TORONTO

REPORT FOR ACTION

171-175 Lowther Avenue – Official Plan and Zoning Bylaw Amendment Application - Decision Report – Approval

Date: March 14, 2024

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 23 223597 STE 11 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law to re-designate the lands from Neighbourhoods to Apartment Neighbourhoods, and to permit an 11-storey (39.5 metres excluding mechanical penthouse) residential building with 64 dwelling units. The application also proposes to demolish three rental dwelling units located in the 3-storey designated heritage building at 171 Lowther Avenue, which is proposed to be partially conserved and integrated within the new development.

RECOMMENDATIONS

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

- 1. City Council amend the Official Plan, for the lands at 171-175 Lowther Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment 5 to this report.
- 2. City Council amend Zoning By-law 569-2013, for the lands at 171-175 Lowther Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to this report.
- 3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Official Plan Amendment and Zoning By-law Amendments may be required.
- 4. 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 3 rental dwelling units proposed to be demolished, addressing financial compensation and other assistance to lessen hardship, including the provision of rent gap payments;

- 5. City Council 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 4 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;
- 6. City Council request that the owner make reasonable commercial efforts to convey offsite parkland to the City equal to the value of the on-site parkland dedication, in fulfilment of the parkland dedication requirements pursuant to Section 42 of the Planning Act, with the off-site parkland dedication to be acceptable to the General Manager, Parks, Forestry and Recreation and free and clear of any above or below grade encumbrances, with the exception of any encumbrances as may be otherwise approved by the General Manager, Parks, Forestry and Recreation, to be conveyed prior to the issuance of the first above grade building permit; and
 - a. in the event that the off-site parkland dedication is less than the value of the onsite parkland dedication, then the owner will pay cash-in-lieu of parkland to make up for the shortfall in parkland dedication, prior to the issuance of the first above grade building permit;
 - b. in the event that the owner is unable to provide an acceptable off-site parkland dedication to the City, the owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu; and
 - c. the value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services and payment will be required prior to the issuance of the first above grade building permit.

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.

THE SITE

Description

The site is located on the southeast corner of Lowther Avenue and Dalton Road. The site has an area of approximately 1279 square metres with a frontage on Lowther Avenue of approximately 35.33 metres and a depth of 39.83 metres. The site includes 171 Lowther Avenue, a property which is designated under Part IV of the Ontario Heritage Act through Designation By-law 102-2024.

Existing Use

The site includes three 3-storey residential buildings. 171 Lowther Avenue contains three rental dwelling units, 173 Lowther Avenue is an owner occupied single detached dwelling and 175 Lowther Avenue is a vacant single detached dwelling.

THE APPLICATION

Description

A 39.5 metre (11-storeys excluding the mechanical penthouse) residential building containing 64 dwelling units.

Density

4.85 times the area of the lot.

Dwelling Units

64 dwelling units, including 16 one-bedroom (25%), 35 two-bedroom (54.7%), and 13 three-bedroom (20.3%) units.

Tenant Relocation and Assistance Plan

The applicant has developed a Tenant Relocation and Assistance Plan that would assist eligible tenants in finding and securing alternative accommodation and consist of the following:

- At least six months' notice before having to vacate their existing dwelling unit;
- Financial compensation equal to one months' 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;
- Additional financial compensation, above and beyond the requirements of the Residential Tenancies Act, 2006, in the form of a rent gap payment. The rent gap payment would assist tenants in transitioning to market rents, calculated as the difference between the rent paid by a tenant on the date their tenancy is terminated and the most recent average rent for vacant private rental apartments by unit type in CMHC Rental Market Survey (RMS) Zone 1 – Toronto (Central), and be paid out to each tenant in a lump sum on the date they provide vacant possession of their existing rental unit;
- A moving allowance to cover expenses for moving into alternative accommodation;
- Special needs compensation for applicable tenants; and
- Upon request, make a rental leasing agent 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.

Amenity Space

The proposal includes 499 square metres of amenity space, with 310 square metres of indoor amenity space (4.84 square metres per unit) and 189 square metres (2.95 square metres per unit) of outdoor amenity space.

Access, Bicycle Parking, Vehicle Parking and Loading

The primary pedestrian access for the new building would be located on Lowther Avenue with additional entrances along both Lowther Avenue and Dalton Road. Vehicular access would be provided from Dalton Road with one Type-G loading space on the ground floor. A total of 40 vehicular parking spaces, including 4 visitor spaces are located within two levels of underground parking accessed by a car elevator. A total of 76 bicycle parking spaces are proposed within the building on the ground floor level and below-grade (14 short-term and 62 long-term) and an additional 10 short-term spaces are proposed in front of the main building entrance on Lowther Avenue.

Additional Information

See Attachment 1 of this report for the location map, Attachment 2 for the application data sheet, Attachment 7 for the site plan, 8 to 11 for elevations, and 12 and 13 for three-dimensional representations of the project in context. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.Toronto.ca/171LowtherAve.

Reasons for Application

An Official Plan Amendment is required to redesignate the site from Neighbourhoods to Apartment Neighbourhoods to allow a residential building taller than 4-storeys. The proposal requires an amendment to Zoning By-law 569-2013 to vary performance standards, including maximum building height, density, setbacks, maximum projections, landscaping requirements, vehicular and bicycle parking requirements, among other standards.

POLICY & 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.

Official Plan

Neighbourhoods. See Attachment 3 of this report for the Official Plan Land Use Map. Housing Policy 3.2.1.12 requires a tenant relocation and assistance plan be provided to lessen hardship for existing tenants.

Downtown Plan

The site is located within the Annex Park District.

Zoning

The site is zoned R (d1.0) (x900) under Zoning By-law 569-2013. The zone permits residential uses, including apartment buildings and some non-residential uses with conditions. The maximum permitted height is 10.0 metres, and the maximum permitted density is 1.0 times the area of the lot. See Attachment 4 of this report for the existing Zoning By-law Map.

Design Guidelines

The following <u>design guidelines</u> have been used in the evaluation of this application:

- Mid-Rise Building Performance Standards
- Growing Up Guidelines for Children in Vertical Communities
- Pet Friendly Design Guidelines for High Density Communities

Toronto Green Standard

The <u>Toronto Green Standard (TGS)</u> 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.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on December 18, 2023. Approximately 105 people participated, as well as the Ward Councillor. The meeting was held concurrently with a development application for a Zoning By-law Amendment at 40 Walmer Road (File No. 23 217877 STE 11 OZ) to permit a 35-storey residential building with 365 dwelling units, including 33 rental replacement units.

Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- concerns regarding overall compatibility and fit with the surrounding area and impact on adjacent properties and heritage features;
- high demand in the area for affordable rental with large student population that cannot afford to purchase units but wish to remain in the annex;
- support for proposal to allow for more housing that is walkable and in close proximity to multiple subways stations;
- loss of existing trees and open space that reflects the character of the neighbourhood;
- lack of proposed green and open space;
- sun, shadow, and wind impacts on site and surrounding parks and open space;

- concern over environmental sustainability of the project; and
- need for the proposal to be reviewed together with the two adjacent development applications currently under review and their functionality and collective impact on the local area.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York District Community for this application, as 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) 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

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.

Built Form

The proposed massing of the building conforms with the applicable policies in the Official Plan with respect to built form and massing.

The proposed building height of 11-storeys (39.5 metres excluding the mechanical penthouse) is of similar height of apartment buildings in the area and is appropriate.

The existing 3-storey heritage building at 171 Lowther Avenue will be substantially retained in-situ. The proposed new building would be built around the south and west elevations of the heritage building with internal connections. No projections are proposed above the heritage building providing a 10.7 metre stepback from the face of the existing 3-storey building, which conserves the building's scale, form and massing, and allows it to remain a prominent feature within the new development.

The proposed base building has a streetwall height of 3-storeys (12.25 metres) with a 1.65 metre setback from the property line along the majority of Dalton Road and 2.2 metres along Lowther Avenue increasing to 2.4 metres for the retained heritage building.

The height and setbacks of the base building are consistent with the height of the adjacent buildings, reinforcing a pedestrian scale that is characteristic of the existing streetscape and has been designed to respond to the existing low-scale streetwall and built-form surrounding the site and is appropriate.

The upper levels of the building are set back 4.8 metres from the lot line above the third floor on the Lowther Avenue frontage, 4.2 metres along Dalton Road, 7.5 metres to the south abutting Neighbourhoods, and 5.5 metre to the east property line with a 0.9 metre setback along a portion of the rear of the building abutting the east property line. The development has been oriented to fit within the existing and planned context and provides appropriate transition in scale to the surrounding low-rise neighbourhood and apartment buildings.

Heritage Conservation

The designated heritage property at 171 Lowther Avenue is proposed to be substantially conserved and integrated into the new development. The heritage building's principal façade and front half of the east and west elevations which contain the property's heritage attributes, will be retained in-situ, with the latter half of east and west elevations and roof to be reconstructed. Heritage Planning staff are satisfied that the proposed development has been designed to conserve the cultural heritage values, attributes and character of the designated heritage property. Staff are recommending that the Zoning By-law be subject to holding provisions for the submission of a Conservation Plan and entering of a Heritage Easement Agreement, all to the satisfaction of the Senior Manager, Heritage Planning, City Planning.

Streetscape and Public Realm

The proposal conforms with the applicable public realm policies of the Official Plan.

The conservation of the heritage building at 171 Lowther Avenue maintains the current 2.4 metre setback from the property line for the portion of the retained frontage along Lowther Avenue, and the proposed 3-storey base building will be setback between 2.2 and 2.46-metres from the curb on Lowther Avenue, and 5.5 metres to the curb on Dalton Road.

The setbacks to the building would accommodate a streetscape that includes a 2.1 metre sidewalk, planting of seven new trees, bicycle parking and soft landscaping opportunities which is consistent with the existing character of the surrounding area. The lobby entrance would be accessed on Lowther Avenue with additional pedestrian entrances along both frontages adding animation to the street. The conveyance of a 5-metre radius corner rounding at the southeast corner of Lowther Avenue and Dalton Road will improve pedestrian safety.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law.'

The submitted Arborist Report identifies a total of 26 trees on and in proximity to the site, of which 9 trees are proposed to be retained. Of the 17 trees proposed to be removed to accommodate the development, 10 are regulated by the City's tree by-laws including 3 street trees and 7 private trees. The applicant has proposed seven replacement street trees in the public right-of-way along Lowther Avenue and Dalton Road. Permits will be secured through the tree permit process to the satisfaction of Urban Forestry, Tree Protection and Plan Review, Parks Forestry and Recreation.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the owner is required to satisfy the parkland dedication requirement through the conveyance of off-site parkland dedication in order to expand an existing local park or create a new park within 800 metres of the subject site.

As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Should the value of the off-site dedication not fulfill the value of the on-site dedication, the remaining value shall be provided in cash-in-lieu, prior to the issuance of the first above-grade building permit.

If the owner has demonstrated, to the satisfaction of the General Manager, Parks, Forestry & Recreation, that the pursuit of an off-site parkland dedication has not been successful, payment of cash-in-lieu of parkland will be required prior to the first above grade building permit.

Unit Mix

Planning staff are satisfied with the proposed residential mix of 16 one-bedroom units (25%), 35 two-bedroom (54.7%), and 13 three-bedroom units (20.3%). The unit mix meets the policy direction of the Official Plan to provide a full range of housing and exceeds the unit mix objectives of the Growing Up Guidelines to provide a minimum of 15% two-bedroom units and 10% three-bedroom units within new developments.

Amenity Space

A total of 499 square metres of amenity space for building residents is proposed on the ground floor and mezzanine level containing 310 square metres of indoor amenity space (4.8 square metres per unit) and 189 square metres of outdoor amenity space (2.95 square metres per unit). The proposed amenity space exceeds the zoning by-law performance standard of 4 square metres of total amenity space per unit and is acceptable to staff.

Housing Issues

The proposed development includes the demolition of three rental dwelling units and as per Official Plan Housing policies, a Tenant Relocation and Assistance Plan is required to be provided to lessen hardship for existing tenants. 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.

Tenants who moved in after the application was submitted on November 8, 2023 will receive the same amount of notice before having to vacate their existing dwelling unit as eligible tenants and financial compensation as required under the Residential Tenancies Act, 2006.

Shadow Impacts

The shadow impact resulting from the proposal is acceptable. The proposal adequately limits shadow impacts on shadow sensitive areas, including local parks, particularly during the spring and fall equinoxes.

The shadow studies submitted in support of the application show the extent of the shadow from the proposed building during the spring and fall equinoxes (March 21 and September 21) and the summer and winter solstice (June 21 and December 21). The proposed development would cast shadows on Gwendolyn MacEwen Parkette from 2:18PM to 4:18PM on December 21. Planning staff are satisfied that this meets the intent of the Downtown Plan as the Parkette is not identified as a sun protected park.

Wind Impacts

A Pedestrian Level Wind Study reflecting the proposed building indicates that all areas at grade will be suitable for their intended uses throughout the year and no pedestrian areas surrounding the subject site at grade level will experience conditions that could be considered dangerous. Planning staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment, conclusions, and recommendations contained within the study.

Access, Parking and Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Transportation Services staff have reviewed the Transportation Impact Study and accepted its conclusions.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review. Staff are recommending that the Zoning By-law be subject to holding provisions pending the revision, review, and acceptance of the Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services.

Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS. The site specific Zoning By-law, and future site plan agreement, will secure performance measures for various development features, including, but not limited to, the following:

- A total of 76 bicycle parking spaces; and
- Seven new street trees and planters on Lowther Avenue and Dalton Road.

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 2040 or sooner.

Holding Provision

This report recommends the adoption of a Zoning By-law Amendment that is subject to a holding provision under Section 36 of the Planning Act, restricting the proposed use of the lands until the conditions to lifting the holding provision, as set out in the By-law, are satisfied. Section 5.1.2 of the Official Plan contemplates the use of a holding provision and outlines the types of conditions that may have to be satisfied prior to the removal of a holding provision. The specific conditions to be met prior to the removal of the proposed holding provisions in the proposed By-law include:

- The owner shall prepare and submit a revised Hydrogeological Summary Form and a Hydrogeological Review, including the Foundation Drainage Report or addendums to the Chief Engineer and Executive Director, Engineering & Construction Services, for review and acceptance;
- The owner shall prepare and submit revised a Functional Servicing Report, Stormwater Management Report, Servicing Report and Groundwater Summary Form to Chief Engineer and Executive Director, Engineering & Construction Services, for review and acceptance to demonstrate that the storm sewer system and any required improvements to it, has adequate capacity to accommodate the development of the lands;
- Where improvements to the storm sewer system are recommended in the Functional Servicing & Stormwater Management Report as accepted by the Chief Engineer and Executive Director, Engineering & Construction Services, the owner has entered into a financially secured agreement with the City to secure the construction of the required improvements;
- The owner has provided a detailed Conservation Plan, prepared by a qualified heritage consultant for 171 Lowther Avenue to the satisfaction of the Senior Manager, Heritage Planning; and
- The owner has entered into and registered on title to the lands a Heritage
 Easement Agreement for 171 Lowther Avenue pursuant to Section 37 of the
 Ontario Heritage Act acceptable and satisfactory to the Chief Planner and
 Executive Director, City Planning, Senior Manager, Heritage Planning and the City
 Solicitor.

CONTACT

Aviva Pelt, Senior Planner, Tel. No. 416-392-0877, E-mail: Aviva.Pelt@toronto.ca

SIGNATURE

Oren Tamir Director, Community Planning Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Draft Official Plan Amendment
Attachment 6: Draft Zoning By-law Amendment

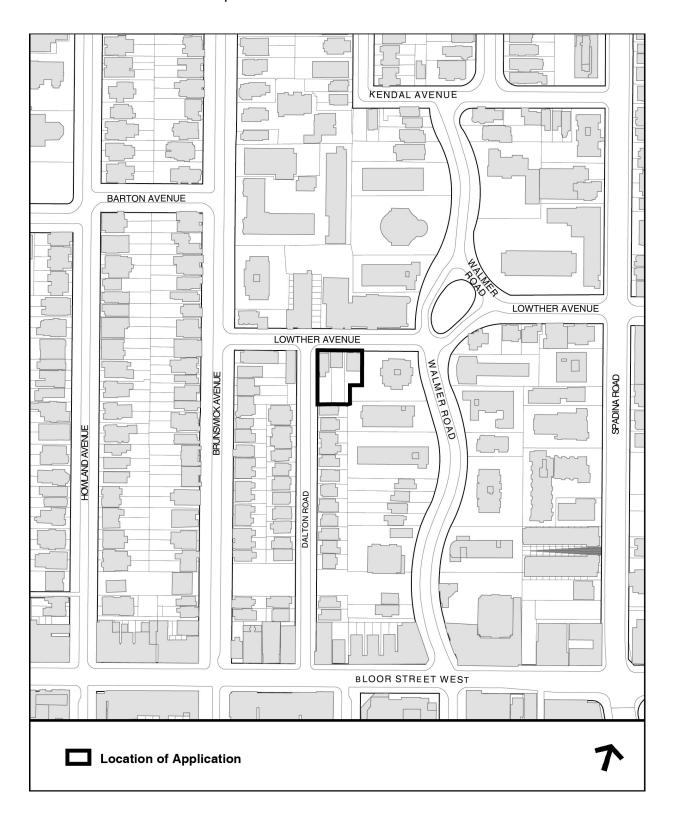
Applicant Submitted Drawings

Attachment 7: Site Plan

Attachment 8: Elevation - North Attachment 9: Elevations - East Attachment 10: Elevations - South Attachment 11: Elevations - West

Attachment 12: 3D Massing Model - Southwest Attachment 13: 3D Massing Model - Northeast

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 171-175 Lowther Date Received: November 8, 2023

Avenue

Application Number: 23 223597 STE 11 OZ

Application Type: Official Plan and Zoning By-law Amendment

Project Description: An 11-storey (39.3 metres excluding mechanical penthouse)

residential building containing 64 units.

Applicant Agent Architect Owner

WND Associates Andrew Ferancik Gabriel Fain Jordan Reznick,

Yona Reznick and Shauna Lee Reznick.

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods

Zoning: R (d1.0) (x900) Heritage Designation: Y
Height Limit (m): 10 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,279 Frontage (m): 35 Depth (m): 40

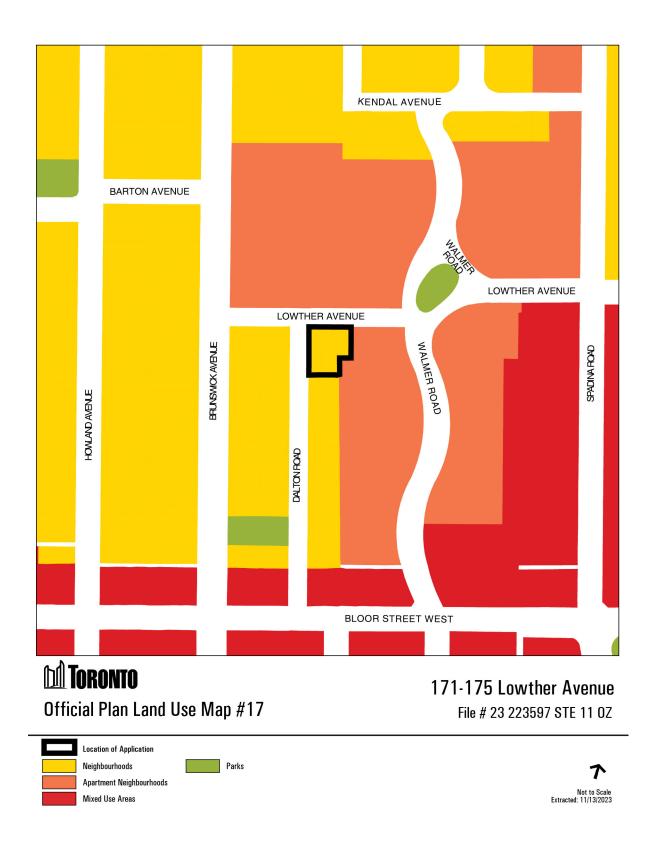
Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	285		1,013	1,013
Residential GFA (sq m):	713		6,203	6,203
Non-Residential GFA (sq m):				
Total GFA (sq m):	713		6,203	6,203
Height - Storeys:	3		11	11
Height - Metres:			39	39

Lot Coverage Ratio (%): 79 Floor Space Index: 4.85

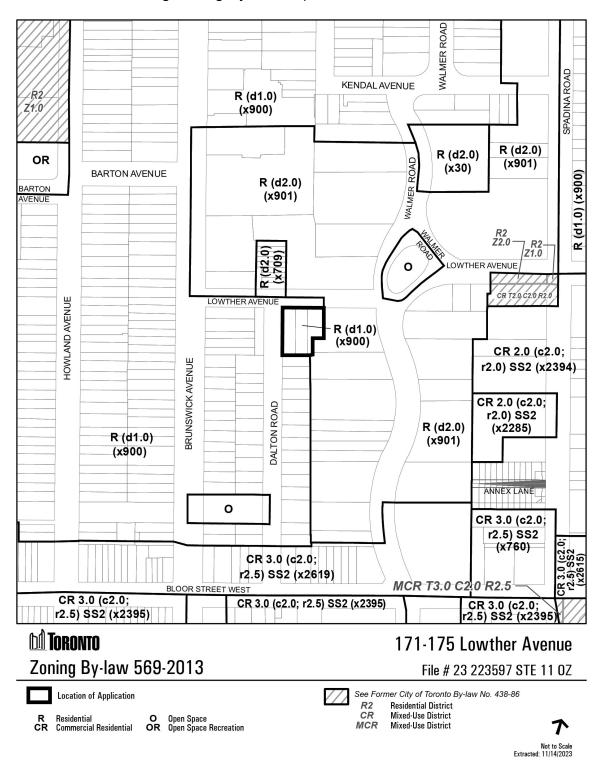
Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
Residential GFA: 6,177 26

Retail GFA: Office GFA: Industrial GFA:

Institutional/Other GFA:



Attachment 4: Existing Zoning By-law Map



Attachment 5: Draft Official Plan Amendment

Authority: Toronto Community Council ~, as adopted by City of Toronto Council on ~, 2024

CITY OF TORONTO BY-LAW ~-2024

To adopt Amendment 723 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2023 as 171-175 Lowther Avenue

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The attached Amendment 723 to the Official Plan is adopted pursuant to the Planning Act, as amended.

Enacted and passed on ~ ~, 2024.

Speaker City Clerk

(Seal of the City)

AMENDMENT 723 TO THE OFFICIAL PLAN

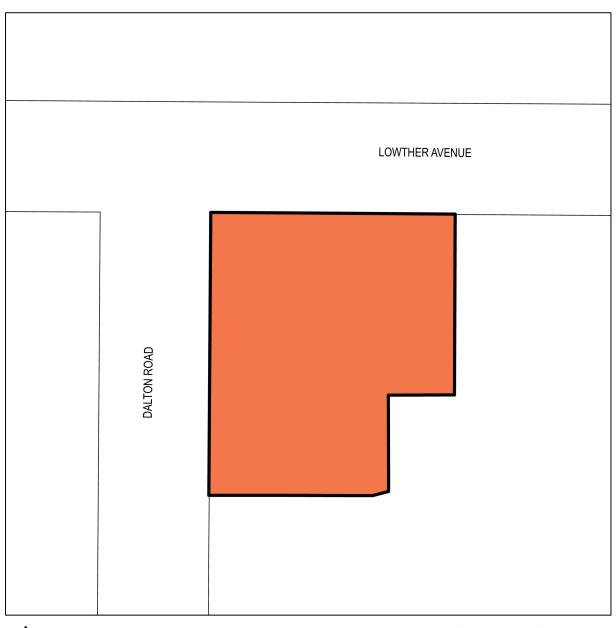
LANDS MUNICIPALLY KNOWN IN THE YEAR 2023 AS 171, 173 and 175 LOWTHER AVENUE

The Official Plan of the City of Toronto is amended as follows:

723. 171, 173, and 175 Lowther Avenue

1. Map 17, Land Use Plan, is amended by re-designating the lands municipally known in 2023 as 171, 173 and 175 Lowther Avenue from Neighbourhoods to Apartment Neighbourhoods, as shown on Schedule 1.

Schedule 1





171-175 Lowther Avenue

File # 23 223597 STE 11 0Z

Proposed revisions to Land Use Map 17 to redesignate lands from Neighbourhoods to Apartment Neighbourhoods

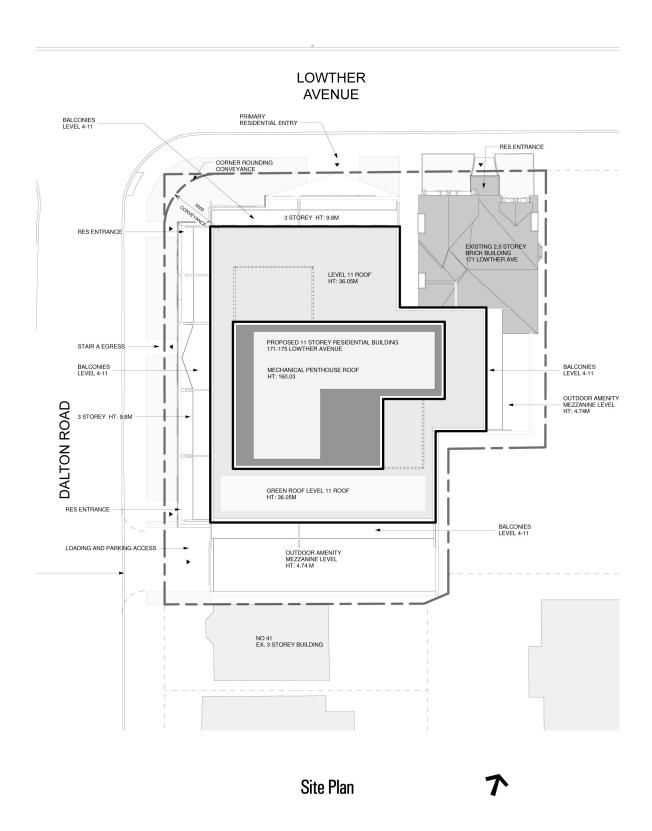
Apartment Neighbourhoods

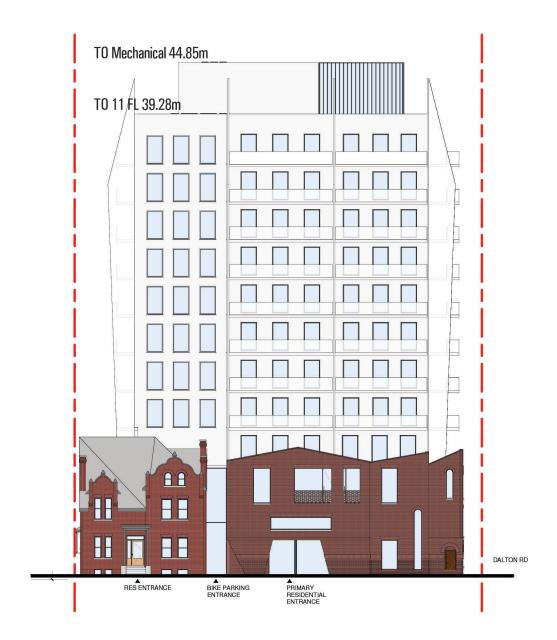
1

03/12/2024

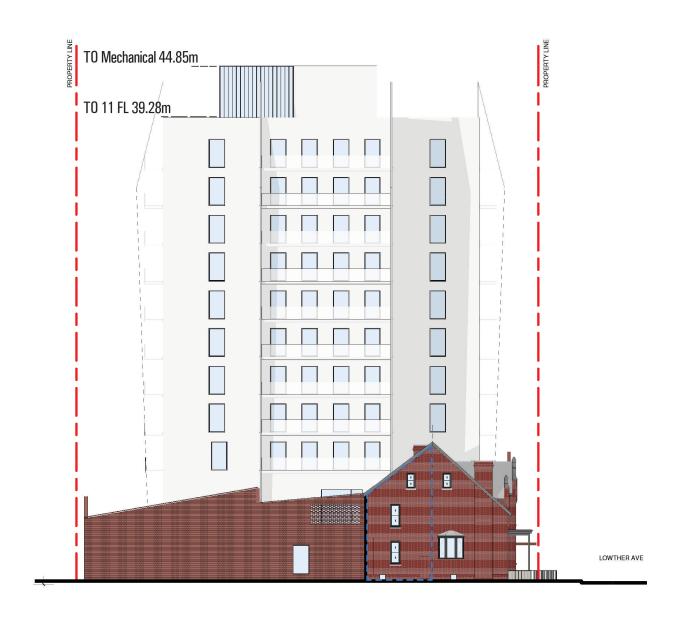
Attachment 6	 Draft 	7onina	By-law	Amendme	ent
/ \ttaoi ii i io i t	. Diai	0,,,,,	Dy Idv	/ WILLOW MALLIN	\circ

The draft by-law amendment will be made available on or before the April 03, 2024, Toronto and East York Community Council meeting.

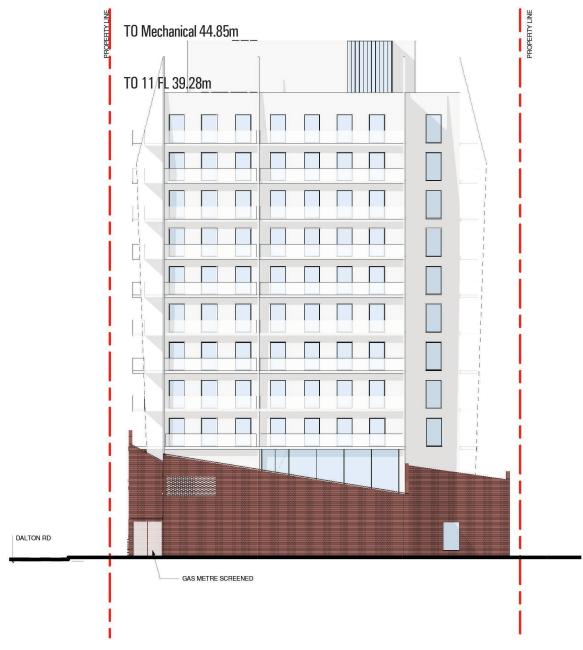




North Elevation



East Elevation

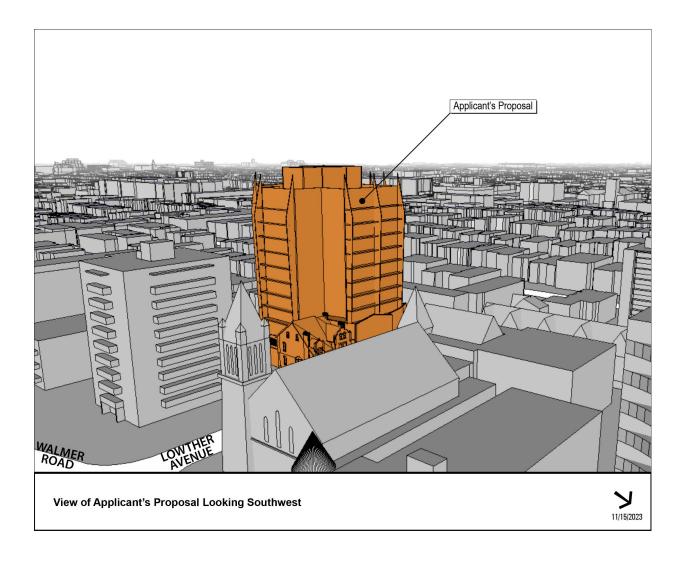


South Elevation



West Elevation

Attachment 12: 3D Massing Model – Southwest



Attachment 13: 3D Massing Model – Northeast

