

Subject: Zoning By-law Amendment - 1435 and 1455 Morisset Avenue

File Number: ACS2022-PIE-PS-0040

Report to Planning Committee on 9 June 2022

and Council 22 June 2022

Submitted on May 27, 2022 by Lily Xu, Acting Director, Planning, Real Estate and Economic Development

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Ward: River (16)

Objet : Modification du Règlement de zonage – 1435 et 1455, avenue Morisset

Dossier : ACS2022-PIE-PS-0040

Rapport au Comité de l'urbanisme

le 9 juin 2022

et au Conseil le 22 juin 2022

Soumis le 27 mai 2022 par Lily Xu, Directrice par intérim, Direction générale de la planification, des biens immobiliers et du développement économique

Personne ressource : Kelby Lodoen Unseth, Urbaniste II, Examen des demandes d'aménagement sud

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Quartier : Rivière (16)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1435 and 1455 Morisset Avenue, to permit a low-rise apartment building, 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 June 22, 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 pour la propriété située au 1435 et 1455, avenue Morisset, afin de permettre l’aménagement d’un immeuble d’habitation de faible hauteur, comme l’explique en détail les documents 2 et 3.
2. Que le Comité de l’urbanisme donne son approbation afin 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 22 juin 2022 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

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

1435 and 1455 Morisset Avenue

Owner

Firm Capital

Applicant

Timothy Beed, FOTENN Consultants Inc.

Architect

Figurr

Description of site and surroundings

The subject property is known municipally as 1435 and 1455 Morisset Avenue, and is located on the north side of the street between Merivale Road to the east and Bellevue Manor Park to the west. A portion of the 0.61 hectare property is currently occupied with a four-storey low-rise apartment building and a seven-storey mid-rise apartment building, with the remainder of the property dedicated to surface parking. Immediately to the west of the proposed low-rise apartment, and on the south side of Morisset Avenue are 3.5-storey apartment buildings. The broader neighbourhood is a mix of low to mid-rise residential buildings, as well as the location of some high-rise residential buildings.

Summary of requested Zoning By-law amendment proposal

The proposal is to amend the zoning of the site from Residential Fourth Density Zone, Subzone UC (R4UC) to an R4UC exception zone [XXX1] and Zoning Schedule [SYYY] that will facilitate the development of a four-storey apartment building with 31 units on the western portion of the existing parking area. A low-rise apartment building is currently a permitted use within the R4UC zone, however, the proposed R4UC exception zone [XXX1] and Zoning Schedule [SYYY] will provide relief from specific zoning provisions, including:

- Maximum height increased to 12 metres from 11 metres
- Minimum rear-yard setback reduction to 5.9 metres from 7.5 metres
- An interior yard setback of 2.5 metres is proposed for the length of the building. The current interior yard setback requires a minimum 1.5 metre setback from the western property line for the first 18 metres from the front property line and a 7.5 metre interior yard setback beyond that distance.
- A proposed landscape coverage of 20%, whereas the zoning by-law requires a minimum landscaping coverage of 30% of the total site.

- A minimum parking lot landscaping of 13.5% is proposed, whereas a minimum of 15% is required.
- The site layout is to be amended to allow the building to have one primary streetfront entrance where the Zoning Bylaw requires one entrance for every 12 metres in width in case of a lot 24 metres in width or greater
- Reduction in parking for the entire Planned Unit Development of one (1) parking space, for 77 proposed parking spaces, where 78 parking spaces are required.
- The minimum parking lot landscape buffer abutting a street is to be reduced to 0.94 metres from 3 metres, and
- The permission to locate five existing parking spaces within the front yard, but not between the building front wall and the right of way.

Related Applications

An associated Site Plan Control application has been submitted under City File # D07-12-21-0091.

DISCUSSION

Public consultation

Public consultation for this application was conducted in accordance with the procedure for Zoning By-law amendment applications. Owners within 120 metres of the site were notified through Canada Post mailing, and two signs were posted onsite.

A public consultation was held on September 23, 2021, electronically over Zoom with 12 people in attendance. The applicant, staff, and Ward Councillor were in attendance to discuss the proposal and application process with those in attendance. Comments and concerns are summarized in the report and include:

- The effects of construction on the property line retaining walls and nearby building foundations.
- Mitigation of noise and dirt from the construction activities.
- Adequate parking on the property when parking is being removed.
- Maintenance of the property and buildup of refuse.

- Condition of fencing along the northern property boundary.
- The impact of shadowing from the development on neighbouring properties.

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

Official Plan designation(s)

Current Official Plan

The subject property is designated as General Urban Area, according to Schedule B of the existing Official Plan (OP). The intent of this designation, according to Section 3.6.1, is to encourage the development of a range of housing types to meet varying types of ages and incomes, and within these neighbourhoods. Development is restricted to low-rise built form and is encouraged to be ground-oriented in nature, such as detached, semi-detached, townhouse dwellings, and also permits low-rise apartment buildings. The site is located approximately 350 metres from Merivale Road, which is identified as a Transit Priority Corridor on Schedule D of the OP, as well as 200 metres from an access to the multi-use pathway network as shown on Schedule C.

New Official Plan

Within the new City of Ottawa Official Plan (new OP), the site is identified on Schedule B2-Inner Urban Transect with the Neighbourhood designation. Schedule C2 identifies Merivale Road as a Transit Priority Corridor. A multi-use pathway connection is identified on Schedule C3 within 200 meters of the subject site. The 'Neighbourhood' designation permits heights of up to four storeys.

Planning rationale

The Official Plan (OP) under Schedule B identifies this site as General Urban Area, which encourages a range of housing types to meet the needs of all ages, incomes, and life circumstances. Policy 3.6.1.3. notes that building height within the General Urban Area will continue to be predominately low-rise, which are four-storeys or fewer. The proposal seeks zoning relaxations through an Urban Exception to allow the building to exceed the maximum 11m height to 12m. The building will be three full storeys above grade with the ground level partially underground, as permitted within the Official Plan. The increase in height allows for the removal of outside ramps to access the main entrance to improve accessibility meeting AODA standards. This increase to height is an acceptable amendment as it improves the visibility of the main entrance with the street and improves access to the main door by providing an even surface.

The location of the site is within 350 metres of a bus priority corridor on Merivale Road, and within 200 metres of a multi-use pathway, as shown on Schedules D and C of the OP, respectively. Proximity to the bus priority corridor and multi-use pathway provides residents with alternative transportation options to and from the site. Approximately 75 metres of new concrete sidewalk is to be constructed along Morisset Avenue which will help improve pedestrian connections and walkability. With this, a reduction to the minimum parking requirement of one parking stall is acceptable.

A rear yard setback reduction from minimum 7.5 metres to minimum 5.9 metres is also requested. The reduced setback is consistent with the rear yard setbacks of the existing buildings to the west and east of the site. The rear yard is well landscaped exceeding the minimum 50% soft landscaping of the Zoning By-law.

The interior side yard setback requires a 1.5 metre setback for the portion of the building that is within 18 metres of the front property line, the remaining interior side yard setback to the rear property line increases to 7.5 metres. The requested adjustment to this setback would result in a 2.5-metre interior side yard setback for the length of the building. The interior side yard setback reduction would apply to 6.7 metres of the building. The alteration is acceptable due to the existing conditions and constraints of the site. There is a significant grade change along this property boundary with the subject lands lower than the property immediately to the west, which requires a retaining wall. This retaining wall reduces the opportunity to coordinate landscaped space between the two buildings, and instead the outdoor amenity area has been aggregated to the rear of the building. As well, the west face of the proposed building has minimized the number of windows to mitigate privacy concerns. The west side yard will be used to access the internal garbage room to help ensure the cleanliness of the site.

A reduction of the total landscaped area of the site is being requested to 20% from 30% due to the size of the existing parking area being redeveloped. As the site is a Planned Unit Development, a portion of the subject property will provide parking for the existing buildings on the lot. Five existing trees are to be removed, including four Siberian Elms and one Manitoba Maple, which are identified as poor to fair condition in the applicant's Tree Conservation Report (TCR). The applicant has provided a strong landscaping plan for the lands around the proposed new building and along the street frontage of the existing parking area. The landscape plan includes nine new trees, including two large trees (Bur Oak), to line the street. The landscaping plan also identifies 166 shrubs and 371 grasses and perennials to be planted.

Zoning By-law Section 161, item 15 (f) states that at least one principal entrance to a common interior corridor must be located on the façade and provide direct access to the street, however in the case of a lot of 24 metres wide or greater, one principal entrance is required for every 12 metres of lot width. The building has a width of 28 metres, however with the smaller floor plate of the building and grade challenges on the site, a second front entrance was not considered feasible. As an alternative, the applicant has provided a prominent front entrance with a defined street edge, and building articulation.

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 direct implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Brockington provided the following comments:

“I am supportive of the zoning bylaw amendment and site plan applications for 1435 Morissett Avenue. The proposed 4-storey residential building with 31 units makes better use of the underutilized property and will blend in with the diverse building types of the immediate neighbourhood.

During public consultations I hosted in 2021, and as follow-up communication from nearby residents as of late, local residents have identified chronic property standard issues pertaining to the existing and abutting building to the due east of the site currently under discussion. Both properties are managed and owned by the same entity. The accumulation of garbage in the rear yard and the state of the fence between properties has been raised repeatedly.”

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk management 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.

ACCESSIBILITY IMPACTS

The Zoning By-law amendment proposal relates to a new building that will be constructed in accordance with the Ontario Building Code; there are no accessibility impacts.

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: D02-02-21-0060) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexity of issues associated with the development.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Proposed Zoning By-law Amendment

Document 3 Zoning Schedule

Document 4 Consultation Details

Document 5 Site Plan

Document 6 Building rendering

CONCLUSION

The Planning, Real Estate and Economic Development Department recommend approval of the application to rezone the lands from R4UC to R4UC[XXX1] SYYY to

allow the development of a low-rise apartment building. The application is consistent with the Provincial Policy Statement, current Official Plan, and new Official Plan.

DISPOSITION

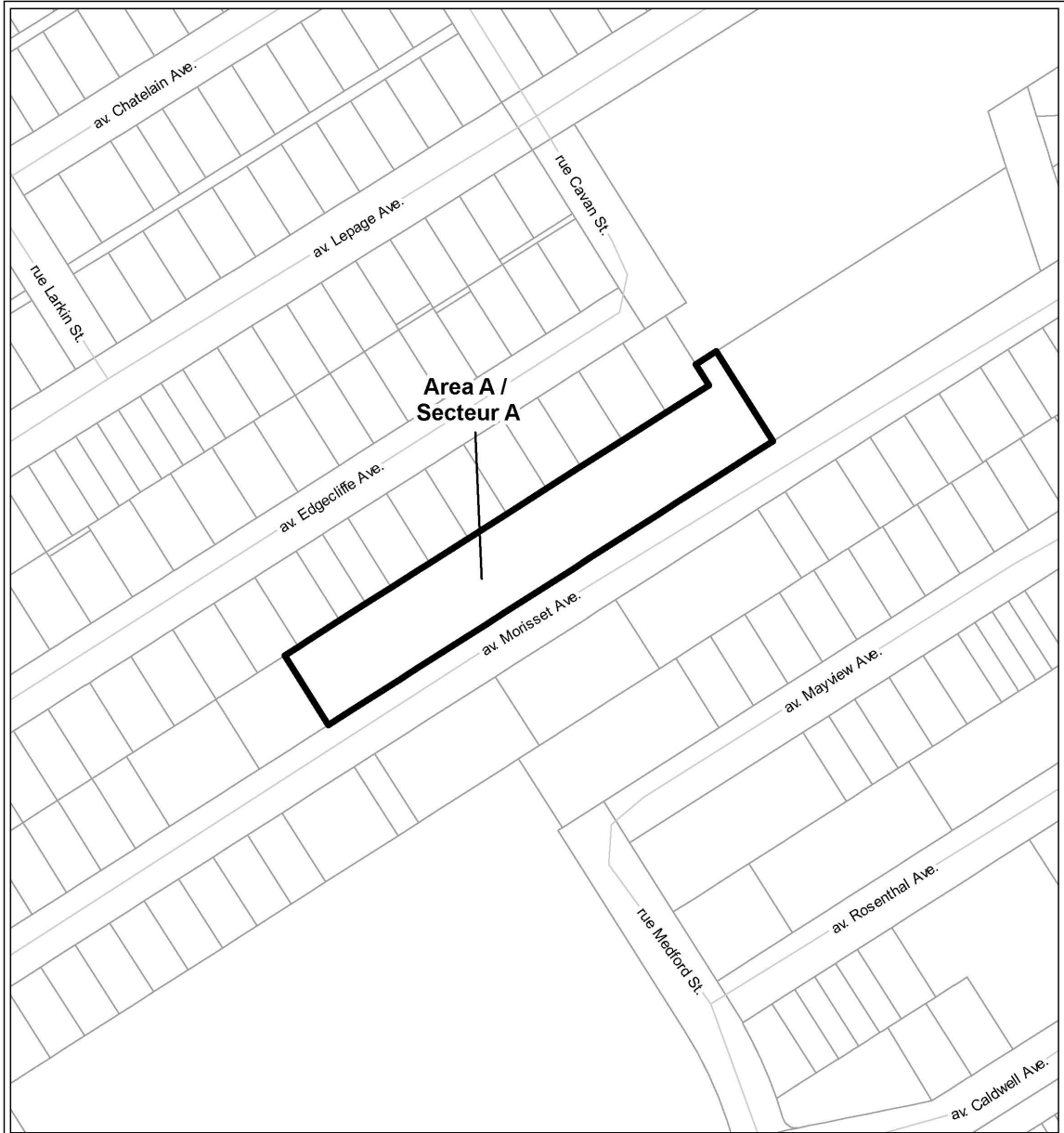
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.




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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-21-0060	22-0429-X		1435 avenue Morisset Avenue
I:\CO\2022\Zoning\Morisset_1435			
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small>		Area A to be rezoned from R4UC to R4UC[XXX1] SYYY Le zonage du secteur A sera modifié de R4UC à R4UC[XXX1] SYYY	
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REVISION / RÉVISION - 2022 / 04 / 20			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1435 and 1455 Morisset Avenue:

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1435 and 1455 Morisset Avenue:

1. Rezone the lands as shown as Area A in Document 1 from R4UC to R4UC[XXX1] SYYY
 2. Add a new exception XXX1 to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - a) In Column II, add the text “R4UC[XXX1] SYYY”
 - b) In Column V, add the text:
 - Minimum Parking: 65 Residential parking spaces, 12 Visitor parking spaces
- Within Area B on Schedule YYY:
- Maximum height: 12m
 - Minimum interior yard setback: 2.5m
 - Minimum rear yard setback: 5.9m
 - Minimum landscaped Area: 20%
 - Primary Entrance: One principal entrance is permitted on the façade
 - Parking lot landscaping: Minimum of 13.5% of Area B must be provided as perimeter or interior landscaped area.
 - Parking Lot Landscape Buffer Abutting Street: 0.94m
 - Parking Location: up to 5 parking spaces are permitted within the front yard but not between the building front wall and the right of way.
3. Add a new schedule, SYYY, to Part 17 – Schedules as shown in Document 3


Document 3 – Zoning Schedule



	
D02-02-21-0060	22-0429-X
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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


NOT TO SCALE

Document 4 – 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. One public meeting was held over the Zoom platform on September 23, 2021

Public Comments and Responses

Comment:

Concerns from noise, dirt, and possible blasting effects on nearby property foundations and retaining wall along the property.

Response:

The City of Ottawa Noise By-law applies to a number of causes of noise to promote public health, safety, welfare and peace and quietness of the inhabitants of the City. The Noise By-law applies to such causes of noise, including but not limited to, shouting, sound amplification devices, mechanical equipment (i.e. exhaust systems), garbage collection, and deliveries.

A condition for street cleaning is typically included in Site Plan Agreements to ensure that streets within the area of the construction site are clear of mud, dust, and other material resulting from vehicles involved in the development.

Conditions of approval will be discussed with the applicant during Site Plan Control to ensure any impacts on neighbouring structures and foundations will be properly reviewed and mitigated. Conditions, such as a preconstruction inspection, may be included in the Conditions of Approval and Site Plan Control Agreement.

The applicant has also proposed a new retaining wall along the western and property boundary, and approximately 65m of wall along the northern property boundary measured from the western property line.

Comment:

Concerns have been raised regarding the amount of parking on site, and the removal of parking spaces for the new building.

Response:

The property owner has advised that the current parking lot is underused and exceeded their needs. The proposed low-rise apartment building will remove 18 parking spaces from the parking lot. Under the current zoning by-law, the property of 1435 and 1455 Morisset Avenue, which includes three residential buildings, will require 78 parking spaces, however a reduction of 1 parking space is requested for a total of 77 spaces.

Comment:

The current buildings on the property are not well maintained, and garbage and refuse collect along the fence.

Response:

The property owner was made aware of this issue during the public consultation meeting. The property owner stated that they would be looking to correct this issue.

The proposed apartment building includes an internal garbage room to help ensure cleanliness of the property.

Comment:

The fences along the northern property line are not well-maintained allowing people to access neighbouring properties.

Response:

The proposal includes a new fence for approximately 65m along the northern property line, measured from the western property line. Additionally, a new railing is proposed along the top of the retaining wall on the western property line.

Comment:

The placement of a building in this location will negatively affect the amount of natural light in the backyards of Edgecliffe Avenue properties.

Response:

A shadow study is typically requested for developments in the greenbelt that are over five storeys, or greater than or equal to 15m in height. The placement of this building with three full storeys above ground is not anticipated to create substantial shadow impacts on neighbouring properties.

Document 6 – Proposal rendering

