

**1477 Bayview Avenue
Official Plan Amendment, Rental Housing Demolition
and Conversion and Draft Plan of Condominium
Applications - Preliminary Report**

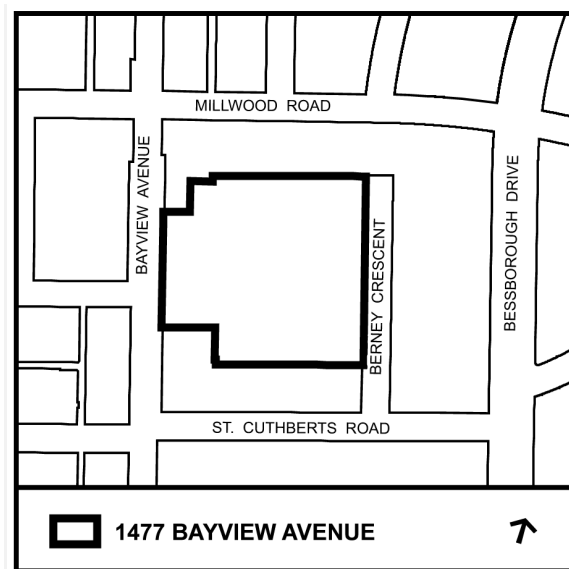
Date:	March 15, 2013
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	12 287930 NNY 26 OZ 12 288059 NNY 26 RH 12 288046 NNY 26 CD

SUMMARY

The Official Plan Amendment, Rental Housing Demolition and Conversion and Draft Plan of Condominium applications propose to convert the existing 10 rental residential buildings containing 104 rental units into a condominium.

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

The report recommends that a community consultation meeting be scheduled together with the Ward Councillor. A Final Report and a Public Meeting under the Planning Act will be scheduled following community and tenant consultations, the submission of additional materials and the resolution of outstanding issues.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 1477 Bayview Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents, including tenants, within 120 metres of the site.
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.

ISSUE BACKGROUND

Proposal

The applicant is seeking to convert the existing 10 residential rental buildings containing 104 rental units into a residential condominium. Over 60% of the units have mid-range or affordable rents. No renovations, improvements, repairs or changes to the building are proposed to be undertaken in conjunction with the condominium conversion process.

Site and Surrounding Area

The 2.1 hectare site is located on the east side of Bayview Avenue just south of Millwood Road. There are 10 residential buildings on the site that contain 104 rental units (78 apartment units and 26 townhouse units) with a total of 104 residential units consisting of

- 50 1-bedroom units;
- 51 2-bedroom units; and
- 3 3-bedroom units.

The buildings have heights of 2 and 3 storeys. The gross floor area of all buildings on the site is 8,647 m² with a floor space index of 0.4. In the centre of the site is a large landscaped courtyard.

Surrounding the site are:

North: two storey commercial buildings along Bayview Avenue and low rise apartments, semi-detached and detached homes along Millwood Road.
South: a four storey apartment building and funeral home along Bayview Avenue and detached homes along St. Cuthberts Road.
East: detached homes.
West: on the west side of Bayview Avenue are 2 storey retail-commercial buildings, detached homes, and a 7 storey apartment building.

LEGISLATIVE AND POLICY FRAMEWORK

The following provides a description of the planning legislation that must be reviewed in this application.

CONDOMINIUM ACT

The Condominium Act states that the provisions of Section 51, 51.1 and 51.2 of the Planning Act that apply to a plan of subdivision also apply to plans of condominium.

PLANNING ACT

Section 51(24) of the Planning Act sets forth criteria that the City must consider in determining whether to allow the draft plan of subdivision [condominium]. Specifically, and relevant to this application, this section requires that:

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

- a) the effect of development 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 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;
- f) the dimensions and shapes of the proposed lots;
- g) 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

The Provincial Policy Statement (PPS) 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. City Council’s planning decisions are required to be consistent with the PPS.

Housing policies in the PPS require planning authorities to 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.

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 by the Planning Act 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.

Official Plan

The site is designated Neighbourhoods in the Official Plan. The Official Plan indicates that Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

Policy 4.1 of the Official Plan contains specific development criteria related to lands designated Neighbourhoods. Policy 4.1.5 states that development in established Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including the heights, massing, scale and dwelling type of nearby

residential properties, the prevailing building types, and setbacks of buildings from the street. The policy indicates that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.8 indicates that 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 per cent 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.

Zoning

The site is zoned R3A High Density Residential in the Leaside Zoning By-law 1916, which permits apartment buildings with a maximum floor space index of 1.25 and a maximum height of 16 metres.

Site Plan Control

A site plan control application has not been submitted.

City of Toronto Act, Section 111

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, implements the City's Official Plan policies protecting rental housing.

The By-law makes it an offence to demolish or convert to condominium the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition or conversion. City Council may refuse an application, or approve the application with conditions.

Where an application for Official Plan Amendment or rezoning triggers an application under Chapter 667 for rental demolition or conversion, typically City Council considers both applications at the same time. Unlike Planning Act applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the conversion of the existing rental units.

Heritage Designation

In 1987, the Borough of East York passed By-law 6-87 under Part IV of the Ontario Heritage Act designating the site as being of architectural value. The Garden Court apartments and their gardens were recommended for designation on the basis of their "extreme architectural importance":

- The buildings were built in 1939-1941 and were designed by a prominent Toronto architectural firm of Forsey, Page and Steele to provide the residents with quiet, privacy and garden and recreational space in an urban environment.
- Landscaping was designed by Dunnington-Gubb, one of Canada's most noted landscape architects of the day.

Reasons for the Application

The proposal to convert the existing rental housing units to condominium is not permitted

by the Official Plan and requires an Official Plan Amendment. In addition, a permit is required under the City's Municipal Code Chapter 667 to convert the existing rental units to condominium.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Justification Report including the Housing Issues Report
- Draft Plan of Condominium
- Floor plans and elevations

A Notification of Incomplete Application was issued on January 25, 2013 identifying the outstanding material required for a complete application submission. Staff met with the applicant on February 22, 2013 to review and narrow down the material needed for the application to be considered complete. The following material from the applicant is still required to be submitted in order to consider the application complete:

- Provide more detailed hydro costs by unit type to supplement rental information submitted.
- Provide names and addresses of tenants.

Heritage Preservation staff advise that clarity is needed regarding the potential impact of any future upgrades to the property that may result from this application. For this reason, Heritage Preservation Services requests that the owner provide a heritage impact assessment during the review of this application.

Issues to be Resolved

- Adequate regard given to the objectives and criteria of the Planning Act.
- Consistency with the Provincial Policy Statement and conformity to the Growth Plan for the Greater Golden Horseshoe.
- Conformity with the policies of the Official Plan.
- Impact on current and future tenants residing at the property.
- Nature and impact of the proposal on the local and city-wide housing conditions.
- Details of any refurbishments, renovation, improvements and repairs proposed or required.
- Potential measures to mitigate any disruption to tenants.
- Does the proposal to convert the existing rental units to condominium ownership represent good planning.
- Is the proposal premature or in the public interest.

- Potential impacts of any future upgrades to this designated heritage property that may result from this application.
- Clarification on what parts of the property are to be unitized.

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

CONTACT

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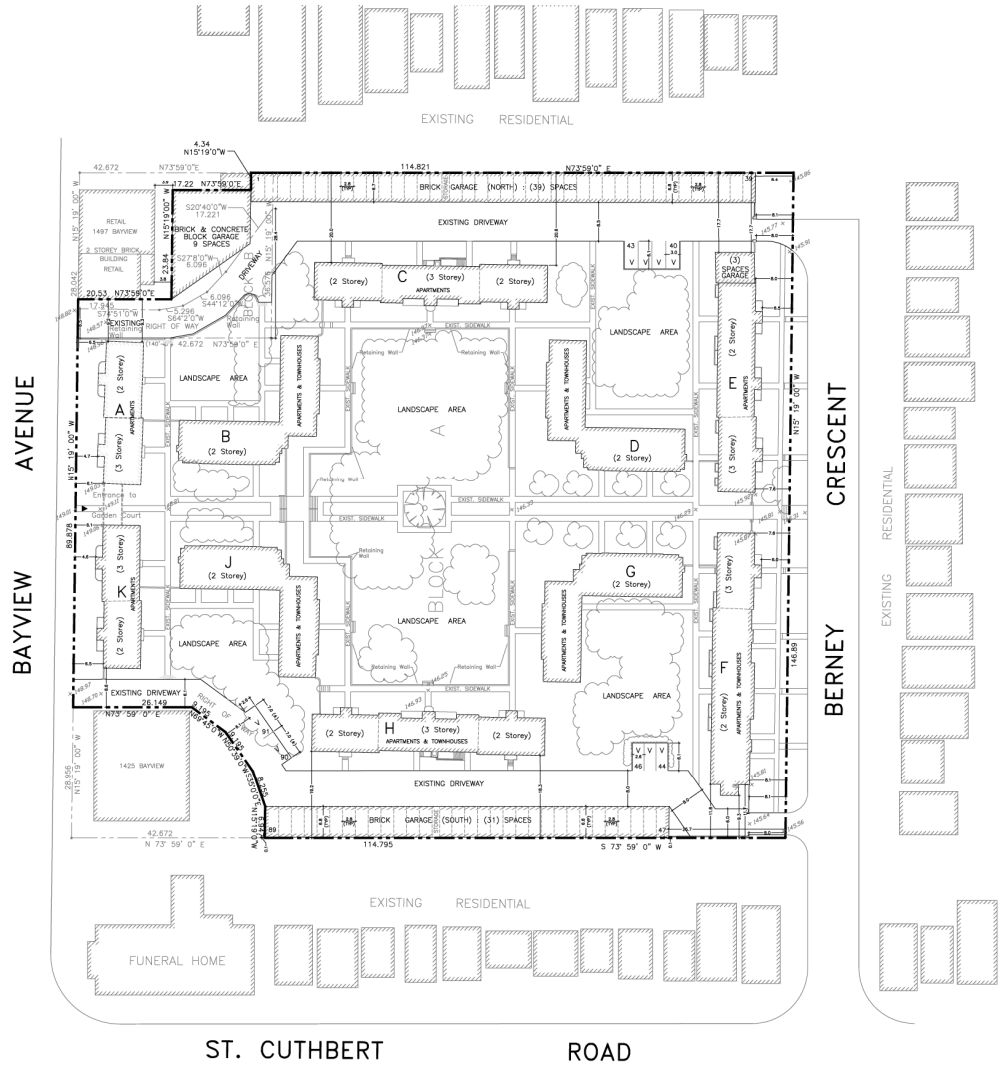
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

- Attachment 1: Draft Plan of Condominium
- Attachment 2: Elevations as provided by applicant
- Attachment 3: Zoning
- Attachment 4: Official Plan
- Attachment 5: Application Data Sheet

Attachment 1: Draft Plan of Condominium



Draft Plan of Condominium

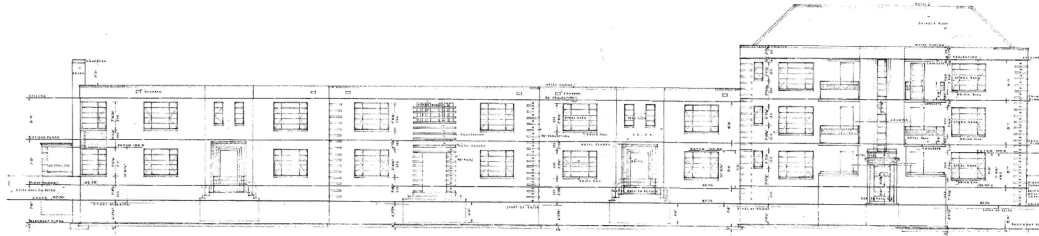
1477 Bayview Avenue

Applicant's Submitted Drawing

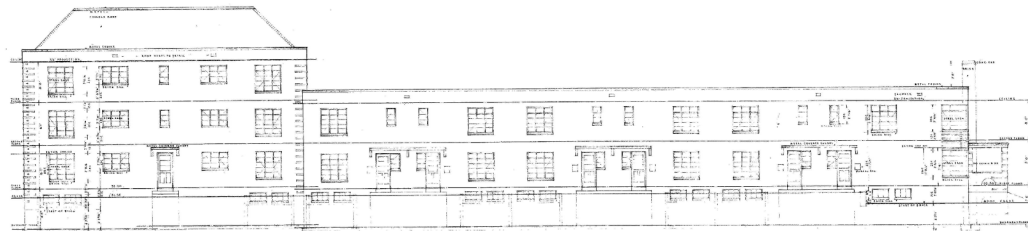
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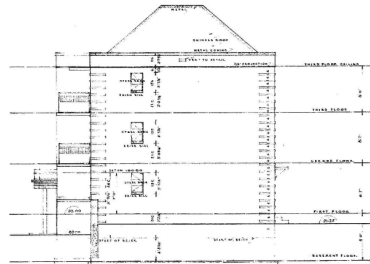
Attachment 2: Elevations



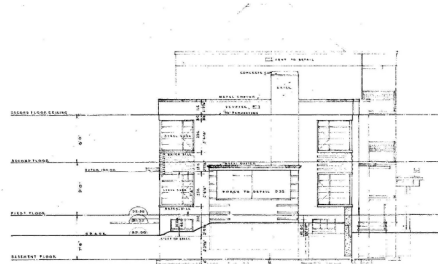
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WEST ELEVATION - 1477 BAYVIEW AVENUE - BUILDING F



NORTH ELEVATION
1477 BAYVIEW AVENUE - BUILDING F



SOUTH ELEVATION
1477 BAYVIEW AVENUE - BUILDING F

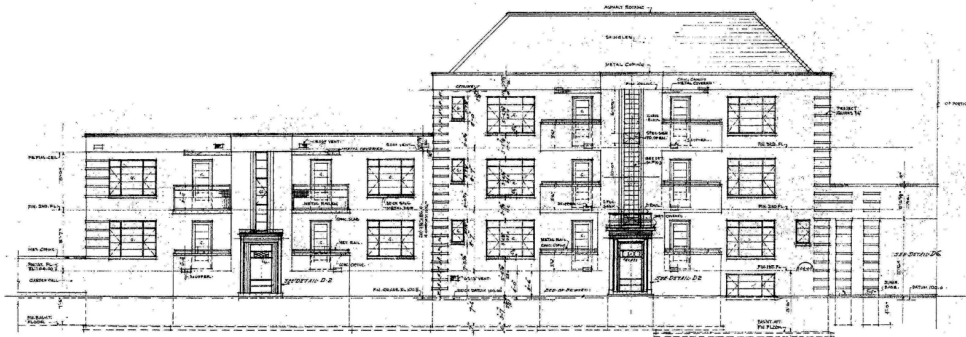
Elevations - Building F

Applicant's Submitted Drawing

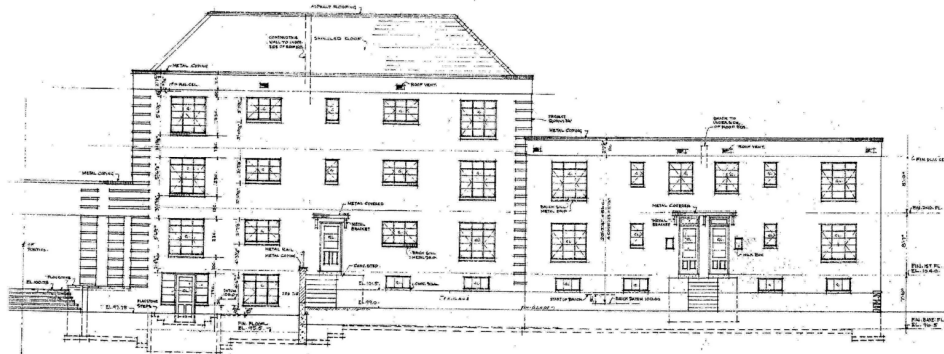
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1477 Bayview Avenue

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WEST ELEVATION - 1477 BAYVIEW AVENUE - BUILDING A & K



EAST ELEVATION - 1477 BAYVIEW AVENUE - BUILDING A & K

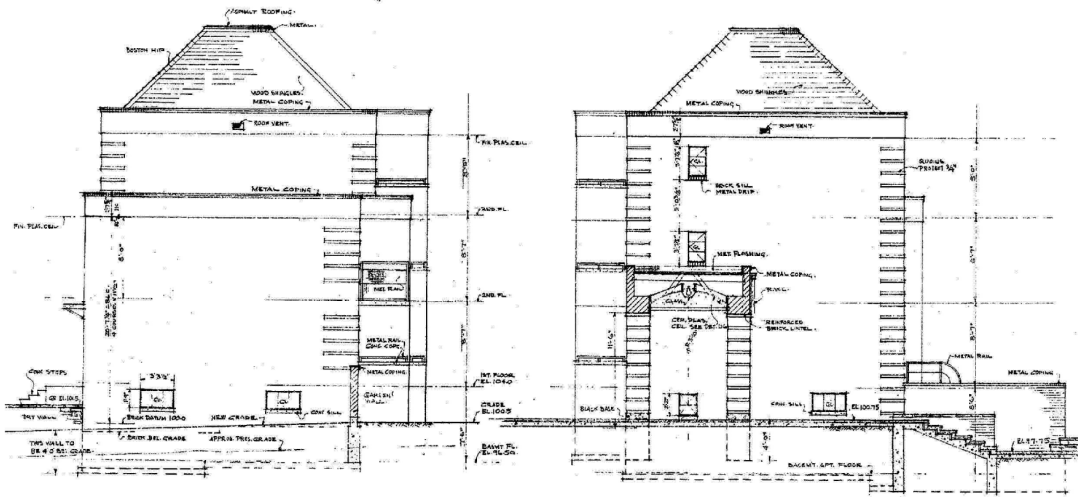
Elevations - Building A & K

Applicant's Submitted Drawing

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12/17/2012

1477 Bayview Avenue

File # 12 287930 NNY 26 0Z



NORTH ELEVATION
 1477 BAYVIEW AVENUE – BUILDING A & K

SOUTH ELEVATION
 1477 BAYVIEW AVENUE – BUILDING A & K

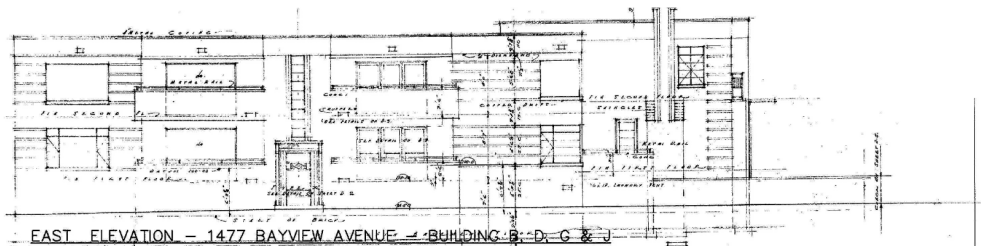
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1477 Bayview Avenue

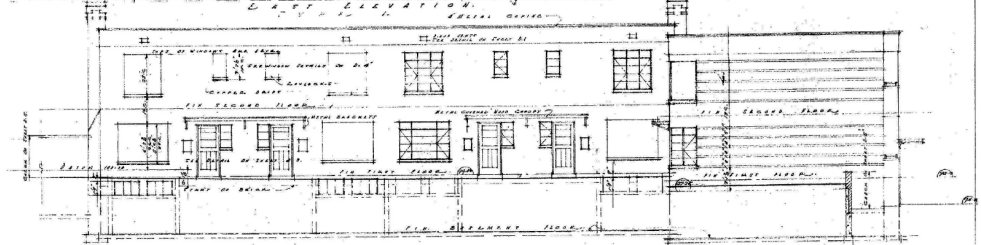
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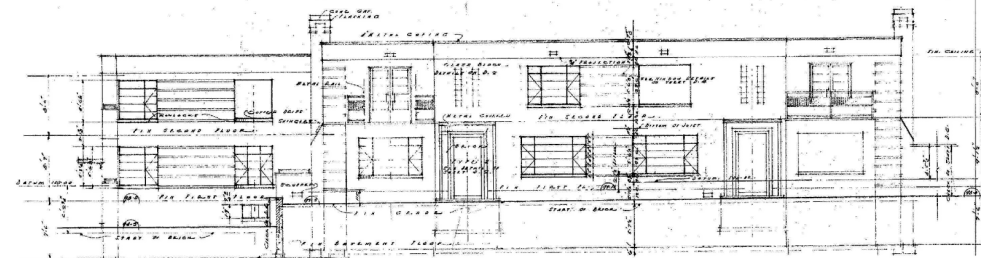
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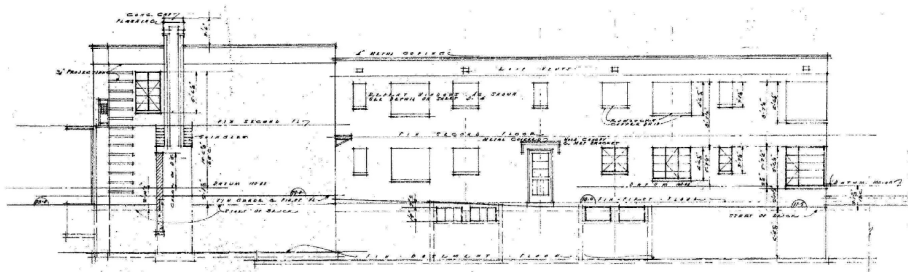
EAST ELEVATION - 1477 BAYVIEW AVENUE - BUILDING B, D, G & J



SOUTH ELEVATION - 1477 BAYVIEW AVENUE - BUILDING B, D, G & J



NORHT ELEVATION - 1477 BAYVIEW AVENUE - BUILDING B, D, G & J



WEST ELEVATION - 1477 BAYVIEW AVENUE - BUILDING B, D, G & J

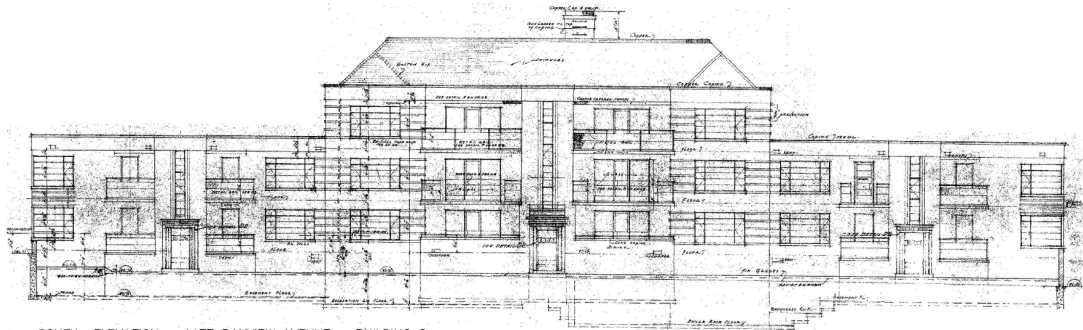
Elevations - Building B,D,G & J

1477 Bayview Avenue

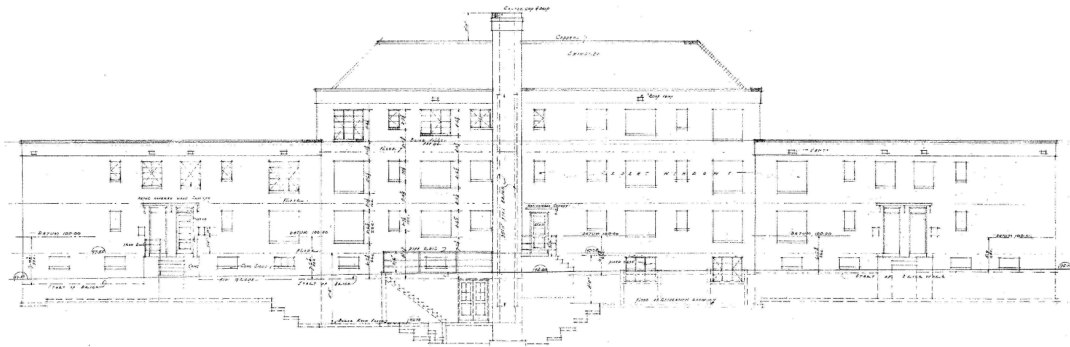
Applicant's Submitted Drawing

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File # 12 287930 NNY 26 0Z



SOUTH ELEVATION - 1477 BAYVIEW AVENUE - BUILDING C
BUILDING (H) SIMILAR



NORTH ELEVATION - 1477 BAYVIEW AVENUE - BUILDING C
BUILDING (H) SIMILAR

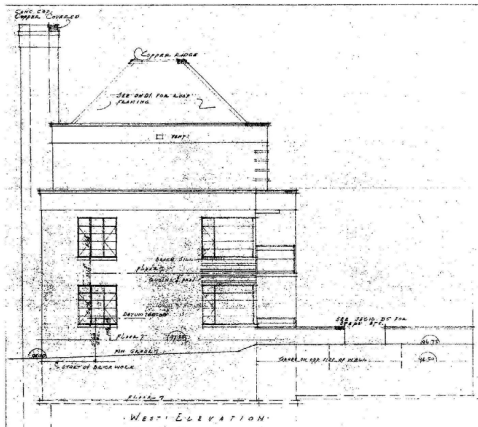
Elevations - Building C

Applicant's Submitted Drawing

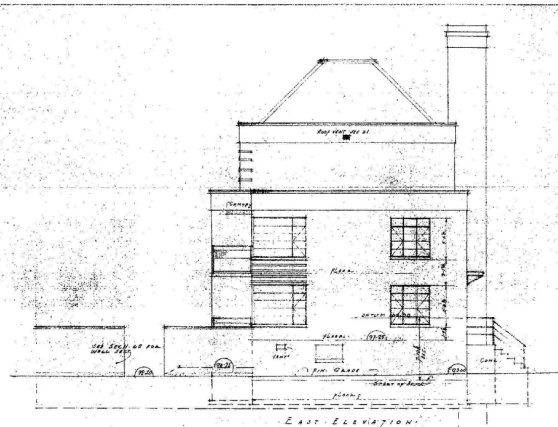
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1477 Bayview Avenue

File # 12 287930 NNY 26 0Z



WEST ELEVATION — 1477 BAYVIEW AVENUE — BUILDING C
BUILDING (H) SIMILAR



EAST ELEVATION — 1477 BAYVIEW AVENUE — BUILDING C
BUILDING (H) SIMILAR

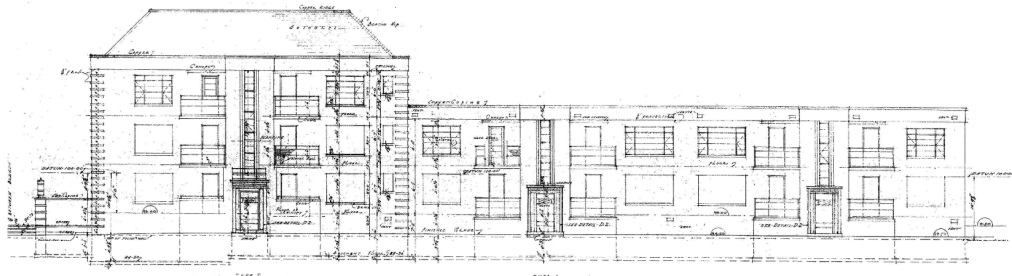
Elevations - Building C

Applicant's Submitted Drawing

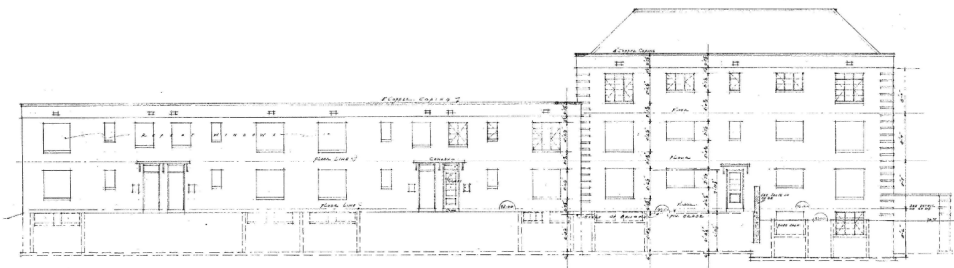
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1477 Bayview Avenue

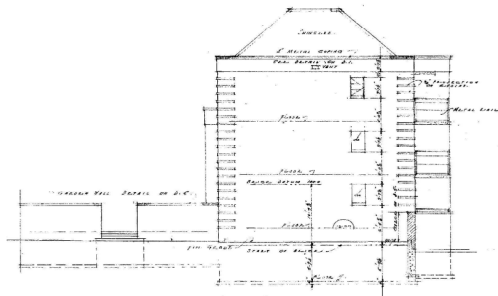
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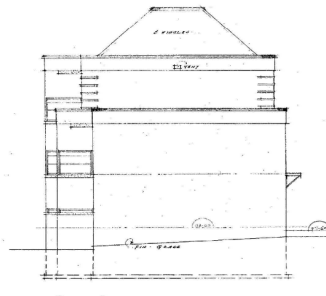
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WEST ELEVATION — 1477 BAYVIEW AVENUE — BUILDING E



SOUTH ELEVATION
1477 BAYVIEW AVENUE — BUILDING E



NORTH ELEVATION
1477 BAYVIEW AVENUE — BUILDING E

Elevations - Building E

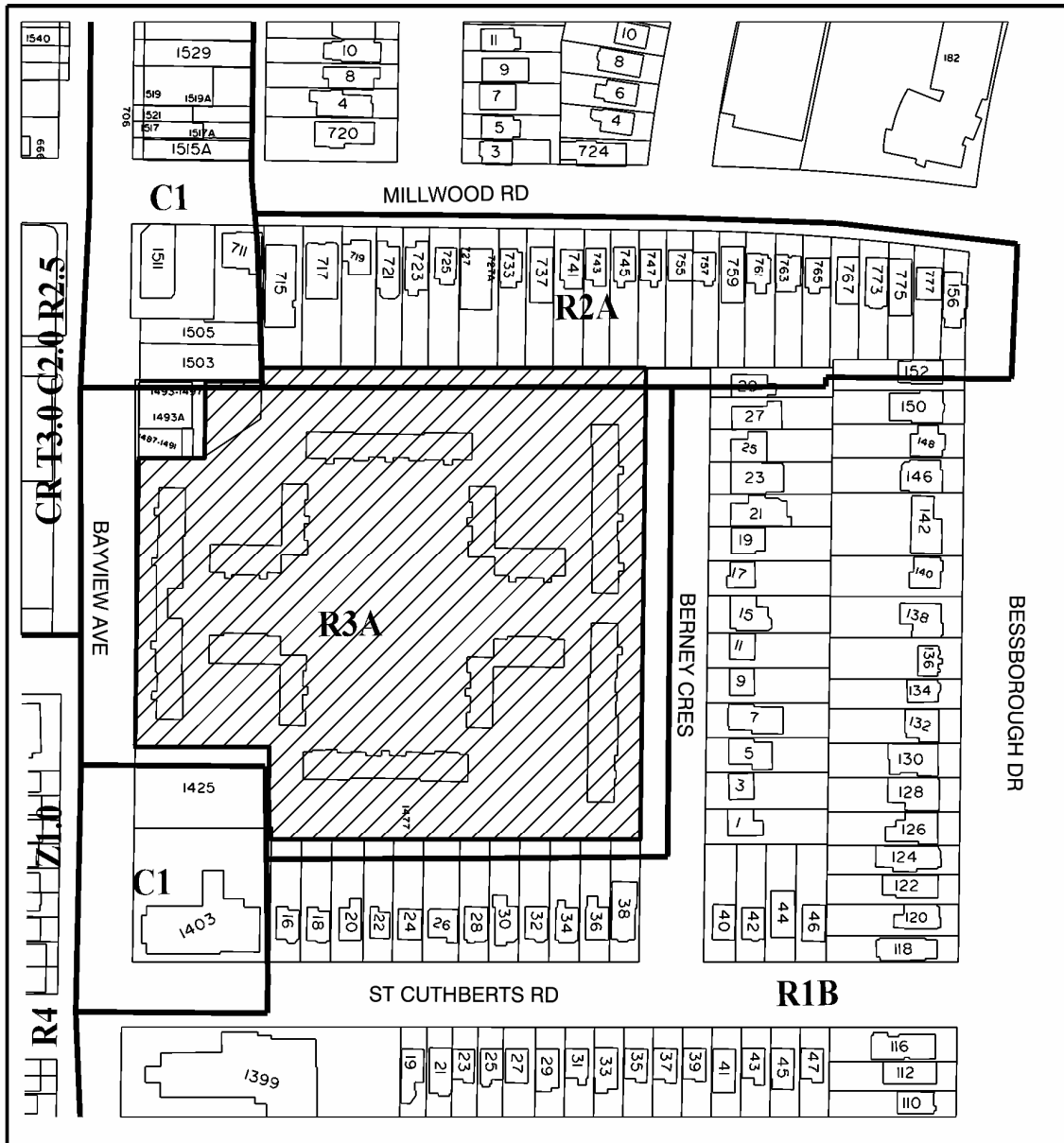
Applicant's Submitted Drawing

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1477 Bayview Avenue

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Attachment 3: Zoning



1477 Bayview Avenue

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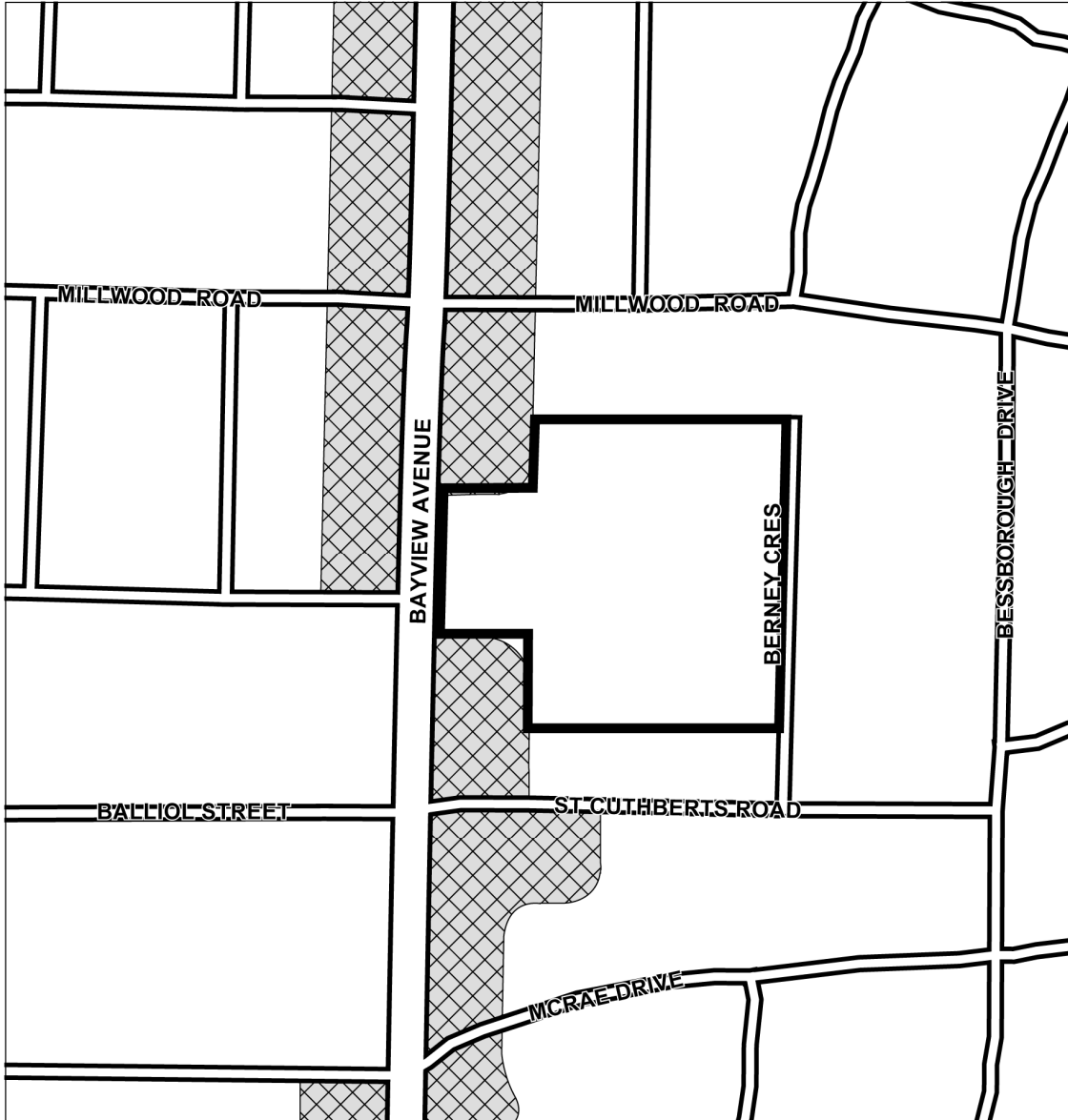
R1B Low Density Residential
 R3A High Density Residential
 C.1 Commercial - General

R4 Residential District
 CR Mixed-Use District



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 East York Zoning By - Law 6752
 Extracted 12/07/2012

Attachment 4: Official Plan



-  Site Location
-  Neighbourhoods
-  Mixed Use Areas

Attachment 5: APPLICATION DATA SHEET

Application Type	Official Plan, Rental Housing Conversion & Draft Plan of Condominium	Application Number:	12 287930 NNY 26 OZ 12 288059 NNY 26 RH 12 288046 NNY 26 CD
Details	OPA, Standard	Application Date:	December 3, 2012

Municipal Address: 1477 BAYVIEW AVE
 Location Description: PLAN 2920 PT BLKS A AND B **GRID N2607
 Project Description: Convert a rental residential property into a condominium. The property is comprised of 10 buildings with 104 rental units (78 apartment units and 26 townhouse units).

Applicant:	Agent:	Architect:	Owner:
JOSEPH PLUTINO			1330192 ONTARIO INC.

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	R3A	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	21363.31	Height:	Storeys:	3
Frontage (m):	89.88		Metres:	12
Depth (m):	152.5			
Total Ground Floor Area (sq. m):	5305.3			Total
Total Residential GFA (sq. m):	8647.28		Parking Spaces:	91
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	8647.28			
Lot Coverage Ratio (%):	24.8			
Floor Space Index:	0.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	8641.08	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	50	Office GFA (sq. m):	0	0
2 Bedroom:	51	Industrial GFA (sq. m):	0	0
3 + Bedroom:	3	Institutional/Other GFA (sq. m):	0	0
Total Units:	104			

CONTACT: PLANNER NAME: Nimrod Salamon, Senior Planner
TELEPHONE: (416) 395-7095