

Subject: Zoning By-law Amendment – 949 North River Road

File Number: ACS2023-PRE-PS-0039

Report to Planning and Housing Committee on 5 April 2023

and Council 12 April 2023

**Submitted on March 23, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

Contact Person: Jean-Charles Renaud, Planner, Development Review Central

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Ward: Rideau-Rockcliffe (13)

Objet : Modification au Règlement de zonage – 949, chemin North River

Dossier : ACS2023-PRE-PS-0039

Rapport au Comité de la planification et du logement

le 5 avril 2023

et au Conseil le 12 avril 2023

**Soumis le 23 mars 2023 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne-ressource : Jean-Charles Renaud, Urbaniste, Examen des demandes
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613-580-2424 x27629, Jean-Charles.Renaud@ottawa.ca

Quartier : Rideau-Rockcliffe (13)

REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 949 North River Road, as shown in Document 1, from Residential Fourth Density, Subzone UC (R4UC) to Residential Fifth Density, Subzone B, Maximum Height 18 metres, Urban Exception xxxx (R5B H(18) [xxxx]) to permit a five-storey mid-rise apartment dwelling, as detailed in Document 2.
2. That Planning and Housing 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 April 12, 2023,” 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 la planification et du logement recommande au Conseil d'approuver une modification du *Règlement de zonage* (n° 2008-250) visant le 949, chemin North River, comme indiqué dans le document 1, afin de permettre la construction d'un immeuble d'appartements de moyenne hauteur (cinq étages), comme le précise le document 2.
2. Que le Comité de la planification et du logement approuve 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 12 avril 2023 », 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

949 North River Road

Owner

Gemstone (River Road) GP Inc. (Adam Zaret)

Applicant

Fotenn Planning + Design (Nathan Petryshyn)

Architect

Figurr Architects

Description of site and surroundings

The subject site is located at the northeast corner of the North River Road and Ontario Street intersection in the Overbrook neighbourhood. The irregular-shaped lot has an area of 1,674 square metres with approximately 30 metres of frontage along North River Road and 43 metres of frontage along Ontario Street. The site is currently zoned Residential Fourth Density, Subzone UC (R4UC) and subject to the Mature Neighbourhoods Overlay. The site is currently occupied by a two-storey residential apartment building.

Within the immediate site vicinity, the area is predominantly characterised by low- to mid-rise residential buildings. Further north of the site are three office towers between 10 and 19-storeys, approximately 300 metres from the site. Approximately 300 metres east of the site is the Vanier Parkway and a Loblaws grocery store. To the west of the site along the Rideau River is the Rideau River Eastern Pathway which includes the Rideau Sports Centre.

Summary of proposed development

The purpose of this application is to accommodate the development of a new five-storey residential building with approximately 5,400 square metres of gross floor area (GFA), containing 45 dwelling units (intended for condominium) consisting of a mix of unit types, including one-bedroom, two-bedroom, and three-bedroom units. The principal façade is located along North River Road providing access to most residential units, while at-grade units will have private entrances along Ontario Street. Vehicular access is proposed to be located at the southeast corner of the site, along Ontario Street. The applicant is proposing a total of 38 parking spaces, including 31 underground parking spaces and seven at-grade parking spaces, four of which are to be visitor parking

spaces, and a total of 41 bicycle spaces, five of which will be located at grade. The applicant is also proposing a total of 413 square metres of amenity space, with 272 square metres in private balconies/terraces and 141 square metres of rooftop communal amenity space.

Summary of requested Zoning By-law amendment

The property is currently zoned R4UC (Residential Fourth Density, Subzone UC), which generally allows residential developments up to four-storey low-rise apartment dwellings. In order to permit the proposed five-storey mid-rise apartment dwelling the property is proposed to be rezoned to R5B H(18) [xxxx] (Residential Fifth Density, Subzone B, Maximum Height 18 metres, Urban Exception xxxx), along with the following site-specific zoning provisions:

- Minimum interior side yard setback: 1.5 metres
- Minimum rear yard setback: 1.2 metres
- Permitted projection into the corner side yard (stairs): 0.0 metres from the property line

A Site Plan Control application for this proposal is currently being reviewed by Staff.

DISCUSSION

Public consultation

A community consultation was held virtually on October 27, 2021. The applicant, members of the public, as well as Councillor King were in attendance. Community members raised concerns with the proposed height and massing, noise, traffic, trees, intensification, and general quality of life. A petition containing approximately 20 signatures from nearby residents has also been submitted to staff as well as to the Ward Councillor in opposition to the proposal.

For this proposal's consultation details, see Document 3 of this report.

Official Plan designation(s)

The property is located within the Inner Urban Transect Policy Area on Schedule A of the Official Plan, which is an area that anticipates the enhancement or establishment of urban patterns of built forms, site design and mix of uses, while prioritizing walking, cycling and transit.

The property is located along North River Road, which is designated as a Minor Corridor on Schedule B2 of the Official Plan. Corridors apply to lands abutting specified

streets whose planned function includes a higher density of development than abutting neighbourhoods.

Heritage

The property is not located within a Heritage Conservation District, nor is it affected by the Zoning By-law's Heritage Overlay. The existing dwelling and lands are not designated under the Ontario Heritage Act.

Urban Design Review Panel

The proposed development is not within a design priority area and is therefore not subject to review by the panel.

Planning rationale

Official Plan

The site in question is located within the Inner Urban Transect Policy Area on Schedule A of the Official Plan. The Policy Area anticipates the enhancement or establishment of urban patterns of built forms, site design and mix of uses, while prioritizing walking, cycling and transit. The Inner Urban Transect is generally planned for mid- to high-density development, but limits on heights and massing can be imposed based on the underlying functional designation or urban design policies. For sites along mainstreets whose right-of-way is narrower than 30 metres, heights up to nine storeys would be permissible within this Transect Policy Area. The proposed five-storey building finds itself at the lower range of permissible mid-rise heights for the area.

The property is designated as a Minor Corridor on Schedule B1 of the Official Plan. Corridors are intended to permit residential and non-residential uses that integrate within a dense, mixed-use urban environment. For sites which front on both a Corridor and a side street, policies included under Section 6.2.1(4) intend to have the main use address the Corridor, while having vehicular access relegated to the side street. The proposal features the main residential entrance to the building facing North River Road, while the vehicular access is located along Ontario Street, away from North River Road.

Section 4.6 sets out Urban Design guidance with the intent of achieving design excellence and innovation, while also being sensitive to the integration of new developments within existing neighbourhoods. Development along Corridors is intended to respond to the context, transect area and overlay policies, and should be positioned so as to appropriately frame the adjacent street(s). In order to minimize impacts on neighbouring properties and on the public realm, mid-rise buildings are to include gradual changes in height and massing, through the use of setbacks and stepbacks.

Policies further state that mid-rise building heights shall be generally proportionate to the width of the right-of-way. The proposed development takes advantage of its location on a corner lot by properly framing both street frontages. In order to remain sensitive to the surrounding uses, stepbacks have been included along the north and east façades, so as to reduce the potential impacts of the additional storey. The proposed height of 18 metres is generally proportionate to the approximately 16 metre right-of-way width.

Section 4.2 Housing seeks to enable greater flexibility and an adequate supply and diversity of housing options throughout the City. Section 4.2.1 looks to enable greater flexibility and an adequate supply of housing options in part by allowing housing forms of eight-units or more in appropriate locations. The proposal includes a wide variety and mix of unit types and sizes and brings additional units to the local area. A total of 15 per cent of the units are proposed to be accessible, per Building Code requirements.

Zoning By-law

As detailed in Document 2, the proposed Zoning By-law Amendment has the effect of rezoning the site to include site specific provisions. The following summarizes the site-specific zoning provisions and planning rationale:

- The proposal seeks a reduction to the minimum interior side yard setback to 1.5 metres. While the R5B zone's performance standards require a 7.5 metre side yard setback when abutting a lot in an R1, R2, R3 or R4 zone, it should be noted that a four-storey dwelling in an R4UC zone (the current zone) would only be required to have a minimum side yard setback of 1.5 metres. Having introduced a stepback at the fifth floor along the north side of the building, the proposal reads as a four-storey building at that location. Providing a 1.5 metre setback at that location is in line with the existing zoning, while also maintaining the intent of the proposed R5B zone. The north façade also features an increased side yard setback of 2.6 metres at the ground level, offering more breathing room at grade.
- The proposal seeks a reduction to the minimum rear yard setback (from the property line adjacent to and perpendicular to Ontario Street) to 1.2 metres. Being located on a corner lot, the proposal takes advantage of an opportunity to frame both street frontages, as encouraged by Official Plan policies. In order to mitigate some of the potential massing impacts on abutting properties, stepbacks have been introduced at the fourth and fifth floors. At grade, the driveway access is located underneath a cantilevered second floor, for a width exceeding 7.5 metres. A wooden screen fence is proposed at grade in order to protect against visual impacts. While this portion of the proposed building requires a reduction in yard setbacks, it is located across from a drive aisle on the abutting property. In

addition to framing the street, the reduction in yard setback allows the building to be sited away from the centre of the lot, protecting the existing open area in the interior of the block.

- The proposal seeks to permit stairs to project into the corner side yard to within 0 metres of the lot line. The proposal features a main entrance facing North River Road for most of the residential units, and private entrances to ground-oriented units facing Ontario Street. Due to the grade changes in the area, the walkways leading to the private entrances include one or two steps located at the property line. These projections are necessary to the walkways' function and will not introduce any negative impacts on their surroundings.

Staff are of the opinion that the proposed Zoning By-law amendment is appropriate for this site.

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(S)

The Applicant has been responsive to my remarks, submissions made from the community, as well as comments made at the community meeting that I hosted. The community concerns included possible visual privacy intrusions to abutting neighbours. I am pleased that the overall building height has been reduced, and that there are increased stepbacks and terracing in the northwest and southeast corners for better transition, which may also mitigate shadowing effects. There was a concern voiced that the existing tenants that would be displaced be looked after. The Applicant is working directly with current tenants, and I look forward to continued conversations around this. There was a request from within the community and by me for more family-sized and ground-oriented dwelling units. The response has been to plan for 16 units (more than one third of the units) to be two bedrooms or greater in size, and some of these units will be on the ground floor throughout the development. Other concerns, such as increased soft landscaping, I trust will be addressed at the site plan control stage.

ADVISORY COMMITTEE(S) COMMENTS

N/A

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 two-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 are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications. In the event the applications are 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

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. Staff have no concerns about accessibility.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0108) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due competing workload pressures and delays between submissions.

SUPPORTING DOCUMENTATION

- | | |
|------------|-------------------------------|
| Document 1 | Location Map |
| Document 2 | Details of Recommended Zoning |
| Document 3 | Consultation Details |
| Document 4 | Proposed Site Plan |

CONCLUSION

The Planning, Real Estate and Economic Development Department supports the application and proposed Zoning By-law Amendment. The proposal is consistent with the Official Plan policies in the Inner Urban Transect Policy Area, as well as those related to minor corridors. The proposed Zoning By-law amendment is appropriate for the site and maintains policy objectives related to Housing and Urban Design. The amendment represents good planning and, for the reasons stated above, staff recommends approval of the Zoning By-law amendment.

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 and Corporate Services Department (Mail Code: 26-76) of City Council's decision.

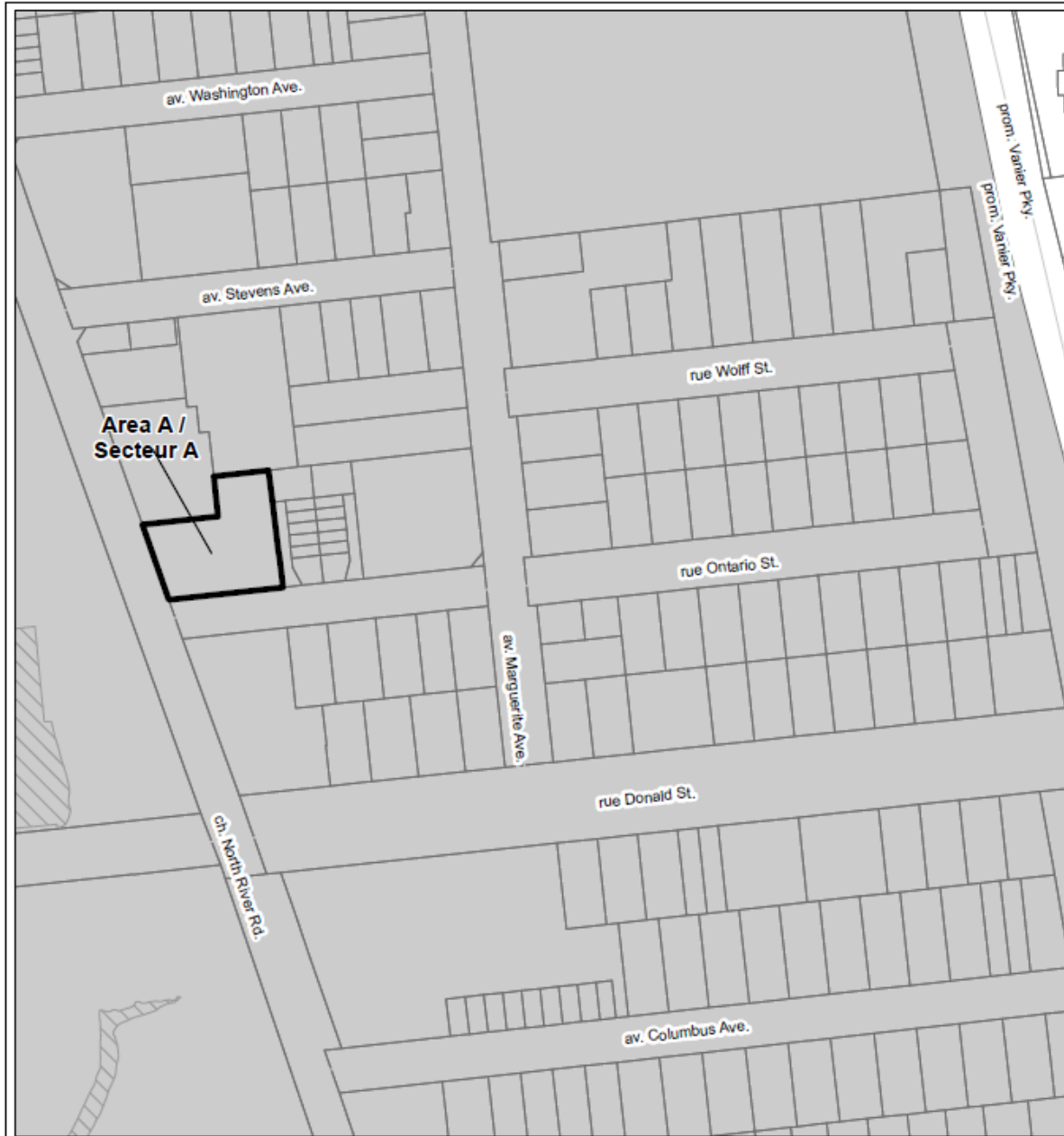
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.






Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Zoning Key Map

For an interactive Zoning map of Ottawa visit geoOttawa



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE SITE PLAN / PLAN DE EMPLACEMENT	
D02-02-21-0108	21-1280-D	949 ch. North River Road	
D07-12-21-0150		Area A to be rezoned from R4UC to R5B H(18)[XXXX] Le zonage du secteur A sera modifié de R4UC à R5B H(18)[XXXX]	
I:\CO\2021\ZKP\NorthRiver_949			
<small>©Parcel data is owned by Teramet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY.</small>		 Existing Flood Plain (Section 58) / Plaine inondable (Article 58)	
<small>©Les données de parcelles appartiennent à Teramet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>		 Mature Neighbourhoods Overlay (section 139) Zone sous-jacente de quartiers établis (article 139)	
REVISION / RÉVISION - 2023 / 03 / 02			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 949 North River Road:

Add a new exception with provisions similar in effect to the following:

1. Rezone the lands as shown in Document 1.
2. Add a new exception xxxx to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - a. In Column I, Exception Number, add the text “[xxxx]”
 - b. In Column II, Applicable Zones add the text “R5B H(18) [xxxx]”
 - c. In Column V, Provisions, add the text:
 - i. The following provisions apply to an Apartment Dwelling, Mid Rise:
 1. Minimum interior side yard setback: 1.5 metres
 2. Minimum rear yard setback: 1.2 metres
 3. Stairs are permitted to project into the corner side yard to within 0 metres of the lot line.

Document 3 – Consultation Details

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. A community consultation session was also held virtually.

(1) General Comments:

- While the concept of urban densification has its merits, if taken too far it can be counter-productive. I put it to you that such densification has reached the saturation point in Overbrook/Vanier, and I therefore recommend that the zoning variance requested for 949 North River be denied.
- Would like to see a number of units devoted to 3 bedroom to encourage families to move into the neighbourhood.
- Would strongly encourage developers to consider number of units for affordable housing, given the housing crisis we are all aware of.
- It is my opinion that this form of development is not suited to the natural environment of the area, and does not align with the spirit of the city's official plan. This form of densification would make more sense along a major corridor, and indeed, if approved, the area of North River Road between McCarthur and Donald Street will have the feel of a major urban corridor, despite not being equipped to properly function as one.
- I would love if this project proposed commercial retail space on north river road on the main floor. This site is 1 block away from the pedestrian bridge, and next to the Rideau Sports Centre.
- Permitting the introduction of an R5 zone within this neighbourhood is a dangerous precedent that could lift the building height restrictions in the area.
- The builder has a social responsibility towards the residents of the existing building. Provision for alternate equivalent accommodation must be a feature for this application.

Staff Response:

The proposed additional height and density is supported by the Official Plan at this location. Since the original submission, the project has evolved to include a three-bedroom unit as well as multiple two-bedroom units, some with dens. The

proposal also includes smaller units. Retail opportunities were discussed with the proponent, however, it was opted to maintain a residential only dwelling, which is acceptable under the Official Plan.

(2) Trees:

- The proposed building eliminates many trees, contrary to the goal of the Overbrook Community Association who wants to increase the number of trees planted.

Staff Response:

While trees are proposed to be removed as a result of this development, the proposal includes nine new trees and a generous amount of smaller trees and shrubs along both street frontages.

(3) Building Design:

- The building should be no more than 4 storeys and the setbacks should be respected.
- There should not be any rooftop patios, as this will turn into a party zone. This is a quiet community.
- The proposed building will block the view of surrounding residents in addition to eliminating any privacy and sunlight.
- The requested setback of 1.5 metres instead of 7.5 metres on the northern side is much too radical. Unless the projection above and beyond the ramp in the interior side yard is removed, and the parking ramp is relocated or noise mitigation measures are taken, the proximity of the building will eliminate any privacy for the neighbours.
- With so many proposed parking spaces, the ramp should be relocated where it will have less noise impacts on the neighbours.
- The Bird Safe Design Guidelines should be taken seriously and implemented into the proposal.

Staff Response:

Although the building height is proposed to be increased by one storey, the proposal has evolved to include stepbacks at strategic locations so that the proposed building

reads more as a four-storey building from certain angles. The rooftop patio is meant to provide outdoor amenity space. Staff do not expect this amenity space to be more problematic than one being located at grade. Any noise concerns should be communicated to By-law Enforcement Services. A shadow study demonstrating the impacts of both the proposed and as-of-right buildings has been provided and staff are satisfied with its findings. The added impacts of an additional storey on a building that is more slender than what is permitted as-of-right are negligible.

(4) Traffic

- Traffic management is already a concern along North River Road, and the Gemstone development will compound it.
- The design has put the parking entrance on Ontario Street. This street has become increasingly congested in the past years as other properties have been developed as infills. They have not planned adequate parking, and Ontario Street is now frequently congested with parked vehicles (public parking) and traffic associated with deliveries, transportation, etc. Driveways are often blocked and moving vehicles need to navigate the road carefully. I am concerned that adding a higher density building with very few visitor spots will worsen the difficulty with street parking, and that the relatively high number of overall units and their associated vehicles will create even more congestion on a road that is already not functioning well.
- The developer should be responsible for building sidewalks that surround the Western (North River Road) and Southern (Ontario St.) limits of the proposed development.
- The development should contain at least double the number of guest parking spots on site.
- The developer should allow for a vehicular pull off (drop-off) to the main entrance of the building on North River Road in order to ensure safe flow of traffic on that street.
- The proposed building includes 40 vehicular parking spaces for a total of 46 units, or a ratio of 3.5 spaces for every 4 units. This will completely defeat the City's goal and is particularly concerning since major east and west bus stops are located immediately in front of the building, and others can be accessed within a 5-minute walk. This area should ideally qualify for the 15-minute designation as it

also has food stores, pharmacies and other retail premises within the stipulated walking distance.

Staff Response:

The proposal was reviewed by the City's Transportation Staff, who are satisfied with the development from a transportation perspective. The location of the parking entrance along Ontario is optimal since it is sited away from North River Road. New sidewalks are now being proposed along North River Road and Ontario Street. The proposal meets the requirements for visitor parking spaces. While the proposed number of resident parking spaces exceeds the Zoning By-law's minimum requirements, it does not exceed its maximum requirements. The proposal also exceeds the Zoning By-law's minimum bicycle parking requirements.

Comments from the Overbrook Community Association (OCA):

Comments from the OCA are summarized below. The full letter is available upon request.

Height and Yard Setbacks

- While the proposed height is not completely out of character, the yard setbacks proposed will be impactful to the adjacent buildings' residents.
- The building design should include better stepbacks to alleviate the massing impacts.
- Too much of the discussion is how the proposed zoning deviates from the R5B zone, while it should be how it deviates from the existing R4UC zone.
- The OCA questions the integrity of the Zoning By-law and recently revised R4 rules.

Non-Residential Uses

- Including non-residential uses would help towards fostering the fuller creation of the 15-minute neighbourhood sought by Official Plan policies.

Residential Unit Mix and Loss of Affordable Rental Units

- The proposed mix of unit types limits its appeal to a predominantly non-family and non-senior segment of population. There should be three-bedroom units.

- The OCA expects that adequate measures be taken for the relocation / re-accommodation of the existing tenants who will be displaced when the building is torn down.

New Sidewalks and Bus Shelter

- The COA fully supports the inclusion of a new sidewalk.
- A new bus shelter should be provided at the bus stop in front of this site.

Traffic and Parking

- Some concerns have been expressed about increased traffic on Ontario Street and an expected increase in use of on-street parking
- Only 17 car parking spaces are required. Instead 40 spaces are proposed, which is far more than what is required and some would consider excessive here in a location and community that seeks to be more pedestrian and bicycle-friendly and welcoming of transit use.

Trees, Landscaping and Amenity Space

- The loss of the trees along North River Road (one was already cut down) is regrettable.
- There are concerns for protection of existing trees that border this property on the north and east side, especially during excavation and construction.
- The Overbrook Community Association has publicly stated that Overbrook welcomes roof top amenity space and encourages green roofs. Please consider that or having a “cool roof” the term used in the new Official Plan to encourage reductions in ambient air temperatures in the area (based on City heat maps) which suffers from higher than normal temperatures during summer heat.

Document 4 – Proposed Site Plan

