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54 to 62 Glen Everest Road – Zoning Amendment Application – Appeal Report

Date: February 7, 2023 To: Scarborough Community Council From: Acting Director, Community Planning, Scarborough District Wards: 20 - Scarborough Southwest

Planning Application Number: 21 134156 ESC 20 OZ

Related Application: 21 123167 ESC 20 RH

SUMMARY

On April 6, 2021, a Zoning By-law Amendment application was submitted to permit the redevelopment of the subject lands with a 12-storey residential building with 427 units including 68 replacement rental units. The three existing low-rise residential rental buildings on the site a proposed to be demolished. A revised proposal was submitted on June 28, 2022 increasing the gross floor area to 32,901 square metres and reducing the total number of residential units to 414 units. On July 13, 2022, the Applicant appealed the application to the Ontario Land Tribunal (the "OLT") due to City Council not making a decision within the time frame legislated by the *Planning Act*.

A separate application for rental housing demolition was also submitted to permit the demolition of 68 rental units located at 54, 58 and 62 Glen Everest Road but is not subject to the appeal.

City Planning Staff do not support the application in its current form as issues related to the appropriate level of development on site, along with built form, massing and transition have not been adequately addressed. This report recommends that the City Solicitor, with the appropriate City staff, attend the OLT hearing to oppose the application in its current form. The report also recommends that staff be authorized to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Zoning By-law Amendment application appeal for the lands at 54 to 62 Glen Everest Road.

2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to resolve the outstanding issues detailed in the report dated February 7, 2023 from the Acting Director, Community Planning, Scarborough District, and report back to City Council on the outcome of discussions, if necessary.

3. City Council defer making a decision at this time on the Rental Housing Demolition / Conversion Application (Application File No. 21 123167 ESC 20 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of the sixty-eight (68) existing rental dwelling units at 54, 58 and 62 Glen Everest Road, and instruct staff, if necessary, to report on the Rental Housing Demolition/Conversion Application to City Council at such time as an OLT decision has been issued regarding the Zoning By-law Amendment application appeal for the lands at 54 to 62 Glen Everest Road.

4. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request the Tribunal 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 Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) City Council has approved the Rental Housing Demolition Application 21 123167 ESC 20 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* and, should City Council authorize the demolition, that the Applicant has entered into, and registered on title to the lands, an agreement pursuant to Section 111 of the *City of Toronto Act* securing the replacement of the existing rental dwelling units and rents, tenant assistance to mitigate hardship, and other rental related matters, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

c) the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or it has been determined that a holding provision is required in the Zoning By-law amendment; d) the owner has entered into a financially secured Development Agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the development, according to the Site Servicing Review and Traffic Impact Study accepted by the Chief Engineer & Executive Director, Engineering and Construction Services; and

e) the owner has addressed all outstanding issues raised by Development Engineering and Transportation Services as they relate to the Zoning By-law Amendment application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services.

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

FINANCIAL IMPACT

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

DECISION HISTORY

Kingston Road (Cliffside Community) Avenue Study

In 2009, the Kingston Road (Cliffside Community) Avenue Study was completed and adopted by City Council bringing forward an implementing Zoning By-law and the Cliffside Village Urban Design Guidelines. The objective of this study was to revitalize and reurbanize the Kingston Road corridor as a vibrant, mixed-use, pedestrian-oriented main street. The Study area for the Kingston Road (Cliffside Community) Avenue Study includes the lands immediately north and south of Kingston Road and spans from Chine Drive to the east to the Kingston Road and Danforth Avenue intersection to the west. The subject lands fall within this Avenue Study area.

The implementing Zoning By-law amendment of the Kingston Road (Cliffside Community) Avenue Study introduced a Commercial-Residential (CR) zone permitting the intensification of the corridor with a wide range of commercial, institutional and residential uses and setting out appropriate height, density, building setbacks as described in the Zoning section below. The Final Report on this Study can be viewed at: <u>https://secure.toronto.ca/council/agenda-item.do?item=2009.SC30.23</u>

Preliminary Report

A pre-application meeting was held on September 30, 2020. The current application was submitted on April 6, 2021 and deemed complete on July 5, 2021. An application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code, to allow the demolition of the existing rental housing units, was also submitted on April 6, 2021.

A Preliminary Report on the applications was adopted by Scarborough Community Council on September 17, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The Preliminary Report and Scarborough Community Council decision can be found at: https://secure.toronto.ca/council/agenda-item.do?item=2021.SC26.5

SITE AND SURROUNDING AREA

Site Overview

The subject site is located on the southeast side of Kingston Road at a transportation interchange where Danforth Avenue and Kingston Road converge. The Scarborough War Memorial is located directly across from the subject site. Please refer to Attachment 2 - Location Map. The northeast lot line abuts Aylesford Drive, which does not provide access to Kingston Road. The site is tapered with the southwest portion wider than the northeast, and with an approximate area of 5,171 square metres. It has frontages of approximately 117 metres along Kingston Road and approximately 116 metres along Glen Everest Road, and a lot depth of approximately 35 to 54 metres. The site grade slopes downward toward the southwest. There are a total of 28 trees on the site, including 6 privately-owned trees and 21 City street trees, all of which are proposed to be removed.

Existing Uses

The subject site is currently occupied by three low-rise residential apartment buildings on the site containing a total of 68 rental dwelling units.

Immediate surrounding uses include low-rise apartment buildings to the southwest, a mid-rise mixed use building to the northeast, and a low-rise residential neighbourhood to the southeast.

APPLICATION

Application Description

Height: 12 storeys (42.78 metres, exclusive of mechanical penthouse) **Density:** 6.36 times the lot area, with a gross floor area of 32,901 square metres

Dwelling Units: A total of 414 units are proposed, including 68 replacement rental units. Of the 414 units proposed, 30 would be studio units, 106 would be one-bedroom units, 235 (57%) would be two-bedroom units and 43 (10%) are proposed to be three-bedroom units.

Access, Parking and Loading: Vehicular access to the site is proposed at the southwest end of the site, via a driveway access off of Glen Everest Road. An internalized Type-G loading space and Type-C loading space are proposed adjacent to the vehicular access to the underground parking garage from the same driveway. A total of vehicle 292 parking spaces are proposed, including 41 visitor parking spaces, three car share spaces, and 9 accessible parking spaces. 282 long-term and 29 short-term bicycle parking spaces are proposed.

Setbacks: A 0 metre setback along Kingston Road is proposed. 2.9 metre setbacks are proposed from Glen Everest Road and Aylesford Drive. A 5.4 metre setback is proposed from the southwest lot line.

Amenity Space: 828 square metres of indoor amenity space and 828 square metres of outdoor amenity space are proposed, which is a ratio of 2 square metres each of indoor and outdoor amenity space per proposed dwelling unit.

Additional Information

See Attachments 1 through 8 of this report for a location map, Application Data Sheet, site plan, and 3D representations of the proposal in context. 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: http://app.toronto.ca/AIC/index.do?folderRsn=o3HOIWHSfXQ%2FoqbVhvj93g%3D%3D

Reason for Application

A zoning amendment is required in order to permit the proposed building envelope, including density, height, angular plane encroachments, reduced setbacks and stepbacks.

Site Plan Control

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

Rental Housing Demolition and Conversion By-law

On April 6, 2021, the applicant submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code to allow the demolition of the existing rental housing units. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall confirm to provincial plans, including the Growth Plan for the Greater Golden Horseshoe (2020) (the Growth Plan).

Toronto Official Plan

The subject site is designated as *Mixed Use Areas* on Land Use Map 20. An excerpt from this Official Plan Land Use Map can be found in Attachment 3. This portion of Kingston Road is identified as an Avenue (Map 2), a Major Street with a 36-metre right of way (Map 3) and a Higher Order Transit Corridor (Map 4).Per OPA 456, Kingston Road is no longer included as part of the Surface Transit Priority Network (Map 5). Glen Everest Road is a minor street with a 20-metre right of way. Lands to the south and southeast of the site are designated *Neighbourhoods* to the south and southeast.

The application is subject to Site and Area Specific Policy 324 (Kingston Road (Cliffside Community) Avenue Study). SASP 324 identifies potential locations for new streets, lanes and lane-street widenings.

The site is also subject to Official Plan Policy 3.2.1.6, which requires any new development resulting in the loss of six or more rental housing units to replace the same number, size and type of rental housing units with rents similar to those in effect at the time of the redevelopment application is made.

Zoning

The site is zoned Commercial Residential (CR) under the Scarborough Cliffside Community Zoning By-Law Number 9364. The Commercial Residential zone type permits a broad range of commercial, recreational and residential uses.

Performance standards permit a maximum gross floor area of 4.5 FSI and a maximum building height between 10.5m and 20m (3 - 6 storeys), which may be increased up to 36m (11 storeys) through the provision of community benefits. The building envelope is

required to fit within a 45-degree angular plane projected from the lot line along Glen Everest Road. Required setbacks include a minimum of 3 metres from Kingston Road and Glen Everest Road. Portions above buildings above 20 metres in height must be set back a minimum of 5.5 metres from the side lot lines. A minimum ground floor height of 4.5 metres is required for the portion of the building within 20 metres of the Kingston Road street line. Other relevant performance standards include additional mechanical penthouse setbacks, amenity space requirements (quantity, features and location) and parking rates for residential units.

The lands are not part of the city-wide Zoning By-law 569-2013. Should this application be approved, the lands would be brought into By-law 569-2013.

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

Design Guidelines

The design guidelines used to evaluate the application include, but are not limited to:

- Cliffside Village Urban Design Guidelines;
- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Planning for Children in Vertical Communities;
- Accessibility Design Guidelines;
- Bird Friendly Guidelines;
- Best Practices for Effective Lighting; and
- Pet Friendly Design Guidelines for High Density Communities.

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

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on November 2, 2021. The meeting was attended by approximately 60 members of the public, as well as the Ward Councillor and the applicant's team. Members of the public also provided feedback via email, phone calls, and conversations with staff.

Concerns raised by members of the public included:

- Impacts to existing residents of rental units on site
- Shadow impacts to the Scarborough War Memorial

- Shadow and privacy impacts to adjacent properties
- Adequate separation distance from adjacent low-rise apartment building
- Traffic congestion impacts to the surrounding area
- Pedestrian safety, including concerns about speeding and nearby intersections
- Lack of proposed retail space
- Environmental impacts
- School capacity
- Lack of affordable housing
- Adequate outdoor amenity space, including loss of open space for gathering and children playing
- Adequate space/amenities for pets, e.g. dog walking

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 Policy Statement and Provincial Plans

While the site is an appropriate location for growth and intensification consistent with the PPS and Growth Plan, as currently proposed the application is not consistent with the PPS and does not conform to the Growth Plan. The proposal does not implement appropriate development standards and built form as intended through the City's Official Plan and other supporting documents.

Land Use

The subject property is located on lands designated *Mixed Use Areas* and on an *Avenue* where an *Avenue* Study has been completed. *Mixed Use Areas* and *Avenues* are expected to absorb much of Toronto's anticipated growth, including a range of housing options. The Kingston Road (Cliffside Community) Avenue Study also introduced a Commercial-Residential (CR) zone in 2009, which currently permits midrise built form on the subject site.

The proposed land use is consistent with the planned context for the subject property and the surrounding area, as outlined in the Council-approved *Avenue* Study.

Built Form

City Planning staff are of the opinion that the proposed built form and massing do not conform with the relevant Official Plan policies. The proposal is one storey taller than permitted by the in force zoning by-law, and requires revisions to the building massing,

including setbacks and stepbacks, in order to achieve an appropriate condition on the site as contemplated by the Kingston Road (Cliffside Community) *Avenue* Study and set out in its implementing Zoning By-law and Urban Design Guidelines.

As proposed, the development does not provide appropriate transition to adjacent lands designated *Neighbourhoods* or adequately mitigate overlook, shadowing and privacy on adjacent properties, including the Scarborough War Memorial. The built form does not adequately respond to the existing grading of the site, resulting in issues including excessive stairs to access individual ground-level units that is not supportive of the Glen Everest and Kingston Road streetscapes. The built form also includes blank facades along public streets and walkways, which does not contribute to Official Plan policies promoting a vibrant public realm and active frontages.

Traffic Impact, Access, Parking

A Transportation Impact Study and associated plans have been submitted for the subject site and have been reviewed by Transportation Services. Some revisions and additional information is required.

The overall total proposed parking supply of 292 spaces with three car share parking spaces will meet the City's parking requirements and is considered acceptable. Further Transportation Demand Management (TDM) measures, including a TDM Plan and additional bicycle parking spaces, are required to achieve the performance measures of the Toronto Green Standard and manage traffic impacts of the proposed development. Kingston Road is also identified as one of the major corridors in the City's Near Term Cycling Implementation Program; the right-of-way and public realm should be designed with regard to planned cycling infrastructure.

Due to grade changes, a retaining wall is proposed along the southwest lot line. However, the existing driveway appears to be shared with the adjacent site, and access to the parking area of the adjacent low-rise apartment building may be obstructed by the proposed retaining wall. The proposed driveway access and loading area must be revised to resolve issues related to grading and access on the adjacent property.

Loading

As proposed, the loading area is not adequately screened to mitigate impacts to the adjacent property. Revisions to the loading area and site access are required.

Stopping Up and Closing of Aylesford Drive

The portion of Aylesford Drive between Glen Everest Road and Kingston Road is to be stopped up and closed as a public highway. To facilitate development on the site, should the application be approved in some form by the OLT, the applicant would be required to implement the conversion of these lands into a new pedestrian walkway.

Road Widening and Streetscape

A portion of the site approximately 4 metres wide along the northeast corner will be conveyed to the City to satisfy the 20 metre wide right-of-way requirement for Glen Everest Road. The appropriateness of the built form and setback conditions along the site's Glen Everest frontage is to be further reviewed in this context to ensure appropriate private setbacks are required for landscaping and unit/building access.

Further review of streetscape elements along Glen Everest Road is required.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the subject site and have been reviewed by Engineering and Construction Services. A number of revisions and additional information are required. In the event that the OLT allows the appeal in whole or in part, the Final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Rental Housing Demolition and Conversion By-law

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

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

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

On April 6, 2021, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

The Rental Housing Application is a separate application and is not subject to decision by the OLT. If the Ontario Land Tribunal allows the appeal in whole or in part, the Rental Housing Demolition Application would still require Council approval including a tenant relocation and assistance package in accordance with City policy. Official Plan policy requires replacement of rental units with units of similar size and rent to existing units. While conversations have been underway regarding the tenant relocation and assistance plan, the full details are still to be determined. Further matters to be resolved as part of the Rental Housing Demolition Application will include ensuring:

- The provision of furnished floor plans of proposed rental replacement units;
- Resolution of building design issues including excessive unit stairway access;
- The proposed rental housing replacement is appropriate, including appropriate in size;
- Tenants of the replacement rental units have access to amenities in the new residential building;
- Returning tenants who rented or had access to vehicle parking and/or storage lockers in the existing rental building will be given first priority to these in the new development; and
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy the replacement rental units at similar rents and other assistance to lessen tenant hardship, including an extended notice period to move out and consideration for special needs tenants.

Open Space/Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication.

Tree Preservation

Urban Forestry issues have been resolved for the purposes of the Zoning By-law Amendment Application. If the OLT approves the application in some form, some modifications would be reviewed as part of a Site Plan Control application.

As proposed, this project would require the removal of six (6) Privately-owned by-law protected trees, located on the subject site and twenty-one (21) City street trees, located adjacent to Glen Everest Road and Kingston Road.

The planting of one replacement tree for each bylaw-protected City Street tree removed would be a condition of Urban Forestry's permit issuance, if an application to remove the subject trees is approved ($21 \times 1 = 21$ replacement trees). As proposed, the applicant is satisfying this requirement. The submitted landscape plans also demonstrate the proposal is meeting appropriate soil volume levels for the trees proposed, including the planting of new City street trees adjacent to Glen Everest Road and Kingston Road. These tree planting plans will, with minor modifications and details, be satisfactory to Urban Forestry. The submission of satisfactory plans/revisions will be a condition of Urban Forestry's approval of the subsequent Site Plan Control application.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. The applicant is required to meet Tier 1 of the TGS, 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 to achieve Tier 1 development features would be secured in the site-specific Zoning Bylaw and others through Site Plan Control.

Community Benefits

Changes to Section 37 of the *Planning Act* have replaced increased height and/or density bonusing with a new growth funding tool called the Community Benefits Charge (CBC). The application will be subject to the new Community Benefits Charges framework.

Conclusion

City Planning staff cannot support the Zoning By-law Amendment in its current form. The application has been reviewed against the applicable planning framework and as currently proposed is not consistent with the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan.

Staff recommend that City Council direct the City Solicitor, together with the appropriate City staff, to attend the OLT in opposition of the appeal of the application. Staff also recommend City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlines in this report. Should the OLT allow the appeal in whole or in part, it is recommended that the City Solicitor request the Tribunal withhold its Final Order until such time as a number of matters are addressed.

CONTACT

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SIGNATURE

Christian Ventresca, MScPL, MCIP, RPP, Acting Director Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet Attachment 2: Location Map Attachment 3: Official Plan Land Use Map Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings

Attachment 5: Site Plan Attachment 6: 3D Model of Proposal in Context Looking Southwest Attachment 7: 3D Model of Proposal in Context Looking Northeast Attachment 8: 3D Model of Proposal in Context Looking West

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address:	54 GLEN EVEREST RD	Date Recei	ved: March 30, 2021			
Application Number:	21 134156 ESC 20 OZ					
Application Type:	OPA / Rezoning, Rezoning					
Project Description:	Development comprising of a 12-storey residential building with below grade parking.					
Applicant CYNTHIA BIRD	Agent				0 ONTARIO	
EXISTING PLANNING	CONTROLS					
Official Plan Designation	on: Mixed Use Areas	Site Specific	Provisio	on:		
Zoning: CR Heritag			eritage Designation:			
Height Limit (m):		Site Plan Co	ntrol Are	ea: N		
PROJECT INFORMATION						
Site Area (sq. 5,1 m):		Frontage (m): 117 Depth (m): 35			n): 35	
Building Data	Existing	Retained	Propos	sed	Total	
Ground Floor Area (sq	. m):		3,825		3,825	
Residential GFA (sq. m): 32,901 32,901 Non-Residential GFA (sq. m):						
Total GFA (sq. m):			32,901		32,901	
Height - Storeys:		12		12		
Height - Metres:			38		38	
Lot Coverage Ratio (%):	73.97	Floor Space	e Index:	6.36		

Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
Residential GFA:	31,410	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	68		68	68
Freehold: Condominium:			346	346
Other:				
Total Units:	68		414	414

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	า 2	Bedroom	3+ Be	edroom
Retained:							
Proposed:		30	106	23	35	43	
Total Units:		30	106	23	35	43	
Parking and L Parking Spaces:	oading 292	Bicycle Parkin	g Spaces:	311	Loading D	ocks:	2

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Attachment 2: Location Map









Attachment 4: Existing Zoning By-law Map

Attachment 5: Site Plan



Attachment 6: 3D Model of Proposal in Context Looking Southwest





Attachment 7: 3D Model of Proposal in Context Looking Northeast



Attachment 8: 3D Model of Proposal in Context Looking West