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REPORT FOR ACTION

148-158 Avenue Road and 220-234 Davenport Road – Zoning By-law Amendment Application – Decision Report – Approval

Date: June 6, 2023 To: Toronto and East York Community Council From: Director, Community Planning, Toronto and East York District Ward: 11 - University-Rosedale

Planning Application Number: 21 178720 STE 11 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit the construction of a 108-metre (35-storey, excluding mechanical penthouse) mixed-use building, containing 330 dwelling units and 500 square metres of non-residential gross floor area.

The proposal includes the retention and alteration of the heritage structure at 224 Davenport Road and the acquisition of off-site parkland to expand Ramsden Park along Avenue Road.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands 148-158 Avenue Road and 220-234 Davenport Road substantially in accordance with the draft Zoning By-law Amendment included as Attachment No. 6 to this report.

2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. City Council direct that, in satisfaction of the parkland dedication requirement pursuant to Section 42 of the Planning Act, and all or a part of the obligations under the Community Benefits Charge by-law, prior to the issuance of the first above grade building permit, the owner shall convey to the City an off-site parkland conveyance, having an approximate area of 365 square metres, comprised of the properties municipally known in the year 2022 as 207 and 209 Avenue Road, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, all to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

4.City Council allow the owner of 148-158 Avenue Road and 220-234 Davenport Road to convey as an in-kind contribution pursuant to subsection 37(6) of the Planning Act free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, the portion of the properties municipally known in the year 2022 as 207 and 209 Avenue Road, which is beyond the value of the Section 42 parkland dedication requirement, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

5. City Council authorize the Chief Planner and Executive Director, City Planning to enter into an agreement pursuant to subsection 37(7.1) of the Planning Act (the "In-kind Contribution Agreement") to address the provision of the in-kind contribution identified in Recommendation 4 to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, with such agreement to be registered on title to the lands, which agreement shall be evidence of arrangements for the provision of the inkind contribution that are satisfactory to City Council.

6. City Council direct City Planning staff to report back on the value of the total cost of the in-kind contribution so that Council may attribute a value to the contribution.

7. Before introducing the necessary Bills to City Council for enactment, the applicant shall:

a. submit a Functional Servicing and Stormwater Management Report for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

b. enter into a Municipal Infrastructure Agreement to financially secure the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development according to the transportation report, accepted by the General Manager, Transportation Services and the Functional Servicing Report, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;

c. Enter into a Heritage Easement Agreement with the City for the property at 224 Davenport Road substantially in accordance with the plans and drawings dated May 12, 2023, prepared by Chris Dikeanos Architects Inc. and on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by ERA Architects Inc., dated June 25, 2021, revised May 12, 2023, subject to and in accordance with the Conservation Plan required in Recommendation 7.d., to the satisfaction of the Senior Manager, Heritage Planning including execution of such agreement to the satisfaction of the City Solicitor; and

d. Provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for the property at 224 Davenport Road prepared by ERA Architects Inc., dated June 25, 2021, revised May 12, 2023, to the satisfaction of the Senior Manager, Heritage Planning.

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

A Preliminary Report on the application was adopted by Toronto and East York Community Council on October 14, 2021. The Toronto and East York Community Council Decision is available here: <u>https://secure.toronto.ca/council/agendaitem.do?item=2021.TE28.20</u>

On February 7, 2023, City Council stated its intention to designate the property at 224 Davenport Road under Part IV, Section 29 of the Ontario Heritage Act. The Council decision can be located here: <u>https://secure.toronto.ca/council/agenda-item.do?item=2023.DM3.1</u>

THE SITE

Description: The site is located at the northwest corner of the intersection of Avenue Road and Davenport Road. It is generally rectangular sloping approximately 2 metres down from the south to the north side of the property. The site has an area of 1,961 square metres and frontages of 34 metres on Avenue Road and 58 metres on Davenport Road.

Existing Uses and Rental Dwelling Units: Five buildings between two- to threestoreys in height containing office, retail, and residential uses. The proposal will demolish five existing dwelling units, including two occupied rental dwelling units and three vacant units.

Heritage: 224 Davenport Road is designated under Part IV, Section 29 of the Ontario Heritage Act, having design and physical, historical and associative, and contextual values.

THE APPLICATION

Description: A 108-metre (35-storey) mixed-use building containing 330 dwelling units and 500 square metres of non-residential gross floor area.

Density: 12.5 times the area of the lot.

Non-Residential: A total of 500 square metres of grade-related retail.

Dwelling Units: The proposed 330 dwelling units includes 192 one-bedroom (58%), 104 two-bedroom (32%), 34 three-bedroom (10%) units.

Amenity Space: The proposal includes 3 square metres per unit of combined indoor and outdoor amenity space (1,009 square metres total).

Parking, Loading and Access: The proposal contains a total of 177 vehicular parking spaces (137 residential and 40 shared visitor and non-residential), one Type G loading space, and 334 bicycle parking spaces.

Laneway Widening: The proposal includes a 2.94 metre conveyance to widen the lane to the north of the site to 6 metres and extend the sidewalk on the north side of the lane by 0.6 metres to a total width of 1.8 metres.

Heritage: The proposed development includes the retention and incorporation of the front façade of 224 Davenport Road into the development as part of the base building. A related application to alter a heritage property has been submitted by the applicant.

Off-Site Parkland Acquisition and In-Kind Community Benefits Charge: The proposal includes the conveyance of 207 and 209 Avenue Road to the City as combined off-site parkland dedication and an in-kind community benefits charge.

Additional Information: See Attachment 1 to this report for the location map, Attachment 2 for the application data sheet, Attachment 7 for the site plan, Attachments 8-9 for three-dimensional representations of the proposal in context, and Attachments 10-13 for elevations. 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/148AvenueRd

Reasons for Application: The proposal requires an amendment to the Zoning By-law to vary performance standards, including maximum building height, maximum gross floor area, the minimum dwelling unit mix, minimum amenity requirements, maximum projections and encroachments, and minimum parking and loading requirements.

A Rental Housing Demolition application is not required under Chapter 667 of the Toronto Municipal Code as the site contains less than 6 existing dwelling units.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

Official Plan: Mixed Use Areas. See Attachment 3 of this report for the Official Plan Land Use Map.

Downtown Plan: The site is designated Mixed Use Areas 3, which generally are in the form of mid-rise buildings, with some low-rise and tall buildings permitted based on compatibility. The Downtown Plan also designates Avenue Road as a Great Street and Ramsden Park to the northeast of the site as a Sun Protected Park. See Attachment 4 of this report for the Downtown Plan Mixed Use Areas Map.

Zoning: The site is split zoned under City of Toronto Zoning By-law 569-2013. The western portion of the site is zoned CR 2.5 (c1.5; r2.0) SS2 (x1778) and the eastern portion is zoned CR 2.5 (c1.5; r2.0) SS2 (x1893). The only difference between the zones is that the eastern portion of the site is permitted additional uses. The maximum height for the entire site is 14 metres and the permitted density is 2.5 times the area of the lot.

See Attachment 5 of this report for the Zoning By-law Map.

Design Guidelines

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

- Tall Buildings Design Guidelines;
- Downtown Tall Buildings: Vision and Supplementary Design Guidelines; and
- Growing Up Guidelines Planning for Children in New Vertical Communities.

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

Toronto Green Standard

The Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. The TGS can be found here: <u>https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/</u>

COMMUNITY CONSULTATION

A virtual community consultation meeting was hosted by City staff on November 8, 2021. Approximately 110 people participated, as well as the former Ward Councillor.

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Following a presentation by City staff and the applicant, the following comments and issues were raised:

- Concern over the height, massing, and position of the proposed tower element;
- Impact of the proposal on the building to the immediate north of the site and to surrounding properties;
- Impact of the proposal on Ramsden park;
- Conformity of the proposal with the Downtown Plan, particularly of a tall building proposal in a Mixed Use Areas 3 designation;
- Concern over existing wind conditions on the block and the impact of the proposal on wind conditions;
- Adequate definition of the base building, particularly with regard to the step back above the streetwall;
- Appropriate design of the public realm;
- Desire for the shadow study to include the winter solstice;
- Concern over pedestrian safety at the intersection of Avenue Road and Davenport Road and along Avenue Road in general due to existing narrow sidewalks;
- Pedestrian safety and traffic impacts in the laneway to the north of the site; and
- Concern over construction management and impacts on adjacent streets.

Following the Community Consultation Meeting, City Planning staff attended an onsite meeting with residents and the Annex Residents Association to explore further issues with the proposal and particularly issues with the existing conditions of the sidewalks and laneway adjacent to the site.

On October 26, 2022, City Planning staff attended a meeting hosted by the applicant with area residents, where a revised proposal similar to the final design was presented to the community and discussed. In particular, the applicant addressed concerns around the relationship between the proposed tower element and the existing tall building to the north, ensuring that adequate tower separation is provided, locating the tower further west on the site and redesigning the tower floor plate to notch out the northwest and northeast corners to maximize sky views. Encroaching balconies on the north side of the proposed building were also carefully considered.

The issues raised through community consultation have been considered through the review of the application.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have an opportunity to review submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application. These submissions are broadcast live over the internet and recorded for review.

COMMENTS

This proposal provides public realm enhancements at Avenue Road and Davenport Road, including the off-site expansion of Ramsden Park at Avenue Road, additional onsite open spaces at the intersection and along Davenport Road, and the retention of the front façade of the heritage structure at 224 Davenport Road.

Provincial Land-Use Policies

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the proposal for consistency with the Provincial Policy Statement (PPS), and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and in conformity with the Growth Plan.

Housing Issues

As there are fewer than six residential dwelling units on the property, City Planning staff are satisfied that no rental housing demolition application is required. An acceptable tenant relocation and assistance plan, per Official Plan Policy 3.2.1.12, is not required in this instance, as all of the current tenancies commenced after the planning application was deemed complete.

Unit Mix

City Planning staff are satisfied that the proposal meets the unit mix requirement in the Downtown Secondary Plan, namely that the new development will include:

- a minimum of 15 per cent of the total number of units as two-bedroom units;
- a minimum of 10 per cent of the total number of units as three-bedroom units; and
- an additional 15 per cent of the total number of units will be a combination of twobedroom and three-bedroom units, or units that can be converted to two- and threebedroom units through the use of accessible or adaptable design measures.

Built Form

The proposed massing conforms with applicable policies in the Official Plan and Downtown Plan with respect to its built form. It also meets the intent of the Tall Building Guidelines.

The overall height of the building is 108 metres (35 storeys), excluding a 6-metre mechanical penthouse, which is appropriate given the Mixed Use Areas 3 designation of the site, the size of the lot, the design of the proposal, and the context of tall buildings dating back to the 1960s and 1970s within the block. The block is unique within the surrounding area, as it does not contain low-rise scale designations, such as Neighbourhoods or Mixed Use Areas 4.

The base building has been designed to enhance the public realm and pedestrian environment at grade. Along the Davenport Road frontage, the base building aligns with the 10.5-metre (3-storey) height and 5.5-metre curb to building setback of the existing

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heritage structure. The southeast and southwest corners of the building have been pulled back beyond the streetwall to provide additional space for the public realm at the intersection and in a courtyard on the western side of the site. The base is setback from the western property line by approximately 4 metres to accommodate an at-grade amenity courtyard.

On Avenue Road, the height of the base building is consistent at 10.5 metres, and the 6- to 7-metre setback of the building from the curb aligns with the property to the north. The base extends to the northern property line adjacent to the widened public lane.

Above the base building, the tower element generally steps back 2 metres on the Avenue Road and Davenport Road frontages, except above the heritage structure where the building steps back an additional metre until the sixth storey to give prominence to the retained façade at 224 Davenport Road. No encroaching balconies are permitted on the fourth and fifth storeys of the majority of the frontages to provide definition to the base building.

The tower element of the building was designed to mitigate impacts on the building to north of the property at 160-170 Avenue Road. It is setback 12.5 metres from the centre line of the existing lane, resulting in a 20-metre separation between the tower elements, and maintains a typical floor plate of 750 square metres. The corners of the tower floor plate have been setback an additional 1.5 metres to improve access to sky views, sunlight and privacy between the buildings. Encroaching balconies have also been restricted in the centre of the north face of the tower element.

To the western property line, the tower element has been setback 7.5 metres, recognizing that the adjacent property to the west is too small to accommodate a tall building and cannot be consolidated with other properties to the west, as it abuts Joseph Tough Park.

Public Realm

The proposal conforms with the applicable public realm policies of the Official Plan and the Downtown Plan.

The 5.5- to 12-metre curb to building setback on Davenport Road and 6- to 7-metre setback on Avenue Road will support an enhanced streetscape that includes the planting of eight new trees, including one 10-metre signature tree in the western courtyard, new seating areas, as well as public art and soft landscaping opportunities. These setback areas will improve pedestrian comfort and safety at the busy intersection of two major streets. Commercial retail units run the length of both frontages to animate the public realm.

The incorporation of the heritage facade into the design of the base building provides a contextual reference to the history of the area and improves the quality of the public realm. It serves as a focal point along the streetwall and frames the western courtyard area and the residential entrance to the new building on Davenport Road.

The public laneway is proposed to be improved for pedestrians through the widening and installation of a new raised concrete sidewalk on the north side. Safety bollards will be installed along the new sidewalk and the laneway will be resurfaced.

Shadow Impacts

The shadow impacts resulting from the proposal are acceptable. The applicant submitted a shadow study which shows the extent of the shadow from the proposed building on the spring and fall equinoxes (March 21 and September 21) and the summer and winter solstices (June 21 and December 21). The proposal adequately limits shadow impacts on Neighbourhoods and parks.

In terms of impacts on Ramsden Park, the proposal casts minimal shadow for approximately one hour during the afternoon on the equinoxes and has no impact on the park during the summer solstice. During the winter solstice, the proposal adds approximately two hours of new shadow in the afternoon.

With regard to the impact on surrounding Neighbourhoods, the shadow from the building does not reach the north side of Chicora Avenue during the equinoxes and impact properties on Pears Avenue between 1-2 hours in the early evening. There are virtually no impacts on Neighbourhoods during the summer solstice.

Wind Impacts

City Planning staff have reviewed the pedestrian level wind study submitted in support of the application and are satisfied with the assessment, conclusions, and recommendations contained within the study.

The study indicates that existing wind conditions around the site exceed or come very close to wind safety thresholds in a number of off-site locations along Avenue Road and Davenport Road. The proposal does not significantly alter these surrounding existing conditions, and generally all areas at grade will be suitable for their intended uses throughout the year. The study does recommend that additional horizontal features, such as canopies, wrapping around the southeast corner be included in the design to mitigate uncomfortable conditions in the winter at the intersection of Davenport Road and Avenue Road.

City Planning staff will continue to work with the applicant through the site plan process to improve wind conditions.

Site Access, Parking, and Loading

Transportation Services staff are satisfied with the Transportation Impact Study that was submitted to assess the traffic impact, access, parking and loading arrangements for this development.

Vehicular access for loading and parking will be from a public lane north of the site, which connects to Avenue Road, just north of the Avenue Road and Davenport Road intersection. A total of 176 vehicular parking spaces will be provided in a below-grade

parking garage. One Type G loading space and two short-term parking spaces will be provided along the laneway at grade. The proposal also includes 334 bicycle parking spaces.

Laneway Widening

Transportation Services staff are satisfied with the conveyance of 2.94 metres to widen the laneway to the north of the site to 6 metres and provide a 0.6-metre extension to the existing sidewalk on the north side of the laneway. The laneway widening and extension of the existing sidewalk will improve pedestrian movement and allow for two-way vehicular traffic along the laneway throughout the length of the site.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review, and require the Functional Servicing and Stormwater Management Report to be revised and submitted to the City for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, prior to the enactment of the Bill.

Parkland and Community Benefits Charge

The City of Toronto Parkland Strategy ("PLS") is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the 2022 draft update to the PLS methodology, the development site is currently in an area with 4 -12 square metres of parkland per person, which is below the City-wide average provision of 28 square metres of parkland per person (2022).

In this instance, and as per the Toronto Municipal Code Chapter 415-26, Parks, Forestry and Recreation staff accept the conveyance of lands off-site as the required parkland dedication. The Owner has entered into purchase and sale agreements to acquire two properties (207 and 209 Avenue Road) to convey to the City at a future date.

The off-site parkland conveyance is acceptable to Parks, Forestry and Recreation. The proposed properties have an area of approximately 365 square metres and will, in conjunction with the conveyance of 211 Avenue Road secured through the application at 1134-1140 Yonge Street, expand Ramsden Park, increasing the park frontage on Avenue Road from approximately 10 to 30 metres.

The value of the conveyance of the two properties will exceed the entirety of the applicant's Section 42 parkland dedication requirement, however, it will not exceed the value of the Section 42 requirement and the Community Benefits Charge contributions when combined.

At the time of writing this report, the value of the demolition of the existing structures on the lands as well as additional expenses related to providing the land free and clear of

encumbrances mean that the total value of the of the conveyance has not yet been determined. City Planning staff will report back when the value of the cost of the in-kind contribution has been determined.

The off-site conveyance is subject to the approval of the General Manager, Parks, Forestry & Recreation and subject to this Division's conditions for conveyance of parkland, prior to the issuance of the first above grade building permit, including satisfying the environmental assessment conditions. The applicant, at their expense, will be responsible for the base park improvements.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods and include matters such as recreation, libraries, childcare, local schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Toronto Green Standard

The Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

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SIGNATURE

Oren Tamir, Acting Director Community Planning, Toronto and East York District

City of Toronto Data/Drawings

Attachment 1: Location Map Attachment 2: Application Data Sheet Attachment 3: Official Plan Land Use Map Attachment 4: Downtown Plan Mixed Use Areas Map Attachment 5: Existing Zoning By-law Map Attachment 6: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 7: Site Plan Attachment 8: 3D Model of Proposal in Context - Northeast Attachment 9: 3D Model of Proposal in Context - Southwest Attachment 10: East Elevation Attachment 11: South Elevation Attachment 12: West Elevation Attachment 13: North Elevation

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address:	148-158 Avenue Road and 220-234 Davenport Road	Date Received:	July 2021	
Application Number:	21 178720 STE 11 (DZ		
Application Type:	Rezoning			
Project Description:	A 108-metre (35-storey, excluding the mechanical penthouse) mixed-use building, containing 330 dwelling units and 500 square metres of non-residential gross floor area.			
Applicant		Architect	Owner	
Tribute (A) (Dev)		Chris Dikaskas	Tribute (A) (9 De) ()	

Tribute (Av & Dav)Chris DikeakosTribute (Av & Dav)LimitedArchitects Inc.Limited

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas 3	Site Specific Provision:	Ν
Zoning:	CR 2.5 (c1.5; r2.0) SS2 (x1893) CR 2.5 (c1.5; r2.0) SS2 (x1778)	Heritage Designation:	Y
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1961	Frontag	e (m):	34 (Avenue Road)	Depth (m):	57.5 (Davenport Road)
Building Data	Existing	Retai	ned Prop	bosed T	otal
Ground Floor Area (sq m):		1,14	1 1 ,	141
Residential GFA (sq m):			24,2	50 2 4	4,250
Non-Residential GFA (sq	m):		500	50	00
Total GFA (sq m):			24,7	50 24	4,750
Height - Storeys:			35	3	5
Height - Metres:			108	10	08
Lot Coverage Ratio (%):	58%	Floo	or Space Inde	ex: 12.5	
Floor Area Breakdown	Above Grade (sq	ım) E	Below Grade	(sq m)	
Residential GFA:	24,000	7	76		
Retail GFA:	500				

Office GFA: Industrial GFA: Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			330	330
Other:				
Total Units:			330	330

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		0	192	104	34
Total Units:		0	192	104	34

Parking and Loading

Parking	170				1
Spaces:	176	Bicycle Parking Spaces:	334	Loading Docks:	(Type G)

CONTACT:

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Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map



Attachment 5: Downtown Plan Mixed Use Areas Map



Attachment 6: Draft Zoning By-law Amendment

The draft by-law amendment will be made available on or before the June 22, 2023, Toronto and East York Community Council meeting.

Attachment 7: Site Plan









Attachment 9: 3D Model of Proposal in Context - Southwest



Attachment 10: East Elevation



East Elevation

Attachment 11: South Elevation



South Elevation



West Elevation



North Elevation