

11. Zoning By-law Amendment – 178 Nepean Street and 219 and 223 Bank Street

Modification du Règlement de zonage – 178, rue Nepean et 219 et 223, rue Bank

Committee recommendation(s)

That Council consider the matter.

Recommandation(s) du comité

Que le Conseil étudie la question.

For the Information of Council

The Committee carried Motion No. PHC 2024-39-01 below, which referred the following to Council for consideration:

- Zoning By-law Amendment – 178 Nepean Street and 219 and 223 Bank Street (ACS2024-PDB-PS-0004)
- Application for alteration and for new construction at 219-223 Bank Street, and 178 Nepean Street, properties designated under Part V of the Ontario Heritage Act as part of the Centretown Heritage Conservation District (ACS2024-PDB-RHU-0081)
- Motion – Councillor A. Troster - Memorandum of Understanding (MOU)

Motion No. PHC 2024-39-01

Moved by Councillor Troster

WHEREAS there are clear and unresolved issues with this application that are still under negotiation between the City and the Applicant;

BE IT RESOLVED THAT this matter be referred to the subsequent council meeting, December 11, 2024.

Pour l'information du Conseil municipal

Le Comité adopte la motion no PHC 2024-39-01 ci-dessous, qui renvoie ce qui suit au Conseil pour examen :

- Modification du Règlement de zonage – 178, rue Nepean et 219 et 223, rue Bank (ACS2024-PDB-PS-0004)
- Demande de modification et de construction au 219-223, rue Bank et au 178, rue Nepean, des propriétés désignées en vertu de la *partie V* de la *Loi sur le patrimoine de l'Ontario* comme faisant partie du district de conservation du patrimoine du centre-ville (ACS2024-PDB-RHU-0081)
- Motion – Conseillère A. Troster - Protocole d'entente (PE)

Motion No. PHC 2024-39-01

Proposée par Conseillère A. Troster

ATTENDU QUE des questions claires et non résolues relatives à cette demande font encore l'objet de négociations entre la Ville et le requérant;

IL EST RÉSOLU QUE ce point soit reporté à la prochaine réunion du Conseil, le 11 décembre 2024.

Documentation/Documentation

1. Extract of draft Minutes, Planning and Housing Committee, December 4, 2024

Extrait de l'ébauche du procès-verbal du Comité de la planification et du logement, le 4 décembre 2024

2. Director's Report, Planning Services, Planning, Development and Building Services, dated November 25, 2024 (ACS2024-PDB-PS-0004)

Rapport du Directeur, Services de la planification, Direction générale des services de la planification, de l'aménagement et du bâtiment, daté le 25 novembre 2024 (ACS2024-PDB-PS-0004)

Zoning By-law Amendment – 178 Nepean Street and 219 and 223 Bank Street

File No. ACS2024-PDB-PS-0004 – Somerset (14)

The Committee considered this item concurrently with Item 4.4 Application for alteration and for new construction at 219-223 Bank Street, and 178 Nepean Street, properties designated under Part V of the Ontario Heritage Act as part of the Centretown Heritage Conservation District.

Adrian van Wyk, Planner II and Ashley Kotarba, Planner II, Planning, Development and Building Services (PDBS), provided an overview of the report and answered questions from the Committee. A copy of the slide presentation is filed with the Office of the City Clerk.

The following staff were also present and responded to questions:

PDBS:

- Andrew McCreight, Manager, Development Review – Central

Legal Services

- Tim Marc, Senior Legal Counsel-Planning, Dev & Real Estate

Prior to receiving delegations, Councillor Troster introduced the following motion for consideration:

WHEREAS the Owner is engaged in a redevelopment process for the multi-residential properties located at 178 Nepean and 219 and 223 Bank St; and

WHEREAS the attached MOU commitments are being established between the Owner and the existing residents; and

WHEREAS the Landlord and Tenant Board exercises jurisdiction under the Residential Tenancies Act, 2006 to hear and decide applications respecting residential tenancies; and

WHEREAS the tenants and landlord have a hearing scheduled in March 2025 with the Board; and

WHEREAS the City does not have legal authority over the financial exchange between the landlord and tenants;

WHEREAS the Owner agrees with the MOU as it reflects the landlord's offered agreement with the existing tenants;

THEREFORE BE IT RESOLVED that Planning and Housing Committee recommend Council approve that the implementing Zoning By-law not proceed to Council until such time as the Memorandum of Understanding, attached to this motion, has been executed by the owner.

AND BE IT FURTHER RESOLVED the Planning and Housing Committee recommend Council authorize the Interim General Manager, Planning, Development, Building Services to execute the Memorandum of Understanding following the by-law being in full force and effect.

The Committee heard from the following delegations:

1. Seema Shafei noted current rent-controlled units will be replaced with micro-units with no rent control, negatively changing this area. There are serious gaps in the legal protections for tenants.
2. Ben Emond is a resident on the block and noted the lack of consideration for the people that will be affected by this proposal. The Committee is focused on the planning process, but it gives the developer permissions for the destruction of homes which will result in residents becoming homeless.
3. Sloane Mulligan highlighted similar Smart Living Properties developments that displaced tenants using intimidation resulting in

illegal renovations. Units were no longer affordable for the people they were built for.

4. Sylvie Seguin spoke to how this application will negatively impact her living situation and encouraged the Committee to not approve the development application.
5. Andy Crosby recommended this proposal get rejected for moral, ethical and technical reasons. The City is in an evictions crisis, affordable housing crisis and is in a homelessness and housing emergency, noting the proposal is not consistent with existing City policies.
6. Sneha Sumanth* spoke to how this proposal worsens housing insecurity in Ottawa, instead of alleviating it. The dysfunctional housing system is accelerating the homelessness crisis. Although the application increases housing supply, it fails to meet the City's stated goals of intensification and is a poor and inadequate application of the City's intensification principals.
7. Manuel Cua touched on the homeless crisis in the City, loss of heritage buildings and appropriate development.
8. Eric Roberts encouraged the committee to vote against the proposal noting rents would triple, sweeping families into poverty and homelessness, which would then offload costs onto the city.
9. Megan Smallwood spoke to the real and tangible impact this proposal will have on the current residents with the threat of displacement and homelessness, encouraging members to vote against the application.
10. John Bergeron has been a resident on this block for over 40 years, noting this proposal is a demoviction. Smart Living Properties does not care about the property, or the residents that will be displaced.
11. Julie Ivanoff* highlighted the small size of the proposed units which would not allow for a good quality of life, as well, the units are not

affordable, accessible, or equitable and lacks a range of housing options.

12. Michelle Liu approval of this application will forcibly remove people from their homes. This block is a functional hub for artist and writers, filmmakers, and cultural workers. This is a unique and irreplaceable local cultural asset.
13. Jacob Hendren noted the lack of reliable transit to orient the development. Tenants that will be displaced by this proposal will end up reliant on Ubers or will have to buy cars and pay for parking.
14. Dr. Villia Jefremovas spoke to cultural diversity, noting this plan is a monoculture of affluent professionals who changed the face of the neighbourhood. Intensification is important but it should reflect the diversity of the City. The loss of an artist's hub is problematic because it removes their space to create.
15. Andrew Braithwaite spoke to how this development affects students and how Smart Living Properties operates unethically and creates precarious living situations for students.
16. Shivangi Misra touched on the housing affordability crisis and the unjustness of Smart Living Properties asking the City to facilitate the displacement of residents in a series of violations of human rights.
17. Ethan Mitchell spoke specifically to the public consultation aspect of the report, noting comments were received in opposition of mass eviction and displacement of tenants, lack of affordable housing and rent controlled units. The proposal does not meet the needs of the people.
18. Josh Hawley suggested an investigation should be launched into all housing affairs the City is involved in. The report is clearly lacking and noted the only comments submitted that were in support of the application were very short, not providing a lot of context.

19. Marina Gomá noted the application will displace more people and worsen the housing crisis. Smart Living Properties do not respect the poor and working class.
20. Mark Jones acknowledged the building requires upgrades, but what Smart Living is proposing is inappropriate. The proposal does nothing to help the housing situation.
21. Leslie Reid spoke about the artists that live and work in this space. It is a significant historic and cultural hub. The concerns of the artists were dismissed and shown ignorance. It is not just a studio space, or a student space, it is a community space.
22. Amanda Vo spoke about how this proposal will affect her parents as they will endure emotional and financial stress from being displaced from their home of 35 years.

[* Individuals / groups marked with an asterisk above either provided comments in writing or by e-mail; all submissions and presentations are held on file with the Office of the City Clerk.]

The Applicant/Owner as represented by Lisa Della Rosa, Fotenn, Ryan Denyer and Rowland Gordon, Smart Living Properties and Mahshad Madahi, NEUF Architects provided an overview of the Application and responded to questions from Committee. A copy of the slide presentation is filed with the Office of the City Clerk.

The following written submission were received by, and are filed with, the Office of the City Clerk, and distributed to Committee Members:

- Email dated November 27, 2024 from Jonas Graham

Following discussion and questions of staff, the Committee carried Motion No. PHC 2024-39-01 below, which referred the following to Council for consideration on December 11, 2024:

- Zoning By-law Amendment – 178 Nepean Street and 219 and 223 Bank Street (ACS2024-PDB-PS-0004)

- Application for alteration and for new construction at 219-223 Bank Street, and 178 Nepean Street, properties designated under Part V of the Ontario Heritage Act as part of the Centretown Heritage Conservation District (ACS2024-PDB-RHU-0081)
- Motion – Councillor A. Troster - Memorandum of Understanding (MOU)

Report Recommendation(s)

1. **That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 178 Nepean Street and 219 and 223 Bank Street, as shown in Document 1, to permit a nine-storey mixed-use building, as detailed in Document 2.**
2. **That Planning and Housing 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 December 11, 2024,” subject to submissions received between the publication of this report and the time of Council’s decision.**

Motion No. PHC 2024-39-01

Moved by A. Troster

WHEREAS there are clear and unresolved issues with this application that are still under negotiation between the City and the Applicant;

BE IT RESOLVED THAT this matter be referred to the subsequent council meeting, December 11, 2024.

Carried