

**157 Cowan Avenue – Application to amend the (former)
City of Toronto Zoning By-law 438-86 – Parkdale Pilot
Project – Final Report**

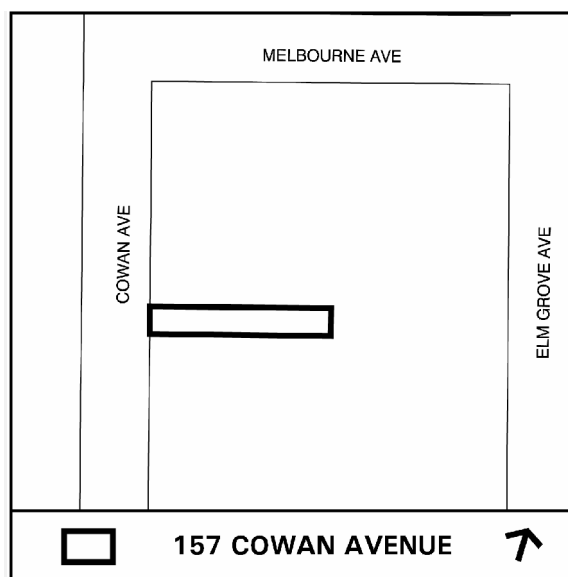
| | |
|--------------------------|--|
| Date: | March 27, 2009 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 14 – Parkdale-High Park |
| Reference Number: | 04-143988 SHY 14 OZ |

SUMMARY

This application proposes to amend Zoning By-law 438-86, as amended, to maintain fourteen (14) dwelling units in a converted house within the residential building at 157 Cowan 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 mix of housing 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. 4;
2. Before introducing the necessary Bill to City Council for enactment, the owner shall 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 shall submit a landscape plan for the front and rear yards and complete all work substantially in accordance with these plans to the satisfaction of the Director, Community Planning, Toronto and East York District;
4. Before introducing the necessary Bill to City Council for enactment, the owner shall submit a tenant relocation plan to the satisfaction of the Director, Policy and Research, City Planning Division; and
5. 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 fourteen (14) dwelling units in the detached residential building at 157 Cowan Avenue consisting of three one-bedroom units and eleven bachelorette units. No parking will be provided on site.

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 an 8.43 m frontage onto the east side of Cowan Avenue, a depth of 52.95 m and an area of 446.44m². An existing three-storey dwelling is to be maintained.

The site is surrounded by the following uses:

North: A detached dwelling which is separated from the subject property and a mix of detached and semi-detached dwellings along Cowan Avenue and Melbourne Avenue.

South: A detached dwelling which is separated from the subject property and semi-detached dwellings and apartment buildings along Cowan Avenue.

East: The rear yards of dwellings and apartment buildings fronting onto the west side of Elm Grove Avenue.

West: Single and semi-detached buildings on the west side of Cowan Avenue.

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 exceed the maximum permitted gross floor area of 446.63 square metres by approximately 78.41 square metres, to provide 0 parking spaces whereas 13 parking spaces are required, and to reduce the average floor area of the dwelling units to 23.62 square metres whereas an average of 65 square metres is required.

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 however documented history indicates that this building has been used as a boarding and lodging house since at least 1975. According to City records, a building permit was issued in 1976 to permit alterations for 14 rooms with washrooms. Kitchens were installed in each room in 1977 and an additional unit was added for a total of 15 units.

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 density, parking, and minimum unit size. 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, the Ward Councillor and Planning and Municipal Licensing and Standards staff. Attendees at the meeting asked questions of clarification about the Parkdale Pilot Project. With respect to the property, concerns were raised about the size of the units. Overall, there was general support for the owner participating in the Parkdale Pilot Project.

A meeting was held with the Parkdale Housing Committee on Wednesday, November 26, 2008 where the application was recommended for approval by Council on the condition that any tenants relocated due to the removal of the substandard unit on the third floor be provided alternative accommodation in a unit at the same rent and that moving costs associated with the relocations are covered by the property owner.

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 1976 to permit 14 rooms with washrooms. During construction, kitchens were added to each room and an additional unit was added for a total of 15 units. 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 Zoning By-law.

The City 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.

Tenant Relocation Strategy

Due to the elimination of a bachelorette unit on the third floor, a tenant relocation strategy is required to ensure that the existing tenant is not left without a residence. Prior to the enactment of the Bill, the owner will be required to provide a tenant relocation strategy to the satisfaction of the Director, Policy and Research, City Planning Division.

Parking

The existing rear yards of 155, 157, and 159 Cowan Avenue consist of a large gravel parking lot that is accessed through a driveway between 153 and 155 Cowan Avenue. Staff has examined alternatives for retaining and formalizing the parking lot or removing the parking lot and replacing it with landscaped open space. A combined parking lot in the rear yards of 155 and 157 Cowan Avenue would require access easements across 155 Cowan Avenue due to the fact that the properties are held in separate ownership. Staff is of the opinion that the parking lot is under-utilized and should be converted into landscaped open space. In addition, a fence should be erected between 155 and 157 Cowan Avenue to prevent vehicles from using the rear yard of 157 Cowan Avenue.

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.

Property Standards

Before introducing the necessary Bill to City Council for enactment, the applicant will be required to address any outstanding property standards issues to comply with the Toronto Municipal Code, Chapter 629, Property Standards. The owner must also submit a landscape plan for the front yard and rear yards to the satisfaction of the Director, Community Planning, Toronto and East York District and complete all work substantially in accordance with the landscape plan prior to enactment of the Bill.

Development Charges

Development Charge levies 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 ensure the stability of the neighbourhood by continuing the housing balance that has existed in the neighbourhood.

CONTACT

Christopher Dunn, Community 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

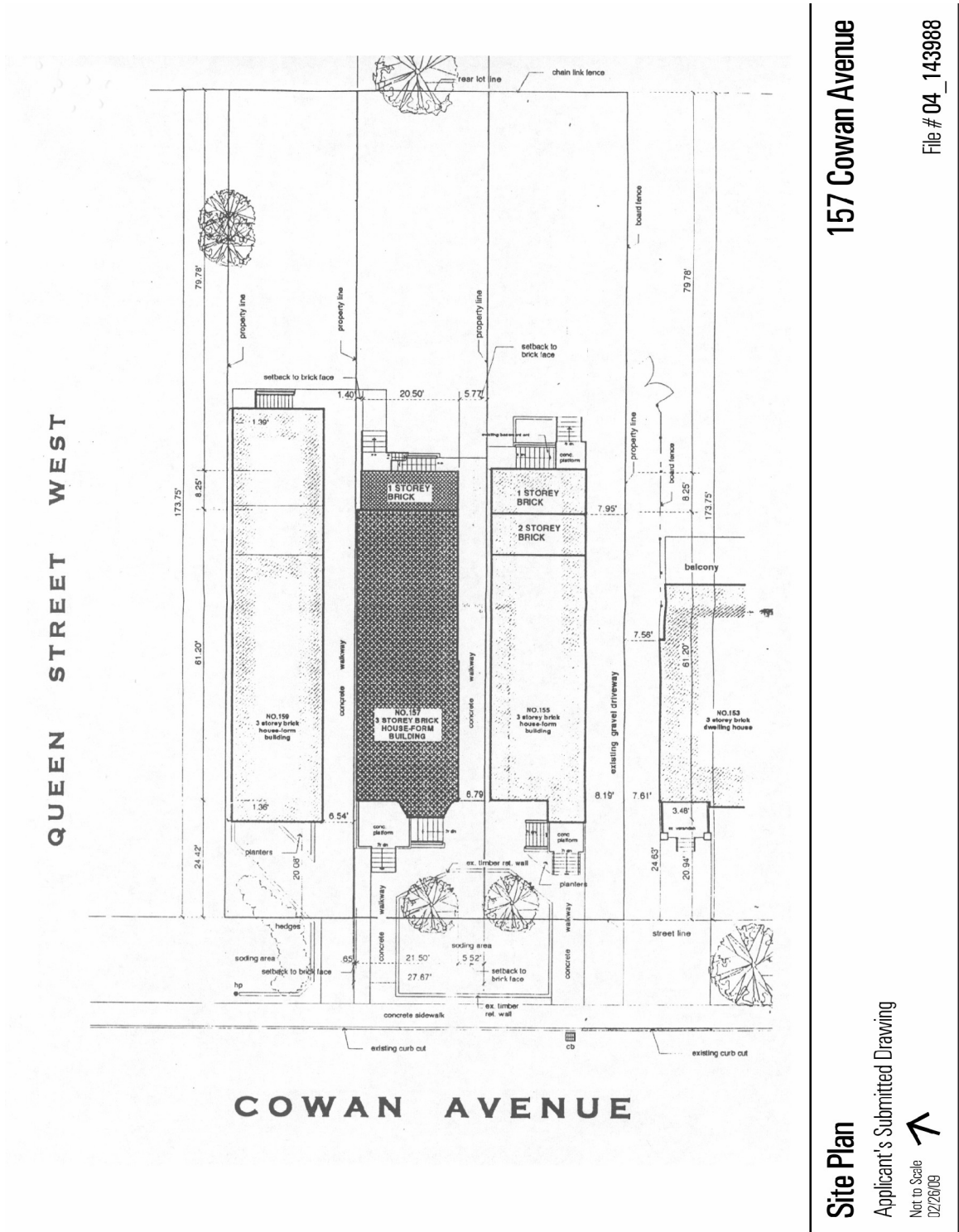
Attachment 1: Site Plan

Attachment 2: Zoning

Attachment 3: Application Data Sheet

Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan

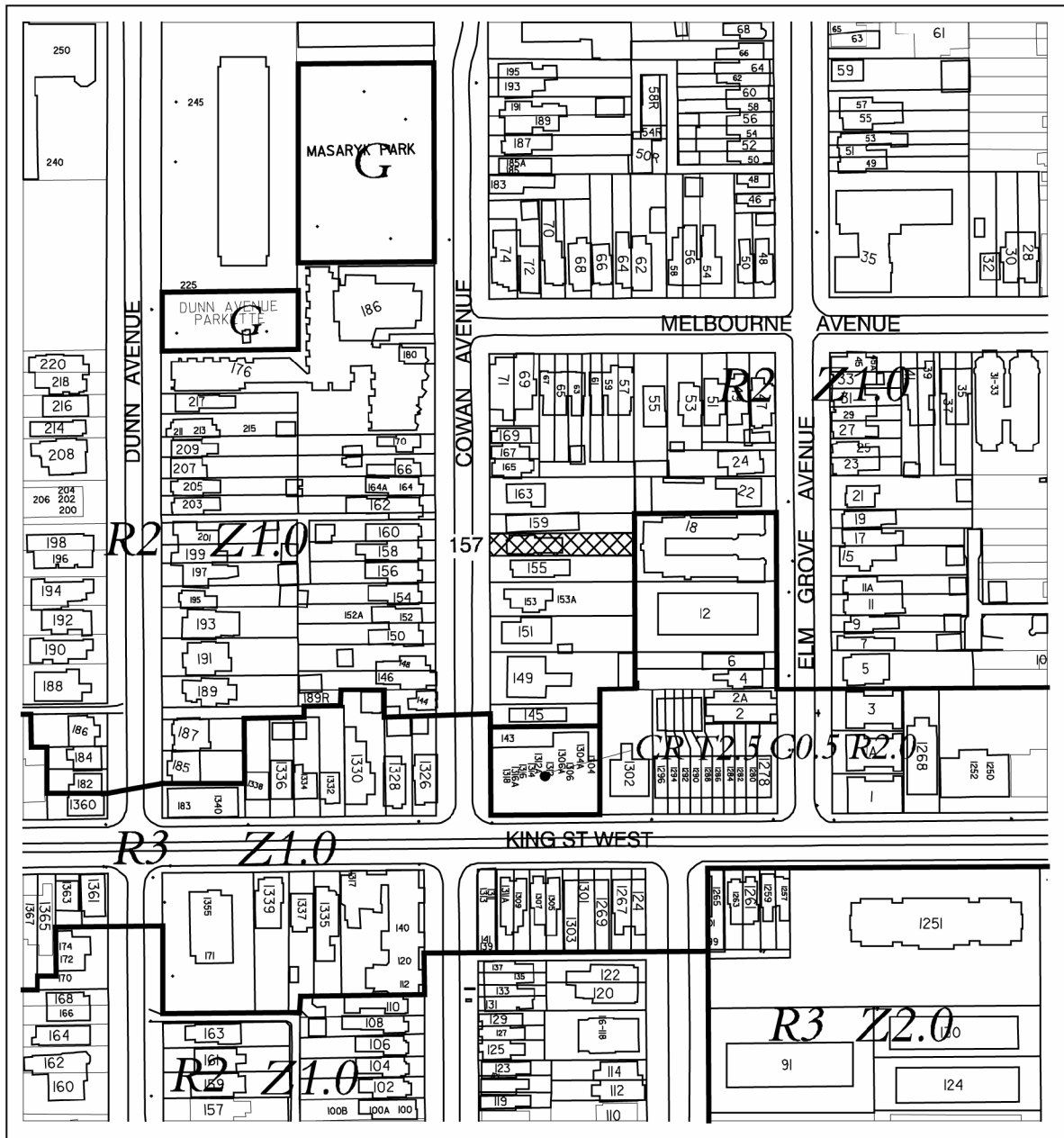


157 Cowan Avenue

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 02/26/09

File # 04 143988

Attachment 2: Zoning



TORONTO City Planning
Zoning

157 Cowan Avenue

File # 04_143988

G Parks District
R2 Residential District
R3 Residential District
CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/29/09 - NRS

Attachment 3: Application Data Sheet

| | | | |
|------------------|--------------------|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 04 143988 SHY 14 OZ |
| Details | Rezoning, Standard | Application Date: | June 7, 2004 |

| | |
|-----------------------|--|
| Municipal Address: | 157 COWAN AVE |
| Location Description: | PL 418 BLK F PT LT10 PT LT11 **GRID S1406 |
| Project Description: | Proposed to legalize existing Rooming House - Parkdale Pilot Project |

| | | | |
|-------------------|---------------|-------------------|---------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| Luigi Latini | | | Ancona Realty Holding Ltd |

PLANNING CONTROLS

| | | | |
|-------------------|---------|--------------------|---|
| Official Plan | | Site Specific | |
| Designation: | | Provision: | |
| Zoning: | R2 Z1.0 | Historical Status: | N |
| Height Limit (m): | 10 | Site Plan Control | Y |
| | | Area: | |

PROJECT INFORMATION

| | | | | |
|------------------------------------|--------|---------|-----------------|--------------|
| Site Area (sq. m): | 446.63 | Height: | Storeys: | 2 |
| Frontage (m): | 8.43 | | Metres: | 9.14 |
| Depth (m): | 52.96 | | | |
| Total Ground Floor Area (sq. m): | 140.25 | | | Total |
| Total Residential GFA (sq. m): | 525.04 | | Parking Spaces: | 0 |
| Total Non-Residential GFA (sq. m): | 0 | | Loading Docks | 0 |
| Total GFA (sq. m): | 525.04 | | | |
| Lot Coverage Ratio (%): | 31.4 | | | |
| Floor Space Index: | 1.18 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | | | |
|--------------|--------|----------------------------------|--------------------|--------------------|
| Tenure Type: | Rental | | Above Grade | Below Grade |
| Rooms: | 0 | Residential GFA (sq. m): | 525.04 | 0 |
| Bachelor: | 11 | Retail GFA (sq. m): | 0 | 0 |
| 1 Bedroom: | 3 | 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: | 14 | | | |

| | | |
|-----------------|----------------------|--|
| CONTACT: | PLANNER NAME: | Christopher Dunn, Community Planner |
| | 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, 157 Cowan 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 157 Cowan 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 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 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 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 525.04m².

PARKING AND LOADING

4. Notwithstanding the provisions of Section 4 (4)(b) and 4 (17), no parking spaces 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 23.62m², and in no instance shall a *dwelling unit* have a floor area less than 20.34m².

NUMBER OF UNITS

6. No more than fourteen (14) *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*.

GENERAL

7. 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)