Re: Application for 171-175 Lowther Avenue, Toronto, (TE12.5)

Dear Mayor Chow and Toronto City Councillors,

We are writing to voice serious concerns regarding Application TE12.5 and to alert you to policy implications that will significantly impact Neighbourhoods across the City. Please find attached "brief".

This application seeks to amend the *Official Plan* (OP) for the sites at 171-175 Lowther Avenue (at Dalton Road) in Ward 11 – to redesignate them from "Neighbourhood" to "Apartment Neighbourhood".

If accepted, this would undercut the City's *Expanding Housing Options in Neighbourhoods* (EHON) initiative and its *Housing Action Plan* (HAP).

This matter is scheduled for a vote during the City Council session commencing Wednesday, April 17th, 2024.

The City Planning department has recommended approval of this Application. **We believe you should refuse it.** It does not constitute good planning. <u>The crucial information and</u> <u>analysis set out in the attached brief provide a compelling rationale for that refusal.</u>

We are not alone in this. The Planning and Development Committee of the Annex Residents' Association, along with FoNTRA and FoSTRA, have also expressed their concerns and objections.

This is not just a local concern, but one which we believe has implications for Neighbourhoods across the City – Neighbourhoods that will almost certainly be affected by this precedent-setting vote.

We ask that you and your colleagues fulfil your roles as our elected representatives, providing the "checks and balances" for our democratic system when things go seriously amiss - as we believe they have here.

Thank you very much for your time and consideration.

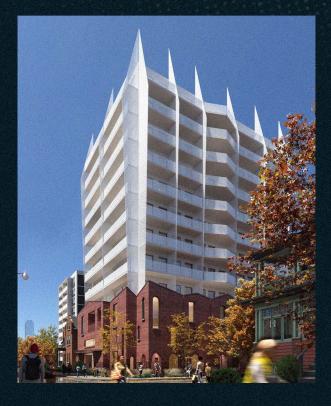
Warm regards, Dalton Road Residents Group Planning + Development Committee, Annex Residents' Association

# YOU ARE NOT A RUBBER STAMP.

**REFUSE** THE OFFICIAL PLAN AMENDMENT OF 171-175 LOWTHER AVE. FROM "NEIGHBOURHOOD" TO "APARTMENT NEIGHBOURHOOD" DESIGNATION.



SE CORNER OF LOWTHER & DALTON SIDE-BY-SIDE COMPARISON DEVELOPER'S DRAWINGS



## **ORIGINAL PROPOSAL RESPECTS:**

- ✓ Official Plan
- ✓ Neighbourhood Designation
- ✓ EHON
- √ НАР
- ✓ Gentle & Missing Middle Densification

## **CURRENT PROPOSAL DISREGARDS:**

- × Official Plan
- × Neighbourhood Designation
- × EHON
- × HAP
- × Gentle & Missing Middle Densification

#### RE: TE12.5 171 – 175 Lowther Avenue Project Brief

## We believe that you should refuse application TE12.5 to amend the Official Plan (OP) to redesignate the site at 171-175 Lowther Avenue (and Dalton Road) from 'Neighbourhood' to 'Apartment Neighbourhood'.

This motion, TE12.5, seeks to amend the Toronto Official Plan to redesignate the lands at 171-175 Lowther Avenue from "Neighbourhood" to "Apartment Neighbourhood" to permit the construction of an 11-storey building 39.5 metres in height plus mechanical penthouse and non-functional fins for a total of 44.85 metres. It also seeks consequential zoning by-law amendments. There is no evidence of any prior Official Plan Amendment in the Annex to change a Neighbourhood designation to Apartment Neighbourhood designation.

The building would have 64 units, space for 40 vehicles and 76 bicycles.

The site is located on the southeast corner of Lowther Avenue and Dalton Road, entirely within the Neighbourhood land use designation. The lands abutting the site to the south as well as the lands to the west on Brunswick Avenue are also designated Neighbourhood. The site immediately adjacent to the east (with a 10 storey 28.5 metre mid-century apartment building) and the lands across the road on the north side of Lowther are designated Apartment Neighbourhood. There is nothing in the area similar in height and massing to the building being proposed. The applicant's planning report does not explain how the proposal is compatible with the Neighbourhood designation to the south and west. This omission is not inadvertent.

Neither Lowther Avenue nor Dalton Road is classified as 'Avenues' or 'Major Streets'. This is an interior Neighbourhood site.

The site is within the Spadina/St. George Protected Major Transit Station Areas (PMTSA) TTC stations delineated by Site and Area Specific Policy (SAPS) 597 and 598 in OPA 524 adopted by Council on February 2-3, 2022. The area already exceeds the City's requirements for minimum development density targets. With other projects already approved and under construction, the areas substantially exceed these requirements. The City's current housing densification goals can be achieved within existing land use designations. The City's planners have never studied, proven or demonstrated otherwise.

As Council knows well, the OP is a shared vision of our City, a product of extensive, meaningful study and community consultation. It carries massive weight; it guides and shapes the evolving built form of our City in a way that is collectively agreed upon and is 'good planning'.

By refusing this application Council would reaffirm its commitments to policies in Expanding Housing Options in Neighbourhoods (EHON) and the Housing Action Plan 2023-2026 which both contemplate gentle intensification in Neighbourhoods as well as its commitment to PH9.4: Improving Community Consultation in Development Review Process, approved January 29, 2024.

The reasons to refuse the application are outlined below.

**The bedrock of good planning is robust community engagement.** This policy is reflected in the OP was recognized in PH:9.4 referenced above. Section 5.5 in the OP speaks to public consultation under the heading of Public Involvement to achieve 'a fair, open, accessible public process for amending the Plan'. All segments of the population are encouraged to contribute to the planning process including in the

pre-application community consultation. The very minimal last minute consultation in this instance does not adhere to this critical aspect of the OP.

FoSTRA, FoNTRA, the ARA, the Dalton Road Residents Group and over 65 individuals have separately joined in submissions identifying the failings of the proposal.

This project is a textbook example of the developer deliberately choosing to ignore the community and then attempting to salvage this failure by arranging an eleventh hour meeting the night before TEYCC on April 2, 2024.

Good planning does not cower in fear of what OLT may or may not do should an application be refused. The time limit set by Bill 109, has been identified as an excuse for the City Council to acquiesce and support the proposal. The solution then as now is to refuse flawed proposals. City Council has the discretion not to accept advice from planning staff when warranted.

**Good planning would support the type of intensification reflected in the applicant's original infill proposal** of April 2022, comprising 4 1/2 storeys with 22 rental units and no vehicle parking. That sensitively designed proposal was a harmonious fit within the context of the existing built form, was sympathetic to the existing character of this area and preserved the existing listed building at 171 Lowther Avenue while providing additional density to help the City meet its housing targets. It fit well within the Neighbourhood designation, didn't require an OP amendment and had strong community support, including that of the Annex Residents' Association. The community looked forward to its implementation.

After sixteen months of silence, the community was surprised to learn of the new 11 storey proposal.

The developer has stated that the planning rationale for this change was a result of Council's approval of the PTMSAs which include the subject site. This hardly seems credible since the original 4 ½ storey proposal came forward in April 2022, AFTER Council approved the PTMSAs on February 2-3, 2022.

**Good planning is not intensification at all cost**, **without regard for other considerations.** Intensification around higher order transit forms PART of planning policy. The areas delineated in the PMTSAs currently exceed the prescribed minimum densities. This area currently has 4800 units under construction, approved or in the pipeline. Completion of these housing projects now underway will well surpass the minimum requirements set out for PMTSAs.

A frequently forgotten fact is that the policy rational for PMTSAs is inclusionary zoning to deliver affordable housing. The current proposal does not address the affordability issue.

Good planning is not planning-on-the-fly and at the last minute. Making the proposal a 'better fit' confirms it is a 'bad fit'. Last minute, panicked motions based on ill-informed dealmaking with a developer does not result in good planning and is not in the public interest. This type of deal making does not result in sound decisions but rather short-changes the community.

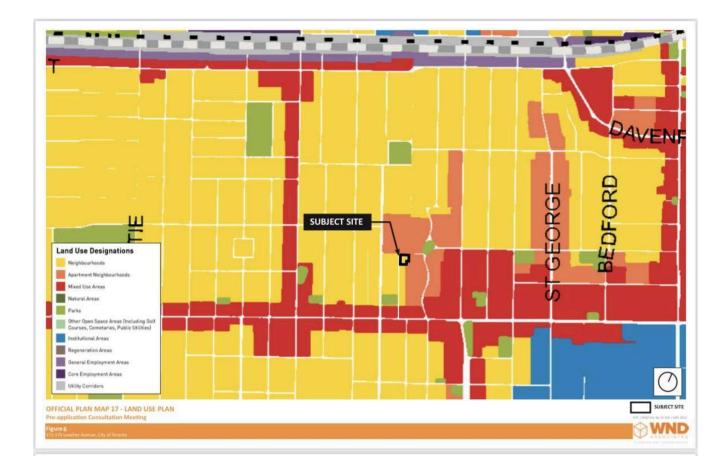
We are told that this application would not set precedent for other such redesignations across the Wards. No evidence has been offered to support this statement. Common sense would indicate the contrary.

However, the best evidence may be from the last deputant to TEYCC, who identified himself as a private equity player watching the proceedings. After consulting with his partners during the break he reported they would be actively seeking to buy up properties on Dalton Road should the application be approved.

The applicant's own planner has stated that his firm has many such applications across the City waiting in the wings - and so a pattern emerges.

#### We urge Council to support good planning by refusing this application.

Despite what some in the media assert, Council is not a 'rubber stamp'.



Attachments

171-175 Lowther Drawings of Current Proposal 171-175 Lowther Drawings of Initial Proposal April 2022 Letter to TEYCC from the ARA April 1, 2024 Letter to Dianne Saxe from FoNTRA April 10, 2024 Letter to Dianne Saxe from FoSTRA April 13, 2024

## **CURRENT 11-STOREY & OP AMENDMENT PROPOSAL - APRIL 2024**

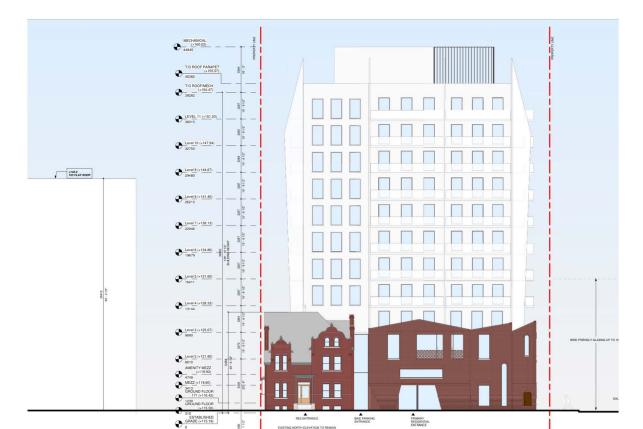
**NORTH ELEVATION - HEIGHT COMPARISON TO ADJACENT "APARTMENT NEIGHBOURHOOD"** DEVELOPER'S DRAWINGS



**EXISTING "APARTMENT" DESIGNATION** 

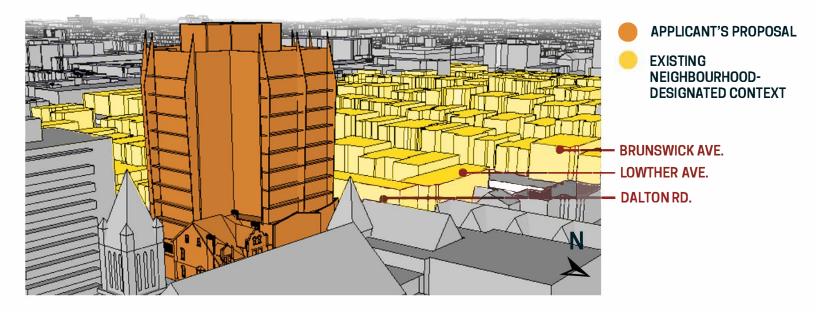
EXISTING "NEIGHBOURHOOD" DESIGNATION

EXISTING 34 WALMER RD. 10 STOREYS 28.5 m PROPOSED 171-175 LOWTHER AVE. 11 STOREYS 44.84 m

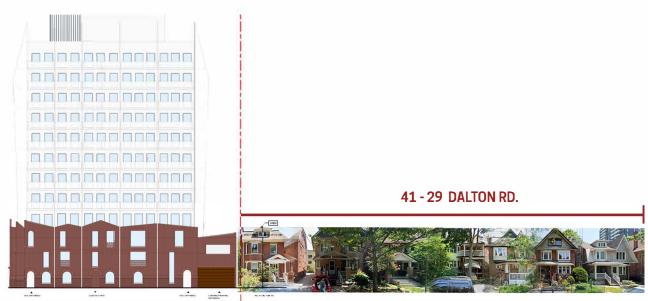


## **CURRENT 11-STOREY & OP AMENDMENT PROPOSAL - APRIL 2024**

VIEW LOOKING SOUTHWEST - NEIGHBOURHOOD INCOMPATIBILITY DEVELOPER'S DRAWINGS



## WEST ELEVATION - EAST-FACING STREETSCAPE SCALE COMPARISON



DEVELOPER'S DRAWING, CURRENT PROPOSAL

## **INITIAL 4.5-STOREY PROPOSAL - APRIL 2022** WELCOMED BY COMMUNITY



DEVELOPER'S DRAWING, ORIGINAL PROPOSAL

## **INITIAL 4.5-STOREY PROPOSAL - APRIL 2022** WELCOMED BY COMMUNITY

### NEIGHBOURHOOD COMPATIBILITY VIEW LOOKING EAST



#### EXISTING 41 DALTON RD. 3 STOREYS

ORIGINAL PROPOSAL 4.5 STOREY INFILL

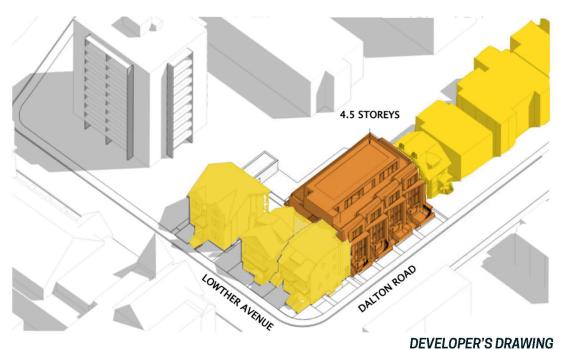
## **VIEW LOOKING SOUTH EAST**



#### EXISTING 34 WALMER RD. 10 STOREYS

RETAINING 171-175 LOWTHER AVE. 3 STOREYS

## **BIRD'S-EYE VIEW LOOKING SOUTH EAST**



APPLICANT'S PROPOSAL

EXISTING NEIGHBOURHOOD-DESIGNATED CONTEXT



PO Box 19057, RPO Walmer Toronto, ON M5S 3C9 theara.org

April 1, 2024

Dear Chair and Councillors,

**RE: 2024.TE12.5 171-175 Lowther Avenue** – Official Plan and Zoning By-law Amendment Application – Decision Report Approval

On behalf of the Annex Residents' Association (ARA), we urge you to refuse Motion 2024.TE.12.5 regarding 171-175 Lowther Avenue in its entirety.

This motion seeks to amend the Official Plan to redesignate the land on which the current project is situated from "Neighbourhood" to "Apartment Neighbourhood." And it is our view that this will set a dangerous precedent for all areas in the city which currently bear the Neighbourhood designation, a designation intended for lower-scale residential buildings.

#### **Project Location**

The project in question is located at the south-east corner of Lowther Ave and Dalton Road within the Neighbourhood land use designation. The lands abutting the subject site to the south as well as the lands on the west side of Dalton Road and lands to the west on Brunswick Avenue are also designated Neighbourhood.

Neither Lowther Avenue nor Dalton Road are major streets, arterial roads, or minor arterial roads for planning purposes. Also, neither are major streets for the purposes of the City's Major Streets Study. This is an interior Neighbourhood site.

Properties immediately adjacent to the east and north of Lowther Avenue are lands within the Apartment Neighbourhood designation. While the Staff Report states that the buildings there are of similar height to that being proposed (11-storey 39.5 metres plus mechanical penthouse), this is misleading. The area comprises a variety of apartment buildings ranging in height from four to 10 storeys. The 10-storey apartment immediately to the southeast is considerably lower. There is nothing in the area similar in height to the 11-storey project currently before you.

The fact is, that although the site is adjacent to an Apartment Neighbourhood designation, the proposal is within the boundaries of Neighbourhood. And boundaries exist for a purpose.

1

#### **Project History**

While the Annex currently comfortably exceeds the density targets prescribed by SASPs 597 and 598 for the Spadina and St. George MTSAs and PMTSAs and will well exceed those targets with proposed developments either now under construction or approved, the ARA supports opportunities for intensification and provision of rental accommodation, particularly sized to accommodate families.

Consequently, we were extremely pleased with the applicant's presentation to the Planning and Development Committee in April 2022, proposing a 4.5-storey, 22 rental unit infill. The project was sensitively designed and careful to preserve the scale of the existing built-form housing while allowing for additional density. The proposed landscape plan blended seamlessly with the existing streetscape and received a positive response.

Our committee was eager to receive information about the scheme as it evolved. However, after sixteen months' silence, the applicant changed direction and introduced a new scheme that represents a total about-turn, likely condominium and unsympathetic to context or scale. It is nothing more than a direct assault on Neighbourhood and certainly nothing that is sympathetic to the inclusionary zoning contemplated by the PMTSAs.

There are several points regarding the application that must be emphasized:

#### 1. LIP SERVICE TO CONSULTATION

There has been virtually no community consultation. Yes, the applicant presented their proposal to the Planning and Development Committee of the ARA, however there was no consultation afterwards, notwithstanding written feed back from the Committee to the developer, City Planning, and our Councillor.

City Planning arranged a Community Consultation Meeting on December 18, 2023, which comprised a two-hour meeting, one hour each on two projects: 171-175 Lowther Avenue and 40 Walmer Road. To our knowledge the residents along Dalton Road and nearby Brunswick Avenue and Walmer Road were unaware of that meeting. Unlike notifications required by the Committee of Adjustment to proximate residents it appears that no notice was given.

On January 29, 2024 the Planning and Housing Committee reviewed and approved item PH9.4: Improving Community Consultation in Development Review Proposals. This item intended to improve – not eliminate – consultation with local communities and councillors and the development industry.

This current application and the way with which is has been approached flies in the face of the intent of the proposal endorsed by the Planning and Housing Committee. These developers chose to ignore the community.

#### 2. FAILURE TO INCLUDE AFFORDABLE AND RENTAL HOUSING

No affordable housing is identified in the proposal, notwithstanding that the PPS and Growth Plan referenced by the applicant and City cite policies specifically for the provision of affordable and rental housing and that the subject site is within a PMTSA.

#### 3. UNSYMPATHETIC TO CONTEXT

Describing the lands north of Lowther Avenue as a tall building area is inaccurate. Currently, the highest point is the church spire. The planned height for 38 Walmer Road is 20 storeys and is subject to an appeal to OLT for failure to report, with the hearing scheduled for January 2025.

It should also be noted that the 35-storey proposal for 40 Walmer Road is subject to an appeal to OLT for a Refusal Report from City Planning. The hearing has yet to be scheduled. The refusal report is critical of massing and height.

For both of these proposals, there is no certainty as to what will be built, so these should not be used as reference.

#### 4. INADEQUATE STEP BACK

The built form shows a step-back from the face of the podium to the face of a thick tower along both Lowther Ave and Dalton Road that is entirely inadequate. These streets comprise multiunit residences in house form buildings, generally  $3 - 3 \frac{1}{2}$  storeys tall. Interspersed are 4- and 5-storey rental apartment buildings.

#### 5. LOOMING

A tower form looms over the street, defeating the intention to create a building that respects the residential character of both streets. A 10-storey street-wall with a minimal step-back does not contribute to the notion of a transitional building. There are also no setbacks from the street or adjacent properties.

#### 6. TRAFFIC UNCERTAINTIES

Vehicle movement remains unknown. It is not certain whether maneuvering for the Class G loading dock will have vehicles go north or south on Dalton Road. There is no plan for e-commerce. There is potential conflict with planned ingress and egress from the proposed development at 38 Walmer Road.

#### 7. HERITAGE

The applicant's nod to heritage and heritage precedent is weak, and in effect a pastiche to dress the box. The expression of the tower attempts to emulate some of Uno Prii's apartment buildings in the

Annex. However, the context for this building is quite different; it is not an object building surrounded by open space that can be seen from a distance, and, importantly, it will eat into the low-rise context.

#### 8. OUTSTANDING ISSUES.

We note that the Staff recommendation includes a Holding Provision until specific conditions are met:

- Hydrological Summary Form and a Hydrological Review, including Foundation Drainage Report

- Functional Servicing Report, Stormwater Management Report, Servicing Report and Groundwater Summary Form to demonstrate that the storm sewer system and any improvements to it has capacity to accommodate the development of the lands

- Detailed Conservation Report

- Heritage Easement Agreement

Why have these matters not yet been addressed other than due to the haste with which this project has proceeded?

#### CONCLUSION

If one is searching for answers as to why the City's laudable Housing Action Plan 2022-2026 and the City's Expanding Housing Options in Neighbourhoods initiative have been met with suspicion, if not outright hostility, you only need to look at the proposal before you.

We have all heard about gentle intensification, fourplexes in Neighbourhoods and mid-rise buildings on Avenues. We have also heard about involving the community in the planning process as recently as this past January.

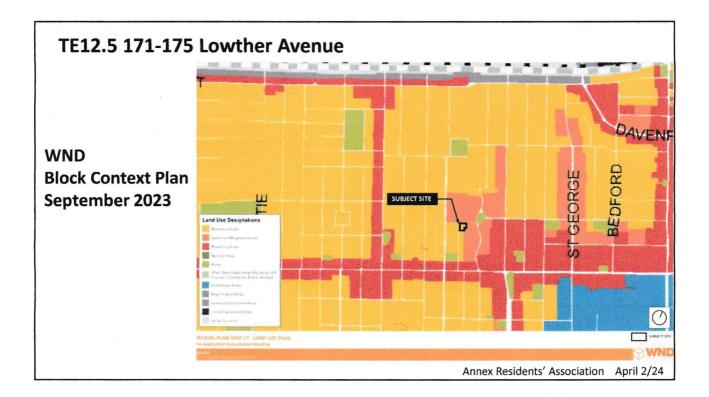
However, this proposal is about as gentle as razor wire. A straight arm would offer more consultation than this proposal has seen. Here is an opportunity for you to end this duplicity and restore some measure of public confidence in the planning process by **refusing this Motion in its entirety.** 

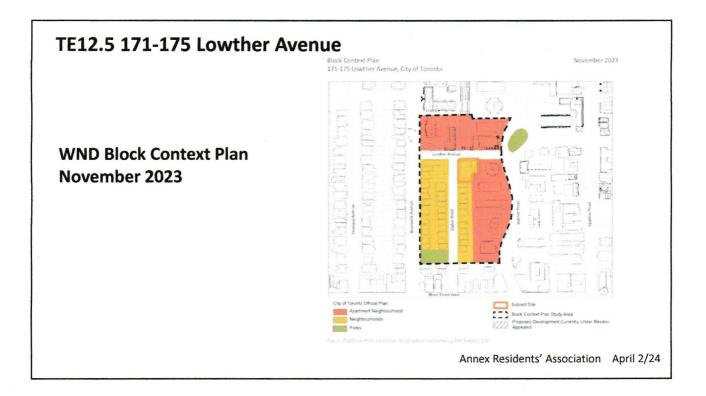
Sincerely,

Elizabeth Sisam and Henry Wiercinski Co-chairs Planning + Development Committee, Annex Residents' Association

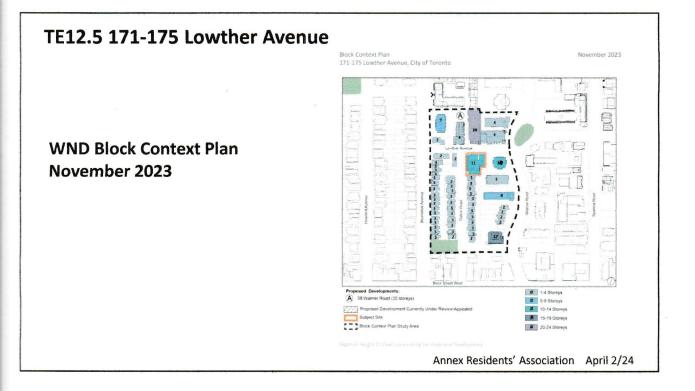
Attach

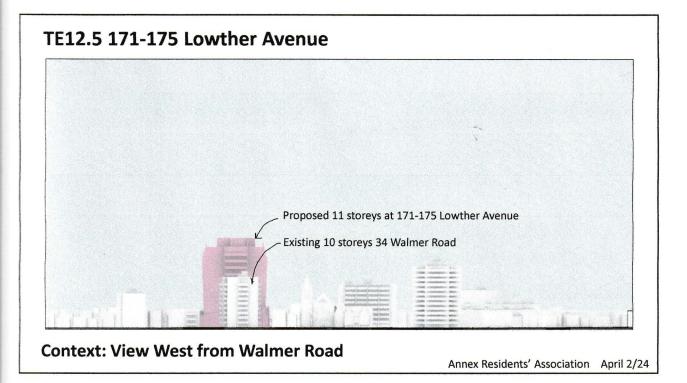
Exhibit attached





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April 10, 2024

Councillor Dianne Saxe Toronto City Hall 100 Queen Street West, Suite C47 Toronto, ON M5H 2N2

## RE: TE12.5 171-175 Lowther Avenue - Official Plan and Zoning By-law Amendment Application - Decision Report

Dear Councillor Dianne Saxe

We are writing to express our major concerns in regard to the policy implications of the above noted proposal<sup>1</sup> to re-designate Neighbourhood designated lands to Apartment Neighbourhoods. While there are many other implications regarding this application. the re-designation is the central policy concern that raises this from a matter of interest to a local resident association (ie ARA) to one that interests a federation of resident associations, with a central focus on land use policy matters, potentially impacting neighbourhoods across the City.

First, what is the rationale for the re-designation? The Staff report<sup>2</sup> says the redesignation is in keeping with the existing context. But on what basis? Just saying so is not persuasive or convincing! Where are the studies to justify this? It appears that neither the City Planning staff nor the developer's planner have studied the

(March 14, 2024) Report and Attachments 1-5 and 7-13 from the Director, Community Planning, Toronto and East York District on 171-175 Lowther Avenue - Official Plan and Zoning By-law Amendment Application - Decision Report - Approval https://www.toronto.ca/legdocs/mmis/2024/te/bgrd/backgroundfile-244106.pdf

<sup>&</sup>lt;sup>1</sup> Forwarded by the TEYCC (April 3) to City Council (April 17) without recommendations. <u>https://secure.toronto.ca/council/agenda-item.do?item=2024.TE12.5</u>

<sup>&</sup>lt;sup>2</sup> "The proposed Official Plan Amendment to redesignate the lands from Neighbourhoods to Apartment Neighbourhoods is acceptable in this instance and is consistent with the objectives of the Official Plan and Downtown Plan. The proposed redesignation would permit the development of an apartment building which is in keeping with the existing context of the existing Apartment Neighbourhood to the north and east, and is compatible with the Neighbourhood designation to the south and west".

compatibility of the proposal with reference to the Neighbourhood fabric to the south and west, and neither have addressed why an Official Plan boundary needed to be eroded to meet the City's density targets<sup>3</sup>

Second, where is the area-wide study that normally precedes land use redesignations? There is precedent for this – the High Park Apartment Neighbourhood Area Study Area<sup>4</sup> The current application amounts to expansion of an Apartment Neighbourhood based on a site specific application without the larger context having been studied as is normally the case. As such it amounts to "dealmaking" rather than rules based planning.

Third, will it be precedent-setting? The City Planner when asked at TEYCC denied this without citing any evidence. The developer's planner has admitted that if approved, this application will unlock a floodgate of other similar projects, and will, without doubt, serve as an undesirable precedent for many other neighbourhoods in the City.

Finally, it is apparent that meaningful density can be achieved on the 171-175 Lowther site without amending or offending the OP. And the initial proposal by the developer, at 4 storeys is appropriate and doesn't require any OPA. The City is already at 150% of its density targets. It is simply not urgent to add a few extra units through an *ad hoc* redesignation.

We think these are the key issues that must be addressed. We would express our strong desire that this matter be addressed as a planning policy matter rather than as a planning "deal-making" matter.

We would appreciate the opportunity to discuss this with you ASAP.

Yours truly,

"Intensification of land adjacent to Neighbourhoods will be carefully controlled so that Neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a Neighbourhood or Apartment Neighbourhood is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an Avenue Study, or area based study."

<sup>&</sup>lt;sup>3</sup> Official Plan Policy 2.3.1.3 directs City Council to determine whether an area-based study is required when significant intensification is proposed:

<sup>&</sup>lt;sup>4</sup> Staff report for action: City Initiated High Park Apartment Neighbourhood Area Character Study 2

### Cc: Andrew Greene, Chief of Staff, Office of Councillor Dianne Saxe

**The Federation of North Toronto Residents' Associations (FoNTRA)** is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 250,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.



April 13, 2024

Councillor Dianne Saxe Toronto City Hall 100 Queen Street West, Suite C47 Toronto, ON M5H 2N2 Councillor Saxe@toronto.ca

## Subject: **TE12.5 171-175 Lowther Avenue** - Official Plan and Zoning By-law Amendment Application - Decision Report

Dear Councillor Saxe,

The Federation of South Toronto Residents' Associations (FoSTRA) is an organization that represents 27 residents' associations (RAs) in the five downtown Toronto wards, Wards 4, 9, 10, 11 and 13, encompassing hundreds of thousands of Toronto's residents.

We are reaching out to voice our concerns over the proposed rezoning of 171-175 Lowther Avenue for the purposes of redevelopment, and to support the residents who feel they have been marginalized in this process.

- 1. FoSTRA supports the FoNTRA letter of April 10, 2024, which outlines serious inconsistencies in the process that led to this point. These issues need to be addressed in full before this amendment proceeds.
- 2. Although conforming to the legislative guidelines regarding community consultations, the opportunity for meaningful dialogue with residents has seemingly been less about responding to neighbourhood concerns than ticking the boxes on a checklist.
- 3. Of prime concern is the potential that the approval of this rezoning will serve as a template moving forward in this and other Toronto communities. Stating that there is "no legal precedent" associated with this initiative is not comforting, as we have seen time and time again where new applications for development often couch the rationale in phrases such as " similar built form in the neighbourhood", that clearly builds on the precedent of other properties.



We ask that this initiative be paused while the concerns of the residents are heard in full and that every effort is taken to mediate the impact of such a development.

Sincerely yours,

Rick Green Chair

Cc <u>elizabeth.sisam@utoronto.ca</u> ritabilerman@gmail.com Andrew.Greene@toronto.ca <u>gkettel@gmail.com</u> cathie.macdonald@sympatico.ca