2996 – 3004 Bayview Avenue
Rezoning & Site Plan Control Applications - Request for Direction Report

Date: November 12, 2007
To: North York Community Council
From: Director, Community Planning, North York District
Wards: Ward 23 – Willowdale
Reference Number: 05 108032 NNY 23 OZ

SUMMARY

An application for rezoning has been submitted to permit fourteen 3-storey townhouses and 2 single detached dwellings at 2996 – 3004 Bayview Avenue.

The purpose of this report is to seek Council’s direction for staff to attend the Ontario Municipal Board in support of the position described herein to support the applications for Zoning By-law Amendment and Site Plan Control Approval.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council support in principle an amendment to the Zoning By-law to allow two single detached dwellings and fourteen townhouses on the site with a maximum combined gross floor area of 3,422 m² subject to the provisions as generally outlined in Attachment 5.

2. City Council support, in principle, the Site Plan Control application for the proposed
development, subject to the zoning requirements of Recommendation (2) and subject to the site plan control approval conditions as outlined in Attachment 6.

3. City Council authorize the City Solicitor and the appropriate City staff to attend at the Ontario Municipal Board to support the above recommendations as further outlined in this report and authorize the City Solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.

**ISSUE BACKGROUND**

**History**

In February 2005, the applicant filed applications to amend the Official Plan and Zoning By-law and for Site Plan Control approval to allow the redevelopment of the site with 16 townhouse units. A report was brought forward to City Council in July 2005 that provided preliminary information on the application and requested Council’s direction on the further processing of the application and on the consultation process. This report was deferred and City Council requested that the Director of Community Planning, North York District undertake an area study for the west side of Bayview Avenue from Finch Avenue to Highway 401, to review appropriate development options for the lots fronting onto Bayview Avenue.

The applicant has appealed Council’s lack of decision in respect of the proposed, Zoning By-law Amendment and Site Plan Control Application for 2996 - 3004 Bayview Avenue. City Council should now take a position on this previously deferred matter prior to the Ontario Municipal Board hearing, which has been scheduled for December 17, 2007.

A community consultation meeting was held on October 3, 2007. The meeting were attended by the local Councillor, City Planning staff, the applicant and approximately 20 members of the public.

On October 23rd 2007, City Council approved the recommendations set out in the Bayview Avenue Area Study Final Report. This report included a set of Design Guidelines for lots fronting the west side of Bayview Avenue, from Finch Avenue to Hollywood Avenue. This application is subject to the recently approved Bayview Area Study Design Guidelines.

**Proposal**

In March 2007 the applicant revised their application to fourteen 3-storey townhouses and two single detached units. The townhouse units are arranged in 2 ‘blocks’ separated by a 1.8 metre walkway. Vehicular access for the townhouses will be provided via a 6 metre one-way laneway, with inbound access from Empress Avenue and outbound access
off Kingsdale Avenue. Two tandem parking spaces per townhouse unit are provided in private garages.

The proposed development also includes two single detached dwellings on 12 metre (40 feet) lots, with one dwelling having access off Empress Avenue, and the second dwelling having access from Kingsdale Avenue. Two parking spaces are to be provided for each detached unit.

The proposed development would result in a density of approximately 1.5 FSI and a total gross floor area of 3,290 square metres. Additional project information and details are contained on the attached Site Plan (Attachment 1) and Application Data Sheet (Attachment 7).

Site Description

The subject lands are located on the west side of Bayview Avenue, between Empress Avenue and Kingsdale Avenue. The site currently contains five single detached dwellings fronting onto Bayview Avenue, which have been consolidated to form a development parcel of 2,600 m².

Abutting uses are as follows:

North: Empress Parkette, single detached dwellings;
South: single detached dwellings. Further to the south is Bayview Village Park;
East: single detached dwellings; and
West: single detached dwellings.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.
Toronto Official Plan

The subject lands are designated as “Neighbourhoods” under the Official Plan. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as single and semi-detached dwellings, townhouses and interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

The Official Plan policies states that development in Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood. The Plan also states that no changes will be made through rezoning that are out of keeping with the neighbourhood.

Zoning

The property is zoned One-Family Detached Dwelling Fourth Density Zone (R4). The zoning permits single detached dwellings and accessory uses.

Site Plan Control Approval

An application for Site Plan Control was submitted with the original application and has been revised to reflect the current proposal. The Site Plan Control application has also been appealed to the Ontario Municipal Board. This report recommends that City Council support in principle, the Site Plan Control application subject to the Conditions of Site Plan Control Approval outlined in Attachment 6.

Tree Protection By-law

The application is subject to the City of Toronto Tree Protection By-law, regarding mature trees on private properties. A permit for injury and removal is required for the trees proposed to be removed to accommodate the proposed development.

Reasons for Application

The R4 zoning that applies to this site does not allow the proposed townhouse development. A rezoning application is required in order to implement the necessary zoning standards to permit the proposed use and to provide the appropriate development standards for the proposed development.
Community Consultation

A community consultation meeting was held on October 3, 2007. The meeting was attended by the local Councillor, City Planning staff, the applicant and approximately 20 members of the public. Area residents also provided written comments to City Planning staff. The concerns raised by residents with respect to the proposed development were generally related to the following matters:

- The proposed height of the townhouses is not compatible with the surrounding community;
- Impacts on privacy and property values;
- Additional on-street parking required for visitors;
- Construction impacts on adjacent properties including noise and dust; and
- The adequacy of municipal servicing to the site.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2005) (PPS) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be “consistent with” the PPS. The PPS requires that a range of housing types and densities be provided to meet the social, health and well-being of residents. This includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. The PPS promotes intensification and redevelopment opportunities through a more compact built form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The proposal is consistent with the PPS.

The proposal also conforms with the Growth Plan for the Greater Golden Horseshoe.

City of Toronto Official Plan

Existing Physical Character

The Official Plan designates the subject lands as Neighbourhoods. The Plan states that development in Neighbourhoods will respect and reinforce the existing physical character of the neighbourhood. It also states that no changes will be made through rezoning that are out of keeping with the neighbourhood. The established Zoning By-laws are to remain in place and will establish the benchmark for what is permitted in the future within neighbourhoods. Currently the Zoning By-law permits a number of townhouse projects on Bayview Avenue, between Sheppard Avenue and Cummer Avenue. The proposed development would reinforce the existing physical patterns and character of the
established neighborhood which consists of townhouses on lots fronting onto Bayview, with single detached houses on the interior lots. The proposal is in keeping with Official Plan policies pertaining to neighbourhoods and does not require an Official Plan Amendment.

**Land Use and Built Form**

The applicant has made several revisions to improve the massing of the proposed development to provide for better integration with the existing neighbourhood. The proposal responds to the objectives of the City’s Infill Townhouses Guidelines and follows the criteria of Development Scenario ‘B’, as outlined in the Bayview Avenue Urban Design Guidelines. The applicant has introduced two single detached dwellings on separate lots, each with a frontage of approximately 12 metres (40 feet). These dwellings provide a physical transition between the proposed townhouse development on Bayview Avenue and the adjacent stable residential neighbourhood. The transitional houses screen the adjacent low density dwellings from the townhouse development and reinforce the existing pattern within the neighbourhood. The detached dwellings have a single at grade integral garage, which provides an opportunity to increase the amount of soft landscaping and provide for better integration with the adjacent neighbourhood.

The current proposal has front yard setbacks of 1.5 and 2.0 metres for the townhouse blocks. The Council approved Bayview Area Design Guidelines recommends that buildings be setback a minimum of 3 metres from the Bayview Avenue property line to provide space for additional landscaping between the townhouse and the public sidewalk. The front yard setbacks should be increased to 3 metres to meet the objectives of the Guidelines.

The number of townhouses has been reduced from 16 to 14, allowing the width of the units to be increased from 4.0 to 4.8 metres. In addition, townhouse units have been symmetrically paired through articulation of the front façade and rooflines, and by change of materials so that two units appear as one wider unit. As a condition of approval, the applicant is required to submit revised plans providing additional architectural details of the units.

The applicant has made significant revisions to the proposal which, when combined with the suggested revisions and the recommended zoning provisions, results in a project that is compatible with the existing physical character of the adjacent neighbourhood and meets the requirements of the Official Plan, and the objectives of the City’s Infill Townhouses Guidelines and the Bayview Avenue Urban Design Guidelines.

**Access Parking and Servicing**

In keeping with the Council approved Infill Townhouse Guidelines, consideration was also given to the proposed vehicular access for the development. The townhouses front
onto Bayview Avenue, with a shared private driveway behind the units. This eliminates the need for individual driveways and curb cuts directly on Bayview Avenue so that parked cars, driveways and garage doors will not dominate the streetscape or create conflicts with pedestrians.

Vehicular access to the townhouses is provided via a 6 metre common element driveway running from Empress Avenue to Kingsdale Avenue. Given the proposed laneways close proximity to the signalized intersection at Empress Avenue and Bayview Avenue, the proposed laneway will be restricted to one way northbound with inbound access from Empress Avenue and outbound access off Kingsdale Avenue. The single detached units have individual driveways off their respective side streets. A total of two parking spaces per unit (including visitor parking) have been provided in accordance with Zoning By-law 7625.

Technical Services requires minor revisions to the proposed development, such as the inclusion of corner roundings and of pedestrian ramps, which will be incorporated into the site specific zoning by-law and conditions of site plan approval.

**Tree Preservation**

The applicant has provided a tree inventory plan that indicates that there are trees that meet the size criteria for protection under the various City Tree By-laws would need to be removed both on private property and on adjacent City owned land to accommodate the development. The owner will be required to obtain the necessary permits prior to removing any trees pursuant to the City’s Private Tree By-law, the Trees on City Streets By-law, as well as Tree Protection By-law. Urban Forestry Services have reviewed the tree removal and new tree planting plan and find the proposal acceptable.

The owner will be required to submit applications requesting permission to injure or destroy the trees to Urban Forestry Services and a security deposit in the form of a certified cheque or Letter of Credit covering all associated tree value, removal and replacement costs will be required prior to the granting of any building permits necessary for this project.

Forestry staff note there is sufficient space within the City street allowances to accommodate tree planting and have no objections to the applicant’s proposal to plant 12 new trees. The applicant will need to provide the necessary tree planting guarantees and security deposits. Tree removal and appropriate replacements and securities will be addressed at the Site Plan Agreement.
Development Charges

It is estimated that the Development Charges for this project will be $136,862.00. This is an estimate. The actual charge is assessed and collected upon issuance of the Building Permit.

CONTACT
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Fax No.  (416) 395-7155
E-mail: kjones2@toronto.ca

SIGNATURE

__________________________________________
Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS
Attachment 1: Site plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Zoning
Attachment 5: Proposed Conditions of Zoning By-law Amendment
Attachment 6: Proposed Conditions of Site Plan Approval
Attachment 7: Application Data Sheet
Attachment 8: Technical Service Comments
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 5: Proposed Conditions of Zoning By-law Amendment

The site-specific amendment to Zoning By-law No. 7625 is to include, among other matters, the following provisions specified in the implementing Zoning By-law to the satisfaction of the City Solicitor and the Director, Community Planning, North York District:

Total Site

(i) total gross floor area of 3780 m²;
(ii) maximum coverage of 50%;
(iii) minimum landscaped open space of 759 m²;
(iv) minimum of two parking spaces per dwelling;
(v) minimum parking dimensions of:
   i. 5.6 m by 2.9 m when there is an obstruction on one side
   ii. 5.6 m by 3.2 m when there is an obstruction on both sides.

Block 1 (Townhouses)

(vi) the only permitted uses shall be multiple attached dwellings;
(vii) a maximum total of fourteen multiple attached dwellings;
(viii) a maximum combined total gross floor area for all multiple attached units of 3,050 m²;
(ix) maximum height of 11 m;
(x) maximum number of storeys of 3;
(xi) minimum front yard setback from Bayview Avenue of 3.0 metres;
(xii) minimum side yard setback from Kingsdale Avenue of 1.3 m;
(xiii) minimum side yard setback from Empress Avenue of 1.65 m;
Block 2 (Single detached dwellings)

(xiv) the only permitted uses shall be 2 one-family detached dwellings;

(xv) minimum lot frontage of 11.8 metres

(xvi) maximum height of 8.8 m;

(xvii) maximum number of storeys of 2;

(xviii) minimum front yard setback is 6m;

(xix) minimum east side yard setback of 1.2 m;

(xx) minimum west side yard setback of 1.8 m;

(xxi) minimum rear yard setback 9.5 m.
Attachment 6: Conditions of Site Plan Approval

The City Planning Division, North York District, has completed the review of the proposal for the 14 Townhouse units and 2 single detached units at 2996 – 3004 Bayview Avenue as outlined in the following plans and drawings:

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<th>Prepared By</th>
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<td>Site Plan</td>
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<td>T. Pejovic</td>
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<td>A/02</td>
<td>Basement Floor Plan – Townhouses</td>
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The following conditions are to be fulfilled prior to final Site Plan Control Approval:

1. The Owner shall address the requirement of Section A, “Revisions and Additional Information Required for Site Plan, Studies and Drawings” and Section C, “Preliminary Notice of Approval Conditions” of the Technical Services memorandum dated October 11, 2007 (Attachment 8), to the satisfaction of the Executive Director of Development Engineering.
2. The Owner shall provide final architectural and landscape plans to the satisfaction of the Director, Community Planning, North York District, detailing the following matters:

   (a) revisions to the plans and statistics accompanying the plans to provide a minimum 3 metre setback from Bayview Avenue property line;

   (b) Revisions to the section and elevation drawings to further illustrate additional architectural detailing of the townhouse units.

3. The owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque for 120% of the value of the on-site landscaping, fencing, plantings, decorative paving, retaining walls and other landscape features. The letter of credit shall be in a form satisfactory to the City Treasurer in accordance with its standard format for letters of credit as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of term, to complete all outstanding work required by these conditions. The deposit shall be returned to the Owner at such time as the Director is satisfied that the property has been developed in accordance with the approved drawings and the conditions of approval.

4. The Owner shall have executed the necessary site plan agreement to the satisfaction of the City Solicitor and the Director, Community Planning, North York District.

Please note that if these conditions are not fulfilled within 2 years of the date of this notice, then this notice is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Director of Community Planning.

In addition to the above, the following conditions are to be fulfilled following the issuance of notice of approval conditions for the site plan and will be incorporated into a site plan agreement:

1. The lands shall be developed and maintained in accordance with the approved Site Plan drawings and conditions of approval. The Owner acknowledges that notwithstanding this approval, the lands shall be developed in accordance with the applicable zoning by-law(s) and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable zoning by-law(s) to the satisfaction of the Chief Building Official.

2. The Owner shall develop the lands in accordance with the requirements and conditions contained in the following:
a. Technical Services Division memorandum dated October 11, 2007;

b. Parks and Recreation (Urban Forestry) memorandum dated September 17, 2007;

c. Parks and Recreation (Policy and Development) memorandum dated February 18, 2005;

d. Bell Canada memorandum dated March 3, 2005;


3. All of the work shown on the approved drawings and all of the work required by the conditions of this approval shall be completed within 3 years from the date of this approval failing which, this approval shall require an extension by the Director, Community Planning, North York District (the “Director”), or his successor, prior to the issuance of any building permit.

4. The owner shall agree that all refuse and recycling storage shall be contained within the building. Refuse and recycling materials shall be transported to the collection area on collection days only. The Owner acknowledges that garbage shall be collected in accordance with Garbage By-law 235-2001, as amended.

5. The owner shall agree that all driveways, loading and parking areas shall be paved with asphalt, turfstone, concrete or concrete unit pavers.

6. The owner shall agree that designated parking spaces for persons with disabilities shall be identified with proper signage and logos to the satisfaction of the Director of Transportation Services, Technical Services Department, or his successor. All designated parking spaces, walkways and curb ramps shall conform to the City of Toronto (formerly North York), "Barrier-Free Accessibility, Design Guidelines and Policy Handbook (Exterior Guidelines)."

7. The owner shall agree that all site illumination shall be designed to prevent the spread of light onto adjacent properties.

8. The owner shall agree that no signage, satellite dishes, cellular telephone antennae or associated equipment shall be provided on the roof of the building, without the prior approval of the Director.

9. The owner shall agree that all above-grade electrical transformers, gas regulators, and other equipment are not permitted above grade in any yard abutting a public street unless screened from view with landscaping or fencing to the satisfaction of the Director, or his successor. All clearances from Toronto Hydro facilities must
be maintained to the satisfaction of Toronto Hydro or such successor body. The owner shall make arrangements to the satisfaction of the affected Utility for the installation, relocation and protection of all utilities.

10. The municipal address of the project is to be well illuminated, provided in a prominent location and designed to be easily readable from adjacent streets.

11. Site grading shall be designed to ensure that there are no drainage problems created on a adjacent lands.

12. The owner shall agree that all existing trees scheduled to be preserved shall be maintained in accordance with the City of Toronto Standards For The Protection And Care Of Trees. Any tree that is removed in contravention of the Site Plan Approval, or that is severely damaged, shall be replaced with a tree or trees of similar value to the satisfaction of the Director in consultation with the Urban Forestry Division.

13. The site plan agreement will also stipulate the following:

   (a) The Owner acknowledges that where it fails to promptly complete the work required by this Agreement, the City, in addition to and without prejudice to any other rights which it may have pursuant to this Agreement or otherwise at law, may enter onto the lands, perform such work and take any steps as are required, in the sole discretion of the City, to carry out and complete the work.

   (b) The Owner agrees that the City has the right to recover the total cost of all work and materials, plus a management fee equal to 20 percent of the total cost of such work and materials. In addition to any other remedies it may have, the City may collect the sums owing in like manner as municipal taxes, with all such amounts to be payable as directed by City Council pursuant to Section 427 of the Municipal Act.

   (c) The Owner acknowledges that the City enters onto the lands solely as the agent of the Owner, and such entry shall not be deemed, for any purpose, to constitute acceptance or assumption of all or any portion of the work required by this Agreement.

   (d) The Owner shall, at all times, indemnify and save harmless the City from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings (including those in connection with workplace safety and insurance compensation or any similar or sucessor arrangements) made, brought against, suffered by or imposed on the City or its property in respect of any failure by the Owner to fulfill any of its obligations under this Agreement in respect of its responsibility for any potential soil contamination or remediation of the lands.
(e) The Owner agrees:

(i) that it shall save harmless, defend and fully indemnify the City, and each of the persons under the City’s jurisdiction, from and against all actions, suits, claims, and demands which may be brought against or made upon the City, and any persons under the City’s jurisdiction, and from and against all loss, costs, charges, damages and expenses which may be sustained, incurred or paid by the City, and each of any persons under the City’s jurisdiction, by reason of, or on account of, or in consequence of this clause;

(ii) that it will pay to the City and to each of any persons under the City’s jurisdiction, on demand, any loss, costs, or damages which may be sustained, incurred or paid by the City in consequence of any such action, suit, claim or demand; and

(iii) on default of such payment all such loss, costs or damages and all such monies so paid or payable may be recovered in any court of competent jurisdiction.
### Attachment 7: Application Data Sheet

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<td>Location Description:</td>
<td>PLAN 1751 LOT 116 PT LANE RP 64R12052 PART 1 **GRID N2304</td>
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<td>Applicant:</td>
<td>McCarthy Tetrault</td>
<td>Agent:</td>
<td>T. Pejovic</td>
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<td>Architect:</td>
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### PROJECT INFORMATION

| Site Area (sq. m):        | 2600 | Height: | Storeys: | 3 |
| Frontage (m):            | 76.45 | Metres: | 8.8      |   |
| Depth (m):               | 31.46 |          |          |   |
| Total Ground Floor Area (sq. m): | 1351.4 |          |          |   |
| Total Residential GFA (sq. m): | 3955.32 | Parking Spaces: | 32 |
| Total Non-Residential GFA (sq. m): | 0 | Loading Docks | 0 |
| Total GFA (sq. m):       | 3955.32 |          |          |   |
| Lot Coverage Ratio (%):  | 52 |          |          |   |
| Floor Space Index:       | 1.52 |          |          |   |

### DWELLING UNITS

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### FLOOR AREA BREAKDOWN (upon project completion)

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### CONTACT:

**PLANNER NAME:** Kelly Jones, Planner  
**TELEPHONE:** (416) 395-7127