue and 140 Cumberland Street, there are front yard patio areas which are currently in use.

The Properties are owned and operated on an integrated basis. We would point out that as such the Properties substantially satisfy most, if not all, of the Policies even though 115 Yorkville Avenue /138 Cumberland Street, which constitutes the vast bulk of the Properties, has zero (0.0) metre setbacks on both Yorkville Avenue and Cumberland Street. This is because of the other aspects of the open space amenities on the Properties taken as a whole. This demonstrates that the simplistic application of a uniform front yard setback is neither necessary nor desirable to attain the stated purposes of each of the Proposed Amendments and the Policies and is not the proper approach to considering redevelopment applications in Yorkville Village. This example is a compelling reason as to why each development proposal within Yorkville Village should be assessed individually and without the application of a uniform front yard setback as our clients' Properties and undoubtedly other properties within the Yorkville Village area have their own specific and unique characteristics which need to be assessed on a case by case basis.

In our submission, the Proposed Amendments could have the effect of shrinking the building footprint in a proposed redevelopment and result in increased height of the overall building form and the economic need to maximize gross leaseable area which may lead to a loss or reduction of amenities such as the laneway known as Old Yorke Lane. This would, in fact, be inconsistent with the Bloor-Yorkville/North Midtown Urban Design Guidelines where the stated purpose of the Guidelines described on page 9 of the Staff Report as follows:

**“New development is also encouraged to integrate appropriate pedestrian infrastructure such as mid-block pedestrian connections and sidewalk improvements.”**

In any proposed redevelopment of our clients' properties, their hope would be to maintain the existing pedestrian walkway between Yorkville Avenue and Cumberland Street in some form. This walkway currently provides a setback to the building located at 115 Yorkville Avenue/138 Cumberland in that the building orientation is east/west and the walkway provides a generous west-side setback and an attractive walking area.

In our submission, the Proposed Amendments will not be conducive to maintaining the character of the Village of Yorkville area as being of “Special Identity”.

For the reasons outlined above, we respectfully request that City Council reject, in totality, the Proposed Amendments.

Furthermore, we understand that the Bills have not been submitted as of today, but that the Bills will be submitted for City Council's meeting starting on January 31, 2018, any time, up to and including, the second day of the meeting (the authority for the Bills being the Toronto and East York Community Council TE27.7, adopted at City Council at its meeting held on November 7, 8 and 9, 2017). Please provide us with notice of any decisions in respect to the proposals. In the event that City Council enacts the Proposed Amendments, or a variation thereof, our clients intend to appeal to the Ontario Municipal Board.

Our clients reserve the right to raise additional planning issues and objections in opposition to the Proposed Amendments and any variations thereof.

Yours very truly,

**BLANEY McMURTRY LLP**

A handwritten signature in black ink that reads "Christopher Kropka". The signature is written in a cursive, flowing style.

Christopher Kropka

CK/pk

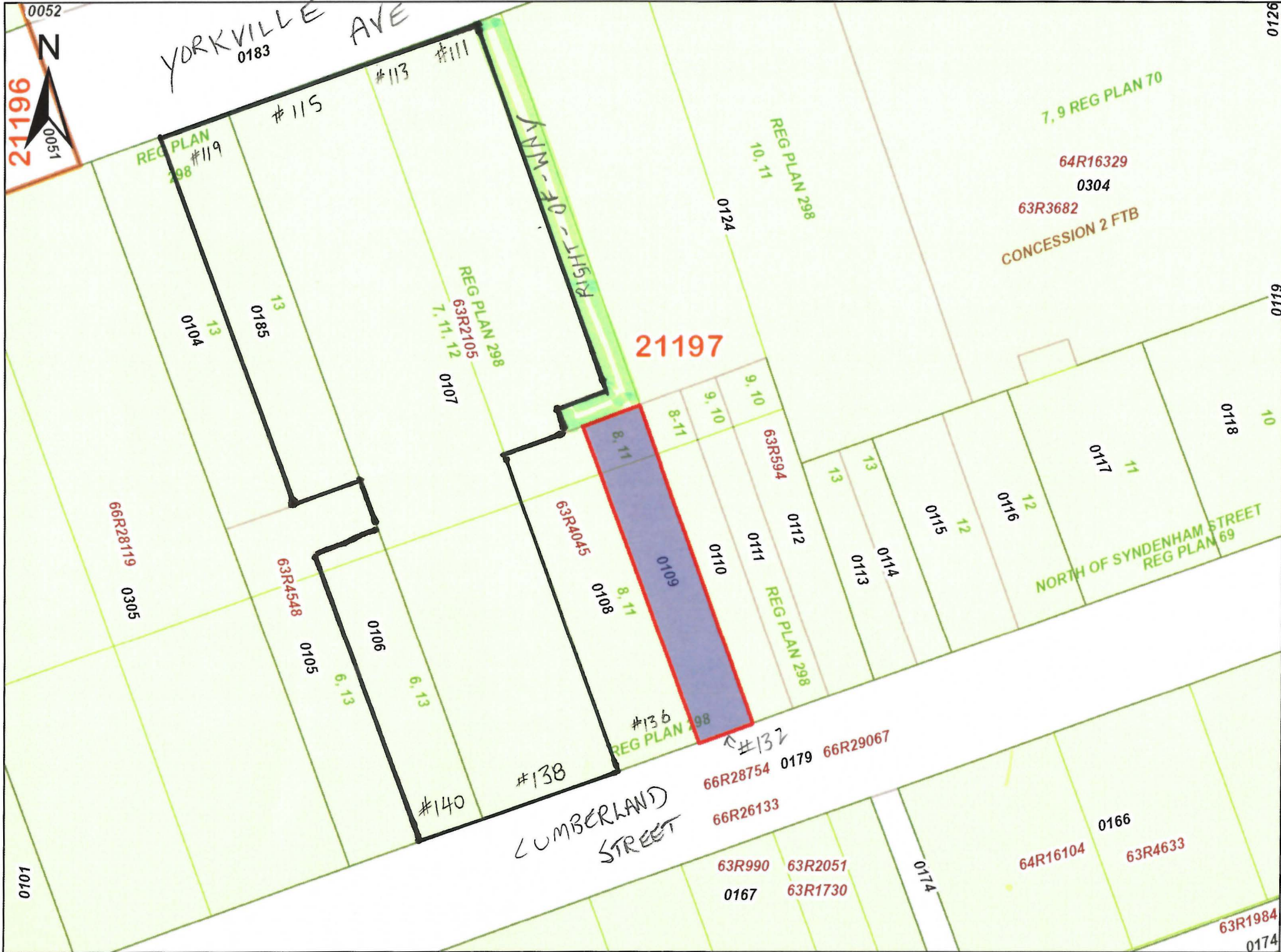
cc. client - By Email

cc. Kasia Czajkowski - City Solicitor's Office - By Email

cc. Urban Strategies Inc., Attention: Frank Lewinberg and Ben Hoff - By Email

cc. Kevin Friedrich and Oren Tamir, City of Toronto Planning - By Email

cc. Kristyn Wong-Tam, Ward 27 Toronto Centre - Rosedale Councillor



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FOR GCAMPBELL



**PROPERTY INDEX MAP**  
TORONTO(No. 80)

**LEGEND**

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

**THIS IS NOT A PLAN OF SURVEY**

**NOTES**  
**REVIEW THE TITLE RECORDS FOR COMPLETE PROPERTY INFORMATION AS THIS MAP MAY NOT REFLECT RECENT REGISTRATIONS**

THIS MAP WAS COMPILED FROM PLANS AND DOCUMENTS RECORDED IN THE LAND REGISTRATION SYSTEM AND HAS BEEN PREPARED FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT REFERENCE PLANS ARE NOT ILLUSTRATED

