

**66 Baby Point Road - Site Plan Control Application –
Final Report**

Date:	February 19, 2010
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	09 105613 WET 13 SA

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to construct a new three-storey detached dwelling at 66 Baby Point Road.

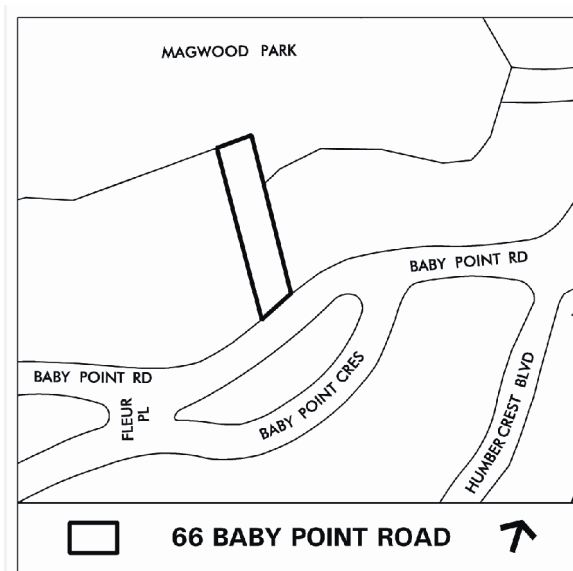
The subject property abuts the Humber Valley Ravine system, therefore the proposed development is subject to Site Plan Control. The proposed development was analysed and evaluated in light of the City’s Official Plan policies, Zoning By-law regulations, and technical/physical constraints associated with development abutting a ravine.

This report reviews and recommends approval in principle of the Site Plan Control application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council approve in principle, the conditions set out in



Attachment. 4 to this report to permit the construction of a new detached dwelling for the lands at 66 Baby Point Road.

2. City Council delegate back to the Chief Planner or his designate the authority to issue final Site Plan Approval.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

This Site Plan application was originally submitted on January 29, 2010. The original proposal required a variance from the Zoning By-law related to the required front yard setback, as the dwelling was proposed to be aligned with the two abutting houses, but the zoning required the dwelling to be set back further on the lot.

An application was made to the Committee of Adjustment to permit the dwelling to be located closer to the front lot line than permitted (File No. A108/09EYK). There was significant opposition to the proposed development at the Committee hearing on April 23, 2009. The applicant chose to redesign the dwelling to be in full compliance with the Zoning By-law, and closed the minor variance application.

The site plan application was amended in order to bring the proposed development into full compliance with the Zoning By-law and conformity with Official Plan policies.

On January 7, 2010, Ward 13 City Councillor Saundercook scheduled a Community Meeting to discuss the proposed development with the proponent and area residents. At the conclusion of the meeting, the Councillor referred or “bumped-up” the Site Plan Control application to the Etobicoke York Community Council for a decision, in accordance with By-law 483-2000.

ISSUE BACKGROUND

Proposal

The applicant proposes to demolish the existing dwelling and construct a new three-storey detached dwelling (see Attachment 1 – Site Plan) having a gross floor area of 601.16 square metres (see Attachment 5 - Application Data Sheet).

Site and Surrounding Area

The property is located in the quadrant west of Jane Street, east of the Humber River and south of St. Marks Road. The lot has an approximate width of 22 metres fronting onto the north side of Baby Point Road, with an approximate lot depth of 123 metres.

Land uses of abutting properties include:

North: Park/Natural Heritage System/Ravine

West: Residential (Detached Dwelling)/ Neighbourhoods

East: Residential (Detached Dwelling)/ Neighbourhoods

South: Baby Point Club (private)/Tennis Court and open space

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.

The Growth Plan for the Greater Golden Horseshoe 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.

As the proposed development conforms with the City's Official Plan as outlined below, the proposal also conforms to the PPS and is therefore consistent with other Provincial Plans.

Official Plan

The subject property is designated Neighbourhoods by the City's Official Plan Land Use Plan Map 14, with the rear portion of the lot being designated Natural Heritage System on Map 9. Official Plan policies associated with The Natural Environment (3.4) and Neighbourhoods (4.1) were applied to the proposed development as part of the review and assessment of the Site Plan Control application.

Zoning

The lot is zoned R1 by the former City of York Zoning By-law (see Attachment 3 – Zoning Map). The proposed development complies fully with all regulations and general provisions in effect.

Ravine and Natural Features Protection By-law

The rear portion of the lot, north of the development area is subject to the provisions of the Ravine and Natural Features Protection By-law.

Community Consultation

A community consultation meeting was held on January 7, 2010 at the Ward Councillor's constituency office. Approximately 15 area residents and their solicitor, the proponent and his Planning Consultant, and planning staff were in attendance.

Issues raised by area residents included the following:

1. The size of the proposed dwelling being too large and deep;
2. The dwelling being set back too far from the street in relation to other existing dwellings that are closer;
3. The proposed in-ground swimming pool being located within the 10m buffer area from the stable ravine top-of-bank;
4. Conformity with Official Plan policy 3.4.8; and,
5. The lack of community consultation and public forum to express concerns regarding the proposal.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application. There were no objections to the proposed development, including the applicant's Tree Injury and Protection Plan. A permit for the proposed development has been issued by the Toronto and Region Conservation Authority under the authority of Ontario Regulation 166/06.

Three pre-approval conditions relating to the provision of tree protection hoarding, sediment control fencing, and financial security for implementation of the approved ravine stewardship plan, are outstanding. These conditions must be satisfied prior to site plan approval of the plans and drawings.

With respect to damage or destruction to private trees regulated by Chapter 813, Trees, Article III, of the City of Toronto Municipal Code, which will be affected by the proposed development, Urban Forestry staff have reviewed all material submitted by the proponent and have no objections to the proposal. Pre-approval conditions associated with private trees have been satisfied by the applicant.

COMMENTS

The proposal is to demolish an existing detached dwelling and replace it with a larger new detached dwelling. The proposed development conforms with the Neighbourhoods

policies cited in section 4.1 of the Official Plan. No zoning amendments or minor variances are required to permit the development.

The proposal was evaluated in light of the Natural Environment policies outlined in section 3.4. The policies aim to reinforce protection and provide for the enhancement of the natural environment.

The proposed development is not located within the 10 metre setback from the established stable top-of-back from the ravine, nor is the proposed development within the portion of the lot that is designated Natural Heritage System.

With respect to the 10 metre setback from the stable top-of-back, policy 3.4.8 reads as follows:

“Development will be set back from the following locations by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards:

- a) the top-of-bank of valleys, ravines and bluffs;
- b) other locations where slope instability, erosion, flooding, or other physical conditions present a significant risk to life or property; and
- c) other locations near the shoreline which may be hazardous if developed because of flooding, erosion or dynamic beach processes.

Minor additions or alterations to existing development, replacement structures and accessory structures are exempt from this policy.”

The proposed development is not located within the 10 metre buffer area. However, an accessory structure (a shed) is proposed to be within the buffer area to service the proposed swimming pool, which is also proposed to be within the buffer area. This policy exempts accessory structures from the setback requirement.

A proposed Grading and Drainage Plan was reviewed and approved by the Toronto and Region Conservation Authority, who also ensure that ravine slope stability and erosion are not adversely affected by development. An additional review of grading and drainage will be conducted by the City during the building permit review process.

This application has undergone a full circulation and review by all appropriate City divisions and affected agencies. There are no outstanding technical issues to be addressed by the applicant. There are three pre-approval conditions to be satisfied prior to full site plan approval being issued.

Concerns raised by area residents with respect to the size of the dwelling have been addressed through the zoning review process and the building permit application process.

Toronto Building staff have reviewed the proposal to ensure that the proposed dwelling complies fully with all zoning requirements.

Area residents have expressed concern that the site plan control process did not afford them a formal opportunity for public consultation after the proposal was redesign to comply with zoning regulations, as did the Committee of Adjustment process. Staff have made efforts to enhance opportunities for public input and process transparency through this application process.

Staff have outlined the site plan process as mandated in Section 41 of the Planning Act to the area residents. Further, staff have made the file available for review to the law firm representing most of the concerned neighbours on three separate occasions after the proposal was redesigned. A community consultation meeting arranged by the Ward Councillor was held on January 7, 2010, to discuss the proposal and the process. The Ward Councillor subsequently referred this application to the Etobicoke York Community Council for a decision in an effort provide public participation opportunities in the process.

With respect to concerns raised by the Solicitor representing some area residents regarding the disposition of the proposed swimming pool and hardscaping in the rear yard, Planning staff consulted with City Legal and Toronto Building staff to address the concern. This issue is focused on whether the swimming pool constitutes development and what are the applicable policies, regulations and jurisdiction.

It has been determined that the swimming pool is not considered development and site plan approval is not applicable. Furthermore, residential swimming pools of this nature are not governed by the Ontario Building Code. The Toronto and Region Conservation Authority has issued a permit under Ontario Regulation 166/06 for the alteration of grade and placement of fill which results from the placement of the pool in the proposed location. Under the City of Toronto Municipal Code, the owner will be required to obtain a swimming pool enclosure permit.

Servicing

A site servicing scheme has be reviewed by the City's Technical Services Division, and is satisfactory.

Environment

The proposed development has been reviewed by Environmental Planning staff, who had no objection to the proposal. An Arborist /Ravine Stewardship Plan has been submitted by the proponent to protect and enhance the ravine portion of the lot. This plan has been accepted by the appropriate City staff, and is the subject of the three outstanding site plan pre-approval conditions outlined on Attachment 4.

CONTACT

Philip Carvalino, Senior Planner

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Fax No. : 416-394-6063

E-mail: pcarval@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations

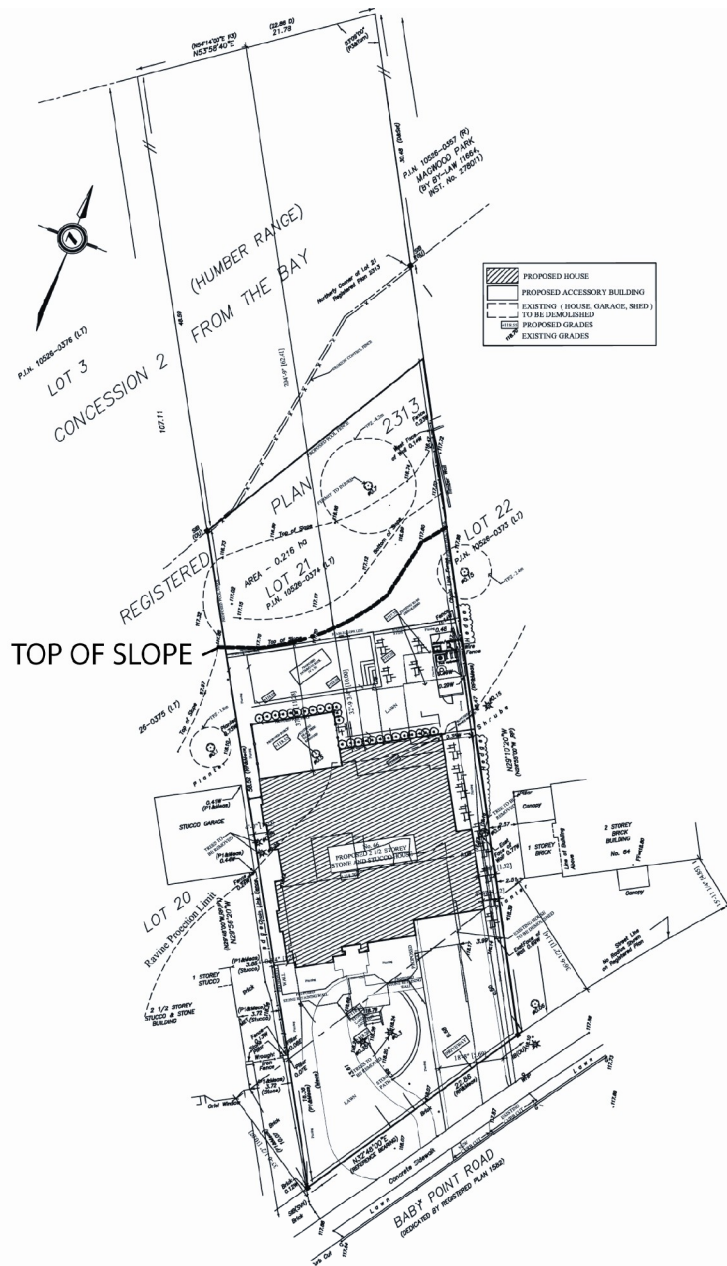
Attachment 2b:Elevations

Attachment 3: Zoning Map

Attachment 4: Conditions of Site Plan Approval

Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

66 Baby Point Drive

Applicant's Submitted Drawing

Not to Scale 

File # 09_105613

Attachment 2: Elevations



FRONT ELEVATION



REAR ELEVATION

Elevations

Applicant's Submitted Drawing

Not to Scale
02/17/10

66 Baby Point Drive

File # 09_105613

Attachment 2b: Elevations



SIDE ELEVATION



SIDE ELEVATION

Elevations

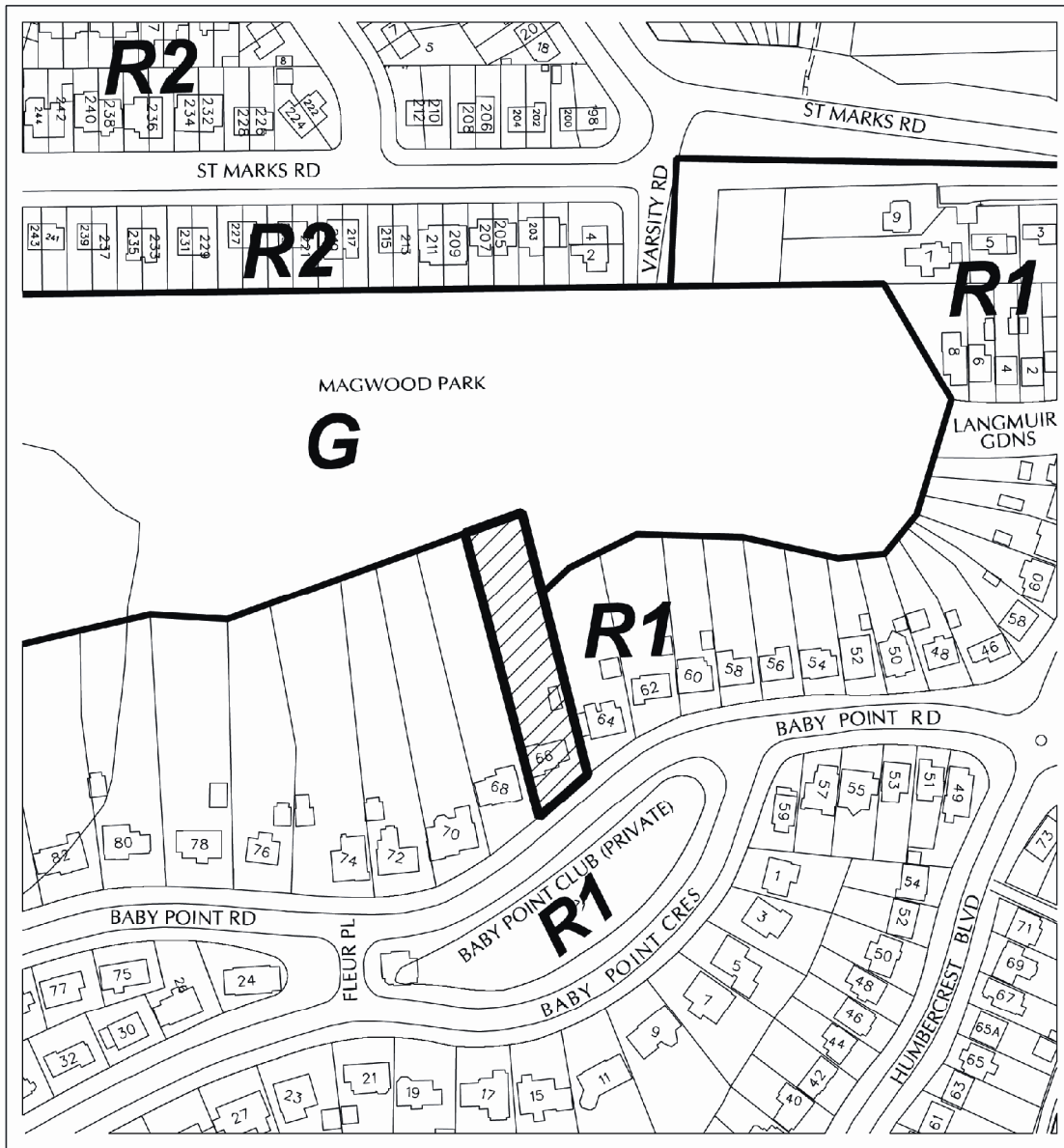
Applicant's Submitted Drawing

Not to Scale
02/17/10

66 Baby Point Drive

File # 09_105613

Attachment 3: Zoning Map



66 Baby Point Road
File # 09_105613

- R1 Residential Zone
- R2 Residential Zone
- G Green Open Space



Not to Scale
Zoning By-law 1-83 as amended
Extracted 02/17/10 - KP

Attachment 4: Conditions of Site Plan Approval

The City Planning Division Etobicoke York District, has completed the review for a proposed three storey detached dwelling located at 66 Baby Point Road, as outlined in the following plans and drawings:

Drwg. No.	Drawing Title	Plans Prepared By	Revision/Date Stamped
A-1	Site Plan	Murakami Design Inc.	Oct. 28, 2009. Revision 10 – Redline revision to 10m top-of- back setback Dec. 8, 2009
G1	Sanitary, Water Servicing Plan	A.M. Candaras Associates Inc.	Revision 3 dated December 10, 2009
G2	General Notes	A.M. Candaras Associates Inc.	Revision 1 dated December 10, 2009
T1	Tree Injury, Protection Plan	MHLA Inc.	Jan. 25, 2010
T2	Stewardship Plan	MHLA Inc.	Jan. 25, 2010
T1a	Tree Injury, Protection Plan	MHLA Inc.	Jan. 25, 2010
L4	Landscape Proposal Ravine Planting Plan	Mark Hartley Landscape Architects	Jan. 25, 2010
	Arborist Report/Ravine Stewardship Plan	Mark Hartley Landscape Architects	Jan. 25, 2010

It is the owner’s responsibility to work with the respective City divisions to satisfy the pre-approval conditions set out below. Please note that if the pre-approval conditions are not fulfilled within two (2) years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Chief Planner or his designate.

PRE-APPROVAL CONDITIONS

Urban Forestry, Ravine and Natural Features Protection – Contact Vojka Miladinovic @ 416-392-7815 or vmiladi@toronto.ca

1. Plywood tree protection hoarding shall be installed in the locations as indicated in the approved Tree Injury, Protection Plan (T1 and T1a) by Mark Hartley Landscape Architects, January 22, 2010. Tree protection hoarding shall be installed to standards as detailed in the City’s Tree Protection Policy and

- Specifications for Construction near Trees and to the satisfaction of Urban Forestry RNFP.
2. Sediment control fencing shall be installed in the locations as indicated in the Tree Injury, Protection Plan (T1 and T1a) by Mark Hartley Landscape Architects, January 22, 2010. The sediment control fencing shall be installed to Ontario Provincial Standards (OPSD-219.130) and to the satisfaction of Urban Forestry (RNFP).
 3. The applicant shall submit a financial security in the amount of CDN\$ 14,748.00 (Fourteen thousand seven hundred and forty eight dollars) to secure the implementation of the approved ravine stewardship plan. This security will be held through the warranty period, which will commence on the date Urban Forestry RNFP confirms that the works have been undertaken to their satisfaction and in accordance with approved plans. Urban Forestry RNFP may authorise a partial release of the security deposit. The security will be returned once Urban Forestry RNFP is satisfied that all components of the ravine stewardship plan have been completed and the planted stock has successfully established.

SITE PLAN ADVISORY COMMENTS

1. **Archaeology/Heritage**
In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Culture be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.
2. **Archaeology/Heritage**
In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8404.
3. **Road Allowance Permits**
The applicant must obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. The applicant is advised to contact Tamara MacDonald at 416-394-8348 of our Right-of-Way Management Unit regarding site-specific permit and licensing requirements.
4. **Construction Management Plans**
The applicant must submit a Construction Management Plan for each stage of the construction process provided to the satisfaction of this Division. The applicant is not allowed to use the rights-of-way for storing construction equipment/materials or for parking purposes. The applicant is advised to contact the Development Engineering Unit, Martina Betkova 416-394-8406, regarding detailed requirements.

5. Encroachments

The applicant is advised that any physical or landscaping features that they propose to install within public right(s)-of-way are subject to encroachment agreements. The applicant is responsible for the costs of installing and maintaining these encroachments. For further information regarding encroachment agreements, please contact Don Pardoe, Right-of-Way Management Unit at 416-394-8422.

6. Toronto Hydro Approval

The applicant shall obtain approval from Toronto Hydro Street Lighting Incorporated, THSLI, for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The applicant is advised to contact THSLI (416-542-3195) or www.torontohydro.com/streetlighting for comment and cost estimates for required fieldwork.

7. Utilities

The applicant is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.

8. Site Servicing Connections

The owner will be required to make an application to Toronto Water Division for the installation of any proposed services within the City right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact Bruce Grainger, District Operations, Toronto Water, Etobicoke York District at 416-394-8454.

Attachment 5: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	09 105613 WET 13 SA
Details		Application Date:	January 29, 2009

Municipal Address: 66 BABY POINT RD
 Location Description: PL 2313 LT21 PT LT3 HR **GRID W1301
 Project Description: To demolish the existing dwelling and construct a new 3-storey single-family dwelling with attached 2 car garage.

Applicant:	Agent:	Architect:	Owner:
MURAKAMI DESIGN			CYNTHIA ANNE BOZINOFF

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R!2	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	2160	Height:	Storeys:	2.5	
Frontage (m):	22.86		Metres:	10.56	
Depth (m):	98.99				
Total Ground Floor Area (sq. m):	326.5				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	2	
Total Non-Residential GFA (sq. m):	606.26		Loading Docks	0	
Total GFA (sq. m):	606.26				
Lot Coverage Ratio (%):	15.1				
Floor Space Index:	0.287				

DWELLING UNITS

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

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	606.26	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: Philip Carvalino, Senior Planner
TELEPHONE: (416) 394-8233