

Baby Point Heritage Foundation

BY EMAIL
pgmc@toronto.ca

May 10, 2011

City Clerk
Attn: Merle MacDonald
Administrator, Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West
10th Floor, West Tower
Toronto, ON, M5H 2N2

Dear Madam:

RE: Written Submission with respect to the proposed repeal of City Wide Zoning By-law No. 1156-2010

I am writing on behalf of the Baby Point Heritage Foundation, with respect to the above noted proposed repeal of By-law No. 1156-2010 which I understand is to be considered at a public meeting on May 10, 2011. This submission is being made in accordance with the provisions of the Planning Act which requires an oral or written submission with respect to a proposed by-law to be a party before the Ontario Municipal Board.

The Foundation has appealed By-law No. 1156-2010 to the Ontario Municipal Board in relation to proposed Zone RD (x1209) and the exceptions on Baby Point Road from Zoning By-law No. 1156-2010. To date they have not been contacted by the City with respect to the resolution of their concerns, an initiative which the Foundation is prepared to discuss and was anticipating would occur in the near future.

Given the City's willingness to resolve issues identified with the proposed new zoning by-law, the Foundation is reluctant to see the new by-law repealed. The By-law is a complex document and there is no guarantee that the Foundation's issues will be resolved following its repeal. The current process which will allow for negotiations between the Foundation and the City with respect to the Foundation's concerns establishes a process which the Foundation believes will lead to a satisfactory resolution of its concerns. Failing that, the Foundation has an established process for a Board hearing. The repeal of the By-law would not provide the same certainty for resolution of the concerns and the Foundation would lose the money they paid to file their appeal. Further, if the Foundation's concerns are not resolved, it will be necessary again for the Foundation to file and appeal with the related costs.

Thank you for your consideration of this submission, and should you have any questions please contact the undersigned.

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Please also accept this letter as written confirmation of our request to be notified in writing of any and all further meetings and notices (including the Notice of Decision for the Zoning By-law).

Your truly,

Dr. Robert Galway

c.c. Councillor Doucette
David Ceolin
Mary Anne Demonte Whelan
Elizabeth Howson
Robert Truman
Pamela Slaughter

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The Baby Point area is a truly significant community from a cultural heritage perspective. Originally a Seneca village, the lands were then settled in 1816 by James Baby, a member of the Family Compact, before being developed by Home Smith commencing in 1912. The focus of this area is the 'Point' which is located on a peninsula of land or 'point' overlooking the Humber River, generally in the area west of Humbercrest Blvd.

The Baby Point Heritage Foundation has recently been formed to ensure that the heritage of this remarkable area is protected for future generations through the creation of a Heritage Conservation District. The Board of the Foundation currently consists of four committed individuals from the neighbourhood including the undersigned. We are in the process of incorporating.

Based on our review of the proposed By-law, the majority of the 'Point' is proposed to be zoned "RD(x1209)" with two properties, one of which is 66 Baby Point Road, being exempted from the Zoning By-law apparently because of recent development approvals. The proposal for 66 Baby Point Road generated considerable concern in the neighbourhood because of the 'oversized' building which is proposed. This building, while it conforms with the existing zoning regulations, is completely out of keeping with the heritage character of the area. It was because of the concerns with the current Zoning By-law identified through that application process that the Foundation was formed.

In reviewing the most recent version of the proposed City-wide Zoning By-law, we expected that the concerns with the current By-law would be addressed. Unfortunately, based on our review, that does not seem to be the case. In fact, the regulations do not appear to take into account in any material way the unique character of this area. It is our understanding from a review of the various reports that these regulations have not been developed on the basis of any area study. In the absence of any study, we believe this by-law, if passed, should be very conservative in introducing new standards into any part of the City, and most particularly in a heritage area such as Baby Point.

The specific concerns we have identified with the "RD(x1209)" Zone are as follows:

1. Conservation Overlay

The Bylaw includes a Conservation Overlay which applies to the majority of the land in the RD (x1209) Zone. The Conservation Overlay prohibits development below the stable top of bank or shoreline hazard limit. It also contains a provision in Section 600.30 (4) which states:

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"If a shoreline hazard or stable top-of-bank crosses a lot, the portion of the lot below the shoreline hazard limit or stable top-of-bank is not included in the calculation of the floor space index for the lot."

This appears to address an issue with the current zoning by-law. However, the section appears to be flawed in that it refers only to floor space index as a measure of permitted density. This is an issue because the proposed new zoning applicable in the RD (x1209) Zone, does not appear to include a floor space index regulation. Instead the RD (x1209) Zone includes only a maximum coverage requirement. As a consequence of this difference in wording it is questionable whether subsection (4) would apply in the RD (x1209) Zone. This is a concern because if it does not apply, then density from the portion of a lot below the top of bank can be used as part of the calculation of the coverage for any house along the ravine, which includes a significant number of homes on the 'Point'. This would contribute significantly to the potential for new development which is out of keeping with the heritage character of the area.

2. Coverage/Setbacks

The proposed Bylaw as currently drafted would allow a maximum coverage of 50% of the lot area. Previously the maximum floor space index was 0.4 and there does not seem to be any coverage requirement. The change from the floor space index approach (which relates to the total gross floor area of the building as a percentage of the lot area) to a coverage figure which looks at only the percentage of the lot occupied by a building and with the coverage being a maximum of 50% would appear to allow a significantly larger building foot print then currently permitted.

Further, there does not appear to be any front yard or rear yard setback requirements and the side yard requirement is very minimal at 0.45 for lots under 12m frontage and 0.75 m for lots over 12 m frontage.

The combination of the effect of these new regulations would again appear to contribute significantly to the potential for new development which is out of keeping with the heritage character of the area.

3. Exemptions from the By-law

As noted, two properties are excluded from the proposed new zoning by-law. This area was originally planned in a comprehensive manner. That is a key part of the cultural heritage value of the neighbourhood. It is important that all properties be subject to the same rules with respect to future development.

Based on these concerns, we are requesting that your Committee defer consideration of this By-law, or at least the RD (x1209) regulations, until appropriate changes can be made to develop regulations for the Baby Point area which will assist in preserving the unique character of the community, rather than allowing for the potential of development which is out of keeping with

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its unique heritage character. These changes should reflect a more detailed examination of the area and input from the affected community.

Thank you for your consideration of this request, and should you have any questions please contact the undersigned.

Please also accept this letter as written confirmation of our request to be notified in writing of any and all further meetings and notices (including the Notice of Decision for the Zoning By-law).

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