



REPORT FOR ACTION

1151 Queen Street East - Zoning By-law Amendment Application - Supplementary Report

Date: February 25, 2020

To: City Council

From: Chief Planner & Executive Director

Wards: Ward 14 - Toronto-Danforth

SUMMARY

The purpose of this Supplementary Report is to recommend a minor revision to the proposed zoning by-laws amending 569-2013 and 438-86 allowing for a 6-storey mid-rise residential building at 1151 Queen Street East. The minor revision will enable a geothermal energy system to be integrated within the development. In order to accommodate geothermal infrastructure, the proposed development will lose 2 parking spaces from the original 26 parking spaces proposed.

It is the opinion of City Planning staff that the changes to the proposed zoning by-law amendments are minor, meet the original intent of the Final Report, and therefore do not require an additional statutory public meeting. Furthermore, this revision creates an opportunity to implement a range of Council-directed sustainability initiatives.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council delete Recommendation 1 from Toronto and East York Community Council and replace it with the following:

City Council amend Zoning By-law 438-86 for the lands at 1151 Queen Street East in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to the Supplementary Report from the Chief Planner and Executive Director, City Planning.

2. City Council delete Recommendation 2 from Toronto and East York Community Planning and replace it with the following:

City Council amend Zoning By-law 569-2013 for the lands at 1151 Queen Street East in accordance with the draft Zoning By-law Amendment attached as Attachment 1 to the Supplementary Report from the Chief Planner and Executive Director, City Planning.

3. City Council determine that the revisions reflected in the proposed Zoning by-law Amendments appended to this Supplementary Report as Attachments 1 and 2 are minor in nature and pursuant to Section 34 of the Planning Act, no further public notice is required in respect of the proposed Zoning By-law Amendments.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting on January 8th, 2020 Toronto and East York Community Council adopted the Final Report for a rezoning on the 1151 Queen Street East site with amendments. The Final Report and draft zoning by-laws can be found below: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.7>

At its meeting on October 2nd, 2019 Toronto City Council declared a climate emergency. More information can be found below: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM10.3>

COMMENTS

In the week after the January 8th Toronto and East York Community Council Decision to adopt the Final Report for a rezoning on the 1151 Queen Street East site, the applicant contacted City Staff to inform them of the potential for geothermal energy to be integrated within the development. The engineering consultants working on behalf of the applicant identified this opportunity after the report was considered by Toronto and East York Community Council.

The applicant, the local councillor and City Planning collectively agreed that deferring this item's consideration at City Council would provide the additional time required to assess the geothermal potential of the site.

The impact of integrating the geothermal energy infrastructure into the proposed development is a loss of 2 vehicle parking spaces in the basement level. The base zoning requirement for parking applied to this site would be 30 spaces. Accommodating the geothermal energy infrastructure would result in a minor change in the zoning by-law amendments requiring a minimum of 24 vehicle parking spaces (as opposed to the 26 spaces originally identified in the January 8th, 2020 Final Report).

Sustainability Objectives:

City Council's October 2, 2019 declaration of a climate emergency deepened a commitment to protecting the economy, ecosystems and community from climate change. This decision included direction to strengthen the scope of Transform TO and broaden its implementation strategy, including integrating innovations in building performance.

The City of Toronto's Official Plan has policies in Section 3.4 that speak to mitigating climate change and reducing building emissions. Policy 3.4.19 specifically provides direction on how new development should incorporate sustainable design practices through building performance. In the opinion of staff, incorporating geothermal energy implements the above council-directed objectives.

The community consultation section of the Final Report notes that the parking supply issue was raised at the Community Consultation Meeting. The proposed revision will not impact visitor parking, which was seen as a priority at the meeting. A motion was introduced at the January 8th, 2020 Toronto and East York Community Council meeting restricting future residents of the development from the on-street permit parking program. Given that visitor parking will not change and that access to on-street parking permits is restricted, the impact of losing 2 parking spaces is minor in the opinion of City Staff.

In order to offset the loss of vehicle parking, a new bicycle parking stacker design is proposed that will enable an additional 13 bicycle parking spots. This will yield 64 bicycle spaces in total, which exceeds the 48 required by the 569-2013 zoning by-law.

Transportation Services staff were consulted on the potential impact and determined that the loss of 2 vehicle parking spaces is acceptable. City Planning

is supportive of the minor revision to the zoning by-law amendments on the grounds that it creates an opportunity to meet several sustainability objectives.

CONTACT

Colin Wolfe, Planner
Tel. No: 416-338-1857
Email: colin.wolfe@toronto.ca

SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner & Executive Director
City Planning

ATTACHMENTS

Attachment 1: Revised Zoning By-law Amendment to 569-2013
Attachment 2: Revised Zoning By-law Amendment to 438-86

Attachment 1: Revised Zoning By-law Amendment to 569-2013

CITY OF TORONTO

BY-LAW XXX-2020

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 1151 Queen Street East.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 2.5 (c1.0; r2.0) SS2 (x237) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 237 so that it reads:

Exception CR 237

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provision, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) Despite regulations 40.10.40.40(1) & (2), the permitted maximum gross floor area is 4,030 square metres, provided:
- (i) The residential gross floor area does not exceed 3,595 square metres;
and
 - (ii) The non-residential gross floor area does not exceed 435 square metres;

- (B) The permitted maximum number of dwelling units is 47;
- (C) Despite regulation 40.5.40.10(1) & (2) the height of a building or structure is measured from the Canadian Geodetic Datum elevation of 78.37 metres to the highest point of the building or structure;
- (D) Despite Regulation 40.10.40.10(2), the permitted maximum height of the building or structure, is the height in metres specified by the numbers following the symbol HT as shown on Diagram 3 of By-law -2019 [Clerks to provide number], which includes equipment and structures used for the functional operation of the building and the screening of these equipment and structures;
- (E) Despite (D) above and in addition to Clause 40.5.40.10, the following may project above the permitted maximum height as shown on Diagram 3 attached to By-law -2019 [Clerks to provide number] as follows:
- (i) parapets, railings, wind screens, balcony guards, handrails, window sills, terraces, light fixtures, scuppers, fall-arrest systems, insulation and building envelope membranes, bollards, built-in planter boxes by not more than 1.50 metres;
 - (ii) green roof and associated elements, including parapets and sloped toppings, by not more than 2.0 metres; and
 - (iii) divider screens, visual screens, sound barriers, acoustical screens, and privacy screens by not more than 2.00 metres.
- (F) Despite Clause 40.10.40.70(2) the minimum required building setbacks are as shown on Diagram 3 of By-law -2019 [Clerks to provide number];
- (G) Despite (F) above, regulation 40.5.40.60(1) and Clause 40.10.40.60 the following may encroach into the required minimum building setbacks as follows:
- (i) parapets, railings, wind screens, balcony guards, handrails, window sills, terraces, light fixtures, scuppers, fall-arrest systems, insulation and building envelope membranes, bollards, built-in planter boxes by not more than 2.0 metres;
 - (ii) patios, doors, wheelchair ramps, hose bibs and mechanical grilles by not more than 1.5 metres;
 - (iii) parking elevator structure and enclosure by not more than 0.75 metres;
 - (iv) balconies and associated elements, including screens and planters, by no more than 5.0 metres and in accordance with the following;

- (a) Any exterior flooring, associated elements to exterior flooring, and structural elements that do not exceed a height of 0.30 metres;
- (b) Any walls, sound barriers, acoustical screens, dividers, guardrails, screens or planters do not exceed a height of 2.0 metres, measured from the surface of the balcony;
- (c) They are located at least 10.5 metres above average grade along the rear main wall; and
- (d) They are located at least 14.0 metres above average grade along the front main wall and the west side main wall.
- (H) Regulations 40.10.40.1(1) & (2) with respect to location of commercial uses in a mixed-use building and location of entrances and first floor elevation do not apply.
- (I) Despite Regulation 40.10.40.80(2), where a main wall of the building has windows facing another main wall on the same lot which does not have windows, the minimum above-ground distance between the main walls is 1.8 metres;
- (J) Despite Regulation 40.10.80.20(1), a parking space that is not in a building or structure may be set back at least 0 metres from a lot line;
- (K) Despite Regulation 40.10.80.20(2), a parking space must be setback at least 5.9 metres from a lot in the Residential Zone category;
- (L) Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, a minimum of 26 parking spaces must be provided as follows:
 - (i) a minimum of 21 parking spaces for residents of the dwelling units; and
 - (ii) a minimum of 3 parking spaces for non-residential uses and visitors to the dwelling units ; and
 - (iii) a maximum of 2 required parking spaces may be used for car share.
- (M) Despite (L) above, a minimum of 24 parking spaces are required if Geo-energy is included on site. In this case, (L)(i) will require a minimum of 19 parking spaces for residents of the dwelling units.
- (N) Despite regulation 200.5.1(3), the required minimum drive aisle width is 5.88 metres;

(O) Despite Regulation 200.5.1.10(2)(B), a maximum of 5 parking spaces accessed by a drive aisle with a width of less than 6.0 metres may have a minimum width of 2.6 metres;

(P) Despite Regulation 200.5.1.10(2), a maximum of 1 parking space may have a vertical clearance of no less than 1.90 metres.

(Q) Despite Regulation 200.5.1.10(2), a maximum of 2 parking spaces accessed by a drive aisle with a width of less than 6.0 metres and is obstructed on one side may have a minimum width of 2.6 metres;

(R) Regulations 200.15.1(4) and 200.15.1.5(1), with respect to the location of accessible parking spaces, does not apply;

(S) Despite Regulation 230.5.1.10(4) "long-term" bicycle parking spaces may be located in a stacked bicycle parking space with a minimum width of 0.27 metres, a minimum horizontal clearance from the wall of 1.8 metres and a minimum length of vertical clearance of 1.2 metres

(T) Despite 230.5.1.10(4)(B), the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical devise is a minimum length or vertical clearance of 1.83 m, minimum width of 0.46 m, and minimum horizontal clearance from the wall of 1.1 metres; and

(U) Despite Regulations 220.5.10.1(2) and 220.5.1.10(8)(C), one Type "C" loading space with a minimum length of 6.4 metres must be provided and maintained on the lot.

Prevailing By-laws and Prevailing Sections: None Apply.

5. Despite any future severance, partition or division of the lot as shown on Diagram 1, the provisions of this By-law apply as if no severance, partition or division occurred.

Enacted and passed on February , 2020.

(Seal of the City)

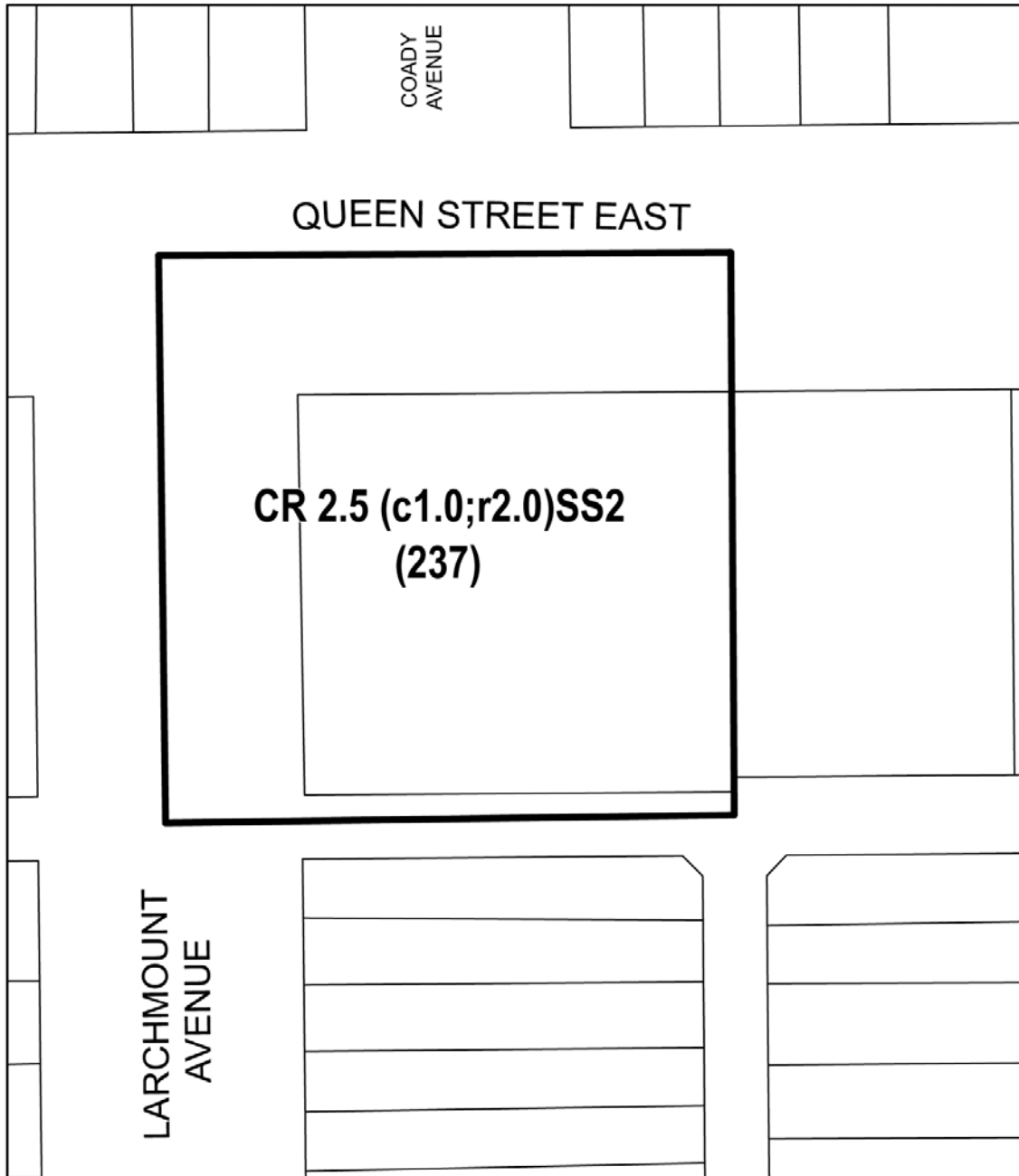


TORONTO
 Diagram 1

1151 Queen Street East

File # 18 149422 STE 30 0Z


↑
 City of Toronto By-law 569-2013
 Not to Scale
 12/02/2019

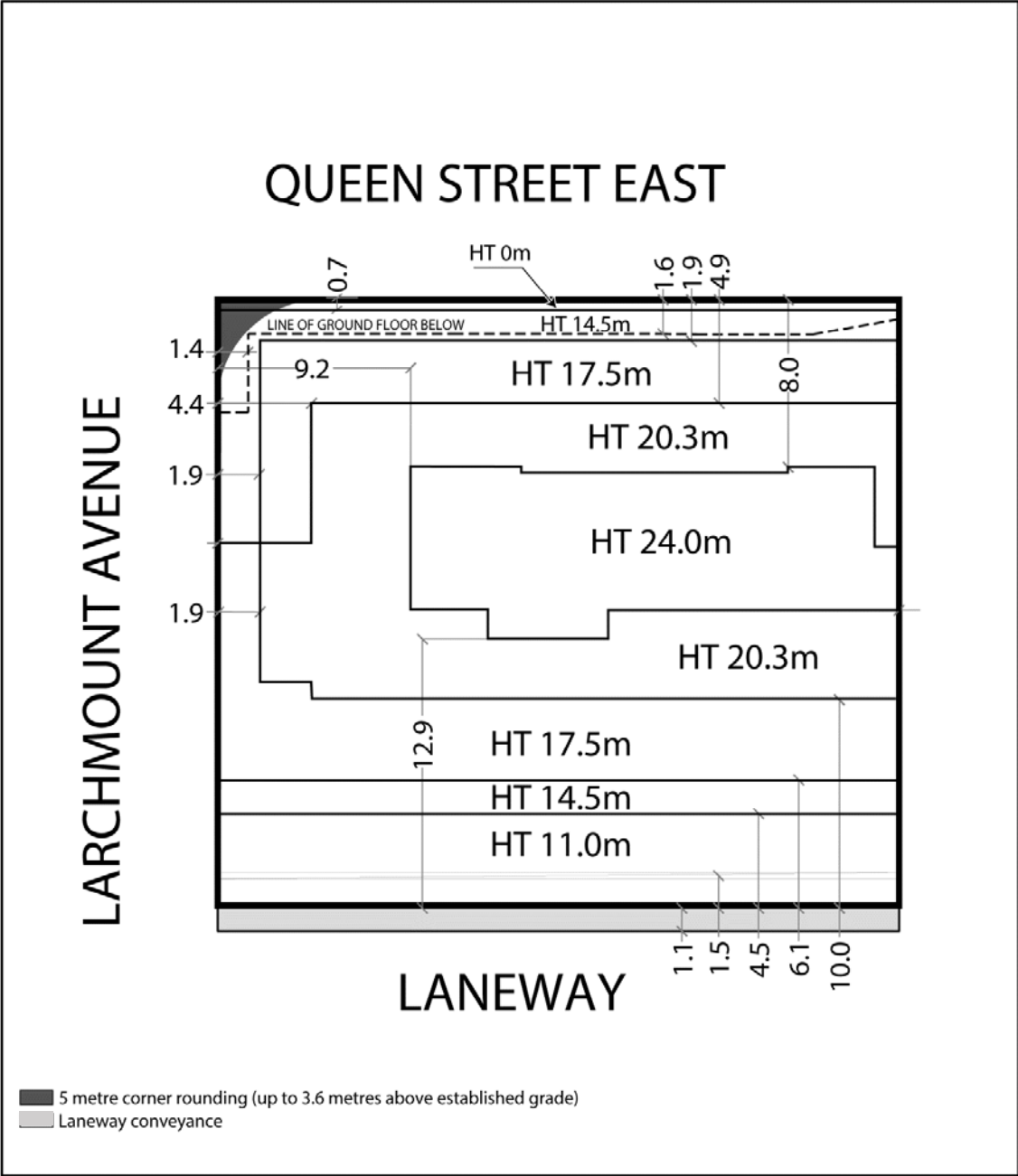


 **TORONTO**
Diagram 2

1151 Queen Street East

File # 18 149422 STE 30 0Z


 City of Toronto By-law 569-2013
 Not to Scale
 12/02/2019



TORONTO
Diagram 3

1151 Queen Street East

File # 18 149422 STE 30 OZ

City of Toronto By-law 569-2013
Not to Scale
12/02/2019

Attachment 2: Revised Zoning By-law Amendment to 438-86:

CITY OF TORONTO

Attachment 2: Revised Zoning By-law Amendment to 438-86:

CITY OF TORONTO

BY-LAW XXXX – 2020

To amend Zoning By-law 438-86 of the former City of Toronto with respect to the lands known municipally as 1151 Queen Street East.

Whereas authority is given to the Council of a municipality by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws;

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;

Whereas Council of the City of Toronto, at its meeting on February 26, 2020, determined to amend the former City of Toronto Zoning By-law 438-86 with respect to lands known municipally in the year 2020 as 1151 Queen Street East;

The Council of the City of Toronto enacts:

1. None of the provisions of Section 2(1) with respect to "grade", "height", "residential gross floor area", and "lot", and Sections 4(2), 4(3)(a); 4(6)(c), 4(10)(d), 4(12), 4(13(a)(c), 4(14)(a), 8(3) Part I 1, 8(3) Part I 3(A), 8(3) Part II 1(B)(II), 8(3) Part II 4(A), 8(3) Part II 4(C)(I)(III), 8(3) Part IV 2, 8(3) Part XI 2(i), 8(3) Part XI 2(iii) of By-law 438-86 of the former City of Toronto, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" as amended, shall apply to prevent the erection and use of a mixed-use building on the lot, provided that:

(a) the lot comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

(b) in addition to those uses permitted pursuant to Section 8(1) of By-law 438-86, permitted uses on the lot shall also include car-share parking spaces;

(c) notwithstanding 8(3) Part I 1 and 8(3) Part I 3(A), the total aggregate residential gross floor area and non-residential gross floor area on the lot shall not exceed 4,030 square metres, provided:

(i) The residential gross floor area does not exceed 3,595 square metres; and

(ii) The non-residential gross floor area does not exceed 435 square metres;

(d) no portion of any building or structure on the lot shall have a height greater than the height in metres specified by the number following the "HT" symbol as shown on Map 2 attached to and forming part of this By-law, with the exception of the following:

- (i) wind screens, elevator overruns parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, stair enclosures, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, and elements of a green roof, which may project above the height limits shown on Map 2;
- (ii) equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment which may project above the height limits shown on Map 2 by a maximum of 5.0 metres;
- (e) no portions of a building or structure located above ground shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - (i) cornices, light fixtures, ornamental elements, parapets, art and landscape features, patios, decks, pillars, trellises, balconies, terraces, eaves, window sills, planters, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheelchair ramps, fences, screens, site servicing features, awnings and canopies, parking elevator structure and enclosure, and underground garage ramps and associated structures may extend beyond the heavy lines shown on Map 2 of this By-law.
- (f) notwithstanding 8(3) Part II 1(A) and 1 B(II), the windows of a dwelling unit may be setback 1.92 metres from the east lot line;
- (g) notwithstanding 8(3) Part II 4(A), a building may be setback at least 6.9 metres from a lot in the residential or park district;
- (h) notwithstanding 4(12), residential amenity space shall be provided at a minimum rate of 4.0 square metres for each dwelling unit of which:
 - (i) A minimum of 2.2 square metres for each dwelling unit shall be indoor residential amenity space; and
 - (ii) A minimum of 1.8 square metres for each dwelling unit shall be outdoor residential amenity space.
- (i) notwithstanding 4(3), parking spaces for the mixed-use building shall be provided and maintained on the lot in accordance with the following:
 - (i) A minimum of 21 parking spaces for the use of the residents of the building;
 - (ii) Despite (i)(i) above, a minimum of 19 parking spaces for the use of residents of the building are required if Geo-energy is included on site.
 - (iii) A minimum of 3 parking spaces for the shared use of non-residential uses and visitors to residents of the building;
 - (iv) A minimum of 2 car-share parking spaces will be provided on the lot.

- (j) notwithstanding Section 4(17)(a), a maximum of 1 parking space may have a height of no less than 1.9 metres.
 - (k) notwithstanding Section 4(17)(b), a maximum of 5 parking spaces accessed by a drive aisle have a width of less than 6.0 metres may have a minimum width of 2.6 metres;
 - (l) notwithstanding Section 4(17)(b), a maximum of 2 parking spaces accessed by a drive aisle having a width of less than 6.0 metres and is obstructed on one side may have a minimum width of 2.6 metres;
 - (m) notwithstanding 8(3) Part IV 2, a parking facility may be located within 5.9 metres from a lot located in the residential (R) district;
 - (n) an accessible parking space shall have the following minimum dimensions:
 - (i) Length of 5.6 metres;
 - (ii) Width of 3.4 metres; and
 - (iii) Vertical clearance of 2.1 metres; and
 - (iv) The entire length of an accessible parking space must be adjacent to a 1.5-metre-wide accessible barrier free aisle or path.
 - (o) bicycle parking spaces shall be provided on the lot as follows:
 - (i) A minimum of 0.9 bicycle parking spaces – occupant for each dwelling unit the use of residents of the building shall be provided;
 - (ii) A minimum of 0.1 bicycle parking spaces – visitor for each dwelling unit for visitors to the building shall be provided; and
 - (iii) Notwithstanding the definition of bicycle parking space – occupant in Section 2(1) of Zoning By-law 438-86, as amended, a bicycle parking space may be provided in a stacked bicycle parking space.
 - (p) notwithstanding 4(6)(C), one loading space - Type "C" shall be provided and maintained on the lot;
2. None of the provisions of By-law 438-86 shall apply to prevent a sales office on the lot.
3. Despite any future severance, partition or division of the lot as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.

4. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law 438-86, as amended, with the exception of the following terms:

(a) "bicycle parking space" means an area used for storing bicycles having the following minimum dimensions:

(i) Where the bicycles are to be parked on a horizontal surface, the bicycle parking space shall have a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;

(ii) Where the bicycles are to be parked in a vertical position, the bicycle parking space shall have a minimum length or horizontal clearance from the wall of 1.1 metres, a minimum width of 0.46 metres and a vertical dimension of at least 1.83 metres; and

(iii) Where the bicycles are to be parked in bicycle stacker, each bicycle parking space shall have a minimum vertical clearance of 1.2 metres.

(b) "car share" means the operation of a car-sharing program either by an existing car share company or one established by a condominium corporation; and

(c) "car-share parking space" shall mean a parking space exclusively reserved and signed for a car used only for car-share purposes;

(d) "grade" shall mean 78.37 metres Canadian Geodetic Datum;

(e) "height" shall mean the vertical distance between grade and the highest point of the structure, except for those elements otherwise expressly permitted in this By-law;

(f) "gross floor area" shall mean the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level. The gross floor area of the mixed use building is reduced by the area in the building used for:

(i) parking, loading and bicycle parking below grade;

(ii) loading spaces at the ground level and bicycle parking spaces at or above grade;

(iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below grade;

(iv) shower and change facilities required by this By-law for required bicycle parking spaces;

(v) residential amenity space required by this By-law;

(vi) elevator shafts;

(vii) garbage shafts;

(viii) mechanical penthouse; and

(ix) exit stairwells in the building.

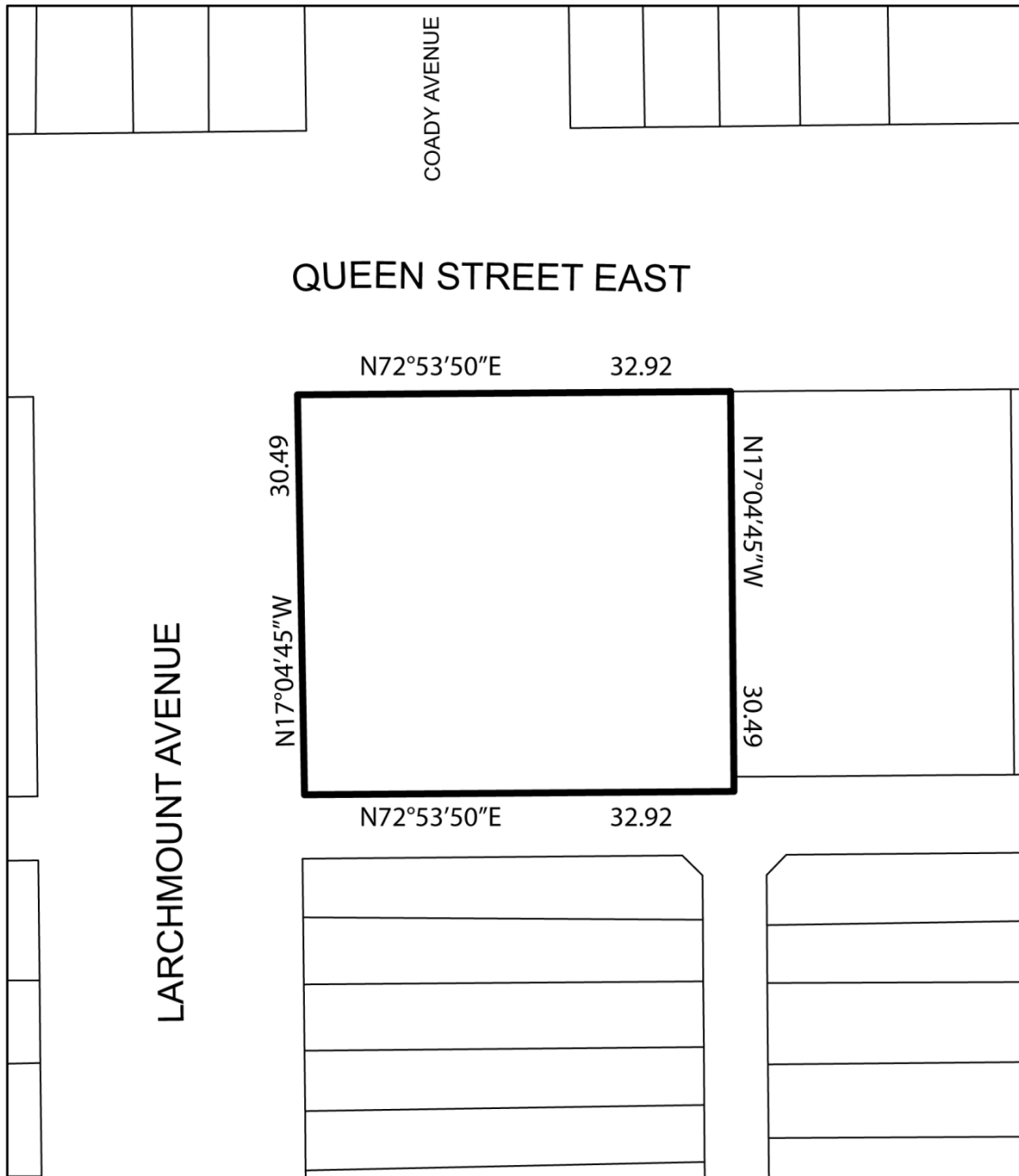
(g) "sales office" means a building, structure, facility or trailer on the lot used for the purpose of the used exclusively for the initial sale and/or initial leasing of dwelling units or non-residential gross floor area uses proposed on the lot; and

(h) "stacked bicycle parking space" means a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces, having horizontal dimensions of at least 0.27 metres by 1.8 metres and a vertical dimension of at least 1.2 metres.

5. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the lot.

Enacted and passed on , 2020.


(Seal of the City)

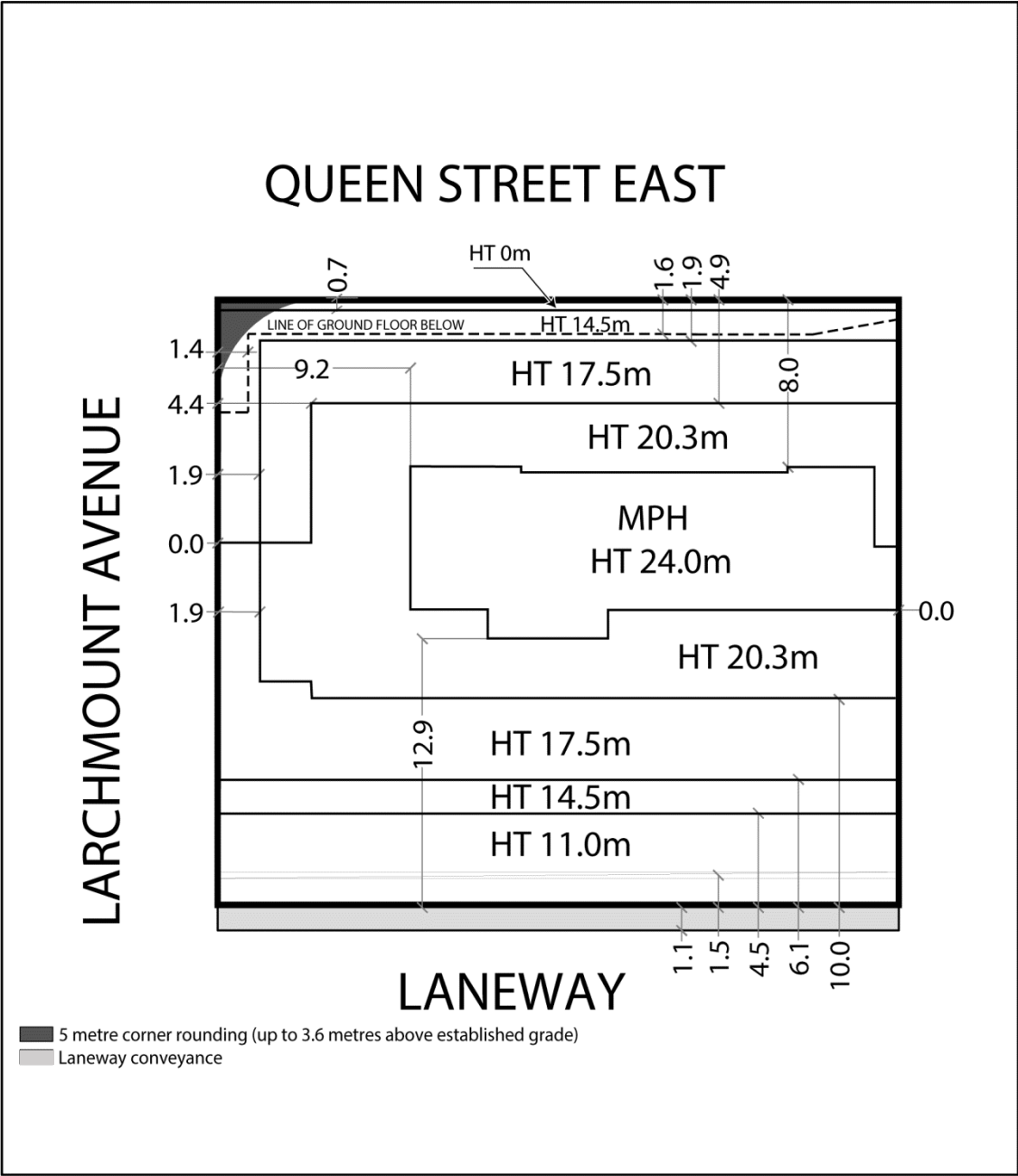


 **TORONTO**
Map 1

1151 Queen Street East

File # 18 149422 STE 30 0Z


 City of Toronto By-law 438-86
 Not to Scale
 12/02/2019



TORONTO
Diagram 3

1151 Queen Street East

File # 18 149422 STE 30 OZ

↑
City of Toronto By-law 569-2013
Not to Scale
12/02/2019