

Subject: Zoning By-law Amendment – 3437 Innes Road

File Number: ACS2022-PIE-PS-0090

Report to Planning Committee on 27 October 2022

and Council 9 November 2022

**Submitted on October 11, 2022 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

Contact Person: Shoma Murshid, Planner, Development Review East

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Ward: Innes (2)

Objet : Modification du Règlement de zonage – 3437, chemin Innes

Dossier : ACS2022-PIE-PS-0090

Rapport au Comité de l'urbanisme

le 27 octobre 2022

et au Conseil le 9 novembre 2022

**Soumis le 11 octobre 2022 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne ressource : Shoma Murshid, Urbaniste, Examen des demandes
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Quartier : Innes (2)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 3437 Innes Road to permit a mixed-use building up to six-storeys in height, as shown in Document 1 and as detailed in Documents 2 and 3.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of November 9, 2022 subject to submissions received between the publication of this report and the time of Council’s decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l’urbanisme recommande au Conseil d’approuver une modification du Règlement de zonage (n° 2008-250) visant le 3437, chemin Innes pour permettre l’aménagement d’un immeuble polyvalent d’une hauteur maximale de six étages, comme indiqué dans le document 1 et expliqué en détail dans les documents 2 et 3.
2. Que le Comité de l’urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux ‘exigences d’explication’ aux termes de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 9 novembre 2022 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

3437 Innes Road

Owner

Elias, Walid; Elias, Nehme; Elias, Bishara El-Hage

Applicant

Novatech

3437 Innes Road

Description of site and surroundings

The subject site is located near the northwest corner of Pagé Road and Innes Road. It is currently occupied by a single detached dwelling, free-standing garage/workshop and shed. The subject site is approximately 1,818 square metres and has approximately 33 metres of frontage on Innes Road. Approximately 5.6 metres from Innes Road's front lot line, a primary Hydro transmission line runs parallel to the frontage.

Abutting to the east of the subject site is 3443 Innes Road, a corner lot with a single detached dwelling. Across Pagé Road, to the east exists a gas station and a one-storey commercial plaza. There are existing residential uses, including the lot abutting to the north, which includes a detached dwelling on a 10,000-square metre property. To the east and south, along Innes Road are existing commercial uses. To the west, there is mainly low-rise residential uses. On the southeast corner of Innes and Pagé Road, exists a four-storey retirement residence.

Summary of requested Zoning By-law amendment proposal

The City of Ottawa has received a Zoning By-law Amendment to rezone the subject site from Residential First Density, Subzone WW (R1WW) to Local Commercial Zone, Exception XXXX, Height Schedules YYY with a holding zone (LC[XXXX] SYYY)-h.

Brief history of proposal

The vacant corner lot abutting the subject site to the east (3443 Innes Road) went through a previous Zoning By-law Amendment (File No. D02-02-17-0124) in 2018 and currently permits a six-storey building under a Local Commercial zone with some exceptions. The owner of the corner lot has since acquired 3437 Innes Road and is seeking to apply the same zoning to the subject site. Planning Committee placed a holding zone on 3443 Innes Road to reflect their desire to see a revised plan under the concurrent Site Plan Control process (File No. D07-12-17-0169), in support of a more pedestrian-friendly design at 3443 Innes Road, including bringing the building as close as possible to the two adjacent road frontages. This led to the lifting of Delegated Authority for the Site Plan Control application.

At this time, a Site Plan Control application has not been submitted for 3437 Innes Road - the property subject to this report. If approved, this rezoning application may permit uses in accordance with the Local Commercial Zone, provided it meet the setbacks and height schedules as outlined in this report. To address appropriate transition, this Zoning By-law Amendment will include changes to the Local Commercial Zone, for building height and setbacks.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Zoning By-law amendments. To date, there have been no public meetings.

48 residents wrote in to identify concerns. A summary of the concerns is outlined in Document 6.

For this proposal's consultation details, see Document 6 of this report.

Official Plan designation(s)

If a complete Zoning By-law Amendment application is received by no later than the day before the new Official Plan (OP) is adopted, it will be processed on the basis of existing OP policy provided it is consistent with the 2020 Provincial Policy Statement. This Zoning By-law Amendment has been received prior to the adoption of the new OP and is subject to the existing OP policies.

Current Official Plan

The site is designated General Urban Area on Schedule B of the OP. The General Urban Area designation permits a full range and choice of housing types and densities to meet the needs of all ages, incomes, and life circumstances. A mix of land uses are permitted within this designation.

The OP promotes opportunities for intensification where appropriate. While the focus for intensification is along Mainstreets, within Mixed-Use Centres, and Town Centres, the OP does contemplate intensification in the General Urban Area designation, which comprises much of the Urban Area. In such cases, the scale of intensification and the heights and density of development will vary depending upon factors such as the existing built context and proximity to major roads, transit and amenities.

Building heights in the General Urban Area will continue to be predominantly low-rise. Within this range, changes in building form, height and density will be evaluated based upon compatibility with the existing context and planned function of the area. New taller buildings may be considered for sites that:

- a. Front on an arterial road on Schedules E or F of this Plan and that are:
 - i. within 800 metres walking distance of a Rapid Transit Station on Schedule D of this Plan, or
 - ii. on a Transit Priority Corridor on Schedule D of this Plan.

In this case, the subject site is on an arterial road, as shown on Schedule E, and on a Transit Priority Corridor, as shown on Schedule D of the OP.

Demonstrating an appropriate built form transition between a taller building and the adjacent low-rise built form as outlined in Section 4.11 of this Plan, “Urban Design and Compatibility” is key in these instances. At the scale of neighbourhoods or individual properties, issues such as noise, spillover of light, accommodation of parking and access, shadowing and microclimatic conditions are prominent considerations when assessing the relationships between new and existing development.

Good building design contributes to successful neighbourhood integration and the compatibility of new development with the existing or planned character of its surroundings. Compatibility of new buildings with their surroundings will be achieved in part through the design of the portions of the structure adjacent to existing buildings and/or facing the public realm. Typically, at the time of a Zoning By-law Amendment application, a proponent shall demonstrate how the development fits with the existing desirable character and planned function of the surrounding area in the context of setbacks, heights and transition.

Further compatibility and transition measures will be explored under the Site Plan Control process including:

1. Façade and roofline articulation;
2. Colours and materials;
3. Architectural elements, including windows, doors and projections;
4. Pre- and post-construction grades on site;
5. Incorporating elements and details of common characteristics of the area; and

6. Defining the edges of the pedestrian environment.

New Official Plan

The site is identified within the Outer Urban Transect Policy Area on Schedule A of the City of Ottawa's new Official Plan and is on a Minor Corridor, Suburban Transect, Evolving Overlay.

Along Minor Corridors, height transitions and stepbacks are permitted up to four-storeys. The Evolving Overlay provides policy support for rezoning applications that wish to push beyond what is currently allowed in the Zoning By-law but not higher than the four-storey height cap.

Urban Design Review Panel

The proposal was not subject to the Urban Design Review Panel (UDRP) process.

Planning rationale

The proposed increase in height for a building under a Local Commercial Zone has been reviewed by Planning, Real Estate and Economic Development (PRED). Several compromises and re-designs have been made in response to the existing low-rise context abutting to the west. The Local Commercial Zone has a 12.5 metre height or four-storey limit, as well as an interior lot line setback ranging from 1.2 to 5 metres, depending on the proposed land use (i.e., residential versus non-residential building). In response to the existing context and to minimize conflict between the low-rise residential to the west, the interior lot line setback has been increased from 5 to 7.5 metres. The height at the 7.5 metre setback will then be set to 11 metres (three-storeys) and this height cap shall continue for approximately the first half of the subject property. Approximately at the halfway mark of the site, the height will be allowed to increase to six-storeys. The rear lot line setback shall be 13.0 metres.

With respect to the proposed increase in building height, up to three-storeys will be permitted adjacent to the existing low rise residential area, to correspond with the zoning permissions within the adjacent low-rise residential area. Using the angular plane as a guide, height increases up to six-storeys will be permitted no closer than 16.5 metres from the property line, as the building gets closer to the existing Local Commercial Zone, where six-storeys are currently permitted. This addition in height is appropriate given that it will: a) continue to meet the objectives of the City's current OP and its policies for intensification within proximity to transit; b) will not adversely tax the existing City infrastructure, including roads; c) will be physically separated from the

majority of existing low-rise residential developments; d) will not obstruct sun and shade from the existing residential properties; and, e) is compatible in form with the adjacent properties zoned Local Commercial.

PRED also recommends that a holding symbol be applied to the zone, as it is now under single ownership with the abutting corner lot to the east (3443 Innes Road) and ought to be brought back under one Lifting of Holding application when the two lots are developed as one site, as is the intention of the landowner. The recommended zoning amendment is appropriate at this location. The subject site fronts onto an arterial roadway; a corridor with an existing and planned function for a mix of compatible uses. The height at this location will transition to six-storeys in the latter half of the parcel, closest to Page Road. The massing and density being proposed at this site is appropriate as efforts have been made to minimize its impact on adjacent residential properties via the use of transition principles. The applicant has also agreed to increase the side yard setback to provide a treed buffer along the edge of the property, adjacent to the low-rise residential area. Further, there will be no impact on existing City infrastructure.

For information purposes, this development may be subject to Community Benefits Charge, which would be assessed and implemented through Site Plan Control.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Dudas is aware of this application and staff recommendation related to this report.

LEGAL IMPLICATIONS

In the event the recommendations are adopted and the resulting zoning by-law is appealed to the Ontario Land Tribunal, it is expected that a three day hearing would be required. It is anticipated that the hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. In the event of an appeal, it would be necessary to retain an external planner.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There is sufficient capacity in the existing local infrastructure to accommodate the proposed development. The on-site infrastructure will remain under private ownership and therefore will not add to the City's inventory of assets to be managed.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the report recommendations. In the event the application is refused and appealed, it would be necessary to retain an external planner. This expense would be funded from within Planning Services' operating budget.

ACCESSIBILITY IMPACTS

There are no direct accessibility issues associated with this Zoning By-law amendment.

ECONOMIC IMPLICATIONS

There are no direct economic implications associated with this Zoning By-law amendment.

CLIMATE IMPLICATIONS

There are no direct climate implications associated with this Zoning By-law amendment

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this Zoning By-law amendment.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities
- Sustainable Infrastructure

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0034) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the time it took to resolve issues (i.e. compatibility and transition).

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Schedules YYY to Zoning By-law 2008-250

Document 4 Conceptual Site Plan

Document 5 Conceptual Massing

Document 6 Consultation Details

CONCLUSION

Staff supports the proposed Zoning By-law Amendment application. It is consistent with the objectives of the OP and represents good planning.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

The subject site is located near the northwest corner of Pagé Road and Innes Road.

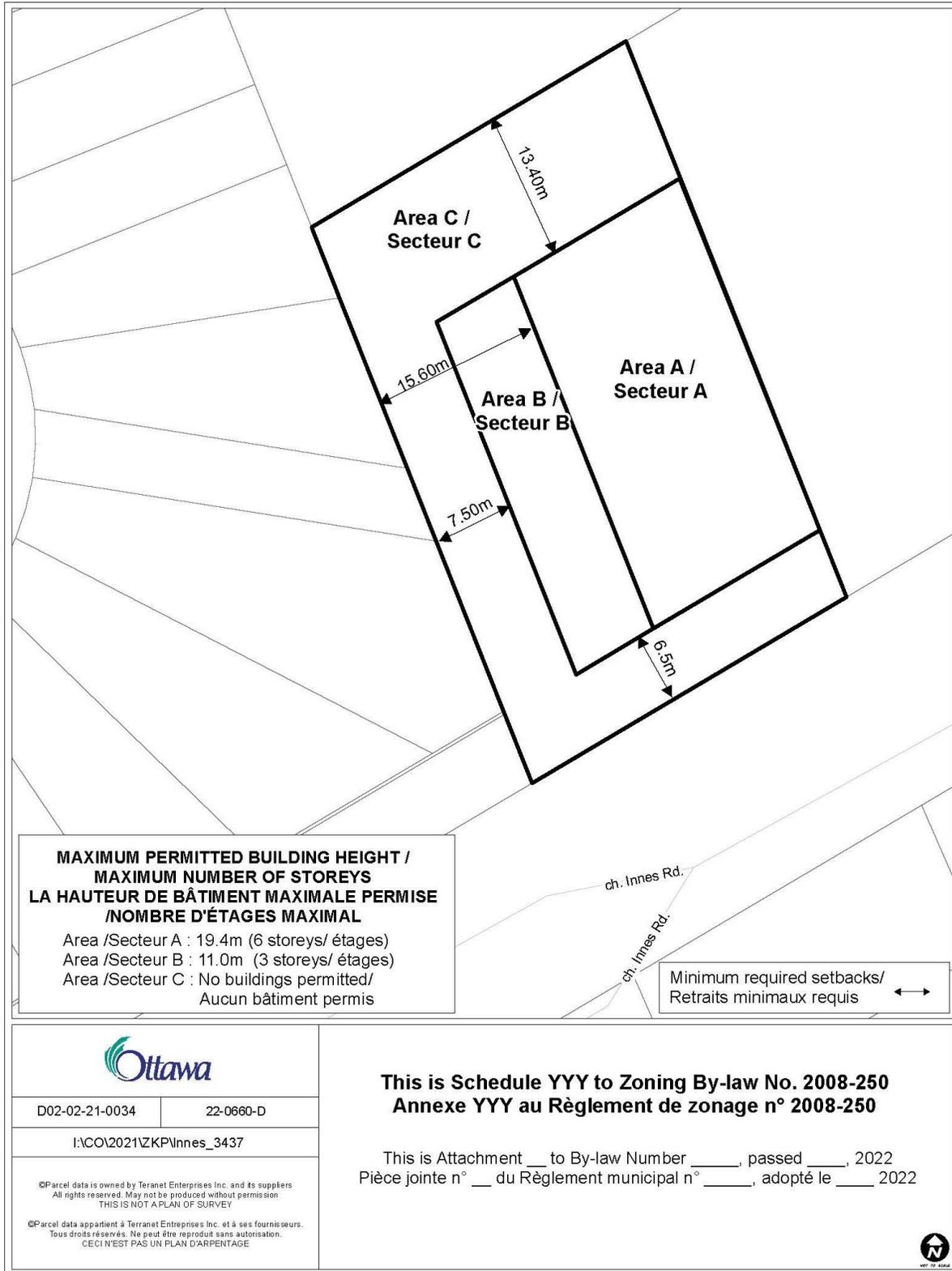


Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 3437 Innes Road:

1. Rezone the lands shown in Document 1
2. Amend Part 17, by adding a new Schedule “YYY” as shown in Document 3.
3. Add a new exception, XXXX, to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - a) In Column II, add the text, “LC[XXXX] SYYY-h”
 - b) In Column V, add the following:
 - i. Setbacks, building setbacks and maximum permitted building heights as per Schedule ‘YYY’.
 - ii. Minimum landscaped buffer along the western lot line: 7.5 metres
 - iii. Minimum landscaped buffer along the northern lot line: 1 metre.
 - iv. Minimum landscaped buffer for a parking lot, not abutting a street: 1 metre.
 - v. The holding symbol may not be removed until such time as the approval of a Site Plan Control application by the City of Ottawa Council.

Document 3 – Schedules YYY to Zoning By-law 2008-250



D02-02-21-0034

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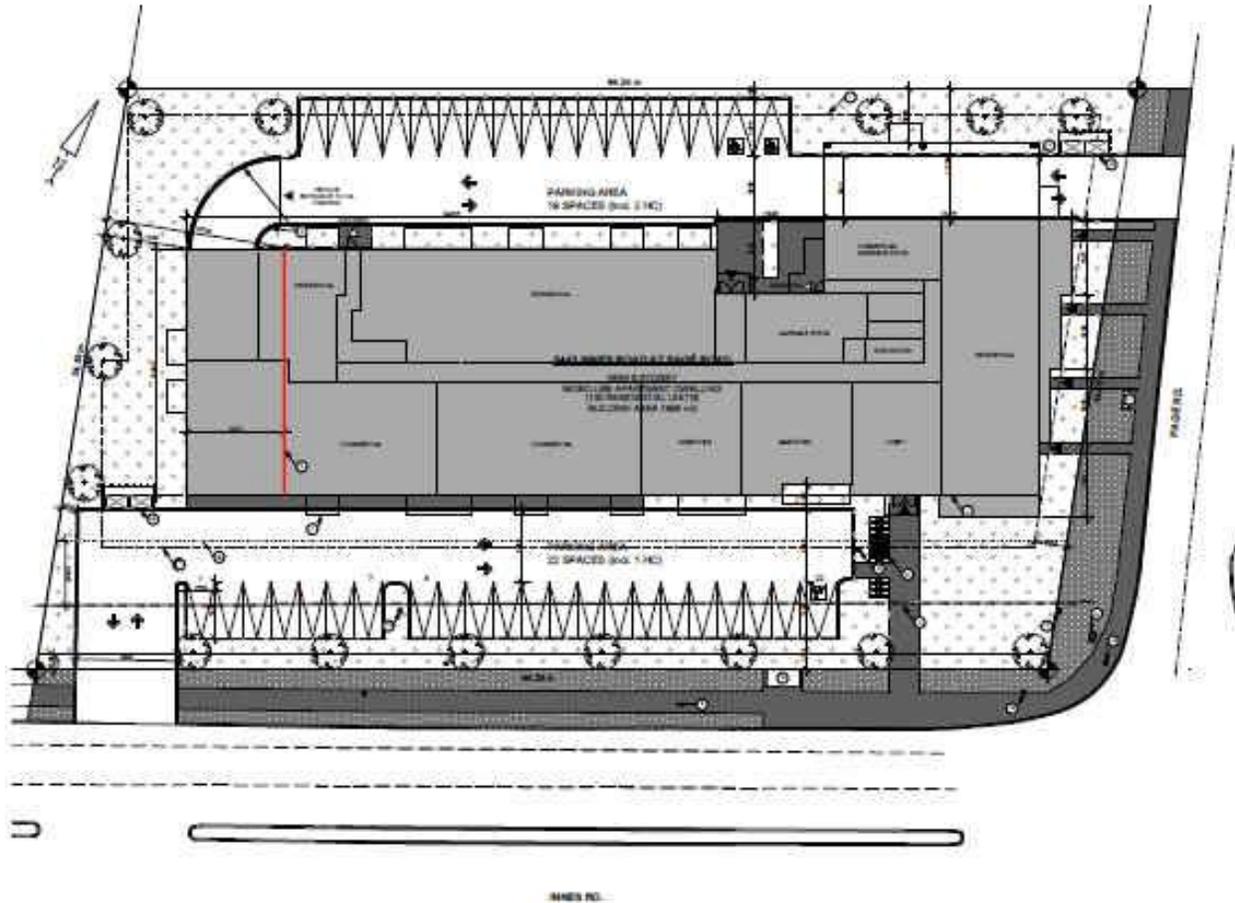
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**This is Schedule YYY to Zoning By-law No. 2008-250
Annexe YYY au Règlement de zonage n° 2008-250**

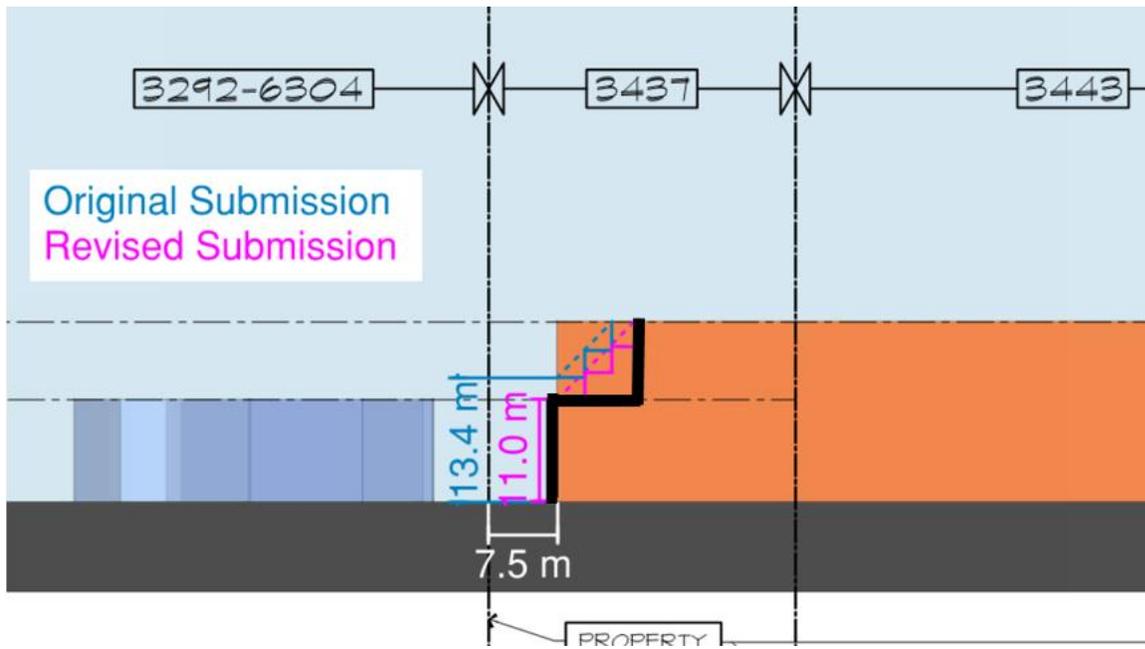
This is Attachment ___ to By-law Number ____, passed ____, 2022
Pièce jointe n° __ du Règlement municipal n° ____, adopté le ____, 2022



Document 4 – Conceptual Site Plan



Document 5 – Conceptual Massing



Document 6 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by City Council for Zoning By-law amendments. To date, there have been no public meetings held.

Approximately 48 residents wrote in expressing opposition to the proposed height, setbacks, added density and traffic that will result from the zoning amendment requested.

1. The loss of the mature trees and landscaping on-site will increase infringement on the privacies and enjoyment of the abutting private outdoor spaces of the established low-rise residential.

Response: There will be a 7.5-metre setback between a proposed building at the subject site and the western property line. This will create space for a row of trees to be planted for additional screening between the proposed and four rear yards adjacent to the proposal. Staff have also spoken to the applicant about minimizing windows along the west wall of the building; to ensure privacy is not impacted. Design considerations will be addressed as part of the future Site Plan Control review process.

2. The height of the proposed buildings is too high and does not integrate well towards the existing lower density residential uses and/or towards the existing townhouse development to the west (R3VV zone) or to the R1 zone to the north.

Response: The R3VV zone, that is the row of low rise townhouse dwellings abutting to the west of the subject site has a right to be as high as 11 metres. Directly abutting the low-rise townhomes, there will be a combination of green space (within 7.5 metres) and a 3-storey (11 metres) height building that will then graduate to 6-storeys (19.4 metres) approximately halfway through the parcel.

3. The level of service at the intersection of Page and Innes is very tricky due to the Ultramar activity at the northeast corner of the intersection. Adding further 'intensified' accesses onto Innes in close proximity to the intersection may exacerbate the traffic and stacking situation.

Response: A Transportation Impact Assessment Report was submitted in support of this Zoning By-law Amendment proposal. The addition of site-generated traffic is anticipated to have a marginal impact on peak hour traffic operations.

4. This seems to be a case of incremental planning for a now two-parcel, merged development that has not been transparent to the residents. There's been no public engagement with residents, no oral or written explanations provided to the public aided by virtual meetings (as done for other Orléans ZBLA applications), and no FAQ to assist residents understand what is being planned for their neighbourhoods that will have an impact on the community.

Response: The City's Zoning By-law Amendment process is subject to the public notification policy and has followed procedure. Public engagement was initiated by contacting all registered community organizations within the ward. A mail-out to all registered landowners within 120 metres radius of the subject site was performed. A large on-site sign inviting passersby to contact the assigned City Planner for further information, including access to all supporting documentation received by the City in support of the application was offered. Careful consideration has been given to the written comments and concerns. Those that submitted comments to the City will be invited to attend Planning Committee; the public meeting held to consider and decide on the rezoning request.

Incomplete and inadequate information for review by residents: The following are some of the studies that are not yet completed (and there could be others): Traffic Impact Assessment; Site Plan Control Application; Tree Conservation Report and Landscape Plan; Erosion and Sediment Control Plan; Geotechnical Study; Designated substance survey for 3437 Innes Rd.; Parking Design (underground and surface); Community Amenities; Greenspace for the 120 apartment units/372 residents; Noise Study; Shadow and Sun Study; Wind Study; Bird Safety including migrating birds; impact on existing Flora and Fauna.

Response: In order for a Zoning By-law Amendment to be analyzed, the above studies and processes are not required. However, within the iterations of issue resolution, prior to PRED's recommendations, the applicant did provide the City with a Shadow and Sun study as well as a Traffic Impact Assessment. These have been made available to the public via City of Ottawa's DevApps webpage. The remainder of the above-mentioned studies and plans will be required under a Site Plan Control process. The Site Plan Control review can occur after the Zoning By-law Amendment approval.

The height of the proposed building will surely block the sunlight to our properties during the day. Some neighbouring properties only get few hours of direct sunlight and there is justifiable concern that these few hours will become inexistent. Major concern for mental health.

Response: The Sun Shadow Study concludes the shadows from the proposed massing will have a marginal, if any, impact on the adjacent western and northern abutting lands.

5. The construction noise from the blasting of the shale rocks of this land and the dust caused by the construction will prevent residents from enjoying their own backyards for the full duration of the construction work, which may take several years. Following several stay-at-home lockdowns, these noise levels will impact the physical and mental health and well-being of the residents and their children, who are working and learning from their homes to help fight the spread of COVID-19. Once construction is complete, the commercial and residential traffic would continue to cause noise, which would be more significant being closer to the residential homes. More precise information from the developers is needed.

Response: The City, under a site plan control process, will assess if the soils when under construction (i.e. drilling, blasting) could potentially cause damage to adjacent structures' foundations. If the potential exists, PRED will condition for a pre-construction and post-construction survey to be assessed by the landowner regarding the adjacent foundations. There are noise by-laws that will apply to the construction on-site, when the construction activity begins. Night-time rest will not be affected. Construction is a temporary situation. Regarding the permitted uses that will remain for decades post-construction, a supporting noise study will be submitted at time of Site Plan Control to inform the site design process in order to mitigate any noise disturbances.