

54A Galley Ave – Application to amend the (former) City of Toronto Zoning By-law 438-86 – Parkdale Pilot Project – Final Report

Date:	March 4, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	04 143968 SHY 14 OZ

SUMMARY

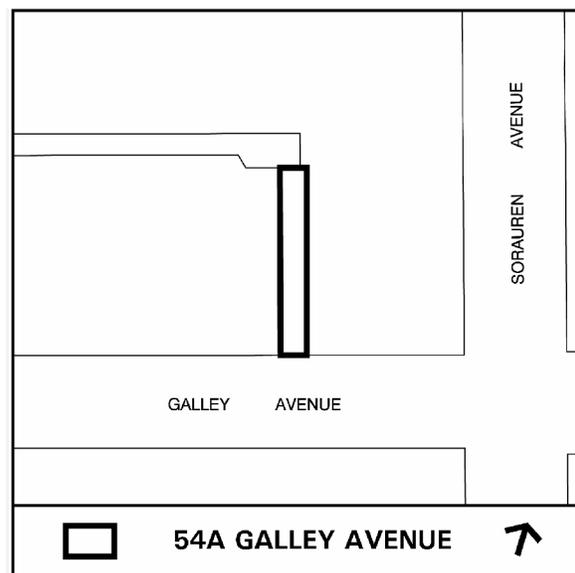
This application proposes to amend Zoning By-law 438-86, as amended, to maintain four dwelling units in a converted house within the residential building at 54A Galley Avenue.

This proposal meets the criteria of the Parkdale Conflict Resolution 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 would provide safe, affordable housing and maintain the stability of the neighbourhood by continuing 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

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; and
3. 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 four dwelling units in the detached residential building at 54A Galley Avenue consisting of one bachelor unit, one one-bedroom unit and two two-bedroom units. Two parking spaces are located at the rear of the property with access off the adjacent lane to the north.

For further statistical information, refer to the Application Data Sheet found at Attachment 3 of this report.

Site and Surrounding Area

The site is regular in shape with a 5.94m frontage onto the north side of Galley Avenue, a depth of 37.0m, and an area of 214.68m². An existing two storey dwelling is to be maintained.

The site is surrounded by the following uses:

North: A laneway serving the properties on the north side of Galley Avenue and the south side of Garden Avenue

South: Single and semi-detached dwellings located on the south side of Galley Avenue.

East: The rear yards of dwellings fronting onto the west side of Sorauren Avenue.

West: A 2-storey semi-detached residential 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 Z0.6 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; and parking.

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 detached dwelling. According to City records, a building permit was issued in 1989 for two units. However, during construction, two additional units were added to the basement increasing the total number of units to four.

In 2000, Toronto City Council adopted a strategy to deal with the many 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 to Zoning Bylaw 438-86, as amended, with respect to gross floor area, average unit size and parking. An amendment to the Zoning By-law is required in order to regularize the building.

Community Consultation

A community meeting was held on Wednesday, November 19, 2008. Approximately 20 members of the public attended the meeting as well as the applicant, his agent, the Ward Councillor and Planning and Municipal Licensing and Standards staff. Attendees at the meeting asked questions of clarification about the Parkdale Pilot Project process and the Parkdale Pilot Project process. Concerns were raised with respect to an outdoor sensor light and flooding onto an adjacent property caused by the paving at the rear of the site. These concerns will be addressed prior to the enactment of the Zoning By-law.

A meeting was held with the Parkdale Housing Committee on Wednesday, November 26, 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 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 1989 to permit two dwelling units. During construction, two additional units (one-bedroom units) were added to the basement and have been inhabited since. As was the case with many buildings in Parkdale, as a result of the additional units, the building was rendered not in conformity with the By-law. The four units would have an average unit size of 61.82m² (665.45sq.ft.), whereas Zoning By-law 438-86 permits a minimum average unit size of 65m² (699.68sq.ft.).

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

Development Charges will be assessed at the time of building permit submission.

Conclusion

The regularization of this property under the Parkdale Pilot Project will provide safe, affordable housing by ensuring that the units comply with City and Provincial regulations. This will also ensure the stability of the neighbourhood by continuing the housing balance that has existed in the neighbourhood.

CONTACT

Christopher Dunn, Planner
Tel. No. (416) 397-4077
Fax No. (416) 392-1330
E-mail: cdunn@toronto.ca

SIGNATURE

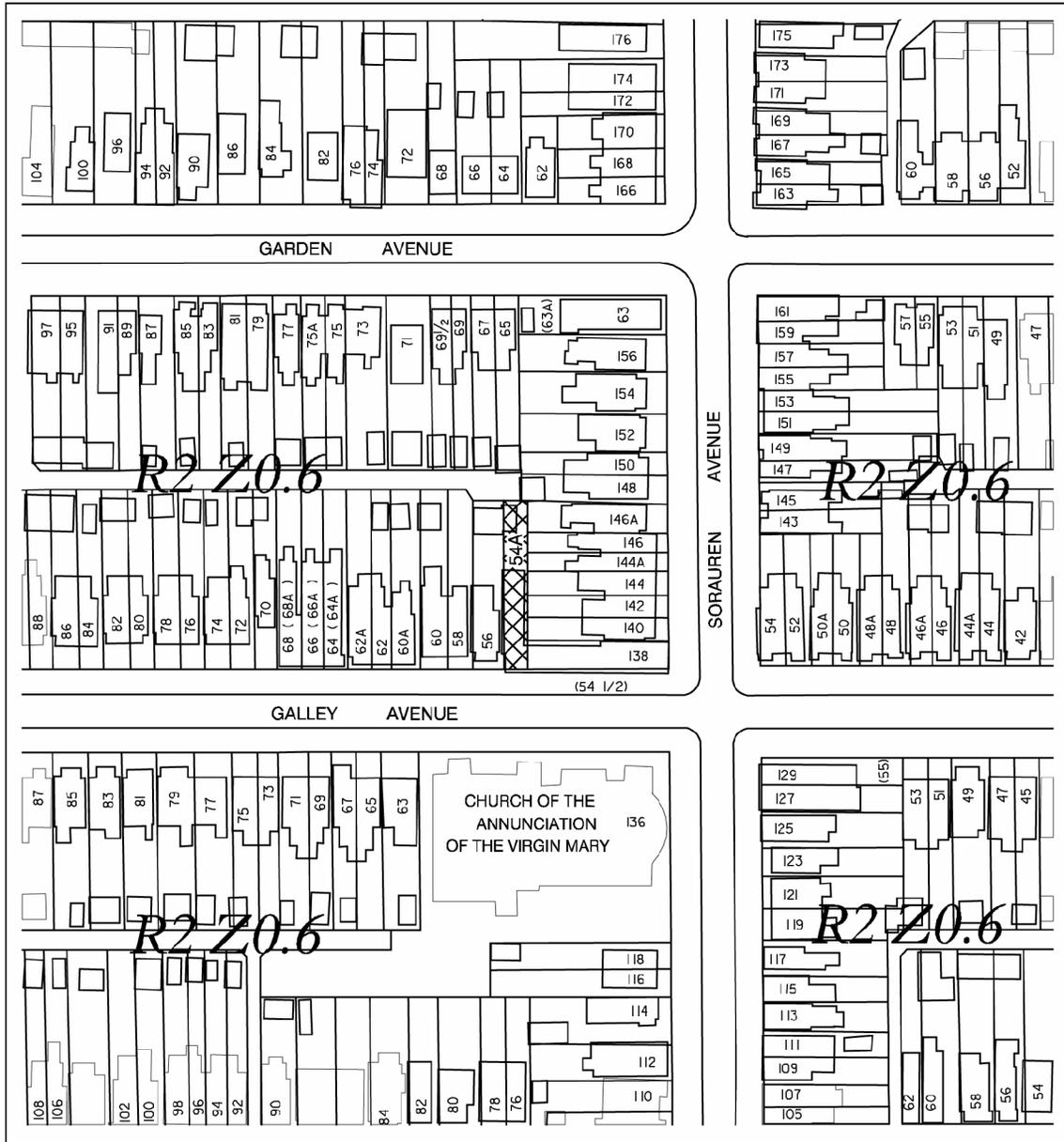
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Zoning
Attachment 3: Application Data Sheet
Attachment 4: Draft Zoning By-law Amendment

Attachment 2: Zoning



TORONTO City Planning
Division
Zoning

54A Galley Avenue

File #04_143968

R2 Residential District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 02/23/09 - DR

Attachment 3: Application Data Sheet

APPLICATION DATA SHEET

Application Type Rezoning Application Number: 04 143968 SHY 14 OZ
 Details Rezoning, Standard Application Date: June 7, 2004

Municipal Address: 54 A GALLEY AVE, Toronto ON
 Location Description: PL 999 PT LT D **GRID S1405
 Project Description: Proposal to legalize existing Converted House - Parkdale Pilot Project

Applicant: **Agent:** **Architect:** **Owner:**
 AMBIENT DESIGNS AMBIENT DESIGNS STEVE WASYLYK
 LTD. VICTOR LTD.
 HIPOLITO

PLANNING CONTROLS

Official Plan Designation: Site Specific Provision:
 Zoning: R2 Z0.6 Historical Status:
 Height Limit (m): 10 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 214.68 Height: Storeys: 2
 Frontage (m): 5.943 Metres: 0
 Depth (m): 37
 Ground Floor GFA (sq. m): 0 **Total**
 Residential GFA (sq. m): 0 Parking Spaces: 2
 Non-Residential GFA (sq. m): 0 Loading Docks 0
 Total GFA (sq. m): 0
 Lot Coverage Ratio (%): 49.35
 Floor Space Index: 1.44

DWELLING UNITS

FLOOR AREA BREAKDOWN

			Above Grade	Below Grade
Tenure Type:	Rental			
Rooms:	0	Residential GFA (sq. m):	308.46	0
Bachelor:	1	Retail GFA (sq. m):	0	0
1 Bedroom:	1	Office GFA (sq. m):	0	0
2 Bedroom:	2	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	4			

CONTACT: **PLANNER NAME:** **Christopher Dunn**
TELEPHONE: **(416) 397-4077**

Attachment 4: Draft Zoning By-law Amendment

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-law No. 438-86, as amended, of the Former City of Toronto With respect to the lands municipally known as, 54 A Galley Avenue

WHEREAS City Council at its meeting on 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 54 A Galley 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 the 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*;

WHEREAS the Council of the City of Toronto, at its meeting held on April 6, 2009, determined to amend Zoning By-law By-law 438-86, as amended, for the former City of Toronto;

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 purpose 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 2-5, 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 308.4m².

PARKING AND LOADING

4. Notwithstanding the provisions of Section 4 (4)(b) and 4 (17), a minimum *parking area* having a length of 16.581 metres and a width of 5.638 shall be provided and maintained on the lot.

MINIMUM UNIT SIZE

5. 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 61.82m², and in no instance shall a *dwelling unit* have a floor area less than 31.35m².

NUMBER OF UNITS

6. No more than four (4) *dwelling units* shall be erected and used on the *lot*, of which a minimum of three (3) *dwelling units* shall contain two (2) or more *habitable rooms*.

LANDSCAPING

7. Not less than 20m² of the lot shall be provided and maintained as *landscape open space*.

GENERAL

8. 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.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)