

Staff Report for Council Public Meeting

Date of Meeting: April 29, 2025 Report Number: SRPBS.25.037

Department: Planning and Building Services

Division: Development Planning

Subject: SRPBS.25.037 – Request for Comments -

Official Plan and Zoning By-law Amendment Applications – Amir Meysam Nehvi - City Files

OPA-24-0010 and ZBLA-24-0018

Owner:

Amir Meysam Nehvi 8199 Yonge Street, Unit 301 Thornhill, Ontario L4J 1W5

Agent:

Biglieri Group 2472 Kingston Road Toronto, Ontario M1N 1V3

Location:

Legal Description: Part Lot 51, Concession 1, W.Y.S.

Municipal Addresses: 50, 54, 62, 72, 78 and 86 Elgin Mills Road West

Purpose:

A request for comments concerning proposed Official Plan and Zoning By-law Amendment applications to permit the construction of a seven (7) storey residential building on the subject lands.

Recommendation(s):

a) That Staff Report SRPBS.25.037 with respect to the Official Plan and Zoning By-law Amendment applications submitted by Amir Meysam Nehvi for lands known as Part Lot 51, Concession 1, W.Y.S. (Municipal Addresses 50, 54, 62, 72, 78 and 86 Elgin Mills Road West), City Files OPA-24-0010 and ZBLA-24-

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0018, be received for information purposes only and that all comments be referred back to staff.

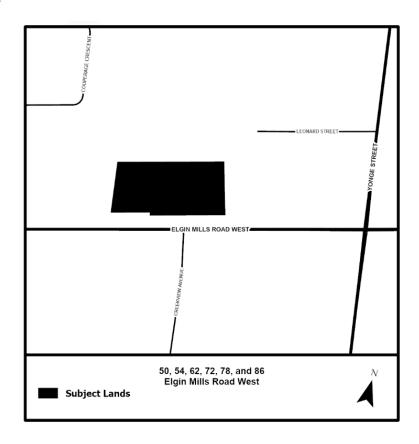
Contact Person(s):

- Elaine Leung, Senior Planner, 905-747-6452
- Deborah Giannetta, Director of Development Planning, 905-771-6312
- Gus Galanis, Commissioner, Planning and Building Services, 905-771-9966

Report Approval:

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Location Map:



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Key Messages:

- the applicant is seeking approval of Official Plan and Zoning By-law Amendment applications to permit the construction of a seven (7) storey residential building on the subject lands; and,
- the purpose of this report is to seek comments from Council and the public with respect to the subject Zoning By-law Amendment application, pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

Background:

The subject Official Plan and Zoning By-law Amendment applications were received and deemed complete by the City on December 18, 2024. The applications and supporting materials were circulated to relevant City departments and external agencies for review and comment. The purpose of this report is to seek comments from Council and the public with respect to the subject applications, pursuant to the statutory Public Meeting and associated notice requirements of the *Planning Act*.

Discussion:

Site Location and Adjacent uses

The subject lands are located on the north side of Elgin Mills Road West, west of Yonge Street and are comprised of six (6) contiguous residential lots (refer to Maps 1 and 2). The lands have a combined lot frontage of 116.4 metres (381.9 feet) along Elgin Mills Road West and a total lot area of 0.6 hectares (1.5 acres). The lands support five (5) single detached dwellings which are intended to be demolished to facilitate the proposed development.

Surrounding land uses include existing townhouse dwelling units to the north, a watercourse associated with the German Mills Creek to the northeast, Elgin Mills Road West to the south and single detached dwellings to the west. The lands are approximately 150 metres (492.12 feet) from the Elgin Mills Bus Rapid Transit (BRT) Station at the intersection of the Yonge Street and Elgin Mills Road.

Development Proposal

The applicant is seeking Council's approval of its Official Plan and Zoning By-law Amendment applications to permit the construction of a seven (7) storey residential building to contain 227 apartment dwelling units, two levels of underground parking and vehicular access from Elgin Mills Road West (refer to Maps 6 to 8).

The following is a summary table outlining the relevant statistics of the development proposal based on the plans and drawings submitted to the City:

Combined Lot Area:
 Combined Lot Frontage:
 0.6 hectares (1.5 acres)
 116.4 metres (381.9 feet)

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Total Gross Floor Area: 16,956 square metres (182,512.87 square feet)

• Floor Space Index (FSI): 2.85

• Density: 378.33 units per hectare (151.33 units per acre)

2.85 FSI

Total Number of Units: 227 Units

Proposed Building Height: 7 storeys or 21.81 metres (71.55 feet)

Total Parking: 285

Residents: 247 residential parking spaces

Visitors:35 visitor parking spaces

Accessible spaces:

Amenity Area

Indoor:
 Outdoor:
 440 square metres (4,736.12 square feet)
 540 square metres (5,812.51 square feet)

Official Plan Amendment and Zoning By-law Amendment Applications

The applicant is seeking Council's approval of its Official Plan Amendment application to establish a site specific amendment to permit the following (refer to Appendix A):

- an increased building height of 7 storeys, whereas 4 storeys is permitted; and,
- an increased density of 2.85 Floor Space Index (FSI) (equivalent to 378.33 units per hectare or 151.33 units per acre), whereas a density of 50 units per hectare or (20 units per acre) is permitted.

The applicant's Zoning By-law Amendment application proposes to rezone the subject lands to **Multiple Residential Two (RM2) Zone** under Zoning By-law 190-97, as amended, to establish the following site specific development standards, among others, in order to facilitate the development proposal (refer to Appendix B):

- to establish an "apartment dwelling" as a permitted use;
- to establish site specific development standards with respect to minimum front yard, minimum side yard, minimum rear yard, maximum building height, and maximum lot coverage;
- to permit reduced loading space standards and reduced parking space dimensions; and,
- to permit reduced landscape strip requirements within the front yard.

The appropriateness of the proposed amendments are currently under review. The site specific exceptions sought through the amendments shall be evaluated through the review of the applications with consideration for policy conformity, neighbourhood compatibility, urban design and function. Additional information concerning the applicable Official Plan policies and the Zoning By-law governing the subject lands are discussed in subsequent sections of this report.

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Supporting Documentation/Reports

The following documents/information have been submitted to the City in support of the development proposal:

- Planning Justification Report;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendment;
- Property Survey;
- Site Plan;
- Architectural Plans (Elevation Plans, Floor Plans, Roof Plan);
- Architectural Renderings;
- Phase 1 Environmental Site Assessment;
- Functional Servicing and Stormwater Management Report;
- Geomorphic Assessment;
- Civil Engineering Plans;
- Landscape Plans;
- Development Application Summary;
- Hydrogeological Assessment;
- Arborist Report and Tree Inventory and Preservation Plans;
- Natural Heritage Evaluation;
- Ontario Building Code Data Matrix;
- Sun/Shadow Study;
- Waste Management Plan;
- Traffic Impact Study; and,
- Urban Design Brief.

Planning Analysis:

Staff has undertaken a preliminary review of the applicant's development proposal based on the policy framework contained within the *Provincial Planning Statement* (2024) (the "PPS"), the Regional Official Plan (2022) (the "ROP") and the City's Official Plan (2010) (the "Plan"). Staff notes that the City's in-force Plan is consistent with the PPS and the ROP that were in-force at the time of approval.

York Region Official Plan

In accordance with Bill 185, *Cutting Red Tape to Build More Homes Act* (effective July 1, 2024) the Region of York no longer has planning responsibilities under the *Planning Act* and therefore is no longer the approval authority of the City's Official Plan or its amendments. Accordingly, the York Region Official Plan 2022 ("ROP") is now deemed to be an Official Plan of the City of Richmond Hill.

The subject lands are designated **Urban Area** in accordance with Map 1 (Regional Structure) of the York Region Official Plan (ROP) and more specifically designated as **Community Area** in Map 1A (Land Use Designations) of the York Region Official Plan

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(ROP). The subject lands are located within **Protected Major Transit Station Area** (Elgin Mills BRT Station) ("PMTSA #46") in accordance with Appendix 2 (Major Transit Station Areas) of the ROP. Furthermore, the lands are in proximity to Yonge Street, which is identified as a **Rapid Transit Corridor** in accordance with Map 10 of the ROP (Rapid Transit Network) and within approximately 150 metres (492.12 feet) from the Elgin Mills BRT Station at Yonge Street.

The **Urban Area** is considered the primary location for growth and development within York Region, which includes Towns, Villages, Centres and Corridors. The **Community Areas** are intended to support a wide range and mix of urban uses and to accommodate a significant portion of planned growth within York Region. The ROP identifies **PMTSA #46 (Elgin Mills BRT Station)** as having a proposed density target of 160 residents and jobs per hectare. Furthermore, as set out in Chapter 4.0 of the ROP, MTSAs represent a key component of the Region's intensification and growth management strategy and are intended to support higher density, mixed-use and transit-oriented development.

Notwithstanding the above, the City of Richmond Hill Official Plan is to be relied upon to set out more specific policies related to land use and design that refine the broader direction established in the ROP.

City of Richmond Hill Official Plan

The subject lands are designated **Neighbourhood** in accordance with Schedule A2 - Land Use of the Plan (refer to Map 2). Uses permitted within the **Neighbourhood** designation include primarily low density residential uses as well as medium density residential uses subject to specific criteria. Development within the **Neighbourhood** designation permits maximum building heights of three storeys, except on an arterial streets (such as Elgin Mills Road West) where the maximum height can be four (4) storeys, and maximum density of 50 units per hectare (20 units per acre). The applicant's proposal seeks to increase the maximum permitted density to 378.33 units per hectare (151.33 units per acre) and increase the maximum permitted building height to seven (7) storeys.

The subject lands are also identified within a Priority Infill Area in accordance with **Section 4.9.1.1** and Appendix 9 – Priority Infill Areas of the Plan for which a Council-approved infill study has not been completed. Notwithstanding, in accordance with **Section 4.9.1.1** of the Plan, low and medium density residential development is permitted in this area, which provides for a broader mix of housing types, while utilizing existing infrastructure.

In accordance with **Section 4.9.2** of the Plan, development within the **Neighbourhood** designation shall be compatible with the character of the adjacent/surrounding area with respect to the predominant building forms and types, massing, general pattern of street, blocks, lots and lanes, landscaped areas and treatments, and the general pattern of yard setbacks.

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Further to the above, **Section 3.4.1** of the Plan sets out specific design criteria for all development, including mid-rise buildings as proposed in addition to the requirement of a concept plan/urban design report to demonstrate matters including but not limited to, streetscape treatments, siting and building setbacks, complementary exterior design features (i.e. facades, fenestration, colours, materials etc.) open space, circulation and parking, sun/shadow and wind control, to support this form of development. Specifically, as it relates to the proposed development. **Policy 3.4.1.41** requires that a sun/shadow analysis is completed for mid-rise development applications. This study is required to demonstrate that sunlight is optimized through all four seasons, and that shadowing impacts are limited. The sun/shadow study submitted in support of the applications does not adequately address these concerns.

Policy 3.4.1.55 requires that suitable massing and design be demonstrated to ensure built form compatibility with existing low density residential and medium density residential areas. Further review and reconsideration of the proposed massing and terracing is encouraged. **Policy 3.4.1.59** requires mid-rise buildings have a step back of the building above the base building height to provide a clearly discernable top to the street wall and to minimize shadow impact on the public realm. As the proposed development introduces a mid-rise built form in the **Neighbourhood** designation, the associated policies with respect to transition and step backs are applicable.

Additionally, **Section 3.1.5.3** of the Plan requires a minimum of 25% of new housing units within the **Settlement Area** be affordable and should be coordinated across the City. The proposed development does not currently propose any affordable units. Staff will continue to work with the applicant to ensure the affordability requirements as prescribed by the Plan have been met.

Based on the preceding, a more detailed review and evaluation of the proposed amendments in the context of the applicable Plan policies will be completed following the receipt of comments from Council, the public, City departments and external agencies and will form part of the future recommendation report to Council.

Zoning By-law

The subject lands are currently zoned **Third Density Residential (R3) Zone** and **Flood (F) Zone** under Zoning By-law 2523-86, as amended, as well as **Residential Semi-detached/Duplex Two (RD2) Zone** under Zoning By-law 190-87, as amended (refer to Map 3).

The **R3 Zone** and **RD2 Zone** permit single detached dwellings, duplex dwellings and semi-detached dwellings but do not permit apartment dwellings as proposed. The **F Zone** portion of the subject lands, which applies only to a small area located at the northeast corner of the subject lands that addresses the German Mills Creek natural heritage feature on the subject lands. The **F Zone**, permits conservation, forestry, recreational uses, and public and private uses. Buildings and structures are not permitted in the **F Zone** except where they are intended for flood and erosion control. It

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is noted that the proposed development would be located outside of the **F Zone** area, however the proposed development must include the appropriate buffer setback to the feature.

The applicant is proposing to rezone the subject lands to a site specific **Multiple Residential Family Two (RM2) Zone** under By-law 190-87, as amended to permit the proposed development. The following table provides a summary of the proposed site specific development standards of the **RM2 Zone** under By-law 190-87, as amended relative to the **RM2 Zone**:

Development Standard	RM2 Standards under By- law 190-87, as amended	Proposed Development Standards
Permitted Uses	 Street Townhouse Dwellings Block Townhouse Dwellings Apartment Dwelling Day Nursey Apartment Retail Store 	Complies
Minimum Lot Frontage	30 metres (98.43 feet)	116 metres (380.57 feet)
Minimum Lot Area	5,000 square metres (53,819.55 square feet)	5,945 square metres (63,991.45 square feet)
Maximum Lot Coverage	50%	55%
Minimum Front Yard Setback	7.5 metres (24.61 feet) or one-half the building height, whichever is greater	3 metres (9.84 feet)
Minimum Side Yard Setback	7.5 metres (24.61 feet) or one-half the building height, whichever is greater	2 metres (6.56 feet)
Minimum Rear Yard Setback	7.5 metres (24.61 feet) or one-half the building height, whichever is greater	9 metres (29.52 feet)
Maximum Building Height	4 storeys	7 storeys 25 metres (82.02 feet)
Maximum Floor Area Ratio/Floor Space Index (FSI)	50%	280% or 2.79 FSI
Minimum Landscape Strip Buffer	6.0 metres (19.69 feet) abutting all street lines	1.5 metres

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It should be noted that in accordance with Bill 185 *Cutting Red Tape to Build More Homes Act (2024)*, minimum parking standards are no longer required for development within an MTSA. As the subject lands are located within **PMTSA #46 (Elgin Mills BRT Station)**, minimum parking rates are not required.

The draft Zoning By-law amendment submitted by the applicant in support of its development proposal is currently under review (refer to Appendix "B"). The appropriateness of the proposed zone category, development standards, as well as the need for additional standards and/or restrictions will continue to be evaluated through the review of the submitted development applications with regards to policy conformity, compatibility, design and function.

City Department and External Agency Comments:

The subject Official Plan and Zoning By-law Amendment applications and associated background studies and reports submitted in support of same have been circulated to various City departments and external agencies for their review and comment. Comments have been received from the City's Park and Natural Heritage Planning, Building Services – Zoning Division, Heritage and Urban Design, Infrastructure and Development Engineering Services, Community Services – Waste Collection, Toronto and Region Conservation Authority (TRCA), York Region, York Region District School Board, Alectra Utilities, Bell, Rogers, and Enbridge Gas.

These City departments and external agencies have no objections to the applications and/or have provided comments to be considered by the applicant during the more detailed implementation stage of the approval process. These comments have been forwarded to the applicant for consideration but have not been appended to this report. At the time of writing this report, the applications remain under review by the City's Corporate and Financial Services Department, York Catholic District School Board, Conseil Scolaire Viamonde and Conseil Scolaire De District Catholique Monavenir.

Heritage and Urban Design Section

The City's Heritage and Urban Design Section has reviewed the applicant's development proposal in accordance with the City-wide Urban Design Guidelines and has provided comments with respect to the applicant's site specific Official Plan policy amendments and the proposed mid-rise built form (refer to Appendix "C"). Specifically, Urban Design staff recommend that the applicant increase the proposed side yard setbacks to a minimum of 7.5 metres (24.6 feet) to ensure appropriate facing distances between mid-rise buildings and surrounding low-rise residential context. While a step back is proposed above the fourth storey of the proposed building, further refinement is needed to improve the visual transition to the adjacent low-rise dwellings and to reduce the visual impact of the height and bulk of the proposed building. Additionally, staff has expressed concerns that the proposed development standards may preclude future development of the abutting property at 38 Elgin Mills Road West. As such, staff have

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advised the applicant to explore land consolidation to include 38 Elgin Mills Road West, to better accommodate future development opportunities.

Urban Design Staff also note that the proposed development may result in shadow impacts on adjacent properties. Consequently, staff recommend that the applicant assess these impacts and propose mitigation strategies.

Park and Natural Heritage Planning Section

The City's Park and Natural Heritage Planning Section has provided comments related to the submitted Natural Heritage Evaluation, Landscape Plans, Tree Inventory and Preservation Plans, among other material (refer to Appendix "D"). Park and Natural Heritage Planning (PNHP) staff recommend the applicant provide cash-in-lieu of parkland dedication given that the proposed development does not provide a viable park that can be programmed or meaningfully contribute to the overall park system.

PNHP staff also recommend that increased setbacks be provided along the rear and west property boundaries to improve landscaping, screening, and tree planting opportunities; balconies, terraces, and accessory structures should be inset for the first 10.5 metres (34.4 feet) of building height to allow for tree canopy growth, and a 3 metre (9.8 feet) front yard landscape strip should be provided to accommodate tree planting in the private boulevard.

Further, PNHP staff also request confirmation of the floodplain limits from the Toronto and Region Conservation Authority (TRCA) and advise that the City will require conveyance of the floodplain buffer into public ownership and that it be appropriately zoned to prohibit encroachment. Staff have also identified that a portion of a proposed retaining wall located in the northeast corner of the property appears to be located within the TRCA regulated floodline whereas a 10 metre (32.8 feet) buffer to the floodline must be provided. As such, the proposed retaining wall within the 10 metre (32.8 feet) buffer must also be removed to maintain the integrity of the buffer.

Lastly, staff have requested revisions to the Arborist Report and Tree Inventory and Preservation Plan to ensure tree protection zones meet City standards. Any boundary trees proposed for removal or injury will require written consent from adjacent landowners. Additionally, staff comments address requirements for soil volumes for tree planting, landscaping coordination with servicing plans, and snow storage placement.

Infrastructure and Development Engineering Services

The Infrastructure and Development Engineering Services Section has provided comments regarding the future vehicular and pedestrian interconnections, bicycle parking and Region of York road access requirements and future road improvements.

Transportation Engineering staff has advised that Dickson Street located to the west of the subject lands between 94 and 112 Elgin Mills Road West, will be converted into a public road, whereas it currently functions as a private laneway. As such, there is an

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opportunity for a future potential vehicular interconnection from the subject lands to connect to this future public road via 90 and 94 Elgin Mills Road West. To secure this connection, a reciprocal easement for vehicular and pedestrian access will be required as a condition of Site Plan approval.

Staff have also requested that bicycle parking is to be provided in accordance with the City's 2024 Parking and Transportation Demand Strategy (PTDMS), and demonstrated on the architectural plans.

Toronto and Region Conservation Authority

Toronto Region Conservation Authority (TRCA) staff have provided comments, confirming that a stream corridor associated with German Mills Creek traverses the property at the northeast corner of the site. The TRCA have identified concerns with respect to the width of the meander belt and request that it be appropriately identified and that it include the required 10 metre (32.8 feet) buffer. Further, staff have identified potential impacts on the German Mills Creek as a result of the proposed construction dewatering. Staff will require a Hydrogeological Report in support of a future Site Plan application and a mitigation strategy.

Development Planning Division

Planning staff has completed a preliminary review of the applicant's development proposal, including plans and materials submitted in support of the proposed development. In consideration of the policies of the Plan that are relevant to the evaluation of the proposed development, staff provides the following preliminary comments:

- the proposed mid-rise, seven (7) storey residential apartment building is not a contemplated built form within the **Neighbourhood** designation. Further, the proposed seven (7) storey height and density of 378.33 units per hectare (151.33 units per acre) exceeds the maximum permitted building height of four (4) storeys and the maximum density of 50 units per hectare (20 units per acre) permitted in the **Neighbourhood** designation of the Plan;
- further review and evaluation of the proposal is needed to determine the impact and appropriateness of the proposed development in accordance with Section 4.9.2 of the Plan as it relates to compatibility with the existing area, building forms and types, massing, landscaped areas and treatments and the general pattern of setbacks;
- Urban Design staff have identified concerns with respect to the proposed scale and massing of the built form, particularly with respect to shadowing and the proposed setbacks to the east and west as it relates to appropriate facing distances to the adjacent residential lots;
- PNHP staff have identified concerns with respect to matters such as, but not limited to floodplain buffers, parkland dedication, tree planting, landscaping, conveyance of lands, and screening;
- the development proposal shall protect and provide for future vehicular and pedestrian interconnections, including the provision of the appropriate access

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easements to facilitate interconnections through the subject development proposal, particularly to the adjacent lands to the east;

- Policy 3.1.5.3 of the Plan requires a minimum of 25% of new housing units within the Settlement Area to be affordable, and a portion of these units should be designed to be accessible for people with disabilities. No information has been submitted in this regard. Accordingly, the applicant will be required to demonstrate how this policy will be satisfied;
- as the proposed development involves residential units, servicing allocation will be required. In accordance with the City's new Municipal Servicing Allocation Policy Bylaw 9-25, the applicant must submit a Sustainability Performance Metrics Tool with the required Site Plan application to satisfy the City's Interim Growth Management Strategy requirements and comply with the new Municipal Servicing Allocation Policy;
- the applicant must satisfactorily address comments and/or requirements identified by City departments and external agencies that have been requested to review the proposed development. It is noted that the application is still under review by a number of City departments and external agencies;
- staff will continue to review the form, content and appropriateness of the proposed draft Official Plan and Zoning By-law Amendments as well as the site specific standards requested by the applicants with respect to the form, content and appropriateness of the amendments. The applicant shall provide appropriate development standards related to landscaping, building separation and outdoor amenity space in consideration of the proposed mid-rise building on the subject lands; and,
- future Site Plan and draft Plan of Condominium applications will be required to facilitate the proposed development. Staff recommends submission of a Site Plan Application prior to finalizing the Zoning By-law Amendment.

A comprehensive review and evaluation of the subject Official Plan and Zoning By-law Amendment applications will be conducted following the receipt of comments and feedback from City departments, external agencies, Council and the public. Staff will continue to review the form, content and appropriateness of the proposed draft Official Plan and Zoning By-law Amendments, including the site specific uses, and standards requested by the applicant. This detailed review will be completed in advance of and addressed as part of a recommendation report to be prepared for a future Council meeting.

Financial Implications:

The recommendation of this report does not have any financial, staffing or other implications.

Relationship to Strategic Plan 2024-2027:

The recommendation of this report does not have any direct implications with respect to the 2024-2027 Strategic Plan. An overview of how the subject applications are aligned

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with the Strategic Plan will be included in a future recommendation report to Council following a comprehensive review and evaluation of the applicant's development proposal.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix "A" Applicant's Draft Official Plan Amendment
- Appendix "B" Applicant's Draft Zoning By-law Amendment
- Appendix "C" Memo from Urban Design and Heritage
- Appendix "D" Memo from Park and Natural Heritage Planning
- Map 1 Aerial Photograph
- Map 2 Neighbourhood Context
- Map 3 Existing Zoning
- Map 4 Official Plan Designation
- Map 5 Proposed Site Plan
- Map 6 Proposed Elevations
- Map 7 Perspective Views

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Report Approval Details

Document Title:	SRPBS.25.037 - Elgin Mills.docx
Attachments:	 Appendix A.pdf Appendix B.pdf Appendix C.pdf Appendix D.pdf Map 1 - Aerial Photograph.docx Map 2 - Neighbourhood Context.docx Map 3 - Existing Zoning.docx Map 4 - Official Plan Designation.docx Map 5 - Proposed Site Plan.docx Map 6 - Proposed Elevations.docx Map 7 - Perspective Views.docx
Final Approval Date:	Apr 11, 2025

This report and all of its attachments were approved and signed as outlined below:

Deborah Giannetta - Apr 10, 2025 - 4:53 PM

Gus Galanis - Apr 10, 2025 - 4:54 PM

Darlene Joslin - Apr 11, 2025 - 9:51 AM