

## **145-155 Balmoral Avenue – Official Plan and Zoning By-law Amendment Applications – Preliminary Report**

Date: May 1, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 12 - St. Paul's

**Planning Application Number:** 18 268779 STE 12 OZ

**Date Complete Application Submitted:** March 21, 2019

**Current Use(s) on Site:** 4-storey seniors care facility (155 Balmoral Avenue) and 3-storey semi-detached building with administrative uses, storage and parking related to the seniors care facility (147 Balmoral Avenue), and 3-storey semi-detached residential building (145 Balmoral Avenue)

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 145-155 Balmoral Avenue. Staff is currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. A community consultation meeting was held on March 20, 2019.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Additional mailing costs resulting from an expanded notification area for the community consultation meeting held on March 20, 2019 beyond 120 metres of the site be borne by the applicant.

### **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

### **ISSUE BACKGROUND**

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#### **Proposal Description**

A new 15-storey (60.15 metres including mechanical penthouse) building containing a seniors care facility with a total of 147 rental bed-sitting rooms (20 memory care rooms,

62 assisted living rooms and 65 independent living rooms), 2,052 square metres of indoor amenity space, 499 square metres of outdoor amenity space, 42 bicycle parking spaces, 2 loading spaces, and 25 vehicle parking spaces within a 1-storey below ground garage. Access to the garage, loading spaces and a pick-up/drop-off area would be from Balmoral Avenue. The proposed building steps down in height from west to east, with the easternmost portion of the building being 3 storeys (13 metres) in height. The FSI for the development is 6.0 times the area of the lot. The existing 4-storey building containing 63 senior independent living bed-sitting rooms and semi-detached buildings would be demolished.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context.

### **Decision History**

In a decision dated March 16, 1983, the Committee of Adjustment approved minor variance Application No. A-270-83 to allow the conversion of an existing apartment building at 155 Balmoral Avenue to a senior rest home and to construct a 3-storey addition with a sunken patio and terrace. Following approval the addition was constructed, however, the building was not converted at the time and both the building and addition remained vacant for a number of years.

In a decision dated October 28, 1987, the Committee of Adjustment approved minor variance Application No. A-1536-87 to extend the approval of a senior rest home use and 3-storey addition, and to construct a partial fourth storey addition.

### **Provincial Policy Statement and Provincial Plans**

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to

any application. Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Land Use Map 17 of the Official Plan designates the western portion of the site as *Apartment Neighbourhoods* and the eastern portion of the site as *Neighbourhoods*. The application is also located within the Yonge-St. Clair Secondary Plan.

## Housing

At its meeting on October 12, 2017, Planning and Growth Management Committee directed City Planning to report back on a policy framework that protects dwelling rooms similar to policies in the Official Plan that provide for the protection of rental dwelling units. Dwelling rooms are rooms used as living accommodation that are available for rent and are not self-contained. A dwelling room may contain private sanitary facilities or cooking facilities, but not both.

At its June 7, 2018 meeting, the Planning and Growth Management Committee endorsed the draft Official Plan amendment prepared by City Planning with new policies to address the loss of dwelling rooms due to redevelopment and the displacement of tenants who rent them, and directed City Planning staff to conduct open houses and meet with key stakeholders to obtain feedback on the draft policies. The draft policies are currently being consulted on with a final policy framework anticipated in 2019.

More information on the draft Official Plan Amendment can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/addressing-the-loss-of-dwelling-rooms/>

## Zoning By-laws

The western portion of the site is zoned R4 Z2.0 under Zoning By-law 438-86, as amended, and R (d2.0) (x814) under Zoning By-law 569-2013. These zones permit a range of residential uses. The site has a maximum permitted height of 16 metres and a maximum permitted density of 2.0 times the area of the lot.

The eastern portion of the site is zoned R2 Z2.0 under Zoning By-law 438-86, as amended, and R (d0.6) (x762) under Zoning By-law 569-2013. These zones permit a range of residential uses. The site has a maximum permitted height of 11 metres and a maximum permitted density of 0.6 times the area of the lot.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- Avenues and Mid-rise Building Study Performance Standards.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

### **Community Consultation**

A community meeting was held on March 20, 2019 at 175 St. Clair Avenue East (First Unitarian Congregation of Toronto) and attended by 60 members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed 15-storey building. Following the presentations, City staff led a town hall format question and answer period.

The attendees asked questions and expressed a number of comments, issues and concerns, including:

- traffic resulting from the proposed development will add to an already congested area;
- proposed 25 parking spaces seems insufficient for the number of residents, staff and visitors;
- proposed pick-up / drop-off area is an improvement to the existing situation;
- proposed building is too tall and does not fit within the height context of Avenue Road;
- taller buildings along Avenue Road located north of St. Clair Avenue West are well set back from the street and have more landscaped open space, therefore, should not be used as a building height precedents;
- the site is at the top of a hill, therefore, the height of any building will be exaggerated;
- proposed use seems appropriate, however, the scale of the building needs work;
- proposed massing will result in shadow impacts on the adjacent low-rise neighbourhood;
- east portion of the building closest to the low-rise neighbourhood is too tall at 13 metres and should be reduced to respect the height permissions in the zoning by-law;
- existing art deco building has more character than the proposal;
- design does not respect the adjacent heritage buildings;
- should include a widening of the Avenue Road sidewalk;
- construction will result in adverse noise, dust and vibration impacts;
- a detailed construction management plan should be prepared and reviewed by the community and should include details on: lane and sidewalk closures, a construction liaison committee, a construction issue hot line, and construction vehicle access and schedules.

## COMMENTS

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### Reasons for the Application

The application proposes to amend Zoning By-laws 438-86 and 569-2013 for the property at 145-155 Balmoral Avenue to vary performance standards including: building height; density; building setbacks; building depth; landscaped open space; and vehicle parking. Furthermore, the draft zoning by-law proposes to add the following to the list of permitted uses on the site: bed-sitting Room, hospice care home, nursing home, office, and retirement home. Through the review of the application, staff may identify additional areas of non-compliance with the Zoning By-laws.

The application also proposes to amend the Official Plan to allow a portion of the 15-storey seniors care facility to be located on lands designated *Neighbourhoods*. The proposed building steps down in height to 3-storeys for the portion of building located within the *Neighbourhoods* designation, however, the proposed seniors care facility with various uses is not a prevailing building type within the neighbourhood. Through the review of the application, staff may identify additional areas of non-compliance with the Official Plan.

### ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

#### Provincial Policies and Plans Consistency/Conformity

Staff will continue to evaluate this planning application for consistency with the PPS (2014) and conformity with the Growth Plan (2017).

- Given the explicit link between Provincial Policy and the Official Plan, conformity with the PPS and the Growth Plan will be largely determined by conformity with the Official Plan.

#### Official Plan Conformity

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan including the Yonge-St. Clair Secondary Plan.

#### Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Section 2 q. and r. of the *Planning Act*, the Growth Plan (2017), the City's Official Plan policies and the City's Design Guidelines including the Avenues and Mid-rise Building Study Performance Standards.

Staff will continue to assess:

- the appropriateness of the proposed building height and streetwall height for the existing context;
- the appropriateness of the proposed building setbacks and upper level setbacks;
- the appropriateness and suitability of the proposed public realm including building setback, alignment with adjacent properties, and treatment of the public right-of-way;
- the appropriateness of the proposed transition to lower-scale *Neighbourhoods* adjacent to and within the development site;
- the appropriateness of the height, massing and scale of the portion of the building located on lands designated *Neighbourhoods* in the Official Plan;
- the potential for negative impacts of the proposed building to adjacent properties and the public realm;
- the provision of adequate landscaped open space; and
- the provision of high quality building materials.

Additional issues may be identified through the review of the application including further review from City divisions and agencies and the public consultation process.

### **Land Use**

Staff will continue to assess the suitability of the proposed land use based on the Growth Plan (2017), the PPS (2014) and the City's Official Plan policies.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

- Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the application be approved in some form.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and a Tree Inventory and Preservation Plan, as prepared by Cohen and Master Tree and Shrub Services.

Staff will continue to assess:

- the appropriateness of the applicant's tree replacement plan which proposes the removal of six City-owned street trees and four protected private trees, and replacement with seven new street trees and no new on-site trees.

Urban Forestry staff has requested an on-site meeting with the applicant's Arborist and construction project manager to discuss the potential impacts of the design and construction related activities associated with the development as proposed on any trees to be maintained.

### **Infrastructure/Servicing Capacity**

Staff is reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development. The applicant has submitted the following studies and reports which have been reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Hydrogeological Investigation; Geotechnical Investigation; and Traffic Impact and Parking Study.

Staff will continue to assess:

- the Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- the Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Staff will continue to assess:

- the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

### **Housing**

A Housing Issues Report is required for Official Plan Amendments, Zoning By-law Amendments and Plans of Condominium for applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominiums or that propose residential development in excess of five hectares. The accommodation provided for in the existing 155 Balmoral Avenue property is in the form of rental dwelling rooms.

Staff will continue to assess:

- conformity with existing and emerging rental housing policies and whether a rental housing demolition application is required.

### **Other Matters**

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

## **CONTACT**

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## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

### **City of Toronto Drawings**

Attachment 1: 3D Model of Proposal in Context

Attachment 2: Location Map

Attachment 3: Site Plan

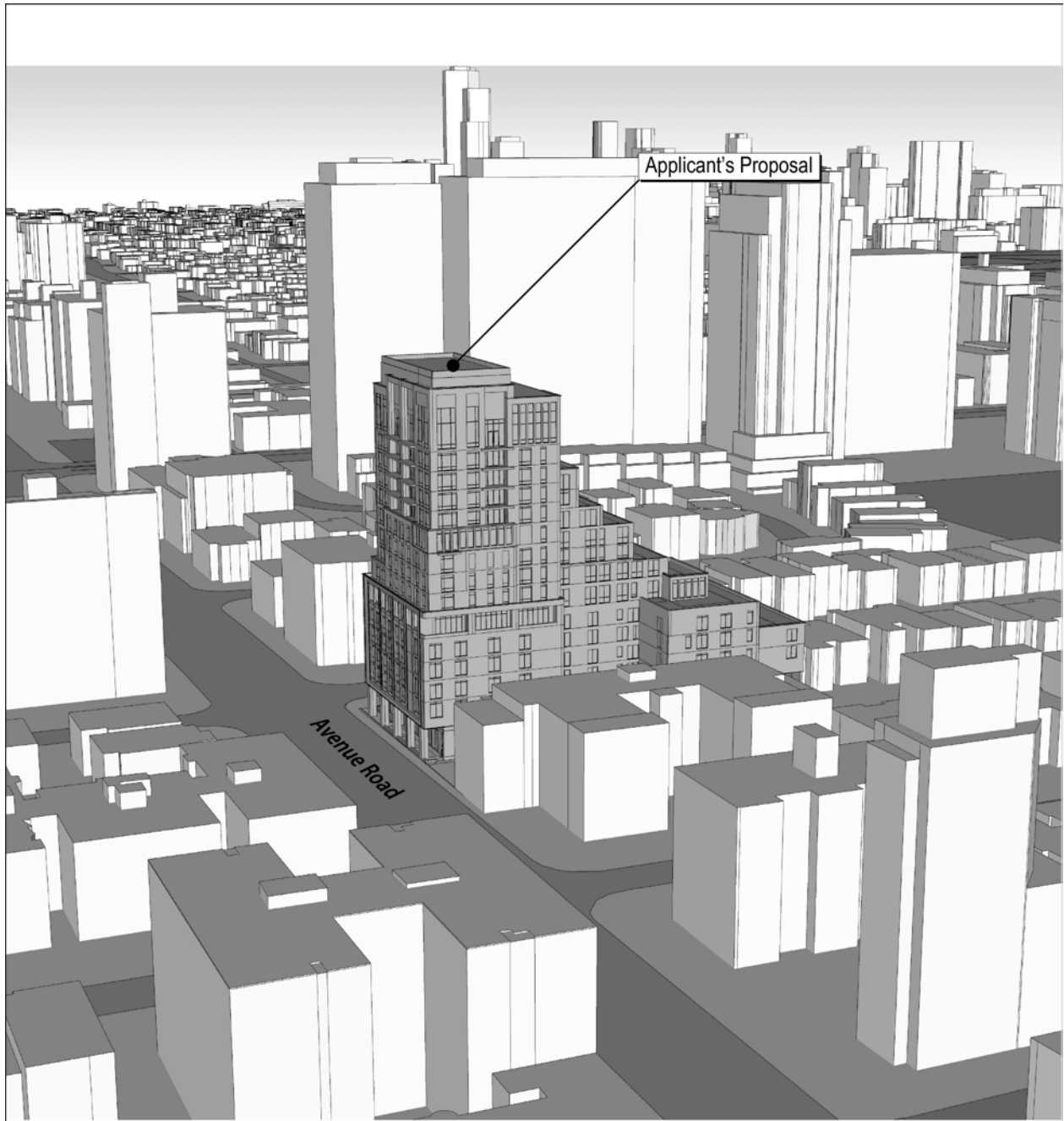
Attachment 4: Official Plan Map

Attachment 5: Zoning By-law Map

Attachment 6: Application Data Sheet



Attachment 1: 3D Model of Proposal in Context

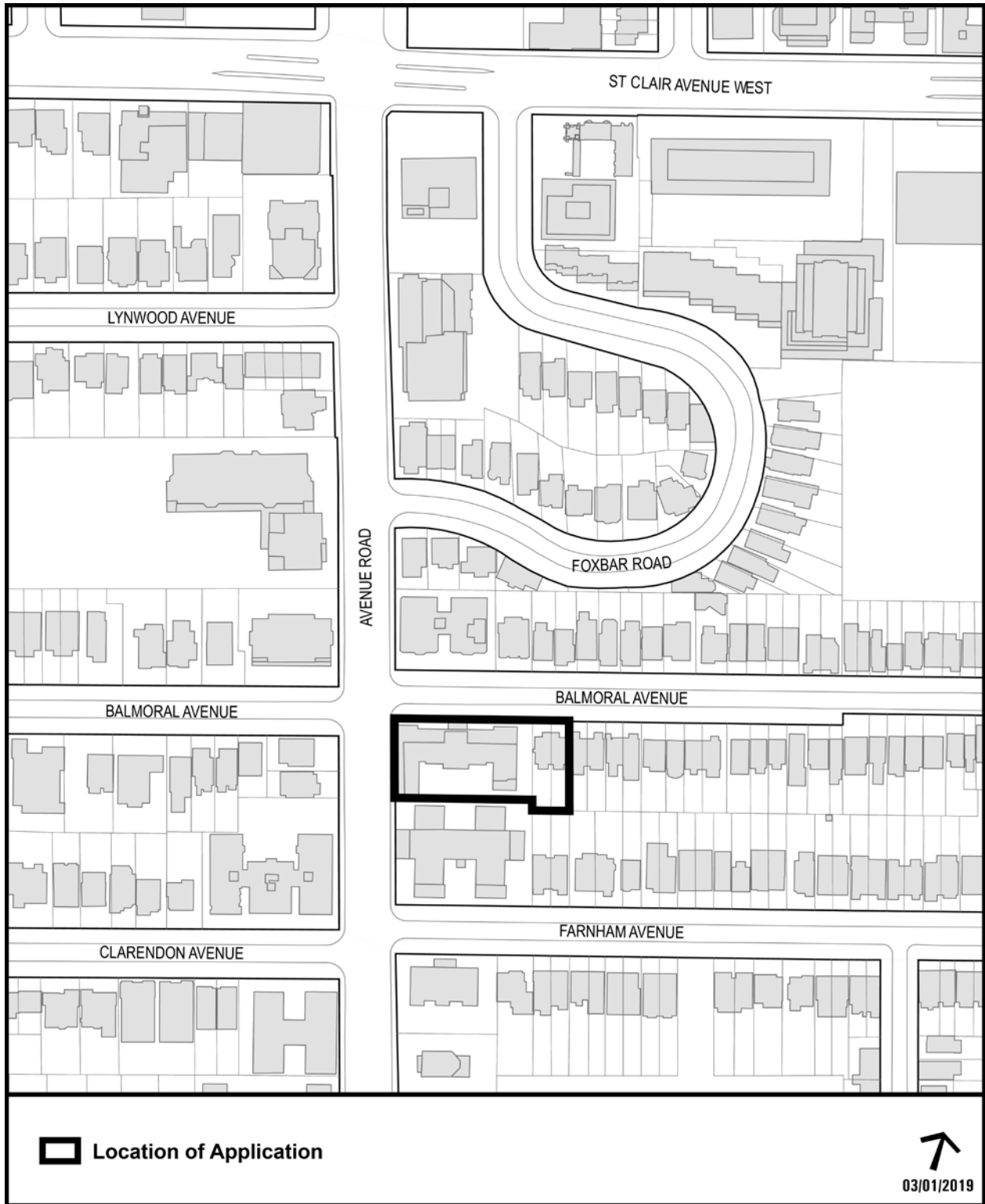


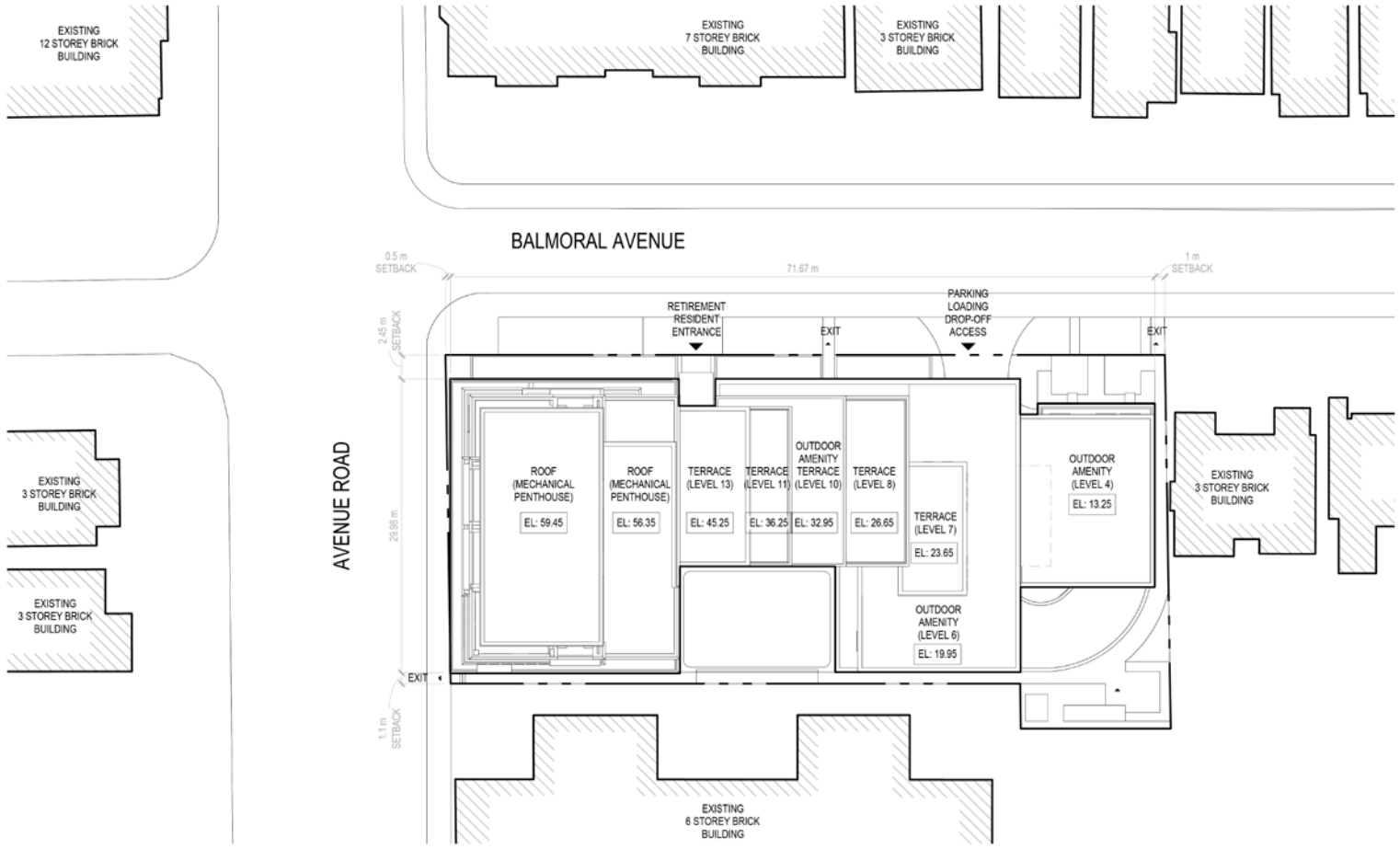
**View of Applicant's Proposal Looking North**



03/01/2019

Attachment 2: Location Map





### Site Plan

Applicant's Submitted Drawing

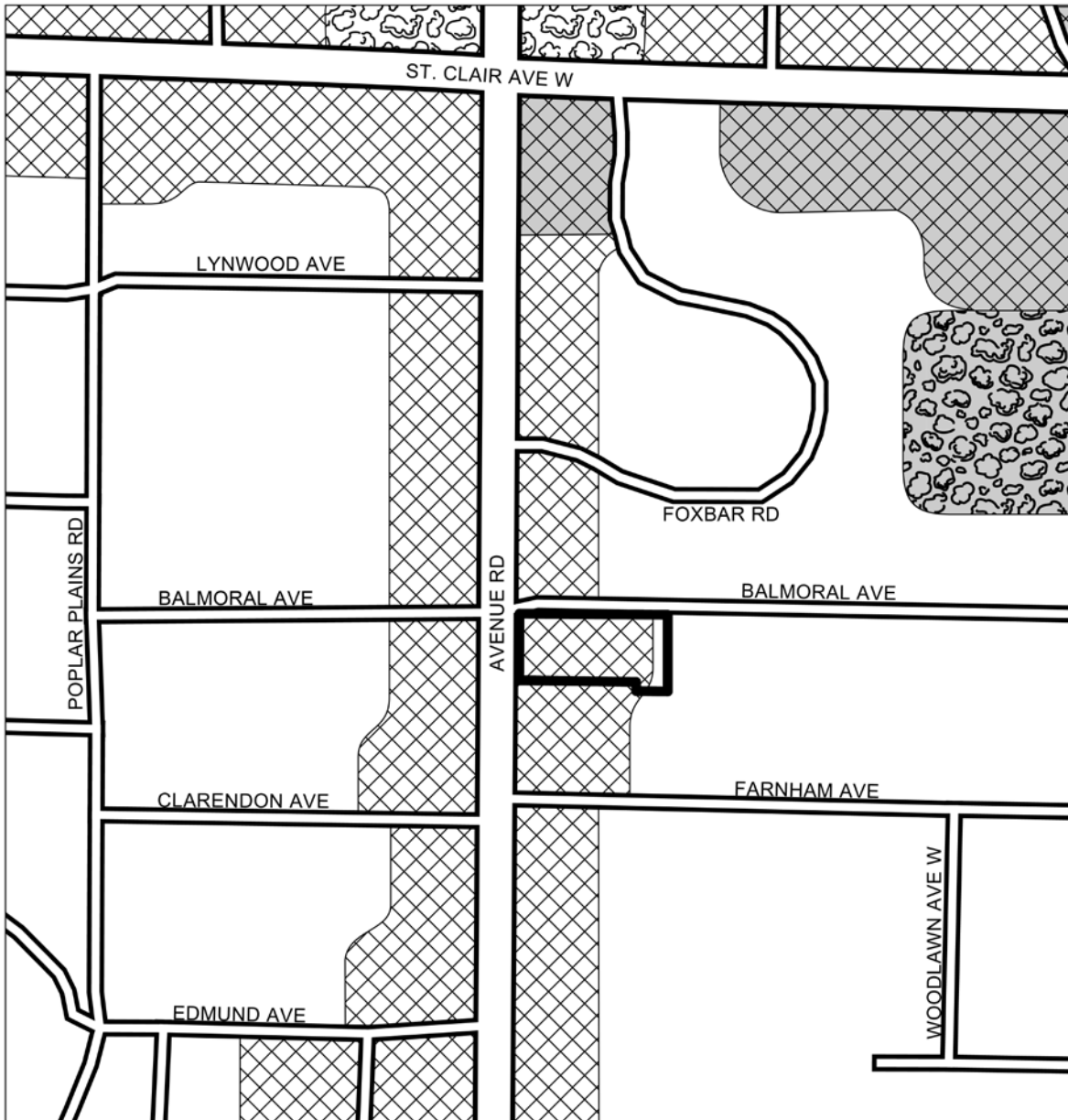
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03/01/2019

### 145 - 155 Balmoral Avenue

File # 18 268779 STE 12 0Z








Attachment 4: Official Plan Map



**Official Plan Land Use Map #17**

**145 -155 Balmoral Avenue**

File # 18 268779 STE 12 0Z

 Location of Application	 Parks & Open Space Areas
 Neighbourhoods	 Parks
 Apartment Neighbourhoods	 Other Open Space Areas
 Mixed Use Areas	

↑  
Not to Scale  
03/01/2019

# Attachment 5: Zoning By-law Map



**Zoning By-law 569-2013**

**145 - 155 Balmoral Avenue**

**File # 18 268779 STE 12 0Z**



Location of Application

**R**

Residential

**RD**

Residential Detached

**CR**

Commercial Residential

**O**

Open Space

**OC**

Open Space Cemetery



See Former City of Toronto By-Law No. 438-86

**R1**

Residential District

**R2**

Residential District

**R4**

Residential District

**CR**

Mixed-Use District



Not to Scale  
Extracted: 03/01/2019

## Attachment 6: Application Data Sheet

**Municipal Address:** 145-155 BALMORAL AVE **Date Received:** December 14, 2018

**Application Number:** 18 268779 STE 12 OZ

**Application Type:** OPA & Rezoning

**Project Description:** The City has received applications to amend the Official Plan and Zoning By-law for a new 15-storey senior care facility containing 147 rental bed-sitting rooms providing a continuum of seniors care.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
AMICO PROPERTIES	AMICO PROPERTIES	MONTGOMERY SISAM	AMICA MATURE LIFESTYLES INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood / Neighbourhood	Site Specific Provision:	N
Zoning:	R (d2.0) (x814) / R (d0.6) (x762)	Heritage Designation:	N
Height Limit (m):	16 / 11	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 2,523                      Frontage (m): 73                      Depth (m): 34

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	1,185		1,170	1,170
Residential GFA (sq m):	5,536		7,369	7,369
Non-Residential GFA (sq m):			7,815	7,815
<b>Total GFA (sq m):</b>	<b>5,536</b>		<b>15,184</b>	<b>15,184</b>
Height - Storeys:	4		15	15
Height - Metres:			55	55

Lot Coverage Ratio (%): 46.37                      Floor Space Index: 6.02

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	7,369	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	7,815	321

<b>Residential Units</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	63	0	65	65
Freehold:	2	0	0	0
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:	65	0	65	65

#### **Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:	0	0	0	0	0
Proposed:	0	8	46	8	0
Total Units:	0	8	46	8	0

#### **Parking and Loading**

Parking Spaces: 25      Bicycle Parking Spaces: 42      Loading Docks: 2

#### **CONTACT:**

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