

ZONING BY-LAW AMENDMENT – 99 FIFTH AVENUE

ACS2018-PIE-PS-0023

CAPITAL (17)

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 99 Fifth Avenue to permit a seven-storey residential building, as detailed in Document 2.
2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 11 July 2018", subject to submissions received between the publication of this report and the time of Council's decision.

The committee heard four delegations:

- Carolyn Mackenzie, Chair of the Planning Committee for the Glebe Community Association, spoke of the community's concerns about ensuring that any development in the Glebe fits in and transitions better to the existing neighborhood, does not unnecessarily sacrifice tree canopy, and does not constitute too much density, given the limited amount of public amenities available to share. She thanked the City and Minto for their collaborative efforts and spoke in support of a proposed motion (subsequently introduced by Vice-chair Tierney) with respect to a review of opportunities for a limited secondary plan process focused on a height and density strategy for the area.
- *Robert Brocklebank was concerned that exemptions to the existing zoning

constraints are being permitted without rationale or justification, and that misinformation is being conveyed about what is actually permissible on site to support. He suggested that intensification can be achieved successfully within the existing zoning restrictions. He further suggested that a review of the Zoning By-law, city-wide, should be conducted to update and strengthen it and ensure it is in line with the Official Plan, rather than being a static document.

- Judy Peacocke was concerned about the potential social and public impact on the neighbourhood, stemming from the loss of public amenity, being the existing inner courtyard and fountain. She questioned whether the developer is legally allowed to close off public access to this amenity and, if so, whether they would consider some sort of quid pro quo in the form of social amenity. She also wanted assurance that the City would enforce that the windows of the new development be treated to help avoid accidental bird strikes, as per the City's previous commitment rising out of its consultation with Nature Conservancy Canada and Safewings Ottawa.
- Carol MacLeod was concerned about the loss of affordable office space that currently allows valued professional services to be located within a walkable community. She indicated that she and a majority of neighbours are opposed to the development on the basis of its height, density, massing and the traffic challenges it will exacerbate. She was concerned about the impacts of a huge population increase on a downtown street, about units without sufficient affordable parking options, units not designed for families and that might be used as Air BnB rentals, which would further impact parking and traffic flow. She questioned why this developer is being granted an exemption from the existing zoning restrictions when other developers within the area have been able to successfully conform to them, and why the recently developed infill guidelines are being ignored.

The following representatives were present in support for the applicant/owner and to answer questions, if needed: Kevin A. Harper, Minto Communities; Susan Murphy, Minto Communities; Carl Furney, Fotenn Consultants; Prish Jain, TACT Architecture; David Hook, IBI Group.

In addition to that noted with an asterisk (above), the Planning Committee received the following correspondence between between 15 June (the date the report was published to the City's website in the Planning Committee agenda) and the time it was considered

by the Planning Committee on June 26, a copy of which is held on file:

- Email dated June 19 from Daniel Way and Rosemary Cairns Way
- Email dated June 21 from Frank Johnson
- Email dated June 22 from Regan Morris and Elizabeth Jamieson
- Email dated June 24 from Scott Proudfoot
- Email dated June 25 from Ali A. Ramezani
- Email dated June 25 from John Smart
- Email dated June 25 from Kevin A. Harper, Minto Communities-Canada

The following staff of the Planning, Infrastructure and Economic Development department responded to questions: Steve Willis, General Manager; John Smit, Director, Economic Development and Long Range Planning; Kersten Nitsche, Planner.

Ward Councillor David Chernushenko was present and took part in the discussion on this matter.

Motion N° PLC 66/2

Moved by Councillor T. Tierney

WHEREAS the Glebe is an Ottawa neighbourhood that is located just south of downtown, in Capital Ward, with the neighbourhood borders being the 417 highway to the north, the Rideau Canal to the south and east and Bronson Avenue to the west; and

WHEREAS the Glebe is one of Ottawa's distinct neighbourhoods that combines the old and the new to give residents and visitors a unique Ottawa experience and has seen a marked increase in development applications, most notably since the renewal of Lansdowne Park; and

WHEREAS the Glebe currently has no secondary plan or community design plan, but the portion of Bank Street between Highway 417 and the Rideau Canal is designated Traditional Main Street and is subject to Policy 3.6.3(8) of the Official Plan, which is supportive of building heights up to six storeys on Traditional Main Streets with greater heights considered in accordance with policies 8 through 14

of s.4.11 including building transitions; and

WHEREAS the Zoning By-Law currently permits an as-of-right height of 15 metres in the Traditional Main Street Zone on Bank Street which is equivalent to a four storey commercial and/or mixed-use building for much of the extent of the corridor; and

WHEREAS the Glebe community has expressed concerns over development heights occurring along Bank Street that are requesting amendments to the Zoning By-Law to exceed the 15 metre maximum height and also exceeding the six storey heights as indicated in the Official Plan; and

WHEREAS the Glebe community has also expressed concerns over the preservation of a mature tree at the south east corner of the site;

THEREFORE BE IT RESOLVED that Planning Committee direct the General Manager of Planning, Infrastructure and Economic Development to review opportunities for a limited secondary plan process focused on identification of an appropriate height and density strategy for those properties fronting or directly adjacent to Bank Street from Highway 417 to the Rideau Canal with accompanying modifications to the Zoning By-Law, and report back to Planning Committee no later than Q4 2019; and

THEREFORE BE IT FURTHER RESOLVED that Planning Committee recommend Council approve the General Manager of the Planning, Infrastructure and Economic Development Department be delegated the authority through the Site Plan Process to approve design changes to the South East corner of the site to attempt to preserve the existing mature tree such as a cut out to Area D or other measures as deemed appropriate; and,

THEREFORE BE IT FURTHER RESOLVED that Planning Committee recommend Council approve that a new portion at the rear of the building, and facing the rear yards of the residential neighbourhood, to the east labelled Area I, be limited to four storeys with a maximum height of no more than 13 metres and that the sections of Area E, on Fourth and Fifth Avenues and wrapping around the corner to the rear of the building, remain five storeys with a maximum height of 15.8 metres; and

THEREFORE BE IT FURTHER RESOLVED that Planning Committee recommend Council approve Document 3 – Schedule XXX of the original staff report be

replaced with Document 3 – Schedule XXX attached herein (see below); and

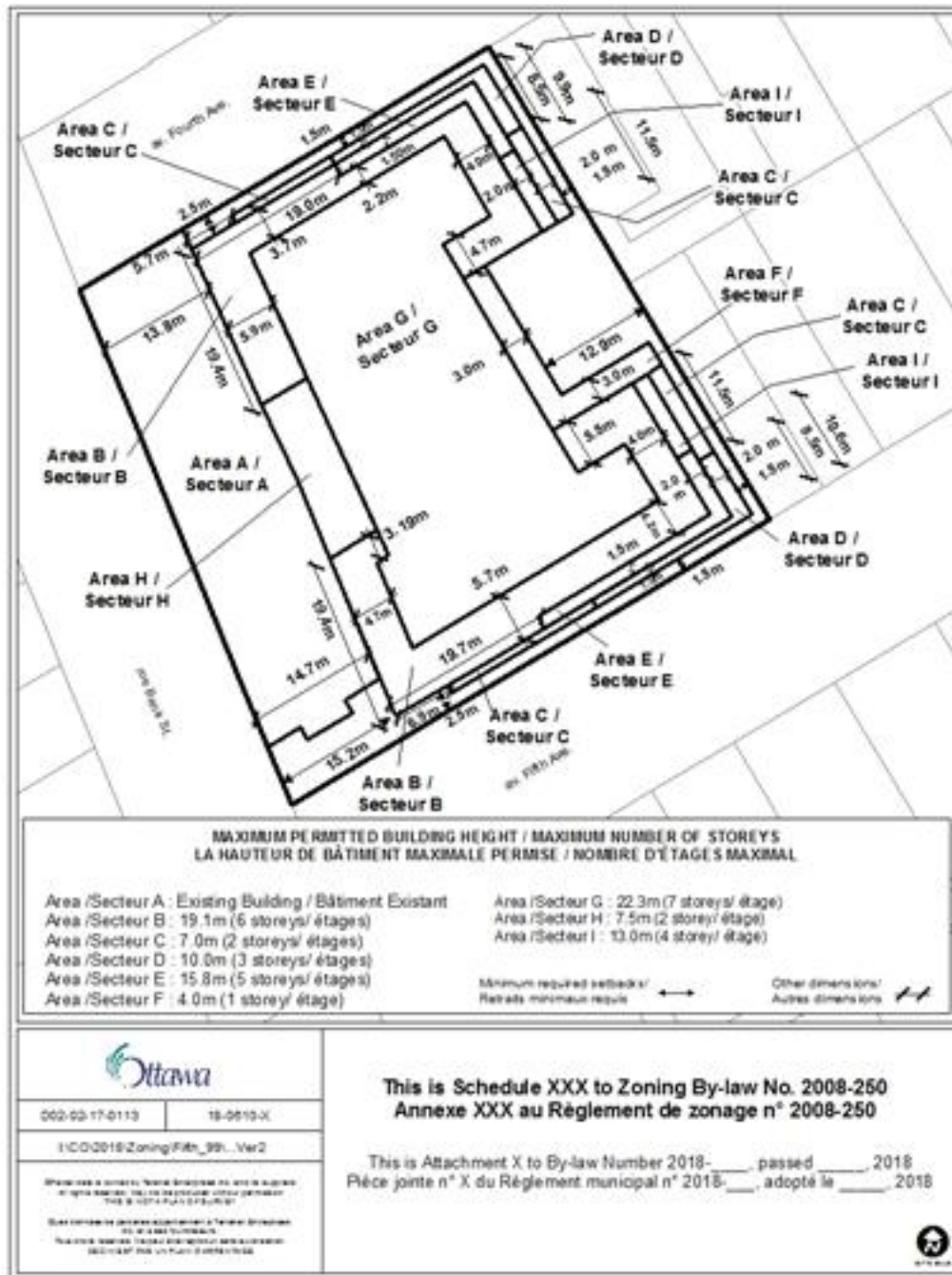
THEREFORE BE IT FURTHER RESOLVED that Planning Committee recommend Council approve Document 2 of the staff report be revised as follows:

- (a) Revise Section 1 to read as “Rezone the lands shown in Document 1 from TM [93] H(15) to TM [XXX1] SXXX – h”.
- (b) Revise Section 2(a) to read as “In Column II, add the text TM [XXX1] SXXX – h; and”.
- (c) Revise Section 2(b) by adding the following:
 - The holding symbol may be lifted only when the following conditions have been met:
 - i. Review of a detailed site plan, landscape plan, and building elevations by the Urban Design Review Panel.
 - ii. Submission and approval of a Site Plan Control application, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development.

AND BE IT FURTHER RESOLVED that there be no further notice pursuant to Sub-section 34 (17) of the *Planning Act*.

CARRIED

Document 3 – Schedule XXX



The report recommendations, as amended by Motion 66/2 and set out in full below, were put to committee:

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 99 Fifth Avenue to permit

a seven-storey residential building, as detailed in Document 2, and amended by the following:

a. that Document 2 of the staff report be revised as follows:

1) revise Section 1 to read as “Rezone the lands shown in Document 1 from TM [93] H(15) to TM [XXX1] SXXX – h”.

2) revise Section 2(a) to read as “In Column II, add the text TM [XXX1] SXXX – h; and”.

3) revise Section 2(b) by adding the following:

The holding symbol may be lifted only when the following conditions have been met:

i. Review of a detailed site plan, landscape plan, and building elevations by the Urban Design Review Panel.

ii. Submission and approval of a Site Plan Control application, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development

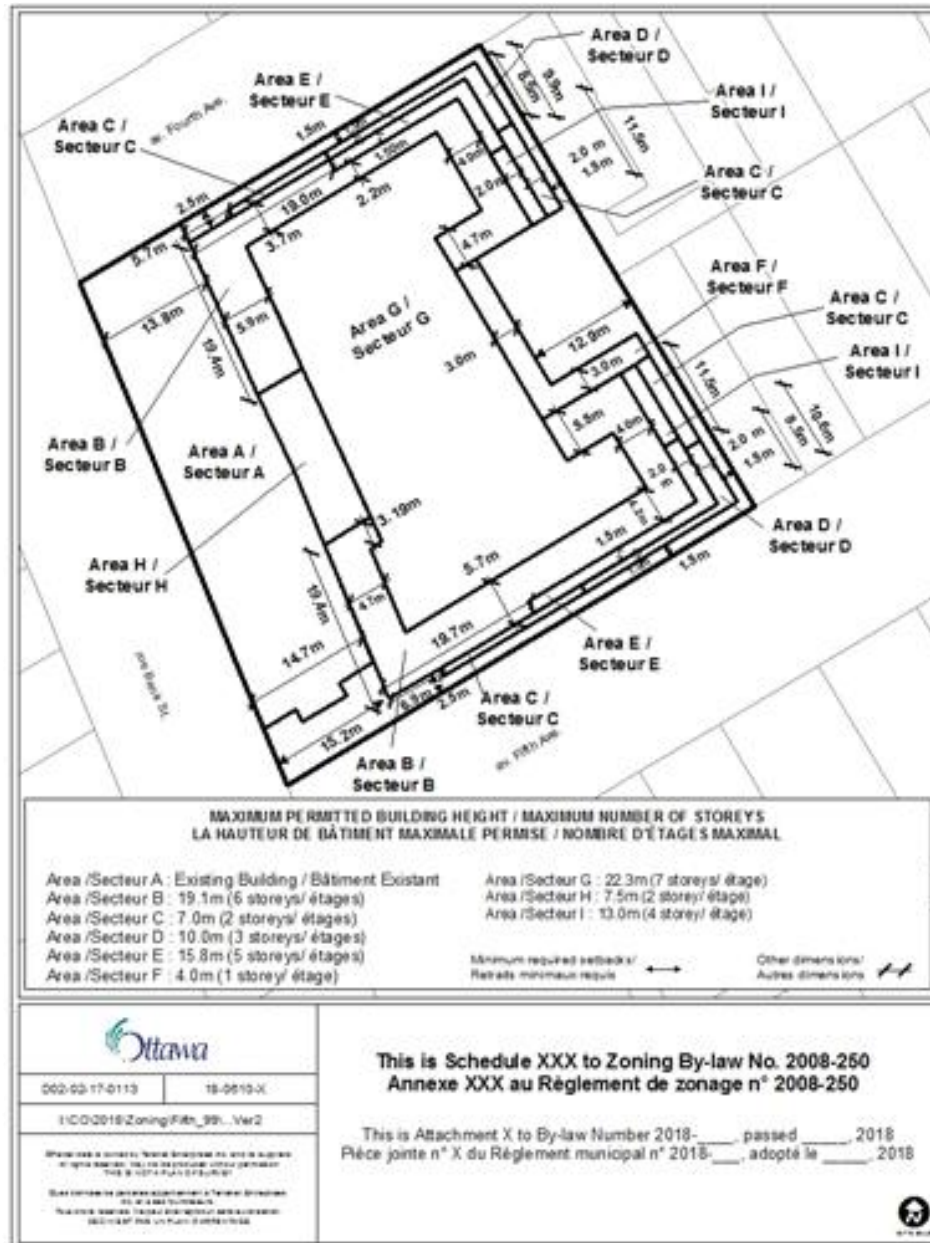
b. that the General Manager of the Planning, Infrastructure and Economic Development Department be delegated the authority through the Site Plan Process to approve design changes to the South East corner of the site to attempt to preserve the existing mature tree such as a cut out to Area D or other measures as deemed appropriate;

c. that a new portion at the rear of the building, and facing the rear yards of the residential neighbourhood, to the east labelled Area I, be limited to four storeys with a maximum height of no more than 13 metres and that the sections of Area E, on Fourth and Fifth Avenues and wrapping around the corner to the rear of the building, remain five storeys with a maximum height of 15.8 metres; and

d. that Document 3 – Schedule XXX of the original staff report be

replaced with Document 3 – Schedule XXX attached herein:

Document 3 – Schedule XXX



; and

e. that there be no further notice pursuant to Sub-section 34 (17) of the *Planning Act*.

2. That Planning Committee direct the General Manager of Planning, Infrastructure and Economic Development to review opportunities for a limited secondary plan process focused on identification of an

appropriate height and density strategy for those properties fronting or directly adjacent to Bank Street from Highway 417 to the Rideau Canal with accompanying modifications to the Zoning By-Law, and report back to Planning Committee no later than Q4 2019.

- 3. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 11 July 2018", subject to submissions received between the publication of this report and the time of Council's decision.**

CARRIED as amended, with Councillor J. Leiper dissenting