

40-62 Spadina Avenue and 378 Wellington Street West – Official Plan and Zoning By-law Amendment Application – Appeal Report

Date: February 3, 2025

To: Toronto and East York Community Council

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

Ward: 10 - Spadina-Fort York

Planning Application Number: 22 188521 STE 10 OZ

SUMMARY

On August 10, 2022, an Official Plan and Zoning By-law Amendment application was submitted seeking permission for a 28-storey (93 metres, including mechanical penthouse) mixed-use building with retail at-grade along Spadina Avenue. The proposal included retail at grade, two levels of office, and 521 residential units above. The façade of the existing four-storey factory building was proposed to be retained and incorporated into the new development.

On May 15, 2024, the Applicant submitted a revised proposal for a 30-storey (99 metres, including mechanical penthouse) mixed-use building with retail at-grade, no office component, and 550 residential units above.

On July 9, 2024, the Applicant appealed to the Ontario Land Tribunal ("OLT") due to Council not making a decision on the application within the timeframe prescribed by the Planning Act. This report recommends that the City Solicitor and appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Official Plan and Zoning By-law Amendment appeals for the lands at 40-62 Spadina Avenue and 378

Wellington Street West and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any Final Orders be withheld until such time as the City Solicitor advises that:

a) the final form and content of the draft Official Plan Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;

b) the final form and content of the draft Zoning By-law Amendment is to the satisfaction of the Executive Director, Development Review and the City Solicitor;

c) the applicant has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment; and

d) the applicant has addressed all outstanding issues raised by Development Engineering as they relate to the Zoning By-law Amendment application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

e) the applicant has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review;

f) the applicant has provided a detailed Conservation Plan, prepared by a qualified heritage consultant, for 40-46 Spadina Avenue to the satisfaction of the Senior Manager, Heritage Planning, City Planning Division;

g) the applicant has entered into and registered on title to the lands a Heritage Easement Agreement for 40-46 Spadina Avenue pursuant to Section 37 of the Ontario Heritage Act acceptable and satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

h) the applicant has submitted an Archeological Assessment to the satisfaction of the Chief Planner and Executive Director, City Planning; and,

i) the conveyance to the Owner by the City, a portion of the public lane abutting 58-62 Spadina Avenue, known as Part 3, Plan 66R-22924, to be part of the development site, to the satisfaction of the General Manager, Transportation Services, Director, Real Estate Services, and the City Solicitor.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The Development Review 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

A pre-application consultation (PAC) meeting was held on March 4, 2022.

The application was submitted and deemed complete on August 10, 2022, satisfying the City's minimum application requirements. The reports and studies submitted in support of the application are available on the Application Information Centre.

The applicant appealed to the Ontario Land Tribunal the lack of decision by the City on an Official Plan and Zoning By-law Amendment application for the development on July 9, 2024 (OLT Case No. OLT-24-000742). The first Case Management Conference (CMC) took place December 13, 2024. An eight day hearing is scheduled for September 15, 2025.

THE SITE

Description

The site is generally square in shape with a narrow strip that extends south to Wellington Street West and has an area of approximately 3,732 square metres, frontage of 54 metres along Spadina Avenue, and a general depth of approximately 66 metres.

Existing Uses

Two office buildings (4-storeys and 2-storeys) with a 1-storey garage and surface parking lot to the rear.

Heritage

The properties are located within the King-Spadina Heritage Conservation District (KSHCD) and are thus designated under Part V of the Ontario Heritage Act.

The property at 46 Spadina Avenue (including entrance addresses at 40, 42 and 44 Spadina Avenue) is identified and classified as a contributing property within the KSHCD Plan. The contributing property is comprised of an existing four storey factory building that was constructed in 1907 and designed by the Toronto architectural firm of Horwood and Burke. Commissioned by Business Systems Limited, which manufactured business stationary and operated a business training school, the property served as the company's headquarters and factory for over half a century. In the late 20th century, the property was among the properties in the King-Spadina neighbourhood that became associated with the clothing manufacturing industry in Toronto's Fashion District.

The properties at 58-62 Spadina Avenue and 378 Wellington Street West are identified as non-contributing properties within the KSHCD and have no cultural heritage value.

THE APPLICATION

Description of Application

Height: A 30-storey (99 metres, including mechanical penthouse) mixed-use building containing 550 dwelling units and 774 square metres of retail space. The façade of the existing heritage building at 46 Spadina Avenue is proposed to be retained and incorporated in the new development.

Density: 10.2 times the area of the lot.

Dwelling Units: The proposal includes 550 dwelling units, consisting of 31 studios (5%), 333 one-bedroom (61), 131 two-bedroom (24%) and 55 three-bedroom (10%) units.

Public Realm: A mid-block connection that would connect Wellington Street West to the north laneway is proposed on the west side of the site.

Access, Parking and Loading: Vehicular access to the development is proposed from a north laneway to the north of the subject site, from Spadina Avenue. A total of 74 vehicle parking spaces (67 residential and 7 visitor) are proposed within a two-level underground garage. 11 of the 74 parking spaces are proposed to be accessible. One Type 'G' and one shared Type 'B/C' loading spaces are proposed.

Bicycle Parking: A total of 559 bicycle parking spaces are proposed, consisting of 55 residential short-term, 496 resident long-term, 6 retail short-term and 2 retail long-term.

Additional Information

See Attachments 1 through 6 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context, and a site plan and ground floor plan of the proposal. Detailed project information including all plans and reports

submitted as part of the application can be found on the City's Application Information Centre at: www.toronto.ca/46SpadinaAve.

Reasons for Application

The Official Plan Amendment (OPA) proposes to redesignate the western portion of the site from Mixed Use Areas 2 to Mixed Use Areas 3 in the Downtown Plan and King-Spadina Secondary Plan. In addition, a corresponding boundary adjustment to Map 16-1 of the King-Spadina Secondary Plan to include the site entirely within the Spadina Precinct is proposed.

The Zoning By-law Amendment proposes to amend Zoning By-law 569-2013 to vary performance standards including: building height, building setbacks, building stepbacks and amenity space requirements. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

Site Plan Control

A Site Plan Control application (file no. 22 188520 STE 10 SA) was submitted on August 10, 2022. This application will not be reviewed until such time as the Official Plan Amendment and Zoning By-law Amendment appeals are resolved.

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (PPS), and shall conform to provincial plans.

Official Plan Designation

The site is designated Regeneration Areas in the Official Plan. See Attachment 7 of this report for the Land Use Map.

The east portion of the site is designated Mixed Use Areas 2 - Intermediate and the west portion is designated Mixed Use Areas 3 - Main Street in the Downtown Plan (OPA 406). See Attachment 8 of this report for the Downtown Plan.

The King-Spadina Secondary Plan (KSSP) area is divided into three Precincts. The east portion of the site is within the Spadina Precinct and west portion is within the West Precinct. The east portion is designated Mixed Use Areas 3 and the west portion is designated Mixed Use Areas 2. See Attachment 9 of this report for the King-Spadina Secondary Plan Map.

Zoning

The site is zoned Commercial Residential Employment (CRE (x64)), with a height limit of 39 metres on the east portion of the site and a height limit of 23 metres on the west portion of the site. This zoning category permits a wide range of residential and non-residential uses including retail, office, institutional and light industrial uses. There are no maximum densities specified, rather the building envelope is guided by building height, setbacks and stepbacks. See Attachment 11 of this report for the existing Zoning By-law Map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Retail Design Manual;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Toronto Accessibility Design Guidelines; and
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on March 22, 2023. Approximately 29 members of the public participated, as well as representation from the Ward Councillor's Office and the applicant's team. At the meeting, City staff and the applicant's consultants provided presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Concerns raised by members of the public included:

- Conservation approach to retaining only the façade;
- Desire for larger unit sizes and affordable housing;
- Lack of surrounding park space with additional housing; and,
- Not providing enough vehicular parking spaces.

The issues and feedback raised through community consultation have informed staff's approach to assessing the application and the identification of issues to be resolved.

COMMENTS

Provincial Planning Statement

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal and find the proposal consistent with the PPS (2024).

Land Use

In the original application, 6,555 sqm (5,908 sqm of office and 647 sqm of retail space) of non-residential gross floor area was proposed on the site, to align with the requirement of the 1996 King-Spadina Secondary Plan, which required development in the area to replace all existing non-residential gross floor area located on the site. With the recently approved King-Spadina Secondary Plan through OPA 486, to align with the Downtown Secondary Plan policy, replacement of non-residential gross floor area is encouraged. The revised proposal removes the office space and provides 774 sqm of retail space, which is acceptable.

Built Form and Massing

In the King-Spadina Secondary Plan, the site is primarily located within the Spadina Precinct, which also overlaps with Mixed Use Areas 3 in the Downtown Plan. The remaining portion is within the King-Spadina Secondary Plan West Precinct, which overlaps with Mixed Use Areas 2 in the Downtown Plan.

The Secondary Plan states that development in the West Precinct will be significantly lower than the general height of development in the East Precinct. It is expected that heights generally step down from the East Precinct to the Spadina Precinct to the West Precinct. Consistent with this direction, the West Precinct Built Form policies require that development generally not exceed 50 metres in height.

Within the Spadina Precinct (similarly as Mixed-Use Areas 3 in the Downtown Plan), the height of new developments will generally be informed by the width of the right-of-way, which in this instance, is 40 metres. Additionally, appropriate height will be determined by considering factors such as depth of the site, the conservation of heritage resources, and the provision of appropriate setbacks and a contextually sensitive streetwall. Given the site's size, configuration and location, the proposed 30-storey (99 metre) building does not uphold the policy intent for this area and is not supportable.

In its current form, the proposed development includes setbacks of 20.1 metres from the north (side) property line starting at ten storeys on the western portion and 13.8 metres starting at fourteen storeys on the eastern portion of the building. While this exceeds the Tall Building Guidelines requirement of 12.5 metres identified in OPA 352, the setbacks start at levels ten and fourteen, resulting in an overly tall base building height in relation to the neighbouring property to the north. A minimum setback of 5.5

metres should be applied to the lower portion of the building, above level 5, and maintain a minimum 12.5 metre stepback for the tower portion. This would create a more appropriate base building condition and allow access to light, improve views and protect privacy to the property to the north.

Similarly along the south (side) property line, the proposed building proposes a 11.1 metre stepback starting at ten storeys on the western portion and a 17.4 metre stepback starting at fifteen storeys on the eastern portion of the building. A 5.4 metre stepback is proposed on the lower portion of the western portion and a 4 metre stepback is proposed on levels five to fourteen on the eastern portion. A minimum stepback of 5.5 metres should be applied to the middle portion of the tower building, gradually increasing to a minimum of 12.5 metres for the tower top portion. The proposed stepbacks are not acceptable.

The proposed development should be contextually appropriate and fit within the planned and built context. Given the site's size, configuration and location, the proposed 30-storey building is too tall and the proposed massing does not achieve the intent of the site's applicable planning framework.

Heritage

All of the properties are located within the KSHCD and subject to conformity with the policy and guidelines contained within.

Portions of the existing heritage building at 40-46 Spadina Avenue are proposed to be retained and incorporated into the new development, including the in-situ retention of the entire east façade facing Spadina Avenue and the eastern portion of the south façade with a partial west return. The eastern portion of the north façade will be partially reconstructed. The existing ground floor level will be lowered to grade for accessibility and window openings will be adjusted. A 4.9 metre stepback is proposed above the east heritage façade and a 3.1 metre stepback is proposed above the south heritage façade.

The buildings and structures located at the property of 58-62 Spadina Avenue are proposed to be demolished for the new development while the existing parking area at 378 Wellington Street is proposed to be altered.

Heritage Planning staff have reviewed the Heritage Impact Assessment Report and the conservation strategy and are supportive of the proposed alteration and demolition works on the properties. The proposal meets the objectives of the KSHCD and has been designed to conserve the cultural heritage values, attributes and character of the on-site and adjacent heritage properties, the King-Spadina Character Sub Area and the overall KSHCD. The details of the restoration will be set out in a Conservation Plan. A Heritage Easement Agreement is also recommended to be entered into with the applicant to secure for the future conservation works occurring on the heritage property.

The City of Toronto's Archaeological Management Plan identifies the site as an area of potential archaeological interest and requires an archaeological assessment to be completed in order to determine whether the subject site contains any archaeological resources.

Public Realm

To improve the public realm in the area, the King-Spadina Secondary Plan indicates a potential north-south mid-block connection extending from Wellington Street West to the existing laneway to the north. The policy intent is for the laneway to be converted to an east-west mid-block connection extending to Spadina Avenue, and continuing north and connecting to King Street West. The proposal includes this recommended north-south mid-block connection on the western portion of the site, to the northern extent of the property line, which is the existing laneway. The connection through to King Street West would be secured in the future when there is redevelopment on adjacent sites.

A portion of the public lane abutting 58-62 Spadina Avenue is City-owned and proposed to be included in the development site. City staff will investigate the requested closure and determine the feasibility of the conveyance. If determined feasible, the owner will be responsible for the associated costs. Revisions to the built form may be required if the acquisition of the public laneway is not successful.

Tree Preservation

There are currently nine trees that are proposed to be removed: eight City trees along the Spadina Avenue right-of-way and one private tree. The Landscape Plan proposes evergreen shrubs as a replacement along the Spadina Avenue right-of-way, and nine deciduous trees along the mid-block connection on private property. Planning and Urban Forestry staff have reviewed the landscape plans and request the existing eight street trees be retained and protected. Revised landscape plans showing the protection of existing City trees, or if not possible, the required number of replacement trees including soil volume and depth for the tree replanting requirement, are required.

Unit Mix

The Downtown Plan requires a minimum of 10% three-bedroom units, 15% two-bedroom units and an additional 15% two- or three-bedroom units or units that can be converted to two- and three-bedroom units through the use of accessible or adaptable design measures.

The application is providing an adequate number of two and three bedroom units but will need to demonstrate that their proposal meets the requirement for an additional 15% of units that can be converted into two or three-bedroom units. The minimum unit mix in compliance with the Downtown Plan will be secured in the Zoning By-law.

Mobility

A total of 74 vehicle parking spaces (67 residential and 7 visitor) are proposed within a two-level underground garage. 11 of the 74 spaces are proposed to be accessible parking spaces. One Type 'G' and one shared Type 'B/C' loading spaces are proposed. Vehicular access would be provided from an east-west drive aisle along the north portion of the site from Spadina Avenue. Transportation Services staff have reviewed the traffic impact study and deem the vehicular access, amount of vehicular parking and loading spaces acceptable.

A total of 559 bicycle parking spaces are proposed, consisting of 55 residential short-term, 495 resident long-term, 6 retail short-term and 2 retail long-term. Bicycle parking spaces are provided on the ground floor and underground parking level 1, which is appropriate. Transportation Services staff have requested that plans be revised to increase the amount of short-term bicycle parking spaces to a minimum of 0.2 parking spaces per residential unit, for a total of 110.

Servicing

Development Engineering staff have reviewed the Functional Servicing and Stormwater Management Report and associated plans and require further revisions to the reports and drawings.

In the event that the OLT allows the appeal in whole or in part, the final Order should be withheld pending the provision of a satisfactory set of engineering reports that provide confirmation of water, sanitary, and stormwater capacity, including implementation of any required upgrades which may be secured through the use of holding provisions.

Parkland

The City of Toronto [Parkland Strategy](#) (PLS) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city.

According to the 2022 draft update to the PLS methodology, the development site is currently in an area with 0 - 4 m² of parkland per person, which is well below the City-wide average provision of 28 m² of parkland per person (2022). Given the future expected growth both on the development site itself and surrounding sites, the existing parkland will be further stressed if no new parks are created. This anticipated parkland deficit must be addressed through the creation of new parks to serve the future population.

In accordance with [Section 42\(3\) of the Planning Act](#), the applicable alternative rate for on-site parkland dedication is 1 hectare per 600 residential units to a cap of 10% of the development site as the site is less than five (5) hectares, with the non-residential uses

subject to a 2% parkland dedication rate. In total, the parkland dedication requirement is 367 m².

As per the Toronto Municipal Code Chapter 415-26 (C), Parks and Recreation are requesting the conveyance of lands off-site that would expand Victoria Memorial Square Westerly. The off-site parkland is to be to the satisfaction of the General Manager, Parks and Recreation and the City Solicitor. Once the park block has been secured, further details regarding the conditions of conveyance will be provided.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-law.

Further Issues

Community Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions and materials submitted in response to the proposal. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, staff may report back to City Council as necessary.

CONTACT

Patricia Cho, Community Planner, Tel. No. 416-338-6697, E-mail:
Patricia.Cho2@toronto.ca

SIGNATURE

A handwritten signature in black ink, appearing to read 'Carly R', with a long horizontal flourish extending to the right.

Carly Bowman, M.Sc.Pl., MCIP, RPP
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map

Attachment 2: Application Data Sheet

Attachment 3: 3D Model of Proposal in Context Looking Southwest

Attachment 4: 3D Model of Proposal in Context Looking Northeast

Attachment 5: Site Plan

Attachment 6: Ground Floor Plan

Attachment 7: Official Plan Land Use Map

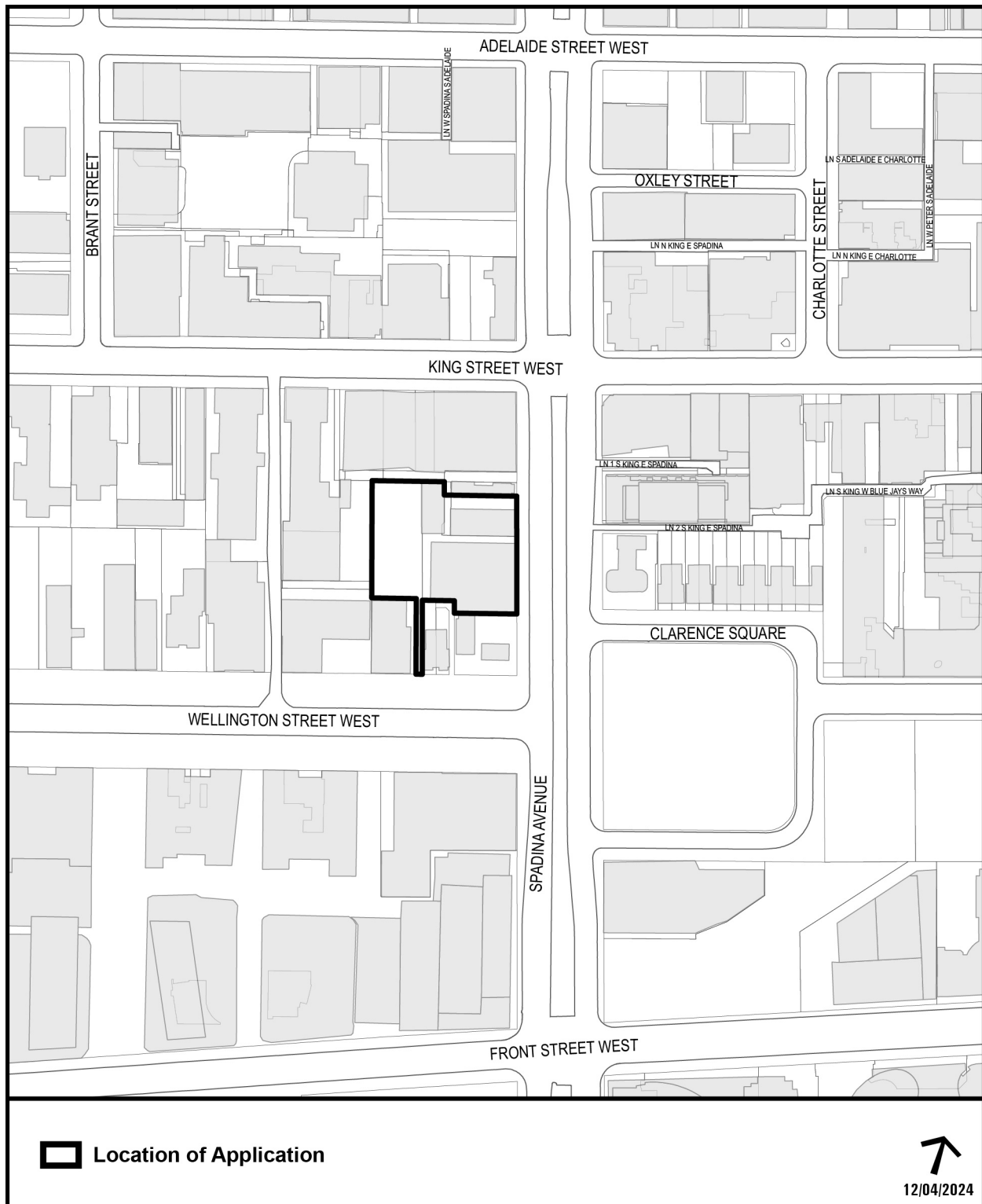
Attachment 8: Downtown Plan

Attachment 9: King-Spadina Secondary Plan Map (Map 16-1)

Attachment 10: King-Spadina Secondary Plan Map (Map 16-2)

Attachment 11: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 46 SPADINA AVE Date Received: August 10, 2022

Application Number: 22 188521 STE 10 OZ

Application Type: OPA & Rezoning

Project Description: Official Plan and Zoning By-law Amendment application to permit the redevelopment of the site with a 30-storey mixed-use building with retail at-grade along Spadina Avenue and 550 dwelling units above. The Official Plan Amendment is required to redesignate a portion of the site from Mixed Use Areas 2 to Mixed Use Areas 3, and from the West Precinct to Spadina Precinct.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC		WALLMAN ARCHITECTS	FORTY SIX SPADINA AVE LTD HARRY GLICKMAN

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	Downtown Plan and King Spadina Secondary Plan
Zoning:	CRE (x64)	Heritage Designation:	Y
Height Limit (m):	39	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	3,731	Frontage (m):	54.5	Depth (m):	66.8
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	197		2,263	2,263
Residential GFA (sq m):			37,388	37,388
Non-Residential GFA (sq m):	6,397		774	774
Total GFA (sq m):	6,397		38,162	38,162
Height - Storeys:	4		30	30
Height - Metres:	16		99	99

Lot Coverage Ratio (%) 60.66 Floor Space Index: 10.23

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	37,252	136
Retail GFA:	774	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			550	550
Other:				
Total Units:			550	550

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	31	333	131	55	
Total Units:	31	333	131	55	

Parking and Loading

Parking Spaces:	74	Bicycle Parking Spaces:	559	Loading Docks:	2
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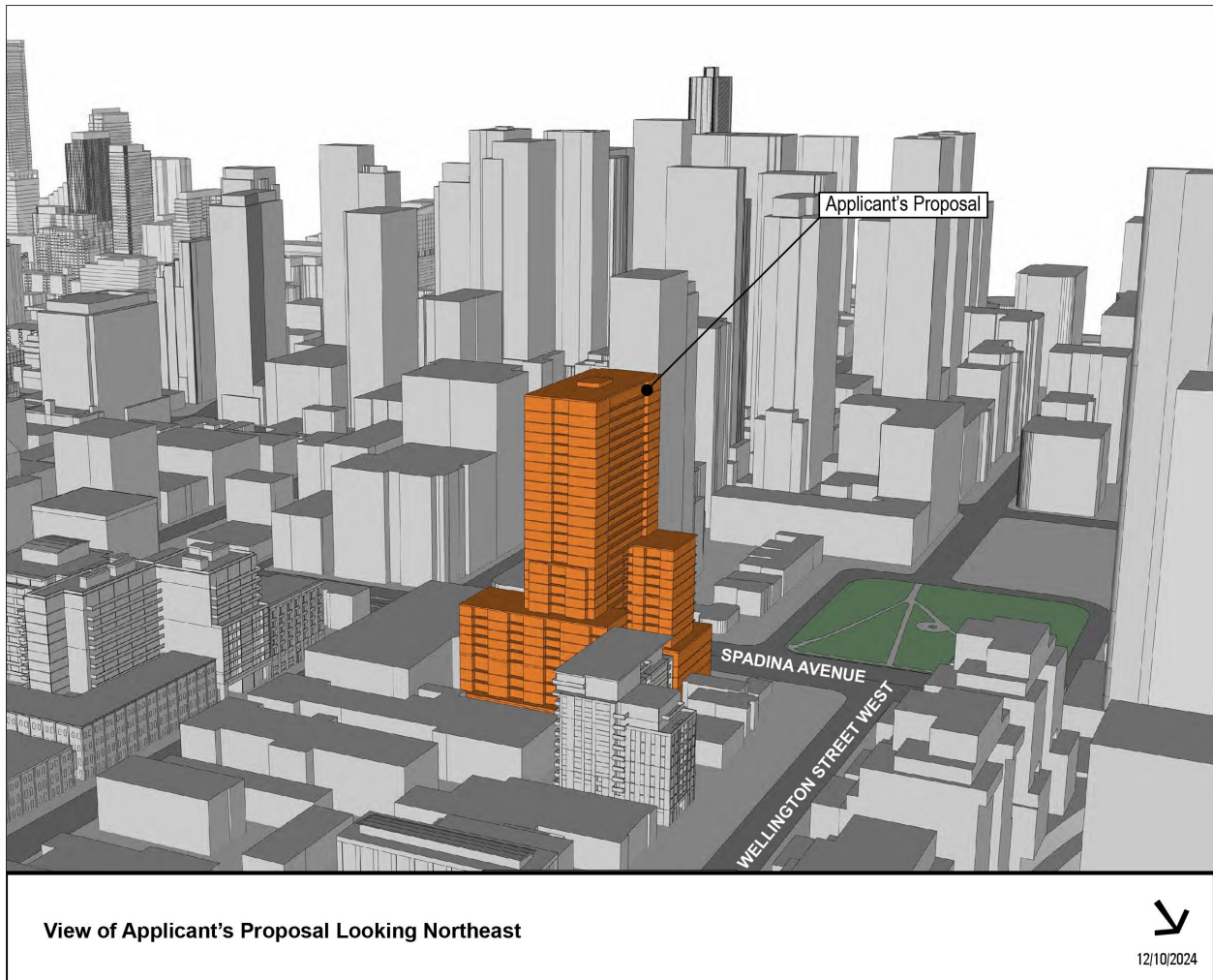
CONTACT:

Patricia Cho, Community Planner
 416-338-6697
 Patricia.Cho2@toronto.ca

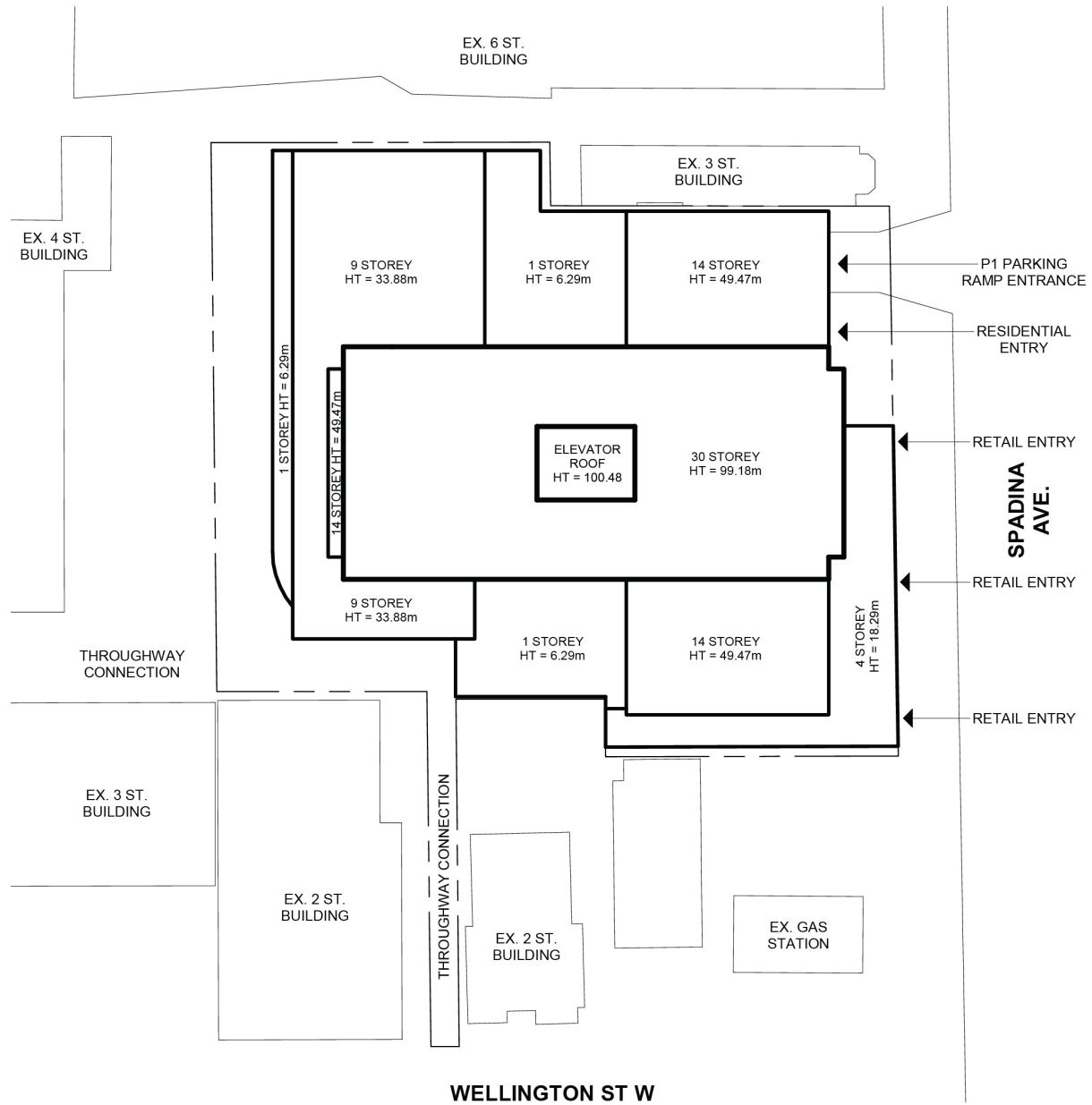
Attachment 3: 3D Model of Proposal in Context Looking Southwest



Attachment 4: 3D Model of Proposal in Context Looking Northeast



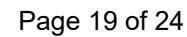
Attachment 5: Site Plan



Site Plan



Appeal Report - 40-62 Spadina Avenue and 378 Wellington Street West



Attachment 7: Official Plan Land Use Map



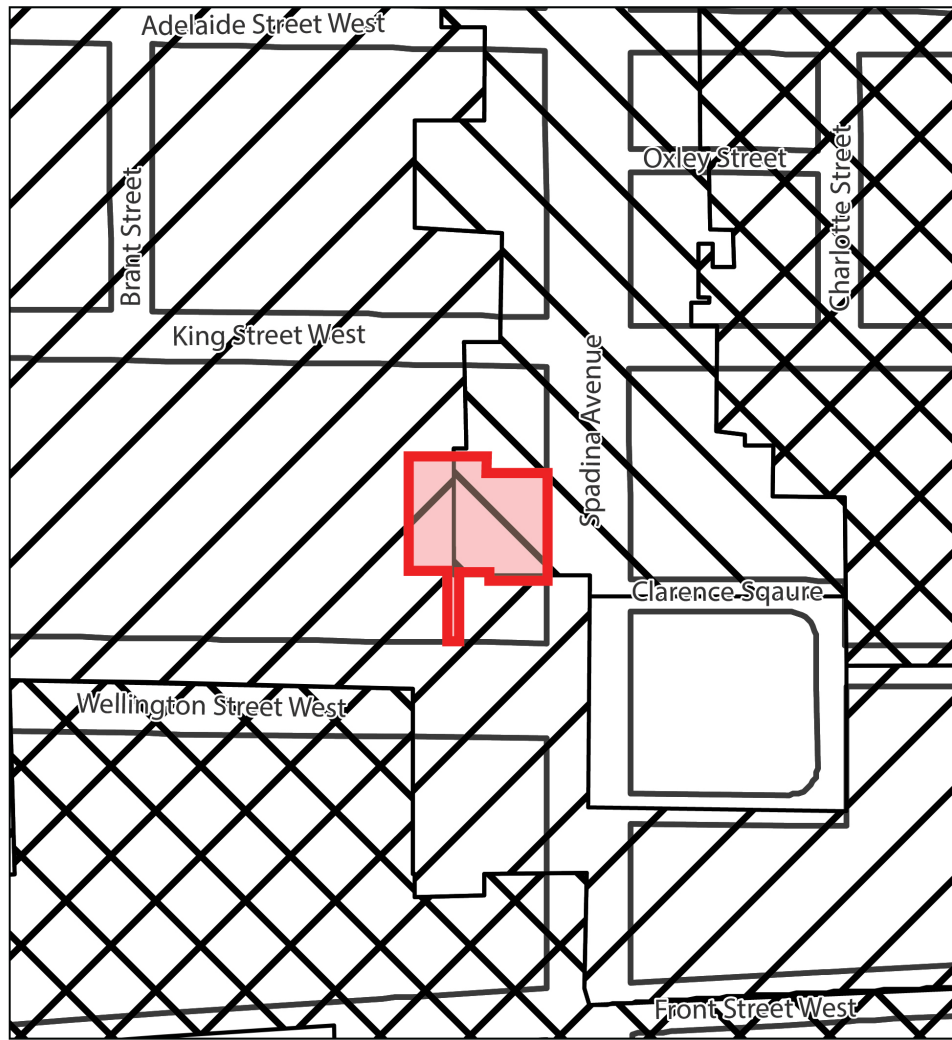
Official Plan Land Use Map #18

40-62 Spadina Avenue,
378 Wellington Street West
File # 22 188521 STE 10 0Z







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Attachment 8: Downtown Plan



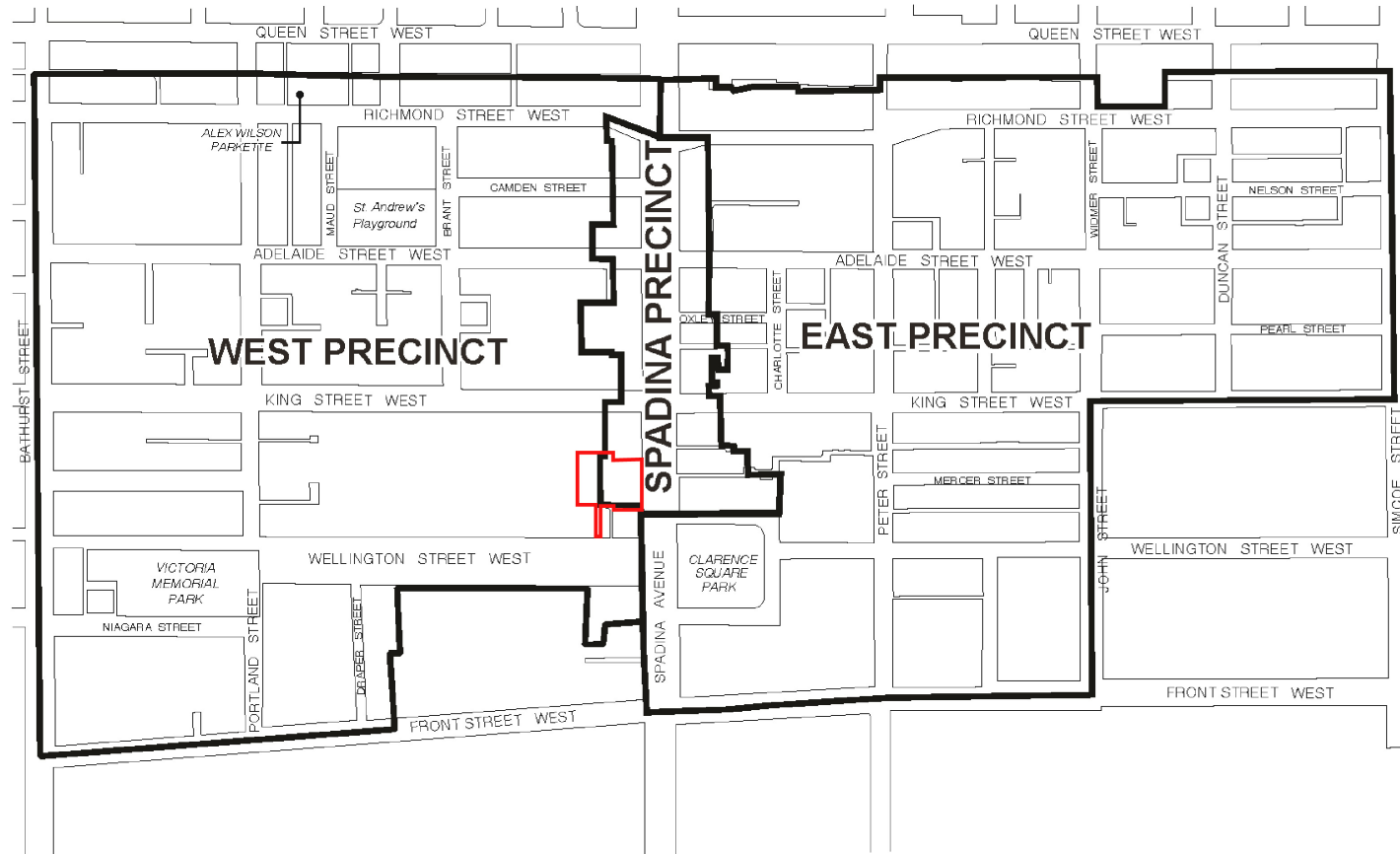
Proposed Downtown Plan

MAP 41-3 Mixed Use Areas

-  Location of Application
-  Mixed Use Areas 1 - Growth
-  Mixed Use Areas 2 - Intermediate
-  Mixed Use Areas 3 - Main Street

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Attachment 9: King-Spadina Secondary Plan Map - Secondary Plan Area and Precincts



King-Spadina Secondary Plan

MAP 16-1 Secondary Plan Area and Precincts

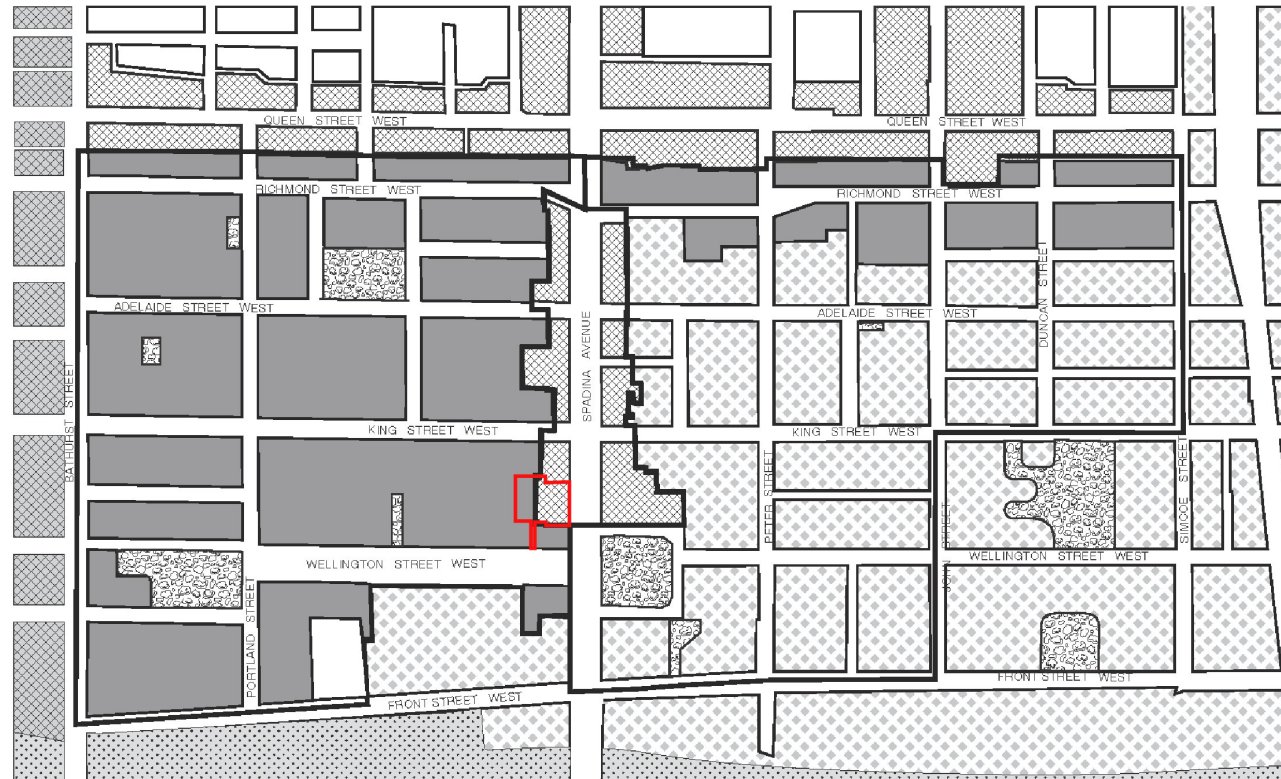


Secondary Plan Boundary



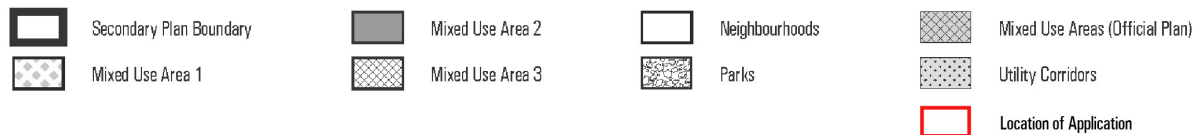
Location of Application

Attachment 10: King-Spadina Secondary Plan Map - Land Use

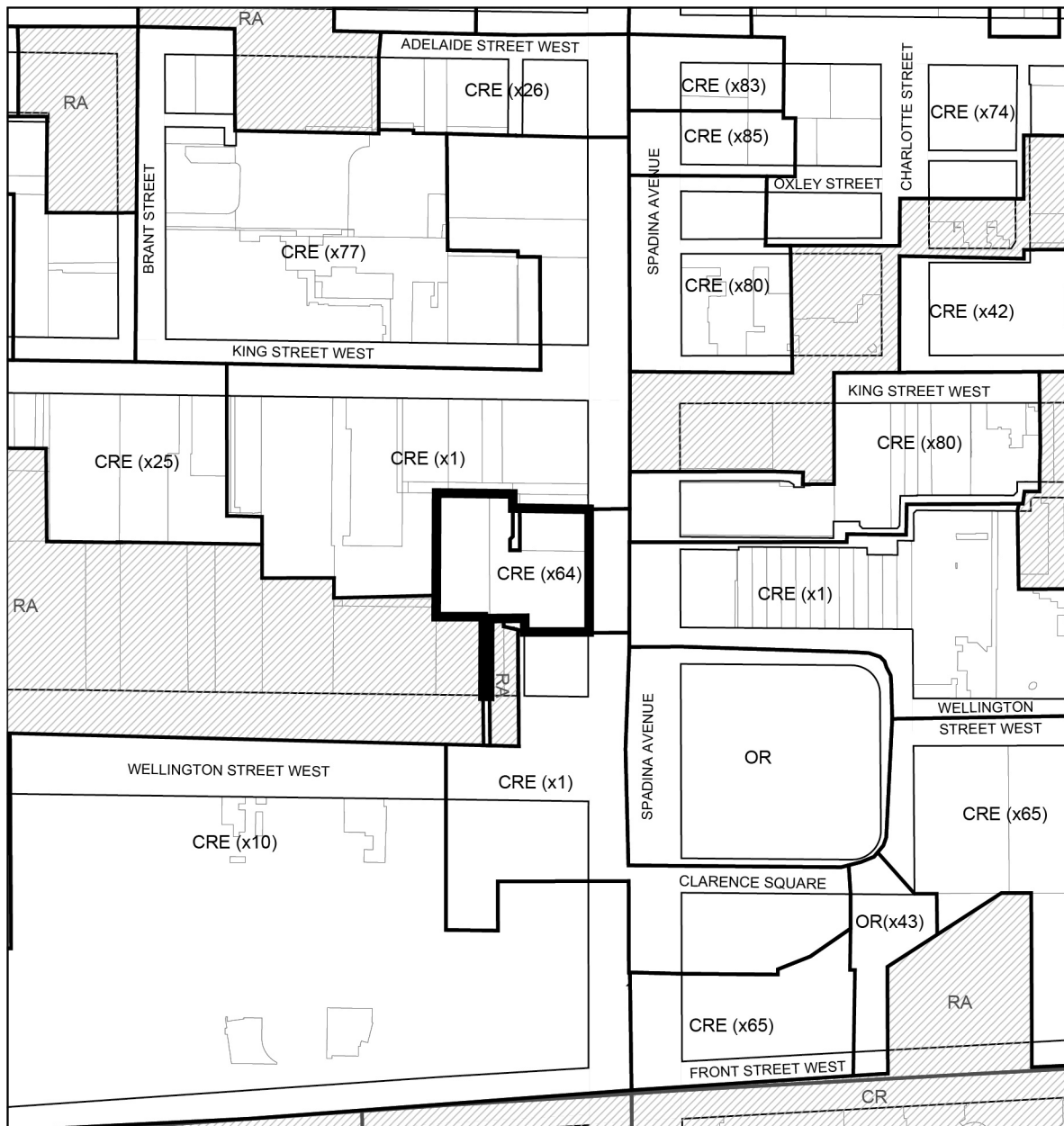


King-Spadina Secondary Plan

MAP 16-2 Land Use Map



Attachment 11: Existing Zoning By-law Map



Zoning By-law 569-2013

40-62 Spadina Avenue, 378 Wellington Street West

File # 22 188521 STE 10 02



Location of Application

R
CRE
OR

Residential
Commercial Residential Employment
Open Space Recreation



See Former City of Toronto By-law No. 438-86

RA Mixed-Use District
CR Mixed-Use District
T Industrial District



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