

2-24 Temple Avenue – Zoning Amendment and Rental Housing Demolition Applications – Preliminary Report

Date: March 22, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 4 - Parkdale-High Park

Planning Application Numbers: 21 105906 STE 04 OZ and 21 105909 STE 04 RH

Notice of Complete Application Issued: Deemed complete as of January 18, 2021

Current Use on Site: 9 semi-detached and detached houses containing 22 rental dwelling units.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for the property located at 2-24 Temple Avenue. The proposed development is a 16-storey residential building with 273 dwelling units.

The site is currently occupied by 5 detached houses and 4 semi-detached houses, which are proposed to be demolished to accommodate the proposed development. The existing houses contain 22 rental housing dwelling units and 5 dwelling rooms, comprising 5 dwelling rooms with affordable rents, 14 units with affordable rents, 3 units with mid-range rents, and 5 units with high-end units.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 2-24 Temple Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

There are no recent planning applications or Council decisions that apply specifically to the subject site.

ISSUE BACKGROUND

Application Description

This application proposes to amend the relevant zoning by-law provisions for the property at 2-24 Temple Avenue to permit a 16-storey residential building with 273 dwelling units. The proposed height is 56.45 metres including the mechanical penthouse (see Attachment 6: Site Plan and Attachment 7: Elevations). The gross floor area is 19,696 square metres, which results in a floor space index of 8.09 times the lot area. The proposed unit mix is 14 (5%) studio units, 131 (49%) one-bedroom units, 100 (37%) two-bedroom units, and 28 (10%) three-bedroom units.

The proposal includes 235 resident parking spaces and 40 visitor parking spaces located on two levels underground, which is accessed from Temple Avenue at the west end of the site. 246 long-term bicycle parking spaces for residents are located in the underground parking garage and 27 short-term bicycle parking spaces for visitors are located outdoors at ground level adjacent to Temple Avenue near the lobby entrance.

A total of 1,110 square metres of residential amenity space (4.07 square metres per dwelling unit) is proposed, consisting of 731 square metres (2.68 square metres per dwelling unit) of indoor amenity space and 379 square metres (1.39 square metres per dwelling unit) of outdoor amenity space, both located on the ground floor and 6th floor.

The site is surrounded by the following uses:

North: adjacent 14-storey and 9-storey residential apartment buildings

East: 3-storey office building on the east side of Dufferin Street

South: 2-storey and 3-storey detached and semi-detached houses on the south side of Temple Avenue

West: adjacent 3-storey detached houses

Breakdown of Existing Dwellings and Rent Thresholds at 2-24 Temple Avenue:

	<i>Affordable</i>	<i>Mid-range</i>	<i>Above Mid-range</i>	Total
<i>Dwelling Rooms</i>	5			5
<i>Bachelor</i>	12	1		13
<i>One-bedroom</i>	2	1	1	4
<i>Two-bedroom</i>			4	4
<i>Three-bedroom</i>		1		1
Total	19	3	5	27

Detailed project information is found in Attachment 1: Project Data Sheet and on the City's Application Information Centre at: toronto.ca/2temple.

See Attachment 2 of this report for a three dimensional representation of the proposed building in context.

Provincial Policy Statement and Provincial Plans

Any decision of City Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in this case includes: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan Policies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The subject site is designated *Apartment Neighbourhoods* as shown on Land Use Map 18 (see Attachment 3: Official Plan Land Use Map). *Apartment Neighbourhoods* are characterized as primarily residential areas with building heights generally greater than 4 storeys and may also include parks, local institutions, cultural and recreational facilities, and small-scale retail, service, and office uses that serve the needs of area residents. Significant growth is generally not anticipated but there may be opportunities for additional residential development on underutilized sites.

Policy 4.2(2) requires new development in an *Apartment Neighbourhood* to contribute to quality of life by satisfying several criteria intended to mitigate the impact that new development will have on the public realm and surrounding properties. The proposal should provide suitable transition to adjacent lower-scale *Neighbourhoods* and maintain sunlight and comfortable wind conditions on the sidewalks and public open spaces.

The adjacent lands to the north and west are also designated *Apartment Neighbourhoods*. The neighbouring lands on the south side of Temple Avenue are designated *Neighbourhoods*. The lands on the east side of Dufferin Street are designated *Core Employment Areas*.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of existing rental housing units. Policies 3.2.1(5) and (6) require existing rental dwelling units to be replaced with the same number and type of units, and with similar rents, when there are at least six existing rental units that are proposed to be demolished.

Official Plan Amendment 479 and 480 – Public Realm and Built Form

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Zoning By-law

The site is zoned *Residential (R (d2.0) (x811))* under Zoning By-law 569-2013 (see Attachment 5: Zoning Bylaw Map). This zone permits residential use in a wide range of residential building types including an apartment building. Other permitted uses include home occupation uses, and a retail store with certain limitations. The maximum density is a floor space index of 2.0 times the lot area and the maximum height is 23 metres.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

Official Plan Policy 5.3.2(1) states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The following guidelines apply to the proposed development and serve this

policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of new buildings in Toronto.

The following design guidelines will be used in the evaluation of this application:

- Tall Building Design Guidelines
- Growing Up: Planning for Children in New Vertical Communities - Urban Design Guidelines
- Pet Friendly Design Guidelines for High Density Communities
- Guidelines for the Design and Management of Bicycle Parking Facilities

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

Rental Housing Demolition and Conversion By-law

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the Planning Act may also be 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.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On January 18, 2021, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111. City staff will be reviewing the submitted materials, including the Housing Issues Report, to evaluate the appropriateness of the rental replacement strategy and measures to mitigate hardship for tenants.

COMMENTS

Reasons for the Application

The proposed rezoning is required to allow the proposed increase in height and density and the proposed decrease in parking requirement, as well as provide for other site-specific built form standards.

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 of the existing rental housing units as the subject lands contain six or more residential units, of which at least one is rental.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified.

Provincial Policies and Plans Consistency/Conformity

Staff are evaluating this application against the Provincial Policy Statement (PPS) and the Growth Plan (2020) to establish if the application is consistent with the PPS and conforms to the Growth Plan.

Official Plan Conformity

The proposed rezoning must conform with the Official Plan. With regard for the existing and planned context and applicable Official Plan land use designations and policies, The proposal must demonstrate that it provides adequate transition to the adjacent low-rise *Neighbourhood* to the south and the adjacent existing houses to the west in accordance with policies in Sections 3.1.2, 3.1.3 and 4.2(2). The proposal must also accommodate a potential future redevelopment of the adjacent lands that are designated *Apartment Neighbourhoods*, which is part of the planned context.

Built Form, Planned and Built Context

The proposed height and massing will be assessed largely by applying the criteria for new development provided in Sections 3.1.2 Built Form and 3.1.3 Built Form - Building Types. The Tall Building Design Guidelines will also be applied to help determine appropriate development standards. Key considerations include appropriate transition (i.e. appropriate setbacks and step-backs) to adjacent and nearby houses, as well as appropriate tower separation from existing adjacent tall buildings and from adjacent properties that have redevelopment potential for a tall building or mid-rise building. The proposal must also demonstrate how it will contribute to quality of life in accordance with Policy 4.2(2).

With regard for protecting the public realm, the proposal must demonstrate an acceptable impact on sky view, sunlight and pedestrian level wind conditions as

required by Policies 3.1.3(10) and 4.2(2)(c). The applicant has submitted a Sun/Shadow study and a Pedestrian Level Wind Study that are under review by staff.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

An Arborist Report and Tree Preservation Plan have been submitted and are currently under review by staff. The plans show 8 existing street trees along Temple Avenue and 3 existing street trees along Dufferin Street. Tree preservation appears to be proposed for all of the street trees, however further information is required.

The plans also show 9 existing private trees on the site, of which 4 are protected by the Private Tree By-law and 5 are not protected because they have a trunk diameter at breast height (DBH) of less than 30 centimetres. All of the on-site private trees are proposed to be removed. The adjacent property to the north has 6 trees within 6 metres of the subject site, 4 of which are protected by the Private Tree By-law. The proposal is to maintain 2 of the 4 protected trees and remove the other two because the root structure would be excessively damaged by the proposed excavation.

Rental Housing Issues

Section 3.2.1 of the Official Plan contains policies pertaining to the provision, maintenance, and replacement of rental housing.

Policy 3.2.1.6 states that new development that would have the effect of removing all or a part of a building or related group of buildings and would result in the loss of six or more rental units will not be approved unless all of the units have rents that exceed midrange rents at the time of application, or, where planning approvals other than site plan are sought, at least the same number, size, and type of rental units are replaced and maintained with rents similar to those in effect at the time of application. The policy also requires an acceptable tenant relocation and assistance plan, addressing the right to return to one of the replacement units at similar rents and other assistance to mitigate hardship.

The Housing Issues Report submitted with the Rental Housing Demolition application confirms that at least 13 of the existing rental units on the lands have either affordable or mid-range rents. Consequently, Policy 3.2.1.6 of the Official Plan applies to this proposal and the applicant is required to replace all of the existing rental units proposed to be demolished within the proposed development.

Official Plan Policy 3.2.1.12, which requires that new development resulting in the loss of one or more rental units or dwelling rooms shall secure an acceptable tenant relocation and assistance plan to lessen hardship for existing tenants, is applicable. City Council adopted Policy 3.2.1.12 at its meeting on June 18 and 19, 2019.

As the applications progress, City staff will work with the applicant to develop a detailed rental replacement proposal and an acceptable tenant relocation and assistance plan to mitigate hardship for existing tenants. Staff will also continue to work with the applicant and tenants dwelling rooms to determine an acceptable tenant relocation and assistance plan for the tenants of the dwelling rooms. A site visit by City staff will also be required to fully assess the application

Growing Up Guidelines

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-residential developments.

Guideline 2.1 of the Growing Up guidelines states that a building should provide a minimum of 25% large residential units (10% of the units should be 3-bedroom units and 15% of the units should be 2-bedroom units).

Guideline 3.0 states that the ideal unit size for large residential units, based on the sum of the unit elements, is 90 square metres for 2-bedroom units and 106 square metres for 3-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing a diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The application proposes to provide 96 (38.2%) of the 251 net new dwelling units (non-replacement rental units) as 2-bedroom units and 27 (10.8%) of the net new dwelling units as 3-bedroom units, which satisfies the unit mix objectives of Guideline 2.1 of the Growing Up guidelines. However, only 8 of the proposed net new 2-bedroom units (8% of all net new 2-bedroom units) are larger than 87 square metres in size, and only 8 of the proposed 3-bedroom units (44% of all net new 3-bedroom units) is larger than 100 square metres in size.

As the application progresses, City staff will work with the applicant to implement the unit size objectives of the Growing Up guidelines in order to accommodate a broad range of households, including families with children, within the proposed development.

Affordable Housing

Affordable Housing and Smart Urban Growth are strategic actions for the City of Toronto. Section 3.2.1 of the City's Official Plan states that a full range of housing, including affordable housing, will be provided and maintained to meet the needs of current and future residents. The Growth Plan also contains policies to support the development of affordable housing and the provision of a range of housing options to accommodate the needs of all household sizes and incomes.

Staff will engage in discussions with the applicant to evaluate potential opportunities for the provision of affordable housing.

Parks and Public Realm

The proposed development does not include any parkland or publicly-accessible privately owned space (POPS) that would contribute to the public realm. Staff are reviewing the application to determine if any parks or POPS should be provided on the site.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant has submitted a Community Services and Facilities Report that is under review by staff. The purpose of the study is to evaluate the impact of the proposed development on community services and facilities and determine whether any capital improvements or expansion of facilities are needed.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development. The Servicing Report provided by the applicant evaluates the effects of the proposed development on the City's municipal servicing infrastructure and watercourses and identifies and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing.

Transportation Impacts

Transportation Services staff are reviewing the Transportation Impact Study submitted by the applicant, which evaluates the effects of the proposed development on the transportation system and advises any transportation improvements that are necessary to accommodate the travel demands generated by the development.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and

demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant has submitted a TGS Checklist for Tier 1 standards, which is under review for compliance with Tier 1 performance measures. The applicant will be encouraged to pursue Tier 2, 3 or 4 of the TGS, which would make them eligible for a partial refund of the Development Charge.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title, should the proposal advance to approval in some form.

The proposed rezoning would be subject to Section 37 community benefits because the proposed height and density exceeds the thresholds specified in Official Plan Policy 5.1.1(4).

Other Matters

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

CONTACT

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SIGNATURE



Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning, Toronto and East York District

ATTACHMENTS

- Attachment 1: Project Data Sheet
- Attachment 2: 3D Model of Proposal in Context
- Attachment 3: Location Map
- Attachment 4: Official Plan Map
- Attachment 5: Zoning By-law Map

Applicant's Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: Elevations

Attachment 1: Project Data Sheet

Municipal Address: 2-24 TEMPLE AVE Date Received: January 18, 2021

Application Number: 21 105906 STE 04 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposal for a 16-storey residential apartment building comprised of approximately 19,696 square metres of residential gross floor area. A total of 273 dwelling units are proposed.

Applicant	Agent	Architect	Owner
MHBC PLANNING LTD		RAW	MLADEN ILIC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R (d2.0, x811)	Heritage Designation:	N
Height Limit (m):		Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 2,436 Frontage (m): 36 Depth (m): 69

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,268	1,268
Residential GFA (sq m):			19,696	19,696
Non-Residential GFA (sq m):				
Total GFA (sq m):			19,696	19,696
Height - Storeys:			16	16
Height - Metres:			56	56

Lot Coverage Ratio (%): 52.05 Floor Space Index: 8.09

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	19,696	
Retail GFA:		

Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	22		22	22
Freehold:				
Condominium:			251	251
Other:				
Total Units:	22		273	273

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		14	131	100	28
Total Units:		14	131	100	28

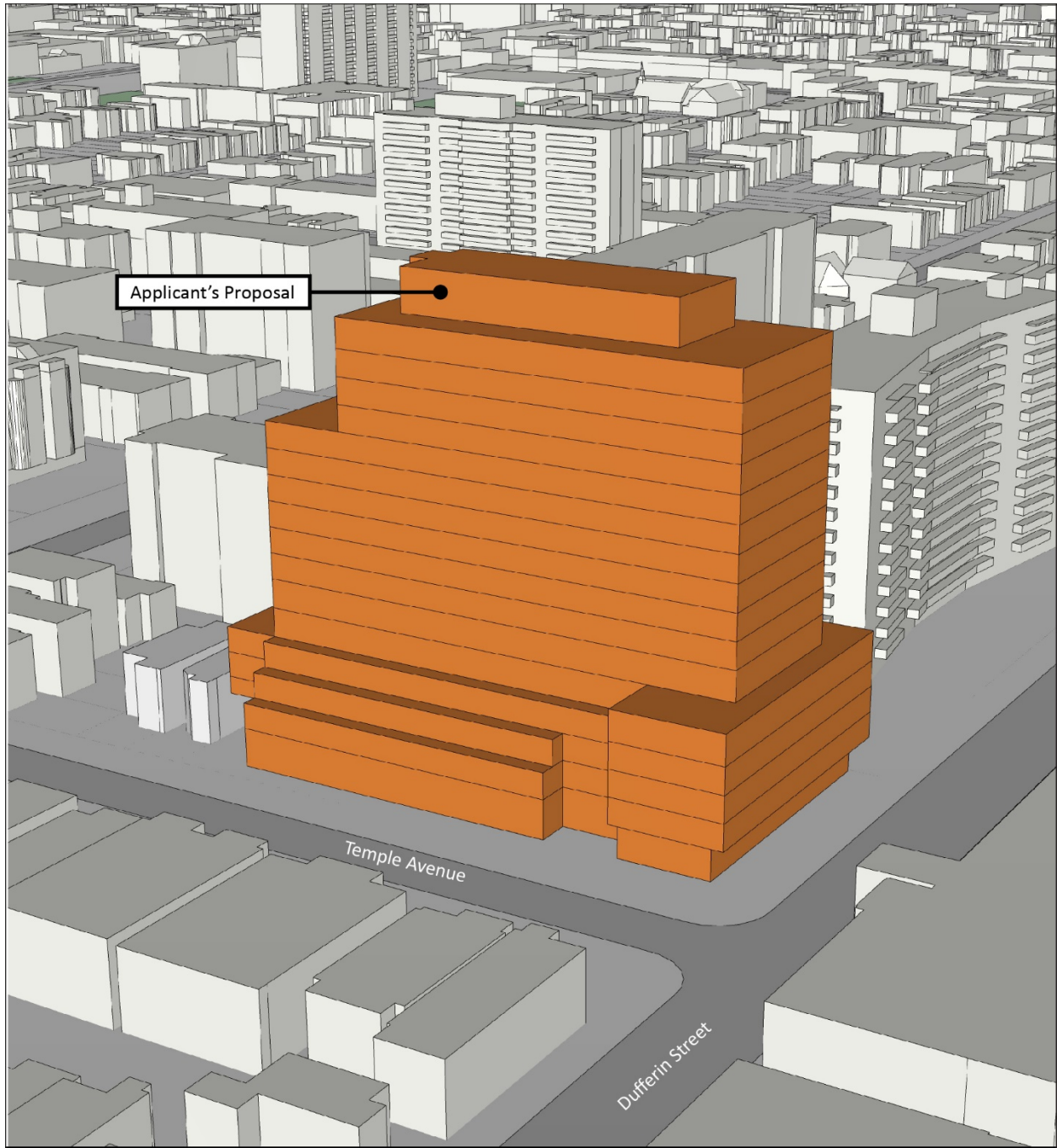
Parking and Loading

Parking Spaces:	109	Bicycle Parking Spaces:	282	Loading Docks:	1
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 416-392-1791
 Thomas.Rees@toronto.ca

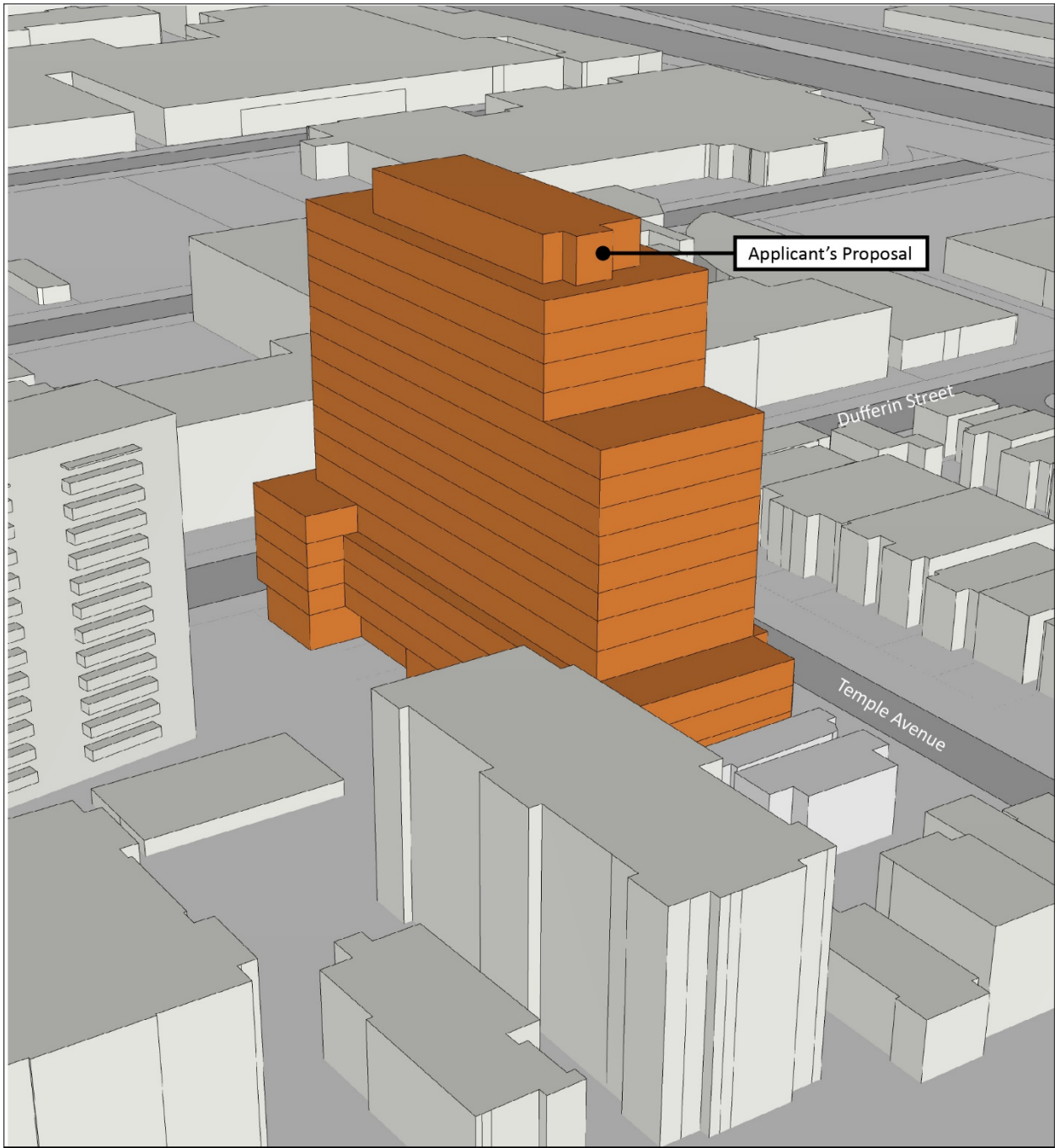
Attachment 2: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northwest



MO/DA/2021

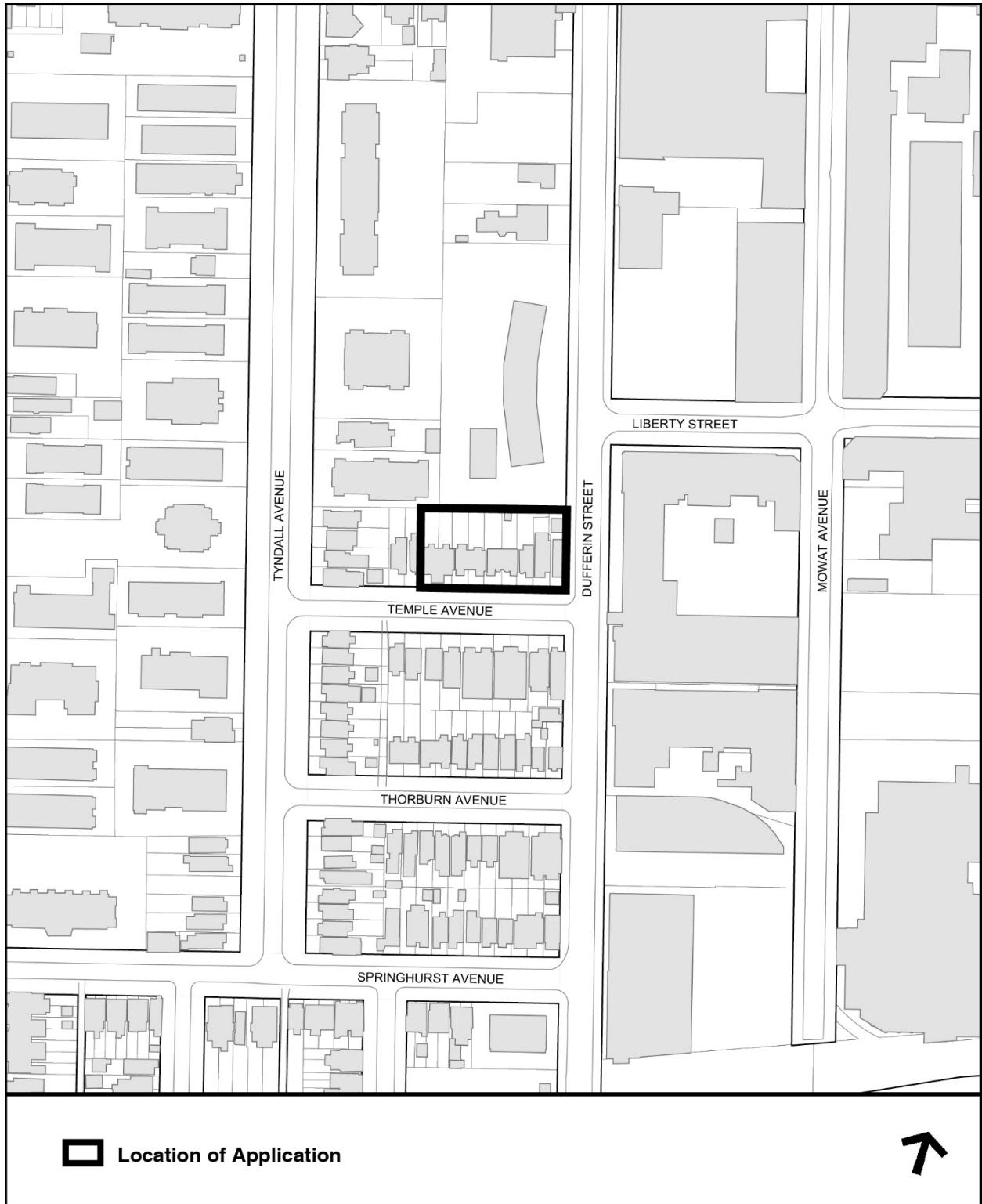


View of Applicant's Proposal Looking Southeast



MO/DA/2021

Attachment 3: Location Map




Attachment 4: Official Plan Map



Official Plan Land Use Map #18

2-24 Temple Avenue
File # 21 105906 STE 04 02

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Utility Corridors
-  Core Employment Areas


 Not to Scale
 Extracted: 02/08/2021

Attachment 5: Zoning Bylaw Map




Zoning By-law 569-2013

2-24 Temple Avenue

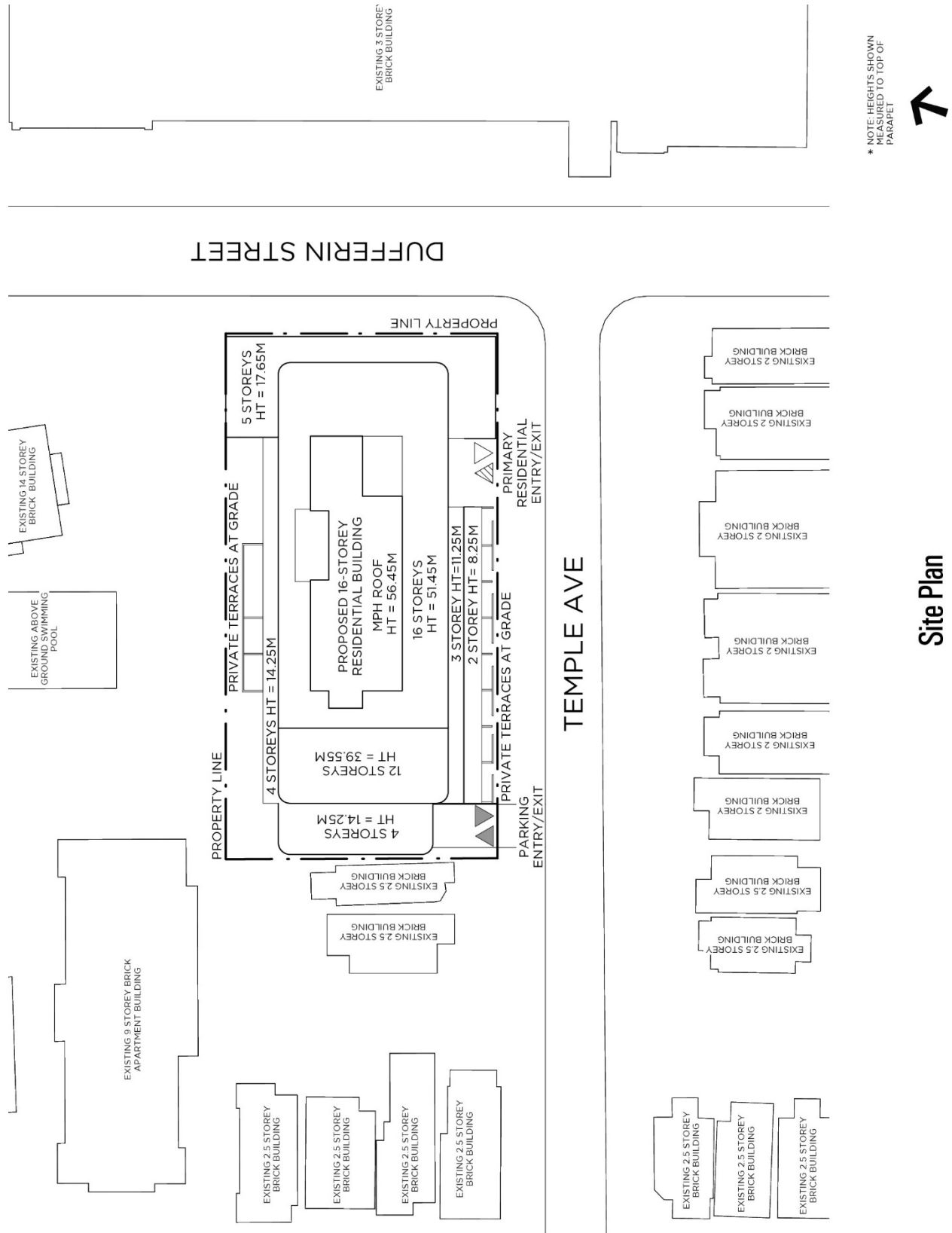
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-  Location of Application
- R** Residential
- CR** Commercial Residential
- OR** Open Space Recreation
- UT** Utility and Transportation

-  See Former City of Toronto By-law No. 438-86
- R2** Residential District
- IC** Industrial District
- G** Parks District

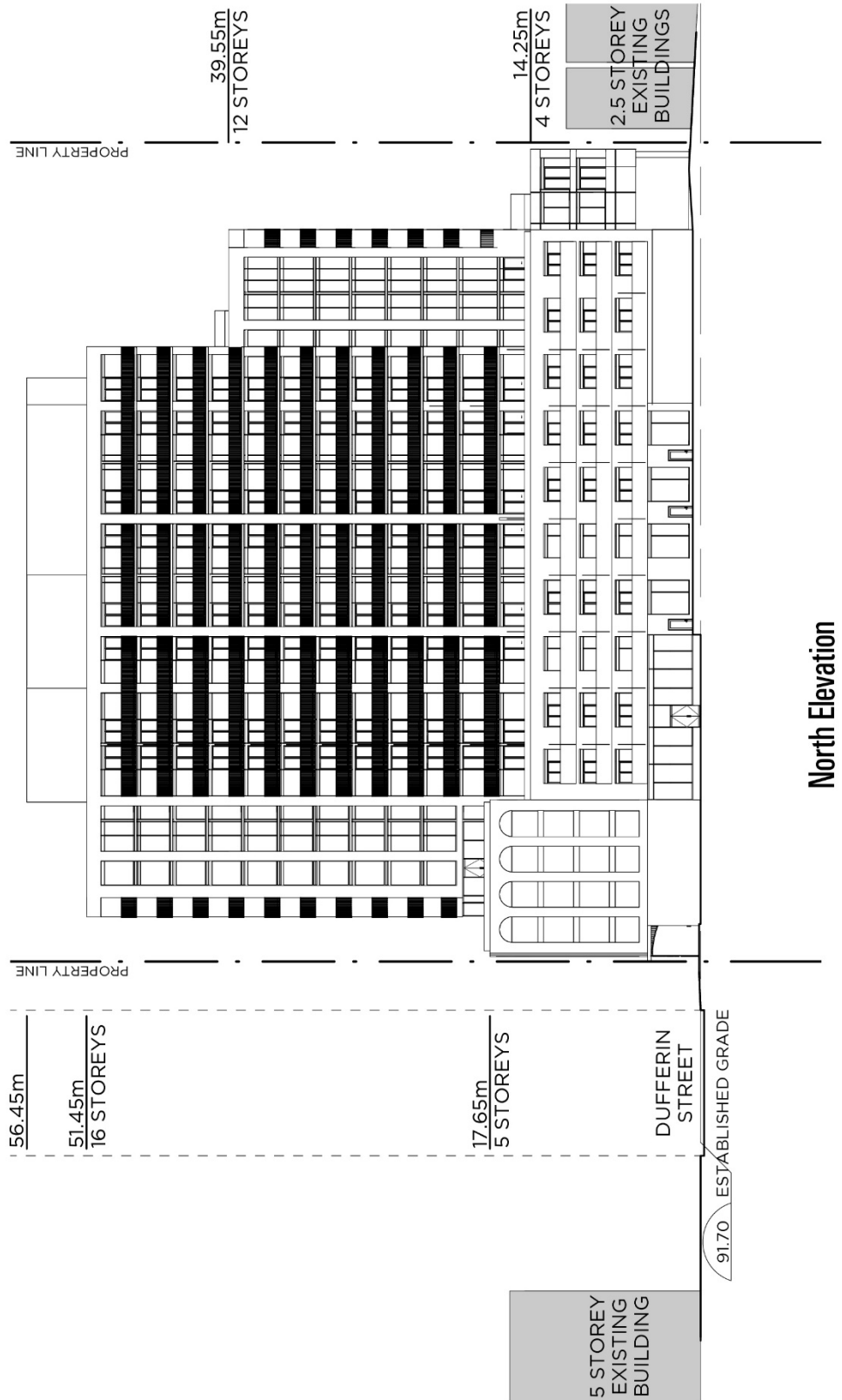
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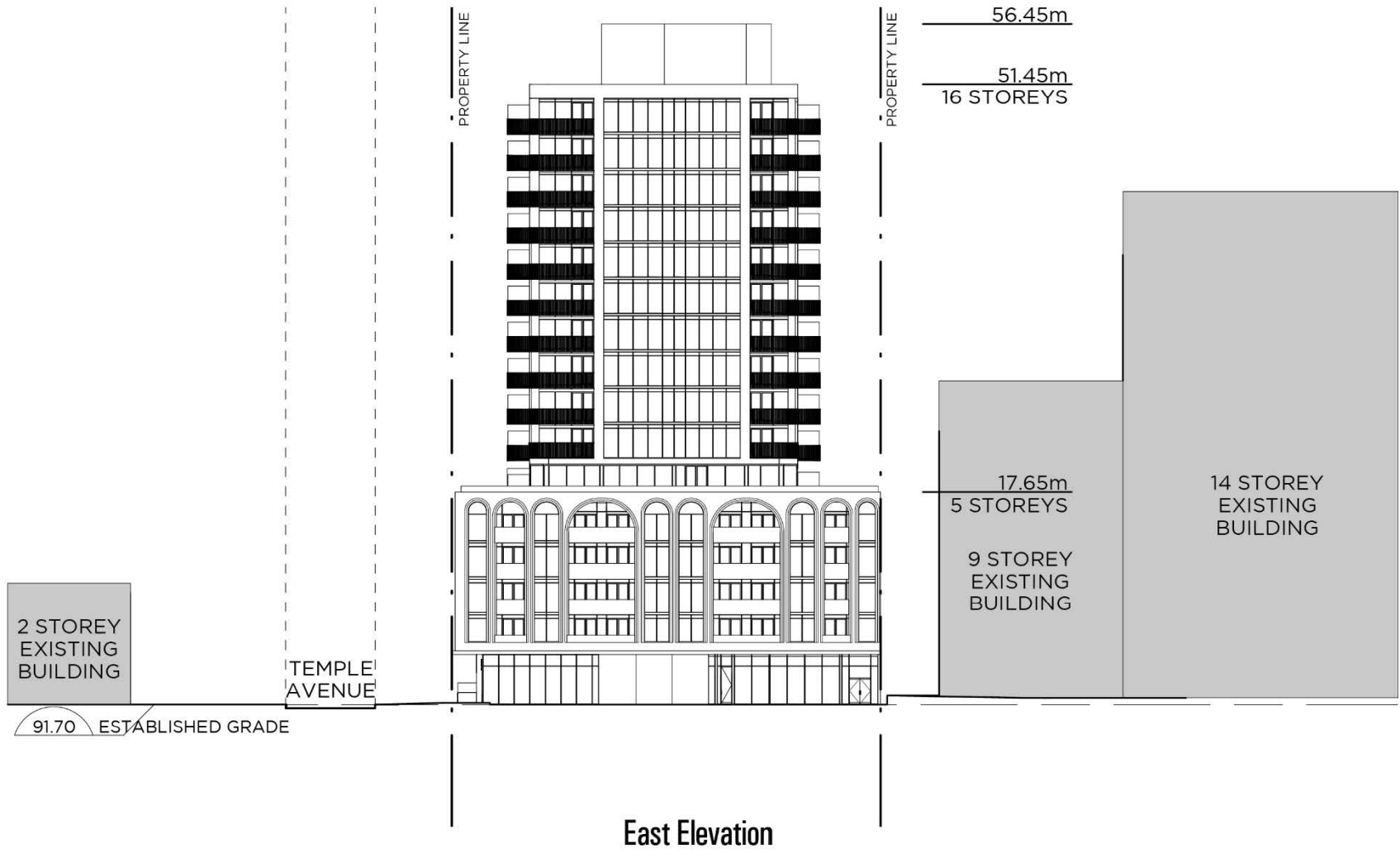
Attachment 6: Site Plan

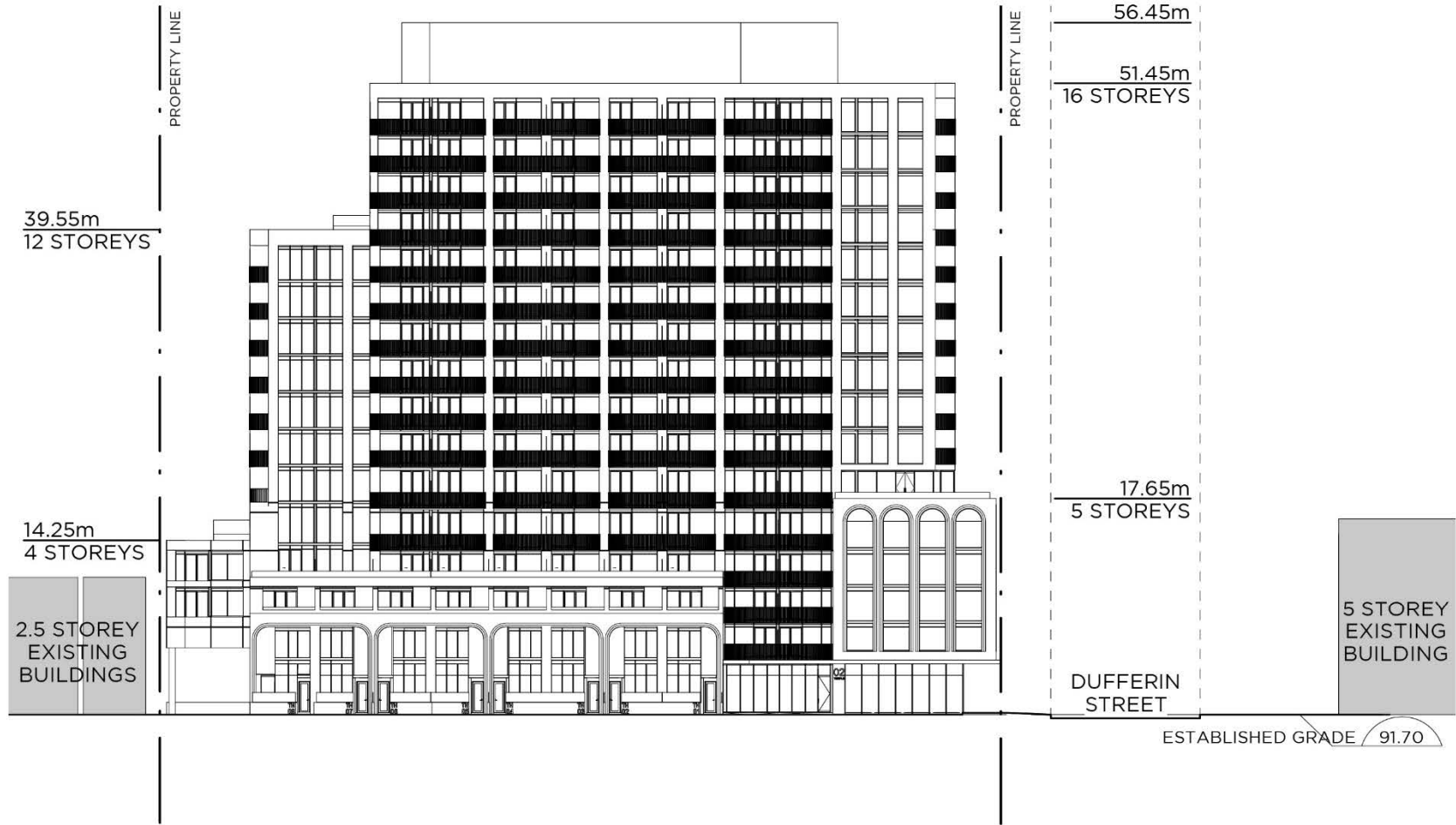


Site Plan

Attachment 7: Elevations







South Elevation

