1327 to 1339 Queen St E - Zoning Amendment - Request for Direction Report

Date: March 23, 2015

To: Toronto and East York Community Council

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

Wards: Ward 32 – Beaches-East York

Reference Number: 14 125514 STE 32 OZ

SUMMARY

This application proposes the construction of an 8-storey mixed-use building with retail at grade, 110 residential units and underground parking at 1327 to 1339 Queen Street East.

The applicant has appealed the application to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision on their request for a Zoning By-law Amendment.

A Rental Housing demolition and Conversion application was also submitted under Section 111 of the City of Toronto Act to demolish the 8 residential dwelling units (including 5 rental units) at 1327-1339 Queen Street East pursuant to Chapter 667 of the municipal Code. The 5 residential rental units will not be replaced.

The proposed height of the building at 26.35 metres plus a 3.8 metre mechanical penthouse is not in keeping with the surrounding context and appropriate built form for the site. Approval of this application would not only support a building which is substantially different from the existing context and zoning by-law permissions but would also set a negative precedent for future development.
This report reviews the application to amend the Zoning By-law and recommends that City Council direct the City Solicitor and City staff as appropriate attend at the Ontario Municipal Board to oppose the application in its present form.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and City staff as appropriate to attend the Ontario Municipal Board hearing and to oppose the Zoning By-law Amendment application for 1327 to 1339 Queen Street East in its present form for the reasons set out in this report (March 24, 2015) from the Director Community Planning, Toronto and East York District.

2. City Council authorize City staff to continue discussions with the applicant on a revised proposal which addresses the issues set out in this report, including:
   a. reducing the proposed height, massing and density so as not to overdevelop the site;
   b. setting the building back to achieve a 4.8 metres sidewalk width, measured from the existing curb; and
   c. reorienting the rear units so they do not gain access from the Memory Lane.

3. City Council authorize the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.

4. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council authorizes the City Solicitor to request the Ontario Municipal Board to withhold any final orders approving a Zoning By-law Amendment until approval has been granted for the demolition under Chapter 667 pursuant to Section 111 of the City of Toronto Act for the demolition of 5 residential rental units on the site and secure a Tenant Relocation and Assistance Plan through Section 37 of the Planning Act.

Financial Impact
There are no financial implications resulting from the adoption of this report.

DECISION HISTORY
A Preliminary Report on this application was sent to the June 17, 2014 Toronto and East York Community Council. The report can be found here:
The report was amended to include the following additional recommendations:

1. The Director, Community Planning, Toronto and East York District and the Manager, Heritage Preservation Services be requested to include an assessment of the heritage value of the existing buildings and City policy respecting laneway housing in the review of the application for 1327 to 1339 Queen Street East.

2. The Director, Community Planning, Toronto and East York District be requested to convene a Working Group composed of the applicant, City staff, residents in surrounding area, and the Ward Councillors to review this application, with the Terms of Reference, meeting locations and scope of the discussions for the working group to be determined by the Director, Community Planning, Toronto and East York District.

ISSUE BACKGROUND

Proposal

This report is based on the original application filed on March 6, 2014. While potential revisions have been discussed on a without prejudice basis with City staff and the Working Committee, no formal revisions have been filed for review.

The applicant proposes to construct an 8-storey mixed-use building which would contain 110 residential dwelling units and retail uses at grade. The proposed building would have a gross floor area of approximately 11,213 square metres, of which 685 square metres would be allocated to retail uses at grade. The overall height of this building is approximately 26.35 metres plus 3.8 metre mechanical penthouse, and the proposed density would be 4.6 times the lot area. The proposal involves the demolition of all the existing buildings on the site, including all residential rental dwelling units, with no replacement rental housing to be provided.

The applicant proposes to provide 106 parking spaces below grade to serve this development, with the parking accessed by a ramp off of the public lane at the rear of the property.

Site and Surrounding Area

The subject site is located on the south side of Queen Street East, mid-block between Knox Avenue and Laing Street. The site has an overall area of approximately 2428 square metres. The property is currently occupied by six house form residential buildings containing 8 dwelling units, of which 5 are rental dwelling units.

To the east of the proposed building is a multi unit house-form building and automotive uses. To the west of the proposed building is a three-storey apartment building. On the north side of Queen Street East immediately across from the property are 3-storey apartments and 2-storey mixed-use buildings. To the south is a low density residential neighbourhood.
Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is located on an Avenue, as shown on Map 2 – Urban Structure of the Official Plan.

Avenues are “important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents”, according to Section 2.2.3 of the Plan.

The Avenues will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each Avenue will be established through an Avenue Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. The zoning by-law will set out the mix of uses, heights, densities, setbacks and other zoning standards.

Section 2.2.3 Avenues: Reurbanizing Arterial Corridors (Policy 3.a) states that development may be permitted on the Avenues prior to an Avenue Study and will be considered on the basis of all of the policies of this Plan. Development applications on the Avenues prior to an Avenue Study are required to be accompanied by an Avenue Segment Study, which discusses the implications for the portion of the Avenue resulting from the proposed development and whether the proposed development would be setting a positive precedent for future development of the remainder of the Avenue.

As stated in the Official Plan, “Some of the Avenues already serve as “main streets” that are focal points for the local community with attractive and bustling sidewalks. The traditional “main street” Avenues already have zoning in place to guide mixed use development in a way that fits with the neighbourhood…”. This portion of Queen Street East is such an Avenue.
The subject site is designated “Mixed Use Areas” in the City of Toronto Official Plan. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The development criteria in “Mixed Use Areas” include, but are not limited to:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto’s growing population on underutilized lands;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

Policy 3.2.1.1 of the Official Plan seeks the provision of a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. Specifically Policy 3.2.1.6 requires applicants proposing to demolish six or more residential rental dwelling units, except where all rents are above mid-range, are required to replace the rental units and to provide tenant relocation and assistance to affected tenants.

This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole.

Zoning

**Former City of Toronto Zoning By-law 438-86**

The subject site is located in the former municipality of Toronto and is subject to Zoning By-law No. 438-86, and is zoned Mixed Commercial Residential. This zoning category permits a range of residential and commercial uses to a maximum height of 12.0 metres, and a maximum total density of two times the lot area.

**City of Toronto By-law 569-2013**

On May 9, 2013, City Council enacted a new city-wide Zoning By-law for the City of Toronto. By-law 569-2013 has been appealed in its entirety and is now before the Ontario Municipal Board. No hearing dates have been set. While the By-law is under
appeal, the provisions of both the former zoning by-laws and the new zoning by-law are in effect for sites that are subject to By-law 569-2013.

Under the new harmonized City-wide Zoning By-law the subject site is zoned Commercial Residential, Development Standard Set 2, and Exception 160. The zoning allows for mixed use development up to a density of two times the lot area. The purpose of this zoning category is to provide for a broad range of uses including retail, service commercial, office and residential uses, often in mixed use buildings, and to limit the impacts on adjacent residential neighbourhoods and contribute to pedestrian amenity. The maximum height permitted on the subject site is 12.0 metres.

**Rental Housing Demolition and Conversion By-Law**

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act, 2006.

Proposals involving the demolition of six or more rental housing units, or those involving the demolition of at least one rental housing unit and a related application for a Zoning By-law amendment, require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB. In this case, the applicant has made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

**Queen St East Assessment – Leslie Street to Coxwell Avenue**

At its meeting of June 10 and 11, 2014, City Council adopted a motion stating:

"City Council request the Director, Community Planning, Toronto and East York to assess the portion of Queen Street East between Leslie Street and Coxwell Avenue to determine whether either the existing Urban Design Guidelines for Queen Street East between Coxwell Avenue and Neville Park Boulevard or the emerging Urban Design Guidelines for Queen Street in between Jimmie Simpson Park and Leslie Avenue, and associated Official Plan policies, should be extended to apply to the portion of Queen Street East between Leslie Street and Coxwell Avenue, and report back to Toronto and East York Community Council in 2015."
The study has commenced with the first meeting with the local community having been held on February 23, 2015 and a subsequent meeting scheduled for April 21, 2015. The study is expected to be completed by the end of 2015.

The study is examining local characteristics in order to determine which guidelines and performance standards would be appropriate for this portion of the street and what area specific policies would be necessary to respond to local conditions.

**Site Plan Control**

The proposed development is subject to site plan approval. No site plan application has been submitted to date.

**Reasons for Application**

The application proposes a building that exceeds the permitted maximum building height of 12 metres by 14.35 metres. The density proposed is 4.6 times the area of the lot, where the Zoning by-law permits a maximum density of 2 times the area of the lot. Other areas of non-compliance include the amount of both indoor and outdoor amenity space, side setback for walls with openings, and penetration of the 45 degree angular plane.

**Ontario Municipal Board Appeal**

On January 14, 2015 the City Clerk’s Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board, citing Council’s failure to make a decision on the application within the prescribed timelines of the *Planning Act*.

**Community Consultation and Working Committee**

A Community Consultation meeting was held on June 24, 2014. Concerns raised at the meeting related to building height and massing, parking, sufficient infrastructure, traffic on adjacent streets and Memory Lane, the size of the retail space, impact on migratory birds, tree protection, and issues relating to the existing homes and tenants on the site.

At the meeting, residents we invited to be part of a Working Committee to discuss concerns related to the proposed development in more detail. The Working Committee included members of the local community, the local City Councillors, the Applicant and their consultants and City staff. There were 4 Working Committee meetings between July and November 2014. Meetings were focussed on specific issues relating to servicing of the development, transportation related issues, urban design considerations, the general policy context and discussion of community goals. There was also a review of alternative development scenarios on a without prejudice basis, which were not formally submitted to the City for review.

Since the appeal of the applications, no further Working Committee meetings have been held.
Agency Circulation
The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans
The Provincial Policy Statement (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. The PPS promotes strong, liveable and healthy communities, the environment, public health and safety, and economic growth.

The Growth Plan for the Greater Golden Horseshoe guides decisions on a wide range of issues such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Redevelopment and intensification of this site represents a type of development that is consistent with the intent of the Growth Plan for the Greater Golden Horseshoe. The proposed built form however, is not consistent with the policies contained within the Official Plan, which the PPS refers to as the most important vehicle for implementing the PPS (and the Growth Plan). While staff supports redevelopment of the site in a manner that is consistent with the objectives of the Growth Plan, the proposed built form does not respect its existing and planned context as required by the Official Plan.

Official Plan
The proposed development is inconsistent with the vision for the area, as supported by the City's Official Plan policies.

This portion of Queen Street East is located on an Avenue, as shown on Map 2 – Urban Structure of the Official Plan. The Official Plan notes that not all Avenues are the same. "Each Avenue is different in terms of lot sizes and configurations, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no "one size fits all" program for reurbanizing the Avenues".

The sidebar on page 3-7 of the Official Plan sets out the concept of existing and planned contexts and considers the relationship between what is currently present in an area and what is intended in the future. For mixed use areas, where change is anticipated, the Zoning By-law is the benchmark for appropriate heights and densities. The sidebar further explains that the existing context will help to determine an appropriate planned context.

Policy 4.5.2 of the Official Plan sets out the development criteria for new development in mixed use areas. The policy specifically requires that new development provide a transition between areas of different intensity and scale, through setbacks and/or stepping down of heights among other performance criteria.
Land Use
The proposed mix of residential and commercial uses is consistent with the land use provisions of the Official Plan and Zoning By-law.

Height and Massing
The proposed 8-storey 25.35 metre high building does not adequately respect and relate to its existing and planned context. The Official Plan directs new buildings to be designed to fit harmoniously into their existing and/or planned contexts by ensuring that the massing of new buildings is appropriate in relationship to neighbouring development (Policy 3.1.2.1).

The existing buildings in the area generally range from two- to three-storeys in height and have a fine-grain building rhythm. Some buildings have retail uses at grade. This development should respect the existing built form, and maintain the small-town feel and walkability along Queen Street East with appropriate streetwall heights and stepbacks to better fit in with the existing context. The massing of the front elevation should be broken up with appropriate façade articulation to reflect the fine-grain nature of the area. The building should contain multiple retail spaces at grade, rather than one large retail establishment.

Mid-rise performance standards were developed by the City with regard to all of the Official Plan policies, including the Avenues policies, the Mixed-Use land use policies and the Urban Design built form policies. The Avenues and Mid-Rise Buildings Study was adopted by City Council in July 2010. The intent of the study was to implement the Official Plan objective of re-urbanizing Toronto's main streets in a manner that is compatible with neighbourhoods, through the use of performance standards that shape building envelopes. The performance standards laid out in the mid-rise guidelines have their origins in planning practice and the experience of encouraging mid-rise on Avenues in the last decade as part of the Official Plan direction over that period of time.

A motion was adopted by City Council on July 8, 2010 that removed Queen Street East from the study area map. Since that, Queen Street East has been reviewed in a series of local studies resulting in the adoption of two Official Plan amendments and design guidelines thus far.

Notwithstanding the exclusion, the Mid-rise Guidelines remain a useful tool for the review of development applications on Queen Street East for mid-rise buildings on Avenues where there are adjacent residential uses. For example, the mid-rise guidelines encourage setbacks of the base of buildings and stepbacks of upper floors to ensure that acceptable sun/shadow and privacy conditions to adjacent residential neighbourhoods. In addition, the mid-rise guidelines ensure that an appropriate pedestrian scale is incorporated along street edges.

The Mid-rise Guidelines require that mid-rise buildings not exceed a height equivalent to the adjacent right-of-way width, which is 20 metres on Queen Street East. The
Guidelines also require appropriate setbacks and angular planes from the rear of the property. These combined achieve appropriate built form, which includes ensuring sunlight on streets and open spaces and transition of buildings to lower scale buildings in adjacent neighbourhoods.

Lesser heights have been proposed in some local areas to recognize the existing context, an example of which is a maximum height of 18.5 metres on the portion of Queen Street East between Coxwell Avenue and Nursewood Road. This relationship has been studied and shown to result in a comfortable street proportion. Mechanical penthouses are permitted to project beyond the height limit, provided that their height is limited and the mechanical penthouse is set back from all sides a sufficient distance to minimize impact. The zoning by-law allows for mechanical penthouses to be a maximum of 30 percent of the roof area.

In addition, other guidelines require stepbacks of the building at a height that relates to the prevailing built form of the local area. In the case of the Leslieville guidelines which apply to the area to the west of the subject site, this is at the 14 metre height, while it would be at the 16 metre height if using the general mid-rise guidelines or for example, at the 12.5 metre height in the area between Coxwell Avenue and Nursewood Road.

The rear portion of the proposed building and east portion of the building containing the loading space do not provide for an appropriate transition to the neighbourhood to the south and east. These portions of the building need to be scaled back to comply with a 45 degree angular plane, as required by all of the previously mentioned design guidelines.

The proposed siting, height and massing of the proposed building, in its current form, does not provide an adequate transition in scale to neighbouring buildings along Queen Street East and to the adjacent neighbourhood. This proposal will also set a negative precedent for other potential similar sites.

**Density**

The proposed development would result in a density of 4.6 times the area of the lot (11,213 square metres), while the zoning permits a total density of 2.0 times the area of the lot. A reduction in height and massing will result in a reduction of density.

**Streetscape**

The owner has been requested to provide a building setback to achieve a 4.8 metre wide sidewalk, measured from the existing curb on Queen Street East adjacent to the property. The existing plans show a sidewalk width of 3.95 metres.

The requested 4.8 metres is consistent with the width prescribed by the existing guidelines for the areas to both the east and west of the subject property as well as the City's Mid-rise Guidelines. The 4.8 metres width provides for sufficient sidewalk width to provide for a curb area, a space for trees and appropriate street furniture, clear sidewalk width of at least 2.1 metres and a zone adjacent to the building that could include areas for a sidewalk café or marketing of goods sold in the adjacent retail space.
Although the area in which the property is located is currently subject to a study to determine appropriate built form guidelines, Staff's analysis thus far has identified the appropriateness of a 4.8 metre wide sidewalk.

**Site Servicing**

City Engineering staff have requested that the applicant submit a revised Functional Servicing Report to confirm whether existing municipal infrastructure is adequate to service the development. A Stormwater Management Report will be required with the submission of any Site Plan Approval Application.

**Traffic, Access, Parking and Loading**

Vehicular access and servicing for the site is off the lane on the south side of the property. The applicant's plans show the provision of 106 vehicular parking spaces and 113 bicycle parking spaces. One Type-G loading space is proposed.

City Transportation staff have generally accepted the proposed parking and loading supply.

**Heritage Assessment**

As noted earlier Toronto and East York Community Council directed that a heritage evaluation be completed of the existing buildings that would be impacted by the proposal. The assessments are attached to this report as Attachments 8 and 9.

The properties at 1327-1339 Queen Street East contain a pair of semi-detached house form buildings at 1327-1329 Queen Street East and a pair of fourplexes at 1333-1335 and 1337-1339 Queen, all of which would be demolished as part of the development application for the site. The East Toronto Community Coalition, a local community group, has conducted research for the sites, which has been submitted to Heritage Preservation Services and is available on-line:


Heritage Preservation Services staff have completed Research and Evaluation Summaries for the properties at 1327-1329 Queen Street East (Attachment No. 8) and 1333-1339 Queen Street East (Attachment No. 9) attached to this report, that provide background information and analyses of the sites. The properties at 1327-1329 Queen Street East contain a pair of semi-detached house form buildings (1906) of a style that is well represented in both the neighbourhood and the city during the early 20th century. The pair of fourplexes (1912) on the neighbouring properties at 1333-1335 and 1337-1339 Queen Street East are of a typology that it is better represented in the adjoining Beaches neighbourhood. As noted in Attachments 8 and 9, the buildings are not particularly distinguished, and they lack cultural heritage values and attributes that contribute to the Leslieville community. Heritage staff have determined that the properties do not meet Ontario Regulation 9/06, the criteria applied by the City for inclusion on its heritage register and prescribed for designation under Part IV, Section 29 of the Ontario Heritage Act.
Laneway Housing Policies

As noted earlier in this report Toronto and East York Community Council at its meeting of June 17th, 2014 requested that a review be undertaken of the City's laneway housing policies with respect to this application.

The proposed development would not involve laneway housing. The proposed development is considered one apartment building for the purposes of servicing. All City services are provided from Queen Street East. The units at the rear of the development are located within the building envelope that would be permitted for a mixed-use building, in keeping with the Zoning for the property. The lot depth has resulted in the ability to provide for a courtyard for residents between the two different building elements. Staff do have concerns with the direct access of these rear units to the laneway and the physical relationship of this portion of the proposed development to adjacent properties.

At its meeting of July 25, 26 and 27, 2006, City Council considered a report titled "construction of Housing in Laneways". The report reviewed both the Planning considerations and the Engineering and Servicing considerations in coming up with the recommendations that were ultimately adopted by City Council.

In most instances, laneway housing has been proposed within areas designated Neighbourhoods. From a planning perspective, laneway housing generally would not comply with the Neighbourhood policies of the Official Plan which requires development be in keeping with the physical character of Neighbourhoods.

From an engineering and servicing perspective, it was noted in the report that laneways generally do not include municipal infrastructure such as water and sewage connections. Services are usually limited to lane drainage and lighting. In addition the City does not generally provide garbage pick-up or snow removal from laneways and the limited width can pose a problem for the provision of emergency services. In most instances, there are physical constraints to providing these services in a laneway along with sidewalks for pedestrians, trees and other streetscaping that would be expected in the public realm.

Open Space, Parkland

The Official Plan contains policies to ensure that Toronto’s system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provision across the City. The subject lands are in an area with 0.43 to 0.78 hectares of local parkland per 1,000 people. The site is located in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Parkland Dedication By-law 1020-2010.

The proposed 8 storey building will have a total of 110 residential units on a site with an area of 2,428 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.146 hectares (65% of the site area). However, for sites of less than 1 hectare in size a cap of 10% applies for
residential uses while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 230 square metres.

The applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication and the site would be encumbered with below grade parking. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit if an approval is granted.

**Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Should the zoning amendment application be approved in some form, a site plan control application will be required prior to the development and would be further reviewed for compliance with the Toronto Green Standards.

**Rental Housing**

A Rental Housing Demolition Application under Chapter 667, pursuant to Section 111 of the City of Toronto Act was filed and subsequently completed in April 2014.

Based on the information submitted by the applicant there are a total of 8 residential dwelling units on the proposed development site. A site visit by City Planning staff and additional information submitted by the applicant indicated that 5 of these dwelling units were used for residential rental purposes; 4 units with mid-range rent and 1 unit with high-end rent. The other three residential units are owner-occupied. All of the rental units were occupied at the time of application. The City's policy for applications involving demolition of rental housing is to maintain residential rental tenancies, and the buildings' occupancy, until such time as redevelopment has been approved and construction of the redevelopment is imminent.

As there are 6 or more existing residential units and at least 1 unit has been used for rental purposes, a permit under Section 111 of the *City of Toronto Act*/Chapter 667 of the Municipal Code is required. With only 5 units within this related group of buildings being used for residential rental purposes, the City's Official Plan policies requiring replacement of rental housing do not apply. Council approval is contingent on a number of conditions to the satisfaction of the Chief Planner. The key conditions in this situation involve the continued occupancy of the rental units until demolition is required and an appropriate Tenant Relocation and Assistance Plan for the aforementioned tenants. Staff are currently working with the applicant to develop a Tenant Relocation and Assistance Plan and schedule a required Tenant Meeting, but will not proceed with the
implementation of the Plan until such time that a redevelopment of some form is approved.

**Conclusion**

The *Avenue overlay and the Mixed Use Areas* designation in the Official Plan support the intensification and reurbanization of this site in a manner that is consistent with its existing and planned context.

The proposal does not adequately respect and relate to its existing context or the planned context in the Official Plan. The height, massing and density of the proposed building does not fit harmoniously, and would create a negative precedent on this portion of Queen Street East. It is for these reasons that staff recommend that the City Solicitor be directed to attend the OMB hearing in opposition to the application in its current form.

**CONTACT**

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**SIGNATURE**

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

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**ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet  
Attachment 8: Heritage Evaluation 1327-1329 Queen Street East  
Attachment 9: Heritage Evaluation 1333-1339 Queen Street East
Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 5: West Elevation

West Elevation

1327-1339 Queen Street East

Applicant's Submitted Drawing

File # 14 125514 STE 32 QZ

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Attachment 7: Application Data Sheet

**Application Type**: Rezoning  
**Application Number**: 14 125514 STE 32 OZ

**Details**  
**Rezoning, Standard**  
**Application Date**: March 6, 2014

**Municipal Address**: 1327 QUEEN ST E

**Location Description**: PLAN 214 PT LOT 24 **GRID S3212

**Project Description**: Zoning By-law Amendment application to construct an 8 storey, mid-rise building with commercial at grade with 110 residential units including 14 townhomes onto Memory Lane.

**Applicant:** Rockport (Queen & Leslie) Inc

**Agent:** Innstead Co-Operative Inc

**Architect:**

**Owner:**

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**PLANNING CONTROLS**

- **Official Plan Designation**: Mixed Use Areas
- **Zoning**: MCR T2.0 C0.5 R2.0
- **Height Limit (m)**: 12
- **Site Specific Provision**: No
- **Historical Status**: No
- **Site Plan Control Area**: Yes

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**PROJECT INFORMATION**

- **Site Area (sq. m)**: 2428
- **Frontage (m)**: 48
- **Depth (m)**: 50
- **Total Ground Floor Area (sq. m)**: 1645
- **Total Residential GFA (sq. m)**: 9568
- **Total Non-Residential GFA (sq. m)**: 685
- **Total GFA (sq. m)**: 11213
- **Lot Coverage Ratio (%):** 67.8
- **Floor Space Index**: 4.6

**Contact**

**PLANNER NAME**: Leontine Major, Senior Planner  
**TELEPHONE**: (416) 397-4079

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**DWELLING UNITS**

<table>
<thead>
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<th>Condo</th>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total Units:</td>
<td>110</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FLOOR AREA BREAKDOWN** (upon project completion)
HISTORICAL CHRONOLOGY

<table>
<thead>
<tr>
<th>Key Date</th>
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<tbody>
<tr>
<td>1857</td>
<td>Plan 214 is registered on the broken front of Lot 10 in York Township, covering a large tract east of Leslie Street between Ashbridge's Bay and present-day Danforth Avenue.</td>
</tr>
<tr>
<td>1864</td>
<td>The first land transactions are registered under Plan 214.</td>
</tr>
<tr>
<td>1884</td>
<td>The subject properties remain vacant when the City of Toronto annexes Leslieville with Riverdale.</td>
</tr>
<tr>
<td>1906 Mar</td>
<td>William Graham purchases Lot 24 and part of Lot 23 on Queen Street East between Laing Street and present-day Knox Avenue.</td>
</tr>
<tr>
<td>1906 Apr</td>
<td>When the tax assessment roll is compiled, William Graham's land remains vacant.</td>
</tr>
<tr>
<td>1906 Apr</td>
<td>John Graham (William's father) is issued Building Permit #3340 for the pair of semi-detached two-storey brick dwellings on Queen Street near Laing.</td>
</tr>
<tr>
<td>1907 May</td>
<td>The semi-detached house form buildings are in place (according to the assessment roll), with William Graham occupying the east dwelling and John Graham the west.</td>
</tr>
<tr>
<td>1911</td>
<td>John Graham's wife, Rachel acquires the properties.</td>
</tr>
<tr>
<td>1912 Aug</td>
<td>Graham and his wife continue to occupy 1327 Queen while renting 1329 Queen.</td>
</tr>
<tr>
<td>1913</td>
<td>Graham's properties are illustrated on Goad's Atlas of 1910 updated to 1913.</td>
</tr>
<tr>
<td>1919</td>
<td>Rachel Graham's executor receives the sites.</td>
</tr>
<tr>
<td>1925</td>
<td>The properties are transferred to the Graham Brothers (ice and coal company).</td>
</tr>
<tr>
<td>1952</td>
<td>The Graham family sells the subject properties.</td>
</tr>
</tbody>
</table>
The properties at 1327-1329 Queen Street East are located on the south side of the street between Laing Street (west) and Knox Avenue (east) in Leslieville, the Toronto neighbourhood located east of the Don River between Riverside and the Beaches (Image 1). The initial development of this area dated to the mid 19th century as the location of brick yards and market gardens, including one operated by George Leslie whose family opened a post office serving the unincorporated community. While Kingston Road (later Queen Street East) remained the main thoroughfare, the arrival of the steam railway in the 1850s encouraged development (Image 2). In 1884, Leslieville was annexed by the City of Toronto as part of Riverdale, with the provision of municipal services and improved transportation leading to the opening of residential subdivisions adjoining Queen Street East.

Although a large portion of Leslieville was subdivided under Plan 214 (Image 4), no significant building activity on the south part of the plan was illustrated on the first Goad's Atlas covering this area in 1884 (Image 3). Two years later, local butcher Robert Manson acquired the series of lots along the south side of Queen Street East between Laing Street and present-day Knox Avenue. His widow sold Lot 24 and part of adjoining Lot 23 to William Graham in 1906. A building permit was immediately issued to William's father, John Graham for a pair of semi-detached house form buildings that were occupied by the men and their families (Image 5). The houses were first illustrated on Goad's Atlas updated to 1913, the year after William Graham vacated the portion at present-day 1329 Queen (Image 6). The subject properties were captured in an archival photograph dating to 1937 (Image 7). Members of the Graham family retained the properties until after World War II.

EVALUATION: Regulation 9/06, the criteria prescribed by the Province of Ontario for municipal designation under Part IV, Section 29 of the Ontario Heritage Act

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From an architectural standpoint, the properties at 1327-1329 Queen Street East contain a pair of semi-detached houses that can be described as representative examples of early 20th century house form buildings. However, their design, incorporating verandahs on the main floor, oriel windows above and gable roofs with dormers is repeated on innumerable streets in Toronto neighbourhoods during the Edwardian era, including other examples on Queen Street, east of Knox Avenue, and Vancouver Avenue in Leslieville.

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1 At the same time Robert Manson's widow Annie relinquished some of her Queen Street holdings, she commissioned the pair of semi-detached houses at present-day 1341-1343 Queen (Building Permit 5078, August 1906)
The properties were originally developed by William Burnswick Graham (born 1880) and his father, John Coatsworth Graham (1847-1925), who were local ice dealers whose family retained the sites until after World War II. However, this association does not reach the threshold of 'significant' under the Criteria. The sites do not contribute to a historical understanding of the community of Leslieville. No architect is named on the building permit, with credit to the structures given to local contractor, William J. Hewitt.  

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<td>i. important in defining, maintaining or supporting the character of an area</td>
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<td>ii. physically, functionally, visually or historically linked to its surroundings</td>
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<td>iii. landmark</td>
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Contextually, the properties at 1327-1329 Queen Street West are part of a group of disparate buildings on the south side of the street between Laing Street and Knox Avenue, which includes another pair of semi-detached houses (also 1906) at 1341-43 Queen, two pairs of fourplexes (1912) at 1333-1335 and 1337-1339 Queen, a large building designed for mixed commercial and residential units (1920) at 1325 Queen and, at the opposite end of the block, an automotive shop on the northwest corner of Knox. The semi-detached houses at 1327-1329 do not define the character of Leslieville, nor are they linked to their surroundings apart from sharing a common construction date with the properties at 1341-43 Queen. They do not stand as landmarks in Leslieville where, south of this block, Maple Leaf Cottage (1873) at 62 Laing Street is a designated heritage site where the landmark "Maple Leaf Forever" tree stood before its removal in 2013.

SUMMARY

The properties at 1327 and 1329 Queen Street East do not meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under the Ontario Heritage Act that the City also applies when evaluating properties for inclusion on its heritage register, which is also known as the City of Toronto Inventory of Heritage Properties. The semi-detached house form buildings (1906) at 1327-1329 Queen Street East are not particularly distinguished and represent a type of residential design that is well represented in both the neighbourhood and the city during the early 20th century. The buildings also lack associative or contextual values to link them to the cultural heritage of Leslieville.

SOURCES

Abstract Indices of Deeds, Plan 214, Lots 23-24
Archival photograph, City of Toronto Archives, Series 71, Item 11826
Assessment Rolls, Ward 1, Division 1, 1906 ff.
Building Permit #3340, April 7, 1906
City of Toronto Directories, 1900 ff.
Decennial Censuses of Canada, 1901, 1911 and 1921
Fletcher, Ron, _Over the Don_, 2002

2 At the time of construction, Hewitt was located at 1440 Queen Street East
3 The tree was associated with Alexander Muir, principal of Leslieville Public School when he penned the song "The Maple Leaf Forever" in celebration of Canada's Confederation in 1867

Staff report for action – Request for Direction – 1327 to 1339 Queen St E
Goad's Atlases, 1884-1924
Graham Family Records, www.ancestry.ca
Leslieville Urban Design Guidelines, City of Toronto, June 2014
Muir, Elizabeth Gillian, Riverdale: east of the Don, 2014
Myrvold, Barbara, The Danforth in Pictures, 1979
History of Toronto and the County of York, Vol. 1, Robinson, 1885
Tremaine, Map of Toronto and York County, 1860
Underwriters' Insurance Bureau Atlases, Volume 6, April 1929 revised to June 1945, and February 1965
IMAGES: Maps and atlases are followed by other archival images. The arrows mark the location of 1327-1329 Queen Street East.

1. City of Toronto Property Data Map, showing the block between Laing (left) and Knox (right) where the properties at 1327-1329 are located (but are unnumbered on the map)
2. **Tremaine's Map of Toronto and York County, 1860**: showing the unincorporated community of Leslieville where Plan 214 (1857) subdivided the tract east of Leslie Street between Ashbridge's Bay and today's Danforth Avenue (George Leslie's Toronto Nursery is labelled west of the subject properties)

3. **Goad's Atlas, 1884**: the subject properties remain vacant on the first atlas showing Leslieville (coinciding with its annexation by the City of Toronto as part of Riverside)
4. Registered Plan 214, 1857: showing the south portion of the subdivision where the semi-detached houses at present-day 1327-1329 Queen Street East were later built on parts of adjoining Lots 23 and 24 (Kingston Road and Lake Street were renamed as Queen and Knox, respectively after annexation)

5. Building Permit 3340, April 7, 1906: issued to John C. Graham for the pair of semi-detached houses now numbered at 1327-1329 Queen Street East (City of Toronto Archives)
6. Goad's Atlas, 1910 revised to 1913: the atlas shows the semi-detached houses at present-day 1327-1329 Queen Street East in place where the annotations indicate the original range of street numbers.

7. Archival Photograph, Queen Street East, West of Hiltz Avenue, 1937: the properties at 1327-1329 Queen Street East are pictured on the left (the verandahs are visible to the right of and below the "Imperial Dealer" sign) (City of Toronto Archives, Series 71, Item 11826)
8. **Current Photographs, 1327-1329 Queen Street East, November 2014:** showing the principal (north) and east elevations (above) and the north and west elevations (below) (Heritage Preservation Services)
9. Current Photographs, 1327-1329 Queen Street East, November 2014: showing the rear (south) wall from Memory Lane (above) and the context of the semi-detached house form buildings (right) on the south side of Queen Street East, east of Laing Street (below) (Heritage Preservation Services)
HISTORICAL CHRONOLOGY

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<td>1857</td>
<td>Plan 214 is registered on the broken front of Lot 10 in the First Concession of York Township, covering a large tract east of Leslie Street between Ashbridge's Bay and present-day Danforth Avenue.</td>
</tr>
<tr>
<td>1864</td>
<td>The first land transactions are registered under Plan 214.</td>
</tr>
<tr>
<td>1884</td>
<td>The subject properties remain vacant when the City of Toronto annexes Leslieville as part of Riverdale.</td>
</tr>
<tr>
<td>1908 Dec</td>
<td>William E. Booth, a partner in the Booth Brothers contracting company, purchases parts of Lot 23 in two separate transactions.</td>
</tr>
<tr>
<td>1909 Dec</td>
<td>Booth adds adjoining Lot 22 to his holdings.</td>
</tr>
<tr>
<td>1911 Aug</td>
<td>Booth's land is recorded as vacant on the tax assessment rolls.</td>
</tr>
<tr>
<td>1912 Jan</td>
<td>The Booth Brothers are issued building permit 32388 for a &quot;pair of two-storey semi-detached brick dwellings&quot; on &quot;King Street near Knox Street&quot;, identifying the owners as the builders.</td>
</tr>
<tr>
<td>1912 Aug</td>
<td>When the assessment roll is compiled, &quot;unfinished houses&quot; are recorded at present-day 1337-1339 Queen.</td>
</tr>
<tr>
<td>1913 May</td>
<td>The assessment rolls record the fourplexes, with the majority tenanted.</td>
</tr>
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---

4 This is one of only two building permits issued to the "Booth Brothers" in 1912; presumably Queen Street is misidentified as "King Street" on the permit (as King Street ends on the west side of the Don River and no fourplexes were constructed on any other east-west streets crossing Knox).

5 At this time, the fourplexes were numbered as 1333, 1333½, 1335, 1335½, 1337, 1337½, 1339 and 1339½ Queen, with the portions at 1335 & 1335½ Queen remaining vacant and the other buildings housing a bookkeeper, insurance agent, electrician, traveller, mechanic and musician.
The properties at 1333-1339 Queen Street East are located on the south side of the street between Laing Street (west) and Knox Avenue (east) in Leslieville, the Toronto neighbourhood located east of the Don River between Riverside and the Beaches (Image 1). The initial development of this area dated to the mid 19th century as the location of brick yards and market gardens, including one operated by George Leslie whose family opened a post office serving the unincorporated community. While Kingston Road (later Queen Street East) remained the main thoroughfare, the arrival of the steam railway in the 1850s encouraged development (Image 2). In 1884, Leslieville was annexed by the City of Toronto as part of Riverdale, with the provision of municipal services and improved transportation leading to the opening of residential subdivisions adjoining Queen Street East.

Although a large portion of Leslieville was subdivided under Plan 214 (Image 4), no significant building activity on the south part of the plan was illustrated on the first Goad's Atlas covering this area in 1884 (Image 3). Two years later, local butcher Robert Manson acquired the series of lots along the south side of Queen Street East between Laing Street and present-day Knox Avenue. His widow sold Lot 22 and part of adjoining Lot 23 to William E. Booth in separate transactions in 1908 and 1909.6 William E. Booth and his elder brother, Albert E. Booth were raised in Yorkville where their father was a well-known builder and the owner of local brickyards. As the Booth Brothers, the pair headed a contracting enterprise based in Scarborough. They received a building permit for the subject properties in January 1912, and the easternmost fourplex at present-day 1337-1339 Queen was under construction the same year (Image 5). Both buildings were completed by May 1913 (when the annual tax assessment was recorded) and illustrated on that year's update to Goad's Atlas (Image 6). The Booth Brothers each owned one of the fourplexes, with William selling his properties in 1928 and Albert retaining his until 1946. The fourplexes are visible in an archival photograph of the block dating to 1937 (Image 7).

EVALUATION: Regulation 9/06, the criteria prescribed by the Province of Ontario for municipal designation under Part IV, Section 29 of the Ontario Heritage Act

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6 At the same time Robert Manson's widow Annie relinquished some of her Queen Street holdings, she commissioned the pair of semi-detached houses at present-day 1341-1343 Queen (Building Permit 5078, August 1906)
The properties at 1333-1339 Queen Street East contain a pair of fourplexes that can be described as representative example of early 20th century house form building. However, the fourplexes have few distinguishing features of note and their integrity has been impacted over time. Better examples of the type survive in the adjoining Beaches neighbourhood, including the group at 18-36 Wineva Avenue (1929) that were identified on the City’s first heritage inventory in 1973, and the waterfront collection at Hubbard and Wineva (1928), which are designated under Part IV, Section 29 of the Ontario Heritage Act (Images 8-9).

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Under historical or associative value, the properties at 1333-1339 Queen Street East do not meet the criteria for direct associations with or an understanding of Leslieville. William E. Booth and Albert E. Booth, the Scarborough-based contractors who developed and rented out the sites are not persons of significance in relation to the subject properties.

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Contextually, the properties at 1333-1339 Queen Street West are part of a disparate group of mixed commercial and residential buildings on the south side of the street between Laing Street and Knox Avenue, where they are flanked by semi-detached houses at 1327-1329 Queen and 1341-1343 Queen to the west and east, respectively as well as a large building (completed in 1920 for mixed commercial and residential uses) at Laing Street and an automotive repair shop at the corner of Knox Avenue. The properties at 1333-1339 Queen do not define the character of Leslieville, nor are they linked to their surroundings. They do not stand as landmarks in Leslieville where, south of this block, Maple Leaf Cottage (1873) at 62 Laing Street is a designated heritage site where the landmark "Maple Leaf Forever" tree stood before its removal in 2013.  

SUMMARY

The properties at 1333-1339 Queen Street East do not meet Ontario Regulation 9/06, the provincial criteria prescribed for municipal designation under the Ontario Heritage Act that the City also applies when evaluating properties for inclusion on its heritage register, also known as the City of Toronto Inventory of Heritage Properties. The pair of fourplexes (1912) on the adjoining properties at 1333-1335 and 1337-1339 Queen Street East are of a typology that it is better represented in the adjoining

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7 The tree was associated with Alexander Muir, principal of Leslieville Public School when he penned the song "The Maple Leaf Forever" in celebration of Canada’s Confederation in 1867

Staff report for action – Request for Direction – 1327 to 1339 Queen St E 34 V.03/13
Beaches neighbourhood. The buildings are not particularly distinguished, and they lack cultural heritage values and attributes that contribute to the Leslieville community.

SOURCES

Abstract Indices of Deeds, Plan 214, Lots 23-24
Archival photograph, City of Toronto Archives, Series 71, Item 11826
Assessment Rolls, Ward 1, Division 1, 1906 ff.
Booth Family Records, www.ancestry.ca
Building Permit #32388, January 26, 1912, City of Toronto Archives
City of Toronto Directories, 1900 ff.
Decennial Censuses of Canada, 1881-1921
Fletcher, Ron, Over the Don, 2002
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IMAGES: Maps and atlases are followed by other archival images. The arrows mark the location of 1327-1329 Queen Street East.

10. City of Toronto Property Data Map: showing the block between Laing (left) and Knox (right) where the properties at 1333-1339 Queen Street East are located (only part of the easternmost fourplex is numbered on the detailed map below).
11. Tremaine's Map of Toronto and York County, 1860: showing the unincorporated community of Leslieville where Plan 214 (1857) subdivided the tract east of Leslie Street between Ashbridge's Bay and today's Danforth Avenue (George Leslie's Toronto Nursery is labelled west of the subject properties).

12. Goad's Atlas, 1884: on the first atlas showing Leslieville (coinciding with its annexation by the City of Toronto as part of Riverside), the subject properties remained vacant.
13. Registered Plan 214, 1857: showing the south portion of the subdivision where the pair of fourplexes at present-day 1333-1335 and 1337-1339 Queen Street East were later built on parts of adjoining Lots 22 and 23 (Kingston Road and Lake Street were renamed as Queen and Knox, respectively after annexation)

14. Building Permit 32388: issued to the Booth Brothers for the properties at "King near Knox", two streets that do not intersect. Evidently Queen Street was misnamed "King" on the document (City of Toronto Archives)
15. Goad's Atlas, 1910 revised to 1913: the atlas shows the two fourplexes at present-day 1333-1335 and 1337-1339 Queen Street East in place (and numbered at 1335 and 1337)

16. Archival Photograph, Queen Street East, West of Hiltz Avenue, 1937: the location of the fourplexes is on the left below the "Imperial Dealer" sign (City of Toronto Archives, Series 71, Item 11826)
17. Fourplexes, 22-24 (left) and 34-35 (right) Wineva Avenue, undated: showing two of the series of five fourplexes at 18-36 Wineva in the Beaches that were recognized on the inaugural City of Toronto Inventory of Heritage Properties in 1973 (http://www.tobuilt.ca/)

18. Fourplexes, 9-11 Hubbard Boulevard (left) and 2-4 Wineva Avenue (right), 2009: showing two of the series of five fourplexes in the Beaches that have waterfront access and are designated under Part IV, Section 29 of the Ontario Heritage Act
19. **Current Photographs, 1333-1335 (above) and 1337-1339 (below) Queen Street East, November 2014:** showing the principal elevation of each fourplex (Heritage Preservation Services)
20. Current Photographs, 1327-1329 Queen Street East, November 2014: showing the rear (south) walls from Memory Lane (above) and the context of the fourplexes on the south side of Queen Street East, east of Laing Street (below) (Heritage Preservation Services)