

<p>4. Zoning By-law Amendment – 716 and 770 Brookfield Road</p> <p>Modification au <i>Règlement de zonage</i> 716 et 770, chemin Brookfield</p>

Committee Recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 716 and 770 Brookfield Road to permit a mixed-use development consisting of approximately 1700 square metres of commercial space and 832 residential units, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve la modification du *Règlement de zonage* (n° 2008-250) visant les 716 et 770, chemin Brookfield, afin d'autoriser l'aménagement d'un complexe à utilisations polyvalentes qui offrirait environ 1 700 mètres carrés d'espace commercial et compterait 832 unités d'habitation, comme l'indique le document 2.

Documentation / Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development department, dated June 17, 2019 (ACS2019-PIE-PS-0064)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 17 juin 2019 (ACS2019-PIE-PS-0064)

2. Extract of draft Minutes, Planning Committee, June 27, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 27 juin 2019

3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of August 28, 2019, 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 July 10, 2019".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 28 août 2019 du 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 10 juillet 2019 ».

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
27 June 2019 / 27 juin 2019**

**and Council
et au Conseil
10 July 2019 / 10 juillet 2019**

**Submitted on 17 June 2019
Soumis le 17 juin 2019**

**Submitted by
Soumis par:
Lee Ann Snedden
Director / Directrice**

**Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: RIVER (16) / RIVIÈRE (16)

File Number: ACS2019-PIE-PS-0064

SUBJECT: Zoning By-law Amendment – 716 and 770 Brookfield Road

OBJET: Modification au *Règlement de zonage* 716 et 770, chemin Brookfield

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 716 and 770 Brookfield Road to permit a mixed-use development consisting of approximately 1700 square metres of commercial space and 832 residential units, 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 City Clerk and Solicitor's Office 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 July 10, 2019," 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 la modification du *Règlement de zonage (n° 2008-250)* visant les 716 et 770, chemin Brookfield, afin d'autoriser l'aménagement d'un complexe à utilisations polyvalentes qui offrirait environ 1 700 mètres carrés d'espace commercial et compterait 832 unités d'habitation, comme l'indique le document 2.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et de l'avocat général 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 10 juillet 2019 », 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

716 and 770 Brookfield Road

Owner

Atlantis Investments

Applicant

Fotenn Planning and Design

Architect

Hobin Architecture

Description of site and surroundings

The site is located on the south side of Brookfield Road, between Riverside Drive and Flannery Drive. To the north of the site is the headquarters for Canada Post, to the east is Brookfield High School, to the south is low density residential development and to the west are commercial and institutional uses. The eastern portion of the site previously contained an office building but has since been demolished. The western portion contained a commercial surface parking lot. The site is within 600 metres of the Mooney's Bay O-Train station, located on Heron Road at the Airport Parkway, adjacent to 501 Heron Road.

The subject site consists of 716 and 770 Brookfield Road, rectangular in configuration with 250 metres frontage along Brookfield Road and an area of 2.76 hectares. At the eastern limit of the property, a former portion of Hobson Road is a component of the site. The City has an easement for servicing and emergency services, however it is closed to vehicular access at the low-density residential development on Hobson Road and Egan Road.

The proposed development consists of two largely identical mixed-use (commercial residential) buildings, generally mirrored along the centre of the site. Approximately 1,700 square metres of commercial space is located on the ground floor along Brookfield Road and indoor amenity space for the residential uses is proposed on the second floor of the two-storey portion. A total of 832 dwelling units are proposed at final build-out. Each building consists of two L-shaped sections, creating an outdoor courtyard/amenity space in the centre of each building. In general, the residential uses 27 metres (nine storeys) in height is proposed along the east and west property lines and along Brookfield Road. Along the south portion of the site, the height is approximately 18 metres (six storeys). Parking is provided in a single level underground

lot with two accesses at the rear of the property and consists of 339 spaces. An additional 172 surface parking spaces are provided along the south and centre of the site. By-law requirements for visitor parking and parking for the physically will be satisfied. A 5-metre landscaped strip is to be developed along the south property boundary. Three accesses are proposed: A right-in at the western property line, a full movement at the centre and right-out at the eastern property line. Development is proposed to be phased, with the building on the western portion of the site to be constructed first. The existing traffic signals and bus stop toward the eastern portion of the site will remain.

Summary of requested Zoning By-law amendment proposal

The subject property is currently zoned GM [155] F(1.5) S147, S148. This zone permits a wide variety of commercial uses from convenience stores to offices and restaurants. Dwellings up to mid-rise apartments are permitted. The exception zone permits a commercial parking lot as well as a requirement for at least 22.5 per cent of the ground floor area of each building is occupied by non-residential uses and not less than 500 square metres. Existing allowable building heights are detailed in Schedule 147. Schedule 148 permits 716 and 770 Brookfield Road to be considered one lot for zoning purposes. The maximum floor space index for a building having a non-residential uses above the second floor is 1.0.

The applicant is seeking to amend the zoning to increase the building height in specific locations of the site, increase the FSI to 1.73 and to permit parking to be provided based on the Area X of Schedule 1A rates in the Zoning By-law.

Brief history of proposal

In 2004, a Zoning By-law amendment was approved for this site to accommodate a nine-storey mixed use residential/commercial development containing ground floor commercial development, approximately 330 apartment units with underground parking. This was proposed adjacent to the two-storey office building. Two schedules were applied to this amendment; Schedule 147 applied heights to specific locations on the site and Schedule 148 was prepared to allow the lot to be considered a single lot for zoning purposes.

On November 1, 2017, the Committee of Adjustment approved minor variances on the western portion of the site to reduce setbacks from Brookfield Road for residential units and increase building heights from 21 and 18, to 27 metres.

The site is subject to a concurrent site plan application, (File no. D07-12-17-0140), and the first phase (western building) is pending approval.

DISCUSSION

Public consultation

Public consultation was conducted in accordance with the procedure for Zoning By-law amendment applications. Owners within 120 metres of the subject site were notified through a direct mailing and a sign was posted on the site. Three written submissions were provided by members of the public; two provided comments and one requested to be further notified.

Prior to the submission of the applications for site plan control approval and Zoning By-law amendment, the area Councillor held a public information session on October 10, 2017. Approximately 25 people were in attendance.

For this proposal's consultation details, see Document 5 of this report.

Official Plan designations

The property is designated General Urban Area in the Official Plan. This designation permits a wide variety of housing types and densities, employment, commercial and institutional uses.

The development proposal is evaluated in the context of policies of Sections 2.5.1 and 4.11. Compatible development does not necessarily intend that the development is the same as existing buildings, but that it would be able to coexist without causing undue adverse impact. Section 2.5.1 directs consideration toward defining quality urban design in the built form, open spaces and infrastructure. Section 4.11 contains policies regarding traffic, access parking, outdoor amenity area, service areas, lighting, sunlight and supporting neighbourhood services.

Other applicable policies and guidelines

The site is subject to both the Confederation Heights and Riverside Park Secondary Plans.

The Confederation Heights Secondary Plan places the site in a Mixed-Use Area designation and intends for this site to be developed to provide for an interface and transition between the residential area to the south, the Primary Employment Centre to

the north and the Major Open Space Area of Mooney's Bay Park to the west. This would consist of low-profile retail at grade and residential uses on the upper floors.

Similarly, the Riverside Park Secondary Plan places the site in a Mixed Use Residential/Commercial area and is also to provide a transition between the Confederation Heights development to the north, lower density residential uses to the south and Mooney's Bay Park to the west. This transition is provided by site development which minimizes the impact on existing development through appropriate site design, form, proportion and spatial arrangement of uses, buffering and screening and adequate pedestrian and lighting facilities. There are also specific site development considerations to functionally separate commercial and residential uses on the site through the parking areas and building entrances.

Transit Oriented Design Guidelines provides direction for transit supportive development in proximity to rapid transit stops and stations.

Planning rationale

In accordance with Sections 2.5.1 and 4.11 of the Official Plan as well as the Secondary Plans, the proposal provides a transition from the higher buildings with more intensive uses permitted on the Canada Post headquarters site and the existing low-density residential development. The Confederation Heights Secondary Plan intends for the Canada Post headquarters on the north side of Brookfield Road to accommodate a wide range of commercial establishments with a maximum height of four storeys (15 metres) along Brookfield Road with townhouse and apartment dwellings with heights of up to eight storeys (28 metres) toward the centre of the site. The land uses permitted on the subject site include commercial uses which cater to the day to day needs of residents and a wider range of residential uses. At-grade commercial uses are located adjacent to Brookfield Road with residential development adjacent to the existing residential development. There is also articulation in the building's façade which faces the existing residential development to break up the massing.

Although the Urban Design Guidelines for Low-rise Infill Housing applies to residential infill development up to low-rise apartments (up to four storeys), without separate guidelines for mid-rise housing, a relevant guideline speaks of providing a 45-degree angular plane from the rear property line where new buildings back onto lower density residential properties. The smaller the angle, the lesser the impact of the potential loss of sunlight or privacy on the neighbouring properties. The proposed buildings, where it

abuts existing single detached dwellings, is 18 metres in height and separated by parking stalls, a drive aisle and landscaping providing a distance of approximately 24 metres. This create an angular plane of less than 45 degrees, thereby mitigating impacts further. Plantings are proposed along the existing fencing of the common property line.

The Transit Oriented Design Guidelines speaks to creating a transition in scale by stepping down building heights and densities from the transit station to lower intensity communities. The proposed development provides such a transition between the higher intensity uses existing and contemplated at the Canada Post headquarters site and the existing residential development by locating commercial uses on either side of Brookfield Road and residential development abutting existing residential. The design guidelines also provide direction with respect to siting buildings 3.0 metres to 6.0 metres back from the front property line in order to define the street edge and provide space for pedestrian activity and landscaping. The development proposes a continuous 3-metre setback from the front property line. In terms of parking, the guidelines direct parking lots to the rear of the buildings rather than between the right-of-way and the front of the building. By providing the proposed underground parking garage, this decreases the amount of surface parking.

The Transportation Impact Assessment indicated that the intersection of Riverside Drive and Brookfield Road is currently operating close to above capacity during the weekday morning and afternoon peaks. Based on the forecasted traffic volumes, the study area intersections are projected to operate in a similar manner as the existing conditions.

Bus service is currently provided to this location and the Mooney's Bay O-Train station is located within 600 metres. Respectively, this provides transit service to both the downtown core and stops to Bayview Station. A multi-use pathway (MUP) is planned to be constructed by the City during 2019 and will provide a pedestrian and cycling link to the Canal and MUP along the Transitway to the south. These provide alternatives to private vehicles, reducing the required parking. Through a condition in the site plan agreement, the owner is to advise prospective occupants that there is limited on-site parking and on-street parking is subject to the Traffic and Parking By-law.

Proposed Zoning Details

Document 2 details the proposed Zoning By-law amendment to amend the existing Urban Exception [155] and replace Schedule 147 to reflect the proposed development as follows:

- Application of Area X of Schedule 1A of the Zoning By-law for the calculation of the required parking. A total of 511 spaces are to be provided; 172 on the surface and the remainder in the underground garage.
- Replace Schedule 147 with a new schedule to reflect the current proposal. The existing schedule was implemented in accordance to the proposal at the time. This proposal shifts the higher (nine-storey) portions to the building to the perimeter, where the previous proposal located it along the western side and in the centre of the site. By this change, two courtyards to contain amenity areas are created, with the buildings providing a buffer to the existing residential areas.

The following provisions of the existing site-specific zone are to be amended:

- Currently, dwelling units on the ground floor must not be located within 35 metres of Brookfield Road. The minor variance amended this provision and allowed a dwelling unit on the ground floor at 31.5 metres of Brookfield Road. However, this only applied to the western portion of the site and took into account the road widening which will be conveyed to the City upon the registration of the site plan agreement. The proposed provision will permit dwelling units beyond 27 metres of the front lot line.
- Increase in the FSI to 1.75 from 1.5. The 1.5 FSI was based on the previous proposal, however the base GM zone permits an FSI of 2; therefore, the increase in FSI to reflect the proposal is in keeping with the intent of the GM zone.
- Specify the requirement for non-residential uses to be located in any building with a front façade along Brookfield Road. The amount required is 22.5 per cent of the gross floor area of the building and not less than 500 square metres. For buildings which do not have a façade along Brookfield Road, it will not be required to provide non-residential uses at the ground floor.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

RURAL IMPLICATIONS

There are no direct rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Brockington provided the following comments:

"I am aware of the bylaw amendment application and what is being proposed for 716-770 Brookfield Road.

This was the first development file that came across my desk after I was first elected and after many versions, two owners, two public consultation meetings (February 2, 2015 and October 10, 2017) and a Committee of Adjustment decision (November 2017), the final piece is now before us.

I am generally supportive of the application before the Planning Committee and appreciate a number of compromises the owner made to lessen the impacts on the southern residential homeowners in particular.

In addition to providing much needed accommodations, geared towards post-secondary students, the development will also offer retail options that is expected to benefit the greater community. With the anticipated construction of the Multi-Use Pathway of the south side of Brookfield Road this summer and this location's close proximity to the Mooney's Bay O-Train Station, I expect that this will be an overall good fit in the community."

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

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

Accessibility impacts are considered during the review of the site plan control application.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- EP2 – Support growth of the local economy

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexity of issues related to the review of the site plan control application.

SUPPORTING DOCUMENTATION

Document 1 Location Map/Zoning Key Plan

Document 2 Details of Recommended Zoning

Document 3 Amended Schedule 147

Document 4 Proposed Site Plan

Document 5 Consultation Details

CONCLUSION

The Planning, Infrastructure and Economic Development Department supports the application and proposed Zoning By-law amendments. The site context is appropriate for the development. Compatibility with both the existing context and planned development of the abutting properties is achieved through site design, building heights, landscaping, and land uses. The amendments conform to the Official Plan and are consistent with the Provincial Policy Statement.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

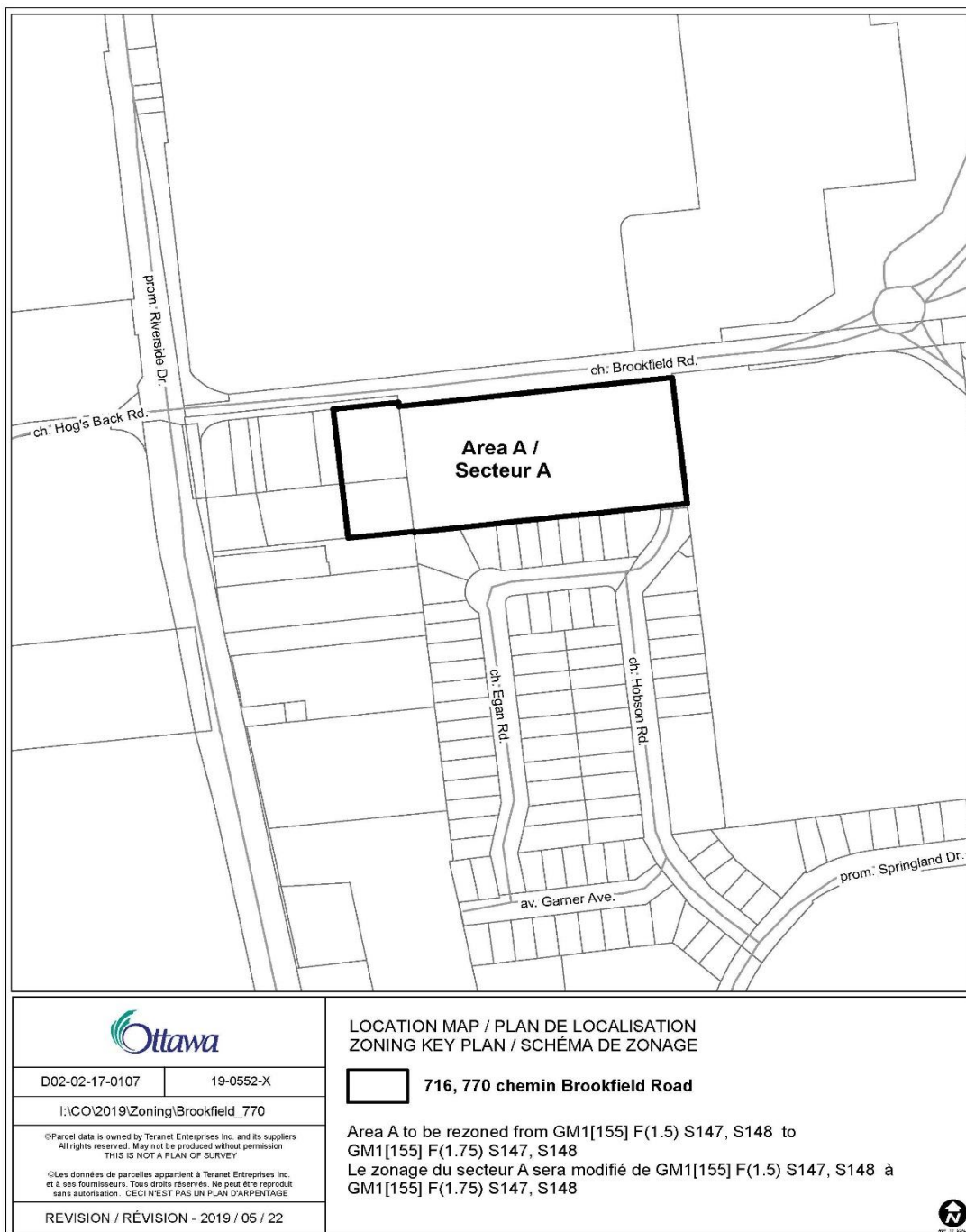
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Office of the City Clerk and Solicitor 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](http://geoOttawa.ca).

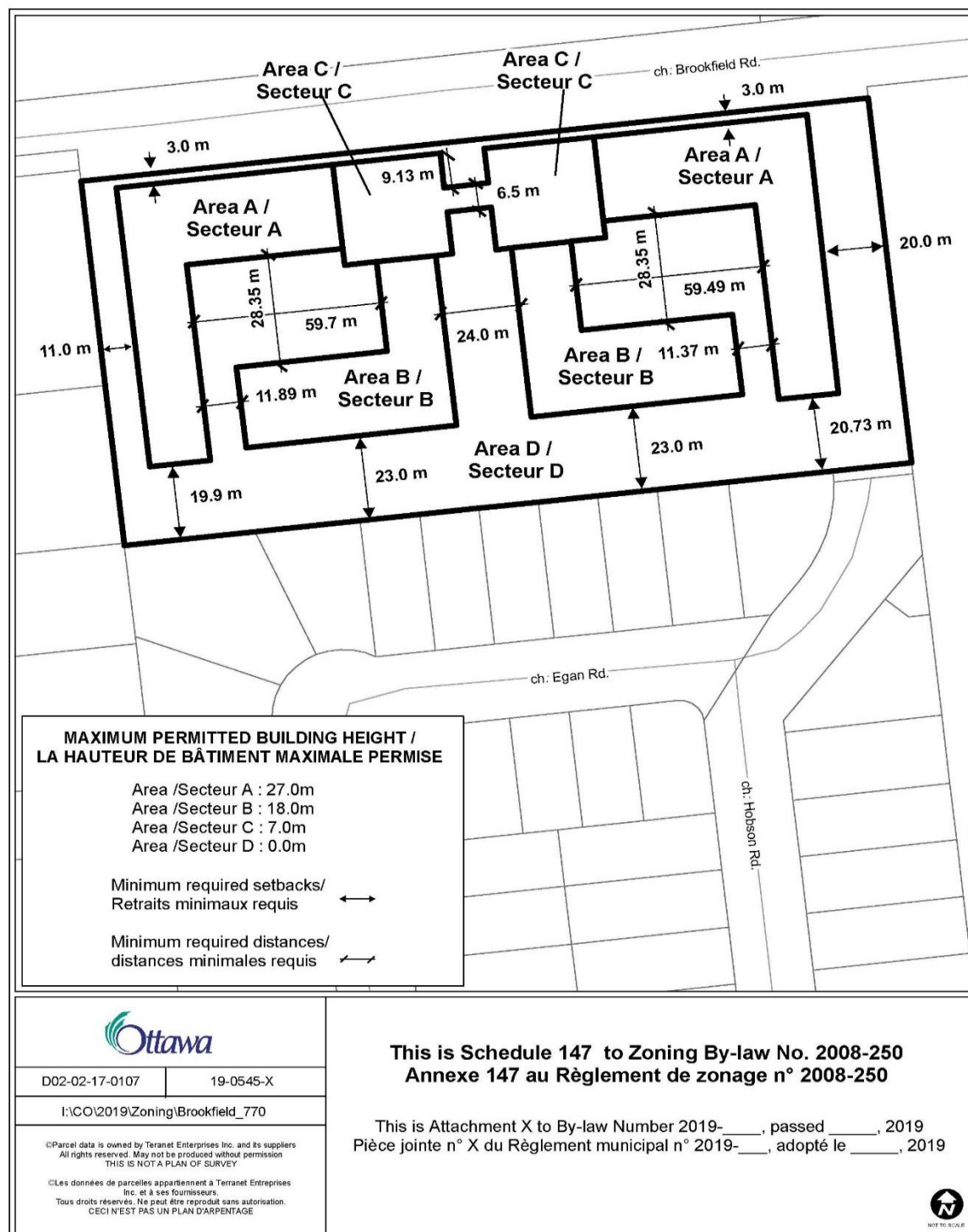


Document 2 – Details of Recommended Zoning

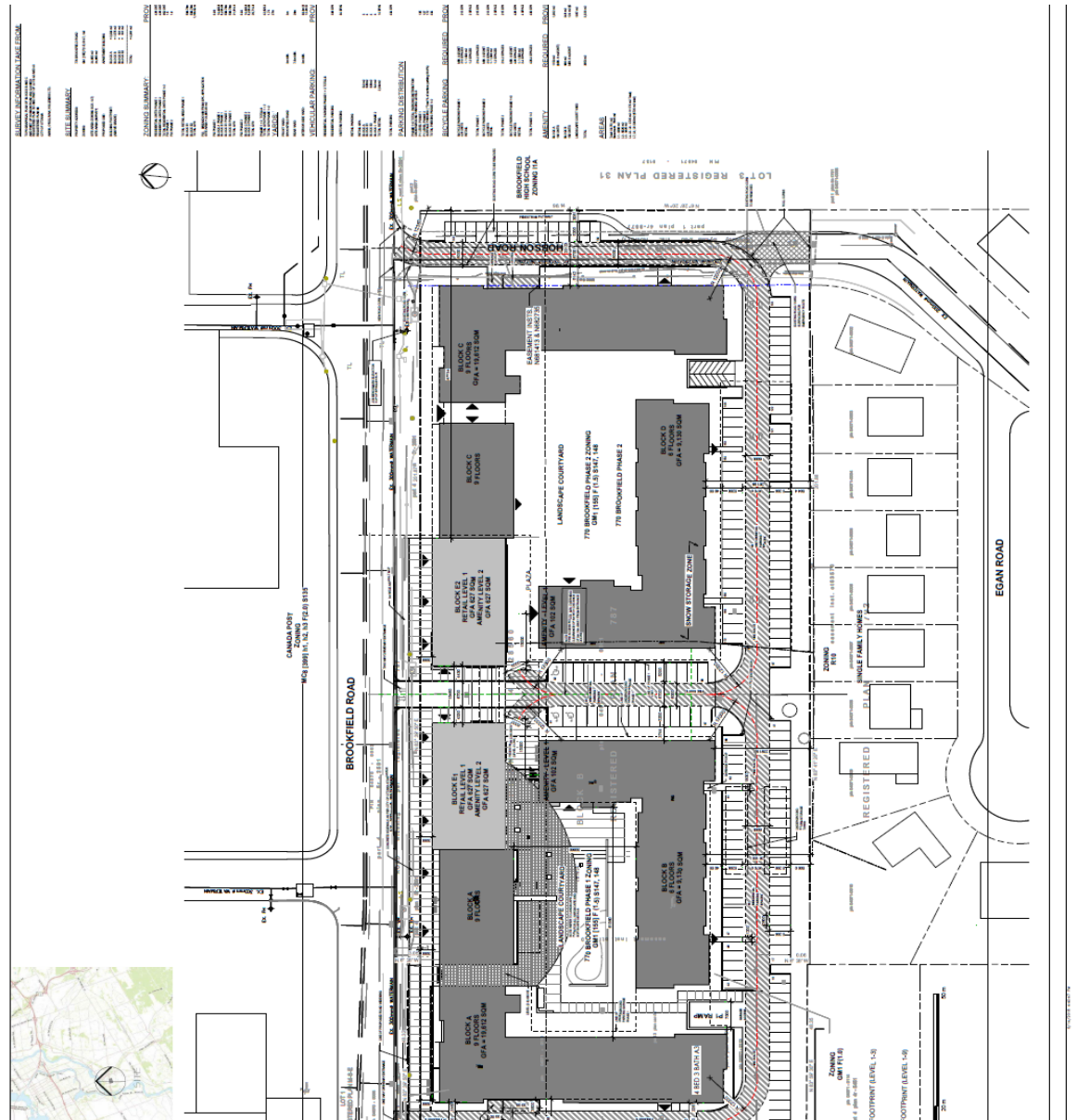
The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 716 and 770 Brookfield Road is as follows:

1. Rezone the lands shown on Document 1 from GM1[155] F(1.5) S147, S148 to GM1[155] F(1.75) S147, S148;
2. Replace the current Schedule 147 with Document 3; and
3. Amend Exception 155 in Section 239 with provisions similar in effect to the following:
 - a. In Column II, amend GM1[155] F(1.5) S147, S148 to GM1[155] F(1.75) S147, S148
 - b. In Column V, amend the provisions similar in effect to the following:
 - i. The required parking provision shall be calculated in accordance with rates applicable to Area X of Schedule 1A of the Zoning By-law;
 - ii. Replace the words 'the residential uses listed in Subsection 187(2) are permitted provided that 22.5% of the ground floor area of each building is occupied by one or more of the non-residential uses listed in Subsection 187(1), and provided that each building contains not less than 500 square metres of non-residential space' with 'each building with a façade along Brookfield Road shall provide a minimum of 22.5% of the ground floor area for a non-residential use or not less than 500 m² of non-residential space, whichever is greater';
 - iii. Amend the provision that dwelling units on the ground floor must not be located within 35m of Brookfield Road to dwelling units must not be located within 27m of the front lot line;
 - iv. Amend the provision referring to building heights as shown in Schedule 147 by deleting the words 'for a building having non-residential uses on the first or second floor only';
 - v. Deleting the words 'the maximum Floor Space Index for a building having non-residential uses above the second floor is 1.0'

Document 3 – Amended Schedule 147



Document 4 – Proposed Site Plan



Document 5 – Consultation Details

Notification and Consultation Process

A public information session was held by Councillor Brockington on October 10, 2017 at Brookfield High School prior to the submission of the applications. Approximately 25 people attended, and the comments provided expressed concerns with the height, transition, setbacks, parking in the rear, privacy/window glazing, construction staging and phasing.

With the submission of the Zoning By-law Amendment, notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for such applications.

Public Comments and Responses

Comment:

The proposed building heights are not in conformity with the Riverside Park and Confederation Heights Secondary Plans. Specifically, a "transition" between the maximum 4 storeys foreseen north of Brookfield and the single-family houses to the south of the lot is not compatible with 6- and 9-storey buildings in between.

The zoning amendment which was adopted in 2004 is *ultra vires*. As you know, nothing came of the proposal. It is understandable that no-one bothered to contest it. As it was adopted to accommodate that particular development, its demise should void the amendment.

Secondary Plan trumps a Zoning By-law.

Response:

The zoning at the time the secondary plan was implemented permitted a height of 18 metres (six storeys) across the site, however subsequent amendments allowed for higher heights in specific locations through a Zoning Height Schedule and these were carried forward into Zoning By-law 2008-250. The minor variance in 2017 did not add height but shifted the height to a different area on the site to lessen the impact on the community. Since the 'transition' in the Secondary Plan is not prescribed in terms of specific heights, the initial amendment approved by Council was not considered in contravention of the secondary plan and is not considered *ultra vires*. A Secondary Plan

does not override a Zoning By-law and once a Zoning By-law is adopted, it stands until it is amended, replaced or repealed.

Secondary Plans often differ both in their details and prescriptiveness, influenced by a great degree on when they were prepared and adopted. There is therefore a difference between the two secondary plans relevant to this site (Confederation Heights prepared in 1997 and Riverside Park in 1999) and the Richmond Road/Westboro CDP (prepared in 2007). The older secondary plans did not specify heights as it relates to transition. Although building heights is one component of transition between developments, land use, density, architecture and landscaping also contribute to transition and the appropriateness of the development.

Comment:

Amendment to parking provisions is not logical. The area is already restricted with parking because of Canada Post, whether people use transit, bicycles or walk, many own vehicles.

Response:

The decrease in parking is supported by access to transit as well as pedestrian and cycling facilities. The number of parking spaces are provided in accordance with the rates in Area X on Schedules 1A in the Zoning-By-law.