

# **Staff Report**

**Report To**: City Council

**Report From**: Sabine Robart, Planner

Meeting Date: May 9, 2022

**Report Code**: CS-22-057

**Subject**: ZBA 36 Removal of Holding & ST2021-014 Site Plan

Approval for Hansa Financial & Property Management -

1144 1st Avenue West

#### **Recommendations:**

THAT in consideration of Staff Report CS-22-057 respecting Zoning By-law Amendment No. 36 and Site Plan Approval (ST2021-014) at 1144 1<sup>st</sup> Avenue West, proposing a multi-unit residential development, City Council:

- 1. Finds that the application is consistent with the Provincial Policy Statement and the goals and objectives and intent of the City's Official Plan;
- 2. In consideration of the staff recommendations and the written submissions made, directs staff to bring forward a by-law to adopt Amendment No. 36 to the City's Zoning By-law No. 2010-078 and give notice in accordance with Section 34 of the Planning Act;
- 3. Approves the Site Plan by Hansa Financial & Property Management Inc. dated April 25, 2022, subject to the conditions outlined in Schedule 'G';
- 4. Directs staff to bring forward a by-law to authorize the Mayor and Clerk to execute a Site Plan Agreement, Servicing Agreement, Development Charges Exemption Agreement, and any other items for implementing Site Plan Approval for 1144 1st Avenue West; and
- 5. Directs staff to bring forward a by-law to authorize the Mayor and Clerk to execute:

- a. all documents necessary to transfer leased lands, known as Parts 1 and 2 on Reference Plan 16R6924, to the City; and
- b. all documents necessary to consent to the Application for Absolute Title by Hansa Financial & Property Management Inc. and to waive notice of the application.

## **Highlights:**

- A Site Plan Approval application (ST2021-014) and Zoning By-law Amendment – Removal of Holding (No. 36) have been submitted for the removal of a holding provision by Hansa Financial & Property Management through Premier Project Consultants to facilitate the development of the lands at 1144 1<sup>st</sup> Ave W.
- The effect of the Zoning By-law Amendment application is to remove the Holding provision, which was placed on the lands to require that site remediation and traffic analysis relative to the proposed development are completed before the development of the grounds.
- The Site Plan Approval application proposes the construction of six (6) four-storey purpose-built rental multi-unit residential buildings with a total of 224 dwelling units at 1144 1<sup>st</sup> Ave W. The proposal also includes the construction of a one (1) storey amenity building, a shared surface parking area, an internal sidewalk system and landscaping.
- A number of studies, including a Record of Site Condition and Traffic Impact Study, were submitted to support the applications.
- The proposal conforms to the policies of the City's 2021 Official Plan and meets the requirements of the City's Zoning By-law (2010-078, as amended).
- Staff recommend approval of the applications subject to conditions of approval.

## **Strategic Plan Alignment:**

Legislated review process under the Planning Act.

## **Previous Report/Authority**

Vacant Lands Tax Assistance Program Application – 1144 1<sup>st</sup> Avenue West – Former BCK (March 16, 2022) <u>CS-22-032</u>

Community Improvement Plan Intake Applications - Landscaping & Property Improvement Grant Application (November 17, 2021) CS-21-141

## **Background & Proposal:**

A Zoning By-law Amendment (No. 36) for the removal of a holding provision and a Site Plan Approval application (ST2021-014) have been submitted by Hansa Financial & Property Management through Premier Project Consultants for a residential development containing six (6) four-storey purpose-built multi-unit residential buildings with a total of 224 dwelling units.

### **Property Description**

The subject property is located at 1144 1<sup>st</sup> Avenue West (former Black Clawson Kennedy site). Surrounding land uses include:

North: Residential, Institutional (Inter Township Fire Hall), waterfront mixed-use commercial

East: Open Space (City waterfront trail & park system), Institutional (Community Waterfront Heritage Centre)

South: Residential, Mixed-Use Commercial, Institutional – M'Wikwedong Native Cultural Centre

West: Residential

The subject lands are located within the 'West Harbour Planning Area' and are designated as 'Waterfront Mixed Use' (Schedule 'A3') in the City's Official Plan (2021). The lands are zoned 'Mixed Use Commercial' (MC) with Special Provision 14.46, and a Holding provision in the City's Zoning By-law (2010-078, as amended).

Please see the Orthophoto in Schedule 'A' for location context and surrounding land uses. For the planning policy context, please see the Official Plan and Zoning Map in Schedule 'B'. The subject lands are fully described in Schedule 'C'.

## The Proposal

The Zoning By-law Amendment (ZBA 36) application aims to facilitate the construction of a multi-unit residential development having 224 dwelling units contained in six (6) detached buildings. The effect of the application is to remove the Holding provision, which was placed on the lands to require

that site remediation and traffic analysis relative to the proposed development were completed prior to the development of the lands. The rezoning application does not propose any other changes to the existing site and building regulations or a list of permitted uses.

The Site Plan Approval (ST2021-014) application proposes six (6) four-storey purpose-built rental multi-unit residential buildings with a total of 224 dwelling units at 1144 1<sup>st</sup> Ave W. The proposal also includes the construction of a one storey amenity building, a shared surface parking area, an internal sidewalk system and the construction/installation of the required internal infrastructure, appurtenance, and landscaping.

As part of a complete application, the applicant has submitted the following materials for consideration:

Submission Item Title	Submission Item Detail
Planning Justification Report	Prepared by Ron Davidson Land Use Planning Consultant Inc. dated November 11, 2021
Record of Site Condition & Professional Opinion from Azimuth Environmental Consulting Inc re RSC	Dated March 16, 2009  Dated October 08, 2020
Traffic Impact Study	Prepared by Crozier Consulting Engineers dated November 2021
Functional Servicing & Stormwater Management Report	Prepared by Crozier Consulting Engineers dated December 2021
Master Site Plan (A-SP1 & A-SP2)	Prepared by gb architect inc. dated April 25, 2022
Cross Section, 3D Views & Elevations	Prepared by gb architect inc. dated December 13, 2021
Landscape Plan	Prepared by Crozier Consulting Engineers dated March 24, 2022

Submission Item Title	Submission Item Detail
Servicing, Grading, Storm Drainage, Erosion & Sediment Control Plans	Prepared by Crozier Consulting Engineers dated March 24, 2022
Sun Shadow Study	Prepared by gb architect inc. dated March 12, 2022
Site Plan Photometric	Prepared by Algal Engineering Ltd dated December 8, 2021
Floor Plans	Prepared by gb architect inc. dated March 12, 2022

The applicant engaged the City in the Pre-consultation process in August, 2020. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step
November 12, 2021	Submission of application and fees for Zoning By-law Amendment – Removal of Holding
December 10, 2021	Letter of Complete Application (Zoning By-law Amendment – Removal of Holding) to Applicant
December 10, 2021	Request for Comments circulated - Zoning By-law Amendment – Removal of Holding
December 14, 2021	Submission of application and fees for Site Plan Approval
December 17, 2021	Request for Comments – Site Plan Approval circulated
February 2, 2022	Submission No. 1 Comment Summary provided to applicant

Date	Step
March 23, 2022	Submission No. 2 submitted by applicant
April 1, 2022	Request for Comments Submission No. 2 circulated
April 25, 2022	Amended Site Plan submitted by applicant
May 9, 2022	Recommendation Report to Council

## **Analysis:**

The proposal must meet all development standards and policies applicable to projects within the City of Owen Sound. The proposal must be consistent with the Provincial Policy Statement and in conformity with the City Official Plan and Zoning By-law. Schedule 'B' contains the applicable Official Plan and Zoning By-law mapping.

The application is subject to review by the City Planning, Engineering, Building staff and external commenting agencies. All applicable policies, standards, and comments received are reviewed below.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS, 2020) has been reviewed regarding the subject proposal. Municipal decisions on planning matters are required to be consistent with the PPS.

The PPS Vision for the long-term prosperity and social well-being of Ontario focuses on growth and development within settlement areas and recognizes that land use must be carefully managed. Strong, liveable, and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The PPS directs development to fully serviced, designated settlement areas and requires contiguous development that minimizes land consumption and servicing costs. The proposal represents growth within a Settlement Area on an existing parcel that makes use of existing infrastructure and minimizes negative impacts.

The PPS encourages opportunities for accommodating a significant supply and range of housing options through intensification and redevelopment, including the redevelopment of brownfield sites, where suitable existing or planned infrastructure and public service facilities are available to accommodate projected needs. The proposed development represents the redevelopment of a brownfield site. Historically the subject property was the site of the Black Clawson Kennedy Foundry, an industrial operation that manufactured fishing, passenger, freight, and pleasure watercraft. The applicant filed a 'Record of Site Condition' (RSC) in 2009 (47512) and 2010 (70315) under part XV.1 of the Environmental Protection Act, which identified the intended use of the property as 'Residential'. An opinion by a Qualified Person noting that the RSC remains valid and can be used in support of a building permit to satisfy the Environmental Protection Act has been submitted in support of the application. The opinion notes the lands have not been used since the RSC issuance, and under that premise, there would not be a mandated need for a new RSC. The property is in proximity to existing schools, healthcare services, institutional and recreational facilities, and public transit with the capacity to accommodate the anticipated demand.

The application must demonstrate that the lands can be serviced with full, urban municipal water and sanitary services and are designed with stormwater management best practices to ensure consistency with the PPS (Section 1.6.6). Full municipal service infrastructure and capacity are available for the proposed development. The onsite SWM system will provide enhanced quality treatment and quantity control. The SWM report submitted in support of the application notes that the implementation of thermal mitigation strategies will be finalized throughout the detailed design phases in consultation with the GSCA. A recommended condition of approval (Schedule G, No. 1b) is that a final Stormwater Management Report is completed that further addresses stormwater thermal controls and final detailed design to the satisfaction of the Grey Sauble Conservation Authority and the City's Manager of Engineering Services.

The redevelopment and intensification of a remediated brownfield site in a fully serviced urban context, which is supported by public transit and active transportation facilities and is near a wide range of public service facilities and in proximate to the River District, is consistent with the direction provided by the PPS subject to conditions of approval.

#### **County of Grey Official Plan (2019)**

The entire City of Owen Sound is designated as a 'Primary Settlement Area' in the County of Grey Official Plan (County OP).

Settlement areas with full municipal services are to be the focus of most of the growth within the County. The County OP promotes a full range of residential, commercial, industrial, recreational, and institutional land uses within Primary Settlement Area. Land-use policies and development standards are to be in accordance with the local Official Plan. The County has been consulted on the proposal, and County staff have no objection to the application.

The proposal conforms to the policies of the County OP.

#### City of Owen Sound Official Plan (2021)

The lands are located within the 'West Harbour Planning Area' and are designated as 'Waterfront Mixed Use' (Schedule 'A3').

The West Harbour Planning Area is located between the water's edge on the harbour's west side and 2<sup>nd</sup> Ave W, north of 10<sup>th</sup> St W and south of the Pottawatomi River. The West Harbour Planning Area is intended to accommodate a mix of compatible land uses, including residential, institutional, commercial, and open space uses and provides a significant opportunity for redevelopment and intensification. A majority of the lands within the West Harbour Planning Area are designated Waterfront Mixed-Use to facilitate the mixed-use character of the planning area. The Waterfront Mixed-Use designation includes a broad range of residential, commercial, and institutional permitted uses at higher development densities in a compact urban form.

The development proposes multi-unit residential dwellings in a contemporary compact urban form, which is classified as a high density as per the OP's residential density classification (61-125 units/ha). The site is suitable for this density level given existing access to municipal infrastructure and public service facilities and its central location just north of the River District.

### **Holding Provisions**

Lands within the West and East Harbour Planning Areas were historically used for various industrial uses. OP policies acknowledge historic industrial past land uses and provide a policy framework to guide the redevelopment of the lands. The lands are typically subject to Holding provisions in the City's Zoning By-law. The Holding provisions allow the City to zone lands for a specific use but ensure that development does not proceed until such time as identified conditions have been satisfied. The actions or requirements for the removal of the Holding provision vary on a site-by-site basis and are set out in the City's Zoning Bylaw and addressed in the OP.

The Holding provisions applying to the subject property were applied to consider the site's historical industrial uses and its prominent location and size. The West Harbour Planning Area policies require confirmation that environmental contamination and remediation have occurred on-site, or the City receives satisfactory verification of suitable environmental site conditions. In addition, the 2021 City OP authorizes the completion of other appropriate supporting studies, such as a Traffic Impact Study, to the satisfaction of the City prior to the removing the Holding provision.

As noted above, the subject property was the site of the Black Clawson Kennedy (BCK) foundry, a manufacturing operation. The applicant filed a 'Record of Sit Condition' (RSC) in 2009 (47512) and 2010 (70315). The RSC documented that the intended use of property is for residential purposes. A Phase 1 and Phase 2 Environmental Site Assessment was completed as part of the RSC process and reports that approximately 17,000 m³ of soil/sediment were removed from the property. The applicant has provided an opinion by a Qualified Person noting that the RSC remains valid and can be used to support a building permit to satisfy the Environmental Protection Act. The opinion notes the lands have not been used since the RSC issuance, and under that premise, there would not be a mandated need for a new RSC.

Where significant redevelopment of former industrial lands or major development with a regional focus is proposed within the West Harbour Planning Area, the OP provides that the City may require a comprehensive traffic analysis to assess impacts on the area. A Traffic Impact Study (TIS) was submitted to support the application. The TIS concluded that the traffic generated by the proposed development could be supported by the boundary road network, and the proposed site plan can be supported from a traffic operations perspective. City Engineering Services and County Transportation Services have reviewed the TIS and support the findings of the TIS. The

proposed site plan conforms to the City's Site Development Engineering Standards (SDES).

As noted, aside from the rezoning, this report will also evaluate the concurrent Site Plan Approval application and matters subject to site plan control under the Planning Act. The balance of this report will address the exterior design of the buildings, the relationship of the proposed building to the surrounding neighbourhood, site connectivity, landscaping, accessibility, and other relevant matters to ensure that the proposed development is appropriate to the site's location and scale. These matters will be implemented through the approved site plan(s) and accompanying Site Plan Agreement.

Zoning By-law Amendment No. 36 application to remove the Holding provisions satisfies OP Section 9.1.2 regarding Holding Provisions, is consistent with the PPS and conforms to the policies of the City's Official Plan (2021).

#### **Urban Design**

Redevelopment within the Waterfront Mixed-Use designation is permitted provided that site design supports the objectives of existing master plans of the City and applicable design guidelines. The West Harbour Planning Area policies provide specific urban design policies (Section 4.3.4) to guide development within this planning area. Of note to the proposed development:

- The development will provide a scale of the building, site organization and quality of detail in the streetscape and site development that is commensurate with the importance of this significant waterfront site.
- Buildings are sited in a manner that recognizes the character of nearby residential areas and maximizes views of the inner harbour.
- The streetscape shall be developed in a manner consistent with the design standards identified in the <u>Harbour and Downtown Urban</u> Design/Master Plan Strategy

Within the Harbour and Downtown Urban Design/Master Plan Strategy, the subject property is located within the 'West Harbour Precinct':

 The objective of the West Harbour Precinct is to augment the existing residential neighbourhoods and extend the downtown commercial activity. The Master Plan contemplates the BCK site as the precinct's largest, contiguous redevelopment opportunity. Though the Master Plan envisions the site as hosting a mixed-use development, the proposed residential project fulfills the required development criteria of the Master Plan as follows:

- 1. Any housing components should integrate into the adjacent neighbourhood;
- 2. Any residential components of the project should take advantage of the views of the harbour;
- 3. All buildings should address the street edge; and
- 4. Parking should be created as internal areas with connections to the streets

The redevelopment of a brownfield site such as the subject property that has been vacant for some time and is in the middle of a residential neighbourhood will entail change for the surrounding neighbourhood. The proposed development will alter how the area looks and feels and how the residents interact with the site. Though it represents a significant change, it is anticipated that the proposed development will be a positive addition to the neighbourhood as it will provide newly built housing stock, significant landscaping, and animate an entire City block.

The site design and layout are directed by the need to balance a number of considerations, including the provision of on-site services, such as parking and stormwater management, complying with appliable zoning provisions and supplying a density which supports the financial viability of the project.

As required by the policies noted above, the buildings are located along the parcel's perimeter and address the street edge. The four-storey buildings are scaled to be compatible with the surrounding neighbourhood, dominated by two-storey detached dwellings. The buildings are taller than the surrounding typical single-family detached dwelling however, the proposed height difference is moderate (approximately two storeys) and the proposed height is significantly less than the height permitted in the zone provision (12 m vs 26 m).

The site layout takes advantage of the site location to optimize a view of the harbour while maintaining a four-storey building height. The parking area is consolidated and located at the 'rear' of the parcel with the buildings oriented to the 'front' adjacent to the harbour and City waterfront trail system. The parking area will connect to the local street network via 11<sup>th</sup> and 12<sup>th</sup> St W, which are designated as local roads in the OP. A landscaped area along the

entire length of the parcel between the parking area and 2<sup>nd</sup> Ave W will provide a visual buffer between the parking area and the sidewalk along 2<sup>nd</sup> Ave W and the adjacent residents. The landscaped area will include deciduous trees interspersed between deciduous and coniferous shrubs. An additional landscaped strip of deciduous trees and deciduous and coniferous shrubs is proposed in the middle of the parking area between Buildings 2 and 5. This landscaping area will provide an additional layer of buffering between the parking area and adjacent uses to the west.

The neighbourhood surrounding the subject property is a mix of older single detached dwellings and newer semi-detached and multi-unit buildings. Although varied in terms of architectural styles and treatment, red brick buildings are typical in the area. The architectural details for the proposed development incorporate red brick in all the residential and amenity buildings. The building façades also include stone, concrete, and glass. The stone and concrete are coloured white and variable shades of grey. The façade colours and textures delineate the bottom, middle and top storeys of the building. Each residential building includes balconies on all four sides of the building. The effect of the proposed architectural details is to incorporate architectural elements of the surrounding neighbourhood into a sympathetic contemporary aesthetic. The exterior construction materials are anticipated to have longevity and withstand the City's climate.

The proposed site design provides adequate parking, landscape buffering, safe access for pedestrians and access to alternative modes of transportation. The proposed development generally conforms to the OP's Urban Design policies. The balance of this report elaborates on the design details of the proposed development.

### **Transportation**

Where development is proposed, the Planning Act and City OP City require a comprehensive traffic analysis to assess the impacts of traffic on the road network in the area. The City may also require the developer to enter into an agreement outlining financial contributions to provide for any improvements to the transportation system necessary to support the development. Transportation improvements required by the City may include but are not limited to intersection improvements, road widening, and integration of the proposed development into the surrounding public access system of roads, walkways, bicycle paths and transit facilities.

2<sup>nd</sup> Avenue West is classified as a Minor Arterial/County Road. The City's OP states that the minimum width for a County Road within the City is 30 metres. The existing road allowance width is 20 metres. Therefore, a 5.2 metre road widening will be required on the east side of 2<sup>nd</sup> Avenue West. There is an existing sidewalk along 2<sup>nd</sup> Ave W adjacent to the subject lands. The development is proposing significant landscaping along with the western property between the parking area and the 2<sup>nd</sup> Ave municipal road allowance. Staff recommend as a condition of approval that the developer is required to relocate the municipal sidewalk on 2<sup>nd</sup> Ave W between 11<sup>th</sup> and 12<sup>th</sup> St W adjacent to the new property boundary as part of the overall redevelopment. Relocation of the sidewalk at this time will ensure that when 2<sup>nd</sup> Ave W is redeveloped in the future, the reconstruction will not impact the established trees and plantings. Furthermore, residents using the municipal sidewalk will benefit from the increased distance between the sidewalk and the street as well as from the shading/protection created by the landscaping strip.

#### **Archaeological Assessment**

The policies of the OP require studies, such as an Archaeological Assessment Report, prepared by a qualified person, to identify and protect archaeological resources from destruction or alteration through development. An archaeological assessment was not required to be completed for the site because the Environmental Site Assessment process removed significant volumes of soil from the property and thus, the site's archaeological potential is considered low. Given the recent extensive and intensive ground disturbance of the lands as a result of historical land uses and remediation activities, it is not anticipated that archaeological resources remain on site. The City's standard site plan agreement contains a clause referencing applicable legislation and action that should be taken if archaeological resources or human remains are found on-site during the construction process.

The OP also requires that the City engage with our local Indigenous communities when identifying, protecting and managing cultural heritage and archeological resources. The Saugeen Ojibway Nation and the Historic Saugeen Metis were included in all circulations for the subject development. Given the site's low archaeological potential due to historic disturbance and the inclusion of the monitoring clauses in the agreement, Planning Staff are satisfied that the requirements of the OP are met in this regard.

The proposal conforms to the policies of the City's Official Plan, subject to conditions.

### City of Owen Sound Zoning By-law (2010-078, as amended)

The subject property is zoned 'Mixed Use Commercial' (MC) with Special Provision 14.46 and a Holding provision in the City's Zoning By-law (2010-078, as amended). Apartment dwellings are a permitted use in the MC zone. Special Provision 14.46 functions to limit the permitted uses to those existing on October 4, 1999, until the Holding is removed. When the holding provision is removed, all the uses listed in the MC zone are permitted and Special Provision 14.46 will continue to apply, providing for site-specific regulations for apartment dwellings among other permitted uses.

### **Removal of Holding**

Special Provision 14.46 does not provide specific study requirements for the removal of the holding. However, as discussed above, the Official Plan addresses former industrial sites in the West Harbour Planning Area and provides study requirements to support the removal of the Holding. Additionally, the applicant has applied for Site Plan Approval which addresses matters of municipal servicing as well as other relevant matters such as traffic impact, landscaping, and urban design.

The Removal of the Holding to allow a multi-unit residential development is warranted given that:

- 1. A 'Record of Site Condition', which provides for a residential use has been filed with the Ministry of Environment, Conservation and Parks;
- 2. An opinion from a Qualified Person was submitted with the application noting that the RSC still applies and can be used to obtain a building permit and that there is no mandated need for a new RSC; and
- 3. Other studies, including a Traffic Impact Study, which support the proposed site plan have been submitted as part of a Site Plan Approval application.

## **Zoning Conformity**

Staff have undertaken a thorough review of the Site Plan relative to the City's Zoning By-law. Based on this review, the following merits note:

Zoning Matter	How is the Requirement Met?
Standard Parking Stalls	The 224-unit development is required to provide 280 parking stalls. The development provides 280 of street parking stalls along the western property boundary.
	The proposed stalls meet the minimum size requirement (2.65m $\times$ 6.0m) of the Zoning By-law.
	The parking stalls proposed on the site plan conform with the parking provisions.
Barrier-Free Parking Stalls	The number of proposed barrier-free parking stalls meets the zoning requirement.
	As per the zoning standards the development is required to provide seven (7) barrier free spaces and seven spaces are provided.
	A recommended condition of approval is that the barrier-free parking stall must meet the requirements for design and signage as detailed in the City's Standard Drawings E1a, E1b, E4a, E4b and AODA requirements.
Loading Spaces	Multiple Dwelling developments over 25 units are required to provide one loading space. Two loading spaces are provided.
Bicycle Parking Spaces	The development is required to provide 10% of the required vehicle parking as bicycle parking spaces. The site plan is required to provide 28 bicycle parking spaces.
	The site plan shows two bicycle racks with 14 spaces each located generally within the middle of each three-building cluster.
	Staff recommend as a condition of approval that the developer consider providing additional bicycle parking and that at least a portion of the bicycle parking is covered.

Zoning Matter	How is the Requirement Met?
Setbacks	The required setbacks are generally met or exceeded. The balconies on two of the buildings encroach into the required setback as permitted by Section 5.8 of the Zoning By-law.
Lot Coverage	The lot coverage is below the maximum established by the Zoning By-law.
Building Height	Building height maximum is not exceeded.
Density	The maximum density is not exceeded.
Hazard Land	The subject lands do not contain any hazard lands.
Landscape Buffer Strips	The landscape area meets the minimum requirements.

The proposal meets the requirements of the City's Zoning By-law.

#### **Details Respecting Accessibility:**

Section 41 of the *Planning Act*, which legislates Site Plan Control, stipulates that no development shall be undertaken unless the Council has approved plans showing the location of all buildings, facilities, and works forming part of the development, including facilities designed to have regard for accessibility for persons with disabilities.

A recommended condition of Site Plan approval is proposed to ensure that matters of accessibility are addressed and that the final approved site and construction plans reflect the requirements of the *Accessibility for Ontarians with Disabilities Act* and the Ontario Building Code respecting matters of accessibility.

#### **Vehicular Access and Paths of Travel**

The site will be accessed via two entrances from 11<sup>th</sup> St W and 12<sup>th</sup> St W. The entrances lead directly to the 280-parking stall parking area. The proposed parking area runs along the entire western length of the parcel adjacent to 2<sup>nd</sup> Ave W. The parking area is split into two main sections by a pedestrian sidewalk and landscape strip that runs the length of the parking area and is connected by an internal drive aisle. The application is proposing seven (7) accessible parking stalls located

at the ends of the parking area. With respect to matters of accessibility, the barrier-free parking stalls are located in a defined parking area with a direct painted path of travel to the internal sidewalk which runs adjacent to the parking area. The sidewalk connects to the main entrance of the four western buildings.

The barrier-free parking stalls generally meet the requirements for design with a few minor missing details such as tactile walking surface indicator in accordance with City standards. Staff recommend that as a condition of approval, the site plan be revised to ensure the barrier-free stall design details meet the City's Standard Drawings E1a, E1b, E4a, E4b and AODA.

#### **Exterior Paths of Non-vehicular Travel**

City sidewalks are located on both sides of  $2^{nd}$  Ave W and  $12^{th}$  St W as well as on the south side of  $11^{th}$  St W and the west side of  $1^{st}$  Ave W. The City's Waterfront Trail and Inner Harbour Park (Marine and Rail Museum) are located on the east side of  $1^{st}$  Ave W. The City sidewalks will connect to an internal sidewalk/pathway system at several points along  $11^{th}$  and  $12^{th}$  St W and  $1^{st}$  Ave W.

The application is proposing a midblock pedestrian crossing on 1<sup>st</sup> Ave W between 11<sup>th</sup> and 12<sup>th</sup> St W. Currently the only protected pedestrian crossings of 1<sup>st</sup> Ave W in that area are available at the intersections of 10<sup>th</sup> St W & 1<sup>st</sup> Ave W and 14<sup>th</sup> St W & 1<sup>st</sup> Ave W which are approximately 600 m apart. OP policies encourage the linking of new residential developments through accessible, age-friendly and transit-supportive design elements both internally and externally to the development. At this time, the applicant has not provided design details for the crossing. Engineering Services comments note that if implemented, the crossover would be required to meet Ontario Traffic Manual standards as a signalized crossover, specifically an Ontario Traffic Manual Book 15 – Level 2 – Type "B" crossing with illumination. This is the treatment utilized on 8th Street East at 1st Avenue East/east side of the 8th Street Bridge.

The crossing will provide a protected, pedestrian path of travel across a future arterial road to the City's transit stop on the east side of  $1^{st}$  Ave West. As well it would provide a functional link in connecting the site and surrounding neighbourhood to the City's active transportation

network along the harbour. Staff recommend as a condition of approval that the developer shall design and construct the crossing to the satisfaction of the Manager of Engineering Services and at the developer's sole effort and expense.

The barrier free parking stalls are located within 30 m or less to a main entrance of four (western buildings) of the six buildings. The main entrance of the buildings located along the eastern property boundary are slightly beyond the 30 meters 'best practice' distance. The eastern buildings (Buildings 1 & 6) are accessed via AODA compliant ramps and stairs from the City sidewalk.

Staff recommend that the internal sidewalks (adjacent to the parking area and internal drive aisle) be required to comply with AODA as a condition of approval and be at least 1.5 m wide. The final approved site plan is to show a 1.5 m wide sidewalk. Staff recommend that given the nature and density of the development, the developer consider making all internal pathways 2.0 meters in width. Pathways are those internal pedestrian corridors that connect the various buildings on site including the amenity building and which are not located adjacent to the off-street parking area.

The pathways and on-site landscaped areas may provide the main outdoor recreational spaces for elderly and disabled residents and consideration should be given by the developer to ensure that these spaces are available to residents throughout the year. Staff recommend that the developer be required to provide AODA compliant rest areas along the internal pedestrian pathways and within the landscaped space around the amenity building. Shading of these rest areas with trees or shade structures would optimize their use.

#### Site Design & Functionality

The site will be lit using dark sky-compliant lighting fixtures in accordance with City standards and the Ontario Building Code. The buildings will be completely accessible with push-button doors and adequately sized entrances.

Staff recommend that the developer consider providing designated protected mobility scooter parking with charging capabilities either internal or external to the building.

Lastly, the Ontario Building Code requires that 15 percent (15%) of units be barrier-free and spread equally throughout the buildings. Review of the building interior during the Building Permit application will ensure that the required number of barrier free units are provided.

#### **Access to Transit & Amenities**

The subject lands are well located for access to the City's transit system. The Core transit route travels along 2<sup>nd</sup> Ave W with a stop located on the west side of 2<sup>nd</sup> Ave W at the intersection with 11<sup>th</sup> St W. The Brooke transit route travels along on 11<sup>th</sup> St W and 1<sup>st</sup> Ave W with a stop located on the east side of 1<sup>st</sup> Ave W at the Marine and Rail Museum. The Core transit route stops at Heritage Place Mall and provides excellent connectivity through the central City over the east and west sides.

The subject lands are also within walking distance to several City parks and trails. The City's waterfront trail is located on the east side of 1<sup>st</sup> Ave W which provides pedestrian and cycling connectivity to Kelso Beach Park to the north and Harrison Park to the south.

The proposed midblock pedestrian crossing of 1<sup>st</sup> Ave W will support access to these and other recreational facilities and services within the City.

Staff have reviewed the application relative to the City's approved Accessibility Checklist and find that the proposed development conforms to the standards set out therein.

### **City Staff & Agency Comments**

In response to the request for comment from the Planning & Heritage Division, the following comments have been submitted for review pertaining to the subject application. All comments can be found attached hereto as Schedule 'F'.

## **City of Owen Sound Planning & Heritage Division**

The Planning & Heritage Division has undertaken a full review of the application in consideration of the principles of good planning, which ensures a safe, functional, and attractive site layout. The following aspects of the site design merit note in addition to the planning policy analysis outlined above.

Design Aspect	Policy Context/Staff Comments
General Layout	The site lay out conforms to the applicable urban design policies and takes advantage of the view of the waterfront for the residents through the placement of the buildings and the amenity area on site. The buildings address the street edges of 11 <sup>th</sup> and 12 St W and 1 <sup>st</sup> Ave W.
Parking Layout	The parking area is designed and located so as to optimize land use on the subject property. All buildings are connected to the parking area via internal pedestrian pathways and sidewalks. An internal sidewalk with landscaped strip runs along the entire length of the parking area to provide pedestrian access. A painted pedestrian crossing allows safe access over the internal drive aisle from the internal sidewalk in the parking area to the sidewalk system adjacent to the buildings.
Loading Location	Two loading spaces are located at opposite ends of the parking area to service each building cluster. The location of the loading spaces is constrained by the fire route.
Pedestrian Access and Connectivity	The internal sidewalk and pedestrian pathways between the buildings provide good connectivity within the site. The internal system is connected to the City sidewalk network via the number of access points along 11 <sup>th</sup> and 12 <sup>th</sup> St W and 1 <sup>St</sup> Ave W. The sidewalk on 2 <sup>nd</sup> Ave W is accessed via City sidewalks on 11 <sup>th</sup> and 12 St W.
Lighting	A photometric site plan was provided. The plan shows external lighting at strategic points along the façade of the buildings as well as within the parking area and the internal pathway system.
	The Ontario Building Code specifies exterior lighting requirements. Exterior lighting on the building will be finalized at the building permit stage

Design Aspect	Policy Context/Staff Comments
	A standard condition in the City's Site Plan Agreement requires that all lighting will be downward facing and dark-sky compliant and that on-site LED lighting shall be specified with a maximum colour temperature (CCT) of 3000K (warm white).
Landscaping	The plan indicates 121 trees to be planted as replacements, exceeding the 2:1 replanting ratio required for residential development by 79 trees. All species identified for replanting are non-invasive, and 85 of the 121 new trees are identified as hardwood species. The landscaping plan meets the criteria outlined through the pre-consultation process for this application.
	A Landscaping & Property Improvement Grant Program application under the City's Community Improvement Plan has been submitted by Hansa Financial and Property Management for the landscaping works to be completed on-site. Community Services Committee recommended approval to City Council.
	Staff are generally satisfied with the landscape plan subject to the recommended conditions of approval.
Recreational Facilities	The site plan proposes an onsite amenity building. At this time details regarding the operation of the proposed facilities within the building are not known.
	Regarding outdoor recreational space, Staff recommend that the developer consider the provision of outdoor recreational facilities in the vicinity of the amenity building. This can be in the form of a playground for children aged 0-12 years, aboveground garden boxes and community outdoor seating/BBQing facilities for example. Play facilities shall meet "CSA Guidelines for Playground Equipment".

Design Aspect	Policy Context/Staff Comments
Garbage & Recycling	As this residential development includes a total number of dwelling units that exceed 6 units, the City does not collect garbage and blue box materials from individual units. The Developer must make arrangements with a private waste management contractor for the on-site deposition, collection, and disposal of these materials.
	Two Molok waste container sites are provided at the north and south ends of the sidewalk in the middle of the parking area. The two-container system includes garbage and recycling at both sites and services the entire development. Waste and recycling pickup is the responsibility of the developer. Staff recommend that a provision of the site plan agreement provide clarification regarding the responsibility of on-site waste and recycling disposal, storage, and collection. to ensure that the proposed waste system does not become a nuisance to residents in terms of odour and that adequate storage is provided at all times. More frequent pickups may be required at certain times.
Snow Storage	The site plan does not show any snow storage location and there are no surplus parking spaces that can be used for snow storage.
	Owen Sound receives significant amounts of snow, both in individual weather events and over the course of the winter season.
	Removal of snow from the site will be required following each snow event and will be implemented and enforced as a provision of the Site Plan Agreement.
Building Design	The submitted Building Elevations attached as Schedule 'F', illustrate the architectural design of the

Design Aspect	Policy Context/Staff Comments
	proposed buildings as well as providing a conceptual overview of the entire development.
	The elevations show six four-storey multi-unit residential buildings and a one storey amenity building. The residential buildings include balconies on all four sides of the buildings The building façades consist of a variety of building materials including stone, concrete, and glass. The three main colour blocks are white, red brick, and grey in variable shades. The façade colours and textures delineate the bottom, middle and top storeys of the building.
	The elevations and cross-sections are included in the site plan package and will form part of the approved plans.
Matters of Accessibility	Staff have reviewed the application relative to the City's approved Accessibility Checklist and City and AODA accessibility standards and find that the proposed development conforms to the standards set out therein, subject to the recommended conditions of approval

The City's Planning & Heritage Division recommends approval of application ST2021-012, subject to the recommended conditions.

### City of Owen Sound Engineering & Public Works Department

Comment has been received from the City's Engineering & Public Works Department with no objection to the subject proposal.

<b>Engineering Detail</b>	Staff Comments
Stormwater Management (SWM)	Runoff from the development will be controlled to pre-development flow rates through a combination of surface ponding and an underground storage system connected to catch basins and maintenance hole structures on-site.

<b>Engineering Detail</b>	Staff Comments
	Storms exceeding the design capacity of the system will be safely conveyed to 1st Avenue West through an engineered spillway.
	The Oil/Grit Separator (OGS) selected provides an "enhanced" treatment level with an annual total suspended solids (TSS) removal of 83% or greater and treats >90% of the total annual runoff volume.
	The SWM Report is acceptable.
Grading & Drainage	The site grading supports the SWM design and conforms to Section 2.2.2 of the City's Property Standards By-law 1999-030.
Servicing	The submitted Servicing Feasibility Study demonstrates that there is sufficient City infrastructure to support the development.
	The water meters required by the City have been moved from the building mechanical rooms to meter pits. In-ground meter chambers for the water meters or backflow preventers are not acceptable and do not comply with City Standards. CSA Standard 6.6.3 does not allow backflow preventers to be in below-grade chambers. The City will require the water meters, backflow preventers and by-pass piping to be either in the building mechanical rooms or in meter huts. The erection of meter huts, whether attached or detached to the exterior of a building, may require additional Planning Act Approvals.
	Revision of the Site and Servicing Plans is required as per Engineering Services Division comments dated April 19, 2022 is required as a condition of approval.

<b>Engineering Detail</b>	Staff Comments
Site Access & Traffic Circulation	The TIS concludes that the traffic generated by the 1144 1 <sup>st</sup> Avenue West development can be supported by the boundary road network, and the Site Plan can be supported from a traffic operations perspective.
	Vehicular access to the site is from 11 <sup>th</sup> Street West and 12 <sup>th</sup> Street West. The throat width of these access points is acceptable at 7.0m.
	The City's SDES require a setback of 15.0 metres from an unsignalized intersection for access points on a local road. The access points for this development exceed this requirement.
	The Engineering Services Division accepts and supports the conclusions and recommendations of the TIS. The distance of the site access points from the County Road as shown on the engineering drawings are acceptable.
Pedestrian Access	Pedestrian access to these buildings is provided from all the surrounding streets and avenues. A mid-block pedestrian crossover of 1 <sup>st</sup> Avenue West between 11 <sup>th</sup> Street West and 12th Street West is shown in this proposal. 1 <sup>st</sup> Avenue West is designated as a future arterial road with heavy truck traffic to the grain elevator.
	Uncontrolled pedestrian crossings and traffic calming measures are not appropriate for arterial roads. If implemented, this crossover would be required to meet Ontario Traffic Manual standards as a signalized crossover at the Developer's expense. It is anticipated that the pedestrian crossover will be an Ontario Traffic Manual Book 15 – Level 2 – Type "B" with illumination. This is the treatment utilized on 8th Street East at 1st Avenue East/east side of the 8th Street Bridge.

<b>Engineering Detail</b>	Staff Comments
	The existing sidewalk fronting this development on 2 <sup>nd</sup> Avenue West is to be removed and replaced with an AODA compliant sidewalk offset 0.3 metres from the new 2 <sup>nd</sup> Avenue West property line as per City Standard Drawing OSS-103A and aligned with the existing sidewalks at the intersections with 11 <sup>th</sup> Street West and 12 <sup>th</sup> Street West.
Parking	The proposal shows fifty-one (51) parking stalls located on City road allowances on 11 <sup>th</sup> Street West and 12 <sup>th</sup> Street West. It is not City policy to allow dedicated on-street parking for a private development. Any available on-street parking would be for the benefit of all residents of the City. On-street parking is not to be used in the calculation of the required number of parking stalls for a private development.
	The standard parking stalls and aisle widths meet the requirements of Zoning By-law 2010-078, as amended and the City's Site Development Engineering Standards. The proposed barrier-free parking stalls do not meet the requirements for design and signage as detailed in the City's Standard Drawings E1a, E1b, E4a, E4b, AODA and OBC requirements.
	There is no provision for electric vehicle charging stations shown on the submitted plan. Engineering & Public Works Staff recommend that the developer give some consideration to the provision of electric vehicle charging stations.
Road Widening	The City's Official Plan classifies this portion of 2nd Avenue West as a Minor Arterial/ County Road. The City's Official Plan states that the minimum width for a County Road within the City is thirty (30) metres. The existing road allowance width is

Engineering Detail	Staff Comments
	twenty (20) metres. Therefore, a 5.2 metre road widening will be required on the east side of 2 <sup>nd</sup> Avenue West together with additional 5.0 metres by 5.0 metres sight triangles at the 11 <sup>th</sup> Street West and 12 <sup>th</sup> Street West intersections on 2 <sup>nd</sup> Avenue West as a condition of site plan approval to allow for future upgrading of the 2nd Avenue West corridor. Any future reconstruction of 2 <sup>nd</sup> Avenue West is the responsibility of Grey County.
Transfer of Leased Lands & Absolute Title	As part of the development of the lands, the owner is making an Application for Absolute Title to the Land Registry Office. During the preparation of the application, it was discovered that two strips of land that abut the subject lands were leased by the City to BCK in the 1940s. These lands include a strip of property along 11 <sup>th</sup> St W and a strip of property along 2 <sup>nd</sup> Ave W and are known as Parts 1 & 2 on Reference Plan 16R-6924. During a subsequent sale of the BCK lands, the leased lands were included in a deed although the vendor did not hold the title. In order to correct the title, the leased lands need to be transferred back to the City, which requires the City to execute documents to complete the transaction.
	The application for the absolute title also requires that the City, as an abutting landowner, is provided notice of the application and consents to the application. As the application is a precursor to the development it is recommended that the City provide its consent to the application and waives its right to formal notice.
	The matter of absolute title was not initiated by the City and does not form part of the Planning Act approvals process. This information and the related request have been included in this report to avoid a secondary report to Council and to

<b>Engineering Detail</b>	Staff Comments
	capitalize on process efficiencies as it relates to the subject lands. Through this report the City Clerk is recommending all documents necessary to transfer leased lands, known as Parts 1 and 2 on Reference Plan 16R6924, to the City; and all documents necessary to consent to the Application for Absolute Title by Hansa Financial & Property Management Inc. and to waive notice of the application.
Landscaping	No landscaping features, signage, or vegetation with a mature height greater than 0.6 metres are to be located within the 5.0 metres by 5.0 metres sight triangles required at the access points as per Section 5.12.3 of Zoning By-law 2010-078, as amended.
Environmental	There is a Record of Site Condition on file with the MECP for this property. There could be areas of contamination that may be discovered during construction which would require further remediation and intervention by a qualified person.
Source Water Protection	The Drinking Water Source Protection Plan, approved under Part IV of The Clean Water Act, 2006, indicates that this property is within "Intake Protection Zone 2" (IPZ-2), an Events Based Threat area concerned with fuel storage exceeding 50,000 litres.
	A SWP Risk Management Plan may be required if fuel storage is contemplated as a component of this proposed development.
Fees & Charges	The Engineering Review Fee will be \$500.00 plus 4% of the first \$100,000.00 of Total Development Cost plus 2% of the amount of TDC exceeding \$100,000.00. Total Development Cost includes estimated construction value of on-site and off-site works (excluding buildings), plus 5% contingency

Engineering Detail	Staff Comments costs, plus 7% for Engineering design,
	administration, and inspection costs plus HST.
	A Street Occupation Permit (SOP) will be required prior to commencement of any work on Cityowned property. An Encroachment Permit from Grey County will be required prior to commencements of any work on County property (2 <sup>nd</sup> Avenue West/Grey Road 1). The City SOP is available from the Engineering Services Division for a fee of \$60.
	A Special Services Application (SSA) that may include a Servicing Agreement together with the security deposit for any works constructed on City lands will be required prior to any work commencing on City-owned property. The SSA permit is available at the Engineering Services Division counter for a fee of \$60. Additional fees apply for the Special Services Application.

The City's Engineering & Public Works Department recommends approval of application ST2021-014, subject to the recommended conditions.

### **City of Owen Sound Fire Prevention Division**

Comment has been received from the City's Fire Prevention Division with no objection to the subject proposal.

Fire Prevention recommends that the fire department connections planned for the buildings should be located adjacent to the main entrance to the buildings where possible.

## City of Owen Sound Building Division

Comment has been received from the City's Building Division with no objection to the subject proposal.

### City of Owen Sound Parks & Open Space Division

Comment has been received from the City's Parks & Open Space Division with no objection to the subject proposal.

The tree preservation, hoarding and replacement plan propose to remove 42 trees composed predominantly of mature Cottonwood, Manitoba Maple and Silver Birch. Black Locust, Russian Olive and Norway Maple are also present at the site and propose for removal. All plant materials proposed are non-invasive and appropriate for the site and its uses.

Hardscape features are consistent with the Owen Sound Harbour and Downtown Urban Design/Master Plan Strategy.

#### **Grey County**

Comment has been received from Grey County Planning with no objection to the subject proposal.

Grey County Transportation Services have had the opportunity to review the TIS and find that:

- The TIS relating to this development has been reviewed by the County Transportation Staff and the County supports the findings, and
- Grey County Transportation staff support City staff in their proposed recommendation to Council for Site Plan Approval for this development with entrance setbacks at 16 meters and 16.5 meters at 11th and 12th Streets, respectively as these setbacks meet Owen Sound standards.

### **Grey Sauble Conservation Authority (GSCA)**

Comment has been received from GSCA with no objection to the subject proposal.

- Stormwater quality is being addressed through the use of an OGS unit at the northern end of the property before stormwater enters the City storm sewer infrastructure. The unit will require regular inspection and maintenance to ensure proper functionality throughout its lifespan. This will need to be reflected within the site plan agreement.
- recommend the final stormwater management report address potential surcharging to ensure there are no impacts to the proposed development or neighbouring properties.
- GSCA recommends a final Stormwater Management Report be completed that further address stormwater thermal controls and final detailed design. As noted, the report should also address the potential for stormwater surcharging because of high lake levels.

#### **Enbridge/Union Gas**

Comment has been received from Enbridge/Union Gas with no objection to the subject proposal.

#### **Bell Canada**

Comment has been received from Bell Canada with no objection to the subject proposal.

#### **Bluewater District School Board (BWDSB)**

Comment has been received from BWDSB with no objection to the subject proposal. School Board Planning staff request that urban standards such as sidewalks be included throughout the proposed development to facilitate heavy foot traffic areas and promote walkability.

BWDSB requests the addition of three conditions noting that bussing and local accommodation is not guaranteed within City BWDSB public schools.

Planning staff recommend that the conditions be included in the site plan agreement as provisions, though it merits note that the City cannot require or guarantee that future tenants will be made aware of the School Board's comments.

### **Historic Saugeen Metis (HMS)**

Comment has been received from HMS with no objection to the subject proposal.

#### **Canada Post**

Comment has been received from Canada Post with no objection to the subject proposal. Multi-unit buildings and complexes (residential and commercial) with a common lobby, common indoor or sheltered space, require a centralized lockbox assembly which is to be provided by, installed by, and maintained by the developer/owner at the owner's expense.

## Saugeen Ojibway Nation Environment Office (SON)

Comment has been received from SON with no objection on the subject proposal.

## **Next Steps:**

In accordance with the *Planning Act* and City protocols for processing Planning Act Applications, the following outlines the next steps in the process:

Anticipated Date	Step
May 30, 2022	Passing of amendment by-law and Notice of Decision.
	By-law to authorize the Mayor and Clerk to sign the Site Plan Agreement.

## **Financial Implications:**

The proposed development is considered a 'Rental Housing Development' as defined by the <u>City's Development Charges By-law</u> (2020-112). In accordance with the current By-law, the owner is exempt from payment of City development charges upon the issuance of a Building Permit provided a Development Charges Exemption Agreement is executed with the City, to the satisfaction of the Director of Corporate Services.

Based on current development charge rates, the amount expected to be exempt for the subject development having 224 units equals \$1,101,856.

The applicant applied for two Community Improvement Plan applications and received approval for both applications.

The Vacant Lands Tax Assistance Program will provide tax relief for approximately \$1,889,737.08 over the 10-year program period.

The Landscaping & Property Improvement Grant will provide for 50% of eligible costs up to a maximum of \$10,000 for professional landscaping installation.

The tax assistance, the Landscaping & Property Improvement Grant, and the anticipated Development Charge Exemption will result in estimated financial incentives of approximately \$3,000,000 from the City for this 224-unit residential redevelopment.

## **Communication Strategy:**

Planning Staff will communicate the decision of Council with the applicant and will work with the applicant to fulfill the remainder of their obligations in the Site Plan Approval Process.

#### **Consultation:**

The application and each submission were circulated to various City Departments and our commenting agencies as part of the consultation process. Planning staff have been in communication with the applicant throughout the process.

#### **Attachments:**

Schedule 'A': Orthophoto

Schedule 'B': Official Plan and Zoning Map

Schedule 'C': Property Details

Schedule 'D': Site Plan

Schedule 'E': Landscape Plan

Schedule 'F': Elevations & Cross Sections

Schedule 'G': Conditions of Approval

Schedule 'H': Agency Comments

#### Recommended by:

Sabine Robart, M.SC. (PL), MCIP, RPP, Senior Planner Amy Cann, M. PL. MCIP, RPP, Manager of Planning & Heritage Pam Coulter, BA, RPP, Director of Community Services

## Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Sabine Robart, Senior Planner at srobart@owensound.ca or 519 376 4440 x. 1236.