

**75, 77 and 83 Mutual Street - Zoning Amendment Application - Preliminary Report**

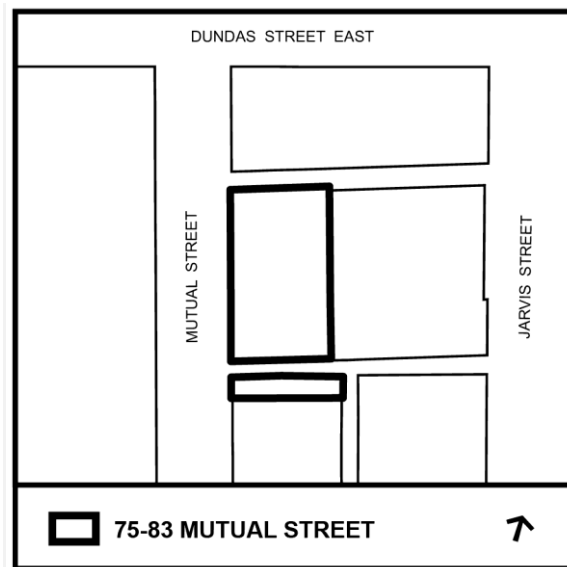
<b>Date:</b>	December 15, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	14 183553 STE 27 OZ (Zoning By-law Amendment) 14 183555 STE 27 RH (Rental Housing Demolition and Conversion)

**SUMMARY**

A Zoning Amendment application has been submitted for 75, 77 and 83 Mutual Street, to permit a 38-storey building consisting of a 4-storey base and a 34-storey tower. The site is located southeast of Dundas Street East and Mutual Street, with frontage on Mutual Street. An east-west City-owned public laneway bisects the site. The apartment building at 77 Mutual Street contains 22 rental housing units and is proposed to be demolished. The applicant has submitted a rental housing demolition and conversion application under Section 111 of the *City of Toronto Act*.

City Staff do not support this application in its current form. The proposed tall building represents over-development, and substantially deviates from the City's Tall Building Guidelines on height and separation distances in ensuring tall buildings fit within their existing and planned context. This report provides preliminary information on the above-noted application and seeks Community Council's direction on further processing of the application.

Should the applicant substantially revise the current proposal, a Final Report and public meeting under the *Planning Act* is targeted for the last quarter of 2015. The



target date assumes the issues raised in this report are satisfactorily resolved, and that any requested information is submitted by the applicant in a timely manner.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

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

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

There had been no recent *Planning Act* applications on this site.

### **Pre-Application Consultation**

In November 2013, the applicant had an informal discussion with City staff and the Ward Councillor regarding a 35-storey proposal on the properties at 77 and 83 Mutual Street. This proposal was strongly opposed by City Planning staff as it failed to meet the city-wide Tall Building Guidelines and the Downtown Tall Building Guidelines respecting tower separation distances and overall height. City staff indicated a proposal that is within a height range of approximately 10 to 17 storeys would be appropriate for the site.

In April and May of 2014, the applicant had further informal discussions regarding a 38-storey proposal, and the inclusion of the property at 75 Mutual Street for parkland purposes. The inclusion of the property at 75 Mutual Street increases the separation distance of the proposed tower to the low-rise buildings to the south. City Planning staff acknowledge the steps taken by the applicant since the initial meeting, however, continued to advise the main concerns regarding separation distances and height.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant is proposing to develop the site to construct a mixed use building of 38-storeys (126.2 metres including mechanical penthouse), with a 4-storey base building containing street-related retail and residential uses, and a 34-storey tower containing residential uses.

The proposal's setbacks and stepbacks are summarized in the following table:

<b>Setbacks and Stepbacks to Property Line</b>		
Base Building	North	4.5 metres (to the centreline of the north city-owned laneway)
	South	13 metres
	East	0 metres
	West – Mutual Street Frontage	0.2 metres
Tower	North	6 metres above the 4 <sup>th</sup> storey
	South	15 metres above the 4 <sup>th</sup> storey
	East	5 metres above the 1 <sup>st</sup> and 2 <sup>nd</sup> storeys 6 metres above the 4 <sup>th</sup> storey
	West – Mutual Street Frontage	2 metres above 4 <sup>th</sup> storey

The application proposes a total of 375 residential units consisting of: 22 bachelor units – all of which are proposed as replacement rental housing units (5.9%); 218 one bedroom units (58.1%); 102 two bedroom units (27.2%); and 33 three bedroom units (8.8%). The application will have a total gross floor area of 28,190 square metres, with 27,812 square metres of residential gross floor area, and 378 square metres of retail gross floor area. The proposed density is 18.8 times the lot area. The residential tower is proposed to have an approximate floor plate of 753 square metres.

Indoor amenity space of 528 square metres and outdoor amenity space of 294 square metres are proposed on the 2<sup>nd</sup> and 5<sup>th</sup> storeys. The Zoning By-law requirement is 2 square metres of indoor amenity space and 2 square metres of outdoor amenity space be provided for each residential unit. This standard translates to 750 square metres of indoor amenity space and 750 metres of outdoor amenity space for the 375 residential unit proposal.

Pedestrian access to the residential lobby and the street-related retail space are proposed from Mutual Street. The sidewalk width along Mutual Street abutting the site is proposed to be widened to 6 metres. The proposed massing of the building along Mutual Street projects 2.95 metres over the widened sidewalk from the 3<sup>rd</sup> storey, creating an overhang along the pedestrian sidewalk. A parkland dedication on site of 199 square metres, south of the City-owned public laneway is also proposed.

Vehicular access is proposed from the east-west City-owned laneway abutting the site to the north, via Mutual Street. The application proposes a 4-level underground parking garage that accommodates 75 resident, 2 car-share and 23 visitor parking spaces. A Type G loading space is proposed to be accessed from the north east-west City-owned laneway via Mutual Street. Bicycle parking is proposed in the underground parking garage, ground floor, and 2<sup>nd</sup> floor. There are 344 resident, 38 visitor and 6 retail bicycle parking spaces (refer to Attachment 4: Application Data Sheet).

## Site and Surrounding Area

The site is a relatively flat rectangular shaped parcel located in the northwest quadrant within the block bordered by Dundas Street East to the north, Jarvis Street to the east, Shuter Street to the south, and Mutual Street to the west. The site is currently used as a commercial surface parking lot, a 2-storey rental housing building, and a 2-storey townhouse converted for office uses. The rental housing building contains a total of 22 bachelor apartment units.

The surrounding uses are as follows:

West: On the west side of Mutual Street is the block bordered by Dundas Street East, Dalhousie Street, Shuter Street, and Mutual Street. A series of residential co-operative buildings ranging in height from 12 to 17 storeys, and Arena Gardens Park are situated within this block. On the southern portion of the block is 76 Shuter Street – a 15-storey condominium building, and 64-70 Shuter Street – an approved 24-storey mixed use building ("Core Condominium") currently under construction.

North: A city-owned public laneway. Beyond are three commercial buildings ranging from 1 to 3 storeys with frontage on Dundas Street East. Northeast is 155 Dundas Street East – an approved 43-storey condominium ("PACE Condominium") currently under construction.

East: A 14-storey condominium building at 192 Jarvis Street; and a surface commercial parking lot at 186-188 Jarvis Street that received permission for a 30-storey student residence building, currently subject to a Site Plan Control application (file no. 12 245474 STE 27 SA). Further southeast is the 11-storey Hazelburn co-op residence building at 178 Jarvis Street.

South: A series of 2-storey townhomes converted for commercial and office use. Further south, at the corner of Mutual Street and Shuter Street is the 3-storey residential building at 90 Shuter Street.

## Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; and the appropriate location of growth and development, to name a few.

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 by accommodating a range and mix of uses; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; 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; 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 *Planning Act* and the PPS, and for conformity with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The Official Plan places the site within the *Downtown and Central Waterfront* on Map 2 – Urban Structure. The *Downtown* is a growth area and will continue to evolve as a healthy and attractive place to live and work.

The site is designated *Mixed Use Areas* on Map 18 – Land Use Plan. Section 4.5 indicates *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Policy 2 provides development criteria for *Mixed Use Areas*, which directs that development shall: locate and mass new buildings to provide a transition between areas of different development intensity and scale; locate and mass buildings to frame the edges of streets with good proportion; maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets; provide good access and circulation for vehicular activity; and provide indoor and outdoor recreation space for residents. Development in *Mixed Use Areas* should also: provide new jobs and homes on underutilized lands; provide access to schools, parks and community centres; and take advantage of nearby transit services.

Section 3.1.2 – "Built Form" directs new development to fit within the existing and/or the planned context of the neighbourhood. In particular, Policy 3 requires new development to be massed to fit harmoniously into its existing and/or planned context by: creating appropriate transitions in scale to neighbouring buildings; providing for adequate light and privacy; and framing adjacent streets and open spaces in a way that respects the street proportion. Policy 4 requires new development be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view. Policy 5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Section 3.1.3 – "Built Form – Tall Buildings" provides policy direction for tall buildings. Policy 2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; taking into account the relationship of the site to

topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.2.1 – “Housing” include policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. In particular, Policy 6 requires that new development that would result in the loss of six or more rental housing units will not be approved unless the same number, size and type of rental units are replaced and maintained with similar rents. An acceptable tenant relocation and assistance plan is also required to help lessen the hardship faced by tenants in having to move due to demolition.

Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. As such, this application will be reviewed against all policies of the Official Plan. The Official Plan is available at:  
[http://www1.toronto.ca/static\\_files/CityPlanning/PDF/chapters1\\_5\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf)

## **Zoning**

Under Zoning By-law 438-86, the site is zoned CR "Mixed-use District" with a height limit of 30 metres on 75 and 77 Mutual Street, and 27 metres on 83 Mutual Street. A density of 4 times the lot area is permitted, where the maximum commercial density is 0.5 times the lot area, and the maximum residential density is 4 times the lot area. The CR designation permits a mixture of residential and non-residential uses. Permissions and exceptions applicable to the site include: a building mass that cannot project beyond a 70 degree angular plane above a height of 6 metres along Mutual Street; and setbacks of 2 to 3 metres along Mutual Street.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. Planning Act applications submitted after May 9, 2013 are subject to the new Zoning By-law. 75 to 77 Mutual Street are zoned CR 4.0 (c0.5; r4.0) SS1 (x2211) "Commercial Residential" with a height limit of 30 metres. 83 Mutual Street is zoned CR 4.0 (c0.5; r4.0) SS1 (x2010) "Commercial Residential", with a height limit of 27 metres. The permissions and exceptions that are applicable in By-law 438-86 for the site are carried over to By-law 569-2013 (refer to Attachment 4 – Zoning).

## **Site Plan Control**

This site is subject to site plan control. An application for Site Plan Control, file no. 14 183547 STE 27 SA was submitted with the Zoning By-law amendment application and will be reviewed concurrently.

## **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

This tall building application is surrounded by other tall buildings to the northeast and to the east. Guideline 3.2.3 indicates a tall building shall achieve a setback of 12.5 metres from the property line or centre line of an abutting lane, in order to achieve a separation distance of 25 metres between tall buildings. A tall building on this site may not be appropriate if the minimum separation distance of 25 metres cannot be achieved. The proposed 38-storey building will create a separation distance of approximately 18.2 metres to the 43-storey building to the northeast (measured diagonally from the northeast corner of the proposal), and 22 metres and 13.7 metres to the 14-storey and 30-storey buildings respectively to the east. A greater separation distance is needed within this cluster of tall buildings to provide for: sky view in between building masses; privacy for occupants of the impacted residential units; and access to natural light in the impacted buildings' interior.

This application will also be reviewed against other city-wide Tall Building Design Guidelines, including: fit and transition in scale; sunlight and sky view; views from the public realm; floor plate size; tower placement; site servicing and access; publicly accessible open space; pedestrian realm; and sustainable design.

### **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals.

Mutual Street is identified as a Secondary High Street on Map 1, and within a Tower – Base Form typology on Map 3. The height range for this Secondary High Street ranges from 10 to 17 storeys. The proposed 38-storey building on Mutual Street exceeds the planned building height context set by the Guidelines. The Downtown Vision and Supplementary Design Guidelines are available on the City's website at: [http://www1.toronto.ca/city\\_of\\_toronto/city\\_planning/urban\\_design/files/pdf/DowntownTallBuildingVisionGuidelines.pdf](http://www1.toronto.ca/city_of_toronto/city_planning/urban_design/files/pdf/DowntownTallBuildingVisionGuidelines.pdf)

### **Rental Housing Demolition and Conversion By-law**

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals involving six or more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council. Council

may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* is required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*. The By-law provides for the co-ordination of all the approval authorities needed for the demolition of the rental housing.

When there is an application for rezoning as well as an application under Chapter 667 for rental demolition or conversion, typically City Council considers both applications at the same time after receiving a joint report on both from the City Planning Division. Unlike *Planning Act* applications, decisions made by the City under Chapter 667 are not appealable to the Ontario Municipal Board.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition and replacement of the existing 22 rental housing units. The owner provided the required notice to affected tenants of the rental housing building on August 12, 2014.

### **Tree Preservation**

An Arborist/Tree Preservation Declaration form was submitted as part of the application, indicating there are no trees with diameters of 30 centimetres or more on and within 6 metres of the site.

### **Parkland Dedication**

This application includes a proposed parkland dedication of 199 square metres on the southern portion of the site. Parks, Forestry and Recreation staff are of the opinion the size of the proposed park is too small to provide adequate utility.

### **TOcore**

On May 13, 2014, the Toronto and East York Community Council (TEYCC) considered a Staff Report regarding *TOcore: Planning Toronto's Downtown*, along with a related background document entitled *Trends and Issues in the Intensification of Downtown*. Both reports are available at at:  
<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=222101f2e9745410VgnVCM10000071d60f89RCRD>.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The review of this application will be informed by the issues being considered under TOcore.

### **Reasons for the Application**

The applicant requires an amendment to the Zoning By-law to permit: a maximum building height of 120 metres whereas 27 metres and 30 metres is permitted; a density of 18.8 times the lot area, whereas a density of 4 times the lot area is permitted. Other non-



compliance items include: reduction of parking spaces, reduction of amenity space area, and reduction of building setbacks.

Additional items of non-compliance may be identified through the review of this application.

## **Community Consultation**

Numerous written comments objecting to this proposal have been received from members of the public, mainly from residents who reside in the building at 192 Jarvis Street east of the proposal. The concerns raised include: the loss of natural sunlight and views; an increase in net shadowing on the public realm and private outdoor amenity space; and potential safety concerns from the proposed park.

At the timing of this report, a community consultation meeting had been scheduled for January 12, 2015, at the Metropolitan United Church, in consultation with the Ward Councillor.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Boundary Plan/Topographical Survey
- Context Plan
- Perspectives
- Site Plan
- Floor Plans
- Elevations
- Sections
- 1:50 Detailed Colour Building Elevations
- Sun/Shadow Study
- Landscape Plans
- Completed Arborist/Tree Preservation Declaration Form
- Planning Rationale Report
- Pedestrian Level Wind Study
- Archaeological Assessment
- Transportation Considerations Report
- Servicing/Stormwater Management Report
- Housing Issues Report
- Noise Impact Study
- Urban Design Report
- Environmental Impact Study
- Completed Toronto Green Standard Checklist
- Draft Zoning By-law Amendments

A Notification of Complete Application was issued on July 31, 2014.

## Issues to be Resolved

City staff does not support the proposal in its current form as the tall building represents over-development, and substantially deviates from the city-wide Tall Building Design Guidelines and the Downtown Tall Buildings Vision and Supplementary Design Guidelines. Revisions on the proposed tall building's overall height and setbacks in providing acceptable separation distances to neighbouring tall building are needed before City Planning staff can consider the application. Other issues to be resolved include the following:

- Consistency with the *Planning Act*, PPS and the Growth Plan for the Greater Golden Horseshoe;
- Conformity with the Official Plan policies, including sections on "Downtown", "Built Form", "Housing", and "Mixed Use Areas";
- Conformity with the city-wide Tall Building Design Guidelines, including concerns on fit and transition in scale, sunlight and sky view, views from the public realm, floor plate size and shape, tower placement, site servicing and access, pedestrian realm, publicly accessible open space and sustainable design;
- Conformity with the Downtown Tall Buildings Vision and Performance Standards Design Guidelines, including fit and transition in scale, sunlight and sky view, base building height and scale, and street animation;
- Mix of unit types and sizes, including the provision of family sized units;
- Adequacy and amount of indoor and outdoor amenity space areas;
- Adequacy of the proposed on-site parkland dedication;
- Assessment of traffic generation, access and transportation impacts;
- Adequacy of community services in the area;
- The number and location of the bicycle parking spaces for the proposed development;
- The number of vehicular parking spaces for the proposed development;
- Appropriate servicing to accommodate the proposed development;
- The impact of the proposed development to the existing overland stormwater catchment area;

- The acceptability of the proposed rental replacement units, particularly in terms of unit size and layout;
- Appropriateness of the tenant relocation and assistance plan; and
- Conformity to the Toronto Green Standard.

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

### **Section 37**

The Official Plan includes policies pertaining to the exchange of public benefits for increased height and density for new developments pursuant to Section 37 of the *Planning Act*. The City intends to apply the Section 37 provisions of the *Planning Act* to this application, should it be approved in some form.

### **CONTACT**

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E-mail: htang2@toronto.ca

### **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

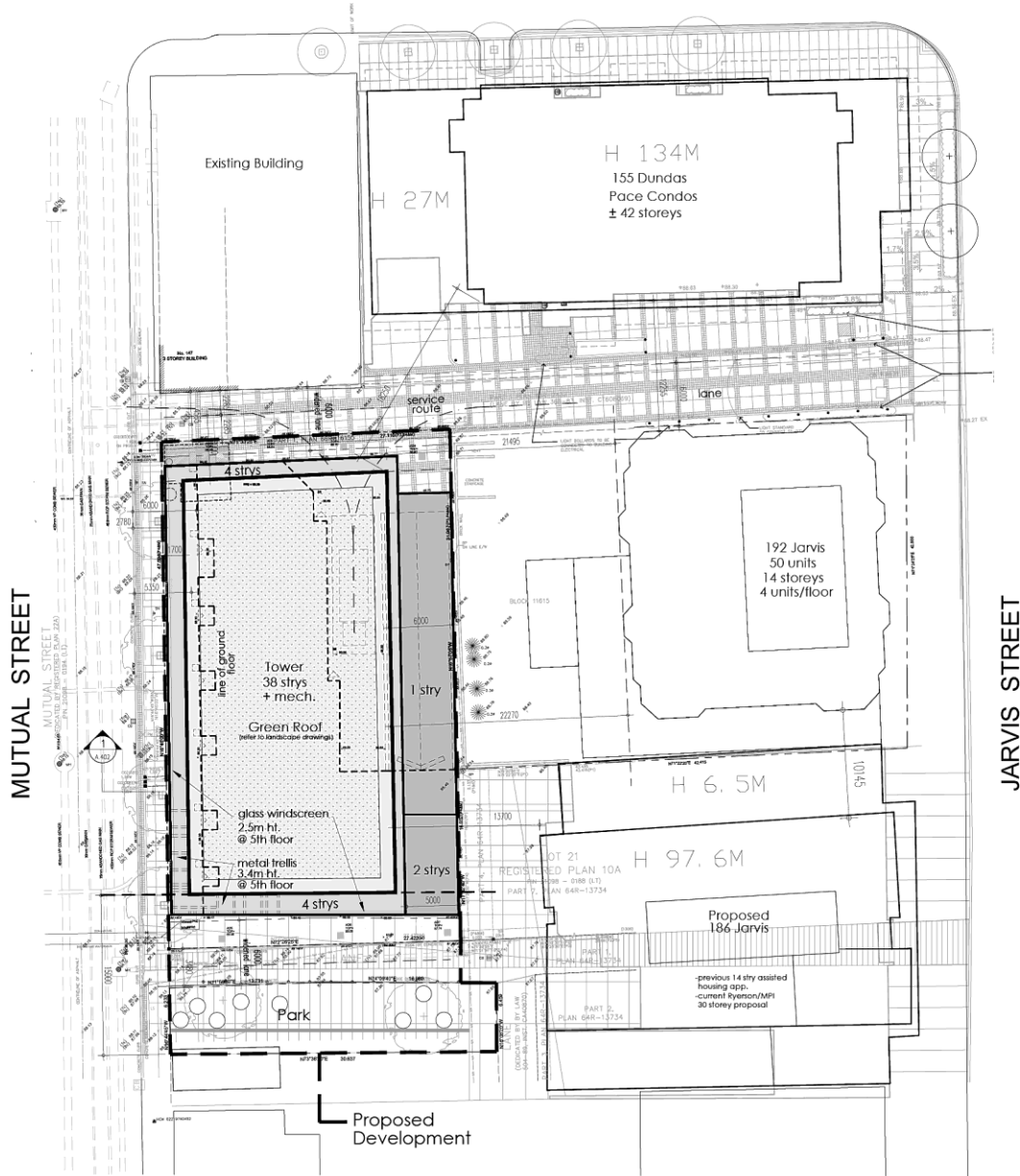
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### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a-c: Elevations  
Attachment 3: Zoning  
Attachment 4: Application Data Sheet

# Attachment 1: Site Plan


DUNDAS STREET EAST



Site Plan

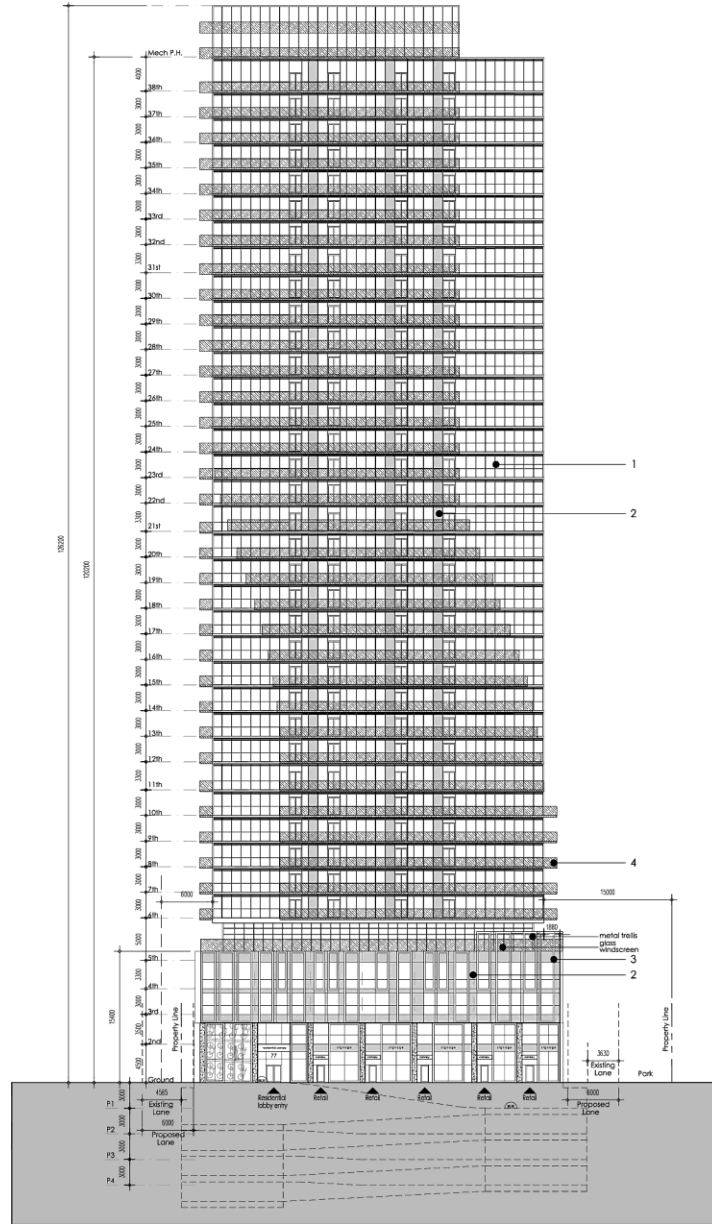
75-83 Mutual Street

Applicant's Submitted Drawing

Not to Scale 

File # 14 183553 STE 27 0Z

# Attachment 2a: West Elevation



West Elevation

## Elevations

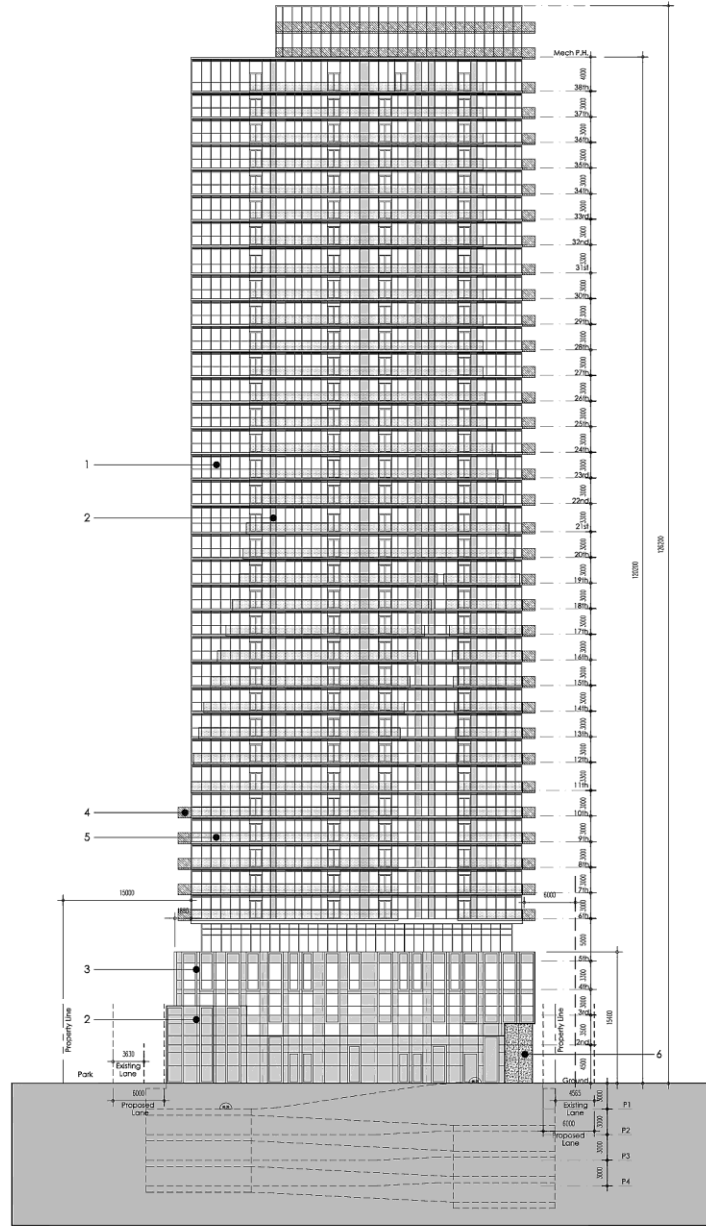
Applicant's Submitted Drawing

Not to Scale  
11/27/2014

## 75-83 Mutual Street

File # 14 183553 STE 27 0Z

## Attachment 2b: East Elevation



East Elevation

### Elevations

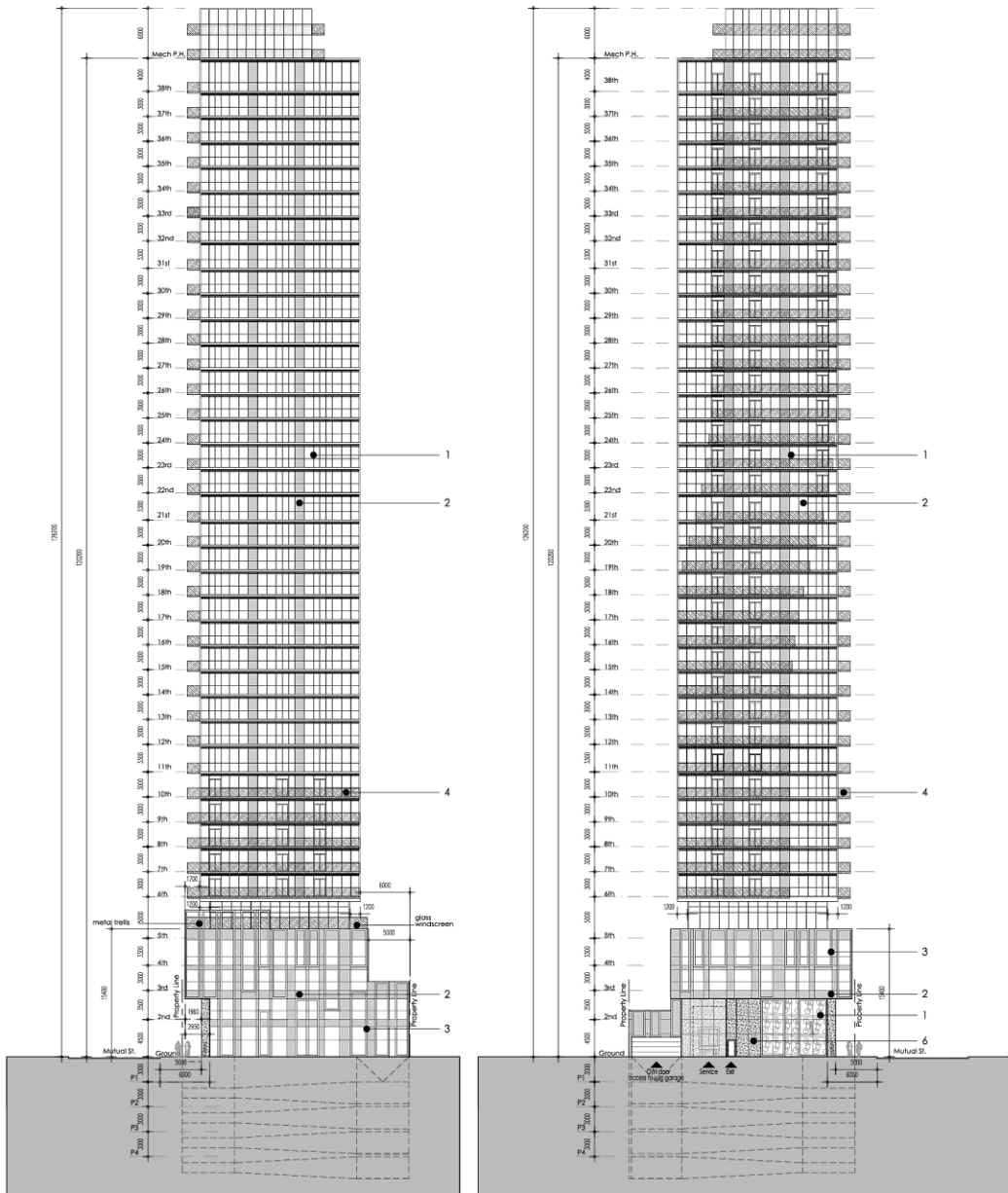
Applicant's Submitted Drawing

Not to Scale  
11/27/2014

### 75-83 Mutual Street

File # 14 183553 STE 27 OZ

## Attachment 2c: South and North Elevations



South Elevation

North Elevation

### Elevations

Applicant's Submitted Drawing

Not to Scale  
11/27/2014

### 75-83 Mutual Street

File # 14 183553 STE 27 OZ





### Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	14 183553 STE 27 OZ
Details	Rezoning, Standard	Application Date:	July 2, 2014
Municipal Address:	75, 77 AND 83 MUTUAL STREET		
Location Description:	PLAN 10A PT LOT 22 **GRID S2714		
Project Description:	To rezone the subject lands to allow for the construction of a 38-storey mixed use building containing 375 dwelling units and 100 parking spaces below grade. This application is associated with 14 183555 STE 27 RH - an application to replace 22 rental housing units from the building at 77 Mutual Street, and 14 183547 STE 27 SA - the site plan approval application for the 38-storey building.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Signe Leisk Cassels Brock and Blackwell LLP		Graziani + Corazza Architects Inc.	77 Mutual St. Investments and 2207494 Ontario Inc.

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N/A
Zoning:	CR 4.0 (c0.5; r4.0) SS1 (x 2010 & x2211)	Historical Status:	N/A
Height Limit (m):	27, 30	Site Plan Control Area:	Yes

#### PROJECT INFORMATION

Site Area (sq. m):	1,499	Height:	Storeys:	38
Frontage (m):	57.5		Metres:	126.2 (inc. mech. penthouse)
Depth (m):	27			
Total Ground Floor Area (sq. m):	1,138			<b>Total</b>
Total Residential GFA (sq. m):	27,812		Vehicular Parking Spaces:	100
Total Non-Residential GFA (sq. m):	378		Loading Docks	1
Total GFA (sq. m):	28,190		Bicycle Parking Spaces:	388
Lot Coverage Ratio (%):	75.9			
Floor Space Index:	18.8			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo		Above Grade	Below Grade
Bachelor:	22 (5.9%)	Residential GFA (sq. m):	27,812	0
1 Bedroom:	218 (58.1%)	Retail GFA (sq. m):	378	0
2 Bedroom:	102 (27.2%)	Office GFA (sq. m):	0	0
3 + Bedroom:	33 (8.8%)	Industrial GFA (sq. m):	0	0
Total Units:	375 (100%)	Institutional/Other GFA (sq. m):	0	0

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