

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 23, 2024

CASE NO(S).: OLT-22-004241

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: 8185 Bridgeport Inc.
Subject: Request to amend the Official Plan – Failure to
adopt the requested amendment
Description: To permit 3 mixed-use towers with shared
podiums
Reference Number: OPA 36
Property Address: 81 – 85 Bridgeport Road East
Municipality/UT: City of Waterloo
OLT Case No: OLT-22-004241
OLT Lead Case No: OLT-22-004241
OLT Case Name: 8185 Bridgeport Inc. v. Waterloo (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: 8185 Bridgeport Inc.
Subject: Application to amend the Zoning By-law –
Neglect to make a decision
Description: To permit 3 mixed-use towers with shared
podiums
Reference Number: Z-22-05
Property Address: 81 – 85 Bridgeport Road East
Municipality/UT: City of Waterloo
OLT Case No: OLT-22-004242
OLT Lead Case No: OLT-22-004241

Heard: November 17, 2023, by video hearing

APPEARANCES:**Parties**

8185 Bridgeport Inc.

City of Waterloo

Region of Waterloo

Counsel

Jennifer Meader

Susan Smith

Fiona McCrea

**MEMORANDUM OF DECISION DELIVERED BY GREGORY J. INGRAM AND
ORDER OF THE TRIBUNAL**

[Link to Final Order](#)**INTRODUCTION AND BACKGROUND**

[1] 8185 Bridgeport Inc. (“Applicant”) filed an appeal resulting from the City of Waterloo (“City”) failure to make a decision within the statutory timeframe for an Official Plan Amendment (“OPA”) pursuant to s. 22(7) and a Zoning By-law Amendment (“ZBA”) pursuant to s. 34(11) of the *Planning Act* (“Act”). The lands that are the subject of the applications are located at the municipal address 81 and 85 Bridgeport Road East (the “Subject Lands”) and the proposal is to redevelop the Subject Lands with a mixed-use building comprised of three-residential towers having heights ranging from 16 to 22 storeys joined by a six-storey podium base. The development proposed 494 residential units, 600 square metres (“m²”) of ground-floor commercial space, and 508 parking spaces (“Proposed Development”). A small section of the Subject Lands is part of the Laurel/Clair Creek Special Policy Area (“LCPA”).

[2] In the original Application submitted on March 22, 2022, the OPA proposed that the Subject Lands, outside of the LCPA, be redesignated from medium-density 40 metres (“m”) to high-density 81 m and the ZBA proposed a change in zoning from Mixed-Use Community Commercial C1-40 to Mixed-Use Community Commercial C1-60 and C1-81 for portions of the Subject Lands and include the following site-specific

exceptions:

- a. A maximum horizontal tower dimension for Tower B of 51 m where 40 m is permitted;
- b. A residential parking rate of 0.9 spaces per unit where 1. spaces per unit is required;
- c. A non-residential parking rate of 2.4 spaces per 100 m² where 3.2 spaces per 100 m² are required.

[3] On May 9, 2022, an “Informal Public Meeting” was held at the City of Waterloo Council Meeting where the Applications, as submitted, were presented to the public and Council for information. No decision was made by the City. The Grand River Conservation Authority (“GRCA”) indicated that they had no objections to the applications prior to the May 9, 2022 meeting.

[4] No formal comments were received from the City or Regional Municipality of Waterloo (“Region”) by the by the Appellant before their Appeal was submitted to the Tribunal on July 26, 2022.

[5] A Case Management Conference (“CMC”) was held on **Wednesday, February 8, 2023**, regarding this Appeal. At the CMC the Procedural Order (“PO”) was approved and a 14-day hearing was set. The Parties indicated that they were willing to work together toward negotiating a settlement of the matter.

[6] In April 2023, settlement discussions between the Parties began. The Tribunal was notified of a settlement between the Parties on November 1, 2023, and received a copy of the Minutes of Settlement dated November 3, 2023. The Parties requested that the days scheduled for the hearing be released except for the final day so that the settlement proposal could be brought to the Tribunal.

LOCAL AND SURROUNDING AREA CONTEXT

[7] The Subject Lands are .987 hectares in size and have frontage on Bridgeport Road East and are located west of Weber Street North and east of Devitt Avenue. They are in an area with a broad mix of uses and within walking distance of the downtown area commonly referred to as “Uptown Waterloo”. The commercial uses and services nearby include grocery and department stores, automotive and a variety of restaurants. The Tribunal heard that there are plans for residential intensification in the area further to the east of the Subject Lands and that other residential development to the west of the Subject Lands is generally low-rise and mid-rise in character.

[8] The transportation routes around the Subject Lands connect the property to the downtown core and neighbouring communities while also providing easy pedestrian movement using transit, cycling, or walking.

[9] The LCPA encompasses a small portion of the Subject Lands, and the Tribunal was informed that no structures are proposed at grade within the floodplain.

PROPOSED SETTLEMENT

[10] The Minutes of Settlement proposes an OPA and ZBA which reflect the original Application (see paragraph 2) with the added inclusion of a new Specific Provision Area Policy (“SPAP”) in the OPA to regulate the maximum permitted height of each tower and additional site-specific provisions (C47) added to each proposed zoning of the lands change.

[11] The site-specific provisions include:

- a. Regulations for building height, including the height of the podium, and width of each tower;

- i. Podium: maximum six storeys (21.5 m)
 - ii. Tower A: maximum 27 storeys (89 m); Width max. 40 m
 - iii. Tower B: maximum 18 storeys (60.5 m); Width max. 43 m
 - iv. Tower C: maximum 16 storeys (54 m); Width max. 40 m
- b. A requirement for a minimum commercial floor area of 475 m²;
 - c. A maximum permitted density of 750 bedrooms per hectare for the portion of the lands zoned C1-60;
 - d. Regulations for minimum resident, visitor, and non-residential parking;
 - i. Residential: 0.80 spaces per dwelling unit
 - ii. Visitor: 0.10 visitor spaces per dwelling unit
 - iii. Non-Residential: 2.4 spaces per 100 m² of building floor area
 - e. Regulations to permit a portion of the parking structure to be located adjacent to the useable floor area at the front of the building.
 - f. Regulations that permit the tower at the rear of the site to be built first.

[12] Exception C47 requires the preparation of a Flood Emergency Plan before the development of lands.

[13] The Settlement reflects the following specific changes from the original proposal:

- a. A maximum horizontal tower dimension of Tower B will have a maximum of 43 m whereas 51 m was originally requested.
- b. Residential parking rate will be set at 0.8 spaces per dwelling unit whereas 0.9 was originally requested.

- c. The maximum height of tower one was increased to 27-storey (89 m).
- d. Reduction in commercial building floor area from 600 m² to 475 m².
- e. Increase in dwelling units from 494 to 517.
- f. Increase in the number of parking spaces from 508 to 513.
- g. Addition of 321 bicycle parking spaces.

LEGISLATIVE CONTEXT

[14] On this appeal, the Tribunal must be satisfied that the proposed OPA and ZBA are representative of good planning and in the public interest. Concerning the specific legislative tests to be met, the Tribunal must be satisfied that the proposed OPA and ZBA are consistent with the Provincial Policy Statement, 2020 (“PPS”), and conform with or do not conflict with A Place to Grow: Growth Plan for the Greater Golden Horseshoe Area (“Growth Plan”). Additionally, the proposed OPA and ZBA must conform with the applicable official plans, in this case, the Region Official Plan (“ROP”) and City Official Plan (“COP”). Finally, the Tribunal must have regard to matters of Provincial interest set out in s. 2 of the Act, and to the information and materials that the City Council received concerning the matters under s. 2.1(2) of the Act.

HEARING

[15] Counsel for the Appellant, on the consent of the City and the Region, informed the Tribunal that a settlement proposal was reached before the scheduled start of this hearing. Counsel requested that the settlement proposal be heard and that the Tribunal approve the OPA and ZBA found in Schedule A in the Minutes of Settlement.

[16] As evidence at the hearing, the Tribunal received the following exhibits, which were identified during the hearing:

- Exhibit 1: Affidavit of Trevor Hawkins
- Exhibit 2: The Document Book
- Exhibit 3: Minutes of Settlement
- Exhibit 4: Architectural Plans
- Exhibit 5: Affidavit of Maxwell Kerrigan

[17] In support of the proposed OPA and ZBA, and the settlement proposal the Appellant asked that Trevor Hawkins, a Registered Professional Planner in the Province of Ontario, be qualified in land use planning. Counsel for the City requested that Maxwell Kerrigan, a Registered Professional Planner in the Province of Ontario and currently Senior Development Planner / Urban Designer in the Planning Department of the City be qualified in land use planning and urban design. The Tribunal granted both requests with the consent of the Parties.

[18] Mr. Hawkins provided a comprehensive contextual and planning rationale in support of the Proposed Development. He opined that the proposed OPA and ZBA, which would facilitate the Proposed Development, satisfy all requisite legislative tests described above. Mr. Kerrigan provided additional details related to the settlement proposal and testified that all requisite legislative tests have been satisfied with the proposed settlement.

EVIDENCE

The Planning Act

[19] In consideration of s.2 of the Act, Mr. Hawkins indicated that the Proposed Development has appropriate regard for relevant matters of provincial interest with respect to the proposed OPA and ZBA. Specifically, he referred the Tribunal to s.2(e) to s.2(s). He opined that the Proposed Development provides a range of housing options

(one, two and three-bedroom units), is in an appropriate location for growth, is well designed, provides public spaces, employment opportunities and development, and is pedestrian friendly with options for walking and/or the use of public transportation. He also indicated that the proposal can be supported by existing municipal infrastructure and other municipal amenities nearby such as parks and recreation facilities. He contended that it will be an orderly development that provides new mixed-use options that are appropriately integrated into the existing infrastructure.

[20] Regarding the protection of public health and safety, most of the development, including multiple entrances and the easterly vehicular entrance are located outside of the floodplain covered by the LCPA. The GRCA confirmed that they had no objections to the development proposal.

Provincial Policy Statement, 2020 (“PPS”)

[21] Mr. Hawkins opined that the proposed OPA and ZBA are consistent with the PPS and noted that they encourage development patterns that support diverse, healthy, and liveable communities by encouraging intensification at appropriate locations, accommodating growth and increasing urban vitality. He referred to the creation of a mix of housing, the use of underutilized lands and existing infrastructure as further evidence of the proposal's consistency with the PPS. It was Mr. Hawkins' opinion that the existence of multiple transit routes provides easy access to services and employment in addition to the services and employment opportunities close to the Subject Lands.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”)

[22] Mr. Hawkins proffered that the Proposed Development conforms with the Growth Plan and in particular, the guiding principles in s. 2.2.1 and 2.2.2 concerning growth occurring in settlement and built-up areas. He opined that the Proposed Development contributes to the creation of a complete community with its “diverse mix

of uses, including residential and employment, convenient access to local stores, services and public service facilities” (Exhibit 1).

[23] He proffered that the development would assist the City and the Region to meet its 50 percent intensification target in delineated built-up areas.

Region Official Plan (“ROP”)

[24] Mr. Hawkins opined that the proposed settlement conforms with the ROP and in particular the general objectives supporting transit, development of complete communities, protection of the natural environment and respecting the scale, character, and context of established neighbourhoods.

[25] Mr. Hawkins indicated that the Subject Lands are in a Major Node which is a planned focal point of growth. It is also in an Urban/Built-up area as designated on Map 3A of the ROP. He noted that the Proposed Development is on a planned transit corridor and an existing transit corridor which directly conforms with the objectives of the ROP. He proffered that the development assists the Region in meeting its re-urbanization target of 45 percent as the proposal is being built in a designated Built-Up area.

[26] Mr. Hawkins referred to s. 2.D.1 of the ROP and provided an overview of all the elements of the proposal that demonstrate its conformity with the ROP. In particular, he referenced its frontage on an arterial road which supports auto and bicycle use, its compact urban form, the large service parking areas and a range of residential and commercial units.

City Official Plan (“COP”)

[27] Mr. Hawkins opined that the proposed OPA meets the intent and purpose of the goals and objectives of the COP, is appropriate for the Subject Lands, and represents

good planning.

[28] Mr. Hawkins informed the Tribunal that the Subject Lands have seven designations in the COP including commercial, natural hazards, city structure, height and density, road type classification, and cycling routes.

[29] Mr. Hawkins referred to s. 3.6.6 of the COP and opined that the specific elements of the development related to parking that is generally out of sight from the public, indoor bicycle storage, the location on a regional road with existing transit and the reduced need to use automotive transportation due to the proximity to a wide range of commercial and employment land uses are all excellent examples of how the Proposed Development supports the goals and objectives of the COP.

[30] Mr. Hawkins proffered that the proposed land uses are permitted in the COP given the mixed-uses the development proposes and the placement of commercial uses on the ground floor and residential units above. The commercial use is further complimented by neighbouring commercial uses within the same Major Node.

[31] Regarding the LCPA designation on part of the property, Mr. Hawkins indicated that s. 8.4.2 (4) “states that development or site alteration may be permitted within a floodplain when a Special Policy Area has been approved by the Province.” Further, he indicated that all habitable floor space and building services must be above the elevation of the flood plain. He opined that given that no residential units are proposed for the ground floor and that the electrical and mechanical rooms are located outside of the floodplain, the proposal meets the requirements of the LCPA.

Zoning By-law (“ZBA”)

[32] Mr. Hawkins indicated the proposed ZBA as outlined in the Minutes of Settlement proposes to rezone the Subject Lands from the existing C1-40 zone to the C1-60 and C1-81 zones. The lands within the Special Policy Area are not proposed to change and

will remain zoned C1-40.

[33] Considering the ZBA, Mr. Hawkins opined that the proposed changes are appropriate and represent good planning. He proffered that the proposal is similar to the zoning of nearby properties with respect to parking and commercial uses. He also opined that the building dimensions are appropriate as they allow a variety of unit sizes and do not impact adjacent lands as shadows will generally fall to the north of the property.

[34] Mr. Kerrigan told the Tribunal that the “original proposed development was revised to reduce the height of Tower B to more appropriately transition height to surrounding lands to the south and west.” In addition, Tower B was reduced in width from what was originally proposed to be more in keeping with the City’s built-form standards in Zoning By-law No. 2018-050.

[35] Mr. Kerrigan opined that the matters related to urban design were also important to the final proposal. He told the Tribunal that the public realm will be enhanced along Bridgeport Road East and that the development will demonstrate “high-quality urban design and architectural detail.”

ANALYSIS AND DISPOSITION

[36] The Tribunal, having heard uncontroverted expert opinion evidence in the area of land use planning and urban design in support of a settlement among the Parties, is satisfied that the OPA, ZBA, Minutes of Settlement, and the Proposed Development they facilitate, have appropriate regard for matters of provincial interest, are consistent with the PPS, conform with the Growth Plan, the ROP and COP, represent good planning, and are in the public interest.

BILL 150

[37] Since the conclusion of the hearing held by the Tribunal, and before the issuance of this decision, the Tribunal reached out to the Parties to seek input if the passing of *Bill 150, Planning Statute Law Amendment Act, 2023*, which enacts the *Official Plan Adjustments Act, 2023* (“OPAA”), which received Royal Assent on December 6, 2023, had any impacts on the potential outcome of this matter. Counsel for the 8185 Bridgeport Inc. responded to the Tribunal and on behalf of the other Parties indicating that Bill 150 does not impact the matter that was heard.

ORDER

[38] **THE TRIBUNAL ORDERS** that the appeal filed by 8185 Bridgeport Inc. with respect to its Official Plan Amendment application to the City of Waterloo Official Plan is hereby allowed in part;

[39] **THE TRIBUNAL ORDERS** that the appeal filed by 8185 Bridgeport Inc. with respect to its Zoning By-law Amendment application to the City of Waterloo Zoning By-law is hereby allowed in part;

[40] **THE TRIBUNAL FURTHER ORDERS** that the proposed amendments to the City of Waterloo Official Plan and the City of Waterloo Zoning By-law No. 2018-050 are hereby approved as set out in Appendices A and B to this Order;

[41] **THE TRIBUNAL FURTHER ORDERS** that in the event there are issues arising from the implementation of this Order, the Tribunal may be spoken to.

“Gregory J. Ingram”

GREGORY J. INGRAM
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

APPENDIX A**BY-LAW NO. 2023 -****BY-LAW TO AMEND THE OFFICIAL PLAN OF
THE CITY OF WATERLOO PLANNING AREA**

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 17 AND 21 OF THE PLANNING ACT, R.S.O. 1990 AND AMENDMENTS THERETO, BY ORDER OF THE ONTARIO LAND TRIBUNAL, CASE NO. OLT-22-004241, HEREBY ENACTS AS FOLLOWS:

1. The explanatory text and amending schedule constituting Amendment No. 36 to the Official Plan of the City of Waterloo Planning Area is hereby adopted.
2. This by-law shall come into force and effect on the date of its final passing.

PART B - THE AMENDMENT

All of this part of the document entitled PART B – THE AMENDMENT consisting of the following explanatory text and amending schedule, referred to as “Details of the Amendment”, constitutes

Amendment No. 36 to the Official Plan of the City of Waterloo Planning Area.

DETAILS OF THE AMENDMENT

The Official Plan of the City of Waterloo Planning Area is hereby amended as follows:

1. That the lands identified as “Lands to be re-designated from “*Medium High Density, 40 Metres*” to “*High Density, 81 Metres*” as shown on Image 1 hereto be designated as follows:
 - (a) re-designated from “*Medium High Density, 40 Metres*” to “*High Density, 81 Metres*” on Schedule ‘B1’ (Height and Density).

Policy 3.4(3) of this Plan shall continue to apply.

2. That the lands identified as “Limits of Specific Provision Area 78” on Image 2 hereto be designated as “SPA 78” on Schedule ‘A6’ (Specific Provision Areas).
3. That the Official Plan of the City of Waterloo be amended by adding a new Specific Provision Area as follows:

11.1.78 Specific Provision Area 78 (81 and 85 Bridgeport Road East)

(1) The policies of this Specific Provision Area apply to part of the lands known as 81 and 85 Bridgeport Road East, being the lands outside of the Laurel Clair Special Policy Area, shown as SPA 78 on Schedule ‘A6’ – Specific Provision Areas.

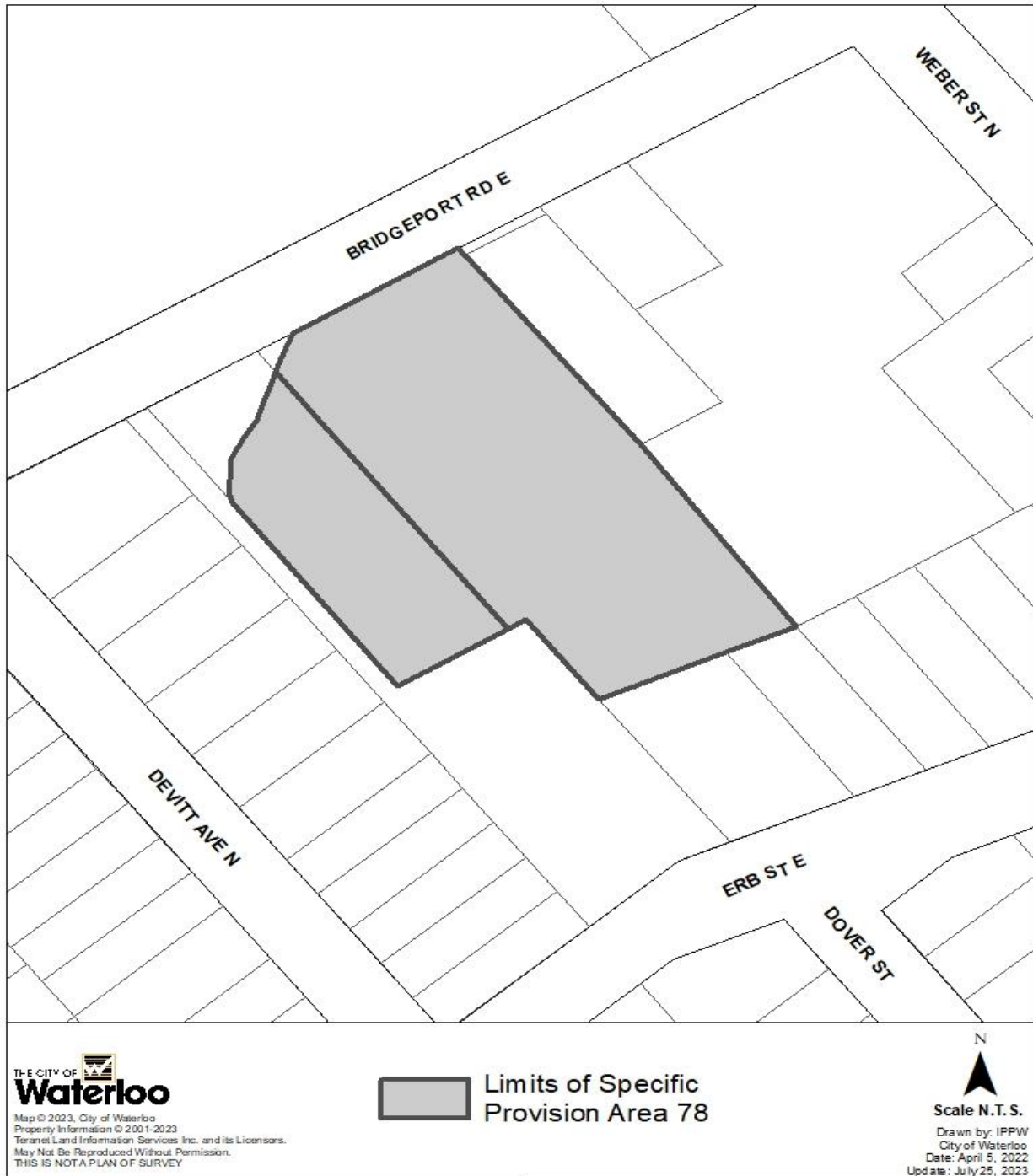
(2) If the lands known as 81 and 85 Bridgeport Road East are redeveloped in accordance with this Plan including the Mixed Use Community Commercial designation herein, as a multistorey, mixed-use development, notwithstanding anything to the contrary, the following policies shall apply:

- (a) a maximum of three (3) high rise towers shall be permitted;
- (b) one (1) high rise tower may have a maximum building height of 27 storeys and 89 metres inclusive of the podium, as specified in the implementing Zoning By-law;
- (c) one (1) high rise tower may have a maximum building height of 18 storeys and 60.5 metres inclusive of the podium, as specified in the implementing Zoning By-law; and
- (d) one (1) high rise tower may have a maximum building height of 16 storeys and 54 metres inclusive of the podium, as specified in the implementing Zoning By-law.

IMAGE 1



IMAGE 2



APPENDIX B
BY-LAW NO. 2023 –
BY-LAW TO AMEND BY-LAW NO. 2018-050 BEING A ZONING BYLAW
CONTROLLING LAND USE DEVELOPMENT WITHIN THE
CITY OF WATERLOO
81 and 85 Bridgeport Road East

WHEREAS

1. By-law 2018-050 was passed by the Council of The Corporation of the City of Waterloo on September 10, 2018 and is in full force and effect.
2. Official Plan Amendment No. 36 and Zoning By-law Amendment Z-22-05 were appealed to the Ontario Land Tribunal pursuant to subsections 22(7) and 34(11) of the Planning Act, R.S.O. 1990 c.P.13 (OLT Case Nos. OLT-22-004241 and OLT-22-004242).
3. The Ontario Land Tribunal deems it desirable to amend By-law 2018-050 in accordance with the provisions of this by-law.

THEREFORE, THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO, BY ORDER OF THE ONTARIO LAND TRIBUNAL, CASE NO. OLT-22- 004242, ENACTS AS FOLLOWS:

1. That Zoning By-law 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as "Lands to be re-zoned from Mixed Use Community Commercial 40 (C1-40) to Mixed Use Community Commercial 40 (C1-40) with site specific provisions" on Schedule 'A' attached hereto, from "*Mixed Use Community Commercial 40 (C1-40)*" to "*Mixed Use Community Commercial 40 (C1-40)*" with site specific provisions as contained herein.

2. That Zoning By-law 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as "Lands to be re-zoned from "Mixed Use Community Commercial 40 (C1-40) to Mixed Use Community Commercial 60 (C1-60) with site specific provisions" on Schedule 'A' attached hereto, from "*Mixed Use Community Commercial 40 (C1-40)*" to "*Mixed Use Community Commercial 60 (C1-60)*" with site specific provisions as contained herein.

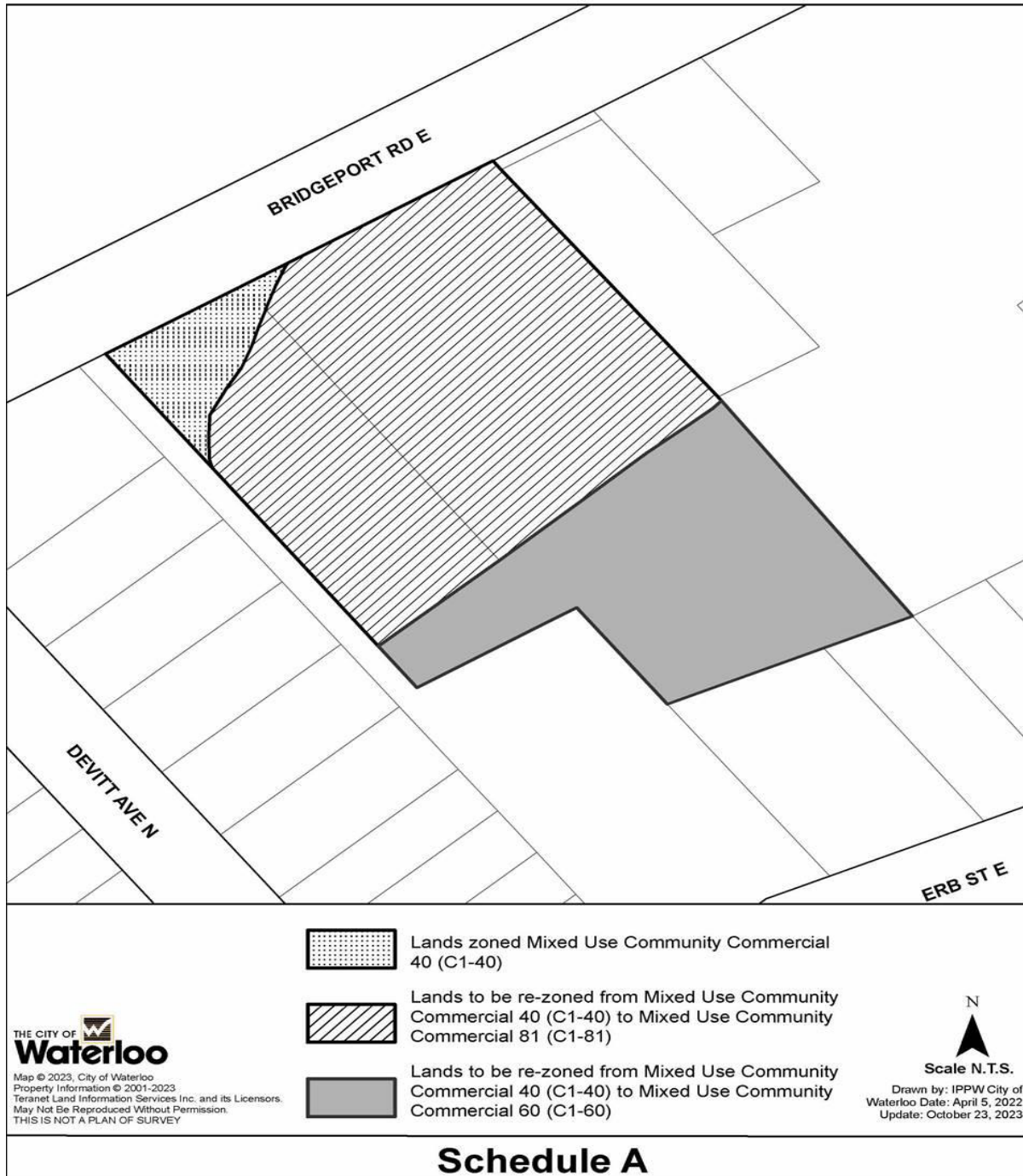
3. That Zoning By-law 2018-050 is hereby amended by changing the zoning category as shown on the Zoning Map attached to the said By-law No. 2018-050 as Schedule 'A', for the lands identified as "Lands to be re-zoned from "Mixed Use Community Commercial 40 (C1-40) to Mixed Use Community Commercial 81 (C1-81) with site specific provisions" on Schedule 'A' attached hereto, from "*Mixed Use Community Commercial 40 (C1-40)*" to "*Mixed Use Community Commercial 81 (C1-81)*" with site specific provisions as contained herein.

4. That Zoning By-law 2018-050 is hereby amended by replacing "C47" to Schedule 'C' of said By-law 2018-050, which is applicable to the "Subject Property" as shown in Schedule 'B' attached hereto, with "C47" set forth in Schedule 'C' attached hereto.

5. This by-law shall come into force and effect on the date of its final passing thereof by Order of the Ontario Land Tribunal and the final passing of Amendment No. 36 to the Official Plan of the City of Waterloo Planning Area by the Ontario Land Tribunal, and in accordance with the Planning Act, R.S.O 1990 c.P.23 and amendments thereto.

Schedule 'A'

This is Schedule 'A' to By-law No. 2023 - □ passed this □ day of □, 2023.



SCHEDULE 'B'

This is Schedule 'B' to By-law No. 2023 passed this day of , 2023.



SCHEDULE 'C'

This is Schedule 'C' to By-law No. 2023-□ passed this □ day of □, 2023.

Exception	Address	Zoning	File Reference
C47	81 and 85 Bridgeport Road East	C1-40, C1-60, C1-81	OPA 36 Z-22-05 OLT-22-004241 OLT-22-004242

Location: 81 and 85 Bridgeport Road East as shown on Schedule 'A' and Schedule 'B' to By-law No. 2023-□

Site Specific Regulations:

a) Notwithstanding anything to the contrary, the following site specific provisions shall apply to a multistorey, mixed-use development on the Lands:

- i. the minimum BUILDING FLOOR AREA devoted to one or more commercial uses specified in 8.3.1.1 and 8.3.1.3 of the Mixed Use Community Commercial (C1) zone shall be 475 square metres;
- ii. within Area A as shown on Image 1 herein, the maximum BUILDING HEIGHT of a TOWER shall be 27 storeys and 89 metres inclusive of the PODIUM;
- iii. within Area B as shown on Image 1 herein, the maximum BUILDING HEIGHT of a TOWER shall be 18 storeys and 60.5 metres inclusive of the PODIUM;
- iv. within Area C as shown on Image 1 herein, the maximum BUILDING HEIGHT of a TOWER shall be 16 storeys and 54 metres inclusive of the PODIUM;
- v. the maximum BUILDING HEIGHT of a PODIUM shall be 6 storeys and 21.5 metres;
- vi. the maximum HORIZONTAL TOWER DIMENSION shall be:
 - A. 40 metres within Area A as shown on Image 1 herein;
 - B. 43 metres within Area B as shown on Image 1 herein;
 - C. 40 metres within Area C as shown on Image 1 herein;
- vii. notwithstanding Table 8F, for the portion of the Lands zoned Mixed Use Community Commercial 60 (C1-60), the maximum density shall be 750 BEDROOMS per hectare;

viii. the minimum PARKING SPACE regulations shall be:

A. Residential:

1. Residential: 0.80 PARKING SPACES per DWELLING UNIT
2. Residential Visitor: 0.10 visitor PARKING SPACES per DWELLING UNIT

B. Non-Residential: 2.4 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA

ix. regulations 8.3.11(b) and 8.3.11(c) in the Mixed Use Community Commercial (C1) zone shall not apply within Area D as shown on Image 1 herein.

x. regulations 8.3.11(a), 8.3.11(b) and 8.3.11(c) shall not apply to a BUILDING that is setback a minimum 45 metres from the STREET LINE.

b) In addition to any other provision in the BY-LAW, the following USES shall be prohibited unless a FLOOD EMERGENCY PLAN is provided for the BUILDING or STRUCTURE, to the satisfaction of the City and the Region:

- residential uses, including DWELLING UNITS
- HOTEL, provided further that all hotel rooms where individuals sleep shall be located above the elevation of the REGULATORY FLOOD

For purposes of this provision, FLOOD EMERGENCY PLAN shall be defined as follows:

FLOOD EMERGENCY PLAN - means a comprehensive flood emergency plan, and flood emergency procedures, prepared by a qualified professional, to address at a minimum the matters set out below, including how residents and occupants will be informed of safe access and flood event protocols, and evacuation and re-entry procedures before, during and after a flood event for the purposes of safeguarding persons, animals and property. A FLOOD EMERGENCY PLAN shall include, but not be limited to:

- strategies and systems to protect occupants and visitors to the site
- address how individuals will be informed of safe access protocols and emergency procedures for evacuation, re-entry, and shelter-in-place measures to avoid and mitigate damage to property

- emergency preparedness recommendations and directives for occupants of the building
- methods to ensure building occupants have knowledge of the flood emergency protocol
- provisions to ensure that, commencing upon 1st occupancy, the Owner will maintain up-to-date emergency contact lists, including owner/board, property manager(s), security persons, concierge persons, relevant agencies, utilities, contractors, and consultants (including roles and responsibilities)
- provisions to ensure that, commencing upon 1st occupancy, the Owner will maintain an up-to-date list of residents (including identification of those requiring special assistance)
- standard operating procedures for maintenance of emergency entrances/exits, alarm systems, voice communication systems, lighting, extinguishers, utility shut-offs, elevators, and emergency generators
- provisions requiring that, prior to 1st occupancy, the Owner establish, identify and maintain an emergency command centre, assembly areas, first aid areas
- protection and location of building documents, including the emergency contact lists, list of residents, and standard operating procedures, at the emergency command centre and any additional location(s) identified by the City's Fire Rescue Services Division

Image 1

