
Zoning By-Law Amendment – 433, 435 Churchill Avenue North, 468, 472 Byron Place

ACS2020-PIE-PS-0105

Kitchissippi (15)

Report recommendations

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 433 and 435 Churchill Avenue North, and 468 and 472 Byron Place, to permit a six-storey mixed-use development, 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 November 25, 2020," subject to submissions received between the publication of this report and the time of Council's decision.

Councillor Leiper introduced the following motion that he proposed to move:

Motion N⁰ PLC 2020-32/1

WHEREAS Report ACS2020-PIE-PS-0105, Zoning By-law Amendment – 433, 435 Churchill Avenue North, 468, 472 Byron Place, recommends a four-storey built form along Highcroft and within 2.4 metres of the abutting "R3" zone; and

WHEREAS private terraces are permitted within 1.0 metre of the roof edge; and

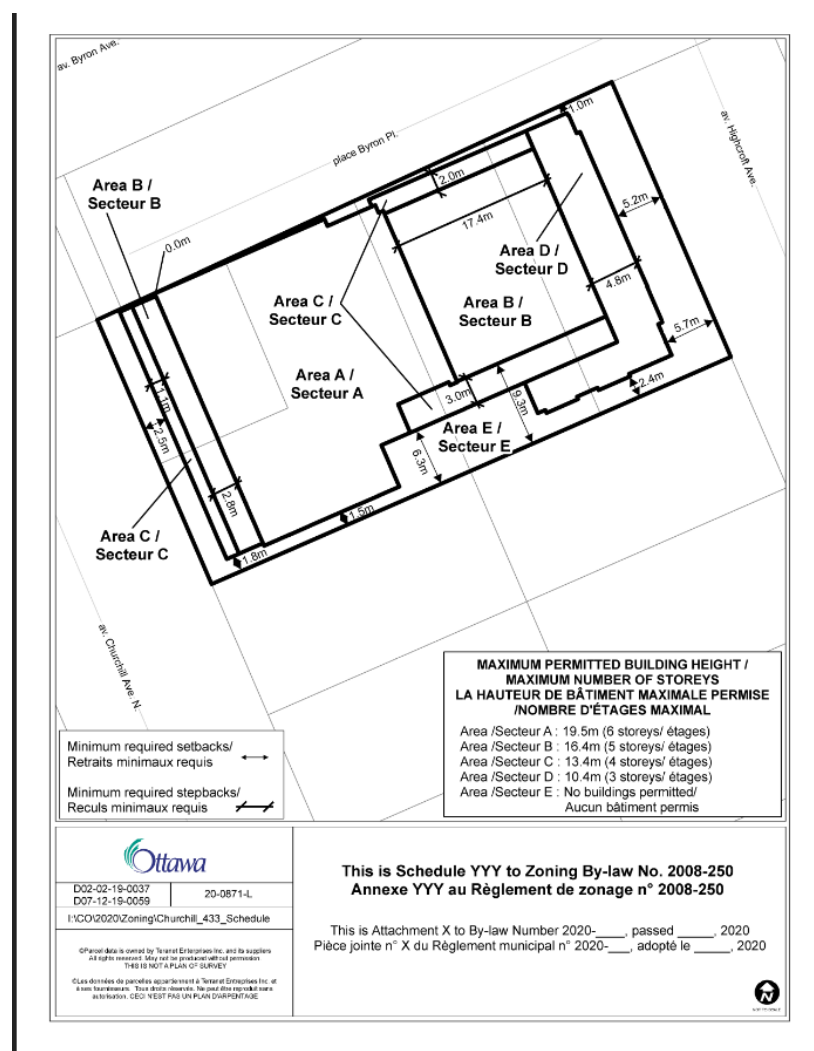
WHEREAS the proposed building does not adequately transition to the low-rise residential R3 neighbourhood to the south and east, nor respect the private relationship in a manner consistent with the Official Plan;

THEREFORE BE IT RESOLVED that the report be amended as follows:

- a) **Document 2, Details of Recommended Zoning, clause 3(c)(vi) be amended to replace “1.0 metre” with “1.5 metres” as it relates to the outdoor roof-top terraces; and**
- b) **Document 3, Schedule YYY, be amended by replacing Document 3 with the attached.**

AND BE IT FURTHER RESOLVED that pursuant to the *Planning Act*, subsection 34(17), no further notice be given.

Document 3 – Revised Schedule YYY



Andrew McCreight, Planner III, Planning, Infrastructure and Economic Development Department, responded to questions

The committee heard 8 delegations on this matter, as follows:

- The 'Coalition for Highcroft', as represented by the following persons, provided a joint presentation¹: Helen Ries; Lisa Foss; Murray McClure; Plamen Iliev; Naomi Katsumi. The main points of the presentation, in opposition to the proposal, focused on:
 - inappropriate intensification that would be a dramatic departure from existing zoning, would encroach on neighbouring low-rise residential property, and would occupy too much of the lot to permit the requisite soft landscaping
 - incompatible scale and mass for the surrounding and historically significant low-rise residential neighbourhood
 - the overbuilt site will result in loss of trees and greenspace, as only 17.5% of greenspace would be available for landscaping
 - disingenuous community engagement, as there has been no significant change in form and mass to address community concerns and to comply with Official Plan policies on compatibility and transition
 - inappropriate transition between the existing low-rise residential community and the proposed 4-5 storey midrise development, which doesn't respect the Westboro Infill Study recommendations and doesn't transition to the future planned heights for Highcroft Ave.
 - incompatible streetscape character, as there are no similar examples of the proposal in the neighbourhood and the proposal does not seek to conserve the existing low-rise residential character or offer architecture that makes sense for the community
 - parking garage and street parking concerns, as the proposed access to the parking garage would be directly adjacent the low-rise residential community; the traffic study does not consider the actual number of units, the already dense parking conditions on nearby streets and snow

¹ Presentation on file

management

- acceptable compromises: the building should read as 3 storey building on Highcroft; 4 storeys on Churchill would be preferable to 6; soft landscaping should be on 30% of the lot; the setback from the adjacent Highcroft home should be 6 metres; the garage access should be on Byron Place
- Kristi Ross, Kristi M. Ross, Barrister and Solicitor, representing the Coalition for Highcroft², submitted that the proposal does not conform with the City's Official Plan policies on compatibility and transition, nor is it consistent with the Provincial Policy Statement in respect of compatibility policies, and further, does not respect the Westboro Infill Study in terms of planned function of the area. The proposed height and mass do not complement or fit well within the existing low-rise residential community and will result in undue adverse effects, including overlook, loss of privacy, noise, light and air pollution (from the placement of the garage access directly beside the closest home on Highcroft), loss of open space context and reduced landscaping coverage. The Coalition could support Councillor Leiper's proposed motion, as a compromise to address some of their concerns, to step the building back so that it reads as a 3 storey, and to move back the overlook of the terraces.
- The applicant/owner, as represented by the following persons, provided a joint presentation³ and/or were present to respond to questions: Murray Chown, Novatech; Brad Byvelds, Novatech; Peter Vice, Vice and Hunter. The main topics of their presentation included:
 - the traffic impact assessment, the traffic conflicts that necessitate the need for the garage access on Highcroft, and expected traffic and parking conditions
 - site context and overview of proposal, including comparison to previous proposal, proximity to transit, proposed amenity space, landscaping and setbacks
 - clarification about the requirements of the Westboro Interim Control Study requirements for this area

In addition to the presentations noted above, the following correspondence was provided

² Submission on file

³ Presentation on file

to the committee coordinator between October 30 (the date the report was published to the City's website with the agenda for this meeting) and the time the matter was considered on November 10, 2020, a copy of which is held on file:

- Email dated November 7 from Gary Ludington, Westboro Community Association

The Committee CARRIED Motion 32/1 on a division of 9 yeas and 0 nays, as follows:

YEAS (9): Councillors L. Dudas, T. Tierney, J. Leiper, C. Kitts, S. Moffatt,
 A. Hubley, E. El-Chantiry (ex-officio), Vice-Chair G. Gower,
 Chair J. Harder

NAYS (0):

The Committee CARRIED the report recommendations as amended by Motion 32/1.