2, 4 & 6 Wineva Avenue & 3, 5, 7 & 9 Hubbard Boulevard – Official Plan Amendment & Rental Housing Demolition and Conversion Applications – Preliminary Report

Date: December 10, 2013
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: Ward 32 – Beaches-East York
Reference Number: 13-275495 STE 32 OZ and 13-275502 STE 32 RH

SUMMARY

Toronto Community Housing Corporation (TCHC) has filed one application to amend the Official Plan and one application for Rental Housing Demolishing and Conversion, in order to facilitate the severance and sale of a total of 14 dwelling units in the two residential rental properties noted above.

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.

Planning staff have circulated the applications to other City divisions for review and comment. Staff will host a community consultation meeting and submit a final report in the first quarter of 2014. This target date assumes the applicant will provide all required information and make all required changes in a timely manner.
RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting and tenant meeting for the lands at 2, 4, & 6 Wineva Avenue & 3,5,7 & 9 Hubbard Avenue together with the Ward Councillor;

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the Planning Act and Municipal Code be given according to the regulations under the Planning Act.

4. City staff be directed to refund the applications fees to TCHC for the Official Plan Amendment application in accordance with Council refund policy.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
In 2011, Council authorized TCHC to administer the sale the City-owned properties at 2, 4 & 6 Wineva Avenue and 3, 5, 7 & 9 Hubbard Boulevard with the receipts allocated to the State of Good Repair program. Council approval for the sale of the properties was subject to heritage and rental housing policies of the Official Plan as well as City of Toronto Act Section 111 on rental housing demolition. Council's decision and background report can be found at the following web links:

On November 19, 2013 Toronto and East York Community Council considered and adopted a report from the Acting Director, Urban Design, City Planning Division, to designate the properties on Hubbard and Wineva and to enter into Heritage Easement Agreements with subsequent owners after sale. A copy of the report can be found at this web link: (http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-62880.pdf)

Pre-Application Consultation
Pre-application consultation meetings were held in October and December 2013 with the TCHC staff to discuss the nature of the application, identify planning issues and complete application submission requirements.
ISSUE BACKGROUND

Proposal
The applications propose an Official Plan amendment for the severance through the sale of each of the properties at Wineva Avenue and Hubbard Boulevard. The property at 2, 4 and 6 Wineva Avenue comprises 6 residential rental units. The property at 3, 5, 7 and 9 Hubbard Boulevard comprises 8 residential rental units. Some of the rents in these units are deemed affordable.

Site and Surrounding Area
2, 4 & 6 Wineva Avenue
The site, municipally referred to as 2, 4, and 6 Wineva Avenue, is located on the west side of Wineva Avenue and immediately north of the eastern beaches (Martin Goodman Trail & Boardwalk). The subject property has an area of 866 m² with 28.4 metres of frontage on Wineva Avenue and a depth of 30.5 metres flanking Alfresco Lawn Street. The site is currently occupied by purpose-built semi-detached duplex rental buildings for a total of six residential rental units, each with two bedrooms.

3, 5, 7 & 9 Hubbard Boulevard
The site, municipally referred to as 3, 5, 7 & 9 Hubbard Boulevard, is located on the south side of Wineva Avenue, between Wineva Avenue and Hammersmith Avenue, and immediately north of the eastern beaches (Martin Goodman Trail & Boardwalk). The subject property has an area of 1,553 m² with 44.97 metres of frontage on Wineva Avenue and a depth of 34.53 metres along Wineva Avenue. The site is currently occupied by purpose-built semi-detached duplex rental buildings for a total of eight residential rental units, each with two bedrooms.

Both properties are managed by TCHC and are located in the same neighbourhood and are surrounded by residential uses in the form of semi-detached houses, duplexes, triplexes and walk-up apartment buildings to the north, east and west.

LEGISLATIVE AND POLICY FRAMEWORK

Planning Act
The Planning Act sets out the ground rules for land use planning in Ontario and describes how land uses and land division may be controlled. Section 2 of the Planning Act states that: “the council of a municipality… in carrying out their responsibilities shall have regard to, among other matters, matters of provincial interest such as the adequate provision of a full range of housing; the protection of the financial and economic well-being of the Province and its municipalities; and the appropriate location of growth and development.”

City staff will review the applications within the framework of the Planning Act.
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 and aims at creating complete communities that offer more options for living, working, learning, shopping and playing. The Plan also aims to provide housing options to meet the needs of people. Section 2.2.2.1(h) of the Plan encourages cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types.

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

Official Plan

The property is designated Neighbourhoods in the Official Plan. 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. “Low scale local institutions” play an important role in the rhythm of daily life in Neighbourhoods and include such uses as places of worship.

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;

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

**City of Toronto Act, Section 111**

Section 111 of the *City of Toronto Act*, 2006 authorizes Council to regulate the demolition, conversion and severance 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, convert to condominium, or sever 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, severance or conversion. City Council may refuse an application, or approve the application with conditions.

Where an application for Official Plan Amendment triggers an application under Chapter 667 for rental demolition, severance 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 Ontario Municipal Board.

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

**Heritage Designation**
The Official Plan section 3.1.5 contains the City's policies for heritage conservation. These policies apply to all listed and designated properties in the City of Toronto.
including those owned by the City and its agencies. The intent of the Official Plan heritage policies is to ensure that the significant built heritage of the City is preserved and well cared for and, in particular, that the City of Toronto is an exemplary steward of recognized heritage properties. It also intends that when the ownership of City properties change, that those properties must be afforded the maximum protection available under the Ontario Heritage Act for their ongoing preservation, in recognition of their cultural heritage value.

Pursuant to Official Plan section 3.1.5 policy 6, the Toronto Preservation Board on November 5, 2013, considered a report (October 22, 2013) from the Acting Director, Urban Design, City Planning Division, respecting Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act and Authority to Enter into Heritage Easement Agreements - Hubbard and Wineva Properties.

Heritage Preservation Services staff will report to City Council in the first quarter of 2014, with recommendations for the designation of the listed properties and authority to enter into a Heritage Easement Agreement (HEA) for the protection of each heritage property to be sold. The HEA is a legal agreement made under the Ontario Heritage Act that identifies the significance of the subject property and ensures its protection and maintenance in the future. The HEA will be prepared by Heritage Preservation staff and the City Legal Division in consultation with the Real Estate Services Division. Real Estate Services will be required to ensure that the new owners enter into the HEA with the City as a condition of sale prior to transfer of the properties.

Zoning
The former City of Toronto By-law 438-86 as amended, zones both properties as residential (R2Z0.6). Residential uses are permitted in the form of single detached dwellings, semi-detached dwellings, semi-detached duplex, semi-detached triplex and triplexes. The new harmonized City of Toronto By-law 569-2013, also zones both properties as residential, permitting the above noted types of buildings.

Reasons for the Application
The proposal to sever the existing rental housing units through sale is not permitted by the Official Plan and requires an Official Plan Amendment. An application for Rental Housing Demolition is also required under the City’s Municipal Code Chapter 667 because the application will result in less than 6 residential rental dwellings per property after sale and severance.

COMMENTS
Application Submission
The following plans/reports were submitted with the application:

- Planning Rationale including a Housing Issues Report
- Survey
A Notification of Complete Application was issued on December 10, 2013.

Issues to be Resolved

- Adequate regard be given to the objectives and criteria of the Planning Act.
- Consistency with the PPS and conformity with the Growth 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.
- Potential measures to mitigate any disruption to tenants.
- Potential impacts of any future upgrades to these heritage properties resulting from the sale.

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

Application Fees

The Council policy for paying application fees relate to the development of social housing units. Given the circumstances of this proposal, staff are recommending that the Official Plan Amendment fees be refunded.

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan (2, 4 & 6 Wineva Avenue & 3, 5, 7 & 9 Hubbard Boulevard)
Attachment 2: Official Plan
Attachment 3: Application Data Sheet
Attachment 1: Site Plan
(2, 4 & 6 Wineva Avenue & 3, 5, 7 & 9 Hubbard Boulevard)
Attachment 2: Official Plan

2, 4 & 6 Wineva Avenue and 3, 5, 7 & 9 Hubbard Boulevard

File # 13_275495 02 & 13_275502 RH
Attachment 3: Application Data Sheet

Application Type: Official Plan Amendment  
Details: OPA, Standard  
Application Number: 13 275495 STE 32 OZ  
Application Date: December 9, 2013

Municipal Address: 3 HUBBARD BLVD  
Location Description: PLAN M490 PT LOT 23 RP 66R18734 PART 6 & 16 **GRID S3214  
Project Description: Toronto Community Housing Corporation (TCHC) has filed one application to amend the Official Plan and one application for Rental Housing Demolishing and Conversion, in order to facilitate the severance and sale of a total of 14 dwelling units in the two residential rental properties noted above. (See related Demo Rental Housing Control Application 13-275502 RH)

Applicant: TORONTO COMMUNITY HOUSING CORPORATION  
Agent:  
Architect:  
Owner: CITY OF TORONTO

PLANNING CONTROLS

Official Plan Designation: Neighbourhoods  
Zoning: R2 Z0.6  
Height Limit (m): 12  
Site Specific Provision:  
Historical Status:  
Site Plan Control Area: 

PROJECT INFORMATION

Site Area (sq. m): 960/1,140  
Frontage (m): 24/28  
Depth (m): 40 (both properties)  
Total Ground Floor Area (sq. m): 700 (14 units)  
Total Residential GFA (sq. m): 1,400 (14 units)  
Total Non-Residential GFA (sq. m): 0  
Total GFA (sq. m): 1,400 (14 units)  
Lot Coverage Ratio (%): 35  
Floor Space Index: 0.7

DWELLING UNITS

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

FLOOR AREA BREAKDOWN (upon project completion)

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CONTACT:

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