

155 Cowan Ave – 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:	04-143951 SHY 14 OZ

SUMMARY

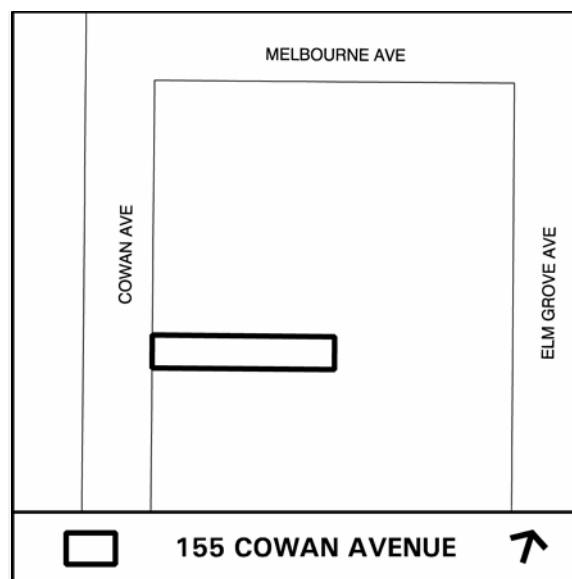
This application proposes to amend Zoning By-law 438-86, as amended, to maintain fourteen (14) dwelling units in a converted house within the residential building located at 155 Cowan Avenue.

This proposal meets the criteria of the Parkdale Conflict Resolution Process for the regularization of bachelor/ette units which was approved by City Council in February 2000. The building meets Fire Code and Building Code (subject to 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.

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 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 subject property to the satisfaction of the Director, Community Planning, South District; 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 fourteen (14) dwelling units in the existing detached residential building at 155 Cowan Avenue. The subject units consist of 1 one-bedroom units and 13 bachelorette units. An existing gravel parking lot is located at the rear of the property which is shared between 155, 157, and 159 Cowan Avenue.

Site and Surrounding Area

The site is regular in shape with a 8.94 metre frontage onto the east side of Cowan Avenue, a depth of 52.87 metres, and an area of 474.66 square metres. The existing three storey brick building is to be maintained.

The site is surrounded by the following uses:

North: A three-storey detached dwelling located on the east side of Cowan Avenue and a mix of detached and semi-detached dwellings on Cowan Avenue and Melbourne Avenue.

South: A three-storey detached dwelling located on the east side of Cowan Avenue and a mix of semi-detached dwellings and apartment buildings.

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

West: Single and semi-detached dwellings fronting 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 472.46 square metres by 2.2 square metres, to permit an average floor area of 21.68 square metres whereas 65 square metres is required, and to permit 0 parking spaces whereas 13 parking spaces are 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. According to City records, a building permit was issued in 1955 to make alterations to the existing lodging house for one dwelling unit and six dwelling rooms. In May 1976, a building permit was issued to make further alterations that included a caretaker's suite in the basement and 13 dwelling rooms. In 1985 and 2004, City inspectors found 14 dwelling units on the property.

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 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 Tuesday March 14, 2009. Approximately 15 members of the public attended the meeting as well as the Ward Councillor and Community Planning and Municipal Licensing and Standards staff. Attendees to the meeting asked questions of clarification about the Parkdale Pilot Project process and mandate. Concerns were raised with respect to the condition and operation of the property (removal of trash and snow, noisy behaviour, non-resident use of the rear yard parking lot, and possible

illegal activity). Staff were also advised that the owner of 153 Cowan Avenue is disputing the status of the mutual driveway between 153 and 155 Cowan Avenue that is used to access the rear yard parking lot.

A meeting was held with the Parkdale Housing Committee on Wednesday March 25, 2009 where the application was recommended for approval by City Council conditional on the (1) removal of the rear yard gravel parking lot and installation of sod to be used as an outdoor amenity space, (2) the submission of a landscape plan for the front and rear yards, (3) the relocation of all garbage and recycling containers to an enclosed structure not visible from the street, and (4) the erection of a fence between 155 and 157 Cowan Avenue.

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 residential building was legally modified in 1955 and 1976 to permit 1 dwelling unit and 13 dwelling rooms. Over time, the configuration of the 14 units was modified with new units replacing the caretaker's suite in the basement and units enlarged on the upper floors. As was the case with many buildings in Parkdale, as a result of the reconfiguration of the units, the building was rendered not in conformity with the 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.

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.

The Parkdale Housing Committee reviewed the existing gravel parking lot and determined that it should be converted to landscaped outdoor amenity space. Staff is of the opinion that the parking lot is under-utilized and should be converted into landscaped open space.

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

(P:\2009\Cluster B\pln\teycc10431839060.doc) - smc

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Zoning

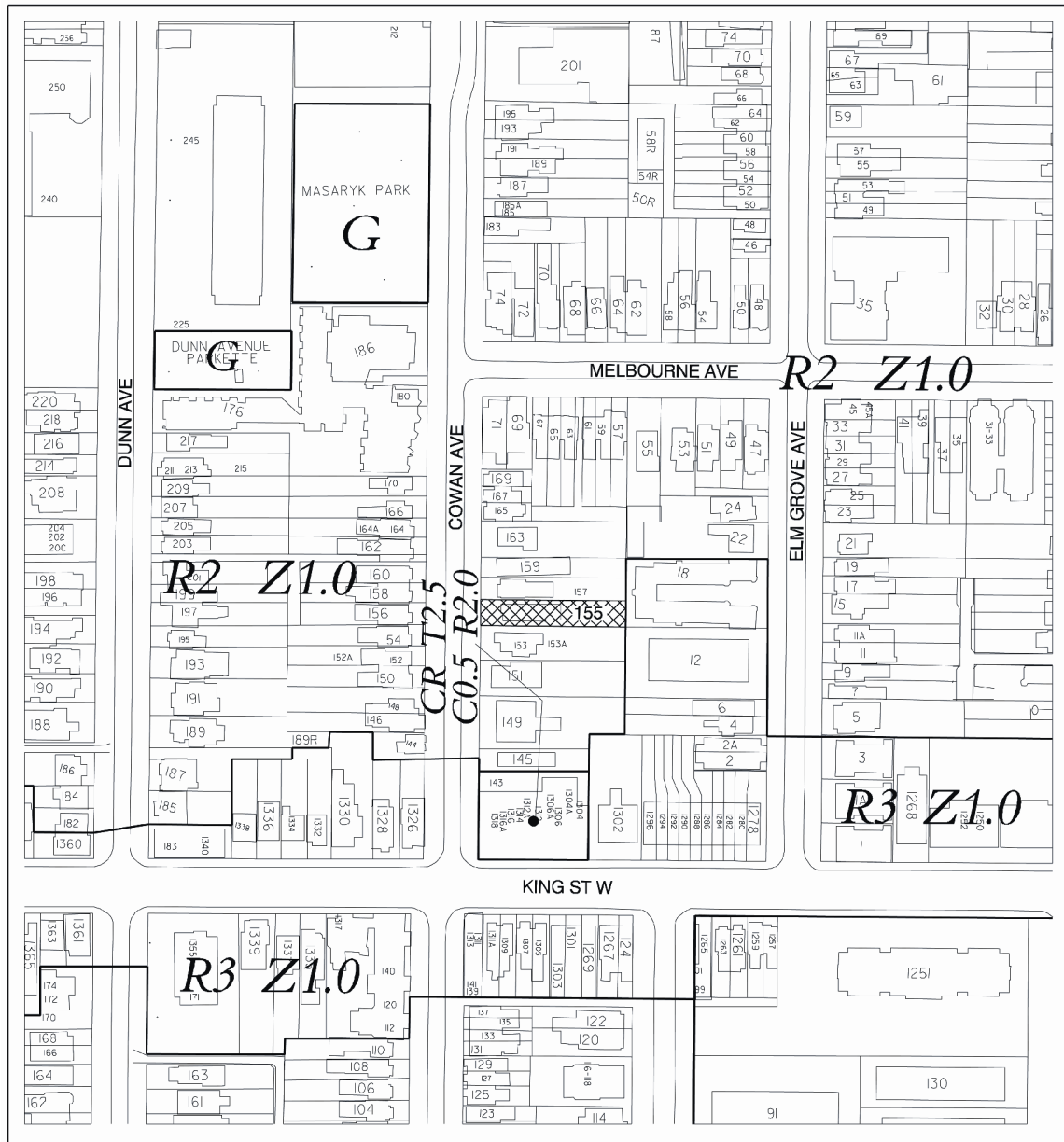
Attachment 3: Application Data Sheet

Attachment 4: Draft Zoning By-law Amendment

[illegible]

File # 04_143951

Attachment 2: Zoning



155 Cowan Avenue

File # 04_143951

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



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/24/09 - MH

Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	04 143951 SHY 14 OZ
Details	Rezoning, Standard	Application Date:	June 7, 2004

Municipal Address:	155 COWAN AVE
Location Description:	PL 418 BLK F PT LT11 **GRID S1406
Project Description:	Proposed to legalize existing Rooming House - Parkdale Pilot Project

Applicant:	Agent:	Architect:	Owner:
LUIGI LATINI			LATINI LUIGI

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):	472.46	Height:	Storeys:	3
Frontage (m):	8.939		Metres:	9.75
Depth (m):	52.87			
Total Ground Floor Area (sq. m):	132.23			Total
Total Residential GFA (sq. m):	474.66		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	474.66			
Lot Coverage Ratio (%):	28			
Floor Space Index:	1.01			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	13
1 Bedroom:	1
2 Bedroom:	0
3 + Bedroom:	0
Total Units:	14

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	474.66	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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, 155 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 155 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 474.66m².

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 21.68m², and in no instance shall a *dwelling unit* have a floor area less than 17.85m².

NUMBER OF UNITS

6. No more than fourteen (14) *dwelling units* shall be erected and used on the *lot*, of which a minimum of one (1) *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)