STAFF REPORT
ACTION REQUIRED

4181 Sheppard Avenue East – Draft Plan of Subdivision and Zoning Amendment Applications - Preliminary Report

Date: July 23, 2014
To: Scarborough Community Council
From: Director, Community Planning, Scarborough District
Wards: Ward 41 – Scarborough-Rouge River
Reference Number: 12 262328 ESC 41 OZ & 14 119126 ESC 41 SB

SUMMARY

These applications propose to subdivide the lands to create eight development blocks, future park and/or open space blocks and public roads and lanes. Six of the proposed development blocks are for townhouse purposes (86 units) and one is for a semi-detached dwelling. One block on the south side of Sheppard Avenue East is for future mixed-use development. All proposed dwelling units are 4 storeys in height and have integrated garages. A range of townhouse dwelling types are proposed.

This report provides preliminary information on the above-noted applications and seeks Community Council’s directions on further processing of the applications and on the community consultation process.

Planning staff have significant concerns with the development proposal and do not support it in its current form. The townhouse proposal does not adequately reflect the City Council endorsed Infill Townhouse Guidelines or Development Infrastructure Policy and Standards (DIPS). In addition, an Official Plan amendment and required plans, studies and reports have
not been filed to support the proposed level of intensification proposed on the entire site.

The applications should proceed through the standard planning review process, including the scheduling of a community meeting. A final report will be prepared and a public meeting scheduled once all identified issues have been satisfactorily resolved and all required information is provided.

Staff are prepared to continue working with the applicants to arrive at a suitable development, however, many of the concerns first raised by Planning staff remain unaddressed. Planning staff will prepare a Refusal Report if these matters are not appropriately addressed by the end of the second quarter of 2015.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 4181 Sheppard Avenue East together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

4. City Council determine that an Avenue Segment Study is not required given these lands were recently examined as part of an Avenue Segment Study submitted in support of a development application at 23 Glen Watford Drive.

**Financial Impact**

The recommendations in this report have no financial impact.

**DECISION HISTORY**

The Agincourt (Centre) Secondary Plan was established in 1994 through the adoption of Official Plan Amendment No. 913 to the former City of Scarborough Official Plan. A number of improvements to the existing road network were identified including the requirement for a road connecting Lamont and Midland Avenues. This connection is intended, in part, to alleviate traffic congestion at the intersection of Sheppard and Midland Avenues. The intention is for this obligation to be secured through any development approvals on these lands and the adjacent lands to the west at 4171 Sheppard Avenue East.

The previous owners of the subject lands (KJT Group Investments Ltd.) appealed OPA No. 913 to the Ontario Municipal Board (OMB), in part, as they were adverse to providing the road connection between Lamont and Midland Avenues as they had
intentions of developing the site for commercial purposes and felt the road was not required. In 1995, the Minister approved OPA No. 913 with modifications, however, the policies and schedules were deferred as they applied to the 4181 Sheppard lands. A settlement was reached in 2000 and a development agreement was registered in 2002 securing this road connection as a private road in the form of a public easement at the time of the redevelopment of these lands. Improvements to the traffic signals at the intersection of Sheppard and Midland Avenues were also required. The requirement for providing the road connection was carried forward in the Agincourt Secondary Plan that now forms part of the City of Toronto Official Plan (further discussed in Official Plan section of this report).

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant to discuss the development proposal and complete application submission requirements. Key issues discussed included, but were not limited to, the need for a draft plan of subdivision to create public streets (including a required link between Midland and Lamont Avenues) and blocks for development and park purposes, future interface with the Bell lands to the west, density limits under existing Official Plan policies and appropriate setbacks and mitigative measures from the adjacent Canadian Pacific Railway.

After the zoning application was filed, staff met on a number of occasions with the proponents to provide direction and express concerns with the proposal in its current form. Further, City Planning provided written correspondence in May 2013 indicating expectations related to, among other matters, road alignments and right-of-way standards, the need for proper regard to DIPS, the City's Infill Townhouse and Avenues and Mid-Rise Guidelines. It was also indicated that staff were of the view that an Avenue Segment Study was not required and that the proponents efforts should be directed towards the aforementioned matters and to ensuring that reasonable development opportunities on the proposed development block on Sheppard Avenue East are protected for.

ISSUE BACKGROUND

PROPOSAL

The owners have applied for draft plan of subdivision approval and a related zoning by-law amendment to permit the lands to be developed for semi-detached and townhouse dwelling purposes and for a future mixed use block on the south side of Sheppard Avenue East.

The draft plan of subdivision proposes the creation of eight (8) development blocks, two (2) park/open space blocks and a new road network comprised of public streets and lanes (see Attachment 1).

Six of the blocks are for townhouse purposes. A total of 86, four storey townhouse dwelling units, all with integrated garages are proposed. Fourteen of the townhouse units face Midland Avenue (Block 1) along with the semi-detached units (Block 2). Seventeen
of the townhouse dwelling units are back-to-back units (Block 3). Fifteen of the
townhouse units (Block 5), which are located on the south side of proposed Street B, are
proposed as "live-work units" (see Attachment 4).

One block on the south side of Sheppard Avenue East (Block 8) is proposed for future
mixed use development. This block is approximately 4,465 m² (0.45 ha) in lot area which
is just under 25% of the total area of the subject property. No site or elevation plans have
been prepared for this block and despite there being limited density permissions on the
entire 1.94 ha property (see Official Plan) and no Official Plan amendment application
being filed, the applicants have submitted a draft zoning by-law proposing a maximum of
680 dwelling units on the site, a minimum height of 22 storeys, a maximum height of 30
storeys and a maximum density of 12 times the lot area.

The proposed street system, including right-of-way widths (R-O-W) are as follows:

Street A: 14.55 m R-O-W, north-south street along the west limit of the site
which intersects with Sheppard Avenue East and is intended to
have an ultimate R-O-W of 18.5 metres should adjacent lands at
4171 Sheppard Avenue East be redeveloped.

Street B: 16.15 m R-O-W, east-west street intersecting with Midland
Avenue and terminating at Street A, presumably allowing for a
future extension west onto the 4171 Sheppard Avenue lands to
achieve the planned road link to Lamont Avenue.

Street C: 12.65 m R-O-W, single loaded, east-west street towards the south
limit of the site.

Streets D & E: 12.35 & 14.9 m R-O-Ws, streets servicing proposed townhouse
units.

Street F: 6.3 m lane.

Lane G: 6.3 m lane.

A linear open space/park block, approximately 1,543 m² (0.15 ha) in area and adjacent to
the CPR rail line (Block 10) is proposed along with an approximately 146 m² parkette
(Block 9).

**Site and Surrounding Area**

The site is located at the south-west corner of Sheppard Avenue East and Midland
Avenue and is approximately 19,440 square metres (1.9 ha) in area. The site has
approximately 91 metres of frontage on the south side of Sheppard Avenue East and
approximately 146 metres of frontage on the west side of Midland Avenue. Midland
Avenue slopes to the south in order to cross under the Canadian Pacific Railway (CPR)
tracks. The site, historically, has had three vehicular access points, two full turn accesses
from Sheppard Avenue East and one from Midland Avenue which is right-in, right-out only due to the presence of a median.

A vacant, one storey building is located on the site. The site was previously occupied by a Lumber King Home Centre and later by a flea market use, along with related surface parking. A gas station was previously located at the north-east portion of the property. Used car sales were also conducted from the site.

The site has been entirely fenced (chain-link) for some time to accommodate ongoing on-site soil remediation.

Abutting uses are as follows:

North: Retail commercial uses on the north side of Sheppard Avenue East, along with a funeral home use and related surface parking.

South: The CPR line runs parallel to the south property line. To the south of the CPR line are various employment related uses located on Midland Avenue and Weybright Court.

East: A one-two storey commercial building containing office and retail uses at the south-east corner of Sheppard and Midland.

West: Bell Canada office and switching station. The rear portion of this site is vacant.

Provincial Policy Statement and Provincial Plans

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

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

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.
Official Plan

On the Urban Structure Map (Map 2) to the Official Plan, the site is shown as part of an “Avenue” which applies to the lands on Sheppard Avenue East, from Yonge Street to just east of Brimley Road. “Avenues”, generally, are areas where new, incremental growth can occur along major streets where there are reurbanization opportunities supported by public transit. The Plan states that reurbanizing the Avenues will be achieved through the preparation of Avenues Studies for strategic mixed use segments of the corridors shown on Map 2. Development may be permitted on the Avenues prior to an Avenues Study and will be considered on the basis of all the policies of the Plan relevant to the designation area.

The site is designated as “Mixed Use Areas” on the Land Use Plan (see Attachment 6). Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

The Plan also states that development in Mixed Use Areas on Avenues, prior to an Avenue Study, has the potential to set a precedent for the form and scale of reurbanization along the Avenue. In addition to the Mixed Use Areas policies, proponents of such proposals are also required to address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

The Official Plan also requires new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and to limit its impact on neighbouring streets, parks, open spaces and properties by, among other matters, massing new buildings to frame adjacent streets and open spaces with good proportion and to maintain adequate sunlight, to ensure comfortable wind conditions for pedestrians, among other matters.

In terms of the public realm, the Plan states that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets. These design standards are contained in the Council adopted Development Infrastructure Policy and Standards (DIPS).

The Official Plan also contains policies related to height and/or density incentives and permits zoning by-laws, under Section 37 of the Planning Act, to be passed to permit more height and/or density for a use than is otherwise permitted by the zoning by-law for that use in return for the provision of community benefits to be set out in the zoning by-law.

The lands are also subject to the policies of the Agincourt Secondary Plan. Site and Area Specific Policy No. 3 (see Attachment 7) applies to these lands and the adjacent lands to the west at 4171 Sheppard Avenue East. The site specific policy states the following:
(a) a road connecting the site at the southwest corner of Midland Avenue and Sheppard Avenue East to Lamont Avenue may be required to provide for the ultimate redevelopment potential of this significant property; and

(b) land consolidation will be encouraged to maximize the potential of this quadrant.

Further, the Secondary Plan sets a maximum density on the lands of 100 dwelling units per hectare (dph) and a maximum floor area equal to the lot area (1.0 floor space index). Maximum densities are for all uses and are calculated on a net basis. Public roads and parks are to be deducted from the calculation of the site area.

The proposal will be reviewed in detail for compliance with these and other relevant policies of the Official Plan. An Official Plan amendment has not been submitted.

**Zoning**

The lands are zoned Community Commercial (CC) under the Agincourt Community Zoning By-law No. 10076, as amended, of the former City of Scarborough (see Attachment 5). Only the following uses are permitted: financial institutions, business and professional offices, recreational uses, restaurants, retail stores, service shops and agencies, educational and training facility uses, day nurseries and fraternal organizations.

The lands are not subject to the new City of Toronto Zoning By-law No. 569-2013.

**Avenue Segment Study**

As noted in the Official Plan section of this report, development in Mixed Use Areas on an Avenue prior to an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the Avenue. Proponents of such proposals are required to address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

These lands, along with the adjacent Bell site at 4171 Sheppard Avenue East, were recently included within an Avenue Segment Study prepared in support of a zoning application at 23 Glen Watford Drive. Appropriate "soft sites" were identified along the mixed use segment of Sheppard Avenue, including lands extending from West Highland Creek to Brownspring Road.

This segment study assumed the provision of the required road link from Midland to Lamont Avenues, and both a mid-rise scenario and a tall building development scenario were applied to the 4181 Sheppard lands together with townhouse units on the rear of the adjacent 4171 Sheppard lands. Various development assumptions and horizons can be applied to candidate sites under any visioning exercise and staff feel this assessment is acceptable and fulsome enough for these lands.
Site Plan Control

The proposed development is subject to site plan control. To date, no site plan control application has been filed. A site plan control application should be submitted at the same time a revised draft plan of subdivision is filed. The site plan approval application is required to properly assess this proposal and to determine compliance with relevant urban design guidelines and zoning by-law performance standards typically applied to townhouse developments.

Tree Preservation

An arborist and tree preservation plan were filed in May 2014. A total of 18 trees have been identified for removal. Five of these trees (private) are protected by the City's Private Tree By-law. Urban Forestry will review and comment on the Arborist Report and Tree Preservation Plan.

Environmental Remediation

A Phase 1 environmental site assessment (ESA) was filed with the zoning application. The findings of the current Phase 1 ESA have revealed evidence of actual and potential contamination associated with the site and other properties within the phase one study area. Among these are the presence of an on-site former gas station and the presence of above and underground storage tanks. The assessment, prepared by Fisher Environmental Ltd., recommends that a Phase II ESA be conducted at the identified areas of potential environmental concern and along the potential contaminant transport pathways. Filing of a Record of Site Condition with the Environmental Site Registry is required.

A contaminated site assessment for peer review is required for any lands to be conveyed to the City (eg. parks, roads and lanes).

Road Widenings

Engineering and Construction Services advises that an approximately 2.7 metre widening along the entire Sheppard Avenue frontage is required along with a 15 metre corner rounding at the southwest corner of Sheppard and Midland Avenues.

Sheppard East LRT

The Toronto Light Rail Transit (LRT) Plan is a component of the regional transit plan ('The Big Move') for the Greater Toronto Area. The Sheppard East Light Rail Transit (LRT) line is one of the projects funded under the Master Agreement signed between the City, TTC and Metrolinx. It is proposed to extend from Don Mills Station to Conlins Road. Metrolinx is in the process of advancing the design of the facility with a target start of service date in December 2021. Once completed, the Sheppard LRT will provide an enhanced level of public transit along the Sheppard corridor. An LRT stop is proposed near the intersection of Midland and Sheppard Avenues.
Additional lands, beyond the road widening already identified, may be required to be expropriated (temporarily and/or permanently) to accommodate the LRT. Metrolinx will need to confirm this once detailed project planning is underway.

The LRT will also restrict any future proposed access to Sheppard Avenue to right-in, right-out only.

**Reasons for the Applications**

The existing zoning for the site does not permit residential uses. The subdivision application is required to create the proposed streets and blocks. Should the applicant wish to realize the density proposed by their draft by-law then an Official Plan Amendment application will also be required.

**COMMENTS**

**Application Submission**

The following reports/studies were submitted with the zoning by-law application in October 2012: Planning Rationale Report; Archaeological Assessment; Transportation Impact Study; Functional Servicing & Stormwater Management Reports; Phase 1 Environmental Site Assessment; Noise Control Feasibility Study; Toronto Green Standard Checklist (New Low-Rise Non-Residential Development); Urban Design Brief; Concept Plan; Topographic Plan; Parking Layouts Plan; selected Building Elevation Plans; Landscape Plan; Grading & Servicing Plans; Building Section Plan; and Draft Zoning By-law.

A Notice of Incomplete Application was issued on November 14, 2012 advising that the following information was outstanding: Avenue Segment Review Study; Toronto Green Standard Checklist (New Low-Rise Residential Development & Mid to High-Rise Residential Development); Vibration Study; Arborist/Tree Preservation Report and/or Declaration; Tree Preservation Plan; Floor Plans for all buildings proposed; Elevation plans for all buildings proposed; Digital copy of all plans and studies; and Information and Material prescribed by the Planning Act, s. 34(10.1), O. Reg. 545/06. The notice also advised that an Official Plan Amendment is required to permit the proposed density of development.

Staff had significant concerns with the original development proposal as previously noted including identifying the need for the submission of a draft plan of subdivision application to create the proposed streets and blocks. Accordingly, it was determined that a Preliminary Staff Report would not be prepared in order to afford the applicants the opportunity to make a reasonable attempt to address staff concerns, including recommended changes to the development proposal through formal revisions to the zoning application, the submission of a draft plan of subdivision application and the submission of all outstanding information previously identified.
A Draft Plan of Subdivision Application and revisions to the zoning by-law amendment application were filed in February 2014. A Notice of Incomplete Application with respect to the subdivision application was issued on March 21, 2014 advising that the following information was outstanding: Toronto Green Standard Checklist (New Low-Rise Residential Development); Arborist Tree Preservation Report; Tree Preservation Plan; Elevation Plans for proposed buildings; digital copy of all plans, studies and reports; and Information and Material prescribed by the Planning Act, s. 34(10.1), O. Reg. 544/06.

The outstanding material related to both applications was subsequently submitted and both applications were considered Complete as of May 5, 2014.

**Proposed Density of Development**

As noted in the Official Plan section of this report, there is a maximum net density limit of 1.0 FSI and 100 dph on the site under the Agincourt Secondary Plan. Based on the draft plan of subdivision submitted, once the area of roads and parks are factored out, most of the residential density is expended on the townhouse units. This would result in essentially no residential permissions on the proposed Sheppard block and little if any density permissions in terms of floor space index.

This poses significant concerns as it relates to the planning merits of the overall proposal and the appropriateness of creating a development block on Sheppard Avenue that would have very limited development potential. This is referenced further in the Issues to be Resolved section of this report.

The applicants have two options available to them:

- Submit an official plan amendment to increase the site specific density permissions to allow for the level of intensification referenced in the draft zoning by-law amendment, together with all required plans, reports, studies and fees. A redesign of the townhouse proposal is also required to meet City policies and guidelines or;

- Redesign the townhouse proposal as required to meet City policies and guidelines and ensure that an appropriate level of interim development permissions are left on the proposed Sheppard Avenue block. A revised draft zoning by-law amendment, and possibly an Official Plan Amendment application, would be required to reflect this development scheme.

**Issues to be Resolved**

The following are the key issues identified to date which are to be resolved in the review of this application:

- Resolution of density related matters as noted in the previous section.
- Conformity to Official Plan policies particularly those related to the public realm, new streets and built form.

- Section 37 community benefits should an increase in density and/or height in development be proposed.

- Suitability of the proposed "live-work" units.

- The proposal must have regard for the City's Development Infrastructure Policy and Standards (DIPS) including appropriate right-of-way widths.

- The proposed townhouse development must have appropriate regard for the City of Toronto Urban Guidelines for Infill Townhouses.

- The proposed development block on Sheppard Avenue must have appropriate regard for the Avenues and Mid-rise Building Study guidelines and the Tall Buildings Design Guidelines to ensure that adequate future development opportunities are protected for.

- Traffic impacts, including the suitability of the proposed road connections to Sheppard and Midland Avenues and confirmation that all roads and lanes within the plan of subdivision shall be public.

- Site servicing and stormwater management.

- Provision of adequately sized, configured and located park blocks.

- Provision of adequate private, outdoor amenity space.

- Development interface with the CPR line including building setbacks and appropriate mitigative measures.

- Compliance with the Toronto Green Standard, Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.
CONTACT
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SIGNATURE

_______________________________
Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS
Attachment 1: Draft Plan of Subdivision
Attachment 2: Elevations – Block 1
Attachment 3: Elevations – Blocks 6 & 7
Attachment 4: Elevations – Block 5
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Agincourt Secondary Plan
Attachment 8: Application Data Sheet
Attachment 1: Draft Plan of Subdivision

Site Plan
Applicant's Submitted Drawing

4181 Sheppard Avenue East

File # 12 262328 ESC 41 OZ, 14 119126 ESC 41 SB
Attachment 2: Elevations

Elevations - Block 1

4181 Sheppard Avenue East

Applicant's Submitted Drawing

Not to Scale

File #: 12.262328 ESC 41 02, 14.119128 ESC 41 SB
Attachment 3: Elevations

Block 6 East

Block 7 West

Elevations

Applicant’s Submitted Drawing

4181 Sheppard Avenue East

File #: 12262328 ESC 41 02, 14119126 ESC 41 SB
Attachment 4: Elevations

North

South

Elevations - Block 5  4181 Sheppard Avenue East
Applicant's Submitted Drawing

Not to Scale
6/12/14

File #: 12.26232E SC 41 G2, 14 11921E SC 41 SB
Attachment 5: Zoning

4181 Sheppard Avenue East

Zoning By-law 569-2013

File #12 262328 ESC 41 OZ, 14 119126 ESC 41 SB
Attachment 6: Official Plan
Attachment 7: Agincourt Secondary Plan
### Attachment 8: Application Data Sheet

**Application Type**  
Rezoning & Draft Plan of Subdivision

**Application Numbers:**  
12 262328 ESC 41 OZ  
14 119126 ESC 41 SB

**Details**  
Rezoning, Standard

**Application Dates:**  
October 15, 2012 (OZ)  
February 19, 2014 (SB)

**Municipal Address:**  
4181 SHEPPARD AVE E

**Location Description:**  
RCP 9945 LOT 43 **GRID E4108

**Project Description:**  
Plan of subdivision to create 8 development blocks, park/open space blocks, streets & lanes.  
86 townhouse dwelling units on 6 blocks, one semi-detached dwelling on 1 block and one future mixed use development block on south side of Sheppard Avenue East. 15 of the townhouse units are proposed as “live work units”.

**Applicant:**  
MI-KO URBAN CONSULTING INC

**Agent:**  
PETER CHEE

**Architect:**  
MI-KO URBAN CONSULTING INC

**Owner:**  
FREEDENT SHEPPARD INC

**PLANNING CONTROLS**

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<tr>
<th>Official Plan Designation</th>
<th>Site Specific Provision</th>
<th>Zoning</th>
<th>Historical Status</th>
<th>Height Limit (m)</th>
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**PROJECT INFORMATION** (townhouse & semi-detached dwellings only)

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**Dwelling Units** (townhouses/semi only)

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**Floor Area Breakdown** (upon project completion)

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<th>Residential GFA (sq. m)</th>
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**Contact:**

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<tr>
<th>Planner Name</th>
<th>Doug Muirhead, Senior Planner (416-396-7029)</th>
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