45 Oaklands Avenue and part of 131 Farnham Avenue - Zoning By-law Amendment and Site Plan Applications - Request for Direction Report

Date: December 15, 2015
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: Ward 22 – St. Paul's
Reference Number: 14 263631 STE 22 OZ

SUMMARY

The purpose of this report is to request direction from City Council on the pending Ontario Municipal Board (OMB) hearing on the Zoning By-law Amendment and Site Plan applications for 45 Oaklands Avenue and part of 131 Farnham Avenue. The application, as revised, proposes 22, 4-storey townhouses in 5 blocks facing west on Avenue Road and south on Oaklands Avenue.

Staff recommend that the City support the revised proposal as described in this report at the Ontario Municipal Board (OMB), if the outstanding issues are resolved.

Outstanding issues include a request that the applicant provide further information and continue discussion with relevant City staff in order to address outstanding issues. Should the outstanding issues not be resolved, Staff recommend City Council direct the appropriate staff to attend any OMB hearing in opposition to the proposal.
RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to attend at the OMB in support of the revised proposal respecting the Zoning By-law Amendment application for 45 Oaklands Avenue and 131 Farnham Avenue, subject to the following outstanding issues being resolved to the satisfaction of the Chief Planner and Executive Director, City Planning Division:
   a. Protection of the heritage attributes as defined in the amendment to the Designation By-law for the property at 131 Farnham Avenue as approved by City Council at its meeting of September 30, 2015;
   b. Ravine and Natural Feature Protection review of revised plans and documents including a revised Scoped Natural Heritage Impact Study reflecting the revised unit layout and a Ravine Stewardship Plan;
   c. Location and configuration of the driveway access.

2. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning Division to continue to work with the applicant on addressing the outstanding issues outlined in this report.

3. If the outstanding issues cannot be resolved, City Council authorize the City Solicitor and appropriate staff to attend the OMB in opposition to the appeal.

4. City Council authorize the City Solicitor to ask the OMB to refer the Site Plan back to the City for further review.

DECISION HISTORY
A Preliminary Report on this Zoning By-law Amendment application was considered by Toronto and East York Community Council at its meeting on April 14, 2015. A copy of the report can be found at:

At its meeting on December 4, 2014, the Toronto and East York Community Council requested the Acting Manager of Heritage Preservation Services to prepare a report to amend City of Toronto By-Law 10-77 to describe the cultural heritage values and attributes of the entire De La Salle property, including the development site, to be in accordance with the Ontario Heritage Act Regulation 9/06 (O. Reg. 9/06), including additional cultural heritage values and attributes that may be associated with the property.

At its meeting of September 30, 2015, City Council adopted without amendment the report “Amendment of Designating By-law and Authority to Amend Existing Heritage
Easement Agreement -131 Farnham Avenue” from the Director, Urban Design, City Planning Division.

A Notice of Objection dated November 16, 2015, to the Amendment of Designation By-law No.10-77 of the former City of Toronto, was submitted to Toronto and East York Community Council from the owner, The Brothers of the Christian Schools of Ontario. The letter is seeking a hearing from the Conservation Review Board. No date has yet been set.

On August 14, 2015, the Zoning By-law Amendment and Site Plan Control applications were appealed to the OMB by the applicant pursuant to Sections 34(11) and 41(12) of the Planning Act for indecision within the time prescribed by the Planning Act.

Pre-Application Consultation
A pre-application community consultation meeting was held on July 22, 2014 with the Ward Councillor. City staff did not attend the meeting.

A pre-application meeting with the applicant was held by Planning staff on July 24, 2014 to discuss complete application submission requirements. Staff raised preliminary concerns related to matters such as heritage, landscape/streetscape conditions, proximity to the Lake Iroquois escarpment, sidewalk width on Avenue Road and relocation of utilities in the sidewalk.

ISSUE BACKGROUND

Proposal
The changes to the proposal are outlined below and summarized in the following chart.

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<th>Original</th>
<th>Revised</th>
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<tr>
<td>Number of Units</td>
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<td>22</td>
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<tr>
<td>Height</td>
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<tr>
<td>Gatekeeper's House</td>
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Original Proposal

The original application proposed 28, 4-storey townhouses in six blocks of four to five units facing west on Avenue Road and south on Oaklands Avenue.

The 6 townhouse blocks had 13 units fronting on Avenue Road and 15 units fronting on Oaklands Avenue. The proposed heights ranged from 10 to 13 metres depending on the townhouse block. The proposed townhouses had an average width of 5.8 metres and a depth of 15.5 metres with front yard setbacks of 5.4 metres and rear yard setbacks of 3.8 metres. The total gross floor area was 8,604 square metres with a density of 1.86 times the lot area. Each unit had 2 proposed parking spaces.

The applicant also proposed to demolish the Gatekeeper's House, located on the corner of Avenue Road and Oaklands Avenue, and relocate the stone gates, that are currently adjacent to the Gatekeeper's House, to the main De La Salle campus.

Revised Proposal

The proposal, as revised, includes 22, 4-storey townhouses in 5 blocks. Two blocks front Avenue Road and 3 front Oaklands Avenue. One townhouse unit was removed from the most northerly block on Avenue Road; 4 were removed at the corner of Avenue Road and Oaklands Avenue, in order to retain the Gatekeeper's House; and the first westerly unit on Oaklands Avenue was also removed.

The revised building heights range from 10.7 to 13.1 metres, depending on the block. Small rooftop accesses, which are located towards the centre of the units are also proposed. The rooftop accesses contain only the elevator and stair exits and propose no habitable space.

The townhouse units continue to have an average width of 5.8 metres and a depth of 15.5 metres. The total gross floor area has been reduced to 6,989.6 square metres with a gross density of 1.53 times the lot area.

The townhouse blocks would maintain front and rear yard setbacks of approximately 5.4 metres and 3.8 metres, respectively. Each unit, as well as the Gatekeeper's House, has 2 vehicle parking spaces, for a total of 46 spaces. No visitor parking spaces are proposed. The Avenue Road townhouses would have below-grade parking due to the significant incline along Avenue Road going north, while the Oaklands Avenue townhouses would have at-grade parking. All parking would still be accessed from Oaklands Avenue by a driveway that would be located behind the townhouses.
Site and Surrounding Area

The "L" shaped site extends along the east side of Avenue Road and north side of Oaklands Avenue. It is 4,623 square metres in area, has 83 metres of frontage on Avenue Road and 121 metres of frontage on Oaklands Avenue, and has a lot depth ranging from 26 to 30 metres.

The site currently is situated on the south and westerly perimeter portion of the athletic field for De La Salle College, a private middle/secondary school for students from grades 5 to 12. The athletic field has a playing field surrounded by a running track.

The overall De La Salle College property contains three heritage structures, two of which are located where the townhouses are proposed. The 'Gatekeeper’s House' (1924), is located on the northeast corner of Avenue Road and Oaklands Avenue. East of it is a pair of stone and wrought iron gates, the 'Stone Gates' (1860), that were moved to their current location in 1924. Both the Gatekeeper’s House and the Stone Gates were previously listed on the City’s Heritage Register.

A third heritage structure, the 'Macdonald House' (1860) is an administrative building located in the College's main building campus north of the athletic field. It is the former residence of Senator John Macdonald and was designated in 1977 under Part IV of the Ontario Heritage Act.

Surrounding uses include:

North: is the De La Salle College athletic field. Further north, is the Lake Iroquois shoreline, a steep wooded hill known as the "escarpment", and north of the escarpment is the main building campus of De La Salle College.

South: directly across Oaklands Avenue is a 6-storey apartment building, east of which are 8, 3-storey townhouses with below-grade garages. Further east on the south side of Oaklands Avenue are 2 and 3-storey detached and semi-detached dwellings. Further south on the east side of Avenue Road is an 8-storey apartment building.

East: is the remaining portion of the athletic field of De La Salle College. Further east on the north side of Oaklands Avenue are 2 and 3-storey detached and semi-detached dwellings.

West: directly across Avenue Road are 3 and 4-storey residential buildings, south of which are 3-storey semi-detached dwellings, and north of which are residential buildings of 4 to 9 storeys.
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. 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.

Official Plan
The site is designated in the Official Plan as Neighbourhoods along Oaklands Avenue and Apartment Neighbourhoods along Avenue Road.

Neighbourhoods are considered to be physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartments that are no higher than four storeys. The Official Plan requires development within Neighbourhoods to generally "fit" the existing physical character. While Neighbourhoods are intended to be physically stable, they are not intended to be static.

Section 4.1.5 of the Plan requires new development to respect and reinforce the existing physical character of the neighbourhood, with specific regard for size and configuration of lots, heights, massing, scale and dwelling type, prevailing building type(s), setbacks from the street, prevailing rear and side yard setbacks and landscaped open space and conservation of heritage buildings, structures and landscapes.

Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the Neighbourhoods designation are also permitted in Apartment Neighbourhoods.

The Official Plan contains policies in its Built Form and Public Realm, Heritage and Healthy Neighbourhood sections to also be applied. The policies state that new development will:
be massed and its exterior façade designed to fit harmoniously into its existing and/or planned context and limit its impact on neighbouring streets, parks, open spaces and properties;

- provide space for public utilities and services, trees and landscaping, building access, amenities such as view corridors, sky view and sunlight, and public gathering places;

- provide gradual transition of scale and density;

- provide for adequate light and privacy;

- attenuate resulting traffic and parking impacts;

- conserve properties on the Heritage Register; and

- cultural heritage value and attributes of adjacent heritage properties on the Heritage Register will be conserved.

At its meeting of December 9, 2015, City Council adopted amendments for the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies of the Official Plan. The proposed policy changes are the result of extensive consultations with stakeholders including community associations, the general public, the development industry and City divisions and agencies, all which have helped to further refine the proposed policies to provide enhanced clarity and direction. The Official Plan amendment incorporates changes to clarify, strengthen and refine the existing policies as they apply to residential lands.

The Toronto Official Plan is available on the City's website at: www.toronto.ca/planning/official_plan/introduction.htm

**Yonge – St. Clair Secondary Plan**

The site is located on the western edge of the Yonge-St. Clair Secondary Plan area which is bounded by Avenue Road on the west, Moore Park Ravine/Beltline Trail on the east, Mount Pleasant Cemetery/Kay Gardiner Beltline on the north and the CP rail line on the south.

The purpose of the Secondary Plan with respect to Neighbourhoods and Apartment Neighbourhoods is to protect, promote and enhance the existing type and quality of neighbourhood; maintain the stability of the neighbourhood; and, ensure that new development meets high urban design standards which contribute to achieving public areas which are attractive, inviting, comfortable and safe.
The Secondary Plan contains Urban Design Principles for Built Form and Public Amenity relevant to this proposal that include to:

- achieve a harmonious relationship to the built form context through building height, massing, setback, stepbacks, roof line and profile, architectural expression and vehicle access and loading; and

- provide high quality landscaped spaces.

The Secondary Plan also contains policies with respect to the built form of redevelopment in Neighbourhoods to:

- respect and reinforce the essential elements of established neighbourhood structure and character;

- be compatible with adjacent residential development; and

- recognize the relevant urban structure elements, such as views afforded to and from the escarpment.

The Urban Structure Plan (Map 6-1) of the Secondary Plan indicates that the site is "Open Areas", with a landscaped edge along public streets. "Open Areas" is not a land use designation in the Secondary Plan or Official Plan, and the Secondary Plan does not have a specific set of policies for "Open Areas". The Secondary Plan relies on the Official Plan to identify the land use designations that apply to the site, which are Neighbourhood and Apartment Neighbourhood.


Infill Townhouse Guidelines

The Infill Townhouse Design Guidelines, adopted by City Council in 2003, were used to assist in the evaluation of the proposal. The Guidelines focus on protecting streetscapes and seamlessly integrating new development with existing housing patterns. New townhouses are to “fit” within the existing context, and minimize impacts on the surrounding neighbourhood. The Guidelines address design elements such as unit width, setbacks from the street, building separation and location of parking. The emerging Townhouse and Low-Rise Apartment Guidelines have also been considered in the review of this application.
Zoning
The site is zoned R (d 0.6) under the City-wide Zoning By-law No. 569-2013, which permits a range of residential uses including detached or semi-detached houses, townhouses, duplexes, triplexes and apartment buildings. The maximum permitted height is 11.0 metres and the maximum density is 0.6 times the lot area.

The site is also subject to the former City of Toronto Zoning By-law No. 438-86. It is zoned R2 Z0.6 which permits apartment buildings, row houses/townhouses and detached houses, with a maximum total density of 0.6 times the lot area. The maximum height permitted is 11.0 metres.

Site Plan Control
A Site Plan Control Application (14 263627 STE 22 SA) was submitted concurrently and is also under appeal. There are outstanding site plan issues that need to be addressed, including location of Gatekeeper's House parking, servicing, landscaping, and materials, among others.

Community Consultation
Staff held a community consultation meeting on May 25, 2015 to receive community feedback on the proposal. Approximately 100 people attended the meeting.

Concerns raised included: loss of trees on the site; loss of views to open/green space; traffic; lack of visitor parking; excessive density; and demolition of the heritage building. Some residents were not opposed to development on the site.

COMMENTS

Provincial Policy Statement and Provincial Plans
The Provincial Policy Statement (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 land uses be provided and that intensification and redevelopment opportunities be identified and promoted. The proposed land use and massing on the site provides a compact built form that supports an efficient use of land and existing transit infrastructure. The PPS also states that the official plan is the most important vehicle for implementation of the PPS. The proposal represents a modest intensification in a manner in line with the City of Toronto Official Plan and is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe states that population growth will be accommodated by directing new growth to the built up areas of the community through intensification. The site is located in a built up area and the proposal is intensifying the
permitted use of land for housing. The proposal is not considered to be significant intensification. The proposal conforms to the Growth Plan.

**Land Use**

The proposal is located in an area designated both Apartment Neighbourhood and Neighbourhood in the Official Plan. The policies of the Apartment Neighbourhood and Neighbourhood designation permit residential uses including walk-up apartments and townhouses. The City-wide Zoning By-law permits townhouses on the site, among other dwelling types, although the proposal exceeds the height and density limits imposed in the By-law. The adjacent land uses include apartment buildings of 4 and 5-storeys, 3-storey townhouses and the heritage Gatekeeper's House which is 2 storeys in height. The prevailing context in the adjacent area are apartment buildings of 4 and 5-storeys in height.

The proposed townhouse use conforms with the policies in the Official Plan and is permitted in the Zoning By-law. Staff have no concerns with the proposed land use.

**Density, Height, Massing**

The revised proposal has a gross floor area of 6,989.6 square metres and a density of 1.53 times the lot area. This is a reduction from the original submission of 8,604 square metres and 1.86 times the lot area. The removal of 6 units has lead to the decrease in density on the site.

The proposed townhouses on Avenue Road have heights ranging from 10.7 to 11 metres. The range in height is due to the grade change from north to south along Avenue Road. The proposed townhouses on Oaklands Avenue are 13.06 metres in height. Small rooftop accesses, which are located towards the centre of the units are also proposed, resulting in an overall height of approximately 13.9 metres on Avenue Road and 15.9 metres on Oaklands Avenue. The existing physical character of this immediate area includes townhouses and apartment buildings with varying heights between 3 and 5-storeys. The proposed townhouses would be in keeping with the existing physical character.

The proposed front yard setback averages 5.4 metres. The Infill Townhouse Guidelines speak to providing a minimum setback of 2-3 metres when parking is located in the rear. The proposed front yard setbacks allow for landscaping and a separation of the public and private realms. The south side of Oaklands Avenue has 3-storey townhouses with integral below-grade garages and front yard setbacks of approximately 4.5 metres. The proposed townhouses provide a front yard setback that allows for landscaping and all parking is located in the rear.

The proposed townhouses have been massed to frame the adjacent streets and the entrances are located so that they are clearly visible and accessible from the public sidewalk. The rooftop mechanical room has been set back significantly from the front of the buildings in order to reduce the appearance and impact from the street.
The density, height and massing of the proposed buildings is consistent with the Built Form and Neighbourhood policies of the Official Plan and the policies of the Secondary Plan as well as consistent with the Infill Townhouse Guidelines and the emerging Townhouse and Low-Rise Apartment Guidelines.

**Heritage**

The revised proposal retains the Gatekeeper’s House and one of the two Stone Gates in its original location. The second gate is proposed to be altered by moving it slightly to the east so the pair of Gates flank the new access driveway to the townhouse development. Staff are continuing to work with the applicant to continue to improve the protection of the views to the playing field and to Oaklands House as set out in the Reasons for Designation for the property as a Heritage site at 131 Farnham Avenue adopted by City Council at its meeting on September 30, 2015.

**Traffic Impact, Access and Parking**

The application includes 46 residential parking spaces which exceeds the required minimum in the Zoning By-law, however, none of the 46 parking spaces are allocated for visitors. Transportation Services staff has determined that the proposed parking figures are acceptable and does not object to the visitor parking space deficiency. The location and size of the original driveway was deemed acceptable, however, the revised driveway configuration has not been reviewed by Engineering and Construction Services staff.

**Trees**

There are 40 trees located on the north side of Oaklands Avenue that are located within the development site. 24 of the trees are protected under the municipal tree by-laws. 16 of the trees are not protected under the municipal tree by-laws, and therefore can be removed without a tree removal permit.

Ten of the 24 protected trees are situated within the Oaklands Avenue City road allowance and are protected under the provisions of the City's Street Tree By-law, while the remaining 14 trees are on the development site and are protected under the provisions of the City's Private Tree By-law.

Urban Forestry staff has assessed the trees proposed for removal in connection with the proposed development and have concluded that many of the trees are in poor condition. As such, it is Urban Forestry's position that the removal of these existing trees and the planting of new, more desirable tree species would benefit the community from a long-term urban forestry management perspective.

**Ravine and Natural Feature Protection**

The Lake Iroquois Shoreline, a natural heritage feature, has been identified on the site. It is included in the area protected under the Ravine and Natural Feature Protection By-law.

The original application proposed one townhouse unit, at the north end of the Avenue Road block, encroaching into the area regulated under the Ravine and Natural Feature...
Protection By-law. The revised proposal has removed this unit, however Ravine and Natural Feature Protection staff has not concluded their review as additional information is required. Additional information includes an updated Scoped Natural Heritage Impact Study reflecting the revised unit layout and a Ravine Stewardship Plan.

**Parkland and Open Space**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is proposing 22 new townhouses with a total residential gross floor area of 6,989.6 square metres.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 373 square metres or 8 % of the site area. Therefore the total amount of parkland dedication owed is 373 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The site is less than 300 metres from Lionel Conacher Park and Robertson Davies Park.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

**Conclusion**

The proposed land use is permitted in both the Official Plan and the Zoning By-law. The built form is acceptable and conforms with the policies of the Official Plan, Secondary Plan and the Infill Townhouse Guidelines. The revised application has not yet had a full review by all commenting divisions and as such, further information and discussion is required. More specific and focused discussion and review is required regarding the following issues:

- Protection of the heritage attributes as defined in the amendment to the Designation By-law for the property at 131 Farnham Avenue as approved by City Council at its meeting of September 30, 2015;

- Ravine and Natural Feature Protection review of revised plans and documents including an updated Scoped Natural Heritage Impact Study and a Ravine Stewardship Plan;

- Driveway access and configuration.
If the outstanding issues are addressed, it is recommended City Council authorize appropriate City staff to attend the Ontario Municipal Board in support of the revised proposal. If the outstanding issues cannot be satisfied, it is recommended City Council authorize appropriate City staff attend any Ontario Municipal Board hearing in opposition of the appeal.

CONTACT
Emily Rossini, Planner
Tel. No.: 416-397-4648
E-mail: erossin@toronto.ca

SIGNATURE

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

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 4: Official Plan

145 Oaklands Avenue and 131 Farnham Avenue

File #: 14_263631 STE 22 OZ
**Attachment 5: Application Data Sheet**

**Application Type**
Rezoning

**Application Number:**
14 263631 STE 22 OZ

**Application Details**
Rezoning, Standard

**Application Date:**
December 12, 2014

**Municipal Address:**
45 Oaklands Avenue and Part of 131 Farnham Avenue

**Location Description:**
PLAN 289Y PT LOTS 7 TO 9 PLAN 1287 LOT 32 PLAN 820 PT LOT A **GRID S2211

**Project Description:**
22, 4-storey townhouse units in 5 blocks fronting on Avenue Road and Oaklands Avenue.

**Applicant:**
Bousfields Inc. 3 Church St, Toronto, ON M5E 1M2

**Agent:**
Bousfields Inc. 3 Church St, Toronto, ON M5E 1M2

**Architect:**
Richard Wengle Architect Inc. 102 Avenue Rd, Toronto, ON M5R 2H3

**Owner:**
The Brothers Of The Christian Schools

**PLANNING CONTROLS**

**Official Plan Designation:**
Neighbourhoods

**Site Specific Provision:**
R (d 0.6) (x762)

**Zoning:**
R2 Z0.6

**Height Limit (m):**
11

**Historical Status:**
Y

**Site Plan Control Area:**
Y

**PROJECT INFORMATION**

**Site Area (sq. m):**
4623.4

**Height:**
Storeys: 4

**Frontage (m):**
121.3

**Metres:**
13.15

**Depth (m):**
26

**Total**

**Total Residential GFA (sq. m):**
6,989.6

**Parking Spaces:**
46

**Total Non-Residential GFA (sq. m):**
0

**Loading Docks:**
0

**Total GFA (sq. m):**
6,989.6

**Lot Coverage Ratio (%):**
51

**Floor Space Index:**
1.53

**DWELLING UNITS**

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

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**CONTACT:**
PLANNER NAME: Emily Rossini, Planner

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