

558 Scarlett Road and 13 Chapman Road – Rezoning Application – Final Report

Date:	August 24, 2007
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward No. 2
Reference Number:	File No. 06 193639 WET 02 OZ

SUMMARY

This application proposes a total of nine 3-storey single family detached dwellings at 558 Scarlett Road and 13 Chapman Road.

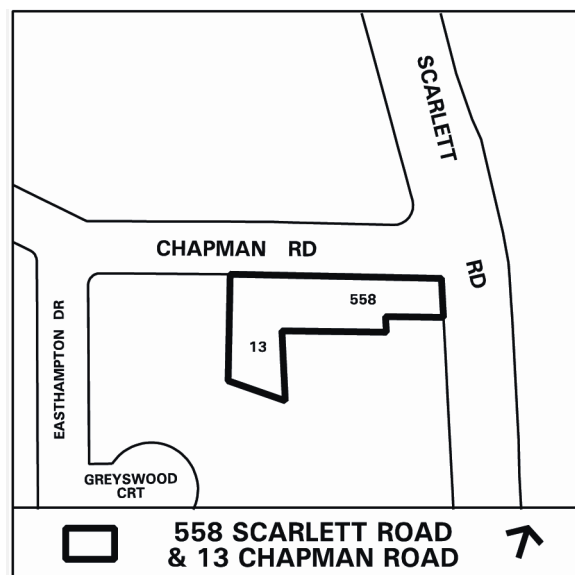
The development proposed does not maintain the intent and purpose of the Official Plan as it does not respect and reinforce the existing physical character of the neighbourhood.

This report reviews and recommends refusal of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. refuse rezoning application 06 193639 WET 02 OZ; and
2. direct the City Solicitor and appropriate staff to attend, if necessary, the Ontario Municipal Board, to support City Council’s decision to refuse this application as represented by the proposal outlined in this report.



Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The applicant originally submitted a proposal to demolish the existing single family detached dwelling at 558 Scarlett Road and to construct a 2-block, 13-unit townhouse development in combination with the adjacent vacant property at 13 Chapman Road.

In an attempt to address Planning staff's Official Plan concerns regarding the townhouse proposal, the applicant revised the rezoning application to permit a total of nine 3-storey single family detached dwellings on the same lands. According to the site plan submitted (see Attachment No. 1), the proposal contains a variation of lot sizes and configurations. Two of the dwellings will front onto Scarlett Road and seven dwellings will front onto Chapman Road. All of the dwellings will have a rear yard walkout from the first of three stories, with the exception of Lot 2 which will have a walkout basement.

Driveway access to the properties will be provided from Chapman Road with the exception of the two units fronting onto Scarlett Road. Each of the dwellings will contain an attached garage.

The topography of the site is proposed to be significantly altered with substantial regrading, filling, terracing and use of retaining walls to accommodate this development. In some areas, over 3 metres of landfill is required to create buildable parcels. A retaining wall ranging from 0.5 metres (1.6 feet) to 1.8 metres (6 feet) in height is proposed along the majority of the rear lot lines for Lots 3 to 7. Currently, a minimal grade difference exists with the southerly adjacent properties on Scarlett Road.

A statistical summary of the proposal is detailed in Attachment No. 7 of this report.

Site and Surrounding Area

The properties at 558 Scarlett Road and 13 Chapman Road have a total area of 2 200 square metres (0.54 acres). The combined property currently has 15.2 metres (50 feet) of frontage along Scarlett Road and has approximately 82.8 metres (271 feet) fronting/flanking onto Chapman Road. The Scarlett Road property contains a 1-storey detached dwelling with a detached garage and accessory buildings at the rear. The Chapman Road property lies vacant in a primarily natural and wooded state. There are approximately 30 mature trees on or near the lands.

The site's unique terrain separates the two properties by a steep slope located primarily on the east half of the Chapman Road parcel. The west half of the Chapman Road parcel is relatively flat and lies approximately 6.5 metres (21 feet) above the Scarlett Road property. The majority of the Scarlett Road property to varying degrees lies below the abutting Chapman Road embankment.

The application lands are surrounded with the following land uses within an established low density residential neighbourhood:

North: semi-detached dwellings across Chapman Road

South: single detached dwellings

East: Humber River ravine/open space across Scarlett Road

West: single detached dwellings

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

This proposal was reviewed within context of the PPS policies relating to building strong communities and managing and directing land use to achieve efficient development and land use patterns.

The Growth Plan for the Greater Golden Horseshoe (GPGGH) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

In terms of both the PPS and GPGGH, the proposed development does not fit harmoniously into the existing planned context in order to limit impacts on new and existing neighbouring properties.

Official Plan

The property is designated Neighbourhoods under the Official Plan. Neighbourhoods are considered as physically stable areas primarily made up of low density type residential uses. The Plan requires new development in established Neighbourhoods to respect and reinforce the existing physical character of the neighbourhood, including among others: the size and configuration of lots; heights, massing, scale, and dwelling type of nearby residential properties; prevailing building types; street, side and rear yard building setbacks; landscaped open space; and the continuation of special landscape features. The

Plan states no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood.

Regard was also given to other relevant sections of the Official Plan, including the policies relating to Healthy Neighbourhoods in Chapter 2, and the Built Form policies contained in Chapter 3 of the Plan.

A detailed examination of the proposal by Planning staff has determined that the application does not maintain the intent of the Official Plan. The issues are outlined below.

Zoning

The lands are zoned Second Density Residential (R2), which generally limits residential uses to single family detached dwellings on lots having a minimum lot area of 510 square metres and a minimum lot frontage of 13.5 metres.

Site Plan Control

The proposal for single family detached dwellings is not subject to Site Plan Control.

Tree Preservation

Urban Forestry has confirmed that the majority of the 18 trees on the site that qualify for protection under the City of Toronto's Private Tree By-law will have to be removed, requiring an 'Application for Permit to Injure or Destroy Privately Owned Trees'. Urban Forestry has stated that development that does not incorporate and protect significant trees as part of the proposal cannot be supported. Further, the submission of an application does not guarantee that a permit will be issued.

Reasons for Application

An application to amend the Zoning Code is required as in most instances, the proposed development will vary significantly from the R2 Zone requirements affecting the property and adjacent lands in terms of lot area, lot frontage, front, rear, side, and flank yard building setbacks, coverage, floor space index, and height among other standards.

Community Consultation

A community consultation meeting for this application was held on June 28, 2007 with approximately 22 members of the public, the Ward Councillor, the applicant and Planning staff in attendance. Concerns expressed by the public included:

Built Form:

- a) excessive unit count/density
- b) insufficient building setbacks
- c) excessive building height, maximum of 2 stories only
- d) building type out of character

Streetscape:

- a) auto dominated appearance
- b) lack of open landscaped areas
- c) insufficient frontages and front setbacks

Neighbourhood Character:

- a) dwelling type proposed more similar to a townhouse, not to existing area dwellings
- b) unwanted precedent for future development proposals
- c) proposed lot frontages, depths and areas not in character with surrounding area

Access/Road Safety

- a) driveway visibility due to slope on Chapman Road
- b) distance of driveways from intersection
- c) high incidence of speeding and accidents in area
- d) increased traffic and on-street parking
- e) pedestrian safety regarding location of new sidewalk

Technical

- a) concern over drainage patterns/flooding/runoff impacts to site and surrounding area
- b) location and adequacy of local utilities/services

Tree Preservation

- a) excessive tree removal

The local Councillor concluded the public meeting by polling the audience for their position regarding the proposal. There appeared to be no support for the application.

Planning staff have also collected telephone calls and letters of concern regarding future development on these lands.

In support of the application and prior to the Community Consultation Meeting, the applicant submitted 5 letters from residents of Chapman Road.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application. Attachment No. 8 outlines the technical concerns regarding the proposal as provided by the Development Engineering Section of the Technical Services Division.

COMMENTS

Zoning By-law Compatibility

Policy 8 in Chapter 4 of the Official Plan states that Zoning By-laws will contain the numerical site standards to ensure that new development will be compatible with the physical character of the established residential Neighbourhood.

The table below sets out in summary format some of the key numerical zoning standards and a comparison for the proposed development lots.

LOT	Frontage m (ft)	Lot area (m2)	Front set- back (m)	Rear set- back (m)	Cover- age (%)	FSI	Height* (m)	Side set- backs (m)
1	8.35 (27.4)	360	6	Min. 20	28	.69	10	1.2/.6=1.8
2	8.35 (27.4)	510	6	min 23	20	.46	10	1.2/.6=1.8
3	8.25 (27)	182	3.6	6.45	47	1.15	11	.9/.6=1.5
4	8.25 (27)	181	3.6	6.35	47	1.16	13	.9/.6=1.5
5	8.25 (27)	181	3.6	6.26	47.6	1.16	13	.9/.6=1.5
6	8.25 (27)	179	3.6	6.2	47.7	1.17	12	.9/.6=1.5
7	8.25 (27)	200	3.6	6.07	43	1.05	11	.9/.6=1.5
8 (flank)	7.72 (25.3)	195	7	6	39	1	8.7	1.2/.6=1.8
9	7.52 (24.7)	200	7.4	6	38	.97	8.7	.6/1.2=1.8
R2 Zone Reqm't	Min. 13.5m (44ft)	Min. 510m2	Min. 7.5m	25% of lot depth - min. 7.5m	Max. 33%	Max .45	Max. 6.5m	Min. 2.1m aggregate (flank 3.9m)

*measured from average unaltered grade at 6m from front lot line (aprox.)

A review of the Planning history and development within the surrounding neighbourhood indicates that development has predominantly occurred within current minimum Zoning By-law standards, including the adjacent properties. All lot frontages and the majority of lot areas proposed are without precedent and would be the lowest found for singles or semis along Chapman Road and over the broader low density residential area.

The proposed numerical standards in most instances vary excessively from the existing approved standards and pattern of development. The proposed numerical standards are not compatible with the established physical character of the neighbourhood.

Neighbourhood Character

The proposed development does not respect and reinforce the existing physical character of the neighbourhood as it relates to the following matters outlined in Policy 5, Chapter 4 of the Official Plan:

a) Lot Size and Configuration

According to the proposal, the majority of the lots are proposed to be less than 201 square metres in area, and the lot frontages range from 7.52 metres to 8.35 metres. A review of the site statistics for the area indicates that the average lot frontage and area for single detached lots along Chapman Road is 14.4 metres and 629 square metres respectively. Over the broader low density residential area consisting of Chapman Road between Scarlett Road and Arcade Drive, Easthampton Drive, Greyswood Court, Adonis Court, Arcade Drive and the nearby row of singles and semis along Scarlett Road, the average area for all lots including semi-detached is 529 square metres, and 616 square metres for

single detached lots only. Further, there is no precedent for the lot frontages and in most cases the lot depths proposed under this development, for either single or semi-detached lots.

The proposal also contains two “L” shaped lots, which are atypical of the area and do not appear to be in keeping with the originally planned context of this community which provided for a more conventional lot pattern.

b) Heights

There is no precedent in the area for 3-storey, flat roofed single detached dwellings or the proposed heights of up to 13 metres, measured from the average unaltered property grade near the proposed front setback line. The Zoning By-law requires this method of measurement to discourage the manipulation of grading to achieve lower heights, and to provide for a full indication of the ‘before and after’ height impact between new and existing development. For example, the properties to the south of 558 Scarlett Road will be in view of rear dwelling walls with heights in excess of 10m atop new lots that in some instances contain over 3m of landfill above the existing grade. In the case of Lot 3, the majority of the west side lot line including the entire rear yard portion will be impacted by a neighbouring building height of approximately 12.5 metres (41 feet) measured at the proposed finished grade.

In all instances, the height issue is further compounded by the employment of flat roofs to achieve a full third storey on the dwellings. This restricts the passage of sunlight significantly more than a conventional sloped roof atop the one or two-storey portions of dwellings typically found within this neighbourhood.

The proposed building heights are out of character with the area and pose unacceptable impacts in terms of natural light access, privacy and shadowing.

c) Massing, Scale and Prevailing Building Types

The property is located within a low density residential community, primarily consisting of conventional pitched roof, two-storey and back-split single and semi-detached dwelling building types. The surrounding dwellings appear to mirror the minimum applicable zoning standards relating to massing and scale. The proposed 3-storey flat-roofed building types exceed the maximum permitted or community established density by more than double in most instances. Also proposed are further unprecedented and significant reductions to other key zoning requirements relating to massing and scale such as height, setbacks and FSI. These variations will not respect and reinforce the existing physical character of the neighbourhood.

d) Patterns of Building Setbacks and Landscaped Open Space

The site is located within an area characterized by large front and rear yards containing landscaped open space, with ample space between dwellings for light, privacy, buffering and access.

In most cases, rear yards of less than 6.5 metres in depth are proposed, whereas the Zoning By-law requires a rear yard setback of 25% of the lot depth, and minimum of 7.5 metres. The majority of the already undersized rear yards will likely be encumbered by a 2 metres wide drainage easement or restrictive covenant, placing further restrictions on the use and enjoyment normally associated with the rear yard of a single family dwelling including tree planting, storage shed, swimming pool, vegetable garden, paved patio/pathway areas, etc.. Further, the imposition of oversized dwellings at the proposed rear setbacks will cause privacy, light blockage and view concerns to the southerly adjacent properties.

The proposal indicates a front yard setback of 3.6 metres for the majority of the lots on Chapman Road, whereas the Zoning By-law requires a minimum of 7.5 metres. A 1.5 metre covered front porch projection plus additional steps will further encroach into this already limited area. The combination of a narrow lot frontage along with areas occupied by a paved driveway, covered porch and steps will leave a negligible amount of space available for soft landscaping, and will have no semblance to the standard found within the surrounding area. Further, the imposition of an oversized dwelling at this setback further contributes to an unwanted precedent in terms of streetscape for this community.

The proposed side yard setbacks fall significantly below the standards established for single family dwellings in the area, with the negative impacts being only exacerbated by the 3-storey, flat roofed buildings proposed. The side yard setbacks proposed are also unacceptable in terms of natural light access, privacy/buffering between neighbours, and in terms of ground access where a .6m standard is proposed. It is noted that in these areas, the eaves will be located .15m from the side lot line making it unsuitable for maintenance access purposes. Further, the proposed building type at the proposed setbacks will also contribute to an uncharacteristically crowded appearance at the streetscape level.

The proposed front, rear, and side yard building setbacks are inadequate and are not compatible with the landscaped open space patterns found within the existing surrounding community.

e) Continuation of Special Landscape Features

The development as proposed will essentially discontinue the locally prominent ridge feature as it exists today. This 6.5 metre high, wooded ridge buffers the development on Scarlett Road from the adjacent development on Chapman Road. It appears that the engineering solutions to accommodate the proposed development involving extensive landfilling will have undesirable site plan/technical impacts, as well as unsuitable

building height implications for the southerly adjacent properties primarily on Scarlett Road. Therefore, maintaining the existing slope feature in its current form would be the preferable option from a planning perspective.

Built Form

The Built Form Policies in Chapter 3 of the Official Plan require new development to fit harmoniously into its existing and/or planned context with limited impacts in terms of:

a) Framing of Adjacent Streets/Street Proportion

Chapman Road is characterized by lots containing primarily two-storey or back-split singles and semis that meet the minimum Zoning requirements for front, side and flank yard setbacks. The introduction of 3-storey single detached flat roofed dwellings at a front yard setback of 3.6 metres (2.1 metres to the covered front porch), a flank yard setback of 1.2 metres and undersized side yard setbacks does not respect the existing and planned street proportion.

b) Transition

The subject property does not lie in what is typically considered a ‘transition’ area. In this case, the subject properties are similar and integral to a continued pattern of established and stable single family residential properties. A suitable transition from high and medium to low density development has already been established further south along Scarlett Road. New development is expected to be compatible with this established pattern of development.

c) Adequate Light, Privacy, and Shadowing

As detailed in previous sections, the coupling of excessive heights and inadequate front, side and rear setbacks will pose significant impacts in terms of light access, buffering, privacy and shadowing between the proposed and existing adjacent lots.

Environment

Policy 5 in Section 2.3.1 relating to Healthy Neighbourhoods in the Official Plan requires in part the promotion of environmental sustainability by investing in naturalization, tree planting and preservation, and sustainable technologies for stormwater management. This proposal requires significant disturbance of a natural wooded slope feature through regrading, landfilling, terracing, and removal of numerous mature trees. It is not compatible with the City’s stormwater management philosophy which aims to ameliorate the environmental impacts associated with the handling of stormwater chiefly through natural means. This proposal is not consistent with the intent of this policy.

Site Plan/Technical

The concerns of the Development Engineering Section of the Technical Services Division as found in Attachment No. 8 are summarized as follows:

Stormwater Management/Wet Weather Management Flow Guidelines

- Insufficient pervious area to accept stormwater runoff (causing sheeting and icing over proposed sidewalk, perpetually soggy rear yard conditions, etc.) not consistent with City's stormwater management philosophy
- Surface drainage from majority of lots to discharge through one lot onto the public roadway is neither fair nor acceptable

Site Grading

- Proposed armour stone retaining wall for only certain portions of the south property limit that is not continuous, is not effective in eliminating surface drainage penetration, is removable by the owner, and marginally reduces the effective use of the backyard.
- Drainage through the centre of a rear yard is not a desirable option
- All post development drainage should be self contained

Easement/Restrictive Covenants

- Final 2 metres of rear yard for Lots 3-7 will be subject to a surface drainage easement or restrictive covenant, compromising the use and enjoyment of an already limited rear yard. This includes tree planting.

Development Charges

It is estimated that the development charges for this project would be \$93,735. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

The proposal for nine single family dwellings on this site is inconsistent with the policies of the Official Plan. The proposal does not respect and reinforce the stable physical character of the neighbourhood, and represents a significant departure from the existing planned context of the neighbourhood. This includes excessive variations from the established zoning standards for single family dwellings in the vicinity. The impacts to the surrounding properties associated with this development are unacceptable, making this proposal inappropriate for the site. Planning staff recommend that City Council refuse the rezoning application.

CONTACT

Matthew Premru, Planner
Tel. No. 416-394-6004
Fax No. 416-394-6063
E-mail: mpremru@toronto.ca

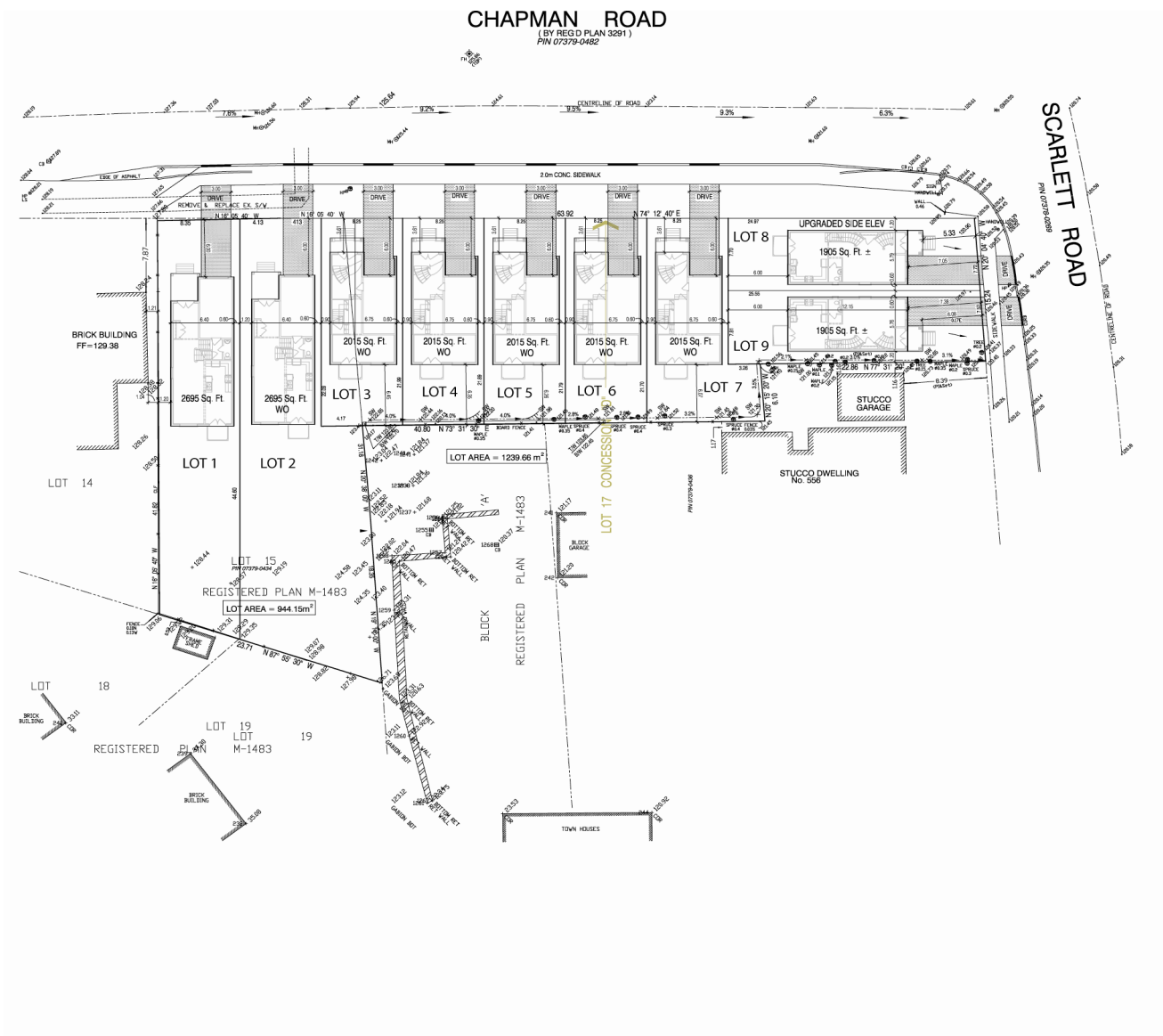
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Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Floor Plans
Attachment 4: Neighbourhood Context
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Agency Comments

Attachment 1: Site Plan



Site Plan

Applicants Submitted Drawing

Not to Scale
08/01/07

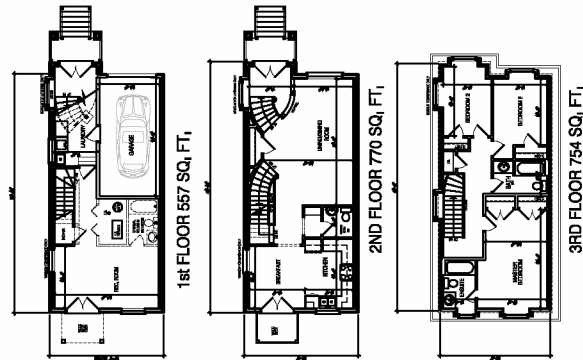


558 Scarlett Road
and 13 Chapman

File # 06_193639

**PROPOSED 8.25m SINGLES
FLOOR PLANS**

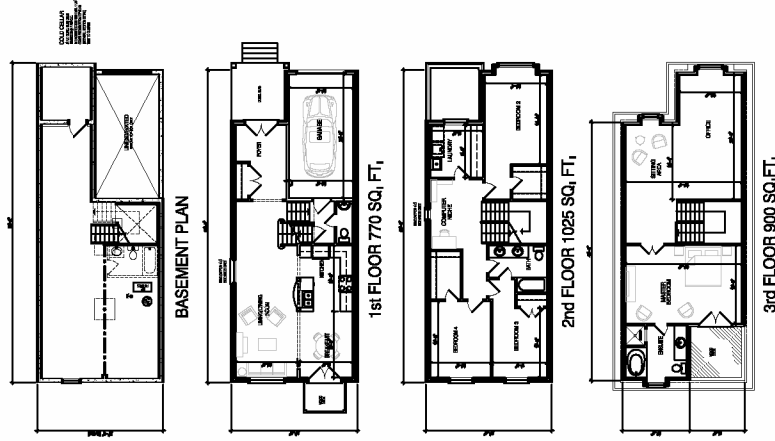
BY
FRANTON HOMES



TOTAL 2081 SQ. FT.

TOTAL 2256 SQ. FT.

TOTAL 2695 SQ. FT.



TOTAL 2695 SQ. FT.

Elevations - Floor Plans

Applicant's Submitted Drawing

Not to Scale
08/01/07

**558 Scarlett Road
and 13 Chapman**

File # 06_193639

Attachment 4: Neighbourhood Context



Neighbourhood Context

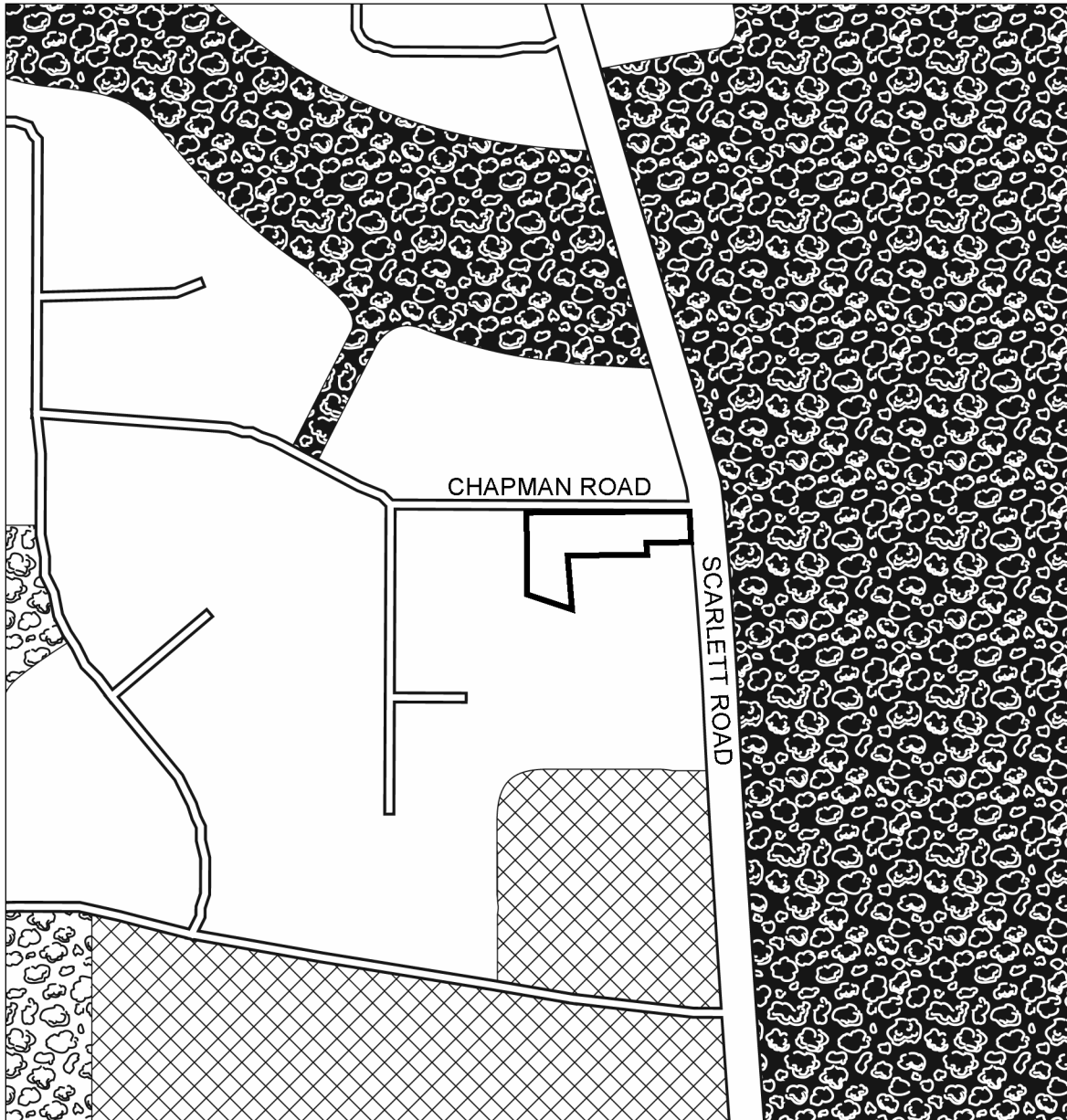
Subject Property

**558 Scarlett Road
and 13 Chapman**

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08/22/07

File # 06_193639

Attachment 6: Official Plan



TORONTO City Planning Division
Official Plan

558 Scarlett Road
 13 Chapman Road

File # 06_193639

- | | |
|--|---|
|  Site Location | Parks & Open Spaces Areas |
|  Neighbourhoods |  Natural Areas |
|  Apartment Neighbourhoods |  Parks |

↑
 Not to Scale
 03/06/07

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	06 193639 WET 02 OZ
Details	Rezoning, Standard	Application Date:	November 24, 2006

Municipal Address: 558 SCARLETT RD, TORONTO ON M9P 2S2
 Location Description: SCOTT PL PT LT10 **GRID W0210
 Project Description: development of nine single family dwellings

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R2	Historical Status:
Height Limit (m):	6.5m (flat roofed dwellings)	Site Plan Control Area: No

PROJECT INFORMATION

Site Area (sq. m):	2182.21	Height:	Storeys:	3
Frontage (m):	63.92		Metres:	8.7m to 13m
Depth (m):	15.24			
Total Ground Floor Area (sq. m):	441			Total
Total Residential GFA (sq. m):	1935		Parking Spaces:	18
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	1935			
Lot Coverage Ratio (%):	20% to 47.7% (36% total site)			
Floor Space Index:	.46 to 1.17 (0.89 total site)			

DWELLING UNITS

Tenure Type:	Freehold
Rooms:	0
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	0
3 + Bedroom:	9
Total Units:	9

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	1935		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT: PLANNER NAME: Matthew Premru, Planner
TELEPHONE: (416) 394-6004

Attachment 8: Agency Comments

Memorandum from the Manager, Development Engineering, Technical Services
Division, dated August 8, 2007.

Application Description

Zoning Bylaw Amendment to permit development of nine single family dwelling units.

As requested, the following is being provided as supplementary commentary with respect to the technical issues not covered our comments dated July 10, 2007 which pertain solely to the above noted rezoning application. A number of issues previously identified with respect to the combined Zoning Amendment and Site Plan application pertaining to a previous townhouse proposal continue to be a concern. Should the Zoning Amendment for this application be approved and no further approvals are necessary, the issues normally raised during Site Plan review will not have the opportunity to be heard. Whereas the issues have been somewhat ameliorated with the current single family dwelling proposal, the number of units proposed remains significantly high and although solutions are possible there is little opportunity to implement the engineering requirements needed without compromising the ability of the prospective owners to both manoeuvre within and enjoy their outdoor space.

Discussion of these issues in a general manner is provided below to recognize them and anticipate their impact.

Storm Water Management and Wet Weather Management Flow Guidelines

During the past several years the City of Toronto has not permitted direct connections to the municipal storm sewer for residential development except in unusual circumstances. Foundation drains and roof downspouts are required to discharge to grade. In April 2007 the city implemented Wet Weather Management Flow Guidelines for all new development in a further attempt to reduce the quantity of storm water entering rivers and creek beds, reducing pollution and erosion, and thereby increasing, evaporation, irrigation, and ground water rejuvenation. The size of the proposed lots, together and extremely shallow backyards does not provide sufficient pervious areas to accept storm water runoff from roofs and foundation drains. The proposal indicates that all roof discharge is to be directed to the front of the lots. Assuming a suitable roof design can be incorporated into the dwelling units, there is little pervious landscape area to receive roof water at the front of the units without sheeting across the public sidewalk and causing icing in winter. It is not apparent where the foundation drains are intended to discharge and the limited size of the rear yards may lead to perpetually soggy conditions. To ensure the limited backyard areas are usable the proposal relies on a surface drainage system that collects and directs run-off from most of the lots into one where it can be discharged towards the public roadway. The volume of water being discharged to this localized area

is not acceptable. This drainage system also raises maintenance issues and relies on easements which will be discussed in greater detail below.

Site Grading

A significant portion of the site is presently lower than the road. The portion of the roadway fronting the development site presently operates as a rural configuration that utilizes a ditch to convey road drainage. In order to ensure the proposed driveways maintain positive slope towards the roadway (avoiding integral garage designs that are lower than the roadway that are susceptible to flooding) and to eliminate the road ditch, the elevation of the site will need to be raised in conjunction with the urbanization of this portion of the roadway including provision of sidewalk and curb and gutter.

Raising the elevation of the site will necessitate provision of a retaining wall for certain portions of the site to prevent surface drainage from adversely affecting adjoining properties. A continuous poured concrete retaining wall that extends along the entire south property limit of the site (including the lots fronting on Scarlett Road) will be more effective in containing all surface drainage. The Site Plan indicates a proposed armour stone wall retaining wall which is not continuous, is not effective in eliminating surface drainage penetration, is removable by the owner, and marginally reduces the effective use of the rear yard. Useable rear yard ground space is further reduced by the proposed rear yard decks.

One of the lots is graded to convey the drainage through the centre of the rear yard, a less than desirable option.

Although the condition presently already exists, the largest lot in the proposed development continues to direct post development surface drainage onto the adjoining property to the east. All post development drainage from the site should be self contained.

Easements / Restrictive Covenants

In order for the surface drainage system to work as proposed in future, it needs to be defined and protected by either an easement or a restrictive covenant registered on title on each of the affected lots. This restricts the use and what can be erected within the last two metres of rear yards that are only six metres deep. It is noted on the Landscape Plan that trees are to be planted within the area that is to be designed for drainage which will impede the flow and is not acceptable. Typically these easements/covenants require the owner to provide and maintain surface drainage within and through their property by conveying upstream drainage through their lot to the adjoining downstream property. Restricting the use of two metres of all the properties further comprises the use and enjoyment of the already limited rear yard space.

Summary

The surface drainage system as proposed collects storm water from several properties and conveys it to a single lot which is neither fair to that prospective owner nor acceptable to City in terms of a single discharge point.

A french drain system similar to the system being proposed but one which includes both a surface and subsurface drainage system would be preferred, however such a system relies on the provision of catchbasin and a storm sewer connection which is contradicts the City's storm water management philosophy and would require special approval. Further, although this system would provide a better engineering solution, it is best suited to condominium corporation tenure. Whereas it is feasible for implementation for single-family tenure, administratively it is more onerous for the prospective owners.

In conclusion, it is our opinion that the proposal is an over-intensification of a site which currently comprises only two single family dwelling lots. The limited size of the rear yards does not lend itself to the city's storm water management philosophy which relies on irrigation, infiltration, and evaporation of rain water, nor does it lend itself to the enjoyment of a rear yard one would expect in a single family dwelling. Whereas the issues resulting from over-intensification may not be insurmountable from an engineering perspective, it causes both the designer and the City to make compromises we prefer not to make.

If you have any questions regarding these comments please contact Ron Agius at 416-394-8406.

Prepared by:
Ron Agius
Development Technologist
Development Engineering, Etobicoke York District

Signed by:
Helen Noehammer, P.Eng.
Manager, Development Engineering, Etobicoke York District
RAA/raa