**STAFF REPORT**

**ACTION REQUIRED**

**35 Wabash Avenue – Zoning Amendment– Final Report**

<table>
<thead>
<tr>
<th>Date:</th>
<th>May 24, 2016</th>
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<tbody>
<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Director, Community Planning, Toronto and East York District</td>
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<tr>
<td>Wards:</td>
<td>Ward 14 – Parkdale-High Park</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>15 195121 STE 14 OZ</td>
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**SUMMARY**

This application proposes a 4-storey apartment building containing 60 dwelling units at 35 Wabash Avenue. There are 68 vehicle parking spaces proposed in one underground level.

The application represents a sensitive infill on currently vacant land. The height and massing of the proposed apartment building is appropriate in the existing built form context of the surrounding neighbourhood, and the proposed residential use is consistent with the associated Neighbourhoods policies of the Toronto Official Plan. The neighbourhood is well served by both public transit and parks and open space.

This report reviews and recommends approval of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

The City Planning Division recommends that:

1. City Council amend former City of Toronto Zoning By-law 438-86, as amended for the lands at 35 Wabash Avenue substantially in accordance with the draft Zoning By-law Amendment to be provided prior to the Toronto and East York Community Council meeting of June 14, 2016.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment city Council require the owner to:

   i. Revise and re-submit the Functional Servicing Report to the satisfaction of the Executive Director, Engineering & Construction Services for review and acceptance. The report will determine whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements to the existing municipal infrastructure are required.

   ii. Enter into a financially secured development agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support this development, according to the functional servicing report accepted by the Executive Director, Engineering & Construction Services.

4. City Council request that the following issues be addressed through the site plan process to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

   i. Removal of the windows on the east wall where the building abuts the property line.

   ii. Limiting window openings on the east and west elevations to approximately 40% of the wall area with the remainder to be clad to the satisfaction of the Chief Planner and Executive Director, City Planning.

   iii. Reducing the proportion of window to wall on the south side of the property to address a typical side-yard to rear-yard relationship, including limiting principal windows and the proportion of windows to wall, to be in the range of 25%.

   iv. Submission of detailed plans showing the necessary soil volumes provided to ensure healthy tree growth.

   v. Appropriate depth of the rooftop planters at the edge of the roof.

   vi. The submission of a construction management plan which will also be to the satisfaction of the Ward Councillor.

Financial Impact
The recommendations in this report have no financial impact.
DECISION HISTORY

On December 21, 2009, an application was filed by Sherman, Brown, Dryer, Karol LLP for a row house development consisting of two blocks of rowhouses (14 units) facing a private driveway on the east side of the subject site. A Preliminary Report was presented at the March 19, 2010 meeting of Toronto and East York Community Council. A copy of the report can be found at the link below;

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE32.15

There were various proposals put forward on the property under this application over several years and the ownership and applicant changed during this process. On March 3, 2014, the file was closed due to inactivity with the consent of the applicant.

ISSUE BACKGROUND

Proposal

The development application proposes a 4-storey apartment building on the currently vacant land located at 35 Wabash Avenue. The main pedestrian access to the building is from Wabash Avenue with a residential lobby facing the street. There are 60 residential units proposed, of which 14 (23%) are 1-bedroom units, 29 (49%) are 2-bedroom units, and 17 (28%) are 3-bedroom units. The total gross floor area of the proposed building is 6,832 square metres, resulting in a floor space index of 2.5 times the lot area.

The proposed four-storey apartment building is 13.65 metres in height to the top of the roof slab of the fourth floor, 14.3 metres to the top of the parapet and 16.5 metres to the top of the roof of the staircase rooftop enclosures.

Vehicular access is proposed from a driveway off Wabash Avenue along the west end of the site to an internalized Type G loading area at grade, and a ramp leading to the underground parking level. Below-grade parking will be comprised of 62 parking spaces for residents, and 6 parking spaces for visitors. Bicycle parking will be also be accommodated in the underground parking structure, and will offer 56 resident bicycle parking spaces and 6 visitor bicycle parking spaces. See Attachment No. 7 – Project Data Sheet.

The proposed building is set back 1.15 metres from Wabash Avenue and 6 metres from the rear (south) property line. A 1.5 metre wide landscaped planter is provided along the south lot line within the 6 metre setback and the remainder is occupied by private amenity terraces. The proposed building has no setbacks from the east and west property lines for the depth of the units facing Wabash Avenue (12.73 metres along the east side and 16.03 metres along the west side). The remainder of the building is setback 5.5 metres from the east and west property lines with common and private terraces and walkways within the setbacks.
A total of 60.0 square metres (1.0 m²/unit) of indoor amenity space and 58.0 square metres (0.96 m²/unit) of outdoor amenity space are proposed on the ground floor.

**Site and Surrounding Area**
The site is located on the south side of Wabash Avenue, between Sorauren Avenue and Lukow Terrace. It is rectangular in shape and has an area of approximately 2,653 square metres. The site has 34 metres of frontage on Wabash Avenue and a depth of 77 metres.

The site is currently vacant and was previously occupied by a two-storey industrial building that was demolished in 2010.

Surrounding the site are:

- **South**: A series of 1-1/2 to 3-storey detached, semi-detached and rowhouse dwellings fronting onto Wright Avenue. To the southwest of the site, at the corner of Sorauren and Wright Avenues, are several 2-storey apartment buildings, and 3-storey mixed use buildings with commercial at grade.

- **West**: A 2-storey industrial building fronting onto Wabash Avenue, and further west is Charles G. Williams Park, which extends south to Wright Avenue. To the south of the park, along the east side of Sorauren Avenue, is a 4-storey industrial building.

- **North**: Wabash Avenue, beyond which is Sorauren Park. Immediately to the east of the park is a vacant 3-storey industrial building at 40 Wabash Avenue, which will be converted into the future Wabash Community Centre. Further north is a 3-storey loft building at 345 Sorauren Avenue.

- **East**: A 20-unit residential development fronting on Lukow Terrace. The development includes 10 detached buildings fronting on the west side of Lukow Terrace and 10 semi-detached buildings fronting on the east side of Lukow Terrace. The detached buildings back onto the subject site and include garages and a private lane to the rear, immediately adjacent to the subject site. The buildings are set back a minimum of 14 metres from the mutual property line.

**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, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

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

**Official Plan**

The subject property is designated *Neighbourhoods* within the Toronto Official Plan on Map 18 – Land Use Plan. These neighbourhoods are considered physically stable areas made up of residential uses in a variety of lower-scale building types, including interspersed walk-up apartment buildings of 4-storeys or less. An Official Plan Amendment is not required because the *Neighbourhoods* designation provides for residential uses of the scale proposed by this application. There are no Secondary Plans or Area-Specific policies that apply to the subject property. Policies and development criteria aim to ensure that physical changes to established neighbourhoods are sensitive, gradual, and generally “fit” the existing physical character.

Infill development policies are outlined in Policy 4.1.5. These policies state that development in established neighbourhoods will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- patterns of streets, blocks and lanes, parks and public building sites;
- size and location of lots;
- height, massing, scale and dwelling type of nearby residential properties;
- prevailing building type(s);
- setbacks of buildings from the street or streets;
- prevailing patterns of rear and side yard setbacks and landscaped open spaces;
- continuation of special landscape or built-form features that contribute to the unique physical character of the neighbourhood; and
- conservation of heritage buildings, structures, and landscapes.

Policy 4.1.5 further states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The policy also notes that some Neighbourhoods will have more than one prevailing building type. OPA 320 (adopted by Council on December 9, 2015) adds the words "or physical character" to that policy.

The Official Plan provides the following criteria for infill development on properties that vary from the local pattern in terms of lot size, configuration, and/or orientation in established residential *Neighbourhoods* (Policy 4.1.9) to ensure that new development will:

- have heights, massing, and scale appropriate for the site and compatible with that permitted by the zoning for the adjacent and nearby residential properties;
- provide adequate privacy, sunlight, and sky views for residents of new and existing buildings by ensuring adequate distance and separation between building walls, and using landscaping, planting and fencing to enhance privacy when needed;

- front onto existing or newly created public streets wherever possible, with no gates limiting public access; and

- locate and screen service areas and garbage storage to minimize the impact on existing and new streets, and residences.

On December 9, 2015 Council adopted amendments to the Official Plan regarding Healthy Neighbourhoods, and policies regarding development in areas designated as Neighbourhoods and Apartment Neighbourhoods. OPA 320, which is still under review by the Minister of Municipal Affairs and Housing. The Official Plan Amendment amends policy 4.1.9 (as noted above) by adding the following wording at the end of the existing policy.

In situations where infill development can replicate the existing prevailing lot pattern to respect and reinforce the existing physical character of the geographic neighbourhood, the infill development application will be reviewed under and the development will conform with Policy 5 (4.1.5)

**Zoning**

The subject lands are zoned I1 D2 under the former City of Toronto Zoning By-law 438-86, as amended. The subject site permits a range of non-residential uses including a range of light industrial uses, parks, places of worship, and general institutions with a maximum total non-residential density of 2.0 times the area of the lot and a maximum height of 14.0 metres. The site is not included within the area subject to City-Wide Zoning By-law 569-2013.

**Site Plan Control**

The proposed development is subject to site plan approval. A Site Plan Control application has been submitted in conjunction with the Zoning By-law Amendment application. City Staff will continue to review the Site Plan Control application.

**Reasons for Application**

The proposed residential use is not permitted by the Zoning By-law, and the proposed rooftop stair enclosures exceeds the maximum height of 14 metres by approximately 2.5 metres, although the I1 Zone also permits rooftop mechanical elements up to 5 metres in height, and rooftop structures up to 3.0 metres in height for open air recreation, safety or wind protection. In addition, there are deficiencies with the proposed indoor and outdoor amenity space and other technical issues.

**Community Consultation**

A pre-application community consultation meeting was held on January 15, 2015, which was chaired by the local Councillor. The application was filed on July 22, 2015. A Preliminary Report on the application from the Director, Community Planning, Toronto and East York
District, dated October 25, 2015 was considered at the November 10, 2015 Toronto and East York District Community Council meeting. A Community Consultation meeting was held on November 23, 2015. Issues raised at the Community Consultation meeting included:

- concerns about the proximity of a four-storey apartment building and resulting overlook (impacts on privacy, light pollution and noise);
- density of the proposed development relative to grade-related housing;
- shadowing of adjacent yards and houses;
- impacts on demand for on-street parking;
- securing the materials for the project to ensure that the building is attractive; and
- impacts on private trees.

Meetings with a community working group involving the applicant, City Planning staff and the local Councillor were held on January 7th and January 28, 2016. During those meetings the issues noted above were explored in greater detail with a dialogue between the parties. Further discussions focused on the following issues:

- The appropriateness of the proposed yard setbacks to the four storey apartment building and the various means of mitigating impacts on privacy, including:
  - principal versus non-principal windows;
  - limiting the size of window openings;
  - using trees to screen the development along the south and east property lines;
  - screening views from the rooftop amenity area;
  - how to maintain the trees on the properties to the south;
  - Any shadow impact the proposal would have on Lukow Terrace homes.

The applicant prepared a number of views, shadow studies and diagrams to show what views would be provided from the proposed building and what the building would look like from different perspectives.

A follow up meeting between City Planning staff, the local Councillor and the working group has been scheduled for June 1, 2016.

**Changes to the Proposal**

The applicant submitted a revised plan on April 19, 2016 which were intended to address several of the issues raised by the working group. The following changes were made to the plans:

- The amount of glazing (windows) was reduced from approximately 48% of the building façade (wall) to approximately 40%.
- Trees are proposed to be planted along the east lot line to block views at grade between the garages at the rear of the homes fronting Lukow Terrace.
- Larger trees are proposed to be planted along the south property line to screen the rear yards of the homes on the north side of Wright Avenue.
Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application, and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The application proposes residential infill in a primarily residential location where appropriate infrastructure and public service facilities exist. The infill proposal represents an efficient use of land, in close proximity to a natural setting and public transit, and is therefore, consistent with the PPS.

Land Use

The application proposes a four-storey walk-up apartment building. City Planning Staff have determined that the proposed residential use is appropriate for this site, and that it complies with the Neighbourhoods policies of the Official Plan. Policy 4.1.1 of the Official Plan discusses Neighbourhoods, and states:

> Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

The subject site is zoned Industrial (I1 D2) under the former City of Toronto Zoning By-law 438-86, as amended. Residential uses are not permitted under this zoning classification.

Density, Massing, and Height

Height

The proposed four-storey apartment building is 13.65 metres in height to the top of the roof slab of the fourth floor and 16.5 metres to the top of the roof of the staircase rooftop enclosures. At 13.65 metres to the top of the roof slab, the height of the proposed apartment building is slightly lower than the permitted height limit of 14 metres. As was noted, the I1 Zone also permits rooftop mechanical elements up to 5 metres in height, and rooftop structures up to 3.0 metres in height for open air recreation, safety or wind protection. The extent of these structures will be limited by the draft Zoning By-law.
Yard Setbacks and Mitigation

The proximity of the proposed four-storey apartment building to the grade-related housing to the east and the south and the means of mitigating any impacts associated with the proposed development was the principle topic of the working group meetings and a key consideration in staff's review of the proposal.

The semi-detached homes on the west side of Lukow Terrance back onto a private laneway and one-storey private garages. These homes are located approximately 16.0 metres from the east property line of the subject site. With the exception of the two most northerly homes on Lukow Terrace, which are adjacent the portion of the building closest to Wabash Ave. which is built to the property line, the remaining homes on Lukow Terrance are approximately 21.5 metres from the proposed apartment building.

The detached, semi-detached and rowhouse dwellings to the south on the north side of Wright Avenue back onto the subject site. This is a rear yard to side yard relationship as the units in the proposed building are oriented east-west adjacent the rear yards of the homes on Wright Avenue. The rear yard of the adjacent homes are fairly deep (the Wright Avenue homes are set back approximately 16.5 metres from the property line. With the 6.0 metre setback on the south side of the property line, these homes are approximately 22.5 metres from the south facing wall of the proposed building.

Staff support the proposed development but recommend that specific measures can be taken to address the residents concern as expressed at the community meeting and the two working group meetings. Staff have reviewed the revised plans submitted on April 19th and have recommended a number of conditions to be satisfied through the site plan process to ensure that the proposed building will better fit within the neighbourhood, specifically:

- Removal of the windows on the east wall where the building abuts the property line to reduce the impacts on privacy.

- Limiting window openings on the east and west elevations to approximately 40% of the wall area with the remainder to clad to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The purpose of this condition is to limit overlook and impacts on privacy.

- Reducing the proportion of window to wall on the south side of the property to address a typical side-yard to rear-yard relationship, including limiting principal windows and the proportion of windows to wall, to be in the range of 25%.

- Submission of detailed landscape plans showing the necessary soil volumes to ensure healthy tree growth for the trees proposed for the south and east side of the property.

- Appropriate depth of the rooftop planters at the edge of the roof and appropriate planting to screen views of adjacent homes from the roof.
- The submission of a construction management plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

**Sun and Shadow**

The applicant submitted a sun/ shadow study for September 21\textsuperscript{st} and June 21\textsuperscript{st} for City staff to review. The study shows that there will be some shadow impact on the rear yards of the properties on Lukow Terrace, although these shadows are generally within the shadows which would be cast by an industrial building built in compliance within the as-of-right zoning permissions. During the equinoxes (Sept. 21\textsuperscript{st} / March 21\textsuperscript{st}) the garages and rear yards of the homes to the east on Lukow Terrace are partially in shadow from approximately 1:18 p.m. until sunset. From approximately 4:18 p.m. until sunset the shadows would extend to the rear walls of these homes.

For the summer solstice (June 21\textsuperscript{st}) the shadows are less significant, with impacts on the garages and rear yards starting from approximately 2:18 p.m. and extending to the rear walls of the homes on Lukow Terrace by 6:18 p.m. The two most northerly of the homes on Lukow Terrance are impacted by shadows earlier because of the portion of the proposed building which extends to the property line adjacent Wabash Ave. The shadows on adjacent properties are acceptable.

**Traffic Impact, Access, Parking**

Transportation Services staff raised no concerns with regard to the proposed impacts associated with the initial 62 unit proposal (there are now 60 units).

The vehicular access and servicing for the site is off Wabash Ave. using a private driveway at the west side of the site. The applicant has proposed the location of a Type G loading space which is accessed off the proposed private driveway. Any concerns about the function of the loading space are to be addressed through the site plan process. The requirement for a Type G loading space will be reflected in the draft Zoning By-law.

The parking supply proposed by the applicant has been increased from the first submission, with 68 parking spaces (62 resident spaces and 6 visitor spaces) being provided for 60 units. The original submission proposed 65 spaces (59 resident spaces and 6 visitor spaces) for 62 units. Transportation Services staff have reviewed the applicants Transportation Considerations Report and have recommended a parking supply based upon the following standards:

- Bachelor Units - 0.8 spaces per unit
- 1-Bedroom Units - 0.9 spaces per unit
- 2-Bedroom Units - 1.0 space per unit
- 3+Bedroom Units - 1.2 spaces per unit
- Visitors - 0.1 spaces per unit

The draft Zoning By-law will reflect the above requirements.
Servicing
The applicant will be required to submit a revised Functional Servicing Report to the satisfaction of the Executive Director, Engineering and Construction Services, prior to the Zoning By-law being forwarded to Council for approval. In the event that any improvements to municipal infrastructure are required to support the development, the applicant will be required to enter into an agreement with the City for the construction of those improvements.

Open Space/Parkland
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 for the construction of one new building with 60 residential units.

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 827 square metres or 73 percent of the site area. However, for sites that are less than 1 hectare in size, a cap of 10 percent of the development site is applied to the residential use. In total, the parkland dedication requirement is 114 square metres.

The applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. This is appropriate as the site is less than 30 metres from Charles G. Williams Park and Sorauren Avenue Park. The site is not directly adjacent to the parks, and, therefore, any on-site parkland would not be able to be made functional with the surrounding parks. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape
Through the site plan process the applicant will have to confirm compliance with the City's Vibrant Streets Design Guidelines.

Toronto Green Standard
On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure and the Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures, including Bird Friendly Design, will be secured through the Site Plan Approval process.
Conclusion
Staff recommend that this proposal for a four storey apartment building at 35 Wabash Avenue be approved. The building complies with the Official Plan policies for development within a Neighbourhood. City Planning staff acknowledge, however, that further review to the detailed site plan drawings, as outlined in this report, is necessary to ensure that any impacts on adjacent properties as the results of loss of privacy, light pollution or noise are minimized.

CONTACT
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E-mail:  dnichol2@toronto.ca

SIGNATURE

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

ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: North Elevations
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment
Attachment 1: Site Plan

Site Plan

35 Wabash Avenue

WABASH AVENUE
Attachment 2: North Elevation
Attachment 3: South Elevation

Elevations

Applicant's Submitted Drawing

South Elevation

35 Wabash Avenue
Attachment 4: East Elevation
Attachment 7: Application Data Sheet

Application Type: Rezoning
Application Number: 15 195121 STE 14 OZ
Details: Rezoning, Standard
Application Date: July 22, 2015
Municipal Address: 35 WABASH AVE
Location Description: PLAN 1256 PT LOT 5 **GRID S1403
Project Description: Zoning by-law amendment and site plan approval to permit a four-storey, 62-unit residential building.

Applicant: BOUSFIELDS (Peter Smith)
Agent: RAW Design (Roland Colthoff)
Architect: RAW Design (Roland Colthoff)
Owner: 35 WABASH AVENUE HOLDINGS LTD

PLANNING CONTROLS
Official Plan Designation: Neighbourhoods
Zoning: I1 D2
Height Limit (m): 14
Site Specific Provision: 
Historical Status: 
Site Plan Control Area: Y

PROJECT INFORMATION
Site Area (sq. m): 2732
Frontage (m): 34.38
Depth (m): 77.12
Total Ground Floor Area (sq. m): 1497
Total Residential GFA (sq. m): 6832
Total Non-Residential GFA (sq. m): 0
Total GFA (sq. m): 6832
Lot Coverage Ratio (%): 54.8
Floor Space Index: 2.5

STOREY BREAKDOWN (upon project completion)

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CONTACT: PLANNER NAME: Dan Nicholson, Planner
TELEPHONE: (416) 397-4077
Attachment 8: Draft Zoning By-law Amendment

(To be available June 14, 2016 at Toronto and East York Community Council)