

7. ZONING – 1050 SOMERSET STREET WEST
ZONAGE – 1050, RUE SOMERSET OUEST

COMMITTEE RECOMMENDATION AS AMENDED

That Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 1050 Somerset Street from Traditional Mainstreet Zone, Exception 126, Height 15 metres (TM [126] H(15)) to Traditional Mainstreet Zone, Exception [xxxx], Schedule yyy, Maximum Height 73.0 metres and a holding provision (TM-h[xxxx] Syyy-h) as shown on Document 1 and detailed in Documents 2 and 3, as amended by the following:

1. That the Zoning Schedule contained in Document 2 be amended by replacing the 15.0 metre setback from Somerset Street West to Area “B” with 15.3 metres;
2. That the Recommended Zoning contained in Document 3 be amended by adding the following to the existing Column V changes: “Residential visitor parking shall be provided at a rate of 0.83 per dwelling unit after the first 12 units”, and
3. That there be no further notice pursuant to Section 34(17) of the Planning Act, and;

RECOMMANDATION MODIFIÉE DU COMITÉ

Que le Conseil approuve une modification au Règlement de zonage 2008-250, de manière à faire passer le zonage du 1050, rue Somerset de Zone de rue principale traditionnelle, exception 126, hauteur limitée à 15 mètres (TM [126] H(15)) à Zone de rue principale traditionnelle, exception [xxxx], annexe yyy, hauteur limitée à 73,0 mètres, assortie d'une disposition d'aménagement différé (TM-h[xxxx] Syyy-h), tel qu'illustré dans le document 1 et exposé en détail dans les documents 2 et 3, tel que modifiés par le texte suivant :

1. Que l'annexe sur le zonage au document 2 soit modifiée en faisant passer le retrait de la rue Somerset Ouest au secteur « B » de 15 mètres à 15,3 mètres;

- 2. Que le zonage recommandé au document 3 soit modifié en ajoutant ce qui suit aux changements actuels dans la colonne V : « Le stationnement résidentiel pour visiteurs sera fourni au taux de 0,83 par unité de logement après les 12 premières unités »; et**
- 3. Qu'il n'y ait aucun autre avis en vertu du paragraphe 34 (17) de la Loi sur l'aménagement du territoire.**

DOCUMENTATION / DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 22 June 2012 (ACS2012-PAI-PGM-0177).
Rapport de la Directrice municipale adjointe, Urbanisme et Infrastructure, le 22 juin 2012 (ACS2012-PAI-PGM-0177).
2. Extract of Draft Minute, 9 July 2012.
Extrait de l'ébauche du procès-verbal, le 9 juillet 2012.

Report to/Rapport au :

Planning Committee
Comité de l'urbanisme

and Council / et au Conseil

June 22, 2012
22 juin 2012

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Ref N°: ACS2012-PAI-PGM-0177

SUBJECT: ZONING – 1050 SOMERSET STREET WEST

OBJET : ZONAGE – 1050, RUE SOMERSET OUEST

REPORT RECOMMENDATION

That the Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 1050 Somerset Street from Traditional Mainstreet Zone, Exception 126, Height 15 metres (TM [126] H(15)) to Traditional Mainstreet Zone, Exception [xxxx], Schedule yyy, Maximum Height 73.0 metres and a holding provision (TM-h[xxxx] Syyy-h) as shown on Document 1 and detailed in Documents 2 and 3.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250, de manière à faire passer le zonage du 1050, rue Somerset de Zone de rue principale traditionnelle, exception 126, hauteur limitée à 15 mètres (TM [126] H(15)) à Zone de rue principale traditionnelle, exception [xxxx], annexe yyy, hauteur limitée à 73,0 mètres,

assortie d'une disposition d'aménagement différé (TM-h[xxxx] Syyy-h), tel qu'illustré dans le document 1 et exposé en détail dans les documents 2 et 3.

EXECUTIVE SUMMARY

The subject property, 1050 Somerset Street West, is located at the southwest corner of Somerset Street West and Breezehill Avenue North with a public lane along the west side of the property. The subject property forms a 2434 square meters rectangular parcel with approximately 40 metres of frontage along the south side of Somerset Street West and 61 metres of frontage along the western side of Breezehill Avenue North. It is zoned TM[126] H(15), a Traditional Mainstreet zone which allows a variety of commercial and residential uses with a maximum height of 15 metres. The property is currently occupied by a single-storey commercial building.

A Site Plan Control application also has been submitted with the rezoning for the development that would be permitted under the proposed zoning.

Assumptions and Analysis

The Department is satisfied that the Zoning By-law amendment meets the relevant policies of the Official Plan (OP), Wellington West Secondary Plan and applicable Council approved Guidelines. All site details such as landscaping, lighting, microclimate design, vehicular access and use of the public lane will be addressed at the Site Plan Control stage. In addition the applicant has met with the Urban Design Review Panel for a confidential pre-consultation and will return to the Urban Design Review Panel for a formal review during the Site Plan Control process.

The Department is also recommending the use of a holding provision as the applicant has been in discussions with the Ward Councillor, Community Association and City staff with respect to off-site community benefits. The purpose of the holding provision is to ensure that a Site Plan Control application is approved which reflects this proposed development and that the community benefits are secured prior to the lifting of the holding provision. The Department acknowledges that City Council recently adopted Section 37 Guidelines however this Zoning By-law amendment application was submitted February 2012, prior to the approval of the Guidelines. The use of the holding provision has been used in other applications for similar circumstances and is recommended to also be used for this project.

Financial Implications

If this rezoning is approved and appealed, staff resources will be utilized to defend Council's position. If the rezoning is refused and appealed, an external planner would need to be retained at an estimated cost of \$30,000 to \$50,000. Funds are not available

within existing resources and the expense would impact Planning and Growth Management's 2012 operating status.

The value and type of the community benefit to be provided by the applicant is unknown at this time; the finalized amount and benefit will be included in the Site Plan Agreement, once confirmed. Any funds would be held in specific a community-benefit reserve until required to deliver the benefit.

Public Consultation/Input

Comments were received from the public concerning the height of the proposed building as well as questions involving servicing of the site, stormwater management and traffic impacts from the proposed development. A summary of public comments, and how they have been addressed, are contained in Document 5.

RÉSUMÉ

La propriété visée, dont l'adresse municipale est le 1050, rue Somerset Ouest, se trouve à l'angle sud-ouest de la rue Somerset Ouest et de l'avenue Breezehill Nord, et comprend une voie publique le long de sa limite ouest. Elle forme une parcelle rectangulaire de 2 434 m² et présente une façade d'environ 40 mètres du côté sud de la rue Somerset Ouest et une autre façade de 61 mètres du côté ouest de l'avenue Breezehill Nord. Le zonage de la propriété, TM[126] H(15), correspond à une zone de rue principale traditionnelle permettant diverses utilisations commerciales et résidentielles d'une hauteur maximale de 15 mètres. La propriété est actuellement occupée par un édifice commercial de plain-pied.

Une demande de réglementation du plan d'implantation a également été déposée avec la demande de modification de zonage, en prévision de l'aménagement qui serait autorisé en vertu du zonage proposé.

Hypothèses et analyse

Le Service est satisfait de constater que la modification du Règlement de zonage répond aux exigences des politiques pertinentes du Plan officiel (PO), du plan secondaire de Wellington-Ouest et des directives applicables approuvées par le Conseil. Tous les détails relatifs à l'emplacement, tels que l'aménagement paysager, l'éclairage, le microclimat, l'accès des véhicules et l'utilisation de la voie publique seront abordés lors de l'étape de la réglementation du plan d'implantation. De plus, le requérant a rencontré le Comité d'examen du design urbain lors d'une réunion confidentielle préalable à la consultation et le rencontrera à nouveau pour un examen officiel dans le cadre du processus de réglementation du plan d'implantation.

Le Service recommande également l'application d'une disposition d'aménagement différé car le requérant a entrepris des discussions avec le conseiller du quartier, des associations communautaires et des employés de la Ville au sujet d'avantages hors site pour la collectivité. La disposition d'aménagement différé a pour objet de garantir l'approbation d'une demande de réglementation du plan d'implantation qui tienne compte de l'aménagement proposé et que les fonds destinés aux avantages pour la collectivité soient obtenus avant l'annulation de cette disposition d'aménagement différé. Le Service reconnaît que le Conseil municipal a récemment adopté les lignes directrices de l'article 37, mais cette demande de modification au Règlement de zonage a été soumise en février 2012, avant l'approbation des lignes directrices. La disposition d'aménagement différé a été utilisée dans d'autres demandes faites dans des circonstances similaires et il est recommandé qu'elle le soit également pour ce projet.

Répercussions financières

On ne connaît pas encore la valeur et le type d'avantage communautaire qui sera fourni par le requérant; le montant et l'avantage finalisés seront inclus, une fois confirmés, dans l'accord de réglementation du plan d'implantation. Tous les fonds seraient retenus dans un fonds de réserve lié aux avantages communautaires précis jusqu'à ce l'avantage doive être fourni.

Consultation publique / commentaires

Des commentaires ont été émis par les membres du public au sujet de la hauteur du bâtiment proposé, ainsi que des questions au sujet de la viabilité de l'emplacement, de la gestion des eaux pluviales et des répercussions sur la circulation qu'aurait l'aménagement proposé. Un résumé des commentaires émis par les membres du public et des moyens pris pour en tenir compte figure dans le document 5 du présent rapport.

BACKGROUND

The subject property, 1050 Somerset Street West, is located at the southwest corner of Somerset Street West and Breezehill Avenue North with a public lane along the west side of the property. The subject property forms a 2434 square metres rectangular parcel with approximately 40 metres of frontage along the south side of Somerset Street West and 61 metres of frontage along the western side of Breezehill Avenue North. It is zoned TM[126] H(15), a Traditional Mainstreet zone which allows a variety of commercial and residential uses with a maximum height of 15 metres. The property is currently occupied by a single-storey commercial building.

The neighbourhood contains a mix of residential and commercial uses. The properties to the east of the site across Breezehill Avenue North contain automotive repair shops as well as other non-residential uses. The properties to the north across Somerset Street West contain single-detached dwellings which have been converted for

ground-floor commercial uses. A four-storey multi-unit commercial building is located to the east of the site, with a mixed-density residential neighbourhood behind it. A school is located directly to the south, which is designated under the *Ontario Heritage Act*.

The property is located west of the current O-Train line, which is also planned as the future north/south line for the Light Rail Transit (LRT) line with two stations proposed south at Gladstone and north at Bayview.

A Site Plan Control application has been submitted with the rezoning for the development that would be permitted under the proposed zoning (Document 4).

Purpose of Zoning Amendment

The original Zoning By-law amendment application submitted requested an increase in height on the property to accommodate the development of a 28-storey mixed-use building with 271 residential units. The applicant has amended the design of the building and is now proposing a 23-storey building, stepping down to 20-storeys, with a six-storey podium. The Zoning By-law amendment is to allow for the construction of the mixed-use building with retail and office on the first four floors of the building and residential units for the remainder of the building. The proposed development will have a total of 195 residential units and approximately 244 underground parking spaces.

The revised Zoning By-law amendment application proposes to amend the existing height restriction of 15 metres, to 73.0 metres to permit 23-storeys with site-specific setbacks as delineated on the schedule to the zoning as illustrated in Document 2.

Existing Zoning

The property is zoned TM [126] H(15) and recently was rezoned to TM11 [126] through the Wellington Street West Community Design Plan (CDP), Secondary Plan and associated zoning in June 2011. The recent rezoning was appealed to the Ontario Municipal Board along with the Secondary Plan. The zoning TM11 [126] allows the lot to be developed as a mixed-use building with specific setbacks. Exception 126 permits additional automobile-related uses including a dealership and service station. The zoning which is under appeal restricts building heights to 20 metres.

Proposed Zoning

The proposed Zoning By-law amendment to permit the development of the proposed 23-storey mixed-use building, is proposing to amend the height limit to 73.0 metres as well as amend some of the existing performance standards of the TM zone. As noted above, the existing exception (126) allows for limited automobile related uses. As these uses would not be compatible with the proposed mixed-use building, the Department recommends that these not to be permitted under the proposed zoning.

The proposed building consists of a 23-storey mixed-use high-rise building with a six-storey podium feature at the front facing Somerset Street West and a three-storey podium feature at the rear of the property facing the existing schoolyard. The podium feature is predominant along the Somerset Street West frontage as well as to the rear of the building facing the existing school yard. The area which faces Somerset Street West consists of retail areas and a lobby entrance to the office component which is proposed on the second and third levels of the podium. The remaining three floors of the podium facing Somerset Street West are residential units, amenity area and will accommodate rooftop terraces. The uses proposed at the rear of the building are proposed to be two-storey live-work units. The third storey consists of office space with rooftop amenity space facing the schoolyard.

A zoning schedule delineating the height and setbacks for the proposed Zoning By-law amendment is included in Document 2.

DISCUSSION

The recommendations of this report are considered to be in keeping with the intent of Provincial Policy Statement, and of the Official Plan (OP) for transit oriented intensification and compatible development.

Planning Act and Provincial Policy Statement (PPS)

Section 2 of the *Planning Act* outlines those land use matters that are of provincial interest, to which all City planning decisions shall have regard. The provincial interests that apply to this site include the appropriate location of growth and development and the promotion of development that is designed to be sustainable to support public transit and to be oriented to pedestrians.

The *Planning Act* requires that all City planning decisions be consistent with the PPS, a document that provides further policies on matters of provincial interest related to land use development. The PPS contains policies which indicate that there should be an appropriate mix of uses to support strong, liveable and healthy communities.

The PPS policies for "Building Stronger Communities," under policy 1.1.1 call for "promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term", and "accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs". Section 1.1.3.2 dealing with Settlement Areas indicates that land use patterns within settlement areas are to provide for "densities and a mix of land uses which efficiently use land and resources," and that are "appropriate for and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion."

The PPS policies pertaining to Housing in Section 1.4.3 instruct Planning Authorities (municipalities), to “provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by permitting and facilitating “all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements” as well as “all forms of *residential intensification* and *redevelopment* in accordance with policy 1.1.3.3”. Section 1.4.3 also calls for “directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs”; and for “promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.” The PPS policies for Energy and Air Quality also support the integration of transit and significant developments using a form of compact nodes and corridors.

Section 1.6 of the PPS further stresses the need to make efficient use of all forms of infrastructure including water and sewer systems. Section 1.6.5.4 indicates that: “a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus.”

The PPS addresses the need to support long-term economic prosperity. Under Policy 1.7.1(b) the PPS states that long-term economic prosperity should be supported by “maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.”

The recommended Zoning By-law amendment is considered to be in keeping with the Provincial Policy Statement by promoting efficient use of land and existing infrastructure for the development of an alternate form of housing and commercial development as part of a node in proximity to existing and future rapid transit. This approach to redevelopment is supportive of the long term prosperity of the community and a form of city building in keeping with the PPS policies for energy and air quality.

The use of Section 36 is discussed in the Zoning Details section of this report. Section 36 of the *Planning Act* provides the authority for municipalities the use of a holding symbol to specify requirements that need to be met prior to development occurring. Once the requirements are met, the holding symbol would be removed by an amendment to the by-law.

Official Plan

Strategic Directions and Land Use Designation

Section 2 of the Official Plan, Strategic Approach for “Managing Growth” calls for directing growth “to the urban area where services already exist or where they can be provided efficiently”, and that in the urban area growth should “be directed to areas where it can be accommodated in compact and mixed-use development, and served with quality transit, walking and cycling facilities.” The Strategic Approach for “Creating Liveable Communities” indicates that “Growth will be managed in ways that create complete communities with a good balance of facilities and services to meet people’s everyday needs, including schools, community facilities, parks, a variety of housing, and places to work and shop.”

Section 2.3.1 of the Official Plan sets broad strategic directions to meet the challenge of managing growth and directing growth to the urban area where services exist, providing infrastructure, maintaining environmental integrity and creating livable communities within Ottawa. To meet these challenges, policies are set out to pursue compact forms of development which in turn will enable the City to support a high-quality transit system and make better use of existing infrastructure and roads.

The subject property has the distinction of having two distinct designations. Somerset Street West is a Traditional Mainstreet on Schedule B of Volume 1 of the Official Plan. Policy 2 of Section 3.6.3 states that:

The boundary of the Traditional and Arterial Mainstreet designation is flexible depending on site circumstance and lot configuration, but generally applies to those properties fronting on the road so designated. It may also include properties on abutting side streets that exist within the same corridor. On lots where development has the potential to develop both adjacent to the street and to the rear of the property, the Mainstreet designation will apply to the entire lot and development situated on the rear portions will not be considered to be non-conforming by virtue of not being located adjacent to the street. Where the depth of lots fronting the road is sufficient to enable development to occur both adjacent to the street and to the rear of the property, and where development is initially unlikely to occupy the entire frontage immediately adjacent to the street, the site should be planned in a coordinated fashion that will facilitate:

- multi-modal (pedestrian, cycling, transit and vehicular) access between the site and the public street(s),
- attractive, safe and usable pedestrian and cycle connections between the site and adjacent communities,
- an enhanced interconnected pedestrian environment that links individual uses on the site, transit stops and continuous public sidewalks on the

- adjoining streets, and which is generally distinct from internal vehicle routes,
- measures of sufficient size and quality to relieve the visual impact of surface parking areas,
- the provision of adequate landscaped areas, particularly trees, along the perimeter of the site and street frontages,
- the provision of coordinated signage, and
- over time, a development that is oriented to the Mainstreet.

In this circumstance, the Wellington West Community Design Plan and associated Secondary Plan which was approved by Council in June 2011, specifically defined the boundary of the Traditional Mainstreet designation. The CDP and Secondary Plan identify the boundary of the Traditional Mainstreet designation as the first portion of the subject property abutting Somerset Street West, rather than the entire site. This delineation is consistent with the north side of Somerset Street West directly across from the site. The remainder of the site therefore is considered to be subject to both the Traditional Mainstreet designation as contained in the Official Plan as well as subject to the General Urban policies of the Official Plan. The Wellington CDP and Secondary Plan as well as the policies of the General Urban Designation will be discussed in the following sections of this report.

The subject property is close to the Mixed Use Centre designation on the east side of the Somerset Street Bridge. In addition, the properties on the east side of Breezehill Avenue are part of the Bayview District within the on-going Carling-Bayview Community Design Plan.

The Traditional Mainstreet designation identifies streets that offer some of the most significant opportunities in the city for intensification through more compact forms of development, a lively mix of uses and a pedestrian-friendly environment. The designation recognizes that Mainstreets are at different stages of development and that each Mainstreet has its own distinctive character depending largely upon the period during which it developed. In addition, Mainstreets perform a dual role of providing adjoining neighbourhoods with a range of daily goods and services as well as providing more specialized functions that serve the needs of others living beyond the borders of anyone neighbourhood.

As previously noted, the recent Secondary Plan delineates a specific boundary of the Traditional Mainstreet designation for the site. The proposed six-storey podium is consistent with the Traditional Mainstreet designation contained in the Secondary Plan as it is proposing a mixed-use built form within the designation. The recommendation to facilitate the development of this area of the site is supported by the Official Plan's Traditional Mainstreet policies. Further detailed analysis of the policies contained in the CDP and Secondary Plan are provided in the following section of the report.

The General Urban designation is the portion of the site that is outside of the Traditional Mainstreet designation as delineated in the Secondary Plan. This General Urban designation is intended to facilitate the development of complete and sustainable communities with a full range and choice of housing, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. The Official Plan supports infill development and intensification within the General Urban Area, provided it is developed in a manner that enhances and complements the desirable characteristics of the existing community and ensures its long term vitality. The Official Plan further requires that uses that serve wider parts of the city be located at the edges of neighbourhoods on roads where the needs of these land uses, such as transit, access and parking can be more easily met and their impacts controlled.

Section 2.2.3 "Managing Growth within the Urban Area" provides direction for intensification in the General Urban area. Where a Zoning By-law amendment is required to facilitate intensification, the appropriateness of the scale of development will be evaluated along with the design and its compatibility. In addition, the policies provide for consideration of intensification and infill development when the lands are within 600 metres of a future or existing rapid-transit station.

The property is located within 600 metres of a rapid-transit station (Bayview Station). The subject property was formerly a commercial grocery store however has been vacant for some time. The proposal provides an opportunity for additional residential units, as well as potential opportunities for commercial and office uses to serve the local population in the urban area, all of which support the overall goals and policies of the Official Plan's Strategic Directions and General Urban designation.

Urban Design and Compatibility

Section 2.5.1 of the Official Plan addresses the importance of urban design and compatibility when considering new development. The Official Plan in Section 2.5.1 also recognizes that in order for a development to be compatible, it does not necessarily have to be the same as, or similar to, the existing buildings in the vicinity. Rather, compatible development is to enhance an established community and is to coexist with existing development without causing undue adverse impact on surrounding properties.

Section 2.5.1 also addresses community design and acknowledges that good urban design and quality architecture can create lively places with distinctive character which provide tools to shape the environment. This Section provides a set of design objectives and principles to be considered in evaluating development proposals. The design objectives include:

- enhancing a sense of community by creating and maintaining places with their own distinct identity;
- defining quality public and private spaces through development;
- creating spaces that are safe and accessible;
- ensuring that new development respects the character of existing areas;

- considering adaptability and diversity when creating spaces; and
- understanding and respecting natural processes and promoting environmental sustainability in development.

The development to be permitted by the proposed zoning has been reviewed in the context of the design objectives and principles of the Official Plan set out in Section 2.5.1. The Department is satisfied that the proposed development will contribute positively to the image and identity of the city. In particular, the proposed development will contribute to establishing a new area within the city where opportunities for intensification exist and redevelopment of sites can occur in proximity to transit stations and transit corridors. The Department also considers the proposed development to exhibit a good quality architectural design. Providing for quality architectural design is encouraged through the polices of the Official Plan for creating an interesting and dynamic urban environment, particularly in areas where development is encouraged to meet the City's intensification objectives.

While Section 2.5.1 of the Official Plan sets out more objective principles and directions for achieving good urban design and good fit of new development within established areas, Section 4.11 of the Official Plan provides objective criteria to evaluate compatibility. The following is an analysis of key criteria applicable for assessing a rezoning application to allow a more intense development than currently permitted. These criteria deal with building height and massing, neighbourhood character, traffic, and adequately accommodating on-site needs such as parking. Other criteria such as those dealing with lighting, fencing and loading areas are addressed through the Site Plan Control process.

As discussed below, the Department is satisfied that the development to be allowed under the proposed zoning meets the applicable compatibility tests of the Official Plan set out in Section 4.11 in a manner that does not result in undue adverse impacts.

Building Heights and Massing

The Official Plan defines High-Rise as a building of 10-storeys or more and specifies that high-rise buildings will be considered in those areas that are: characterized by high-rise buildings having direct access to arterial roads; within 600 metres of a rapid transit station; within areas identified for high-rise buildings in the Zoning By-law; a contaminated site or within areas where a built form transition is appropriate.

The polices set out in Section 4.11 addressing building heights and massing provides for recognizing that new buildings need to have regard for the area context, which includes not only the massing and height of adjacent buildings but also the planned function of the area. The desire for a transition in building heights can be offset where natural buffers and setbacks exist or through the use of appropriate design measures to create a more pedestrian-friendly environment.

With respect to height, the current zoning sets a height limit of 19 metres, which is consistent with the height limitations as contained in the Secondary Plan even though the Secondary Plan does not include a large portion of the subject property in the Traditional Mainstreet designation. Under the proposed zoning, the maximum building height is increased to 73 metres (23-storeys) from the current height restriction for the portion of the site not included in the mainstreet designation as defined by the West Wellington Secondary Plan.

To the east, across Breezehill Avenue North is a one-storey building which is adjacent to the O-Train line. To the north of the site there are a number of two-storey buildings and a townhouse development further north. To the west is a public laneway and further to the west is a four-storey mixed-use building at the corner of Bayswater Avenue and Somerset Street West. At the southwest corner of Somerset Street West and Bayswater Avenue is an 18-storey mixed-use building. To the south of the site is a public school with the schoolyard abutting the site. Owing to the location of the school, there will be no shadowing impacts to the schoolyard by the proposed development.

Given the current and planned context of the site, the Department is satisfied that a 23-storey mixed-use building for the site fits within the fabric of the area and that the site can appropriately support the proposed development in a way that will be a positive contribution to the character of the area.

With respect to massing and transitioning of building heights, the tower portion of the building is designed with two 'steps.' The bulk of the tower is at a height of 73 metres (23 storeys) and after the 20th storey, the tower footprint is reduced for the remaining three storeys. The tower has a 6.2 metre setback from the public lane to the west. The setback to the east along Breezehill Avenue North is proposed at 4.7 metres. The rear yard setback of the tower is 10.7 metres. These proposed setbacks provide for adequate buffering of the tower from the uses which back onto the public lane, the schoolyard to the south and the mix of low-rise uses on the east side of Breezehill Avenue North. The Department is satisfied that the proposed setbacks to the tower portion of the building are appropriate given the site's context.

It is also noted, that the applicant is proposing (through the Site Plan Control process) design features that help to integrate the new development into the existing fabric of the area and provide for a more pedestrian-scale environment. The proposed vehicular entrance to the building is via a garage entrance from the public lane thereby creating a consistent, uninterrupted pedestrian frontage along Somerset Street West and Breezehill Avenue North. The two-storey live/work units along the rear of the building facing the schoolyard are accessed by direct ground-oriented access to a sidewalk that connects the public lane and Breezehill Avenue North. This sidewalk will also provide connectivity for existing residents and school children as it provides an inter-block connection between the public lane and Breezehill Avenue North. The two storey live/work units extend around the east corner of the building to face Breezehill Avenue North which provides ground-oriented direct access for residents. In addition, the main

entrance for the residential portion of the building is located along Breezehill Avenue North further enhancing the pedestrian connectivity of the development to the existing urban fabric. The proposed design will provide for appropriate integration of the development with the at-grade environment and enhance the residential character of the area.

The policies in Section 4.11 (introduced through OPA 76) further provide criteria relating to Building Profile and Compatibility as well as Building Transitions by:

- How the site, massing and height of the proposed development relates to adjoining buildings and the existing and planned context for the surrounding area;
- How the proposal enhances existing or creating new views and landmarks;
- The effect of the skyline of the design of the top of the building;
- The quality of architecture and urban design;
- How the proposal enhances the public realm (street level – landscaped area, amenity space, street trees, public art);
- Incremental changes in building height (e.g. angular planes or stepping building profile up or down);
- Massing (e.g. inserting ground-oriented housing adjacent to the street as part of a high-profile development or incorporating podiums along a Mainstreet);
- Character (e.g. scale and rhythm, exterior treatment, use of colour and complementary building finishes);
- Architectural design (e.g. the use of angular planes, cornice lines); and
- Building setbacks.

As previously mentioned, the applicant is proposing to design features such as ground-oriented live/work units fronting onto Breezehill Avenue North and to the rear of the site where an inter-block pedestrian connection is provided. The design features will provide opportunities for a direct relationship between the future residents and the public realm. The incremental changes of the building, both in terms of the varied setbacks and the varied massing of the podium feature and tower provide for incremental changes in building height. The proposed architecture of the building provides a certain character to the building in terms of exterior treatment, scale and rhythm which will be further refined in the Site Plan Control process. The Department is satisfied that the proposal meets the intent of the new policies established in Section 4.11 through OPA 76.

Integration with Pattern of Surroundings

Section 4.11 includes a policy that requires new development to recognize the pattern of the surrounding community and acknowledges that for development that proposes a different height, building mass, proportion, street setback or distance between buildings from the pattern of the area that the design of the proposed building may compensate for this variation. It is the opinion of the Department that the surrounding area contains a

variety of building heights, massing, proportions and setbacks. There are a variety of uses in the immediate area ranging from low-rise residential buildings; low-rise office buildings a high-rise mixed use building. It is noted that the area in the immediate vicinity, on the east side of Breezehill Avenue and on the east of the O-Train line are part of the ongoing Carling-Bayview CDP and as such are planned for future intensification and redevelopment. The Somerset Street Bridge provides a natural divide between the communities of Little Italy and Hintonburg. The O-Train line is the planned future corridor for the North South LRT. Along with the O-Train line, the existing features of the immediate area provide for a situation where a concentrated cluster of intensification can occur. While the proposed building is higher than the existing buildings in the immediate area, the design features will contribute to improving the urban fabric and character of the area as a node for further intensification and redevelopment. Overall, the Department finds that the proposal integrates well with the pattern existing in the area and in fact, will contribute to improving the urban fabric and character of this area of Hintonburg as a node for the residential community and gateway into Ottawa's Downtown Area. Increasing the residential density in the area provides for supporting neighbourhood services, which is a further consideration set out in Section 4.11.

Traffic Considerations

Policies in Section 4.11 require that roads should be adequate to serve the development with sufficient capacity to accommodate the anticipated traffic generated by the development. Access to the proposed building will be from the public lane on the west side of the property that runs south down to Laurel Street. Owing to the previous use of the site as a commercial grocery store and the difference between the previous use and the proposed use, a Traffic Study was not required for the application. However, the applicant has agreed to provide a Transportation Brief for the Site Plan Control process and any specific recommendations from that brief will be implemented through the Site Plan agreement. There are site specific design considerations regarding the use of the public lane for the primary access to the site which will also be addressed at the Site Plan Control stage. It is further noted that the site is located in proximity to two transit stations, one of which is a rapid transit station providing opportunities for residents to utilize alternative travel modes.

Parking Considerations

Policies in Section 4.11 provides that development provide adequate on-site parking to support the use proposed to minimize the potential for spill-over on adjacent areas. Direction is also provided to consider opportunities to reduce parking requirements and promote increased usage of walking, cycling and transit, particularly in the vicinity of transit stations or major transit stations in accordance with Section 4.3. The proposed rezoning includes parking provisions that satisfy the minimum and maximum requirements of the Zoning By-law as well as bicycle parking requirements that also satisfy the requirements of the Zoning By-law. Given the proximity of the site to a rapid

transit station and to the future LRT stations, the site is accessible by a variety of modes of transportation. The amount of parking proposed reflects the lower car ownership patterns observed in the inner city. Also, sufficient visitor parking will be provided to avoid overburdening surrounding streets with on-street parking demands.

Wellington Street West Community Design Plan and Secondary Plan

The West Wellington Community Design Plan and Secondary Plan with associated Zoning By-law amendment were approved by Council on May 25, 2011. The Secondary Plan and Zoning was subsequently appealed to the Ontario Municipal Board and therefore is not in full force and effect; however it is approved by City Council and as such is the City direction.

The Secondary Plan is a guide to the long-term design and development of both the Wellington mainstreet corridor in general as well as four specific areas. It addresses land use, built form, sidewalks, plazas and open spaces, and heritage. With respect to built form, the maximum building height for all new buildings within the Traditional Mainstreet along Wellington Street will be six-storeys or 20 metres. In addition, in order to ensure the comfort and safety of pedestrians throughout the length of the mainstreet, additional sidewalk or plaza space for people will be considered in the development application process.

As previously mentioned, the Traditional Mainstreet designation in the Secondary Plan applies to the front portion of the property where the six storey podium feature is proposed. The proposal includes a varying front yard setback along Somerset Street ranging from 4.0 metres to 6.0 metres with a setback to the street edge of 7.4 metres. The proposed rezoning is in keeping with the policies of the Secondary Plan. It will allow for the redevelopment of an underutilized site with a mix of uses that will enliven the Traditional Mainstreet with a large front yard setback providing for opportunities for plaza space along Somerset Street West to define a node at the eastern entry to the west Wellington Street corridor.

Urban Design Review Panel

The subject property is within a Design Priority Area and is subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP for a confidential pre-consultation. The applicant is required to return to the UDRP for a formal review of the Site Plan Control application, which is open to the public.

Design Guidelines

In 2009, City Council approved Urban Design Guidelines for High-Rise Housing. As well the Transit-Oriented Guidelines which were approved in 2007. These guidelines were developed and approved to assist in implementing the urban design policy objectives of the Official Plan. The proposed development with the attention given to the architecture

and the various techniques to provide for good integration of the development with the fabric and character of the area meets the guidelines for high profile and transit oriented development.

Holding Provision and Community Benefits

With respect to Section 36 (holding provision), the Department is recommending the holding provision as the applicant has been in discussions with the Ward Councillor and staff with respect to off-site community benefits. The purpose of the holding provision is to ensure that a Site Plan Control application is approved which reflects this proposed development and that the community benefits are secured prior to the lifting of the holding provision. The Department acknowledges that City Council recently has adopted Section 37 Guidelines however this Zoning By-law Amendment application was submitted in November 2011, prior to the development of the Guidelines and adoption by City Council. The use of the holding provision has been used in three other applications in the Inner Urban Area for similar circumstances and is recommended to also be used for this project.

Heritage Considerations

There are no heritage concerns with this application. The adjacent school site is designated under Part IV of the *Ontario Heritage Act* however Heritage Staff have no concerns with the proposal.

Traffic Issues

A Traffic Study was not required as part of this proposal and details regarding the use of the public lane for vehicular access will be further defined through the Site Plan Control process.

Noise Issues

The property is between two arterial streets and as a result a Noise Study is required to address any noise mitigation for the future residents of the proposed development. This will be addressed through the Site Plan process.

Servicing Issues

A servicing study was provided in conjunction with the development applications and demonstrated that the existing services are adequate to support the proposed development. The Department has reviewed the study and have no issues with the findings with respect to capacity.

Concurrent Application

A Site Plan Control application has been submitted which reflects the building elevations and site plan submitted with the Zoning By-law amendment application. If approved, the Site Plan Control application would implement the development.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. Details of the consultation can be seen in Document 5.

COMMENTS BY THE WARD COUNCILLOR

Councillor Hobbs is aware of the application.

LEGAL IMPLICATIONS

A two week hearing has been set down commencing 15 October 2012 for the lands affected by the West Wellington Community Design Plan. This hearing date was arranged some time ago in part to permit the present development application to be brought forward and considered by Planning Committee and City Council. The applicant has indicated that it may seek a separate hearing for this rezoning. If this rezoning is approved and appealed then, whether as part of the 15 October hearing, or another hearing, it is expected that this matter would be handled by staff witnesses. If the rezoning is refused, reasons must be provided and an outside planner would need to be retained at an estimated cost of \$30,000 to \$50,000. This cost is higher than usual as there would be extensive background for the outside planner to familiarize his/herself with and the external planner may need to be present for all of a two week hearing.

RISK MANAGEMENT IMPLICATIONS

There are no direct risk management implications associated with this report.

FINANCIAL IMPLICATIONS

If this rezoning is approved and appealed, staff resources will be utilized to defend Council's position. If the rezoning is refused and appealed, an external planner would need to be retained at an estimated cost of \$30,000 to \$50,000. Funds are not available

within existing resources and the expense would impact Planning and Growth Management's 2012 operating status.

The value and type of the community benefit to be provided by the applicant is unknown at this time; the finalized amount and benefit will be included in the Site Plan Agreement, once confirmed. Any funds would be held in specific a community-benefit reserve until required to deliver the benefit.

ACCESSIBILITY IMPACTS

There are no direct accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

A Phase I and II Environmental Site Assessment was submitted as part of the Zoning By-law Amendment application. Contamination was identified on the site and a Record of Site Condition from the Ministry of the Environment will be required as well as additional remediation requirements that will be implemented through the Site Plan Control process.

TECHNOLOGY IMPLICATIONS

There are no technology implications of this report.

TERM OF COUNCIL PRIORITIES

This report impacts the following priorities within the City's Strategic Plan:

- Long-Term Sustainability Goals: Housing
- GP3 Make sustainable choices

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 issues identified during the circulation period.

SUPPORTING DOCUMENTATION

- Document 1 Location Map
- Document 2 Zoning Schedule
- Document 3 Details of Recommended Zoning
- Document 4 Elevations

Document 5 Consultation Details

DISPOSITION

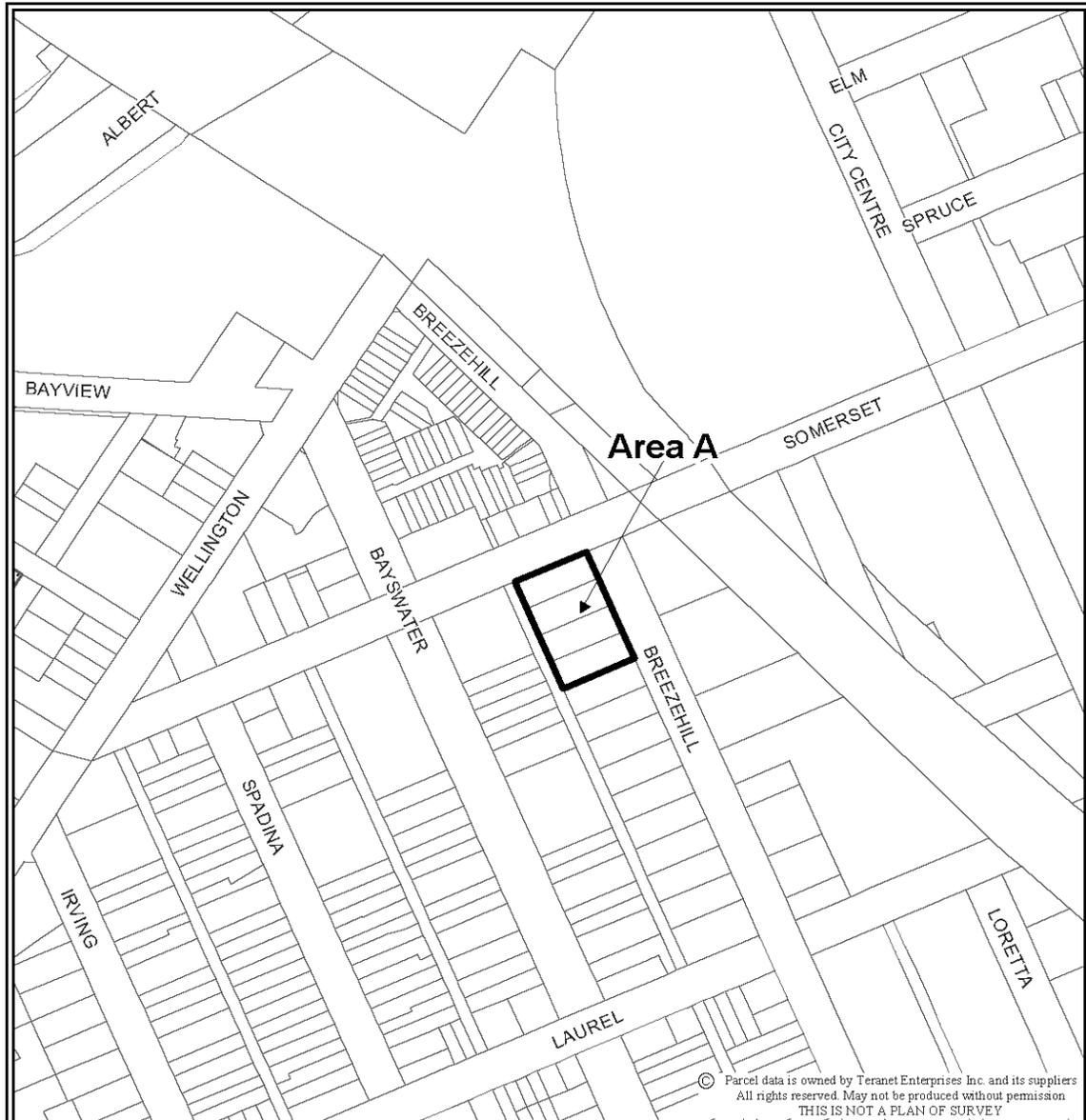
City Clerk and Solicitor Department, Legislative Services to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.

Planning and Growth Management to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.

Legal Services to forward the implementing by-law to City Council.

LOCATION MAP

DOCUMENT 1



Ottawa
 Produced by Infrastructure Services
 and Community Sustainability
 Produit par Services d'infrastructure
 et Viabilité des collectivités

D02-02-12-0012	12-0885-X
I:\CO\2012\ZONING\SOMERSET_1050	
2012 / 06 / 19	
REVISION DATE	DE RÉVISION

 **Location Map / Plan de révision
 Zoning Key Plan / Schéma de zonage
 1050 rue Somerset Street**

Area A - rezone the lands to TM[xxxx] Syyy-h

040990347 Denotes Teranet-Polaris Parcel Identification Number

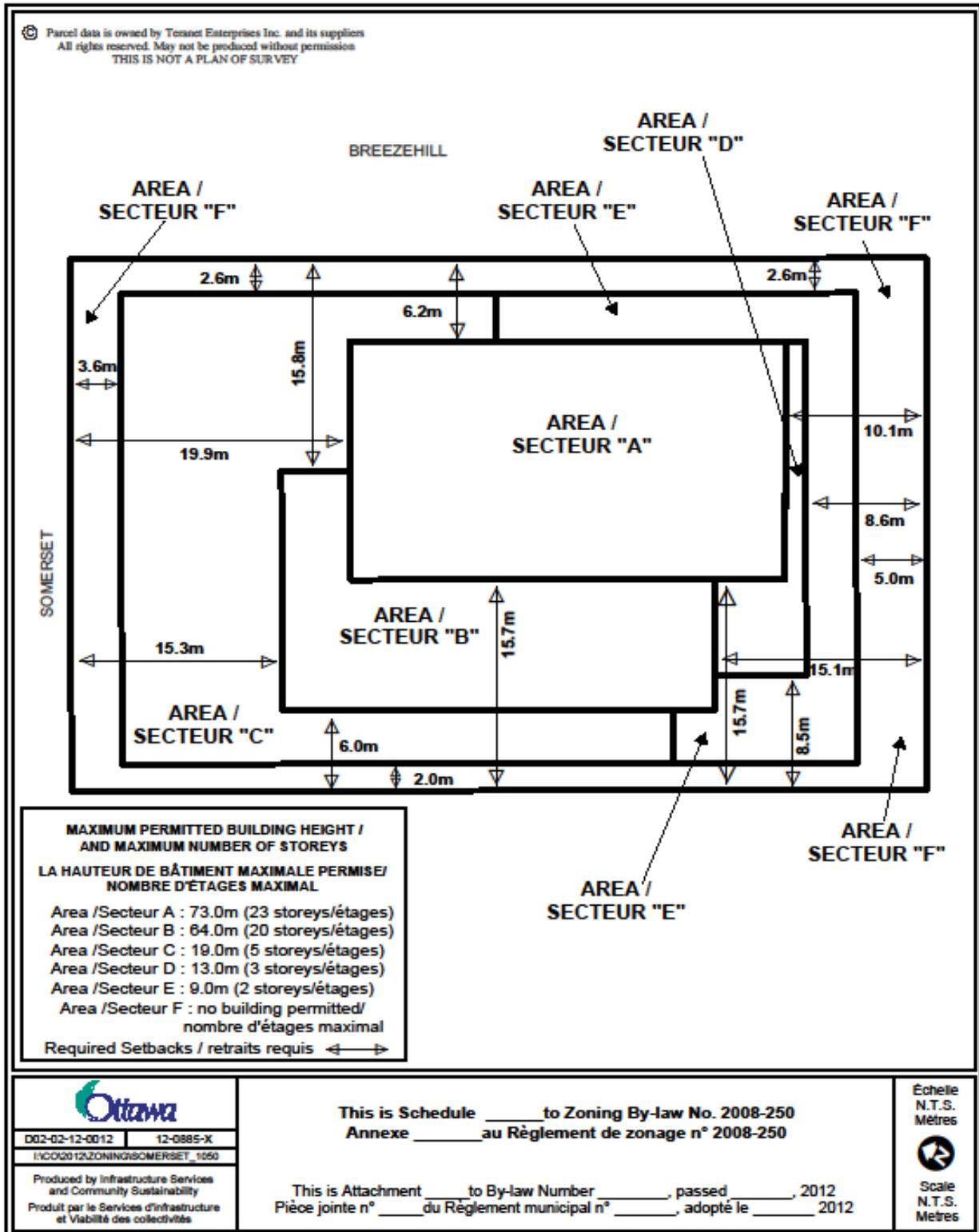
Échelle
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Scale
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 Metres

ZONING SCHEDULE

REVISED DOCUMENT 2



DETAILS OF RECOMMENDED ZONING

REVISED DOCUMENT 3

Proposed Changes to the Comprehensive Zoning By-law

1. The Zoning Map of City of Ottawa Zoning By-law 2008-250 is amended by changing the zoning of the lands known municipally as 1050 Somerset Street West from Traditional Mainstreet Zone, Exception 126, Height 15 metres (TM [126] H(15)) to Traditional Mainstreet Zone, Exception [xxxx], Schedule yyy, and a holding provision (TM[xxxx] H(xx) Syyy -h);
2. Add a new exception, TM[xxxx] H(xx) Syyy-h, to Section 239 with provisions similar in effect to the following:

Add to Column II – Applicable Zone
TM[xxxx] Syyy-h

Add to Column IV – Prohibited Uses
All uses except those existing on the day of passing of this by-law until such time as the holding symbol is removed

Add to Column V - Provisions:

Pursuant to Section 36 of the *Planning Act*, the holding symbol “h” on lands zoned TM[xxxx] H(xx) S(yyy)-h may only be lifted when the following conditions have been fulfilled to the satisfaction of the General Manager, Planning and Growth Management Department:

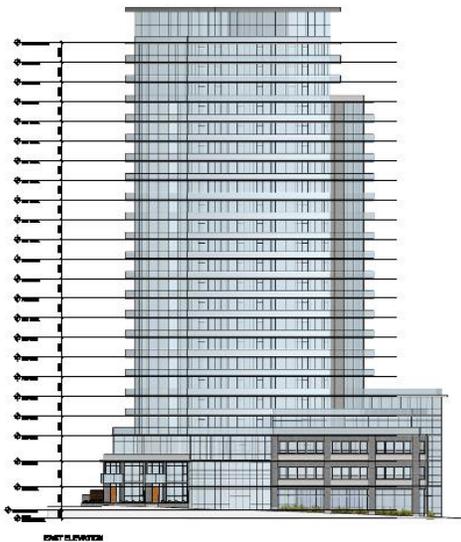
- (a) The execution of a site plan agreement for the proposed development (file D07-12-11-0017);
 - (b) The conveyance of monies to be directed to a reserve account for off-site community benefits; and
3. Add to Part 17 – Schedules Document 2 as Schedule yyy

4. Add to existing Column V changes:

Residential visitor parking shall be provided at a rate of 0.83 per dwelling unit after the first 12 units.

PROPOSED ELEVATIONS

DOCUMENT 4



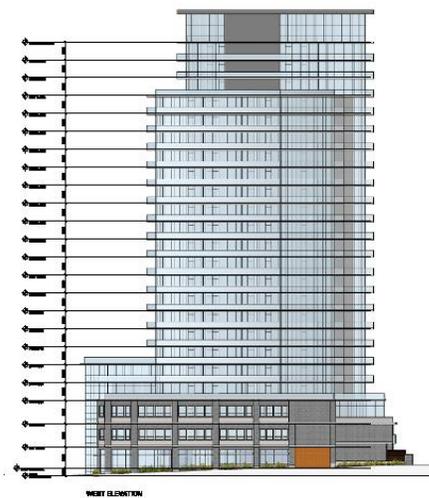
RODERICK LAHEY
ARCHITECT INC

ELEVATIONS
PL/CF 04067, Toronto, June 16, 2011



SOMERSET & BREEZEHILL
OTTAWA ONTARIO

CLARIDGE
HOMES



RODERICK LAHEY
ARCHITECT INC

ELEVATIONS
PL/CF 04067, Toronto, June 16, 2011



SOMERSET & BREEZEHILL
OTTAWA ONTARIO

CLARIDGE
HOMES

CONSULTATION DETAILS

DOCUMENT 5

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.

SUMMARY OF PUBLIC INPUT

There were many members of the public who provided comments on this application. Owing to the large amount of public input, the comments have been categorized to avoid repetition in the comments and the staff response. A summary of the public comments and staff response are provided below.

Comment

Height, Mass, Scale

- Anything over 6 storeys (the current zoning) would negatively alter the character and skyline of the community
- The proposed development significantly exceeds the 15 metre height allowed by current zoning
- The proposed 28-storey building is out of scale and out of character for the community
- The high-rise proposal would not create a balance of housing densities in the neighbourhood
- The proposed building would dwarf nearby single-family homes and existing apartment buildings
- A stepped design would be more compatible with the neighbourhood
- The building should be stepped, with a 3-4 storey portion abutting the neighbouring residential neighbourhood
- The building is not designed to human scale, despite the inclusion of a podium
- The combination of the height and floor plate size is not compatible with the neighbourhood
- The highest portion of the building is set too far back from Somerset Avenue; it should step downward away from the mainstreet
- The proposed building does not transition into the surrounding communities

Staff Response:

The Department's analysis on the building height, massing and transitioning is contained in the body of this report.

Comment

Traffic

- The new development will significantly increase traffic on nearby streets

- The development could include at-grade indoor bicycle parking to encourage bicycle use
- 244 parking spaces for 271 units are not required near a rapid transit route
- Parking garage access onto a laneway could increase traffic driving by the Devonshire Community School
- The building will increase demand for on-street parking, due to lack of visitor parking
- Cars using the laneway will endanger children who use it to get to and from school
- Nearby intersections were identified in the Neighbourhood Plan as “already being problematic for speeding traffic and little kids.”
- Parking access to the laneway will disrupt people who use it to access their existing parking spaces or who walk their dogs there
- It would be difficult for drivers to exit onto Somerset Street from the laneway, so they should be directed to Laurel Avenue instead
- The increase in traffic will cause congestion on the nearby bridge
- The submitted traffic study over-estimates the number of cars that visited the grocery store on the site
- Diverting traffic northward onto Somerset lanes will only move the inevitable congestion
- There is poor visibility at the laneway’s exit onto Somerset Street
- The neighbourhood would be less safe for cyclists
- Increased vehicle traffic will generate noise
- Multiple parking entrances should be included to disperse traffic
- Will there be funds available for traffic calming measures?

Staff Response:

The proposed development is not requesting any changes to the required parking rates from the standards contained within the Zoning By-law. Design features of the development including the use of the lane with respect to ingress and egress, proximity of the school and the pedestrian movements of school children will be addressed through the Site Plan Control process.

Comment

Geotechnical:

- Excavation could damage the foundations of nearby homes
- Blasting will liquefy the clay subsoil in the area
- Excavation may damage the rubble stone foundations of nearby homes
- Blasting to excavate the parking levels could damage the foundations of older buildings.

Staff Response:

A Geotechnical Report was submitted with the Zoning By-law amendment and Site Plan Control applications for this site. No issues were raised with the review of this report and

the construction and excavation requirements as required by the Geotechnical Report will be implemented through the Site Plan agreement.

Comment

Precedent:

- Design precedents used by the developer (Bayswater towers) are not examples of good planning and design
- The development would set a high density precedent for sites surrounding a Mixed Use Centre
- The proposed building will be used as a precedent for future applications for development of equal or greater height
- An approval would trivialise the zoning by-law
- This extreme proposal will make less excessive subsequent proposals seem like an acceptable compromise
- The proposal raises questions about the City's ability to allow development that is consistent with its plans and policies
- The development would invalidate the CDP and alienate residents who contributed to it
- The neighbourhood context will be changed, which will influence future OMB decisions

Staff Response:

Each planning application is reviewed by the Department on its own merits. The Department uses the applicable policies of the Official Plan, Secondary Plans as well as Council-approved design guidelines to evaluate each proposal.

Comment

Heritage:

- The development would dwarf the heritage school and ruin the heritage character of the area

Staff Response:

Heritage Staff have reviewed the application and have no concerns with the impact of the proposal to the adjacent school which is a designated property under Part IV of the *Ontario Heritage Act*.

Comment

Sun Shadow Study:

- Development would reduce nearby homes' exposure to sunlight
- The city should develop guidelines related to the sun and shadow effects of large buildings
- The proposed development will increase the cost of living for nearby residents by casting a shadow which will make it difficult for them to grow vegetables and flowers on their properties

- Neighbouring buildings will not be able to use rooftop solar panels

Staff Response:

Based on the sun shadow study submitted with the application, the effects of shadowing will occur primarily on the properties to the north of the subject property. During the summer months (growing season), the shadows do not impact the properties to the north.

Comment

Site Design/Site Functioning Issues:

- A 28-storey building will eliminate the privacy of neighbouring residents
- Windows will look into backyards that currently face a windowless wall
- The neighbourhood lacks sufficient services for new residents, such as a grocery store
- The development will put significant stress on city facilities, such as schools, pools, recreation centres, and rinks
- The proposed building is architecturally bland and does not take advantage of the prominent site
- The building does not present a street-friendly facade
- The developer should not allow drivers to go south along the laneway, past the school
- There needs to be a convenient delivery area to serve the proposed building
- The plan does not provide sufficient visitor parking
- The laneway is not wide enough to accommodate snow, cars, and pedestrians
- The laneway cannot withstand the additional wear, which is why it is not used for garbage pick-up
- The laneway will no longer be available for recreation uses, such as street games or community barbecues
- The building will separate The Hintonburg and Dalhousie communities
- Fire trucks regularly cross the nearby bridge and turn the corner by the site

Staff Response:

The Department's analysis of the design of the building is contained in the body of the report. The applicant will have to return to the Urban Design Review Panel during the Site Plan Control process to further refine the design of the building and the site. Issues such as snow removal, fire truck access and garbage pickup are addressed at the Site Plan Control stage.

Comment

Environmental Design:

- Car-share programs and bike lanes should be applied to reduce car use
- New buildings should attempt net-zero energy consumption through the use of green roofs, solar panels, geothermal heating, efficient lighting, and efficient water use.

- The design should consider the impact of climate change
- There is insufficient parkland in the community, and the development does not propose any new green space
- Wind changes may throw dust and debris into nearby yards
- Along with other tall buildings in the area, the proposed development will form a wind tunnel funnel which would make the area windy and cold (like downtown)
- A wind study should be undertaken
- The building will cause a heat island effect

Staff Response:

The potential for a car-sharing program can be discussed with the applicant at the Site Plan Control stage. With respect to the amount of parkland, the applicant will be required to pay cash-in-lieu of parkland as part of the Site Plan Control process, the funds which will go towards furthering the parkland area and facilities in the Ward as well as city-wide. Design issues such as green energy and wind affects are addressed at the Site Plan Control stage.

Comment

Housing:

- The development does not provide any affordable housing and will detract from the housing variety in the area
- The building could include three-bedroom units to accommodate families
- Ottawa's population may not be increasing rapidly enough to occupy this and other proposed developments
- Small apartments only appeal to young transient people, who do not contribute to the community, rather than families or seniors
- Increased density will put upward pressure on housing costs in the community
- Development will increase neighbouring land values
- Neighbourhood housing values may decline

Staff Response:

There is no specific requirement for developments to propose a certain number and type of units or provide affordable housing however the Department encourages all developments to provide a mix of units and the possibility of exploring affordable housing initiatives. As previously mentioned, while the use of Section 37 is not proposed, the use of Section 36 (Holding Provision) and Section 41 (Site Plan Control) is recommended to be used to secure community benefits which may include funds for affordable housing. In addition, future projects in the area that are subject to Section 37 may be able to contribute funds for affordable housing initiatives.

Comment:

Intensification/Compatibility:

- Building a tower directly outside the boundaries West Wellington CDP is not compatible with the spirit of the CDP

- Proposed commercial use is incompatible with the City's plans for the community
- The proposed density is significantly greater than that of surrounding properties, and what the Community Design Plan recommends.
- The site is not identified as a gateway site in the CDP
- The site will be rezoned before the Bayview-Carling CDP determines the appropriate zoning and height for the area
- The building will be an eyesore
- The proposed building will ruin the unique neighbourhood character
- The proposed building is not in harmony with existing architecture
- The proposed materials do not match the rich textures of existing buildings
- A large building will not contribute to making the community more attractive
- Intensification should take place closer to the LRT station
- Intensification will significantly degrade the neighbourhood's ambience
- Townhouses would create a better transition next to the school
- The proposed building would be more appropriate in City Centre, where it could co-exist with existing residential uses

Staff Response:

The Department's analysis of the design of the building and the proposed development as it relates to the CDP, future LRT stations and compatibility with the surrounding community is contained in the body of the report. As previously mentioned, the Site Plan Control application will return to the Urban Design Review Panel for formal review of the design of the building and the site.

Comment

Noise:

- Construction noise will lower the quality of life of neighbouring residents
- Construction noise will interfere with the regular operation of Devonshire school
- The completed development will generate noise near a school
- The noise study demonstrates that the noise generated will be well above municipally and provincially accepted levels
- Construction debris may fall on children in the adjacent schoolyard, and the completed building will cause wind to blow dust onto the schoolyard

Staff Response

Construction methods are not considered through the Zoning By-law amendment process; however the site is already zoned to permit development. The City's Noise Control Study guidelines establish when such a study is required, and this will be addressed through the future Site Plan Control process. Local roads and high-rise housing do not generate a noise level that would necessitate a Noise Control Study; however, any noise-sensitive development adjacent to an arterial road would require a Noise Control Study to investigate the impacts of the arterial road on the use. The Department will consult with the School Board through the Site Plan Control process to

ensure that any measures that can be taken to mitigate construction noise during the school year.

Comment

Section 37:

- The city should use Section 37 of the *Planning Act* to encourage the developer to excavate and build the development underground rather than building upward
- The developer should contribute to the community by providing childcare space
- The increased density does not offer any benefits to the community

Staff Response:

As previously mentioned, while the use of Section 37 is not proposed, the use of Section 36 (Holding Provision) and Section 41 (Site Plan Control) is recommended to be used to secure community benefits which may include funds for affordable housing. In addition, future projects in the area that are subject to Section 37 may be able to contribute funds for affordable housing initiatives.

Comment:

Other Issues

- Increased residential density will not help local restaurants because they are usually full and cannot accommodate more business at peak times;
- Empty units will be purchased as investments and will not make the community a better place;
- Large new buildings attract multi-national chain stores which may displace local businesses;
- The Devonshire school does not have a designated drop-off area, so the neighbourhood is already unsafe for students;
- The City will need to increase bus frequency on routes 2 and 14 or create a new bus route;
- Community centres, sidewalks, and playgrounds are already operating at maximum capacity;
- The large building next to a playground will have a psychologically detrimental impact on students due to overshadowing and limiting their sightlines;
- There has been insufficient public consultation from the developer;
- If this development is undertaken at such a large scale without considering the Bayview Yards development, the City will not maximise its revenues for the density allowed;
- The building will hugely impact nearby businesses and residents;
- The [plans for] new streets and underground infrastructure, plants and walkways, bus management, etc. did not include a building of this size.

Staff Response:

As previously mentioned, the Department will consult with the School Board during the Site Plan Control process to ensure that the design of the development can address any issues that the School Board may have with respect to the design of the site.

COMMUNITY ORGANIZATION COMMENTS

Hintonburg Community Association

Official Plan Policy

We seriously question how the proposed height can be consistent with the provisions in the OP that require that the transition from greater height and density in a Mixed Use Centre to the surrounding General Urban area take place entirely within the MUC. The portion of the site proposed for greatest height is outside the Traditional Main Street zone but in a General Urban designation composed of a predominantly low rise, medium density established neighbourhood, and is adjacent to the Bayview-Carling MUC. How would this proposal allow implementation of the OP policy requiring that transition take place completely within the MUC?

Although the Carling/Bayview CDP is not complete, discussion to date indicates that the intent of the plan is to provide for the greatest heights at the transit stations with appropriate height transition down to the existing low-rise neighbourhoods in accordance with the OP policy cited above. How can this transition be provided when the greatest heights at the transit stations are likely to be similar to the 28 storeys proposed here?

Community Design Plan

We question whether this proposal meets the intent of the West Wellington Community Design Plan approved by Council, and whether similar proposals could meet the intent throughout the CDP. Is it the intent that much larger buildings will be allowed within the transition zone between the CDP boundaries and the abutting low rise residential areas along Somerset and Wellington, as in this proposal? Is this lot somehow unique, or would similar reasoning apply to the land just behind the 6 storey zone all along the main street? This way of circumventing the limit on height on the main street was certainly never raised even as a remote possibility during the CDP process. Indeed, the policies and zoning provisions of the CDP in general are aimed at providing a transition down to the adjacent residential areas.

Although we recognize that precedent in the legal sense does not apply to rezoning decisions, the proposed development, if approved, would form part of the "context" for future proposals. Context is certainly referenced by planners and the OMB and weighs significantly in zoning and planning decisions. The proposed building, if allowed, would also certainly serve as an example of how a much larger building can be built essentially on the main street while only technically respecting the 6 storey limit,

pushing the highest portion of new developments back into the community. We strongly oppose the possible proliferation of towers attached to 6 storey podiums along Somerset and Wellington West through a loophole that allows applicants and the city to claim that the CDP is being respected, through a technicality only, while clearly resulting in developments of a scale that was not discussed nor envisioned. We question how this one could be allowed but other, future ones, not permitted. If this is to be approved, what makes this site uniquely suited?

The West Wellington CDP designated several sites as “gateways.” As the result of considerable community consultation, these gateways were identified and the height limit permitted to increase to 9 storeys to encourage unique, high-quality architecture. This site is not one of the identified gateways and the height proposed would dwarf the nearby gateway proposed at Bayswater/Somerset/Wellington. How can the prominence of the Bayswater/Somerset/Wellington gateway be preserved if this site is developed to 28 storeys?

Parking

We question whether the amount of parking being provided meets the intent of Official Plan policies that seek to promote transit oriented uses within 600m of transit stations. What measures would be required that would encourage transit use and minimize the use of cars, if the proposed number of parking spaces are to be provided for this development?

Access and egress from the public lane

We strongly disagree with the proposal to direct all traffic onto the narrow public lane to the west of the lot. If the main entrance and exit for parking is to be in the lane, then traffic flow must be directed to and from Somerset, and not south into the existing community and past the schoolyard. We point out that the “Suites of Somerset” at the corner of Bayswater and Somerset, which has approximately one-half of the number of units proposed here, has parking entrances/exits both on the lane and Bayswater, to split the flow into different directions. In any event, we oppose directing traffic solely onto the lane and permitting it to travel to and from the south.

Traffic Impact Study

We disagree with the conclusion by the applicant’s consultant that a traffic impact study is not needed. The previous traffic flows seem to have been calculated by assuming the former use was a supermarket, when instead it was a specialized Asian grocery with small traffic flows during rush hours and peak traffic demand on Saturday mornings. The traffic study should consider the number of available parking spaces on site and on-street rather than theoretical trip generation for the previous land use.

The traffic, both vehicular and pedestrian, generated by Devonshire school does not fit into the traditional ‘peak periods’ studied by the traffic consultant. Further study is required.

In addition, a study is needed to ensure that access from the lane can be restricted to prevent vehicular traffic from proceeding south of the development and to establish that such a restriction is workable for the volume of retail, office, residential and visitor parking required by the proposed development.

Finally, the traffic study must determine the best configuration for parking entrances and exits.

Positive features

Positive design features of the proposal include the step-down on the south side abutting the Devonshire schoolyard, and the proposed east-west landscaped pathway separating the schoolyard from the ground floor unit amenity spaces. A more nuanced transition between the townhouses and the tower is recommended, either by lowering the tower, or by establishing an intermediate level similar to that on the front façade.

Another positive feature of the proposal is the planned provision of office space above the retail at grade. Such a mixture of uses is desirable. Shared parking between uses should allow for a reduction in required parking spaces.

While we recognize that architectural design, per se, is not controlled through zoning, we nonetheless strongly urge that excellence in architectural design be a feature of any development on this site. The importance and visibility of this site should be emphasized with the City's design review panel. For the zoning, any approved building envelope should include protection for any features that are part of excellent design, such as setbacks for any higher tower portion and an envelope that conforms to proposed curvature, so these features cannot be abandoned later. Further, we urge that the city not take a rigid position, for example, on a linear façade along Somerset, if better design would result from a curved façade.

Response:

The Department's analysis and recommendation of this Zoning By-law amendment in relation to the recently approved Wellington West CDP and Secondary Plan is contained in the body of the report. As previously mentioned, the applicant has agreed to prepare a Transportation Brief which will be reviewed during the Site Plan Control process and any recommendations of the brief will be implemented through the Site Plan agreement. With respect to parking, the parking rate is in compliance of the Zoning By-law and further discussions with the applicant can be undertaken regarding the promotion of any alternate modes of transportation for future residents of the building. With respect to the use of the public lane, design considerations can be examined through the Site Plan Control process for ingress and egress of the building by vehicular traffic and the design of the lane access so as to not cause undue adverse impacts to neighbouring properties. With respect to the design, the Zoning Schedule contained in this report reflects the building envelope of the proposed building and as previously mentioned, the applicant will have to return to the Urban Design Review Panel for a formal review through the Site Plan Control process.

ZONING - 1050 SOMERSET STREET WEST
ZONAGE - 1050, RUE SOMERSET OUEST
ACS2012-PAI-PGM-0177

KITCHISSIPPI (15)

REPORT RECOMMENDATION:

That the Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 1050 Somerset Street from Traditional Mainstreet Zone, Exception 126, Height 15 metres (TM [126] H(15)) to Traditional Mainstreet Zone, Exception [xxxx], Schedule yyy, Maximum Height 73.0 metres and a holding provision (TM-h[xxxx] Syyy-h) as shown on Document 1 and detailed in Documents 2 and 3.

The Committee received a brief PowerPoint slide presentation (held on file with the City Clerk) from Mr. Alain Miguez, Program Manager, Development Review, and Ms. Melanie Knight, Planner, Inner Core Unit, Development Review, both with the Urban Services Branch, PGM, which served to provide an overview of the report. Mr. John Smit, Manager, Development Review, Urban Services Branch, PGM, was also present to respond to questions.

The following delegations spoke in opposition to the report recommendations:

- Mr. Ovidio Sbrissa, Ovidio Sbrissa & the Architect's Workshop Inc.;
- Ms. Cathy Kim;
- Ms. Linda Hoad, Hintonburg Community Association*, and;
- Mr. Kevin Skerrett.

The following delegation spoke in support of the report recommendations:

- Ms. Janet Bradley, Borden Ladner Gervais, on behalf of Claridge Homes.

Ms. Bradley also noted that the following experts were present to answer questions on behalf of the applicant, as necessary:

- Mr. Rod Lahey, Rod Lahey Architect and Associates;
- Ms. Katherine Grechuta, FoTenn Planning Consultants, and;
- Ms. Jennifer Luang, a Traffic Engineer with Novatech Consulting Engineers.

Written correspondence was also received from the following, in opposition to the report recommendations:

- Mr. James and Ms. Ellen Bruce* (letter dated 6 July 2012);
- Ms. Karla Hilton* (via email, 6 July 2012);
- Ms. Viki Holan* (letter sent via email, 6 July 2012);
- Mr. Richard Janecky* (via email, 6 July 2012);
- Ms. Jody Lobb* (via email, 6 July 2012);
- Mr. Chris Styvers* (via email, 6 July 2012);
- Ms. Catherine Henry* (via emails, 8 and 9 July 2012);
- Mr. Chad and Ms. Kandis Delorey* (via email, 8 July 2012);
- Ms. Rachel Eugster* (via email, 8 July 2012), and;
- Ms. Cheryl Parrott* (via email, 9 July 2012).

[* All individuals marked with an asterisk either provided their comments in writing or by email; all such comments are held on file with the City Clerk.]

Committee discussions included the planning rationale for the zoning and its fit within the existing context of adjacent commercial and residential mixed use of the subject area; the height of the built form in contrast to the surrounding neighbourhood; traffic and safety concerns, given the proposed location of the building's entryway access along an existing laneway, and; compliance with the Wellington West Community Design Plan (CDP) and Secondary Plans.

Planning and Growth Management staff also requested that Committee approve amendments as noted below:

MOTION NO 38/3

Moved by Councillor J. Harder:

WHEREAS Report ACS2011-PAI-PGM-0177 recommends zoning changes to the lands known municipally as 1050 Somerset Street West;

BE IT RESOLVED that the following changes be made to the Zoning Schedule contained in Document 2 of the staff report:

Amend the Zoning Schedule as follows:

Replace the 15.0 metre setback from Somerset Street West to Area "B" with 15.3 metres

That there be no further notice pursuant to Section 34 (17) of the Planning Act.

CARRIED

MOTION NO 38/4

Moved by Councillor S. Blais:

WHEREAS Report ACS2012-PAI-PGM-0177 recommends zoning changes to the lands known municipally as 1050 Somerset Street;

BE IT RESOLVED that the following changes be made to the details of the recommended zoning contained in Document 3 of the staff report:

Add the following to the existing column V changes:

Residential visitor parking shall be provided at a rate of 0.83 per dwelling unit after the first 12 units.

That there be no further notice pursuant to Section 34 (17) of the *Planning Act*.

CARRIED

There being no further discussion, the report recommendations, as amended by Motions 38/3 and 38/4 were then put to Committee and were CARRIED.

That the Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 1050 Somerset Street from Traditional Mainstreet Zone, Exception 126, Height 15 metres (TM [126] H(15)) to Traditional Mainstreet Zone, Exception [xxxx], Schedule yyy, Maximum Height 73.0 metres and a holding provision (TM-h[xxxx] Syyy-h) as shown on Document 1 and detailed in Documents 2 and 3, as amended by the following:

- 1. That the Zoning Schedule contained in Document 2 be amended by replacing the 15.0 metre setback from Somerset Street West to Area "B" with 15.3 metres;**
- 2. That there be no further notice pursuant to Section 34(17) of the *Planning Act*, and;**
- 3. That the Recommended Zoning contained in Document 3 be amended by adding the following to the existing Column V changes: "Residential visitor parking shall be provided at a rate of 0.83 per dwelling unit after the first 12 units."**

CARRIED as amended