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| <p>11. <b>Zoning By-law Amendment – 2070 Scott Street and 328 Winona Avenue</b><br/><b>Modification au Règlement de zonage – 2070, rue Scott et 328, avenue Winona</b></p> |
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**Committee recommendations**

That Council approve:

1. an amendment to Zoning By-law 2008-250 for 2070 Scott Street and 328 Winona Avenue to permit a 25-storey mixed-use development, as detailed in Document 2;
2. that the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed.

**Recommandations du Comité**

Que le Conseil approuve :

1. une modification au Règlement de zonage 2008-250 visant le 2070, rue Scott et le 328, avenue Winona, afin de permettre un aménagement polyvalent de 25 étages, comme l'expose en détail le document 2;
2. que le règlement de mise en œuvre ne soit pas soumis à l'examen du Conseil avant la conclusion de l'entente prévue en vertu de l'article 37 de la *Loi sur l'aménagement du territoire*.

**Documentation/Documentation**

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 12, 2020 (ACS2020-PIE-PS-0078)

Rapport du Directeur, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 12 août 2020 (ACS2020-PIE-PS-0078)

2. Extract of draft Minutes, Planning Committee, August 27, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 27 août 2020

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
27 August 2020 / 27 août 2020**

**and Council  
et au Conseil  
9 September 2020 / 9 septembre 2020**

**Submitted on 12 August 2020  
Soumis le 12 août 2020**

**Submitted by  
Soumis par:  
Douglas James**

**Acting Director / Directeur par intérim  
Planning Services / Services de la planification  
Planning, Infrastructure and Economic Development Department / Direction  
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**Ward: KITCHISSIPPI (15)**

**File Number: ACS2020-PIE-PS-0078**

**SUBJECT: Zoning By-law Amendment – 2070 Scott Street and 328 Winona  
Avenue**

**OBJET: Modification au Règlement de zonage – 2070, rue Scott et 328,  
avenue Winona**

## REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 2070 Scott Street and 328 Winona Avenue to permit a 25-storey mixed-use development, as detailed in Document 2.
2. That the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed; and
3. 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 September 9, 2020," 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 2070, rue Scott et le 328, avenue Winona, afin de permettre un aménagement polyvalent de 25 étages, comme l'expose en détail le document 2.
2. Que le règlement de mise en œuvre ne soit pas soumis à l'examen du Conseil avant la conclusion de l'entente prévue en vertu de l'article 37 de la *Loi sur l'aménagement du territoire*.
3. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation, 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 9 septembre 2020 », 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 Recommend Approval**

This report recommends that Council approve an amendment to Zoning By-law 2008-250 for 2070 Scott and 328 Winona Avenue. The amendments will facilitate the permission of a new 25-storey mixed-use building with approximately 240 dwelling units and ground floor retail.

The Zoning By-law amendment application seeks to rezone the site into a Traditional Mainstreet Zone (TM), including site-specific amendments through an Urban Exception and Schedule for various provisions, including an increase in building height to 81.0 metres (current permitted: 20 metres), to permit the 25-storey mixed-use building.

### **Applicable Policy**

The proposed development is consistent with the Official Plan and Richmond Road / Westboro Secondary Plan. The Official Plan (OP) designates the site as Traditional Mainstreet (Section 3.6.3), a target area for intensification, and a designation which envisions some of the most significant development opportunities. Development that supports, and is supported by, increased walking, cycling and transit use is encouraged, along with a built form that emphasizes street level animation and a pedestrian-friendly environment with active frontages.

The proposal is subject to Richmond Road/Westboro Secondary Plan in Volume 2 of the Official Plan. Within this plan, the site is located within Sector 5 – Scott Street and Westboro Transitway Station Area. The vision for this area includes encouraging the evolution of Scott Street as a mixed-use corridor with a live/work environment, including ground floor commercial uses supporting the proximity of Westboro Transit Station.

### **Public Consultation / Input**

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

Councillor Leiper and the applicant organized a Public Open House following the initial comment period. The meeting was held on December 4, 2019 and approximately 30 individuals attended. The applicant presented an overview of the proposal and responded to audience questions. Majority of the time focused on questions from members of the public. Staff attended the meeting to field questions on process and next steps.

During application review approximately 50 individuals/groups provided comments, with some citing support for the building design and architecture, however, majority of the comments expressed opposition to the proposal and flagged concerns such as height and density, affordable housing, construction, traffic and parking, and wildlife impacts.

## **RÉSUMÉ**

### **Approbation recommandée par le personnel**

Le présent rapport recommande l'approbation par le Conseil municipal d'une modification au Règlement de zonage 2008-250 visant le 2070, rue Scott et le 328, avenue Winona. Cette modification permettra d'autoriser la construction d'un immeuble polyvalent de 25 étages abritant environ 240 logements et un espace de vente au détail au rez-de-chaussée.

La demande de modification au Règlement de zonage a pour objet d'attribuer à l'emplacement une désignation de Zone de rue principale traditionnelle (TM), assortie de modifications propres à l'emplacement par le biais d'une exception urbaine et d'une annexe de dispositions variées, notamment une augmentation de la hauteur de bâtiment à 81,0 mètres (au lieu des 20 mètres actuellement autorisés), afin de permettre la construction d'un immeuble polyvalent de 25 étages.

### **Politique applicable**

L'aménagement proposé est conforme au Plan officiel et au Plan secondaire du secteur du chemin Richmond à Westboro. Le Plan officiel désigne l'emplacement comme étant une rue principale traditionnelle (section 3.6.3), un secteur cible de densification, et une désignation qui vise à permettre les possibilités d'aménagement parmi les plus importantes. Les aménagements qui favorisent et que favorisent une plus grande utilisation de moyens de déplacements comme la marche, le vélo et le transport en commun sont encouragés, tout comme les formes bâties qui mettent en valeur l'animation au niveau de la rue et l'environnement piétonnier grâce à leurs façades actives.

La proposition est assujettie au Plan secondaire du secteur du chemin Richmond à Westboro, qui figure dans le volume 2 du Plan officiel. Dans ce plan secondaire, l'emplacement est situé dans l'îlot 5 – Secteur de la rue Scott et de la station Westboro du Transitway. La vision d'avenir pour ce secteur consiste notamment à encourager l'évolution de la rue Scott vers un couloir polyvalent où l'on peut habiter et travailler,

avec en rez-de-chaussée des utilisations commerciales qui tirent profit de la proximité de la station de transport en commun Westboro.

### **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.

Le conseiller Leiper et le requérant ont organisé une réunion portes ouvertes à la suite de la période initiale de commentaires. Cette réunion, à laquelle une trentaine de personnes ont assisté, a eu lieu le 4 décembre 2019. Le requérant a présenté une synthèse de la proposition et a répondu aux questions du public. La plus grande partie de la réunion a servi à discuter des questions posées par les membres du public. Des membres du personnel ont assisté à la séance pour répondre aux questions portant sur le processus et les étapes à venir.

Pendant la période d'examen de la demande, une cinquantaine de personnes ou groupes ont fourni des commentaires, certains étant favorables au design et à l'architecture de l'immeuble. Toutefois, la majorité des commentaires exprimés étaient opposés à la proposition, soulevant notamment des préoccupations relatives à la hauteur et à la densité de l'immeuble, au logement abordable, à la construction, à la circulation, au stationnement ainsi qu'aux répercussions sur la faune.

### **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**

2070 Scott Street and 328 Winona Avenue

#### **Owner**

EISPA Corporation

#### **Applicant**

Azure Urban Developments (John Thomas)

## **Architect**

Quadrangle Architecture (Heather Rolleston)

## **Description of site and surroundings**

The subject site is located in the Westboro neighbourhood, along the south side of Scott Street in the block between Churchill Avenue North to the west and Winona Avenue to the east.

The site has approximately 60 metres of frontage along Scott Street, is approximately 31 metres deep along Churchill Avenue, 40 metres deep along Winona Avenue, with a total lot area of approximately 2,325 square metres. Currently, the site at 2070 Scott Street is vacant, and the portion of the property at 328 Winona Avenue contains a single-detached dwelling.

## **Summary of proposed development**

The proposed development is for a 25-storey mixed-use building consisting of ground-floor retail facing Churchill Avenue and Scott Street, 243 residential dwelling units with a variety of units, 162 parking spaces (five commercial, 23 visitors, 129 residential/tenant) in an underground garage accessed via Winona Avenue, and 245 bicycle parking spaces.

## **Summary of requested Zoning By-law amendments**

The property at 2070 Scott Street is currently located in a Traditional Mainstreet zone that permits a broad range of uses including retail, service, commercial, office, residential, and mixed-use development, with heights up to 20 metres. The property at 328 Winona Avenue is currently in a Residential Fourth Density zone that permits a range of residential uses from detached dwellings to low-rise apartments, up to a height of 11.0 metres.

The Zoning By-law amendment application seeks to rezone the site into a Traditional Mainstreet Zone (TM), including site-specific amendments through an Urban Exception and Schedule for various provisions, including an increase in building height to 81.0 metres, to permit the 25-storey mixed-use building.

Details of the recommended rezoning includes the following:

- Rezone the site to TM [xxxx] SYYY



- Urban Exception “xxxx” will require minimum yard setbacks, minimum building setbacks and maximum building heights as defined in the Schedule “YYY”.
- Schedule ‘YYY’ identifies the minimum yard setback, minimum building setbacks, and maximum building height as per the proposed development.
- Additional provisions include allowing stacked bicycle parking systems, increasing the required bicycle parking to a one space per unit, reducing the maximum parking rate for residential/visitor to one space per unit, and permitting an aisle width of 6.0 metres in the parking garage.
- Details of the Section 37 contributions.

## **DISCUSSION**

### **Public consultation**

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

Councillor Leiper and the applicant organized a public open house following the initial comment period. The meeting was held on December 4, 2019 and approximately 30 individuals attended. The applicant presented an overview of the proposal and responded to audience questions. Majority of the time focused on questions from members of the public. Staff attended the meeting to field questions on process and next steps.

During application review approximately 50 individuals/groups provided comments, with some citing support for the building design and architecture, however, majority of the comments expressed opposition to the proposal and flagged concerns such as height and density, affordable housing, construction, traffic and parking, and wildlife impacts.

For this proposal’s consultation details, see Document 5 of this report.

### **Official Plan designation(s)**

According to Schedule B of the Official Plan, the property is designated as Traditional Mainstreet. Scott Street is identified as an on-road cycling route on Schedule C and an Arterial Road on Schedule E.

### Other applicable policies and guidelines

The proposal is subject to [Richmond Road/Westboro Secondary Plan](#) in Volume 2 of the Official Plan. Within this plan, the site is located within Sector 5 – Scott Street and Westboro Transitway Station Area. The vision for this area includes encouraging the evolution of Scott Street as a mixed-use corridor with a live/work environment, including ground floor commercial uses supporting the proximity of Westboro O-Train Station. Furthermore, new infill development will provide appropriate transition to the adjacent low-rise residential community. This plan, however, also recognizes Scott Street as a Traditional Mainstreet where redevelopment and infill are encouraged to optimize the use of land through height and density. The Plan supports building heights generally in the range of four to six storeys, but permits consideration for greater building heights in Policy 1.3.3, without the need for an Official Plan Amendment (OPA), where the proposed building height provides a transition between existing buildings, the building is located where there are opportunities to support transit, the development incorporates Section 37 benefits, or the application of provisions 2.5.1 and 4.11 of the Official Plan determine that additional height is appropriate.

The Secondary Plan represents an implementation of the Richmond Road/Westboro Community Design Plan (CDP). Section 7.4 encourages a pedestrian-friendly environment with measures such as wider sidewalk and room for tree planning. Section 8.3, Scott Street guidelines, includes guidelines such as transition in building scale to low-density residential, and 3.0 metres landscape areas along streets and side edges. The proposed development is consistent with the CDP, and more importantly satisfies the implementing Secondary Plan policies, as described in the planning rationale below.

[The Urban Design Guidelines for Traditional Mainstreets](#) guide development to provide compatibility in context, to achieve high-quality built forms, provide continuity along Mainstreets, to foster compact pedestrian-oriented development and a broad range of uses. Mainstreets promote buildings that respect the rhythm and pattern of the existing or planned buildings on the street, set back upper storeys, and respect the privacy of buildings to the rear.

The [Urban Design Guidelines for Transit-Oriented Development](#) apply as the site is within 600 metres of a rapid transit station (Westboro Station). The guidelines aim to provide a mix of uses and densities that complement both transit users and the local community; ensure that the built form is designed and orientated to facilitate and encourage transit use; manage the safe circulation of pedestrians, cyclists, vehicles and

parking; and create quality public spaces that provide direct, convenient, safe and attractive access to transit.

Also applicable to the site are the [Urban Design Guidelines for High-Rise Housing](#). Particularly relevant to the proposal are the guidelines specific to building orientation, human-scale, building mass, active at-grade uses, public realm, tower separation and floor-plate size.

### **Urban Design Review Panel**

The property is within a Design Priority Area and was subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at a formal review meeting on February 7, 2020, which was open to the public.

The panel's recommendations from formal review are provided in Document 6.

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

- Supporting the architectural expression, which allowed this building vocabulary to be carried forward in subsequent design revisions.
- The podium was revised to provide for a better transition to a low-rise built form along Winona Avenue and wrapping around the rear of the building.
- The apparent tower massing was further reduced by introducing a horizontal void separating the podium and tower, and the corners of the tower are inset.
- The south façade at the podium level was improved by creating more space for the pedestrian pathway and reducing the massing along this edge towards Winona Avenue to four and three storeys. Furthermore, the "blank" wall along the southside of the building near Churchill Avenue at the entrance to the pedestrian pathway is intended to be used for a public art project, such as a mural for example.
- Landscaping the perimeter of the site is a supported notion that will be detailed through the Site Plan approval.
- Two residential floors were added above the garage entrance, and this volume is further recessed from the Winona Avenue podium and townhouse units having the effect of reducing the garage entrance prominence.

## **Planning rationale**

The proposed development and rezoning bring the entire site into a Traditional Mainstreet zone in conformity with the Official Plan and provides for appropriate intensification given the site context. The 25-storey mixed-use building will contain approximately 240 dwelling units, offer a variety of studio, one, two, and three-bedroom units, including townhouse units along Winona Avenue.

While the development proposes 129 residential vehicular parking, it has been designed to, and is strategically located to, encourage an active transit supportive development. The residential parking ratio is 0.53 spaces per unit (in compliance with the minimum required by zoning), however the building design focuses on making transportation choices for alternative modes. Having a vehicle does not implicitly imply use for every trip generation, and the active transportation strategies noted above contribute to this choice. Churchill Avenue and Scott Street have a strong pedestrian realm with sidewalk connectivity, and Scott Street also incorporates dedicated cycling infrastructure. Additionally, the property is well served by public transit including local bus service, current rapid bus and the Westboro Transitway Station. The development incorporates 245 internal bicycle parking spaces, and there will also be a provision to provide the first occupant of every unit with a one-month Presto card.

### **Official Plan (OP)**

The Official Plan (OP) designates the site as Traditional Mainstreet (Section 3.6.3), a target area for intensification, and a designation which envisions some of the most significant development opportunities. Development that supports, and is supported by, increased walking, cycling and transit use is encouraged, along with a built form that emphasizes street level animation and a pedestrian-friendly environment with active frontages.

The Official Plan supports mid-rise building heights on Traditional Mainstreets, greater building heights may be considered where the proposed building provides a transition between existing buildings, where the development is at a location where there are opportunities to support transit at a transit Station, or the application of Sections 2.5.1 and 4.11 determine that additional height is appropriate. Westboro Transit Station is located approximately 300 metres walking distance from the site.

Additionally, the City is committed to the development of Mainstreets and considers them as priority locations for the assembly of land for redevelopment and community improvements purposes. The Department supports the land assembly of 2070 Scott

Street and 328 Winona, which has resulted in a land parcel of sufficient size for development on a Traditional Mainstreet that allows for intensification through a high-rise built form that fits and implements appropriate transition, built form relationship, setbacks and yard treatments.

Section 2.5.1 and 4.11 of the Official Plan provides policy direction for urban design and compatibility. Document 4 provides supporting images to highlight some of the positive urban design and compatibility features described below.

Section 2.5.1 is broad in nature with design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community, considerations on the adaptability of space in a building, and sustainability. New design and innovation co-existing with existing development without causing undue adverse impacts on surrounding properties is also considered. The proposed development has located the tallest portion of the building towards Scott Street while keeping the rear portion of the property as low-rise where it abuts the residential context of Winona Avenue and General Mixed-use context of Churchill Avenue. Attention has been made to provide an appropriate buffer and transition into the adjacent low-rise residential neighbourhood along Winona Avenue and general mixed-use area along Churchill Avenue. The proposed development provides various building step backs within the podium and incorporates townhouse units along Winona Avenue. The rear yard setback abutting the residential zone ranges from approximately seven metres to 13 metres, and the tower portion is setback 19.3 metres from the rear yard lot line abutting a residential zone. This is consistent with the City's Urban Design Guidelines for High-rise Buildings, which establish in Section 1.17.a. a desired 20-metre minimum tower setback from the abutting residential low-rise properties. The applicant has also included landscape plantings along Churchill Avenue, Scott Street, and Winona Avenue to achieve an improved pedestrian-focused public realm. A five-storey podium has been designed along this elevation with ground-oriented commercial units having front facing doors along the street to reinforce the residential context along Winona Avenue.

Section 4.11 of the OP references the consideration of permission for high-rise buildings. High-rise buildings may be considered on Traditional Mainstreets where the proposed location is within 600 metres of a rapid transit station and where a Secondary Plan acknowledges that there are significant opportunities to support transit by providing a pedestrian and transit-oriented mix of uses and activities. The Richmond Road/Westboro Secondary Plan, Policy 1.3.3, supports greater building heights where there are opportunities to support transit at a station, where Section 2.5.1 and 4.11 of

the Official Plan determine that additional height is appropriate. As noted previously, the Westboro Transit Station (future O-train station) is 300 metres walking distance from mid-point of the site.

Section 4.11 further references compatibility of new buildings with their surroundings through setbacks, heights, transitions, colours and materials, orientation of entrances, location of loading facilities and service areas, and podium design. The proposed development introduces a new high-rise apartment that conforms with the Official Plan and is consistent with the high-rise guidelines. The tower is setback 19.3 metres from the residential context to the rear and the site spans the entire street frontage between Churchill Avenue and Winona Avenue. The building has been designed with a unique and effective podium emphasizing five storeys along Churchill Avenue and Scott Street and reducing to various low-rise height along Winona between the podium and townhouse units. The first floor is also emphasized by its floor to ceiling glass windows along Scott Street, Winona Avenue and Churchill Avenue. The tower is setback from the podium, and the mass is concentrated to the front of the site. Through the continued review of the Site Plan application, staff will continue working with the applicant on a strategy for incorporating the front yard design into the ultimate Scott Street design with cycle tracks, sidewalk and landscaping.

#### Secondary Plan

As per the Richmond Road / Westboro Secondary Plan, the policies allowing for greater heights, without requiring an OPA, were explained above, and the proposed development satisfies all these criteria. In addition to the proximity to Westboro Station, the analysis of Section 2.5.1 and 4.11 of the Official Plan determined that additional height is appropriate. The proposed building also responds positively to the Secondary Plan by providing a development and intensification on the Traditional Mainstreet that incorporates human-scale design elements, enhanced pedestrian realm, and compatibility on an appropriate redevelopment site. The building setbacks, podium treatment, and tower location contribute to an interesting streetscape that differentiates the context of Scott Street and Winona Avenue while maintaining active frontages.

The City-initiated study known as the Westboro-Dominion Planning Study was launched with the intent of reviewing the policies and zoning for lands near the Westboro and Dominion O-Train stations, focusing on maximum building heights, density and urban design standards. While it would be ideal to have a development application run parallel to such a City-initiated study, in this instance the planning study remained in a dormant state relative to the timing of recommending approval on this application. Delaying the

application in anticipation of this study with an unknown outcome or emerging directions would contradict the *Planning Act* and fair review timelines.

### **Recommended Zoning Details**

As detailed in Document 2, the proposed Zoning By-law amendment has the effect rezoning the site into a Traditional Mainstreet zone with site specific provisions. The following summarizes the site-specific zoning provisions and planning rationale:

- The site is being rezoned to Traditional Mainstreet for conformity with the Official Plan, which allows for a broad range of uses encouraging the evolution of Scott Street.
- Schedule 'YYY' is recommended to ensure the positive design attributes of the high-rise building and setbacks, such as stepbacks after the podium, keeping the rear portion of the building low-rise, tower separation, and maintaining desirable yard setbacks and patterns. Some flexibility has been built into to the schedule so that the intent of the development can be maintained but provide room to make minor design changes without triggering a zoning deficiency.
- Minimum bicycle parking was increased from 0.5 spaces per unit to 1.0 space per unit to provide assurance about the proposed cycling facilities and active transportation design of the building.
- Maximum vehicular parking was reduced from 1.75 spaces per unit to 1.0 spaces per unit (residential and visitor combined) to ensure that the proposed development is limited to the amount of parking shown in the application and designed to encourage an active transit supportive development and keeping parking rates closer to the minimum required.

### **Section 37 Agreement**

Pursuant to Section 37 of the *Planning Act*, 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 per the *Planning Act*. The project must represent good planning.

The proposed zoning permits a high-rise building (up to 81 metres) where the current zoning on the properties permit heights in the three to six storey range, and the proposed Gross Floor Area is more than 25 per cent of that permitted as of right. As such, the owner is required to provide a Section 37 contribution. As discussed, in this report, planning staff are satisfied that the proposed development conforms with the principles and policies of the Official Plan, the Richmond Road/Westboro Secondary Plan, and relevant Council-approved design guidelines and that it represents good planning.

As set out in the Council-approved Section 37 Guidelines, the Ward Councillor, in consultation with the local community, will identify potential benefits to be considered for inclusion in a Section 37 by-law and agreement. Council will then give approval to the contributions and associated community benefits being secured as part of the approval of the zoning changes for increased height and density. Potential community benefits may also be determined through a secondary planning process.

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution, based on a gross floor area of 16,977 square metres (discounting 19 per cent for common areas, such as hallways, lobby's, etc.), for this proposal has been determined to be \$900,000 after draw-down factors. This contribution will provide the following:

- Roy Duncan Park improvements including half basketball court: \$80,000
- Ward 15 specific account for nearby traffic calming improvements \$200,000
- Ward 15 specific account for affordable housing: \$620,000

Note: some of the draw-down factors that also contribute as public benefit, to be secured through Site Plan, include a pedestrian pathway with public access easement along the rear of the site between Churchill Avenue and Winona Avenue, public art on rear blank wall closer to Churchill Avenue, the building incorporating combined heat and power co-generation system (CHP system) for energy efficiency, and providing residents with a one-month presto card.

The exact details of the improvements are to be determined between City of Ottawa staff, the Ward Councillor and the community, subject to community consultation and concurrence by the Ward Councillor.



The details of the Section 37 contributions are also contained within the Zoning By-law amendment (see Document 2). 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.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2014 and 2020 Provincial Policy Statements.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **COMMENTS BY THE WARD COUNCILLOR**

Councillor Jeff Leiper provided the following comment:

“The 2070 Scott development is yet another high-rise proposed for Scott Street in the absence of a secondary plan that would have guided development, and in particular the height of that development. My initial concern that the smaller lot would be over-developed by a building of this size has been somewhat mitigated by the acquisition of adjacent properties that allow for more breathing space on the overall parcel, which has been a positive development since the initial application was made.

The community, however, has been dismayed since that additional footprint is accompanied in the plan now put before Committee to add three more storeys to the development to bring it to 25 storeys. This is taller than the other proposals/approvals on Scott Street and brings the development into the range where a higher standard of design is called for as a skyline-defining building.

Colleagues and the community will be aware of my consistent response to these applications. The Scott Street corridor represents one of our city's best opportunities to build strengthen a complete community in extremely close proximity to our best transportation infrastructure and in close proximity to some of the best amenities in

Ottawa. My overriding concern is that Council continues to approve these buildings with a very high ratio of parking, and without affordable housing required.

The City does not have the ability to control the rents at which these units will be leased. They'll be rented at market value, and in a city with a 1.8% vacancy rate, and in walkable proximity to light rail transit, winter-cleared cycling infrastructure, groceries, restaurants, Westboro Beach, the NCC's winter trail, etc., it is not a stretch to imagine that only the most privileged of Ottawa renters will be able to afford this space.

I fully understand that an increase in housing supply is necessary to mitigate rental prices across the city. Substantial new developments such as what is occurring on Scott Street will slowly trickle into the full segment and mitigate pricing elsewhere. We will struggle to achieve even the modest intensification rates outlined in our new growth management strategy, and the addition of high-rises is an important part of building a city for everyone in the absence of the zoning required to address the missing middle. Everyone wants to build Paris, but not on their street.

Even if the addition of this new rental stock is to the benefit of affordability, however, there is a limit to that as the relative returns to developers of condo versus rental begin to balance. We simply cannot rely on the addition of market-priced rentals to ensure our city is affordable. It will require more significant interventions. Our best hope of that, given Provincial constraints, is the passage of inclusionary zoning regulation that to observers seems hopelessly stalled. In the meantime, a steady parade of high-rises is being approved in the neighbourhoods that should be developing to be affordable to everyone.

Further, this building seeks to add 162 parking spaces, well above the required 144, in very close proximity both to the Dominion and Westboro LRT stations. These vehicles will simply add to the congestion and attendant noise, reduction in community safety, and emissions already having such a negative impact on the community. This is counter to Council's purported emphasis on pivoting transportation to active and public forms.

I do not believe that approving this building is to the net benefit of the public interest. We need to put the principles of our Official Plan and new growth management strategy into effect ensuring that we're building true 15-minute communities reliant on alternatives to private vehicles, and in which the benefits accrue not just to the most well-off in our city."

## **LEGAL IMPLICATIONS**

Should the recommendations be adopted and the resulting zoning by-law be appealed to the Local Planning Appeal Tribunal, it is anticipated that a three day hearing will result. It is anticipated that this hearing can be conducted within staff resources. In the event that the zoning application is refused, reasons must be provided. Should there be an appeal of the refusal, it would be necessary to retain an external planner.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

## **FINANCIAL IMPLICATIONS**

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for the proposal has been determined to be \$900,000. This contribution will provide the following:

- Roy Duncan Park improvements including half basketball court: \$80,000
- Ward 15 specific account for nearby traffic calming improvements: \$200,000
- Ward 15 specific account for affordable housing: \$620,000

This financial contribution will be secured prior to the issuance of the first building permit. Details of the 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. Other non-monetary public benefit contributions to be secured through Site Plan include; a pedestrian pathway with public access easement along the rear of the site between Churchill Avenue and Winona Avenue, public art on rear blank wall closer to Churchill Avenue, the building incorporating combined heat and power cogen system (CHP system) for energy efficiency, and providing residents with a one-month presto card.

In the event that the Zoning By-law application is refused and appealed, it would be necessary to retain an external planner. This expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

### **ACCESSIBILITY IMPACTS**

The new building will be required to meet the accessibility criteria contained within the *Ontario Building Code*. Based on current Site Plan review, the development demonstrates that the proposed building is accessible, including common entrances, corridors and amenity areas. Staff have no concerns about accessibility.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities
- Integrated Transportation

### **APPLICATION PROCESS TIMELINE STATUS**

Zoning application (Development Application Number: D02-02-19-0121) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to a number of revisions required as the building design evolved to address urban design improvements and built form transition.

### **SUPPORTING DOCUMENTATION**

- |            |  |
|------------|--|
| Document 1 | Location Map                               |
| Document 2 | Details of Recommended Zoning              |
| Document 3 | Schedule YYYY                              |
| Document 4 | Development Concept Images                 |
| Document 5 | Consultation Details                       |
| Document 6 | Urban Design Review Panel: Recommendations |

## **CONCLUSION**

The proposed development introduces intensification through a high-rise building in a manner which conforms to the Official Plan and Secondary Plan and is consistent with the relevant design guidelines. The tower portion of the building is concentrated to the front of the site furthest from neighbouring low-rise residential properties, incorporates stepbacks after the podium and upper storey, provides desirable yard setbacks, and uses appropriate transition in the built form context. The development has been designed to encourage active transportation use and is located within 300 metres walking distance of the Westboro Transit Station. The development fits within the existing and planned context and is a compatible use. The Zoning By-law amendment is recommended for approval.

## **DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

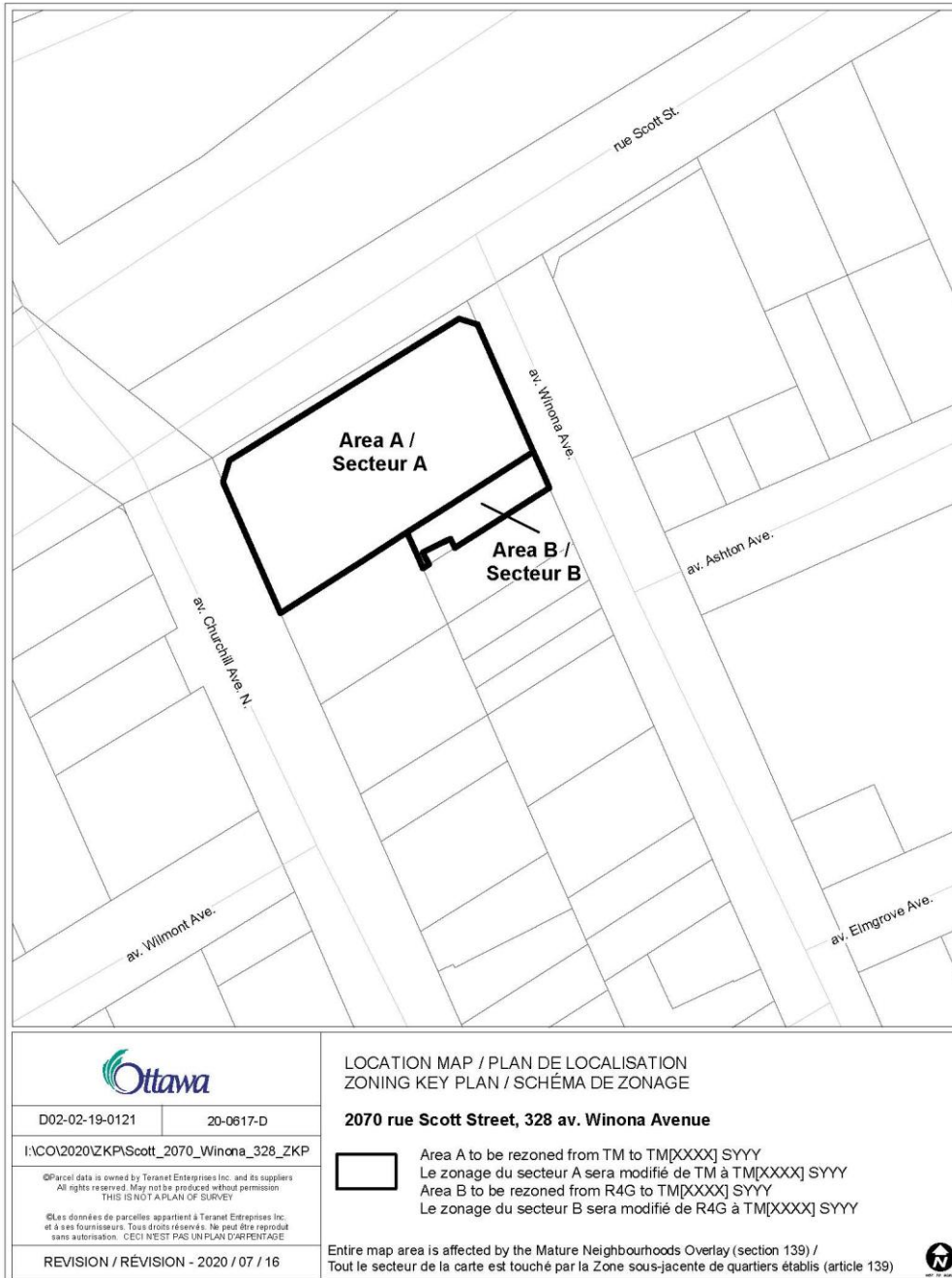
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

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

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa).



## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 2070 Scott Street and 328 Winona Avenue are as follows:

1. Rezone the lands as shown in Document 1, as follows:
  - a. Rezone 2070 Scott Street (Area A) from TM to TM [xxxx] SYYY
  - b. Rezone 328 Winona Avenue (Area B) from R4G to TM [xxxx] SYYY
2. Amend Part 17, Schedules, by adding a new Schedule 'YYY', as shown in Document 3.
3. Amend Section 239, Urban Exceptions, by adding a new exception [xxxx] with provisions similar in effect as follows:
  - a. In Column II, add the text TM [xxxx] SYYY.
  - b. In Column V, include provisions similar in effect to the following:
    - i. Maximum permitted building heights, minimum setbacks and minimum stepbacks are as per Schedule YYY.
    - ii. Despite Schedule YYY, the two-storey townhouse units shown in Area A along Winona Avenue do not count towards the total number of storeys permitted.
    - iii. Clause 197(1)(b) does not apply to residential units facing Winona Avenue.
    - iv. Permitted projections listed in Section 65 are not subject to the height limits identified on Schedule YYY.
    - v. Projections permitted under Section 65 do not require a setback from the front lot line (Scott Street).
    - vi. Stacked bicycle parking systems are permitted, and such systems are exempt from the minimum bicycle parking space dimensions.
    - vii. Despite Table 111(a)(b)(c), the minimum number of bicycle spaces required is 1.0 per dwelling unit or rooming unit.

- viii. Despite Table 103 (a) and (b), the maximum number of parking spaces permitted is 1.0 per dwelling unit (combined total of resident and visitor parking).
  - ix. Minimum amount of communal amenity area required: 220 square metres
  - x. Minimum aisle width in parking garage: 6.0 metres
- c. The following provisions dealing with a Section 37 authorization will also be added to the new exception in Section 239:
- i. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted in this by-law are permitted subject 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 subject to the agreement referred to in b. below of this by-law.
  - ii. 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.
  - iii. 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 2070 Scott Street and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*.



2070 Scott Street

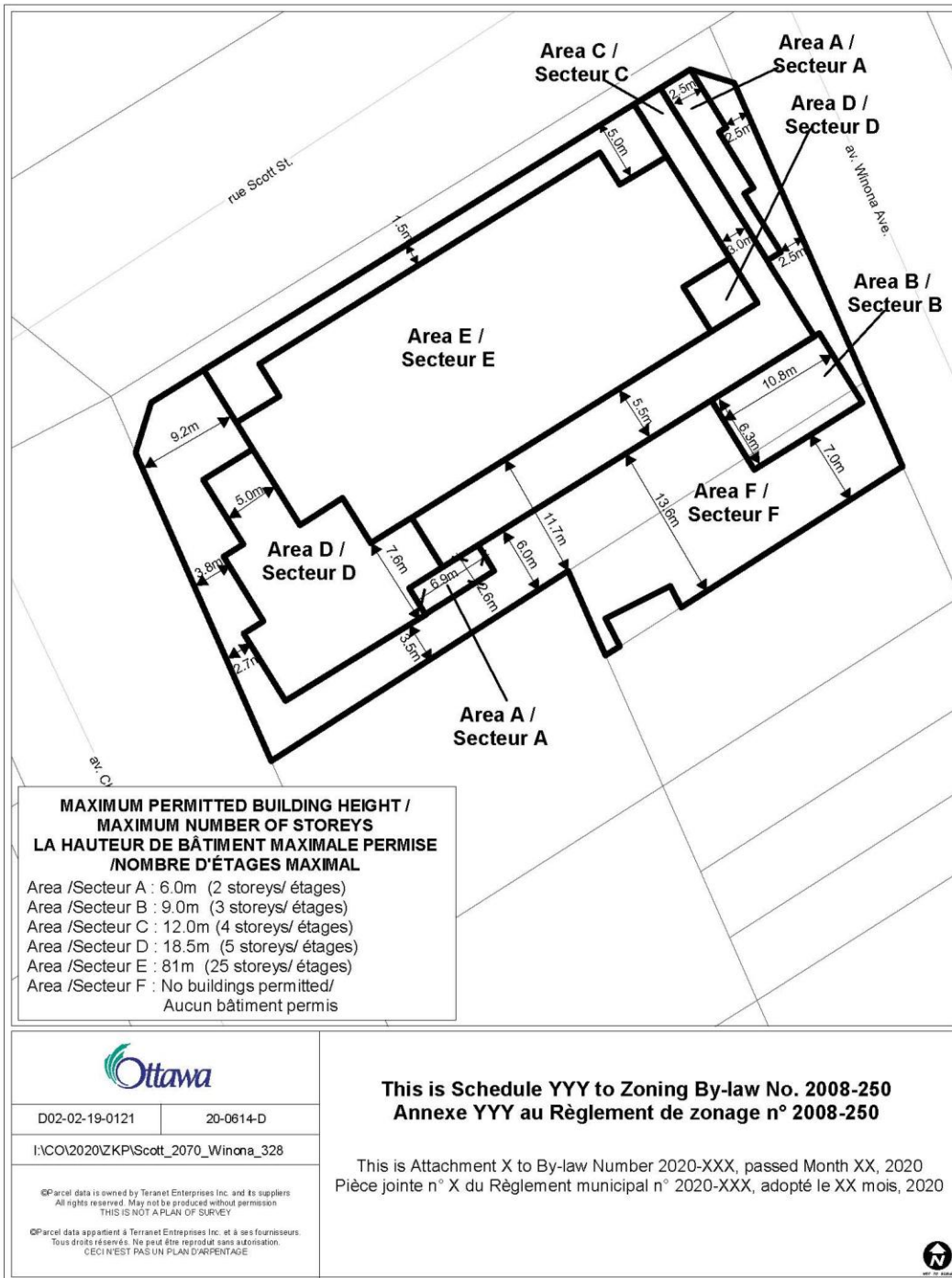
The City shall require that the owner of the lands at 2070 Scott Street enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$900,000 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:
- Roy Duncan Park improvements including half basketball court: \$80,000
  - Ward 15 specific account for nearby traffic calming improvements: \$200,000
  - Ward 15 specific account for affordable housing: \$620,000
  - In addition, the following non-cash contributions will be provided as part of the Site Plan Control approval process:
    - The owner shall provide and maintain a pedestrian pathway along the rear of the site subject to a public access easement.
    - The blank wall of the rear façade along the pedestrian pathway closer to Churchill Avenue will incorporate public art.
    - The owner will acknowledge and agree to construct the building using a combined heat and power cogen system (CHP system) for energy efficient and provided confirmation of the system installation.
    - The requirement to provided tenants with one-month presto card.
- (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 3 – Schedule YYY



D02-02-19-0121

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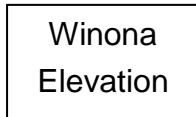
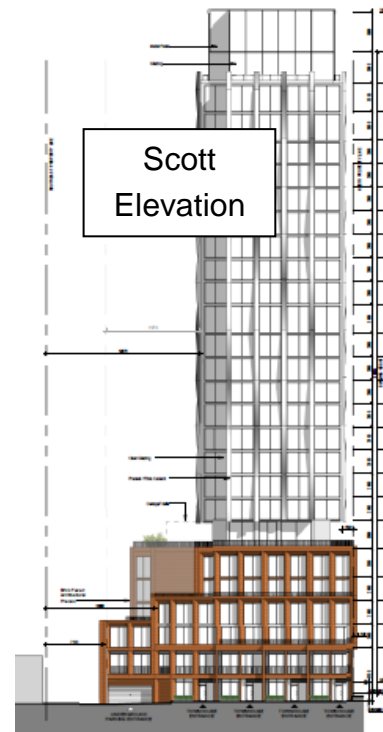
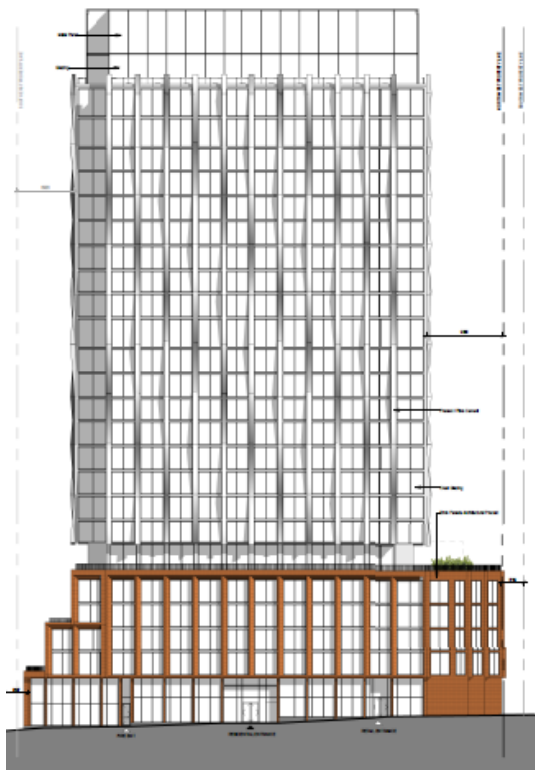
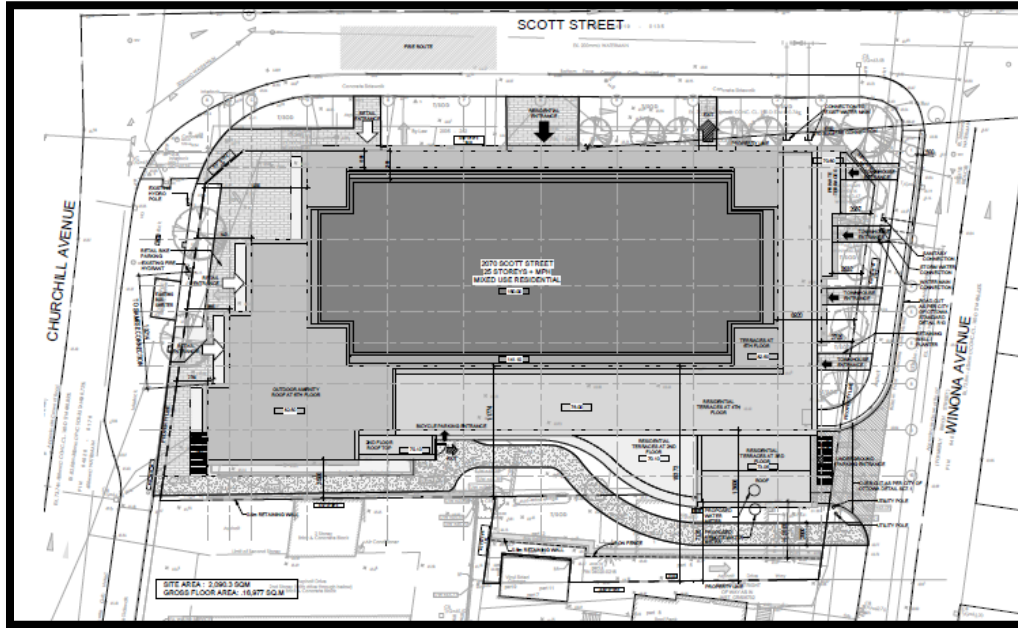
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This is Schedule YYY to Zoning By-law No. 2008-250  
 Annexe YYY au Règlement de zonage n° 2008-250

This is Attachment X to By-law Number 2020-XXX, passed Month XX, 2020  
 Pièce jointe n° X du Règlement municipal n° 2020-XXX, adopté le XX mois, 2020



Document 4 – Development Concept Images



## **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.

Councillor Leiper and the applicant organized a public open house following the initial comment period. The meeting was held on December 4, 2019 and approximately 30 individuals attended. The applicant presented an overview of the proposal and responded to audience questions. Majority of the time focused on questions from members of the public. Staff attended the meeting to field questions on process and next steps.

During application review approximately 50 individuals/groups provided comments, with some citing support for the building design and architecture, however, majority of the comments expressed opposition to the proposal and flagged concerns such as height and density, affordable housing, construction, traffic and parking, and wildlife impacts.

## **PUBLIC COMMENTS AND RESPONSES**

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

### **Support**

- Overall the development is very positive. The building form is very good, particularly on the Churchill Avenue side of the building.
- The proposal for 2070 Scott Street is excellent.
- The developer has come a long way to improve the proposal by listening to residents and the UDRP and making changes where possible. The purchase of the abutting property has made a large difference to the impact on the neighbours.

Response:

The application is recommended for approval as detailed in this report.

### **Traffic and Parking**

- Development should be designed to achieved active transportation and support for encouraging people to use the LRT. The trade for additional height should ensure

that the development minimizes the use of private automobiles and supports active transit such as walking, cycling and public transit use.

- Too much parking is provided, which will further contribute to overall traffic congestion and vehicle use. Building should be designed for Transit-oriented development.
- Not enough parking is provided, and residential parking will cause spillover into surrounding on-street parking spots.
- Another high-rise on Scott Street will result in unacceptable traffic volumes, congestion, and increase the risk of safety to people walking in the area.
- Winter conditions are already bad enough and intersection and going up the hill along Winona. Adding more development and traffic to the area will worsen these conditions.

Response:

The Official Plan encourages intensification and development where there are opportunities to support alternative modes of travel from the car. The site is located approximately 300 metres from a transit station and will include improved pedestrian and cycling connections.

Review of the submitted Transportation Impact Assessment has determined that the development has provided all measures required by the Transit Demand Strategies for support design. While additional measures are encouraged by the City, it is not possible for force developers to implement. However, it should be noted that this development has proposed several bicycle-friendly measures such as a bicycle repair station and a bicycle locker room conveniently located on the ground floor of the building. These measures encourage cycling, which may help to further decrease the auto driver mode and reduce the need to achieve such a high transit mode share. Additionally, the provision for providing tenants with a one-month presto card encourages the use of public transit and help establish the pattern of making this choice.

Staff are satisfied with the transportation study submitted in support of this application.

### **Height/Density and Design**

- 25-storeys is too tall for this neighbourhood and does not fit along Scott Street.

- The final proposed height should be determined after the outcome of Westboro-Dominion Planning Study.
- Shadowing impacts of another high-rise along this corridor will have negative impacts on surrounding properties.
- Providing a high-rise on this site needs to provide more setbacks and better transition to the low-rise neighbourhood.
- The neighbourhood can't handle more density and will have impacts on existing infrastructure and services.

Response:

The height and scale of the building was reviewed in accordance with Official Plan, Richmond Road / Westboro Secondary Plan, and key design guidelines as discussed in the report. Scott Street is a Traditional Mainstreet which represents a significant opportunity for intensification, and the specific policies in the Secondary Plan that allow for the consideration of taller building have been satisfied. The tower portion of the building is set furthest from the neighbouring low-rise residential properties with the nearest property at least 19.3 metres away. The rear portion of the development has the podium transition to height of three-storeys and the rear yard setback varies from seven to 13 metres.

The site located within 300 metres walking distance to Westboro Transit Station, incorporates Section 37 benefits, and is consistent with the policy framework for considering taller buildings.

### **Access on Winona Avenue**

- A number of concerns were raised about having the garage access on Winona Avenue, such as the need for a sidewalk on Winona Avenue, concerns over more traffic and safety for children and families.
- Directing vehicles to Winona should require traffic calming on the street.

Response:

Transportation review supports the garage access off Winona Avenue as this is the more local road and safest for site access. The City is already committed to workplan to incorporate a new sidewalk on Winona Avenue, and furthermore, the development of

this site will result in new sidewalks along the street frontages of the site. Traffic calming in the area forms part of the Section 37 contributions in the amount of \$200,000.

### **Affordable Housing**

- This development should be providing affordable housing.
- With intensification being built near rapid transit, the City should be mandating a percentage of affordable housing units.
- The development provides for rental housing, but the affordability of a market rental at this location is questionable and will result in most renters looking for housing not being able to afford these units, which is concerning given the proximity to transit.

Response:

The development is not subject to any required inclusion of affordable housing, but as part of the Section 37 contributions \$620,000 is being allocated to specific Ward 15 (Kitchissippi) account for affordable housing in the area

### **Construction**

- The impacts of living through construction.
- Managing all the construction workers parking.
- Past issues in the area with other developments such as noise, blocking driveways, unclean sites, debris going into other properties.

Response:

All construction activity will be subject to the necessary approvals from the City and further regulated by the Noise By-law. Additionally, it is common practice of the Ward Councillor to incorporate a construction management condition for inclusion in the Site Plan approval.

### **Other**

- Concerned about impacts on wildlife from loss and greenspace and during construction.
- Concerns expressed about the building being located within the path of migratory bird travel.



- The development needs to incorporate bird-friendly designs and avoid bird strikes.
- The use of bird friendly glass and bird friendly building design needs to be incorporated into the proposal details.

Response:

The applicant is aware of concerns associated with bird-friendly design, and such details are will be reviewed and incorporated into the Site Plan approval.

### **COMMUNITY ORGANIZATION COMMENTS AND RESPONSES**

Following the initial circulation comment period the Westboro Community Association provided the following comments. While the community association continued to be involved in the process, including awareness of project updates, no additional comments were provided at the time of writing this report.

Below is the original comment submission.

“The Westboro Community Association is opposed to the re-zoning proposal as submitted for the property located at 2070 Scott Street.

The WCA is particularly concerned with the lack of alignment of the proposal with important components of the Province’s legislation, the Ontario PPS and other of the Province’s official strategies.

The WCA supports thoughtful development which preserves:

- The environment
- Our trees, greenspace and walkability of our neighbourhood
- Our built heritage
- The affordability of the community

In part our objection is the adverse impact a building of 23 storeys will have on the immediate neighbourhood similar to the OMB decision on the property known as the Fendor site. This proposal if approved would be even greater in height than the OMB decision for the Fendor site.

This proposal is already located at a very busy intersection at the corner of Scott and Churchill. In our discussions we indicated the necessity to provide the residents of the

area North of Scott with safe access to Lions Park especially as the City has given the residents the ability to install a rink and possibly a basket ball court. Adding even more vehicular traffic to Scott and Winona just makes that intersection more dangerous.

Having access to underground parking from Winona with no sidewalks is asking for a disaster to happen. Which way will vehicles be able to turn when exiting the underground parking? Our experience to date is the trying to control where vehicles go has not been very successful to date.

This proposal does not even meet the basic requirements of the TM zone as listed in Sections 197 & 198 of the Zoning By-law. If we are trying to promote the use of public transit why does this proposal require 4 levels of underground parking?

Finally, the rendering of the building as submitted has a considerable amount of glass surface which will have a detrimental effect on migrating birds and certainly unwanted reflections of sunlight into the surrounding community that will also affect motorists.”

Response:

Thank you for your participation in the application process to date and additional feedback is encouraged, and the development works through the Site Plan Control process towards approval. Through the ultimate design of Scott Street the intersection at Churchill Avenue will be upgraded to signalized intersection. Furthermore, another confirmed City workplan will result in a sidewalk on Winona Avenue, and the developer of 2070 Scott Street and 328 Winona Avenue is responsible for providing sidewalks along the frontage of this site.

The rationale for support of the proposed building height and density and noted throughout the staff report. The concern around bird-friendly design is noted and the applicant is aware of the need to consider such measures through Site Plan approval.

## **Document 6 – Urban Design Review Panel**

**2070 Scott Street** | Formal Review | Zoning By-law Amendment and Site Plan Control Application | Azure Developments Inc.; Quadrangle Architecture; Stantec

### **Summary**

- The Panel supports the general architectural expression of the building, but voiced concern that the proposed density and building height are too high for the site and context.

### **Massing**

- The Panel feels that the proposed density and building height are not appropriate for this site nor the context. Notionally, the Panel feels that the highest densities should be promoted adjacent to the transit station and tapered down further along Scott Street.
- The Panel recommends reducing the size of the podium to three or four storeys. The six storeys podium is less problematic on Scott Street, and perhaps also on Churchill Avenue, but should be stepped down on Winona Avenue and the south side of the development to relate to the low-rise neighbourhood.

### **Building Design**

- The architectural expression of the building is very elegant, however does not sufficiently succeed in reducing the apparent mass nor the impact on the context. The tower needs to be truly broken up, perhaps in an “L-Shape configuration.”
- The south façade of the podium seems under articulated, given the likelihood of pedestrian traffic that will likely use the rear walkway. Explore means of enlivening this façade by integrating additional entries or transparency.
- It will be important for the streetscape surrounding the building to be well landscaped. The hand drawings show large trees, but there likely is insufficient space for them in reality.
- Ensure that the green-roof portion on the Winona Avenue side of the development is adequately greened. It needs to become a proper amenity space.
- Explore means of reducing the prominence of the loading and parking garages. They will detract from the streetscape.