

1. **Zoning By-Law Amendment – 10 Oblats Avenue and 175 (A) Main Street**
Modification au Règlement de zonage – 10, avenue Oblats et 175 (A), rue Main

COMMITTEE RECOMMENDATIONS, AS AMENDED

That Council approve:

1. **an amendment to Zoning By-law 2008-250 for 175 (A) Main Street to permit a six-storey building, as detailed in revised Document 2 (Details of Recommended Zoning for building 2A);**
2. **that Document 1 (Location Map) be revised per Planning Committee Motion No PLC 2019 5/1** (as shown in Revised Document 1 of this report);
3. **that Document 2 (Details of Recommended Zoning for Building 2A) be revised per Planning Committee Motion No PLC 2019 5/1** (as shown in Revised Document 2 of this report);
4. **that Document 3 (Details of Recommended Zoning for Building 2B) be removed from the report** (per Planning Committee Motion No PLC 2019 5/1); **and**
5. **that there be no further notice pursuant to Sub-section 34 (17) of the Planning Act.**

RECOMMANDATIONS DU COMITÉ, TELLES QUE MODIFIÉES

Que le Conseil approuve :

1. **une modification au Règlement de zonage 2008-250 visant à permettre la construction au 175 A, rue Main d'un immeuble à six étages, comme le précise le document 2 (Détail du zonage recommandé pour l'immeuble 2 A);**
2. **la révision du document 1 (carte de localisation) conformément à la motion n° PLC 2019 5/1 du Comité de l'urbanisme** (comme l'indique le document 1 révisé du présent rapport);

3. **la révision du document 2 (détails du zonage recommandé pour le bâtiment 2A) conformément à la motion n° PLC 2019 5/1 du Comité de l'urbanisme** (comme l'indique le document 2 révisé du présent rapport);
4. **la suppression du document 3 (détails du zonage recommandé pour le bâtiment 2B) du rapport** (conformément à la motion n° PLC 2019 5/1 du Comité de l'urbanisme); **et**
5. **qu'en vertu du paragraphe 34(17) de la Loi sur l'aménagement du territoire, qu'aucun nouvel avis ne soit donné.**

DOCUMENTATION/DOCUMENTATION

1. Director's Report, Planning Services, Planning, Infrastructure and Economic Development Department, dated March 14, 2019 (ACS2019-PIE-PS-0022)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'Infrastructure et du développement économique, daté le 14 mars 2019 (ACS2019-PIE-PS-0022)
2. Extract of draft Minutes, Planning Committee, April 11, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 11 avril 2019
3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of May 8, 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 April 24, 2019".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 8 mai 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 24 avril 2019 ».

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
28 March 2019 / 28 mars 2019**

**and Council
et au Conseil
10 April 2019 / 10 avril 2019**

**Submitted on 14 March 2019
Soumis le 14 mars 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**

Contact Person / Personne ressource:

**Erin O'Connell, Planner III/Urbaniste III, Development Review Central / Examen
des demandes d'aménagement centrale
613-580-2424, 27967, erin.oconnell@ottawa.ca**

Ward: CAPITAL (17) / CAPITALE (17)

File Number: ACS2019-PIE-PS-0022

**SUBJECT: Zoning By-law Amendment – 10 Oblats Avenue and 175 (A) Main
Street**

**OBJET: Modification au Règlement de zonage – 10, avenue Oblats et 175 (A),
rue Main**

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 10 Oblats Avenue and 175 (A) Main Street to permit six and nine-storey buildings, 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 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 Bill 73 'Explanation Requirements' at the City Council Meeting of April 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 une modification au Règlement de zonage 2008-250 visant le 10, avenue Oblats et le 175 (A), rue Main, afin de permettre la présence d'immeubles de six et neuf étages, comme l'expose en détail les document 2 et 3.
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 du projet de loi 73, à la réunion du Conseil municipal prévue le 10 avril 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.

EXECUTIVE SUMMARY

Assumption and Analysis:

The Zoning By-law amendment permits the development of a six-storey mixed-use building with 125 units, and a nine-storey residential building with 119 units in the Greystone Village Subdivision. The proposed development has located the highest

portion of the building furthest from a recently constructed adjacent building, has incorporated setbacks and stepbacks, which minimizes impacts on existing areas, while introducing a complementary mix of land uses on Main Street and within Greystone Village. In consideration of the applicable Official Plan policies and compatibility of the use in the area, the Zoning By-law amendment is recommended for approval.

Public Consultation/Input:

Two meetings were held in community. One comment was submitted requesting to be notified of the process and twenty-one comments were received in opposition to the proposed development based on issues including but not limited to height, traffic and privacy impacts, as summarized in Document 4.

RÉSUMÉ

Hypothèse et analyse

Cette modification au Règlement de zonage permettrait l'aménagement d'un immeuble polyvalent de six étages contenant 125 unités et d'un immeuble de neuf étages contenant 119 unités dans le lotissement appelé Greystone Village. L'aménagement prévoit de localiser la partie la plus élevée de ce complexe sur la partie du terrain la plus éloignée d'un bâtiment adjacent récemment construit, d'intégrer des retraits et des marges de recul afin de limiter les répercussions sur les environs, tout en permettant l'implantation le long de la rue Main et dans le lotissement Greystone Village de diverses utilisations du sol complémentaires. Compte tenu des politiques pertinentes du Plan officiel et de la compatibilité de ce projet avec le secteur, l'approbation de la modification au Règlement de zonage est recommandée.

Consultation publique et commentaires

Deux réunions publiques ont été organisées dans la collectivité. Un participant a demandé à être avisé de l'avancement du projet et 21 commentaires d'opposition au projet ont été reçus, en raison de préoccupations notamment liées à la hauteur des bâtiments, à la circulation et aux conséquences sur la vie privée, comme le résume le document 4.

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

10 Oblats Avenue and 175 (A) Main Street

Owner

Greystone Village Inc.

Applicant

Erin O'Connor on behalf of Greystone Village Inc.

Architect

Hobin Architecture

Description of site and surroundings

The Greystone Village Subdivision is located on the east side of Main Street between Clegg Street and Oblats Avenue and adjacent to the Rideau River. Within Greystone Village, the subject site is located to the north of Saint Paul University, situated on the corner of Main Street and Oblats Avenue.

The subject site has an irregular lot with an area of 6,589.46 square metres. The proposed developments will have approximately 40 metres of frontage on Main Street, and 133 metres of frontage on Oblats Avenue. The area south of the subject site will be a public park in the future, and to the east there will be low-rise built form on the other side of Deschâtelets Avenue. Across Oblats Avenue to the north is a building known as The Corners on Main, which is a six and four-storey building, recently constructed.

The surrounding properties on Main Street, within Greystone Village and in the surrounding neighbourhood are a mix of low and mid-rise residential, commercial and mixed-use buildings.

Summary of requested Zoning By-law amendment proposal

The proposed development is a six-storey mixed-use building with 125 units, and a nine-storey residential building with 119 units. The two developments will be separate, but share surface and underground parking.

The proposed six-storey mixed-use building will have commercial units on the ground floor and residential units above. The nine-storey building will be residential. Amenity areas will be in the form of outdoor terraces, sheltered courtyards, and communal rooftop space. The garbage rooms, loading zones, underground parking spaces and surface parking spaces will be accessed through Oblats Avenue between the two buildings.

The subject property is zoned Traditional Mainstreet, Exception 2301, Maximum Height 20 metres (TM [2301] H (20)). The applicant is generally seeking to amend some required setbacks, the maximum height, step back requirements for upper storeys and provisions associated with projections. The recommended Zoning By-law amendment is to retain the TM [2301] H(20) zoning for the six-storey building with some modifications to the exception, and to amend the portion of property with the nine-storey building to include a height schedule which will reflect proposed setbacks and heights at varying storeys. Separate by-laws will be created for changes related to each of the two buildings as described in Documents 2 and 3.

Brief history of proposal

The Old Ottawa East Secondary Plan and Community Design Plan (CDP) were approved by Council on August 25, 2011. The CDP included a Demonstration Plan for the lands to show potential development and one possible development scenario. Zoning was implemented in accordance with the Demonstration Plan at that time. The Demonstration Plan contemplated mixed use and residential mid-rise buildings for the bulk of the site, relying on private access to accommodate the development of the property and related Site Plan Control applications for review.

On December 9, 2015, Council approved the current zoning based on a revised concept that included similar densities as the previous Demonstration Plan, but shifted the zoning lines, and introduced detached and townhouse dwellings (not previously contemplated), accessed through public streets. A Plan of Subdivision process ran concurrently to the Zoning By-law amendment at that time.

The implementing zoning for the subject parcel was TM[2301] H(20), or Traditional Mainstreet with an exception and a height limit of 20 metres. The zoning was implemented for the entire parcel, as it was one lot, similar to other TM zones and in keeping with the previous GM zone height restriction.

The concept plan has now changed to include the two buildings at the subject site as proposed. The subject application for Zoning By-law amendment was submitted March 23, 2018 with an accompanying application for Site Plan Control.

DISCUSSION

Public consultation

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Two meetings were held in the community. The first was February 27, 2018 at the Old Town Hall Community Centre with the Old Ottawa East Community Association. This meeting involved an open house, presentation and questions and answer session with attendance from the design team and members of the community.

The second meeting was held May 24, 2018 at the Greystone Sales Centre on Main Street with residents from The Corners on Main development. The format was the same as the previous meeting with attendance from the design team and also members of the community.

Staff from Regional Group regularly attend the Old Ottawa East Community Association Board meetings to provide updates and to answer questions related to Greystone Village.

One comment was submitted requesting to be notified of the process and twenty-one comments were received in opposition to the proposed development based on issues including but not limited to height, traffic and privacy impacts, as summarized in Document 4.

For this proposal's consultation details, see Document 4 of this report.

Official Plan designations

According to schedule B of the Official Plan, the property is designated as a Traditional Mainstreet. The Mainstreet designation identifies streets that offer significant opportunities for intensification through compact forms of mixed-use development in a

pedestrian-friendly environment. Redevelopment and Infill are encouraged on Traditional Mainstreets in a built form that encloses and defines the street edge with active frontages. The Official Plan supports mid-rise building heights on Traditional Mainstreets, but secondary plans may identify circumstances where different building heights may be permitted. Development proposals are evaluated in the context of the policies found in 2.5.1 and Compatibility policies in 4.11.

Compatible development means development that is not necessarily the same as existing buildings, but coexists without causing undue adverse impact. Relevant considerations from Section 2.5.1 Urban Design and Compatibility of the Official Plan include defining quality public and private spaces through development, allowing built form to evolve through architectural style and innovation, accommodating the needs of a range of people of different incomes and lifestyles at various stages, and maximizing opportunities for sustainable transportation modes. Section 4.11 of the Official Plan – Urban Design and Compatibility identifies relevant policies regarding scale, height, traffic, access, parking, outdoor amenity areas, service areas, sunlight and supporting neighbourhood services.

Other applicable policies and guidelines

The Old Ottawa East Secondary Plan includes policies for the Greystone Village Area in 10.3.4 East side of Main Street Springhurst to Clegg.

Relevant policies speak to providing for a variety of residential building types and tenures for a rich and diverse community to accommodate a full demographic profile of households. The Secondary Plan encourages a complementary architectural treatment of buildings, compatibility and transition as set out in the Official Plan and Zoning By-law to reflect a gradual transition of heights, locating parking primarily below grade, creating a pedestrian-friendly environment along street frontages on the Mainstreet, and maintaining public access.

With specific reference to height provisions and the permission for a nine-storey building within the Secondary Plan, the department advises as follows:

- The subject property is within the Mixed-Use Medium-rise designation in the Old Ottawa East Secondary Plan.
- Section 10.2.1.2 states “...no buildings will be allowed higher than six storeys and 20 metres within the area of this Plan other than the height limits allowed within the precincts referred to in Sections 10.3.4 and 10.3.7”.

- Section 10.3.4 is the precinct of the East side of Main Street Spinghurst to Clegg – and so is a precinct referred to in 10.3.4.
- Section 10.2.1.4 states “building heights within the low-rise area will not exceed four storeys, and in the medium-rise area will not exceed 9 storeys”.
- As it falls within the medium-rise category, heights will not exceed 9 storeys as per 10.2.1.4.
- Section 10.3.4.4.f states, “Provide a range of building heights between five and nine storeys in the Residential Medium-Rise designation.”
- Section 10.3.4.5.c states, “Maintain a maximum height of six storeys and a mix of uses in the built form of the Traditional Mainstreet, with a general lot depth of 40 metres.”
- There is not a specific reference to height limits for the Mixed-use Medium rise designation except for it belonging to the precinct referred to in 10.2.1 and the parent reference within 10.2.1.4 to medium-rise areas.

The Old Ottawa East Community Design Plan contains generally the same policies as the Secondary Plan for the Greystone Village site.

The Urban Design Guidelines for Traditional Mainstreets guide development to provide compatibility in context, to achieve high-quality built form, provide continuity along Mainstreets, to foster compact pedestrian oriented development and a broad range of uses including retail. The guidelines promote buildings that respect the rhythm and pattern of the existing or planned buildings on the street, set back upper storeys, locate parking access off of side streets and respect the privacy of buildings to the rear.

Urban Design Review Panel

The property is within a Design Priority Area and the Zoning By-law amendment application and Site Plan Control application were 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 application was held on July 4, 2018.

The panel's recommendations from the formal review of the Zoning By-law amendment application and Site Plan Control application are:

General Comments

- The Panel strongly agrees that the Grande Allée leading to the Deschâtelets Building is the key element of the master plan for the Greystone Village, creating a moment in the city to celebrate. Making the Grand Allée work as a unique, and important public space is crucial.
- The Panel is of the opinion that the proposed buildings must appear as background buildings which are handsome, and relatable to the heritage building, and which frame the Grand Allée, from Main Street to its terminus.

Architectural Style and Heritage Character

- The Panel has some concerns that the proposed industrial architectural language detracts from the experience of the Grande Allée and its terminus at the Edifice Deschâtelets. It is the Panel's opinion that the façade treatments along the Grande Allée should subtly relate to the heritage building.
 - These façades should be part of a narrative that leads to the Edifice Deschâtelets, while allowing the heritage building to remain the focal point.
 - The Panel suggests that a symmetry of height would likely better frame the Grande Allée, and the Panel has some concerns, in terms of relatability with the heritage context, with the proposed height of nine stories for Building 2B.
 - The Panel suggests reconsidering the vertical element at the corner of Building 2B to avoid creating a visual distraction from the heritage building.
 - The Panel suggests repetitive windows which are more vertical in expression, rather than wide, would architecturally relate Building 2A and 2B to the heritage building.
 - One suggestion from the Panel is to incorporate more stone into the two buildings, particularly closer to the heritage building.

- The Panel suggests that the architectural expression at the base of Building 2A could, through materials or design elements, provide some visual clues that the Edifice is behind.
- The Panel suggests reducing the architectural contrast between Buildings 2A and 2B, and instead establish a stronger dialogue between the two buildings.

Parking and Commercial Use

- The Panel feels that more of the proposed parking area should be landscaped.
 - Entrances and service oriented space that relates to Building 2A and 2B could be located adjacent to this landscaped area.
- Consider additional on-street parking spaces on des Oblats Avenue, and add entrances to commercial units, so that the street becomes part of the public realm with parking and shopping.
 - Considering that grocery stores typically have one principle entrance, it may be preferable to have some smaller scale retail along des Oblats in order to create a more active public realm.

The Panel's recommendations from an October 5, 2017 pre-consultation included reference to architectural expression and general relationship between the buildings and the Grand Allée as favourable. At that time, there was acknowledgement that surface parking creates a difficult design challenge, but confidence that through appropriate screening and surface treatment, minimizing of blank walls, and effective use of ground level retail, a successfully integrated relationship between this area and the Grand Allée is achievable. The panel encouraged further analysis of the proposed development in relation to the public realm. At the pre-consultation, the different expressions of the two buildings to address Main Street and the Grand Allée was supported, as was elements of the industrial aesthetic. The panel encouraged a wrap around treatment of buildings where they face the surface parking area.

Through comment provided at both the pre-consultation and formal review, the panel was successful in aiding in the implementation of the following:

- Massing of the nine-storey building was modified to introduce setbacks above the sixth storey.

- Balconies were modified to inset some and remove others.
- Additional glazing was added to the six-storey building abutting the surface parking area.
- Kitchen and indoor seating facilities in the rooftop amenity area have been removed.
- Vertical window expression on the six-storey building was changed in order to relate further to the Deschâtelets building.
- Stone was incorporated to the base of the six-storey building and the main body of the nine-storey building. In order to avoid a monotone architecture, sandstone was used to emphasize perspective lines that direct the viewer towards the Deschâtelets building. Contrasting materials including heritage brick, glass and dark grey aluminum help sandstone stand out as main material while helping other elements to blend in with their surroundings.
- The datum line was strengthened at the ground floor and above the sixth floor in order to bring the focus to the Deschâtelets building and reduce the impacts of additional height being sought.
- The southern edge of the parking adjacent to the Grand Allée was softened with increased landscaped areas.

If certain recommendations of the panel were not able to be met, explain why:

- The heights remain as proposed. The differing heights between the two buildings permit an opening between for access and breathing space between buildings. Modifications have been made in terms of materiality and setbacks as noted above and there is minimal impact from the additional height proposed.
- The provision of additional on-street parking on Oblats Avenue would have meant the removal of landscaping and space for pedestrians that is more consistent with the residential character of this street. Local commercial uses have been concentrated along the Grand Allée in order to activate that priority public realm space.

Planning rationale

The development is proposed as two buildings with a total of 244 residential units, and 1,679 square metres (approximately 18,000 square feet) of retail. The two buildings will have a shared underground parking garage with 270 parking spaces to serve both residential and retail uses and 26 surface parking spaces to serve a retail and visitor function. 130 bicycle parking spaces are proposed. Vehicular and loading access to the site would be from Oblats Avenue. The two buildings have been designed with a 21-metre separation distance between them and a shared access to the underground parking area to minimize curb cuts and disruption to the pedestrian environment.

The site is designated as Traditional Mainstreet in the Official Plan. The objective of this designation is to encourage dense and mixed-use development that supports, and is supported by, increased walking, cycling and transit.

The site is located approximately 850 metres from the Lees transit station and is on the newly constructed Main Street, which is a spine route for the Cycling Network in the Transportation Master Plan. The site is also located less than 250 metres from a Master Pathway in the Cycling Network along the Rideau River. Pedestrian access is provided through the site from the future public park to Oblats Avenue.

The original Community Transportation Study assumed a development of 215 condominium units and approximately 37,000 square feet of retail for the subject site. The proposed development today represents an increase of 30 residential dwelling units and a decrease of approximately 19,000 square feet of retail, which equates to an estimated increase of 12 vehicle trips during the morning peak hour and eight during the afternoon peak hour.

The Transportation Impact Assessment submitted as part of the application concluded that additional trips generated by the proposed development will have no significant impact on the operating conditions identified in the Community Transportation Study that was done as part of the initial Plan of Subdivision approvals. The majority of deliveries will be performed by medium single-unit trucks and will occur in the surface parking lot. Larger trucks will use the proposed on-street lay-bys.

The subject site provides easy access to local pedestrian, bicycle and transit systems. The applicant is engaged with Vrtucar to provide a car share facility at 530 De Mazenod Avenue, a nine-storey building under construction approximately 200 metres south of the subject site. The applicant has also agreed to implement Transportation Demand

Management measures including displaying local area maps with walking/cycling access routes, relevant transit schedules and route maps, and unbundling parking costs from monthly rent.

Applications for Zoning By-law amendments are also guided by Sections 2.5.1 and 4.11 of the Official Plan.

Section 2.5.1 speaks to new design and innovation co-existing with existing development without causing undue adverse impact on surrounding properties. The proposed development has located the tallest portion of the building internal to the site from Main Street, approximately 110 metres from the Heritage Designated Deschâtelets building. Upper storeys have been setback between 1.2 and 1.4 metres from Oblats Avenue and 2 metres from the Grand Allée. The massing of the building has been organized to remove massing of the central portion of the site, as well as the upper part of the six-storey building to create a courtyard, which improves the relationship between the built form and the abutting Grand Allée. Stepbacks along Main Street exist above the first storey instead of the required fourth to create human scaled ground floor while leading pedestrians into the public realm along the Grand Allée. Roof top amenity area is setback from the edge of building to minimize issues of privacy and overlook. The nine-storey building is located diagonally from the recently constructed Corners at Main building with the closest point being approximately 23 metres.

A sun/shadow study has been prepared, which shows minimal difference between the proposed development and a permitted six-storey building at the same location as well as highlighting that the separation between the two buildings means no shadows for that portion of the site.

Revisions have been made through the course of review including changes to materiality, stepbacks, glazing, and reduction to roof top projections. Landscaping in this area will be addressed through the Site Plan Control process. The buildings including the underground parking have been set back from the Grand Allée to ensure retention of existing mature trees.

Traffic, sun/shadow, privacy, and built form impacts from the proposed Zoning By-law amendment are anticipated to be minimal.

Section 4.11 of the Official Plan references compatibility of new buildings with their surroundings through setbacks, heights, transitions, colours and materials, orientation of entrances, location of loading facilities and service areas, and podium design. The

subject proposal incorporates varying setbacks to transition effectively to adjacent land uses and to break up the massing of the building. Pedestrian entrances have been oriented towards Main Street, the Grand Allée and Oblats Avenue. Vehicular access is proposed from Oblats Avenue, in keeping with design guidelines which speak to locating parking access off of side streets. Loading spaces have been provided in the surface parking area between the buildings. Design issues including colours and materials have been reviewed twice by the Urban Design Review Panel and been changed accordingly. The podium design is compatible with both the future public park as well as the adjacent Corners on Main building.

In accordance with Official Plan and Secondary Plan policies, a review of Section 2.5.1 and 4.11 of the Official Plan have concluded that the provisions sought through the subject Zoning By-law amendment are appropriate without undue adverse impact.

The application has been reviewed under Official Plan Amendment 150, which is currently under appeal, but does not rely specifically upon any of the amendments introduced by it.

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 rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Menard provided the following:

“I am new to the job of City Councillor but this file is one I have been following for some time in Old Ottawa East. I think that it is important that anyone weighing the application puts it in context with the rest of the massive development and the ongoing cooperation the community has fostered. From the beginning, the community and Regional have been working as partners. Regional has shown relatively good faith in working with the community directly to improve design, assigning a liaison with the community association and incorporating ideas received into the development. And the community has been very accepting of the change occurring in the area, encouraging it to integrate well with the surroundings in Old Ottawa East.

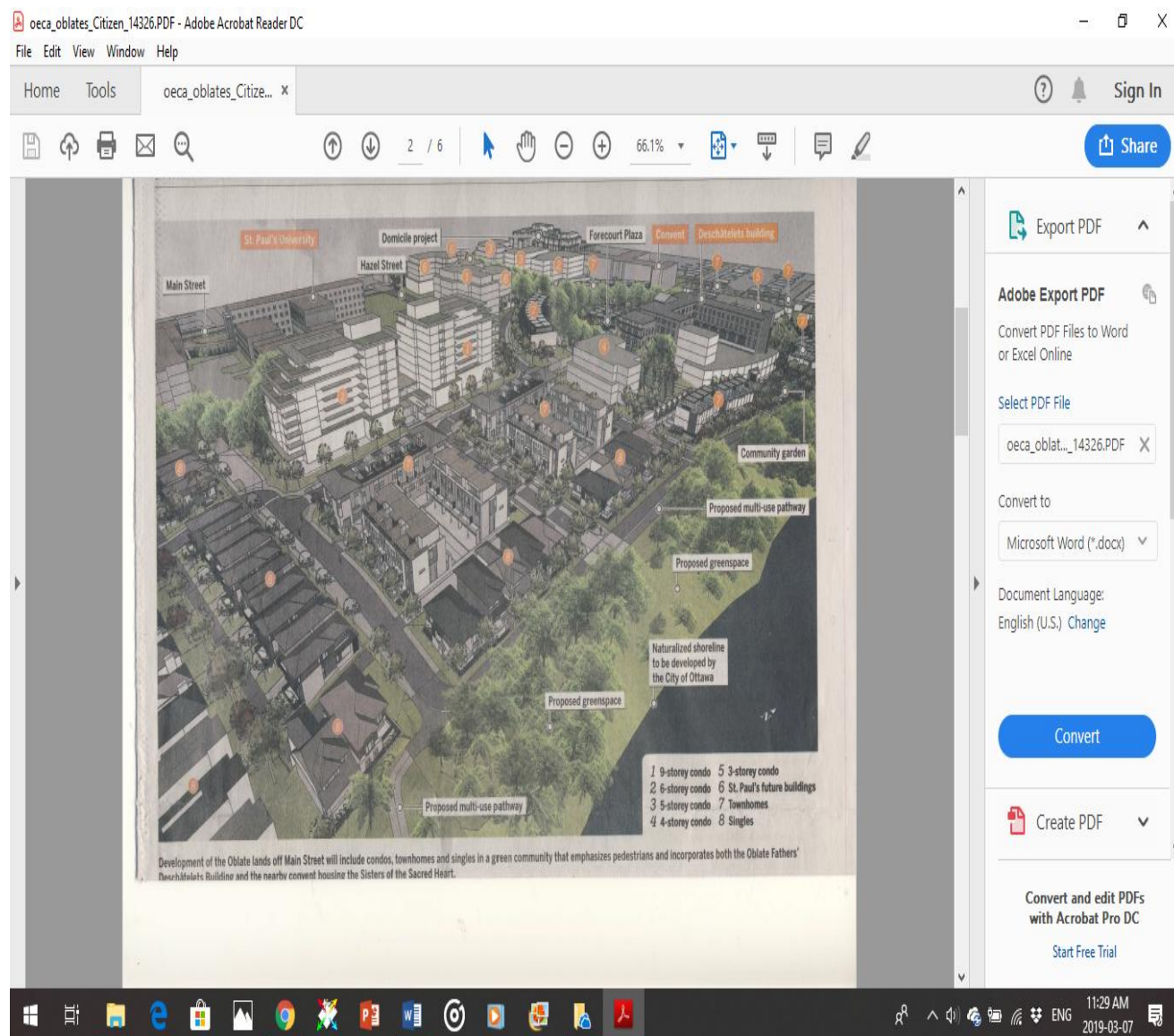
I believe it is fair to say that the latest re-submission by Regional is a departure from the collegial work that has been done with regard to building 2B. Most importantly, **there was an initial understanding with the community, those purchasing nearby homes, and even the builder's plans in the showcase office, which reflected a 6-storey building in that space.** Images were also published in the Ottawa Citizen that showed a 6-storey height for 2A and 2B. See attached below. This is for good reason, a 6-storey building would respect the Secondary Plan and Community Design Plan, ensure homeowners (new and old) receive what was expected on that site and would ensure the existing heritage buildings on site are not diminished in character as defining elements in the overall site. Furthermore, there are significant problems remaining.

- 1) There is disagreement about whether this requires an Official Plan amendment or not. In my interpretation of the OP and Secondary Plan **this spot does not actually allow for a nine-storey building under the land use designation.**
- 2) The additional height does not add any new density to the site. It can be achieved without the increase in height being pursued.
- 3) The good word of the developer should be respected. At multiple instances, the developer has communicated that the height for this area would be six stories.

The arguments that have been made to justify their decision is that the SP states in Policy 4 of Section 10.2.1 Land Use and Design Policies of the Secondary plan that "Building heights within the low-rise area will not exceed four storeys, and in the medium-rise area will not exceed nine storeys." At first glance, this would seem to justify the rationale of nine stories. However, Policy 4 does not reflect the fact that there are two different land use designations that exist for a medium rise area: Residential Medium Rise and Mixed-Use Medium Rise. The medium-rise area referred to in policy 4 includes both a designation which permits a maximum of nine storeys (the Residential Medium Rise designation), as well as a designation which **permits a maximum of six storeys (the Mixed-use Medium Rise designation).** It is incorrect to assume that, because one designation within the medium-rise area permits nine storeys, all designations within the medium-rise area permit nine storeys. Furthermore, it is clear that the reference to the 'medium-rise area' is in the singular, not plural. The statement references the medium-rise area in the singular, specifically because it is referring to only one of the two designated medium-rise land use areas, namely the Residential Medium-rise designation.

As 10 Oblates falls within a mixed-use medium-rise area according to the development plans, it would seem that permitting a nine-storey building on the property would be inconsistent with the SP, OP and CDP and subject to lengthy appeals.

IMAGE SHOWS 2A and 2B with 6 STOREYS AT APPLICATION AREA – 2014 Ottawa Citizen Article



LEGAL IMPLICATIONS

In accordance with Bill 139, if the proposed Zoning By-law is adopted, it can only be appealed on the basis of inconsistency with the Provincial Policy Statement or lack of conformity with the official plan. Were the Zoning By-law appealed, the preparation of

the necessary documentation for the Local Planning Appeal Tribunal and the making of submissions to the Tribunal could be done within staff resources.

If the Zoning By-law amendment is refused, reasons must be provided. For an appeal of a refusal of a Zoning By-law application to succeed, the appellant must first show that the existing zoning is inconsistent with the Provincial Policy Statement and/or does not conform to the Official Plan. Due to the limited timeframes now associated with Local Planning Appeal Tribunal matters, the City Clerk and Solicitor Department would seek to retain an external planner to provide an affidavit in support of the refusal for the initial Tribunal review of the item should an appeal of the refusal be forthcoming.

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 associated with the approval of the Zoning By-law amendment. In the event the Zoning By-law amendment is refused and appealed, an external planner would be retained. This expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

The new buildings will be required to meet the accessibility criteria contained within the Ontario Building Code. The *Accessibility for Ontarians with Disabilities Act* requirements for site design will also apply, and will be reviewed through the Site Plan Control process.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- EP2 – Support growth of the local economy

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map ([revised per Motion No PLC 2019 5/1](#))

Document 2 Details of Recommended Zoning for building 2A ([revised per Motion No PLC 2019 5/1](#))

~~Document 3 Details of Recommended Zoning for building 2B~~ ([removed per Motion No PLC 2019 5/1](#))

Document 4 ~~3~~ Consultation Process

Document 5 ~~4~~ Site Plan

CONCLUSION

The proposed development has located the highest portion of the building furthest from a recently constructed adjacent building, has incorporated setbacks and stepbacks, which minimizes impacts on existing areas, while introducing a complementary mix of land uses on Main Street and within Greystone Village. In consideration of the applicable Official Plan policies and compatibility of the use in the area, the Zoning By-law amendment is recommended for approval.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; 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, Planning Services to prepare the implementing by-law and forward to Legal Services.

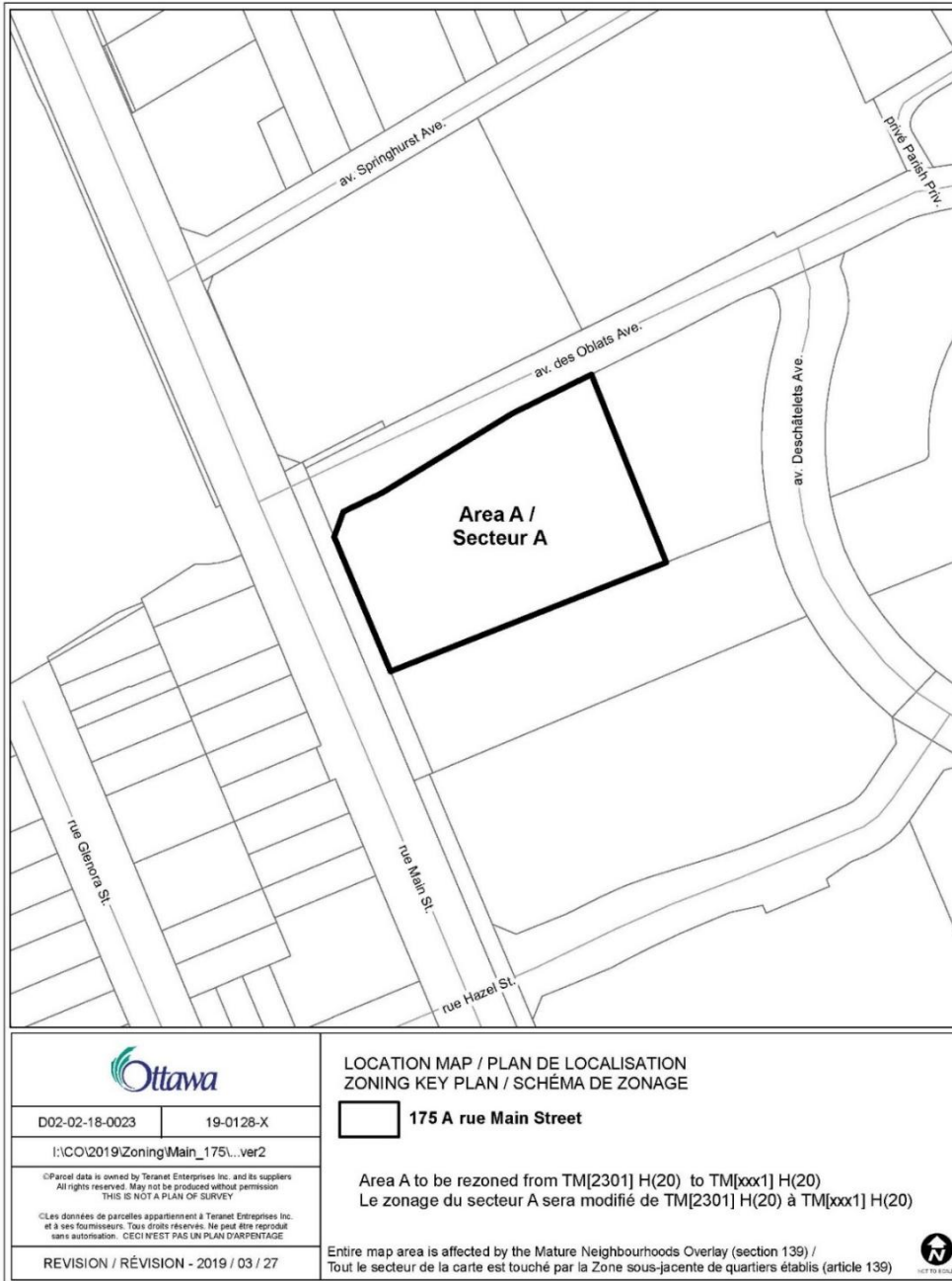
Legal Services to forward the implementing by-laws to City Council.

Circulation Services Unit, Planning Services to undertake the statutory notification.

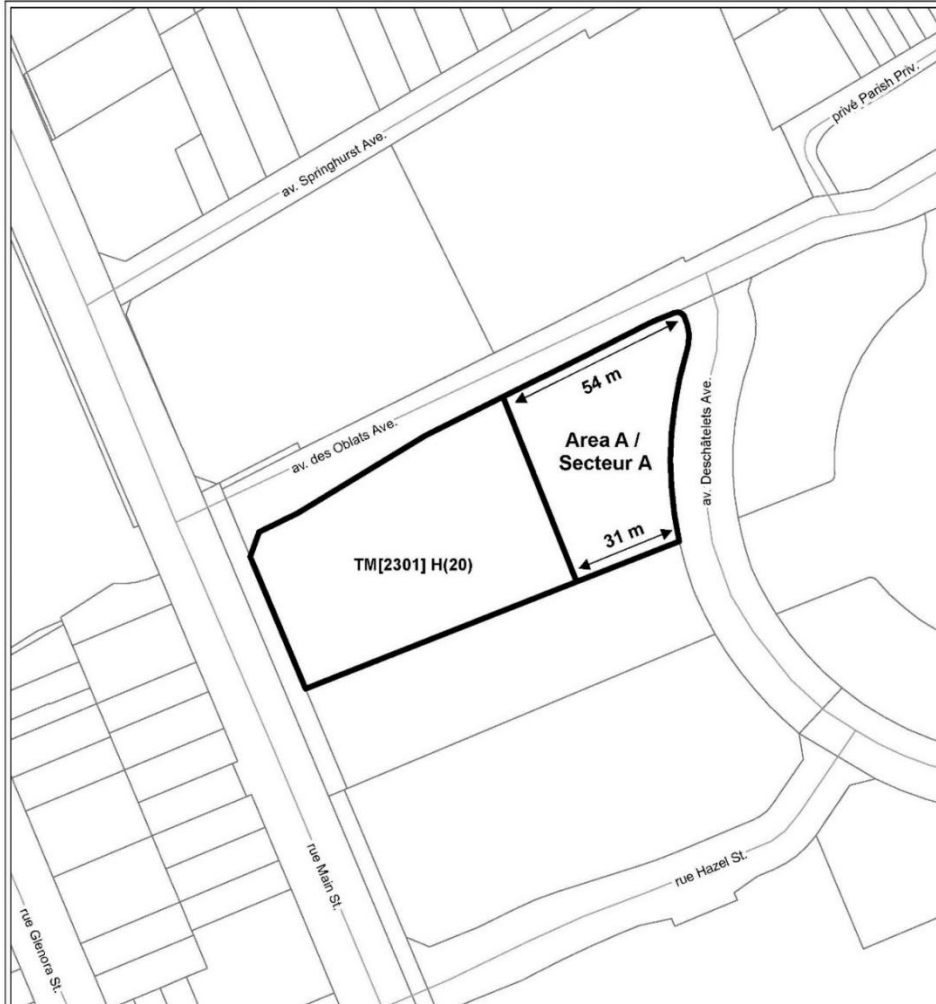
[Revised Document 1 – Location Map and Zoning Key Plan \(amended per Motion N° PLC 2019 5/1\)](#)



For an interactive Zoning map of Ottawa visit [geoOttawa](#)

[Revised Location map](#)



Original Location Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-18-0023	19-0126-X	 175 A rue Main Street, 10 avenue Oblates Avenue	
I:\CO\2019\Zoning\Main_175		Area A to be rezoned from TM[2301] H(20) to TM[xxx1] Sxxx Le zonage du secteur A sera modifié de TM[2301] H(20) à TM[xxx1] Sxxx	
<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. ©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2019 / 02 / 08		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)	



Revised Document 2 – Details of Recommended Zoning for Building 2A (amended per Motion N° PLC 2019 5/1)

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 175 A Main Street:

1. Amend exception [2301] to provisions similar in effect to the following:

- Ornamental elements such as sills, belt courses, cornices, parapets and pilasters, and canopies and awnings may project up to 0.2 metres of the property line.
- Section 197 (3) (g) (ii) does not apply
- A Roof top washroom area:
 - i) To a maximum height of 4.2 metres is considered a permitted projection above the height limit
 - ii) Has a maximum floor area of 20 square metres

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 175 A Main Street:

1. **Rezone the lands shown in Document 1, as follows:**

a) **Rezone area A from TM[2301] H(20) to TM[xxx1] H(20)**

2. **Add a new exception, TM[xxx1] H(20) to Section 239, Urban Exceptions, with provision similar in effect to the following:**

a) **In Column II, add the text, “TM[xxx1] H(20)”**

b) **In Column V, add the text:**

- **minimum front yard setback: 2 metres**
- **maximum front yard setback: 3 metres**
- **Subsection 197(4) applies with respect to the above minimum and maximum front yard setbacks, however 197(4) (d) does not apply**
- **a parking garage is only permitted below grade**

- Ornamental elements such as sills, belt courses, cornices, parapets and pilasters, and canopies and awnings may project up to 0.2 metres of the property line.
- Section 197 (3) (g) (ii) does not apply
- A Roof top washroom area:
 - i) To a maximum height of 4.2 metres is considered a permitted projection above the height limit
 - ii) Has a maximum floor area of 20 square metres

~~Document 3 – Details of Recommended Zoning for Building 2B (removed per Motion N° PLC 2019 5/1)~~

~~The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 10 Oblats Avenue:~~

~~2. Rezone the lands shown in Document 1, Map 1 as follows:~~

~~a) Rezone area A from TM[2301] H(20) to TM[xxx1] SXXX.~~

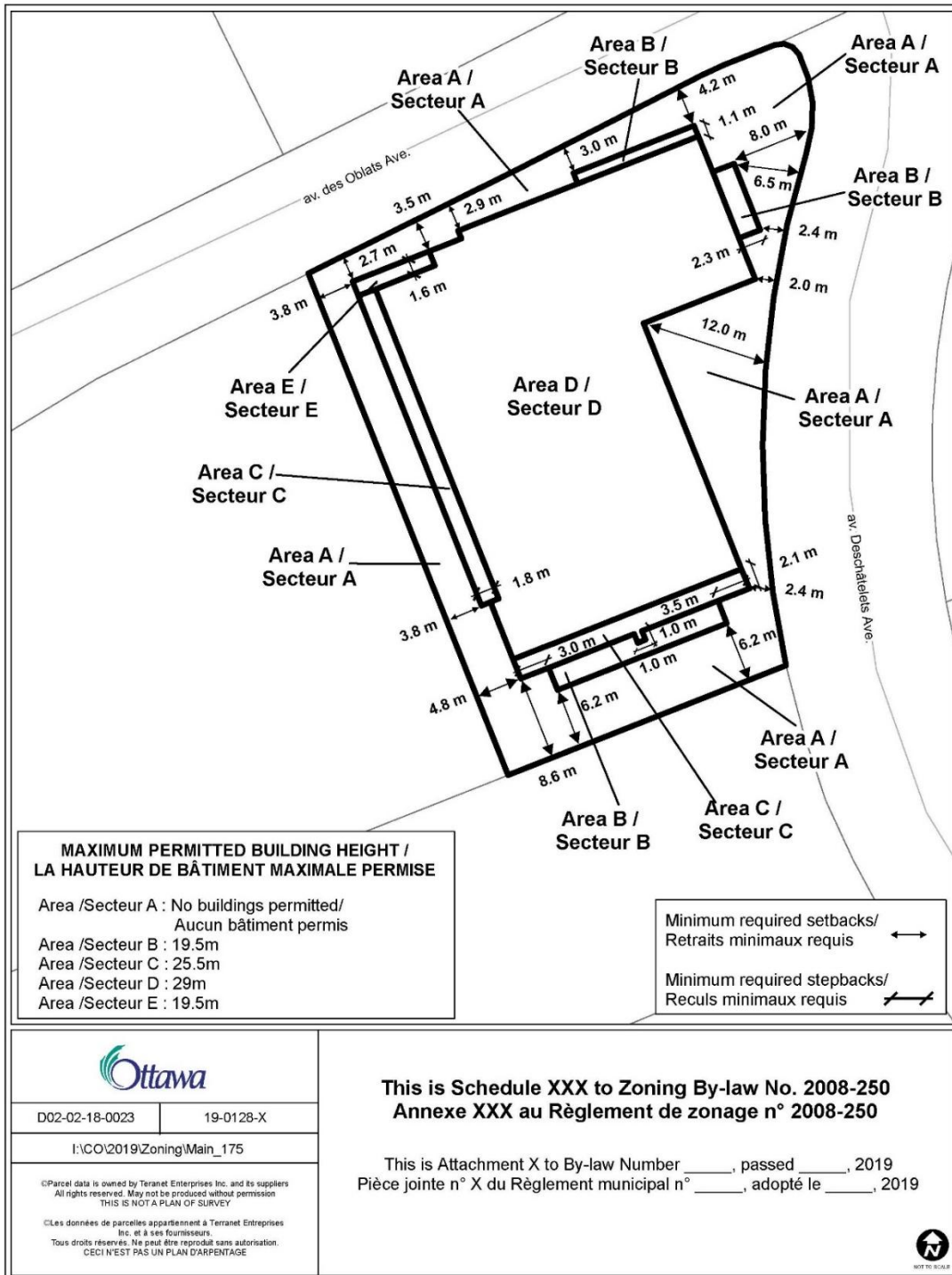
~~3. Add a new exception, TM[xxx1] to Section 239, Urban Exceptions, with provisions similar in effect to the following:~~

~~a) In Column II, add the text “TM[xxx1] SXXX”;~~

~~b) In Column V, add the text:~~

- ~~• Maximum permitted building heights, minimum setbacks and minimum stepbacks are as per Schedule XXX.~~
- ~~• Section 197 (3) (g) (ii) does not apply~~
- ~~• Permitted projections listed in Table 65 may project up to 0 metres of the property line adjacent to Deschâtelets Avenue.~~
- ~~• Despite height maximums in Schedule XXX, balconies may project from one Area in Schedule XXX into another~~
- ~~• In Area E, a balcony is only permitted below the eighth storey~~
- ~~• A roof top washroom area:
 - ~~i) To a maximum height of 4.2 metres is considered a permitted projection above the height limit~~
 - ~~ii) Has a maximum floor area of 20 square metres~~~~

Schedule XXX to Zoning By-law 2008-250



Document 4 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Two meetings were held in community. The first was February 27, 2018 at the Old Town Hall Community Centre with the Old Ottawa East Community Association. This meeting involved an open house, presentation and questions and answer session with attendance from the design team and members of the community.

The second meeting was held May 24, 2018 at the Greystone Sales Centre on Main Street with residents from The Corners on Main development. The format was the same as the previous meeting with attendance from the design team and also members of the community.

Staff from Regional Group regularly attend the Old Ottawa East Community Association Board meetings to provide updates and to answer questions related to Greystone Village.

One comment was received requesting to be notified of the process and twenty-one comments were received in opposition to the proposed development based on issues including but not limited to height, traffic and privacy impacts, as summarized below.

Public Comments and Responses

1. This does not follow the city's own plans for Old Ottawa East. The original CDP and Secondary Plan were a compromise between the City, the developer, and the community. If changes are accepted, all plans need to be revisited.

Response: Please see planning rationale in main body of the report.

2. Additional height permitted at this site sets a precedent for other sites.

Response: Every application is considered on its own merits and will be reviewed as such in reference to applicable policy documents.

3. There should be greater setbacks on the building from Oblats Avenue.

Response: Additional setbacks have been incorporated into the design and recommended Zoning Schedule ranging between 1.1 and 1.6 metres for the nine-storey building. The closest portion of the building to the property line is 2.7

metres and balconies have been eliminated in the north-west corner of the upper storeys.

4. Concern with wind impacts.

Response: The submitted Pedestrian Level Wind Study concluded that all grade-level areas within and surrounding the development will be acceptable for the intended pedestrian uses on a seasonal basis. Wind conditions along surrounding walkways and sidewalks, building access points and transit stops will be acceptable for pedestrian uses throughout the year. The study recommended wind barriers for rooftop amenity areas. No areas are considered uncomfortable or unsafe.

Revisions to the designated seating areas on the rooftop amenity areas led to an Addendum to the Wind Study which concluded that wind mitigation is not required for the terraces, further reducing any visual impacts from wind barriers.

5. Concern with shadow impacts and increased heating costs as a result.

Response: A sun/shadow study has been prepared, which shows minimal difference between the proposed development and a permitted six-storey building at the same location, as well as highlighting that the separation between the buildings means no shadows for that portion of the site.

6. Concern with air quality, traffic impacts and access from Oblats Avenue and trucks using lay-bys.

Response: The subject site is adjacent to three roads, Main Street, Oblats Avenue and Deschâtelets Avenue. Accesses are discouraged from Main Street as this is a designated Traditional Mainstreet where the priority is on pedestrian movements and minimizing curb cuts. Deschâtelets Avenue is a narrow road frontage on a curve furthest from the proposed commercial units and so Oblats Avenue is the logical location for the access to parking areas. The Transportation Impact Assessment submitted as part of the application concluded that additional trips generated by the proposed development will have no significant impact on the operating conditions. The lay-bys are intended to provide a pick-up/drop-off area for residents of the building and facilitate deliveries to the site without obstructing traffic. Detailed design of the lay-by will be finalized through the site plan process.

7. Concern with privacy and noise impacts from rooftop terrace.

Response: Rooftop amenity area has been revised to remove the kitchen and indoor seating areas originally proposed. Amenity area has been set back from all edges of the building to minimize overlook and privacy issues. Issues of noise of individuals are governed under applicable by-laws and if there are issues with behaviour related to those, by-law services can be contacted to review.

8. Concern with parking between the buildings, preference that it be green space.

Response: Section 3.6.3 of the Official Plan speaks to surface parking in Traditional Mainstreet designations avoiding interruption of building continuity along the Mainstreet and minimizing impact on pedestrians. The proposed location of the surface parking provides a break between the building which improves the light and shadowing impacts on properties to the north while also providing a service area central to the two buildings that removes interruption from Oblats Avenue and permits pedestrian circulation from the future public park to Oblats Avenue. Parks and open space provision within the Greystone Subdivision were determined through the Plan of Subdivision process which dedicated a new public park and a 30 metre corridor of publicly accessible open space along the Rideau River.

9. Concern with view impact towards Deschâtelets building and negative impact on its cultural value. Additional height will overcrowd the Deschâtelets building.

Response: Views are not protected elements in the *Planning Act* of Ontario. Visibility itself does not constitute undue adverse impact from a proposed development. The Deschâtelets building is approximately 100 metres from the subject site and low-rise built form on the east side of Deschâtelets Avenue will assist in transitioning to adjacent park space and the Deschâtelets building. The built form has been revised to provide stepbacks and design changes as described above. The Cultural Heritage Impact Statement submitted with the proposed development concluded that the buildings are an appropriate 'fit' and respect the designated cultural landscape.

10. Concern with reduction to green space and the land should be made a park.

Response: The park and open space components of the Greystone Village development were determined through the previous Plan of Subdivision process. While initially the development indicated a reduction of landscaped open space

from 30% to 25%, it was determined that the existing zoning does not contain a requirement for landscaped open space and so the amendment to this provision is no longer required.

11. Concern with 25 additional units. The target minimum densities have been already exceeded by the development. If more density was required, it should have been done elsewhere.

Response: Residential units have increased from the originally contemplated number for the subject site and commercial space has decreased. This has been reviewed in the Transportation Study which concluded that there is no significant impact as a result.

Density targets identified in the Secondary Plan are minimums with no set maximum. While previous Zoning By-law amendments described anticipated unit counts, those were as per the concept at the time.

As each application is submitted, the number of units is reviewed in relation to things such as servicing capacity, compatibility criteria and transportation. However, there are no maximums in terms of density in the Official Plan or the applicable Secondary Plan. Each application for Zoning By-law amendment is reviewed on its merits and with relation to the site and policy context.

12. The building along Main Street is 7 storeys, not 6.

Response: The building proposed to front on Main Street is six storeys. The ground floor is anticipated to be higher than upper storeys, which is not uncommon for mixed-use buildings with ground floor commercial or retail uses. The proposed height is 20 metres, which does not exceed the existing maximum height limit set out in the Zoning By-law.

13. Reduction from 7.5 m to 2.7 m for rear yard will make Oblats a tunnel.

Response: Because the front lot line of the property is Main Street, the rear lot line is that which abuts Deschâtelets Avenue. This is a situation not contemplated in the Zoning By-law and the anticipated impact of a reduction adjacent to the street is minimal.

14. Domicile followed the rules, so should Greystone/EQ Homes.

Response: The Corners on Main project at 141 Main Street required changes to the Zoning By-law which were submitted to the Committee of Adjustment as a minor variance application. Each application for Zoning By-law amendment is reviewed on its merits and with relation to the site and policy context.

15. There will be negative impacts on my property value and resale possibilities.

Response: An analysis of property values is outside of the review undertaken by the department as part of planning application process.

16. Developers should not be permitted to receive zoning permissions based on a plan and then apply for another amendment. Objection based on the principle of asking for a change. The amendment represents a breach of trust between the Developer and the Community.

Response: An application for Zoning By-law amendment is permitted under the *Planning Act*. Each application for Zoning By-law amendment is reviewed on its merits and with relation to the site and policy context.

17. The change in tenure lends itself to student housing which will be loud, poorly maintained, and in constant turnover.

Response: The department does not determine tenure or comment on who might live in a development through a planning application review. Issues of property maintenance and noise of individuals are governed under applicable by-laws and if there are issues with behaviour related to those, by-law services can be contacted to review.

18. The increase in residential units of 30 units will reduce the amount of promised commercial space.

Response: The proposed development includes 30 additional residential units and less commercial space than initially anticipated through the plan of subdivision process. However, the proposed development now is what is considered by the department.

19. There should be a stepback above the fourth floor along Main Street, setbacks for upper storeys from Oblats Avenue and the breaking apart of the massing is not more desirable than one building.

Response: The massing of the nine-storey building has been modified to introduce setbacks above the sixth storey. The proposed development includes a setback above the first storey for most of the building on Main Street instead of the fourth. The Department's opinion is that the separation between the two proposed buildings is a benefit in terms of impacts related to shadowing, wind, site functionality and access.

20. Bicycle Parking should be increased from 0.5 spaces/unit to 1.0 spaces/unit.

Response: The proposed bicycle parking meets the requirements of the Zoning By-law. The Department will continue to encourage the provision of additional bicycle parking through the Site Plan process.

Community Organization Comments and Responses

This letter is provided in response to the resubmission of plans for 10 Oblats Avenue. Specifically it outlines the Old Ottawa East Community Association's concerns regarding the updated proposal, along with a response to Novatech's letter dated August 20, 2018 related to the conformity of the proposal to the Old Ottawa East Secondary Plan and the Community Design Plan. This letter also addresses the Community's concerns with the proposed roof-top projections and the planning rationale for proposing a non-conforming building.

With respect to the building height, the Old Ottawa East Community Association continues to strongly hold the view that a nine storey development does not conform to the OOE Secondary Plan and CDP.

Specifically, Novatech states in their letter dated August 20, 2018, that "Building 2B falls within the "Mixed Use Medium-rise" designation." We agree with Novatech that Building 2B is within the Mixed Use Medium-rise designation.

We also agree with Novatech that Policy 4 of Section 10.2.1 Land Use and Design Policies of the Secondary plan states (emphasis added): 2 "Building heights within the low-rise area will not exceed four storeys, and in the medium-rise area will not exceed nine storeys."

Policy 4 of Section 10.2.1 clearly references specifically to the "low-rise area" and the "medium-rise area". It is important to note that the term "medium-rise area" is a category, not a planning designation. The medium-rise area referred to in Policy 4 includes both a designation which permits a maximum of nine storeys (the Residential

Medium Rise designation), as well as a designation which permits a maximum of six storeys (the Mixed-use Medium Rise designation). It is incorrect to assume that, because one designation within the medium-rise area permits nine storeys, all designations within the medium-rise area permit nine storeys. Furthermore, it is clear that the reference to the 'medium-rise area' is in the singular, not plural. The statement references the medium-rise area in the singular, specifically because it is referring to only one of the two designated medium-rise land use areas, namely the Residential Medium-rise designation.

If the intention of Policy 4 of Section 10.2.1 was to apply to both the Residential Medium-rise and Mixed-Use Medium-rise designations, the wording would have referred to the medium-rise areas in the **plural** (and not the singular as it does). This is important, as there is only one low-rise designation, while there are two medium-rise designations. In other words, if the intention were to allow up to nine stories in both of the medium-rise areas, the statement would have read "*Building heights within the low-rise area will not exceed four storeys, and in the medium-rise areas will not exceed nine storeys.*"

It is therefore clear from Policy 4 of Section 10.2.1 of the Secondary Plan that a maximum building height of nine storeys is permitted only in the single medium-rise land use designation referenced, namely the "Residential Medium-rise" designation. It is therefore reasonable to conclude that building heights of greater than six storeys, or 20m, are not permitted in the Mixed-Use Medium-rise designation.

The letter from Novatech makes the claim that Policy 4f of Section 10.3.4 of the OOE Secondary Plan is "is of no relevance to the application for rezoning for 10 Oblats". The Old Ottawa East Community Association is of the view that this section is very much relevant to the 10 Oblats application as it very clearly outlines which specific medium-rise designation is intended to support building heights greater than six storeys, namely the Residential Medium-Rise designation. In Section 10.3.4, there is no statement referencing a range of building heights from six storeys to nine storeys in the Mixed-Use Medium-rise. If the intention were to allow greater than six storeys in the Mixed-Use Medium-rise designation, it would be specifically mentioned in Policy 4f of Section 10.3.4, just like the statement for Residential Medium-rise.

Section 3.1 of the OOE CDP clearly states the following (emphasis added):

“Notwithstanding the provision for greater building heights in the O.P., **no buildings will be allowed higher than six storeys and 20 metres** other than the limits allowed **within the precincts referred to in Section 3.5 and 3.8** of this Plan.”

The Novatech letter claims, in reference to the above statement in Section 3.1 of the CDP, that “It is reasonable to conclude that the statement applies to lands designated Traditional Mainstreet in the Secondary Plan”. While this statement appears in the Traditional Mainstreet Corridor – Strategy section, it is not reasonable to conclude that it pertains only to lands designated Traditional Mainstreet in the Secondary Plan. In fact, the specific exceptions that the policy references (in Section 3.5) are for lands designed Residential Medium-rise, not Traditional Mainstreet. It is therefore reasonable to conclude that the policy in Section 3.1 is referencing the Traditional Mainstreet Corridor (one precinct being Section 3.5 – East side of Main Street Springhurst to Clegg) and not the Traditional Mainstreet land designation as Novatech claims.

Section 3.5 of the CDP, referencing the east side of Main Street Springhurst to Clegg precinct, goes on to state the following:

“This precinct has been planned in greater detail due to its potential for redevelopment and the extensive public consultation that ensued as the land owners engaged in the planning process. It extends along Main Street, south of Springhurst, including St. Paul University, the Convent of the Sisters of the Sacred Heart and the property of the Oblate Fathers”

It is clear from the above statement that Section 3.5 is referring to the entire precinct and not just the Traditional Mainstreet land designation.

In addition, Section 3.5 specifically mentions the land use designation where building heights of greater than six stories are permitted, namely the Residential Medium-Rise designation.

If the intention of the CDP was to allow for building heights of greater than six storeys (20m) in the Mixed-Use Medium-rise designation, it is reasonable to expect that would be clearly stated in Section 3.5.

Section 3.5 continues by referencing the demonstration plan and the implementing Zoning By-law:

“A Demonstration Plan has been prepared for this precinct, which is attached as Appendix 1. The Plan illustrates how these lands could be developed over time in

conformity with the community's vision as set out in Section 1.5 of this CDP. While the land may not develop precisely as illustrated its purpose is to provide guidance for the redevelopment of these lands, establish the basis for the preparation of an implementing Zoning By-law, and ensure consistency with the policy framework that follows."

The implementing Zoning By-law enacted by Council in 2011 was 2011-308. According to By-law 2011-308, the holding zones implemented for the areas referenced as 'Mixed Use Medium Rise' in the CDP and Secondary Plan were four zoned GM[1844] **H(20)**-h (Area F in the map shown in Appendix C, which encompasses the area of the proposed 10 Oblats development) and GM[1842] **H(20)**-h (Area D).

I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
1844	GM[1844] H(20)-h		<ul style="list-style-type: none"> - all uses except existing uses until the holding symbol is removed - animal care establishment - animal hospital - drive through facility - funeral home - service and repair shop - small batch brewery - technology industry 	<ul style="list-style-type: none"> - maximum permitted number of storeys: 6 - all buildings must be mixed-use buildings - non-residential uses may only be located on the ground floor and 2nd storey - cumulative total of all non-residential uses may not exceed 30% of the gross floor area of a mixed-use building - Table 187(g) does not apply - the lands zoned TM7[1840], GM[1842] H(20), R5B[1843], GM[1844] H(20), O1[1845], R3P[1847], R5B[1849], R5B[1852], R5B[1853] / O1[1853], R5B[1854] / O1[1854] are considered one lot for zoning purposes - the holding symbol may not be removed until such time as an application for Site Plan Control has been approved

The implementation zoning for both of Area F and Area D clearly show a height limit of 20 m, which is in direct alignment with the CDP and Secondary Plan. If nine storey buildings were permitted by the CDP and Secondary Plan in the Mixed-Use Medium-rise designation as argued by Novatech, then one would reasonably expect the

implementation zoning enacted at the same time as the CDP and Secondary Plan to reflect that.

Not only does the implementation zoning clearly indicate that buildings greater than six storeys are not permitted in the area designated as Mixed-use Medium-rise in the CDP and Secondary Plan, it specifically outlines the areas where up to nine storeys are permitted, namely the Residential Medium-rise area. The Residential Medium-rise area where the CDP and Secondary Plan permit up to nine storeys, had implementation zoning clearly reflecting that intention. These are Area E R5B[1843]-h, and Area Q R5B[1854]-h/O1[1854]-h as shown in the map included in Appendix C. Both of these areas clearly fall only within the Residential Medium-rise and use designation referenced in the Secondary Plan.

I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
1843	R5B[1843]-h		- all uses except existing uses until the holding symbol is removed	- required minimum separation distances between buildings are: (i) where the height of abutting buildings is less than or equal to 14.5 m: 1.2 m (ii) in all other cases: 3 m - maximum permitted height of an apartment dwelling mid-high rise: 28 m - the lands zoned TM7[1840], GM[1842] H(20), R5B[1843], GM[1844] H(20), O1[1845], R3P[1847], R5B[1849], R5B[1852], R5B[1853] / O1[1853], R5B[1854] / O1[1854] are considered one lot for zoning purposes - the holding symbol may not be removed until such time as an application for Site Plan Control has been approved

As stated in our letter dated May 2, 2019 (attached), the OOECA had no issues with the Applicant's 2015 ZBL Amendment request for the Block 2B area to be rezoned from GM[1844] H(20)-h provisions to TM[2301] H(20). That was a reasonable enough plan in our eyes, because the important provisions – specifically maximum heights, setbacks, step backs - were essentially maintained and non-residential uses would be permitted on the ground floor further to the east from Main Street.

Based on the above, the OOECA continues to strongly believe that the applicant's request for relief above the six-storey 20-metre height limit should be denied. The Applicant's planning rationale, including the addendum, is clearly inconsistent with the Old Ottawa East Community Design Plan, the Old Ottawa East Secondary Plan and the Official Plan.

In order to avoid future misinterpretations of the Old Ottawa East Secondary Plan, the Old Ottawa East Community Association respectfully requests that the City of Ottawa Planning, Infrastructure and Economic Development Department amend Policy 4 of Section 10.2.1 Land Use and Design Policies of the Secondary plan to clearly indicate that greater than six storeys are permitted only in the Residential Medium-rise designation:

"Building heights within the **Residential** low-rise area will not exceed four storeys, and in the **Residential** Medium-Rise area will not exceed nine storeys."

On review of the (13) 'new' documents dated 2018-03-26 on the city's devapp website, the OOECA was not able to find a compelling argument as to why greater than six storeys is required or desirable for building 2B.

The undated Design Statement provided by Hobin Architecture states "The first main move was to create two buildings rather than one." The single building illustration on page 1 depicts the as of right building envelope with a 20 m maximum height and two building illustrations depicting a similar massing with an assumed 27.5 m height for building 2B. The statement suggests the density is similar, but pedestrians are allowed to move through the site more fluidly with two buildings instead of the "one giant mass". The OOECA finds this rationale to be misleading and contentious for reasons including the following:

- The OOE CDP and OOE SP policies require north- south connectivity through the new development;
- The March 10, 2011 Open House presentation and the August 2011 CDP Demonstration Plans indicate (3) separate six-storey buildings in what is now referred to as blocks 2A and 2B c/w north-south connectivity;
- Regional provided several Concept Plans and Renderings to the OOECA between May 2014 and February 2017. All indicated (2) to (4) separate buildings

with heights no greater than six storeys in what is now referred to as blocks 2A and 2B c/w north-south connectivity;

- Regionals' Oblats Land Redevelopment document dated January 8, 2015 indicates: on page 28 (three) six storey buildings in what is now referred to as Blocks A and B; on page 38 the expected connectivity between the (three) buildings is illustrated; page 53 indicates where nine storey Residential Medium-rise buildings are to be located; page 54 indicates where the nine storey Mixed Use Medium-rise buildings are to be located.

The OOECA's understanding was and is as expressed at the time of the 2015 Plan of Subdivision Approval, Rezoning and Holding Symbol removal i.e. "...we see the location of the taller buildings in that space (i.e. behind St. Paul University) as appropriate and an acceptable trade-off for the lower profile buildings on the balance of the site...". The OPA 92 policy dictates that the block 2A and 2B buildings must have a maximum height of 20 m / six storeys. Furthermore, the OOECA does not expect or accept any permission which would substantially increase the intensification targets expected for the Oblate Lands and Sacre Coeur lands.

In summary, the OOECA does not believe that changes from conforming buildings to non-conforming buildings initiated by design changes alone is sufficient to justify a change in the permitted zoning, particularly a change in height which is clearly not in conformance with the OOE CDP and OOE Secondary Plan.

With regards the proposed rooftop projections for both building 2A and 2B, we reiterate the concerns indicated in our May 2, 2018 letter, and also note that neither of the requested roof-top projections is formally required through the building code nor are they necessary for the functional operation, use and maintenance of the building.

We do not agree with the addendum rationale presented in Novatech's letter dated August 20 2018. Indeed 'Things change. Technologies evolve.' However, elevator technicians and mechanical equipment maintenance specialists have been servicing roof top equipment for decades. They have long ago replaced the on-site building superintendents' duties. Washroom facilities need not be located at the roof top level. Gardening supplies need not be stored at the roof top level. These rooms can be provided at the basement level or ground floor level, near where the basement equipment and exterior landscaping maintenance is also a necessity. Including

these rooms in a roof top projection detrimentally increases the massing above the permitted height limit.

With respect to the rooftop projections for building 2B, we have noted based on the supplied elevation drawings, that the projections for building 2B are ~5.1 metres above the roof slab. Notwithstanding the concerns raised above regarding the washrooms and service/storage rooms, we have concerns with what we feel to be the excessive height of the projections for building 2B. With the rooftop projections, the total height of building 2B will be 33.4 metres (28.3 + 5.1). As a comparison, the rooftop projections on building 2A are a more reasonable ~3.8m in height, yielding a total building height of close to 24 metres (20m + 3.8m). In reviewing the materials provided in the submission, we were unable to find any justification for the excessive height of the rooftop projections on building 2B.

As stated in our letter dated May 2, 2018, the Old Ottawa East Community Association's Planning Committee has not reviewed the application for Site Plan Control Approval (D07-12-18-0040), as we continue to believe this request is premature. We suggest an Official Plan Amendment application is necessary prior to ZBLA and SPCA applications. Clearly 'good planning' requires a thorough vetting of possibilities for 'increased height creep' on Regional property, as well as on the adjacent St. Paul University and Sisters of the Sacred Heart properties.

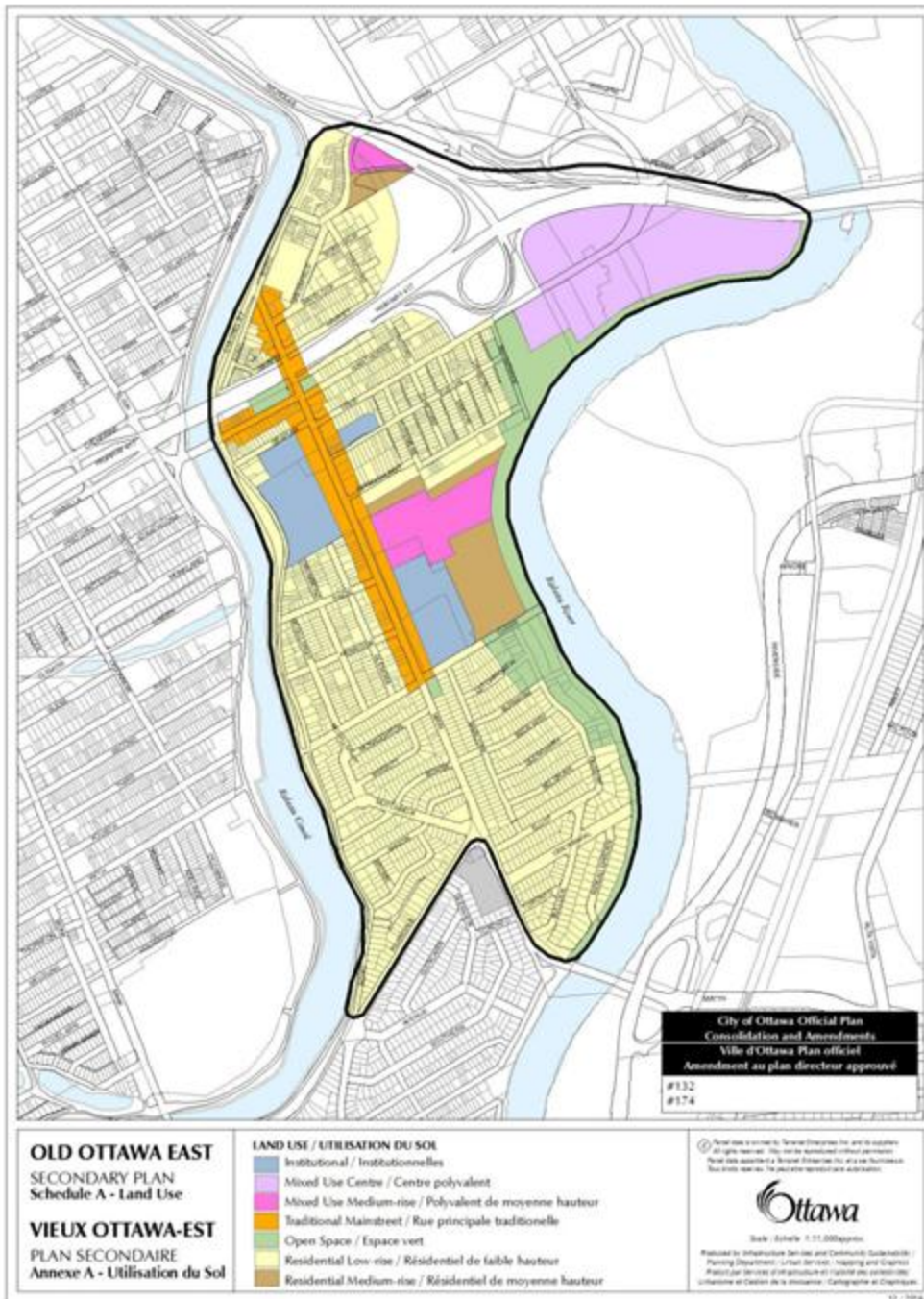
The Old Ottawa East Community Association respectfully requests that the above comments be considered as you review the requested applications.

APPENDIX A: Land Use Map from the [Old Ottawa East Community Design Plan](#)



APPENDIX B: [Old Ottawa East Secondary Plan – Schedule A Land Use](#)

As highlighted in the land use map below, the subject property is contained within the Traditional Mainstreet and Mixed Use Medium Rise land use areas. As per 10.3.4 f) in the Old Ottawa East Secondary Plan, only the Residential Medium Rise land use is intended to provide for building heights up to nine storeys.



APPENDIX C: BY-LAW NO. 2011-308

By-law No. 2011-308 implemented the holding zoning aligned with the Old Ottawa East Community Design Plan and the Old Ottawa East Secondary Plan (added to the Official Plan as By-law No 2011.309).

Excerpts from the 2011-308 are referenced below:

BY-LAW NO. 2011 - 308

A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to change the zoning of lands within the Old Ottawa East Community Design Plan area.

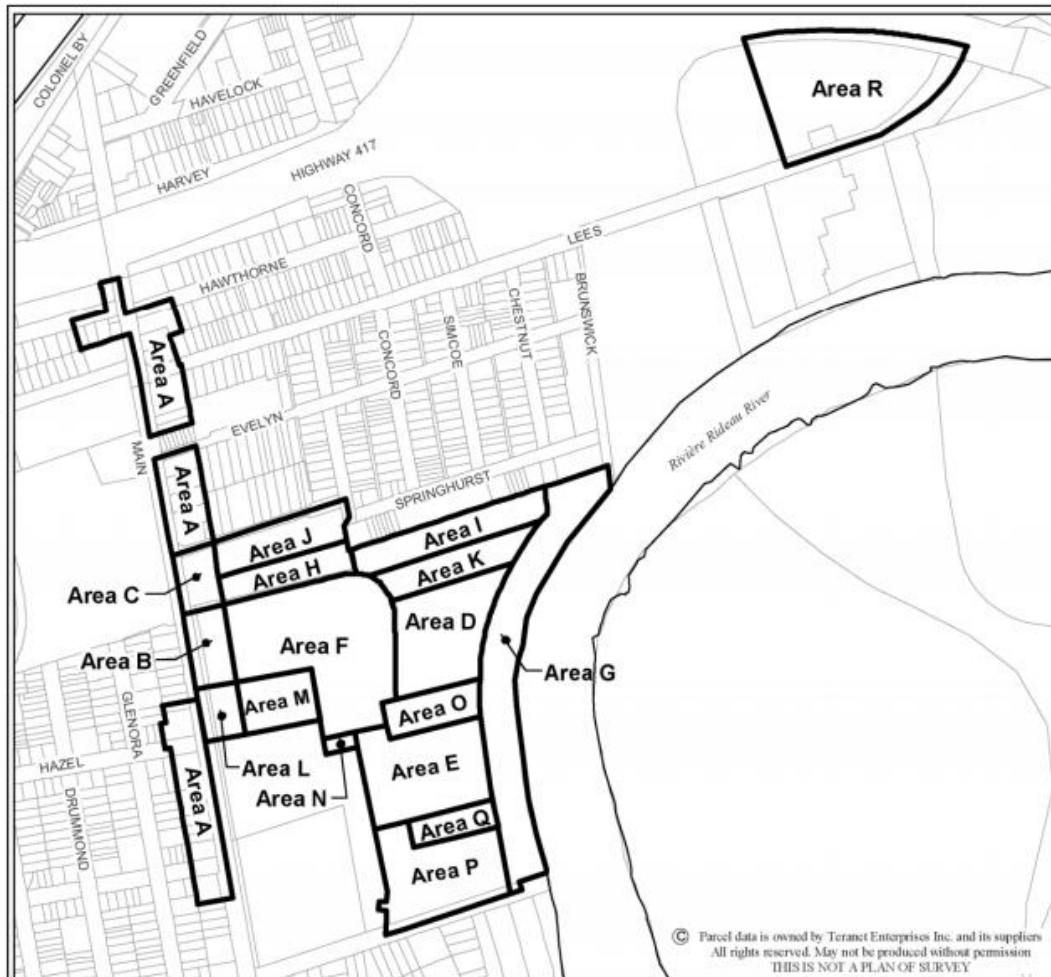
The Council of the City of Ottawa, pursuant to Section 34 of the *Planning Act*, R.S.O.1990, enacts as follows:



1. The Zoning Map of By-law No. 2008-250, entitled the "City of Ottawa Zoning By-law" is amended by rezoning the lands shown on Attachment 1 to this by-law as follows:

- (a) Area A is rezoned from TM7 to TM7[1839]
- (b) Area B is rezoned from I1A F(1.5) to TM7[1840]-h
- (c) Area C is rezoned from R4M to TM7[1841]-h
- (d) Area D is rezoned from I1A[F(1.5) to GM[1842] H(20)-h
- (e) Area E is rezoned from I1A F(1.5) to R5B[1843]-h
- (f) Area F is rezoned from I1A F(1.5) to GM[1844] H(20)-h
- (g) Area G is rezoned from I1A F(1.5) to O1[1845]-h
- (h) Area H is rezoned from I1A F(1.5) to R5B[1846]-h
- (i) Area I is rezoned from I1A F(1.5) R3P[1847]-h
- (j) Area J is rezoned from R4M and I1A F(1.5) to R4M[1848]-h
- (k) Area K is rezoned from I1A F(1.5) to R5B[1849]-h
- (l) Area L is rezoned from I2A[1416] F(1.5) to TM7[1850]-h
- (m) Area M is rezoned from I2A[1416] F(1.5) to GM[1851] H(20)-h
- (n) Area N is rezoned from I1A F(1.5) to I2A[1416] F(1.5)
- (o) Area O is rezoned from I1A F(1.5) to R5B[1852]-h
- (p) Area P is rezoned from I1A F(1.5) to R5B[1853]-h/O1[1853]-h
- (q) Area Q is rezoned from I1A F(1.5) to R5B[1854]-h/O1[1854]-h
- (r) Area R is rezoned from GM[63] F(1.0) to GM[63] F(2.1)

I Exception Number	II Applicable Zone	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
1844	GM[1844] H(20)-h		<ul style="list-style-type: none"> - all uses except existing uses until the holding symbol is removed - animal care establishment - animal hospital - drive through facility - funeral home - service and repair shop - small batch brewery - technology industry 	<ul style="list-style-type: none"> - maximum permitted number of storeys: 6 - all buildings must be mixed-use buildings - non-residential uses may only be located on the ground floor and 2nd storey - cumulative total of all non-residential uses may not exceed 30% of the gross floor area of a mixed-use building - Table 187(g) does not apply - the lands zoned TM7[1840], GM[1842] H(20), R5B[1843], GM[1844] H(20), O1[1845], R3P[1847], R5B[1849], R5B[1852], R5B[1853] / O1[1853], R5B[1854] / O1[1854] are considered one lot for zoning purposes - the holding symbol may not be removed until such time as an application for Site Plan Control has been approved

As highlighted in the Zoning Map below, the subject property is contained within Area F. The zoning applied to this Area at the time that the Old Ottawa East Secondary Plan was officially amended to the Official Plan, clearly sets the 20m / six-storey height limit.



 <p>Produced by Infrastructure Services and Community Sustainability Produit par Services d'infrastructure et Viabilité des collectivités</p>	<p>This is Attachment 1 to By-law Number 2011-308, passed August 25, 2011 Lands Affected by By-law</p>	
<p>11-0638</p>	<p>Area A rezoned from TM7 to TM7[1839] Area B rezoned from I1A F(1.5) to TM7[1840]-h Area C rezoned from R4M and I1A F(1.5) to TM7[1841]-h Area D rezoned from I1A F(1.5) to GM[1842] H(20)-h Area E rezoned from I1A F(1.5) to R5B[1843]-h Area F rezoned from I1A F(1.5) to GM[1844] H(20)-h Area G rezoned from I1A F(1.5) to O1[1845]-h Area H rezoned from I1A F(1.5) to R5B[1846]-h Area I rezoned from I1A F(1.5) R3P[1847]-h Area J rezoned from R4M and I1A F(1.5) to R4M[1848]-h Area K rezoned from I1A F(1.5) to R5B[1849]-h Area L rezoned from I2A[1416] F(1.5) to TM7[1850]-h Area M rezoned from I2A[1416] F(1.5) to GM[1851] H(20)-h Area N rezoned from I1A F(1.5) to I2A[1416] F(1.5) Area O rezoned from I1A F(1.5) to R5B[1852]-h Area P rezoned from I1A F(1.5) to R5B[1853]-h/O1[1853]-h Area Q rezoned from I1A F(1.5) to R5B[1854]-h/O1[1854]-h Area R rezoned from GM[63] F(1.0) to GM[63] F(2.1)</p>	<p>Échelle N.T.S. Mètres</p>  <p>Scale N.T.S. Mètres</p>
<p>Lands Affected Part of The Zoning Map of By-law No. 2008-250</p>		

Response:

The department appreciates the extent of the comments on this application from the Ottawa East Community Association. With regard to concern about roof-top projections, the rooftop amenity area has been revised to remove the kitchen and indoor seating areas originally proposed. Amenity area has been set back from all edges of the building to minimize overlook and privacy issues. The applicant has indicated that the washroom and service room are a necessary element to the functionality of the amenity space and mechanical equipment. The necessary height of the projection can be reviewed further through the site plan control process.

The Department respectfully disagrees with the interpretation that a Secondary Plan Amendment is required based on the following review of the Secondary Plan:

- The subject property is within the Mixed-Use Medium-rise designation in the Old Ottawa East Secondary Plan.
- Section 10.2.1.2 states "...no buildings will be allowed higher than six storeys and 20 metres within the area of this Plan other than the height limits allowed within the precincts referred to in Sections 10.3.4 and 10.3.7".
- Section 10.3.4 is the precinct of the East side of Main Street Spinghurst to Clegg – and so is a precinct referred to in 10.3.4
- Section 10.2.1.4 states "building heights within the low-rise area will not exceed four storeys, and in the medium-rise area will not exceed 9 storeys".
- As it falls within the medium-rise category, heights will not exceed 9 storeys as per 10.2.1.4.
- Section 10.3.4.4.f states, "Provide a range of building heights between five and nine storeys in the Residential Medium-Rise designation."
- Section 10.3.4.5.c states, "Maintain a maximum height of six storeys and a mix of uses in the built form of the Traditional Mainstreet, with a general lot depth of 40 metres."
- There is not a specific reference to height limits for the Mixed-use Medium rise designation except for it belonging to the precinct referred to in 10.2.1 and the parent reference within 10.2.1.4 to medium-rise areas.

- Our Official Plan defines medium-rise as a building between five and nine storeys for consideration when reviewing development applications.

If an Official Plan amendment was required for the additional storeys proposed, the application for Official Plan amendment would be circulated, reviewed and a recommendation made to Planning Committee and Council concurrently with the Zoning By-law amendment. Ultimately, the recommendations made on Planning applications are generally based on a review of relevant planning policies, context, and potential associated impacts from a proposed development, and not on which processes are triggered.

The department has reviewed the Secondary Plan and concluded that an application for an Official Plan amendment is not required for a building of 9 storeys within the Mixed-use Medium rise designation. As the proposed height is not permitted in the current Zoning By-law, the appropriate process for the proposed development is a Zoning By-law amendment, which is the subject of this report for Planning Committee and Council consideration.

Document 5 4 – Site Plan

