# BIGLIERI GROUP.

May 31, 2023

Toronto Planning and Housing Committee Toronto City Hall 100 Queen Street West Toronto, ON M5H 2N2 Attn: Nancy Martins

Strategic Initiatives, Policy & Analysis, City Planning Division Metro Hall, 55 John Street, 22nd Floor Toronto, Ontario M5V 36C Attention: Pauline Beaupre, Senior Planner

# RE: June 1, 2023, Planning & Housing Committee Item PH4.5 - Our Plan Toronto: Recommendations on Forty-Five Employment Area Conversion Requests - Final Report 55 Nugget Avenue, Toronto TBG Project No. 23013

#### **INTRODUCTION**

The Biglieri Group Ltd. ("TBG") represents 1744686 Ontario Inc., the owners of 1.9 hectares of land known municipally as 55 Nugget Avenue (**Figure 1**) ("Subject Site" or "Site"). The Subject Site is located on the east side of McCowan Street and is bound to the north by Nugget Avenue. To the south/west, the site is bound by the future Sheppard East Subway Station.

1744686 Ontario Inc. has recently become aware of the City's ongoing Employment Land Conversion ("ELC") process as well as the development of the future Sheppard East subway station, located at the property immediately to the south. Accordingly, over the long term, 1744686 Ontario Inc. intends to seek approval for an Employment Land Conversion ("ELC") of 55 Nugget Avenue. As the City has yet to complete its Municipal Comprehensive Review ("MCR") process and given the Site's direct adjacency to a planned and under construction Subway Station, TBG feels it is appropriate to bring this information to the Planning and Housing Committee at this time – should committee see merit in considering the proposal further given its location. The request for an ELC seeks to redesignate the Site from *General Employment Area* and *Core Employment Area* to *Mixed Use Area*. To support the eventual conversion request, TBG has developed a preliminary conceptual development plan, which will be further refined over time.

#### Figure 1: Location Map



Figure 2: Context Map



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#### SUBJECT SITE & SURROUNDING LAND USES

The Subject Site is approximately 1.9 hectares in size (19,000 m<sup>2</sup>) (Figure 1) and located on the southeast corner of Nugget Avenue and McCowan Road. It is also located northeast of Sheppard Avenue East and McCowan Road, within the McCowan MTSA (which remains before the Province for approval).

Currently, there is a one-storey building (with a GFA of  $\sim$ 9, 213.84 m<sup>2</sup>) on Site (**Figure 2**). The building includes several uses including retail, service, and employment uses.

To the north of the Site is the future Sheppard East Station Pick-up/Drop-off area, as well as a mix of industrial, commercial and retail services including a plumber, a forklift driving school, a plumbing and heating supply store, a picture frame shop, a supermarket, restaurants and a restaurant supply store. Further north of Nugget Avenue, the Canadian Pacific Railway bisects McCowan Road, in an east-west direction.

To the east of the Site is an employment area including uses such as corporate offices, places of worship, food production, restaurants and gymnasium supply stores, a truck repair shop, and an auction house.

Directly to the south of the Site is East Highland Creek, and the future Sheppard East Station (currently under construction). There is also an employment area comprised of a mix of automotive and retail services. Further south of the Subject Site (Sheppard Avenue East and McCowan Road) is a mixed-use area that supports commercial and mixed-use buildings, as well as Apartment Neighbourhoods, and Neighbourhoods.

To the west of the Site is a commercial plaza with retail stores and services including Canadian Tire (a portion of these lands are subject to an Employment Lands Conversion request at 4630 Sheppard Avenue East).

#### SUMMARY OF PROPOSED DEVELOPMENT

As noted above, to support the eventual conversion request, TBG has developed a preliminary conceptual development plan ("CDP"). The CDP would facilitate the development of three, highrise mixed use residential towers connected by a common podium containing retail, commercial and community uses on the ground floor. A second stand-alone 2-storey employment building is proposed in the eastern portion of the Subject Site. The proposed development could include  $\sim$ 1,260 units as well as  $\sim$ 9,385m<sup>2</sup> of retail/commercial/community uses – completely replacing the existing  $\sim$ 9,213 m<sup>2</sup> of existing employment uses. The CDP also includes development of a Privately-Owned Publicly Accessible Space (POPS) along the western and southern periphery of the Site, representing  $\sim$ 7.9% of total site area. The POPS is intended to act as a gateway plaza at the intersection of Nugget and McCowan and provide pedestrian amenities in proximity to the Future TTC station as well as TTC pick-up/drop-off functions at 20 Nugget Avenue to the north. It will interface with proposed retail uses in the proposed concept plan. The POPS will also extend along the frontage of East Highland Creek (which is included within the boundaries of the Subject Site and located within a TRCA regulated floodplain). The intention is to improve upon and potentially re-naturalize the portion of the channel within the Subject Site and integrate the same into the design of the POPS, development and Subway Station.

In support of stimulating the production of new housing supply in Toronto, approximately 1260 residential units are proposed between the three, high-rise buildings. Tower One (on the northwest portion of the Site, at the corner of Nugget Avenue and McCowan Road) will be 55-storeys, Tower Two (on the southeast portion of the Site) will be 55-storeys and Tower three (on the northeast portion of the Site) will be 45-storey. Two (2) five-storey podiums will connect Tower One to Tower Two and Tower One to Tower Three (**Figure 3**). Access to the Site will be provided from Nugget Avenue between the employment and mixed-use buildings.



Figure 3 – Conceptual Development Plan

#### Figure 4: Massing Models



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#### SUMMARY OF PRELIMINARY PLANNING OPINION

Based on our review of the Subject Site and surroundings, as well as the current and future planning framework, it is TBG's opinion that the proposed ELC would represent good planning, would be consistent with the PPS, and would conform to the Growth Plan for the following reasons:

#### MTSA Density

- The preamble to the Mixed Use Areas policies in the Toronto Official Plan states that the Mixed Use Areas designation is expected to absorb most of the anticipated increase in retail, office and service employment in Toronto, as well as much of the new housing. Other land use designations, including Employment and Neighbourhood designations are not expected to see the same level of growth and intensification.
- In this regard it is noted that the McCowan MTSA is dominated by inherently low-density land use designations. Employment, Neighbourhood and other land uses comprise 98% of the MTSAs land area (Table 1). In contrast, only 2% of the total MTSA area is currently designated *Mixed Use Area*, and therefore, only 2% of the lands within the McCowan MTSA are located in a designation planned for significant growth. Furthermore, as shown in Figure 5, most of the Mixed Use Area lands (shown in red) are located west of the station, in proximity to Sheppard and Brimley far further from the MTSA than the Subject Site.
- Section 2.2.4 of the Growth Plan directs municipalities to plan for transit supportive MTSAs, which maximizes the number of potential transit users that are within walking distance to MTSA on priority transit corridors. Further, all MTSAs are to include a diverse mix of uses and prohibit land uses and built form that would adversely affect the achievement of transit-supportive densities. Likewise, lands adjacent to frequent transit should be planned to be transit-supportive and include a range and mix of uses and activities.
- The Employment Areas designation and policies limit the achievement of transitsupportive densities as well as planning for a diverse mix of uses within the MTSA, in favour of preserving the lands exclusively for business and economic activities.
- The redesignation of the Site to Mixed Use Areas will introduce housing supply built near higher-order transit and in close proximity to public services and community amenities to support the achievement of complete communities in the MTSA. It also has the opportunity to provide additional public services and community amenities through the non-residential spaces within the proposal.

MTSA Area	"Employment Areas" within MTSA	"Mixed-Use Areas" within MTSA	Other Areas (neighbourhood, apartment neighbourhoods) parks, natural areas) within MTSA
225.43 ha	107.69 ha	4.03 ha	113.71 ha
	48%	2%	50%

#### Table 1: MTSA Land Uses

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#### **Employment Intensification**

- > The ELC request also seeks to facilitate employment intensification on the Site.
- The proposed GFA for retail, commercial / community use is approximately 9,385m<sup>2</sup> which is larger than the current building GFA.

#### Housing Supply

- > Approximately 1260 residential units are proposed between the three high-rise buildings.
- The City of Toronto Official Plan emphasizes the need for both housing that is close to public transit and located in areas where people can work and live (per Official Plan Policy 2.2, policy 2.).
- The request seeks to provide for the efficient development of land by redesignating the Site to support suitable additional uses to the Employment Areas uses in the MTSA, and to contribute to the housing supply in the City of Toronto in response to an increased demand for housing.

#### Land Use Compatibility and Transition

- The proposal has been designed to provide a transitionary built form along the eastern property line to provide a buffer between more sensitive land uses to the east, in the interior of Employment Areas.
- The proposed ELC will allow for a broader range of appropriate and transitory land uses, such that the Site creates an opportunity for additional growth and development in the area supporting the future transit station, while maintaining Employment uses on the Site through the proposed retail, commercial / community uses.
- A Land Use Compatibility study will need to be completed to understand if any mitigation is required on or off site in order to support the proposed residential uses there-on.

#### CONCLUSION

It is the Biglieri Group's opinion that the proposed ELC conforms to the intent of provincial planning requirements in an MTSA as expressed through the Growth Plan and the Provincial Policy Statement. TBG believes that the Subject Site is well located for an ELC due to the configuration and location of the Site, which allows for a transition between the employment uses to the north and east and the TTC station to the south. Furthermore, the ELC request and proposed high-density development strongly aligns with the change in provincial priority towards the expansion of the housing supply, in an area with access to municipal servicing and in close proximity to transit, community facilities, and opportunities for active transportation. TBG appreciates the City's consideration of this request and looks forward to further discussions and collaborations with respect to the Subject Site.

Respectfully, THE BIGLIERI GROUP LTD.

Michael Téstaguzza, RPP, MCIP Partner

Shilpi Saraf-Uiterlinden, M.E.S. (PI) Planner

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#### APPENDIX 1 – DETAILED PLANNING INFORMATION

#### Provincial Policy Statement (2020)

The proposed ELC is consistent with the policies of the Provincial Policy Statement (2020) ("PPS"), specifically with respect to the density and intensification requirements within Settlement Areas.

The Provincial Policy Statement ("PPS") provides overall direction on matters of provincial interest related to municipal planning decisions. Decisions made under the Planning Act, shall be consistent with the PPS. The PPS supports sustaining healthy, livable and safe communities by promoting efficient development and land use patterns, accommodating a range and mix of affordable and market-based residential units, employment, institutional, recreation, park and open space and other uses, per Policy 1.1.1 (a, b). The PPS also directs that sufficient lands shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years (Policy 1.1.2), that settlement areas are intended to be the focus of growth and development (Policy 1.1.3.1), and new developments in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Policy 1.1.3.6). Further, per Policy 1.3.1 c) planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, per Policy 1.4.

Planning authorities are directed to assess employment areas during the MCR process to ensure that assigned employment area designations are appropriate (Policy 1.3.2.2). The PPS permits the conversion of employment areas to non-employment uses during the MCR process, provided it has been demonstrated that the land is not required for employment purposes over the long term and there is a need for the conversion (Policy 1.3.2.4) and as long as land use compatibility is maintained (Policy 1.3.2.3).

In the PPS, intensification, and the provision of a mix of land uses are central tools to be used in the creation of complete communities. Per Policy 1.4.1a) and b) planning authorities shall plan for residential intensification and redevelopment by providing for a 15- year supply of appropriately designated and available land and maintaining sufficient servicing capacity. In addition, per policy 1.4.3 b) planning authorities are to provide for an appropriate range and mix of housing options and densities to meet projected market based and affordable housing needs by "permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3".

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#### A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan") provides provincial direction on where and how to grow. It seeks the development of complete communities designed to support healthy and active living throughout an entire lifetime. It requires the provision of infrastructure to support growth, the protection of natural systems and cultivating and integrating new economic and employment opportunities. The Growth Plan works in tandem with the principles and policies of the PPS, including but not limited to: the development of strong, healthy communities, the long-term protection of employment areas, and the provision of an effective and efficient land use planning system. These policies serve to manage growth to the year 2051 and are to be read in conjunction with the policies of the PPS.

Policy 2.2.1.2 c) states that within settlement areas, growth will be focused in: delineated built-up areas; strategic growth areas; locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and areas with existing or planned public service facilities. Furthermore, the Growth Plan seeks the achievement of complete communities, that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities (Policy 2.2.1.4 a) and provides a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes (Policy 2.2.1.4 c).

The Subject Site is located within the McCowan MTSA. Per Policy 2.2.4.3, major transit station areas on priority transit corridors or subway lines will be planned for a minimum density target of:

- > a) 200 residents and jobs combined per hectare for those that are served by subways;
- b) 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit; or
- c) 150 residents and jobs combined per hectare for those that are served by the GO Transit rail network.

The McCowan MTSA is bisected by bus rapid transit lines (including Bus # 85 Sheppard East and Bus # 985 Sheppard East Express) thereby requiring a minimum density of 160 residents and jobs combined per hectare. In addition, the future Sheppard East Subway Station requires 200 residents and jobs combined per hectare, in conformity to the Growth Plan.

Section 2.2.5 establishes policies related to employment areas, including that municipalities will plan for all employment areas within settlement areas by providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility (Policy 2.2.5.7 c).

The Growth Plan also highlights the importance of complete communities and the role that employment lands have within complete communities. Like the PPS, intensification and a mix of land uses are markers efficient land use planning. The Growth Plan provides specific criteria to determine the merits of an employment conversion at the time of the MCR, per Policies 2.2.5.9 and 2.2.5.10. Further, the Growth Plan permits conversion requests that demonstrate there is a

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need for the conversion and there are sufficient employment lands available to conform to the growth horizons established in the Growth Plan.

The proposed ELC conforms to the spirit of the Growth Plan, as it seeks to undertake efficient land use planning through intensification (for residential uses), ensuring an appropriate transition between employment areas and adjacent non-employment areas and achieving the minimum density targets required by MTSA policies.

### Ministry of Environment, Conservation and Parks Environmental Land Use Planning Guides: D-1 Land Use Compatibility & D-6 Compatibility between Industrial Facilities

The ELC provides for an appropriate transition from the employment areas in the east to the proposed residential (sensitive) uses. Per the D-1 Land Use and Compatibility Guidelines, appropriate separation distances and other control measures should be implemented to ensure that incompatible land uses are protected from each other, with appropriate buffers. The proposed retail and commercial and community uses have therefore been located along the eastern property line. To the north, Nugget Avenue and the required front yard setbacks provide for buffering from the surrounding employment areas. Over 40m of separation is provided to the employment uses to the north, and 70m is provided to the employment uses to the east, generally satisfying the requirements for separation distance between Class I and Class II industrial uses respectively (per the D-6 guidelines). Among other studies, a Land Use Compatibility study will need to be completed to understand if any further mitigation is required on- or off-site in order to support the proposed residential uses there-on.

#### Changes to Provincial Planning (Bill 109, Bill 23, Bill 97)

The introduction of the Housing Supply Action Plan (3.0), the suite of accompanying legislative changes (Bill 109, Bill 23, Bill 97) and the introduction of new planning tools (e.g., the Community Infrastructure and Housing Accelerator tool) over the last year, demonstrates a noticeable shift in provincial priorities.

As part of its commitment to expand the current housing supply, the Province has established a goal to have 1.5 million new homes built by 2031. A factor in the changes that the Province has made to the Planning Act through Bill 109, Bill 23 and Bill 97 is to provide the municipalities with the tools to meet this target in an efficient and timely manner. Furthermore, the ongoing review of the Growth Plan and the PPS (through Bill 97), and the integration of policies will impact the definition of *Employment Areas*, and the MTSA density and intensification targets to better align with the caveats of Bill 23 and its focus on expanding the provincial housing supply. The development on the Subject Site strongly aligns with the change in provincial priorities towards the expansion of the housing supply as it provides for a diversification of the area's housing typology and contributes to the increase in available housing options in Toronto. Considering the increasing challenges faced by Ontarians in the face of the ongoing housing crisis, the ELC not only facilitates a solution to this issue by developing a much-needed residential community but also maintains the provision of employment uses and the ensuring economic development opportunities.

#### City of Toronto Official Plan (2022)

The Subject Site is located within the City of Toronto's *Employment Area* per Map 2: Urban Structure of the City's Official Plan and is designated *General Employment* on the western portion of the Site, and *Core Employment* on the remainder of the Site. *Employment Areas* are places of business and economic activities that are a cornerstone of the City's economy. Generally, *General Employment* areas are located on the periphery of *Employment Areas* and *Core Employment* areas are located in the interior, to ensure there is an adequate buffer between potentially sensitive land-uses and the surrounding areas.

*Employment Areas* are meant to contribute to a balance between employment and residential growth to ensure that individuals have the opportunity to live and work in the City, with the goal of reducing commuting distances and road congestion and facilitating opportunities to take transit, cycle or walk to places of employment. Per 2.2.4, Policy 4 (e), "Employment Areas will be enhanced to ensure they are attractive and function well, through actions such as ... promoting a high-quality public realm and creating comfortable streets, sidewalks, parks and open spaces for workers and landscaped streetscapes to promote pedestrian/transit use and attract new business ventures while supporting the efficient movement of goods".

As stated above, the Subject Site is located in the McCowan MTSA. Per Policy 2.2.4 in the *Growth Plan 2020*, MTSAs are defined as the areas generally within 500 to 800 metre radii of a transit station, representing about a 10-minute walk. Each MTSA will be subject to a density target across the area as a whole. The city is therefore obligated to demonstrate that it has a transit-oriented plan in place to accommodate the required minimum density targets around planned and existing higher-order transit stations. To support intensification in MTSAs, Transit-Oriented Development is the approach undertaken as it locates growth within walking distance of rapid transit stations. It means compact, walkable areas with a diverse mix of uses and incomes, at densities that support transit ridership which ultimately allows people to access public transit quickly and conveniently.

Furthermore, per Policy 2.2.4.9 of the *Growth Plan* notes that within all major transit station areas, development will be supported, where appropriate, by:

"a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels;

b) fostering collaboration between public and private sectors, such as joint development projects;

c) providing alternative development standards, such as reduced parking standards; and

d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities."

Therefore, per provincial policy direction MTSAs should support a variety of uses within 500 to 800 metre radii of a transit station, to achieve minimum densities required and support the growth and the achievement of complete communities.

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#### Intensification

The preamble to the *Mixed Use Areas* policies in the Toronto Official Plan states that the *Mixed Use Areas* designation is expected to absorb most of the anticipated increase in retail, office and service employment in Toronto, as well as much of the new housing. Other land use designations, including *Employment* and *Neighbourhood* designations are not expected to see the same level of growth and intensification.

Per Policy 4.5 of the City of Toronto Official Plan, *Mixed Use Areas* achieve a wide range of planning objectives through the integration of numerous uses that include residential, offices, retail and service uses, institutions, entertainment, recreation and cultural activities, and parks and open spaces. Ultimately, *Mixed Use Areas* allow people to live, work, and shop/play in the same area, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe at all hours of the day and night. While the scale and density of development will vary across *Mixed Use Areas*, per Policy 4.5.2 *Mixed Use Areas* will at minimum:

- a) create a balance of high-quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) provide for new jobs and homes for Toronto's growing population on underutilized lands in the Downtown and Central Waterfront, Centres, Avenues and other lands designated Mixed Use Areas, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale Neighbourhoods;
- d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- e) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) provide an attractive, comfortable and safe pedestrian environment;
- g) have access to schools, parks, community centres, libraries and childcare;
- h) take advantage of nearby transit services;
- i) provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- k) provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- provide opportunities for energy conservation, peak demand reduction, resilience to power disruptions and small local integrated energy solutions that incorporate renewables, district energy, combined heat and power or energy storage; and

m) provide opportunities for green infrastructure including tree planting, stormwater management systems and green roofs.

In this regard it is noted that the McCowan MTSA is dominated by inherently low-density land use designations. Employment, Neighbourhood and other land uses comprise 98% of the MTSAs land area (See **Table 1**). In contrast, only 2% of the total MTSA area is currently designated *Mixed Use Area*, and therefore, only 2% of the lands within the McCowan MTSA are located in a designation planned for significant growth. Furthermore, as shown in **Figure 5**, most of the Mixed Use Area lands (shown in red) are located west of the station, in proximity to Sheppard and Brimley – far further from the MTSA than the Subject Site.

#### Table 1: MTSA Land Uses

MTSA Area	"Employment Areas" within MTSA	"Mixed-Use Areas" within MTSA	Other Areas (neighbourhood, apartment neighbourhoods) parks, natural areas) within MTSA
225.43 ha	107.69 ha	4.03 ha	113.71 ha
	48%	2%	50%



#### Figure 5 – McCowan MTSA, Employment Lands & Mixed Use Lands

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#### **Employment**

Furthermore, the proposed ELC will not prohibit employment uses on site – in fact, the CDP demonstrate that redevelopment of the Site can achieve employment intensification even if designated *Mixed Use Areas*. The CDP also demonstrates that the Site can be developed in a matter which provides an appropriate transition to the surrounding *Employment Areas*, and thereby preserves the functions of those lands.

Through Site design features demonstrated in the concept plan, the *Mixed-Use Areas* designation on the Subject Site will maintain the retail, service and restaurant uses usually included on the periphery of *Employment Areas* to serve as a buffer between industries in the interior of *Employment Areas* (generally *Core Employment Areas* that generally permit uses such as manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities), and employment opportunities in close proximity to transit and the proposed residential areas.

# PLAN: EXISTING



### CONCEPTUAL MASSING ANALYSIS

55 Nugget Ave. Toronto ON

> Project No: 23013



# CONCEPTUAL PLAN



### CONCEPTUAL MASSING ANALYSIS

55 Nugget Ave. Toronto ON

> Project No: 23013



# NORTH EAST VIEW



### CONCEPTUAL MASSING ANALYSIS

55 Nugget Ave. Toronto ON

> Project No: 23013



### NORTH WEST VIEW



### CONCEPTUAL MASSING ANALYSIS

55 Nugget Ave. Toronto ON

> Project No: 23013

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## SOUTH EAST VIEW



### CONCEPTUAL MASSING ANALYSIS

55 Nugget Ave. Toronto ON

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