

Report to/Rapport au :

Planning Committee
Comité de l'urbanisme

and Council / et au Conseil

May 22, 2012
22 mai 2012

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice
municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure

Contact Person / Personne ressource: John Smit, Manager/Gestionnaire Development
Review-Urban Services /Examen des projets d'aménagement-Services urbains,
Planning and Growth Management/Urbanisme et Gestion de la croissance
(613) 580-2424, 13866 John.Smit@ottawa.ca

Somerset (14)

Ref N°: ACS2012-PAI-PGM-0120

SUBJECT: ZONING – 96 NEPEAN STREET

OBJET : ZONAGE – 96, RUE NEPEAN

REPORT RECOMMENDATION

That the Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 96 Nepean Street from Residential Fifth Density Subzone B, Exception 482, FSI 3.0 (R5B (482) F(3.0)) to Residential Fifth Density Zone, Subzone B, with a new exception, schedule and a holding provision (R5B-h[xxxx] Syyy –h) as detailed in Document 2 and 3 and as shown in Document 4.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage n° 2008-250 visant à faire passer la désignation de zonage de la propriété située au 96, rue Nepean, de Zone résidentielle de densité 5, sous-zone B, exception 482, FSI 3.0 (R5B (482) F(3.0)), à Zone résidentielle de densité 5, sous-zone B, avec une nouvelle exception, une annexe et une disposition d'aménagement différé (R5B-h[xxxx] Syyy –h), comme le précisent les documents 2 et 3 et l'illustre le document 4.

EXECUTIVE SUMMARY

The subject property is vacant and is currently being used as a commercial parking lot. The surrounding land uses are a mix of residential, office and commercial uses. The Zoning By-law amendment is to allow for the construction of a 27-storey residential building at 96 Nepean Street. The proposed development will have a total of 201 residential units and approximately 161 underground parking spaces with ground oriented units on the main floor.

A Site Plan Control application also has been submitted which reflects this Zoning By-law amendment application.

The Department is satisfied that the proposed Zoning By-law amendment meets the relevant policies of the Official Plan, Centretown Secondary Plan and applicable Council- approved Guidelines. All site design details such as landscaping, lighting and fencing will be addressed at the Site Plan Control stage. In addition, the applicant has met with the Urban Design Review Panel (UDRP) for a pre-consultation and will return to the UDRP for a formal review during the Site Plan Control process.

The Department is also recommending the use of a holding provision as the applicant has been in discussions with the Ward Councillor and staff with respect to off-site community benefits. The purpose of the holding provision is to ensure that a Site Plan Control application is approved which reflects this proposed development and that the monies intended for the community benefits are secured prior to the lifting of the holding provision. The Department acknowledges that City Council recently has adopted Section 37 Guidelines however this Zoning By-law amendment application was submitted in November 2011, prior to the development of the Guidelines and adoption by City Council. The use of the holding provision has been used in three other applications for similar circumstances and is recommended to also be used for this project.

Financial Implications:

If the recommendation is adopted and appealed, staff resources will be used to defend Council's position. In the event that the recommendation is refused and an appeal occur, an outside planner would need to be retained at an estimated cost of \$25,000 to \$30,000 and possibly an architect at an additional estimated cost of \$10,000 to \$25,000. Funds are not available within existing resources, and the expense(s) would impact Planning and Growth Management's 2012 operating status.

Should the discussions with the applicant result in funds for off-site community benefits, there will be positive financial implications. The value is unknown at this time; the finalized amount will be included in the Site Plan Agreement, once confirmed. Any funds would be held in specific community-benefit reserves until required to deliver the benefit.

Public Consultation/Input:

Comments were received from the public concerning the height and setbacks of the proposed building as well as questions involving servicing of the site, stormwater management and traffic impacts from the proposed development. A summary of public comments and how they have been addressed are contained in Document 5 of this report.

RÉSUMÉ

La propriété en question est vacante et sert actuellement de terrain de stationnement commercial. Les utilisations du sol avoisinantes sont composées d'un mélange de résidences, de bureaux et de commerces. La modification du Règlement de zonage a pour objet de permettre la construction d'un immeuble résidentiel de 27 étages au 96 de la rue Nepean. L'aménagement projeté compterait 201 logements au total, dont des logements de plain-pied au rez-de-chaussée, et environ 161 places de stationnement souterrain.

Une demande de réglementation du plan d'implantation a également été présentée, qui reflète la modification demandée du Règlement de zonage.

Le Service est d'avis que la modification proposée du Règlement de zonage satisfait aux politiques pertinentes du Plan officiel, Plan secondaire du Centre-Ville, et aux lignes directrices pertinentes approuvées par le Conseil. Tous les détails de conception, tels que l'aménagement paysager, l'éclairage et les clôtures, seront examinés à l'étape de la réglementation du plan d'implantation. En outre, le requérant a déjà rencontré le Comité d'examen du design urbain (CEDU) pour une consultation préalable et il le rencontrera de nouveau durant le processus de réglementation du plan d'implantation pour un examen formel.

Le Service recommande de plus de recourir à une disposition d'aménagement différé, vu que le requérant a été en discussion avec la conseillère du quartier et le personnel municipal relativement aux avantages pour la communauté avoisinante. La disposition d'aménagement différé fera en sorte que la demande de réglementation du plan d'implantation qui sera approuvée reflète l'aménagement projeté et que les sommes destinées à assurer les avantages communautaires auront été obtenues avant la levée de la disposition. Le Service n'est pas sans savoir que le Conseil municipal a adopté récemment des lignes directrices en vertu de l'article 37, mais il fait remarquer que cette demande de modification du Règlement de zonage a été présentée en novembre 2011, avant la formulation des lignes directrices et leur adoption par le Conseil. Une disposition d'aménagement différé a été appliquée dans des circonstances similaires à trois autres demandes d'aménagement dans la zone intérieure d'Ottawa, et il est recommandé d'y recourir également dans le cas présent.

Répercussions financières

Voir ci-dessous

Consultation publique / commentaires

Des commentaires ont été reçus de membres du public concernant la hauteur et les marges de retrait de l'immeuble projeté, ainsi que des questions portant sur la viabilisation du site, la gestion des eaux pluviales et les incidences sur la circulation routière d'un tel aménagement. Un résumé des commentaires du public et de la suite qui leur a été donnée figurent dans le document 5 annexé au présent rapport.

BACKGROUND

The subject property (see location map attach as Document 1) is vacant and is currently being used as a commercial parking lot. The surrounding land uses are a mix of residential, office and commercial uses. More specifically, there is a commercial parking lot to the west, to the east is a three-storey apartment building and to the north is a parking lot (89-91 Nepean Street) where approval recently has been given to construct a 27-storey apartment.

A Site Plan Control application has also been submitted with the rezoning for the development that would be permitted under the proposed zoning (Document 4).

Purpose of Zoning Amendment

The Zoning By-law amendment is to allow for the construction of a 27-storey residential building at 96 Nepean Street. The proposed development will have a total of 201 residential units and approximately 161 underground parking spaces with ground oriented units on the main floor.

The Zoning By-law amendment proposes to remove the existing floor space index (FSI) restriction of 3.0, permit a height of 83.0 metres and reduce the front, interior and rear yard setbacks.

Existing Zoning

The property is currently zoned R5B (482) F(3.0). The R5B zone permits a variety of lower density residential uses such as single and semi-detached dwellings as well as higher density uses such as mid to high-rise apartment buildings. Exception 482 permits additional commercial uses such as a personal service businesses, retail store and restaurant. The intensity of development is limited by an FSI of 3.0 which allows a building to have a Gross Floor Area equal to three times the lot area. There is no height limit set under the existing zoning for the site.

Proposed Zoning

The proposed Zoning By-law amendment deletes the density restriction (FSI), establishes a height limit of 83.0 metres, and amends some of the existing performance standards of the R5B zone. As noted above, the existing exception (482) allows for limited retail uses. These will continue to be permitted under the proposed zoning.

A zoning schedule delineating the height and setbacks for the proposed Zoning By-law amendment is included in Document 2.

DISCUSSION

Planning Act and Provincial Policy Statement (PPS)

Section 2 of the *Planning Act* outlines those land use matters that are of provincial interest, to which all City planning decisions shall have regard. The provincial interests that apply to this site include the appropriate location of growth and development and the promotion of development that is designed to be sustainable to support public transit and to be oriented to pedestrians.

In addition, the *Planning Act* requires that all City planning decisions be consistent with the PPS, a document that provides further policies on matters of provincial interest related to land use development. The PPS contains policies which indicate that there should be an appropriate mix of uses to support strong, liveable and healthy communities.

The proposed zoning allows for an increase of residential units, which will efficiently use land and contribute to a balanced community. The site is located in proximity to two arterial roads (Metcalf and O'Connor Streets), which provide access to the site. The site is conveniently located near transit as well as nearby residential and commercial areas to allow for access by pedestrians and transit. The Department is of the opinion that the proposal is consistent with the matters of provincial interest as outlined in the *Planning Act* and PPS.

The use of Section 36 is discussed in the Zoning Details section of this report. Section 36 of the *Planning Act* provides the authority for municipalities the use of a holding symbol to specify requirements that need to be met prior to development occurring. Once the requirements are met, the holding symbol would be removed by an amendment to the by-law.

Official Plan

Strategic Directions and Land Use Designation

Section 2.3.1 of the Official Plan sets broad strategic directions to meet the challenge of managing growth and directing growth to the urban area where services exist, providing infrastructure, maintaining environmental integrity and creating livable communities

within Ottawa. To meet these challenges, policies are set out to pursue compact forms of development which in turn will enable the City to support a high-quality transit system and make better use of existing infrastructure and roads.

The site is designated General Urban Area on Schedule B of Volume 1 of the Official Plan. The General Urban designation is intended to facilitate the development of complete and sustainable communities with a full range and choice of housing, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. The Official Plan supports infill development and intensification within the General Urban Area, provided it is developed in a manner that enhances and complements the desirable characteristics of the existing community and ensures its long term vitality. The Official Plan further requires that uses that serve wider parts of the city be located at the edges of neighbourhoods on roads where the needs of these land uses, such as transit, access and parking can be more easily met and their impacts controlled.

Section 2.2.3 “Managing Growth within the Urban Area” provides direction for intensification in the General Urban area. Where a Zoning By-law amendment is required to facilitate intensification, the appropriateness of the scale of development will be evaluated along with the design and its compatibility. In addition, the policies provide for consideration of intensification and infill development when the lands are within 600 metres of a future or existing rapid-transit station where sites are currently or were formerly used as parking lots.

The site is located close to the Central Area at the northern edge of Centretown. The property is between two arterial streets; Metcalfe Street is a northbound arterial road that serves as a main access route to the Central Area, and O’Connor Street is a southbound arterial road that serves as a main access route from the Central Area to Highway 417 and to neighbourhoods to the south. The property is within 600 metres of a rapid transit station (420 metre walk to the Metcalfe Station). The subject property is currently used as a parking lot. The proposal provides an opportunity for additional residential units, as well as potential opportunities for commercial uses to serve the local population in the urban area, all of which support the overall goals and policies of the Official Plan’s Strategic Directions and General Urban designation.

Urban Design and Compatibility

Section 2.5.1 of the Official Plan addresses the importance of urban design and compatibility when considering new development. The Official Plan in Section 2.5.1 also recognizes that in order for a development to be compatible, it does not necessarily have to be the same as, or similar to, the existing buildings in the vicinity. Rather, compatible development is to enhance an established community and is to coexist with existing development without causing undue adverse impact on surrounding properties.

Section 2.5.1 also addresses community design and acknowledges that good urban design and quality architecture can create lively places with distinctive character which provide tools to shape the environment.

This section provides a set of design objectives and principles to be considered in evaluating development proposals. The design objectives include:

- enhancing a sense of community by creating and maintaining places with their own distinct identity;
- defining quality public and private spaces through development;
- creating spaces that are safe and accessible;
- ensuring that new development respects the character of existing areas;
- considering adaptability and diversity when creating spaces; and
- understanding and respecting natural processes and promoting environmental sustainability in development.

The development proposed to be permitted by the proposed zoning has been reviewed in the context of the design objectives and principles of the Official Plan set out in Section 2.5.1. The Department is satisfied that the proposed development will contribute positively to the image and identity of the City and in particular the high profile residential area within Centertown and will provide for enhancing the residential streetscape along Nepean Street. The Department also considers the proposed development to exhibit a good quality architectural design with the main front entrance clearly the dominant feature of the ground floor facade. Providing for quality architectural design is encouraged through the policies of the Official Plan for creating an interesting and dynamic urban environment, particularly in areas where more intense development is encouraged to meet the City's intensification objectives.

While Section 2.5.1 of the Official Plan sets out more objective principles and directions for achieving good urban design and good fit of new development within established areas, Section 4.11 of the Official Plan provides objective criteria to evaluate compatibility. The following is an analysis of key criteria applicable for assessing a rezoning application to allow a more intense development than currently permitted. These criteria deal with building height and massing, neighbourhood character, traffic, and adequately accommodating on-site needs such as parking. Other criteria such as those dealing with lighting, fencing and loading areas are addressed through the Site Plan Control process.

As discussed below, the Department is satisfied that the development to be allowed under the proposed zoning meets the applicable compatibility tests of the Official Plan set out in Section 4.11 in a manner that does not result in undue adverse impacts.

Building Heights and Massing

The Official Plan defines High-Rise as a building of 10-storeys or more and specifies that high-rise buildings will be considered in those areas that are: characterized by high-rise buildings having direct access to arterial roads; within 600 metres of a rapid transit station; within areas identified for high-rise buildings in the Zoning By-law; a contaminated site or within areas where a built form transition is appropriate.

These policies set out in Section 4.11 addressing building heights and massing provides for recognizing that new buildings need to have regard for the area context, which includes not only the massing and height of adjacent buildings but also the planned function of the area. The desire for a transition in building heights can be offset where natural buffers and setbacks exist or through the use of appropriate design measures to create a more pedestrian-friendly environment.

With respect to height, while the current zoning does not set a height limit, the intensity of development is limited through the existing floor space index of 3.0 which in turn will limit the practical height that could be achieved. Under the proposed zoning, the FSI is proposed to be removed with a maximum building height of 83.0 metres (27-storeys) being established for the site. As discussed in the section of the report dealing with the Centertown Secondary Plan, the subject property is located along the northern edge of Centretown and designated "High Profile Residential" in the Centretown Secondary Plan. The Central Area is located to the north which contains buildings with heights up to 26-storeys.

To the east, adjacent to the site, is a three-storey apartment building. The southwest corner of Nepean and Metcalfe Streets is six-storey office building (Medical Arts Building). The southeast corner of Metcalfe and Nepean Streets is currently being developed for two, 27-storey buildings (Tribeca). To the south, immediately adjacent to the site, is an 11-storey apartment building. In addition two, 27-storey apartment buildings were approved in 2011 located north of the site at 89-91 Nepean Street and 70 Gloucester Street.

The area to the north of Gloucester Street is restricted by a maximum building height plane contained in Annexes 8A, 8B and 8D of the Official Plan, which is further implemented through Schedules contained in the Zoning By-law. Although this property is not subject to the aforementioned Schedules of the Official Plan or Zoning By-law, it does not infringe on the extension of the viewplane contained in the Official Plan.

Given the current and planned context of the site, the Department is satisfied that a 27-storey residential building for the site fits within the fabric of the area and that the site can appropriately support the proposed development in a way that will be a positive contribution to the character of the area.

With respect to massing and transitioning of building heights, the applicant is proposing reduced interior side yard setbacks for the proposed building. The Department is satisfied that the adjustments proposed are appropriate given the site's context. It is also noted, that the applicant is proposing (through the Site Plan Control process) landscaping features that help to mitigate the effects of the reduced side yard setbacks and provide for a more pedestrian-scale environment. A vegetative wall is proposed along the westerly facade of the parking garage wall, four of the six existing street trees will be retained with the addition of one street tree as well as landscaping along the pathway along the east side of the building adjacent to the three-storey apartment building.

The proposed landscaping will provide for appropriate integration of the development with the at-grade environment and improve the residential character of the area.

The policies in Section 4.11 (introduced through OPA 76) further provide criteria relating to Building Profile and Compatibility as well as Building Transitions by:

- How the site, massing and height of the proposed development relates to adjoining buildings and the existing and planned context for the surrounding area;
- How the proposal enhances existing or creating new views and landmarks;
- The effect of the skyline of the design of the top of the building;
- The quality of architecture and urban design;
- How the proposal enhances the public realm (street level – landscaped area, amenity space, street trees, public art);
- Incremental changes in building height (e.g. angular planes or stepping building profile up or down);
- Massing (e.g. inserting ground-oriented housing adjacent to the street as part of a high-profile development or incorporating podiums along a Mainstreet);
- Character (e.g. scale and rhythm, exterior treatment, use of colour and complementary building finishes);
- Architectural design (e.g. the use of angular planes, cornice lines); and
- Building setbacks.

The applicant is proposing to incorporate ground-oriented housing adjacent to the street which will enhance the pedestrian environment along Nepean Street and provide opportunities for a direct relationship between the future residents and the public realm. As previously mentioned, the building height will be under the extension of the viewplane restrictions of the Official Plan. The incremental changes of the building, both in terms of the varied setbacks and the varied massing of the podium feature and tower provide for incremental changes in building height. The proposed architecture of the building reflects the character of the existing three storey apartment building to the east and provides a certain character to the building in terms of exterior treatment, scale and rhythm which will be further refined in the Site Plan Control process. The Department is satisfied that the proposal meets the intent of the new policies established in Section 4.11 through OPA 76.

Integration with Pattern of Surroundings

Section 4.11 includes a policy that requires new development to recognize the pattern of the surrounding community and acknowledges that for development that proposes a different height, building mass, proportion, street setback or distance between buildings from the pattern of the area, the design of the proposed building may compensate for this variation. It is the opinion of the Department that the surrounding area contains a variety of building heights, massing, proportions and setbacks. There is a variety of uses in the immediate area ranging from parking lots, to residential buildings with varying heights, to high-rise office buildings.

It is noted that there are existing and new buildings being constructed, similar in height, to the proposed development within a one-block radius of the site. This development, while proposing reduced side yards and front yard setback, provides for a larger landscaped rear yard setback than many of the existing residential buildings in the area. While the proposed building is higher than the existing buildings along Nepean Street, the design incorporates features of the adjacent three-storey apartment building, is narrower in width than the existing apartment building to the south and northwest and provides architectural features that contribute to the streetscape. Overall, the proposal integrates well with the pattern existing in the area and in fact, will contribute to improving the urban fabric and character of the northern section of Centertown as a high-rise residential community. Increasing the residential density in the area provides for supporting neighbourhood services, which is a further consideration set out in Section 4.11.

Traffic Considerations

Policies in Section 4.11 require that roads should be adequate to serve the development with sufficient capacity to accommodate the anticipated traffic generated by the development. Access to the proposed building will be from Nepean Street which is a one-way street running west to east. A Community Transportation Study (CTS) was prepared in support of the application, and indicates that the proposed development will result in a modest increase in traffic on most of the adjacent roadway network, with no need for any transportation system improvements as a result of the proposed development. Any recommendations of the CTS, as well as site-specific requirements of the City, will be included as conditions of Site Plan Control. It is further noted that the site is located in proximity to the Central Area which is the City's major employment node and is within 600 metres of a rapid transit station, providing opportunities for residents to utilize alternative travel modes.

Parking Considerations

Policies in Section 4.11 provides that development provide adequate on-site parking to support the use proposed to minimize the potential for spill-over on adjacent areas. Direction is also provided to consider opportunities to reduce parking requirements and promote increased usage of walking, cycling and transit, particularly in the vicinity of transit stations or major transit stations in accordance with Section 4.3. The proposed rezoning includes parking provisions that satisfy the minimum and maximum requirements of the Zoning By-law as well as the bicycle parking requirements. Given the proximity of the site to a rapid transit station and to the Central Area, the site is accessible by a variety of modes of transportation. The amount of parking proposed reflects the lower car ownership patterns observed in Centertown. Also, sufficient visitor parking will be provided to avoid overburdening surrounding streets with on-street parking demands.

Centretown Secondary Plan

The Centretown Secondary Plan in Volume 2 of the Official Plan sets out objectives and policies to conserve and enhance the residential character of Centertown as an inner-city community with several identifiable neighbourhoods focused around defined commercial corridors and public open spaces. Uses which are incompatible with the residential character are restricted through the Secondary Plan policies.

The Secondary Plan recognizes that the population of Centretown will increase over time, and that this increase will support the residential character of the area, benefiting the retail and commercial enterprises within Centretown and the adjacent Central Area. The Plan also recognizes that an increase in population in Centretown will also be beneficial to the city-wide distribution of population and the use of existing public services and facilities. The Secondary Plan acknowledges that the neighbourhoods of Centretown will absorb some of the anticipated increase in population, however the Plan also acknowledges certain neighbourhoods, such as the area west of Kent Street, the area between Elgin and O'Connor Streets south of Somerset Street, and the area east of Elgin Street, as more suitable to family living. Other neighbourhoods adjacent to Bank Street and along the northern boundary of Centretown are recognized as areas less suitable to family living where medium and high profile residential uses are more appropriate. The land use schedule defines the land use designations which are reflective of the desired use and built form patterns for the area. These designations are intended to serve as a framework within which the objectives and policy directions of the Secondary Plan are to be achieved.

The subject lands are located in proximity to the Central Area and as such are designated as "High Profile Residential" on Schedule H of the Centretown Secondary Plan (the boundary between the Central Area and Centretown runs east-west along Gloucester Street). The High Profile Residential designation extends to the north to Gloucester Street, to the east to Metcalfe Street, to the south to Lisgar Street and to the west past O'Connor Street toward Bank Street. The designation permits a variety of dwelling types with accommodation suitable for one person and small family or non-family households. Buildings and uses accessory to, or compatible with, these residential types will be considered. In general, residential areas identified in the Secondary Plan are intended to include dwelling uses and may also include public service, minor retail as well as office uses which serve primarily the local population but are not necessarily limited to only the geographic area of Centretown.

The proposed residential building is located on the south side of Nepean Street within the High Profile Residential designation and serves as a transition from the retail and office buildings located to the north as part of the Central Area, to the residential areas to the south in the interior of Centretown. The applicant is requesting to maintain the existing flexibility within the R5B zoning which permits limited commercial uses, further meeting the intent of the Secondary Plan by providing a residential use but with the ability, in the future, to also provide accessory uses which serve the local population. The proposed rezoning is in keeping with the intent of the policies of the Centretown Secondary Plan.

It will allow for a high profile apartment within the High Profile Residential Area designation within the northern sector of Centertown and increase the residential population to enhance the residential character of the area.

Downtown Ottawa Urban Design Strategy (DOUDS)

The subject property is within the area covered by the DOUDS and is subject to design review. Properties within this area require review by the Urban Design Review Panel (UDRP). The applicant presented its proposal to the UDRP for a pre-consultation. The comments provided by the UDRP through the pre-consultation will be addressed through refinements to the proposed development that will be brought back for formal Design Review by the UDRP during Site Plan Control application process. Elements expected to be refined through the Design Review and Site Plan Control processes include the mechanical penthouse and roof top patios.

Design Guidelines

In 2009, City Council approved Urban Design Guidelines for High-Rise Housing. As well the Transit-Oriented Guidelines which were approved in 2007. These guidelines were developed and approved to assist in implementing the urban design policy objectives of the Official Plan. The proposed development with the attention given to the architecture and the various techniques to provide for good integration of the development with the fabric and character of the area meets the guidelines for high profile and transit oriented development.

Holding Provision and Community Benefits

With respect to Section 36 (holding provision), the Department is recommending the holding provision as the applicant has been in discussions with the Ward Councillor and staff with respect to off-site community benefits. The purpose of the holding provision is to ensure that a Site Plan Control application is approved which reflects this proposed development and that the monies intended for the community benefits are secured prior to the lifting of the holding provision. The Department acknowledges that City Council recently has adopted Section 37 Guidelines however this Zoning By-law Amendment application was submitted in November 2011, prior to the development of the Guidelines and adoption by City Council. The use of the holding provision has been used in three other applications for similar circumstances and is recommended to also be used for this project.

Heritage Considerations

The adjacent three story apartment building is on the City's Heritage Reference List. Heritage staff have not raised any concerns with respect to this proposal.

Traffic Issues

A Traffic Study was submitted as part of this proposal and has been deemed satisfactory by staff.

Noise Issues

The property is between two arterial streets and as a result a Noise Study is required to address any noise mitigation for the future residents of the proposed development. This will be addressed through the Site Plan process.

Servicing Issues

A servicing study was provided in conjunction with the development applications and demonstrated that the existing services are adequate to support the proposed development. The Department has reviewed the study and have no issues with the findings with respect to capacity.

Concurrent Application

A Site Plan Control application has been submitted which reflects the building elevations and site plan submitted with the Zoning By-law amendment application. If approved, the Site Plan Control application would implement the development.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. Details of the public consultation can be found in Document 5.

COMMENTS BY THE WARD COUNCILLOR

Unfortunately the future of this high-profile apartment zone was determined by development applications and approvals in advance of the completion of the proposed community design plan, and I have concerns that the City of Ottawa was not able to establish compensatory measures such as securing additional greenspace and streetscaping to mitigate the expected density of new development. Regarding the height and mass of a proposal of this size on a small lot, although this development does respond to the design guidelines that are proposed in the Centretown Community Design by placing a tower on a podium, providing at-grade townhouse units with front yards, and some soft landscaping, when added to the four already-approved towers within half a block of this development, it will be an overwhelming presence on the street, creating a canyon on Nepean Street.

The developer has agreed to provide to the City of Ottawa monies in exchange for the uplift in property value as a result of the increased height and density, to two defined community benefits: i) the commissioning of a public work of art to be located at the Jack Purcell Community Centre and Park; and ii) the implementation of the street planting and boulevard beautification plans recommended by the Centretown CDP, in defined areas in the Nepean Street right-of-way between Metcalfe and Bank Street.

LEGAL IMPLICATIONS

Should this matter be appealed to the Ontario Municipal Board, it is anticipated that a two to three day hearing would be required. If the recommendation is adopted and appealed, it is anticipated that the hearing could be conducted within staff resources. In the event that the recommendation is refused, reasons must be provided. If an appeal were to occur, an outside planner would need to be retained at an estimated cost of \$25,000 to \$30,000 and possibly an architect at an estimated cost of \$10,000 to \$25,000 would also need to be retained.

RISK MANAGEMENT IMPLICATIONS

There are no direct risk management implications associated with this report.

FINANCIAL IMPLICATIONS

If the recommendation is adopted and appealed, staff resources will be used to defend Council's position. In the event that the recommendation is refused and an appeal occur, an outside planner would need to be retained at an estimated cost of \$25,000 to \$30,000 and possibly an architect at an additional estimated cost of \$10,000 to \$25,000. Funds are not available within existing resources, and the expense(s) would impact Planning and Growth Management's 2012 operating status.

Should the discussions with the applicant result in funds for off-site community benefits, there will be positive financial implications. The value is unknown at this time; the finalized amount will be included in the Site Plan Agreement, once confirmed. Any funds would be held in specific community-benefit reserves until required to deliver the benefit.

ACCESSIBILITY IMPACTS

There are no direct accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

A Phase I and II Environmental Site Assessment was submitted as part of the Zoning By-law Amendment application. Contamination was identified on the site and a Record

of Site Condition from the Ministry of the Environment will be required as well as additional remediation requirements that will be implemented through the Site Plan Control process.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report impacts the following priorities within the City's Strategic Plan:

- Long-Term Sustainability Goals: Housing
- GP3 Make sustainable choices

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to issues identified during the circulation period.

SUPPORTING DOCUMENTATION

- Document 1 Location Map
- Document 2 Zoning Schedule
- Document 3 Details of Recommended Zoning
- Document 4 Site Plan
- Document 5 Consultation Details

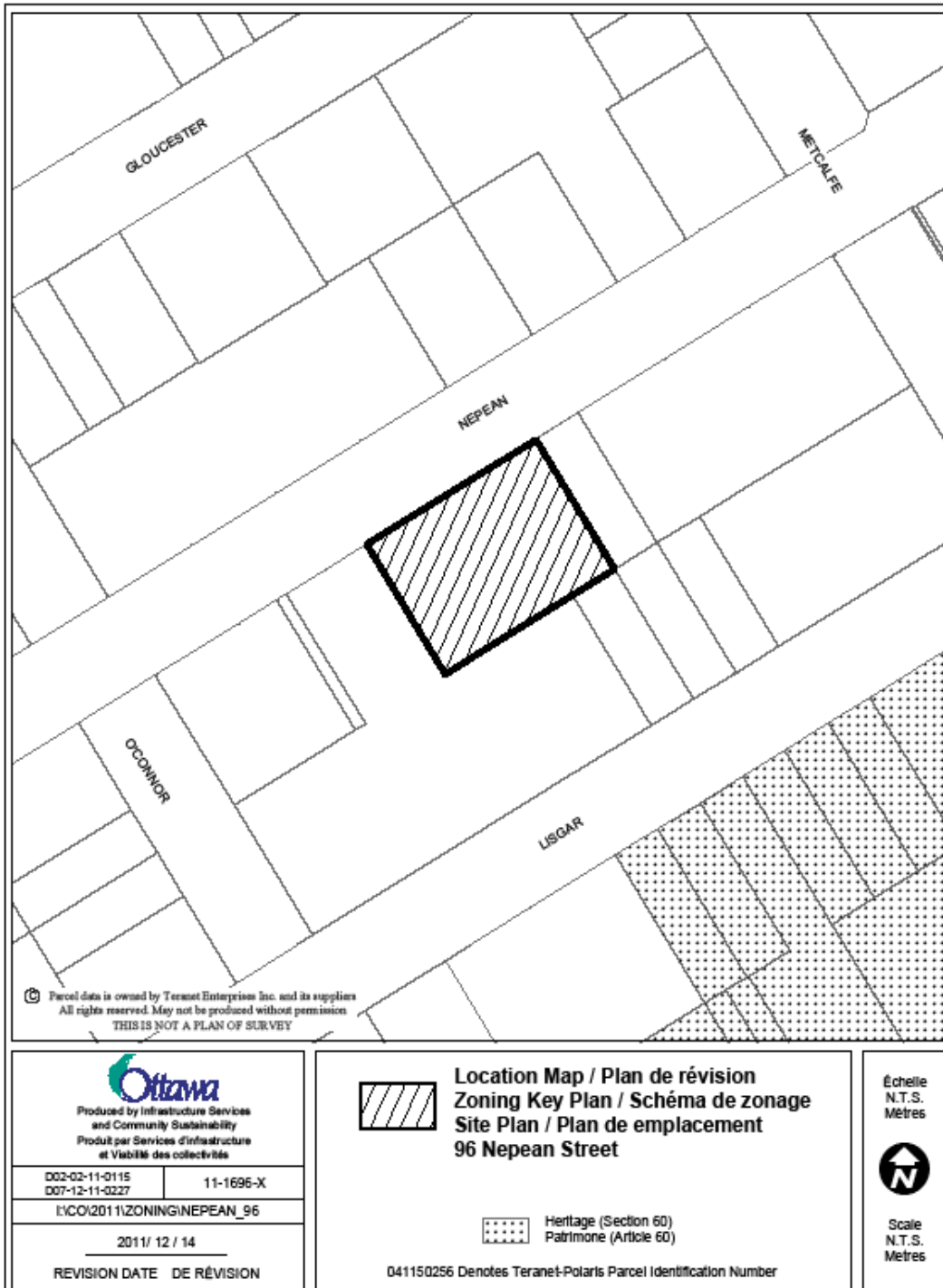
DISPOSITION

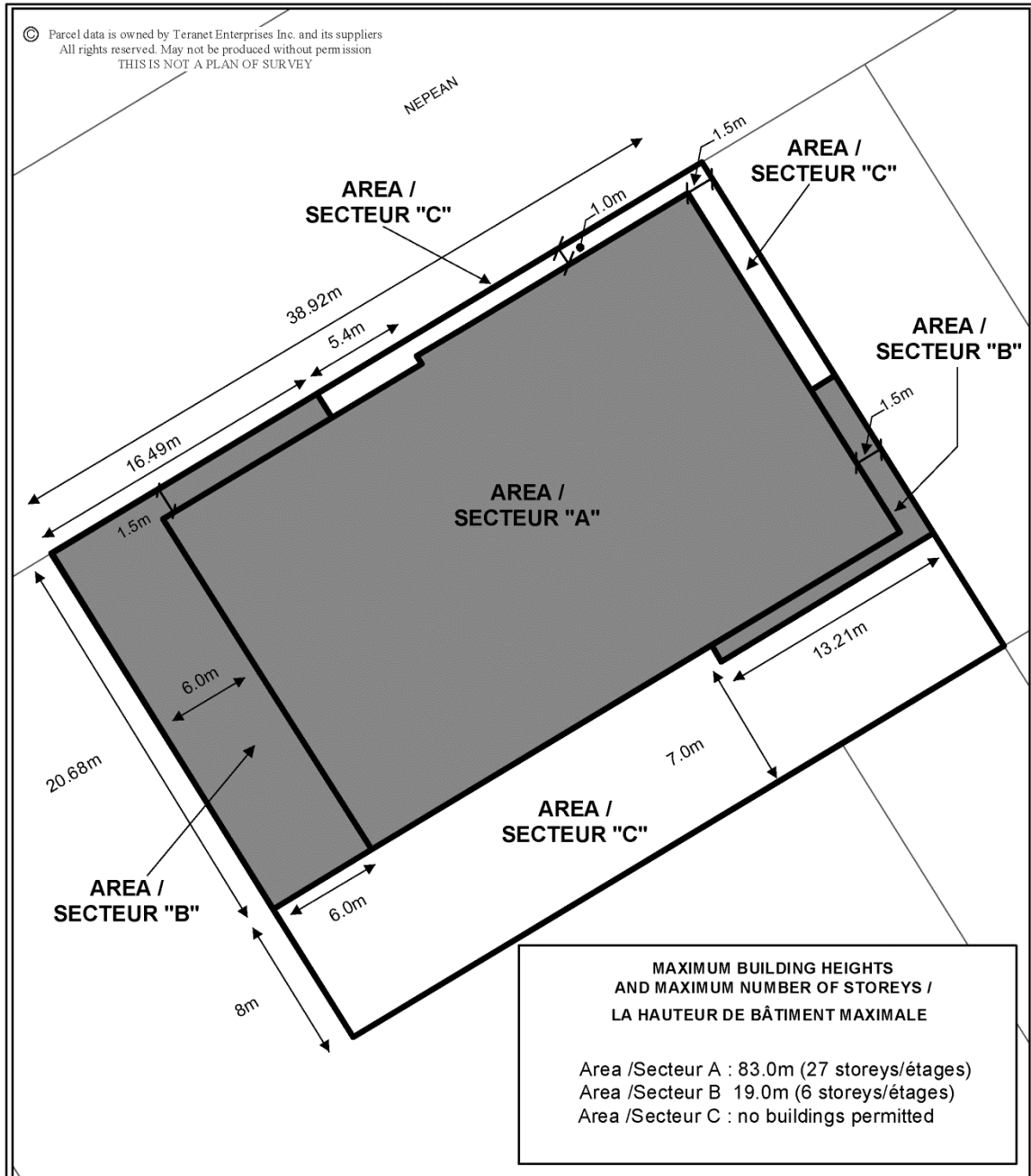
City Clerk and Solicitor Department, Legislative Services to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision. Planning and Growth Management to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.

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

LOCATION MAP

DOCUMENT 1





Ottawa

D02-02-11-0115	12-0563-X
I:\CO\2012\Zoning\Nepean_96_schedule	

Produced by Infrastructure Services
and Community Sustainability
Produit par le Services d'infrastructure
et Viabilité des collectivités

This is Schedule _____ to Zoning By-law No. 2008-250
Annexe _____ au Règlement de zonage n° 2008-250

This is Attachment _____ to By-law Number _____, passed _____, 2012
Pièce jointe n° _____ du Règlement municipal n° _____, adopté le _____ 2012

Échelle
N.T.S.
Mètres

Scale
N.T.S.
Metres

DETAILS OF RECOMMENDED ZONING

DOCUMENT 3

Proposed Changes to the Comprehensive Zoning By-law

1. The Zoning Map of City of Ottawa Zoning By-law 2008-250 is amended by changing the zoning of the lands known municipally as 96 Nepean Street from R5B(482) F(3.0) (Residential Fifth Density Zone, Subzone B, Exception 482, FSI (3.0) to R5B[xxxx] Syyy-h (Residential Fifth Density Zone, Subzone 5, Exception xxxx, Schedule yyy, – Holding Provision);
2. Add a new exception, R5B-h[xxxx] Syyy to Section 239 with provisions similar in effect to the following:

Column III: Additional Land Uses Permitted:

- personal service business limited to barber shop, beauty parlour, or dry cleaner's distribution station
- place of assembly limited to a club
- retail store
- restaurant

Column IV: Land Uses Prohibited

- all land uses, with the exception of the use existing on June 13, 2012, until such time as the holding symbol is removed

Column V: Provisions:

- a. Additional permitted uses other than place of assembly limited to a club restricted to the ground floor or basement of a residential use building.
- b. Despite clause 65(6), any balcony is permitted to project to the front lot line.
- c. Maximum building heights and setbacks as per Schedule yyy.

Holding Provisions to add to Column V:

Pursuant to Section 36 of the *Planning Act*, the holding symbol “h” on lands zoned R5B [xxxx] S(yyy) -h may only be lifted when the following conditions have been fulfilled to the satisfaction of the General Manager, Planning and Growth Management Department:

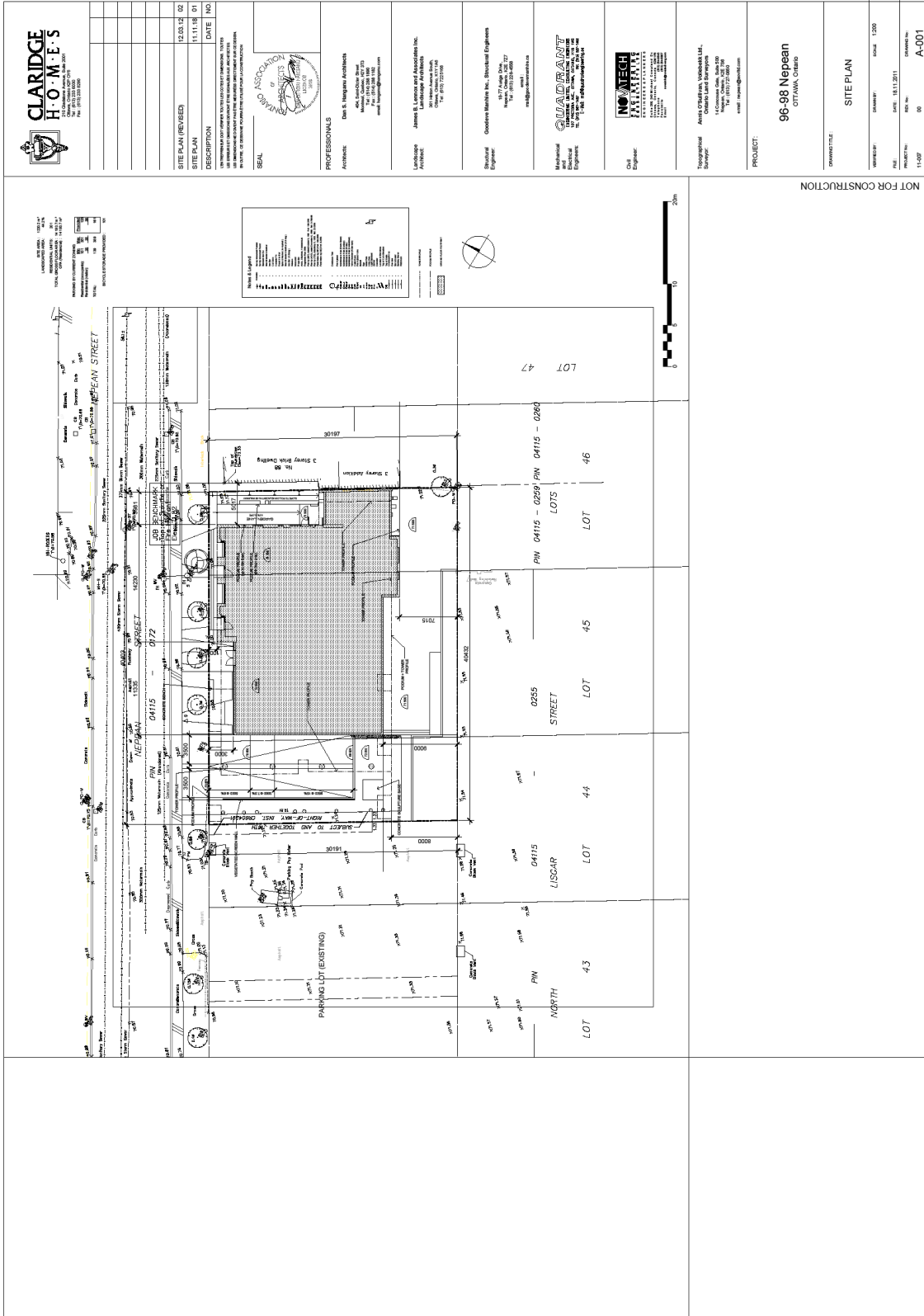
- (a) The execution of a site plan agreement for the proposed development (file D07-12-11-0227); and
- (b) The conveyance of monies to be directed to a reserve account for off-site community benefits

and prior to the lifting of the holding provision denoted by the “h” symbol, the lands zoned R5B[xxxx] S(yyy) -h must not be used for any purpose other than that which it is being used on the day of the passing of this by-law.

3. Add to Part 17 – Schedules Document 2 as Schedule yyy

PROPOSED SITE PLAN

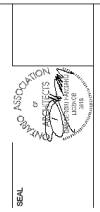
DOCUMENT 4



NOT FOR CONSTRUCTION



SITE PLAN (REVISED)	12.03.12	02
SITE PLAN	11.11.11	01
DESCRIPTION		
DATE		
NO.		



PROFESSIONALS
 ARCHITECT:
 Dan S. Neuman Architects
 401 Leachway Street
 North York, Ontario M2N 1L2
 Tel: (416) 291-1111
 Fax: (416) 291-1112
 Email: dan@neumanarchitects.com

Structural Engineer:
 Andrew Martin Inc., Structural Engineers
 5177 Yonge Street
 North York, Ontario M2N 1L2
 Tel: (416) 221-6000
 Fax: (416) 221-6001
 Email: andrew@aminc.com

Professional Engineer:
 Andrew Martin Inc., Structural Engineers
 5177 Yonge Street
 North York, Ontario M2N 1L2
 Tel: (416) 221-6000
 Fax: (416) 221-6001
 Email: andrew@aminc.com

Professional Engineer:
 Andrew Martin Inc., Structural Engineers
 5177 Yonge Street
 North York, Ontario M2N 1L2
 Tel: (416) 221-6000
 Fax: (416) 221-6001
 Email: andrew@aminc.com

Professional Engineer:
 Andrew Martin Inc., Structural Engineers
 5177 Yonge Street
 North York, Ontario M2N 1L2
 Tel: (416) 221-6000
 Fax: (416) 221-6001
 Email: andrew@aminc.com

Professional Engineer:
 Andrew Martin Inc., Structural Engineers
 5177 Yonge Street
 North York, Ontario M2N 1L2
 Tel: (416) 221-6000
 Fax: (416) 221-6001
 Email: andrew@aminc.com

Professional Engineer:
 Andrew Martin Inc., Structural Engineers
 5177 Yonge Street
 North York, Ontario M2N 1L2
 Tel: (416) 221-6000
 Fax: (416) 221-6001
 Email: andrew@aminc.com

PROJECT:
 96-98 Nepean Street
 CIVILIAN HOUSE

DRAWING TITLE:
 SITE PLAN

DATE: 12.03.12

SCALE: 1:200

PROJECT NO.: 00

DRAWING NO.: A-001

CONSULTATION DETAILS

DOCUMENT 5

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.

SUMMARY OF PUBLIC INPUT

One letter of objection was received from the public. The letter contained a number of different issues and questions which are summarized and responded to below.

Comment:

The Planning Rationale does not take into account the Claridge Development on Lisgar Street, the Charlesfort Development on Lisgar Street, the redevelopment of Friday's Roast Beef House by Morguard; the Claridge Tribeca Development at 187 Metcalfe Street and the Claridge Development at 91 Nepean and 70 Gloucester Streets.

Response:

The Planning Rationale was considered satisfactory to the Department. There is analysis in this report that highlights some of the recent developments in the immediate area.

Comment:

The proposed development anticipates 123 residential parking spaces and 38 visitor parking spaces. It is likely there will be approximately 150 vehicles regularly entering and existing this building via Nepean Street. This is addition to other recent approved developments in the area. The Planning Rationale also indicates that there will be no impacts related to loading areas, service areas and outdoor spaces although no explanation for this conclusion was provided. The site plan does not include any loading or unloading areas at the front of the building. A comprehensive traffic study should be undertaken to assess the impact of an additional 200 residential units and 161 parking spaces to this three-block section of the City prior to the consideration of the Zoning By-law Amendment.

Response:

The required Transportation Study was submitted with the Zoning By-law Amendment application and all traffic-related issues have been satisfactorily addressed through the Zoning By-law Amendment process.

With respect to the loading space, the Zoning By-law does not require loading spaces for residential buildings and as such the lack of the loading space is not in contravention of the Zoning By-law.

Comment:

It is our view that Nepean Street does not have the capacity, even with signals, to accommodate the additional traffic volume that will result from the development of 96 Nepean Street.

Response:

The required Traffic Study was submitted and reviewed to the satisfaction of City staff.

Comment:

Is the City satisfied that the existing water and sewer lines (storm and sanitary) are sufficient to accommodate this further increase in density?

Response:

The City reviewed the required servicing studies as part of the Zoning By-law amendment application and is satisfied that there are no capacity issues with respect to servicing. The detailed design of the servicing for the site will be further reviewed and approved as part of the Site Plan Control process.

Comment:

The City should take steps to ensure that the stormwater run off and impact of construction from Tribeca and other Claridge projects on Nepean Street will not adversely affect the ground water or stormwater during construction and will not cause unnecessary disruption or nuisance to the neighbouring owners.

Response:

The required servicing studies as well as a geotechnical study were submitted and reviewed to the satisfaction of City staff.

COMMUNITY ORGANIZATION COMMENTS

The CCCA would like to express its concerns regarding several features of the proposed development at 96 Nepean Street. We wish to bring the following items to the attention of Planning Committee:

Inadequate setbacks of the east and north facades

East: Proposed as 1.5 metre

1. Improper relationship to the heritage building: a stronger podium under a setback back tower would better address the heritage structure.
2. An increased eastern setback in the tower portion of the building would reduce the overlap with facing tower to the north as outlined in the draft CDP which proposes a maximum 20% overlap. The current proposal would overlap the future facing building by about 30%.
3. An increased setback would be instrumental in allowing more morning sunlight into the street.

North: Proposed as 1 m; should be 3 metre

1. An increased setback would enhance privacy, provide additional space for landscaping and greenery as well as an improved street-level environment
2. For the tower portion of the building, the 20 metre minimum distance from the facing building should be enforced, allowing for enhanced privacy and additional daylight into the street and to the properties across from the way.

We are also asking for an increase in bicycle parking as this development is located in close proximity to important bicycle routes. Currently, the proposal commits to providing the bare minimum bicycle parking required by the city.

Finally, certain quality of life issues, such as ensuring adequate sunlight and privacy, are somewhat disregarded in the proposal and not in keeping with the Official Plan and the Centretown Secondary Plan. Given the highly densified nature of the area, we would like to see more attention paid to this matter and request that you account for these provisions in your review. We ask that any deviation from these requirements result in the city seeking a density bonus provision under Section 37.

Response:

The proposed setbacks were reviewed in the context of the site and adjacent lands. The Department is satisfied with the proposed setbacks.

With respect to the bicycle parking, as noted in the comments, the proposed bicycle parking meets the minimum requirements of the Zoning By-law. A request can be made to the applicant to increase the proposed bicycle parking rate through the Site Plan Control process.

The applicant has agreed to contribute monies for off-site community benefits and an explanation of this is contained in the body of this report.