



## STAFF REPORT ACTION REQUIRED

### 124 Spencer Ave – Application to amend the (former) City of Toronto Zoning By-law 438-86 – Parkdale Pilot Project – Final Report

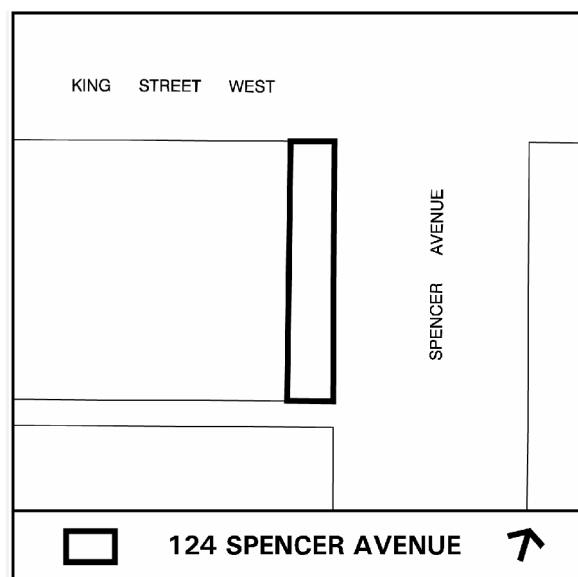
<b>Date:</b>	May 21, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 14 – Parkdale-High Park
<b>Reference Number:</b>	04 114741 WHY 14 OZ

#### SUMMARY

This application proposes to amend Zoning By-law 438-86, as amended, to maintain eleven dwelling units in a converted house within the residential building at 124 Spencer Avenue.

This proposal meets the criteria of the Parkdale Resolution Conflict Process for the regularization of bachelorette units, which were approved by City Council in February, 2000. The building meets Fire Code and Building Code (subject to the comments below) and would encourage the physical maintenance and upgrading of the existing stock of housing in the City. It provides decent, safe, affordable housing and would maintain the stability of the neighbourhood by preserving the housing balance that has existed in the neighbourhood.

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



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning by-law Amendment attached as Amendment No. 7;
2. Before introducing the necessary Bill to City Council for enactment, the owner complete the repairs being undertaken pursuant to the Parkdale Pilot Project strategy approved by Toronto City Council on February 3, 2000. A letter from the Director, Parkdale Pilot Project verifying completion of the required work will be sufficient to enable the Bill to be introduced for enactment;
3. Before introducing the necessary Bill to City Council for enactment, the owner must obtain any necessary encroachment agreements; and
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

At its meeting on February 3, 2000, Toronto City Council adopted a strategy recommended by Toronto Community Council to deal with the numerous bachelorette and rooming house units in Parkdale which have been in existence for many years, but which have not been in compliance with the Zoning By-law. This strategy provides for the regularization of these buildings by way of site specific Zoning By-law Amendments. The Amendment recommended in this report is made pursuant to the strategy adopted by Toronto City Council.

## **ISSUE BACKGROUND**

### **Proposal**

The application proposes to maintain the eleven dwelling units in the semi-detached residential building at 124 Spencer Avenue consisting of nine bachelor units and two one-bedroom units. Two parking spaces are located on site with access off the adjacent lane to the south. Two additional parking spaces are located off-site on the Spencer Avenue right-of-way. These spaces were approved by Transportation Services in 2004. The owner personally manages the property.

For further statistical information, refer to the Application Data Sheet found at Attachment 1 of this report.

## **Site and Surrounding Area**

The site is irregular in shape with a 5.94m frontage onto the south side of King Street West, a 30.48m frontage onto Spencer Avenue, and an area of 181.17m<sup>2</sup>. An existing three storey brick dwelling is to be maintained.

The site is surrounded by the following uses:

North: A three-storey 32-unit converted house is located across the street on the north side of King Street West. Ten rowhouses are located to the east at 1278-1296 King Street West.

South: A 3-storey 8-unit converted house is located across the lane on the west side of Spencer Avenue.

East: A 3-storey detached residential building is located across the street on the east side of Spencer Avenue.

West: A 3-storey semi-detached residential building attached to the subject building.

## **Official Plan**

The former City of Toronto Official Plan is the applicable policy document and designated the site as *Low Density Residence Area*, which are regarded as physically stable and permit land to be used for residential purposes. No amendments to the Official Plan are required.

## **Zoning**

The site is zoned R2 Z1.0 by Zoning By-law 438-86, as amended. This residential zoning category permits a variety of residential uses. A site-specific Zoning By-law Amendment is required to obtain relief from variances to: gross floor area; average unit size; landscaped open space; parking, building depth; side and rear yard setbacks; and to permit two telephone booths.

## **Site Plan Control**

The proposal is not subject to Site Plan Approval under Section 41 of the Planning Act.

## **Reasons for Application**

The building was constructed as a semi-detached dwelling. According to City records, the subject property was first used as a legal boarding and lodging house in 1957. In 1976, permits were issued for interior alterations to the building to allow for 11 rooms with individual bathrooms. Sometime in the late 1970s, kitchens were added. The result was units not in conformity with the Zoning By-law with respect to average unit size. (Self-contained former rooming house units are often referred to as ‘bachelorettes’.)

In 2000, Toronto City Council adopted a strategy to deal with the many bachelorette and rooming house units in Parkdale which have been in existence for many years, but were illegally converted and consequently not in compliance with the Zoning By-law. This

property does not conform with Zoning Bylaw 438-86, as amended, and an amendment to the Zoning By-law is required in order to regularize the building.

### **Community Consultation**

A community meeting was held on Thursday, May 1, 2008. Approximately 20 members of the public attended the meeting as well as the applicant, the Ward Councillor and Planning and Municipal Licensing and Standards staff. Attendees at the meeting asked questions of clarification about the 124 Spencer Avenue application and the Parkdale Pilot Project process. There were no objections to the proposal.

A meeting was held with the Parkdale Housing Committee on Monday, May 12, 2008 where the application was recommended for approval by Council.

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

### **COMMENTS**

The proposal is consistent with the PPS. The former City of Toronto Official Plan is a document approved by Council and applied through policies. The former City of Toronto Official Plan designates the subject property as *Low Density Residence Area*. The intent of the Official Plan is to encourage the retention and conservation of existing housing stock, provide low end-of-market housing and decent housing to all residents in a suitable living environment, while preserving the stability of the *Low Density Residence Areas*. Land use changes in *Low Density Residence Areas* must be sensitive to and compatible with local conditions.

This is a residential building which was legally modified in 1976 to permit 11 rooming house rooms and has been inhabited since. As was the case with many buildings in Parkdale, the building was rendered not in conformity with the By-law with the introduction of culinary facilities in the late 1970s.

With the exception of the culinary facilities, the proposal is similar to the legal building permits issued in 1976. The existing three-storey residential building will remain. The landscaped open space, flanking street setback to Spencer Avenue, building depth and rear yard setback are existing conditions.

The Council adopted strategy in 2000 seeks to regularize these long-term units subject to principles and criteria established in consultation with the local community: in order to minimize tenant dehousing; ensure that units meet Provincial and City codes; and maintain the stability of the neighbourhood by limiting applicable buildings to those created prior to 1996. New units constructed or converted since 1996 are considered illegal and would be subject to prosecution if necessary.

## **Building and Fire Code**

Prior to the introducing of the necessary Bill to City Council for enactment, the property will comply with Fire Code, Building Code, Municipal Housing Standards and the Property Standards By-law. The owner is in the process of completing the necessary work to achieve compliance.

## **Development Charges**

This property is not subject to Development Charge levies.

## **CONTACT**

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## **SIGNATURE**

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Raymond David, Acting Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Application Data Sheet

Attachment 2: Draft Zoning By-law Amendment

### Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	04 114741 WHY 14 OZ
Details	Rezoning, Standard	Application Date:	March 9, 2004

Municipal Address: 124 SPENCER AVE, Toronto ON  
 Location Description: PL 431 PT LT17 \*\*GRID W1407  
 Project Description: Proposed to legalize existing room house - Parkdale Pilot Project.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Ambient Designs Ltd. Victor Hipolito			BHUSHAN TANEJA

### PLANNING CONTROLS

Official Plan		Site Specific Provision:
Designation:		
Zoning:	R3 Z1.0	Historical Status:
Height Limit (m):	10	Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	181.17	Height:	Storeys:	3
Frontage (m):	6.09		Metres:	10.5
Depth (m):	30.48			
Ground Floor GFA (sq. m):	105.2		<b>Total</b>	
Residential GFA (sq. m):	377.02	Parking Spaces:	4	
Non-Residential GFA (sq. m):	0	Loading Docks	0	
Total GFA (sq. m):	377.02			
Lot Coverage Ratio (%):	58			
Floor Space Index:	2.08			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	377.02	0
Bachelor:	9	Retail GFA (sq. m):	0	0
1 Bedroom:	2	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	11			

**CONTACT: PLANNER NAME: Kevin Edwards**  
**TELEPHONE: (416) 392-1306**

## **Attachment 2: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Report No. ~, Clause No. ~]  
as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

### **CITY OF TORONTO**

#### **BY-LAW No. ~ - 200~**

#### **To amend Zoning By-law 438-86, as amended, of the former City of Toronto with respect to lands municipally known as 124 Spencer Avenue.**

WHEREAS City Council at its meeting of February 1, 2 and 3, 2000 established the Parkdale Pilot Project for the purpose, among others, of regularizing the numerous bachelorette and rooming house buildings in the Parkdale area;

AND WHEREAS the owner of the lands known municipally as 124 Spencer Avenue has applied for consideration for a converted house in accordance with the Project process;

AND WHEREAS the application meets the criteria and thus it is appropriate to amend Zoning By-law 438-86, as amended, to permit the proposed use;

AND WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

AND WHEREAS the Council of the City of Toronto has had referred to it a proposed Zoning By-law respecting the site;

AND WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

AND WHEREAS the Council of the City of Toronto, at its meeting held on June 23 and 24, 2008, determined to amend Zoning By-law 438-86, as amended, for the former City of Toronto;

NOW THEREFORE the Council of the City of Toronto HEREBY ENACTS as follows:

- 1) Subject to the requirements of this by-law, none of the provisions of By-law No. 438-86, as amended, being “A by-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures

and to prohibit certain uses for lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection and use of a *residential building* on the lot for the purposes of a *converted house*, provided the provisions of this by-law, save and except the items contained herein, are complied with.

#### BUILDING ENVELOPE

- 2) The provisions of Section 6 (3) Part II 3-5, and 7 shall not apply to prevent the use of a *converted house* provided that any portion of the building above and below *grade* is located wholly within the area delineated by the heavy lines shown on Map 2, save and except those projections permitted by by-law 438-86.

#### DENSITY

- 3) Notwithstanding the provisions of Section 6 (3) Part I 1, the *residential gross floor area* of the *converted house* shall not exceed 377.02m<sup>2</sup>.

#### PARKING AND LOADING

- 4) Notwithstanding the provisions of Section 4 (4)(b) and 4(17), a minimum of two *parking spaces* having minimum unobstructed dimension of 5.9 metres in length and 2.6 metres in width shall be provided and maintained on the lot.

#### ACCESSORY USES

- 5) The provisions of Section II (1)(ii), shall not prevent the erection and use within the portion of the lot identified as Area ‘A’ on the attached Map 2 for the purposes of two *telephone booths*.

#### MINIMUM UNIT SIZE

- 6) Notwithstanding the provisions of Section 6 (2) 1 (iv) and Section 12 (2) 70 (ii), the average of the floor areas of the *dwelling units* located in a *converted house* shall not be less than 23.02m<sup>2</sup>, and in no instance shall a *dwelling unit* have a floor area less than 16.77m<sup>2</sup>.

#### NUMBER OF UNITS

- 7) No more than eleven *dwelling units* shall be erected and used on the *lot*, of which a minimum of two *dwelling units* shall contain two or more *habitable rooms*.

#### LANDSCAPED OPEN SPACE



- 8) Notwithstanding the provisions of Section 6 (3) Part III 1(A), a minimum *landscape open space* area equivalent to 4.97% (9.0m<sup>2</sup>) of the area of the lot shall be provided on the lot in accordance with the attached Map 2A.

## **DEFINITIONS**

- 9) For the purpose of this by-law:

- a) *telephone booth* means a structure furnished with a telephone and to be exclusively used for voice communication for public use.

## **GENERAL**

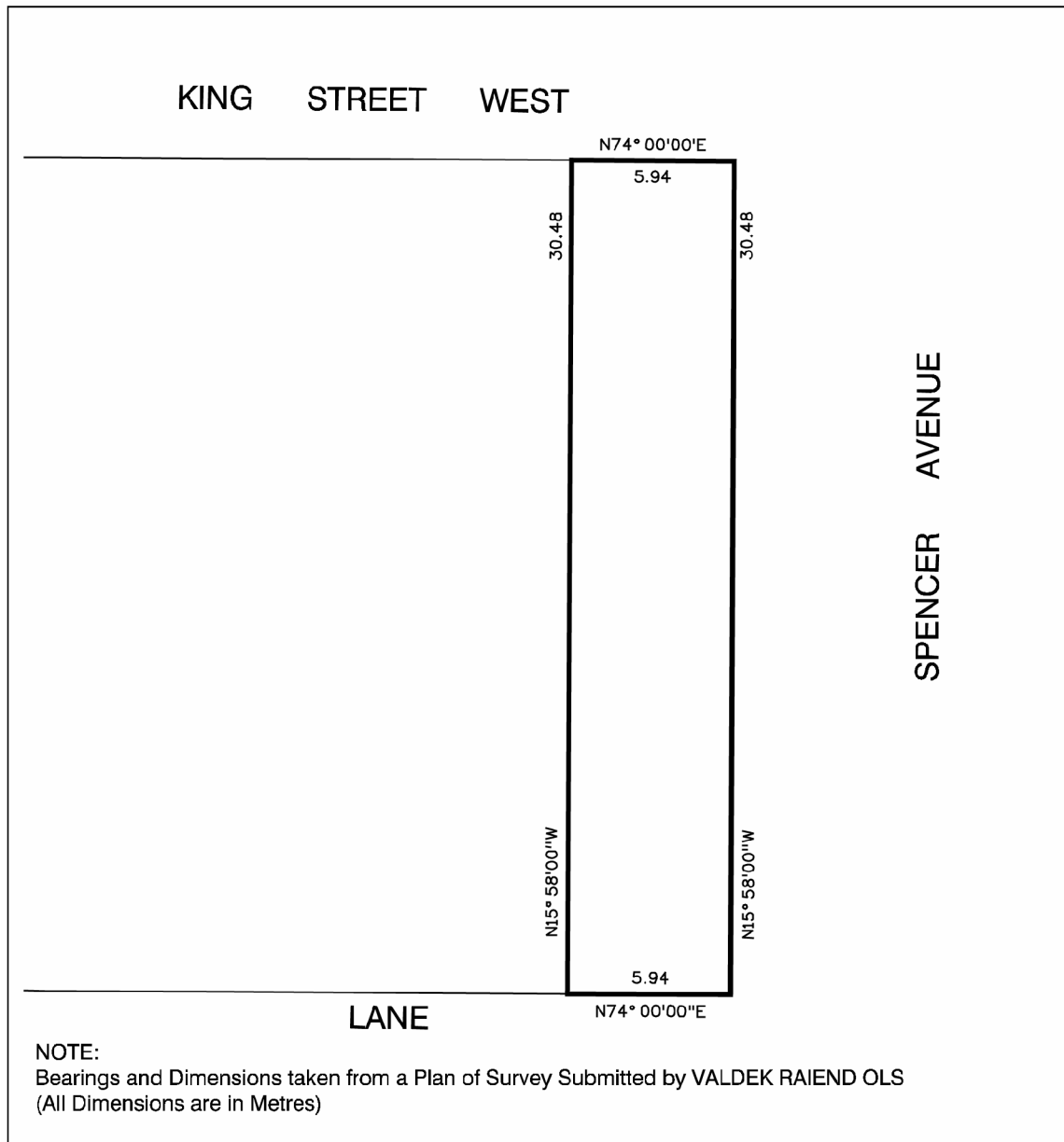
- 10) With the exception of any defined terms to the extent modified by this by-law, all other provisions of By-law No. 438-86 of the former City of Toronto, as amended, continue to apply.

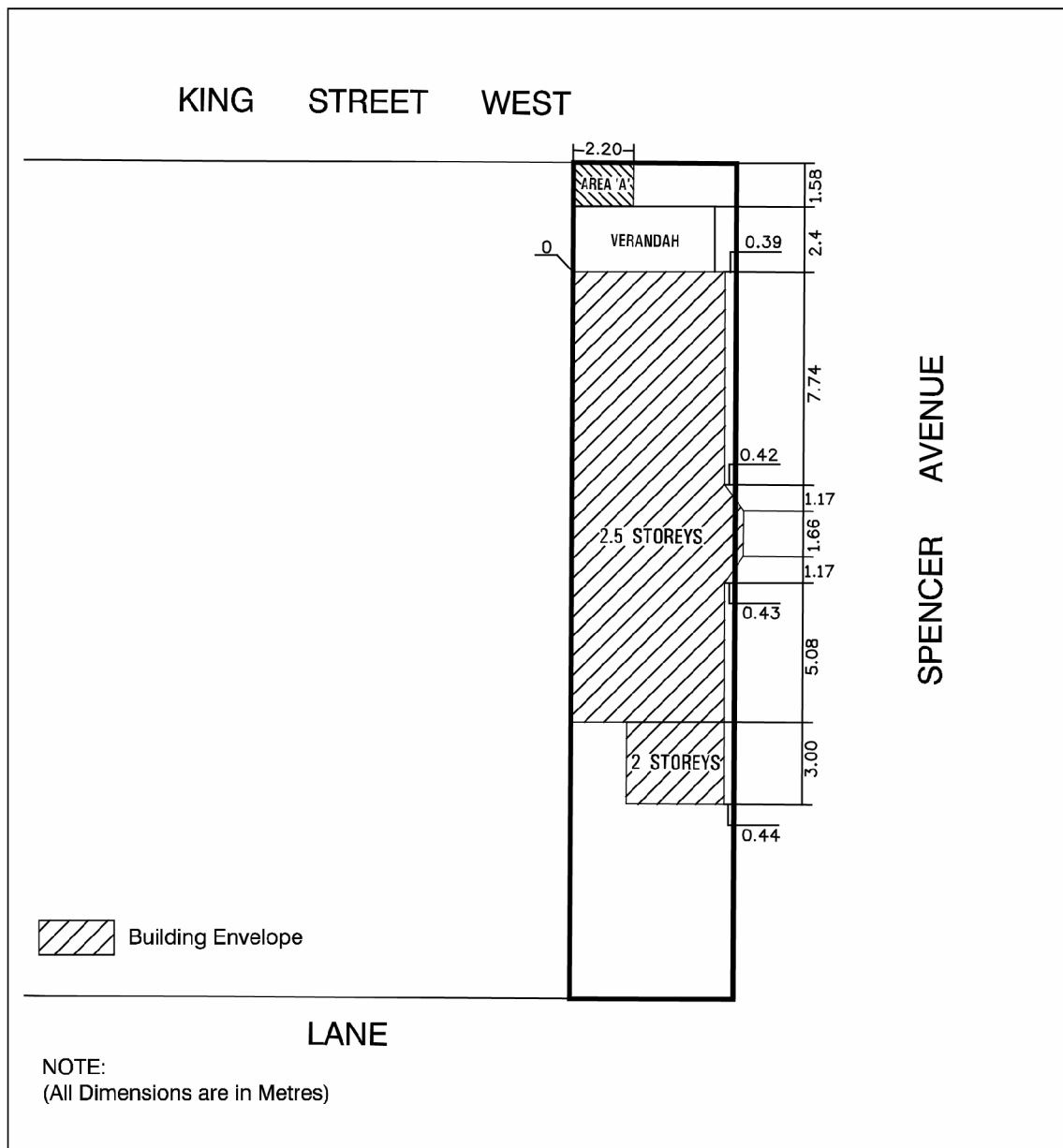
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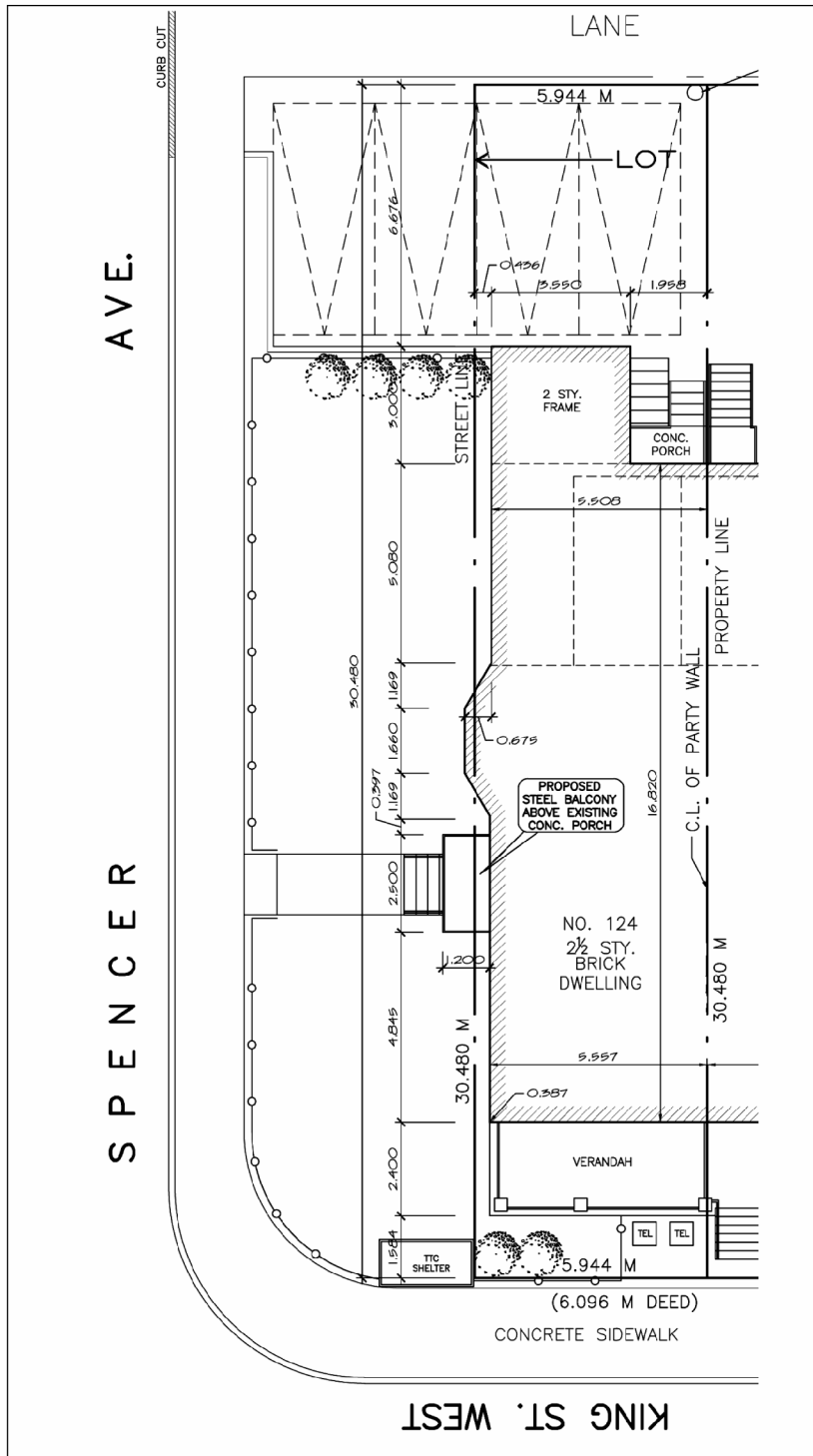
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)







124 Spencer Avenue

**Toronto** City Planning  
Map 2A

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Note to Scale  
05/08/08