

<p><b>2. ZONING BY-LAW AMENDMENT – 1960 SCOTT STREET</b></p> <p><b>MODIFICATION AU RÈGLEMENT DE ZONAGE –1960, RUE SCOTT</b></p>
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**COMMITTEE RECOMMENDATIONS**

That Council approve:

1. an amendment to Zoning By-law 2008-250 for 1960 Scott Street, to permit a 22-storey mixed-use building, as detailed in Document 2; and
2. that the implementing Zoning By-law not proceed to City Council until such time as the agreement under Section 37 of the *Planning Act* is executed.

**RECOMMANDATIONS DU COMITÉ**

Que le Conseil approuve :

1. une modification au Règlement de zonage 2008-250 relativement au 1960, rue Scott, de façon à permettre un immeuble polyvalent de 22 étages, comme le précise le document 2 ; et
2. que le règlement de zonage d'application ne soit pas soumis au Conseil municipal avant la signature de l'entente aux termes de l'article 37 de la *Loi sur l'aménagement du territoire*.

**DOCUMENTATION / DOCUMENTATION**

1. Acting Director's report, Planning Services, Planning, Infrastructure and Economic Development Department dated 9 March 2017 (ACS2017-PIE-PS-0015)

Rapport de la Directrice par intérim, Services de la planification, Service

de planification, d'Infrastructure et de Développement économique daté le 9 mars 2017 (ACS2017-PIE-PS-0015)

2. Extract of draft Minutes, Planning Committee, 28 March 2017.

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 28 mars 2017

3. Summary of Written and Oral Submissions, to be issued separately with the Council agenda for its meeting of 26 April 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 26 avril 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  
March 28, 2017 / 28 mars 2017**

**and Council / et au Conseil  
April 12, 2017 / 12 avril 2017**

**Submitted on March 9, 2017  
Soumis le 9 mars 2017**

**Submitted by  
Soumis par:**

**Lee Ann Snedden,**

**Acting Director / Directrice par intérim,**

**Planning Services / Service de la planification**

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

**Contact Person / Personne ressource:**

**Erin O'Connell, Planner II / Urbaniste II, Development Review Urban / Examen des  
demandes d'aménagement urbains**

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**Ward: KITCHISSIPPI (15)**

**File Number: ACS2017-PIE-PS-0015**

**SUBJECT: Zoning By-law Amendment – 1960 Scott Street**

**OBJET: Modification au Règlement de zonage –1960, rue Scott**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1960 Scott Street, to permit a 22-storey mixed-use building, as detailed in Document 2;**

2. That the implementing Zoning By-law not proceed to City Council until such time as the agreement under Section 37 of the *Planning Act* is executed; and
3. 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 12 April, 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 relativement au 1960, rue Scott, de façon à permettre un immeuble polyvalent de 22 étages, comme le précise le document 2;
2. Que le règlement de zonage d'application ne soit pas soumis au Conseil municipal avant la signature de l'entente aux termes de l'article 37 de la *Loi sur l'aménagement du territoire*; et
3. 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 12 avril 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.

## **EXECUTIVE SUMMARY**

### Assumption and Analysis

This Zoning By-law amendment application permits the development of a 22-storey mixed-use building approximately 110 metres from the Westboro Transit Station. The applicant has strategically located the tower portion of the building furthest from the existing low-rise residential area, has incorporated setbacks, stepbacks, a compact tower floor plate and a podium/tower design, which minimizes impacts on existing areas.

### Public Consultation/Input

A public consultation was held on June 22, 2016 at the Churchill Seniors Centre. Representatives from the design team were in attendance including the Architect, Planner, and Transportation Consultant. Thirty-eight residents were in attendance as well as Councillor Leiper. Several issues were raised which are summarized in Document 4.

## **RÉSUMÉ**

### Hypothèse et analyse

Cette demande de modification au Règlement de zonage vise à permettre la construction d'un immeuble polyvalent de 22 étages à environ 110 mètres de la station de transport en commun Westboro. Le demandeur a stratégiquement placé cet immeuble à l'endroit le plus éloigné du secteur de bâtiments résidentiels de faible hauteur, ses retraits sont intégrés, la surface de plancher de sa tour est compacte et la conception socle-tour de l'ensemble permet de limiter les répercussions sur les secteurs voisins.

### Consultation publique et commentaires

Une consultation publique a été organisée le 22 juin 2016 au Centre des aînés Churchill. Des représentants de l'équipe de conception, notamment l'architecte, l'urbaniste et le consultant en transport, étaient présents. Trente-huit résidents ainsi que le conseiller Leiper ont pris part à cette réunion. Plusieurs questions ont été soulevées. Elles sont résumées dans 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

1960 Scott Street

### Owner

McRae Avenue (Ottawa) Development Inc.

### Applicant

Colonnade BridgePort (Kelly Rhodenizer)

### Architect

Roderick Lahey Architect Inc.

### Description of site and surroundings

The site is located at the southeast corner of Scott Street and McRae Avenue. It has approximately 48 metres of frontage along Scott Street and McRae Avenue, is 2304 square metres in size and is accessed from both Scott Street and McRae Avenue. Currently, the site is occupied by a two-storey mixed use building with Trailhead Paddle Shack on the ground floor, office uses on the second floor and associated surface parking. Surrounding the site is a 32-storey apartment building (the Metropole) across Scott Street and the Transitway to the north; Westboro Transit Station to the northwest; a recently constructed mixed-use building with an eight-storey portion and a six-storey portion to the south; a two-storey Buddhist Centre and low-rise residential area on Clifton Road to the east; and a Hydro corridor adjacent to the west. Across McRae Avenue is vacant land subject to a separate Zoning By-law amendment.

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

The site is currently zoned Traditional Mainstreet, Subzone 7, Exception 103 (TM7[103]), which permits mixed-use buildings, with Exception 103 limiting the height to 18 metres.

The Zoning By-law amendment application has been submitted to accommodate the development with site specific zoning provisions, including an amendment to the height provision to permit the development of a 22-storey (74 metres) mixed-use building with retail on the ground floor, office use on floors two through six, and residential use in the remainder of the building. A total of 136 bicycle spaces and 245 vehicle parking spaces are proposed.

## **DISCUSSION**

### **Public consultation**

A public consultation meeting was held on June 22, 2016 at the Churchill Seniors Centre. Representatives from the design team were in attendance including the Architect, Planner, and Transportation Consultant. Thirty-eight residents were in attendance as well as Councillor Leiper.

Two comments were submitted in favour of the proposal stating that they are looking forward to new vitality in the neighbourhood and are particularly supportive of the mixed-use nature of the development. Fifty-seven comments were submitted in opposition based on issues of parking, access, traffic, height, character, design, and construction as summarized in Document 4.

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

### **Official Plan designation**

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.

While the Official Plan supports mid-rise building heights up to six storeys on Traditional Mainstreets, greater building heights may be considered where the proposed building provides a transition between existing buildings, where the development is at a location where there are opportunities to support transit at a transit station, or the application of Sections 2.5.1 and 4.11 determine that additional height is appropriate.

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

The Richmond Road/Westboro Secondary Plan includes policies for McRae Avenue to be a pedestrian-oriented, mixed-use street linking the Westboro Village and Scott Street mainstreets, achieving compatible infill/intensification through the provision of appropriate setbacks and transitions, and promoting transit usage.

The Secondary Plan supports building heights generally in the range of four to six storeys, but permits consideration of greater building heights in Policy 1.3.3 where the proposed building height provides a transition between existing buildings, the building is located where there are opportunities to support transit, the development incorporates Section 37 benefits, or the application of provisions 2.5.1 and 4.11 of the Official Plan determine that additional height is appropriate. The Plan encourages the evolution of Scott Street to a mixed use live/work environment to take advantage of the proximity to the Westboro Transitway Station.

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, and respect the privacy of buildings to the rear.

The Urban Design Guidelines for High-Rise Housing speaks to high-rise buildings being well designed, including a mix of land uses to support urban services and amenities, contribute to an area's liveability, and shape and define public street and spaces at a human scale. Guidelines include addressing compatibility through massing, setbacks and transitions, including a podium, orienting the towers to minimize the extent of shadowing, designing with compact floor plates, and improving spaces for pedestrians and the public realm.

The Urban Design Guidelines for Transit Oriented Development apply to all development within 600 metre walking distance of a transit station. These guidelines state that people are more likely to choose transit if they can easily walk between destinations at the beginning and end of their trip. This can be achieved through providing increased densities, mixed-uses and pedestrian oriented design within easy walking distances of high-quality transit. The guidelines speak to:

- Establishing high residential and/or employee densities close to transit stations.



- Creating a multi-purpose destination through providing a mix of different land uses.
- Designing pedestrian and cycling connections to the transit station.
- Designing ground floors to be appealing to pedestrians.
- Providing convenient and attractive bicycle parking.
- Locating the highest density and mixed uses immediately adjacent and as close as possible to the transit station.
- Creating transition in scale between higher intensity development and adjacent lower intensity communities by stepping down building heights.
- Designing and locating parking lots to minimize the number of vehicle crossings over primary pedestrian routes.
- Encouraging underground parking.
- Designing parking lots to include direct and safe pedestrian linkages.
- Locating loading areas off the street.
- Providing setbacks and stepbacks to minimize massing and shadowing impacts.

### **Urban Design Review Panel**

The property is within a Design Priority Area and the Zoning By-law amendment application is subject to the Urban Design Review Panel (UDRP) process. The applicant has pre-consulted with the UDRP and will return for formal review through the Site Plan Control process.

### **Planning rationale**

The development is a mixed-use building with 149 residential units, 709 square metres of retail, and 7,054 square metres of commercial space. A four-level underground parking garage is proposed, which would include 245 vehicle parking spaces and 86 bicycle parking spaces, while an additional area would be provided at grade to accommodate 42 bicycle parking spaces. Vehicular and loading access to the site would be from Scott Street. The space located between the subject site and McRae Avenue, which is owned by Hydro Ottawa, would include an additional 20 surface

parking spaces, landscaping and an outdoor patio to serve the development at 1960 Scott Street, while also being accessible to the public.

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 110 metres from the Westboro transit station, contains more than the required amount of bicycle parking spaces including a covered exterior space, and will improve the existing condition for cycling and pedestrians adjacent to the site through the Site Plan application process.

The traffic study submitted as part of the application concluded that movements at reviewed intersections will operate at acceptable levels during peak hours with additional traffic generated from the proposed development.

Although vehicular traffic will increase in the area as a result of increased development, the priority for site development at locations such as 1960 Scott Street is to encourage alternative transportation modes such as walking, cycling or taking transit. When an application for Site Plan Control is submitted, further review will be undertaken as to appropriate mitigative measures within the existing right-of-way.

Applications for Zoning By-law amendments are also guided by Section 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 at the north-west corner of the lot, the furthest area from the adjacent low-rise community. Shadows fall mainly to the north on Scott Street and the transitway and progress quickly across the area given the limited tower floor plate of approximately 750 square metres. Revisions have been made through the course of review to pull the podium portion of the building away from the residential community to the south-east 10.4 metres, generally in line with the existing development at 319 McRae Avenue, to reduce visibility and impact. Landscaping in this area will be addressed through the Site Plan Control process and the applicant has confirmed feasibility for tree planting here to assist in transitioning to the residential area adjacent. The existing Zoning By-law permits a six storey building with setbacks to the lot lines ranging between 0 metres and 7.5 metres. The existing Zoning By-law also permits automobile service stations, dealerships, and parking garages.

Policies 8 to 10 of Section 4.11 of the Official Plan reference the consideration of permission for high-rise buildings. High-rise buildings may be considered on Traditional Mainstreets where the proposed location is within 600 metres of a rapid transit station, and where there are significant opportunities to support transit by providing a pedestrian and transit-oriented mix of uses and activities. The Richmond Road/Westboro Secondary Plan Policy 1.3.3. supports building heights generally in the range of four to six storeys on Scott Street but greater building heights will be considered where the proposed building height provides a transition between existing buildings, the building is located where there are opportunities to support transit, the development incorporates Section 37 benefits, or the application of provisions 2.5.1 and 4.11 of the Official Plan determine that additional height is appropriate.

Section 4.11 further 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 from all sides to transition effectively to adjacent land uses and to break up the massing of the building. Pedestrian entrances have been oriented towards Scott Street and McRae Avenue within a partially covered space from the cantilevered second to sixth storeys. Vehicular access and a loading area are proposed from Scott Street, an appropriate response given the increased pedestrian presence on McRae Avenue as a result of recent development and movement to the transit station. The current site plan has illustrated conceptually how cycle tracks, enhanced sidewalks and landscaping could be incorporated in accordance with evolving plans for Scott Street. Colours, materials, and pedestrian paths and movements will be reviewed and refined through the site plan control process.

In accordance with Official Plan and Secondary Plan policies regarding consideration of additional heights, transitions have been provided in the form of setbacks, stepbacks and the podium/tower design, the development is introducing complementary mixed used development within close proximity to a transit station, the development will provide Section 37 benefits to the community, and a review of Section 2.5.1 and 4.11 of the Official Plan have concluded that additional heights 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.

### Section 37 Agreement

Pursuant to Section 37 of the *Planning Act*, the City may authorize increases in the height and density of development above the levels otherwise permitted by the Zoning By-law, in return for the provision of community benefits. The Official Plan (Section 5.2.1.11) states that limited increases will be permitted in return for the provision of community benefits as set out in the Zoning By-law, which shall be secured through an agreement registered on title, as per the *Planning Act*. The project must represent good planning.

The proposed zoning permits a maximum height of 22 storeys where the current zoning permits six storeys, and the proposed Gross Floor Area is more than 25 per cent of that permitted as of right. As such, the owner is required to provide a Section 37 contribution. As discussed, in this report, planning staff are satisfied that the proposed development is consistent with the principles and policies of the Official Plan, OPA 150, the Richmond Road/Westboro Secondary Plan, and Council-approved design guidelines and that it represents good planning.

As set out in the Council-approved Section 37 Guidelines, the Ward Councillor, in consultation with the local community, will identify potential benefits to be considered for inclusion in a Section 37 by-law and agreement. Council will then give approval to the contributions and associated community benefits being secured as part of the approval of the zoning changes for increased height and density. Potential community benefits may also be determined through a secondary planning process.

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for this proposal has been determined to be \$600,000. This contribution will provide the following:

- \$100,000 for the Lions Park Puddle Rink Infrastructure.
- \$300,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services.
- \$200,000 in a Ward 15 specific fund for improvements to cycling infrastructure in the adjacent area.

The details of the Section 37 contributions are also contained within the Zoning By-law (see Document 2). These community benefits will be secured prior to the issuance of

the first building permit and details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment. The implementing Zoning By-law will not proceed to City Council until such time as the agreement under Section 37 of the *Planning Act* is executed.

### **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 Leiper provided the following comments:

“Once again, the residents of Westboro are faced with the challenge of a proposed building that by any measure fails to meet even the most general, high-level goals of the Richmond Road/Westboro Secondary Plan. The zoning foreseen by that plan would result in a transition from the low-rise, established neighbourhood on the south side of Scott Street to the denser and taller development that will characterize the area around the Westboro rapid-transit station. Instead of a transition, we will get Laurel and Hardy built form.

The Richmond Road/Westboro Secondary Plan anticipates heights on this property between four-six storeys. I have engaged in extensive discussions with the community about this parcel. It is worth noting that a mainstream of residents with whom I've spoken recognize that the conversion of Westboro Station to light rail in the relatively near future makes adhering to that low- to mid-rise height challenging. We have fought many development battles in Kitchissippi, and know the likelihood that the Board would support the City in strict adherence to that four-six storey zoning is minimal.

However, the spirit of that plan is no less relevant with LRT on the horizon than when the community first invested in the Community Design Process. Few residents with whom I've engaged consider that a 22-storey tower in such close proximity to the low-

rise homes of Clifton is appropriate. The proposal appears grasping to many, seeking excessive profit to the detriment of a tight-knit and established community.

Somewhere between the four-six storeys proposed in the secondary plan, and the 22 storeys proposed by this developer, there lies a compromise. Between the extremes, there is room for a development of a high-rise on the low end of that definition that would likely meet with wider approval. It is unfortunate that the absence of meaningful, defensible zoning leaves open the possibility to ignore that opportunity.

Community design plans and secondary plans should be documents upon which residents can count. Certainly, they have invested enough time in the creation of those that they are owed some deference. The approval of this development would signal to all residents of Ottawa that this is not the case. I ask my colleagues to support me in the defence of our planning processes.

On a more specific note, the proposal to include 159 parking spaces is difficult to understand given the rationale put forward for the height being proposed. Across from the new Westboro LRT station, with some of the best access to transit and cycling infrastructure in the City, the need for this many spots is indefensible. Given parking pressures in the area, there is a need for visitor and commercial parking, but the inclusion of this many residential spots will put the City in the awkward position of asking residents to accept density and height as the tradeoff to more sustainable transportation on one hand, with car-centric by-the-numbers transportation planning on the other.

## **LEGAL IMPLICATIONS**

Should the report be adopted and the zoning by-law be appealed to the Ontario Municipal Board, it is expected that a hearing of up to one week could be required depending on the issues raised in the appeal(s). It is anticipated that the hearing could be conducted within staff resources. In the event that the zoning amendment is refused, reasons must be provided. Should the refusal be appealed to the Board, then depending upon the reasons for refusal, it will be necessary to retain either an external planner or both an external planner and transportation consultant.

## **RISK MANAGEMENT IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for this proposal has been determined to be \$600,000. This contribution will provide the following benefits. The associated conditions are detailed in Document 2.

- \$100,000 for the Lions Park Puddle Rink Infrastructure
- \$300,000 in a Ward 15 specific fund for affordable housing
- \$200,000 in a Ward 15 specific fund for improvements to cycling infrastructure in the adjacent area

In the event that the zoning amendment is refused and appealed to the board, external resources will be required to defend Council's position. Funds are not available within existing resources and the expense would impact Planning, Infrastructure and Economic Development's operating status.

## **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 application.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

EP2 – Support Growth of local economy.

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

TM3 – Integrate the rapid transit and transit priority network into the community.

## **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 Schedule XXX to Zoning By-law 2008-250

Document 4 Consultation Details

Document 5 Site Plan

Document 6 Overview Data Sheet *(previously distributed and held on file)*

## **CONCLUSION**

The proposed development has strategically located the tower portion of the building furthest from the existing low-rise area, has incorporated setbacks, stepbacks, a compact tower floor plate and a podium/tower design which minimizes impacts on existing areas, while introducing a complementary mix of land uses 110 metres from a transit station. In consideration of the applicable Official Plan and Secondary Plan policies and compatibility of the use in the area, the Zoning By-law amendment is recommended for approval.

## **DISPOSITION**

Office of the City Clerk and Solicitor, Legislative Services to notify the owner; applicant; Krista O'Brien, Deputy City Treasurer Revenue Branch, 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-law to City Council.




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



Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa).



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-16-0052	16-0954-D		
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<small>©Les données de parcelles appartient 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>		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 - 2016 / 07 / 20			

## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 1960 Scott Street are as follows:

1. Rezone the lands shown in Document 1 from TM7[103] to TM7[XXXX] SXXX.
2. Add a new exception, TM7 [XXXX] to Section 239, Urban Exceptions with provisions similar in effect to the following:
  - a. In Column II, add the text, “TM7 [XXXX] SXXX”; and
  - b. In Column V, add the text:
    - Maximum permitted building heights, minimum setbacks and minimum stepbacks are as per Schedule XXX.
    - Wind barriers included on rooftop amenity areas are a permitted projection above the height limits identified on Schedule XXX.
    - Clause 197(1) (b) does not apply to a lobby or entrance area for an office or a lobby or entrance for residential uses.
    - Only one vehicle loading space is required for all uses.
    - Despite clause 106 (3) (a), up to 45 per cent of the required parking spaces may be reduced to a minimum width of 2.4 metres and a minimum length of 4.6 metres. Subclauses 106 (3) (a) (i) and (ii) still apply.
    - Permitted projections listed in Section 65 are not subject to the height limits identified on Schedule XXX.
3. The following provisions dealing with a Section 37 authorization will also be added to the new exception in Section 239:
  - a. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted in this by-law are permitted subject to compliance with all of the conditions set out in this by-law including the provision by the owner of the lot of the facilities, services and matters set out in Section X of Part 19 hereof, to the City at the owner's sole expense and in

accordance with and subject to the agreement referred to in b. below of this by-law.

- b. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Section X of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
  - c. Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue.
4. Part 17, Schedules of by-law 2008-250 is amended by adding a new schedule, Sxxx as shown in Document 3.
  5. The following will be added as Section X of Part 19 of the Zoning By-law, will be titled 1960 Scott Street and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*.

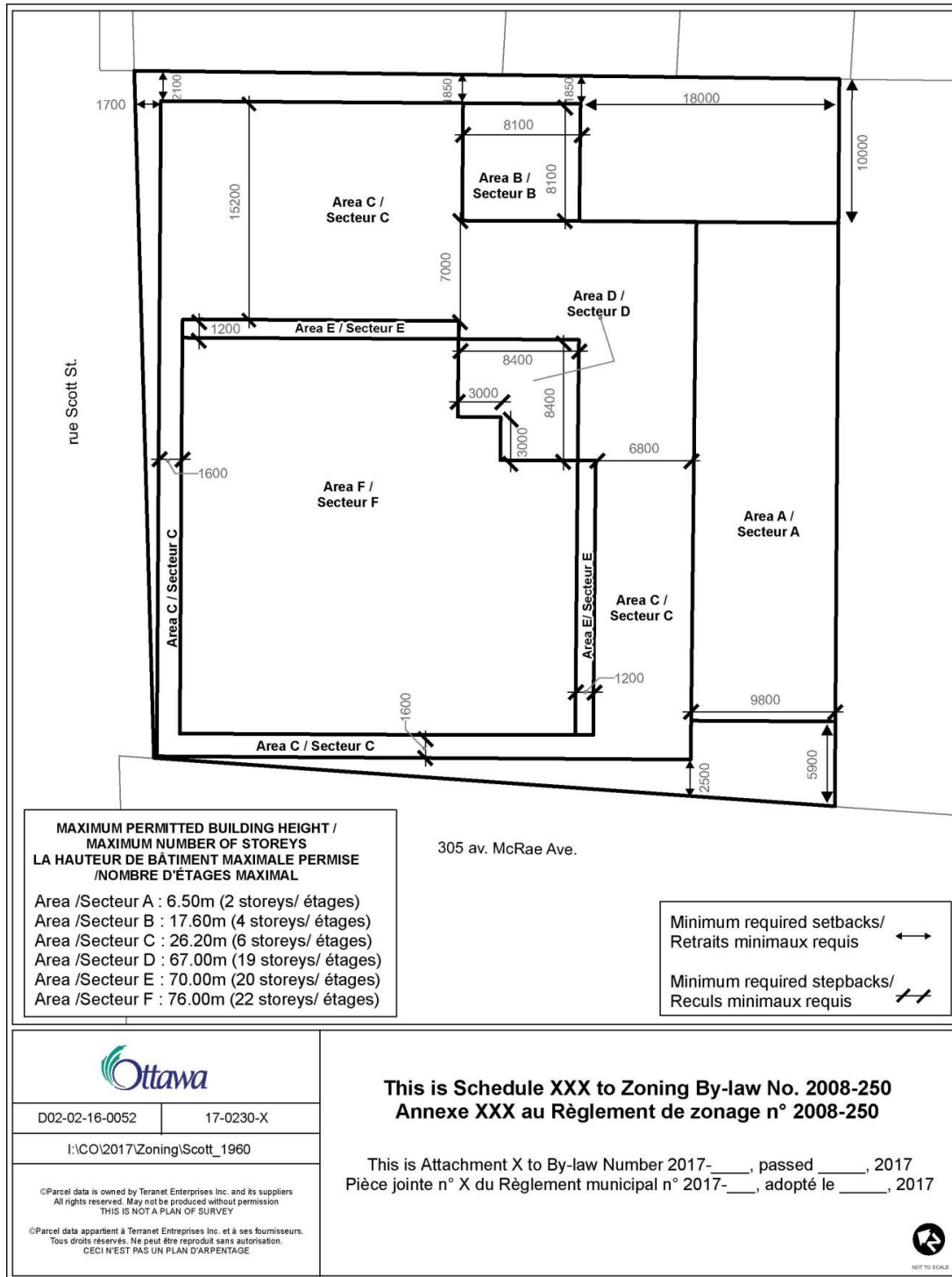
#### 1960 Scott Street

The City shall require that the owner of the lands at 1960 Scott Street enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$600,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

- (a) The specific benefits to be secured and provided are:
  - \$100,000 for the Lions Park Puddle Rink Infrastructure.

- \$300,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services.
  - \$200,000 in a Ward 15 specific fund for improvements to cycling infrastructure in the adjacent area.
- (b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- (c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development.

Document 3 – Schedule XXX to Zoning By-law 2008-250



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 CECI N'EST PAS UN PLAN D'ARPENTAGE

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

This is Attachment X to By-law Number 2017-\_\_\_\_, passed \_\_\_\_\_, 2017  
 Pièce jointe n° X du Règlement municipal n° 2017-\_\_\_\_, adopté le \_\_\_\_\_, 2017



NOT TO SCALE

## **Document 4 – 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. A public consultation was held on June 22, 2016 at the Churchill Seniors Centre. Representatives from the design team were in attendance including the Architect, Planner, and Transportation Consultant. Thirty-eight residents were in attendance, as well as Councillor Leiper.

Two comments were submitted in favour of the proposal stating that they are looking forward to new vitality in the neighbourhood and are particularly supportive of the mixed-use nature of the development. Fifty-seven comments were submitted in opposition as summarized below.

### **Public Comments and Responses**

#### 1. Parking and Access

- Concerns that the proposal includes insufficient parking for the number of units and that overflow on-street parking will negatively impact adjacent local streets.
- Loading bays should be moved to the West side of the property away from residential properties.
- Loading bay for deliveries location will cause major back-up and traffic into the Scott Street and McRae Avenue intersection.

#### Response:

The development meets the Zoning By-law requirement for parking for all uses. The department does not have the authority to require provision of parking exceeding the requirements. The loading bay has been located off of Scott Street to disperse potential conflicts on McRae Avenue, which has experienced increased pedestrian and cycling activity since the recent completion of 319 McRae Avenue (including a Farm Boy). The most appropriate location for loading is on the east side of the property off of Scott Street, furthest from the intersection of Scott Street and McRae Avenue. A loading space has been accommodated on-site, which is an appropriate development response to minimize conflict with traffic.

**2. Traffic**

- Concerns that additional traffic will negatively impact Clifton Road and Scott Street.
- Desire to ensure the applicant's traffic study considers all surrounding developments.

**Response:**

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 110 metres from a transit station, and will include improved pedestrian and cycling connections.

Cut-through traffic is an existing condition on Clifton Road where peak hour turn restrictions on Scott Street at Clifton Road, four sets of bulb-outs (curb extensions), and two mid-block speed humps have been implemented. Given the existing measures in place, traffic consultants have been unable to suggest further effective measures outside of additional enforcement of existing provisions.

The traffic study considers traffic generated by recently constructed and submitted applications for 320 McRae Avenue, 319 McRae Avenue, 175 Richmond Road, 371 Richmond Road, 70 Richmond Road, and Tunney's Pasture redevelopment plans. While the study recommends an auxiliary westbound left-turn lane at the intersection of Scott Street and McRae Avenue as a result of the combination of all developments, the department will not be pursuing this, as the priority for space within the right-of-way is on improvements to transit, cycling and pedestrian infrastructure.

Although there are challenges anticipated for vehicular traffic in the area as a result of increased development, the priority for site development at locations such as 1960 Scott Street is to encourage alternative transportation modes such as walking, cycling or taking transit. When an application for Site Plan Control is submitted, further review will be undertaken as to appropriate measures with the existing right-of-way.

**3. Height**

- 22 storeys is too tall, 10-12 storeys is more appropriate, others expressed desire to maintain six storey height limit.
- Height is incompatible with the Richmond Road/Westboro Community Design Plan.
- Tower will overlook homes on Clifton Road leading to loss of privacy.
- There is not appropriate transition to neighbouring properties.
- If approved, this proposal will set bad precedent for height.
- Concern with shadow impacts on the Metropole and on Clifton Road.
- Shadow analysis should include times past 4 p.m.
- Proposal will create a wind tunnel.
- Height will lead to decreased property values.

**Response:**

The height and scale of the building has been reviewed in accordance with the existing policy framework including consideration of transition as discussed previously in the report. 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. Every application is considered on its own merits and will be reviewed as such in reference to applicable policy documents. The Richmond Road/Westboro Secondary Plan Policy 1.3.3. supports building heights generally in the range of four to six storeys on Scott Street but greater building heights will be considered where the proposed building height provides a transition between existing buildings, the building is located where there are opportunities to support transit, the development incorporates Section 37 benefits, or the application of provisions 2.5.1 and 4.11 of the Official Plan determine that additional height is appropriate. This proposal includes a podium and tower built form with a series of setbacks and stepbacks to transition to existing buildings, the site is 110 metres from the Westboro Transit Station, incorporates Section 37 benefits for affordable housing



and cycling improvements, and is consistent with Section 2.5.1 and 4.11 of the Official Plan.

Through the course of review, the south-east corner of the building has been pulled back 10.4 metres from the closest lot on Clifton Road and then a series of stepbacks have been incorporated so that building heights transition down to the south-east corner. The podium portion of the building is proposed as office and does not include balconies to minimize privacy impacts on adjacent dwellings.

The sun/shade study submitted as part of the proposed application has illustrated that the Metropole will experience some shadowing around mid day the spring, fall and winter. In summer, shadowing does not reach the Metropole and by 2 p.m. in all seasons, shadows have progressed east off the Metropole. For no more than two properties on Clifton Road, some shadowing impacts will be felt in the afternoon in all seasons. All other properties on Clifton Road will not experience increased shadowing as the shadows fall to the north of the site.

A wind study was submitted as part of the application. The study concluded that the majority of grade-level areas within and surrounding the development site, including sidewalks, pathways, and building entrances will be suitable for the intended pedestrian uses throughout the year. For the patio area on the north side of the west elevation, and private amenity areas, mitigation measures will be investigated through the Site Plan Control process.

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

**4. Character/Design**

- The proposal should be an attractive building with features of architectural interest
- If approved, this will result in the loss of character of this neighbourhood
- The proposal is of poor architectural quality, would like to see a round form, a distinctive cap, offset balconies and free form balconies

Response:

The Zoning By-law amendment will include requirements for building heights, scale and setbacks. The Site Plan Control application will review the design at a more

detailed level to ensure design is generally consistent with the relevant policy context and direction from the Urban Design Review Panel. The proposal will be subject to formal review by the Urban Design Review Panel as part of the Site Plan Control application.

**5. Construction**

- Concerns regarding construction blocking sidewalks for a long period of time.
- Concerns construction could cause damage to neighbouring properties.
- Greater safety measures need to be taken during construction.

Response:

The Geotechnical Study is reviewed by the department internally as part of the Site Plan Control application, and 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.

Construction activity must adhere to 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, a concerned citizen may contact 311 to report.

**6. General**

- Concerns regarding lack of space for landscaping.
- Setbacks should be increased along Clifton Road properties to match those of the 319 McRae Avenue site.
- Area in neighbourhood is becoming too dense.
- Restrict densification to the land north of the transitway to complement the Metropole development.
- There's already sufficient office and retail spaces nearby.
- Concerns regarding this buildings impact on the water and sewage capacity of this neighbourhood.

- Location map is inaccurate as it doesn't include roads around the Metropole.
- Concerns regarding light pollution.
- Concerns of noise with post-construction/tenants of the building (exhaust fans should be placed away from neighbouring properties).
- The zoning provisions should be adhered to, no more amendments should be permitted.

Response:

The proposed development has evolved from the initially submitted version to include an expanded area at the south-east corner to accommodate landscaping which will assist in the visual transition to adjacent low-rise buildings. The applicant has confirmed feasibility for tree planting in this space as part of the Site Plan Application.

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.

The location map has been revised for this report to include the private road north of Scott Street.

Requirement for a lighting certificate and any mitigation required through the review of the noise study is done through the Site Plan Control process to ensure minimal light spillage or noise impact onto adjacent properties.

The *Planning Act* provides anyone the right to request an Official Plan amendment, or 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**

The application was circulated to the Champlain Park Community Association, the Westboro Beach Community Association, the Westboro Community Association, and the Island Park Community Association. No comments were received from the circulated Community Associations.

