TORONTO

REPORT FOR ACTION

847-855 Kingston Road – Official Plan and Zoning Bylaw Amendment Application – Appeal Report

Date: March 18, 2025

To: Toronto and East York Community Council

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

Ward: 19 - Beaches-East York

Planning Application Number: 15 171595 STE 32 OZ

SUMMARY

On August 10, 2015, an Official Plan and Zoning By-law Amendment application was submitted seeking permission for a 7 storey mixed-use building with a height of 24.26 metres including the mechanical penthouse. The proposal included 4,420 square meters of total gross floor area with 124 square metres of retail space at grade and 29 residential units at 847-853 Kingston Road.

On December 29, 2022, the Applicant submitted a revised proposal after acquiring the adjacent property at 855 Kingston Road, to construct an 11 storey (38.2 metres, including mechanical penthouse) mixed-use building with retail at-grade, and 99 residential units at 847-855 Kingston Road.

On November 12, 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 appeal for the lands at 847-855 Kingston Road and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
- 2. City Council direct that in the event the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any Final Order 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 addressed all outstanding issues raised by Development Engineering as they relate to the Official Plan and Zoning By-law Amendment or the determination of whether holding provisions or other measures are required in the Zoning By-law Amendment, to the satisfaction of the Chief Engineer and Executive Director, Development Engineering;
- d) the applicant has addressed all outstanding issues raised by Toronto and Region Conservation Authority (TRCA), including as they relate to the appropriate development setback from the erosion hazard associated with the Glen Stewart Ravine, the conveyance of these lands subject to an erosion hazard to the City and a Ravine Stewardship Plan;
- e) the applicant has addressed all outstanding issues raised by Environmental Planning including submitting a revised Natural Heritage Impact Study, an associated Landscape Plan that addresses all issues related to the Glen Stewart Ravine and related buffers/setbacks, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f) the applicant has addressed all outstanding issues raised by Ravine and Natural Feature Protection and Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application including the submission of a Ravine Stewardship Plan, to the satisfaction of the Executive Director, Environment, Climate and Forestry; and
- g) any necessary studies, including those related to pedestrian level wind impacts and sun and shadow, have been completed, and their recommendations addressed to the satisfaction of the Chief Planner and Executive Director, City Planning and Executive Director, Development Review.
- 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

The application was first submitted and deemed complete on August 10, 2015 for a 7-storey mixed-use building with 26 units. Toronto and East York Community Council adopted the recommendations in the Preliminary Report on September 8, 2015. The report can be found here: https://secure.toronto.ca/council/agenda-item.do?item=2015.TE10.66

The owner of the property acquired the adjacent site at 855 Kingston Road in May 2020. In 2022, the applicant submitted a revised design seeking to construct a 11-storey mixed use building with 99 units.

The applicant appealed to the Ontario Land Tribunal (OLT) on November 12, 2024 (OLT Case No. OLT-24-000742), citing the lack of decision by the City on the Official Plan and Zoning By-law Amendment application. As of the date of this report, no specific hearing dates have been provided by the OLT.

THE SITE

Description

The site is located on the south west corner of Kingston Road and Beech Avenue. The site has an area of approximately 1,561 metres, a frontage of 45.46 metres and a depth of 35.94 metres. The site backs onto a steep valley slope associated with the Glen Stewart Ravine on the south west portion of the property. See Attachment 1 for the Location Map.

Existing Uses

The western portion of the site, from 847 to 851 Kingston Road, has one-storey single detached residential buildings. There is currently a one-storey commercial building containing an office use at 853 Kingston Road and a one and half storey office building at 855 Kingston Road that contains a small surface parking lot in the rear.

THE APPLICATION

Description

The proposal seeks to demolish the existing buildings on site and construct a new 11 storey mixed use building with a height of 33.2 metres (38.2 metres including the mechanical penthouse), 6,823 square metres of residential gross floor area, commercial space at grade, and two levels of underground parking are proposed.

Density

The proposal has a density of 4.6 times the area of the lot.

Dwelling Units

The proposal includes 99 residential dwelling units, comprised of 2 studio (2%), 56 one-bedroom (57%), 31 two-bedroom (31%), and 10 three-bedroom units (10%).

Non-Residential Uses

A total of 371 square metres of retail space is proposed along Kingston Road and Beech Avenue at grade.

Amenity Space

The application is proposing 171 square metres of indoor amenity space (1.73 square metres per unit) and 104.5 square metres of outdoor amenity space (1.1 square metres per unit), for a total of 275.5 square metres (2.78 square metres per unit) of amenity space.

Access, Parking and Loading

Residential pedestrian access is proposed along the eastern side of the building fronting Beech Avenue. The two retail entrances will be on Kingston Road and one on Beech Avenue. Vehicular access is proposed from Kingston Road to the underground parking entrance and loading space on the western side of the building. One Type "G" loading space is proposed to be internalized within the building.

A total of 109 bicycle parking spaces will be located at grade and on first underground parking level including 89 long-term spaces and 20 short-term spaces.

Additional Information

See the attachments of this report for the Application Data Sheet, Location Map, site plan, elevations, and 3D massing views 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/847-855Kingston

Reasons for the Application

The Official Plan Amendment (OPA) proposes to redesignate the western portion of the site from Neighbourhoods to Mixed Use Areas. In addition, the portion of land that is setback from the stable top of slope would be redesignated from Neighbourhoods to Natural Areas.

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

A Site Plan Control application will be required.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter must be consistent with the Provincial Planning Statement 2024 (PPS).

Official Plan Designation

The City's Official Plan Urban Structure Map 2 identifies the segment of Kingston Road as an Avenue and the Official Plan Right-of-Way Widths Associated with Existing Major Streets Map 3 categorizes the site as located on a Major Street.

The Official Plan Land Use Map 21 designates the site as Neighborhoods. See Attachment 7 of this report for the Land Use Map. The site is identified as part of the Natural Heritage System according to Map 9 of the Official Plan - Natural Heritage System (NHS) areas. It is also adjacent to an Environmentally Significant Area (ESA), as illustrated on Map 10 of the Official Plan - Environmentally Significant Areas. See Attachments 8 and 9 of this report for the NHS and ESA Maps. The ravine and portions of the property are also subject to the Ravine and Natural Feature Protection By-law and regulated under Ontario Regulation 41/24 as a result of the erosion hazard.

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. The Official Plan can be found here: https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/.

Zoning

The site is currently zoned as Residential, R(d 1.0) (x7) with a height limit of 14 metres. The maximum permitted density is one times the area of the lot. The residential zone category permits a range of residential building types including apartment buildings. The exemption to the Zoning By-law relates to permitting additional uses.

Design Guidelines

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

- Mid-Rise Design Guidelines (2024)
- Growing Up Guidelines for Children in Vertical Communities
- Pet Friendly Design Guidelines for High Density Communities
- Retail Design Manual
- Toronto Accessibility Design Guidelines

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

Avenues

On February 5, 2025, City Council adopted Official Plan Amendment (OPA) 778 which would extend and introduce new Avenues in proximity to transit to unlock more opportunities for residential housing units as part of the Housing Action Plan. OPA 778 would reinforce that the planned built form of Avenues is mid-rise, except areas that are in proximity to higher-order transit stations. OPA 778 proposes to add the area on Kingston Road from Hannaford Street to Queen Street East as an Avenue. OPA 778 has been appealed to the Ontario Land Tribunal and is not yet in-effect. The decision report and OPA can be found here: https://secure.toronto.ca/council/agenda-item.do?item=2025.PH18.5

On December 5, 2024, the Planning and Housing Committee (PHC) adopted the draft updated Mid-Rise Building Design Guidelines. The PHC requested the Executive Director, Development Review and the Chief Planner and Executive Director, City Planning use the updated Guidelines when evaluating mid-rise development proposals. The PHC also requested the Chief Planner and Executive Director, City Planning to continue to consult the public and stakeholders on the consolidated Mid-Rise Building Design Guidelines, in conjunction with the on-going Official Plan and Zoning By-law work programs for Avenues, and report back in 2025 with any recommended modifications. The decision can be found here:

https://secure.toronto.ca/council/agenda-item.do?item=2024.PH17.10

On November 13, 2024, City Council adopted the "Housing Action Plan: As-of-Right Zoning for Mid-Rise Buildings on Avenues and Updated Rear Transition Performance Standards - Final Report" and enacted zoning by-law 1260-2024. The zoning by-law amendment unlocks opportunities for new housing by enabling the as-of-right development of mid-rise buildings within the affected Avenues, through updated development standards for the Commercial-Residential (CR) zone that remove rear angular plane requirements and increase height and density permissions to align with the planned right-of-way width of the Avenues. Zoning by-law 1260-2024 has been appealed to the Ontario Land Tribunal and is not currently in effect. The decision report can be found at https://secure.toronto.ca/council/agenda-item.do?item=2024.PH16.1

Toronto Green Standard

The Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund).

COMMUNITY CONSULTATION

A Community Consultation Meeting was hosted by City staff on April 25, 2016 for the 7 storey mixed use building design iteration at the Beach United Church. Approximately 104 people attended an in-person community meeting. 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 discussion. Comments and questions included:

- Adverse Impacts to the Glen Stewart Ravine including construction noise and disrupting wildlife;
- Proposed height and density;
- Shadow impact;
- Construction management, particularly related to the timeline;
- Parking and traffic; and
- Public transit access and capacity.

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 for consistency with the Provincial Planning Statement, 2024 (PPS). In the opinion of staff, the proposal is not consistent with the PPS and has not sufficiently demonstrated consistency with the Natural Heritage and Natural Hazard policies in Chapters 4 and 5 of the PPS.

Land Use

In the opinion of staff, the proposal does not conform to the Official Plan particularly in regard to Sections 2.3.1 - Healthy Neighbourhoods, 3.1 - The Built Environment, 3.4 - The Natural Environment, and 4.5 - Mixed Use Areas policies as further described in this report. The built form, massing, and configuration of the site does not provide the required setback from the erosion hazard and ecological buffer from the Natural Heritage System (NHS) and Environmentally Significant Area (ESA) in keeping with the Official Plan policies.

The Natural Environment and the Glen Stewart Ravine

The proposal does not conform to Official Plan policies in section 3.4 and is not consistent with Toronto and Region Conservation Authority (TRCA) policies with respect to the erosion hazard setback and ecological buffer from the Glen Stewart Ravine. Adherence to these policies is necessary to protect natural features and functions associated with the ravine and effectively manage risk from associated natural hazards, such as erosion and slope instability.

The proposal does not provide adequate mitigation to address negative impacts associated with the proposed development and site alteration encroaching within the

feature limit of the Glen Stewart Ravine, an Environmentally Significant Area within the City's Natural Heritage System. An appropriate ecological buffer from the Environmental Significant Area and Natural Heritage System has not been provided.

The proposal does not provide an adequate development setback from the erosion hazard associated with the Glen Stewart Ravine. A zero-metre setback from long term stable top of slope is currently proposed where the Official Plan and TRCA policy requires a minimum 10 metre setback. Additionally, the current proposal does not satisfy TRCA policy and provide an erosion access allowance TRCA policy. The erosion access allowance is a horizontal allowance that provides emergency access to the erosion hazard, construction access for maintenance and emergencies, and protection against unforeseen or predicted external conditions.

TRCA staff recommend the lands located below the established long term stable top of slope limit and associated buffer be conveyed to public ownership to reduce the risk of natural hazards. These lands should be identified on a draft reference plan and their conveyance should be secured through the appropriate development agreement. A stewardship plan will be required for the setback or buffer area located within the property boundary and within the lands to be conveyed into public ownership. The current plans do not include a sufficient setback or buffer area.

The Natural Heritage Impact Study (NHIS) submitted in support of the proposal is deficient. To satisfactorily demonstrate conformity to relevant OP policies, the NHIS must be revised to address comments provided by the City and the TRCA.

Built Form

The proposed built form and massing does not conform to the Official Plan. The Official Plan directs growth to areas on mixed use Avenues that can accommodate residential intensification, indicating there should be a gradual transition to lower scale forms to fit with its existing and planned context.

The site includes sensitive natural heritage features to the west and south which require consideration in terms of setbacks and massing. The nature and extent of the slope on the Glen Stewart Ravine constrains where a structure may be located. The building coverage includes a large portion of the lot and encroaches into the setbacks from the long term stable top of slope.

There are two levels of below grade parking from which the base of the building rises. The second floor cantilevers over the base of the building at the north and south side and proposes no stepbacks until the seventh floor, providing an intrusive streetwall along Kingston Road and further encroaching into the natural heritage feature setback at the rear and west side of the site. The built form requires revisions to fit within the constraints of the site including an appropriate streetwall height. Staff consider the proposed built form and massing as overdevelopment given the context and site constraints.

Public Realm

The building is proposed to be setback approximately 2 metres from the north (front) property line, providing a 4.6 metre distance from building face to curb along the south side of Kingston Road. Along the western side of the front property line, a slightly larger front setback of 2.4 metres is proposed, providing for a 5 metre curb to building face setback.

The City's Mid-Rise Design Guidelines encourage a minimum of a 6 metre setback from building face to curb along primary streets to provide space for public realm improvements such as large-growing trees, street furniture, bicycle infrastructure, Toronto Transit Commission (TTC) shelters, and a 2.1 metre unobstructed pedestrian clearway. The current proposal also cantilevers back out into the public realm above the setback on the second floor, which impacts space for street tree canopy. The TTC has indicated that the streetscape will need to be reconfigured to accommodate a bus shelter. Given the information available to staff as of the date of this report, it is not clear whether a bus shelter and pedestrian clearway within the current front setback could be accommodated.

Staff have also requested that vehicular access be relocated from Kingston Road to Beech Avenue to allow for a continuous boulevard and pedestrian clearway with soft landscaping and trees along Kingston Road.

Sun, Shadow

This application has been reviewed against the Official Plan policies and Design Guidelines described in the Policy and Regulation Considerations section of the report. Staff have reviewed the Sun and Shadow Study and find the resulting shadow conditions are not acceptable. The proposed building casts shadows during the spring and fall equinox on the northern sidewalk on Kingston Road for most of the day. The Mid-Rise Design Guidelines suggests a minimum of five hours of sunlight on the public sidewalks are provided.

Access, Vehicular and Bicycle Parking and Loading

The Transportation Impact Study submitted in support of the application concludes that a slight increase in Peak Hour trips to and from the site are acceptable and no additional improvements to the traffic network are required.

Vehicular access to the parking garage and internalized loading space will be off Kingston Road. Transportation staff have indicated the access location is not acceptable and should be relocated to Beech Avenue to improve safety and provide a continuous and active retail frontage along Kingston Road.

A total of 32 vehicular parking spaces are proposed on two levels of underground parking consisting of 26 long-term and 6 short-term spaces. A total of 109 bicycle parking spaces (89 long-term, 20 short-term) are proposed. Short-term bicycle parking spaces will be provided at grade. The long-term bicycle parking spaces will be located on the first level of the underground parking garage. One Type G internalized loading space is proposed. The proposed parking and loading supply are acceptable.

Servicing

A Functional Servicing and Stormwater Management Report, Hydrogeological Report, and associated plans have been submitted in support of the application, and have been reviewed by Development Engineering. Revisions and additional information have been requested.

Should the OLT allow the Zoning By-law Amendment appeal in whole or in part, the Final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions and/or the posting of securities are required in the Zoning By-law amendment.

Housing Issues

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. This proposal is for a mixed use building with 99 residential units consisting of 2 (2%) studio, 56 one-bedroom (57%), 31 two-bedroom (31%), and 10 three-bedroom (10%) units. The housing unit mix proposed meets the Growing Up Guidelines.

Open Space/Parkland

In accordance with Section 42 of the Planning Act, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu, should the application be approved.

As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Tree Preservation

The Arborist Report submitted in support of the application indicates that there are 72 trees on or near the site. The proposed development will impact the tree canopy on and around the site including in the ravine area and would require permits to remove and injure by-law protected trees: five City-owned trees, eight trees within the Ravine and Natural Feature Protection Area are proposed to be removed and injury to a larger red oak tree with a 83 centimeter diameter would be required. A reduced building footprint with appropriate setbacks from the long term stable top of slope would reduce these impacts on the urban forest, which as currently proposed are not acceptable. A design with an appropriate setback buffer area will need to be naturalized as required by the Toronto Green Standard, ensuring any replanting requirements are met.

The applicant proposes the planting of three new deciduous trees along the boulevard on Beech Avenue, no new private trees on the site and two new trees in the setback from the long term stable top of slope. No new City trees are being proposed along Kingston Road given the substandard front setback. These conditions are not

acceptable: appropriate setbacks secured in the zoning envelope are required and allow for tree plantings along the site edges.

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.

The Toronto Green Standard also requires the applicant to submit a Ravine Stewardship Plan for the area within the long term stable top of slope and can include south and west portions of the proposed site. The Stewardship Plan will provide proposed planting details for new native plants and trees requiring that 50 percent must be native species to the area.

Further Issues

Community Planning may receive additional information regarding this application as a result of the appeal and involvement by potential parties and participants. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant following this report. Where required, staff may return to report back to City Council as necessary.

CONTACT

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SIGNATURE

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 - North East View Attachment 4: 3D Model - North West View

Attachment 5: Site Plan

Attachment 6: Ground Floor Plan

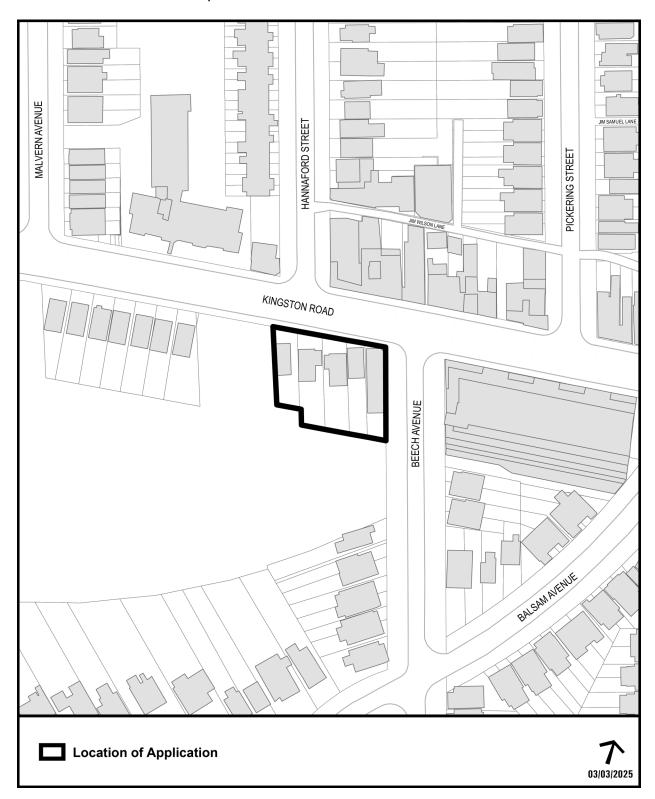
Attachment 7: Official Plan Land Use Map

Attachment 8: Official Plan Natural Heritage System Map

Attachment 9: Official Plan Environmentally Significant Areas Map

Attachment 10: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 847-855 Kingston Date Received: June 10, 2015

Road

Application Number: 15 171595 STE 32 OZ

Application Type: Official Plan and Zoning By-law Amendments

Project Description: An 11-storey mixed-use building with 99 residential units and

retail at grade. A total of 32 vehicle parking spaces, 109 bicycle

parking spaces and 1 Type G loading space are proposed.

Applicant Agent Architect Owner

Bousefields Inc. Gabriele Homes

Ltd.

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Ν

Provision:

Below Grade (sq m)

Zoning: R(d1.0)(x7)**Heritage Designation:** Ν

Height Limit (m): 14 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,273 Frontage (m): 37 Depth (m): 30

Building Data Existing Retained Proposed Total Ground Floor Area (sq m): 559 935 935 Residential GFA (sq m): 236 6,823 6,823 371 Non-Residential GFA (sq m): 453 371 Total GFA (sq m): 689 7,195 7,195 11 Height - Storeys: 2 11 38.2 38.2(Including (Including Height - Metres: MPH) MPH)

Lot Coverage Ratio 73.5 Floor Space Index: 5.65 (%):

Above Grade (sq m)

Residential GFA: 6.784 39

Retail GFA: 371

Floor Area Breakdown

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	-	-	-	-
Freehold:	3	-	-	-
Condominium:	-	-	99	99
Other:	-	-	-	-
Total Units:	3	-	99	99

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	-	-	-	-	-
Proposed:	-	2	56	31	10
Total Units:	-	2	56	31	10

Parking and Loading

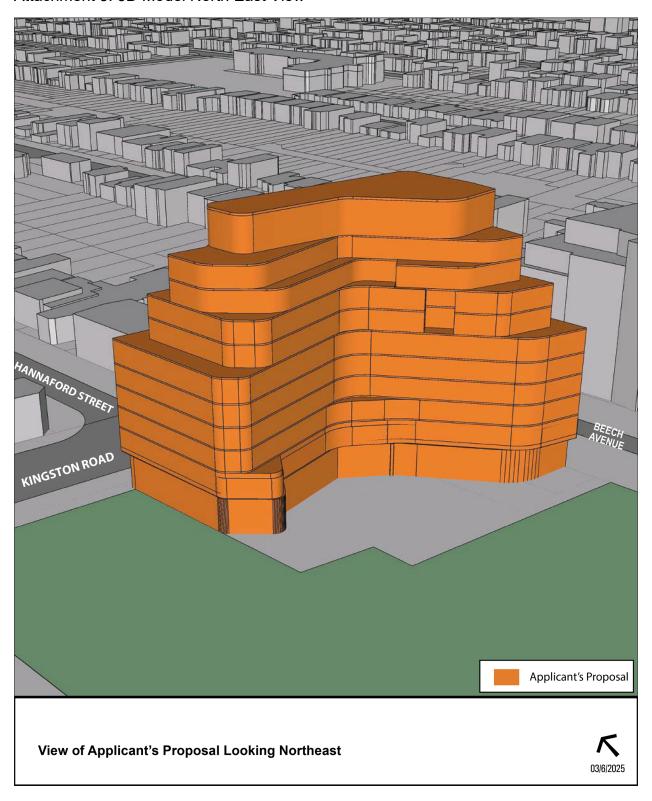
Parking Spaces: 32 Bicycle Parking Spaces: 109 Loading Docks: 1

CONTACT:

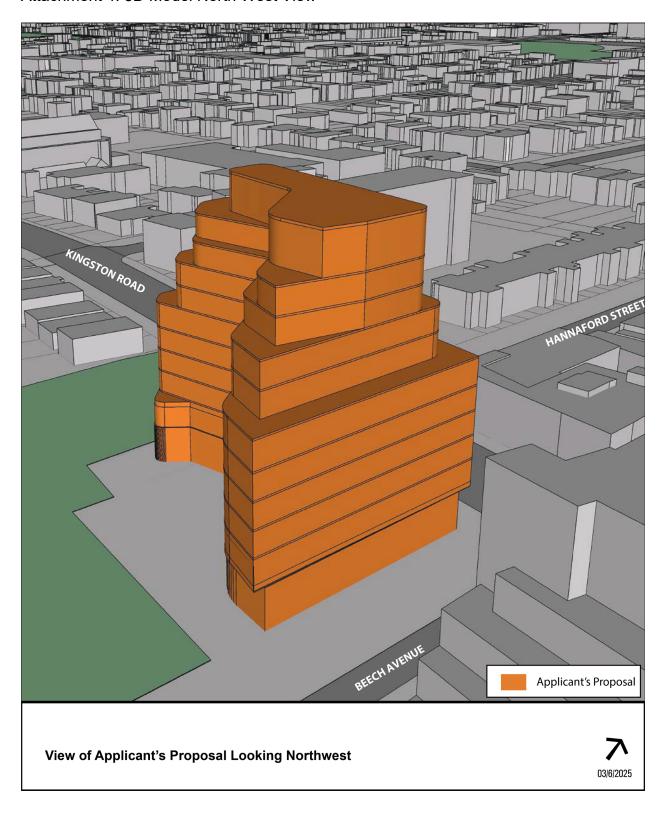
Sean Guenther, Community Planner 416-392-7371

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Attachment 3: 3D Model North East View



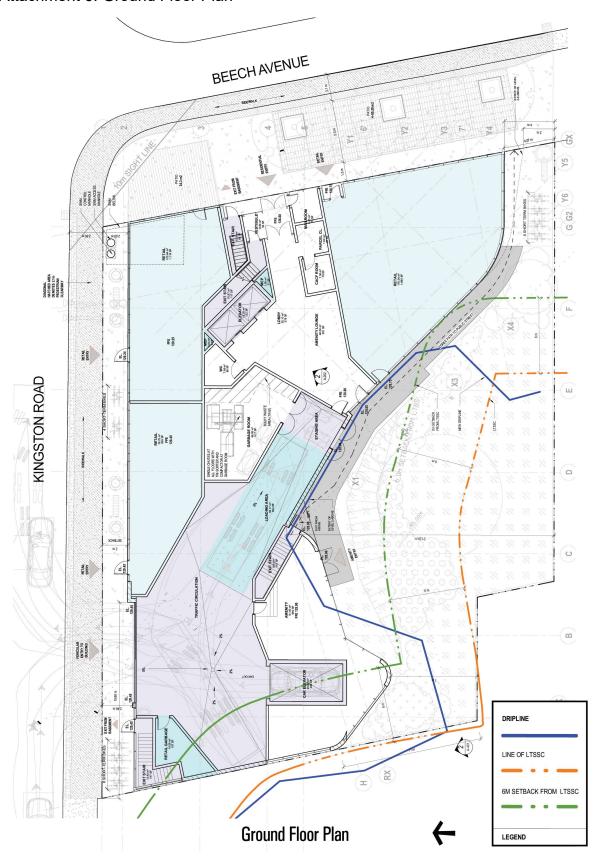
Attachment 4: 3D Model North West View



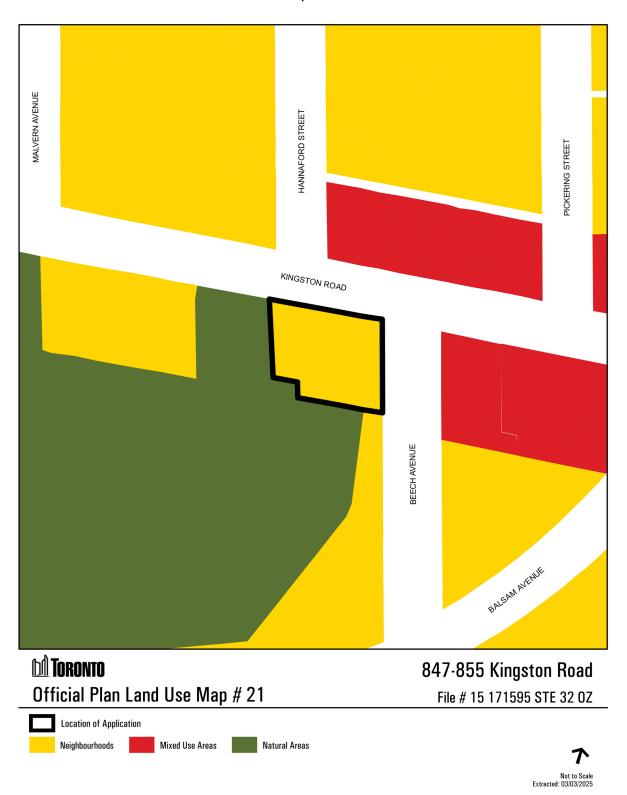
BEECH AVENUE RESIDENTIAL RETAIL ENTRANCE ENTRANCE 6 STOREY 10 STOREY RETAIL ENTRANCE KINGSTON RD RESIDENTIAL/ MPH -11 STOREY $6\,STOREY$ RETAIL ENTRANCE AMENITY ENTRANCE 8 STOREY VEHICLE ENTRANCE 8 STOREY (TERRACE AT L-9) 1 STOREY 10 STOREY (TERRACE ATL-11) XI XI SSTORET



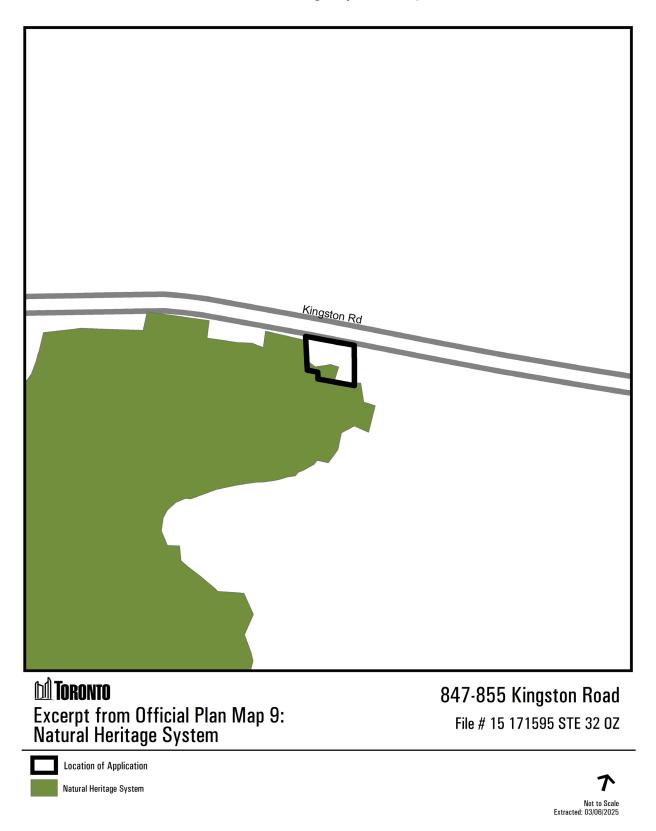
Attachment 6: Ground Floor Plan



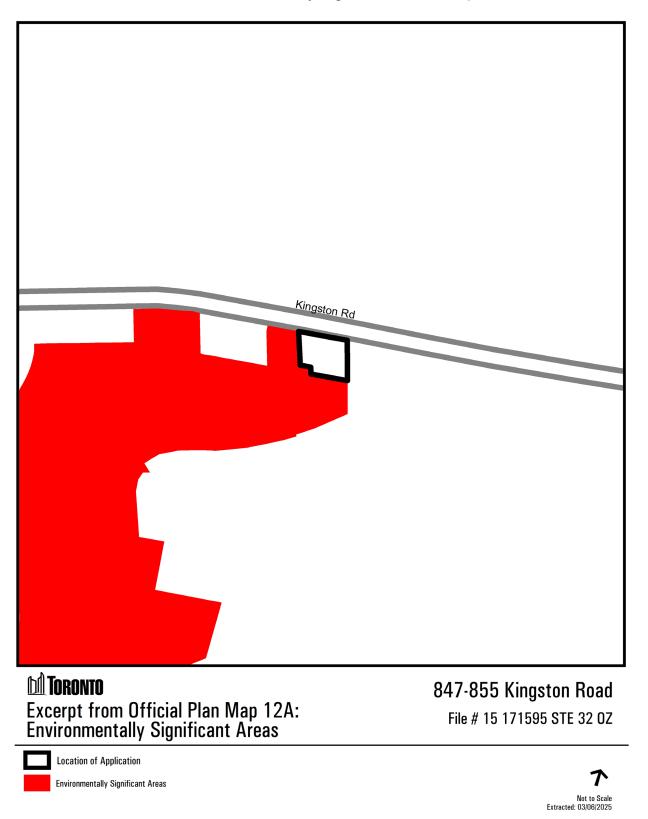
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