

<p>2. ZONING BY-LAW AMENDMENT – 494 LISGAR STREET</p> <p>MODIFICATION AU RÈGLEMENT DE ZONAGE – 494, RUE LISGAR</p>
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COMMITTEE RECOMMENDATION

That Council approve an amendment to Zoning By-law 2008-250 for 494 Lisgar Street to permit a four-storey apartment building, as detailed in Document 2.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant le 494, rue Lisgar, afin de permettre la construction d'un immeuble d'appartements de quatre étages, comme l'expose en détail le document 2.

DOCUMENTATION/DOCUMENTATION

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated 14 July 2017 (ACS2017-PIE-PS-0091)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 14 juillet 2017 (ACS2017-PIE-PS-0091)
2. Extract of draft Minutes, Planning Committee, 22 August 2017

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 22 août 2017
3. Summary of Written and Oral Submissions, to be issued separately with the Council agenda for its meeting of 27 September 2017, as part of the Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements'

Résumé des observations écrites et orales, à distribuer séparément avec l'ordre du jour de la réunion du 27 septembre 2017 du Conseil, comme faisant partie du Résumé des observations orales et écrites du public sur les questions assujetties aux « exigences d'explication » aux termes de la Loi 73.

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
August 22, 2017 / 22 août 2017**

**and Council / et au Conseil
September 13, 2017 / 13 septembre 2017**

**Submitted on July 14, 2017
Soumis le 14 juillet 2017**

**Submitted by
Soumis par:**

**Lee Ann Snedden,
Director / Directrice**

Planning Services / Service 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 II / Urbaniste II, Development Review Central / Examen
des demandes d'aménagement centrale**

(613) 580-2424, 27967, Erin.Oconnell@ottawa.ca

Ward: SOMERSET (14)

File Number: ACS2017-PIE-PS-0091

SUBJECT: Zoning By-law Amendment – 494 Lisgar Street

OBJET: Modification au Règlement de zonage – 494, rue Lisgar

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 494 Lisgar Street to permit a four-storey apartment building, as detailed in Document 2.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the 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 13 September 2017," 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 494, rue Lisgar, afin de permettre la construction d'un immeuble d'appartements de quatre étages, comme l'expose en détail 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 du projet de loi 73 », à la réunion du Conseil municipal prévue le 13 septembre 2017 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:

494 Lisgar Street

Owner

PBC Lisgar Limited Partnership

Applicant

FoTenn Consultants

Architect

KWC Architects Inc.

Description of site and surroundings

The site is located on south side of Lisgar Street, east of Bay Street in the Centretown neighbourhood of Ottawa.

The site has a lot area of 692 square metres, with a depth of approximately 34 metres and width of 20 metres. The site currently contains four vacant residential buildings and a driveway that leads to the interior of the site. There is a range of low-rise residential built form in the neighbourhood to the west, east and south. There is a Hydro utility building on the north side of Lisgar Street directly opposite the subject property, buffered by a small parkette.

Summary of requested Zoning By-law amendment proposal

The site is currently zoned as R4T [478], a Residential Fourth Density Zone with an exception which permits dwelling units. The proposed development is a four-storey apartment dwelling with 21 one and two-bedroom units, eight underground parking spaces, and 28 bicycle parking spaces on the basement level. The garage access is from a driveway and ramp on the west side of the property. The fourth storey is stepped back from the north, east and west. Amenity space is included on balconies, on the roof, and at grade in the rear yard.

The requested amendments to the zoning by-law are to permit a minimum rear yard setback of 24 per cent of the lot depth where the by-law requires 30 per cent; to permit an interior side yard setback of 1.5 metres where the by-law requires 2.5 metres; and to permit a rooftop access with a maximum area of 28 square metres where the by-law requires a maximum of 10.5 square metres.

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. One meeting was also held March 27, 2017 with concerned neighbours, the applicant, and the Ward Councillor in attendance.

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

Official Plan designation

According to schedule B of the Official Plan, the property is designated as General Urban Area, which permits many types, tenures and densities of housing in combination with conveniently located commercial uses. These are provided in a manner that enhances and complements the desirable characteristics and ensures the long-term viability of existing communities.

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 OP include encouraging a continuity of street frontages, 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, setbacks of adjacent properties, traffic, access, parking, outdoor amenity areas, service areas, sunlight and supporting neighbourhood services. The application has been reviewed under OPA 150, but does not rely specifically upon any of the amendments introduced by it.

Other applicable policies and guidelines

The property is designated as Residential in the Centretown Secondary Plan and Community Design Plan. This designation permits a range of residential dwelling types including low-rise apartment buildings up to four storeys. The Secondary Plan contains six core principles as follows:

3.4.1: Maintain and respect the character of Centretown's neighbourhoods.

3.4.2: Accommodate residential growth.

3.4.3: Accommodate a diverse population.

3.4.4: Reinforce and promote commercial activity.

3.4.5: Enhance the public realm.

3.4.6: Encourage walking, cycling and transit use.

The Community Design Plan (CDP) speaks to preserving access to light, reducing shadow impacts, providing appropriate transition and maintaining privacy with existing buildings. The CDP also speaks to creating active frontages with strong entrances, appropriate locating of uses such as garbage rooms and parking, and contributing to the streetscape with landscaping.

Planning rationale

The proposed development responds to the policies outlined above through intended use, function and design.

The proposed building is a rental apartment building with a variety of unit sizes. It includes underground parking which reduces impact of vehicle noise and headlights. The parking provided meets the requirement for residential spaces and three visitor spaces are provided, in excess of the zoning by-law requirements. Bicycle parking is proposed interior to the site and exterior, and the site is located approximately 300 metres from the Albert/Slater Light Rail Transit corridor encouraging alternate modes of transport. Garbage storage is in the underground parking level.

The rooftop amenity space has been designed with a limited area for communal gatherings and includes garden plots for tenants. The limited communal roof space has been designed towards the front of the building to limit potential noise, the amenity space has been set back from the building walls to avoid overlook, and access to the rooftop will be restricted to reasonable hours by the building owner, who will maintain the proposed development as a rental property. Amenity space in the rear yard will be landscaped, is approximately one metre lower than adjacent properties and will be screened with a retaining wall and fence.

The development is adequately served by nearby services and amenities including Dundonald Park two blocks south, McNabb Park 600 metres south, Centennial Public

School 200 metres north, and many shops and services along Bank Street, including a grocery store, about 500 metres east of the site.

The four-storey height meets the maximum height contained within the zoning by-law and stepbacks have been incorporated on the fourth storey. The amendments to rear yard setback, side yard setback have been reviewed and potential impacts evaluated in terms of privacy and shadowing. Through the course of review, window placement has been altered to minimize privacy impacts on adjacent yards. A sun/shadow study was prepared by the applicant and illustrated that properties to the west and south of the subject site will not experience any greater shadowing at any time of day or year than what the existing zoning permits. Properties located to the east will experience a minimal increase in shadowing in the afternoon hours but this is not considered to be an undue adverse impact.

Since the application was submitted, a number of changes have been made to the design of the building, including removing fourth floor balconies facing Lisgar Street, adding a stepback at the fourth floor, and changing materials to red brick veneer, wood accent siding and hardie board on the fourth floor. The building includes substantial glazing on the front and a prominent entrance to ensure a relationship to the street. The department is satisfied that the proposed design, including changes, will ensure that the proposed design is compatible with the existing built form in the area.

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 McKenney provided the following comment:

"I believe projects such as this proposal help to bring important intensification to our growing urban communities.

I am particularly appreciative of the valuable feedback and participation from the residents of Lisgar Street and surrounding community.

Although I understand each individual site brings unique challenges that may require amendments to zoning regulations I along with many nearby residents would have preferred the applicant adhere to the established side yard and rear yard setbacks especially along the eastern lot line where the proposed building closely abuts an existing dwelling. While the applicant did provide a 4th story step-back and did not include balconies overlooking the neighbouring properties, I believe the required setbacks are necessary to maintain appropriate spacing between neighbouring properties."

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications association with the recommendation in this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

The new building 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 at the time of the Site Plan Control applications.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

EP2 – Support growth of the local economy.

TM2 – Provide and promote infrastructure to support safe mobility choices.

HC3 – Create new and affordable housing options.

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

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Site Plan and Elevations

CONCLUSION

The proposed development is located in the General Urban Area and complies with relevant Official Plan policies including accommodating the needs of a range of people, and respect for a community's established characteristics. The development complies with Urban Design and Compatibility criteria in the Official Plan as it includes a prominent front entrance, front terraces, a variety of materials to break up massing, and underground parking with minimal traffic impact. 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; 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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE SITE PLAN / PLAN D'EMPLACEMENT	
D02-02-17-0003 D07-12-17-0002	17-0109-Y		
I:\CO\2017\Zoning\Lisgar494		 494 rue Lisgar Street	
©Parcel data is owned by Teramet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY.		 Heritage (Section 60) Patrimoine (Article 60)	
©Les données de parcelles appartient à Teramet Entreprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE		Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)	
REVISION / RÉVISION - 2017 / 01 / 26			

Document 2 – Details of Recommended Zoning

The proposed changes to the City of Ottawa Zoning By-law 2008-250 for 494 Lisgar Street:

1. Rezone the lands shown in Document 1 from R4T [478] to R4T [XXXX]
2. Create a new exception in Section 239, Urban Exceptions, with provisions similar in effect to the following:
 - a. In Column II, add the text, “R4T[XXXX]”;
 - b. In Column V, add the following text:
 - “- The minimum interior side yard setback for portions of the building below and including the third storey is 1.5 metres.
 - The minimum rear yard setback is 8.5 metres.
 - The roof-top access must not exceed a total area of 28 square metres.
 - The minimum interior side yard setback for portions of the building above the third storey:
 - i. where located within and including 21 metres from the front lot line: 2.5 metres.
 - ii. all other cases: 6 metres.”

Document 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. One meeting was also held March 27, 2017 with concerned neighbours, the applicant, and the Ward Councillor in attendance.

Public Comments and Responses

Comment:

Bicycle parking is good and this development will be great for the neighbourhood.

Response:

The department shares the opinion that the development will be a positive addition to the neighbourhood.

Comment:

Concerns with the increased noise and traffic congestion.

Response:

The proposed development must adhere to the relevant City by-laws including the Noise by-law, Traffic and Parking by-law and Encroachments on City Highways by-law. If issues are experienced during construction or afterwards, a concerned citizen may contact 311 to report.

Comment:

Location of the access could lead to accidents as it is close to an intersection.

Response:

The access has been located adjacent to an existing private driveway on the neighbouring property to the west, which is located closer to the intersection of Lisgar and Bay Streets. Locating the two driveway access adjacent to each other will minimize impacts to the property to the east.

Comment:

Digging and blasting could damage old homes that are adjacent.

Response:

The Geotechnical Study is reviewed by the department internally as part of the Site Plan Control application and if blasting is to occur, a condition will be added to the Site Plan report requiring a pre-construction survey. The applicant would be responsible for repairing any damage. In addition, through the building permit process Building Code Services will review the proximity of sites to adjacent structures and determine what precautions need to be put in place to demonstrate that the work can be undertaken without damage to adjacent structures.

Comment:

Property values will be negatively impacted.

Response:

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

Comment:

The proposed side yard setbacks will create negative privacy and shadow impacts.

Response:

The scale of the building has been reviewed in accordance with the existing policy framework including consideration of transition. The Official Plan Section 2.5.1 states that in general terms, compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impacts. Through the course of review, window placement has been altered to minimize privacy impacts on adjacent yards. A sun/shadow study was prepared by the applicant and illustrated that properties to the west and south of the subject site will not experience any greater shadowing at any time of day or year than what the existing zoning permits. Properties located to the east will experience a

minimal increase in shadowing in the afternoon hours, however it is the department's position that this is not deemed as an undue adverse impact.

Comment:

Garbage should be centralized, no room for individual collection.

Response:

All waste will be stored in a room located in the underground parking level.

Comment:

City should encourage restoring older, heritage buildings rather than tearing them down.

The buildings that exist on the site currently are not designated heritage buildings and the City cannot prevent their demolition.

Comment:

Too little greenspace proposed that will negatively impact the storm drainage.

Response:

The application included an Assessment of Adequacy of Public Services, which concluded that existing infrastructure including water, sanitary sewer, and storm sewer is sufficient to accommodate the proposed development.

Comment:

The proposed building is too high.

Response:

The zoning by-law maximum height is 14.5 metres and the proposed development is 14.12 metres, within the requirements of the zoning by-law.

Comment:

Not enough parking has been provided and no visitor parking.

Response:

The development meets the zoning by-law requirement for parking for all uses. One visitor parking space and five resident parking spaces are required. Three visitor parking space and seven resident parking spaces are proposed in the underground garage. The department does not have the authority to require provision of parking exceeding the requirements. The Official Plan encourages intensification and development where there are opportunities to support alternative modes of travel from the car. The site is located approximately 300 metres from the Albert/Slater LRT corridor and bicycle parking is proposed on-site both interior and exterior.

Comment:

Snow removal is a concern.

Response:

The underground parking is accessed by a ramp with a door within the development. The property owner is required for snow clearing of the driveway to the ramp and storage or removal on private property in the same manner that individual property owners are responsible for snow clearing of their driveways.

Comment:

Bicycle racks in the front yard will result in theft.

Response:

The department is of the opinion that providing bicycle racks in the front of the property will be a greater advantage to potential tenants and visitors than not providing them due to the risk of potential theft.

Comment:

Amenity space on the rooftop is not compatible and could lead to privacy and noise issues. Concern about enforcement of restricted access to the rooftop amenity space.

Response:

The amenity space has been designed with limited spaces for communal gatherings and includes garden plots for tenants. The limited communal space has been designed

towards the front of the building to limit potential noise, the amenity space has been set back from the building walls to avoid overlook, and access to the rooftop will be restricted to reasonable hours by the building owner who will maintain the proposed development as a rental property.

Comment:

21 units in one building is too many for the neighbourhood.

Response:

The existing zoning does not contain a maximum number of dwelling units. The resulting parking requirements, amenity requirements and waste collection areas are all in compliance with the zoning and review of servicing has not revealed any issue with the number of dwelling units proposed.

Comment:

Exterior cladding and building design should respect the existing style of the neighbourhood.

Response:

Through the course of review, a number of changes have been made to the design of the building including removing fourth floor balconies facing Lisgar Street and including a stepback at the fourth floor, and changing materials to red brick veneer, wood accent siding and hardie board on the fourth floor. The department is satisfied that these changes will ensure that the proposed design is compatible with the existing built form in the area.

Comment:

This request is a test of Infill II in the zoning by-law. Its approval will set a precedent for future requests.

Response:

Each application is considered on its own merits. The *Planning Act* provides anyone the right to request a Zoning By-law amendment. The request is evaluated with respect to Provincial and Municipal policy, the existing and the planned context.

Community Organization Comments and Responses

I am writing on behalf of the Centretown Community Association (CCCA) regarding above mentioned file, located on 494-496-500 Lisgar.

This proposal would see the site developed into a new four-storey apartment building containing 21 one and two-bedroom units, and 8 underground parking spaces. Located on the south side of Lisgar Street, east of Bay Street in the Centretown neighbourhood of Ottawa, in Ward 14 – Somerset.

Although the Centretown Citizens Community Association supports and welcomes responsible intensification, it is clearly a problem when bylaws are disregarded to maximize density, without considering impact on neighbourhoods, greenspaces, aging infrastructure, and insupportable precedents in mature neighbourhoods, not adhering to the neighbourhood character or respecting the intent of the bylaws (Infill I and II).

This is a problem which was highlighted by the CCCA in several of our position letters on Infill II and in the FCA R4 review letter. Therefore, the CCCA would support the site development if:

- preservation of the tree in the City Right-of-Way, in consultation with the City's Forestry department;
- rooftop projections be kept within a reasonable height as per Infill II bylaw requirements;
- all applicable bylaws be respected as they pertain to setbacks and greenspaces for that site

The CCCA is generally supportive of the direction of Infill II but would like to ensure the integrity of the total planning process

Response:

The retention of the existing tree in the City Right-of-Way was reviewed, but is not possible with the existing driveway location, which is deemed optimal from a functional and design perspective. Rooftop projections do not exceed the maximum height limit in the zoning by-law. The requested amendment to the size of the rooftop access is in order to include an elevator penthouse, which ensures accessibility. The rooftop access has been centrally located on the roof in order to minimize visibility from adjacent

properties or Lisgar Street. The requested amendments to the rear and side yard setbacks have been reviewed and deemed appropriate as explained in the body of the report.

Document 4 – Site Plan and Elevations

