



STAFF REPORT ACTION REQUIRED

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

Date:	May 20, 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:	01-035604 STE 19 OZ

SUMMARY

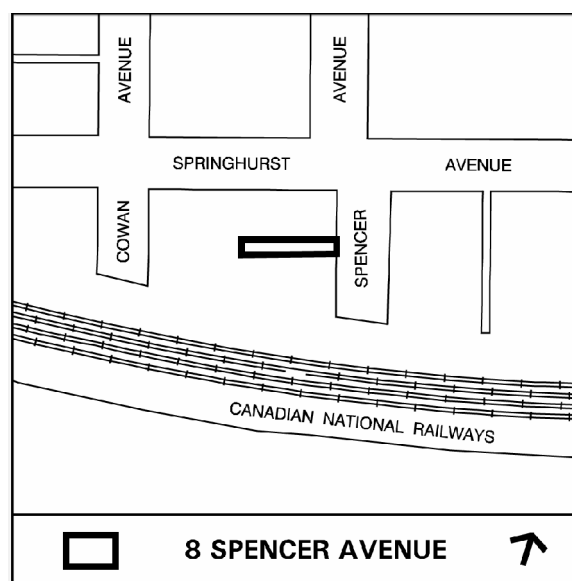
This application proposes to amend Zoning By-law 438-86, as amended, to maintain four (4) dwelling units in a converted house within the residential building located at 8 Spencer Avenue.

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 Attachment 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;
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 is to maintain four (4) dwelling units in the existing single-detached building at 8 Spencer Avenue. The subject units will consist of one bachelor unit and three 1-bedroom units.

Site and Surrounding Area

The site is regular in shape with a 5.25 metre frontage onto the west side of Spencer Avenue, a depth of 36.58 metres, and area of 192.05 square metres. The existing 2.5 storey detached building is to be maintained.

The site is surrounded by the following uses:

North: A mix of single and semi-detached dwellings on Spencer Avenue and Springhurst Avenue.

South: Semi-detached dwellings on Spencer Avenue and the Canadian National Railway corridor and Gardiner Expressway.

East: Semi-detached dwellings on Spencer Avenue.

West: A mix of single and semi-detached dwellings and garages on Springhurst and Cowan Avenues.

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 permit an exception to the gross floor area, the average floor area of the units to be less than 65 square metres, the building depth, and to permit less than the required number of parking spaces.

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, inspectors confirmed multiple units in the building dating back to 1989. On November 2, 1994, inspectors found 1 dwelling unit and 5 dwelling rooms sharing a common kitchen.

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 consultation meeting was held on Monday April 27th, 2009 at the Parkdale Public Library. Approximately 20 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. No concerns were raised specific to this property.

A meeting was held with the Parkdale Housing Committee on Wednesday May 6th, 2009 where the application was recommended for approval by City 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.

City inspectors have found multiple units within the building dating back to 1989 without corresponding building permits. 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 November 1996 are considered illegal and would be subject to prosecution if necessary.

Building and Fire Code

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

Property Standards

Before the introduction of 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 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

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SIGNATURE

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

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ATTACHMENTS

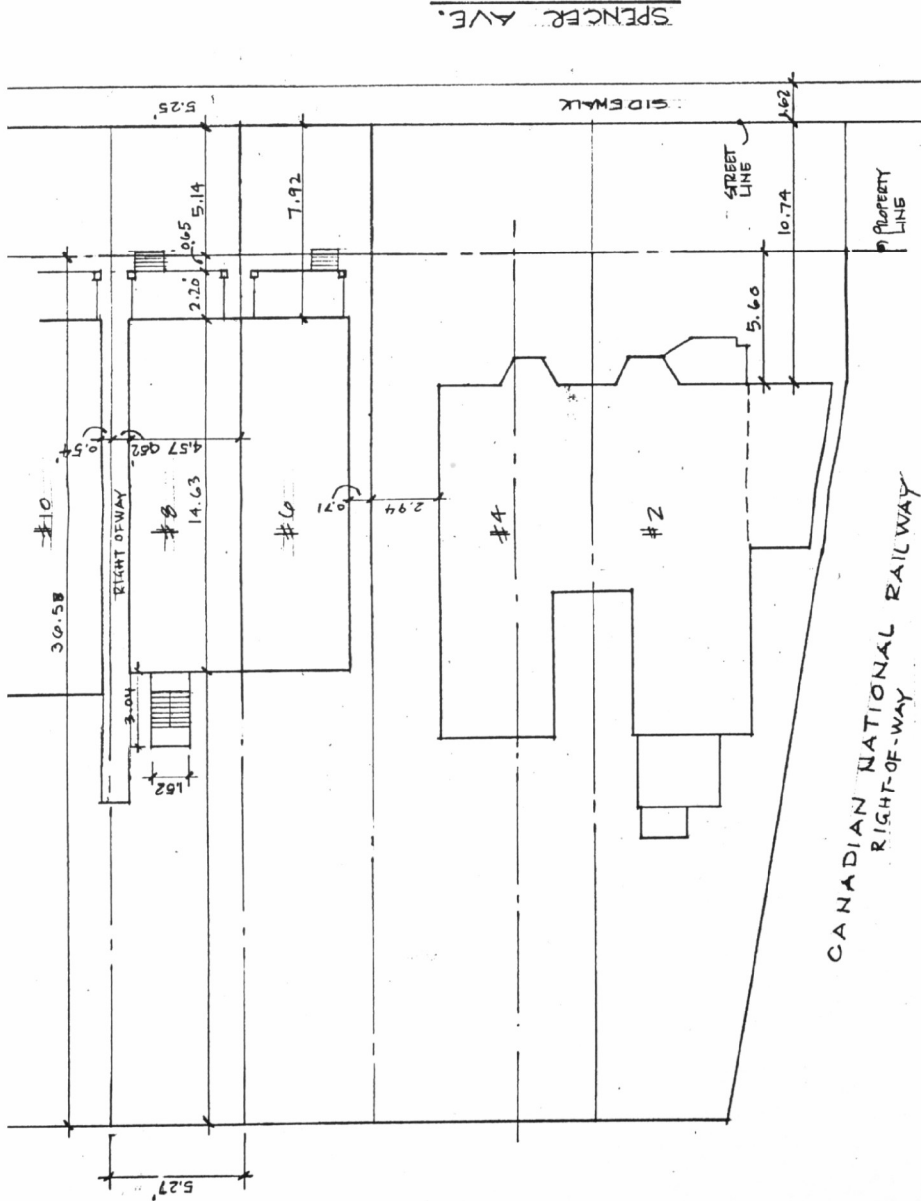
Attachment 1: Site Plan

Attachment 2: Zoning

Attachment 3: Application Data Sheet

Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Site Plan



8 Spencer Avenue

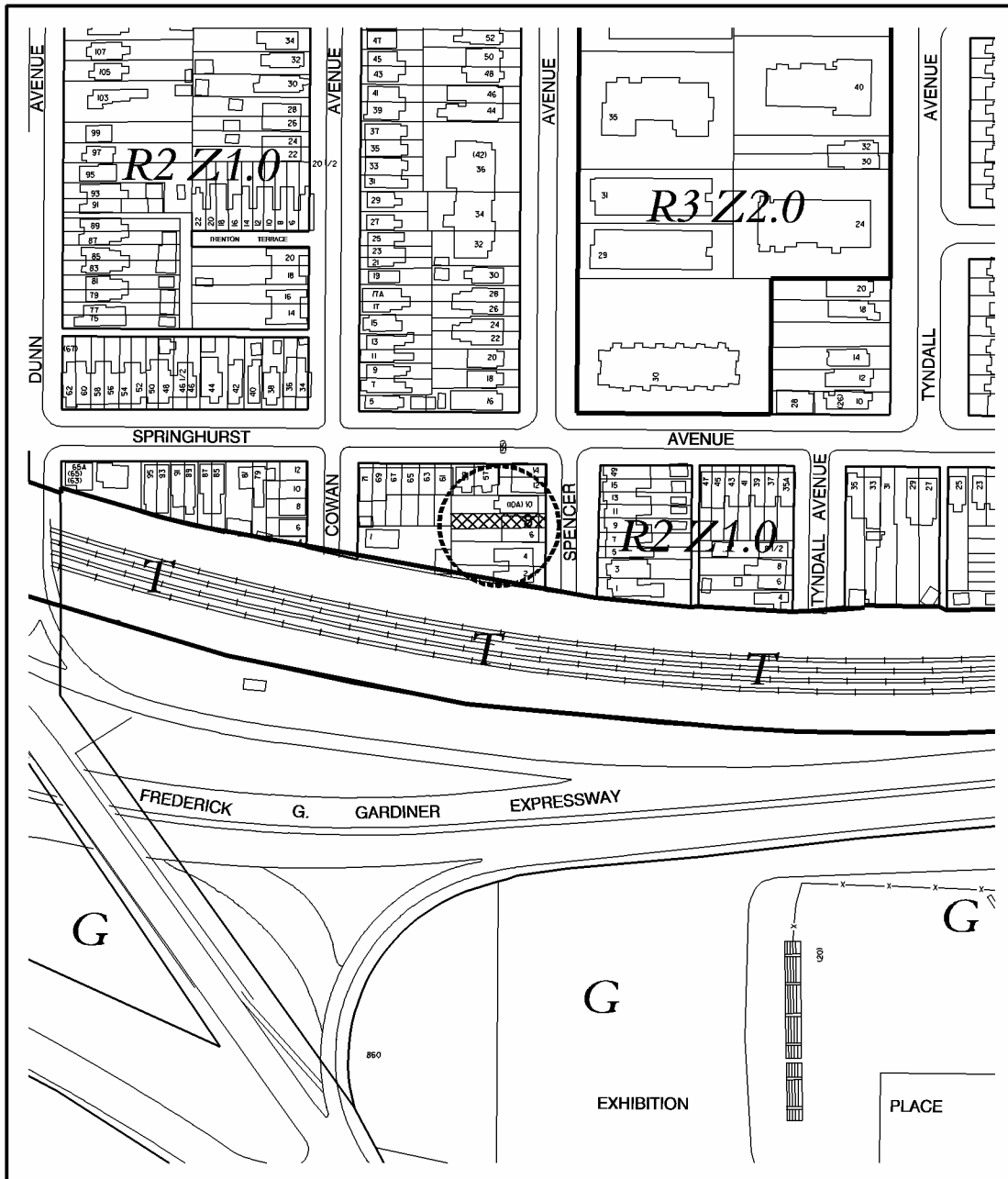
Site Plan
Applicant's Submitted Drawing

File # 01_035604

Not to Scale
05/06/09



Attachment 2: Zoning



Toronto City Planning
Zoning

8 Spencer Avenue

File # 02_035604

G Parks District
R2 Residential District
R3 Residential District
T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/05/09

Attachment 3: Application Data Sheet

Application Type	Rezoning	Application Number:	01-035604 STE OZ
Details	Rezoning, Standard	Application Date:	October 2, 2000

Municipal Address: 8 Spencer Avenue

Location Description:

Project Description: Regularization of existing lodging house – Parkdale Pilot Project

Applicant:	Agent:	Architect:	Owner:
TONY RUPRECHT			TONY RUPRECHT

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	192.04	Height:	Storeys:	2.5
Frontage (m):	5.25		Metres:	
Depth (m):	36.58			
Total Ground Floor Area (sq. m):	66.86			Total
Total Residential GFA (sq. m):	227.11		Parking Spaces:	0
Total Non-Residential GFA (sq. m):	0		Loading Docks	
Total GFA (sq. m):	227.11			
Lot Coverage Ratio (%):				
Floor Space Index:				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	
Bachelor:	1	Retail GFA (sq. m):	
1 Bedroom:	3	Office GFA (sq. m):	
2 Bedroom:		Industrial GFA (sq. m):	
3 + Bedroom:		Institutional/Other GFA (sq. m):	
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, 8 Spencer 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 8 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 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 July 7, 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 X, 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 222.58m².

MINIMUM UNIT SIZE

4. Notwithstanding the provisions of Section 6 (2) 1 (iv) and Section 12 (2) 70 (ii) the average 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 24.17m².

PARKING AND LOADING

5. Notwithstanding the provisions of Section 4 (4)(b) and 4 (17), no parking spaces shall be provided and maintained on the lot.

GENERAL

6. 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)