

## **1437-1455 Queen Street West – Zoning Amendment Application – Appeal Report**

Date: February 1, 2024

To: Toronto and East York Community Council

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

Ward: Ward 4 - Parkdale-High Park

**Planning Application Number: 23 147008 STE 04 OZ**

### **SUMMARY**

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A Zoning By-law Amendment application was submitted on May 19, 2023 seeking approval for a 12-storey mixed-use building comprised of 1 level of underground parking, retail uses on the ground level, and 249 residential units located on the upper floors at 1437-1455 Queen Street West.

On November 27, 2023, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the statutory time frame prescribed in the Planning Act.

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

### **RECOMMENDATIONS**

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

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal to oppose the current Zoning By-law Amendment application appeal for the lands at 1437-1455 Queen Street West, and to continue discussions with the applicant to attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Tribunal withhold any Order on the proposed appeal until such time as the City Solicitor advises that:
  - a. the final form and content of the draft Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. the applicant has satisfied all requests for further information identified in the Engineering and Construction Services memo to City Planning dated July 28, 2023, including but not limited to, a revised Functional Servicing Report to demonstrate the site can be adequately serviced to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined whether holding provisions are required in the Zoning By-law Amendment;

c. the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services;

d. any necessary studies, including those related to pedestrian level wind impacts, sun shadow, noise and vibration, have been completed, and their recommendations addressed to the satisfaction of the Chief Planner and Executive Director, City Planning; and,

e. a soil volume plan and tree planting plan has been accepted by the Supervisor, Urban Forestry, Tree Protection & Plan Review.

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

## **FINANCIAL IMPACT**

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

## **THE SITE**

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**Description:** The site is located two properties west of Jameson Avenue on the south side of Queen Street West. The site is rectangular in shape with 85 metres of frontage along Queen Street West and a depth of 38 metres for a total site area of 3,209 square metres.

**Existing Uses:** The site is comprised of three properties which include 1-2- and 3-storey commercial buildings, and surface parking. The applicant submitted documentation declaring that there are no residential rental units on site.

## THE APPLICATION

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**Height:** 12 storeys (45.75 metres in height, including a 6.6 metre mechanical penthouse).

**Density:** 5.48 times the area of the lot.

**Dwelling Units:** 249 dwelling units comprised of 9 bachelor units (4%), 30 one-bedroom units (52%), 84 two-bedroom units (34%), and 26 three-bedroom units (10%).

**Access, Parking and Loading:** The pedestrian lobby is proposed to be accessed off Queen Street West near the centre of the building's frontage. Ground floor loading and vehicular entrance to the underground parking level is accessed from the west side of the site off Queen Street West.

**Bicycle Parking:** 275 bicycle parking spaces, comprised of 225 long-term spaces located in the underground garage, and 50 short-term spaces located on the ground floor at the rear of the site.

### Additional Information

See Attachments 1 through 5 of this report for a location map, application data sheet, 3-dimensional representations of the project in context, and site plan associated with the proposal. Detailed project information, including all plans and reports submitted as part of the application, can be found on the City's Application Information Centre at: [www.toronto.ca/1437QueenStW](http://www.toronto.ca/1437QueenStW).

### Reason for the Application

The Zoning By-law Amendment application proposes to amend City-wide Zoning By-law 569-2013 to exceed the permitted building height and density, angular plane requirements, reduced building setbacks from property lines, reduced loading space requirements, and reduced vehicular and bicycle parking space requirements.

### Site Plan Control

A Site Plan Control application (File Number 23 23 147005 STE 04 SA) was also submitted on March 19, 2023. This application has not been referred to the OLT. Under the Municipal Code, Site Plan approval is delegated to the Chief Planner or her or his designates.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter must be consistent with the Provincial Policy Statement (PPS), and must conform to provincial plans.

### **Official Plan Designation**

The site is identified as being on an Avenue in the Official Plan, and is designated Mixed-Use Areas.

On September 30, 2020, Council adopted Official Plan Amendment 445 (OPA 445) to introduce Site and Area Specific Policy (SASP) 566, establishing a policy framework for the West Queen West area, which extends along Queen Street West from Bathurst Street to Roncesvalles Avenue. SASP 566 is divided into two areas, the Parkdale Main Street and West Queen West. This site is located within the Parkdale Main Street area, which extends from Dufferin Street to Roncesvalles Avenue. Among other performance standards, SASP 566 limits height along Queen Street West to the width of the right-of-way, which is 20 metres (6 storeys). The intent of SASP 566 is to support contextually appropriate growth and change, while conserving and enhancing the cultural heritage value of Queen Street West.

A number of appeals to OPA 445 have been received, and settlement discussions have been undertaken between the City and the appellants. Modifications to OPA 445 and SASP 566 resulted in an OLT-endorsed settlement to resolve the outstanding appeals, save and except, the appeal filed by the applicant of the subject site (Jameson Plaza Ltd.). The decision of the OLT bringing OPA 445 and SASP 566 into force, except with respect to policies the owner of this site has under appeal as they apply to these lands, was dated November 29, 2023.

### **Zoning**

The site is zoned Commercial-Residential (R3) in City-Wide Zoning By-law 569-2013, permitting a maximum height of 20 metres. The CR district permits a variety of commercial and residential uses.

### **Design Guidelines**

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

- Mid-Rise Design Guidelines;
- Best Practices for Effective Lighting
- Toronto Accessibility Design Guidelines
- Growing Up Guidelines: Planning for Children in Vertical Communities; and
- Pet Friendly Design Guidelines.

The City's Design Guidelines can be found here: <https://www.toronto.ca/city-government/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 Amendments, 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/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>.

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was hosted by City staff on October 10, 2023. Approximately 25 members of the public, as well as the Ward Councillor and the applicant's team, were in attendance to discuss the proposal.

The prevailing concerns raised by members of the public included:

- The proposed building height and massing in the context of the immediate neighbourhood;
- Inconsistent with the intent of SASP 566;
- Limited vehicular parking spaces;
- Increased traffic along Queen Street West and Jameson Avenue;
- Large ground floor retail space not being affordable for local business;
- No provision of affordable housing;
- No provision of publicly accessible green space; and
- Rental units are needed more than condominium units.

The issues and feedback raised through community consultation have informed staff's approach to assessing the application, and the identification of issues to be resolved.

## **COMMENTS**

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### **Provincial Framework**

City staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement (PPS), and conformity with the Growth Plan. The proposal is generally consistent with the PPS and the Growth Plan. However, the proposal does not conform to the Official Plan, in general, and is not consistent with Council's vision for the area as set out in SASP 566, in particular, which seeks to maintain the character of the Parkdale Main Street area.

## **Built Form**

The Parkdale Main Street boundary extends from Dufferin Street to Roncesvalles Avenue, and is predominantly characterized by 2-to-3-storey mixed-use buildings. The intent of SASP 566 is to support contextually appropriate growth and change, while conserving and enhancing the cultural heritage value of Queen Street West. The proposed building's massing and height, substandard property line setbacks, and lack of transition to the lower-scaled residential district abutting the southwest side of the site, is not acceptable.

The proposed 12-storey height exceeds the height limit contemplated in SASP 566 and the Mid-Rise Design Guidelines. The 4-and-5-storey portions of the street wall along Queen Street West, and the substandard setbacks of the upper elements of the proposed building, are not consistent with SASP 566, leading to a building that is out of character with the existing and planned context of the Parkdale Mainstreet area.

## **Public Realm and Streetscape**

The building is proposed to be set back approximately 1.5 metres from the north (front) property, providing what appears to be a 5-metre distance from building face to curb along the south side of Queen Street West. The City's Mid-Rise Design Guidelines encourage a minimum 6 metre distance from building face to curb to provide for streetscape enhancements and public realm improvements such as large-growing trees, street furniture, bicycle infrastructure, TTC shelters, and a 2.1 metre unobstructed pedestrian clearway.

## **Tree Preservation**

The Arborist Report submitted in support of the application indicates that there are 11 trees on or near the site, of which 9 are proposed to be removed. Of these 9 trees to be removed, 4 private trees meet the requirement to be replaced. Urban Forestry requires the replanting of private trees at a ratio of 3:1 which, in this instance, would require the planting of 12 private trees on site. The applicant proposes the planting of 4 new private trees. Additional opportunities for tree planting on the site should be explored.

The Total Soil Volume requirement of the Toronto Green Standard (TGS) is also not being met. The TGS requires 584 cubic metres of soil, whereas only 244 cubic metres is being proposed. Additional soil volume is required to support planting on the site.

Furthermore, no new City trees are being proposed along Queen Street West, which is also unacceptable. Additional opportunities for tree planting on-site, and within the City boulevard should be explored.

## **Housing Issues**

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. As noted

above, this proposal is for a mixed use development with 249 residential units consisting of 9 (4%) studio, 30 one-bedroom (52%), 84 two-bedroom (34%), and 26 three-bedroom (10%) units. The housing unit mix proposed meets the Growing Up Guidelines. Although encouraged by Planning staff throughout the review of this application, at this time, affordable units are not being proposed.

### **Traffic Impact, Access, Parking, and Loading**

The Transportation Impact Study submitted in support of the application concludes that a slight increase in Peak Hour trips to and from the site are acceptable and no additional improvements to the traffic network are required.

The proposed parking supply is acceptable. However, Transportation Services has requested the applicant provide a full accounting of pick-up/drop-off activity related to passengers and goods for both residential and commercial uses, as well as an analysis of site circulation to demonstrate that the proposed site access and loading spaces, in addition to existing on-street loading areas, are sufficient to serve all uses within the site. Transportation Services has also requested the applicant consider the feasibility of providing car-share spaces as part of the proposal.

### **Servicing**

A Functional Servicing and Stormwater Management Report, Site Servicing Report, Hydrogeological Report, and associated plans have been submitted in support of the application, and have been reviewed by Engineering and Construction Services. Revisions and additional information have been requested. Should the OLT allow 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 and/or the posting of securities are required in the Zoning By-law amendment.

### **Toronto Green Standard**

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-law at a minimum, and others through the Site Plan Control application.

### **Further Issues**

City Planning continues to receive additional information regarding this application resulting from the ongoing review by City commenting divisions and materials submitted in support to the proposal, and through deputations made by members of the public to Community Council. Planning staff may be required to evaluate supplementary or revised plans, and supporting materials submitted by the applicant after the date of this report. As a result, 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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Carly Bowman, M.Sc.Pl., MCIP, RPP  
Director, Community Planning  
Toronto and East York District

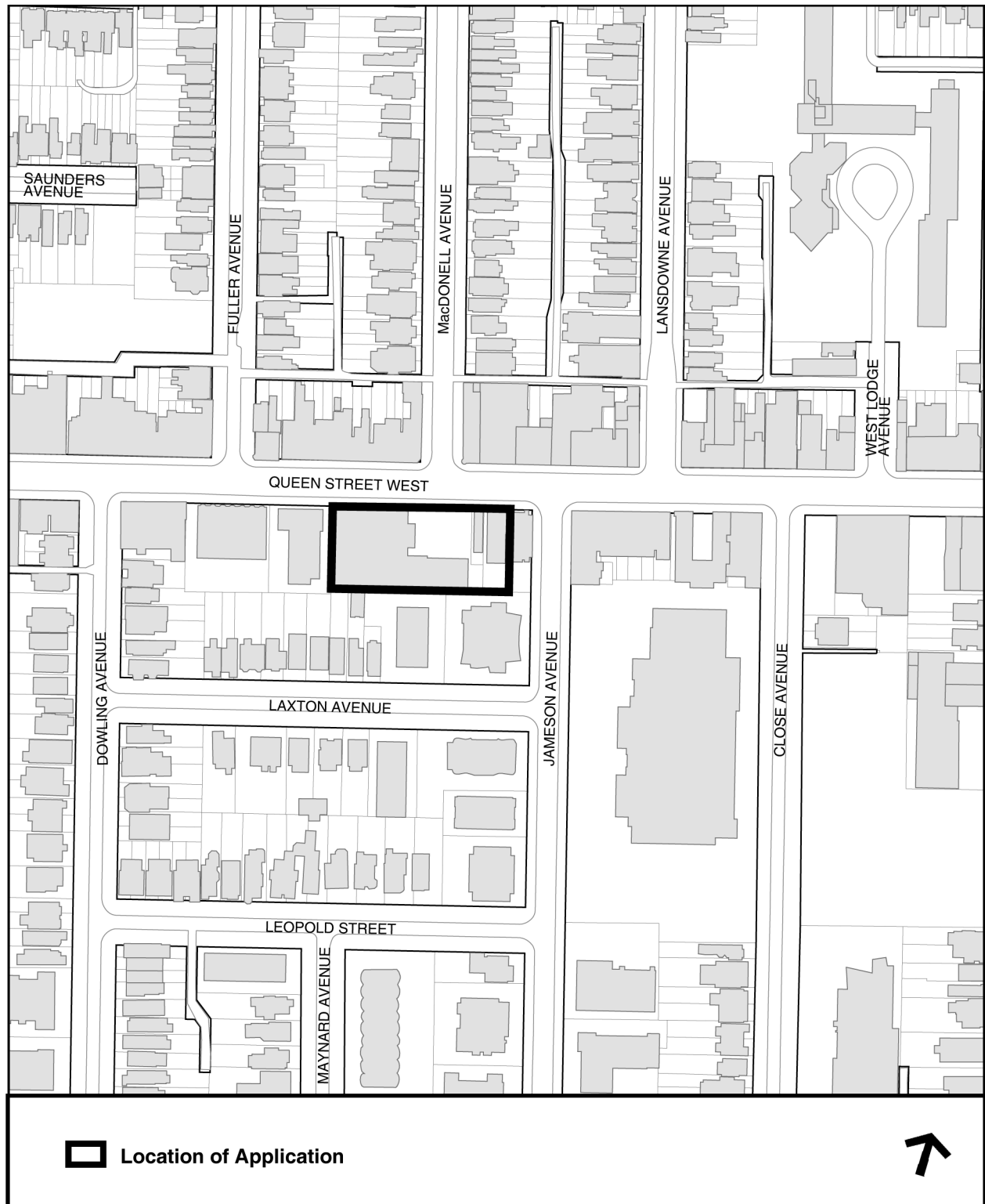
## **ATTACHMENTS**

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Attachment 1: Location Map  
Attachment 2: Application Data Sheet  
Attachment 3: 3D Model of Proposal in Context Looking Northeast  
Attachment 4: 3D Model of Proposal in Context Looking Southwest  
Attachment 5: Site Plan / Ground Floor Plan  
Attachment 6: Official Plan Land-Use Map  
Attachment 7: Existing Zoning By-law Map



## Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 1437 QUEEN STREET WEST Date Received: May 17, 2023

Application Number: 23 147008 STE 04 OZ

Application Type: Rezoning

Project Description: The rezoning application proposes to demolish the existing buildings and construct a new 12-storey mixed use building containing 249 dwelling units. The proposed redevelopment consists of 17,576 square metres total gross floor area (GFA), which results in a total Floor Space Index (FSI) of 5.48 pursuant to GFA calculations under By-law 569-2013.

Applicant	Agent	Architect	Owner
Mei Hsien Liu	Bousfields	RAW Architects	1437 Queen West Ltd. and Jameson Plaza Ltd.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 566
Zoning:	Residential (R3) and Commercial Residential (CR)	Heritage Designation:	N
Height Limit (m):	20	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m):	3,209	Frontage (m):	85	Depth (m):	38
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,385	1,385
Residential GFA (sq m):			16,783	16,783
Non-Residential GFA (sq m):			793	793
Total GFA (sq m):			17,576	17,576
Height - Storeys:			12	12
Height - Metres:			46	46

Lot Coverage Ratio (%)	43.16	Floor Space Index:	5.48
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
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Residential GFA: 16,783  
 Retail GFA: 793  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			249	249
Other:				
Total Units:			249	249

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		9	130	84	26
Total Units:		9	130	84	26

#### Parking and Loading

Parking Spaces: 73      Bicycle Parking Spaces: 275      Loading Docks:

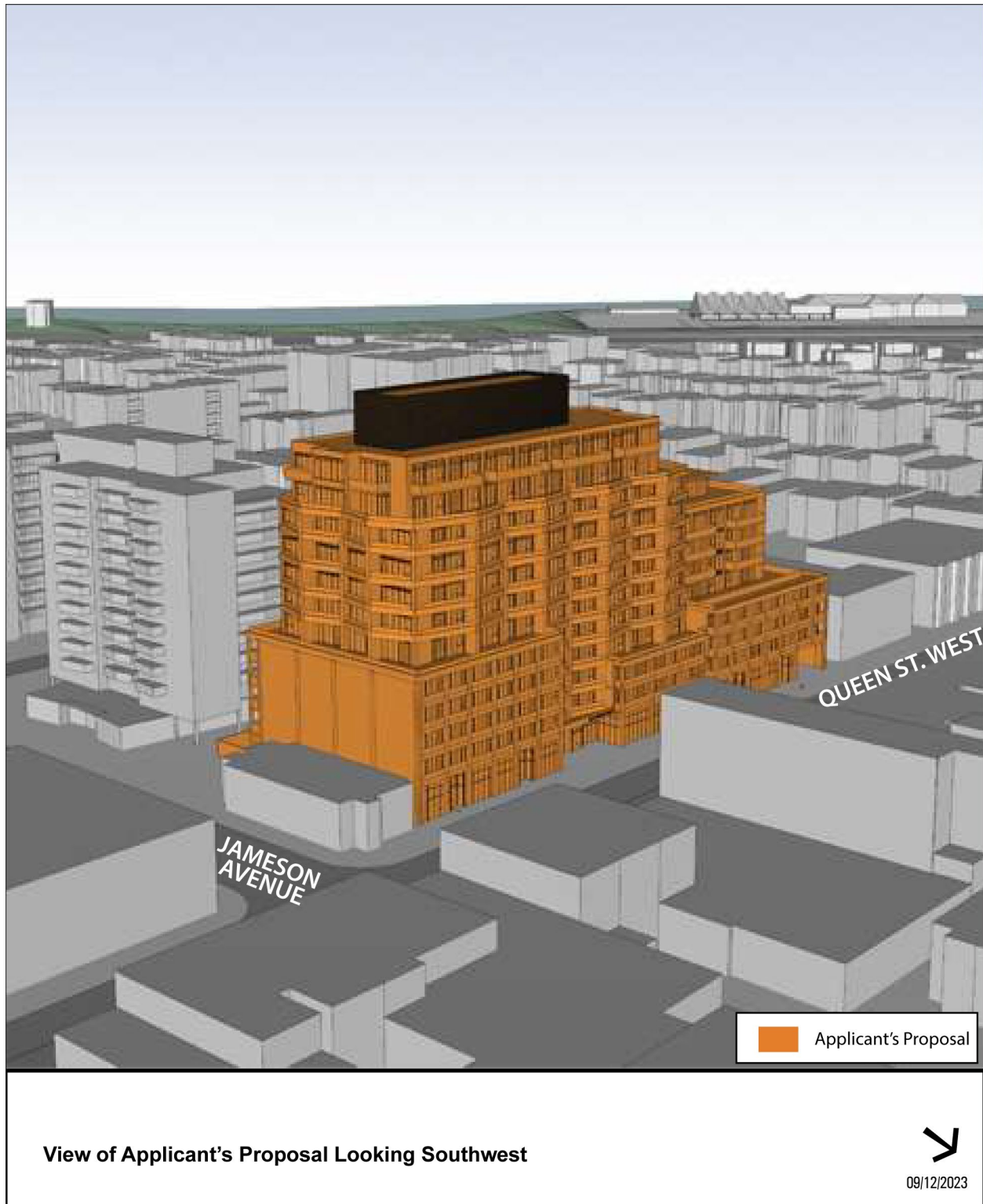
#### CONTACT:

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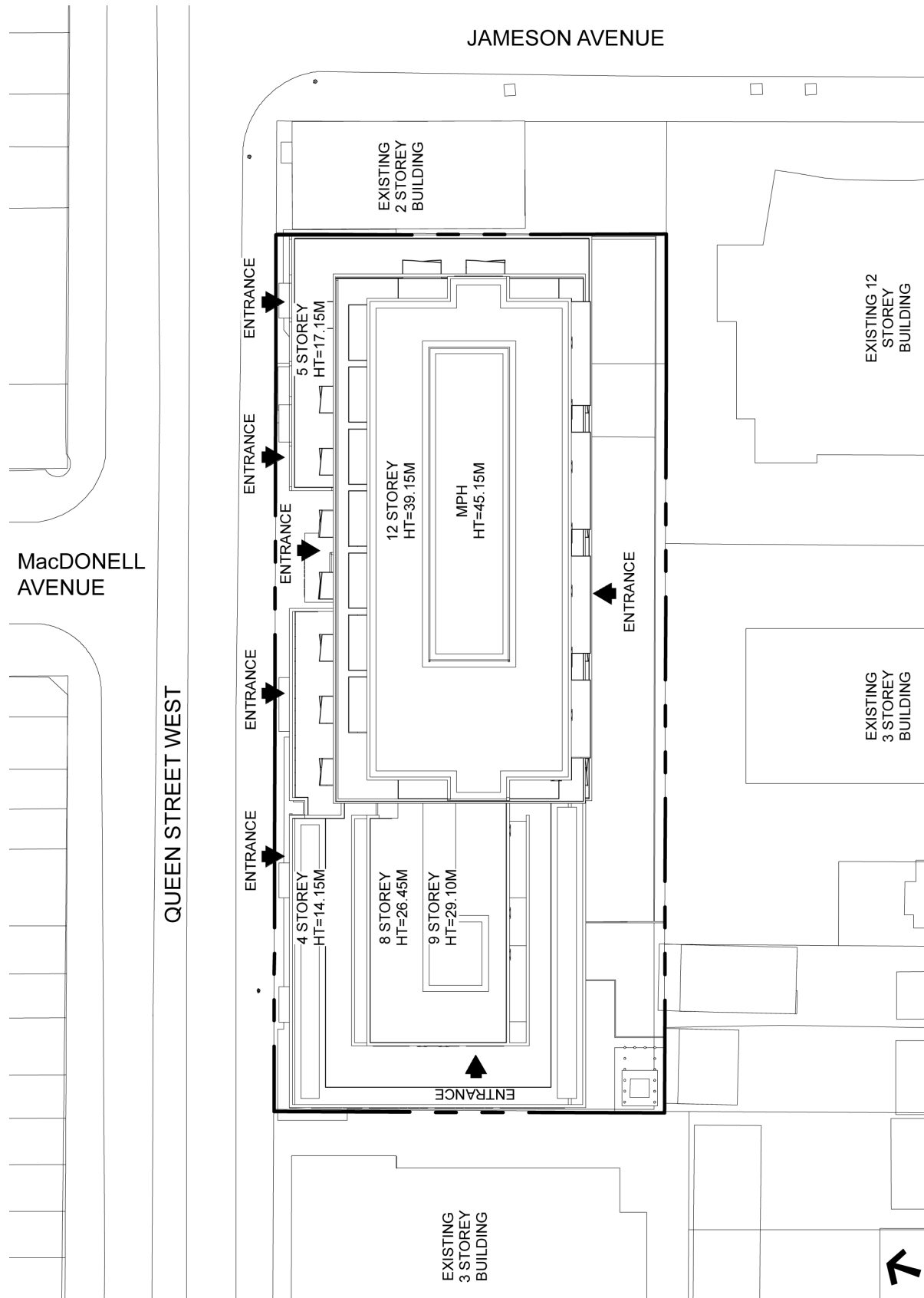
### Attachment 3: 3D Model of Proposal in Context Looking Northeast



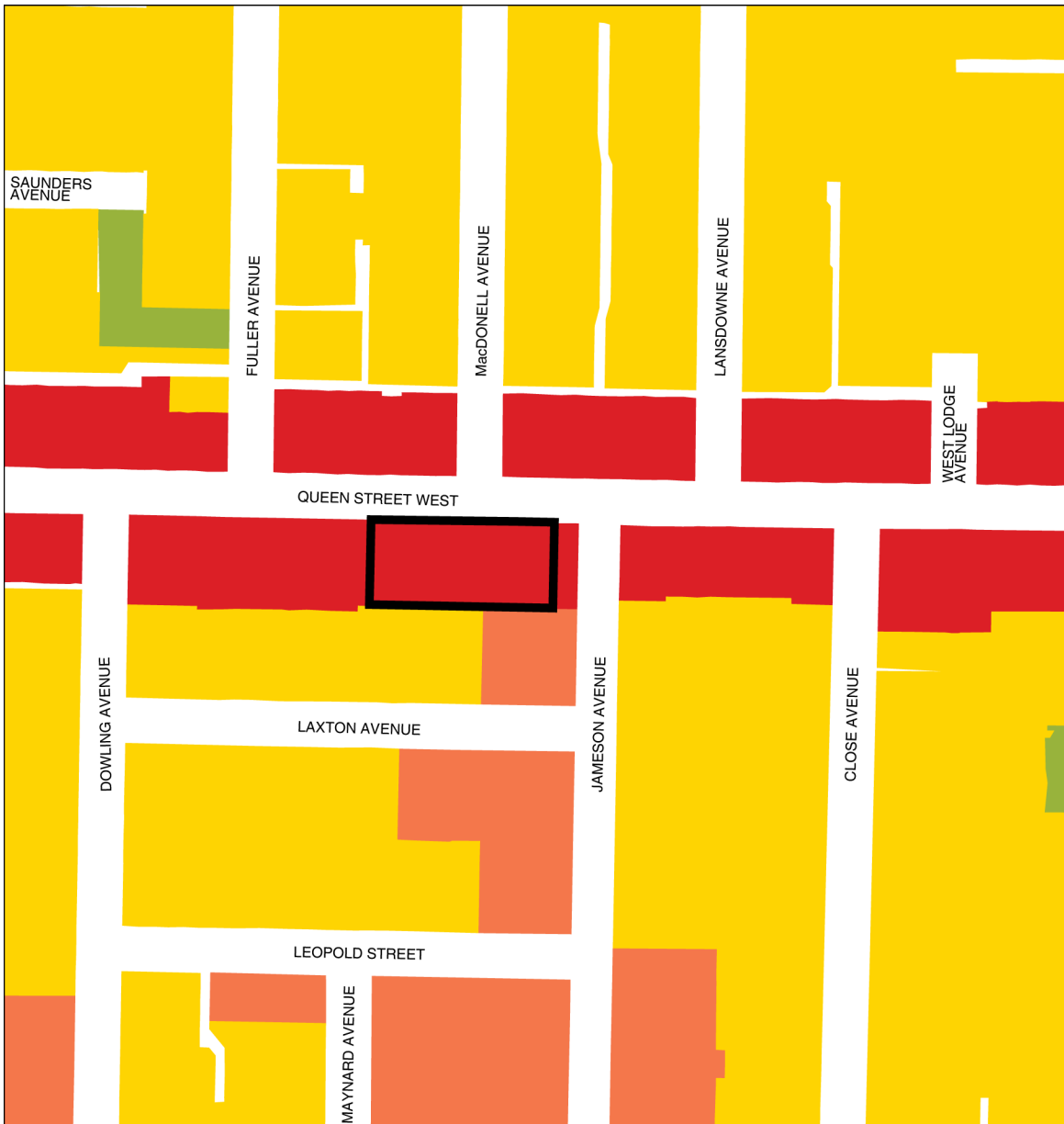
#### Attachment 4: 3D Model of Proposal in Context Looking Southwest



## Attachment 5: Site Plan



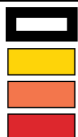
## Attachment 6: Official Plan Land-Use Map



Official Plan Land Use Map 18

1437-1455 Queen Street West

File # 23 147008 STE 04 02



Location of Application

Neighbourhoods

Apartment Neighbourhoods

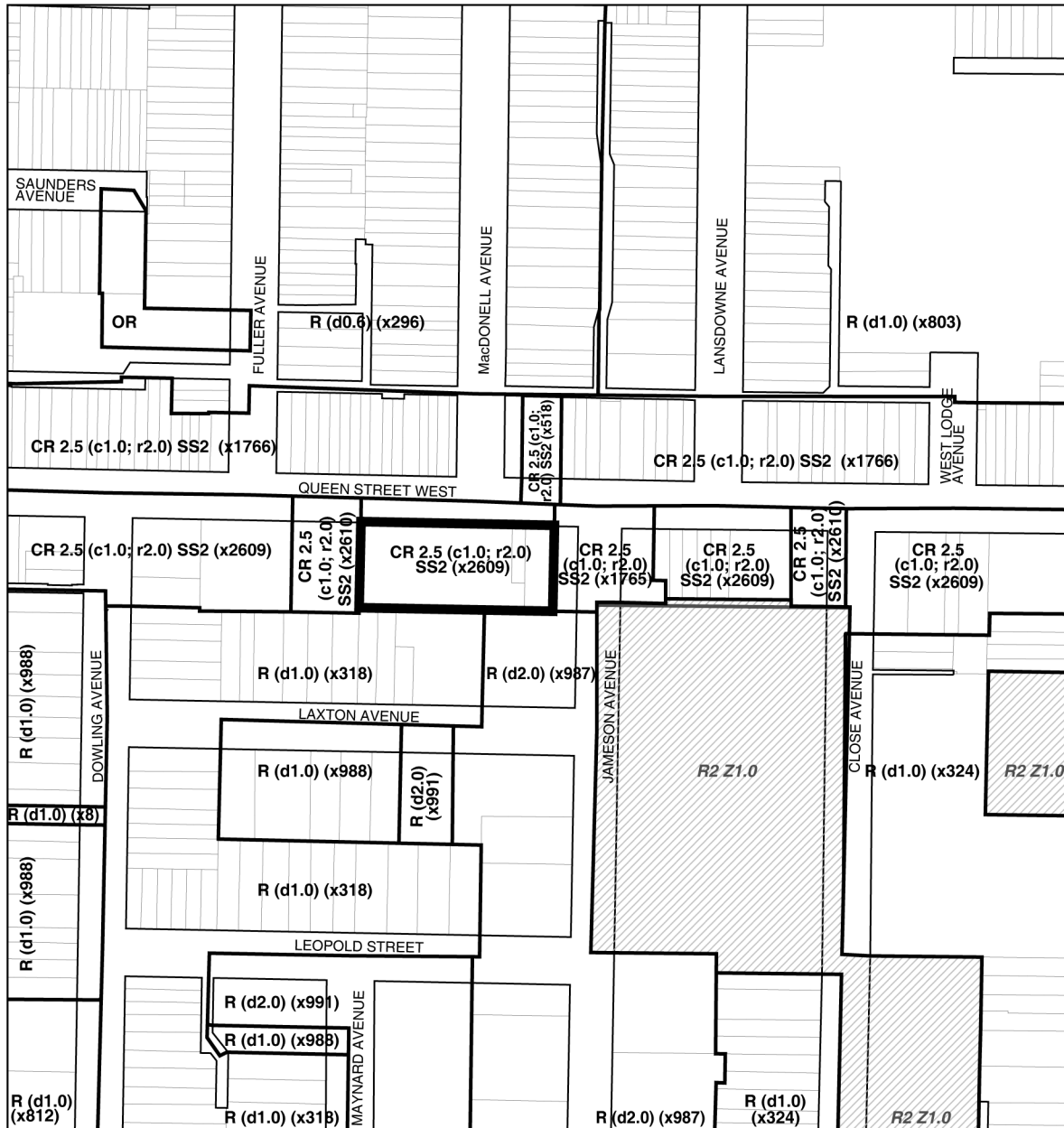
Mixed Use Areas

Parks



Not to Scale  
Extracted: 05/23/2023

## Attachment 7: Exist Zoning By-law Map



Zoning By-law 569-2013

1437-1455 Queen Street West

File # 23 147008 STE 04 0Z



Location of Application

R  
CR  
OR

Residential  
Commercial Residential  
Open Space Recreation



See Former City of Toronto By-law No. 438-86

R2  
MCR

Residential District  
Mixed-Use District



Not to Scale  
Extracted: 05/23/2023