

9. **Official Plan and Zoning By-law Amendment – 100 Argyle Avenue**
Modification au Plan officiel et au Règlement de zonage – 100, avenue Argyle

Committee recommendations

That Council approve:

1. an amendment to the Official Plan, Volume 2a, Centretown Secondary Plan, by amending Schedule H2 to included 100 Argyle Avenue, and to permit an increase in building height as detailed in Document 2;
2. an amendment to Zoning By-law 2008-250 for 100 Argyle Avenue to permit a 10-storey residential development as detailed in Document 4; and
3. that the implementing Zoning By-law Amendment not proceed to City Council until the agreement under Section 37 of the *Planning Act* is executed by the applicant.

Recommandations du Comité

Que le Conseil approuve :

1. une modification au Volume 2a, Plan secondaire du centre-ville, du Plan officiel, consistant à inclure le 100, avenue Argyle dans l'annexe H2 et à permettre une augmentation de la limite de hauteur de bâtiment, comme l'expose en détail le document 2;
2. une modification au Règlement de zonage 2008-250 visant le 100, avenue Argyle, afin de permettre la construction d'un immeuble résidentiel de dix étages, comme l'expose en détail le document 4; et
3. que la modification au Règlement de zonage ne soit soumise à l'examen du Conseil municipal qu'une fois signé par le requérant l'accord prévu par l'article 37 de la *Loi sur l'aménagement du territoire*.

Documentation/Documentation

1. Acting Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated January 28, 2021 (ACS2021-PIE-PS-0001)

Rapport du Directeur par intérim, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 28 janvier 2021 (ACS2021-PIE-PS-0001)

2. Extract of draft Minutes, Planning Committee, February 11, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 11 février 2021

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
11 February 2021 / 11 février 2021**

**and Council
et au Conseil
24 February 2021 / 24 février 2021**

**Submitted on 28 January 2021
Soumis le 28 janvier 2021**

**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-0001

SUBJECT: Official Plan and Zoning By-law Amendment – 100 Argyle Avenue

**OBJET: Modification au Plan officiel et au Règlement de zonage – 100,
avenue Argyle**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve:**

- (a) an amendment to the Official Plan, Volume 2a, Centretown Secondary Plan, by amending Schedule H2 to included 100 Argyle Avenue, and to permit an increase in building height as detailed in Document 2;
 - (b) an amendment to Zoning By-law 2008-250 for 100 Argyle Avenue to permit a 10-storey residential development as detailed in Document 4; and
 - (c) that the implementing Zoning By-law Amendment not proceed to City Council until the agreement under Section 37 of the *Planning Act* is executed by the applicant
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 February 24, 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 ce qui suit :
- (a) une modification au Volume 2a, Plan secondaire du centre-ville, du Plan officiel, consistant à inclure le 100, avenue Argyle dans l'annexe H2 et à permettre une augmentation de la limite de hauteur de bâtiment, comme l'expose en détail le document 2;
 - (b) une modification au Règlement de zonage 2008-250 visant le 100, avenue Argyle, afin de permettre la construction d'un immeuble résidentiel de dix étages, comme l'expose en détail le document 4;
 - (c) que la modification au Règlement de zonage ne soit soumise à l'examen du Conseil municipal qu'une fois signé par le requérant l'accord prévu par l'article 37 de la *Loi sur l'aménagement du territoire*.

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 24 février 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

This report recommends that Council approve the applications for an Official Plan and Zoning By-law Amendment for 100 Argyle Avenue. The amendments will facilitate the development of a 10-storey (38 metres), 99-unit high-rise apartment building. The project will contain 56 below-grade parking stalls and 118 bicycle parking stalls. The new building relocates and integrates the heritage façade of the existing building.

Applicable Policy

The subject property is designated General Urban Area as shown on Schedule B of the City of Ottawa Official Plan. This designation permits the development of a full range and choice of housing types, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses.

The subject property is also within the Centretown Secondary Plan Area. The subject property is designated "Mixed Use - Residential" under Schedule H1 of the Central Character Area in the Centretown Secondary Plan. The Residential Mixed-Use designation limits commercial uses and encourages residential uses in the form of detached, semi-detached, townhouses, and apartment buildings.

Public Consultation/Input

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications. During the entire application review approximately 14 individuals/groups provided comments regarding the proposed height, shadowing and traffic and parking and the

intent of the Secondary Plan policies. Many of the comments were directed on the original application which has since been revised to 10 storeys. Two comments were submitted on the revised 10-storey proposal.

RÉSUMÉ

Recommandation du personnel

Le présent rapport recommande au Conseil d'approuver les demandes de modification au Plan officiel et au Règlement de zonage visant le 100, avenue Argyle. Ces modifications rendront possible la construction d'un immeuble résidentiel de dix étages (38 mètres) et abritant 99 logements. Il est également prévu d'aménager 56 places de stationnement en sous-sol et 118 places de stationnement pour vélos. Dans le cadre de ce projet, la façade historique du bâtiment existant sera déplacée et intégrée au nouvel immeuble.

Politique applicable

La propriété visée par la demande est désignée **Secteur urbain général** dans l'annexe B du Plan officiel de la Ville d'Ottawa. Cette désignation permet l'aménagement d'un large éventail de types d'habitations, tout en assurant la proximité de lieux de travail, de commerces de détail, de services, d'utilisations culturelles, récréatives, institutionnelles, de divertissement et institutionnelles.

Cette propriété se trouve par ailleurs dans le secteur visé par le Plan secondaire du centre-ville. Elle est désignée « Utilisation résidentielle polyvalente » dans l'annexe H1 du Secteur caractéristique du centre, dans le Plan secondaire du centre-ville. La désignation d'utilisation résidentielle polyvalente limite les utilisations commerciales et préconise les utilisations résidentielles sous la forme d'habitations isolées, jumelées et en rangée ainsi que les immeubles résidentiels.

Consultation publique et commentaires

Les membres du public ont été avisés et consultés conformément à la politique en la matière adoptée par le Conseil municipal pour les demandes d'aménagement. Pendant la période d'examen de la demande, environ 14 personnes ou groupes ont formulé des commentaires concernant la hauteur proposée, l'obstruction de la lumière du soleil, la circulation, le stationnement et l'esprit des politiques du Plan secondaire. Bon nombre de ces commentaires s'appliquaient à la demande originale, qui a depuis été révisée

pour donner lieu à un projet d'immeuble de dix étages. Deux commentaires ont été soumis au sujet de la proposition révisée d'immeuble de dix étages.

BACKGROUND

Site location

100 Argyle Avenue

Owner

Colonnade BridgePort, Bonnie Martell, MCIP, RPP

Applicants

Fotenn, Miguel Tremblay, MCIP, RPP and Scott Alain, MCIP, RPP

Architect

Kevin Reid, MArch OAA NSAA RAIC, RLA Architecture

Description of site and surroundings

The subject property is located on the south side of Argyle Avenue between Metcalfe Street and Elgin Street, north of Catherine Street and Highway 417. Directly across from the site is the Museum of Nature, to the east and south abutting the site is the Ottawa Police Headquarters property. The subject property is 1,560 square metres in size. Currently a 2.5 storey office building with surface parking to the side and rear occupy the property. The building has been identified as a Group 2 heritage building and is part of the Centretown Heritage Conservation District.

Proposed Development

The proposed development is a 10-storey (38 metres), 99 unit high-rise apartment building. The project will contain a mix of one, two and three bedroom units. 56 below-grade parking stalls will be provided in two levels of parking. Access to the below grade garage will be from Argyle Avenue. 118 bicycle parking stalls will be provided below grade whereas 50 are required. The new building relocates and integrates the heritage façade of the existing office building as a focal point that will be utilized as an interior lobby/atrium for the building.

Summary of requested Official Plan and Zoning By-law Amendments

To accommodate the proposed development both Official Plan and Zoning By-law Amendments are required. The proposed Official Plan Amendment would revise Schedule H2 "Maximum Building Heights" of the Centretown Secondary Plan, to allow for a maximum building height of 10 storeys (High-Rise Designation) whereas nine storeys is currently permitted (Mid-Rise Designation). The subject property is presently zoned General Mixed Use Subzone 5, Exception 68 - GM5[68] F(2.0) H(18.5). The GM5[68] zone permits a range of retail and residential uses and allows for a maximum building height of 18.5 metres. The proposed Zoning By-law Amendment is required to create a new GM5 exception zone and introduce site-specific standards with respect to maximum building height, site specific standards for landscaping, interior and rear yards, and relief from the Heritage Overlay and Mature Neighbourhood Overlay provisions.

The proposed site-specific standards would apply only to the property, as detailed in a new exception zone set out in Document 4.

DISCUSSION

Public Consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

A community information session was held on January 29, 2019 at the Jack Purcell Community Centre for the original proposal which consisted of a 21-storey tower. Ward Councillor McKenney attended and comment sheets collected from the meeting were forwarded to staff. Staff and the project team were also in attendance.

During the entire application review approximately 14 individuals/groups provided comments expressing comments regarding the proposed height, shadowing, traffic and parking along with the intent of the Secondary Plan policies. Many of the comments were directed on the original application which has since been revised. Two comments were submitted on the revised 10-storey proposal.

Official Plan

The subject property is designated General Urban Area as shown on Schedule B of the City of Ottawa Official Plan. The site is also located within a Design Priority Area and has been subject to review by the City's Urban Design Review Panel.

Other applicable policies and guidelines

The subject property is designated “Residential Mixed Use” under Schedule H1 of the Central Character Area in the Centretown Secondary Plan (CSP). The Residential Mixed-Use designation encourages residential uses in the form of detached, semi-detached, townhouses, and apartment buildings and limits commercial uses. Schedule H2 of the CSP designates the property as Mid-Rise with a maximum height of nine storeys. The Centretown Community Design Plan (CCDP) provides background direction on land use, massing, and design direction for the neighbourhood that is implemented through the Secondary Plan.

Urban Design Review Panel

The property is within a Design Priority Area and while the applicant has undertaken pre-consultation with the Urban Design Review Panel (UDRP), during the Official Plan and Zoning By-law and Site Plan Control process, the applicant presented their proposal to the UDRP at a formal review meeting on February 1, 2019. At that time, the recommendations of the panel reflected a 21-storey proposal which raised concerns with respect to height, shadowing, and tower design given the existing character of the street and abutting heritage asset.

The panel felt that a fabric building fronting the museum, with north-south oriented units is most appropriate for this site. If a development over nine storeys is proposed, the nine-storey datum should be strongly reflected in the design to ensure compatibility with the streetscape and the museum. Lastly, the panel suggested a relief floor of extensive glazing to create a glass break between the base and tower. Regarding materiality, the panel appreciates the use of stone and masonry.

In response to the panel comments, the proposal was significantly revised and lowered in height to the current 10-storey volume as shown on Document 6. Many of the panel comments on the relationship of the tower to the podium are no longer applicable as a mid-rise volume which is technically considered a high-rise building at 10 storeys. The proposed elevation continues the use of proper materials, as well as incorporating the proposed break between the reintegrated heritage façade and upper storeys.

Planning Rationale

In considering the proposed Official Plan Amendment, the key policy considerations are found within the parent Official Plan as well as the Centretown Secondary Plan and Centretown Community Design Plan.

Official Plan (OP)

This designation permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. The intent is for development in General Urban Areas to contribute to the establishment of complete communities.

Section 2.2.2, Managing Growth, provides policy direction for intensification and acknowledges that denser development, including taller buildings, should be located in areas supported by transit priority networks and areas with a mix of uses. The Policy also notes that building heights and densities may be established through a Secondary Plan.

Policy 1 outlines that the General Urban Area designation permits housing and retail uses, among an array of other uses which contribute to complete communities which the proposed development is consistent with. Policy 2 outlines that new development will have to be in accordance with Section 2.5.1 and Section 4.11 of the Official Plan which are discussed further in the report. Sections 2.5.1 and Section 4.11 of the Official Plan provides policy direction for designing Ottawa, urban design and compatibility.

Section 2.5.1 of the Official Plan provides direction with respect to compatible development practices and new building projects. Compatible development is defined in the OP as development that is not necessarily the same as or similar to existing buildings, but that enhances and coexists with existing development without undue adverse impacts. It 'fits well' within its physical context and 'works well' among those functions that surround it. The Official Plan emphasizes that the above objectives are achievable without designing a development to be the same as existing developments.

Various design objectives are outlined to guide development. The proposed development responds to the design objectives of define quality public and private spaces through development; creating places that are safe, accessible and are easy to get to, and move through; and ensure that new development respects the character of existing areas

The proposed structure defines the street edge with a human-scaled, reintegrated heritage podium which frames the streetscape and includes an appropriate building setback. Pedestrian and cyclist access are a priority within the design of the building, as there is a direct route from the sidewalk to a street-fronting entrance. Automobile traffic and parking is directed away from the pedestrian frontage. Lastly, the proposed

development's design incorporates the existing building façade to provide architectural interest, familiarity and will be incorporated within the accompanying Ontario Heritage Act approval. The overall building height is consistent with the overall vision for vertical transition and supports the intended "bowl effect" within the Secondary Plan Area as shown on Schedule H2 notwithstanding the minor increase in height.

In addition to the built form and compatibility policies found in Section 2.5.1 of the Official Plan, additional objective compatibility criteria and policies can also be found in Section 4.11, Urban Design and Compatibility. At the scale of neighbourhoods or individual properties, issues such as noise, spillover of light, accommodation of parking and access, shadowing, and micro-climatic conditions are prominent considerations when assessing the relationships between new and existing development. Often, to arrive at compatibility of scale and use will demand a careful design response, one that appropriately addresses the impact generated by infill or intensification. An assessment of the compatibility of new development will involve not only consideration of built form, but also of operational characteristics, such as traffic, access, and parking. While many of the compatibility considerations contained in Section 4.11 can be addressed through the Site Plan control process, others are more applicable to a rezoning application such as parking, traffic, sunlight and microclimate.

With respect to vehicular parking, the By-law 2008-280 requires a total of 45 resident and nine visitor parking spaces. The application is not seeking any relief to the by-law for this provision and is proposing 47 resident and nine visitor parking spaces. Regarding bicycling parking whereas the requirement is 50 stalls, the project intends to provide more than double with approximately 118 stalls. The traffic assessment submitted in support of the proposed development was reviewed by staff and deemed acceptable. The development requires no modifications to the existing road network to support the development and potential impacts have been reduced with the significant decrease in the proposed number of units. Details with respect to site access will be evaluated through the required Site Plan Control application.

While all buildings cast shadows, the proposed development will have a minimal impact on the open space area of the adjacent property, in particular the Museum of Nature grounds given the significant reduction in height. In addition to the above, the impact on adjacent amenity areas is expected to be minimal given the function of the abutting properties as a police station and commercial building. Finally, at ten storeys in height, the proposed development is not expected to have significant microclimate effects

associated with wind and wind-mitigating features, such as canopies, can be introduced through the Site Plan process.

Centretown Secondary Plan

The subject property is designated “Mixed Use - Residential” under Schedule H1 of the Central Character Area in the Centretown Secondary Plan (CSP). The Residential Mixed-Use designation limits commercial uses and encourages residential uses in the form of detached, semi-detached, townhouses, and apartment buildings. Schedule H2 of the CSP designates the property as Mid-Rise with a maximum of nine storeys. Properties on the southern portion of the block abutting Catherine Street have permitted heights of 25 storeys. The transition in height creates the desired “bowl” or transition to the north where there are stable low-rise community and significant heritage resources such as the Museum of Nature.

The Secondary Plan refers to the built form guidelines found in the Centretown CDP and states that they are meant to be general and may not apply equally in all circumstances. Where a high-rise building is introduced in the Central Character Area, provisions described in Section 3.9.3.3 and 3.9.4.3 are to be considered in the evaluation of the application. Section 3.9.3.3 states that buildings of varying heights are encouraged and that building heights should achieve transition to mid-rise and low-rise areas. Section 3.9.4.3 states that where a building height greater than six-storeys is proposed adjacent to a significant heritage resource (e.g. the Museum of Nature) a stepping of heights or increased setbacks should be provided to achieve an appropriate transition.

Policy 3.9.5.3 of CSP outlines that the implementing Zoning By-law shall establish appropriate maximum building heights. These maximum building heights are intended to help ensure compatibility between existing buildings and new development and between areas of different building heights, which together with other applicable zoning provisions ensure new development achieves an appropriate built form transition to adjacent areas of lower height.

The implementing by-law along and Official Plan Amendment are consistent with the policy direction of the Secondary Plan to regulate a compatible form of development which creates an appropriate transition from edge of the plan area which permits up to 25 storeys towards the significant heritage resource, that being the Museum of Nature.

Centretown Community Design Plan

The Centretown Community Design Plan (CCDP), prepared in May 2013 provides direction for the future development of the community by providing land use, massing, and design direction for the neighbourhood. The subject property is designated “Residential Mixed Use” and forms part of the Central Character Area. The CCDP envisions the Central Character Area continuing to develop as a low- to mid-rise neighbourhood of predominantly residential uses.

The CCDP states that Group 1 and Group 2 heritage buildings within the Character Area must be protected and could, depending on their context and characteristics, be incorporated into redevelopments. The subject property at 100 Argyle is identified as a Group 2 building within the Centretown Heritage Conservation District and the CCDP, and therefore protection/retention is required. The proposed approach to relocate and integrate the existing façade into the new building is consistent with the direction of the CCDP and is subject to a parallel approval through the *Ontario Heritage Act*.

The subject properties are designated as nine storeys within CCDP. The heights within the CCDP are intended to reflect current built form and compatibility with the existing context and the establishment of appropriate and sensitive transitions. The amendment of the CSP is considered minor in additional height while still satisfying the desired intention of heritage protection and appropriate transition is consistent with CCDP and CSP.

Section 6.2 speaks to the building approach of the CCDP and where high-rise buildings should be located. The CCDP approach to building height states that in assessing appropriate building heights, cues should be taken from elements such as the existing built form, recent approvals, and appropriate transitions. The CCDP also provides built form guidelines for tall buildings which the proposal is now considered which speak to elements such as podium height, tower separation and setbacks for towers.

Lastly, the CCDP recognizes the unique nature of both Metcalfe Street and the Museum of Nature. Section 6.4.5 of the CCDP states that infill buildings surrounding the Museum of Nature must demonstrate how they reinforce the street enclosure surrounding the park and must have exemplary architecture. Specific guidelines for infill in the Museum of Nature area include treating infill development fronting on to the Museum of Nature as “background” buildings in relation to material choices, streetscape improvements and heritage conservation.

Staff recognizes that the proposed amendment to permit one additional storey is a minor deviation from the overall vision of the CCDP and the implementing CSP. Given that the proposed amendment permits one additional storey, while addressing many of the design objectives of both the CCDP and CSP, staff support the proposed amendment.

Official Plan Amendment

The department supports the proposed amendment to the Centretown Secondary Plan and Zoning By-law. The development places a strong emphasis on retaining and integrating the heritage components of the existing building into the proposal and creates an appropriate transition to significant heritage resources within the Plan area. Overall, the Official Plan and Zoning By-law Amendments represents good planning that conforms with the Official Plan Policies and is consistent with the Provincial Policy Statement.

Recommended Zoning Details

As detailed in Document 4, the proposed Zoning By-law Amendment has the effect of amending the current zoning to implement a development concept which is consistent with the general direction of the Official Plan designation and Centretown Secondary Plan. The rezoning also introduces a new exception zone with site-specific provisions for setbacks and building height. The following summarizes the site-specific zoning provisions and planning rationale:

Additional Height

It is recognized that the proposed building height is greater than what is currently permitted, however as part of the Secondary Plan process, an amending by-law was not introduced to implement the respective policy direction. As a result, on a site by site basis Zoning By-law Amendments are required to implement this direction which in the opinion of staff is consistent with the CSP.

Interior Side Yard Setbacks

The proposed building includes a reduced west interior side yard setback of 1.79 metres where 3 metres is required. The purpose of the setback requirement is to ensure adequate spacing between buildings. It is to be noted that a shared use easement is present between both properties for a right-of-way of 3.05 metres, encroaching onto 110

Argyle Ave. for 1.22 metres. This easement provides sufficient building wall separation given that future redevelopment of the adjacent site will be required to maintain.

Rear Yard Setback

The proposed building includes a reduced rear yard setback of 1.6 metres where 7.5 metres is required. The purpose of this setback requirement is to allow sufficient space for outdoor amenity areas and to mitigate shadowing on the amenity areas of adjacent development. The proposed rear yard reduction does not prejudice future development on the southern portion of the block where up to 25 storeys is permitted.

Regarding shadowing on adjacent area, the abutting use to the south is a parkade and drive aisle related to the Ottawa Police station. It is reasonable that should development occurs on the Ottawa Police property, it will take the form of a high-rise development where the location of amenity space can be further assessed at that time. As well, given the size of the parcel, the site also has flexibility in potential site configurations in a redevelopment scenario to eliminate any potential impacts created by the proposed building at 100 Argyle Avenue.

Landscaping Requirements

The proposal does not meet the landscaping width requirements set out in the current zoning. The intent of the relief sought would only apply to the landscaping that would be required for the yard abutting the police station property. The required landscaping for the portion of the site abutting the street frontage will be maintained (minimum 3.0 metres) and will be further detailed through the Site Plan Control process.

Removal of Heritage Overlay

Section 60 of the Zoning By-law refers to the Heritage Overlay; which applies to the subject property. The intention of this section is to protect the character of heritage areas and built resources. The application has also been subject of a parallel application under the *Ontario Heritage Act*, and Heritage staff have been actively involved in the review or assessment of the project.

Mature Neighbourhoods Overlay

Given the extensive review and design of the subject property to support the new building, the provisions outlined in this Section of the By-law are not applicable as the intent is to regulate the character of low-rise development.

Section 37 Agreement

As per Section 37 of the *Planning Act*, where a development is determined to be good planning, the City may authorize increases in the height and density of development above the levels otherwise permitted by the Zoning By-law, in return for the provision of community benefits. The Official Plan (Section 5.2.1.11) states that limited increases will be permitted in return for the provision of community benefits as set out in the Zoning By-law, which shall be secured through an agreement registered on title. As well, policies of the Wellington Street West Secondary Plan also permit additional height in specific cases subject to securing community benefits.

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for this proposal has been determined to be \$76,081.50. This contribution will provide the following:

- \$76,081.50 – Ward 14 traffic calming fund;

The details of the Section 37 contributions are also contained within the details of the proposed amendments to the Zoning By-law (see Document 4). These community benefits will be secured prior to the issuance of the first building permit and details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of community benefit being secured, calculated from the date of the Section 37 agreement to the date of payment. The implementing Zoning By-law will not proceed to City Council until such time as the agreement under Section 37 of the *Planning Act* is executed.

CONCLUSION

The proposed Official Plan and Zoning By-law Amendments to amend the Centretown secondary Plan to permit a modest increase in height on the subject lands are consistent with the Provincial Policy Statement and the City of Ottawa Official Plan.

The amendments which propose an increase in the permitted building height is appropriate for the site and surrounding context and are considered good land use planning.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

The applications were subject to public consultation as per the City's policies. Approximately 14 comments were received from the public during the consultation period. A summary of the comments received, and a response can be found in Document 5.

COMMENTS BY THE WARD COUNCILLOR

Councillor McKenney provided the following comment:

"The previous 21-storey proposal was inappropriate for this location, especially considering the heritage context and its proximity to the Museum of Nature. The reduction of the building height from 21 storeys to 10 storeys will allow this building to better fit into its surroundings and act as a background to the Museum of Nature. I appreciate the applicant's response to the community's concerns by amending their application.

The creation of additional housing on this block of Argyle will work to animate the area and allow more people to live in this central location. This level of intensification is appropriate for this neighbourhood and works toward the City's regeneration goals. The need for affordable housing options in the downtown core cannot be understated. I would like to see a commitment of 20 per cent affordable units provided in this development, if this application is approved."

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the report.

ASSET MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for this proposal has been determined to be \$76,081.50. This contribution will provide the following:

- \$76,081.50 – Ward 14 traffic calming fund;

This community benefit will be secured prior to the issuance of the first building permit. Details on the final Section 37 contribution will be contained within the Section 37 agreement and will be indexed, calculated from the date of the Section 37 agreement to the date of payment.

ACCESSIBILITY IMPACTS

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. Depending on the timing of construction, the *Accessibility for Ontarians with Disabilities Act* requirements for site design may also apply and will be reviewed through the Site Plan Control process.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

These applications (Development Application Number: D01-01-18-0011 and D02-02-18-0103) were not processed by the "On Time Decision Date" established for the processing of Official Plan Amendments due to the additional time required to address design considerations.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Official Plan Amendment

Document 3 Zoning Key Plan

Document 4 Details of Recommended Zoning

Document 5 Consultation Details

Document 6 Proposed Building Perspectives

DISPOSITION

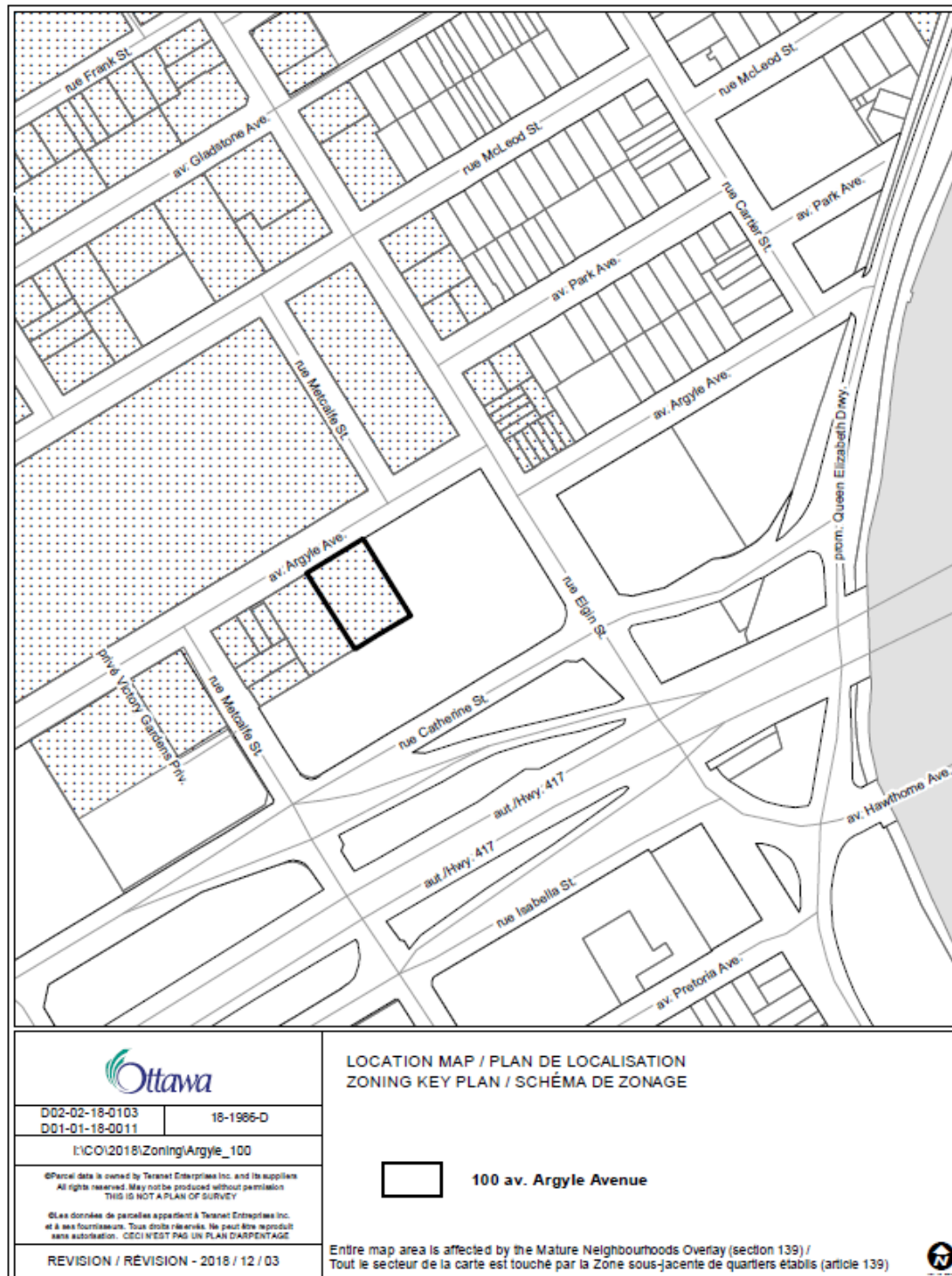
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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



Document 2 – Official Plan Amendment

Official Plan Amendment XX to the

Official Plan for the

City of Ottawa

INDEX

THE STATEMENT OF COMPONENTS

PART A – THE PREAMBLE introduces the actual amendment but does not constitute part of Amendment No. XX to the Official Plan for the City of Ottawa.

PART B – THE AMENDMENT constitutes Amendment XX to the Official Plan for the City of Ottawa.

PART C – THE APPENDIX

Schedule 1 of Amendment XX – Official Plan for the City of Ottawa

PART A – THE PREAMBLE

1. PURPOSE

The purpose of this amendment to the Centretown Secondary Plan is to revised Schedule H2 to permit a 10 storey building on the subject lands.

2. LOCATION

The subject property is located on the south side of Argyle Avenue between Metcalfe Street and Elgin Street, north of Catherine Street and Highway 417. Directly across from the site is the Museum of Nature, to the east and south abutting the site is the Ottawa Police Headquarters property.

3. BASIS

The amendment to the Official Plan was requested by the applicant in order to facilitate the construction of a new 10 storey residential building on the property.

4. RATIONALE

The proposed Official Plan Amendment to Centretown Secondary Plan to permit a modest increase in height on the subject lands are consistent with the Provincial Policy Statement and the City of Ottawa Official Plan. The amendments which propose an increase in the permitted building height is appropriate for the site and surrounding context and are considered good land use planning.

PART B – THE AMENDMENT

1. INTRODUCTION

All of this part of this document entitled Part B – The Amendment consisting of the following text and the attached Schedules constitutes Amendment No. XX to the Official Plan for the City of Ottawa.

2. DETAILS OF THE AMENDMENT

The following changes are hereby made to the Official Plan, Volume 2a, Centretown Secondary Plan, is hereby amended as follows for the City of Ottawa:

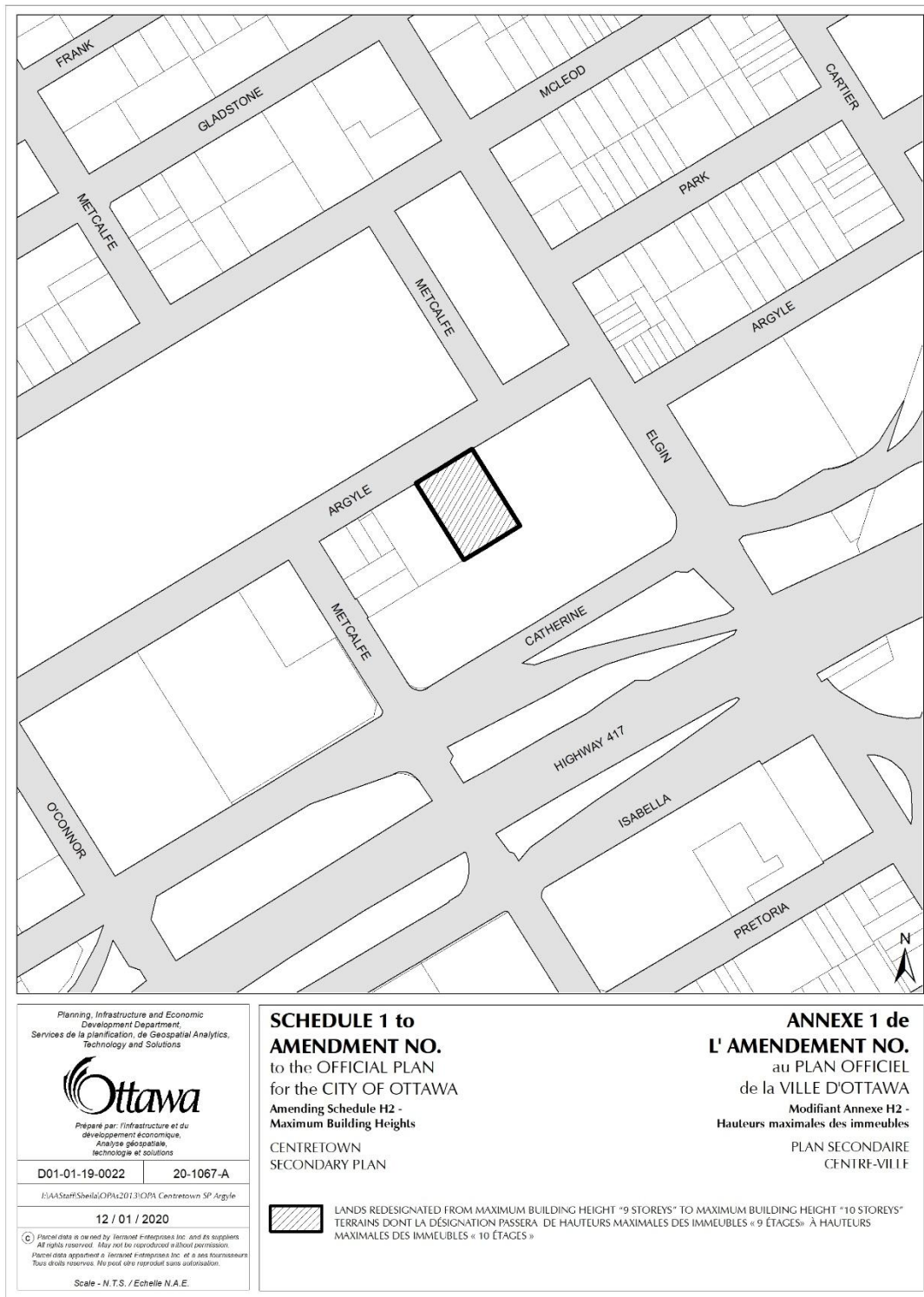
- 2.1 Amend Schedule H2, to introduce a new legend category within the High-Rise designation “High-Rise – 10 storeys”
- 2.2 Amend Schedule H2 – Maximum Building Heights, is revised to designate the property as “High-Rise – 10 storeys
- 2.3 By adding a new policy in Section 3.9.4 – Central Character Area, as follows:
“Despite Section 3.9.4.3, the property at 100 Argyle Avenue is permitted a maximum building height of ten (10) storeys pursuant to Section 37 of the *Planning Act* where one or more community benefits are secured through and agreement with the City which will be provided at the time of development”

3. IMPLEMENTATION AND INTERPRETATION

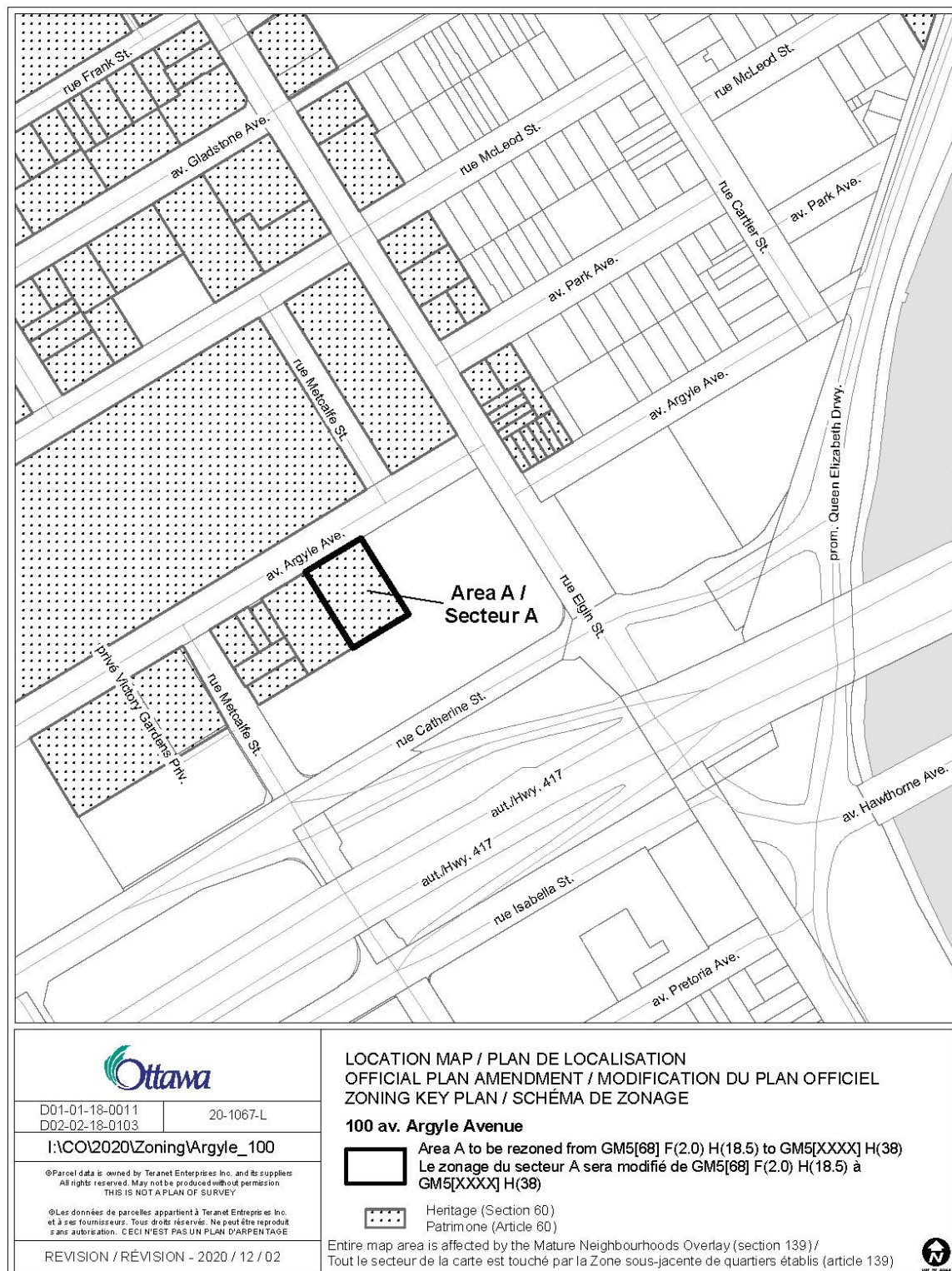
Implementation and interpretation of this Amendment shall be in accordance with the policies of the Official Plan for the City of Ottawa.

PART C – THE APPENDIX

Schedule 1 of Amendment XX – Official Plan for the City of Ottawa



Document 3 – Zoning Key Plan



Document 4 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 100 Argyle Avenue:

1. Rezone the lands shown in Document 1 from GM5[68] F(2.0) H(18.5) to GM5[xxxx] H(38).
2. Add a new exception GM5[xxxx] to Section 239, Urban Exceptions, to add provisions similar in effect to the following:
 - a. In Column II, add the text, "GM5[xxxx] H(38)";
 - b. In Column V, add the text:
 - Interior Side Yard, For a residential building higher than 11 metres in height – westerly interior yard – 1.7 metres
 - Interior Side Yard, For a residential building higher than 11 metres in height – easterly interior yard – 3.4 metres
 - Minimum Rear Yard Setback for a residential use building – 1.6 metres
 - Maximum Building Height - 38 metres
 - Minimum Width of Landscaped Area abutting a residential or institutional zone - none
 - Section 60 does not apply to the construction of a 10-storey tower.
 - Section 139 does not apply.
3. The following provisions dealing with a Section 37 authorization will also be added to the new exception in Section 239:
 - a. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted in this by-law are permitted to compliance with all of the conditions set out in this by-law including the provision by the owner of the lot of the facilities, services and matters set out in Section X of Part 19 hereof, to the City at the owner's sole expense and in accordance with and to the agreement referred to in b. below.

- b. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Section X of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
 - c. Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue.
4. The following will be added as Section X of Part 19 of the Zoning By-law, will be titled 100 Argyle Avenue and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*:

100 Argyle Avenue

The City shall require that the Owner of the lands at 100 Argyle Avenue to enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development Department, to secure the public benefits noted below. The agreement will comprise a combination of public benefits including works to be completed by the applicant, and monies that would be paid to the City. The total value of the monies to be secured being \$76,081.50 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

(a) The specific benefits to be secured and provided are:

- \$76,081.50 – Ward 14 traffic calming fund;

(b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.

- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development.

Document 5 – Consultation Details

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

A community information session on January 29, 2019 at the Jack Purcell Community Centre for the original proposal which consisted of a 21-storey tower. Councillor McKenney attended and comment sheets collected from the meeting were forwarded to staff. Staff and the project team were in attendance as well.

During the entire application review approximately 14 individuals/groups provided comments expressing concerns regarding the proposed height, shadowing and traffic and parking and the intent of the Secondary Plan policies. Many of the comments were directed on the original application which has since been revised. Two comments were submitted on the revised 10-storey proposal.

PUBLIC COMMENTS AND RESPONSES

The following summarizes, in no particular order, a list of comment topics and items raised by members of the public in response to the application:

1. Concerns were raised with the proposed building height (originally at 21 storeys), conformity with the Centretown Secondary Plan, parking and potential shadowing impacts

Response:

To address this concern the application has been significantly revised to reduce the height to 10 storeys from 21. As noted in the above discussion, the impacts related to these concerns have been greatly reduced as a result of the reduction in height. The proposed amendment will strictly limit the maximum building height on-site to 10 storeys, which is generally in keeping with policy direction. The original application had proposed to amend the required parking provisions however it is no longer being pursued and parking will be provided as per by-law requirements.

2. Concerns were raised with the reduction of landscaping along the property frontage.

Response:

Argyle Avenue is identified as a priority streetscape within the Centretown Secondary Plan. Through the Site Plan Control process staff will be working with the applicant to

improve the and support this policy direction. The Site Plan Control process will also be subject to further public consultation and feedback.

3. Concerns were raised with the potential loss for on-street parking given the new access.

Response: Through the Site Plan Control process the design of the access and potential parking impacts will be further explored.

Centretown Citizens Community Association

The Centretown Citizens Community Association (CCCA) welcomes the opportunity to comment on the proposed development for 100 Argyle Avenue.

We would like to begin by noting that FoTenn Consulting, as the agents for Colonnade BridgePort, convened an informal discussion with the CCCA (President Shawn Barber and Vice-President Jack Hanna) and the proponent on January 16. We welcomed this initiative, which led to a useful exchange of views on both sides. We left the meeting with a better understanding of the project.

We also note that Councillor Catherine McKenny is hosting an Open House on the proposal on Wednesday evening, January 23rd at the Jack Purcell Community Centre.

We consider this proposal particularly important for three key reasons.

First, it is requesting a site-specific re-zoning in the absence of any substantive planning rationale that can be supported by either the principles or specifics of the Centretown Secondary Plan (CSP) or the Centretown Community Design Plan (CDP).

We note, for example, that this site is not in proximity to a transportation hub.

This proposal is for 21 storeys in an area zoned for nine. This is so grossly at variance with what currently is allowed that were this project to proceed it would call into question the legitimacy of the relevant key planning documents, both the CSP and CDP.

Second, the proposed building would be across from the historic Museum of Nature. The museum is a jewel in the architectural landscape of Ottawa and a building that played an important role in our shared history as the seat of the Canadian Parliament after the great fire of 1916 that destroyed then Centre Block on Parliament Hill.

To preserve and protect the museum, the CDP requires any new building adjacent to the museum grounds to meet several design criteria. First, the proposed building must

be a 'background building'. The proposed building will rise up 21 storeys, loom over the museum itself, and cast a shadow onto it at certain times of day. Surely this disqualifies it as a 'background building'. In addition, the design criteria require that new buildings adjacent to the museum grounds "must have exemplary architecture". Again, this proposal fails that test. It is a very large building of pedestrian design. It does not belong across from the Museum of Nature.

This building sets a strong, and bad, precedent. It is of an entirely different league of height than most nearby buildings and taller by several storeys than even the tallest building in the vicinity.

As well, the proposed building sets a precedent that could lead to a cliff wall of high towers across the street from, and forming a massive, intrusive backdrop to, the museum. The remainder of the block to the west of the proposed building, immediately across Argyle from the museum, is ripe for redevelopment. If this 21-storey building is erected across the street from the museum, it sets a precedent for more to follow.

We recommend that the current zoning and provisions in the CDP and CSP, which protect the Museum of Nature, be respected.

As we have stated elsewhere, the CCCA fully supports the Official Plan's objective of intensification in the urban core. We are not in principle opposed to tall buildings, as long as they have some architectural design merit and contribute to the public realm. For that reason, we would be supportive if this project were proposed for the nearby Catherine Street corridor where zoning provides for a maximum height of 25 storeys. As it currently stands however, the CCCA cannot support the proposal for 100 Argyle Avenue.

Document 6 – Proposed Building Perspectives



