

Subject: Zoning By-law Amendment - 3776 and 3780 Albion Road

File Number: ACS2022-PIE-PS-0084

Report to Planning Committee on 7 July 2022

and Council 31 August 2022

**Submitted on June 27, 2022 Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Gloucester-Southgate (10)

Objet : Modification du Règlement de zonage – 3776 et 3780, chemin Albion

Dossier : ACS2022-PIE-PS-0084

Rapport au Comité de l'urbanisme

le 31 août 2022

et au Conseil le 31 août 2022

**Soumis le 27 juin 2022 par Derrick Moodie, Director, Planning Services, Planning,
Real Estate and Economic Development**

**Personne ressource : Tracey Scaramozzino, Urbaniste, Examen des demandes
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Quartier : Gloucester-Southgate (10)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 3776 and 3780 Albion Road to permit eight townhouse dwellings with site specific zoning provisions, as detailed in Document 2.**
- 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 August 31, 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 apportée au Règlement de zonage 2008-250 pour les 3776 et 3780, chemin Albion afin de permettre l’aménagement de huit habitations en rangée en prévoyant des dispositions de zonage propres au site, comme l’expose en détail le document 2.
2. Que le Comité de l’urbanisme 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 31 août 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

3776 and 3780 Albion Road

Owner

Albion Apartments Ltd.

Applicant

Fotenn Planning + Design

Description of site and surroundings

The property is located in the Emerald Woods Community in the greater South Keys-Greenboro neighbourhood. The site is on the west side of Albion Road, north of Goth Avenue, south of Wyldewood Street and abutting Emerald Woods Park to the west. The site consists of 3776 and 3780 Albion Road which contain two detached dwellings. The property has a total area of 2,868 square metres, with a frontage of 36 metres along Albion Road and a lot depth of 79 metres. The surrounding properties consist primarily of low-density residential uses.

Summary of requested Zoning By-law amendment proposal

The site is currently zoned Residential First Density, Subzone "W" (R1W), which permits uses such as detached dwellings and secondary dwelling units, with a maximum height of 8.5 metres when located in this area (Schedule 342). The applicant is seeking a Zoning By-law Amendment to Residential Third Density, Subzone B, with an exception (R3B [xxxx]) to permit two buildings each comprised of four back-to-back, three-bedroom townhouse units, each unit with a two-bedroom secondary dwelling unit (SDU) in the basement, for a total of eight principal and eight secondary dwelling units. An outdoor amenity area of 732 square metres is located at the rear of the property. The proposed maximum building height is 9 metres.

The exception would permit:

- A reduced driveway width to a parking space of 2.4m (reduced from the required 2.6m),
- A minimum setback for any wall of a residential use building to a private way: 0m (reduced from 1.8m),
- A minimum setback for any garage or carport entrance from a private way: 0m (reduced from 5.2m), and
- The prevention of any projections to the north and south sides of each building

DISCUSSION

Public consultation

Two virtual public consultation meetings were held over Zoom, at the request of the Ward Councillor. The first one was held on May 26, 2021 and the second was held on October 6, 2021.

There were 45 residents in attendance at the first meeting. The proposal at that time was for a 3-storey, low-rise apartment building with 38 units. Thirty-one vehicular parking spaces were proposed in the rear, accessed along a driveway at the northern edge of the property, abutting existing residential rear yards. Communal rear yard amenity space was also proposed.

There were 18 residents in attendance at the second meeting. The proposal was changed significantly based on comments from residents, the Councillor and City staff. The current plans propose 2 blocks of 4, 2-storey townhouse units, each with a single-car garage, private driveway and secondary dwelling unit and 6 additional parking spaces in the rear, reserved for visitors.

Comments were provided virtually via the Zoom meeting and emails. The majority of residents were strongly opposed to the original proposal and were slightly less concerned with the revised proposal. The concerns were regarding height, density, design, traffic, parking, abutting a municipal park, and loss of trees and sunlight. Detailed comments and responses are summarized in Document 3 below.

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

Official Plan designation(s)

Current Official Plan

The property is within the General Urban Area on Schedule B of the Official Plan, which through Section 3.6.1 permits a wide range of development, including the proposed townhouse development. Building heights are to be predominantly low-rise, and sensitive intensification that compliments the existing pattern and planned function of the area is supported. Policies from Section 4.11 Urban Design and Compatibility require sensitivity in areas such as the building design, orientation, massing and outdoor amenity areas.

New Official Plan

According to Schedule A of the New Official Plan, the property is within the Outer Urban Transect, with a Neighbourhood designation on Schedule B. The Outer Urban Transect, Neighbourhood designation, permits low-rise development with a maximum of 4-storeys in height, a diverse range of housing and offers the ability to shift away from car-oriented and detached-dwelling developments to those that are denser and focused on transit.

Other applicable policies and guidelines

The site is not subject to a Secondary Plan nor a Community Design Plan.

Planning rationale

The proposed development meets the policies of the current and new Official Plans in terms of the proposed townhouse use being a low-rise development, achieving intensification in a sensitive manner, and maintaining the character of the area, while bringing more housing and people to an area that has abundant amenities within a 15-minute walk, including two shopping centres, the Sawmill Creek Pool and Community Centre, the Gabrielle Roy Public School (CEPEO), and several city parks.

Extensive public consultation was accomplished with the assistance of the Ward Councillor, which resulted in a development that is more compatible with the context than what was originally proposed.

The proposed reduction in width of a driveway to 2.4 metres from 2.6 metres, when leading to vehicular parking space is considered acceptable, as the City Zoning By-Law currently permits parking space widths of 2.4 metres in certain situations. Through the Site Plan Control process, the City will require that a notice be placed on the title of the property and on all purchase and sale and lease agreements to detail that the driveway width is reduced in size.

The proposed reduction to the Planned Unit Development (PUD) provision for minimum setback for any wall to a residential use building to a private way to 0 metres is considered appropriate since the intent of this provision is intended for a slightly different orientation of dwelling unit. The City will also require the Applicant, through the Site Plan Control process, to recess the side entrances to the SDU's and provide signage and painting on the private way to indicate that there are pedestrians and vehicles using the shared space.

The proposed reduction to the Planned Unit Development (PUD) provision for the minimum setback for any garage or carport entrance from a private way to 0 metres (reduced from 5.2 metres) is considered appropriate, since this provision is intended for private ways that run perpendicular to a driveway and to ensure that there was adequate room in the driveway for a vehicle. In this case, the private way runs parallel to the driveways.

The additional provision to prevent any projections on the north and south sides of each of the two buildings is to ensure that there is no encroachment into the space between the building and the property lines.

A Servicing Brief has been reviewed and is found adequate to support the proposed development. The detailed servicing design and other aspects such as tree conservation, landscaping, road cut reinstatement and grading, elevation design, etc. will be reviewed through the associated Site Plan Control application.

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.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor provided the following comments:

“Through dialogue with the community and the applicant, I believe this proposal while not perfect, is in better keeping with the surrounding residential community. The applicant amended the original proposal to respond to community concerns including reducing the height and the number of units on the site to 16 units. This reduction in footprint allows the site to function in a safer manner, provides more green space, and a greater buffer to the adjacent homes. I would like to see the site properly landscaped to include a variety of vegetation including trees and shrubs and that every attempt is made to retain existing mature trees. A fully enclosed garbage building must also be installed onsite to manage recyclables and waste.”

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. An external planner would need to be retained by the City.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications.

ASSET MANAGEMENT IMPLICATIONS

There are no servicing constraints identified for the proposed rezoning at this time. Servicing capacity requirements to be confirmed at time of site plan.

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

This proposal will be required to meet all Ontario Building Code Standards, including those for Accessibility.

ENVIRONMENTAL IMPLICATIONS

A Tree Conservation Report was provided and indicated that due to the excavation required for the development of the building and parking area, none of the existing trees could be retained. Existing fencing, or new construction fencing, as required will protect abutting trees.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-20-0100) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the significant concerns with the original proposal.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Draft Site Plan

Document 5 Architectural Renderings

CONCLUSION

Planning, Real Estate and Economic Development Department Staff recommend approval of this application, as it meets the policies of the Provincial Policy Statement and the current and new Official Plans to provide new housing, subtle and sensitive intensification in an area that is serviced by municipal infrastructure and is within a 15-minute walk of two shopping centres, a local community centre, school and several parks.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; 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.

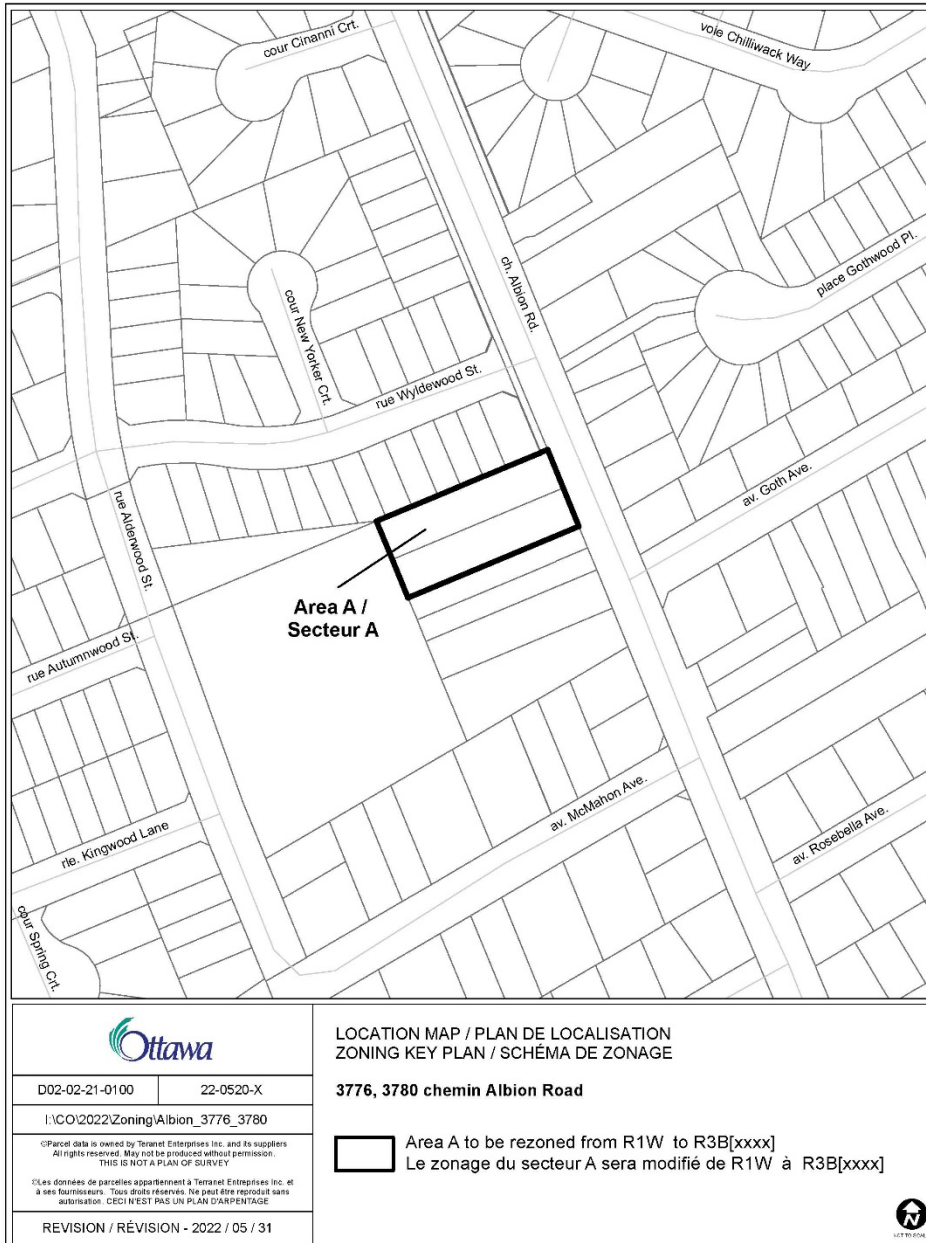
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

The location map shows the two properties to be rezoned at 3776 and 3780 Albion Road.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 3776 and 3780 Albion Road:

1. Rezone the lands of 3776 and 3780 Albion Road 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 II, add the text, R3B[XXXX]
 - b. In Column V, add the following provisions similar in intent to the following:
 - The minimum width for a driveway for a townhouse is 2.4 m.
 - Despite Table 131, subsection 2, the minimum setback for any wall of a residential use building to a private way is 0m.
 - Despite Table 131, subsection 3, the minimum setback for any garage or carport entrance from a private way is 0m.
 - Despite Section 65, projections are not permitted on the northern and southern sides of each of the 2 buildings.

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. 2 virtual public meetings were also held in the community. A total of 64 residents submitted comments and/or questions on the file.

1. “Why is a bylaw being amended to accommodate a developer at the expense of residents?”

Response:

The Zoning By-law amendment has been proposed by the property owner, as it is the right of any property owner in the City. If approved in some form, it is not the intent of putting a developer first at the expense of the residents. The City’s current and new Official Plans speak to intensification and the need to accommodate more people within the existing urban areas. The developer is simply taking action on the policies that have been approved by City Council and City staff try to ensure that all development is done as sensitively as possible, while keeping in mind the City’s intensification requirements.

2. Concern that the 20’ cedar hedge is being removed and replaced by a 6’ fence. There will be a loss of habitat and privacy and the fence will be ugly and easily scaled by someone wanting to get into the abutting rear yards. Can the developer trim the hedge on their side or increase the height of the fence??

Response:

If the cedar hedge is on the property owner’s side, then they are permitted to remove it. We understand the concern with the loss of habitat and hopefully the animals will find refuge in other green areas as well as on the current site once landscaping has been completed and start to mature. A six-foot fence is the standard height permitted for residential properties.

3. Has the developer been told to consult with abutting property owners re. fences? This must be done to force them to speak to the residents.

Response:

Yes, the Developer has been instructed to speak to the abutting property owners regarding the fence(s).

4. Concern about security since they will be rental units

Response:

The City has no proof that rental units cause security issues. The City also has no legal ability to dictate whether developments are sold or rented.

5. What outdoor lighting will be installed?

Response:

If outdoor lighting is installed, it will be confirmed by a lighting engineer to not spill over onto abutting properties and will be sharp cut-off fixtures.

6. Where will garbage be stored? If it is in a central location, it will lead to smell and will attract animals. Garbage should be stored inside.

Response:

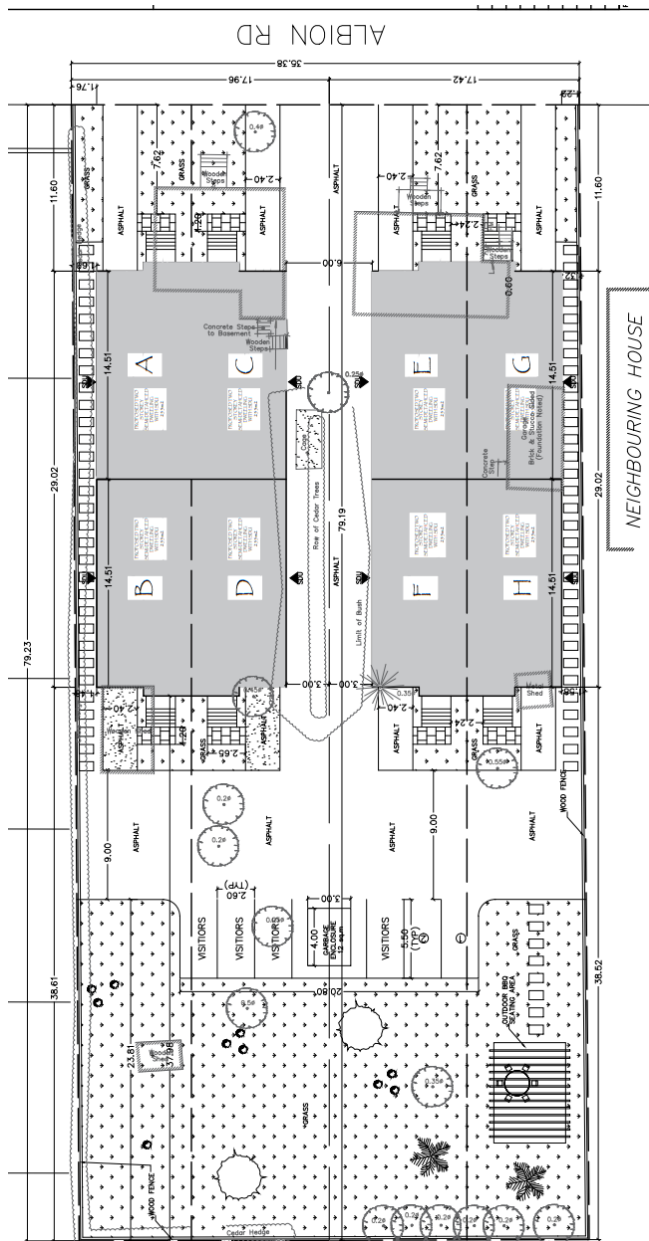
The original proposal was for the garbage to be contained within the individual garages and within cold-storage areas in the basement of the secondary dwelling units. However, based on concerns from the City over the possibility of garbage being stored in the rear yard and the potential number of separate waste containers being placed on the City's Right-of-Way each week for garbage collection, the Property Owner has agreed to provide a separate, coordinating garbage building centered in the rear of the property to allow central collection and a more secure area for garbage storage.

7. Concern that snowmelt and rain will drain off the roofs onto abutting properties.

Response:

City staff have reviewed the drainage design, including snowmelt, and are confident that the design will contain stormwater on the development property according to City standards.

Document 4 – Draft Site Plan



Document 5 – Architectural Rendering

