

9 Benlamond Avenue – Zoning By-law Amendment Application – Decision Report – Approval

Date: May 24, 2024

To: Toronto and East York Community Council

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

Ward: 19 - Beaches-East York

Planning Application Number: 23 131317 STE 19 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a four storey residential apartment building consisting of 16 residential units, nine underground vehicular parking spaces and 20 bicycle parking spaces at 9 Benlamond Avenue. In addition, the application proposes to amend the Zoning By-law to rezone the rear portion of the site from a Residential to Open Space and Natural Zone.

The residential apartment building is an appropriate scale for the site, fits with the character of the area and is adequately set back from the Glen Davis Ravine and Environmentally Significant Area. Additionally, the proposal contributes to the overall supply of larger housing units.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal also conforms to the City's Official Plan.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 9 Benlamond Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendment as may be required.
3. City Council require the owner to provide and implement an acceptable Tenant Relocation and Assistance Plan, to the satisfaction of the Chief Planner and Executive

Director, City Planning Division, for Eligible Tenants of the existing 4 rental dwelling units proposed to be demolished.

4. City Council request the Chief Planner and Executive Director, City Planning, require the Owner to enter into an agreement or legal undertaking with the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, securing the implementation of the Tenant Relocation and Assistance Plan required by Recommendation Number 3, above, prior to the issuance of the Notice of Approval Conditions for Site Plan Approval by the Chief Planner and Executive Director, City Planning or their designate, pursuant to Section 114 of the City of Toronto Act, 2006.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

A pre-application meeting was held on April 27, 2022. The current application was submitted on April 5, 2023 and deemed complete on May 8, 2023.

City staff conducted a Community Consultation Meeting for this application on June 12, 2023. The outcome is summarised in the Comments section of this report.

THE SITE

Description

The site is located on the south side of Benlamond Avenue, west of Main Street, north of Kingston Road and backing onto the Glen Davis Ravine Environmentally Significant Area. The site has an area of 1,260 square metres with frontage of 15.24 metres and a depth of 86.11 metres.

Existing Use

The site currently contains a two-storey single detached rental building.

Rental Dwelling Units

The site contains four rental dwelling units occupied by three tenant households, comprising two 1-bedroom and two 2-bedroom rental units.

THE APPLICATION

Description

The application proposes a four-storey residential building with a height of 16.73 metres (including elevator and stair overrun) with 16 dwelling units and 1,712 square metres of residential gross floor area. The rear portion of the development site is located within the Glen Davis Environmental Significant Area (ESA) and the proposed new building is set back 10 metres from the Long-Term Stable Top of Slope.

Density

The proposal has a density of 1.79 times the area of the lot for the lands north of the stable top of bank area. The proposed density on the entire lot is 1.30 times the area of the lot.

Dwelling Units

The proposal includes 16 residential dwelling units with 10 two-bedroom (63%) and 6 three-bedroom (37%) units.

Access, Bicycle Parking, Vehicle Parking and Loading

The residential access for the proposed development is from Benlamond Avenue. The proposal includes a total of eight vehicular parking spaces in one level of underground parking; a total of 18 bike parking spaces, with 14 spaces for long-term bicycle parking located in a bicycle storage area in the basement and four short-term spaces located in the front yard. No loading spaces are proposed or required.

Tenant Relocation and Assistance Plan

The Tenant Relocation and Assistance Plan would assist all current tenants in finding and securing alternative accommodation and would require the following:

- At least six months' notice before having to vacate their existing dwelling unit;
- Financial compensation equal to one month's rent or an alternative unit acceptable to the tenant, as required under the Residential Tenancies Act, 2006 when a tenant receives a notice of termination to terminate their tenancy for the purposes of demolition;
- Financial compensation, above and beyond that required under the Residential Tenancies Act, in the form of rent gap assistance. The calculation of the rent gap will be based on the current Council-adopted methodology;
- A moving allowance to cover expenses for moving into alternative accommodation;
- Special needs compensation for applicable tenants; and,
- Upon request, ensuring a rental leasing agent is available to provide tenants with a list of rental vacancies in the neighbourhood, co-ordinate referrals and references from the current landlord, and provide similar assistance commensurate with tenant needs.

Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, a site plan, and elevations of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre (AIC) at: www.toronto.ca/9BenlamondAve

Reasons for Application

The Zoning By-law Amendment application is required to amend Zoning By-law 569-2013 to create appropriate performance standards for building height, depth, building setbacks, outdoor amenity space and soft landscaping. In addition, the Zoning By-law Amendment application is needed to rezone the rear portion of the site from Residential (R) to Open Space - Natural Areas (ON)

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Arborist Report;
- Archaeological Assessment;
- Geotechnical Study;
- Hydrological Report;
- Natural Heritage Impact Study;
- Pedestrian Level Wind Study;
- Planning Rationale;
- Public Consultation Strategy Report;
- Rental Housing and Demolition Conversion Form;
- Servicing Report;
- Sun/Shadow Study; and
- Transportation Impact Study.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

POLICY AND REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall

conform to provincial plans, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

City of Toronto Official Plan Designation

The Official Plan land use designation for the site is Neighbourhoods and Natural Areas. See Attachment 3 of this report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. The rear of the site is located within an area designated as Natural Heritage System, the Glen Davis Environmental Significant Area. The Official Plan requires that development is set back at least ten metres from the top of bank.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Zoning

The site is zoned as Residential R (u2; d0.6) (x267) under Zoning By-law 569-2013 with a maximum height limit of 10 metres. The maximum permitted density is 0.6 times the area of the lot. The maximum number of units permitted under the Zoning By-law is two. The residential zone category permits a range of residential building types including apartment buildings. However, the exception to the Zoning By-law permits single detached buildings and not apartment buildings. See Attachment No. 4 of this report for the existing Zoning By-law map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Townhouse Low Rise Apartment and Townhouse Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

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

Ravine and Natural Feature Protection

The site falls within a Toronto and Region Conservation Authority (TRCA) Regulated Area, and within the City of Toronto Ravine and Natural Feature Protection (RNFP) By-law area. See Attachment No. 5 of this report for the existing Ravine and Natural Feature Map.

Toronto Green Standard

The Toronto Green Standard is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard.

Site Plan Control

The site is subject to Site Plan Control. A Site Plan Control application has been submitted and is under review.

COMMUNITY CONSULTATION

City Planning held a virtual Community Consultation Meeting on June 21, 2023. Approximately 26 residents and staff from the Ward Councillor's office attended. At the meeting, City staff and the applicant team gave presentations on the site and surrounding area, existing planning policy framework, and proposed development. Following the presentations, City staff led a question-and-answer format discussion. Comments and questions included:

- Traffic impacts;
- Parking spaces provided;
- Construction management, particularly related to noise and impact to residents;
- Potential conservation of the existing building on site;
- Process around tree removal, preservation and replacement;
- Opportunities for affordable housing and preservation of the existing rental units
- Housing for indigenous peoples.

The comments have been taken into consideration through further review and discussion with the applicant.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have an opportunity to consider the submissions made at the statutory public meeting held by the Toronto East York Community Council for this application, these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) (PPS) and conformity with the Growth Plan (2020). In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

This application has been reviewed against the Official Plan policies described in the Policy and Regulations Consideration Section of the Report as well as the policies of the Toronto Official Plan as a whole. The site is designated as Neighbourhoods and Natural Areas in the Official Plan. The proposed residential and open space - natural zone uses are acceptable and conform to the policies of the Official Plan.

Built Form, Height, Massing

City Planning staff find that the proposal conforms to the applicable Official Plan policies with respect to the built form and massing and meets the intent of the Townhouse and Low Rise Apartment Guidelines. Staff are of the opinion that the proposed building will be compatible with the surrounding context with respect to the built form, massing and transition to the buildings to the north, east and west.

The proposed building is generously set back in a way that bridges the adjacent buildings' setbacks along Benlamond Avenue. At the rear of the site, the building is set back beyond the 10 metre Long-Term Stable Top of Slope. The height of 14.3 metres (16.91 metres with the stair and elevator overruns) is appropriate, and is mitigated by the deep front yard setback as well as an additional stepback of 1.8 metres at the fourth floor.

The side yard setbacks of the building are 1.8 metres on the western side and 1.2 metres on the eastern side to allow for pedestrian access and adequate transition between buildings. The site plan drawing in Attachment No. 7 illustrates the setbacks and separation distance to adjacent buildings, which allowing for windows along the buildings side yard and provides opportunity for additional soft landscaping and increased privacy.

Traffic Impact, Access, Parking

The primary pedestrian access to the residential units is along Benlamond Avenue. Elevator access is provided to all floors across from a stairwell in the middle of the building.

Vehicular access for parking is proposed by a 4.2 metre wide driveway and ramp from Benlamond Avenue to one underground parking level. A total of eight stacked parking spaces are proposed, with five for residents and two for visitors. Of the total, one accessible parking space will be provided.

A total of 18 bicycle parking spaces (4 short-term and 14 long-term) are proposed. Short-term spaces are provided at grade in front of the building along Benlamond Avenue. The long-term bicycle parking spaces will be located in the bicycle storage area in the basement.

Transportation Services staff have reviewed the Traffic Impact Assessment which concludes that the traffic generated by the development will not negatively impact the

road network. In addition, the site is close to public transit and bike routes for alternative modes of transportation. Transportation Services staff are satisfied with its findings and conclusions.

Housing Issues

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. The development is proposed to have 63 percent two bedroom units and 37 percent three bedroom units. This larger unit focus is a positive attribute of the proposal.

Affordable Housing is a significant priority for the City and City Planning staff advocate for the inclusion of affordable housing units on any project where possible. The applicant will not be subject to a Community Benefit Charge (CBC) requirement at the time of Building Permit issuance because the building is less than 5-stories in height.

Tenant Relocation and Assistance Plan

The proposed development requires the demolition of four existing rental dwelling units impacting three tenant households. The tenant relocation and assistance plan is consistent with the City's current practices and will support tenants to access alternative accommodation within the neighbourhood. The tenant assistance obligations will be secured through a legal undertaking prior to the issuance of the Notice of Approval Conditions for Site Plan Approval.

Open Space/Parkland

In accordance with Section 42 of the Planning Act and Chapter 415-29, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Corporate Real Estate Management. Payment will be required prior to the issuance of the first above grade building permit.

Ravine Protection

The site falls within a Toronto and Region Conservation Authority Regulated Area, and within the City of Toronto Ravine and Natural Feature Protection By-law area. The development is proposed to be set back 10 metres from the stable top of bank of the valley system as required by the Official Plan, satisfying both Urban Forestry and the TRCA requirements.

Details about the naturalization and vegetation of this area will be addressed through the Site Plan Control process.

Natural Heritage Protection

The site is located within an area designated as Natural Heritage System in Map 9 of the Official Plan. The rear of the property is located within the Glen Davis Ravine Environmental Significant Area. No development is proposed to occur within the natural heritage feature or within the dripline identified by the Toronto and Region Conservation

Authority. The Natural Heritage Impact Study submitted with the application concluded that the proposed development will have no negative impacts on the natural heritage features. The report was reviewed by Urban Forestry and they are satisfied with this conclusion.

Archaeological Assessment

The site was identified as having some archaeological potential. Archaeological Services Inc. was contracted by the applicant to do Stage 1 background research and then a Stage 2 field assessment which was conducted in 2021. The property was found to be impacted by previous ground disturbance and no archaeological resources were encountered. Heritage Planning staff have reviewed the Archaeological Assessments and are satisfied with their findings.

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). An arborist report and tree protection plan were submitted that note a total of 31 trees on and in proximity to the site. The applicant is proposing to preserve 20 trees, remove six trees and injure five trees due to the proposed construction. As a result, the applicant will replant nine new trees to replace the trees that will be removed.

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 TGS. 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.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the Zoning By-law. In addition, a green roof is required and will be provided under the Green Roof By-law.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report containing in support of the Zoning By-law Amendment application. Engineering and Construction Services (ECS) staff have reviewed the report and determined it must comply with the design criteria for Sewers and Watermains and the City's Sewer Capacity Assessment Guidelines to confirm there is adequate capacity and to service the development. Should it be determined that upgrades and road improvements are required to support the development, the owner should be required to enter into a Municipal Infrastructure Agreement to financially secure the construction of any improvements to the municipal infrastructure.

Staff are recommending that these matters be addressed prior to the bills proceeding to City Council for the proposed development.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). The proposal is in keeping with the intent of the Official Plan, particularly as it relates to appropriate development and built form in Neighbourhoods and Open Space areas.

Staff worked with the applicant and the community to address and resolve key concerns, including appropriate building setbacks and adequate transition to the adjacent neighbourhoods. This proposal increases housing supply and unit mix while contributing to the built form character along Benlamond Avenue. It supports the conservation of many on-site trees and the naturalized area at the rear of the site. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE



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Director Community Planning,
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Ravine and Natural Feature Protection Map
- Attachment 6: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 7: Site Plan

Attachment 8: North and South Elevations

Attachment 9: East Elevation

Attachment 10: West Elevation

Attachment 11: 3D Massing Model - South East View

Attachment 1: Application Data Sheet

Municipal Address: 9 Benlamond Avenue Date Received: April 5, 2023
Application Number: 23 131317 STE 19 OZ
Application Type: Zoning By-law Amendment
Project Description: To permit a four storey low rise residential apartment building with 16 residential units.

Applicant	Agent	Architect	Owner
2850938 ONTARIO INC	Christian Chan	JCI Studio Inc.	2850938 ONTARIO INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods and Natural Areas	Site Specific Provision:	(x267)
Zoning:	R (u4; d0.6)	Heritage Designation:	No
Height Limit (m):	11	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 1,296 Frontage (m): 15.22 Depth (m): 86.11

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	170	-	395	395
Residential GFA (sq m):	340	-	1,712	1,712
Non-Residential GFA (sq m):	-	-	-	-
Total GFA (sq m):	340	-	1,712	1,712
Height - Storeys:	2	-	4	4
Height - Metres:	10	-	14	14

Lot Coverage Ratio (%): 31 Floor Space Index: 1.79

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	4	-	-	-
Freehold:	-	-	-	-
Condominium:	-	-	-	-
Other:	-	-	16	16
Total Units:	4	-	16	16

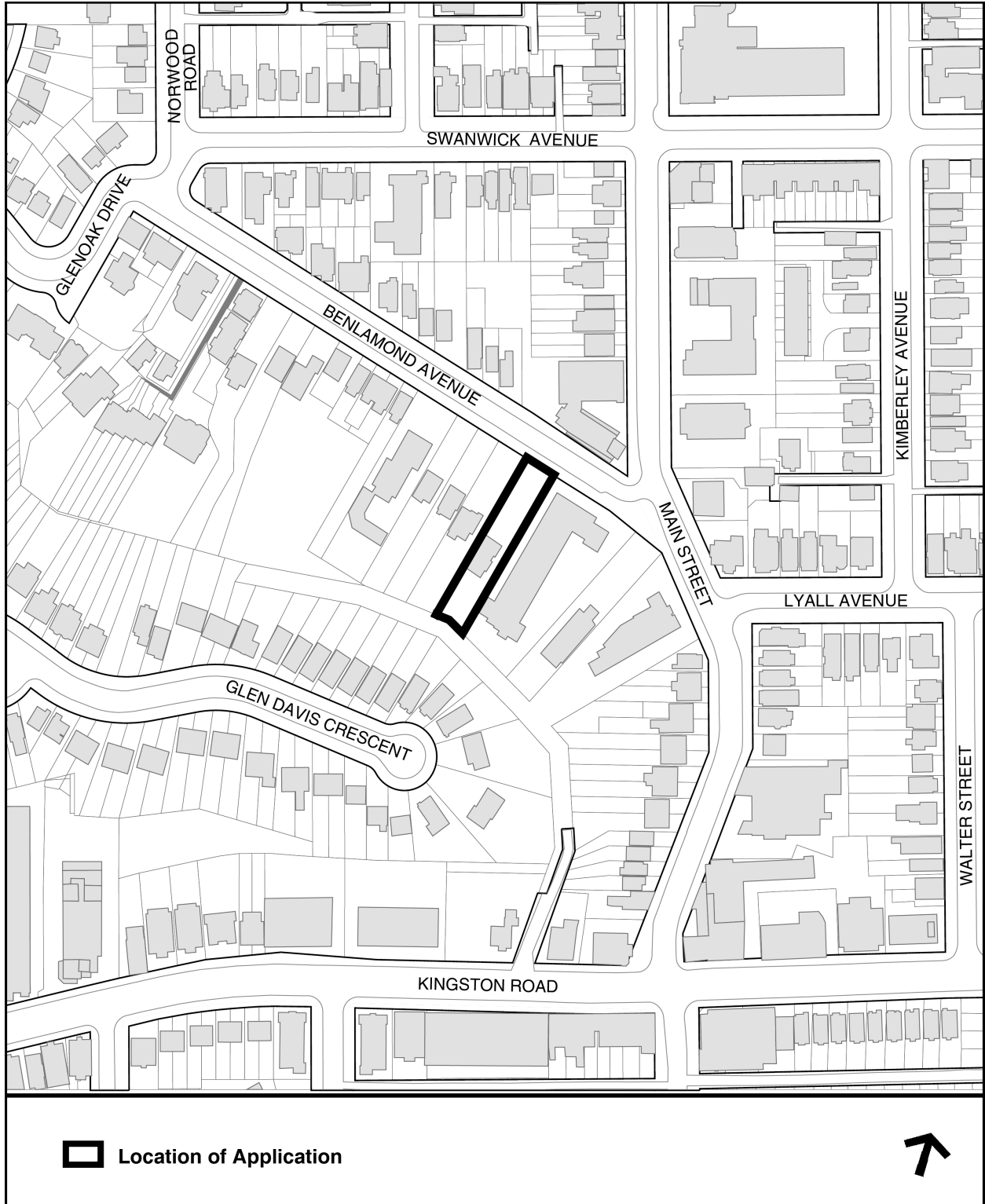
Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	-	-	-	-	-
Proposed:	-	-	-	10	6
Total Units:	-	-	-	10	6

Parking and Loading

Parking Spaces: 8 Bicycle Parking Spaces: 18 Loading Docks: -

Attachment 2: Location Map




Attachment 3: Official Plan Land Use Map



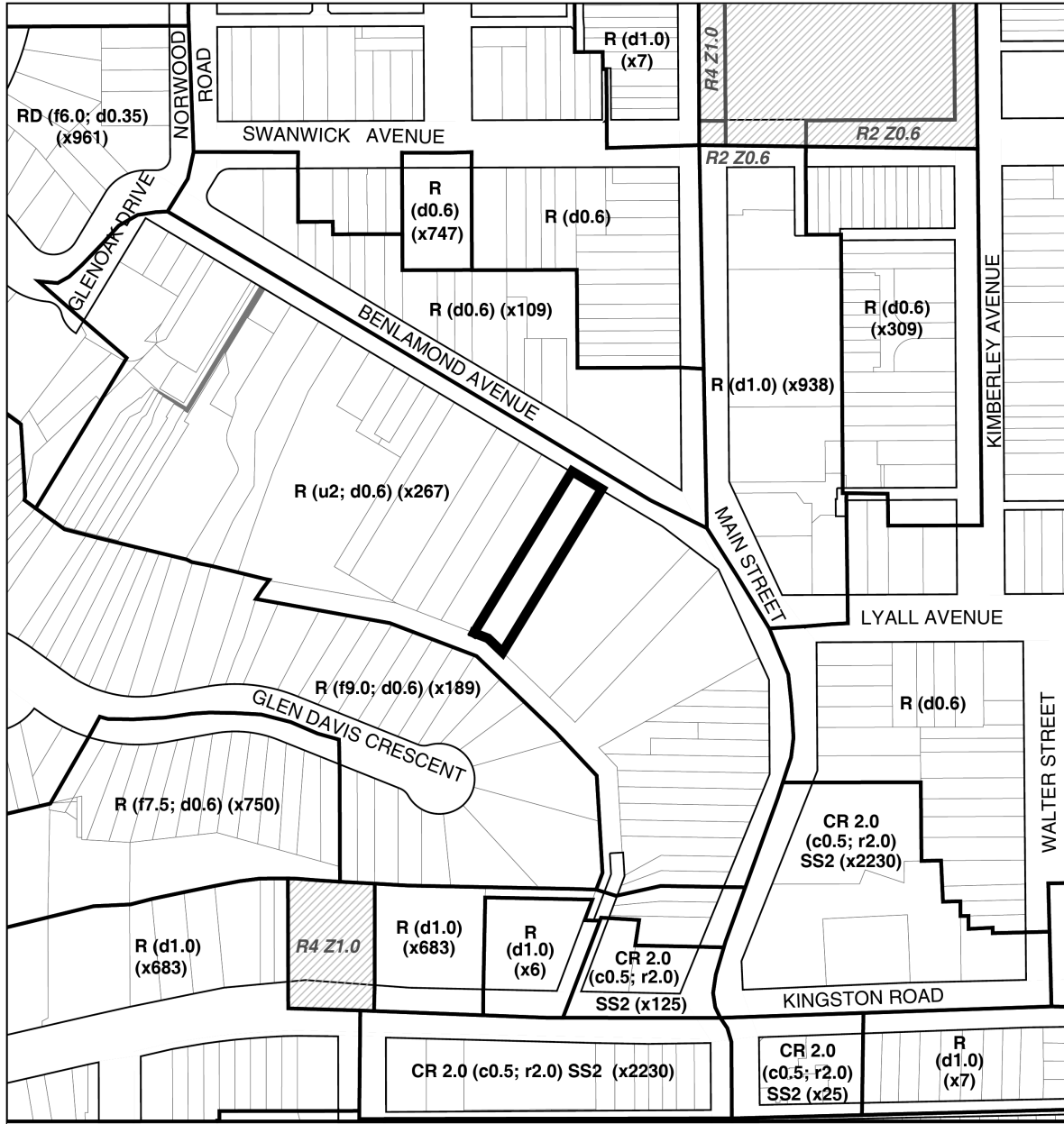
Official Plan Land Use Map #21

9 Benlamond Avenue
File # 23 131317 STE 19 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Natural Areas
-  Parks


 Not to Scale
 Extracted: 04/11/2023

Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

9 Benlamond Avenue

File # 23 131317 STE 19 0Z

-  Location of Application
- R** Residential
- RD** Residential Detached
- CR** Commercial Residential

-  See Former City of Toronto By-law No. 438-86
- R2** Residential District
- R4** Residential District

↑
Not to Scale
Extracted: 04/11/2023


Attachment 5: Ravine and Natural Feature Protection Map



 **TORONTO**
Ravine Map

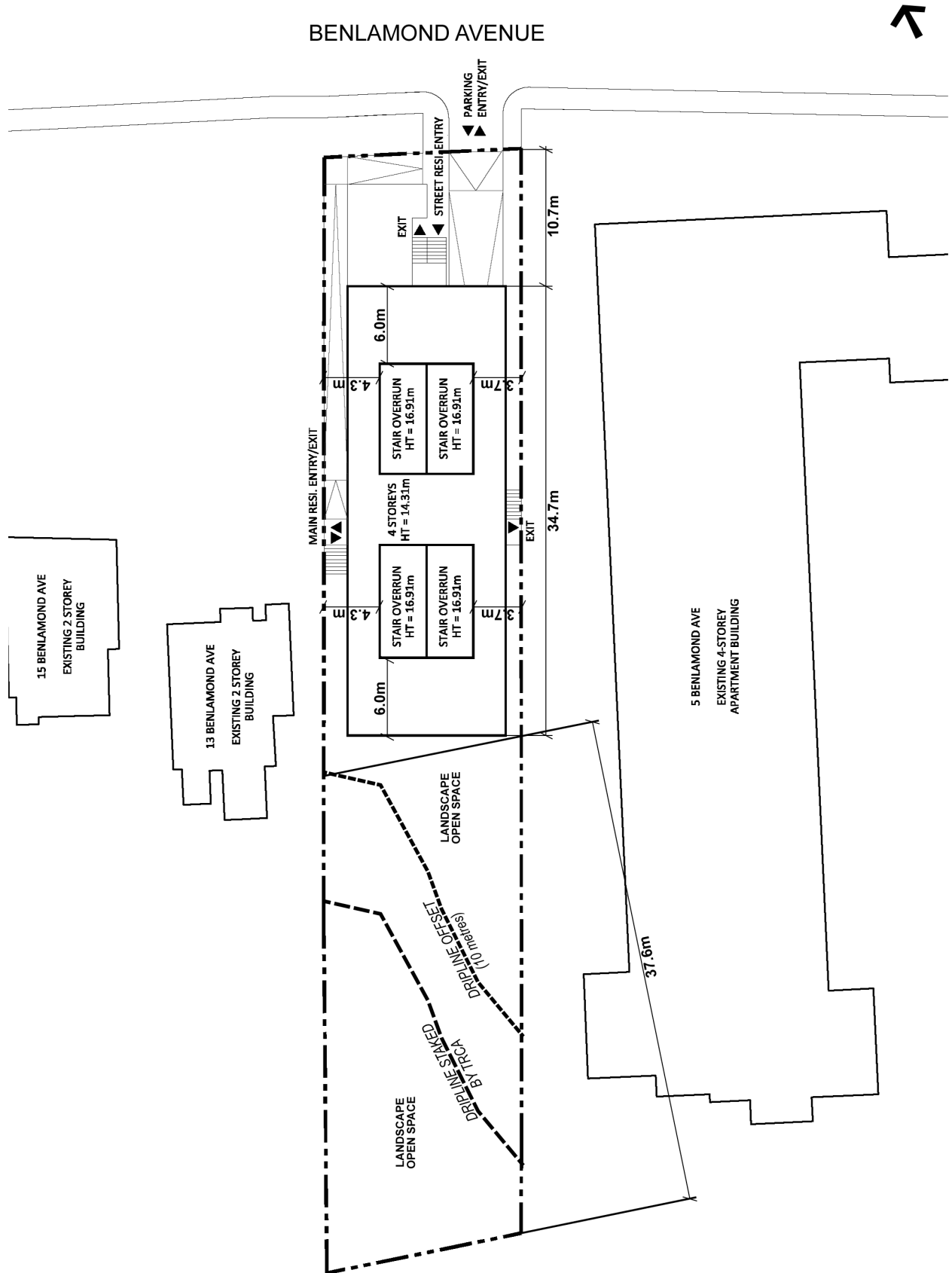
9 Benlamond Avenue
File # 23 131317 STE 19 0Z

-  Location of Application
-  Ravine


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Attachment 6: Draft Zoning By-law Amendment

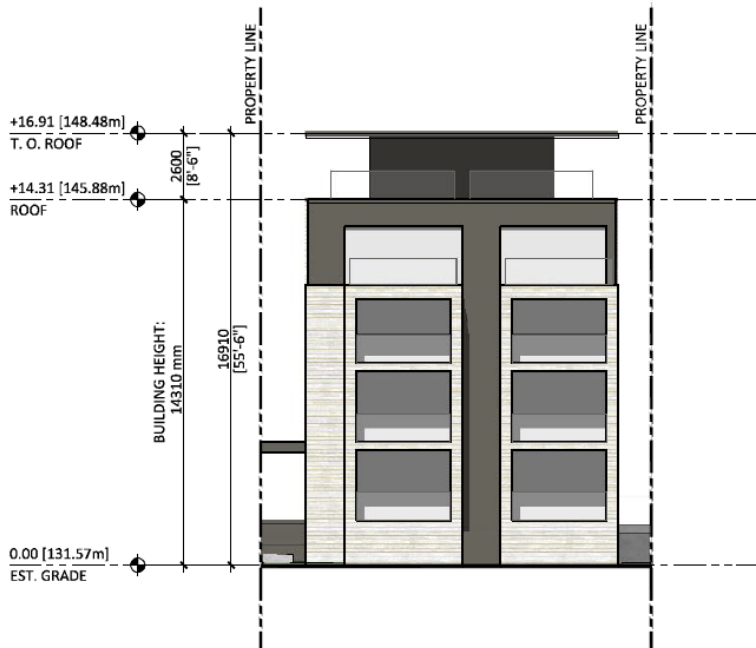
(To be available prior to the June 11, 2024, Toronto and East York Community Council Meeting)



Attachment 8: North And South Elevations

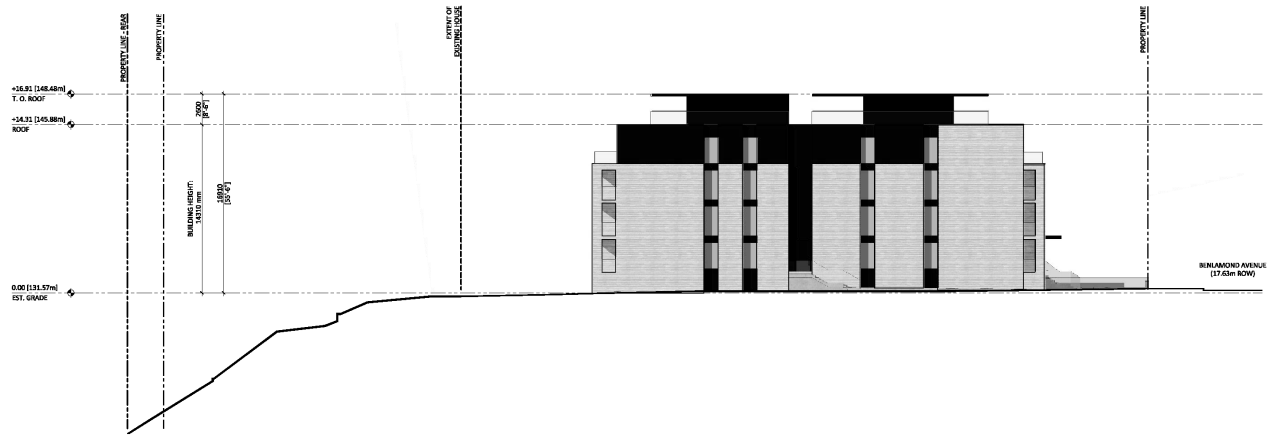


NORTH ELEVATION



SOUTH ELEVATION

Attachment 9: East Elevation



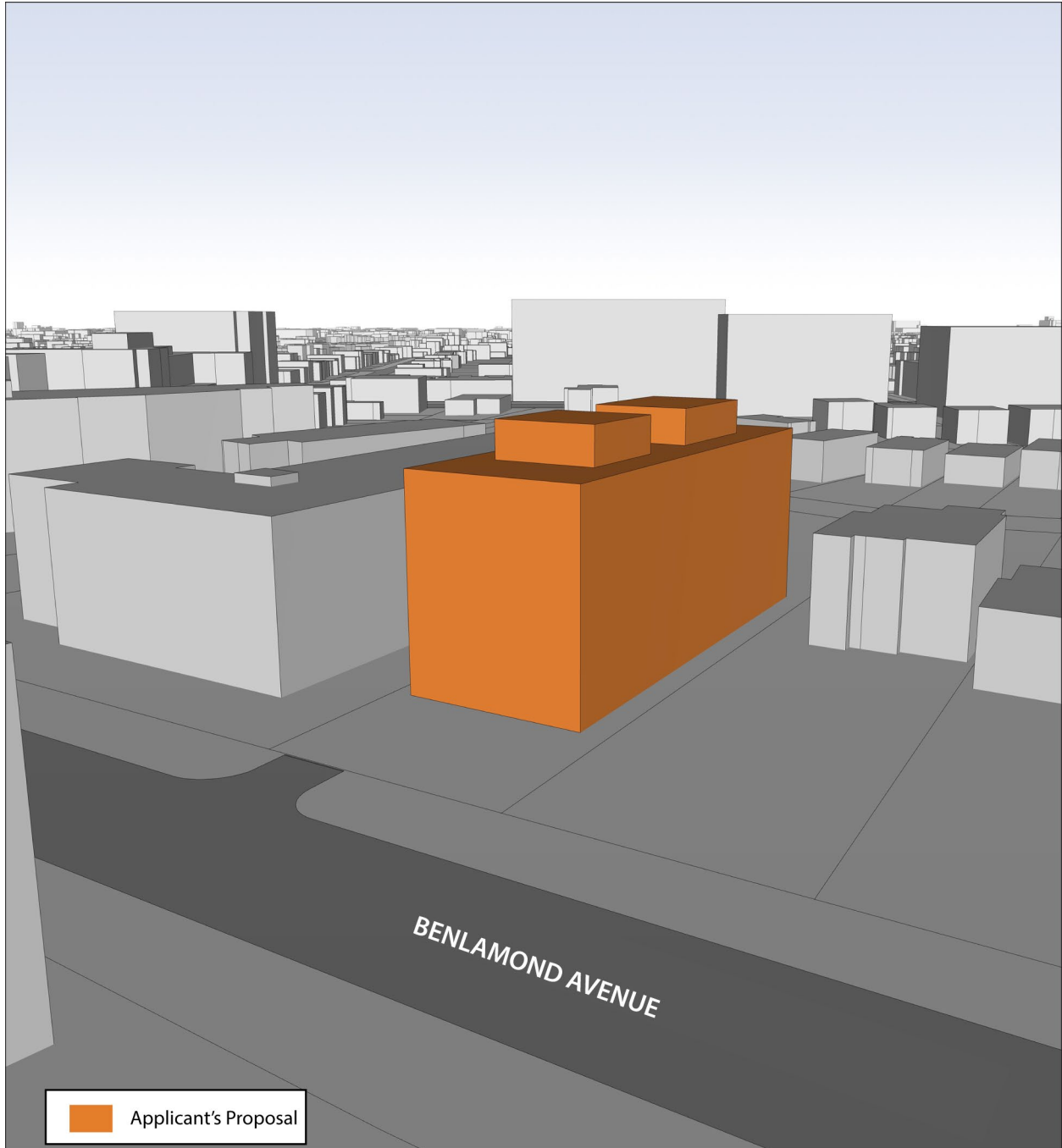
East Elevation

Attachment 10: West Elevation



West Elevation

Attachment 11 - 3D Model - South East View



View of Applicant's Proposal Looking Southeast



05/10/2024