

9. Zoning By-law Amendment – 390 and 394 Bank Street

Modification au Règlement de zonage – 390 et 394, rue Bank

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 390 and 394 Bank Street to permit a nine-storey mixed-use building, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant les 390 et 394, rue Bank, afin de permettre la construction d'un immeuble polyvalent de neuf étages, comme l'expose en détail le document 2.

Documentation/Documentation

1. Acting Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated December 22, 2020 (ACS2021-PIE-PS-0013)

Rapport du Directeur par intérim, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 22 décembre 2020 (ACS2021-PIE-PS-0013)

2. Extract of draft Minutes, Planning Committee, January 14, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 14 janvier 2021

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
14 January 2021 / 14 janvier 2021**

**and Council
et au Conseil
27 January 2021 / 27 janvier 2021**

**Submitted on 22 December 2020
Soumis le 22 décembre 2020**

**Submitted by
Soumis par:
Douglas James,
Acting Director / Directeur par intérim
Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: SOMERSET (14)

File Number: ACS2021-PIE-PS-0013

SUBJECT: Zoning By-law Amendment – 390 and 394 Bank Street

OBJET: Modification au Règlement de zonage – 390 et 394, rue Bank

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 390 and 394 Bank Street to permit a nine-storey mixed-use 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 Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of January 27, 2021," subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant les 390 et 394, rue Bank, afin de permettre la construction d'un immeuble polyvalent de neuf étages, comme l'expose en détail le document 2.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 27 janvier 2021 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

EXECUTIVE SUMMARY

Staff Recommendation

Planning staff recommend approval of the Zoning By-law amendment for 390 and 394 Bank Street, to permit the construction of a nine-storey mixed-use building.

The applicant has requested to increase the building height to nine storeys, reduce the corner side yard and rear yard setbacks, permit a commercial patio, permit a swimming pool to be considered a permitted projection above the height limit, and to exclude a mezzanine from being counted as an additional storey.

The proposal aligns with applicable Official Plan policies for Centretown and Bank

Street, which is designated as a Traditional Mainstreet. The proposal also aligns with the Centretown Secondary Plan and Community Design Plan, as well as the Centretown Heritage Conservation District Guidelines.

Applicable Policy

The following policies support this application:

- Section 3.6.3 of the Official Plan indicates that mid-rise buildings are supported on Traditional Mainstreets. A nine-storey building is considered to be a mid-rise building.
- In accordance with Schedule H2 of the Centretown Secondary Plan, the maximum building height for the subject site is nine storeys.

In the Traditional Mainstreet designation within the Official Plan, the policy framework indicates that a broad range of uses is permitted on Traditional Mainstreets, including mixed-use buildings. Redevelopment and infill are encouraged on Traditional Mainstreets to optimize the use of land through intensification.

The Centretown Secondary Plan contains policies and principles that seek to establish a vision for Centretown and provide a foundation for the planned context of the area. The main principles of the Secondary Plan are to maintain and respect the character of Centretown's neighbourhoods, accommodate residential growth, accommodate a diverse population, reinforce and promote commercial activity, enhance the public realm, encourage active modes of transportation, and promote design excellence.

Other Matters

A heritage permit for the proposed development was approved by Council on December 9, 2020.

RÉSUMÉ

Recommandation du personnel

Le personnel chargé d'urbanisme recommande l'approbation de la modification au Règlement de zonage proposée pour les 390 et 394, rue Bank afin de permettre la construction d'un immeuble polyvalent de neuf étages.

Le requérant souhaite augmenter la hauteur de bâtiment à neuf étages, réduire les retraits de cours latérale d'angle et arrière, aménager une terrasse commerciale, faire

saillir une piscine au-delà de la limite de hauteur autorisée et aménager une mezzanine sans qu'elle soit considérée comme un étage supplémentaire.

Le projet est conforme aux politiques pertinentes du Plan officiel applicables au centre-ville et à la rue Bank, désignée rue principale traditionnelle. Il respecte également les dispositions du Plan secondaire et du Plan de conception communautaire du Centre-ville, ainsi que les orientations du district de conservation du patrimoine du Centre-ville.

Politique applicable

Les politiques suivantes sont favorables à cette demande :

- La section 3.6.3 du Plan officiel indique que les immeubles de hauteur moyenne sont acceptables le long des rues principales traditionnelles. Un immeuble de neuf étages est considéré être de hauteur moyenne.
- Conformément à l'annexe H2 du Plan secondaire du Centre-ville, la hauteur de bâtiment maximale sur l'emplacement visé est de neuf étages.

Le cadre de politique de la désignation de rue principale traditionnelle du Plan officiel indique qu'une vaste gamme d'utilisations est autorisée le long des rues principales traditionnelles, y compris les immeubles polyvalents. Les projets de réaménagement et d'aménagement intercalaire sont encouragés le long de rues principales traditionnelles, afin d'optimiser l'utilisation des terrains à des fins de densification.

Le Plan secondaire du Centre-ville contient des politiques et des principes ayant pour objet d'établir une vision pour le quartier Centre-ville, et qui constituent les fondements du contexte prévu pour ce secteur. Les principes essentiels du Plan secondaire consistent à préserver et à respecter le caractère des quartiers du centre-ville, à favoriser la croissance résidentielle, à accueillir une population diversifiée, à intensifier et à favoriser les activités commerciales, à mettre en valeur le domaine public, à encourager les modes de transport actifs et à promouvoir l'excellence en matière de conception.

Autres questions

La délivrance d'un permis patrimonial pour le projet d'aménagement proposé a été approuvée par le Conseil le 9 décembre 2020.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

390 and 394 Bank Street

Owner

Urban Capital James Street Inc.

Applicant

Nick Sutherland, Fotenn

Architect

RAW Design

Description of site and surroundings

The properties are located on the west side of Bank Street between James Street and Florence Street in Centretown. Together, the two properties have 49.78 metres of frontage along Bank Street and 32.43 metres of frontage along James Street, and a total area of 1,609 square metres. The property at 390 Bank Street is currently occupied by a one-storey restaurant with an attached wood frame deck and associated surface parking at the rear of the site. The property at 394 Bank Street is currently occupied by a two-storey commercial office building with parking in the rear. At the rear of the properties is a 3.66-metre wide public lane that runs north to south between Gilmour Street and Gladstone Avenue.

The surrounding area is characterized by a mix of commercial and residential uses, with building heights ranging from one storey to nine storeys. Immediately across the street from the subject site on the north side of James Street is an eight-storey apartment building. The area north and east of the subject properties along Bank Street is characterized as a traditional downtown mainstreet, with small-scale retailers, restaurants, and commercial uses at grade, and residential and office uses on upper floors. Building heights along this stretch of Bank Street range from two to six storeys in height. The area south of the subject site is similar to the built form to the north, with a

mix of uses and a range of building heights. South of Gladstone Avenue are a number of mixed-use buildings five to nine storeys in height. The area west of the subject properties is predominantly residential, with dwelling types ranging from detached dwellings to mid-rise apartment buildings.

Summary of requested Zoning By-law amendment proposal

The subject properties are currently zoned TM[1619] S236 and TM H(19). The owner would like to construct a nine-storey mixed-use building on the site and is seeking to add a new exception and height schedule to the existing Traditional Mainstreet zoning to permit an increased building height of nine storeys and to add site specific performance standards. Details of the recommended zoning include:

- a. Despite the Heritage Overlay provisions of Section 60 and the Traditional Mainstreet zoning provisions of Table 197, maximum permitted building height and minimum setbacks are as per SXXX.
- b. The provisions of Subsection 4 of Section 197 do not apply.
- c. Maximum building heights and minimum setbacks shown in Schedule XXX do not apply to permitted projections under Section 64 or Section 65.
- d. Despite Subsection 85(3), a restaurant patio is permitted and is not required to be screened.
- e. Despite Schedule XXX, the minimum front yard setback is 1.5 metres up to a height of 4.5 metres above grade. Above a height of 4.5 metres, the minimum zero metre front yard setback applies.
- f. A swimming pool and associated landscaping and safety guards are considered to be permitted projections above the height limit in accordance with Section 64.
- g. Notwithstanding any other provision of this By-law, a mezzanine is not considered a separate storey.
- h. The minimum width of a horizontally oriented bicycle parking space is 0.45 metres

Brief history of proposal

In addition to the Zoning By-law amendment required for the proposed development, an application for demolition and new construction under the *Ontario Heritage Act* was submitted, as the properties are located within the Centretown Heritage Conservation District, which is designated under Part V of the *Act*. The application was considered by Built Heritage Sub-Committee (BHSC) on November 13, 2020. Heritage staff's recommendation to BHSC was to approve the application conditional on the applicant introducing an additional design element on the Bank Street façade to better reflect the low-rise historic character of Bank Street. The staff report indicated that this additional design element could include things like a change in brick colour or material above the fourth floor, architectural lighting, or a horizontal brick course. The exact nature of the design element was to be considered and negotiated through the Site Plan Control process.

At BHSC, a motion was moved by a Committee member to modify staff's condition to require a stepback at the fourth storey on the Bank Street façade to better reflect the low-rise historic character of Bank Street. This motion was carried by the Committee and staff's recommendation was amended prior to the matter being considered by Planning Committee.

The application was considered by Planning Committee on November 26, 2020 and a new motion was introduced by a member of the Committee to revert the revised condition recommended by BHSC to the original wording proposed by staff. This motion was carried and the final recommendation to Council was to approve the heritage application conditional on an additional design element being introduced on the Bank Street façade, which may or may not include a stepback at the fourth storey.

On December 9, 2020, Council approved the heritage application on the condition that staff work with the applicant and Ward Councillor to introduce an additional design element on the Bank Street façade through the Site Plan Control process.

DISCUSSION

Public consultation

Public notification for this application was undertaken in accordance with the requirements of the *Planning Act* and the City of Ottawa's Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

For this proposal's consultation details, see Document 4 of this report.

Official Plan designation

According to Schedule B of the Official Plan, the property is designated as a Traditional Mainstreet, which are to be planned as compact, mixed-use, pedestrian-oriented streets. The Official Plan supports mid-rise building heights on Traditional Mainstreets.

Other applicable policies and guidelines

The site is located within the Centretown Secondary Plan area and is designated as Traditional Mainstreet within the Secondary Plan. In accordance with Schedule H2 of the Secondary Plan, the maximum building height for the subject site is nine storeys.

The site is located within the Centretown Community Design Plan area and is designated within the Traditional Mainstreet Mixed Use area.

Heritage

The site is located within the Centretown Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*. As noted above, a heritage application for the proposed development was approved by Council on December 9, 2020.

Urban Design Review Panel

The property is within a Design Priority Area and the Zoning By-law amendment application was subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at a formal review meeting, which was open to the public.

The formal review meeting for the Zoning By-law amendment application was held on July 3, 2020.

The panel's recommendations from the formal review of the Zoning By-law amendment application are:

Summary

The Panel commends the applicants for a sophisticated design. Improvements to the proposal could be gained by studying the streetwall height (datum line) at the fourth storey to relate to the narrow right of way of Bank Street and the established built form along the street.

Built Form and Materiality

- The Panel recommends further study of an appropriate street wall for this context. Specifically, strengthen the datum line at the fourth storey to reflect the built form context and the scale of the street in this main street condition.
- There is a high degree of sculpting of the building; however, the corner condition at James Street would be improved by reducing the extent of the brick façade treatment on Bank Street to create a glass corner, and by lowering the height of the corner expression to four storeys to match the south façade.
- Modifications to the colours of the upper floors from a black to a grey would help the upper floors recede and assist with the establishing a stronger datum line along Bank Street.
- Consider reducing the openings along the south elevation as the building is abutting a vacant lot.

The panel was successful in aiding in the implementation of the following:

- The openings on the south façade were removed to ensure future development on the adjacent vacant lot is not negatively impacted by the proposed development on the subject site.
- The corner condition at James Street and Bank Street was redesigned and the brick treatment was reduced to create a glass corner, as recommended by the URDP.
- The applicant explored the introduction of a setback at the fourth floor and determined that it compromises the overall design of the building. Through the Site Plan Control process, staff will work with the applicant to introduce an additional design element on the Bank Street façade that helps to ensure the building reflects the low-rise historic character of Bank Street.

Planning rationale

The proposed Zoning By-law amendment is consistent with the applicable Official Plan policies, including the Traditional Mainstreet designation (3.6.3), as well as the Centretown Secondary Plan and Centertown Heritage Conservation District Guidelines.

In the Traditional Mainstreet designation within the Official Plan, the policy framework indicates that a broad range of uses are permitted on Traditional Mainstreets, including

mid-rise mixed-use buildings. Redevelopment and infill are encouraged on Traditional Mainstreets in order to optimize the use of land through intensification. The proposed Zoning By-law amendment, which will allow for the development of a nine-storey mixed-use building, supports these Official Plan policies by providing increased density and contributes to the mix of uses within the Bank Street Traditional Mainstreet corridor.

Sections 2.5.1 and 4.11 of the Official Plan provide policy direction for urban design and compatibility. The policies in Section 2.5.1 include design objectives such as defining quality public and private spaces through development, ensuring new development respects the character of existing areas, and creating safe and accessible spaces that are easy to move through. The building design incorporates a high standard of materiality and uses architectural and design features to enhance the articulation and massing of the building, particularly as it relates to Bank Street. The proposed building is an appropriate addition to the neighbourhood and will enhance the public realm and pedestrian experience along Bank Street between James Street and Florence Street.

Section 4.11 of the Official Plan includes policies that ensure the compatibility of new buildings within their surroundings through setbacks, heights, transitions, colours and materials, orientation of entrances, and the incorporation of design elements and characteristics of the surrounding area. The proposed setbacks are compatible with the surrounding neighbourhood, and the active frontage with a 1.5-metre pedestrian easement along Bank Street will contribute to a pedestrian-friendly experience along the street. As well, the proposed material palette, including the use of red brick, reflects the typical materiality of Centretown and maintains continuity with the adjacent buildings along Bank Street and James Street.

The Centretown Secondary Plan contains policies and principles that seek to establish a vision for Centretown and provide a foundation for the planned context of the area. The main principles of the Secondary Plan are to maintain and respect the character of Centretown's neighbourhoods, accommodate residential growth, accommodate a diverse population, reinforce and promote commercial activity, enhance the public realm, encourage active modes of transportation, and promote design excellence. The proposed development meets all of these principles, as the proposed design and massing is consistent with the surrounding neighbourhood and heritage context of Bank Street and Centretown as a whole. As well, the proposed development will add approximately 120 residential units to the neighbourhood, and with a mix of unit sizes in the proposed building, it will be able to accommodate a mix of demographics. The commercial uses at grade will help to enhance the commercial character of Bank Street

and will contribute to an active public realm along the street. The proximity of the proposed development to transit and cycling facilities will allow future residents to use active modes of transportation.

The proposed zoning meets the intent of the Centretown Secondary Plan, which designates the property as Traditional Mainstreet. In the Traditional Mainstreet area, active uses, such as retail, are required on the ground floor of buildings fronting the street, and a continuous street wall shall be maintained. The proposed development meets this requirement. In accordance with Schedule H2 in the Plan, the subject property is permitted a maximum building height of nine storeys.

The Centretown Community Design Plan has guidelines for new buildings within a Heritage Conservation District, including using setbacks to appropriately transition with adjacent building heights, using compatible materials, giving predominance to corner elements, and modulating facades through the issue of vertical breaks in a manner that is compatible with the surrounding heritage structures. The setback above the seventh floor at the front, and above the second floor at the rear, together with the notched out corners of the building along Bank Street, and the relief provided by the rear laneway, help to provide an appropriate transition to the neighbouring buildings. The red brick is a compatible material that reflects the character of Centretown.

As detailed in Document 2, the proposed Zoning By-law amendment proposes to maintain the Traditional Mainstreet zoning but will introduce a new site-specific exception and a new height schedule. The proposed height of nine storeys is consistent with the Official Plan and Secondary Plan policies, as noted above. The proposed setbacks, including a reduced rear and corner side yard setback, are appropriate, as the setback along the James Street frontage is consistent with the setbacks along the south side of James Street between Bank Street and Kent Street, and the rear yard abuts a 3.66 metre wide City lane, which helps to mitigate the impact of a reduced rear yard setback. As well, the upper floors at the rear of the building are setback an additional three to seven metres from the rear lot line. Furthermore, adjacent to the rear lane located behind the subject property are two office buildings fronting onto James Street and Florence Street, which means the proposed building height and setbacks will not negatively impact the low-rise residential neighbourhood to the west.

Below is the rationale for the additional zoning provisions proposed through the new site-specific exception:

- a. Despite the Heritage Overlay provisions of Section 60 and the Traditional Mainstreet

zoning provisions of Table 197, maximum permitted building height and minimum setbacks are as per SXXX.

- b. The applicant is subject to the heritage permit approved by Council and any changes to the plans must be reviewed by heritage staff prior to a building permit being issued.
- c. Despite Subsection 85(3), a restaurant patio is permitted and is not required to be screened.

This provision helps to ensure the space at the corner of James and Bank Street can be used as outdoor dining, which is reflective of the previous use of the site. Until recently, the site was occupied by the James Street Pub, which had a large patio at the corner of James Street and Bank Street.

- d. Despite Schedule XXX, the minimum front yard setback is 1.5 metres up to a height of 4.5 metres above grade. Above a height of 4.5 metres, the minimum 0 metre front yard setback applies.

This is to reflect the requirement for the applicant to provide the City with a 1.5 metres pedestrian easement along Bank Street.

- e. A swimming pool and associated landscaping and safety guards are considered to be permitted projections above the height limit in accordance with Section 64.

Section 64 of the by-law allows for landscaping to be considered a permitted projection above the height limit but does not reference swimming pools.

- f. Notwithstanding any other provision of this by-law, a mezzanine is not considered a separate storey.

Under the by-law, a mezzanine is considered an additional storey and the proposed zoning schedule permits a maximum of nine storeys. In some cases, commercial tenants have a need for a mezzanine level and this provision is intended to ensure additional relief to the building height is not required in the future. It is staff's position that the addition of a mezzanine would not create any negative impacts as there would be no change to the actual massing and height of the building.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement, as it contributes to a mix of housing options and

densities within the city. The proposed development also represents an efficient use of land.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor McKenney provided the following comment:

“This proposed mixed-use development will provide much-needed residential units in the downtown core. The proposed building is located in a highly walkable area serviced by two local bus routes, making it an ideal location for residential intensification. The mix of one- and two-bedroom units will provide a range of housing options for future residents. Overall, this development is a positive addition to the Centretown neighbourhood.”

LEGAL IMPLICATIONS

There are no legal impediments to the adoption of the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the recommendations in this report.

ASSET MANAGEMENT IMPLICATIONS

There are no Asset Management implications associated with the recommendations in this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The proposed Zoning By-law amendment does not have an impact on the accessibility of the building. The accessibility of the building will be addressed through the Site Plan Control process, and the owner will be required to meet any accessibility criteria contained within the Ontario Building Code.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-19-0122) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to time needed to resolve heritage concerns with the proposed design.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Zoning Schedule XXX

Document 4 Consultation Details

Document 5 Development Concept Plan

CONCLUSION

The Planning, Infrastructure and Economic Development Department supports the proposed Zoning By-law amendment application to permit a nine-storey mixed-use building on the subject properties. The proposal is consistent with the Provincial Policy Statement and the City's Official Plan policies, including the Centretown Secondary Plan and Community Design Plan, as well as the Centretown Heritage Conservation District guidelines. Overall, the proposal represents good planning. The department recommends the requested amendment be approved.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

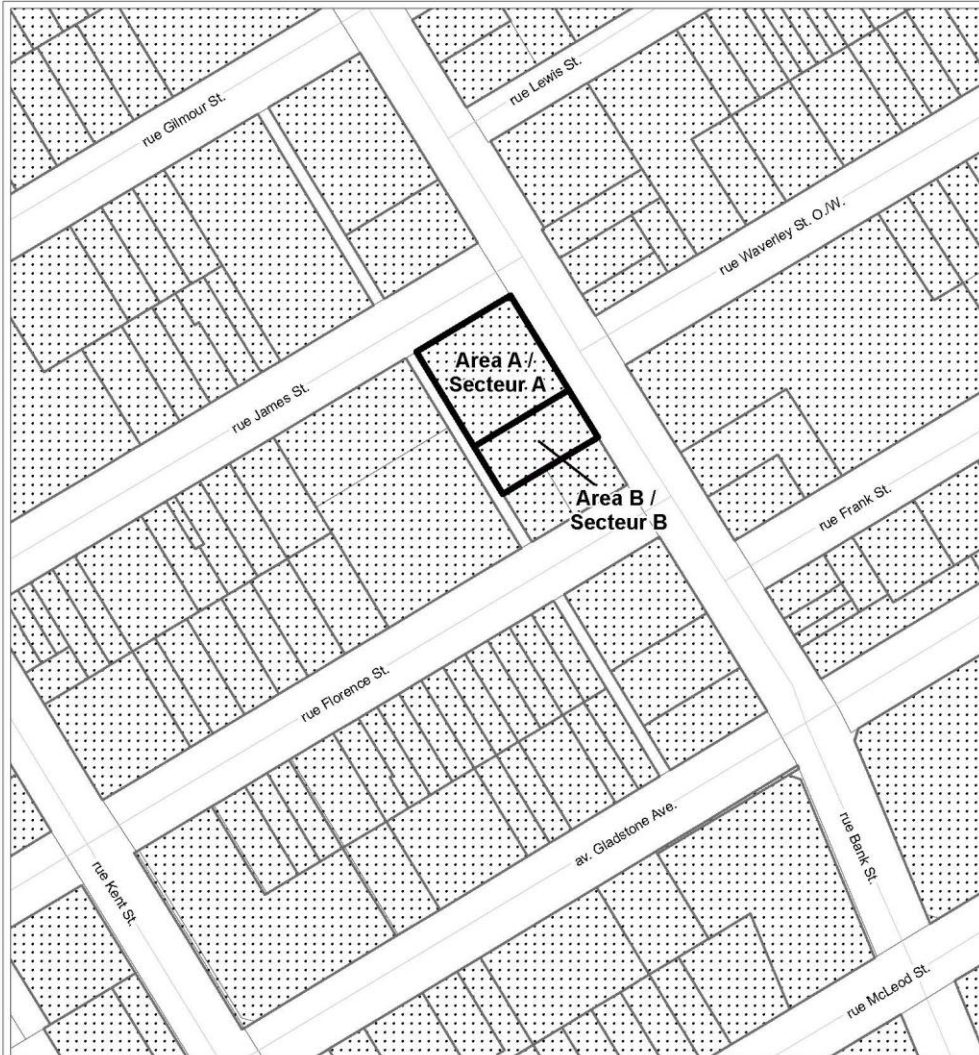
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.


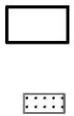

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.



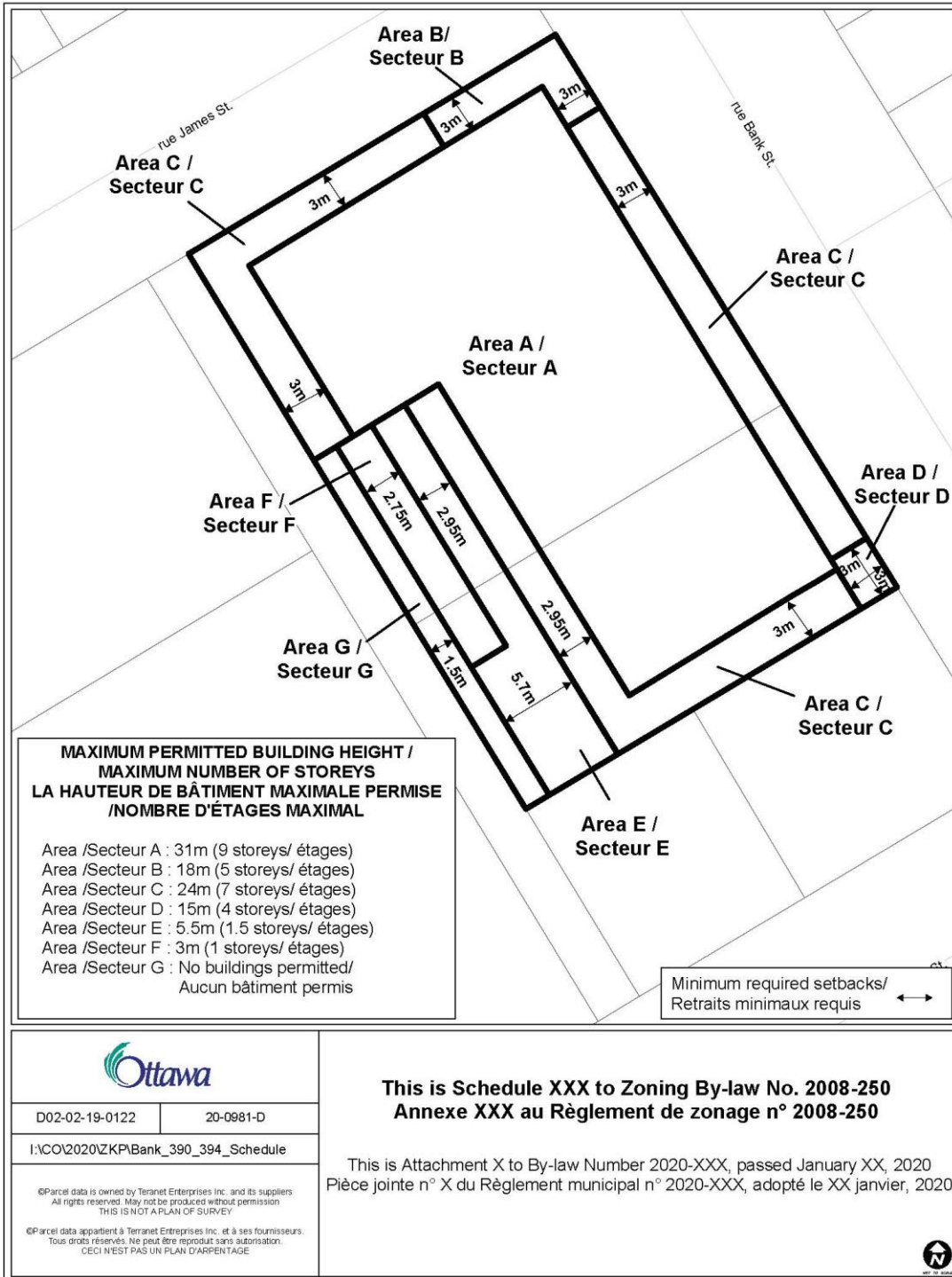
| | | | |
|---|--|--|--|
|  | | LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE | |
| 390, 394 rue Bank Street | | 390, 394 rue Bank Street | |
| D02-02-19-0122 20-0981-D | | Area A to be rezoned from TM[1619] S236 to TM[XXXX] SXXX Le zonage du secteur A sera modifié de TM[1619] S236 à TM[XXXX] SXXX | |
| I:\CO\2020\Zoning\Bank_390_394 | | Area B to be rezoned from TM H(19) to TM[XXXX] SXXX Le zonage du secteur B sera modifié de TM H(19) à TM[XXXX] SXXX | |
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| <small>Les données de parcelles appartient à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small> | | Heritage (Section 60) Patrimoine (Article 60) | |
| REVISION / REVISION - 2020 / 11 / 18 | | Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139) | |
| | |  | |

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 390 and 394 Bank Street:

1. Rezone the lands municipally known as 390 and 394 Bank Street as shown in Document 1 from TM [1619] S236 and TM H(19) to TM [XXXX] SXXX.
2. Amend Part 17 – Schedules, by adding a new Schedule 'XXX', as shown in Document 3.
3. Amend Section 239 – Urban Exceptions, by adding a new exception [XXXX], with provisions similar in effect to the following:
 - a. In column II add the text: "TM[XXX1] SXXX"
 - b. In column V add the following:
 - i. Despite the Heritage Overlay provisions of Section 60 and the Traditional Mainstreet zoning provisions of Table 197, maximum permitted building height and minimum setbacks are as per SXXX.
 - ii. Despite SXXX, the minimum front yard setback is 1.5 m up to a height of 4.5 m above grade. Above a height of 4.5 m, the minimum front yard setback for the second to seventh storey is 0 m.
 - iii. There is no maximum front yard setback and the provisions of Section 197 (4) do not apply.
 - iv. SXXX does not apply to permitted projections under Section 64 or Section 65.
 - v. Despite Subsection 85(3), a restaurant patio is permitted and is not required to be screened.
 - vi. A swimming pool and associated landscaping and safety guards are considered to be permitted projections above the height limit in accordance with Section 64.
 - vii. Notwithstanding any other provision of this by-law, a mezzanine is not considered a separate storey.
 - viii. The minimum width of a horizontally oriented bicycle parking space is 0.45 metres

Document 3 – Zoning Schedule XXX



D02-02-19-0122

20-0981-D

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**This is Schedule XXX to Zoning By-law No. 2008-250
 Annexe XXX au Règlement de zonage n° 2008-250**

This is Attachment X to By-law Number 2020-XXX, passed January XX, 2020
 Pièce jointe n° X du Règlement municipal n° 2020-XXX, adopté le XX janvier, 2020



Document 4 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

Public Comments and Responses

Comment:

One resident provided a comment regarding the proposed garbage storage area and overall management of garbage in the proposed building.

Response

Waste management is a Site Plan Control issue and will be reviewed by staff through that process.

Comment:

One neighbour provided a comment regarding impacts of site construction on the people with vision loss who need to access the neighbouring property at 20 James Street.

Response:

It is premature to discuss the impacts of construction and the staging required for site development at this stage in the process. Through the Site Plan Control process and Building Permit review, impacts to the ROW and other construction-related impacts to neighbouring properties will be reviewed.

Comment:

One resident provided a comment expressing concerns about the proposed height of nine storeys and also expressed a desire to see small gardens at street level, as well as a green roof. Concerns were expressed about the noise impacts of a rooftop pool on the surrounding residential neighbourhood west of the proposed development.

Response:

The proposed building height is consistent with the applicable Official Plan and Secondary Plan policies. Landscaping for the proposed development will be addressed

through the Site Plan Control process. With respect to the impact of a swimming pool, it is staff's position that there is sufficient separation between the proposed building and surrounding residential uses and do not believe a roof top amenity area will have a negative impact on the surrounding area.

Community Organization Comments and Responses:

The Centretown Community Association provided the following comments:

"The design of the proposed nine-storey rental building at 390 and 394 Bank Street has much to commend it.

It would provide intensification and contribute to the revitalization of Bank Street. The materials, especially the red brick, reflects the heritage of the neighbourhood.

However, we have a concern. The building's front wall is close to the sidewalk and curb and goes straight up seven storeys. This creates a "cliff wall" along Bank Street. Step-backs on the Bank Street face as the building ascends would allow for air and sunlight and relieve the "cliff wall" impact. Further, the impact of such an imposing wall so tight to the sidewalk could be relieved with greenery, for instance, planters along the Bank Street face."

Response:

A 1.5-metre pedestrian easement is being provided along Bank Street, which will allow for an extra wide sidewalk in front of the site. Landscaping will be addressed through the Site Plan Control process.

Document 5 – Development Concept Plan



Rendering of east elevation