

**740 Eglinton Avenue West
Official Plan Amendment, Draft Plan of Condominium
and Rental Housing Conversion Applications
Preliminary Report**

Date:	January 15, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	08-164351 STE 21 OZ (Official Plan Amendment) 08-164355 STE 21 CD (Draft Plan of Condominium) 08-226682 000 00 RH (Rental Housing Conversion)

SUMMARY

The proposal is to permit the conversion of a 58-unit residential co-ownership building to condominium at 740 Eglinton Avenue West. No new construction is proposed. This conversion proposal requires applications to amend the Official Plan, for Draft Plan of Condominium approval, and for Rental Housing Conversion approval under Section 111 of the City of Toronto Act.

This report provides preliminary information on the above-noted applications and seeks Community Council's direction on further processing of the applications and on the community consultation process.

Planning staff circulated the applications to other City departments for review and comment. With Council's direction staff may host a community consultation meeting in March, 2009.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting together with the Ward Councillor.
2. Staff Notice for the community consultation meeting be given to tenants and co-owners of the subject building, and landowners and residents within 120 metres of the site; and
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

PRE-APPLICATION CONSULTATION

In 2007, staff met with residents of 740 Eglinton Avenue West to discuss the proposed conversion. At these meetings, staff raised issues regarding the existing garbage collection area and possible improvements, parking provision and existing tenure of current tenants and co-owners.

ISSUE BACKGROUND

Proposal

The applicant is proposing to convert an existing 58-unit co-ownership building to condominium. No new construction is proposed. Three units are currently used as commercial office units.

The building was originally constructed as a 6-storey rental apartment building in 1950 and converted to co-ownership in 1977. The City's tax assessment rolls indicate that the property has been listed as an equity co-operative, which falls within the City's broader definition of a co-ownership referred to under Municipal Code Chapter 667. The building consists of 4 bachelor units, 33 one-bedroom units and 21 two-bedroom units.

The tenancy within the building is mixed. There are 56 co-owners, who jointly own the premises. The applicant advises that 51 units are co-owner-occupied, 6 units are tenant-occupied and 1 was rented and is now vacant. Of the 7 rental units, 3 were previously occupied by the co-owner or his/her immediate family.

The applicant proposes that the building will be managed and will function in a similar fashion to that currently. Currently, the hallways, elevator, parking areas, landscape areas all form part of the common areas within the building and are managed by the co-

ownership. It is staff's understanding that one unit on the first floor is owned by Albany Court Apts Inc. and assumes that the building's superintendent lives in it.

Site and Surrounding Area

The subject property is comprised of a 1552.2 m² parcel on the north side of Eglinton Avenue West east of Bathurst Street and just west of Spadina Road.

The underground parking garage provides for 37 parking spaces (see Attachment 2: Floor Plans). Vehicular access to the parking garage is provided off a private driveway to the rear of the building. This driveway exits onto Mayfair Avenue.

Land uses surrounding the subject property consist of the following:

- North: Directly north of the subject property is Forest Hill North Collegiate Institute;
- South: To the south and across Eglinton Avenue West are two 6-storey apartment buildings;
- East: Directly east of the subject property is landscaped area, which forms part of Forest Hill North Collegiate grounds;
- West: To the south and across Mayfair Avenue is a 7-storey apartment building.

Condominium Act

The Condominium Act states that the provisions of Sections 51, 51.1 and 51.2 of the Planning Act that apply to a plan of subdivision also apply to plans of condominium with necessary modifications to a description or an amendment to a description.

Planning Act

Section 51(24) of the Planning Act sets forth the criteria the City must consider in determining whether to permit the conversion of a rental residential building to a condominium. Specifically this section requires that:

“in considering a draft plan of subdivision [condominium conversion], regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to:

- a) the effect of the proposed subdivision on matters of provincial interest as referred to in Section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the proposed plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided; and

e) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land”

Section 2 of the Planning Act includes that:

“the... council of a municipality... in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...

j) the adequate provision of a full range of housing;....

l) the protection of the financial and economic well-being of the Province and its municipalities;...and

p) the appropriate location of growth and development.”

Provincial Policy Statement and Provincial Plans

Issued under the authority of Section 3 of the Planning Act, the Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. Housing policies in the Provincial Policy Statement provide for an appropriate range of housing types and densities to meet the requirements of current and future residents, and the provision of housing in locations with appropriate levels of infrastructure and services. Council is required to make decisions on planning matters that are consistent with the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council’s planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

City of Toronto Act

Section 111 of the new City of Toronto Act 2006 provides City Council with enhanced powers to prohibit and regulate the demolition and conversion of residential rental properties containing six or more dwelling units. The Act was proclaimed on January 1, 2007 and applies to any application submitted after that date. A by-law to implement the provisions of the Act was adopted by Council on July 19, 2007.

Official Plan

The Official Plan for the City of Toronto designates this site an Apartment Neighbourhood. Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreations facilities, and small-scale retail service and office uses that serve the needs of area residents. Many of the condominium and apartment buildings are clustered in already developed apartment neighbourhoods.

The Official Plan contains a number of policies respecting housing and the need to preserve and increase the City's supply of rental housing. Relevant new Plan policies include:

Policy 3.2.1.1:

“A full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing...”

Policy 3.2.1.8:

“The conversion to condominium, or the severance or subdivision, of any building or related group of buildings, containing six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:
 - i) rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing;
 - ii) the overall rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 3.0% for the preceding four consecutive annual surveys;
 - iii) the proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and

iv) all provisions of other applicable legislation and policies have been satisfied.”

The above policies recognize the need for a broad, comprehensive approach to determine whether the City’s supply and availability of rental housing has returned to a healthy state, and can meet the requirements of current and future residents before losses in the rental stock are permitted to occur. At this point, City Council and staff consider that the rental market is not healthy and should not generally be subjected to conversion or demolition activity, unless the specific exceptions are satisfied.

Zoning

The property is zoned R2 Z2.0 with a maximum permitted height of 18 metres. The R2 designation permits a range of housing types, including apartments.

Site Plan Control

No new construction is proposed, thus site plan control is not required.

Reasons for the Application

Section 9(2) of the Condominium Act provides that Section 51 of the Planning Act applies to an application for conversion. The proposed conversion of 740 Eglinton Ave. W. from a co-ownership building to residential condominiums must be considered under the criteria set forth in Section 51(24) of the Planning Act. One of the criteria of Section 51(24) is whether the application conforms to the Official Plan. The exceptions to the relevant Official Plan policies are not satisfied, and for the conversion to be approved an Official Plan amendment would be required. Approval to convert residential rental property is also required under Section 111 of the new City of Toronto Act.

Under City of Toronto By-law 229-2000 (Chapter 415-17 of the Municipal Code), the authority for the giving of draft condominium approvals, under section 50 of the Condominium Act, is delegated to the Chief Planner except for applications involving the conversion of rental housing. Thus, the authority to grant draft condominium approval for this application will rest with Council.

COMMENTS

Issues to be Resolved

Conversion from Co-ownership to Condominium

Staff will resolve whether an amendment to the Official Plan for the proposed conversion is appropriate and represents good planning. Planning Staff will review the Planning Rationale and Housing Issues Report supplied by the applicant. The final report will provide more details relating to any potential impacts on affordable and mid-range rental housing.

As well, the application needs to be considered in the context of Section 111 of the City of Toronto Act, 2006.

Parking

Staff will evaluate the amount and adequacy of parking for the property and provide more detailed comments in the final report. As part of their application, the applicant submitted a Parking Study that Transportation Services staff is currently reviewing.

Tenant Impact and Input

The proposed community consultation meeting will present an opportunity to inform the current tenants and nearby community of the proposal and seek their input. The final report will provide more discussion on tenant rights, security of tenure and possible impact on rent levels.

Draft Plan of Condominium

An application for Draft Plan of Condominium has been submitted and will be dealt with simultaneously with the Official Plan Amendment. In the event that this application is recommended for approval, conditions will be imposed. Conditions may include the requirement to undertake a comprehensive reserve fund study. Details of the conditions relating to the Draft Plan of Condominium will be addressed in the final report.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

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SIGNATURE

Raymond David, Director
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ATTACHMENTS

Attachment 1: Survey Plan

Attachment 2: Floor Plans

Attachment 3: Official Plan Extract Map

Attachment 4: Zoning Extract Map

Attachment 5: South Elevation (Front)

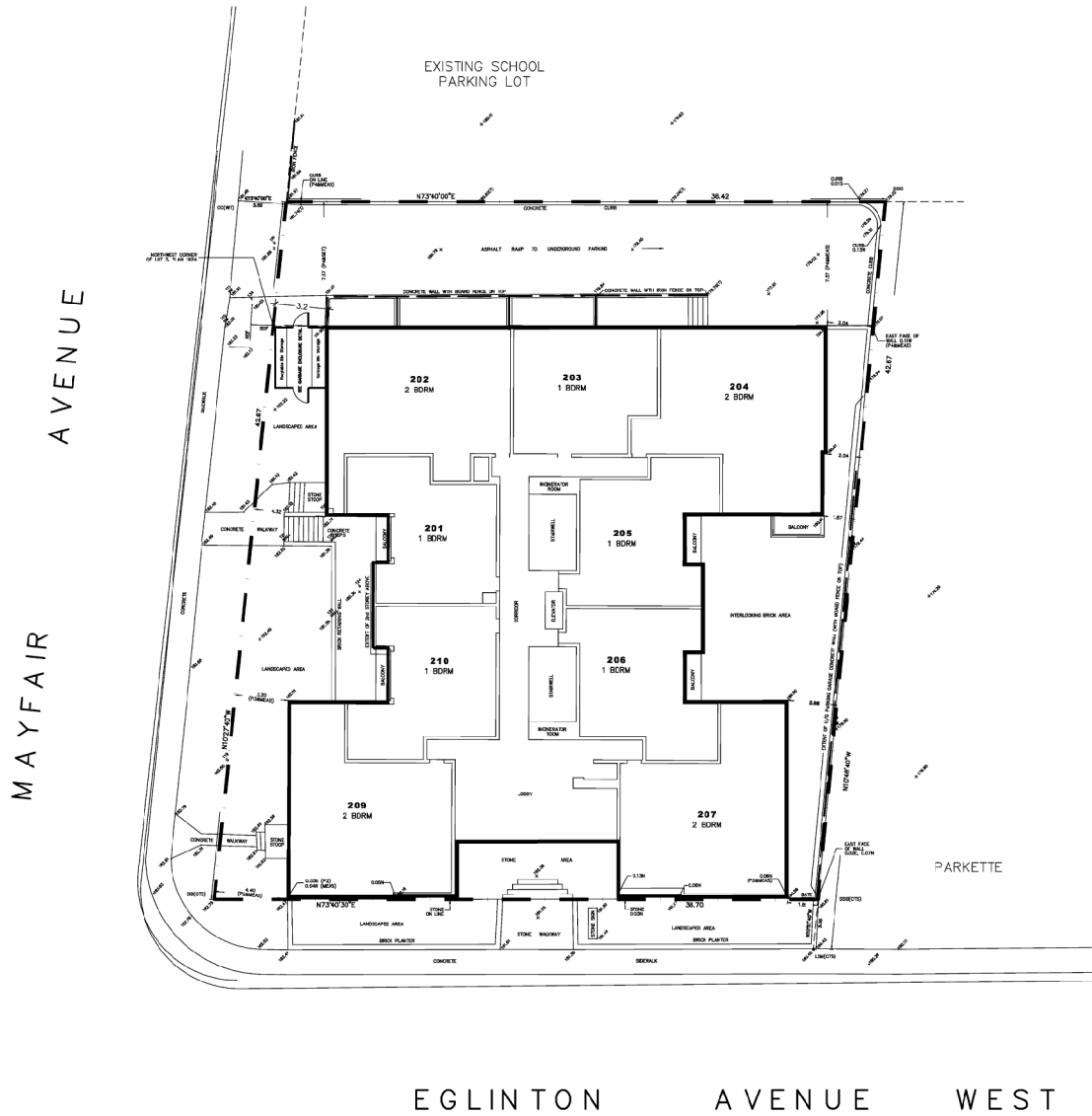
Attachment 6: North Elevation (Rear)

Attachment 7: East Elevation (Side)

Attachment 8: West Elevation (Side)

Attachment 9: Application Data Sheet

Attachment 1: Survey Plan



Survey Plan

740 Eglinton Avenue West

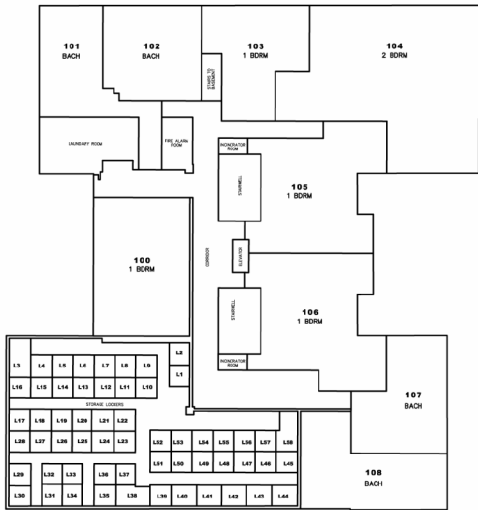
Applicant's Submitted Drawing

Not to Scale
08/27/03

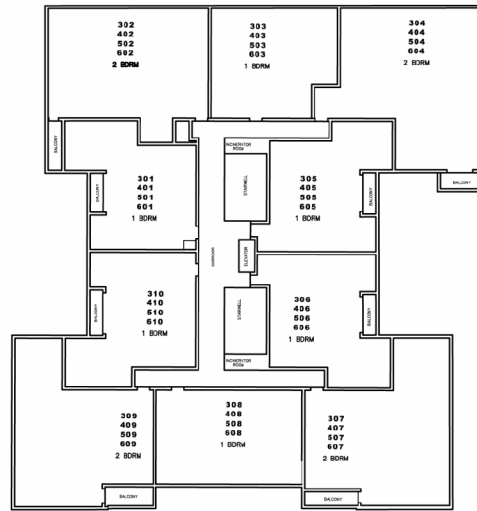


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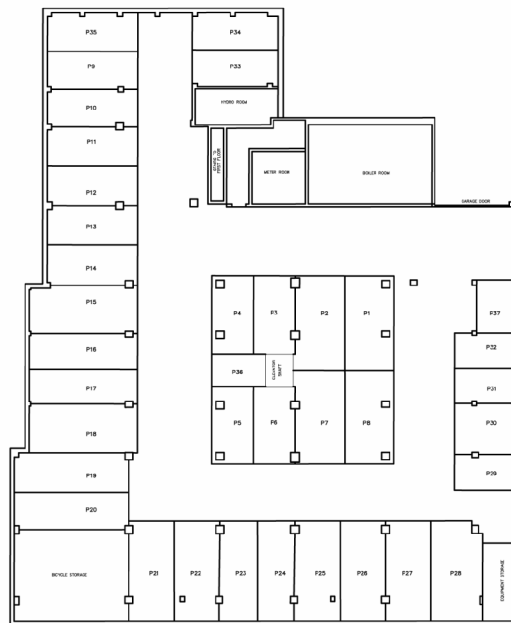
Attachment 2: Floor Plans



FLOOR 1



FLOOR 3 TO 6



UNDERGROUND PARKING LEVEL

Floor Plans

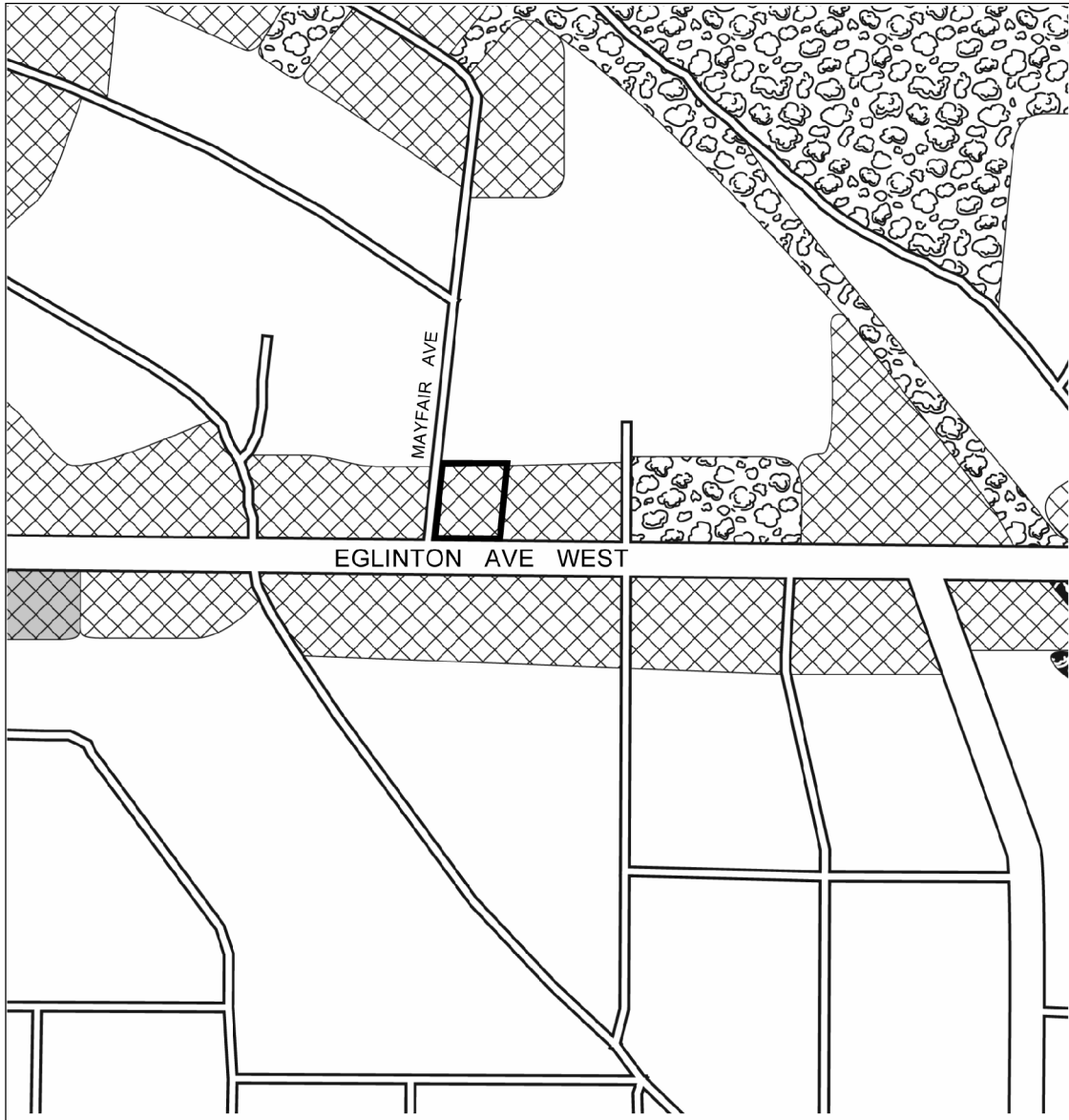
Applicant's Submitted Drawing

Not to Scale 08/27/08

740 Eglinton Avenue West

File # 08_164351 & 08_164355

Attachment 3: Official Plan Extract Map



TORONTO City Planning
Official Plan

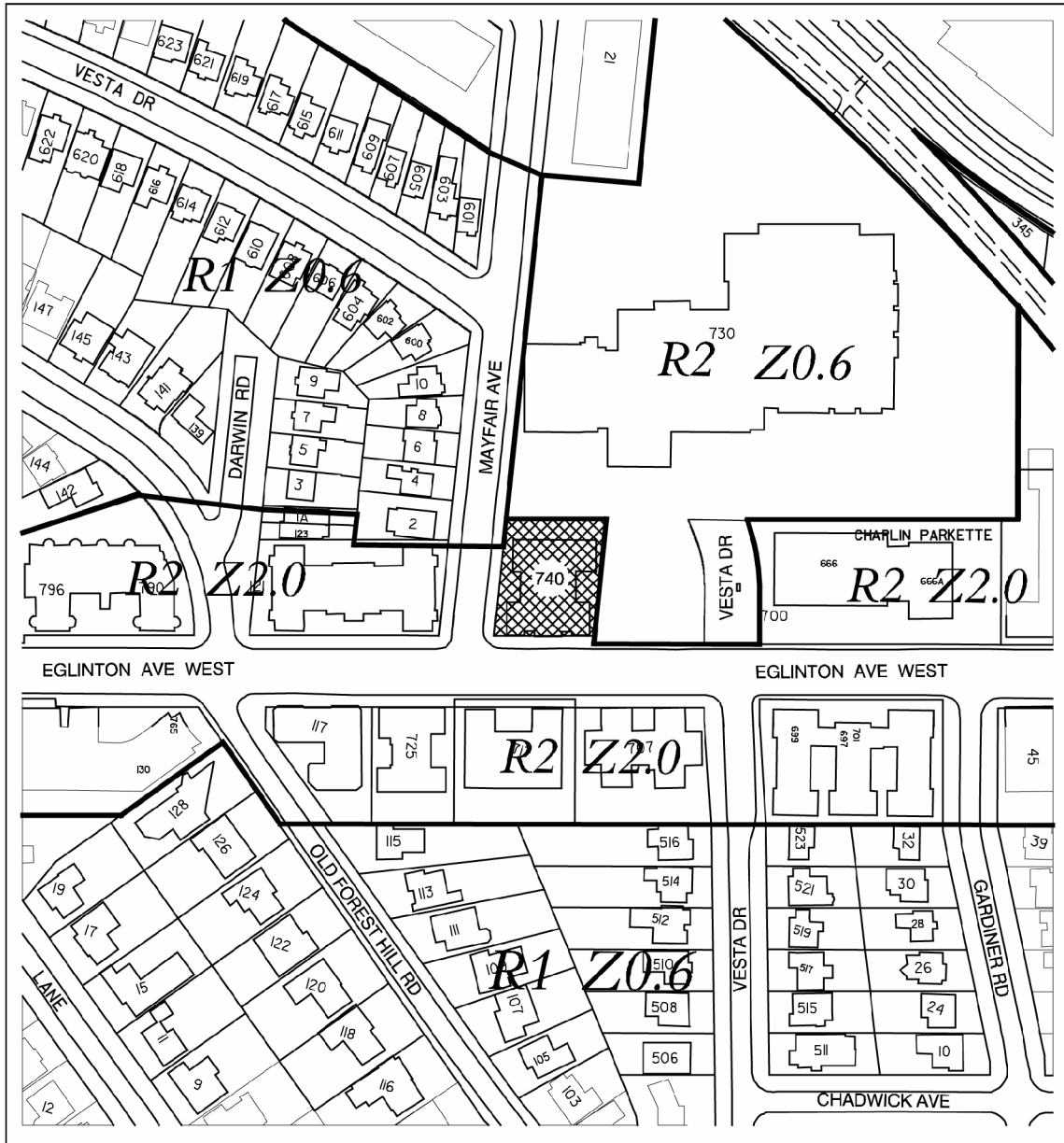
740 Eglinton Avenue West

File # 08_164351 & 08_164355

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 08/26/08

Attachment 4: Zoning Extract Map



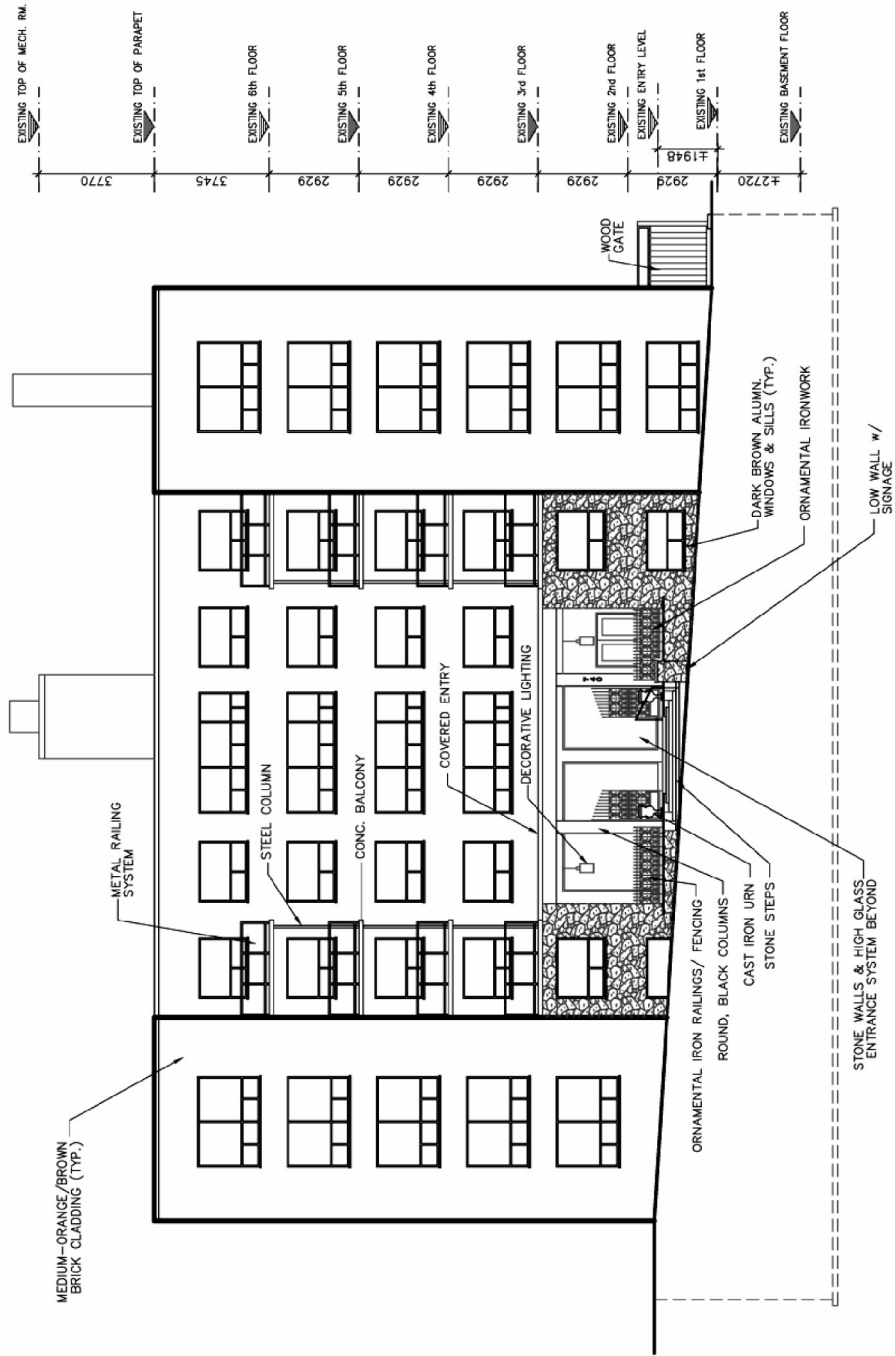
740 Eglinton Avenue West
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- R1 Residential District
- R2 Residential District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 08/26/08 - DR

Attachment 5: South Elevation (Front)



740 Eglinton Avenue West

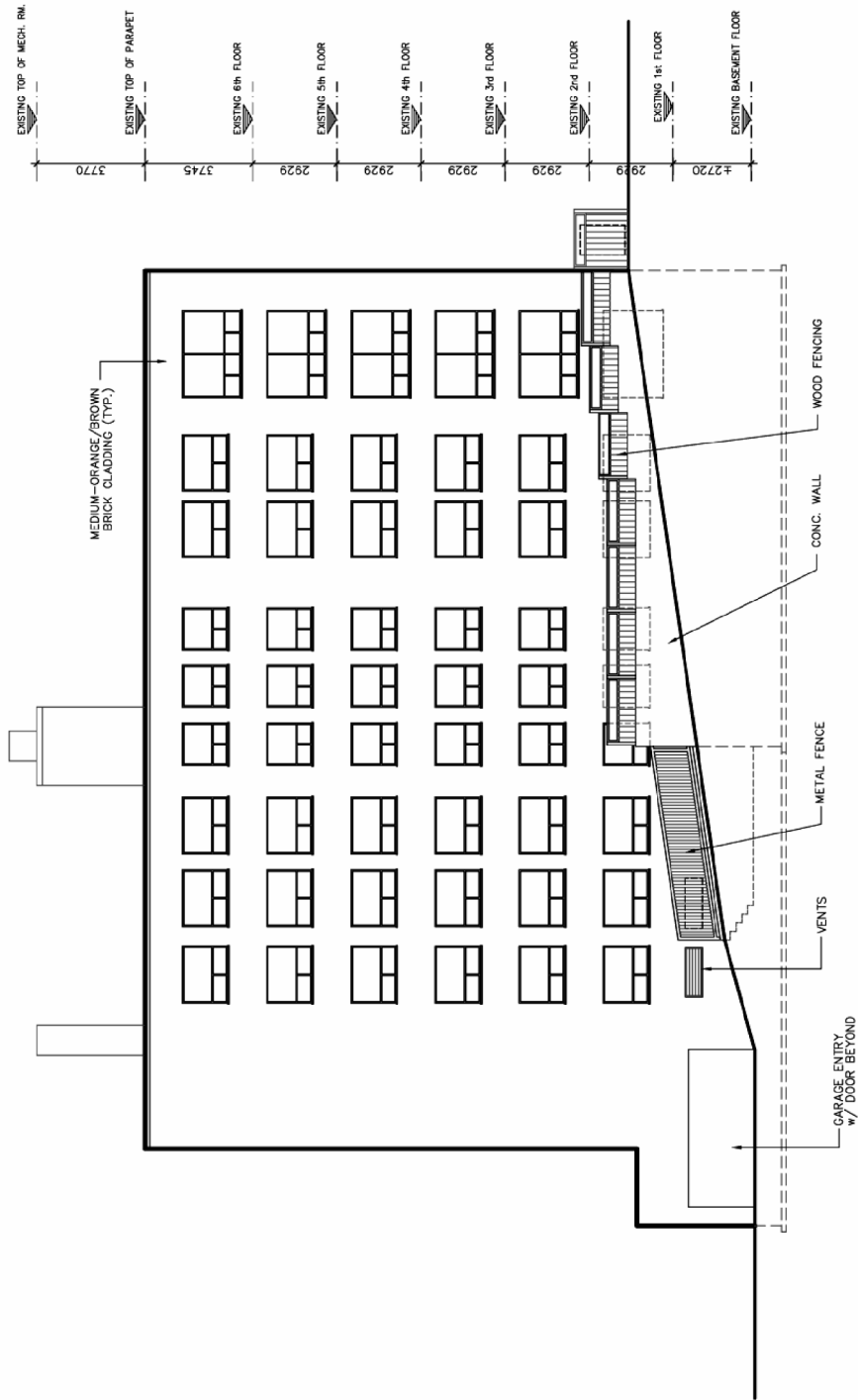
South Elevation

Applicant's Submitted Drawing

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Attachment 6: North Elevation (Rear)



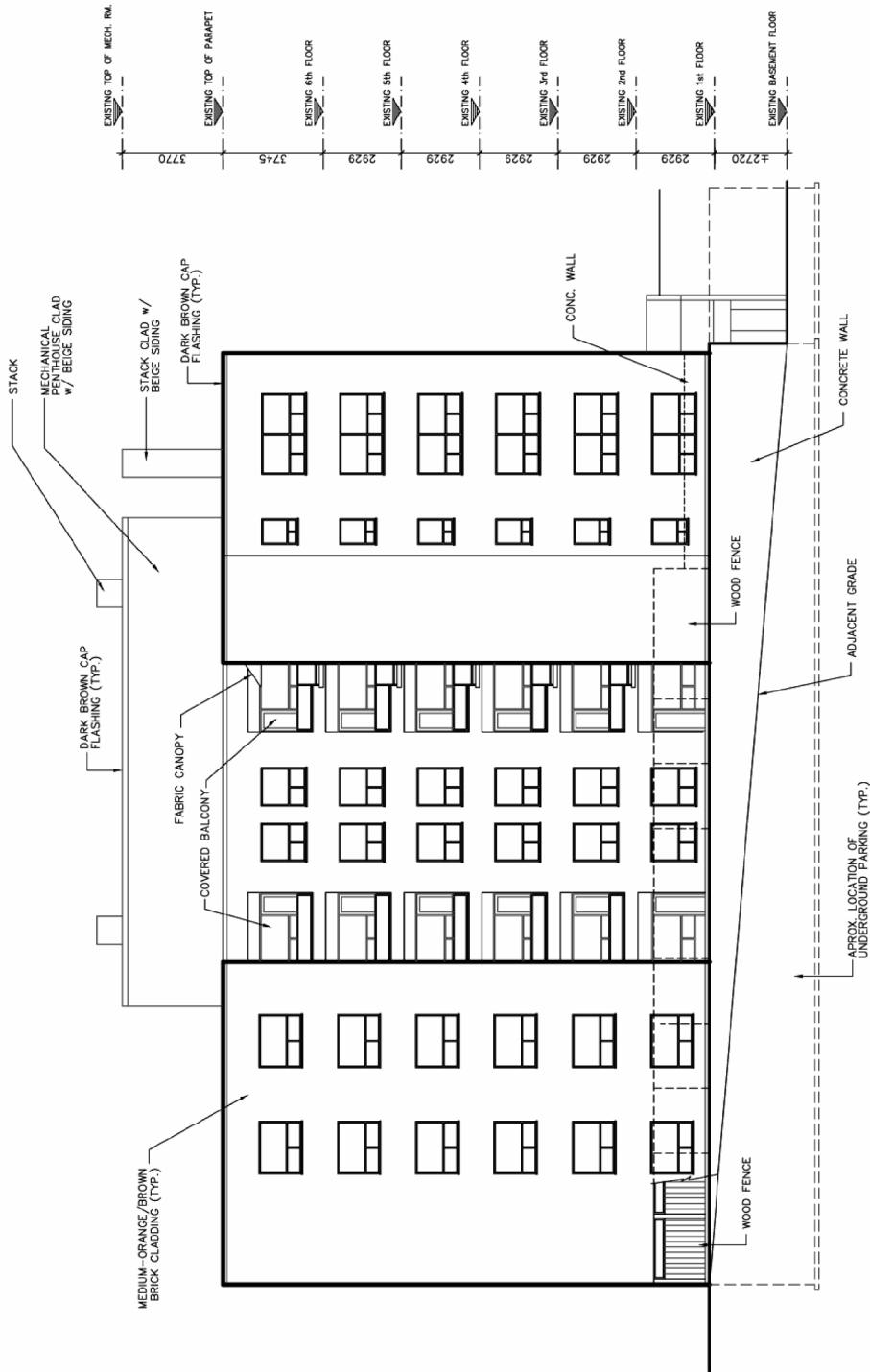
740 Eglinton Avenue West

North Elevation
Applicant's Submitted Drawing

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Attachment7: East Elevation (Side)



740 Eglinton Avenue West

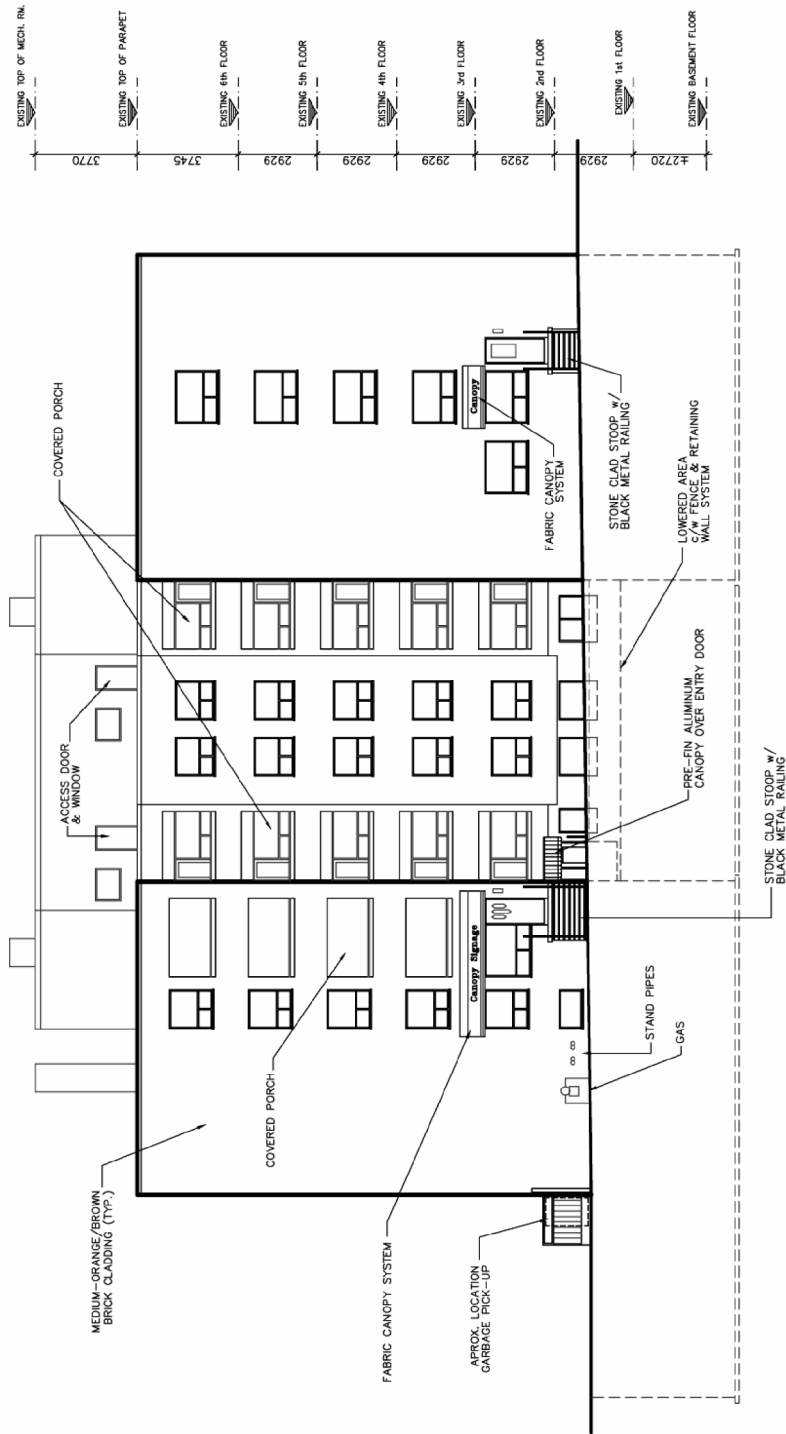
East Elevation

Applicant's Submitted Drawing

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File # 08_164351 & 08_164355

Attachment 8: West Elevation (Side)



740 Eglinton Avenue West

West Elevation
Applicant's Submitted Drawing

File # 08_164351 & 08_164355

Not to Scale
MM/DD/YY

Attachment 9: Application Data Sheet

Application Type	Official Plan Amendment	Application Number:	08 164351 STE 21 OZ
Details	OPA, Standard	Application Date:	May 30, 2008

Municipal Address: 740 EGLINTON AVE W
 Location Description: PL 1924 LTS 1 TO 3 **GRID S2101
 Project Description: OPA for conversion of existing building from co-ownership /life lease to standard condominium

Applicant:	Agent:	Architect:	Owner:
MAINLINE PLANNING SERVICES JOSEPH PLUTINO			ALBANY COURT APARTMENTS INC

PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision:
Zoning: R2 Z2.0	Historical Status:
Height Limit (m): 18	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1552.2	Height:	Storeys:	6
Frontage (m):	36.7		Metres:	22.16
Depth (m):	42.6			
Total Ground Floor Area (sq. m):	897.6			Total
Total Residential GFA (sq. m):	5135.8		Parking Spaces:	37
Total Non-Residential GFA (sq. m):	244.1		Loading Docks	0
Total GFA (sq. m):	5379.9			
Lot Coverage Ratio (%):	58			
Floor Space Index:	3.46			

DWELLING UNITS

Tenure Type:	Co-ownership
Rooms:	0
Bachelor:	4
1 Bedroom:	32
2 Bedroom:	19
3 + Bedroom:	0
Total Units:	55

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	5135.8	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	244.1	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Jeffrey Cantos, Planner
TELEPHONE: (416) 338-5740