



STAFF REPORT ACTION REQUIRED

70 Melbourne 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:	04-144012 SHY 14 OZ

SUMMARY

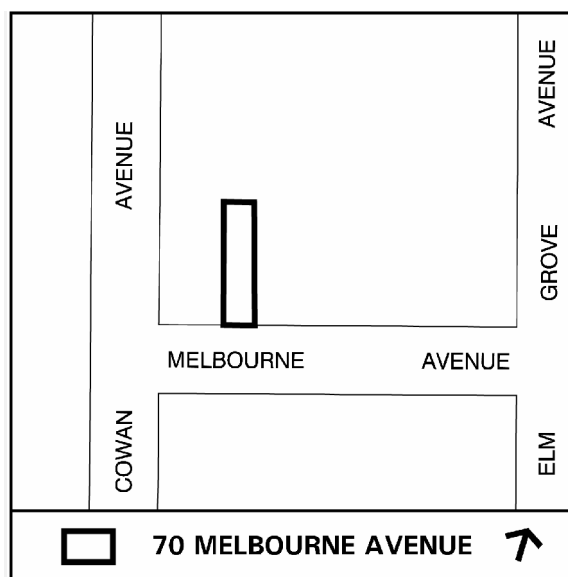
This application proposes to amend Zoning By-law 438-86, as amended, to maintain sixteen (16) dwelling units in a converted house within the residential building located at 70 Melbourne Avenue.

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 tenant relocation plan to the satisfaction of the Director, Policy and Research, City Planning Division; 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 sixteen (16) dwelling units in the existing detached residential building at 70 Melbourne Avenue. The building will consist of two (2) one-bedroom units and fourteen (14) bachelorette units. Two existing units in the basement will be deleted and combined with the adjacent units to comply with Building Code requirements. No parking spaces will be provided on site.

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

Site and Surrounding Area

The site is a regular shape with a 9.44 metre frontage on the north side of Melbourne Avenue, a depth of 36.58 metres and an area of 345.31 square metres. An existing two-storey brick dwelling will be maintained.

The site is surrounded by the following uses:

North: Single and semi-detached dwellings along the east side of Cowan Avenue.

South: Single and semi-detached dwellings along the south side of Melbourne Avenue.

East: A detached dwelling that is separated from the subject property and a mix of detached and semi-detached dwellings along Melbourne Avenue

West: Two detached dwellings that are separated from the subject property, the furthest abuts 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 exceed the maximum permitted gross floor area of 345.57 square metres by 211.34 square metres, provide an average unit size of 22.54 square metres whereas 65 square metres is required, exceed the maximum permitted building depth of 14 metres, allow an existing fire escape to encroach within the rear yard setback, reduce the minimum landscaping requirements to 12.88 square metres whereas 103.67 square metres is required, and reduce the minimum parking requirement to 0 whereas 17 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 however the 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 1975 to permit alterations to create 12 rooms with washrooms on the first and second floors. In 1976, zoning inspection reports indicate that the building contained 17 dwelling units. In April 1980, the Parkdale Bachelorette Clean-Up Team inspected the building and found 18 dwelling units occupied. In October 2008, Municipal Licensing and Standards inspectors confirmed that 18 units still exist at the subject property.

Community Consultation

A community meeting was held on Tuesday March 24, 2009. Approximately 15 members of the public attended the meeting as well as the owner, the Ward Councillor, and Community 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 elimination of parking requirements for the property and its impact on on-street parking permits. Additional concerns included the tenant relocation strategy for tenants currently residing in the basement units that are proposed to be eliminated. The tenant relocation concerns will be addressed prior to enactment of the Zoning By-law.

A meeting was held with the Parkdale Housing Committee on Wednesday March 25, 2009 where the application was recommended for approval by City Council on the condition that any tenants relocated due to the removal of the substandard units in the basement be provided with 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 1975 to permit 12 rooms with washrooms. Between 1977 and 1980, kitchenettes were added to the units and additional units were constructed in the basement without building permits for a total of 18 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 two bachelor/ette units in the basement, a tenant relocation strategy is required to ensure that the existing tenants are 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.

Building and Fire Code

Prior to 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.

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

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SIGNATURE

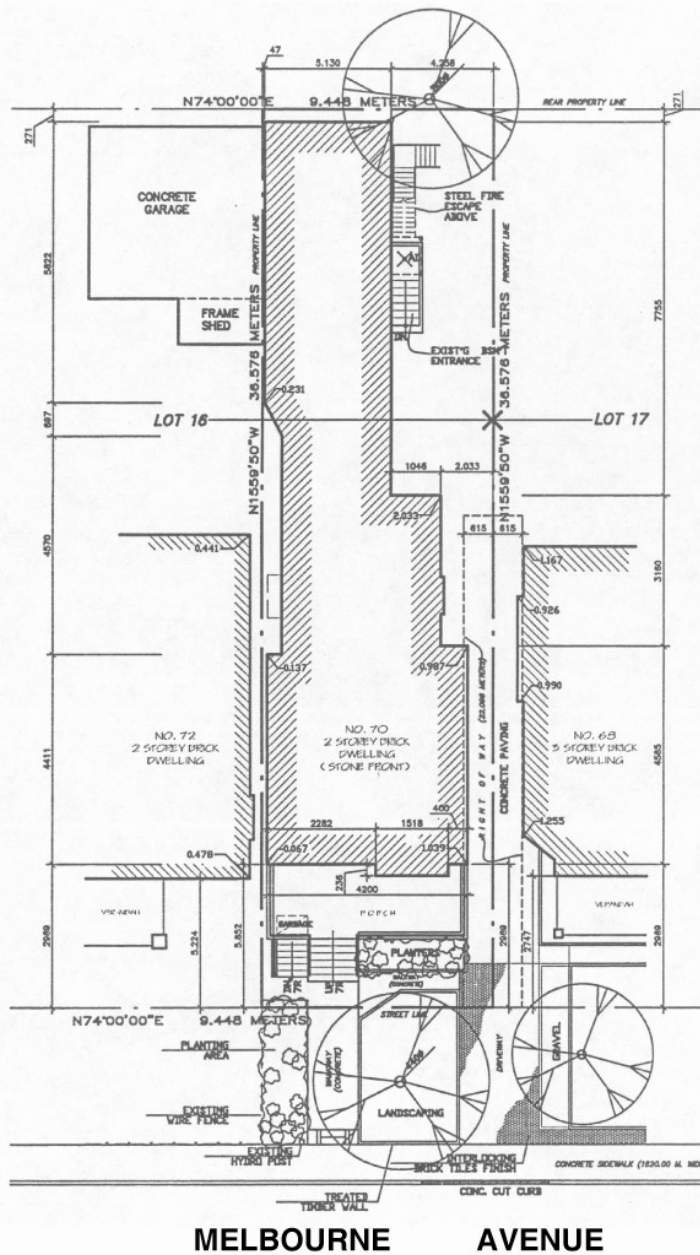
Raymond David, Director
Community Planning, Toronto and East York District

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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



Site Plan

70 Melbourne Avenue

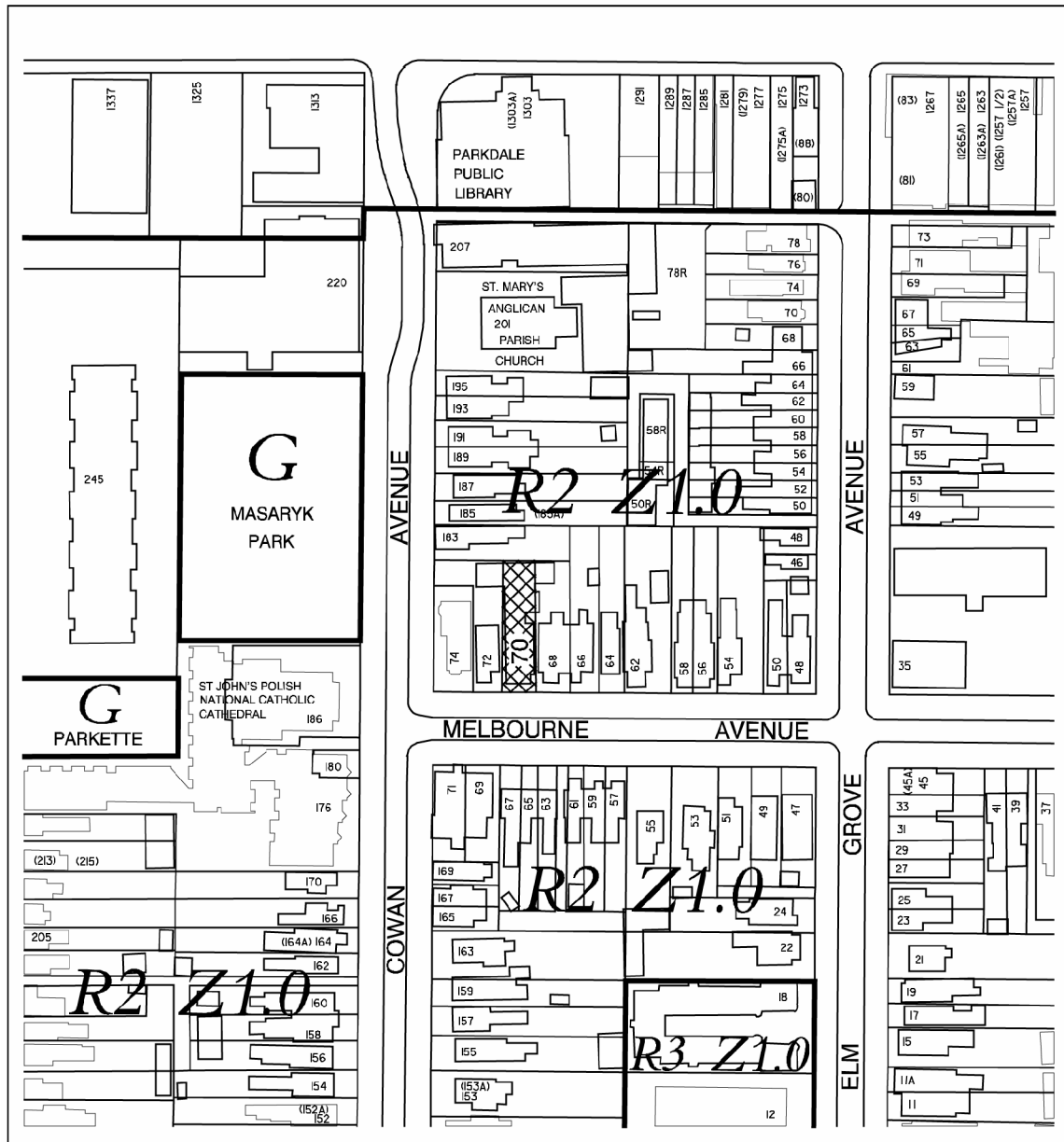
Applicant's Submitted Drawing

Not to Scale
03/24/09



File # 04_144012

Attachment 2: Zoning



Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	04 144012 SHY 14 OZ
Details	Rezoning, Standard	Application Date:	June 7, 2004

Municipal Address:	70 MELBOURNE AVE
Location Description:	PL 418 BLK A PT LT16 PT LT17 **GRID S1406
Project Description:	Proposed to regularize converted house - Parkdale Pilot Project

Applicant:	Agent:	Architect:	Owner:
Ambient Designs Ltd.			Bhushan Taneja

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	345.57	Height:	Storeys:	2
Frontage (m):	9.45		Metres:	0
Depth (m):	36.58			
Total Ground Floor Area (sq. m):	190.55			Total
Total Residential GFA (sq. m):	556.91		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	556.91			
Lot Coverage Ratio (%):	55			
Floor Space Index:	1.6			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	556.91	0
Bachelor:	14	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:	16			

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, 70 Melbourne 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 70 Melbourne 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 29/30, 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 556.91m².

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 22.54m², and in no instance shall a *dwelling unit* have a floor area less than 15.64m².

NUMBER OF UNITS

6. No more than sixteen (16) *dwelling units* shall be erected and used on the *lot*, of which a minimum of two (2) *dwelling units* shall contain two (2) or more *habitable rooms*.

LANDSCAPING

7. Not less than 12.88m² of the lot shall be provided and maintained as *landscape open space*.

REAR YARD SETBACK

8. The existing fire escape may encroach into the rear yard setback.

GENERAL

9. 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)