

January 30, 2018

BY EMAIL

Mayor and all Members, Toronto City Council
City Hall, 100 Queen Street West
Floor 12, West Tower
Toronto, Ontario
M5H 2N2

Attention: City Clerk

- and -

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: Village of Yorkville – City Initiated Zoning Amendment Front Setbacks
17 114901 SPS 00 OZ
Toronto and East York Community Council Item TE27.7**

We are providing planning consultant services 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 are writing to identify concerns with the above-referenced proposed city-initiated zoning amendments with respect to the Properties. This letter is intended to supplement the letter submitted by Christopher Kropka, Blaney McMurtry LLP, dated January 30, 2018, on behalf of the registered owners.

Yorkville Village is a unique and vibrant retail district within the City of Toronto. The pattern of mainly low-rise retail buildings within a high quality and pedestrian-oriented public realm support a vibrant retail setting that is distinct from the traditional main street pattern of the nearby Bloor Street and Yonge Street corridors. The pattern of local streets, pedestrian connections and open spaces provide a unique setting that contributes to the success of Yorkville as a retail destination and community.

Our clients' Properties are located within Yorkville Village and demonstrate many of the elements that contribute to the overall character of Yorkville Village. The Properties are all low-rise buildings featuring high quality retail spaces. Some of the individual parcels feature setbacks from the streets, some of which feature front yard patio areas that animate the public realm. One of the defining elements of the Properties is the north-south pedestrian connection known as Old Yorke Lane. This private laneway extends the public realm through the site, providing an important publicly-accessible pedestrian link while supporting a unique retail environment that complements that which lines the public streets.

The Proposed By-law

The proposed by-law seeks to establish a minimum 3-metre front yard setback or greater within the Village of Yorkville. Page 1 of the staff report notes that the intent of the of the proposed amendment is to

“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 Staff report further states that *“the purpose of (the proposed amendment) is to preserve, protect and enhance (the Village of Yorkville’s) character”* (Page 3), citing the Official Plan in terms of defining Yorkville Village’s 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.”

Finally, citing recent proposals that have sought to move the main wall up to the edge of the front lot line, the staff report states that:

“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.” (Page 3)

Planning Concerns

In our opinion, the proposed amendments raise a number of planning concerns, and represents an inappropriate response to the general purpose and intent outlined in the staff report. The proposed amendment does not appropriately address the unique and eclectic conditions in Yorkville, and it is too narrow in scope to address the issues raised by staff and adequately respond to the characteristics identified in SASP 211. Further, the existing SASP 211 and in the Bloor-Yorkville/North Midtown Urban Design Guidelines provide appropriate direction to protect the unique characteristics of Yorkville Village while providing flexibility for future development. The following outlines these arguments in further detail.

1. A Uniform Setback Approach Does Not Address Unique Conditions

Yorkville’s unique character is not based solely on a uniform pattern of setbacks. The unique qualities of the public realm are reflected in varied setbacks, streetscape enhancements, mid-block connections and a variety of other means. The Properties currently display a variety of these elements, including patio areas within setback areas and one of the Village’s most prominent mid-block connections that is animated with retail. Future public realm improvements should be similarly dynamic in nature, which requires flexibility to respond to site-specific conditions and opportunities. In our opinion, application of a uniform 3-metre minimum setback will constrain opportunities to reinforce the unique character of Yorkville Village, limit creative architectural responses and place an undue burden on properties that contribute to enhancing the public realm through other means. The proposed setback requirement will result in a uniform setback condition that will detract from the Village’s character.

2. The Proposed By-law Is Too Narrow in Scope

The justification of the proposed by-law is premised on an intention of providing sufficient space for informal gathering spaces, pedestrian clearways, and pedestrian amenities, with a purpose of preserving, protecting and enhancing the Village’s character. However, the proposed response is very targeted and limited in scope. The preservation and enhancement of the public realm requires a much more comprehensive approach to protect the unique and varied characteristics of the Village. A more comprehensive approach would consider such matters as the design of the public rights-of way and their potential to support public realm improvements; the designation of new parks, open spaces and pedestrian links; a tree planting strategy; views; and other means. Transferring the obligation of enhancing the public realm solely to private

landowners and with a very blunt setback requirement will not be successful in meeting the intent and purpose outlined in the staff report and places on undue burden on landowners.

3. The Existing Policy Direction Sufficient

The staff report indicates that the proposed amendment is required to ensure 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 SASP 211. However, SASP 211 and related planning tools already provide sufficient direction for new development. SASP 211 (c) provides general direction for development in Bloor Yorkville/North Midtown, requiring that:

*“New development will be contextually appropriate to the Areas individual settings and development patterns through building height, massing, **setbacks**, rooflines and profile architectural expression...” (emphasis added).*

SASP 211 (c) also provides specific direction for development in the Village, requiring that development will respect and reinforce the existing character and outlining the specific aspects of that character. Further SASP 211 (d) provides specific direction for the public realm, specifically referencing pedestrian activity and the protection of public sidewalks, walkways and other elements of the public realm. Finally, SASP 211 (e) requires the use of the Bloor-Yorkville/North Midtown Urban Design Guidelines in reviewing development applications, which provide further direction for the design of the public realm amongst other things. Given the extensive policy and design guideline direction to achieve the broader objectives around preservation and enhancement of the public realm, the proposed amendment is simply not necessary.

Given the very narrowly scoped nature of the proposed amendment, its potential to restrict more creative opportunities to enhance the public realm and the sufficient existing planning directions for protecting the Village’s public realm, we respectfully request that Council reject the proposed amendments.

Yours very truly,

URBAN STRATEGIES INC.



Benjamin Hoff, MCIP, RPP

Partner

Cc: Funtauna Investments Ltd.
Amalfi Realty Investments Inc.
Christopher Kropka, Blaney McMurtry LLP
Kevin Friedrich and Oren Tamir, Community Planning, City of Toronto
Kasia Czajkowski, Legal Services, City of Toronto