

PLANNING, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING SERVICES

ZONING BY-LAW AMENDMENT – 890 AND 900 BANK STREET

ACS2017-PIE-PS-0036

CAPITAL (17)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 890 and 900 Bank Street to permit an eight storey mixed-use building with ground floor commercial and a retirement home and residential care facility use, 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 26 April 2017" subject to submissions received between the publication of this report and the time of Council's decision.**

Ms. Ann O'Connor, Planner, accompanied by Mr. Doug James, Manager, Development Review - Central, Planning, Infrastructure and Economic Development department, provided a PowerPoint presentation, a copy of which is held on file.

The following staff also responded to questions: Mr. Tim Marc, Senior Legal Counsel-Planning, Development and Real Estate, Office of the City Clerk and Solicitor; Ms. Lee Ann Snedden, Director, Planning Services, and Mr. John Smit, Director, Economic Development, Planning, Infrastructure and Economic Development department.

Councillor Leiper introduced a motion he would be moving on behalf of Councillor Chernuskenko (ward Councillor), with respect to recommending amendments to Documents 2 and 3 of the report, in respect of height limits and setbacks (see motion PLC 42/2 below).

The committee heard six delegations on this matter:

- Mr. Frank Johnson*, representing himself and the following residents of 17-27 Monk Street: Michelle Lester, George Desbarats, Jazz and Jeremy Dicaire, Mark Blevis, Ruth Anderson. Although the group appreciated the increased setback at the rear and side of their properties, and the effort made to limit the immediate height of the wall on the west side only of 890 Bank to four storeys, they had concerns about the following and spoke in opposition to the proposal: the possibility this development might set a precedent for further development, lack of clarity about what acceptable transition is; the Financial Implications comment in the staff report that seems to indicate the City would accept the proposal as is because the Planning Department does not have the funds to make an appeal to the Ontario Municipal Board; incompatibility with Traditional Mainstreet zoning and with the existing character of the street.

Chair Harder agreed the Financial Implications comment was not appropriate and noted that such funding would not be a reason to accept or refuse an application. She asked Ms. Snedden to work with Finance staff on clearer language for future reports.

- Ms. Isla Paterson spoke in opposition to the report, highlighting the following concerns: results of public consultation, at which nearly everyone opposed the application, are not adequately represented in the report; an inadequate amount of parking is proposed and will exacerbate current congestion and parking issues.
- Mr. David Orfald indicated he supports urban intensification and

appreciated many aspects of this proposal but he spoke in opposition primarily because of the proposed building height. Noting that mature trees would be removed to accommodate the development, he said the views on Melgund Avenue would be impacted, and more thought should be given to transition with adjacent properties. He worried about the possible precedent for future development along Bank, and about insufficient parking proposed for the beer store.

- Ms. Carolyn Mackenzie, Glebe Community Association*, was concerned about building heights and spoke in support of the motion proposed by Councillor Leiper (for Councillor Chernushenko) as a viable means to mitigate impacts and provide appropriate building transition. She felt the proposed amendments would be defensible at the Ontario Municipal Board (OMB), referencing the previous Lansdowne Park design challenge at the OMB.
- Mr. Peter Hook suggested that a Secondary Plan for the area might have helped to guide the development in terms of creating a smooth and gradual transition between buildings. He felt the absence of such a Secondary Plan is not a reason to accept the application as is and spoke in support of the Councillor Leiper's proposed motion as a way to mitigate impacts.
- Mr. Ted Fobert, FOTENN Consultants (applicant), with Mr. Jeff Kubacki, Canderel, and Mr. Jeff Baum, Amica, spoke in support of the application and responded to some of the concerns raised by previous delegations. They felt the proposed motion would have a detrimental impact on their ability to proceed with this development.

[Individuals / groups marked with an asterisk above provided written comments; all submissions are held on file with the City Clerk.]*

In addition to submissions marked with an asterisk above, the committee received the following correspondence between 4 April 2017 (the date the report was published in the committee agenda) and the time public delegations were heard on 11 April 2017, a copy of which is held on file:

- Email dated March 31, 2017 from Wolf Illing, stating concerns with process and legislation.

- Email dated March 31, 2017 from Christopher McCann, in support of comments previously submitted by Wolf Illing.
- Email dated March 31, 2017 from Jim Lumsden, in support of comments previously submitted by Wolf Illing.
- Email dated March 31, 2017 from Mike Morrice, stating opposition to the proposal.
- Email dated April 8, 2017 from Jerome Magnet, stating opposition to the proposal.
- Email dated April 10, 2017 from Penny Patten, stating opposition to the proposal.
- Email dated April 8, 2017 from Neville Nankivell, stating opposition to the proposal
- Email dated April 10, 2017 from Jonathan McLeod, stating opposition to the proposal
- Email dated April 10, 2017 from Frank Johnson, representing various residents of Monk Street, stating opposition to the proposal
- Email dated April 11, 2017 from Cathy McEwan, stating opposition to the proposal
- Email dated April 11, 2017 from Judith Wouk, with suggestions about building design and parking issues.

Motion N° PLC 42/2

Moved by Councillor J. Leiper

WHEREAS Report ACS2017-PIE-PS-0036 (Zoning By-law Amendment – 890 & 900 Bank Street) recommends approval of Zoning By-law Amendments including a maximum height of 26 metres; and

WHEREAS, the property at 890 and 900 Bank Street is designated Traditional Mainstreet in the Official Plan, which provides direction of heights up to six storeys, and the subject property is zoned to permit a height up to 15 metres; and

WHEREAS, the subject property is an irregular through-lot configuration with frontage on three streets and has two lot lines defined as side lot lines, which abut low-rise residential developments, and thereby (1) these side lot lines are subject to setbacks that are less than what would be

required should the lot not extend through to Monk Street, and thereby be considered rear lot lines and have a greater setback; and (2) allow for Traditional Mainstreet heights of up to six storeys to be adjacent to low-rise residential properties; and

WHEREAS the Ward Councillor and a community petition with 580 signatures propose a restriction to the height and massing of a building on this lot be put into effect to ensure an appropriate height transition to the established low-rise condition of the neighbouring residential and commercial areas; and

WHEREAS Lansdowne Park and the Lord Lansdowne building (south-east and south-west corners of Bank Street respectively) represent the southern gateway to the Glebe neighbourhood; and

WHEREAS the gateway design in both cases already include elements specifically designed to achieve appropriate transition to the low-rise residential and traditional main street condition of the neighbourhood beginning on the north side of Holmwood Avenue and continuing northward to include the subject property, the Lansdowne Park design having been the result of a successful mediation at the OMB;

THEREFORE BE IT RESOLVED that Document 2: Details of the Recommended Zoning and Document 3: Proposed Zoning Schedule, of Report ACS2017-PIE-PS-0036 be amended to reflect the following:

Proposed Amendment

Minimum 2nd storey setback of 2.0m

Rationale

Building Setbacks are currently only 1m and 1.06 on facing Thornton Ave and Bank St respectively, on 890 Bank Street portion of the property. These do not meet TM zoning minimums and do not provide appropriate height transition.

LOST, on a division of 1 yea and 9 nays, as follows:

YEAS (1): Councillors J. Leiper

NAYS (9): Councillors S. Blais, R. Brockington, R. Chiarelli, J. Cloutier, A. Hubley, T. Nussbaum, S. Qadri, T. Tierney, J. Harder

Proposed Amendment

Maximum height limit of 15 m on that portion of the subject property currently part of 890 Bank Street

Rationale

15 m/4 storeys provides more appropriate transition to existing low-rise condition of Bank Street and adjacent residential properties.

LOST, on a division of 0 yeas and 10 nays, as follows:

YEAS (0): Councillors (None)

NAYS (10): Councillors S. Blais, R. Brockington, R. Chiarelli, J. Cloutier, A. Hubley, J. Leiper, T. Nussbaum, S. Qadri, T. Tierney, J. Harder

Proposed Amendment

Maximum height limit of 20m on that portion of the subject property currently part of 900 Bank Street

Rationale

20 m/6 storeys provides more appropriate transition to existing low-rise condition of Bank Street and adjacent residential properties.

LOST, on a division of 2 yeas and 8 nays, as follows:

YEAS (2): Councillors R. Brockington, J. Leiper

NAYS (8): Councillors S. Blais, R. Chiarelli, J. Cloutier, A. Hubley, T. Nussbaum, S. Qadri, T. Tierney, J. Harder

Proposed Amendment

Minimum setbacks of 2.5m above both 4th storey and 5th storey on 900 Bank Street portion of the lot where building abuts residential properties at 27 and 35 Monk Street, and is opposite of residential zoned properties on Monk Street.

Rationale

Building setbacks that respect a 45 degree angle line of sight above 4 storeys on 900 Bank Street will ensure greater compatibility with existing residential heights along Monk Street.

LOST, on a division of 2 yeas and 8 nays, as follows:

YEAS (2): Councillors J. Leiper, T. Nussbaum

NAYS (8): Councillors S. Blais, R. Brockington, R. Chiarelli, J. Cloutier,
A. Hubley, S. Qadri, T. Tierney, J. Harder

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

The motion as a whole LOST based on the results of the separated votes noted above.

Item 2 of Planning Committee Agenda 42 was put to Committee.

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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 26 April 2017" subject to submissions received between the publication of this report and the time of Council's decision.**

CARRIED, on a division of 9 yeas and 1 nays, as follows:

YEAS (9): Councillors S. Blais, R. Brockington, R. Chiarelli, J. Cloutier,
A. Hubley, T. Nussbaum, S. Qadri, T. Tierney, J. Harder

NAYS (1): Councillor J. Leiper

DIRECTIONS TO STAFF:

- That staff work with the applicant, prior to the Council meeting at which this item will be considered, to examine the possibility for integrating further setbacks and stepping into the north façade of the building.
- That staff be directed to review the current policies that cover the Glebe, find out what the gaps are and assess whether a Secondary Plan is

needed, and prioritize as part of the work program for the next Term of Council this and other requests or needs for new Community Design Plans and Secondary Plans. Further, that staff provide a list of existing Community Design Plans and Secondary Plans, review their priority for updating, and bring forward this prioritization as above.