

759-763 Queen Street East – Zoning By-law Amendment and Site Plan Control Applications – Request for Direction Report

Date: November 14, 2022

To: Toronto and East York Community Council

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

Ward: Toronto-Danforth - Ward 14

Planning Application Numbers: 14 223583 STE 30 OZ and 14 223587 STE 30 SA

SUMMARY

In 2014, Zoning By-law Amendment and Site Plan Control applications were submitted to permit a six storey mixed-use building containing 29 dwelling units. On May 5, 2021, City Planning received an updated proposal from a new landowner, increasing the proposal to seven storeys in height. 28 dwelling units are now proposed.

On August 5, 2022, the applicant appealed the Zoning By-law Amendment application and referred the Site Plan Control application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame prescribed in the Planning Act.

This report recommends that the City Solicitor, with appropriate City staff, attend the OLT hearing to support the application in its current, revised form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in support of the Zoning By-law Amendment appeal for the lands at 759-763 Queen Street East and to continue discussions with the Applicant to resolve any outstanding issues, including with the Site Plan Control application.
2. In the event that the Ontario Land Tribunal allows the appeal of the Zoning By-law Amendment application in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the Owner has provided a revised Functional Servicing and Stormwater Management Report in respect of the development of the subject lands is to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- c) the Owner has made satisfactory arrangements with the City to secure, pay for, and construct all works and improvements to existing City infrastructure to provide servicing capacity to support the development of the subject lands, as recommended in the accepted Functional Servicing and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d) the Owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review, as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review, General Manager, Parks, Forestry and Recreation and the City Solicitor prior to the Ontario Land Tribunal's Order.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision

FINANCIAL IMPACT

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

DECISION HISTORY

A Preliminary Report was adopted by Toronto and East York Community Council on January 13, 2015, authorizing staff to conduct a Community Consultation Meeting (CCM) for the lands. The decision of Toronto and East York Community Council can be found here: [Agenda Item History - 2015.TE3.37 \(toronto.ca\)](#)

THE SITE

Description: The site is generally rectangular in shape and has an approximate area of 586 square metres, with a frontage of approximately 15 metres along Queen Street East. The site has an approximate depth of 40.5 metres, with June Callwood Way, a public lane, located at the rear of the site. See Attachment 1 for the Location Map.

Existing Use: Three two-storey buildings, each with ground-floor commercial units and residential units atop.

THE APPLICATION

Description: A 7-storey (23.37 metres, excluding mechanical penthouse) residential building.

Density: 5.2 times the area of the lot.

Dwelling Units: The proposed 28 dwelling units include 10 one-bedroom units (35%), 17 two-bedroom units (61%), and one three-bedroom unit (4%).

Heritage: the properties comprising the site are not on the Heritage Register, however, the site is adjacent to a listed property at 765 Queen Street East (Ralph Thornton Community Centre).

Access, Parking and Loading: the development would include a stacked system for vehicular parking in the rear along June Callwood Way. A total of 11 vehicular parking spaces (with five spaces available for electric vehicle supply equipment (EVSE)) and 29 bicycle parking spaces (three short- and 26 long-term spaces) are proposed. No loading spaces are proposed.

Amenity space: the development is proposing a total of 147 square metres of amenity space, with 59 square metres of indoor amenity (2.1m² per unit) and 88 square metres of outdoor amenity (3.14m² per unit).

Additional information

See Attachments 2, 3 and 4 of this report for the Application Data Sheet, three-dimensional representation of the project in context, and a site plan of the proposal respectively.

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:
<http://app.toronto.ca/AIC/index.do?folderRsn=NNyqloCb0MLzKVdfTRTiAQ%3D%3D>

Reasons for Application

The Zoning By-law Amendment application proposes to amend City of Toronto Zoning By-law 569-2013 to amend several performance standards, including building height, density, setbacks, and parking.

Site Plan Control

A Site Plan Control application was submitted on September 14, 2014. On August 5, 2022, the applicant referred the application to the OLT due to Council not making a decision within the time frame in the Planning Act.

POLICY 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 (PPS), and shall conform to provincial plans.

Official Plan Designation

The site is designated *Mixed Use Areas* in the Official Plan.

Zoning

The site is zoned Commercial Residential (CR 2.5 (c2.0; r2.0) SS2 (x2294)) with a height limit of 14 metres. This zoning category permits a wide range of residential and non-residential uses with a maximum density of 2.5 times the area of the lot.

Design Guidelines

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

- Mid-rise Building Performance Standards
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines for High Density Communities;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

Toronto Green Standard

The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendment, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A virtual Community Consultation meeting was hosted by City Planning on April 6, 2022. Approximately 26 people were in attendance, as well as the Ward Councillor.

At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Comments and questions provided by the meeting attendees included:

- Compatibility and fit with adjacent residential areas, including building type, transition, setbacks and built form;
- Assessment of impacts on adjacent properties, including shadow, privacy and overlook;

Interactions with the neighbouring Ralph Thornton Community Centre;

- Opportunities for more landscaped area and amenity space;
- Traffic generated as a result of the proposed development;
- Appropriateness of the proposed parking supply and stacker system; and
- Construction impacts to the surrounding area.

Comments in support of the application included:

- Sensitive infill and intensification in a section of Queen Street East with a strong heritage character;
- Strong built form and architectural design of the building; and
- Creation of additional housing in the area.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

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 (PPS), and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

Built Form

City Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan and other relevant design guidelines.

The proposal conforms to the Official Plan and Mid-rise Building Performance Standards by demonstrating that a mid-rise building can be appropriately accommodated on this site. The proposed massing also complies with the rear angular plane requirement to appropriately transition to adjacent *Neighbourhoods*.

Heritage

The site is adjacent to 765 Queen Street East, the historic Postal Station G and now the Ralph Thornton Community Centre, which is listed on the Heritage Register. Due to this adjacency, the proposed development must be designed to conserve the cultural heritage value, attributes and character of that property and to mitigate visual and physical impacts on it.

The proposed massing acknowledges the height of the adjacent heritage building and creates a consistent streetwall height in line with 765 Queen Street East. Though the overall height of the proposal is taller than other buildings in the area, the perception of its height is mitigated by incremental stepbacks beginning on the fifth floor. Its façade design, while contemporary, takes cues from the arched openings of heritage buildings across Queen Street East.

Streetscape

The building setback complies with the direction from staff regarding siting and orientation of the building along the street.

Servicing

The Functional Servicing and Stormwater Management report require revisions. In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law Amendment.

Tree Preservation

An Arborist Report, Grading & Servicing Plan and Tree Preservation Plan were submitted by the applicant. Urban Forestry has reviewed these documents and requested revisions and additional information as outlined in the Memorandum from Urban Forestry dated June 17, 2022.

The applicant proposes to remove one City-owned tree regulated by the Street Tree By-law, where previously they sought to injure the tree. Urban Forestry does not support the proposed removal of one City-owned tree as the likelihood of being able to replace the tree is difficult. Toronto Water operates subsurface infrastructure along the south side of Queen Street East which the site lies along. Their infrastructure may conflict with the planting of a new street tree.

Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a minimum of 2 square metres of indoor amenity space per unit and at least 40 square metres of outdoor amenity space. The proposal is required to provide 112 square metres of amenity space, of which 40 square metres must be outdoor amenity space.

The application is proposing a total of 147 square metres amenity space (5.25 square metres per unit), including 59 square metres (2.1 square metres per unit) of indoor amenity space and 88 square metres (3.14 square metres per unit) of outdoor amenity space. The proposed amount of amenity space is generous and acceptable.

Parking and Loading

A total of 11 vehicular parking spaces (with five spaces available for electric vehicle supply equipment (EVSE)) and 29 bicycle parking spaces (three short- and 26 long-term spaces) are proposed.

Transportation Services staff are currently reviewing the transportation impacts of the proposal in conjunction with the submitted Traffic Management Plan in the Construction Management Plan.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal. City Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, City Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, staff may report back to City Council as necessary.

CONTACT

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SIGNATURE

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ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet

Attachment 3: 3D Model of Proposal in Context Looking East

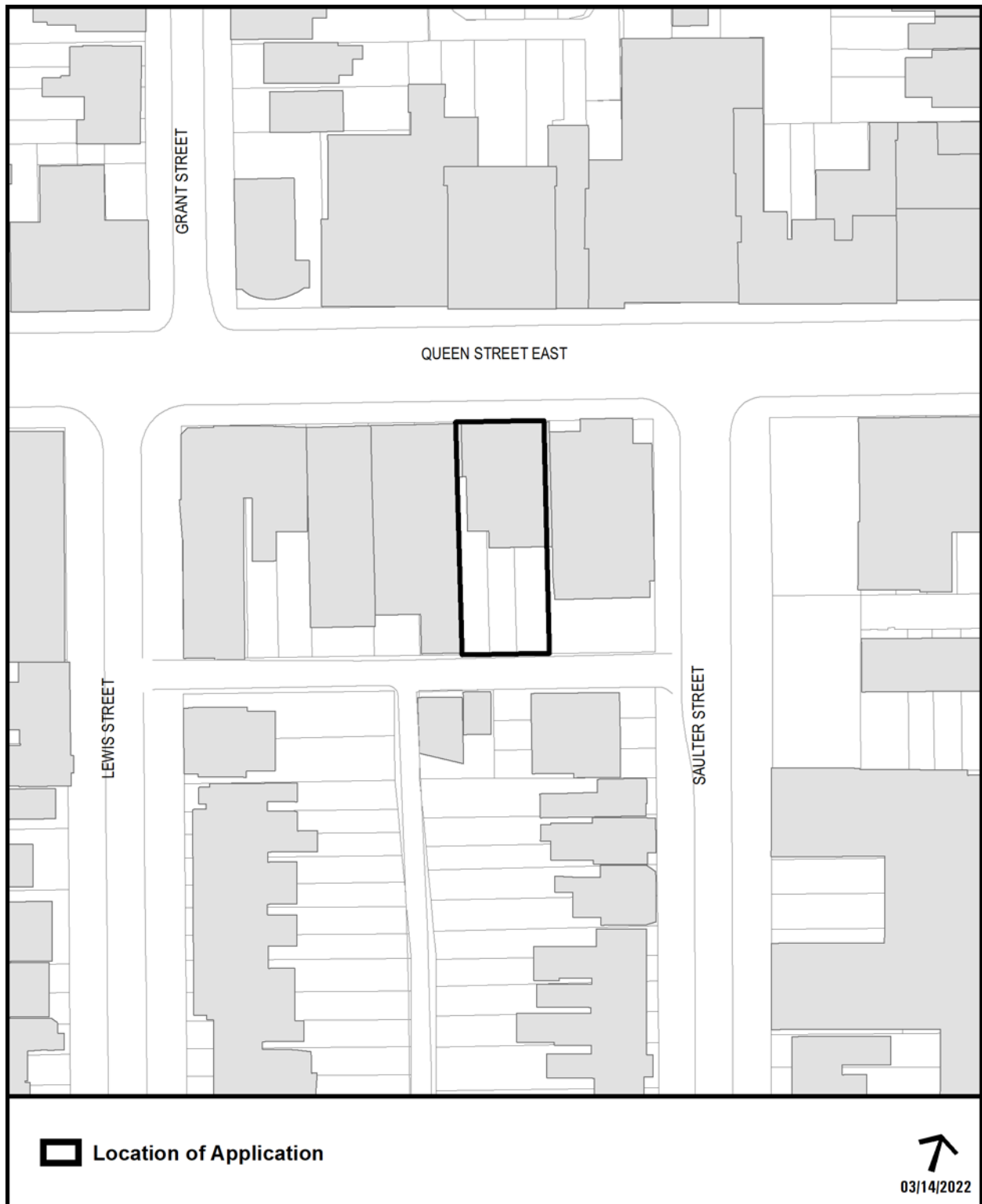
Attachment 4: 3D Model of Proposal in Context Looking West

Attachment 5: Site Plan

Attachment 6: Official Plan Land Use Map

Attachment 7: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 759-763 QUEEN ST E Date Received: May 5, 2021

Application Number: 14 223583 STE 30 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Rezoning application for a 7-storey mixed-use building containing commercial uses on the ground floor and residential units above. The proposal is also subject to Site Plan Application No. 14 223587 STE 30 SA, which is being processed concurrently with this application.

Applicant	Agent	Architect	Owner
CHALEM HOLDING LTD	BOUSFIELDS	BDP QUADRANGLE	CHALEM HOLDING LTD

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N

Zoning: MCR T2.5 C2.0 R2.0 Heritage Designation: N

Height Limit (m): 14 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 586 Frontage (m): 15 Depth (m): 40

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	327		531	531
Residential GFA (sq m):	249		2,871	2,871
Non-Residential GFA (sq m):	276		174	174
Total GFA (sq m):	525		3,045	3,045
Height - Storeys:	3		7	7
Height - Metres:			24	24

Lot Coverage Ratio (%): 90.67 Floor Space Index: 5.2

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	2,871	
Retail GFA:	174	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	3			
Freehold:	1			
Condominium:			28	28
Other:				
Total Units:	4		28	28

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			10	17	1
Total Units:			10	17	1

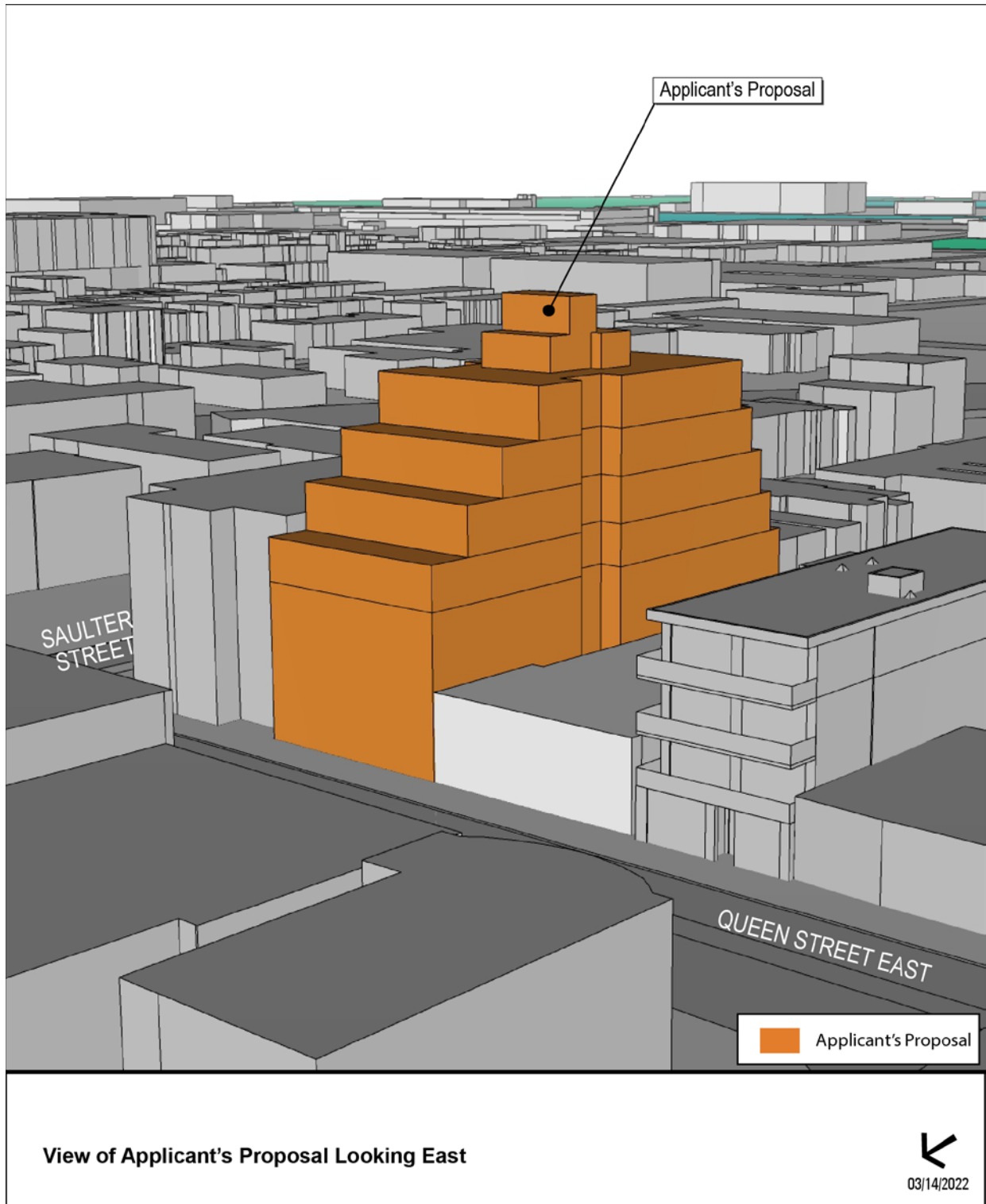
Parking and Loading

Parking Spaces:	11	Bicycle Parking Spaces:	30	Loading Docks:
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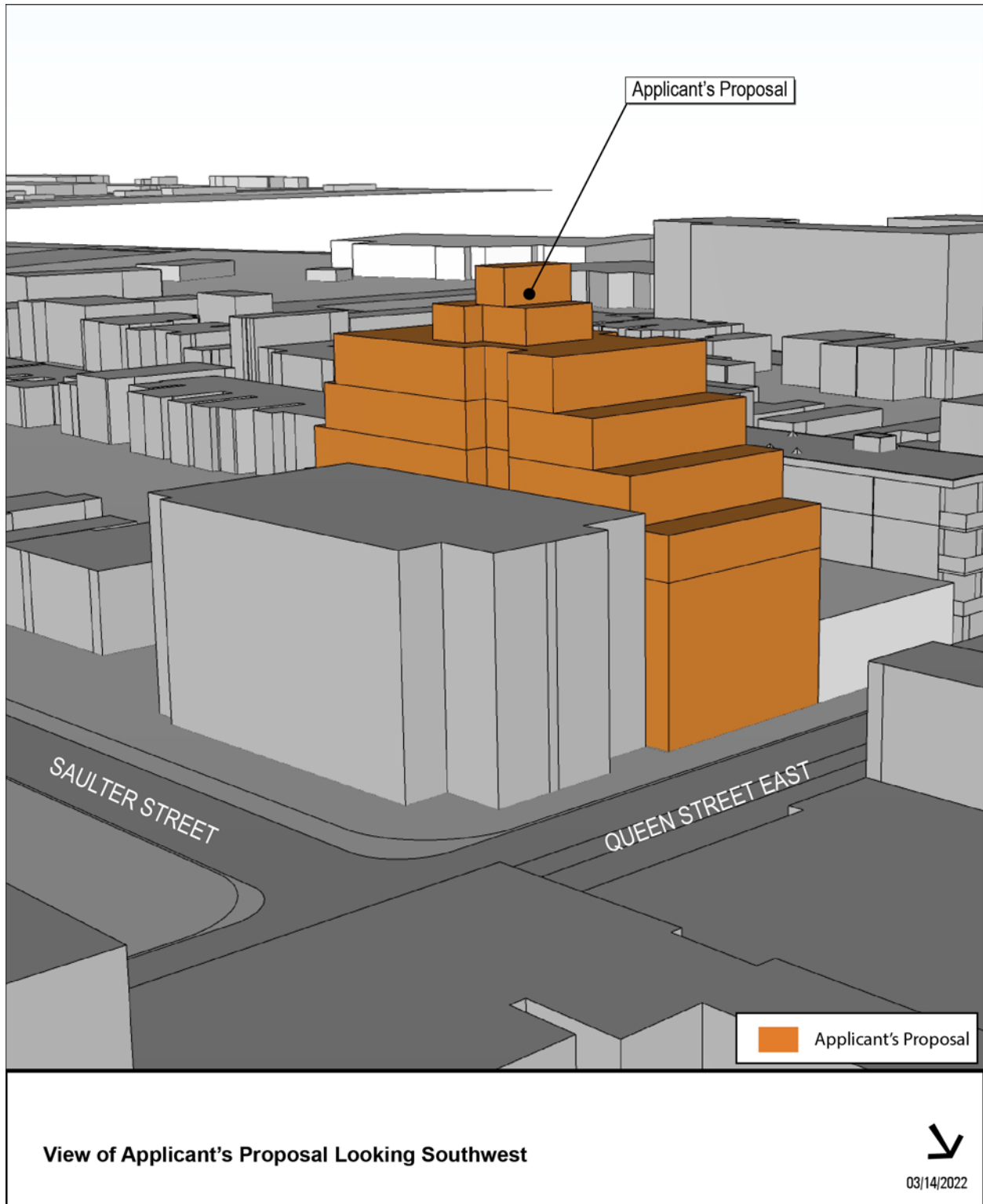
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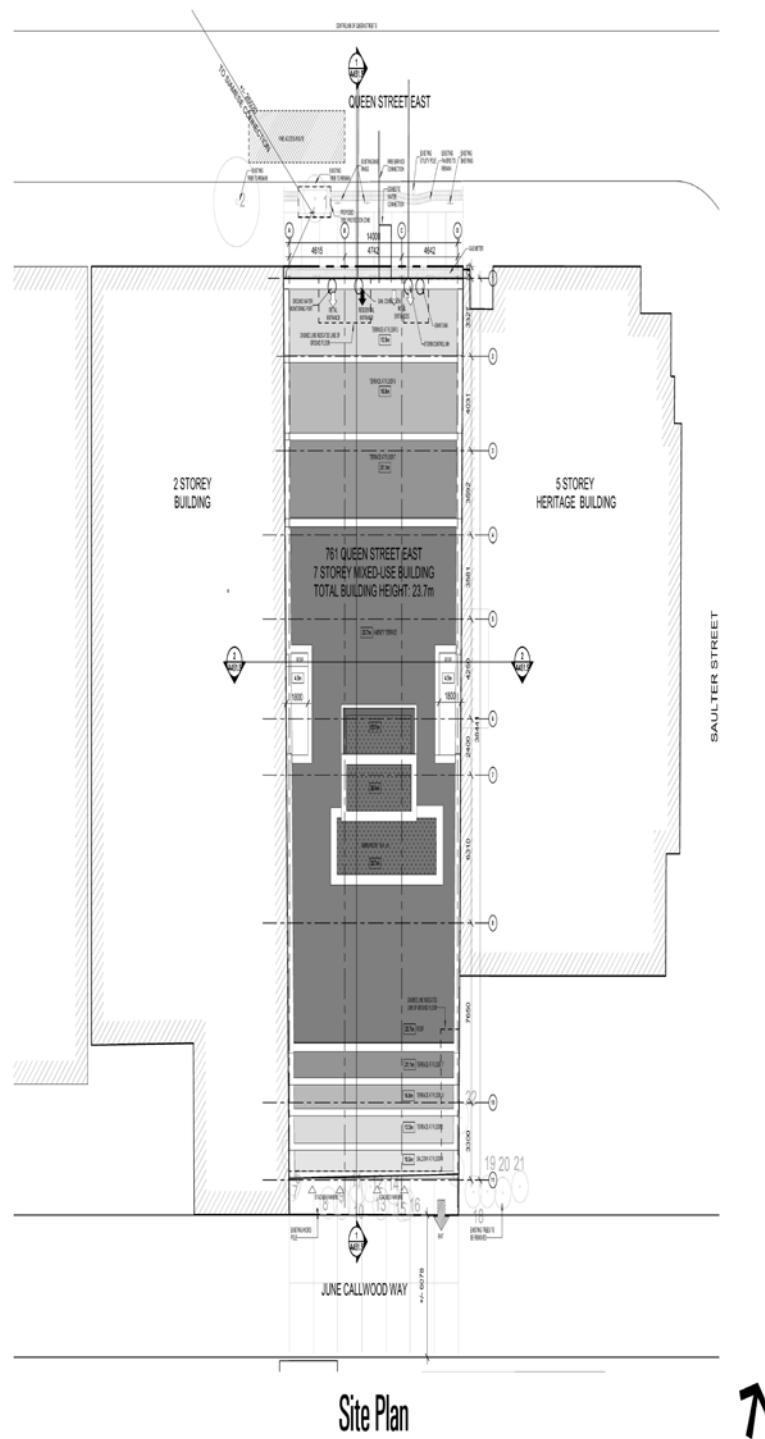
Attachment 3: 3D Model of Proposal in Context Looking East



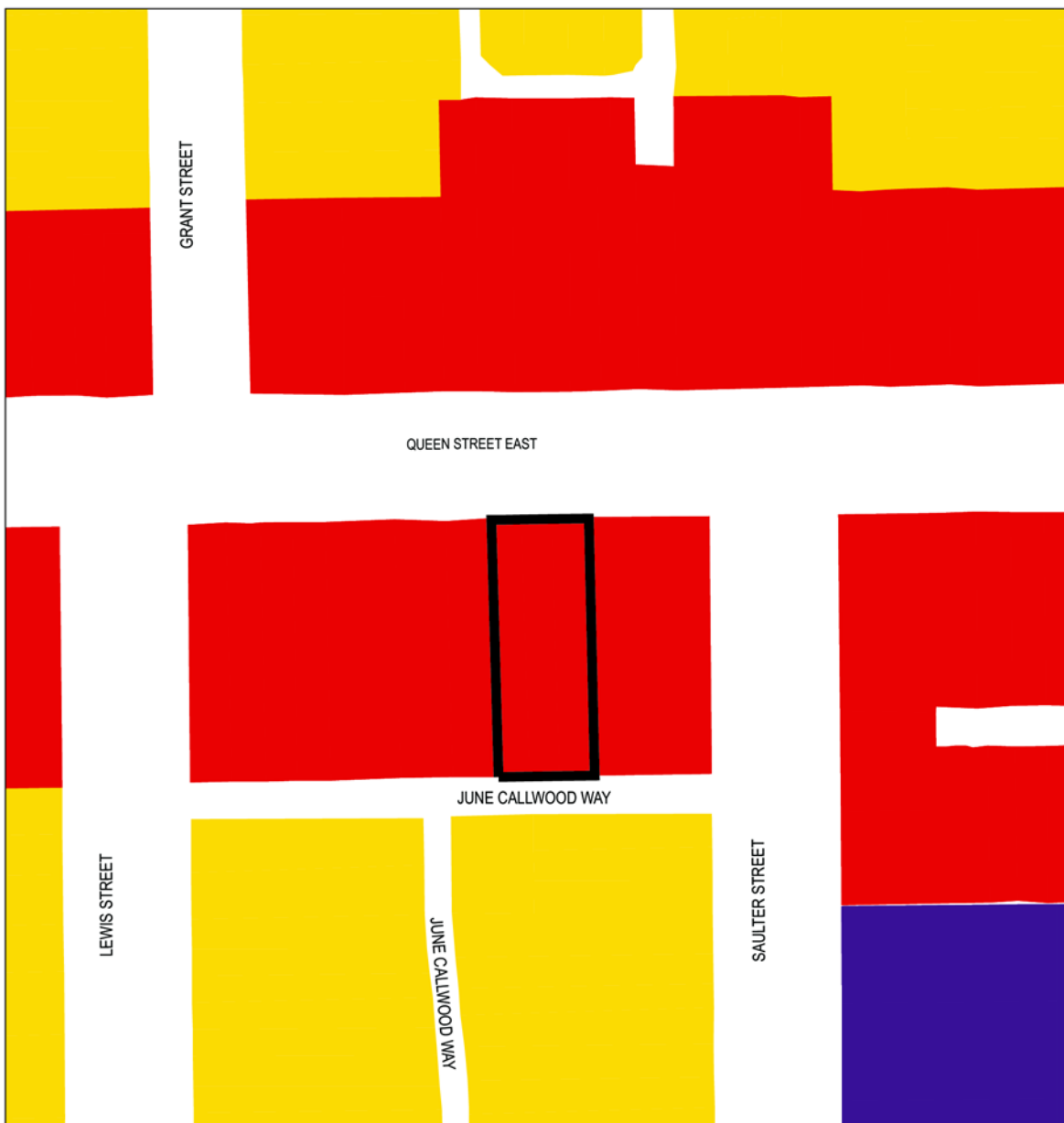
Attachment 4: 3D Model of Proposal in Context Looking West



Attachment 5: Site Plan



Attachment 6: Official Plan Land Use Map



759-763 Queen Street East

Official Plan Land Use Map #18

File # 14 223583 STE 30 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Core Employment Areas


Not to Scale
03/14/2022

Attachment 7: Zoning By-law Map



Zoning By-law 569-2013

759-763 Queen Street East

File # 14 223583 STE 30 02



Location of Application

R Residential

CR Commercial Residential



See Former City of Toronto Bylaw No. 438-86

I2 Industrial District

R3 Residential District



Not to Scale
03/14/2022