

4. ZONING - 801 ALBERT STREET
ZONAGE – 801, RUE ALBERT

COMMITTEE RECOMMENDATIONS

That Council:

1. Approve an amendment to the Zoning By-law 2008-250 to change the zoning of 801 Albert Street from MC[1351] F(1.5) - h “Mixed-Use Centre, Exception 1351, holding zone”, to MC[****], Schedule **** - h, “Mixed Use Centre, Exception [****], Schedule [****], Schedule [****], holding zone as detailed in Documents 2, 3 and 4; and
2. Approve an amendment to the Zoning By-law, 2008-250 to add a new Part to the by-law to include Zoning By-law provisions passed pursuant to Section 37 of the *Planning Act*.

RECOMMANDATIONS DU COMITÉ

Que le Conseil :

1. approuve une modification au Règlement de zonage 2008-250 visant à faire passer la désignation de zonage de la propriété située au 801, rue Albert, de MC[1351] F(1.5) - h « Centre polyvalent, exception 1351, zone d'aménagement différé », à MC[****], annexe **** - h, « Centre polyvalent, exception [****], annexe [****], annexe [****], zone d'aménagement différé », comme le précisent les documents 2, 3 et 4.
2. approuve une modification au Règlement de zonage 2008-250 visant à ajouter à ce règlement une nouvelle partie comprenant les dispositions adoptées aux termes de l'article 37 de *la Loi sur l'aménagement du territoire*.

DOCUMENTATION / DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 29 August 2012 (ACS2012-PAI-PGM-0196).
2. Extract of Draft Minutes, 11 September 2012.
Extrait de l'ébauche du procès-verbal, le 11 septembre 2012.

Report to/Rapport au :

Planning Committee
Comité de l'urbanisme

and Council / et au Conseil

August 29, 2012
29 août 2012

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager
Directrice municipale adjointe,
Planning and Infrastructure / Urbanisme et infrastructure

Contact Person / Personne ressource : *John Smit, Manager/Gestionnaire, Development Review-Urban Services / Examen des projets d'aménagement-Services urbains Planning and Growth Management / Urbanisme et Gestion de la croissance (613) 580 2424, 13866 John.Smit@ottawa.ca*

Somerset (14)

Ref N°: ACS2012-PAI-PGM-0196

SUBJECT: ZONING - 801 ALBERT STREET

OBJET : ZONAGE – 801, RUE ALBERT

REPORT RECOMMENDATIONS

That the Planning Committee recommend Council:

1. Approve an amendment to the Zoning By-law 2008-250 to change the zoning of 801 Albert Street from MC[1351] F(1.5) - h "Mixed-Use Centre, Exception 1351, holding zone", to MC[****], Schedule **** - h, "Mixed Use Centre, Exception [****], Schedule [****], Schedule [****], holding zone as detailed in Documents 2, 3 and 4; and
2. Approve an amendment to the Zoning By-law, 2008-250 to add a new Part to the by-law to include Zoning By-law provisions passed pursuant to Section 37 of the *Planning Act*.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil :

1. **D'approuver une modification au Règlement de zonage 2008-250 visant à faire passer la désignation de zonage de la propriété située au 801, rue Albert, de MC[1351] F(1.5) - h « Centre polyvalent, exception 1351, zone d'aménagement différé », à MC[****], annexe **** - h, « Centre polyvalent, exception [****], annexe [****], annexe [****], zone d'aménagement différé », comme le précisent les documents 2, 3 et 4.**
2. **D'approuver une modification au Règlement de zonage 2008-250 visant à ajouter à ce règlement une nouvelle partie comprenant les dispositions adoptées aux termes de l'article 37 de la Loi sur l'aménagement du territoire.**

BACKGROUND

The subject property is a triangular piece of vacant land approximately 1.44 hectares in size as shown in Document 1. The property is located immediately southwest of the intersection of Albert Street (formerly Scott Street) and City Centre Avenue (formerly Champagne Avenue). The site is bound on the west by the CP Rail/O-Train tracks, on the north by Albert Street and on the south and east by the City Centre development. To the east of City Centre Avenue is an existing low-profile residential community. The property has frontage on both Albert Street and City Centre Avenue. The O-Train platform and the Bayview Transitway Station are located approximately 140 metres from the signalized crossing on Albert Street along the northern limit of the property.

The property is located at the northern edge of an area designated as a Mixed-Use Centre in the Official Plan that extends from the subject site to Carling Avenue along the O-Train Corridor. The site offers potential for contributing to achieving the City's intensification objectives through compact mixed-use development focused on the City's transit system. At the same time, the site has some significant constraints to achieving the nature and form of development contemplated for Mixed-Use Centers. These constraints include major infrastructure that serves large areas of the city as shown in Document 5 and the existing grades on the site. The presence of this infrastructure and the related easements in place in favour of the City fragment the site into portions which are not easily developable. The grades on the site create a large bowl that descends from the high point along the Albert Street frontage. In recognition of the constraints, the current zoning includes holding provisions that prevent development from proceeding until such time that pipe relocation, servicing, traffic and Site Plan Control matters have been addressed. In response to these challenges, the proposed development concept has addressed the various concerns raised through the existing holding provisions to create a development program for the site that appropriately addresses the physical constraints at no cost to the City and facilitates a form of development that will allow for the advancement of the applicable policies and principles for Mixed-Use Centres. The revised development program is fundamentally based on the relocation of two existing services, which has been vetted and discussed in detail with staff to ensure these works can be undertaken safely without undue adverse impact to existing infrastructure or service levels.

As part of the recommendation for approval, the applicant will be required to enter into a Section 37 Agreement in exchange for the consideration of increased height and or density on the site, the details of which are expanded upon in the report.

Previous Staff Reports

Report ACS2010-ICS-PGM-0082 was submitted for consideration to Planning and Environment Committee on April 27, 2010. At that time, the staff report recommended refusal of the development concept as proposed by the application upon review of the key considerations such as the applicable strategic directions and policies of the Official Plan for Mixed-Use Centres and the directions set out in the Council-approved Transit-Oriented Development and High-Rise Housing Design Guidelines.

The staff recommendation was approved, as amended and was then heard before Council on April 28, 2010 where it was referred back to Planning and Environment Committee to give further consideration to issues such as density, servicing and parking. At the July 5, 2010 Planning and Environment Committee meeting, the item was deferred to an unspecified date.

Purpose of Zoning Amendment

The application proposes a change in zoning to facilitate the construction of a mixed-use development. The revised development concept is based on discussions with staff that were premised on the directions from the minutes of the July 5, 2010 Planning and Environment Committee meeting. The revised development would consist of three new buildings, towers A and B and a third smaller building C as shown on Document 7. Tower A and B would be 32 and 29 stories in height, and would be connected via a six-storey link. Building C is proposed to be six stories in height and would provide for a range of commercial and retail uses. Key to creating a more developable footprint on the site is the relocation of two of the four existing services. The Mooney's Bay Storm Sewer would be relocated from the subject lands to the west onto City property, and the Nepean Bay Storm Sewer would be relocated and reconfigured on the applicants property as shown in Document 6. The West Nepean Collector and the High Pressure Transmission Main would remain in place in their current alignments. The relocation of the services would be at the sole cost of the applicant with no financial contributions from the City.

The development proposes approximately 130 064 square metres of gross floor area, with 22 surface and 275 structured parking spaces. The 275 parking spaces would be located within four levels of parking, the top of which would be level with Albert Street and serve as the base for the towers. Entrances and exits to the structured parking and loading bays will be from the southern portion of the site. This structured parking, located below the towers, would result in the base of the towers being level with the elevation of Albert Street. Limited surface parking will be located on the southern portion of the site and will be in the form of parallel parking along lands designed to look

and feel like a public street with sidewalks on both sides. The northern portion of the property will function as an urban plaza that will include a temporary drop-off area. The primary vehicular access to the site will be from Albert Street at a fully signalized intersection. A secondary right-in right-out only access is proposed from Albert Street further to the east. An emergency access would be located at City Centre Avenue that would be secured with bollards to prevent daily vehicular access.

New pedestrian and cycling connections will be created to make the site permeable to foot traffic along its three edges and through its middle at two locations to integrate into the planned multi-use pathway that is to run along the existing O-train corridor; and to complement existing movement to the Bayview Station and surrounding area.

Existing Zoning

The subject property is currently zoned "Mixed-Use Centre, Exception Zone", MC[1351] F(1.5)-h. The Mixed-Use Centre zone permits a combination of transit-supportive uses such as offices, hotels, hospitals, community recreation and leisure centres, retail uses, service uses such as restaurants and personal service businesses, and high and medium-density residential uses. The current Mixed-Use Centre Exception Zone permits a floor space index of 1.5, and is not subject to a maximum height limit. The holding provision applicable to the site requires that the following be undertaken or completed prior to development occurring:

- i) a Master Servicing Study has been completed to confirm the water, sewer and storm sewer service infrastructure requirements, including main trunk lines;
- ii) the High Pressure Transmission Main crossing the site has been replaced;
- iii) a comprehensive Traffic Impact Analysis has been completed that will address the surrounding area traffic issues and the property's vehicle access and egress requirements; and
- iv) Site Plan approval has been given.

Proposed Zoning

The application proposes to establish a new site-specific Mixed-Use Centre (MC) zone for the subject property. The recommended zoning would also establish a new schedule that would regulate the maximum permitted heights, and modify the holding provisions. To ensure the development of the site occurs in accordance with the concept shown on Document 7 and the community benefits are secured under Section 37 of the *Planning Act* as detailed in the report, the existing holding provision that requires Site Plan Control approval would remain and a Section 37 agreement will be required to be executed prior to any construction proceeding. The recommended zoning also establishes a new parking rate for the site that is in keeping with the parking rates within Area A of the By-law 2008-250 (the Central Area of the city), whereas the current parking rates are based on the site being located within Area B.

A specific rate change is proposed for an office use from the current rate of 1.8 to 0.2 spaces per 100 square metres of gross leasable area. This change is recommended given the site's location at a key transfer station on the rapid transit network and reflects the City's intent to proactively support transit use. The required minimum interior side yard and rear yard setback abutting a transit corridor would be reduced from 2.0 metres to 0.0. Through the Section 37 agreement, off-site landscaping on City property will be required as shown on Document 4 to ensure the elimination of the required setback does not impact the treatment of the west side of the site. A maximum Gross Floor Area of 130 064 square metres will also be included in the proposed zoning for the site.

DISCUSSION

Provincial Policy Statement (PPS)

1.0 Building Strong Communities

The PPS speaks to Ontario's long-term prosperity, environmental health and social well-being dependant on managing change and promoting the efficient use of land that will support strong, liveable and healthy communities that protect the environment and public health and safety, and facilitate economic growth.

Section 1.1 of the PPS outlines that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns, accommodating a range and mix of uses. The PPS requires that land be available through intensification and redevelopment to accommodate an appropriate range and mix, with settlement areas being the focus of growth and their vitality and regeneration being promoted. Land use patterns within settlement areas shall be based on both densities and a mix of uses, and opportunities of intensification and redevelopment. The subject site is an underutilized parcel within a defined settlement area that is further identified through municipal planning documents as a target area for compact, mixed-use development that is consistent with the direction and policies of the PPS.

Official Plan - Strategic Directions

To meet the challenge of managing growth, the strategic directions set out in the Official Plan directs that growth be accommodated in target areas within the urban area and specifically to those areas designated as Central Area, Mixed-Use Centres, Employment Areas, Enterprise Areas, Developing Communities and Mainstreets. These areas include locations that are centred on the rapid-transit network, major roads, busy commercial streets, and large tracts of vacant land. The City will encourage a pattern and density of development that supports transit, cycling and walking as viable and attractive alternatives to the automobile. Development in these areas can strengthen the urban structure, balance housing and employment uses, and make transit provision more efficient. Mixed-Use Centres will grow substantially, but in a way that complements the development pattern within and adjacent to them.

A key direction for areas where more intense mixed-use development is to be provided, and specifically for Mixed-Use Centres, is that they be developed as centers of activity in a way that is compact and will contribute to place-making through an urban form and organization of uses that provide for a strong pedestrian and transit orientated public realm and site design logic for the area, and provide for strong interconnections through and to adjacent areas.

Major Office Development will be located in areas with existing or planned higher order transit service such as the Central Area, Mixed-Use Centres, Town Centres, Mainstreets and Employment and Enterprise Areas. Major Office Development will play an important role in supporting and increasing the ridership of the Primary Rapid Transit Network. In support of achieving a compact built form, the City may establish maximum limits for the provision of on-site parking, require parking to be located in structures or below ground, or waive minimum parking requirements when considering applications for Major Office Development.

The proposed development concept as shown in Document 7 is the result of extensive urban design work to evolve the original proposal, (which featured blank walls at grade, surface parking, and an inward-oriented office program) into an outward-oriented office program with active uses along all three sides and an emphasis on non-automotive transportation. The project now demonstrates a development program that is in keeping with what the Official Plan contemplates for Mixed-Use Centres that are in proximity to transitways along the rapid transit network.

Mixed-Use Centres

The subject property and adjacent lands are designated Mixed-Use Centre on Schedule B of the Official Plan (OP). Mixed-Use Centres are strategic locations along transit corridors that act as focal points of activity at the local community and regional scales. These areas have a high potential for mixed-use and compact development and are to develop as good places in their own right as components of complete neighbourhoods. Development in a Mixed-Use Centre is to take advantage of the opportunities offered by transit for commuting, and for ease of pedestrian and cycling movements. Mixed-Use Centres will enhance opportunities for walking, cycling and transit and will contribute to the creation of a street network that provides a convenient and pleasant environment that links the surrounding community and uses. Mixed-Use Centres will also provide opportunities, when possible, for a variety of activities by establishing public spaces that support and encourage informal social activity and civic gatherings and integrating spaces for retail, entertainment activities and cultural attractions.

The implementing policies build on the strategic directions and speak to the optimization of land through provisions for compact mixed-use development by allowing for a mix of uses, providing the highest density development within close proximity to rapid transit, ensuring an appropriate transition between the Mixed-Use Centre and any surrounding area occurs within the Mixed-Use Centre, and meeting employment targets.

The OP also states that development may be generally permitted prior to the approval of a CDP, and will be reviewed in the context of this Plan and will be evaluated in the context of the Design Objectives and Principles.

The proposed development concept provides a mix of uses, with the highest density of uses closest to existing planned rapid transit. The development concept also provides for an appropriate built transition and meets the minimum target for Bayview-Preston, which is 200 jobs and people per gross hectare.

Carling-Bayview Community Design Plan

The Carling-Bayview Community Design Plan (CDP) is currently in a draft state. The draft Carling-Bayview CDP identifies the site as an intensification zone and as a site where point towers may potentially be located. The open space and green linkages concept calls for a green corridor to be constructed along the western limit of the property, following the alignment of the current O-train corridor. The street and block concept of the draft CDP proposes a new right of way along the southern limit of the site that follows the historic Wellington Street alignment. The development concept is consistent with the land use planning objectives of the draft CDP by integrating pedestrian and cycling connections to the green corridor, along with the treatment of the southern limit of the site to be designed as a potential future public street. As part of the Section 37 agreement, the former Wellington Street right of way is to be transferred to the City at no cost and redeveloped with sidewalks on both sides. This transfer will facilitate the potential establishment of the envisioned street network.

Urban Design and Compatibility

Section 2.5.1 of the Official Plan sets out principles and broad design objectives as qualitative statements on how the City will influence the evolution of the built environment. In general terms, compatible development means development that is not necessarily the same as existing buildings in the vicinity but nonetheless enhances an established community and coexists without causing undue adverse impact on surrounding properties. It fits and works well within its physical context. The objectives that are most applicable to the proposal are focused on enhancing the sense of community; providing quality public and private spaces through development, creating places that are safe, accessible and easy to get to and move through; and ensuring that new development respects the character of existing areas.

Design objective 1 is "To enhance the sense of community by creating and maintaining places with their own distinct identity." The site and its vicinity are presently in a largely vacant state absent of an identity beyond the Transitway and O-Train transfer. The arrival of LRT service scheduled for 2018 will provide an impetus for the area to evolve as a Mixed Use Centre at the western edge and entry point into the core. The Community Design Plan that is underway has focused on structuring this evolution with the placement of tall buildings at this location.

The existing station is an important place for the neighbourhood to the west and east of the site to develop the area as a people place and to enhance its role at the neighbourhood level. At the street scale, Albert Street as it rises over the O-Train Bridge is surrounded by vacant land of uneven terrain. The treatment of the site as it meets the bridge is to establish a new grade, effectively making a complete street frontage to begin to put in place a more permeable pedestrian realm that addresses and frames Albert Street in a more positive manner.

Design objective 2 is “To define quality public and private spaces through development.” At both city and neighbourhood scales, the positioning of a large open plaza as public space, is a strong place-making gesture at a key location, and introduces a space with significant pedestrian capacity. At the street and site scales, the proposed buildings have achieved active uses at grades along all three sides, and the functions that adjoin each of the facades relate to the nature of these outside spaces. The most difficult façade facing the O-Train corridor meets the property line on this side, but will be softened through a required access lane along this edge of the building to access a manhole for the Mooney’s Bay Collector. On this facade, a bicycle parking facility has been integrated into the side of the building that includes a generous dismount area and linkages to the surround pathways.

Pedestrians will also have a staircase linking the multi-use pathway (MUP) with an upper pathway and the public plaza along Albert Street. The MUP will link into the lower Bayview Station platform (for the O-Train) and to the ramp leading to the east-west platform (Transitway, future LRT). The MUP will also be connected to the future pedestrian and cycling bridge over the O-Train, leading into Hintonburg. The façade that faces south (the former Wellington Street alignment) contributes to the re-establishment of this east-west corridor as part of the neighbourhood’s grid, consistent with the draft CDP. The retail uses facing, and opening onto, this corridor, and its treatment to “look and feel” like a public street, with parallel curb side parking, reinforces this gesture and will establish a comfortable environment for this public east-west connection. The façade that faces north, toward the river, establishes a vertical presence and at the street level, a formal grander scaled entrance into the complex while also providing some retail storefronts with possible outdoor patio/dining areas. The access routes are treated as mixed pedestrian-vehicular spaces and the pedestrian-only spaces are blended in.

Design objective 3 is “To create places that are safe, accessible and are easy to get to and move through.” At a city and neighbourhood scale, the site is at a key transfer station on the rapid transit network and its layout has anticipated a high number of pedestrians and cycling movements through a suitably sized public realm, and easily identifiable connections and shortcuts along direct desire lines across the site and set the stage for a continued pedestrian network south of the site. At a street and site scale, the raising of the site brings the public realm to an accessible level, and the connections established through the site and to the surrounding pedestrian network are direct, intuitive and barrier-free.

Vehicular access is made orderly with the provision of two entrances that include a new signalled intersection and a right-in and right-out only movement. The entrance for all below grade parking is limited along the southern elevation to avoid creating long expanses of blank walls.

Design objective 4 is "To ensure that new development respects the character of existing areas." The existing areas that surround the site can be described as industrial to the immediate south and residential neighbourhoods the east and distant west. Since the area is planned to undergo a transition from industrial to Mixed-Use Centre, this site has the task of establishing a precedent in terms of creating a new character for this largely vacant area. The built form takes a design cue from the low-rise character of the residential neighbourhood to the east in its step-down to a six-storey element at the easternmost tip of the property to establish built-form transition; moreover, it separates the two towers by approximately 22 metres to allow for future north views from the south.

Design Review

The subject property is located within a Design Priority Area; however, the rezoning application was not subject to review by the Urban Design Review Panel due to the filing of the application prior to the establishment of the Panel. Notwithstanding that the project is exempt from review by the panel, staff applied the Urban Design policies of the Official Plan in the review of the revised proposal.

Section 4.11

In addition to those matters set out in Section 2.5.1, Section 4.11 of the Official Plan provides more quantitative considerations to evaluate the compatibility of development applications. The criteria will vary depending on the proposal and the planning context. When considering the situation individual criteria may not apply and/or may be evaluated and weighted on the basis of site circumstances.

Traffic: A traffic study has been submitted in support of the application. Roadway modifications will be required to implement a new fully signalized intersection and a secondary access to the site. The details of the roadway modifications will be addressed through the Site Plan Control application.

Vehicular Access: Access to the site will be from Albert Street with no access from City Centre Drive thereby mitigating any potential impacts such as noise, headlight glare and loss of privacy on adjacent residential community. Access and egress for development has been directed to streets with the capacity to accept the additional traffic expected to be generated from the site. Through the Site Plan Control process, details with respect to intersection modifications and pedestrian and cycling movements will be finalized.

Parking Requirements: As part of the recommend by-law, parking requirements for the site will be based on the ratios of Area A, which is traditionally the urban centre of the city.

As the subject site immediately abuts existing rapid transit stations and is well serviced by local transit, an amendment to the Area A parking standards is appropriate for the site.

Outdoor Amenity Areas: There are no anticipated negative impacts on the outdoor amenity areas of nearby residential properties.

Loading Areas, Service Areas, and Outdoor Storage: The operational facilities of the building have been designed along the southern portion of the site where they are not visible from Albert Street, however it is not the intent for the southern portion of the site to function as only a service and loading corridor but rather a future public right-of-way consistent with the draft Community Design Plan.

Lighting: There are no anticipated negative impacts from lighting generated on-site onto adjacent residential properties. Through the Site Plan Control process, the application will be required to demonstrate the site meets City standards with respect to light-spill over.

Sunlight: The applicant has prepared a sun/shadow study in support of the proposed development. In an effort to reduce potential shadowing impacts to the east, the tallest built forms have been placed furthest to the west of the site. Shadowing impacts are expected to be minimal as a result of the proposed development, thereby not creating an undue adverse impact on the existing condition.

Building Profile and Compatibility

Mixed-Use Centres are to provide a level of intense mixed-use development and under the OP policies directions may be considered for the placement of high-rise buildings. The OP states that a high-rise building will be considered both as an example of architecture and as an element of urban design located within a wider context. Direction is provided to consider elements such as scale but not limited to: massing, its relation to the existing and planned context, new views and vistas, the quality of architecture and urban design, and how a proposal enhances the public realm.

The planned function for the area as envisioned through the built form concept of the draft Carling-Bayview Community Design Plan identifies the site as both an intensification zone and a site with the potential for point towers. The proposed massing of the site places the tallest tower elements on the western portion of the site, transitioning downwards to the east to a medium profile building along City Centre Avenue, which abuts an existing townhouse development. With respect to the quality of urban design and the enhancement of the public realm, through the open space and green linkages concept a green corridor is to run along the existing O-train corridor that

will integrate into the site and plaza thereby enhancing connections and the public realm. Through the Site Plan Control process, the detailed programming and design of the new pedestrian plaza at the northern limit of the property and linkages to the surrounding area will be finalized.

Building Transitions

Integrating taller buildings within an area characterized by a lower built form is an important urban design consideration when evaluating an application for intensification. Effective transition in built form between different development profiles will address issues of compatibility and integration. Transitions in built form will serve to link proposed development with both planned, as well as existing uses, thereby acknowledging the planned function of an area. The development concept, which will be controlled through a new site-specific schedule, provides for a maximum allowable height that decreases from west to east towards an existing lower profile residential community. Building setbacks and landscaping treatments to be finalized through the Site Plan Control process will further mitigate potential impacts.

Section 37 – Community Benefits

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 OP states that limited increases will be permitted in return for the provision of community benefits to be set out in the by-law and shall be secured through an agreement to be registered on title as per the *Planning Act*. While the proposed development exceeds the current density permitted on site with an increased Floor Space Index from 1.5 to 8.0, the proposed development concept is consistent with the principles and policies of the Official Plan and Council approved Design Guidelines and therefore represents good land-use planning.

The community benefits to be secured through the Section 37 agreement include a financial contribution of \$450,000 to be allocated towards the design and construction of a new pedestrian and cycling bridge over the existing O-train that follows the former Wellington Street alignment, the transfer of a portion of the property along the former Wellington Street at no cost to the City of Ottawa to implement a public right-of-way, the establishment of public access through any future building and off-site landscaping and pedestrian pathways improvements to improve and enhance pedestrian connectivity to the planned LRT station as detailed in Document 2.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Notice for the application being considered was carried out in accordance with the City's Public Notification and Consultation Policy. Comments were received in opposition and in support of this application. A summary of the comments received can be found in Document 8 along with staff responses.

COMMENTS BY THE WARD COUNCILLOR

Councillor Diane Holmes provided the following e-mail on June 20, 2012:

1. Although this design has gone through some refinements, it is still out-of-scale, and will seriously impact the future development opportunities for the City Centre lands to the south.
2. The issue of permanent public access through the site to link to the new Bayview LRT Station has not been satisfactorily resolved. Despite the assurance that a future developer could sign an agreement with the City of Ottawa providing minimum hours of public access through the building's lobby, in my experience these agreements cannot actually guarantee that access, and are difficult to enforce.
3. Given that the footprint of these towers is only possible if the developer agrees to relocate the subsurface sewer lines, the owner should be required to enter into a covenant to do so at their own expense.
4. The related Site Plan Control Agreement will include a special condition stating that community benefits will be provided in exchange for this dramatic increase in height and density. It is my understanding that the total value of the uplift is very low because of the financial cost to the owner of moving the sewer. The agreement to relocate the sewer at the developer's expense should be included in this as well.
5. I am also concerned that a major development is about to be considered in advance of the Carling-Bayview Community Design Plan receiving its final approval.

LEGAL IMPLICATIONS

This property is also subject to an appeal to the Comprehensive Zoning By-law, 2008-250. It is anticipated that this appeal will be withdrawn should the recommendations in this report be adopted.

If the recommendations in this report are adopted and the matter appealed to the Board, it is expected that a three day hearing would result, which the hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. In the event of an appeal, an outside planner would need to be retained at an estimated cost of \$20,000 to \$25,000.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

If the zoning amendment is carried and an appeal is brought before the Ontario Municipal Board, staff resources would be utilized to defend Council's position. In the event the amendment is not carried and an appeal is launched, an external planner would need to be retained at an estimated cost of \$20,000 to \$25,000. Funds are not available from within existing resources and the expense would impact Planning and Growth Management's 2012 operating status.

The Relocation of the Mooney's Bay Storm Sewer and the Nepean Bay Storm Sewer will be done at the sole cost of the applicant with no financial contributions from the City.

The applicant will provide the City with the following Section 37 community benefits:

- \$450,000 to be allocated towards the design and construction of a new pedestrian and cycling bridge over the existing O-train. The funds will be held in specific community-benefit reserve until required to deliver the benefit.
- A portion of the property along the former Wellington Street to implement a public right-of-way, at no cost to the City.
- The establishment of public access through any future building and off-site landscaping and pedestrian pathways improvements to improve and enhance pedestrian connectivity to the planned LRT station, at no cost to the City.

ACCESSIBILITY IMPACTS

Accessibility impacts will be reviewed and assessed through the completion of the Site Plan Control process. There are no anticipated impacts as a result of the application for change in zoning.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no direct technical implications associated with this report.

TERM OF COUNCIL PRIORITIES

The application implements the Council Priority of Governance, Planning and Decision Making by making sustainable choices (GP3) and Transportation and Mobility by maximizing density in and around transit stations (TM2).

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the additional time required to address technical issues.

SUPPORTING DOCUMENTATION

- Document 1 Location Map
- Document 2 Details of Recommended Zoning
- Document 3 Proposed Zoning Schedule (Height)
- Document 4 Proposed Zoning Schedule (Concept)
- Document 5 Existing Services / Easements
- Document 6 Relocated Services / Easements
- Document 7 Concept Plan
- Document 8 Public Consultation

DISPOSITION

City Clerk and Solicitor Department, Legislative Services to notify the owner, applicant, OttawaScene.com, 174 Colonnade Road, Unit #33, Ottawa, ON K2E 7J5, 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 in accordance with Recommendation 2.

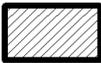
LOCATION MAP

DOCUMENT 1



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

D02-02-03-0181 & D07-12-09-0004	10-0377
I:\COV2010\ZONING\Albert801	
2010 / 03 / 31	
REVISION DATE	DE RÉVISION

 **Location Map / Plan de révision
 Zoning Key Plan / Schéma de zonage
 Site Plan / Plan de emplacement
 801 Albert Street (formerly 801 Wellington)**

041180258 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

DETAILS OF RECOMMENDED ZONING

DOCUMENT 2

1. The Zoning Map of By-law 2008-250 is amended by rezoning the property as shown on Document 1 from MC[1351] F(1.5) - h to MC[****] S****. S**** - h,
2. A new exception will be added to Section 239 - Urban Exception including provisions similar in effect to the following:
 - Despite the property being located in Area B on Schedule A the minimum parking rates for Area A or those shown in column II of Table 101 shall apply to the lot with the exception of the rate for office which shall be: 0.2 spaces per 100 square metres of gross leasable area
 - Minimum interior side yard setback abutting a rapid transit corridor – no minimum
 - Minimum rear yard setback – no minimum
 - Maximum building heights as per Document 3
 - Maximum Gross Floor Area – 130 064 square metres
 - Despite the above provision Schedule**** does not apply to accessory buildings or structures which continue to be regulated by Section 55.
 - Despite the definition of average grade, average grade is to be calculated from the geodetic reference of 63.0 metres.
 - A holding symbol on land zoned MC[****] S****- h may only be removed upon:
 - 1) the execution of a site plan agreement that reflects the development concept as shown on Document 4 to the satisfaction of the General Manager, Planning and Growth Management Department. Any alternative concept will require amending technical studies to demonstrate the proposed form of development can be accommodated on site, including but not limited to a revised servicing study, transportation impact study, and urban design analysis.
 - 2) the approval of a servicing study which adequately addresses the existing servicing easements, including but not limited to the relocation of municipal services and easements to the satisfaction of the General Manager, Planning and Growth Management Department.
 - 3) the execution of an agreement pursuant to Section 37 of the *Planning Act*, to the General Manager, Planning and Growth Management Department.
3. The following provisions dealing with a Section 37 authorization will also be added to the new exception in Section 239
 1. Pursuant to Section 37 of the *Planning Act*, the heights 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

Appendix 1 hereof, to the City at the Owner's sole expense and in accordance with and subject to the agreement referred to in 2 below of this By-law.

2. 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 Appendix 1 hereof, the lot is 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.
3. 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 to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Add Document 3 as a new schedule to Part 17 of By-law 2008-250.
5. The following Appendix will be attached to and form part of the zoning amendment and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*.

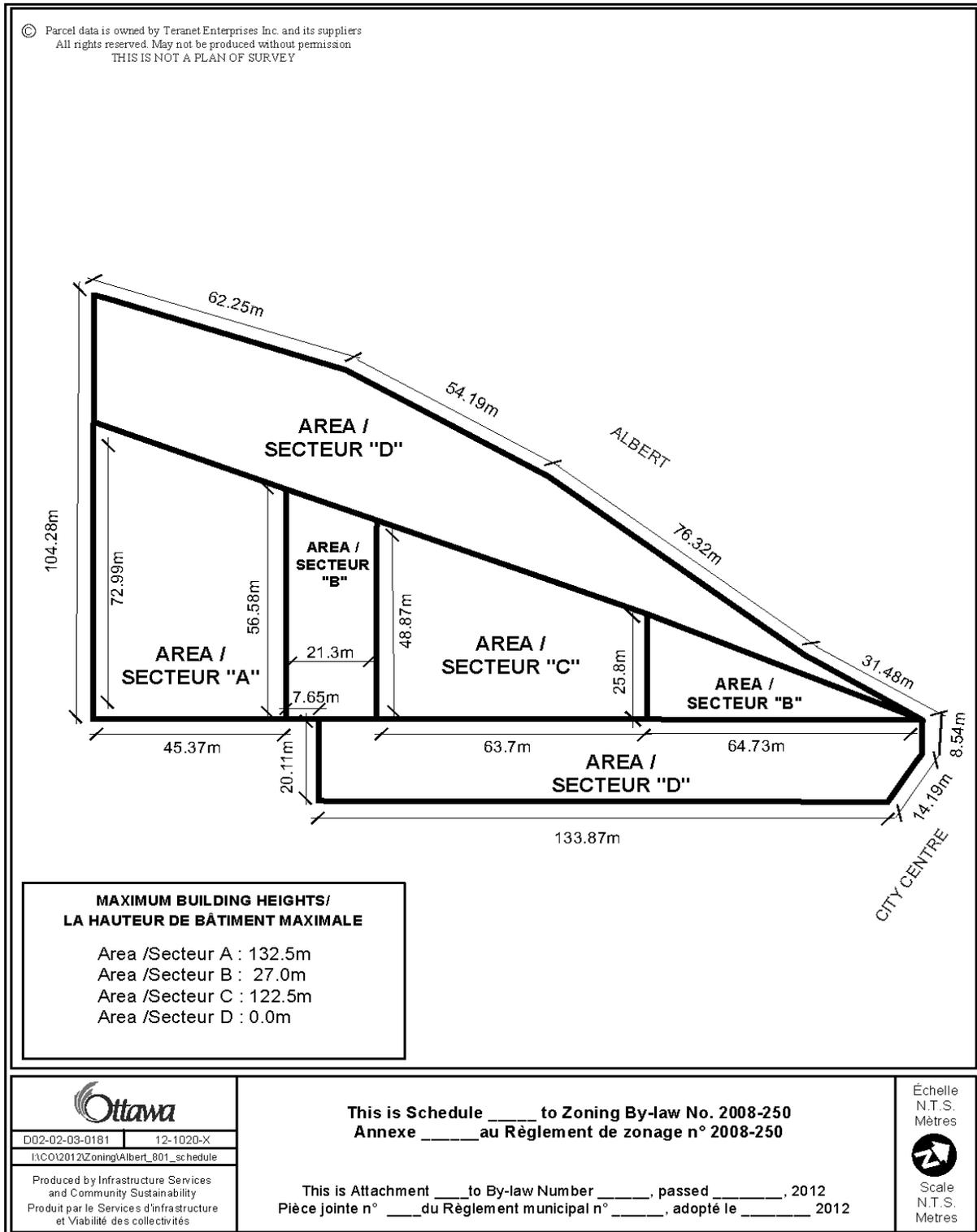
Appendix 1 – Section 37 Provisions

1. Prior to the lifting of the holding provision, the City shall require that the Owner of the land at 801 Albert 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 Manger, Planning and Growth Management, to secure the following:
 - a) An indexed contribution of \$450,000.00 towards the design and construction of a future pedestrian and cycling bridge over the existing O-Train corridor along the former Wellington Street right-of-way. The payment shall be provided prior to the issuance of a building permit.
 - b) Prior to the issuance of a building permit, the Owner shall transfer Parts 21 and 22 of Plan 4R-211 at no cost to the City for the implementation of a public right-of-way as shown as Area B in Document 4.
 - c) As part of the Site Plan Approval process, the Owner shall provide a pedestrian easement through any proposed building that is publically accessible 18 hours a day.

- d) The construction of pathways, landscaping and stairs on City of Ottawa lands connecting to a planned multi-use pathway along the existing O-Tran corridor as shown as Area A in Document 4.
2. The Owner of the site shall enter into and register on title to the lot one or more agreements with the City of Ottawa pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the General Manager, Planning and Growth Management, to secure facilities, services and matters set forth in the Appendix 1.
3. 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.

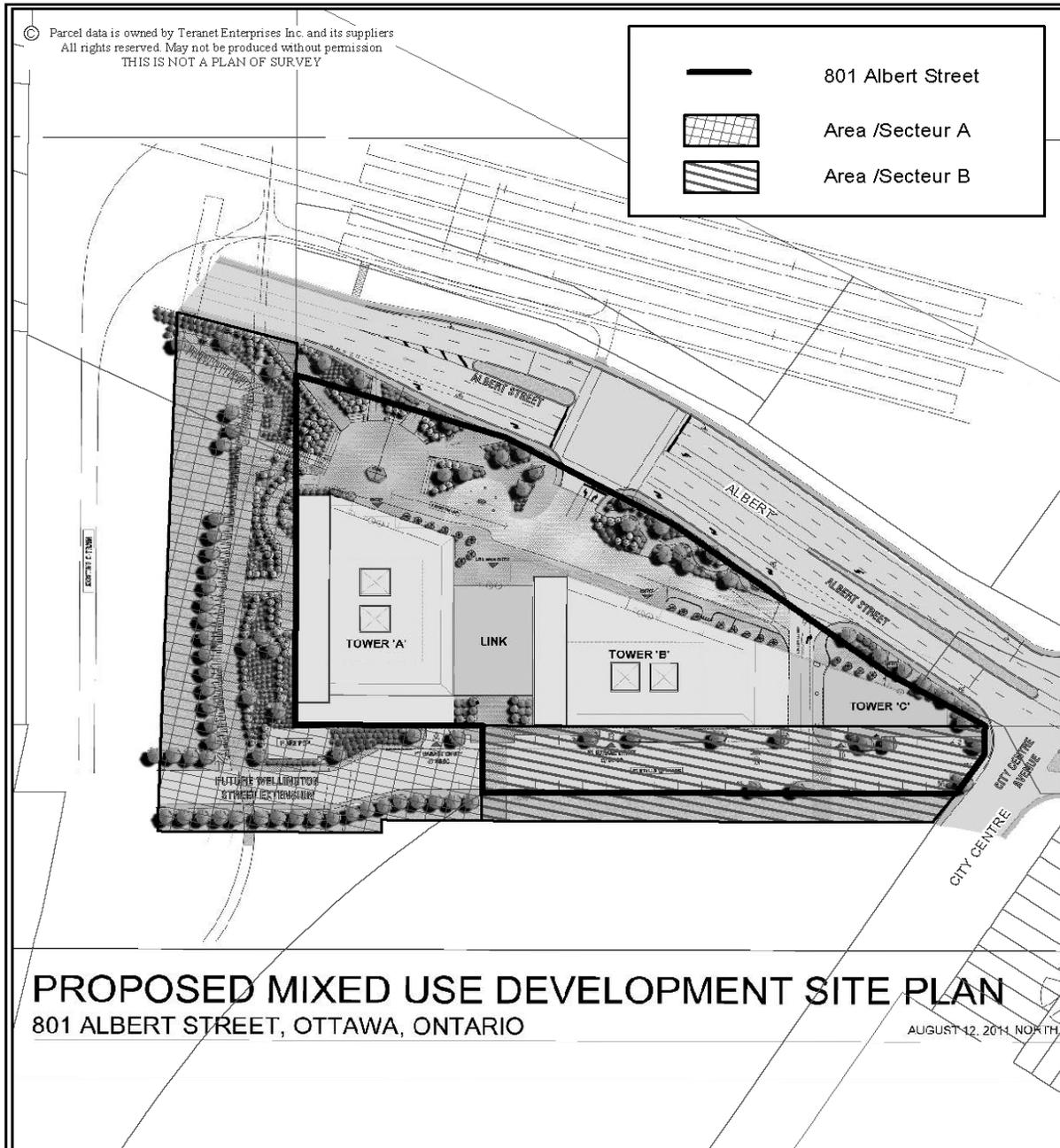
PROPOSED ZONING SCHEDULE (HEIGHT)

DOCUMENT 3



PROPOSED ZONING SCHEDULE (CONCEPT)

DOCUMENT 4



Ottawa

D02-02-03-0181	12-1020-X
I:\CO\2012\Zoning\Albert_801_schedule2	

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

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

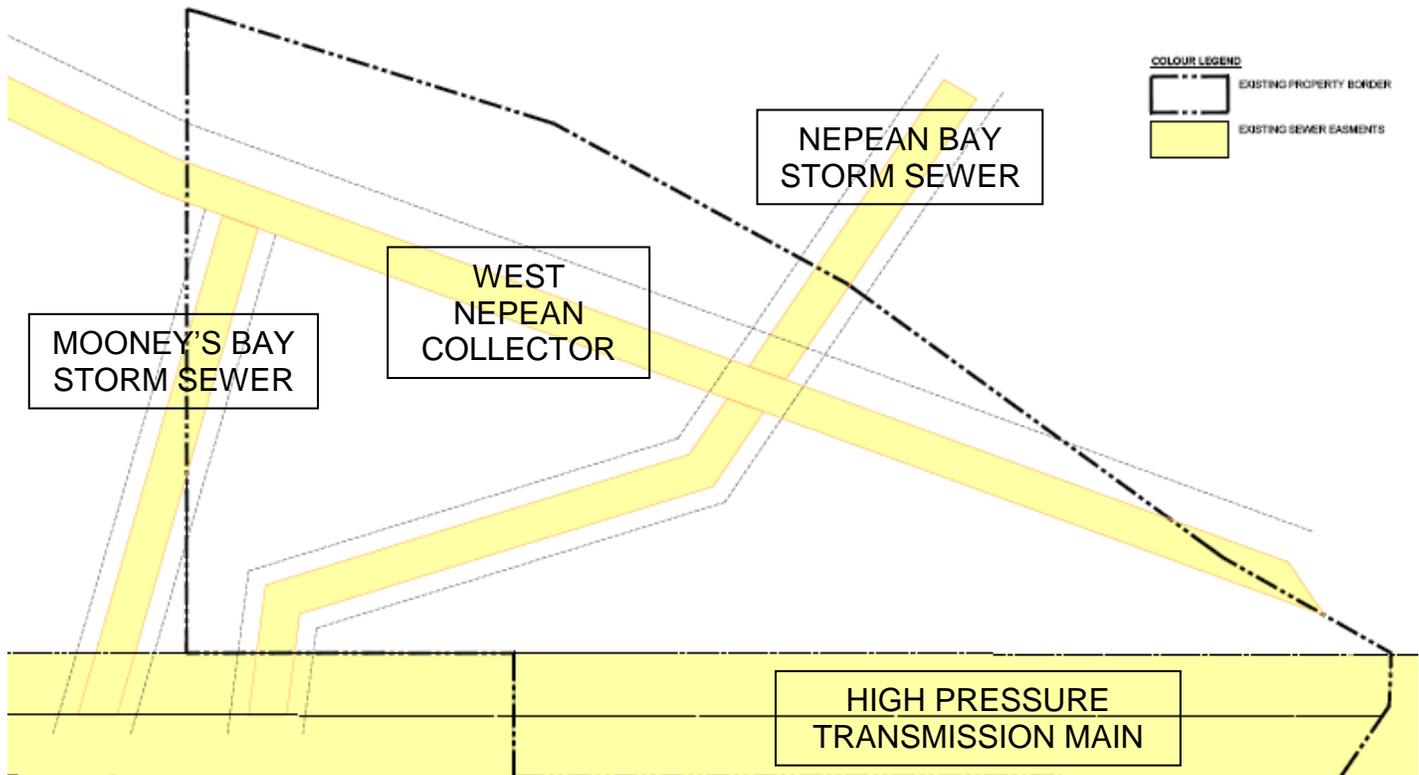
This is Attachment _____ to By-law Number _____, passed _____, 2012
 Pièce jointe n° _____ du Règlement municipal n° _____, adopté le _____ 2012

Échelle
 N.T.S.
 Mètres

Scale
 N.T.S.
 Metres

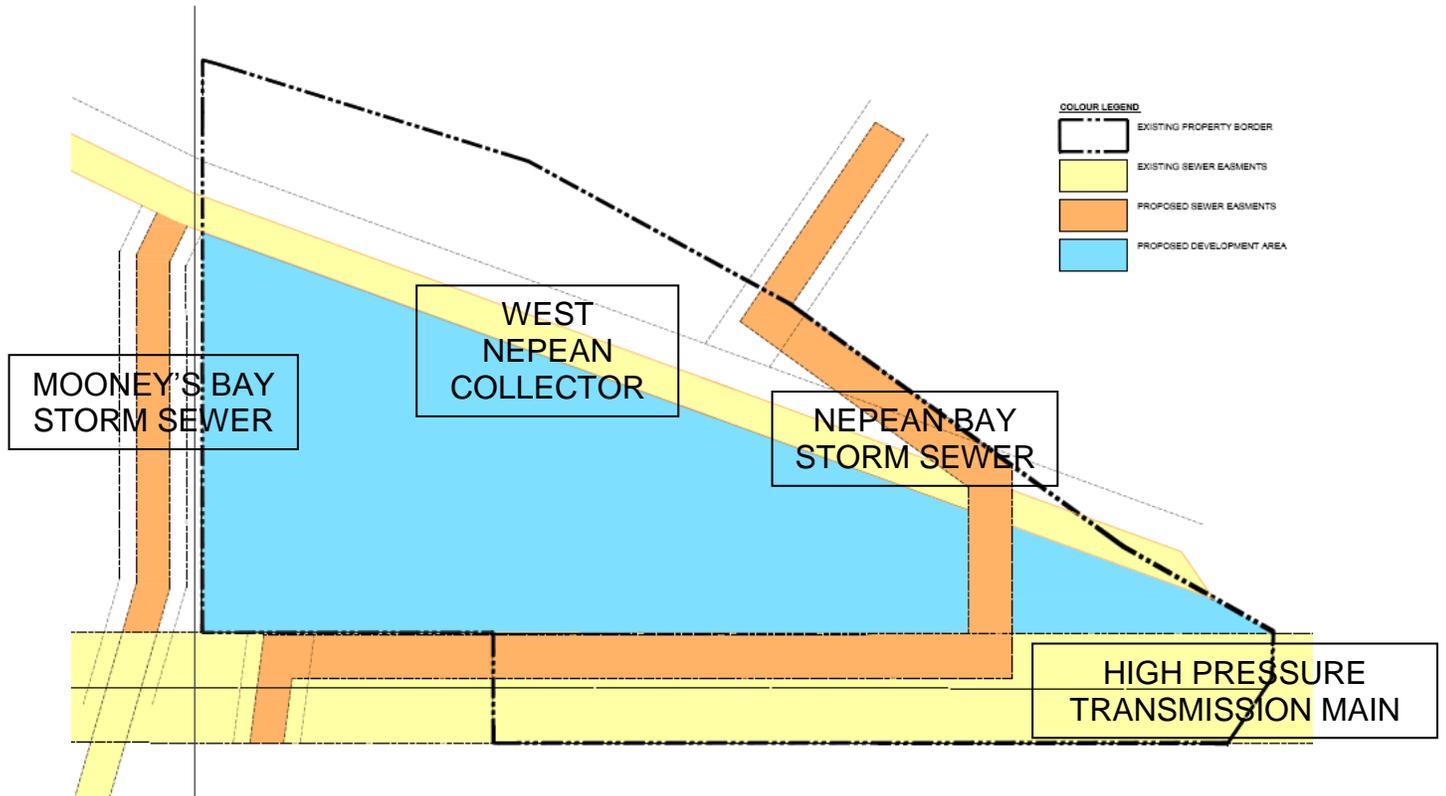
EXISTING INFRASTRUCTURE / EASEMENTS

DOCUMENT 5



RELOCATED INFRASTRUCTURE / EASEMENTS

DOCUMENT 6



CONCEPT PLAN

DOCUMENT 7



CONSULTATION DETAILS

DOCUMENT 8

NOTIFICATION AND CONSULTATION PROCESS

Notification and public consultation for the application and development that was subject of this report was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Six letters were received in opposition including letters from the Dalhousie Community Association and Village Green Homeowners Association. Two letters were received in support of the application. A public meeting was held on July 11, 2012 at the Dalhousie Community Centre, which was attended by the Ward Councillor, applicant and staff.

PUBLIC COMMENTS

1. Concerns were raised with respect to potential shadowing impacts from the proposed development.

Response

A shadow study was prepared by the applicant as part of the application. The proposed shadows to be cast from the development are not anticipated to significantly impact the existing developments in the area. To reduce potential shadowing impacts, the tallest building elements have been placed on the western portion of the site, the building mass transitioning downwards to the east.

2. Concerns were raised with respect to the height of the proposed buildings being out of scale and character with the area.

Response

With respect to the character of the area, the proposed development is consistent with the planned function envisioned through the draft Bayview Carling Community Design Plan (CDP). The draft CDP contemplates point towers on the subject lands. With respect to the existing built form, the proposed height schedule provides for building heights to transition downwards to the east, in proximity to the lower profile residential dwellings.

3. Concerns were raised with respect to development proceeding in advance of the competition of the Bayview Carling Community Design Plan.

Response

The policies within the Official Plan allow for development outside of a completed Community Design Plan, and such an application will be reviewed against the applicable policies of the Official Plan. Staff are satisfied that the proposal implements the intent of the Mixed-Use Centre policies with a pedestrian friendly, transit supportive and compact development, while having due regard for policies dealing with compatibility and urban design.

4. Concerns were raised with respect to potential traffic and parking impacts from the proposed development.

Response

The proposed development is strategically located within an area that is well served by existing rapid transit, to be further enhanced through the completion of the LRT project. The proposed parking standards are consistent with the central area and are considered appropriate for the proposed use. The proposed reduction in required rate of parking for an office use will further encourage the use of public transit for a site that is within 600 metres of an existing rapid transit station.

Through the Site Plan Control process, a detailed review of the proposed intersection and roadway modifications will be undertaken to ensure safe access and egress to the site for vehicles, pedestrians and cyclist. Any required roadway modifications to support the proposed development will be the responsibility of the applicant.

COMMUNITY ORGANIZATION COMMENTS

Dalhousie Community Association

I am writing with regards to the proposed zoning changes to 801 Albert St., as outlined in a letter dated June 7th, 2012. We would like to make a number of general comments about the proposal.

At the outset, we would like to reiterate our concern that proposals such as this are arriving in advance of the completion of the Carling-Bayview community design plan. The CDP process has been ongoing for more than 5 years, and it is troubling that major parcels of land continue to be re-zoned for development in advance of its completion.

While the CDP discussion up to now seems to be anticipating development of a significant scale in this general location, we should not need to rely on apparent

direction when discussing proposed developments. The completion of this CDP should be a priority.

As for the actual proposal, we would like to make a number of comments. Consideration must be given to the pedestrian elements of the site. The south of the building will be facing a residential community, which will become more pronounced as City Centre site is redeveloped. Accordingly, this face of the building should be of appropriate design. There should be exterior access to storefronts, not just interior, as is the case at Preston Square. This site will serve as an important pedestrian spine between Albert and Somerset, so pedestrian access, particularly through the lobby area between the buildings, should be encouraged.

We have some concern over the proposed amount of parking spots at the site. The number provided will only be sufficient if the site is redeveloped for single-tenant (i.e. government) use. If another purpose is anticipated, adjustments will be needed. Even with a single-tenant, it will be important to ensure that there is an appropriate mix of monthly and day-use parking. If not enough of the latter is available, demand for street parking will quickly overwhelm the nearby streets. We would suggest that 50% or more be dedicated to day-use.

We recognize that 801 Albert is adjacent to a major transit node, and as a result the official plan and early discussions on the CDP justify development of a greater scale and height. Height should be concentrated nearest the O-Train tracks, with smaller scale buildings located closer to City Centre Ave. It is also worth reminding that the logic for height is very much site-specific, and should not be seen as justification to march buildings of a similar height eastward. The residential mix in the neighbouring community must be preserved.

This proposal is a major development at an unused site. We would encourage the developer and the city to work directly with the community as this moves forward to ensure that the development compliments the existing area, and builds towards a better neighbourhood for all.

ZONING - 801 ALBERT STREET
ACS2012-PAI-PGM-0196

SOMERSET (14)

REPORT RECOMMENDATIONS:

That the Planning Committee recommend Council:

1. Approve an amendment to the Zoning By-law 2008-250 to change the zoning of 801 Albert Street from MC[1351] F(1.5) - h "Mixed-Use Centre, Exception 1351, holding zone", to MC[****], Schedule **** - h, "Mixed Use Centre, Exception [****], Schedule [****], Schedule [****], holding zone as detailed in Documents 2, 3 and 4; and
2. Approve an amendment to the Zoning By-law, 2008-250 to add a new Part to the by-law to include Zoning By-law provisions passed pursuant to Section 37 of the *Planning Act*.

Mr. Simon Deiaco, Planner, Development Review, Urban Services Branch, PGM, provided a brief PowerPoint slide presentation overview of the report (held on file with the City Clerk). Mr. John Smit, Manager, Development Review, Urban Services Branch, PGM, was also present to respond to questions.

Ward Councillor Diane Holmes asked questions related to *Section 37* benefits (of the *Ontario Planning Act*), whereby municipalities are granted the right to pass bylaws allowing developers to build in excess of that which height and density zoning would normally allow, in exchange for facilities, services or other matters. Mr. Tim Marc, Senior Legal Counsel, Corporate Development and Environmental Law Branch, City Clerk and Solicitor's Department, said the list of benefits was not extensive, and that an outline could be provided before this item would be considered by Council at its meeting of 26 September 2012.

The Committee then heard from the following delegations in opposition to the report recommendations:

- Mr. Eric Darwin, Dalhousie Community Association, who questioned whether adequate pedestrian and traffic studies had been undertaken for this intensification-oriented project. He asked that this report be sent back for further analysis and additional consultation on *Section 37* benefits for the community.

- Mr. Paul Webber (Bell, Baker LLP) and Ms. Michelle Armstrong (FoTenn Consultants), on behalf of Equity Realty, who spoke mainly to a lack of communication between the neighbouring parties, and suggesting that DCR Phoenix was planning its site in isolation, without factoring in future development on the adjacent site. Mr. Webber said his preference would be to be able to meet with the developer, and asked that consideration of the report be deferred to allow more time for such communication.

Councillor Holmes questioned the speed with which approval for the rezoning was being sought, given that the site plan and servicing plans were incomplete, whereas other downtown sites had received full municipal approvals. She said she hoped Committee would consider deferring the matter. Mr. Smit explained that Committee had last considered this matter in 2010, and had directed staff to continue discussions with the proponent to respond to issues raised at that time. He said much progress had been made with respect to urban design, integration and infrastructure, and that from staff's perspective, the work staff had been directed to undertake with respect to *rezoning* was now concluded.

- Ms. Michelle Perry, Village Green Community Association, spoke to height and transportation and traffic safety issues, noting that approval of this zoning was being rushed in advance of the completion of the area's Community Design Plan, and would add a density in excess of 20 times that of the target. She also spoke of the need for micro-climate and shadow studies.

The following delegations spoke in support of the report recommendations:

- Mr. Michael Boucher, Manager of Planning for DCR Phoenix Homes (the applicant), and;
- Mr. Vince Colizza, Project Architect.

Mr. Boucher also introduced the DCR Phoenix technical team, Mr. David Cook (Traffic Consultant), Ms. Kelly Rhodenizer (Willis and Associates Planning), Mr. Doug Kelly (Legal Counsel), and Mr. Demetrius Yannouloupoulos (IBI Group, to speak to servicing issues, as needed).

A written submission was received from the following in opposition to the report recommendation:

- Ms. Jacqueline Wood*.

*[* 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.]*

Mr. Boucher explained that he had, heretofore, been unaware that Equity Realty had not had sufficient time to review the application, despite repeated overtures by DCR Phoenix to meet and discuss the plan and related connectivity issues. He added that *Section 37* requirements were partly responsible for the prolonged delays, as the City had not provided the proponent with detailed calculations for the 'uplift' (required to raise the grade of the subject property to street level). Mr. Colizza then spoke to the history of the planning study process for the project.

Discussions included questions on easements, infrastructure and rights-of-way, and a request for deferral so that the parties could better coordinate discussions on development between their neighbouring properties. Mr. Marc noted that many issues could be dealt with during the site plan process, and that agreements for access to a future pedestrian link on the privately-owned property could form part of a future *Section 37* agreement and could be registered on title. The Committee did not move to defer consideration of this item; hence, the recommendation was put before Committee and was CARRIED as presented.