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MEMORANDUM

To: Barbara Bartosik, Manager & Deputy Secretary Treasurer
Committee of Adjustment, Etobicoke York Panel
Attention: Nicole Milrose

From: Grace Tesa, P.Eng.
Manager, Development Engineering, Etobicoke York District
Attn: Sandra C. Rojas

Date: February 9, 2022

Subject: **Committee of Adjustment File: B0006/21EYK, A0026/21EYK,
A0027/21EYK**
**Legal Description: Part of Lot 1 in Block B and part of the 5 ft reserve,
registered plan M-9, CITY OF TORONTO**
Owner: Daniele Iannetti & Dilyana Valchovkja-Lazrova
Applicant/Agent: Daniele Iannetti
Address: 5 Marina Avenue
Ward: 3 **2nd submission (Revised)**

Further to our previous memorandum dated January 13, 2022, we have revised our comments

APPLICATION DESCRIPTION

Engineering and Construction Services Division and Transportation Services Division have reviewed the above-noted consent and minor variance applications made by **Daniele Iannetti** on behalf of **Daniele Iannetti & Dilyana Valchovkja-Lazrova**

The subject site is located in the former City of Etobicoke (Ward 3), on the south side of Marina Avenue, approximately 50m east of Thirty Third Street and 110m south of Lake Shore Boulevard West. The property is subject to City-wide Zoning By-law 569-2013 and the Long Branch Zoning Code. Under Zoning By-law 569-2013, the property is zoned RM(u40) (x2). Under the Long Branch Zoning Code, the property is zoned RM1.

The following comments and conditions are provided based on the following submissions:

1. 1ST Floor Plan, dated January 5, 2022 by Nauta Home Designs;
2. Lot Grading Plan, dated August 6, 2021 by SitePlanTech Inc.; and
3. Five Foot Reserve Letter, dated January 11, 2022 by Nicholas T. Tyacke LL.B., LL.M.

The following materials were submitted previously:

1. Site Plan, dated August 10, 2021 by Nauta Home Designs;
2. Surveyor's Real Property Report, dated November 5, 2020 by Avanti Surveying Inc.;
3. Draft R-Plan, dated November 9, 2020 by Avanti Surveying Inc.;
4. Zoning Notice Part 1 (West) Lot, dated August 18, 2021 by Toronto Building; and
5. Zoning Notice Parts 2 and 3 (East) Lot, dated August 18, 2021 by Toronto Building.

COMMENTS

TRANSPORTATION SERVICES

Conveyances : *As noted in our previous comments*, the Land and Property Surveys unit of the Engineering and Construction Services Division that conveyances for road widening purposes are not required along the property frontage under the City of Toronto Official Plan.

Lot Widths: The applicant proposes to sever the property into two separate parts and construct a single family semi-detached dwelling with an integral garage on each severed lot. The submitted Draft R-Plan indicates that the west lot will consist of Part 1, while the east lot will consist of Parts 2 and 3. Both lots will have widths of 7.695m, as measured at the Marina Avenue right-of-way limit. **As noted in our previous comments**, Transportation Services has no concerns with the proposed lot widths as they will allow for the provision of proper access to each site.

Driveway Widths: A 3.0m wide driveway off Marina Avenue will provide access to each lot. Each driveway leads directly to the attached garage for each proposed dwelling. The proposed driveways comply with applicable Zoning requirements given the Zoning Notices that have been received. This is acceptable.

The proponent will be required to revise the site plan to dimension and illustrate the provision of curb cuts within the Marina Avenue boulevard that match the widths of the proposed driveways for each lot. Additional requirements must be satisfied with respect to the proposed driveways and associated curb cuts, as further detailed in the conditions below

Parking Space Dimensions: A minimum of one parking space will be provided within the integral garage that is proposed for each lot. As noted in the Zoning Notices that were received, the proposed dwelling units on each property trigger a parking space dimension variance in terms of width. Under current Zoning provisions, the parking spaces must have a minimum width of 3.2m. The proposed parking spaces are shown on the First Floor Plan as having widths of 3.048m.

As noted in our previous comments, the dwelling units represent a totally new construction and Transportation Services is concerned that the proposed parking spaces within the attached garages will not be functional. It is noted that Transportation Services assesses the functionality of a parking space both in terms of:

1. The provision of acceptable access to the space by applicable design vehicles; and
2. The provision of sufficient area which allows drivers/passengers to enter/exit the vehicles.

Given the widths that are proposed for the parking spaces, Transportation Services staff are particularly concerned with respect to Item No. 2 above. Furthermore, although not shown on the site plan drawing, a setback that is approximately 4.0m in length will be provided between the northerly property line and the respective garage for each dwelling unit. This setback will not allow passenger car design vehicles to park on-site without encroaching into the Marina Drive right-of-way limits.

Given the above, *in keeping with our previous comments* Transportation Services requires that the proponent revise the architectural drawings to provide a Zoning compliant parking space within the attached garage for each dwelling unit.

Side Yard Setback: The August 18, 2021 Zoning Notices from Toronto Building indicate that 0.90m side yard setbacks are required for both lots, whereas east side yard setbacks of 0.88m and 0.78m will respectively be provided for the severed lots.

As noted in our previous comments, the submitted Survey Plan and Draft R-Plan indicate the presence of an existing five-foot reserve that is subject to a right-of-way along the easterly portion of the east lot (Part 3). Given the proposed side yard setback, the dwelling and driveway on the east lot will encroach into the aforementioned five-foot reserve.

In our previous comments, Transportation Services required that the proponent submit an acceptable legal opinion from a retained solicitor, which must include full details regarding the purpose of the five-foot reserve and the legal authority that allows the proponent to encroach into the five-foot reserve. In response to these requirements, the proponent's solicitor submitted a January 11, 2022 letter which asserts the following:

- The five-foot reserve was established on August 19, 1886 in order to reserve space for a possible laneway;
- The five-foot reserve is no longer practical for its originally intended purpose given current automobile space requirements that are needed for circulation;
- Other properties in the area preclude the possibility of a lane given that the portions of the five-foot reserve at those locations have been removed.

Given the above, it would appear that the proposal at 5 Marina Avenue will not have any effect of future plans for a public lane.

Utilities. According to the submitted Lot Grading Plan, an existing utility pole will be located within the driveway of the east lot. This pole must be relocated so that it is a minimum of 1.0m away from the edge of the driveway. The site plan drawings must be revised to demonstrate compliance with this requirement. Furthermore, approval must be provided from the applicable utility stating that the new location of the utility pole within the Marina Avenue frontage of the site is acceptable. Finally, a notation must be included on the site plan drawings stating that all work within the Marina Avenue right-of-way, including the required re-location of any utility poles, fire

hydrants, etc., must be done to the satisfaction of the Transportation Services Division, and at no cost to, the City of Toronto.

Street Trees. An existing street tree is located near the area of the driveway for the west lot. The proponent will be required to obtain approval from the Parks, Forestry and Recreation Division with respect to all tree protection requirements. A notation in this regard must be included on a revised site plan.

RECOMMENDATION

Engineering and Construction Services Division and Transportation Services Division wish to advise that we recommend deferral of the subject consent and minor variance applications, subject to the following conditions being satisfied:

1. The applicant shall submit an acceptable legal opinion from a retained solicitor, which must include the following:
 - a) Full details regarding the purpose of the five foot reserve.
 - b) Details regarding the legal authority that allows the proponent to encroach into the five foot reserve.
 - c) A copy of Instrument Number associated with the five foot reserve.

In absence of the above-noted documentation, the proponent must revise the site plan drawings to eliminate the encroachment of the proposed dwelling into the five foot reserve.

2. The applicant shall submit revised site plan(s) with the following revisions and notations to the satisfaction of the Engineering and Construction Services and Transportation Services, at no cost to the City;
 - a) Illustrate the entire public boulevard along the frontage of the site, including the location of the existing street curb and the location of all utility poles, fire hydrants, street trees, etc.
 - b) Illustrate all portions of the proposed driveways within the Marina Avenue public road allowance, including the proposed curb cuts, which must match the width of the proposed driveways.
 - c) Explicitly identify and dimension the extent of the existing site driveway and existing curb cut that will be closed.
 - d) Areas within the municipal boulevard other than driveway and Sidewalk should be sodded and shown on the plan
 - e) It is also the responsibility of the applicant to ensure that the elevation of the sewers is compatible with the intended use of the properties.
3. The following notations must be included on revised site plan drawings:
 - a) "All portions of existing driveway and curb cut that are no longer required must be closed and restored in accordance with applicable City standards to the satisfaction of the Transportation Services Division, and at no cost to the City of Toronto."

- b) "The owner must obtain all required permits from the Permits and Enforcement unit of Transportation Services prior to commencing construction, which may include but not be limited to, payment of a Municipal Road Damage Deposit. The owner must contact the Permits and Enforcement unit of Transportation Services in order to obtain the exact particulars of all required permits."
- c) "All work within the Marina Avenue public right-of-way, including the relocation of any utilities, must be done to the satisfaction of the Transportation Services Division, and at no cost to, the City of Toronto."
- d) "Each of the newly created lots must have its own separate sanitary and water service connections to the municipal systems."

ADVISORY COMMENTS

Should this application be approved the applicant is to be advised of the following requirements in writing:

1. Site Servicing Connections

A 100 mmø municipal watermain and 225 mmø municipal sanitary sewer are available on Marina Avenue to serve the subject lands.

It is the responsibility of the applicant to ensure that the elevations of the sewers are compatible with the intended use of the property. Separate water and sanitary sewer connections will be required for each dwelling or parcel of land.

The owner will be required to make an application to Toronto Water Division by email to twc@toronto.ca for the installation of any proposed services within the City right-of-way

If you wish to make an application in person, please be advised that Toronto Water Division - Customer Service Counter, located at North York Civic Centre, 5100 Yonge Street, 2nd Floor, may provide limited services during COVID-19 pandemic; the owner should contact Toronto Water Division in advance by email to twc@toronto.ca.

For further information, please refer to <https://www.toronto.ca/services-payments/water-environment/your-water-pipes-meter/request-a-watersewer-service-connection-or-disconnection/>.

2. 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. Chapter 743-4 of the Toronto Municipal Code requires that any person who requests a building permit, (except FASTTRACK applications) pay a Municipal Road Damage Deposit. The applicant is advised to contact Joanne Vecchiarelli at 416-338-1045 of our Right-of-Way Management Unit regarding site-specific permit requirements.

3. Storm Sewer Connections

The City Sewer Use By-Law prohibits connections to a storm sewer from single family residential dwellings. Although there is a storm sewer available on Marina Avenue to serve the

sites, a connection to the storm sewer will not be permitted for the proposed lots. Foundation drains for the new dwellings are to be pumped to grade and roof drains are to discharge onto a landscaped area.

4. Site Grading

In conjunction with a building permit application, to ensure that the development of the subject land does not create a drainage problem to this or abutting lands, the applicant must submit a lot grading plan to the Buildings Division in accordance with the Building Division's Policy on Building and Drainage for Infill Housing.

5. Driveways

Toronto Water and Engineering and Construction Services oppose reverse slope driveways. The proposed driveways should be designed and constructed with a positive slope from the roadway to the garage and the portion of the driveway within the public road allowance must maintain a minimum 2% slope.

6. Utilities

The applicant will be financially responsible for all work proposed within the road allowance including any costs arising from the relocation or removal of existing services and utilities which may become necessary through the development or use of this land.

7. Municipal Numbering

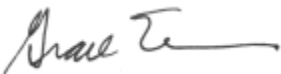
The applicant is advised to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted. Please see:

<https://www.toronto.ca/city-government/planning-development/municipal-numbering-of-a-property/> for details.

The municipal addresses will be required for the purpose of setting up the water account with the City of Toronto when application is made for the proposed sewer and or/water service connection (as applicable).

If you have any questions regarding these comments, please contact Sandra C. Rojas at 289-356-2506.

Signed by:



Grace Tesa, P.Eng.

Manager, Development Engineering

Engineering and Construction Services, Etobicoke York District

SR/

copy: **5 Marina Avenue, B0006/21EYK, A0026/21EYK, A0027/21EYK**
Transportation Services (TrafficPlanningEYD@toronto.ca)