

**Subject: Zoning By-law Amendment – 797 Richmond Road**

**File Number: ACS2022-PIE-PS-0004**

**Report to Planning Committee on 7 July 2022**

**and Council 31 August 2022**

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

**Contact Person: John Bernier, Planner II, Development Review Central**

**613-580-2424, 21576, john.bernier@ottawa.ca**

**Ward: Kitchissippi (15)**

**Objet : Modification du *Règlement de zonage* – 797, chemin Richmond**

**Dossier : ACS2022-PIE-PS-0004**

**Rapport au Comité de l'urbanisme**

**le 7 juillet 2022**

**et au Conseil le 31 août 2022**

**Soumis le 27 juin 2022 par Derrick Moodie, Directeur, Services de la planification,  
Direction générale de la planification, des biens immobiliers et du développement  
économique**

**Personne ressource : John Bernier, Urbaniste, Examen des demandes  
d'aménagement centrale**

**613-580-2424, 21576, john.bernier@ottawa.ca**

**Quartier : Kitchissippi (15)**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 797 Richmond Road to permit a nine-storey mixed use building, 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. Approuver la modification du *Règlement de zonage* (n° 2008-250) pour le 797, chemin Richmond, afin d’y autoriser la construction d’un immeuble polyvalent de neuf étages, comme l’indique 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

797 Richmond Road

### Owner

Giuseppe Lima

### Applicant

Joe Tallis

**Architect**

Chmiel Architects - 797 Richmond Road

**Description of site and surroundings**

The subject site has an area of approximately 1,165 metres squared and 33.5 metres of frontage along the north side of Richmond Road. The site currently consists of asphalt surface parking and a one-storey building which contains the owner's existing dental clinic.

This area of Richmond Road is characterized by a mix of land uses and built forms, which reflects its continued evolution towards a more complete traditional mainstreet. Northwest of the subject site is a surface parking lot, followed by institutional/service uses in the form of a retirement home, place of worship, and day care centre. East of the subject site is a high-rise residential building. Southeast of the subject site, across Richmond Road, is the Byron Linear Tramway Park. Across Byron Avenue are low- to mid-rise apartment buildings. Southwest of the subject site is an automotive service station, beyond which is a site being redeveloped to a high-rise residential building.

**Summary of requested Zoning By-law amendment proposal**

The associated Site Plan Application (D07-12-21-0088) proposes a nine-storey mixed-use building, with a commercial ground floor consisting of three units, including the owner's denture clinic. The floors above contain a mix of one and two bedroom residential units; 60 in total. The indoor and outdoor amenity spaces are located on the roof, with a smaller at-grade area at the rear of the building. 42 parking spaces are located in the underground parking garage, accessed from Richmond Road.

The site is presently zoned Traditional Mainstreet (TM), which has a height limit of six-storeys (20 metres). To accomplish the proposed development, the applicant has requested an increase in the height to nine-storeys (29 metres). Additional amendments are required to allow the rooftop amenity penthouse to project above the maximum height limit, along with an amendment on the maximum front yard setback of the building from 2 to 2.2 metres.

The site is proposed to be rezoned to TM [xxxx] H(29), (Traditional Mainstreet, Exception XXXX, with a maximum height of 29 metres). The following site-specific provisions are proposed:

- Increased building height up to 29 metres (nine-storeys);

- Enclosed rooftop amenity space permitted as a projection above the height limit;
- Increased maximum front yard setback to 2.2 metres.

## DISCUSSION

### Public consultation

A public consultation meeting was held, virtually, on September 15, 2021.

The meeting was attended by the Ward Councillor, the applicant team, and approximately 14 members of the public. The concerns raised at the meeting were related to the lay-by in the original design, which proposed two additional private approaches on the frontage, for a total of three. One resident was concerned with the broader transportation impacts of this project and future development in the area. Another attendee was concerned with how this development will affect the development potential of the Unitarian Church site to the north of the site.

Staff shared the community's concern related to the lay-by and requested that it be removed from the plan. The current design does not have this element, which allows for more landscaping and fewer interruptions in the sidewalk and future bike lane.

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

### Official Plan designation(s)

Applications must be evaluated against the [existing Official Plan](#) and must also include an evaluation of the application against the Council approved [new Official Plan](#) (and new Secondary Plan, where applicable).

In this current period, between Council approval of the new OP and the Minister's approval of the new OP, staff are to apply whichever provision, as between the Current and new OP, is more restrictive.

**NOTE:** If a complete Zoning By-law Amendment application was received by October 26, 2021 (the day before the new OP was adopted), it is to be processed on the basis of existing Official Plan policy provided it is consistent with the 2020 Provincial Policy Statement.

**NOTE:** If dealing with a combined OPA, additional information on report content, recommendations and amending by-law requirements is provided as part of the [new OP Status Memo](#).

### **Current Official Plan**

According to Schedule B of the Official Plan, the property is designated as Traditional Mainstreet. The site is also located within Cleary and New Orchard Secondary Plan, and is designated Station Area, which allows moderate height increases within six- to nine-storeys.

### **New Official Plan**

The new Official Plan includes the site within the Inner Urban Transect on a Mainstreet Corridor.

#### Inner Urban Transect

The Inner Urban Transect is generally planned for mid- to high-density development. The designation applies to areas meant to be more urban in character and form, prioritizing walking and cycling, and providing direction to hubs, corridors and neighbourhoods.

#### Corridor – Mainstreet.

The Corridor – Mainstreet policies allow heights up to a high-rise on arterial streets such as Richmond Road where the parcel is of sufficient size to allow for a transition in built form massing.

### **Other applicable policies and guidelines**

The Urban Design Guidelines for Development Along Traditional Mainstreets apply to this development. The purpose of these guidelines is to provide urban design guidance at the planning application stage in order to assess, promote and achieve appropriate development along Traditional Mainstreets.

### **Urban Design Review Panel**

The property is within a Design Priority Area and the Zoning By-law Amendment application and/or Site Plan Control application was subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at a formal review meeting, which was open to the public.

The formal review meeting for the Zoning By-law Amendment and Site Plan Control applications was held on February 4, 2022.

The panel was successful in aiding in the implementation of the following:

1. The lay-by and at grade parking stall was removed and replaced with more landscaping and interlock to make it more pedestrian friendly.
2. The podium has been more clearly defined by connecting both sides of the south façade with a masonry frame that is now more grounded to the street level by four new columns creating a protected colonnade.
3. Floors seven to nine on the west side have been pushed back further and clad with a lighter white cement board product so it is less pronounced.
4. The western façade has been simplified, including a reduction in glazing, to address any privacy issues for future developments on the adjacent property at 801 Richmond Road.

## **Planning rationale**

### Official Plan

The Official Plan (OP) designates the site as Traditional Mainstreet (Section 3.6.3) designation which encourages opportunities for intensification through medium-density and mixed-use development at various scales. The proposed Zoning By-law Amendment is consistent with this plan by providing a compact, mixed-used building that is transit supportive, walkable, and connected to future cycling infrastructure planned within Richmond Road.

The application has been evaluated in accordance with the compatibility policies of Sections 2.5.1 and 4.11. These Sections of the Official Plan provide direction on urban design and compatibility and state that introducing new development and higher densities requires a sensitive approach. Greater heights may be considered in accordance with Section 4.11, which states that building transition can be accomplished through a variety of means, including incremental changes in building height, the use of ground-oriented retail uses and housing forms adjacent to the street, exterior treatments and building finishes, and building setbacks.

Staff are of the opinion that the compatibility criteria are being met, with the bulk of the building being situated towards the street and the building being of a reasonable height given the size of the site. Furthermore, the development of this site will not affect the development potential of the surrounding properties given their larger size and ability to locate their massing accordingly.

## Cleary and New Orchard Area Secondary Plan

The property is located within the Station Area on Schedule A of the Secondary Plan. Section 3.1 limits redevelopment to a mid-rise form, generally from six to nine storeys. However, in some cases a maximum of 12 storeys are permitted.

Section 3.1 includes further direction on the front yard condition that it deems desirable within this area, including a reduction in curb cuts to minimize the interruption to the sidewalk and cycling infrastructure, moving parking internal to the site or whenever possible underground, and including small-scale office uses on the ground floor.

The proposal meets the above by including public realm improvements such as planting beds and covered seating areas, interlock surface treatments, a single access to the underground parking garage, and includes small, ground floor commercial units.

## Recommended Zoning Details

As detailed in Document 2, the proposed Zoning By-law Amendment has the effect of rezoning the site into a Traditional Mainstreet zone with site specific provisions. The entire lot is to be rezoned from TM to TM[xxxx] H(29) (Traditional Mainstreet, Exception xxxx, with a maximum height limit of 29 metres). The height is consistent with the direction found within the Secondary Plan by limiting the development to a nine-storey building and only allowing the projection of an amenity penthouse above the maximum permitted height. The minor amendment to amend the maximum front yard setback from 2 to 2.2 metres is largely consistent with the Traditional Mainstreet provisions and maintains the building framing the urban edge and contributing to an active street frontage.

## 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 Leiper is aware of the application related to this report.

**LEGAL IMPLICATIONS**

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

**RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with the recommendations of this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications.

**ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report. Any Ontario Building Code requirements for accessibility will be imposed at the building permit stage.

**ENVIRONMENTAL IMPLICATIONS**

An Environmental Site Assessment was provided in support of this application, and no impacts are anticipated from the development of this site.

**TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

**APPLICATION PROCESS TIMELINE STATUS**

These applications (Development Application Numbers D02-02-21-0083 and D07-12-21-0088) were not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to extended periods of time between review submissions as well as elevated workloads.



## **SUPPORTING DOCUMENTATION**

Document 1 Location Map and Zoning Key Plan

Document 2 Proposed Zoning By-law Amendment

Document 3 Consultation Details

Document 4 Urban Design Review Panel Recommendations

Document 5 Proposed Site Plan

Document 6 Perspective Drawings

## **CONCLUSION**

The Planning, Real Estate, and Economic Development department supports the proposed Zoning By-law amendment. The proposal is consistent with the Official Plan and Secondary Plan policies for intensification and compatibility on a Traditional Mainstreet. The proposed amendment is appropriate for the site and maintains policy objectives. The amendment represents good planning and, for the reasons stated above, staff recommends approval of the Zoning By-law Amendment.

## **DISPOSITION**

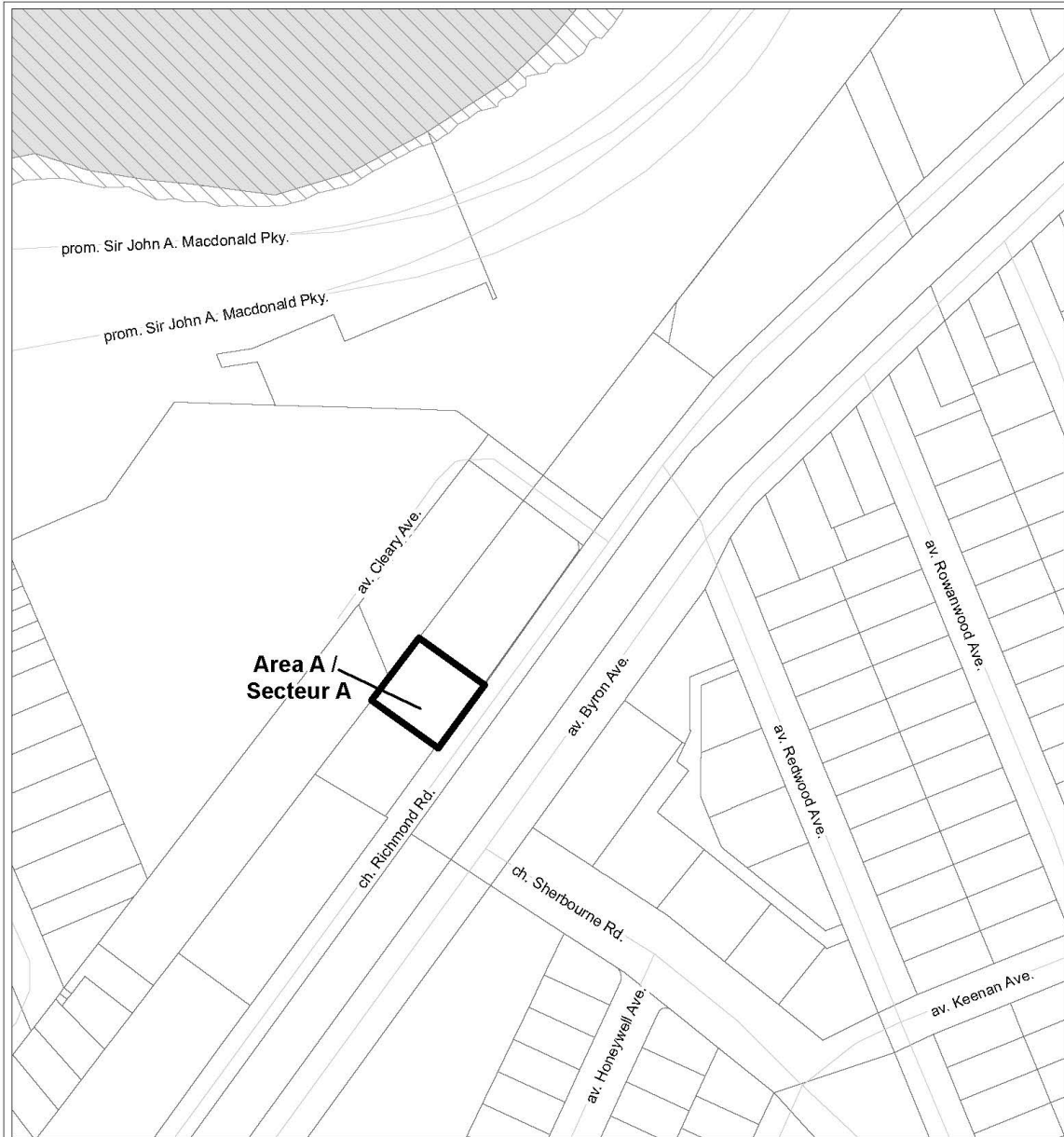
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.





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 and Zoning Key Plan**



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE SITE PLAN / PLAN D'EMPLACEMENT	
D02-02-21-0083 D07-12-21-0088	22-0602-D	<b>797 ch. Richmond Road</b>	
I:\CO\2022\ZKP\Richmond_767		 Area A to be rezoned from TM to TM[XXXX] H(29) Le zonage du secteur A sera modifié de TM à TM[XXXX] H(29)	
<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>		 Existing Flood Plain (Section 58) / Plaine inondable (Article 58)	
<small>©Les données de parcelles appartient à Teranet Enterprises Inc.                  et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit                  sans autorisation. CEI N'EST PAS UN PLAN D'ARPENTAGE</small>		Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)	
REVISION / RÉVISION - 2022 / 06 / 15			

## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 797 Richmond Road:

1. Area A shown in Document 2 to be rezoned from TM to TM [XXXX] H(29);
2. Add a new exception, TM[XXXX] H(29) to Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
  - a. In Column II, Applicable Zoning, add the text “TM[XXXX] H(29)”;
  - b. In Column V, Provisions, add the following text:
    - i. “Maximum front yard setback is 2.2 metres”; and
    - ii. “Roof top amenity area which projects above the maximum permitted height limit:
      1. may not exceed four metres in height,
      2. has a maximum gross floor area of 75 square metres”

### **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. One public meeting was also held virtually via Zoom on September 15, 2021.

#### **Public Comments and Responses**

**Comment:** 6-storey height maximum should be maintained.

**Response:** The Secondary Plan allows for an increase in heights generally from 6-9 storeys, and in some cases up to 12 storeys. These are appropriate heights given the sites close proximity to the future O-Train station.

**Comment:** Building should be setback further to accommodate tree planting along frontage.

**Response:** The building has a maximum setback of two metres that makes it difficult to accommodate tree plantings; however, there are street improvements coming as part of the Richmond Road revitalization project associated with the LRT construction.

**Comment:** Concerned with the light pollution/nuisance during construction.

**Response:** We do not have the ability to regulate the manner of which construction occurs through a planning application. However, by-laws are in place to prevent light and noise from being excessive.

**Comment:** The building will contribute to a canyon effect.

**Response:** The commonly referred to 'canyon effect' only occurs when there is a narrow right-of-way with tall buildings with minimal setbacks on either side of the road. This is not the case with the proposed building, rather it is within a large road corridor that is approximately 53 metres wide, the building includes setbacks, and the opposite side of the street is an R4 designation which does not allow for high-rise buildings.

**Comment:** Architecture and external appearance of the building should fit the standard set by the existing Continental Condo on the northeast side of the proposed site.

**Response:** The adjacent condo building is not intended to become the design theme for the street, in fact buildings are encouraged to respect their context but include their

own distinct design. This adds interests to the street and to a greater extent the City skyline.

**Comment:** More landscaping should be incorporated into the design.

**Response:** Landscaping beds have been added to the front yard, staff will explore ways in which to get more soft-scaping through the Site Plan process.

**Comment:** Concerned with the traffic impacts that this development will pose.

**Response:** The Applicant has provided a transportation impact study which states that the traffic impacts will be minimal. Richmond Road can handle the increased density and the development is further supported by the existing and planned transportation infrastructure for this area.

**Comment:** Protect adjacent private patios from wind impacts.

**Response:** A wind study was submitted which supports the proposed development. This report states that the wind comfort levels will be suitable to maintain the enjoyment of these amenity areas.

**Comment:** Appropriate signage should be included at the vehicle entrance to the site to avoid confusion between this parking garage and the surface parking lot for the Continental.

**Response:** It will be clear that the proposed entrance is for this development, especially given that the subject building cantilevers over the garage entrance.

**Comment:** The site includes too much hardsurface and will not contribute well to the street and walkability.

**Response:** At the time of this comment the design included a lay-by, which staff were not supportive of. The latest design has much more landscaping a space dedicated to the pedestrian experience, rather than the vehicle.

**Comment:** Concerned with the drainage impacts.

**Response:** The Site Plan application included a stormwater management plan and report which demonstrates that the site can be engineered to minimize or address any drainage concerns.

**Comment:** Every development in this area should be compatible with the current and future developments.

**Response:** The proposal has been assessed using the compatibility policies of Official Plan, Section 4.11. The building is designed to respect the existing and planned context for this area, including positioning the mass of the building as close as possible to the street, while including appropriate stepbacks on the southern façade, which maintains a human scale. The proposal will in no way hinder the development potential of the adjacent properties, as they are larger and have the opportunity situate their buildings accordingly.

**Comment:** Developers should seek lot consolidation to create better developments.

**Response:** we cannot force a developer to acquire additional land. If their ambitions exceed what is possible on a property, we sometimes suggest that they explore this. However, the proposed development is of an appropriate scale given the policy context and the LRT station that will be built immediately in front.

**Comment:** The lands to the north of the site should be given the same heights.

**Response:** Lands to the north are within a different policy area within the Secondary Plan. Heights are up to a maximum of five storeys.

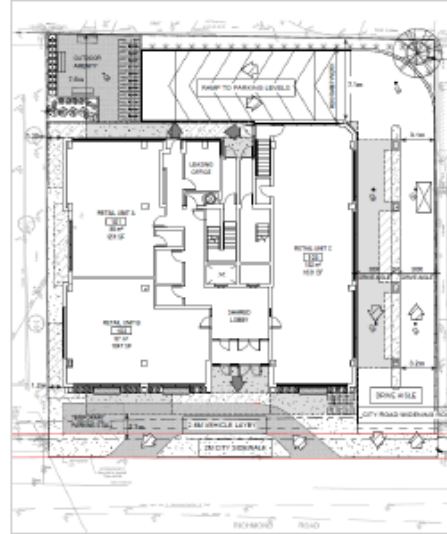
## Document 4 – Urban Design Review Panel Recommendations



## URBAN DESIGN REVIEW PANEL RECOMMENDATIONS

February 4<sup>th</sup>, 2021

**797 RICHMOND ROAD** | Formal Review | Zoning By-law Amendment and Site Plan Control Application | Joe Tallis; Chmiel Architects Incorporated; James B. Lennox & Associates Inc.; Ainley Group



### Summary

- The Panel thanked the proponent for the presentation and expressed support for the proposal. The scale of the building is appropriate for the neighbourhood context and an important example of a building typology suitable for a transit node in an evolving context.
- The Panel expressed concern with the proximity of the balconies to the west lot line as they will affect the developability of the adjacent lot. From a public realm perspective, the Panel supports the removal of the layby parking to maintain the public realm clear of vehicles. From an architectural perspective, the street façade needs to be simplified; the ground floor condition should be revised to improve its relationship with the street.

### Massing

- The Panel is concerned with the building's proximity to the lot line, given the potential development of the adjacent lot. The proponent should explore an alternative to alleviate that condition or seek a limiting distance agreement with the adjoining property owner to ensure comfort for the units in perpetuity.
- The proponent should consider a four-storey podium with a more slender top to better integrate the building with the context and create a mainstreet condition.

**Architectural Expression**

- The Panel recommends that the front façade be simplified, and the strong contrast approach should be reconsidered. The Panel believes the black volume above the ground floor does not promote the urban sidewalk experience, as the ground floor appears squat and the two dark volumes on the upper floors weigh the façade down. The proponent should take cues from the west elevation, which shows a more subtle articulation and elegant treatment, with contrasting black panels threading behind the white frame.
- The Panel recommends a lighter treatment for the upper two floors, maintaining the four-storey setback and not extending the upper volume forward, in order to maintain the setback from the street edge.

**Public Realm**

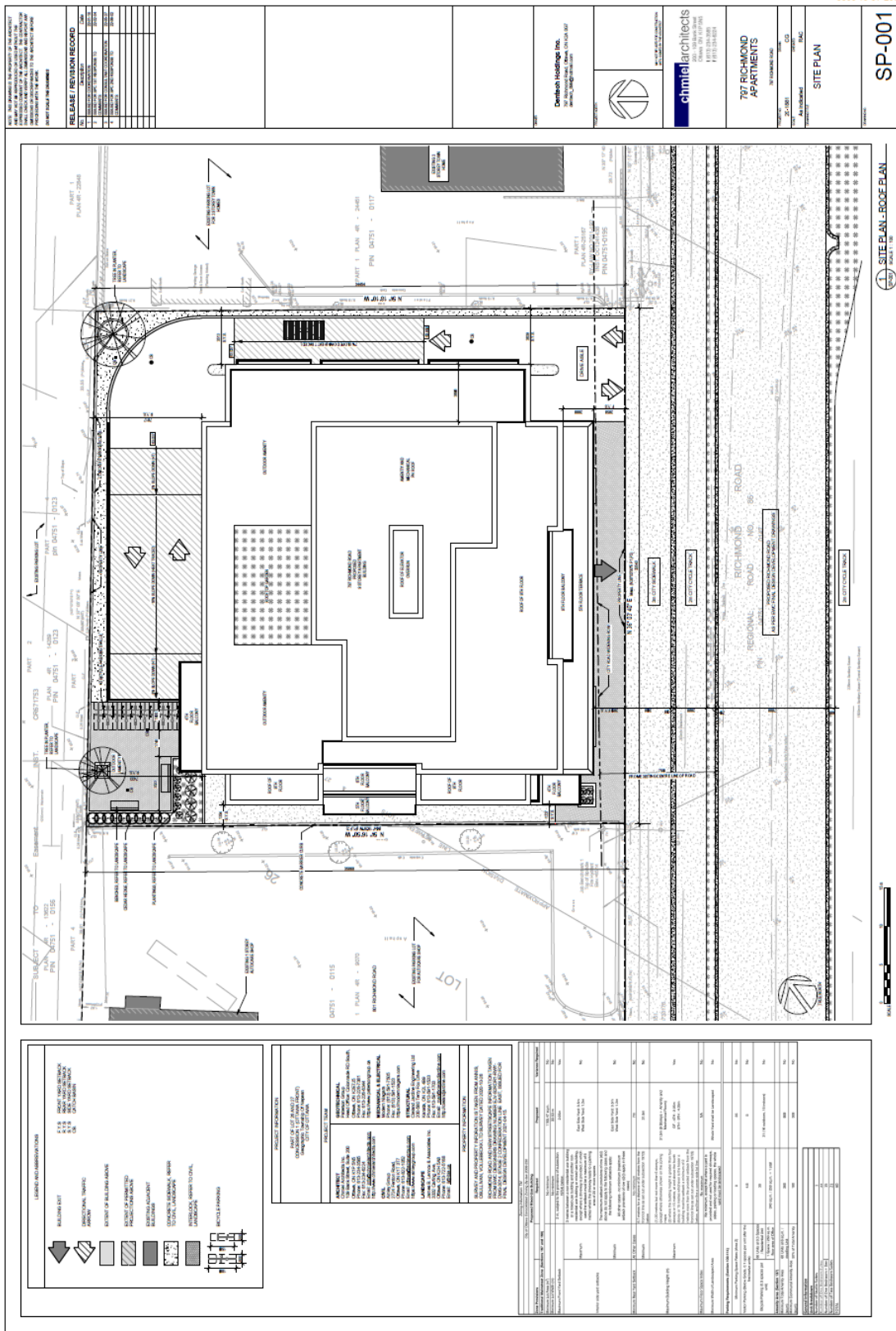
- The Panel does not support the layby parking.
- The proponent should consider the public realm and streetscape across the street when designing the pedestrian realm, in order to understand pedestrian movement and anticipate where people would cross the street.
- It was suggested to grade down to the parking garage, to avoid a tight turn radius at the rear.

**Sustainability**

- The Panel appreciates the sustainability goals and notes there is an opportunity to introduce permeable pavers, green roofs and trellises to soften the urban condition and reduce the heat island effect, which directly impacts the survivability of the trees.



Document 5 – Site Plan



**RELEASE / REVISION RECORD**

NO.	DATE	DESCRIPTION
1	07/12/2012	ISSUED FOR PERMITTING
2	07/12/2012	ISSUED FOR PERMITTING
3	07/12/2012	ISSUED FOR PERMITTING
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**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND THE BRITISH COLUMBIA BUILDING CODE (BCBC).
2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL VEGETATION AND LANDSCAPE.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT ROADS AND ALLEYS.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND RESTORATION OF ALL EXISTING UTILITIES AND STRUCTURES.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.

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Document 6 – Elevations

