

<p>4. ZONING BY-LAW AMENDMENT – 667 BANK STREET</p> <p>MODIFICATION AU RÈGLEMENT DE ZONAGE – 667, RUE BANK</p>
--

COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for 667 Bank Street to permit a mixed-use building, as detailed in Documents 2 and 3.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant le 667, rue Bank, afin de permettre la construction d'un bâtiment polyvalent, comme l'exposent en détail les documents 2 et 3.

DOCUMENTATION/DOCUMENTATION

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated 13 November 2017 (ACS2017-PIE-PS-0133).

Rapport de la Directrice, Service de la planification, Direction générale de la planification, de l'Infrastructure et du développement économique, daté le 13 novembre 2017 (ACS2017-PIE-PS-0133).
2. Extract of draft Minutes, Planning Committee, 28 November 2017

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 28 novembre 2017
3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of 31 January 2018, as part of the Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements'.

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 31 janvier 2018 du Conseil, comme faisant

partie du Résumé des observations orales et écrites du public sur les questions assujetties aux « exigences d'explication » aux termes de la Loi 73.

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
28 November 2017 / 28 novembre 2017**

**and Council / et au Conseil
December 13, 2017 / 13 décembre 2017**

**Submitted on November 13, 2017
Soumis le 13 novembre 2017**

**Submitted by
Soumis par:
Lee Ann Snedden,
Director / Directrice,
Planning Services / Service de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

**Contact Person / Personne ressource:
Allison Hamlin, Planner II / Urbaniste II, Development Review Central / Examen
des projets d'aménagement centrale
613-580-2424, 25477, Allison.Hamlin@ottawa.ca**

Ward: CAPITAL (17) / CAPITALE (17) File Number: ACS2017-PIE-PS-0133

SUBJECT: Zoning By-law Amendment – 667 Bank Street

OBJET: Modification au Règlement de zonage – 667, rue Bank

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 667 Bank Street to permit a mixed-use building, as detailed in Documents 2 and 3.**
- 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 13 December 2017" 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 le 667, rue Bank, afin de permettre la construction d'un bâtiment polyvalent, comme l'exposent en détail les documents 2 et 3.**
- 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 de l'avocat général 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 du projet de loi 73 », à la réunion du Conseil municipal prévue le 13 décembre 2017, 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

Assumption and Analysis

The site is located on the northeast corner of the Bank Street and Clemow Avenue intersection, within the Glebe community. The property is also located in the Clemow Estate East Heritage Conservation District. Currently, the 450.2 square metres site is occupied by a surface parking lot with driveway access from Clemow Avenue.

The subject lands are designated Traditional Mainstreet within the Official Plan, which is a target area for intensification, characterized by more compact urban forms of development, a lively mix of uses and a more pedestrian-friendly environment.

The lands are currently zoned as Traditional Mainstreet, maximum building height of 15 metres (TM H(15)). The requested Zoning By-law amendment proposes changes to performance standards including incremental building heights to a maximum building

height of 16.7 metres as shown in Document 3, an unscreened outdoor commercial patio within 35 metres of a residential zone, a minimum corner side yard setback of 0 metres, a minimum rear setback of 0.9 metres, a minimum side yard setback of 0.3 metres, and the minimum width of a landscaped area beside a residential zone of 0.9 metres.

Public Consultation/Input

A public information and comment session was held on Wednesday, September 6 and 51 attendees signed in. Councillor Chernushenko acted as facilitator at the meeting. Representatives from the Glebe Community Association were also present.

Since July 2017, 32 responses have been received by Development Review staff on the Zoning By-law amendment application. The chief concerns on the Zoning By-law amendment relate to building massing and height, the corner side yard setback, and the rear yard setback. An overview of concerns can be found in Document 4.

RÉSUMÉ

Hypothèse et analyse

L'emplacement est situé à l'angle nord-est de l'intersection de la rue Bank et de l'avenue Clemow, dans le Glebe. La propriété se trouve par ailleurs dans le district de conservation du patrimoine du domaine Clemow Est. Actuellement, cet emplacement d'une superficie de 450,2 m² est occupé par une aire de stationnement de surface accessible depuis une entrée donnant sur l'avenue Clemow.

Les terrains visés sont désignés comme longeant une rue principale traditionnelle dans le Plan officiel, une désignation qui en fait un secteur cible de densification caractérisé par des formes urbaines d'aménagement plus regroupées, un mélange animé d'utilisations et un environnement plus favorable à la marche.

Le zonage actuel des terrains est Zone de rue principale traditionnelle, hauteur de bâtiment maximale de 15 mètres (TM H(15)). La modification au Règlement de zonage demandée vise à apporter des changements aux normes de rendement, notamment des hauteurs de bâtiment graduelles jusqu'à une hauteur maximale de 16,7 mètres, comme l'illustre le document 3, et à permettre la présence d'une terrasse commerciale ouverte à moins de 35 mètres d'une zone résidentielle, un retrait minimal de cour latérale d'angle de 0 mètre, un retrait minimal de cour arrière de 0,9 mètre, un retrait minimal de cour latérale de 0,3 mètre ainsi qu'une aire paysagée d'une largeur minimale de 0,9 mètre le long d'une zone résidentielle.

Consultation publique et commentaires

Une séance publique d'information et de commentaires, à laquelle 51 personnes ont participé, a été organisée le mercredi 6 septembre. Le conseiller Chernushenko a animé la réunion. Des représentants de l'Association communautaire du Glebe étaient également présents.

Depuis juillet 2017, le personnel chargé de l'examen des projets d'aménagement a reçu 32 messages concernant la demande de modification au Règlement de zonage. La principale préoccupation émise au sujet de cette demande avait trait à la volumétrie et à la hauteur du bâtiment, au retrait de cour latérale d'angle et au retrait de cour arrière. On retrouve dans le document 4 une synthèse des préoccupations émises.

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

667 Bank Street

Owner

Melito Investments

Applicant

Jaime Posen, FOTENN Consultants Inc.

Architect

Vincent Colizza, Colizza Architects

Description of site and surroundings

The site is located on the northeast corner of the Bank Street and Clemow Avenue intersection, within the Glebe community. The property is also located in the Clemow Estate East Heritage Conservation District.

Currently, the 450.2 square metres site is occupied by a surface parking lot with driveway access from Clemow Avenue. The following land uses surround the site:

North: City parks (the Exploration Garden and Central Park) fronting onto Bank Street. Further north, along Bank Street, there are mixed-use buildings, restaurants and retail stores;

East and South-East: residential uses consisting primarily of detached dwellings;

South: Across Clemow Avenue, fronting onto Bank Street, there is a single-storey restaurant with a surface parking lot, followed by a three-storey mixed-use building at Bank Street and First Avenue; and

West: Immediately across Bank Street, the land and building are vacant. Other uses along Bank Street are mixed, including commercial and residential units. Beyond these uses are residential properties consisting of low-rise dwellings.

Summary of requested Zoning By-law amendment proposal

The subject lands are zoned as Traditional Mainstreet, maximum building height of 15 metres (TM H(15)). This zone permits a broad range of uses, including: retail, service commercial, office, residential and institutional uses. The Zoning By-law amendment application proposes changes to performance standards including incremental building heights to a maximum building height of 16.7 metres as shown in Document 3, an unscreened outdoor commercial patio within 35 metres of a residential zone, a minimum corner side yard setback of 0 metres, a minimum rear setback of 0.9 metres, a minimum side yard setback of 0.3 metres, and the minimum width of a landscaped area beside a residential zone of 0.9 metres.

Brief history of proposal

This proposal requires the approval of City Council under the *Ontario Heritage Act* for new construction in a heritage conservation district. A heritage application was submitted in March 2016, and a staff report recommending approval of an earlier concept was considered at the July 2016 meeting of the Built Heritage Sub-committee, but was referred back to staff for further consideration. A staff report on the current concept will be considered by Built Heritage Sub-committee on November 10, 2017 and on by Planning Committee on November 28, 2017.

An application for Site Plan Control was submitted in August 2016. It is anticipated that this application will be revised to reflect the current concept, should the Zoning By-law amendment and heritage permit applications be approved.

DISCUSSION

Public consultation

A community information and comment session was held on Wednesday, September 6, 2017, at the Glebe Community Centre, with display boards, staff presentations and a question and answer session. Councillor Chernushenko acted as facilitator at the meeting. Sign-in sheets indicate that the session was attended by 51 residents, although actual attendance was likely higher. Representatives from the Glebe Community Association were also present.

In response to concerns raised on the site plan control and heritage applications, the original building design was revised. The height was lowered by half a metre and the building was further cut back on the north-east and east sides. The corner side yard setback to the main building was not changed, but the corner side yard setback to the one-story portion of the building was increased from zero to 5.2 metres.

Since July 2017, 32 responses have been received by Development Review staff on the Zoning By-law amendment application. An additional 14 people also commented on the heritage application or the site plan application previously submitted. The chief concerns on the Zoning By-law amendment relate to building massing and height, the corner side yard setback, and the rear yard setback. An overview of concerns and staff responses can be found in Document 4.

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

Official Plan designations

Official Plan Amendment 150 (OPA 150) was approved by Council in 2013 and is currently under appeal. This Zoning By-law amendment application was reviewed with respect to the Official Plan, as amended by OPA 150; however, it does not rely specifically on any of the amendments introduced by it.

According to Schedule B of the Official Plan, the property is designated Traditional Mainstreet. Lands within this designation offer opportunities for intensification and are to be characterized by more compact urban forms of development, a lively mix of uses and a more pedestrian-friendly environment. A Traditional Mainstreet functions as a mixed-use corridor with the ability to provide a wide range of goods and services for neighbouring communities and beyond. The intent of the Plan is to focus intensification along these corridors to support the public transit system, to create an essential community focus, to allow for minimum travel, and to minimize disruption to existing

stable neighbourhoods. Redevelopment and infill development are encouraged, and the Plan supports building heights of up to six storeys on Traditional Mainstreets.

Where intensification target areas also correspond with heritage conservation districts designated under the *Ontario Heritage Act*, the Plan notes that a balance is required and the scale, profile and density of development permitted will vary, depending on the exact location. The Official Plan also states that the interpretation of heritage conservation district plans and guidelines cannot be done without a firm understanding that intensification is important to the long-term survival and vitality of the district, and proposals for intensification within heritage conservation districts will take into consideration all policies of this Plan, including, in this case, that the site is located within a growth target area on a Traditional Mainstreet.

The Official Plan states that all intensification will occur in accordance with the provisions of Section 2.5.1, Urban Design and Compatibility, and 4.11, Urban Design and Compatibility, and with Section 4.6.1, Heritage Buildings and Areas.

Other applicable policies and guidelines

The Urban Design Guidelines for Development along Traditional Mainstreets contain the following objectives:

- To promote development that will enhance and reinforce the recognized or planned scale and character of the streets;
- To promote development that is compatible with, and complements its surroundings;
- To achieve high-quality built form and strengthen building continuity along Traditional Mainstreets;
- To foster compact, pedestrian-oriented development linked to street level amenities; and
- To accommodate a broad range of uses including retail, services, commercial uses, offices, residential and institutional uses where one can live, shop and access amenities.

Urban Design Review Panel

The property is within a Design Priority Area and the Site Plan Control application was subject to the Urban Design Review Panel (UDRP) process. The applicant presented

their proposal to the UDRP at a formal review meeting on September 1, 2016 for an earlier scheme. This session was open to the public, and these comments pertain to an earlier scheme.

A full list of the panel's recommendations is found in Document 5. In summary, the recommendations were to:

- Reduce the scale and massing of the proposal;
- Improve transitions to adjacent properties;
- Lower the building to four storeys;
- Reduce the density of the proposal by eliminating units;
- Redesign the parking garage entrance or eliminate the need for parking;
- Ensure that the building is articulated on all four sides, as all façades are visible, and avoid blank walls and not turn its back on the park;
- Take care to ensure the elm tree survives construction; and
- Reconsider the zinc cladding on the fifth floor.

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

The number of units was reduced from 14 to 12; as a result, no parking is required and the design problems presented by the underground parking garage were eliminated. The removal of the garage ramp also created the opportunity for a greater setback to the one-storey portion of the building, which improves the transitions to the abutting house at 29 Clemow Avenue.

The transition within the rear yard was addressed by redesigning the building from three storeys with habitable space to one storey for storage. This part of the building will also have a green roof to screen the main building from the neighbouring property and to soften views from east to west.

The building is notched to allow space for the elm tree's canopy. Construction will proceed under the guidance of an arborist. There is more discussion on tree protection in Document 4.

The north (park-facing) façade was redesigned and is shown in Document 6. As the City will not grant a limiting distance agreement, windows with fire shutters are proposed.

The panel's recommendation to lower the building to four storeys was not adopted, but the building was lowered from 17.2 to 16.7 metres (five storeys). The zinc cladding also remains part of the proposal. Heritage Services staff have no objections to this material.

Planning rationale

Planning Act

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), as the document that provides policy direction on matters of provincial interest related to land use development.

Provincial Policy Statement

The proposal is subject to the policies contained within the 2014 PPS, which came into effect on April 30, 2014. Staff have reviewed this proposal and have determined that the proposed Zoning By-law amendment is consistent with the matters of provincial interest as outlined in the PPS. The proposal is in keeping with the PPS by promoting efficient development and land use patterns and by accommodating an appropriate mix of land uses to meet long-term needs.

Conformity with Official Plan and Urban Design Guidelines

This application has been reviewed under the consolidated Official Plan (2003) with regard for the Council-approved amendment contained within OPA150. The proposal complies with the overall goals of the Official Plan (2003) policies detailed above. The proposed increase in height, the reduced setbacks and amended performance standards enable for modest intensification to occur on a Traditional Mainstreet, which is a target area for intensification within the Official Plan. The mix of uses within the proposal will help to foster compact, pedestrian-oriented urban form envisaged by the policies.

The requested Zoning By-law amendment is consistent with Official Plan direction for development where there are equal goals of protecting cultural heritage value of heritage conservation districts (HCDs) and achieving lively and vibrant mainstreets with a mix of uses within compact and pedestrian-oriented environments.

To meet the design intent of the Traditional Mainstreet, the building includes extensive glazing on the main floor, a cornice detail and different materials above grade. The chamfered corner with balconies adds interest at the corner, but balconies are not

proposed within the rear yard, where there is a more sensitive interface with the neighbouring residential use. The proposed building respects the HCD's direction regarding the use of high-quality building materials, including an Arriscraft Stone base, brick cladding with pre-cast concrete cornices and guard rails, metal railings and zinc cladding on the top floor. These high-quality materials are also used in the one-storey portion of the building at the rear.

The requested Zoning By-law amendment is consistent with Official Plan direction for compatibility and fit. Since the revisions to the proposal, it has become more sensitive to its surroundings than as originally proposed. The proposal is also more compatible than some elements of the as-of-right zoning allow. The details of the recommended zoning can be found in Documents 2 and 3.

The schedule in Document 3 outlines the site-specific height permissions being sought. The TM zone requires that buildings step back above the fourth floor (or 15 metres) at a 45-degree angular plane. This building cannot meet this requirement because of the elevator and staircase locations. However, as the building is only 1.7 metres higher than the permitted 15 metres, the impacts of this are minimal. Sun shadowing impacts are almost indistinguishable. Overlook is also minimized as the units are oriented to face mainly west to Bank Street and south to Clemow Avenue. The impact to the abutting dwelling of a 6-metre high accessory structure (as permitted by the as-of-right zoning) within the rear yard would be greater than the proposed building with its incremental heights.

The proposed building does not meet the required 7.5 metre rear yard setback from a residential zone, due to lot size limitations. Rather, a rear yard setback of between 4.6-and 4.4 metres is proposed to the five-storey portion of the building. A minimum 0.9 metre setback (at the closest point) is proposed to the one-storey portion of the building. The TM zone permits an accessory structure to be constructed up to 0.6 metres from an abutting residential zone; the proposed site-specific amendment actually requires a greater setback to this portion of the building than the as-of-right permission, as this increases the building's compatibility with its surroundings.

The ability to provide the 3-metre setback required by the TM zone or similar setbacks to the houses along the north side of Clemow Avenue (as requested by some members of the public) is constrained by the limited lot size of the subject lands. Nevertheless, the width of Clemow Avenue (which at 26 metres is wider than Bank Street) and the generous boulevard area will enable street trees and soft landscaping to be planted within the right-of-way. A corner side yard setback of zero metres is also an as-of-right

permission for an accessory structure within the TM zone. The proposal places the main building closer to Clemow Avenue and the one-storey portion of the building is set back, as this yields a much more compatible transition than the as-of-right permission would create.

A Shadow Analysis was submitted for the development and reviewed by City staff to evaluate the potential impacts of the development on the adjacent properties, the Bank Street public realm and the Exploration Garden park. Shadows will fall to the north, and the impacts of the requested Zoning By-law amendment as compared to the as-of-right conditions indicate that the impacts are minor.

Impacts to the Exploration Garden and Elm Tree Protection

While a zero metre interior side yard setback is permitted by the zoning, the development is proposed at 0.3 metres and this increased setback is captured in the site-specific zoning schedule. The site-specific schedule also provides space for the canopy of the tree through a required notch above the second floor. This is also more sensitive than what is permitted in the as-of-right zoning.

The owner has retained an arborist for advice on developing the lands without negative impacts to the health of the existing elm tree. These recommendations will form part of conditions within the site plan approval.

During construction, the City will closely monitor the health of the elm and the park space. There are construction techniques available to the developer where no park access for construction is required, and no permanent damage or alteration to the park is anticipated.

Outdoor Commercial Patios

Commercial patios were not originally proposed, but may be provided in future. Section 85 of the Zoning By-law requires a separation distance of 30 metres from a residential zone where a screen is provided, or 75 metres without a screen. The building screens the lots to the east; however, as the lot on the opposite side of Bank Street is vacant, there is a separation distance of approximately 35 metres from 159 Clemow Avenue. Until this vacant lot fills in, the exception is required to permit a small-scale, outdoor commercial patio along Bank Street.

Planning staff have reviewed the proposal and find it to be consistent with the direction contained within the Official Plan and the Urban Design Guidelines for Development

along Traditional Mainstreets. These documents will be used again to review the proposal in greater detail at the site plan control stage.

In conclusion, the requested Zoning By-law amendment is necessitated by the size of the lot, which is an existing lot of record within a heritage conservation district. Land assembly to expand the lot size is not an option in this case. Neither the hotel building which existing on the site between 1873 and 1907, nor the gas station which existed on the site between 1926 and 1991 would fully comply with current zoning requirements. The hotel was closer to Clemow Avenue and the gas station was located closer to the residential property at 26 Clemow Avenue than today's zoning would allow. Planning staff acknowledge that the current proposal is larger in scale and massing than either of these earlier buildings, and that the proposal marks a significant change from the parking lot that has existed since the 1990s. However, the proposal does not mark a significant change from as-of-right permission for massing within the Traditional Mainstreet zone, and makes a positive contribution to the street, while being sensitive to its surroundings. The requested relief is appropriate to enable this modest, attractive infill development to occur.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Chernushenko provided the following comments:

“As much as I support the efforts to do good Traditional Mainstreet design, I do not support the request for additional height, nor reduced setbacks. Located as it is in a heritage district and adjacent to a new (and hard won) park, there is no justification for imposing the additional height, building footprint and massing — notably upon the Children's Exploration Garden to the north (with its precious and rare mature American Elm tree), the neighbour to the east, nor the intentionally wide Clemow setback to the south. As for constructability, it is essential that any plan not rely on staging from the Children's Exploration Garden, a small, sensitive space that is almost entirely within the root zone of the same distinctive tree. This plan currently appears to be expecting to use this city park for construction. Neither I nor city parks staff will permit this, given the very predictable impacts, and the lengthy closure of a valuable and heavily-used park space that this would entail.”

LEGAL IMPLICATIONS

Should the recommendations be adopted by Council and the matter appealed to the Ontario Municipal Board, it is estimated that a three day hearing would be required. It is anticipated that the hearing could be conducted within staff resources.

Should the rezoning be refused, reasons are required to be provided. In the event the refusal is appealed to the Ontario Municipal Board, an external planner and possibly an architect would need to be retained.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

Potential financial implications are within the above Legal implications. In the event that an external planner is retained, the expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

The new buildings 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* (AODA) requirements for exterior site design may also apply, and will be reviewed through the application for Site Plan Control.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

C1 – Contribute to the improvement of the quality of life for Ottawa residents.

EP2 - Support growth of the local economy.

HC4 – Support arts, culture and heritage.

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexity of issues associated with the proposal. Additional time was required to evaluate associated heritage concerns, impacts to the park, and compatibility and fit within the surroundings.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Schedule: Maximum Permitted Building Heights and Minimum Setbacks

Document 4 Consultation Details

Document 5 Urban Design Review Panel Recommendations September 1, 2016

Document 6 Site Plan and Renderings for the Proposed Development

CONCLUSION

The department is satisfied that the proposal, and the amendments to the Zoning By-law that are required to implement it, conform to the policies of the City's Official Plan. The proposal replaces an automobile-oriented parking lot with an attractive, mixed-use building, of a modest scale, and that contributes to the mix of land uses and pedestrian-oriented streetscape envisaged by the Traditional Mainstreet designation. The size of the lot and sensitivities presented by its surroundings make it a challenging redevelopment site, and the proposal succeeds in achieving appropriate compatibility and fit. Depending on construction techniques, access to the park is not required for construction. Measures will be taken to ensure that the park and the elm tree are not damaged during construction. In conclusion, it is recommended that this Zoning By-law amendment be approved.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (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, Office of the City Clerk and Solicitor 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](http://geoOttawa.ca).



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-17-0086	17-1078-Y	 667, rue Bank Street	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)
I:\CO\2017\Zoning\Bank867			
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission THIS IS NOT A PLAN OF SURVEY</small>			
<small>©Les données de parcelles appartiennent 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>			
REVISION / RÉVISION - 2017 / 07 / 06			

Document 2 – Details of Recommended Zoning

Proposed changes to the City of Ottawa Zoning By-law No. 2008-250 for 667 Bank Street:

1. Rezone the lands as shown in Document 1 from TM H(15) to TM[XXXX] SXXX.
2. Add a new schedule, SXXX, as shown in Document 3 to Part 17 – Schedules.
3. Add a new Urban Exception in Section 239, with provisions similar in intent to the following:
 - a. In Column II, add the text, “TM[XXXX] SXXX”
 - b. In Column V, add the following text:
 - The maximum building height where the following provisions do not apply is 15 metres.
 - The following provisions apply to a building over 15 metres:

Despite zoning mechanism (i)(i) of Table 197 – TM Zone Provisions the minimum width of landscaped area abutting a residential zone may be reduced to 0.9 metre where a minimum 1.4-metre-high opaque screen is provided.

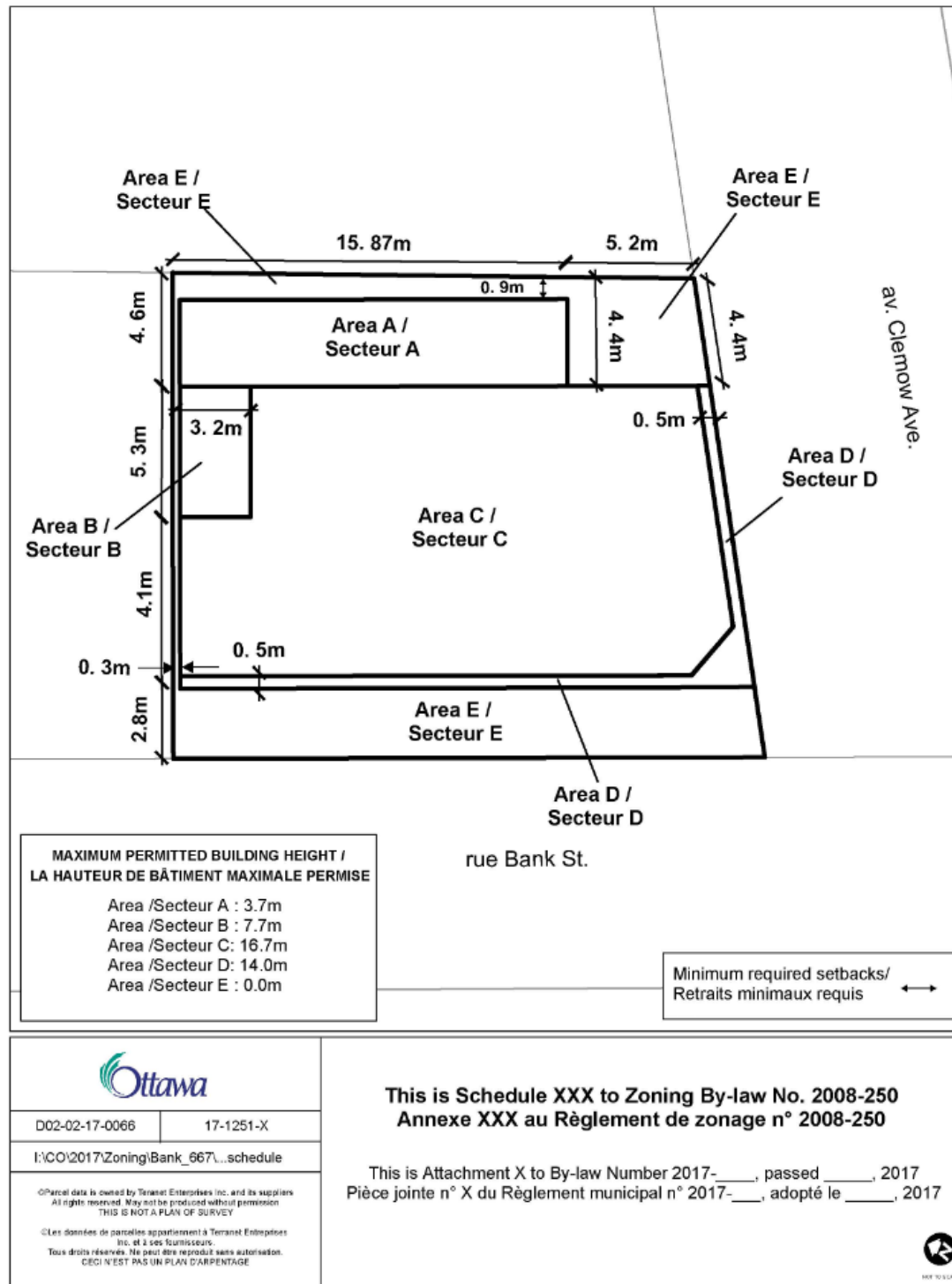
Section 197(13) does not apply to residential uses within the building.

Maximum building heights and minimum yard setbacks are shown on Schedule XXX.

Permitted projections are not subject to the heights shown on Schedule XXX.

Despite Section 85(3), an outdoor commercial patio is permitted within the front yard.

Document 3 – Schedule: Maximum Permitted Building Height



Document 4 – Consultation Details

Notification and Consultation Process

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

A public information and comment session was held on Wednesday, September 6 at the Glebe Community Centre, with display boards, staff presentations and a Question and Answer session. Councillor Chernushenko acted as facilitator at the meeting.

A total of 51 residents signed the sign-in sheets at the community meeting, but it is estimated that approximately 70 people were in attendance. Representatives from the Glebe Community Associations were also present.

At the time of writing this report, for the current Zoning By-law amendment application, 32 comments have been received, with 13 people in opposition, 11 with concerns, questions or comments, 3 requesting further notification, and 2 in support. A total of 46 people have commented on the development proposal since 2016 when the heritage application was originally submitted.

Comments received on the heritage application, the site plan control application and the Zoning By-law amendment application are all summarized below.

Public Comments and Responses

1. Heritage

- This development seems counter to the guidelines for building in the heritage district specifically set out in the Clemow East Plan.

Response:

For additional information, please see the staff report prepared by Heritage Services anticipated to be before Built Heritage Subcommittee on November 10, 2017 and Planning Committee on the same date as this report.

2. Incompatibility of Proposed Land Uses

- Area is residential;
- Intrusion into a quiet residential street; and

- The proposed changes will permanently alter this area.

Response:

The lands are designated Traditional Mainstreet within the Official Plan and are zoned Traditional Mainstreet (TM H(15)). While residential uses are permitted within this zone, staff would not characterize the Bank Street corridor as a residential area in the same manner as the houses zoned R3P on Clemow Avenue.

3. Built Form

- Objections to reduced setbacks and increased building height.
- Proposal is ugly, intrusive, and provocative.
- There is a 1903 restrictive covenant for a 25-foot setback from Clemow Avenue.
- The five-storey maximum height exceeds the height of neighbouring apartment buildings in the immediate vicinity.
- Five storeys is not in keeping with the character of the community.
- Image is misleading - five storeys is very high.
- The City should require the developers to build a structure that fits with existing Traditional Mainstreet zoning.
- There appears to be no 45-degree angular plane to provide an appropriate transition to the houses along Clemow Avenue.
- There is a lack of appropriate transition from the proposed building to the surrounding area.
- Creating a sense of enclosure along Clemow Avenue via reduced setbacks is not appropriate.
- By allowing this zoning amendment, a dangerous precedent is being set, allowing buildings to that do not provide sufficient light or space requirements to neighbouring properties.
- The proposed building has a great deal of visual appeal

Response:

In response to concerns, the building design originally proposed in 2016 was revised. The height was lowered by 0.5 metres and the building was further cut back on the east side so that a one-storey portion is located within the rear yard setback, as opposed to a three-storey building. The corner side yard setback to the main building was not changed, but the corner side yard setback to the one-story portion of the building was increased to 5.2 metres. The number of units was reduced so that no parking is required and the underground parking was eliminated. The Official Plan supports building heights of up to six storeys on Traditional Mainstreets, provided that there is compatibility with surrounding uses. The changes noted above have made the proposal more compatible and the interface with the abutting residential is better in this development proposal than what would be permitted by a larger but still zoning-compliant accessory structure. Planning staff are of the opinion that the relief requested is appropriate, particularly given the challenges proposed by the size of the lot and the inability for land assembly to occur. Staff believe that the proposal is attractive and exhibits high quality design. Regarding the issue of precedent, every application for Zoning By-law amendment is considered on its own merits and must demonstrate conformity to the policies of the Official Plan and other relevant policy.

Regarding, the 1903 restrictive covenant, it is the City's position that the covenant has expired. Subsection 119(9) of the *Land Titles Act* provides that "any condition, restriction or covenant has been registered as annexed to or running with the land and no period or date was fixed for its expiry, the condition, restriction or covenant is deemed to have expired forty years after the condition, restriction or covenant was registered, and may be deleted from the register by the land registrar."

The proposed building will alter views at the corner; however, Planning staff are of the opinion that locating building on this site with a 0-metre corner side yard is appropriate and desirable within the context. The lot is not as wide (in section from south to north) as the depth of the abutting neighbors. Clemow Avenue (26 metres) is wider than Bank Street (18 metres) in this location. A zero corner side yard setback still leaves a generous boulevard for greening, street trees, sidewalks, public art, and necessary utilities.

4. Parking and Traffic

- Object to lack of parking.
- An apartment ought to provide parking for its tenants.

- Will flood the entire area with car traffic and parking.
- The commercial floor space should be modified to contain some parking spaces for the residential units, as was originally planned.
- Street parking can be difficult to find in the neighbourhood.
- Recall that La Strada restaurant met their requirement for parking by using this site. What will happen if the site is developed and they lose their parking spots?
- Does the City have a handle on the availability of parking in our area?
- Will the City be issuing on street parking permits?

Response:

No parking is required for a development of this scale. The by-law was changed in July 2016 (By-law 2016-249) so that small-scale development on traditional mainstreets (Area Y) may occur without the need for on-site parking. The small size of the lot created numerous challenges for the underground parking garage originally proposed. Planning staff did not support the combination of a very steep garage ramp, narrow drive aisles, small parking spaces and the exhaust vent within the City's right-of-way. The current scheme is a more attractive and more functional design.

A condition will be added to the site plan approval requiring that notice be given within future agreements of purchase and sale or lease that parking on the street cannot be guaranteed.

By-law 2016-249 also reduced the parking requirements for restaurants on Traditional Mainstreets and the La Strada restaurant complies with the current by-law provisions. As a result, it no longer requires the use of this off-site lot to meet the zoning.

Limited (or no parking) characterizes the older commercial uses along Bank Street, and the compact, walkable character of the Glebe is enhanced when development does not prioritize the automobile over other modes of travel. The City studies on-street parking on Bank Street and public parking within City-owned lots and garages.

5. Noise

- Commercial patios may generate noise pollution.

Response:

Commercial patios were not originally proposed, but given the space within the front yard setback, the applicant has advised that a patio may be created in future. Noise from people using patios is regulated by the City's Noise By-law and may be enforced accordingly.

6. Parks, Trees and the Environment

- Objections and concerns about impact to elm tree.
- Concerns about shadow within the Exploration Garden.
- Construction would make the Exploration Garden unusable and even dangerous for children.
- Construction should be no closer than 3 metres from the northern property line. This distance would also allow construction to be undertaken without encroaching on the Exploration Garden, would improve air circulation for the small trees near the park's southern boundary, would permit future maintenance work within the property boundary, and would mean visitors seated on the park bench would not be backed up against a wall.
- Will the City grant the developer access to the Exploration Garden throughout the construction period?
- Will the Exploration Garden be closed during construction? How long will that be?
- How will the City, and current users, be compensated for being denied access to an amenity paid for through our taxes?
- How will the City ensure that damage to the Exploration Garden will be mitigated post-construction?
- What has the City put in place to balance the damage this development will do to a very special, naturalized parkland?

- What will happen to the elm's southern roots with construction a scant 10' from the trunk?

Response:

The TM zone permits a building with a zero metre interior side yard setback in this location. This was the case when the Exploration Garden was developed. The minor zoning exception required will not significantly change the extent of the shadows, as illustrated by the shadow studies submitted by the applicant.

The owner has retained an arborist for advice on how to develop this site and not negatively affect the health of the existing elm tree. The building has been designed around the elm tree's canopy and the basement has been pulled back more than four metres from the property line. At the property line, the existing retaining wall and existing concrete foundation left over from the former gas station have impeded root growth onto the subject lands. The gravel parking lot and the former gas station's underground tanks (now removed) have also discouraged root development on the subject site. More investigation prior to construction (for example, a vacuum excavation) will clarify the root growth situation and the arborist will advise on protection methods accordingly.

During construction, the Parks Department will decide if the Exploration Garden should be temporarily closed to ensure visitor safety and enjoyment is not compromised. Construction techniques have not been fully explored, but there are measures that can be used so that no park access for construction is required. No permanent damage or alteration to the park is anticipated but if fencing or surface materials were removed, they would be replaced.

7. Housing and Density

- Density of the apartment units is inappropriate for the location.
- Overly dense development for a very small lot.
- Part of what is making this part of Ottawa more liveable is the smart density these projects bring to major thoroughfares.
- It is good for the social mix in the Glebe to have more reasonably priced rental accommodation available.
- Accommodation available.

- This development is great. It replaces an unsightly vacant lot with housing enabling densification in the area.

Response:

Only 12 dwelling units are proposed. There are 17 units within the Domicile development at 617 Bank Street and 30 units within Ambassador Court, the Noffke-designed apartment at 612 Bank Street. Moreover, the site is located within a target area for intensification where the City encourages density. Planning staff are of the opinion that modest infill of this nature is a very desirable form of development that offers choices for housing, yields a compact urban form, and creates vibrant places to live, work and spend leisure time.

8. Commercial space

- There is no need for commercial/retail space here as there is vacant space along Bank Street. This is not conducive to a vibrant Main Street.
- Concern that Bank Street is changing from an eclectic, people-friendly architecture and environment to a corporate-friendly faceless hostile mall environment.
- Does the City have any strategic view in regard to stores and development of shopping areas?

Response:

Regulating the availability of retail space is outside of the scope of this Zoning By-law amendment. The owner of the subject lands currently owns a restaurant on Bank Street, but has not determined the use for the at-grade space. The architect advises that the floor-to-ceiling height of the at-grade units is not conducive to attracting major chains.

The City's Economic Development Services works with Business Improvement Areas, such as the one along Bank Street, on retail strategies for Traditional Mainstreets.

9. Issue 9: Other

- Without a bigger strategic vision for the Glebe, how it can successfully change with the changing shopping and living patterns?
- Concern about the vibrations construction will cause, which has the potential to impact homes along Clemow Avenue.

- Why have a Zoning By-law if it can continually be amended?

Response:

The strategic response for Traditional Mainstreets within the Official Plan relates to the built form and land uses desired. The proposal contributes to housing and retail options within the wider city. Changing shopping and living patterns is beyond the scope of the requested Zoning By-law amendment.

Matters relating to construction techniques are also beyond the scope of the requested Zoning By-law amendment. Blasting is not anticipated for this development.

Nevertheless, conditions may be included within the Site Plan Agreement for a pre-construction survey for properties within 30 metres of the proposed development.

The *Planning Act* provides anyone the right to request a Zoning By-law amendment. City planning staff evaluate the request with respect to Provincial and Municipal policy, the existing and the planned context. Every application is considered on its own merits and must demonstrate conformity with applicable policy documents.

Community Organization Comments and Responses

Re: Application for Minor Rezoning at 667 Bank Street in the Clemow Estate East Heritage Conservation District

Dear Allison,

Thank you for the opportunity to comment on this rezoning application. The GCA welcomes the potential development of this long vacant site and we look forward to working with the developer and the City to develop solutions to the issues raised herein.

This building will be the first new build in the district. It is also the first mixed use building within the district, within the Traditional Mainstreet zone. As you are also aware, the properties on the other three corners of Bank Street and Clemow Avenue are currently being considered for inclusion in the district study for Phase II of the Clemow Estates. What we build on this site will set a clear precedent for how these other sites could be developed.

Further to our comments to the City's Heritage Staff regarding the previous proposal, we offer updated comments regarding heritage impacts. We also are providing comments relating to its impact on Central Park, in particular the impact on a significant and mature tree adjacent to the northern property line, as well as the recently completed Children's Exploration Garden.

Zoning / Planning feedback

The GCA would like to note that that this community, as well as visitors to the Glebe, support maintaining a strong pedestrian scale in building height and massing with respect to new development. Specifically, the survey carried out through the ImagineGlebe initiative of the GCA (900 survey completions, 30 per cent of whom identify as being non-Glebe residents), pointed to strong support for maintaining “neighbourhood character” and development that is highly sympathetic to the heritage of the neighbourhood. Intensification and increased density can be achieved here while at the same time scaling this building so that it “fits well and works well” on this site and respects planning policies.

Building height/massing and impact along Bank Street

The GCA is concerned about the impact of the proposed building height on Bank Street. We fully recognise that this building is in the TM zone, but it is important that it respect the scale of existing buildings in the Heritage Conservation District.

Unlike most other buildings on Bank Street, this building will stand on its own, so it is even more important that it is at a scale in keeping with its surroundings. The existing older condo building opposite and to the north that faces Bank Street that is referenced frequently in the Planning Rationale document is actually only 3 storeys in height above Bank Street. If it is to be a heritage bookend to that building, the scale should better reflect and be compatible with that building.

While some changes have been introduced to the building since last September, the City of Ottawa’s Urban Design Review Panel was very clear in its recommendation that given its location in the HCD, the height of this building should be lowered to 4 storeys and the GCA supports this view.

Rear lot line building setbacks and respect for the 45-degree angular plane above 15 metres

The GCA is also very concerned about the lack of appropriate transition to the residential property to the rear on Clemow Avenue and the precedent this will set for all other Bank Street properties backing on to residential.

In particular, the 5 storey sheer wall that is set back only 4 metres from the rear property line does not come close to respecting the intent of Traditional Mainstreet policies and zoning.

It does not come close to meeting the requirement for a 7.5-metre setback. And even taking into account some relief from the setback requirement, there is no respect for a 45-degree angular plane that is intended to provide appropriate transition.

The example provided by the applicant/developer as a comparable development at 621 Bank Street (the four storey “G condo building” to the north) is really comparable at all. In fact, if anything, examination of that building illustrates how clearly this building does not succeed in fitting in with the character of the street and in particular, transitioning to the adjacent residential property.

The “G condo building” is only four storeys. It has a significant stepback above the second storey that is very useful in terms of promoting a more human scale and pedestrian experience along Bank Street. The proposed building calls for a “flat five storey face” – which does not meet the requirements of Traditional Mainstreet design in our Official Plan. The proposed 0.5 metres building stepback above four storeys is meaningless. No planning rationale has been provided for a reduction from the 2 metres that is required as there is simply no good planning reason for this.

The adjacent houses on Patterson Avenue are roughly 2.5 metres from the front lot line – not 7 – 8 metres as houses on Clemow Avenue are. This is a really big difference in terms of the sunshading impacts as well as creating a sense of being enclosed by the building that will be felt by the residential property on Clemow Avenue. Where are the sun shading studies so that this can be properly assessed?

The closest that any part of the G condo building comes to the rear of the property is 1.3 metres. But actually, fully 80 per cent of the building is set back at least 6 metres away from the rear lot line.

Where the G condo is actually closest to an existing home, it achieves more appropriate transition as follows:

- it is set back roughly 1.3 metres from the rear property line and then it rises two storeys.
- After two storeys, the building steps back again roughly 2 metres before rising to the third storey.
- After three storeys, it then steps back again roughly 2.5 metres before rising to the fourth storey.

This is nothing like the current proposal which is for a sheer five storey wall, straight up, within about 4 metres of the rear of the property. There is no valid comparison to be made and this proposal does not achieve appropriate transition to the residential property.

This proposal needs to be amended, with increased setbacks, to achieve better transition to the rear as is intended by the Official Plan.

Building setbacks

The proposal to set the building back from the front lot line on Bank Street is well received given the narrowness of the street, but not if it is then to be used as a rationale for additional massing elsewhere that is not compatible.

Setting the building on the Clemow Avenue property line, rather than the required 3 metres back from the property line, is also of concern. In the Planning Rationale document, it is stated that “a reduced setback along Clemow Avenue contributes to a more continuous street wall along Bank Street, as well as creating more definition for the street corner generally. Reducing the corner side yard setback also creates a sense of enclosure and definition along Clemow Avenue, which features a wide 26-metre right-of-way.”

This implies that the 26-metre width right of way on Clemow Avenue is something that needs to be “fixed” rather than something that was specifically designed and planned for, and an important aspect of the heritage aspects of this street. The sense of enclosure is exactly the opposite of what was intended for this street, from O'Connor Street all the way through to Bronson Avenue.

The GCA agrees with the idea behind maintaining a continuous street edge along a Traditional Mainstreet as an important element in enhancing the pedestrian experience. But in our view, treatment of the amenity space at this corner (trees, planters, seating, etc.) can fulfill this objective while not closing off a heritage view that was so clearly intended. A very successful example of an increased building setback can be found at the northwest corner of Bank Street and 3rd Avenue. Here, the street edge does not come right to the corner as space has been carved out of the building to accommodate a very successful amenity area – in this case, a Starbucks patio. Equally, a public amenity area could be established along Clemow Avenue that would continue the visual interest for pedestrians and make a strong contribution to the street, while not blocking the view.

For this reason, the GCA asks that at a minimum, the 3-metre setback requirement be respected.

Heritage feedback/impacts:

The comments below are in response to the updated Cultural Heritage Impact Statement (hereafter called the “statement” provided along with the other supporting documents for the proposal. These comments are meant to supplement those provided in our previous letter to Lesley Collins in 2016 on the original statement

We continue to welcome the efforts made in the design to echo the traditional main street designs in the Glebe. The nod to the Edwardian style does fit in well with the neighbourhood.

Consideration should continue be given to incorporating wrought iron or a similar material to reflect similar balconies nearby on the Ambassador court building rather than the all glass suggested by the drawings.

While the updated Statement provides many additional perspectives on the development, it still does not provide a proper perspective looking West along Clemow Avenue to enable proper evaluation of the impacts of proposed building setbacks on the Heritage District. The perspective provided is too angled and does not show the impact of the development as approached from the sidewalk on the north side of the street or showing across Bank Street to the properties to the West. There is no real way to assess how much of an effect to the view scape a “pinch” in at Bank Street this property will create.

We wish to reiterate that the significant setbacks on Clemow Avenue are an important part of what defines the character of the street. The guidelines for the Clemow Estate East Heritage Conservation district clearly state that any new build in the district “should be designed to be compatible with the District’s contributing buildings in terms of **scale, massing, height, setback**, entry level, materials, and fenestration patterns” The standard 3-metre side yard setback under the TM Zoning for the side yard should be treated as a bare minimum, but in this case with the district guidelines to help guide us, it must be well in access to better transition to the setbacks of the residential buildings behind it. While we can acknowledge the challenges of the site in relation to the Hydro setback and others, this should not be used as an excuse. 0 meters remains wholly unacceptable. Further the indication that this building is a mixed use building instead of residential is not a reason in itself to ignore the district guidelines. The guidelines do not make a distinction. While we appreciate the attempt at transition of the one storey

accessory building, it remains not a sufficient enough transition to the 0 setback of the main building. The contributing house to the rear of the new construction will continue to be hidden to those entering the district and the building will act as a gate, and not a gateway.

We'd like to reiterate that the objective of the GCA remains to have Phase Two of Clemow Estates established on the other side of Bank Street and wish for these two phases of the district to be clearly linked. Page 26 of the Statement indicates that the road width itself is the character defining element of Clemow Avenue, but we would further clarify that it is not only the road allowance itself, but also the setbacks to the buildings as well. The heritage character defining feature of Clemow Avenue are described in the guidelines as its **layout** and traditional function. We consider layout to also include the significant setbacks towards its buildings. It would be unfortunate to have this pattern broken up at Bank Street with development that closes in the view along Clemow Avenue and/or does not speak to its abutting/neighbouring residential buildings in part due to insufficient setbacks. We again also note that the setbacks allowed on this site are likely to influence what is allowed on the other three corners of this intersection and thus we consider the decisions made here to be larger than this site.

Further the suggestion that this severely reduced side yard setback is in keeping with the Traditional Main street principals of a continuous commercial street frontage is problematic. Clemow Avenue is already a wide street, it was always a wide street, it is purposely a wide street to mark its significance and is a significant feature of the district. It is impossible for there not to be a significant break in the frontage here, even with just the road and sidewalk. To reduce the distance to essentially the road and sidewalk alone will significantly reduce the ability of passerbys to acknowledge and interact with the heritage district, it may rather cause them to walk on by just assuming it's like any other street. Further, immediately after the property there is another huge break in the street frontage due to the park and bridge. Between that break and the already significant break for the street allowance of Clemow Avenue alone, the principal of a continuous street edge along this part of the Traditional Main street is already lost.

While we acknowledge attempts were made to better the transition between the height of the proposed development and its neighbour to the East. The fifth storey "stepback" included in the design is by no means sufficient and continues to make the building's impact greater as designed. Further to this, the building height is not in keeping with its neighbours and the character of the street. No other commercial building on Bank Street in the Glebe save those in the Landsdowne development block are more than four

storeys. The comparison to the recently approved development south on Bank Street is not an appropriate comparator due to the vastly different scale of the development. A reduction in height of this building to four storeys with a step back on the East elevation to two or three storeys would allow for a more appropriate transition to the neighbouring residential buildings and would be in keeping with the spirit of the Heritage District Guidelines. Additional comments about the zoning and height of this building are included at the end of this letter.

Lastly, we would like to note that while we continue to have other concerns about the buildings proximity to the Exploration Garden to the north which will be articulated further below. We appreciate the updates to the northern wall of the building to speak better to the park.

Central Park and Exploration Garden impacts:

Protection of the significant and mature American Elm Tree situated roughly 3.5 metres from the northern property line must be addressed. Areas of concern include the impact on critical root systems of siting of the proposed building 0.3 metres from the property line, as well as the impact of a five storey building wall on required sunlight for the tree, and insufficient space for the tree's southwestern canopy which will need to be pruned to fit the building. By-law No. 2006 – 279, Municipal Trees and Natural Areas Protection, states under Section 7(1) that: No person shall carry out work within the critical root zone (CRZ) of a tree whether the work is on municipal property or private property unless the written approval of the Director has been obtained prior to commencing any work. The CRZ is defined as 10X the diameter of the tree so in this case it would be approximately 8 metres from the trunk. The future viability of the tree must be addressed, as well as the visual/aesthetic impact of pruning the elm's branches back to the property line.

By way of background, in 2014 the City completed a three year, \$120,000 investment into developing a pre-schoolers naturalized play area in the south-west corner of Central Park East, immediately north of the proposed site, and within the heritage district. The Exploration Garden's centrepiece is one of two remaining Glebe elm trees that provides dappled shade to the park. These are the last holdouts from the extensive plantings that used to line and define all of Clemow Avenue and are important to the neighbourhood. The tree is healthy and has been treated, but it depends on southern light and sufficient space below ground to support a healthy root system. As well, roughly one third of the tree's majestic canopy over-arches the intended development site. In designing of the park, great care has been taken to meet heritage guidelines and

to protect the magnificent elm on its south side. The Exploration Garden includes bamboo palisades that minimize impact on tree roots and porous ground coverings that let water penetrate to the roots. Construction was kept superficial to avoid damaging the root system.

The author of the Arborist Report opined at the September 6 public meeting that no tree roots will be found south of existing below ground walls that run east/west close to the property line. Closer analysis suggests this is incorrect. The two walls, built 91 years ago, are offset and not connected. One is a storage tank retaining wall 0.3 metres south of the property line running east from near the Bank Street sidewalk for 11 metres. The second wall, serving as gas station foundation, sits 0.4 metres to the south of the first wall. The detail is important as the gap between the two retaining walls is very likely to have allowed at least one major root penetration into the parking lot. New retaining walls cannot be created within 0.3 metres of the property line without encroaching on the CRZ area. As well, absent any evidence of the depth or structural integrity of these old walls, it is plausible that additional tree roots developed over 91 years as the tree extended its canopy to the south. The arborist states that any roots would have been pruned when the storage tanks were removed 10 years ago, reducing stress on the tree when roots are severed during this construction. In fact, the storage tank removal occurred 26 years ago when the gas station closed, allowing time for significant root growth. Sensitive excavation techniques using pressurized air or water proposed in the CRZ are all very well, but would fail to address the reality that the current building footprint would require destroying any roots found during CRZ excavation.

Having expended significant public funds to develop the Exploration Garden in 2014 it would seem peculiar for the Director to authorize construction within the CRZ. One would expect the Director to maximize protection for a heritage elm that is the irreplaceable heart of the Exploration Garden and to abide by By-law No. 2006 – 279. Construction must be prohibited within the CRZ to preserve the elm.

Treatment of the tree canopy is also of concern. Stepping back the northeast corner to accommodate the tree canopy is a desirable adjustment. However, if the western portion of the building rises five storeys just 0.03 metres south of the property line, at least 1.7 x 7 x 11 metres will take a 7.72 metres and 84.7 m³ notch out of the tree's southwestern canopy, altering its growth habit and adding stress at a time when the tree will be asked to adapt to reduced root-stock, sunlight and air circulation.

The proposal should address options for construction and maintenance given the proposed building set back of only 0.3 metres from the northern property line. How will

these activities avoid temporary closing of the park? Additional setback would help allow maintenance and repair work to proceed without shutting down the Exploration Garden. We appreciate being assured that the Exploration Garden will not be used for any construction staging, and that the construction process will not have footprint access to the park, but will children be able to use it safely while a 5 storey structure goes up less than a metre from the park's perimeter? Any construction access into the park airspace could also create a safety concern for users. The Exploration Garden is so small that its amenities are tightly packed, with the stage, the bench, and new young trees placed close to the bamboo palisade fencing on the south boundary. As well, the entry gate is close to the property line and given the minimum setback, closure of the entire Exploration Garden could result from any construction, repair or maintenance encroachment activities that call for any easement or overhang into the park. Finally, reducing the height to the three to four storey maximum of nearby buildings would better respect the scale, light and air circulation in the Exploration Garden.

We thank you for your consideration of our comments. Please do not hesitate to contact with any questions.

Sincerely,

Carolyn Mackenzie

Chair, Planning Committee, GCA

Johanna Persohn

Chair, Heritage Committee, GCA

Elizabeth Ballard

Parks Committee, GCA

cc. Councillor David Chernushenko

Response:

Planning staff are of the opinion that the 16.7-metre height is an appropriate scale for the intersection of Bank Street (which has a right-of-way width of 18 metres) and Clemow Avenue (which has a right-of-way width of 26 metres) and that the proposed five-storey, 16.7-metre building achieves a compatible fit on a lot where there are sensitivities or constraints on all sides. The overall composition of the building is balanced, and, given the lot size, a variety of approaches beyond the setbacks and

stepbacks within the TM zone have been employed for transition. The building materials, the massing through incremental changes in height, the landscaping within the boulevard area and the green roof all combine to contribute to compatibility where there is simply limited space.

Please see the report from Heritage Services for a staff response on the heritage comments.

The concerns raised about the impacts to the Exploration Garden and the elm tree are not aggravated by the site-specific provisions being sought through the requested Zoning By-law amendment. In fact, the site-specific provisions enable the achievement of greater sensitivity within the side yard. The developer has retained the services of a professional arborist, and the City looks to his expertise to ensure that the elm tree will survive. The development agreement between the City and the property owner associated with the application for site plan control will contain conditions for construction and maintenance. The redevelopment of a vacant site on a Traditional Mainstreet to land uses and a built form supported by Official Plan policy cannot be stymied by requiring that construction be prohibited within critical root zones, when there are approaches that may be taken under the advice of a professional arborist to mitigate impacts.

Document 5 - Urban Design Review Panel Recommendations September 1st, 2016

667 BANK STREET | Formal Review | Site Plan Control Application | Milito Investments; Vincent P. Colizza Architect Inc.

**John Stewart has declared a conflict of interest and has abstained from commenting on this file.

General Comments

- The Panel believes that the scale and massing of the proposal are problematic and the transition to the adjacent properties needs to be improved.

Massing

- The Panel recommends lowering the height of the proposed building to four storeys. There is a precedent in the area for a building of this scale in this location.
- The density proposed for the site is too high and should be reduced through additional setbacks and lowering the building height. Reducing the number of units in the building may also help eliminate the need for underground parking.
- A rear lane would be a better solution for the scheme rather than a garage entrance. This would not only be a more cost-effective option and simplify the servicing of the building, but would offer additional separation from the neighbouring residential property.
- If the parking garage entrance is to remain, it should be setback from Clemow Avenue. The built form should transition to the adjacent property not only in section but also in plain view.

Building Design

- This is a transitional site for the neighbourhood. The building should take on pavilion building qualities rather than infill building qualities, being visible and prominent from four sides.
- The density on the site is creating large blank-wall conditions on the east and north facades. The building should not turn its back to the park, but rather turn to face it.

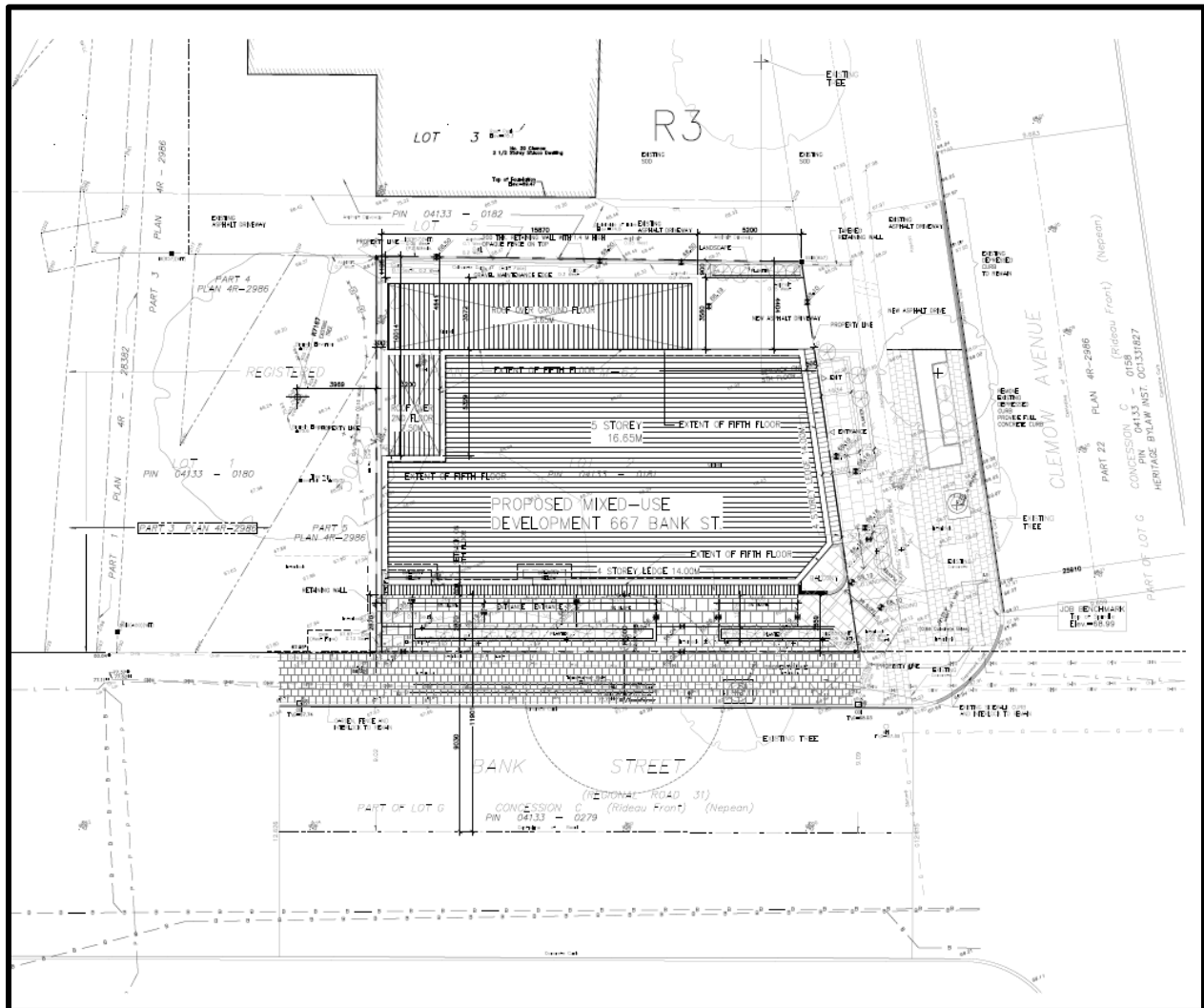
Landscaping

- The existing retaining wall on the site may not have completely prevented the roots from the large tree to the north from growing under the site. The Panel recommends taking care to identify the location of the roots of the tree to ensure its survival during development.

Materiality

- The Panel recommends reconsidering the zinc material proposed for the top floor. A simple limestone base with brick cladding above would be more appropriate for a main street building of this scale.

Document 6 - Site Plan and Renderings for the Proposed Development



Site Plan



Rendering: Street View looking north-east



Rendering: View looking north-west from Clemow Avenue



Rendering: View looking south-east, from Bank Street



North Elevation, view from the park



East Elevation